

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, SEPTEMBER 23, 2019**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on September 23, 2019, 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

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:04 p.m. Councilmember Hines gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

A) Living Legends

Mayor Casteel proclaimed Bruce Boyer, Jay Brewer, and Betty Kyle as Living Legends.

B) Gruene Music & Wine Fest Weekend

Mayor Casteel proclaimed October 10-13 as Gruene Music & Wine Fest Weekend.

C) World Habitat Day

Mayor Casteel proclaimed October 7 as World Habitat Day.

PRESENTATIONS:

A) Discuss and consider the confirmation of Patrick O'Connell as Fire Chief of the New Braunfels Fire Department.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Mayor Pro Tem Peters moved to confirm Patrick O'Connell as Fire Chief. Councilmember Garcia seconded the motion which passed unanimously.

- B) Administration of the Oath of Office for Patrick O'Connell, New Braunfels Fire Chief.

Mayor Casteel read the aforementioned caption.

Mayor Casteel administered the oath to Patrick O'Connell.

- C) Presentation on Comal County's Facilities Master Plan.

Mayor Casteel read the aforementioned caption.

County Judge Sherman Krause presented the item.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of September 9, 2019.

Mayor Casteel read the aforementioned caption.

Councilmember Hoyt 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 to renew the following annual contracts, as allowed for by their contract language: Stop Loss Insurance; Litter Removal Services

from City Parks; ESO Solutions Software Renewal and Litter and Floating Vegetation Removal - River Services.

- B) Approval of a contract with D & S Concrete Contractors LLC for repairs to be made to the Fischer Park Dam No. 1 Spillway; authority for the City Manager to approve any change orders up to a ten percent contingency amount for project expenditures; and additional engineering with Freese and Nichols for the construction phase services.
- D) Approval of the Termination of Restrictive Covenants in the Seidel Subdivision and authorizing the City Manager to execute the document.
- E) Approval of a resolution recommended by the New Braunfels Economic Development Corporation to approve a project expenditure for direct incentives not to exceed \$55,000 for Calendar Holdings, LLC for a project found to promote or develop new or expanded business enterprises that create or retain primary jobs
- F) Approval of a recommendation of the New Braunfels Economic Development Corporation to renew the professional services agreement between the City and the NBEDC for administrative, financial, and legal services, and authorizing the annual expenditure of \$167,500.
- G) Approval of a construction contract amendment with J3 Company, LLC in the amount of \$186,480 to increase the project contingency as part of the Klein Road Reconstruction Project; and approval of a contract amendment in the amount of \$225,000 for the installation of fiber-optic communication conduit within the Klein Road right-of-way to the Sports Complex funded in the 2019 Bond Program.

Ordinances

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

- H) Approval of the second and final reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government Code, Chapter 143.
- I) Approval of the second and final reading of an ordinance increasing certification and education pay for Fire Officers possessing certain

Texas Commission on Fire Protection and Police Officers possessing certain Texas Commission on Law Enforcement Standards and Education pursuant to Local Government Code, Chapter 143.

- J) Approval of the second and final reading of an ordinance to raise the speed limit on Walnut Avenue between Landa Street and Business IH-35 to 35 mph.
- K) Approval of the second and final 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 captions, except Item 3C which was pulled from the Consent Agenda by Councilmember Hines for further discussion.

Councilmember Garcia moved to approve the Consent Agenda. Councilmember Bowers seconded the motion which passed unanimously.

- C) Approval of a waiver from the requirement to construct sidewalks along Saur Lane for the proposed New Braunfels Utilities Saur Lane Subdivision.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Shawn Schorn spoke on the item.

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

4. INDIVIDUAL ITEMS FOR CONSIDERATION

Councilmember Bowers moved to move up item 4E out of order. Councilmember Hoyt seconded the motion which passed unanimously.

- E) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit on 45 acres out of the Orilla Russell League Survey, No. 2, Abstract No. 485, located on the south side of Orion Drive and east of the Union Pacific Rail Road, to allow a manufactured home community in the "M-1A" Light Industrial District.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

David Whitworth, Ron Savage, Cindy Bennett, Warren Hoskinson, Ryan Garcia, Lavaine Kester, Dwight Schmidt, Joel Porter, Lee Edwards, Lynne Berry, Buck Schott, Rex Michie, Trent Wagstaff, Betty Slough, and Russell DeBrazio spoke during the public hearing.

Councilmember Meadows moved to approve the item with improvements to Orion Drive with curbs, gutters, and sidewalks, three-sided six-foot masonry fence, utilities and drainage to meet standards, and the development standards included on page 201 in the packet. Councilmember Garcia seconded the motion which passed 6-1 via roll call vote, with Mayor Casteel opposed.

<City Council took a break.>

<Councilmember Hoyt left the meeting.>

- A) Discuss and consider approval of a resolution recommended by the New Braunfels Economic Development Corporation to approve a project expenditure for direct incentives not to exceed \$800,000 for PNC Bank, N.A. for a project found to promote or develop new or expanded business enterprises that create or retain primary jobs.

Mayor Casteel read the aforementioned caption.

Jordan Matney, Chester Jenke, and Ryan Helwig presented the item.

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

- B) Discuss and consider approval of a resolution of the City Council of the City of New Braunfels, Texas, consenting to the creation of the Lake Dunlap Water Control and Improvement District.

Mayor Casteel read the aforementioned caption.

Val Acevedo presented the item.

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

- C) Discuss and consider approval of a resolution of the City Council of the City of New Braunfels, Texas, approving a Meet and Confer Agreement between the City and the New Braunfels Professional Fire Fighters Association, Local 3845 of the International Association of Fire Fighters, and providing an effective date.

Mayor Casteel read the aforementioned caption.

Val Acevedo presented the item.

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

- D) Discuss and consider approval of the appointment of 15 individuals to the Workforce Housing Advisory Committee, and accompanying bylaws.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Hines moved to approve the item and the appointment of Emily Lane, Suzanne Kuntz, Troy French, Jason Chesser, Alice Jewell, Mike Meek, Brian Cox, Chris Willis, Atanacio Campos, Shaun Gibson, Crystal Moore, Kandace Tornquist, Stephen Brockman, Johnnie Rosenauer, and Ellen Duncan to the Workforce Housing Advisory Committee. Mayor Pro Tem Peters seconded the item which passed unanimously.

- F) Public hearing and first reading of an ordinance amending the Code of Ordinances, Chapter 144, Zoning, Section 4.2, Land Use Matrix, to correct inadvertent typographical errors.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the public hearing.

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

- G) Public hearing and first reading of an ordinance regarding the proposed rezoning of 7.2 acres addressed at 144 Rueckle Road, from "C-1B" General Business District to "M-2A" Heavy Industrial District.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Chris Van Heerde spoke during the public hearing.

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

- H) Discuss and consider a waiver from the requirement to construct sidewalks along Granada Hills for the proposed Red Hawk Trail Subdivision.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

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

- I) Discuss and consider approval of the first reading of an ordinance amending Chapter 90, Peddlers and Solicitors, to prohibit the placement of commercial handbills or flyers on private property that has a posted sign prohibiting solicitation.

Mayor Casteel read the aforementioned caption.

Val Acevedo presented the item.

Councilmember Bowers moved to approve the item. Councilmember Hines seconded the motion which passed 5-1, with Councilmember Garcia 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 issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, specifically related to:
 - Project Nautilus
 - Project 2x4

- 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, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Attorney in accordance with Section 551.074 of the Texas Government Code.

Mayor Casteel read the aforementioned captions.

The City Council recessed into Executive Session from 9:27 p.m. - 9:50 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.

The City Council reconvened in Open Session.

Mayor Pro Tem Peters moved to continue the contract of the City Attorney and increase her salary to \$165,520 effective November 2, 2019. Councilmember Garcia seconded the motion which passed unanimously.

7. ADJOURNMENT

The meeting adjourned at 9:51 p.m.

Date Approved: October 14, 2019

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary