

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, NOVEMBER 23, 2020**

The City Council of The City of New Braunfels, Texas, met in a Regular Session on November 23, 2020, at 6:00 p.m.

City Councilmembers present were:

Present: 7 – Mayor Rusty Brockman, Councilmember Shane Hines, Mayor Pro Tem Meadows, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, Councilmember Jason Hurta, and Councilmember James Blakey

Councilmember Hoyt attended the meeting via Zoom.

The meeting was called to order by Mayor Brockman at 6:00 p.m. Councilmember Blakey gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

PRESENTATIONS:

- A) Presentation and discussion regarding proposed City of New Braunfels drainage policy changes.

Mayor Brockman read the aforementioned caption.

Melissa Reynolds 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 9, 2020.

Mayor Brockman read the aforementioned caption.

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

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 Brockman 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 software renewal with Civic Plus who serves as the City's website hoster/provider.
- B) Approval of an expenditure with Raba Kistner, Inc. for materials testing services as a part of the 2019 Bond Citywide Streets Program Project: Lamar Area Streets, South St, Central Ave, and Grant Ave.
- C) Approval for the purchase of hazardous material detection equipment for the New Braunfels Fire Department's (NBFD) Hazmat team from FarrWest Environmental Supply, Inc. utilizing funding provided by the U.S. Department of Homeland Security, State Homeland Security Program - Regular Projects Grant for Program Year 2021.
- D) Approval of a contract with DigDug Construction, LLC for the construction of bio-retention stormwater treatment basin and approval authority for the City Manager to approve any changes up the contingency amount for project expenditures as part of the Headwaters at the Comal Stormwater Retrofit Project that is part of the City's Edwards Aquifer Habitat Conservation Plan program initiatives.
- E) Approval of a budget amendment within the FY 2020 General Fund and a budget amendment within the Debt Service Fund.
- F) Approval of an expenditure with Terracon Consultants, Inc. for material

testing services associated with the construction of Fire Station #3 as part of the 2019 Bond Program.

- G) Approval of a purchase with Raba Kistner Consultants, Inc. for material testing services associated with the construction of Fire Station #2 as part of the 2019 Bond Program.
- H) Approval to amend Chapter 3 Design Rainfall in the Drainage and Erosion Control Design Manual.
- I) Approval of the first reading of an ordinance amending the Code of Ordinances Chapter 86-66 regarding membership of the Landa Park Golf Course Advisory Board.
- J) Approval of Addendum #1 to the Interlocal Cooperation Agreement between the City of New Braunfels and the New Braunfels Independent School District for the provision of School Resource Officers by the New Braunfels Police Department to the NBISD for a 3 year period, through the 2022-23 school year.

Ordinances

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

- K) Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 0.876 of an acre out of the A.M. Esnaurizar Eleven League Grant, Survey No. 1, Abstract No. 1, currently addressed at 548, 556, 560 & 564 Rusk Street, from "M-2" Heavy Industrial District to "C-O" Commercial Office District.

Mayor Brockman read the aforementioned captions.

Councilmember Hurta moved to approve the Consent Agenda.

Councilmember Bowers seconded the motion which passed unanimously via roll call vote.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to modify the area of Parking by Permit Area H.

Mayor Brockman read the aforementioned caption.

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Garry Ford presented the item.

No one spoke during the Public Hearing.

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

- B) Public hearing and first reading of an ordinance amending Chapter 126, Division 2 of the City of New Braunfels Code of Ordinances for parking restrictions on Loma Vista Street between South Heynis and Becker Street.

Mayor Brockman read the aforementioned caption.

Garry Ford presented the item.

Greg Malatek, George Green, and Jose Torres spoke on the item during the Public Hearing.

Councilmember Hines moved to install no parking zones in front of 238 to 254 Loma Vista and 2798 Loma Vista from 8 a.m. to 5 p.m. Councilmember Hurta seconded the motion which passed 6-1 with Councilmember Hoyt opposing via roll call vote.

- C) Discuss and consider 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 the effective time of Parking by Permit Area H.

Mayor Brockman read the aforementioned caption.

Gary Ford presented the item.

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

- D) Discuss and consider approval of funding recommendations for the COVID-19 Nonprofit Business Interruption Grant Program, administered by the McKenna Foundation on behalf of the City of New Braunfels, and supported by U.S. Department of Treasury,

Coronavirus Relief Fund grant funds.

Mayor Brockman read the aforementioned caption.

Jared Werner presented the item.

Alice Jewell spoke on the item.

Mayor Pro Tem Meadows moved to approve the item. Councilmember Bowers seconded the motion which passed 6-1 with Councilmember Hoyt opposing.

-----Council took a short break-----

- E) Public hearing and possible direction to staff regarding the submission of an amended CARES Act Substantial Amendment to incorporate an additional allocation of \$423,819 in U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant Coronavirus (CDBG-CV) funds, and integrate updates for the current CDBG Program Year 2020 Annual Action Plan.

Mayor Brockman read the aforementioned caption.

Jennifer Gates presented the item.

No one spoke during the Public Hearing.

Council encouraged staff to move forward.

- F) Public hearing regarding the Program Year 2019 Consolidated Annual Performance and Evaluation Report (CAPER) for the U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) and CDBG-CV Grant programs.

Mayor Brockman read the aforementioned caption.

Jennifer Gates presented the item.

No one spoke during the Public Hearing.

No action was taken.

- G) Discuss and consider first reading of an ordinance amending the Code

of Ordinances Chapter 86-4 Additional Rules and Regulations for Control of Parks and Recreation Areas and Facilities regarding skate park rules.

Mayor Brockman read the aforementioned caption.

Ylda Capriccioso introduced the item

Kirk Moore presented the item.

No one spoke during the public hearing.

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

- H) Public hearing and first reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 144, Zoning, Section 1.4 Definitions, Section 4.2 Land Use Matrix, and establishing Section 5.28 Truck Stops.

Mayor Brockman read the aforementioned caption.

Maddison O'Kelly presented the item.

No one spoke during the public hearing.

Mayor Pro Tem Meadows moved to approve the item with staff recommendations. Councilmember Blakey seconded the motion which passed 6-1 with Councilmember Hoyt opposing.

- I) Public hearing and first reading of an ordinance regarding an ordinance-initiated historic landmark designation for the main residence currently addressed as 674 W. Edgewater Terrace, in response to an application for demolition.

Mayor Brockman read the aforementioned caption.

Caleb Gasparek presented the item.

Evy Washburne spoke during the public hearing.

Councilmember Hoyt moved to deny the item. Councilmember Hines seconded the motion which passed unanimously via roll call vote.

- J) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family dwelling in the "C-1" Local Business District currently addressed at 436 N. Union Avenue.

Mayor Brockman read the aforementioned caption.

Chris Looney presented the item.

Lex Ledbetter spoke during the Hearing.

Councilmember Hines moved to approve the item with staff Recommendations and without requiring paving the black rock. Mayor Pro Tem Meadows seconded the motion which passed 4-3 with Councilmember Hoyt, Councilmember Hurta, and Mayor Brockman opposing.

- K) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 0.938 of an acre out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, addressed at 187 Prairie View Lane, from "APD" Agricultural/Pre-Development District to "C-2A" Central Business District.

Mayor Brockman read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the Public Hearing.

The item died due to a lack of motion.

- L) Public hearing and first reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 118 Subdivision Platting, Section 46 Streets, regarding temporary turnarounds.

Mayor Brockman read the aforementioned caption.

Stacy Snell presented the item.

No one spoke during the Public Hearing

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

- M) Public hearing and first reading of an ordinance for a proposed Special Use Permit to allow a High Intensity Elderly Housing and Assisted Living Facility within Veramendi on approximately 11.2 acres of land located east of the intersection of Borchers Blvd. and Bennett Ave.

Mayor Brockman read the aforementioned caption.

Stacy Snell presented the item.

Jason Rodgers gave a presentation during the Public Hearing.

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

- N) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 2.071 acres addressed at 2932 & 2910 IH 35 S from "C-3" Commercial District and "R-2" Single-Family and Two-Family District to "MU-A" Low-Intensity Mixed Use District.

Mayor Brockman read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the Public Hearing.

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

- O) Discuss and consider approval of a first reading of an ordinance establishing a credit card processing reimbursement fee for the use of credit and debit cards as a form of payment for fees, fines, court costs and other charges; repealing all ordinances in conflict, containing a savings clause; and declaring an effective date.

Mayor Brockman read the aforementioned caption.

Councilmember Hoyt abstained from the item.

Sandy Paulos presented the item.

James Reno Spoke during the Public Hearing.

Mayor Pro Tem Meadows moved to table the item to December 14, 2020. Councilmember Hines seconded the motion which passed unanimously via roll call vote (6-0).

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 the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code.
 - Leased city facilities

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).

Mayor Brockman read the aforementioned caption.

City Council recessed into Executive Session from 9:52 p.m. to 10:05 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 10:06 p.m.

No vote or action was taken.

7. **ADJOURNMENT**

The meeting adjourned at 10:06 p.m.

Monday, November 23, 2020 New Braunfels City Council Regular Meeting

Date Approved: December 14, 2020


Rusty Brockman, Mayor

Attest:


Caitlin Krobot, City Secretary

