

# City of New Braunfels, Texas

City Hall - Council Chambers

Minutes

Monday, January 25, 2021

6:00 PM

## City Council

*Rusty Brockman, Mayor - Present*

*Shane Hines, Councilmember (District 1) - Present*

*Justin Meadows, Mayor Pro Tem (District 2) - Present*

*Harry Bowers, Councilmember (District 3) - Present*

*Matthew E. Hoyt (District 4) - Present*

*Jason E. Hurta (District 5) - Present*

*James Blakey (District 6) - Present*

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

### PROCLAMATIONS:

A) Mentoring Month

B) Stalking Awareness Month Proclamation

**Mayor Brockman presented the proclamations.**

### PRESENTATIONS:

A) Presentation on Mayor's Monarch Pledge including review of 2019-20 activities and preview of 2021 activities.

**Mayor Brockman read the aforementioned caption.**

**Sonja Mlenar presented the item.**

**No action was taken.**

### **1. MINUTES**

A) Discuss and consider approval of the minutes of the regular City Council meeting of January 11, 2021.

**Mayor Brockman read the aforementioned caption.**

Monday, January 25, 2021 New Braunfels City Council Regular Meeting

**Councilmember Bowers moved to approve the item. Councilmember Hurta 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.**

**Steve Ceh and Jennifer Jones 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 Mayoral appointment of one individual to the New Braunfels Housing Authority Board of Commissioners for a term ending January 22, 2023.
- B) Approval of the appointment of two individuals to the Landa Park Golf Course Advisory Board.
- C) Approval of a resolution authorizing the City Manager to enter an Interlocal Agreement with Comal County to provide Household Hazardous Waste Collection events for the City of New Braunfels and Comal County.
- D) Approval of the appointment of Kathy Meurin to the CTTC Advisory Board as Chairperson for a two-year term.
- E) Approval of the ratification to cancel the second December City Council meeting of 2020 and to cancel the second December City Council meeting of 2021.
- F) Approval of a contract with Sustainable Modular Management for modular office building for Public Works.

- G) Approval of a contract with the Bojorquez Law Firm, P.C., for legal services related to the 2020 Census and possible redistricting.
- H) Approval for the submission of the Amended Program Year 2019 Community Development Block Grant Annual Action Plan and its associated CARES Act Substantial Amendment to the U.S. Department of Housing and Urban Development to support the CDBG-CV Round 3 Grant 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.)*

- I) Approval of the first reading of an ordinance ordering a Regular Election to be held in the City of New Braunfels on May 1, 2021, for Regular City Officers; and establishing an Early Voting Location and Polling Places for this Election; and making provisions for the conduct of the Election.
- J) Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 38 acres out of Subdivision No. 112 of the A.M. Esnaurizar Eleven League Grant, located on SH 46 South, adjacent to Stonegate Subdivision, from "APD" Agricultural/Pre-Development District and "PD" Planned Development District to "ZH-A" Zero Lot Line Home District.
- K) Approval of the second and final 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 Heynis South and Becker Street.
- L) 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 G.

**Mayor Brockman pulled item 3A for consideration at a future City Council Meeting. Councilmember Bowers seconded the motion for unanimous consent to postpone the item.**

**The following individuals spoke on the item: Steve Ceh, Shana Evans, Payton Storey, and John Kennedy.**

**Caitlin Krobot pulled item 3E for individual consideration at citizen**



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

Mayor Brockman read the aforementioned captions not pulled for individual consideration. 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**

**Councilmember Hoyt stepped away from the Dais.**

- A) Approval of a resolution for the submission of an application to the Texas Parks & Wildlife Department, Recreational Trail Grant Program for the provision of funding for the Alligator Creek, and authorization for the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.

**Mayor Brockman read the aforementioned caption.**

**Stacey Dicke and Garry Merritt presented the item.**

**Timothy Davis and Brittany Harris spoke on the item. Dr. Lee Rahe's comments were read into the record.**

**Councilmember Hines moved to approve the item with the exception that the City Manager present the item to City Council prior to accepting funds. Councilmember Blakey seconded the motion which 6-0 via roll call vote.**

**Council recessed at 7:17 p.m. until 7:29 p.m.**

**Councilmember Hoyt returned to the Dais.**

- B) Public hearing and first reading of an ordinance ordering a special election to be held in the City of New Braunfels on May 1, 2021, for proposed amendments to the City Charter; and establishing an Early Voting Location and Polling Places for this Election; and making provisions for the conduct of the Election.

**Mayor Brockman read the aforementioned caption.**

**Caitlin Krobot presented the item.**

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

- C) Public hearing and consideration of approval of a variance request to allow a proposed business, addressed at 344 Landa Street, to provide alcohol sales (wine and beer, no onsite consumption) within 300 feet of a church.

**Mayor Brockman read the aforementioned caption.**

**Maddison O'Kelley presented the item.**

**Bob Pineda spoke on the item.**

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

- D) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Type 1 Special Use Permit to allow an RV resort on approximately 28 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 24 acres out of the J M Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue.

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented the item.**

**Stuart Blythin, James Ingall, Leon Wallsy, Julie Wallsy, and Cathy Talcott spoke on the item.**

**Councilmember Hines moved to approve the item with the requirement of a Type 2 follow-up SUP. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.**

- E) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit on approximately 23 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306, to allow multifamily high-density residential use in the "C-1" Local Business District and "M-1" Light Industrial District.

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented the item.**

**Chris Crim spoke on the item.**

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

- F) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-3 Commercial District, addressed at 262 East Nacogdoches Street.

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented the item.**

**Aurora Hayes spoke on the item.**

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

- G) Public hearing and first reading of an ordinance for a proposed rezoning to apply a Special Use Permit to allow a seven-unit, townhouse style residential development on approximately 0.7 of an acre located at the southwestern terminus of the 2300 block of Michigan Street.

**Mayor Brockman presented the item.**

**Christopher Looney presented the item.**

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

- H) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, from "R-1A-6.6" Single Family District to "R-1A-5.5" Single Family District.



**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented the item.**

**Chris Van Heerde spoke on the item.**

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

- I) Public hearing and consideration of a proposed amendment to the Veramendi Development & Design Control Document.

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented the item.**

**Garrett Mechler spoke on the item.**

**Mayor Pro Tem Meadows motioned to approve the item. Councilmember Blakey seconded the motion which passed unanimously via roll call vote.**

- J) Public hearing and consideration of a request for a waiver to the Subdivision Platting Ordinance to not require sidewalk construction along Jarratt Drive and Louella Street for the Senaido Dual Crossing Subdivision.

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented the item.**

**Bryan Mendez spoke on the item.**

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

- K) Public hearing and consideration of a request for a Conditional Sign Permit for The Plant Haus to allow a proposed freestanding pole sign to exceed the maximum adopted sign face area and height standards, in the 'C-1' Local Business District, addressed at 956 N. Walnut Avenue.

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented the item.**

**Councilmember Hoyt presented the item. Councilmember Blakey seconded the motion which passed unanimously via roll call vote.**

- L) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow duplexes in the "APD" Agricultural/Pre-Development District on approximately 0.938 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, Guadalupe County, Texas, addressed at 187 Prairie View Lane.

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented the item.**

**James Ingall spoke on the item.**

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

- M) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 5.996 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, addressed at 689 Orion Drive, from "M-1A" Light Industrial District to "R-1A-6.6" Single-Family District.

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented the item.**

**Robert Whipkey spoke on the item.**

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

- N) Public hearing and first reading of an ordinance regarding proposed revisions to the Solms Landing Planned Development ("SLPD") concept plan and development standards, on approximately 98 acres out of the A M Esnaurizar A-20 Survey, addressed at 253 S. Kowald Lane.

**Mayor Brockman read the aforementioned caption.**



**Christopher Looney presented the item.**

**James Mahan and Burt Wellmann spoke on the item.**

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

- O) Public hearing and consideration of a resolution accepting 102.68 acres out of the A.M. Esnaurizar A-20 Survey, located on FM 758 approximately 1,000 feet west of State Highway 123 North, into the City of New Braunfels extraterritorial jurisdiction (ETJ).

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented the item.**

**James Ingall spoke on the item.**

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

- P) Public hearing and first reading of an ordinance amending Chapter 144 Zoning, Sections on Definitions, Zoning Districts, Walnut Special District, Land Use Matrix, Parking, Accessory Structures, and General Provisions and Exceptions for Yard Setbacks, and Rear Yard Requirements.

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented the item.**

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

## **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:

- Union Pacific Railroad
- B) Deliberate the appointment, evaluation, duties, discipline, or removal of the Associate Municipal Judge in accordance with Section 551.074 of the Texas Government Code.

*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 9:13 p.m. to 9:32 p.m.**

**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 9:32 p.m.**

**Mayor Pro Tem motioned to appoint James Bettersworth as Associate Judge for a term of 2 years. Councilmember seconded the motion which passed unanimously via roll call vote.**

**7. ADJOURNMENT**

**The meeting adjourned at 9:33 p.m.**

**Date Approved: February 8, 2021**

  
Rusty Brockman, Mayor

Attest:

  
Caitlin Krobot, City Secretary