

**MINUTES - FINAL
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, SEPTEMBER 13, 2021**

AGENDA

CALL TO ORDER

Mayor Brockman called the meeting to order at 6:00 p.m.

CALL OF ROLL: CITY SECRETARY

Present: 7 - Mayor Rusty Brockman, Councilmember Shane Hines, Mayor Pro Tem Justin Meadows, Councilmember Harry Bowers, Councilmember Lawrence Spradley, Councilmember Jason Hurta, and Councilmember James E. Blakey

INVOCATION: MAYOR BROCKMAN

Mayor Brockman provided the invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

Mayor Brockman led the Pledge of Allegiance and the Salute to the Texas flag.

PROCLAMATIONS:

A) National Preparedness Month
Mayor Brockman presented the proclamation.

B) National Hispanic Heritage Month
Mayor Brockman presented the proclamation.

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.

The following individuals spoke at this time: Sarah Hammond, Linda Scullary, Bekie Bracewell, Jean Henry, Desiree Supulvar, Albert Sardinias, Brandi Steptoe, and Shannon Graham.

PRESENTATIONS:

A) Presentation and possible direction to staff regarding the City's American Rescue Plan Act allocation and establishment of an Ad-Hoc committee to develop investment recommendations to City Council

Mayor Brockman read the aforementioned item.

Jared Werner presented this item.

City Manager, Robert Camareno recommends the Finance and Audit committee be an ad hoc committee who can begin to work with staff and decide if the committee needs to expand the committee or bring in subject matter resources.

Council agreed with the recommendation made by the City Manager . The consensus of council is to begin to convene meetings of the Finance and Audit committee as an ad hoc committee.

1. **MINUTES**

A) Discussion and or possible action to approve the minutes of the general city council meeting of August 23, 2021 and the executive session meeting of August 23, 2021.

Mayor Brockman read the aforementioned item.

Councilmember Hurta moved to approve the item. Seconded by Councilmember Bowers which passed unanimously.

Mayor Brockman took a break at 7:00 p.m.

Mayor Brockman returned to open session at 7:12 p.m.

2. **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. Citizens must be present to pull an item.

Resolutions & Action Items

A) Approval of a resolution; a ratification for an application submitted for funding offered by the Texas Department of Transportation, Texas Traffic Safety Program's Selective Traffic Enforcement Program - Comprehensive FY 2022 grant; and authorization for the City Manager to act on behalf of the City in matters as required by the grant.

B) Approval of a resolution; a ratification for an application submitted for funding offered by the Texas Department of Transportation, Texas Traffic Safety Program's Selective Traffic Enforcement Program - Commercial Motor Vehicle FY 2022 grant; and authorization for the City Manager to act on behalf of the City in matters as required by the grant.

This item was approved.

- C) Approval of the New Braunfels Public Library Long Term Master Plan.

This item was approved.

- D) Approval of a resolution; acceptance of a grant award for funding of the development of a Drainage Area Master Plan utilizing a Texas Water Development Board, Flood Infrastructure Fund grant for Program Year 2020; and authorization for the City Manager to act on behalf of the City in all matters related to this grant.

This item was approved.

- E) Approval of a resolution recommending a contract award and project expenditure to Kimley-Horn and Associates, Inc., of up to \$442,000 to prepare a preliminary design and streetscape plan for Castell Avenue, as approved and found by the Board of Directors of the New Braunfels Economic Development Corporation to be an eligible project expenditure required for infrastructure necessary to promote or develop new or expanded business enterprises.

This item was approved.

- F) Approval of the City of New Braunfels FY 2021 Third Quarter Investment Report.

This item was approved.

- G) Approval of a purchase with Bluebonnet Motors, Inc. for thirteen light duty vehicles for various city operations and approval to declare replaced units as surplus.

This item was approved.

- H) Approval of a purchase of tasers from Axon Enterprise, Inc. for the Police Department and to declare the existing equipment as surplus for trade in.

This item was approved.

- I) Approval of a ratification for an application submitted to the Texas Department of Transportation for the FY 2022 Routine Airport Maintenance Program to request funding for eligible airport maintenance expenses; and authorization for the City Manager to act on behalf of the City in matters as required by the grant.

This item was approved.

- J) Approval to renew the following annual contracts, as allowed for by their contract language: Administrative Services for

Healthcare-Dental, Administrative Services for Healthcare-Medical and Pharmacy, Stop Loss Insurance, Healthcare Consulting Services, Supply and Service of Portable Toilets, Landscape Services-Parks & Facilities, Landscape Services-Undeveloped Flood Properties and ROW, EMS Medical Billing Cost Recovery Services and Litter Removal Services - Parks.

This item was approved.

- K) Approval of reassignment of a contract from Century Asphalt LLC to Texas Materials Group Inc.

This item was approved.

- L) Approval of a contract with AJM Packaging Corporation for the purchase of customized green waste collection bags for the Public Works Department.

This item was approved.

- M) Approval of annual routine recurring expenditures for FY 2022 in accordance with City Charter Section 9.17.

This item was approved.

- N) Approval to purchase equipment for the City's Public Works Streets & Drainage Division, from HOLT.CAT, Freightliner of Austin, Cooper Equipment Company, Nueces Power Equipment and approval to declare any replaced equipment as surplus as trade-ins will generate a cost savings to the City.

This item was approved.

- O) Approval of a purchase with NAFECO for personal protective firefighting equipment for the New Braunfels Fire Department.

This item was approved.

- P) Approval of a license agreement with Matt Schumann (ParkHaus, LLC) to allow aerial encroachments over the City's right-of way along E. San Antonio Street at the property currently addressed as 173, 189, and 207 E. San Antonio Street in New Braunfels, Texas (also described as City Block 2003, Lot E 8 of S 110 of 35 & W 16 of E 24, and West 47 of Lot 98, being approximately .45 acres).

This item was approved.

- Q) Approval of the appointment of Tina Olcott to the Central Texas Technology Center Advisory Board for an unexpired term ending April 26, 2024.

This item was approved.

Ordinances

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

- R) Approval of the second and final reading of an ordinance amending Section 126-346 of the City of New Braunfels Code of Ordinances to establish a no parking zone on the south side of Elliot Knox Boulevard between South Peach Avenue and Magnolia Avenue.

This item was approved.

- S) Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow a duplex on a lot less than 8,000 square feet in area, in the R-2 Single and Two-family District addressed at 2662 Second Street.

This item was approved.

- T) Approval of the first reading of an ordinance amending Section 126-346 of the City of New Braunfels Code of Ordinances to restrict parking on the east side of Hudson Lane from Hanz Drive to Bellesop Boulevard, on the west side of Hudson Lane from Hanz Drive to the intersection with the first alleyway, and on the north side of Bellesop Boulevard.

This item was approved.

- U) Approval of the first reading of an ordinance amending Section 126-346 of the City of New Braunfels Code of Ordinances to establish no parking zones in Prince Solms Park.

This item was approved.

Approval of the Consent Agenda

Mayor Brockman read the aforementioned captions.

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

3. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Approval of the second and final reading of an ordinance adopting the 2021 ad valorem tax rates.

Mayor Brockman read the aforementioned item.

Jared Werner stated this item will be brought back to council September 27, 2021 due to incomplete posting.

Councilmember Hines moved to postpone this item due to the incomplete posting that is statutorily required. Councilmember Spradley seconded the motion which passed unanimously.

B) Approval of the second and final reading of an ordinance adopting the FY 2022 Operating Budget and Plan of Municipal Services.

Mayor Brockman read the aforementioned item.

Jared Werner stated this item will be brought back to council September 27, 2021 due to incomplete posting.

Councilmember Hines moved to postpone this item due to the incomplete posting that is statutorily required. Councilmember Spradley seconded the motion which passed unanimously.

C) Approval of a resolution of the City of New Braunfels ratifying the increase in revenue generated by the 2021 property tax rate included in the FY 2022 Annual Budget.

Mayor Brockman read the aforementioned item.

Jared Werner stated this item will be brought back to council September 27, 2021 due to incomplete posting.

Councilmember Hines moved to postpone this item due to the incomplete posting that is statutorily required. Councilmember Spradley seconded the motion which passed unanimously.

D) Consideration of the second and final reading of an ordinance regarding a proposed rezoning of approximately 7,406 square feet (0.17-acre) being parts of Lots 6 & 7, Block 46, New City Block 4002, Guenther Addition, addressed at 157 S. Guenther Ave., from "SND-1" Special Neighborhood District - 1 to "C-2A" Central Business District.

Mayor Brockman read the aforementioned item.

Christopher Looney presented this item.

The following individuals spoke to this item: Jeff Bly, Robert Peterman, Brad Worley, Angie Martinez, Tam Morris, Joan Pasquali, Dan Geisler, Scott Walker, Jim Holster, Mike Morris, Rick Robbie,

Randy Enger, Keith Dalton, Nathan Manlove, and Miles Granzine.

Councilmember Hines moved to approve the item. Councilmember Spradley seconded the motion which passed 6-1.

In Favor:

Mayor Brockman, Councilmember Hines, Mayor Pro Tem Meadows, Councilmember Bowers, Councilmember Spradley, and Councilmember Hurta

Opposed:

Councilmember Blakey

- E) Consideration of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family house and garage apartment in the C-1 Local Business District addressed at 556 N. Union Avenue.

Mayor Brockman read the aforementioned caption.

Jean Drew presented this item.

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

- F) Public hearing and first reading of an ordinance designating a geographic area within the City of New Braunfels as a reinvestment zone for tax increment financing purposes pursuant to Chapter 311 of the Texas Tax Code to be known as Tax Increment Reinvestment Zone Number Three (3), City of New Braunfels; describing the property parcels included in the zone; containing findings and provisions related to the creation of the zone; providing a date for the termination of the zone; providing that the zone take effect immediately upon passage of the ordinance; providing a severability clause; providing for publication; and declaring an effective date.

Mayor Brockman read the aforementioned item.

Jeff Jewel presented this item.

The following individuals spoke to this item: Tim Cronan, Nathan Manlove, and David Knuiper.

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

- G) Discuss and consider recommended changes to the Bylaws of the Workforce Housing Advisory Committee and approval of the recommendation of Stephen Brockman as committee's Chair

Mayor Brockman read the aforementioned caption and recused himself from the dais. Mayor Pro-Tem Medows presided over this item.

Jeff Jewell presentd this item.

The following individual spoke to this item: Stephen Brockman

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

4. 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:
- Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet.
 - Discuss legal action regarding possible restrictions on further development of property commonly known as 413 Gruene Rd, New Braunfels 78130, Texas, for use as Disaster Recovery Center for NBU; the property is also described as 2.693 acre tract of land, situated in the Henry Foster Survey, Abstract No 154, Comal County, Texas, conveyed to the City of New Braunfels, recorded in Volume 192, Page 543, Deed Records, Guadalupe County, Texas.
- B) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code, specifically
- Union Pacific property

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).

5. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

No action was taken at this time.

ADJOURNMENT

Mayor Brockman returned to the dais and adjourned at 8:48 p.m.

By: _____
RUSTY BROCKMAN, MAYOR

Attest:

CAITLIN KROBOT, CITY SECRETARY