

City of New Braunfels, Texas

550 LANDA STREET

Minutes

Monday, May 10, 2021

6:00 PM

City Council

Rusty Brockman, Mayor

Shane Hines, Councilmember (District 1)

Justin Meadows, Mayor Pro Tem (District 2)

Harry Bowers, Councilmember (District 3)

Matthew E. Hoyt, Councilmember (District 4)

Jason Hurta, Councilmember (District 5)

James Blakey, Councilmember (District 6)

The meeting was called to order by Mayor Brockman at 6:02 p.m. Councilmember Bowers gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

A) Teacher Appreciation Week

Mayor Brockman presented the proclamation.

B) Economic Development Week

Mayor Brockman presented the proclamation.

C) Small Business Week Proclamation

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.

Kevin Robles, Steven Fikes, Timothy Davis, and Larry Wells.

PRESENTATIONS:

- A) Presentation, discussion, and possible direction for an update to the Capital Improvements Plan (CIP) to support the preparation and development of future bond programs.

Mayor Brockman read the aforementioned caption.

Jennifer Cain presented this item.

The following individuals spoke on this item: Steven Fikes, Nicole Lawson, and William Rogers.

Mayor Brockman recommended staff move forward with the CIP process.

- B) Presentation, discussion, and possible direction to staff regarding maintenance of sidewalks.

Mayor Brockman read the aforementioned caption.

Gary Ford presented this item.

The following individuals spoke on this item: David Crabill and Leah Garcia.

Mayor Brockman recommended staff move forward with revision and review and provide feedback to Council to include cost and manpower.

- C) Presentation and possible direction on the finalization of the Veterans Memorial image selections.

Mayor Brockman read the aforementioned caption.

Jennifer Cain presented this item which included whether or not to include the United States Space Force in the design.

The following individuals spoke on this item: Don Ingram, Timothy Davis, Manny Gagliardi, Leah Garcia, Steven Fikes, Shawn Prestige, Joshua Braunig, Kevin Robles, Penny Farias, and Robert Camareno.

Councilmember Blakey moved to add the Space Force and to go with the current images as we continue processing forward. Councilmember Hurta seconded the motion which was approved unanimously by Council.

1. **MINUTES**

- A) Discuss and consider approval of the minutes of the April 26, City Council Meeting.

Mayor Brockman read the aforementioned caption.

Councilmember Hoyt moved to approve the item. Councilmember Hines seconded the motion which was approved unanimously by Council.

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.

Resolutions & Action Items

- A) Approval of a resolution amending the language on the ByLaws of the Arts Commission.
- B) Approval of a resolution amending the language on the ByLaws of the Heritage Commission.
- C) Approval of a resolution amending the City of New Braunfels Watershed Advisory Committee.
- D) Approval of annual routine recurring expenditures for FY 2021 in accordance with City Charter Section 9.17.
- E) Approval of a contract with 50 Foot Design for the production of two virtual watershed educational games associated with the Dry Comal Creek and Comal River Watershed Protection Plan.

Ordinances

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

- F) Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 2.3 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway from "M-2" Heavy Industrial District to "MU-A" Low Intensity Mixed Use District.
- G) Approval of the second and final reading of an ordinance regarding a proposed rezoning to amend an existing Special Use Permit to allow an addition to a non-conforming single-family residence in the "M-1" Light Industrial District, addressed at 394 North Market Avenue.
- H) Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow multifamily residential use - up to 24 units per acre – in the "C-1A" Neighborhood Business District on approximately 10 acres out of the A. P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located at the northwest corner of the intersection of E. Common Street and Old FM 306.

Mayor Pro Tem Meadows left the dais at 6:40 p.m.

Mayor Brockman stated Consent items A, C, E, F, and H were pulled from the Consent Agenda for individual consideration.

Mayor Brockman read the aforementioned captions, Consent items B, D, and G.

**Councilmember Bowers moved to approve Consent items B, D, and G.
Seconded by Councilmember Hoyt which passed unanimously via roll call vote.**

Mayor Brockman took a break at 7:50 p.m. and reconvened at 8:01.

3. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Approval of a resolution amending the language on the ByLaws of the Arts Commission.

Mayor Brockman read the aforementioned Consent Agenda item A into record.

Caitlin Krobot presented this item.

The following individual spoke to this item. William Rogers.

Councilmember Hurta moved to approve the item. Councilmember Hoyt seconded the motion which was approved unanimously by Council.

- C) Approval of a resolution amending the City of New Braunfels Watershed Advisory Committee.**

Mayor Brockman read the aforementioned Consent Agenda item C into record.

Greg Malatek presented this item.

The following spoke to this item: William Rogers and Angela Keller.

Councilmember Bowers moved to approve the item adding that no more than three (3) seats of the nine (9) can be residents from the ETJ. Councilmember Hoyt seconded the motion which was approved unanimously by Council.

- E) Approval of a contract with 50 Foot Design for the production of two virtual watershed educational games associated with the Dry Comal Creek and Comal River Watershed Protection Plan.**

Mayor Brockman read the aforementioned Consent Agenda item E into record.

Greg Malatek presented this item.

The following individual spoke to this item: William Rogers.

Councilmember Hoyt moved to approve the item. Councilmember Hines seconded the motion which was approved unanimously by Council.

- F) Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 2.3 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway from "M-2" Heavy Industrial District to "MU-A" Low Intensity Mixed Use District.**

Mayor Brockman read the aforementioned Consent Agenda item F into record.

Matt Greene presented this item.

The following spoke to this item: Chris Crim, Timothy Davis, Ashley Culpepper, William Rogers, Manny Gagliardi, Tiffany Mendoza, Shawn Prestridge, Manny Gagliardi, Tiffany Mendoza, Shawn Prestridge, David Crabill, Peyton Story, Robin Peyton Story, and Robyn Writz.

Mayor Pro Tem Meadows returned to the dais at 8:49 p.m.

No motion was made, item dies for lack of motion.

- H) Approval of the second and final reading of an ordinance regarding a Proposed rezoning to apply a Special Use Permit to allow multifamily residential Use – up to 24 units per acre – in the “C-1A” Neighborhood Business District on approximately 10 acres out of the A. P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located at the northwest corner of the intersection of E. Common Street and Old FM 306.

Mayor Brockman read the aforementioned Consent Agenda item H into record.

Matt Greene present this item.

The following individuals spoke to this item: David Morin, David Crabill, Josh Braunig, William Rogers, Patricia Freer, Cheri Kimble, Coy Snider, Timothy Davis, Nicole Lawson, Trace Kimball, Stewart Wirebaugh, Melissa Murphy, Manny Gagliardi, Angela Keller, and David Morin.

Mayor Pro Tem Meadows moved to approve the item with the eleven items in the PowerPoint provided notated. Councilmember Hines seconded the motion which passed 5-2 via roll call vote with Councilmember Hurta and Councilmember Blakey in opposition.

- A) Discuss and consider approval of an ordinance declaring the canvass and result of the General Election held on May 1, 2021, to elect two members of the New Braunfels City Council; containing a savings clause; declaring an effective date; and declaring an emergency

Mayor Brockman read the aforementioned item into record.

Caitlin Krobot presented this item.

Councilmember Hoyt moved to approve the general canvass returns and results as recorded. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.

- B) Discuss and consider approval of an ordinance declaring the canvass and result of the Special Election held on May 1, 2021 regarding 18 proposed charter amendments; Propositions A-R of the New Braunfels, Texas, City Charter; containing a savings clause; declaring an effective date; and declaring an emergency.**

Mayor Brockman read the aforementioned item into record.

Caitlin Krobot presented this item.

Councilmember Hoyt moved to approve the May 1, 2021 Special Election canvass returns and reports as reported. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.

- C) Discuss and consider the confirmation of the City Manager's appointment of the Police Chief of the New Braunfels Police Department.**

Mayor Brockman read the aforementioned item into record.

Robert Camareno presented this item.

Mayor Pro Tem Meadows moved to approve the appointment of Keith Lane as the City of New Braunfels Chief of Police. Councilmember Bowers seconded the motion which passed unanimously by Council.

- D) Administration of the Oath of Office to the Police Chief of the New Braunfels Police Department.**

Mayor Brockman read the aforementioned item into record.

Judge Zamora administered the oath of office to the newly appointed New Braunfels Police Chief, Keith Lane. After a moving ceremony and a standing ovation, Chief of Police Keith Lane addressed Council and those present with a speech of gratitude.

- E) Discuss and consider approval of the appointment of 3 individuals for a term ending May 31, 2024 and 1 individual for an unexpired term ending May 31,**

2022 to the Downtown Board.

Mayor Brockman read the aforementioned item into record.

Caitlin Krobot presented this item.

Councilmember Hines moved to approve Tara Kohlenberg for a term ending May 31, 2022 and Angie Martinez, Matt Gandrud, and Jenny Wilson for terms ending May 31, 2024. Councilmember Hoyt seconded the motion which passed unanimously by Council.

- F) Discuss and consider the approval of the Heritage Commission recommendations for allocating grant awards from hotel occupancy tax to various heritage organizations of the City and authorizing the City Manager to execute contracts with the aforementioned organizations for the purpose of disbursement and use of funding.

Mayor Brockman read the aforementioned item into record.

Caitlin Krobot presented this item.

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

- G) Discuss and consider the approval of the Arts Commission recommendations for allocating grant awards from hotel occupancy tax to various art organizations of the City and authorizing the City Manager to execute contracts with the aforementioned organizations for the purpose of disbursement and use of funding.

Mayor Brockman read the aforementioned item into record.

Caitlin Krobot presented this item.

Mayor Pro Tem Meadows moved to approve the proportionate recommendation presented to Council. Councilmember Blakey seconded the motion which failed 4-3 via roll call vote with Councilmember Hines, Councilmember Bowers, Councilmember Hoyt and Mayor Brockman in opposition.

Councilmember Hines moved to approve the High/Low removal recommendation. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.

- H) Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 4.3 acres out of the J.M. Veramendi Survey No. 1, Abstract 2, Comal County, Texas, located at the southeast corner of the intersection of Gruene Road and Ewelling Lane from "R-2" Single and Two-Family District to "C-O" Commercial Office District.

Mayor Brockman read the aforementioned item into record.

Matt Greene presented this item.

The following individuals spoke to this item: William Schutz, David Crabill, Timothy Davis, Kevin Robles, Tracy Gagliardi, Manny Gagliardi, Tiffany Mendoza, Peyton Story, Edward Omohundro, Rahul Bose, and Jamison Wyatt.

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

- I) Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 48 acres out of the O. Russell A-485 Survey 2, located in the 2200 block of FM 1102, from "M-1A" Light Industrial District to "MU-B" High Intensity Mixed Use District.

Mayor Brockman read the aforementioned item into record.

Holly Mullins informed Council the applicant of this item has asked to postpone this request. This will require approval of a motion from City Council. Mrs. Mullins recommended Council postpone with a date specific, noting the next Council date is May 24, 2021. Council requested a reason for the postponement.

The following individual spoke to this item: Chris Crimm informed Council the postponement is due to the new questions that have been asked since the two previous public meetings. They would like the opportunity to be able to answer any new questions and to make an informed decision for Council.

Councilmember Hines moved to postpone this item to the May 24, 2021 City Council meeting. Mayor Pro Tem Meadows seconded the motion which was approved unanimously by Council.

- J) Discuss and consider approval of the installation of speed humps on Broadway Drive between Rusk Street and Flushing.

Mayor Brockman read the aforementioned item into record.

Greg Malatek presented this item.

The following individuals spoke to this item: William Rogers, Timothy Davis, Ashley Culpepper, Peyton Story, and Eunice Alcala.

Councilmember Hoyt moved to approve the item. Councilmember Hurta seconded the motion which was approved unanimously by Council.

- K) Discuss and consider approval of the installation of speed humps on Daisy Way between Marigold Way and Hibiscus.**

Mayor Brockman read the aforementioned item into record.

Greg Malatek presented this item.

The following individuals spoke to this item: Tyler Campbell, Darlyn Ward, Jesus Guitierrez, and Todd Pendickson.

No motion was made, item dies for lack of motion.

- L) Public hearing and first 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 Areas A and B and amending Section 126-368 (m) of the City of New Braunfels Code of Ordinances to revise the reference to parking by permit areas in existing water recreation loading zones.**

Mayor Brockman read the aforementioned item into record.

Greg Malatek presented this item.

The following individual spoke to this item: Violet Tanneberger, David Crabill, and Patricia Freer.

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

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

Monday, May 10, 2021 New Braunfels City Council Regular Meeting

necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).

ADJOURNMENT

Mayor Brockman adjourned at 11:55 p.m.


Rusty Brockman, Mayor