

**MINUTES - FINAL
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, DECEMBER 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: COUNCILMEMBER BLAKEY

Councilmember Blakey 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.

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: David Wermke, Easton Smith, Ryan Garcia, and Christian Laijas.

PRESENTATIONS:

A) Retiree Recognition - Sandy Ellison

Bryan Ruiz and Christopher Looney presented this item and gave a moving tribute to Sandy Ellison.

B) Presentation of the proposed FY 2022 Street Maintenance Plan.

Greg Malatek presented this item.

C) Update on the creation of the Unified Development Code

Christopher Looney presented this item.

1. **MINUTES**

- A) Approval of the minutes for executive session November 22, 2021, the regular session November 22, 2021, and the special session November 16, 2021.

Mayor Brockman read the aforementioned caption.

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

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) Appointment of Heather Harrison to the Bond Advisory Committee as the River Advisory Committee representative.
- B) Appointment of Brad T. Bechtol to the Bond Advisory Committee as the Watershed Advisory Committee representative.
- C) Approval of a resolution adopting City of New Braunfels Tax Increment Reinvestment Zone Number Three (TIRZ Number Three) Project and Finance Plan and establishing the composition and qualifications of the TIRZ Number Three Board.
- D) Approval of a resolution designating the investment officers for the City of New Braunfels.
- E) Approval of a resolution to enter into an Advanced Funding Agreement with Texas Department of Transportation for the project development and construction of traffic safety improvements on County Line Road and on Hanz Drive.
- F) Approval of a resolution to enter into an Agreement to Contribute Right of Way Funds with Texas Department of Transportation for fixed price joint participation in right of way costs associated with highway improvements at Loop 337 at River Road.

- G) Approval for the submission of the Community Development Block Grant Program's Consolidated Annual Performance and Evaluation Report for Program Year 2020 to the U.S. Department of Housing and Urban Development.
- H) Approval of annual routine recurring expenditures for FY 2022 in accordance with City Charter Section 9.17.
- I) Approval of a service provider contract renewal with Emergency Services District No. 7 (ESD7) and authorizing the City Manager to enter into the agreement
- J) Approval of the City of New Braunfels FY 2021 Fourth Quarter Investment Report.
- K) Approval of a purchase with Southwest Public Safety, LLC, Motorola Solutions and Lower Colorado River Authority for ancillary vehicle equipment for the Police Department and the appropriate budget amendment.
- L) Approval of a resolution authorizing the City Manager to enter into an Agreement with Richard J. Leidl, P.C. for federal legislative services on behalf of the City of New Braunfels.
- M) Approval of a contract with Pristine Texas Rivers Inc. for river recreation litter removal and floating vegetation services from designated riparian zones.
- N) Approval of a budget amendment in the FY 2021 Police Department General Fund Budget.
- O) Approval of a resolution of the City of New Braunfels, Texas, amending Resolution No. 2021-R-38 by extending the deadline for New Braunfels Utilities and Southstar at Mayfair, LP, Developer, to execute a Utility Agreement as a condition precedent to the creation of Comal County Water Improvement District No. 3, located in the City's Extraterritorial Jurisdiction.

Ordinances

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

- P) Approval of the first reading of an ordinance to restrict parking on both sides of Independence Drive west of Oak Run Parkway from Oak Run Parkway to the end of Independence Drive.
- Q) Approval of the first reading of an ordinance amending Section 126-368 to revise the starting date for water recreation loading zones on W. Lincoln St., Liebscher Dr., S. Union Ave., and S. Gilbert St. to March 1.
- R) Approval of the second and final reading of an ordinance regarding a request for rehabilitation tax credit from the property owner of 123 S. Academy Ave., located within the Downtown Historic District.
- S) Approval of the second and final reading of an ordinance to revise sections of the Code of Ordinances regarding the approval and/or appeals authority in: Chapter 144, Zoning, Section 5.1, Parking, loading, stacking and vehicular circulation, Section 5.22, Nonresidential and Multi-family Design Standards, Section 5.23, Temporary vending operations, and, Section 5.24, Temporary mobile storage units; Chapter 118, Subdivision Platting, Section 118-11, Waiver, Section 118-44, Blocks, and, Section 118-49, Sidewalks; and, amendments to Appendix D, Fee Schedule, Section A schedule of development fees.
- T) Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow 75 dwelling units where lot area allows a maximum of 64, through the conversion of existing hotel guest rooms into studio apartments in the "C-3 AH" Commercial District Airport Hazard Overlay, on Lots 3C and 3D, JM Subdivision, addressed at 1533 IH-35 North.
- U) Approval of the second and final reading of an ordinance amending Ordinance No. 2021-55, authorizing the abandonment of 0.366 of an acre of public street right-of-way at the terminus of Tolle Street, by extending the deadline to execute a Deed Without Warranty by an additional 180 days.

Approval of the Consent Agenda

Mayor Brockman read the aforementioned Consent Agenda.

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

3. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider a request for the City to consent to the addition of 19.993 acres into the existing Lone Oak Farm Municipal Utility District (MUD) within the City's ETJ in Guadalupe County, located on the south side of FM 758, approximately 1,400 feet west of the intersection of State Highway 123.

Mayor Brockman read the aforementioned caption.

Jean Drew presented this item.

Mayor ProTem Meadows moved to approve the item. Councilmember Hines seconded the motion which passed unanimously.

- B) Discuss and consider a request to consent to the creation of Comal County Municipal Utility District (MUD) No. 4 within the City's ETJ in Comal County, consisting of approximately 349.7 acres located on the north side of FM 1863, across from Krueger Canyon and Word Ranch Roads.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

The following individual spoke to this item: Developer - Jeffrey McKinney

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

- C) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 28.868 acres from "M-2" Heavy Industrial District to "MU-B" High Intensity Mixed-Use District, consisting of approximately: a 14-acre tract of land, a 12-acre tract of land; a 0.74-acre tract of land out of the A.M. Esnaurizar Eleven League Grant, Survey No. 1, Abstract No. 1, Comal County, Texas; Lots 1-9, Block 1, Milltown Subdivision; Lots 1, 2, 5 and 6, Block 2, Milltown Subdivision; and, Lot 1, River Mill Power House and Dam Subdivision. The approximately 29 acres is addressed as or located at 601 Rusk St., 555 Porter St., 477 E. Faust St., the northeast corner of Rusk St. and Church Hill Dr., east side of Porter St. between Rusk St. and Consolidated, the southwest corner of Porter St. and Consolidated, and the northeast corner of Porter St. and McKenna Avenue.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

The following individuals spoke to this item: Developer - Don Thomas, Walt Moore, David Wermke, Timothy Davis, and Ryan Garcia.

Mayor ProTem Meadows moved to approve the item. Councilmember Hines seconded the motion which passed unanimously.

Mayor Brockman took a break at 7:55 p.m.

Mayor Brockman reconvened the meeting at 8:08 p.m.

- D) Public hearing and consideration of an appeal for the denial of a Certification of Alteration by the Historic Landmark Commission to construct a new single-family dwelling located on the property currently addressed as 456 Magazine Ave., located within the Sophienburg Hill Historic District.

Mayor Brockman read the aforementioned caption.

Jean Drew presented this item.

The Following individuals spoke to this item: Don Newman, Cheri Newman, Jeff Collins, Lisa Garcia, Scott Calloway, J. Brewer, Dick Hillyer, Joan Pasquali, Ryan McWhirter, Mike Morris, Ryan McWhirter, Mike Morris, and Monica Jergin.

Councilmember Blakey moved to approve this item with staff recommendations. Mayor ProTem Meadows 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:
 - River floodway regulation and enforcement
- B) Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:
 - Ch. 380 Agreement with HD Supply Facilities Maintenance, Ltd.

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 adjourned at 9:23 p.m.

By: _____
RUSTY BROCKMAN, MAYOR

Attest:

CAITLIN KROBOT, CITY SECRETARY