

**MINUTES - FINAL
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JUNE 13, 2022**

CALL TO ORDER

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

CALL OF ROLL: CITY SECRETARY

Present: 6 - Mayor Rusty Brockman, Councilmember Christopher Willis, Mayor Pro Tem Harry Bowers, Councilmember Lawrence Spradley, Councilmember Jason Hurta, and Councilmember James E. Blakey

Absent: 1 - Shane Hines

REQUEST ALL PHONES AND OTHER DEVICES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL.

INVOCATION: COUNCILMEMBER HURTA

Councilmember Hurta provided 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) Juneteenth Proclamation
Mayor Brockman read the proclamation.

B) National Safety Month.
Mayor Brockman read 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: David Warmke, Easton Smith, Chase Cochran, Gerald Dickey, and Alice Jewell.

PRESENTATIONS:

A) Presentation and possible direction to bring forward for consideration the Compliance Engine, a web-based service to track and drive inspection, testing and maintenance of fire protection systems.

Mayor Brockman read the aforementioned item.

Matthew Bushnell presented this item and answered questions from Council.

1. MINUTES

A) Approval of the minutes for Special Council Meeting May 16, 2022, and Regular Session May 23, 2022

Mayor Brockman read the aforementioned item.

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

Absent:

Hines

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 Memorandum of Understanding with Union Pacific Railroad Company regarding a proposed land sale of Union Pacific Railroad Company's downtown property and Union Pacific Railroad Company's office relocation to Corbyn Yard.

B) Approval of a reimbursement agreement with Union Pacific Railroad Company for legal costs and expenses associated with the proposed Union Pacific office relocation to Corbyn Yard located in Comal County.

C) Approval of a reimbursement agreement with Union Pacific Railroad Company for preliminary engineering services related to the proposed Union Pacific office relocation to Corbyn Yard located in Comal County.

D) Approval of District 2 Councilmember's appointment of Charles Allan Wentt to the Transportation & Traffic Advisory Board for a term ending

May 31, 2025.

- E) Approval of a Professional Services Agreement with The Goodman Corporation for full design services of the Common Street Pedestrian Improvement Project and authorization for the City Manager to execute contract modifications in accordance with the purchasing policy and the appropriate budget amendment.
- F) Approval of a resolution setting a public hearing to amend the water and wastewater impact fees.

Mayor Brockman noted that NBU amended the resolution and memo to Consent Agenda Item 2F. Council was notified of the changes.

- G) Approval of Memorandum of Understanding between the City and New Braunfels Utilities (NBU) for the for the payment of funds to NBU for a temporary, part-time Watershed Educator position at the Headwaters at the Comal and approval of an amendment to an existing Memorandum of Understanding between the City and New Braunfels Utilities (NBU) for the for the payment of funds to NBU for a temporary, part-time Watershed Educator position at the Headwaters at the Comal.
- H) Approval of an amendment to the Interlocal Agreement between City of New Braunfels, City of San Marcos and Texas State University to support the annual stormwater conference and stormwater pollution prevention public education programming.
- I) Approval of a Professional Services Agreement with Pape-Dawson Engineers, Inc. for design services for improvements at the intersection of FM 1044 and County Line Road.
- J) Approval of a Professional Services Agreement with Alliance Transportation Group for design services for improvements at the intersection of FM 1044 and Schmidt Avenue.
- K) Approval of a contract with D. Wilson Construction Company for construction of Fire Station 7, a task order with Raba Kistner for materials testing services, a contract modification with Hill International, and authorization for the City Manager to execute any change orders up to the contingency amounts.
- L) Approval of an amendment to a professional services agreement with the Law Offices of Ryan Henry, for representation in the River Ranch RV Resort Park litigation, and authorizing the city manager to execute

the same.

- M) Approval of preliminary design contracts for Downtown Right-of-way Enhancements, Orion Drive, and Northwest Community Park projects under consideration for the proposed 2023 Bond.

Ordinances

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

- N) Approval of the second and final reading of an ordinance regarding a proposed rezoning from “R-2” Single and Two-Family District to “R-3L” Multifamily Low-Density District with a Special Use Permit to allow a one-family dwelling on approximately 1.7 acres, addressed at 586 Granada Drive.
- O) Approval of the second and final reading of an ordinance regarding a proposed rezoning from “M-2” Heavy Industrial District to “C-O” Commercial Office District with a Special Use Permit to allow short term rental of a residential structure on 0.22 acres out of the A.M. Esnaurizar Survey No. 1, Abstract No. 1, Milltown Lots, Comal County, addressed at 569 Wright Avenue.

Approval of the Consent Agenda

Mayor Brockman read the aforementioned Consent Agenda Items A-O.

Councilmember Spradley moved to approve Consent Agenda Items A-O. Councilmember Blakey seconded the motion, which passed unanimously.

Absent:

Hines

3. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of an ordinance authorizing the issuance of “City of New Braunfels, Texas, utility system revenue refunding bonds, series 2022, pledging the net revenues of the City’s waterworks, sanitary sewer and electric light and power systems to the payment of the principal of and interest on said bonds; enacting provisions incident and related to the issuance, payment, security, sale and delivery of said bonds; establishing procedures for the sale and delivery of said bonds; delegating matters relating to the sale and issuance of said bonds to authorized city and systems officials and

providing an effective date.

Mayor Brockman read the aforementioned item.

Dawn Schriewer and Dwayne Westerman presented this item.

Councilmember Hurta moved to approve this item. Mayor Pro Tem Bowers seconded the motion, which passed unanimously.

B) Discuss and consider a resolution consenting to the issuance of unlimited tax road bonds by Comal County Water Improvement District No. 1A, a Water Improvement District located within the extraterritorial jurisdiction of the City of New Braunfels.

Mayor Brockman read the aforementioned item.

Jeff Jewell made preliminary remarks and introduced speaker, Julie Peak, from Masteron Advisors.

Julie Peak presented this item.

Mayor Pro Tem Bowers moved to approve this item. Councilmember Hurta seconded the motion, which passed unanimously.

Mayor Brockman recessed at 7:08 p.m.

Mayor Brockman reconvened at 7:17 p.m.

C) Discuss and consider a resolution to consent to the creation of Guadalupe County Municipal Utility District (MUD) No. 5 within the City's Extraterritorial Jurisdiction (ETJ) in Guadalupe County, consisting of approximately 299.78 acres located on the north side of FM 725, west of The Bandit Golf Course in the Long Creek Subdivision, and south of the intersection of Altwein Lane and FM 725, and consider authorizing the City Manager to approve a development agreement between the City of New Braunfels and Highlander NB One, LLC related to the City's consent to the creation of Guadalupe County MUD No. 5.

Mayor Brockman read the aforementioned item.

Jean Drew presented this item.

The applicant, John Mayberry, made additional comments.

Due to lack of motion, no action was taken.

D) Discuss and consider a resolution to consent to the creation of the Flying W Municipal Utility District (MUD) within the City's Extraterritorial Jurisdiction (ETJ) in Comal County, consisting of approximately 362 acres situated on the west side of FM 1102, north of Havenwood at Hunters Crossing Subdivision, Units 1 and 2 and south of Unit 3, across from the intersection of Watson Lane West, and consider authorizing the City Manager to approve a development agreement between the City of New Braunfels and Aguilas Robles, LLC and MJD Endeavors, LLC related to the City's consent to the creation of the Flying W MUD.

Mayor Brockman read the aforementioned item.

Christopher Looney presented this item.

Applicant made additional comments and answered questions from Council.

Due to lack of motion, no action was taken.

4. EXECUTIVE SESSIONS

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551, the City Council may convene in a closed session to discuss any of the items listed below. Any final action or vote on any executive session item will be taken in open session.

- A) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code, specifically
 - Billboards
 - Land for City Facilities

- B) 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:
 - H.B. 1925 state law and city ordinances

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

No action was taken.

ADJOURNMENT

Mayor Brockman adjourned at 7:39 p.m.

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By: _____
RUSTY BROCKMAN, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY