

**MINUTES - FINAL
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, AUGUST 8, 2022**

AGENDA

CALL TO ORDER

Mayor Brockman called the meeting to order at 6:02 p.m.

CALL OF ROLL: CITY SECRETARY

Present: 7 - Mayor Rusty Brockman, Councilmember Andres Campos, Councilmember Christopher Willis, Mayor Pro Tem Harry Bowers, Councilmember Lawrence Spradley, Councilmember Jason Hurta, and Councilmember James E. Blakey

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

INVOCATION: COUNCILMEMBER SPRADLEY

Councilmember Spradley 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.

Mayor Brockman asked for a moment of silence for the young midshipman, Luke Gabriel Bird, who was brought home.

PROCLAMATIONS:

No proclamations given.

CITIZENS' COMMUNICATIONS

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. In the interest of protecting the City's network and data, we are not accepting flash drives or electronic files to be used during Citizens Communications. Please use hard copies or the overhead projector for any documents you would like Mayor/Council to view. There will be no City Council action at this time.

The following individuals spoke at this time: Jerry Kumby, David Warmke, Ryan Garcia, Regina Manfredi, Steve Say, Stacie Clifford, Naomi Narvaiz, and Michael Plumeyer.

PRESENTATIONS:

- A) Presentation on New Braunfels Utilities' Cost of Power.
- B) Presentation on New Braunfels Utilities' Water Resources and Drought Management Plan.

Mayor Brockman read the aforementioned presentation items A and B.

Ian Taylor presented both New Braunfels Utilities' Cost of Power and New Braunfels Utilities' Water Resources and Drought Management Plan.

The following individuals spoke at this time: David Warmke, Kathy Vandermolen, William Edge, Richard Zapata, Rick Hill, Tatiana Pentlers, Susie Pratt, Keith Remo, Regina Manfredi, Mike Foley, Linda Jecmenek, Katherine Kolb, Hannah Kolb, Demian Kolb, Joy Brace, Kristen White, Laura Buske, Bob Moore, Gerry Brown, Lacy Redding, Hudson High, Misty Baerwald, Bryce Madlock, Bubba Downs, Kim Goodwin, David Gonzales, Will P, Kathy Banks, Varun Vasankumar, Nicole Lawson, Jefferson Whitehead, Karen Silverdale, Michael Plumeyer, Michael French, Tina Gothard, Laneta Watson, Wilton Warnecke, Pam Timmerman, Sarah Smith, Jim Holster, Pam Kraft, Kim Huntsman, Tina Gothard, Kim Goodwin, Nicole Lawson, and Jeremy Wilson.

Ian Taylor answered questions from citizen's comments referencing the presentations.

Mayor Brockman took a recess at 9:15 p.m.

Mayor Brockman reconvened at 9:29 p.m.

1. MINUTES

- A) Approval of the minutes for Regular Session July 25, 2022.

Mayor Brockman read the aforementioned item.

Mayor Pro Tem Bowers moved to approve this 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) Approval of the appointment of Councilmember Andrés Campos as the regular member to the Alamo Area Metropolitan Planning Organization's Transportation Policy Board and Councilmember Christopher Willis as the alternate member.
- B) Approval of District 1 Councilmember's appointment of Nicole Guerra to the Ethics Commission for a term ending May 31, 2025.
- C) Approval of the issuance of an invitation for competitive sealed proposals for the Landa Park Aquatic Complex Parking Lot Rehab and Water Quality Retrofit since the City Council finds that this delivery method will provide the best value to the City.
- D) Approval of a contract amendment with Freese and Nichols, Inc. for professional engineering services to provide third-party technical review of select preliminary engineering projects 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.)

- E) Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow a bed and breakfast in the "R-2" Single and Two Family Residential District on 0.3992 acres, addressed at 842 and 854 W. Bridge Street.
- F) Approval of the second and final reading of an ordinance regarding a proposed rezoning from "APD AH" Agricultural/Predevelopment Airport Hazard Overlay District, "M-1 AH" Light Industrial Airport Hazard Overlay District and "M-1Ar44 AH" Light Industrial Airport Hazard Height Overlay District to "C-1A AH SUP" Neighborhood Commercial Airport Hazard Height Overlay District with a Special Use Permit to allow a new car dealership on approximately 29.32 acres out of the O Russell Survey-2, Abstract 485, addressed at 4165 and 4261

IH 35 North.

- G) Approval of the second and final reading of an ordinance to amend Section 126-346 of the Code of Ordinances of the City of New Braunfels to establish a no parking zone on Hill Avenue.
- H) Approval of the second and final reading of an ordinance amending Section 126-354 of the Code of Ordinances of the City of New Braunfels to amend Parking by Permit Area K.
- I) Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to the existing C-1A AH (Neighborhood Business Airport Hazard Overlay) zoning district to allow duplexes on approximately 5 acres out of the O Russell Survey-2, Abstract 485, currently addressed at 2841 Goodwin Lane.

Citizen, David Gonzalez, asked to pull Consent Agenda Item 2I.

- J) Approval of the second and final reading of an ordinance to adopt a Municipal Utility District petition filing fee.

Approval of the Consent Agenda

Mayor Brockman read the aforementioned Consent Agenda Items A-H and J.

Councilmember Hurta moved to approve Consent Agenda Items A-H and J. Mayor Pro Tem Bowers seconded the motion, which passed unanimously.

3. INDIVIDUAL ITEMS FOR CONSIDERATION

- 2I Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to the existing C-1A AH (Neighborhood Business Airport Hazard Overlay) zoning district to allow duplexes on approximately 5 acres out of the O Russell Survey-2, Abstract 485, currently addressed at 2841 Goodwin Lane.

Mayor Brockman read the aforementioned item.

Jean Drew presented this item.

The applicant, Jeff Henry, made additional comments and answered questions from Council.

The following individual spoke at this time: David Gonzalez.

Councilmember Willis moved to approve this item. Councilmember Spradley seconded the motion, which passed unanimously.

- A) Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit in “R-2” Single-family and Two-family District to allow a resort property with related development standards on approximately 19.96 acres out of the Ingram Acres Subdivision, Lot 2B addressed at 1251 Sleepy Hollow Lane.

Mayor Brockman read the aforementioned item.

Christopher Looney presented this item.

TJ Grosse, presented additional information.

The following individuals spoke at this time: Greg Greebon, Ted Meadows, Ross Rathgeber, Stacy Retzloff, Scott Retzloff, Jim Wanamaker, Laneta Watson, Kathy Felger-Adams, Amy Rensvold, Tracy Mangold, Manny Gagliardi and Amy Rensvold.

Christopher Looney answered questions from Council.

Applicant, TJ Grosse and Shane Wolf, answered questions from Council.

Councilmember Willis approved with recommended conditions, except to replace staff recommended condition 8 with the applicant's proposal to exclude vertical development within 100 feet of Sleepy Hollow Lane, and 150 feet of the east property line, plus a requirement for public emergency access immediately west of the 150 foot wide unbuildable area to go all the way through from Sleepy Hollow Lane to the subject property's north property line. Councilmember Campos seconded the motion, which passed unanimously.

- B) Discuss and consider approval of an Ordinance Authorizing the Issuance of City of New Braunfels, Texas General Obligation Bonds, Levying of An Ad Valorem Tax in support of The Bonds; Approving a Paying Agent/Registrar Agreement, an Official Statement, and a Purchase Agreement; establishing procedures for selling and delivery of one or more series of The Bonds; and authorizing other matters relating to the Bonds.

Mayor Brockman read the aforementioned item.

Sandy Paulos gave an introduction to this item, and introduced speaker, Ryan Cunningham.

Ryan Cunningham presented this item.

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

- C) Discuss and Consider approval of an Ordinance Authorizing the Issuance of City of New Braunfels, Texas Tax Notes, Series 2022; Authorizing the levy of an ad valorem tax in support of the notes; approving a paying agent/registrar agreement, an official statement and other agreements related to the sale and issuance of the notes; establishing the procedures for selling and delivering the notes; authorizing the reimbursement of certain project costs prior to the issuance of the notes and authorizing other matters related to the issuance of the notes.

Mayor Brockman read the aforementioned item.

Sandy Paulos presented this item.

Jared Werner and Robert Camareno answered Council's questions and provided additional information.

The following individuals spoke at this time: Wayne Rudolph and David Warmke.

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

- D) Discuss and consider the first reading of an ordinance to amend Section 126-346 of the Code of Ordinances of the City of New Braunfels to establish a no parking zone on Loop 337 Ramp between Loop 337 and Church Hill Drive.

Mayor Brockman read the aforementioned item.

Garry Ford asked this item be postponed to the September 12, 2022 City Council Meeting.

Councilmember Willis moved to postpone this item to the September 12, 2022 City Council Meeting. Mayor Pro Tem Bowers seconded the motion, which passed.

Opposed:

Councilmember Hurta

E) Public hearing and the first reading of an ordinance amending Section 126-354 of the Code of Ordinances of the City of New Braunfels to amend Parking by Permit Area B.

Mayor Brockman read the aforementioned item.

Garry Ford presented this item.

Applicant, Matthew Hoyt, spoke at this time.

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

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 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:

- Chapter 242 of the Texas Local Government Code and proposed replacement of the current Interlocal Agreement with Guadalupe County on subdivision development regulations.
- Carowest Land, Ltd. v. Yantis Company and City of New Braunfels (all cases, including appeal)
- Yantis Company v. City of New Braunfels et. al. (2014 case)

Mayor Brockman read aforementioned Executive Session Item.

Mayor Brockman recessed into Executive Session at 11:49 p.m.

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

Mayor Brockman reconvened into open session at 12:13 a.m.

No action taken at this time.

ADJOURNMENT

Mayor Brockman adjourned at 12:13 a.m.

By: _____
RUSTY BROCKMAN, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY