

**FINAL - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, DECEMBER 11, 2023**

AGENDA

CALL TO ORDER

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

CALL OF ROLL: CITY SECRETARY

Present: 7 - Mayor Neal Linnartz, Councilmember Andres Campos, Councilmember Christopher Willis, Mayor Pro Tem Harry Bowers, Councilmember Lawrence Spradley, Councilmember Mary Ann Labowski, and Councilmember April Ryan

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

INVOCATION: MAYOR PRO TEM BOWERS

Mayor Pro Tem Bowers provided the invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

Mayor Linnartz led the Pledge of Allegiance and the Salute to the Texas Flag.

PROCLAMATIONS:

A) Wreaths Across America Proclamation.

Mayor Linnartz read the aforementioned proclamation.

Representatives for the Wreaths Across America accepted 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. In the interest of protecting the City's network and data, the City is not accepting flash drives or electronic files for use during Citizens Communications. Please use hard copies, the overhead projector or access the City's online digital form to upload electronic files you would like the Mayor and Council to view. The digital form would need to be uploaded two (2) hours prior to the City Council meeting. A link to this form can be accessed on the City Secretary's website.

The following individuals spoke at this time: David Warmke, Kim

Timmerman

1. 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 November 27, 2023 Regular and Executive Session minutes.
- B) Approval for a purchase from Gaumard Scientific Company, Inc. for an EMS Training Mannikin to support the Fire Department.
- C) Approval of a purchase with Comm Fit Holdings, LLC for fitness equipment for Das Rec and to declare the existing equipment as surplus.
- D) Approval for submission of the Program Year 2022 Consolidated Annual Performance and Evaluation Report to the U.S. Department of Housing and Urban Development for the Community Development Block Grant (CDBG) and CDBG-CV Grant programs.
- E) Approval of an expenditure for Paramedic School Tuition for the Fire Department.
- F) Ratification for approval of the annual contract renewal with Texas Municipal League for the purpose of providing workers' compensation, liability, and property insurance coverage.
- G) Approval of a purchase with Professional Turf Products L.P. for four (4) Yanmar 72" Zero turn mowers for the City of New Braunfels Parks Department and to declare the replaced units as surplus.
- H) Approval to authorize the City to enter into a Development Agreement with AC3 Ventures, LLC to allow for tree removal and to require trees to be planted on properties addressed at 2257 SH 46 and 2265 SH 46.
- I) Approval of a resolution for a Memorandum of Understanding between Comal County and the City of New Braunfels supporting the

submission of a grant application to purchase law enforcement equipment for the New Braunfels Police Department using a joint allocation of funding provided by the FY 2023 Edward Byrne Memorial Justice Assistance Grant Program.

- J) Approval of the consideration of a request for a waiver of the permit fee associated with the development of the Crisis Center of Comal County not-for-profit, currently addressed at 635 Landa Street, pursuant to relief procedures in Section 100-23 of the City's Code of Ordinances

Ordinances

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

- K) Approval of the first reading of an ordinance adopting the proposed amendments to Chapter 10, Aviation, of the City of New Braunfels Code of Ordinances, updates to the Airport Minimum Standards, and adoption of new Rules and Regulations.
- L) Approval of the second and final reading of an ordinance amending Section 130-26 of the New Braunfels Code of Ordinances, related to NBU Board of Trustees by changing the timing of appointments from October to November with terms beginning December 1st.
- M) Approval of the second and final reading of an ordinance to rezone 0.153 acres out of City Block 1001, South 70 feet of Lot 124 (B) from C-2 HD (General Business District with Historic District Overlay) to C-2 HD SUP (General Business District with Historic District Overlay and a Special Use Permit for Short-Term Rental of a Residence), currently addressed as 147 South Academy Avenue.
- N) Approval of the second and final reading of an ordinance to rezone approximately 13 acres out of A. M. Esnaurizar Survey, Abstract 20, from APD AH (Agricultural/Predevelopment District with Airport Overlay) to C-1A AH (Neighborhood Business District with Airport Overlay), currently addressed at 1807 FM 758.
- O) Approval of the second and final reading of an ordinance to rezone approximately 2 acres out of J. M. Steiner Survey 279, Abstract 708, from R-2 (Single-Family and Two-Family District) to C-1B (General Business District), currently addressed at 2257 and 2265 State Highway 46 West.

- P) Approval of the second and final reading of an ordinance regarding amendments to Chapter 106, Signs, Chapter 98, Planning, Chapter 144, Zoning, and Appendix D, fees, all regarding the duties and name of the Zoning Board of Adjustment
- Q) Approval of the second and final reading of an ordinance to amend Chapter 118 Subdivision Platting, Section 46 Streets, Subsection (y), Traffic Impact Analysis.

Approval of the Consent Agenda

Mayor Linnartz read the aforementioned consent agenda.

Mayor Pro Tem Bowers motioned to approve the consent agenda. Councilmember Spradley seconded the motion which passed unanimously.

2. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Public hearing and possible direction to staff regarding the submission of an amended CARES Act Substantial Amendment for a reallocation of funding provided by the U.S. Department of Housing and Urban Development's Community Development Block Grant Coronavirus (CDBG-CV) program.

Mayor Linnartz read the aforementioned item.

Jennifer Gates presented the item to council using a powerpoint and answered questions.

The CEO of the Comal County Crisis Center spoke to council.

Council indicated they were in favor of the change and provided direction to move forward.

- B) 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 both sides of Comal Creek Trail between Springs Nursery.

Mayor Linnartz read the aforementioned item.

Garry Ford presented the item to council using a powerpoint and answered questions.

The following individual spoke at this time: Julie King, Anders Sterling

Johnson

Councilmember Ryan motioned to approve the item. Councilmember Campos seconded the motion which passed unanimously.

- C) Discuss and consider the first reading of an ordinance to create Section 126-154 to reduce the speed limit within the White Wing subdivision.

Mayor Linnartz read the aforementioned item.

Garry Ford presented the item to council using a powerpoint and answered questions.

The following individuals spoke at this time: Sean Burque, Eric Nelson

Councilmember Spradley motioned to deny the item. Councilmember Willis seconded the motion which passed unanimously.

- D) Public hearing and first reading of an ordinance to rezone 0.38 acres out of New City Block 4071, Schneider Addition, lots 7 & 8, from SND-1 (Special Neighborhood District-1) to R-3L (Multifamily Low-Density District) currently addressed at 605 South Santa Clara Avenue.

Mayor Linnartz read the aforementioned item.

Jean Drew presented the item to council using a powerpoint and answered questions.

Applicant James Griffin presented to council using a powerpoint and answered questions.

Councilmember Campos motioned to approve the item. Councilmember Willis seconded the motion which passed unanimously.

- E) Discuss and consider approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 10.094 acres out of Orilla Russell Survey, Section 2, Abstract 485 from APD (Agricultural/Pre-Development District with Airport Overlay) to C-1B (General Business District with Airport Overlay), located east of the intersection of FM 1102 and Orion Drive.

Mayor Linnartz read the aforementioned item.

Matthew Simmont presented the item using a powerpoint and answered questions.

Applicant representative James Ingalls presented to council.

Councilmember Campos motioned to approve the item. Councilmember Willis seconded the motion which passed.

Opposed:

Councilmember Spradley, and Councilmember Labowski

F) Public hearing and consideration of proposed amendments to the Mayfair Development and Design Control Document (DDCD) and Master Framework Plan.

Mayor Linnartz read the aforementioned item.

Jean Drew presented the item to council using a powerpoint and answered questions.

Applicant representative Todd Blackman introduced himself and answered questions.

Councilmember Spradley motioned to approve the item. Mayor Pro Tem Bowers seconded the motion which passed unanimously.

G) Discuss and consider the first reading of an ordinance amending the New Braunfels Code of Ordinances, Appendix D - Fee Schedule by adopting new fees for Traffic Impact Analysis Services.

Mayor Linnartz read the aforementioned item.

Sandy Paulos presented the item to council using a powerpoint and answered questions.

The following individual spoke at this time: David Warmke

Councilmember Campos motioned to approve the item. Councilmember Willis seconded the motion which passed unanimously.

H) Discuss and consider the first reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 62-Health and Sanitation, by adopting new fees for Neighborhood Services - Health

and Sanitation related services and moving all fees to Appendix D-Fee Schedule, and minor editing.

Mayor Linnartz read the aforementioned item.

Sandy Paulos presented the item to council using a powerpoint and answered questions.

Councilmember Campos motioned to approve the item. Councilmember Willis seconded the motion which passed unanimously.

- I) Discuss and consider the first reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 144-1.4 by adding definitions of Heritage and Protected Trees, amending Section 144-5.3-1 by extending approval authority for tree replacement to include department staff, creating the Tree Mitigation Fund option to tree replacement; and amending Appendix D-Fee Schedule, by adopting new fees for development related services.

Mayor Linnartz read the aforementioned item.

Sandy Paulos presented the item to council using a powerpoint and answered questions.

Mayor Pro Tem Bowers motioned to approve the item. Councilmember Spradley seconded the motion which passed unanimously.

3. 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.

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).

- A) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code, specifically:

- Parkland acquisition
- NBU Headquarters

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:

- City Park on FM1044
- City of New Braunfels v. River Ranch RV Park Resort
- Rafael Marfil, et al. v. City of New Braunfels

C) Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager in accordance with Section 551.074 of the Texas Government Code.

Mayor Linnartz read only the aforementioned item C.

Mayor Linnartz recessed into executive session at 7:32 p.m.

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

Mayor Linnartz reconvened into open session at 9:13 p.m.

Mayor Pro Tem Bowers motioned to instill a vote of confidence for Robert Camareno and increase his yearly salary by 3.5% to a total of \$290,794.64. Councilmember Ryan seconded the motion which passed unanimously.

ADJOURNMENT

Mayor Linnartz adjourned at 9:14 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY