

**DRAFT - MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL  
REGULAR MEETING OF MONDAY, JULY 24, 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 LINNARTZ**

Mayor Linnartz 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.

**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, Michael Murphy, Theresa Nichols, Marsha Rogers, Jim Holster, Michael French, Steve Ceh.**

**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 July 6th, 2023 Special and Joint meeting minutes, the July 10th, 2023 regular and executive session meeting minutes, and the Special minutes for July 17, 2023.
- B) Approval of a resolution authorizing the City Manager to act on behalf of the City in all matters related to awarded grant funding being administered by the Texas Department of Transportation to support an air traffic control tower project at the New Braunfels National Airport, and approval for the associated budget amendment.
- C) Approval of a resolution giving consent to the issuance of unlimited tax bonds by Comal County Water Improvement District No. 1D (Veramendi), a Water Improvement District (WID) located within the extraterritorial jurisdiction of the City of New Braunfels.
- D) Approval of a construction contract with E-Z Bel Construction, LLC for intersection improvements in Roadway Impact Fee Service Area 5, and authorization for the City Manager to approve change orders up to the contingency amount.
- E) Approval of a budget amendment in the FY 2023 Budget - Court Technology Fund.
- F) Approval of a Professional Services Agreement with Kimley-Horn and Associates, Inc. for final design plans, specifications, and estimates of Downtown Right-of-Way Enhancements.
- G) Approval of a resolution naming Councilmember Spradley as the regular member and Councilmember Willis as the alternate member to the Alamo Area Council of Governments Board of Directors.
- H) Approval of the appointment of Kat Balmos to the New Braunfels Tax Reinvestment Zone #3 Board (TIRZ #3) with an expiration date of 05-31-2025.
- I) Approval of the appointment of Michael Stephen Yoder to the

Transportation and Traffic Advisory Board with a term ending 05-31-2026.

- J) Approval of the appointments of Craig Wilson for the engineers seat, Alexander Morvant for the Landscape Architect seat, and Hank Crippen for the Mayors appointment for Watershed Advisory Committee with terms ending 05-31-2026.
- K) Approval of the appointment of Morgan Miller to the Ethics Commission with a term ending 05-31-26.
- L) Approval of a contract with Waste Management of Texas Inc. to provide processing services for the City of New Braunfels' Recycling Program.
- M) Approval of annual routine recurring expenditures for FY 2023 in accordance with City Charter Section 9.17.

#### *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 first reading of an ordinance changing a portion of W Zipp Rd. to Pahmeyer Rd.
- O) 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 both sides of Point Bar Boulevard between FM 1101 and Brandon Oak.

Approval of the Consent Agenda

**Mayor Linnartz read the aforementioned consent agenda.**

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

## **2. INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Discuss and consider the appointment of one individual to the Historic Landmark Commission for a term ending May 31, 2026.

**Mayor Linnartz read the aforementioned item.**

**City Secretary Gayle Wilkinson presented the item and explained the**

**need to appoint one individual to the Historic Landmark Commission and introduced the applicants: Jillian Bliss and Bradford Jones.**

**Jillian Bliss addressed council regarding her interest in serving on the board.**

**Bradford Jones addressed council regarding his interest in serving on the board.**

**Jillian Bliss received the unanimous nomination from council and was appointed to the Historic Landmark Commission.**

**B) Public hearing and first reading of an ordinance regarding the proposed rezoning of 0.2 acres consisting of Lot 20, Block 2, Eickenroht Addition Revised Subdivision, from R-3 (Multifamily District) to R-3 SUP (Multifamily District with Special Use Permit for Short-Term Rental of a Residence), currently addressed at 1241 South Academy Avenue.**

**Mayor Linnartz read the aforementioned item.**

**Christopher Looney presented the item to council using a powerpoint and answered questions.**

**Applicant elected to not speak to council.**

**Councilmember Spradley motioned to approve this item with staff recommendations. Councilmember Campos seconded the motion which passed unanimously.**

**C) Public hearing and first reading of an ordinance regarding the proposal to rezone approximately 0.2 acres out of New City Block 4071, Schneider Addition, West part of both Lots 1 and 2, from C-3 (Commercial District) to C-3 SUP (Commercial District, with a Special Use Permit for Short-Term Rental of a Residence), currently addressed as 695 South Santa Clara Avenue.**

**Mayor Linnartz read the aforementioned item.**

**Matthew Simmont presented the item to council using a powerpoint.**

**Applicant Adam Bruchas addressed council.**

**Mayor Pro Tem Bowers motioned to approve this item with staff**

**recommendations. Councilmember Spradley seconded the motion which passed unanimously.**

**D) Public hearing and first reading of an ordinance regarding the proposal to rezone 0.16 acres out of New City Block 5085, being part of Lots 50 & 51, from C-1 (Local Business District) to C-1 SUP (Local Business District, with a Special Use Permit for Short-Term Rental of a Residence), currently addressed as 135 West Garza Street.**

**Mayor Linnartz read the aforementioned item.**

**Matthew Simmont presented the item to council using a powerpoint.**

**Applicant Grayson Wester addressed council presenting supplemental documentation.**

**Mayor Pro Tem Bowers motioned to approve this item with staff recommendations. Councilmember Campos seconded the motion which passed unanimously.**

**Mayor Linnartz took a 5 minute break.**

**E) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 10 acres out of the Equinox Subdivision, from MU-Ar82 SUP (Low Intensity Mixed Use District with Restrictions with a Special Use Permit for Two-Story Townhomes) to MU-Ar82 SUP (Low Intensity Mixed Use District with Restrictions with a Special Use Permit for Multifamily), located west of the intersection of Independence Drive and Equinox Circle.**

**Mayor Linnartz read the aforementioned item.**

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

**Applicant representative James Ingalls addressed council and answered questions.**

**The following individuals spoke at this time: David Warmke**

**Mayor Pro Tem Bowers motioned to approve this item with staff recommendations and the following amendments:**

**The addition of condition 7: A maximum of 128 units.  
and**

**The addition of condition 8: The applicant/owner/developer shall plant on the site:**

- **78 trees of at least 3 inch diameter on property by buildings/property.**

**Plus**

- **18 trees along Independence Drive (1 per 40 linear feet) of at least 4 inch diameter**

**Plus**

- **25 trees along the Mission Hill Park boundary (1 per 40 linear feet) 4 inch diameter**

**The species may be any variety as allowed per the City's approved tree planting list.**

**If any any of these trees that cannot reasonably fit on site can be planted at Mission Hill Park or other public property instead.**

**Councilmember Spradley seconded the motion which passed unanimously.**

- F) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 6 acres out of New Braunfels Town Center at Creekside Phase 4, Lot 1, from M-1Ar75 AH & M-1Ar60 AH (Light Industrial District with Restrictions, Airport Overlay) to M-1Ar75 AH SUP & M-1Ar60 AH SUP (Light Industrial District with Restrictions, Airport Overlay with a Special Use Permit for Multifamily), located north of the intersection of Creekside Crossing and Sophie Lane.

**Mayor Linnartz read the aforementioned item.**

**Christopher Looney presented this item to council using a powerpoint and answered questions.**

**Applicant James Leonard with NewQuest Residential addressed council.**

**The following individuals spoke at this time: David Warmke**

**Councilmember Spradley motioned to approve this item. Councilmember Campos seconded the motion which passed unanimously.**

- G) Public hearing and first reading of an ordinance regarding the proposal 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.

**Mayor Linnartz read the aforementioned item.**

**Christopher Looney presented the item to council using a powerpoint.**

**Applicant representative James Ingalls addressed council.**

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

- H) Public hearing and first reading of an ordinance regarding the proposal to rezone approximately 8 acres out of A. M. Esnaurizar Survey 1, Abstract 1, from R-2 (Single-Family and Two-Family District) to C-1B (General Business District), currently addressed at 1297 Church Hill Drive.

**Mayor Linnartz read the aforementioned item.**

**Matthew Simmont presented the item to council using a powerpoint.**

**Councilmember Spradley motioned to approve this item. Councilmember Willis seconded the motion which passed unanimously.**

- I) Public hearing and first reading of an ordinance regarding the proposed base rezoning of 2.62 acres out of the A.M. Esnaurizar Survey, Abstract No. 1, being part of Lot 1B, Block 1, of East Hansmann Subdivision, from "APD" Agricultural/Pre-Development with Airport Hazard Overlay and "M-1" Light Industrial District with Airport Hazard Overlay to "M-1A" Light Industrial District Airport Hazard Overlay, currently addressed at 3206 IH 35 N.

DEPARTMENT: Planning and Development Services

**Mayor Linnartz read the aforementioned item.**

**Christopher Looney presented the item to council using a powerpoint.**

**Councilmember Spradley motioned to approve this item. Councilmember Campos seconded the motion which passed unanimously.**

- J) Public hearing and first reading of an ordinance regarding the

proposed rezoning of approximately 31 acres in the A.M. Esnaurizar Survey, Abstract No. 98, from APD AH AL (Agricultural/Pre-Development District with Airport Overlay) to M-1A AH AL (Light Industrial District with Airport Overlay), currently addressed as 3700 IH 35 North.

**Mayor Linnartz read the aforementioned item.**

**Christopher Looney presented the item to council using a powerpoint.**

**Applicant Ashley Farrimond presented to council using a powerpoint.**

**Councilmember Spradley motioned to approve this item. Councilmember Labowski 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 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:

- Frantic Holdings, LLC.

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

- S. Krueger Avenue Properties

**The aforementioned items took place during executive session at 5:00 p.m.**



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

**ADJOURNMENT**

Mayor Linnartz adjourned at 8:20 p.m.

By: \_\_\_\_\_  
NEAL LINNARTZ, MAYOR

**Attest:**

\_\_\_\_\_  
GAYLE WILKINSON, CITY SECRETARY