

**DRAFT - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, APRIL 22, 2024**

Amended 4-19-2024

AGENDA

CALL TO ORDER

Mayor Pro Tem Bowers called the meeting to order at 6:01 p.m.

CALL OF ROLL: CITY SECRETARY

Present: 6 - Councilmember Andres Campos, Councilmember Christopher Willis, Mayor Pro Tem Harry Bowers, Councilmember Lawrence Spradley, Councilmember Mary Ann Labowski, and Councilmember April Ryan

Absent: 1 - Mayor Neal Linnartz

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

INVOCATION: COUNCILMEMBER WILLIS

Councilmember Willis provided the invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

Mayor Pro Tem Bowers led the Pledge of Allegiance and the Salute to the Texas Flag.

PROCLAMATIONS:

A) National Music Week

Mayor Pro Tem Bowers read the aforementioned proclamation.

Representatives with the National Music Week received the proclamation and addressed council.

B) Vision Zero City

Mayor Pro Tem Bowers read the aforementioned proclamation.

Representatives with Vision Zero City received the proclamation and addressed council.

C) Small Business Week

Mayor Pro Tem Bowers read the aforementioned proclamation.

Kat Balmos and additional representatives with Small Business Week received the proclamation and addressed council.

PRESENTATIONS:

A) Retirement recognition of Orlando Cardenas.

Mayor Pro Tem Bowers recognized John Cox who spoke in recognition of Orlando Carndenas's career with the city and presented Orlando with a city street sign.

CITIZENS COMMUNICATIONS

The following individuals spoke at this time: David Warmke, Mike Murphy, and Pam Kraft.

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.

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 April 8th, 2024 Regular and Executive City Council meeting minutes and the April 15th, 2024 Special City Council meeting minutes.
- B) Approval of the issuance of an invitation for competitive sealed proposal for the Last Tuber's Exit and Landa Lake Dam since the City Council finds that these delivery methods will provide the best value to the City.
- C) Approval of a contract with AR6 Construction and Engineering, LLC for the Land Park Golf Course Deck Addition and authorization for the City

Manager to execute any change orders up to the contingency amount.

- D) Approval of an amendment to the FY 2024 Budget - Airport Fund.
- E) Approval to authorize the City of New Braunfels to enter into a Development Agreement with AG Sunflower Ridge, LLC for the design, construction, and dedication of a segment of the Alligator Creek trail and trailhead within the Sunflower Ridge subdivision.
- F) Approval of a Resolution designating the City Manager as the authorized representative of the City to execute agreements and other documents with, or promulgated by, the Texas Department of Transportation (TxDOT) in relation to the City's transit activities as a Direct Recipient for the New Braunfels Urban Transit District; authorizing the City Manager, as the authorized representative to further designate one or more employees of the City to act on his behalf to execute such agreements or documents; and declaring an effective date.
- G) Approval of a contract with Big John Site Services for the use of various portable site services for the Parks and Recreation Department.
- H) Approval of a ratification of the submission of a grant application to the U.S. Department of Justice FY 2023 Bulletproof Vest Partnership program; authorization for the City Manager to accept funds and execute all contract documents associated with the grant; approval of the associated budget amendment to the Grant Fund; and approval of a purchase with Angel Armor, LLC for bulletproof vests for the New Braunfels Police Department.
- I) Approval of ratifications for the submission of grant applications; authorization for the City Manager to accept funds and execute all contract documents associated with the awarded grants; and approval of the associated budget amendments to the Grant Fund.
- J) Approval of annual routine recurring expenditures for FY 2024 in accordance with City Charter Section 9.17.
- K) Approval for a contract modification to Siddons- Martin Emergency Group LLC for changes to a New Braunfels Fire Department Fire Engine built by Pierce Manufacturing.
- L) Approval of a resolution authorizing the City Manager to execute an

agreement with TxDOT for the temporary closure of SH 46 Business for the 2024 Saengerfest Celebration on May 4, 2024.

Ordinances

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

- M) Approval of a second and final reading of an ordinance to amend New Braunfels Code of Ordinances, Chapter 30 Section 30-52 by adopting new rental fees at the New Braunfels Civic & Convention Center

Approval of the Consent Agenda

Mayor Pro Tem Bowers read the aforementioned consent agenda items A-D and F-M. Consent item E was pulled for individual consideration.

Councilmember Campos moved to approve consent agenda items A-D and F-M. Councilmember Spradley seconded the motion which passed unanimously.

Absent:

Mayor Linnartz

2. INDIVIDUAL ITEMS FOR CONSIDERATION

- E) Approval to authorize the City of New Braunfels to enter into a Development Agreement with AG Sunflower Ridge, LLC for the design, construction, and dedication of a segment of the Alligator Creek trail and trailhead within the Sunflower Ridge subdivision.

Mayor Pro Tem read Consent item E and gave David Warmke the opportunity to speak. Jeff Bransford gave a short explanation on the history of this item.

Councilmember Spradley moved to approve the item. Councilmember Labowski seconded the motion which passed unanimously.

Absent:

Mayor Linnartz

- A) Second public hearing and consideration regarding the adoption of a Strategic Partnership Agreement between the City of New Braunfels, Texas, and the Comal County Water Improvement District No. 3 ("Mayfair Development")

Mayor Linnartz read the aforementioned item.

Jeff Jewel introduced this item providing a short PowerPoint and answered questions from council.

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

Absent:

Mayor Linnartz

- B) Discuss and consider approval of an interlocal agreement between the City of New Braunfels and the Comal County Water Improvement District No. 3, which encompass the Mayfair development, concerning sales and use tax collection revenue sharing and use of capital improvements for fire and emergency services**

Mayor Pro Tem Bowers read the aforementioned item.

Jared Werner presented this item with a short commentary.

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

Absent:

Mayor Linnartz

- C) Public hearing and first reading of an ordinance to rezone approximately 5 acres consisting of Lot 2 of the William E. Field Subdivision, from R-2 AH (Single-Family and Two-Family with Airport Hazard Overlay District) to C-4A AH (Resort Commercial with Airport Hazard Overlay District), currently addressed at 1493 Gruene Road.**

Mayor Pro Tem took a 5 minute break.

Mayor Pro Tem Bowers read the aforementioned item.

Matthew Simmont presented this item providing a PowerPoint and answered questions from council.

The applicant Justin Holiday gave a brief summary on his item and answered questions from council.

The following spoke at this time: Genevieve Roland, Jacob Robles,

Scott R., Ted Meadows, and David Warmke

Councilmember Spradley moved to approve the item. Councilmember Willis seconded the motion which passed with a 5/1 vote.

Opposed:

Councilmember Labowski

Absent:

Mayor Linnartz

D) Public hearing and first reading of an ordinance regarding amendments to Chapter 144 Zoning, Section 5.1 Parking, loading, stacking, and vehicular circulation.

Mayor Pro Tem read the aforementioned item.

Jean Drew presented this item providing a PowerPoint and answered questions from council.

Peter L., David Warmke, and one other individual (name not clear).

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

Absent:

Mayor Linnartz

E) Discuss and Consider approval of a resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to park land acquisitions from the proceeds of tax-exempt obligations to be issued by the City for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date

Mayor Pro Tem Bowers read the aforementioned item.

Jared Werner presented this item with a short overview and answered questions from council.

David Warmke and Pam Kraft.

Councilmember Campos moved to approve the item. Councilmember Ryan 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:

- Proposed development agreement with Rockspring Saur, LLC, and related development and roadway matters.
- Municipal Utility Districts; Texas statutes and municipal subdivision development ordinances - NB West.

- B) Deliberate issues regarding economic development negotiations in accordance with Section 551.087 of the Texas Government Code:

- Public Facility Corporation/Housing Finance Corporation project with Paravel Capital

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

No action at this time.

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

ADJOURNMENT

Mayor Pro Tem Bowers adjourned at 7:47 p.m.