FINAL - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JULY 27, 2026

CALL TO ORDER

Mayor French called the meeting to order at 6:03 p.m.

CALL OF ROLL: CITY SECRETARY

Present: 7 - Councilmember Toni Carter, Mayor Pro Tem Michael Capizzi, Councilmember D. Lee Edwards, Councilmember Lawrence Spradley, Councilmember Mary Ann Labowski, Mayor Michael French, and Councilmember Nikki Shaw

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

INVOCATION: MAYOR PRO TEM CAPIZZI

Mayor Pro Tem Capizzi provided the invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PROCLAMATIONS:

A) National Hire a Veteran Day

Mayor read the aforementioned proclamation.

Mike Crowley and a number of Veteran's accepted the proclamation and addressed council.

CITIZENS COMMUNICATIONS

We will now open Citizens Communications, our public comment period where our citizens are heard. In the interest of time and structure, this period is specifically for individuals to address the City Council on issues and items of concern that are not listed on this agenda. There will be no City Council action at this time. Citizens will be provided with the right to speak on posted agenda items, which we will recognize later when those specific items are called. In the interest of protecting the City's network and data security, we cannot accept flash drives or electronic files at the podium. (You do need to upload your digital files to the City Secretary's online form two hours prior to the meeting). Please use hard copies on our overhead projector for the Council to view. Individuals desiring to speak, please line up behind the podium and be ready. This is your time to address your City Council. We only ask that you remain respectful and courteous to everyone in the room. When you reach the podium, please state your name and whether you are a resident of New Braunfels, a non-resident, or live within our ETJ. Thank you.

The following individuals spoke at this time: Esther Sandoval, Tiffany Kelly, Kristen Carden, Cassandra Canton, Mike Frias, Lane Fluker, Jonathan Marquez, Terry Jackson, and David Warmke.

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.

Action Items

A) Approval of the city council July 13, 2026 regular and executive session meeting minutes, and the July 17, 2026 and July 20, 2026 special meeting minutes.

B) Approval of a contract with Siddons-Martin Emergency Group for Preventive Maintenance of Pierce emergency apparatus equipment and repairs as needed to support the Fire Department.

This item was pulled for individual consideration.

C) Approval of the City of New Braunfels FY 2026 Second Quarter Investment Report.

D) Approval of amendment to Development Agreement with AG Sunflower Ridge, LLC

This item was pulled by staff.

E) Approval of an expenditure in the amount of $223,160.00 for the purchase of a modular building for the Parks Operations Division from Mobile Modular Management Corporation and authorization for the City Manager to execute all necessary documents.

This item was pulled for individual consideration.

F) Approval of a budget amendment for the FY 2026 Special Revenue Fund.

This item was pulled for individual consideration.

G) Approval of an Interlocal Agreement with the University of Texas Regional Security Operations Center for CyberSecurity Services at no cost to the City.

H) Approval of an amendment to the lease agreement between the City of New Braunfels and Sammye Lynn Dietz, individually and doing business as Dietz Gun Shop and Range and authorization for the City Manager to execute all necessary agreements.

This item was pulled for individual consideration.

Resolutions

I) Approval of a resolution giving consent to the issuance of Contract Revenue Bonds (Road Facilities), Series 2026, by Comal County Water Improvement District No. 3 Master District (Mayfair).

This item was pulled for individual consideration.

<u>Approval of the Consent Agenda</u>

Mayor French addressed the consent agenda with the exceptions of B, D, E, F, H, and I.

Councilmember Spradley motioned to approve items A, C, G of the consent agenda. Councilmember Labowski seconded the motion which passed unanimously.

2. <u>INDIVIDUAL ITEMS FOR CONSIDERATION</u>

Individuals desiring to speak to any individual item should line up behind the podium and be ready to speak when public comment is recognized.

B-1) Approval of a contract with Siddons-Martin Emergency Group for Preventive Maintenance of Pierce emergency apparatus equipment and repairs as needed to support the Fire Department.

This item was pulled by Councilmember Nikki Shaw from Consent.

Mayor French read the aforementioned item.

Councilmember Shaw asked questions about this item and Chief Lozano answered the questions.

Councilmember Labowski motioned to approve this item. Councilmember Edwards seconded the motion which passed unanimously.

E-1) Approval of an expenditure in the amount of $223,160.00 for the purchase of a modular building for the Parks Operations Division from Mobile Modular Management Corporation and authorization for the City Manager to execute all necessary documents.

This item was pulled by Councilmember Shaw from Consent.

Mayor French read the aforementioned item.

Councilmember Shaw asked questions about this item, Matthew Eckmann addressed and answered the questions.

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

F-1) Approval of a budget amendment for the FY 2026 Special Revenue Fund.

This item was pulled by Councilmember Shaw from Consent.

Mayor French read the aforementioned item.

Councilmember Shaw asked questions and Becky Wiatrek addressed and answered the questions.

Councilmember Labowski motioned to approve this item. Mayor Pro Tem Capizzi seconded the motion which passed.

Opposed: Mayor French

H-1) Approval of an amendment to the lease agreement between the City of New Braunfels and Sammye Lynn Dietz, individually and doing business as Dietz Gun Shop and Range and authorization for the City Manager to execute all necessary agreements.

This item was pulled by Councilmember Carter from Consent.

Mayor French read the aforementioned item.

Councilmember Carter asked questions and Matthew Eckmann addressed and answered the questions.

Councilmember Labowski motioned to approve this item. Mayor Pro Tem Capizzi seconded the motion which passed unanimously.

I-1) Approval of a resolution giving consent to the issuance of Contract Revenue Bonds (Road Facilities), Series 2026, by Comal County Water Improvement District No. 3 Master District (Mayfair).

This item was pulled by David Warmke from Consent.

Mayor French read the aforementioned item.

Mr. Warmke asked questions about this item and Jeff Jewell and David Smalling addressed and answered the questions.

Councilmember Labowski motioned to approve this item. Councilmember Edwards seconded the motion which passed.

Opposed: Mayor French

A) Public hearing and first reading of an ordinance, requested by Will Baker of Awe Be Ltd., to rezone approximately 0.3 of an acre out of the Starlight Terrace Subdivision Unit 1, Block 2, Lot 9, from M-1 (Light Industrial District) to R-2A (Single-Family and Two-Family District), currently addressed at 1038 and 1042 Seidel Street.

Mayor French read the aforementioned item.

Matthew Simmont addressed council noting that the applicant has asked for this to be moved to the August 24 city council meeting for initial review.

Mayor Pro Tem Capizzi motioned to postpone this item to the August 24 city council meeting. Councilmember Labowski seconded the motion which passed.

Councilmember Edwards was not present on the dais for the vote.

Absent:
Councilmember Edwards

B) Public hearing and first reading of an ordinance, requested by Elevate Permit Group, on behalf of Jeremy Coburn, to rezone approximately 0.3 of an acre out of City Block 5092, southwest part of Lot 29, from R-2 (Single-Family and Two-Family District) to C-O SUP (Commercial Office District with a Special Use Permit to allow Short Term Rental of a residence), currently addressed at 256 East Austin Street.

Mayor French read the aforementioned item.

Matthew Simmont presented this item to council using a powerpoint presentation and answered questions. The applicant, Jeremy Colburn, also addressed council.

Councilmember Labowski motioned to approve this item. Mayor Pro Tem Capizzi seconded the motion which passed.

Opposed:
Councilmember Shaw

C) Public hearing and first reading of an ordinance, requested by Miles Payne, on behalf of Samantha Richards, Executor of the Estate of John William Turner, to rezone approximately 2 acres out of City Block 3022, from M-1 (Light Industrial District) to M-1 SUP (Light Industrial District with a Special Use Permit for one residence with an allowance for short term rental), currently addressed at 474 North Guenther Avenue.

Mayor French read the aforementioned item.

Matthew Simmont presented this item to council using a powerpoint presentation and answered questions. The applicant, Miles Payne, also addressed council.

The following spoke to this item: Wayne Peters, Hale Snyder

Councilmember Labowski motioned to postpone this item. Mayor Pro Tem Capizzi seconded the motion which passed unanimously.

D) Discuss and consider approval of a resolution authorizing proceeding with issuance of Certificates of Obligations and further directing the publication of Notice of Intention to issue City of New Braunfels, Texas

Combination Tax and Revenue Certificates of Obligation, Series 2026.

Mayor French read the aforementioned item.

Jared Werner presented this item to council using a powerpoint presentation and answered questions.

The following spoke at this time: David Warmke, Tiffany Kelly, Angela Keller, Richard Kelshimer,

Councilmember Edwards motioned to approve this item. Councilmember Labowski seconded the motion which passed unanimously.

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 street and drainage improvements 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 French read the aforementioned item.

Jared Werner presented this item to council using a powerpoint presentation and answered questions.

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

F) Discuss and consider the appointment of three Councilmembers to an Ad Hoc Committee concerning the Boards and Commissions.

Mayor French read the aforementioned item.

Natalie Baker presented this item to council and answered questions.

Councilmembers discussed who was currently on the Ad Hoc Committee. Mayor French asked for volunteers for this committee. Councilmembers Carter, Councilmember Spradley, Councilmember Labowski, and Councilmember Shaw all announced their interest in serving on the committee. Mayor French asked for a show of hands for those who supported Councilmember Carter, Councilmember Spradley, Councilmember Labowski, and Councilmember Shaw.

The three with the highest votes were Councilmembers Spradley, Councilmember Labowski, and Councilmember Shaw.

Mayor Pro Tem Capizzi motioned to approve Councilmembers Spradley, Councilmember Labowski, and Councilmember Shaw as the representatives of the Ad Hoc Committee. Councilmember Edwards seconded the motion which passed unanimously.

Mayor French called for a recess at 8:47 p.m.

Mayor French reconvened the meeting at 9:00 p.m.

3. PRESENTATIONS

A) Presentation, update, and possible direction to staff on the 2019 Bond Project - Police Department Headquarters.

Mayor Pro Tem Capizzi recused himself at 9:00 p.m.

Mayor French read the aforementioned item.

Jordan Matney presented this item to council using a powerpoint presentation and answered questions from council, along with Scott McClelland.

The following individuals spoke at this time: Angela Keller, David Warmke

4. EXECUTIVE SESSION

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551.071, the City Council may convene in a closed session to discuss any of the items listed on this agenda. Any final action or vote on any executive session item will be taken in open session.

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

a. Discuss Legal Options Relating to the Status of Real Estate Negotiations by New Braunfels Utilities to Secure a Necessary Easement for the IH 35 Interceptor Upgrade Rio Bar Screen Project:

· a 0.7402-Acre Permanent Utility Easement Out of the A.M. Esnaurizar Survey, Abstract 98, Comal County, Texas, Being All of Lot 8, Block 4, Resubdivision of Villa Rio, According to the Plat of Record in Volume 129, Page 312, of the Deed Records of Comal County, Texas, Located at 470 Rio Drive, New Braunfels, Texas 78130, and Assigned Comal Appraisal District Property ID 67480

b. Discuss Legal Options Relating to the Status of Real Estate Negotiations to Secure Necessary Right-of-Way and Utility Easement for the Barbarosa Road Improvements Project:

· a 0.4592-acre ROW and 0.158-acre Utility Easement out the Antonio Maria Esnaurizar Survey, Abstract 20, Guadalupe County, Texas, out of Lot 2A, Timmerman Subdivision as recorded in Volume 5, Page 393 A & B, Map and Plat Records of Guadalupe County, Texas Located at 2241 Westmeyer Road, New Braunfels, Texas 78130, and Assigned Guadalupe County Appraisal District Property ID 43773

c. Cause No. 2026CV0238, City of New Braunfels v. Lynn K. Wohlfahrt

d. City of New Braunfels v. Stoddard Construction Management, Inc., and Swiss Re Corporate Solutions America Insurance Corporation.

C) Deliberate the appointment and employment of a City Attorney and City Manager, including matters related to the search and selection of candidates, pursuant to Texas Government Code Section 551.074 (Personnel Matters).

Mayor French read the aforementioned executive session items.

Mayor French adjourned into closed session at 9:27 p.m.

5. **<u>IF NECESSARY, RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.</u>**

Mayor French reconvened the meeting at 10:20 p.m.

No action was taken at this time.

ADJOURNMENT

Mayor French adjourned at 10:20 p.m.

By: ______________________________
MICHAEL CAPIZZI, MAYOR PRO TEM

Attest:

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GAYLE WILKINSON, CITY SECRETARY