

**FINAL - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, OCTOBER 28, 2024**

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, Mayor Pro Tem Andres Campos, Councilmember Christopher Willis, Councilmember D. Lee Edwards, 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: COUNCILMEMBER WILLIS

Councilmember Willis 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) Heritage Society of New Braunfels Month
Justin Ball with the Heritage Society of New Braunfels and others accepted the proclamation and addressed council.

B) Wurstfest
The Wurstfest Association accepted the proclamation and addressed council.

C) Family Promise Week
Members of Family Promise accepted the proclamation and addressed council.

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: Michael Murphy

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 October 14, 2024 regular and executive session meeting minutes and the October 21, 2024 special meeting minutes.
- B) Approval of the Mayoral appointment of Bernard JWH Miedema to a vacant unexpired seat with a term ending May 31, 2026, for the Reinvestment Zone No. 1 (TIRZ).
- C) Approval of the City of New Braunfels FY 2024 Third Quarter Investment Report.
- D) Approval of a FY 2025 Budget Amendment in the General Fund - Public Works Department to reallocate the Capital Budget to Non-Departmental Contingencies.
- E) Approval of purchases of vehicles with Bluebonnet Motors Ford and Lake Country Chevrolet for various City Departments and approval to declare replaced units as surplus.
- F) Approval of an expenditure to Seguin Diesel Truck Service Inc for the repair of a solid waste collection vehicle.
- G) Approval of a recommendation by the Tax Increment Reinvestment Zone Board #3 awarding a Business Improvement and Preservation Grant to New Braunfels Art League in an amount up to \$11,104.25 for façade and exterior improvements.

- H) Approval of annual routine recurring expenditures for FY 2024 in accordance with City Charter Section 9.17.
- I) Approval of a purchase of Five (5) Holmatro Rescue Tools from Siddons-Martin Emergency Group
- J) Approval of an agreement with ZOLL Medical for the purchase of extended warranty and preventive maintenance of the fire department defibrillators and automatic external defibrillators.
- K) Approval of a Memorandum of Understanding with Comal County to support their grant application for the FY 2024 Edward Byrne Memorial Justice Assistance Grant Program - Local Solicitation as administered by the U.S. Department of Justice, Bureau of Justice Assistance, for the purchase of law enforcement equipment for the Comal County Sheriff's Office.
- L) Approval to renew the following annual contracts, as allowed for by their contract language and in accordance with City Charter Section 9.17: BB Inspection, Bureau Vistas, Sunland Group, K Friese Assoc., Midtex Oil, Avery Oil, National CineMedia, Freese & Nichols, Policy Confluence, WSP USA, Insight Public Sector-Avolve Project Dox, Catto & Catto
- M) Approval of a contract with Progressive Commercial Aquatics, a Landmark Aquatic Company, for the renovation of the Olympic Pool at the Landa Park Aquatic Complex and authorization for the City Manager to execute change orders up to the contingency amount.
- N) Approval of a resolution adopting the Investment Policy for the City of New Braunfels including the Authorized Broker/Dealer list.

Ordinances

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

- O) Approval of the first reading of an ordinance to remove the vehicle storage facility and junkyard licensing process, not associated with incident management towing, by repealing Chapter 102 Article II Code of Ordinances and amending Chapter 50 Article II and Chapter 82 Code of Ordinances.
- P) Approval of the first reading of an ordinance to amend Section

126-381 of the Code of Ordinances of the City of New Braunfels to change paid parking on Fair Lane from weekends and holidays to have a daily fee May 1st- Labor Day, to add a charge of \$20 per space paid parking to Cypress Bend Park May 1st- Labor Day, and to add Cypress Bend Park as a valid location for the Resident River Parking Pass.

- Q) Approval of the first reading of an amendment to the New Braunfels Code of Ordinances Chapter 138-167 to change the annual Water Recreation Shuttle Vehicle Permit deadline from May 1st to May 15th.
- R) Approval of a second and final reading of an ordinance amending Chapter 122, Taxation, of the Code of Ordinances by adding an exemption from ad valorem taxes for qualifying childcare facility properties; providing for the repeal of conflicting provisions; providing for a severability clause; and declaring an effective date.

Approval of the Consent Agenda

Mayor Linnartz read the aforementioned consent agenda ordinance items.

Councilmember Edwards motioned to approve the consent agenda. Councilmember Spradley seconded the motion which passed unanimously.

2. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider the confirmation of the City Manager's appointment of Assistant Chief David Blevins as the Interim Police Chief of the New Braunfels Police Department.

Mayor Linnartz read the aforementioned item.

Robert Camareno presented the item to council and recommended Assistant Chief David Blevins to serve as the Interim Chief of Police.

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

- B) Administration of the Oath of Office to the Interim Police Chief of the New Braunfels Police Department.

Mayor Linnartz read the aforementioned item.

Judge Rose Zamora swore in David Blevins in as Interim Chief of Police.

C) Public hearing and first reading of an ordinance to rezone approximately 13 acres out of the Idea New Braunfels FM 725 Subdivision, Block 1, Lot 1, from APD (Agricultural/Pre-Development District), R-1 (Single Family District), and C-1 (Local Business District) to C-1B SUP (General Business District with a Special Use Permit for Retail), currently addressed as 2072 FM 725.

Mayor Linnartz read the aforementioned item.

Christopher Looney presented the item to council using a powerpoint.

Applicant representative Shannon Mattingly presented to council using a powerpoint and answered questions.

The following individuals spoke at this time: Kendall Pickett

Councilmember Edwards motioned to approve this item with conditions and additional disallowed uses. Councilmember Willis seconded the motion which passed unanimously.

D) Discuss and consider the first reading of an ordinance to amend Article I, Section 86-3 (b) of the Code of Ordinances of the City of New Braunfels to close the Faust Street Bridge right of way on both sides of the Guadalupe River to public access.

Mayor Linnartz read the aforementioned item.

Jordan Matney presented the item to council using a powerpoint and answered questions.

The following individuals spoke at this time: David Warmke, Martha Dixon

Councilmember Spradley motioned to approve this item. Mayor Pro Tem Campos seconded the motion which passed 5/2.

Opposed:

Councilmember Labowski, and Councilmember Ryan

E) Public hearing and first reading of an ordinance to rezone approximately 30 acres out of the A. M. Esnaurizar Survey, Abstract 20, from C-1B AH (General Business District with Airport Hazard

Overlay) and MU-A AH (Low Intensity Mixed Use District with Airport Hazard Overlay) to MU-A AH (Low Intensity Mixed Use District with Airport Hazard Overlay), currently addressed as 1983 State Highway 46 S.

Mayor Linnartz read the aforementioned item.

Christopher Looney presented the item to council using a powerpoint.

The following individuals spoke at this time: Wayne Flores

Wayne Flores answered questions from council.

Councilmember Edwards motioned to approve this item. Mayor Pro Tem Campos seconded the motion which passed 4/3.

Opposed:

Councilmember Willis, Councilmember Spradley, and Councilmember Labowski

F) Public hearing and first reading of an ordinance to rezone 0.21 acres out of Kuehler Addition Subdivision, New City Block 1054, Lot 7, 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 296 E Faust St.

Mayor Linnartz read the aforementioned item.

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

The following individuals spoke at this time: Jeff Coultas

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

G) Public hearing and first reading of an ordinance regarding the proposed disannexation of approximately 3 acres, being out of the J M Veramendi Two League Survey No. 1, Abstract No. 2, Comal County, Texas, located on the north side of Altgelt Lane between Wald Road and the Union Pacific Railroad.

Mayor Linnartz read the aforementioned item.

Christopher Looney and a Comal County Engineer presented the item to council using a powerpoint.

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

3. EXECUTIVE SESSION

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 on this agenda. Any final action or vote on any executive session item will be taken in open session.

- A) Deliberate and consider the purchase, exchange, lease, contract terms, due diligence, or value of real property, in accordance with Section 551.072 of the Texas Government Code:
 - 1. TSTC Campus

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

- C) 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:
 - Cause No. 2014-0522A; Y.C. Partners Ltd. dba Yantis Company v. City of New Braunfels v. Halff Associates, Inc.

- D) Deliberate the appointment, evaluation, duties, discipline, or removal of the Municipal Court Judge and the City Attorney in accordance with Section 551.074 of the Texas Government Code.

Mayor Linnartz only read aforementioned item D.

Mayor Linnartz adjourned into closed session at 7:16 p.m.

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

City Council did not reconvene into open session.

There was no action taken at this time.

ADJOURNMENT

Mayor Linnartz adjourned at 7:51 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY