

**DRAFT - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, FEBRUARY 26, 2024**

AGENDA - AMENDED 02-22-2024

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) George Washington Day Proclamation

Mayor Linnartz read the aforementioned proclamation.

Dr. Patrick Hollis accepted the proclamation and addressed council.

PRESENTATIONS:

A) Presentation of the Texas Municipal League Certified Municipal Officer status awarded to Councilmembers Christopher Willis and Lawrence Spradley.

Mayor Linnartz read the aforementioned item.

Mayor Linnartz recognized Councilmembers Spradley and Willis for their achievements.

B) Presentation of the Texas Municipal Library Director's Association Achievement of Excellence in Libraries Award.

Mayor Linnartz read the aforementioned item.

Gretchen Pruett introduced the library staff and announced their reception of the Texas Municipal Library Director's Association Achievement of Excellence in Libraries Award.

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, Steve Ceh, Julie Ramis, Jim Holster, Clarissa De Santo

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 February 12th, 2024, regular and executive session minutes and the February 19th, 2024 special meeting minutes.
- B) Approval of a recommendation by the Tax Increment Reinvestment Zone #3 Board awarding a Business Improvement and Preservation Grant to Celebrations up to \$5,000 for façade and exterior improvements and associated budget amendment to the Downtown TIRZ fund.
- C) Approval of an interlocal cooperative purchasing agreement with 791 Purchasing Cooperative in accordance with the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code for goods and services.

This item was pulled for individual consideration by David Warmke.

- D) Approval of a contract with Elite Dumpster Manufacturing, LLC. for the repair and purchase of commercial refuse containers for the Solid Waste and Recycling Division.
- E) Approval of a resolution; ratification for the submission of a grant application to the U.S. Department of Homeland Security, State Homeland Security Program - Law Enforcement Terrorism Prevention Activities grant for Program Year 2024 to request funding for the purchase of a robot, and accessories to unmanned aircraft vehicles; and authorization for the City Manager to act on behalf of the City in all matters related to the grant if awarded.
- F) Approval of a resolution; ratification for the submission of a grant application to the U.S. Department of Homeland Security, State Homeland Security Program - Regular Projects grant for Program Year 2024 to request funding for the purchase of a gas/vapor monitor; and authorization for the City Manager to act on behalf of the City in all matters related to the grant if awarded.
- G) Approval of a resolution; ratification for the submission of an application to the Office of the Governor, Public Safety Office, Criminal Justice Division's Bullet-Resistant Shield Grant Program for Fiscal Year 2025 to request funding for the purchase of ballistic shields for law enforcement officers; and authorization for the City Manager to act on behalf of the City in all matters related to the grant if awarded.
- H) Approval of a resolution; ratification for the submission of a grant application to the Office of the Governor, Public Safety Office, Criminal Justice Division's First Responder Mental Health Program for Fiscal Year 2025 to request funding that will enhance the New Braunfels Police Department's Peer Support and Crisis Negotiation Teams; and authorization for the City Manager to act on behalf of the City in all matters related to the grant if awarded.
- I) Approval of a resolution; ratification for the submission of an application to the U.S. Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program for Program Year 2025 to request funding for the purchase of drive over scales for commercial motor vehicles; and authorization for the City Manager to act on behalf of the City in all matters related to the grant if awarded.
- J) Approval to cancel the first regular March City Council meeting on

March 11, 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.)

- K) Approval of an ordinance to cancel the May 4, 2024 Regular Election for City Council District Four (4); and declaring the candidate for City Council District Four (4), Lawrence W. Spradley, elected upon receipt of the Certification of Unopposed Candidates.
- L) Approval of the first reading of an ordinance amending the New Braunfels Code of Ordinances Chapter 54-Fire Prevention and Protection; Emergency Medical Services, Section 54-146 Mitigation Rates for the delivery of emergency and non-emergency services by the Fire Department; moving and amending definitions in Ordinance 2015-66, Exhibit A, to Sec. 54-146; and moving all fees to Appendix D, Fee Schedule; providing a savings clause; and declaring an effective date.
- M) Approval of the first reading of an ordinance to amend Article VII, Section 126-381 of the Code of Ordinances of the City of New Braunfels to include paid parking on weekends and holidays from May 1- Labor Day on Fair Lane by River Acres Park, and to amend Section 126-346 (f) to include a no parking tow away zone on Fair Lane to reserve space for emergency access.
- N) Approval of the first reading of an ordinance to amend Article VII, Section 126-368 (f) and (g) of the Code of Ordinances of the City of New Braunfels refine the existing water recreation shuttle zone in Cypress Bend Park to allow for public parking while still retaining a reserved water recreation shuttle zone.
- O) Approval of the second and final reading of an ordinance to amend Article IV, Section 30-60 of the Code of Ordinances of the City of New Braunfels to change the membership for the Partnership Committee from 15 to 11, add a provision for absentee members, and minor clarifying edits.
- P) Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Appendix D, Section A, Fee Schedule by adopting new fees for Fire Prevention and Protection related services; providing a savings clause; and declaring an effective date.

- Q) Approval of the second and final reading of an ordinance regarding amendments to Chapter 118 Subdivision Platting, necessary for alignment with 2023 Texas State Legislature's Local Government Code revisions
- R) Approval of the second and final reading of an ordinance regarding amendments to Chapter 118 Subdivision Platting, Sections 11 Waiver, 13 Appeal for relief from apportionment of municipal infrastructure costs, 22 Subdivision master plan, 44 Blocks, 49 Sidewalks, 51 Water, sewer and drainage facilities; flood hazards, and 56 Closure, abandonment and sale of public right of way.

Approval of the Consent Agenda

Mayor Linnartz read the aforementioned consent agenda ordinance items.

Mayor Pro Tem Bowers motioned to approve the consent agenda with the exception of item C. Councilmember Campos seconded the motion which passed unanimously.

2. INDIVIDUAL ITEMS FOR CONSIDERATION

- C-1) Approval of an interlocal cooperative purchasing agreement with 791 Purchasing Cooperative in accordance with the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code for goods and services.

This item was pulled for individual consideration by David Warmke.

Mayor Linnartz read the aforementioned item.

David Warmke asked questions regarding the item.

Julie Gohlke answered David Warmke's questions.

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

- A) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 86 acres out of the A.M. Esnaurizar Survey, Abstract 20, from APD AH (Agricultural/Pre-Development Airport Hazard Overlay District) to R-3L AH (Multifamily Low Density Airport

Hazard Overlay District) currently addressed at 1280 Saengerhalle Road and 1682 Saur Lane

Mayor Linnartz read the aforementioned item.

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

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

The following individuals spoke at this time: Gordon Jackson, Pam Kraft, Carl Hurz, Karen Davis, William Lee

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

Opposed:

Councilmember Willis, Councilmember Spradley, and Councilmember Labowski

B) Public hearing and first reading of an ordinance to rezone 0.1194 acres out of the Milltown Subdivision, Block 1, Lot 15, from M-2 (Heavy Industrial District) to M-2 SUP (Heavy Industrial District with a Special Use Permit for Short-Term Rental of a Residence), currently addressed as 639 Oasis Street.

Mayor Linnartz read the aforementioned item.

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

The following individuals spoke at this time: Aaron Saxton

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

C) Discuss and consider the second and final reading of an ordinance regarding amendments to Chapter 144 Zoning, Section 3.3 Zoning districts and regulations for property zoned prior to June 22, 1987, 3.4 Zoning districts and regulations for property zoned subsequent to June 22, 1987, 4.2 Land use matrix, and 5.1 Parking, loading, stacking and vehicular circulation.

Mayor Linnartz read the aforementioned item.

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

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

- D) Discuss and consider approval of 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 include a park closure time to the City Tube Chute Park during the peak use season.

Mayor Linnartz read the aforementioned item.

Amy Niles and Capt. Mike Penshorn presented the item to council using a powerpoint and answered questions.

The following individuals spoke at this time: David Warmke

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

- E) Discuss and consider approval of a resolution of the City Council of the City of New Braunfels in support of the submission of an application to the 2024 Competitive Low Income Housing Tax Credit Program through the Texas Department of Housing and Community Affairs by Park at Dogwood for the construction of up to 85 low-income rental units.

Mayor Linnartz read the aforementioned item.

Jeff Jewell presented the item to council using a powerpoint and answered questions.

Applicant representative Kendra Garrett introduced herself and answered questions.

The following individuals spoke at this time: Jim Holster

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

- F) Discuss and consider a resolution recommended by the New

Braunfels Economic Development Corporation approving a project expenditure of up to \$1,501,742 to the New Braunfels Youth Collaborative for the renovation of the gymnasium at 407 West Mill Street, a project authorized under 505.152 of the Texas Local Government Code.

Mayor Linnartz read the aforementioned item.

Mandi Scott presented the item to council using a powerpoint and answered questions.

The following individuals spoke at this time: Jim Holster, Clarissa De Santo

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

Mayor Linnartz called a 5 minute break.

G) Discuss and consider a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure of up to \$7,200,000 to the City of New Braunfels for the construction of Castell Avenue Phase 1 - Coll Street Drainage Improvement, a project authorized under 501.103 of the Texas Local Government Code.

Mayor Linnartz read the aforementioned item.

Scott McClelland presented the item to council using a powerpoint and answered questions.

The following individuals spoke at this time: David Warmke

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

H) Discuss and consider a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure of up to \$700,000 to the City of New Braunfels for the construction of Common Street Pedestrian Improvements, a project authorized under 501.103 of the Texas Local Government Code.

Mayor Linnartz read the aforementioned item.

Scott McClelland presented the item to council using a powerpoint and answered questions.

Mayor Pro Tem Bowers motioned to approve this item. Councilmember Willis 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:

- Approximately 130 acres of land: 62.6 acres out of the O Russell Survey No. 2, Abstract 485 and 3982 Hunter Road - approximately 68.163 acres out of the O Russell Survey No. 2, Abstract 485

The aforementioned item 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.

No action was taken at this time.

ADJOURNMENT

Mayor Linnartz adjourned at 8:37 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY