

**DRAFT - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JUNE 24, 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 SPRADLEY

Councilmember Spradley 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, Steve Ceh, Patrick Winn, James Holster, Russell VanHoose and fellow clergy, Carla Chetham, and JoeyLynn Mesaros

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 June 10th, 2024 regular and executive session council meeting minutes and the June 17th, 2024 special meeting minutes.
- B) Approval of annual routine recurring expenditures for FY 2024 in accordance with City Charter Section 9.17.
- C) Approval of the Roadway Impact Fee Report for October 1, 2023, through March 31, 2024.
- D) Approval of a professional services agreement with RS&H, Inc. to develop the New Braunfels National Airport's Development and Design Standards Manual and approval of the appropriate budget amendment.
- E) Approval of a contract with Lonestar Site Work for construction services for the Common Street Pedestrian Improvements project and authority for the City Manager to approve any changes up to the contingencies as well as other necessary project expenditures.
- F) Approval of a contract with Lion Total Care for cleaning and inspection of Personal Protective Equipment to support the Fire Department.
- G) Approval to renew the following annual contracts, as allowed for by their contract language and in accordance with City Charter Section 9.17: Azetca Systems, OpenGov, and RPS
- H) Approval of a Transfer Agreement between New Braunfels Utilities and the City of New Braunfels regarding real property addressed as 263 Main Plaza, New Braunfels, Comal County, Texas, 78130 and authorizing the City Manager to execute all necessary documents.
- I) Approval of a contract modification with Quiddity Engineering, LLC for additional design services for San Antonio Street from Krueger Avenue to Loop 337.

- J) Approval of a resolution authorizing the City Manager to execute an agreement with TxDOT for the temporary closure of SH 46 Business for the Comal County Fair Parade, Dia de los Muertos Festival, Downtown Lighting, Wassailfest, and Wurstfest.
- K) Approval of an amendment to the City's current Tax Increment Reinvestment Zone policy to consider allowing economic development incentives in accordance with the Texas Tax Code, Sections 311.010 (b) and (h), and the Texas Local Government Code, Chapter 380, to promote state and local economic development and to stimulate commercial activity in the municipality and within the boundaries of the TIRZ.

Ordinances

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

- L) Approval of the first reading of an ordinance regarding amendments to Chapter 66 Historic Preservation, Section 66-60, Certificate of alteration for demolition.

Approval of the Consent Agenda

Mayor Linnartz noted consent items H, I, and K were pulled for individual consideration and considered consent items A, B, C, D, E, F, G, J, and L.

Mayor Linnartz read item L of the aforementioned consent agenda.

Mayor Pro Tem Campos made a motion to approve consent items A, B, C, D, E, F, G, J, and L. Councilmember Ryan seconded the motion which passed unanimously.

2. INDIVIDUAL ITEMS FOR CONSIDERATION

- 1-H) Approval of a Transfer Agreement between New Braunfels Utilities and the City of New Braunfels regarding real property addressed as 263 Main Plaza, New Braunfels, Comal County, Texas, 78130 and authorizing the City Manager to execute all necessary documents.

David Warmke asked for this item to be pulled from consent.

Mayor Linnartz asked David Warmke to speak to this item.

David Warmke made comments and asked a question. Jordan Matney

addressed his question.

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

1-I) Approval of a contract modification with Quiddity Engineering, LLC for additional design services for San Antonio Street from Krueger Avenue to Loop 337.

David Warmke asked for this item to be pulled from consent.

Mayor Linnartz asked David Warmke to speak to this item.

David Warmke made comments and asked questions. Scott McClelland addressed his questions.

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

1-K) Approval of an amendment to the City's current Tax Increment Reinvestment Zone policy to consider allowing economic development incentives in accordance with the Texas Tax Code, Sections 311.010 (b) and (h), and the Texas Local Government Code, Chapter 380, to promote state and local economic development and to stimulate commercial activity in the municipality and within the boundaries of the TIRZ.

David Warmke asked for this item to be pulled from consent.

Mayor Linnartz asked David Warmke to speak to this item.

David Warmke made comments.

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

A) Public hearing and first reading of an ordinance to rezone 0.14 acres out of City Block 5102, Lot 9 & 10, from M-1 (Light Industrial District) to M-1 SUP (Light Industrial District with a Special Use Permit for Short-Term Rental of a Residence), currently addressed at 852 N Houston Ave.

Mayor Linnartz read the aforementioned item.

Jean Drew presented this item providing a PowerPoint and introduced the owner and property manager who provided slides for council and addressed questions.

The following spoke at this time: Jessica Harley, Jennifer Tinsley Foster, and Debby Hudson.

Councilmember Spradley made a motion to deny this item. Councilmember Labowski seconded the motion which failed with a 2/5 vote.

Opposed: Mayor Pro Tem Campos, Councilmember Willis, Councilmember Edwards, Councilmember Ryan, and Mayor Linnartz.

Councilmember Ryan made a motion to approve this item. Councilmember Edwards seconded the motion with a 5/2 vote. A Supermajority vote was needed; motion failed.

Opposed: Councilmember Spradley and Councilmember Labowski

B) Public hearing and first reading of an ordinance to rezone approximately 0.18 acres out of City Block 5026, South 130 feet of Lot 6, from R-2 (Single-Family and Two-Family District) to C-O SUP (Commercial Office District with a Special Use Permit for Short-Term Rental of a Residence), currently addressed at 465 E Mather St.

Mayor Linnartz read the aforementioned item.

Chris Looney presented this item providing a PowerPoint and addressed questions.

The applicant, Diego Arroy, spoke at this time to give a history on the property and addressed questions from council.

The following individual spoke at this time: David Warmke

Councilmember Willis moved to deny this item. Councilmember Ryan seconded this motion which passed unanimously.

C) Public hearing and first reading of an ordinance to rezone 0.12 acres out of City Block 2016, North 56 feet of Lot 38, from C-2 (General Business District) to C-2 SUP (General Business District with a Special Use Permit for Short-Term Rental of a Residence), currently addressed at 444 North Market Avenue

Mayor Linnartz read the aforementioned item.

Jean Drew presented this item providing a PowerPoint and addressed questions.

The applicant, Savannah Zipp, gave more details on this property providing additional slides and addressed questions from council.

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

D) Public hearing and first reading of an ordinance to rezone approximately 0.13 acres out of City Block 1038, Lot 2, from C-2 (General Business District) to C-2 SUP General Business District with a Special Use Permit for Short-Term Rental of a Residence), currently addressed at 168 Hampe St.

Mayor Linnartz read the aforementioned item.

Matthew Simmont presented this item providing a PowerPoint and addressed questions.

The applicant, Tony D., gave further detail for the investment of this short term rental for his parents and addressed questions. The owner of the property also spoke at this time.

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

E) Public hearing and first reading of an ordinance to rezone approximately 0.22 acres out of Kuehler Addition Subdivision, Lot 6R from C-3 (Commercial District) to C-3 SUP (Commercial District with Special Use Permit for Short-Term Rental of a Residence), currently addressed at 374 & 384 E Faust St.

Mayor Linnartz read the aforementioned item.

Matthew Simmont presented this item providing a PowerPoint and addressed questions.

The applicant, Jill and Thomas Hardin, spoke to their request for this item.

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

F) Discuss and consider 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 2024.

Mayor Linnartz took a five minute break at 7:42 p.m.

Mayor Linnartz read the aforementioned item.

Sandy Paulos presented this item introducing SAMCO representatives who were available to answer questions.

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

G) Public hearing and first reading of an ordinance approving an amendment to the project plan and reinvestment zone finance plan for the Reinvestment Zone Number One, City of New Braunfels, Texas; and other matters therewith

Mayor Linnartz read the aforementioned item.

Jared Werner presented this item providing a PowerPoint and introduced Jeff Jewell to further explain the funding and future revenue potential of this project and address questions.

The following individuals spoke at this time: David Warmke, Austin Alves, and Matt Smith.

Councilmember Spradley moved to approve this item. Councilmember Labowski 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 \$20,000,000 for the purchase of up to 100 acres out of the AM Esnaurizar Survey No. 1, Abstract 1, Comal County, Texas, pursuant to section 501.101 of the Texas Local Government Code.

Mayor Linnartz read the aforementioned item.

Jordan Matney presented this item providing a PowerPoint and also introduced Jared Werner and Jonathon Packard to further explain the details of this item and the potential benefits it provides for New Braunfels and addressed questions.

The following individuals spoke at this time: David Warmke, Rusty Brockman, and Mike Anderson

Councilmember Labowski moved to approve this item. Councilmember Willis seconded the item 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 pending or 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:

· NBISD

Mayor Linnartz read the aforementioned executive session item and went into executive session at 8:25 p.m.

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

Mayor Linnartz reconvened at 8:38 p.m.

No action taken at this time.

ADJOURNMENT

Mayor Linnartz adjourned the meeting at 8:39 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY