

**FINAL - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, MARCH 25, 2024**

AGENDA

CALL TO ORDER

Mayor Linnartz called the meeting to order at 6:01 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: COUNCILMEMBER LABOWSKI

Councilmember Labowski 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) Intellectual and Developmental Disabilities Awareness
Mayor Linnartz read the aforementioned proclamation.

Representatives with the Rock Haus Foundation accepted the proclamation and addressed council.

B) Girl Scouts of Southwest Texas Centennial Day
Mayor Linnartz read the aforementioned proclamation.

Representatives with the Girl Scouts of Southwest Texas accepted the proclamation and addressed council.

C) Autism Awareness Month Proclamation
Mayor Linnartz read the aforementioned proclamation.

Representatives with Kingston's Knights, the Rock Haus, and Any Baby Can 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: David Warmke, Julie Friesenhahn, Kim Huntsman

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 26, 2024 regular and executive meeting minutes and the March 18, 2024 special meeting minutes.
- B) Approval to amend the FY 2024 Das Rec full-time equivalent (FTE's) from 97.75 FTEs to 98.50 FTEs and the associated budget amendments to General Fund revenue and expenditures.
- C) Approval of an Interlocal Cooperation Contract with an agency of the State of Texas, under the authority granted in Texas Transportation Code 706 and Texas Government Code Chapter 791, for participation in the FAILURE TO APPEAR (FTA) Program.
- D) Approval of a professional service agreement with Freese and Nichols, Inc. for the completion of additional drainage design, bid and construction phase services, and construction phase services contingency for the Goodwin Lane and Conrads Lane Project.
- E) Approval of an agreement between the City of New Braunfels and Comal County regarding election services for the May 4, 2024, election, and authorizing the City Manager to execute the agreement.

- F) Approval of a joint election agreement between the Comal County and the Comal County Elections Department, the City of New Braunfels, the City of Garden Ridge, the City of Bulverde, New Braunfels Independent School District (“NBISD”), Comal Independent School District (“CISD”), Lake Dunlap Water Control Improvement District, Comal County WID No. 3, and Comal County WID No. 3A regarding the May 4, 2024, election, and authorizing the City Manager to execute the agreement.
- G) Approval of the Workday Enterprise Resource Planning (ERP) Software Purchase and Implementation.
- H) Approval of a FY 2023 Budget Amendment to record the full purchase of the real property addressed as 256 and 264 Krueger Avenue previously approved on 08/14/2023.
- I) Approval of the appointment of Kenneth Dalfonso, district 4, to the Transportation and Traffic Advisory Board for the unexpired term ending 05-31-2024 and for a regular term ending 05-31-2027.
- J) Approval of a variance request to allow the sale of alcohol for on-premises consumption within 300 feet of a church for a proposed business in the Creekside Wellness Center Planned Development District, Creekside Wellness Center, Lot 19A, currently addressed at 2031 Central Plaza, Suite 101.
- K) Approval of a contract modification with The Goodman Corporation for Bid Phase, Construction Phase Engineering, and Local Government Project Procedures Services for the Common Street Pedestrian Improvements Project.
- L) Approval of proposed amendments to the Mayfair Development Agreement related to the Sector Plan approval process.
- M) Approval of a project expenditure to Guadalupe Valley Electric Cooperative (GVEC) for the design and construction of the underground electric system for the Zipp Family Sports Park.
- N) Approval of renewal with Insight Public Sector SLED, for electronic plan review software to include a SaaS renewal with Avolve Software.
- O) Approval of annual routine recurring expenditures for FY 2024 in accordance with City Charter Section 9.17.

- P) Approval of an Amended and Restated Easement and related Agreement between Comal County, Veramendi PE-Fremantle, LLC, and the City of New Braunfels, and authorizing the City Manager to execute the same and related documents.
- Q) Approval of a resolution to consent to the creation of the Park Place Municipal Utility District (MUD) of Guadalupe County, consisting of 70.817 acres, and including approval of a resolution to consent to the annexation of an additional 22.681 acres into the MUD following the District's creation, organization, and confirmation; and approval authorizing the City Manager to approve a development agreement between the City of New Braunfels and Century Land Holdings II, LLC.
- R) Approval of a resolution authorizing the City Manager to enter into an Advance Funding Agreement between the City of New Braunfels and Texas Department of Transportation for the Dry Comal Hike and Bike Trail Segment 1.
- S) Approval of a resolution; ratification for the submission of a grant application to the Office of the Governor, Criminal Justice Division's 2025 State and Local Cybersecurity Grant Program - Governance and Planning objective to request funds to create and implement a cybersecurity incident response plan for the Information Technology department; and authorization for the City Manager to act on behalf of the City in all matters related to the grant if awarded.
- T) Approval of a resolution; ratification for the submission of a grant application to the Office of the Governor, Criminal Justice Division's 2025 State and Local Cybersecurity Grant Program - Workforce Development objective to request funds for cybersecurity training for the Information Technology department; and authorization for the City Manager to act on behalf of the City in all matters related to the grant if awarded.
- U) Approval of a resolution; ratification for the submission of an application to the Motor Vehicle Crime Prevention Authority, Fiscal Year 2024 SB 224 Catalytic Converter Grant Program on behalf of the New Braunfels Police Department for personnel and equipment costs; and authorization for the City Manager or authorized designee to act on behalf of the City in all matters related to the grant if awarded.
- V) Approval of a resolution adopting the New Braunfels Street Safety Action Plan.

Ordinances

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

- W) Approval of the first reading of an ordinance amending the New Braunfels, Texas Code of Ordinances, Chapter 86 - Parks and Recreation, Section 86-91 Golf Course Fees; and moving these fees to Appendix D, Fee Schedule; Providing a savings clause; and declaring an effective date.
- X) Approval of the first reading of an ordinance repealing the Safe City Commission, established by Sections 2-86 through 2-90, in the New Braunfels Code of Ordinances; providing for an effective date.
- Y) Approval of the first reading of an ordinance granting rehabilitation tax relief for a five-year period to the property currently addressed as 708 West Mill Street, a local Historic Landmark known as the Mergele House.
- Z) Approval of the second and final reading of an ordinance to amend Chapter 58, Floods, Section 58-28.2 and Section 58-29.1 of the Code of Ordinances of the City of New Braunfels to update the effective dates for the Flood Insurance Study and accompanying Flood Insurance Rate Maps and Flood Boundary Floodway Maps for Comal and Guadalupe Counties and designate the city's floodplain administrator to the city engineer or city engineer's designee.

Approval of the Consent Agenda

Mayor Linnartz read the aforementioned consent agenda ordinance items. Councilmember Campos made a motion to approve the consent agenda. Mayor Pro Tem Bowers seconded the motion which passed unanimously.

2. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of implementing a traffic calming plan on Willowbrook.

Mayor Linnartz read the aforementioned item.

Carly Farmer presented the item to council using a powerpoint and answered questions.

The following individuals spoke at this time: Steven Clark, Stella

Mendoza, Amanda Fraser, Jessica Silva, Lonnie Paine, Victor S

Councilmember Spradley motioned to approve this item with staff recommendations and a provision to allow staff flexibility in future traffic calming techniques on Willowbrook. Councilmember Labowski seconded the motion which passed unanimously.

B) Discuss and consider the acceptance of the FY 2023 Audit and Annual Comprehensive Financial Report performed by Belt Harris Pechacek, LLLP.

Mayor Linnartz read the aforementioned item.

Angie Harris introduced the item and Dan Hebert with Belt Harris Pechacek, LLLP who presented the item to council.

The following individuals spoke at this time: David Warmke

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

C) Public hearing and first reading of an ordinance to rezone approximately 5 acres out of the William Pate Survey, Abstract 259, from C-1Br78 (General Business District with Restrictions) to C-1A (Neighborhood Business District), currently addressed at 2025 FM 725 & 167 Pecan Bluff.

Mayor Linnartz read the aforementioned item.

Jean Drew presented the item to council using a powerpoint.

The applicant Ashley Fairmont presented to council using a powerpoint and answered questions.

The following individuals spoke at this time: Steven Clark

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

D) Public hearing and first reading of an ordinance regarding a request for voluntary annexation of approximately 58 acres on the west side of IH 35 and east of FM 482 between Krueger Canyon Road and Marigold Way, directly northwest of the Engel Road and IH 35 frontage

road intersection.

Mayor Linnartz read the aforementioned item.

Christopher Looney presented the item to council using a powerpoint.

Applicant Ryan Kelso presented the item to council using a powerpoint.

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

E) Public hearing and first reading of an ordinance to zone approximately 59 acres out of the Francisco Rodriguez Survey 99, Abstract 484, to M-1A (Light Industrial District), currently addressed as 5467 FM 482.

Mayor Linnartz read the aforementioned item.

Christopher Looney presented the item to council using a powerpoint and answered questions.

Applicant representatives with HMT Engineering and MarmonMok Architecture presented to council using a powerpoint and answered questions.

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

F) Public hearing and first reading of an ordinance to rezone 18.1 acres out of the John Noyes Survey 259, Abstract 430, from APD (Agricultural/Pre-Development District) to M-1A (Light Industrial District), currently addressed as 5467 FM 482.

Mayor Linnartz read the aforementioned item.

Christopher Looney presented the item to council using a powerpoint.

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

G) Public hearing and consideration of an amendment to the Veramendi Master Framework Plan.

Mayor Linnartz read the aforementioned item.

Matthew Simmont presented the item to council using a powerpoint.

Applicant representative Garrett Mechler presented to council using a powerpoint.

The following individuals spoke at this time: Steve Harkdriver

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

H) Public hearing and consideration of the proposed Veramendi Sector Plan 7 within the Comal County Water Improvement District #1, encompassing approximately 466 acres out of the JM Veramendi Survey 2 Abstract 3, including property east of the intersection of Hueco Springs Loop Road and River Road within the Veramendi Project.

Mayor Linnartz read the aforementioned item.

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

Applicant representative Garrett Mechler presented the item to council using a powerpoint and answered questions.

The following individuals spoke at this time: Kim Huntsman

Councilmember Campos motioned to approve this item as requested by the applicant. Mayor Pro Tem Bowers 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
 - 2602 FM 758
 - Kohlenberg Road Property

- 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:
 - Proposed development agreement with Rockspring Saur, LLC, and related development and roadway matters.

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

The aforementioned executive session items took place during executive session prior to the meeting.

No action was taken at this time.

ADJOURNMENT

Mayor Linnartz adjourned at 7:41 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY