

**DRAFT - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF TUESDAY, MAY 28, 2024**

AGENDA

CALL TO ORDER

Mayor Linnartz called the meeting to order at 6:00 p.m.

CALL OF ROLL: CITY SECRETARY

Mayor Pro Tem Harry Bowers was present.

Present: 7 - Mayor Neal Linnartz, Councilmember 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: MAYOR LINNARTZ

Mayor Linnartz 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.

ANNUAL ELECTION ACTIONS

- A) Complete and issue a Certificate of election to incumbent Councilmember Lawrence Spradley for District 4.

Mayor Linnartz read the aforementioned item.

Gayle Wilkinson indicated this has been completed.

- B) Complete and issue a Certificate of election to the Councilmember - elect D. Lee Edwards for District 3.

Mayor Linnartz read the aforementioned item.

Gayle Wilkinson indicated this has been completed.

- C) Administer the oath of office to incumbent Councilmember Lawrence Spradley for District 4.

Mayor Linnartz read the aforementioned item.

Wayne DuBose administered the oath of office to Councilmember Spradley.

Councilmember Spradley addressed the audience.

D) Administer the oath of office to District 3 Councilmember - elect D. Lee Edwards.

Mayor Linnartz read the aforementioned item.

Carter Casteel administered the oath of office to Councilmember-elect Edwards.

Councilmember Edwards addressed the audience and his peers.

E) Presentation and recognition of the public service rendered by Mayor Pro Tem Harry Bowers as District Three Councilmember.

Mayor Linnartz read the aforementioned item and presented Mayor Pro Tem Bowers with a proclamation and an award.

City Council provided commentary on Mayor Pro Tem Bowers' service.

F) Discuss and consider the election of a Mayor Pro Tem.

Mayor Linnartz read the aforementioned item.

Councilmember Ryan motioned to appoint Andres Campos to be the next Mayor Pro Tem. Councilmember Edwards seconded the motion which passed.

Opposed: Councilmember Willis, Councilmember Spradley, Councilmember Labowski

PROCLAMATIONS:

A) Community Action Month

Mayor Linnartz read the aforementioned proclamation.

Members from the Community Council of South Central Texas accepted the proclamation and addressed council.

B) National Therapy Animal Day

Mayor Linnartz read the aforementioned proclamation.

A member from the Pet Partners 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, Linda Wolfried, Jim Holster, Norma Rangel

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.

David Warmke pulled item I for individual consideration.

Jim Holster pulled item F for individual consideration.

Norma Rangel pulled items K, M, O, P, and Q for individual consideration.

Resolutions & Action Items

- A) Approval of the May 13th, 2024 regular and executive session council meeting minutes and the May 20th, 2024 special meeting minutes.
- B) Approval of the appointment of Gary Kirkham, district 3, to the Transportation and Traffic Advisory Board for the term ending 05-31-2027.
- C) Approval of District 3 Councilmember's appointment of Harry Bowers to the Ethics Commission with a term ending May 31, 2027.
- D) Approval of a purchase with Reliable Chevrolet for 27 Tahoes to support Police operations and approval to declare the replaced units

as surplus.

- E) Approval of the purchase of 3.12 acres out of the Antonio M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, and authorization for the City Manager to execute all necessary documents. Additionally, the approval of all associated budget amendments.
- F) Approval of a resolution of the City Council of the City of New Braunfels, Texas providing a statement of non-objection to the Lyndon Ranch Apartments Project, located on Loop 337.
- G) Approval of annual contracts with Roadway Striping, Inc, Interstate Barricades & Markings, Inc, and Linear Traffic Markings, LLC for pavement marking services on an as-needed basis for the City.
- H) Approval of a professional services agreement with BerryDunn for the development of a system-wide parks and recreation master plan
- I) Approval of a five-year renewal of the current agreement beginning October 1, 2024 until September 30, 2029, between the City of New Braunfels and the Greater New Braunfels Chamber of Commerce Inc. concerning the use of Hotel Occupancy Tax
- J) Approval of the City of New Braunfels FY 2024 Second Quarter Investment Report
- K) Approval of a license to store wrecked/abandoned vehicles (Vehicle Storage Facility) on property addressed at 2635 State Highway 46 South Units 2, 3 and 4.
- L) Approval of a license to store wrecked/abandoned vehicles (Vehicle Storage Facility) on property addressed at 153 E. Nacogdoches Street Units A, B and C.
- M) Approval of a license to store wrecked/abandoned vehicles (Vehicle Storage Facility) on property addressed at 507 N Live Oak Avenue.
- N) Approval of a license to store wrecked/abandoned vehicles (Vehicle Storage Facility) on property addressed at 5729 Safari Drive.
- O) Approval of a license to store wrecked/abandoned vehicles (Vehicle Storage Facility) on property addressed at 2007 IH 35 S.
- P) Approval of a license to store wrecked/abandoned vehicles (Vehicle

Storage Facility) on property addressed at 2608 IH 35 S.

- Q) Approval of a license to store wrecked/abandoned vehicles (Vehicle Storage Facility) on property addressed at 1809 Spur Street.

Ordinances

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

- R) Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Section 86-98 by adopting new Landa Haus Set Up fees, and moving all Landa Haus Rental fees to Appendix D.
- S) Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Section 86-2 by adopting new Miscellaneous Park Rental fees and moving all fees to Appendix D.
- T) Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Section 86-95 by adopting a Tube Chute Facility Rental fee, adjusting the Tube Rental Deposit, and moving all fees to Appendix D.

Approval of the Consent Agenda

Mayor Linnartz noted items F, I, K, M, O, P, and Q have been pulled from the consent agenda and read the aforementioned consent agenda items R, S, and T.

Councilmember Spradley made a motion to approve the consent agenda items with the exception of items F, I, K, M, O, P, and Q. Mayor Pro Tem Campos seconded the motion which passed unanimously.

2. INDIVIDUAL ITEMS FOR CONSIDERATION

- F-1) Approval of a resolution of the City Council of the City of New Braunfels, Texas providing a statement of non-objection to the Lyndon Ranch Apartments Project, located on Loop 337.

Jim Holster pulled this item for individual consideration.

Mayor Linnartz read the aforementioned item.

Jim Holster asked questions regarding the item.

Jeff Jewell answered questions on the item.

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

I-1) Approval of a five-year renewal of the current agreement beginning October 1, 2024 until September 30, 2029, between the City of New Braunfels and the Greater New Braunfels Chamber of Commerce Inc. concerning the use of Hotel Occupancy Tax

David Warmke pulled this item for individual consideration.

Mayor Linnartz read the aforementioned item.

David Warmke asked questions regarding the item.

Jared Werner answered David Warmke's questions.

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

K-1) Approval of a license to store wrecked/abandoned vehicles (Vehicle Storage Facility) on property addressed at 2635 State Highway 46 South Units 2, 3 and 4.

Norma Rangel pulled this item for individual consideration.

Mayor Linnartz read the aforementioned item.

Robert Camareno suggested this item be postponed.

Norma Rangel asked questions regarding the item.

The following individuals spoke at this time: Art Partida

Matthew Simmont presented the item to council.

Mayor Pro Tem Campos motioned to postpone this item to a future undetermined date. Councilmember Ryan seconded the motion which passed.

Opposed:

Councilmember Willis, Councilmember Spradley, and Councilmember Labowski

M-1) Approval of a license to store wrecked/abandoned vehicles (Vehicle Storage Facility) on property addressed at 507 N Live Oak Avenue.

Norma Rangel pulled this item for individual consideration.

Mayor Linnartz read the aforementioned item.

Norma Rangel asked questions regarding the item.

Robert Camareno answered questions.

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

Opposed:

Councilmember Labowski

O-1) Approval of a license to store wrecked/abandoned vehicles (Vehicle Storage Facility) on property addressed at 2007 IH 35 S.

Norma Rangel pulled this item for individual consideration.

Mayor Linnartz read the aforementioned item.

Norma Rangel asked questions regarding the item.

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

Opposed:

Councilmember Labowski

P-1) Approval of a license to store wrecked/abandoned vehicles (Vehicle Storage Facility) on property addressed at 2608 IH 35 S.

Norma Rangel pulled this item for individual consideration.

Mayor Linnartz read the aforementioned item.

Norma Rangel spoke regarding the item.

The following individuals spoke at this time: Pam Timmerman, Daniel

Lagunas

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

Opposed:

Councilmember Spradley, and Councilmember Labowski

Q-1) Approval of a license to store wrecked/abandoned vehicles (Vehicle Storage Facility) on property addressed at 1809 Spur Street.

Norma Rangel pulled this item for individual consideration.

Mayor Linnartz read the aforementioned item.

Norma Rangel asked questions regarding the item.

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

Opposed:

Councilmember Willis, Councilmember Spradley, and Councilmember Labowski

A) Public hearing and first reading of an ordinance to rezone 0.1275 acres out of City Block 5101, Lot S 101 of W 55 of Lot 91 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 as 311 E Torrey St.

Mayor Linnartz read the aforementioned item.

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

The applicant addressed council and answered questions.

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

Mayor Linnartz called a 5 minute break.

B) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 9.8 acres out of Lot 4A-R & 5A-R,

Block 10, Town of Gruene Subdivision and Lot 12B, Block H, Cypress Rapids at Gruene Section 1 Subdivision, from R-2 AH (Single-Family and Two-Family District, Airport Hazard Overlay) and C-2 AH (General Business District, Airport Hazard Overlay) to R-2 AH SUP (Single-Family and Two-Family District, Airport Hazard Overlay with a Special Use Permit for a Parking Lot) and C-2 AH SUP (General Business District, Airport Hazard Overlay with a Special Use Permit for a Parking Lot), located northeast of the intersection of Gruene Road and Sunnybrook Drive.

Mayor Linnartz read the aforementioned item.

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

Applicant representative T.J. Grosse addressed council and answered questions.

The following individuals spoke at this time: Burke Irey

Mayor Pro Tem Campos motioned to approve this item with conditions and that trees be kept in park district. Councilmember Willis seconded the motion which passed unanimously.

- C) Discussion and consideration of the first reading of an ordinance to amend the City's Code of Ordinances Chapter 126 Traffic and Vehicles to address the parking of commercial motor vehicles in the right-of-way in residential areas.

Mayor Linnartz read the aforementioned item.

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

The following individuals spoke at this time: Daniel Lagunas

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

- D) Public hearing and first reading of an ordinance to amend the City's Code of Ordinances Chapter 144 Zoning, Section 5.12, Automobile or trailer sales rooms or yards or sales of outdoor merchandise.

Mayor Linnartz read the aforementioned item.

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

Councilmember Spradley 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).

There were no executive session items.

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

No action took place at this time.

ADJOURNMENT

Mayor Linnartz adjourned at 8:38 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY