

**FINAL - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF TUESDAY, NOVEMBER 12, 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 EDWARDS

Councilmember Edwards 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) GIS Awareness Week

Mayor Linnartz read the aforementioned proclamation.

The City of New Braunfels GIS team accepted the proclamation.

B) Domestic Violence Awareness

Mayor Linnartz read the aforementioned proclamation.

Individuals with the Comal County Crisis Center accepted the proclamation and addressed council.

C) Tree of Angels

Mayor Linnartz read the aforementioned proclamation.

New Braunfels Police Department representatives 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, Jim Holster, Peter Vasquez

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.

Jim Holster pulled item F for individual consideration.

Resolutions & Action Items

- A) Approval of the October 28, 2024 regular and executive session minutes.
- B) Approval to accept a grant awarded by the U.S. Department of Transportation to the Transportation & Capital Improvements department; authorization for the City Manager or approved designee to execute all contract documents associated with the grant; and approval of the associated budget amendment.
- C) Approval to declare a 2008 Pierce Velocity Fire Engine from the fire department fleet as surplus.
- D) Approval of a contract modification with Pape Dawson Engineers, Inc. to continue the City's Americans with Disabilities Act Transition Plan.
- E) Approval of a contract with Dean Word Company, LTD for the construction of the McQueeney Road Improvements, construction materials testing with Terracon Consultants, Inc., and authorization for the City Manager to execute any change orders and project expenditures up to the contingency amount.

- F) Approval of a resolution authorizing obligation of funding provided by the U.S. Department of the Treasury, Coronavirus State and Local Fiscal Recovery Funds Program, a part of the American Rescue Plan Act, and authorizing the City Manager to act on behalf of the City of New Braunfels in all matters related to this funding, including execution of all related and necessary documents.
- G) Approval of an FY 2025 Budget Amendment to the Citywide FTE (Full-Time Equivalent) total from 897.00 to 899.25.
- H) Approval of a resolution recommended by the New Braunfels Economic Development Corporation for a project expenditure of up to \$250,000 to the SPARK Small Business Center to assist with the operation of an economic development program, pursuant to 505.102 of the Texas Local Government Code.
- I) Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure, of up to \$200,000, for final design of the AAMPO Citywide Pedestrian Project, pursuant to Section 505.152 of the Texas Local Government Code.
- J) Approval of a resolution; ratification for the submission of an application to the Motor Vehicle Crime Prevention Authority, Fiscal Year 2025 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.
- K) Approval of a contract with The Levy Company, Inc. to perform sitework required to install license plate readers for the New Braunfels Police Department using grant funds awarded by the Motor Vehicle Crime Prevention Authority, Fiscal Year 2024 SB 224 Catalytic Converter Grant Program.
- L) Approval of a contract and authorizing the City Manager to execute a professional services agreement with the law firm of Thornton, Biechlin, Reynolds & Guerra, L.C. to represent the City in litigation involving the North Tributary Project, and authorizing the retention of outside experts as needed.

Ordinances

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

- M) Approval of the first reading of an ordinance to amend Article IV, Section 30-61 of the Code of Ordinances of the City of New Braunfels to align it with the recently updated ordinance that changed the Partnership Committee membership from 15 to 11, by removing the verbiage stating five (5) members shall be appointed each year.
- N) Approval of the second and final 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.
- O) Approval of the second and final 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.
- P) Approval of the second and final 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.
- Q) Approval of the second and final 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.
- R) Approval of the second and final 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.
- S) Approval of the second and final 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.

Approval of the Consent Agenda

Mayor Linnartz read the aforementioned consent agenda ordinance items and noted that Item F was pulled for individual consideration.

Mayor Pro Tem Campos made a motion to approve the consent agenda with the exception of item F. Councilmember Ryan seconded the motion which passed unanimously.

2. INDIVIDUAL ITEMS FOR CONSIDERATION

F-1) Approval of a resolution authorizing obligation of funding provided by the U.S. Department of the Treasury, Coronavirus State and Local Fiscal Recovery Funds Program, a part of the American Rescue Plan Act, and authorizing the City Manager to act on behalf of the City of New Braunfels in all matters related to this funding, including execution of all related and necessary documents.

Jim Holster pulled this item for individual consideration.

Mayor Linnartz read the aforementioned item.

Jim Holster asked questions regarding the item.

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

A) Discuss and consider a resolution to cast 497 votes toward the election of a member of the Comal Appraisal District Board of Directors.

Mayor Linnartz read the aforementioned item.

Gayle Wilkinson presented the item to council.

Mayor Pro Tem Campos motioned to cast 497 votes to Eric Couch. Councilmember Spradley seconded the motion which passed unanimously.

B) Discuss and consider a resolution to cast 140 votes toward the election of a member of the Guadalupe Appraisal District Board of

Directors.

Mayor Linnartz read the aforementioned item.

Gayle Wilkinson presented the item to council.

Councilmember Edwards motioned to cast 140 votes to Ernesto Rodriguez. Councilmember Ryan seconded the motion which passed unanimously.

- C) Discuss and consider approval of a proposed development agreement between Lamar Advantage Holding Company and the City of New Braunfels related to the conversion of an existing static billboard (off-premises sign) to a digital billboard, currently addressed at 1200 IH 35 North.

Mayor Linnartz read the aforementioned item.

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

The following individuals spoke at this time: David Warmke

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

- D) Discuss and consider the second and final 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, Greg Malatek, Chief Ruy Lozano, and Captain Steven Hanna presented the item to council using a powerpoint and answered questions.

The following individuals spoke at this time: James Reno, Matthew Hoyt, David Greene, Stacy Thigpen, Daryl Alonzo, Richard Hillyer, David Warmke, Martha Dixon, Jerry Schubert, Jeff Coultas, Will Dawson, John Brotzu, Kelly Stallings, Cindy Wictor, Reese, Shane Fisher, Christopher Ricks, David Kipp, Jim Hardin, Jim Holster

Mayor Linnartz motioned to approve this item. Councilmember

Edwards seconded the motion which passed 6/1.

Opposed:

Councilmember Labowski

- E) Discuss and consider the second and final 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.

Applicant representative Wayne Flores presented to council.

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

Opposed:

Councilmember Willis, Councilmember Spradley, and Councilmember Labowski

- F) Public hearing and first reading of an ordinance regarding the designation of Reinvestment Zone No. 2024-1 for tax abatement purposes, pursuant to Chapter 312 of the Texas Tax Code.

Mayor Linnartz read the aforementioned item.

Jeff Jewell 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. Councilmember Labowski 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 the appointment, evaluation, duties, discipline, or removal of the Municipal Court Judge, City Attorney, and City Manager in accordance with Section 551.074 of the Texas Government Code.

The aforementioned executive session item was not read.

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

No action was taken at this time.

ADJOURNMENT

Mayor Linnartz adjourned at 8:28 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY