

**FINAL - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, AUGUST 28, 2023**

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, 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) National Payroll Week

Mayor Linnartz read and presented the aforementioned proclamation.

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, Easton Smith, George Green, and Jim Holster.

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.

Consent items D and E were pulled for Individual consideration.

Resolutions & Action Items

- A) Approval of the August 7th, 8th, 10th, and 14th, 2023 Special meeting minutes, August 14th, 2023 Regular Minutes, and August 21st Special meeting minutes.
- B) Approval of updates to the New Braunfels Downtown Board Bylaws.
- C) Approval of a resolution in support of the Comal County Historical Commission to obtain National Register of Historic Places designation for the properties addressed at 305 South Seguin Avenue and 152 East Coll Street.
- D) Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure, not to exceed \$1,308,404 to the City of New Braunfels for a professional services agreement with KCI Technologies, Inc., for final design of Kohlenberg Road, a project authorized under 501.103 of the Texas Local Government Code.
- E) Approval of a contract modification with KCI Technologies for final design plans, specifications, and estimates for Kohlenberg Road from IH 35 to FM 1101.
- F) Approval of a resolution of the City Council of the City of New Braunfels, Texas, renewing and amending the Meet and Confer Agreement between the City and the New Braunfels Professional Fire Fighters Association, Local 3845 of the International Association of Fire Fighters, for a term ending on September 30, 2025.
- G) Approval of a Professional Service Agreement with Arcadis U.S., Inc for full design services of the Bergfeld Avenue In-Pipe Stormwater Filtration System and authorization for the City Manager to execute contract modifications in accordance with the purchasing policy.
- H) Approval of the City of New Braunfels FY 2023 Third Quarter

Investment Report.

- I) Approval of a purchase with Bassco Services for a Ground Power Unit (GPU) to support the New Braunfels National Airport.
- J) Approval of a resolution granting the authority to New Braunfels Utilities to sell the property located at 1493 Gruene Road described as Lot 2 of the William E. Field Subdivision as recorded in Volume 5, Page 39 of the Map and Plat Records of Comal County, Texas and authorizing the New Braunfels Utilities Board of Trustees or designee of such Board execute all necessary documents.
- K) Approval of a Settlement Agreement and Release with WBW Development Group, LLC authorizing payments toward traffic impact analysis mitigation measures for the Post Road Development Planned Development District and authorizing the City Manager to execute the agreement.

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 amending the yearly rabies vaccine requirement to allow the pet owner to choose the frequency of the vaccine in accordance with state law.
- M) Approval of the second and final reading of an ordinance, of the City Council of the City of New Braunfels, Texas, accepting and approving an Annual Service Plan Update to the Service and Assessment Plan and updated Assessment Roll for the Solms Landing Public Improvement District; making and adopting findings; providing a cumulative repealer clause; and providing an effective date.

Approval of the Consent Agenda

Consent items D and E were pulled for Individual consideration.

Mayor Linnartz read Consent items A-C and F-M.

Mayor Pro Tem Bowers moved to approve Consent items A-C and F-M. Councilmember Spradley seconded the motion which passed unanimously.

2. INDIVIDUAL ITEMS FOR CONSIDERATION

1-D Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure, not to exceed \$1,308,404 to the City of New Braunfels for a professional services agreement with KCI Technologies, Inc., for final design of Kohlenberg Road, a project authorized under 501.103 of the Texas Local Government Code.

Mayor Linnartz read the aforementioned item.

Jeff Jewell presented this item for clarification and transparency.

The following individual spoke at this time: David Warmke

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

1-E Approval of a contract modification with KCI Technologies for final design plans, specifications, and estimates for Kohlenberg Road from IH 35 to FM 1101.

Mayor Linnartz read the aforementioned item.

Jordan Matney presented this item for clarification and transparency.

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

A) Discuss and consider approval of an ordinance authorizing the issuance of city of New Braunfels, Texas general obligation and refunding bonds in one or more series; levying an ad valorem tax in support of the bonds; approving a paying agent/registrar agreement, an official statement, a purchase agreement, and an escrow agreement as needed for the sale of bonds; establishing procedures for selling and delivery of one or more series of the bonds; and authorizing other matters relating to the bonds.

Mayor Linnartz read the aforementioned item.

Sandy Paulos presented this item providing a slide for clarification. Sandy introduced our financial advisors and bond counsel who were available to address questions from staff and individuals present. Andrew Friedman gave additional information on parameter sales and refunding bonds.

The following individual spoke to this item: David Warmke

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

- B) Discuss and consider the approval of an ordinance authorizing the issuance of city of New Braunfels, Texas Tax Notes, Series 2023; authorizing the levy of an ad valorem tax in support of the notes; approving a paying agent/registrar agreement, an official statement and other agreements related to the sale and issuance of the notes; establishing the procedures for selling and delivering the notes; authorizing the reimbursement of certain project costs prior to issuance of the notes and authorizing other matters related to the issuance of the notes.

Mayor Linnartz read the aforementioned item.

Sandy Paulos presented this item providing a slide for clarification and addressed questions.

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

Opposed:

Councilmember Willis

- C) Discuss and consider the first and final reading of an ordinance authorizing the issuance of the city of New Braunfels, Texas combination tax and revenue certificates of obligation, series 2023; levying an ad valorem tax and pledging certain surplus revenues in support of the certificates; approving an official statement, a bond purchase agreement, a paying agent/registrar agreement and other agreements relating to the sale and issuance of the certificates; establishing procedures for selling and delivery of one or more series of the certificates; and ordaining other matters relating to the issuance of the certificates.

Mayor Linnartz read the aforementioned item.

Sandy Paulos presented this item providing a slide for clarification and addressed questions.

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

Opposed:

Councilmember Willis

- D) Discuss and consider the approval of the second and final reading of an ordinance regarding the proposed rezoning of 0.13 acres in the Juan Martin de Veramendi Survey, Abstract No. 2, from R-2 (Single-Family and Two-Family District) to C-O (Commercial Office District), currently addressed as 175 Comal Avenue.

Mayor Linnartz read the aforementioned item.

Christopher Looney presented this item providing a PowerPoint and introduced the owner for additional comments.

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

Opposed:

Councilmember Labowski

- E) Public hearing and first reading of an ordinance for a Special Use Permit on 16.064 acres out of Veramendi 1-1 Subdivision, Block 1, Lot 1, to allow for the placement of five (5) portable classroom buildings, currently addressed at 2290 Oak Run Parkway (Veramendi Elementary School).

Mayor Linnartz read the aforementioned item.

Matthew Simmont presented this item providing a PowerPoint. Monica Silva, with Gill Engineering, gave further details on this item. Mark, the Director of Construction for NBISD gave further comments on when the projected opening was expected for this project.

Councilmember Willis moved to approve this item with staff recommendations. Councilmember Spradley seconded the motioned 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 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:
 - Westside Library
 - Municipal Utility Districts; Texas statutes and municipal subdivision development ordinances - NB West.

- B) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code, specifically
 - 1530 South Seguin Ave.

Executive session was completed in the 5:00 p.m. executive session agenda.

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

ADJOURNMENT

Mayor Linnartz adjourned at 6:58 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY