

**FINAL - MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL  
REGULAR MEETING OF MONDAY, SEPTEMBER 25, 2023**

**AGENDA**

**CALL TO ORDER**

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

**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 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.

**PROCLAMATIONS:**

A) Leukodystrophy Awareness Month

Mayor Linnartz read the aforementioned proclamation.

Caprice with the Believing for Bryleigh Fundraiser addressed council and the audience.

B) Teachers Day

No representative was present for this proclamation.

C) Living Legends of New Braunfels

Mayor Linnartz read the aforementioned proclamations and presented the Living Legends of New Braunfels: Kathy Meurin, Alton Rahe, and Cecil Eager, who addressed council and the audience.

**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: Michael Murphy, David Warmke, Steve Ceh, Marty Isles, JoeyLynn Mesaros, William Cruley, Debbie Leimbach, Robbie Borchers, Leann Rollins, Molly Hardwick, Michael French, Chris Oglesby, Amanda Freeman, Brianna Edwards, Jane R., Trisha Bouche, Jodine Corbett, Carla Krohn, Amy (no last name provided), Lynn Thompson, Brayden Wright, Jen Jones, David Williams, L. Acosta, Jim Holster, Stacy H., John Young, Joshua Langford**

**Mayor Linnartz called a five minute break.**

## **PRESENTATIONS**

A) Presentation on proposed amendments to pavement engineering standards as it pertains to new streets.

**This item was moved to after Citizen's Communications by City Council.**

**Mayor Linnartz read the aforementioned item.**

**Greg Malatek presented the item to council using a powerpoint and answered questions.**

## **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.*

**Item G was pulled by Jim Holster.**

### *Resolutions & Action Items*

A) Approval of the September 7th and 18th Special Workshop minutes

and the September 11th regular and executive session meetings minutes.

- B) Approval of a resolution adopting the Investment Policy for the City of New Braunfels including the Authorized Broker/Dealer list.
- C) Approval of the appointment of Anna Rader to a City Resident seat for the Heritage Commission for an unexpired term ending 05-31-2024 and Bradford Jones to a City Resident seat for the Heritage Commission for an unexpired term ending 05-31-2025.
- D) Approval of a Microsoft Enterprise Agreement with Software One for citywide software licenses.
- E) Approval of the issuance of an invitation for competitive sealed proposals for the renovation of the back patio at the Landa Park Golf Course Clubhouse since the City Council finds that this delivery method will provide the best value to the City.
- F) Approval of a contract with Verdunity, Inc. to conduct a Land Use Fiscal Assessment of existing conditions as an initial study for the Envision New Braunfels Comprehensive Plan update.
- G) Approval of a contract modification with Restroom Facilities LTD for prefabricated restroom-concession buildings being placed at Zipp Family Sports Park.

**This item was pulled by Jim Holster for individual consideration.**

- H) Approval to renew the following annual contracts, as allowed for by their contract language and in accordance with City Charter Section 9.17: D & D Contractors, Intermountain Slurry Seal, Inc., Concrete Enterprise, D & M Owens, Inc., Fischer Construction, Inc., Fuquay, Inc., Lone Star Paving, MAC Inc., and Viking Construction, K Friese, Sunland Group, Masterplan, Motorola Solutions, Inc., Pristine Texas Rivers, Inc.
- I) Approval of a contract with Heidi Abraham PLLC, Medical Director, and Chet Kharod, Deputy Medical Director to support the City's Emergency Medical Services Program with EMS medical direction and pre-hospital provider services, for the New Braunfels Fire Department.
- J) Approval to authorize and to declare several vehicles and equipment as surplus prior to being sold at auction.

- K) Approval of the fourth amendment to an existing contract with Waste Management of Texas Inc. to provide solid waste disposal services for the City of New Braunfels.
- L) Approval of a budget amendment to the FY 2023 Budget - CDBG Fund.
- M) Approval of a contract with Samsara Inc. for a vehicle tracking and information system.

#### *Ordinances*

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

- N) Approval of the second and final reading of an ordinance to amend Section 126-354 in the Code of Ordinances of the City of New Braunfels to revise existing parking by permit areas.
- O) Approval of the second and final reading of an ordinance to amend Section 126-354 of the Code of Ordinances of the City of New Braunfels to simplify permit distribution requirements and remove the deposit for temporary daily permits.
- P) Approval of the second and final reading of an ordinance to amend Section 126-137 of the Code of Ordinances of the City of New Braunfels to revise the bounds of a school zone on S Walnut Avenue.
- Q) Approval of the second and final reading of an ordinance to amend Section 126-346 of the Code of Ordinances of the City of New Braunfels to establish a no parking zone on Klein Way.
- R) Approval of the second and final reading of an ordinance regarding the proposed disannexation of approximately 8.76 acres, being out of Abstract No. 98 of the Antonio Maria Esnaurizar Survey, No. 1, Comal County, Texas, located along the southeast right-of-way line of Interstate Highway 35 in the corporate limits of the City.
- S) Approval of the second and final reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government Code, Chapter 143.

Approval of the Consent Agenda

**Mayor Linnartz read the aforementioned consent agenda with the**

exception of Item G.

Mayor Pro Tem Bowers moved to approve the consent agenda with the exception of Item G. Councilmember Spradley seconded the motion which passed unanimously.

**2. INDIVIDUAL ITEMS FOR CONSIDERATION**

G-1) Approval of a contract modification with Restroom Facilities LTD for prefabricated restroom-concession buildings being placed at Zipp Family Sports Park.

The aforementioned item was pulled for individual consideration by Jim Holster.

Mayor Linnartz read the aforementioned item.

Garry Ford presented the item to council.

The following individuals spoke at this time: David Warmke

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

A) Public hearing on the proposed tax rate for the City of New Braunfels for tax year 2023.

Mayor Linnartz read the aforementioned item.

Jared Werner presented the item to council using a powerpoint and answered questions.

The following individuals spoke at this time: David Warmke

There was no action taken at this time.

B) Discuss and consider a resolution of the City of New Braunfels ratifying the increase in revenue generated by the 2023 property tax rate included in the FY 2024 Annual Budget

Mayor Linnartz read the aforementioned item.

Jared Werner presented the item to council.

Councilmember Campos moved to ratify the property tax revenue

**increase reflected in the FY 2024 Operating Budget and Plan of Municipal Services. Councilmember Ryan seconded the motion which passed unanimously.**

- C) Discuss and consider approval of the second and final reading of an ordinance adopting the 2023 ad valorem tax rates.

**Mayor Linnartz read the aforementioned item.**

**Jared Werner presented the item to council and answered questions.**

**The following individuals spoke at this time: Ross G.**

**Councilmember Campos moved that the property tax rate for tax year 2023 be increased by the adoption of a total ad valorem property tax rate of .408936 per \$100 of assessed taxable valuation, which is effectively an 8.6% increase in the tax rate, with .208936 for debt service and .200000 cents for operations and maintenance. Councilmember Ryan seconded the motion which passed unanimously.**

- D) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 31 acres of the A.M. Esnaurizar Survey, Eleven League Grant, Block No. 106, Abstract No.20, from C-3 (Commercial District) and APD (Agricultural/Pre-Development District) to MU-A (Low Intensity Mixed Use District), currently addressed at 1865 S SH 46.

**Mayor Linnartz read the aforementioned item.**

**Matthew Simmont presented the item to council and introduced that the applicant would like to postpone this item.**

**Applicant Ashley Fairmont requested a one month continuance to the October 23rd council meeting.**

**The following individual spoke at this time: David Warmke**

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

- E) Public hearing and first reading of an ordinance to amend Section 126-354 of the Code of Ordinances of the City of New Braunfels to include a portion of N Washington Avenue in Parking by Permit Area

C.

**Mayor Linnartz read the aforementioned item.**

**Garry Ford presented the item to council using a powerpoint and answered questions.**

**The following individuals spoke at this time: Inez G.**

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

- F) Discuss and consider amending the Interlocal Agreement with the Alamo Area Council of Governments for demand response transit services and authorize the City Manager to execute all contract documents associated with this agreement.

**Mayor Linnartz read the aforementioned item.**

**Garry Ford and Sean Scott presented the item to council using a powerpoint and answered questions.**

**The following individuals spoke at this time: David Warmke**

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

- G) Public hearing and first reading of an ordinance regarding the rezoning of 0.1492 acres out of Bergfeld Subdivision, Block 2, Lot 17, from R-2 (Single-Family and Two-Family District, with a Special Use Permit for a Duplex) to R-2 SUP (Single-Family and Two-Family District, with a Special Use Permit for Townhomes), currently addressed as 2679 Katy Street and 2662 Second Street.

**Mayor Linnartz read the aforementioned item.**

**Jean Drew presented the item to council using a powerpoint and answered questions.**

**Applicant Kristen Reynolds answered questions from council.**

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

H) Public hearing and first reading of an ordinance regarding the proposed rezoning of 0.44 acres out of Abstract 608 of the J. Thompson Survey 21, from C-1B (General Business District) to M-1A (Light Industrial District), currently addressed at 1671 McQueeney Road.

**Mayor Linnartz read the aforementioned item.**

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

**Applicant representative Jodie Baker answered questions.**

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

I) Public hearing and first reading of an ordinance to amend Chapters 14 and 54 of the City's Code of Ordinances by adopting the 2021 International Code Updates.

**Mayor Linnartz read the aforementioned item.**

**KC Collins presented the item to council using a powerpoint and answered questions.**

**The following individual spoke at this time: Ken Alfonzo**

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

J) Discuss and consider the appointment of three Councilmembers to an Ad Hoc Committee concerning the Boards and Commissions.

**Mayor Linnartz read the aforementioned item.**

**Gayle Wilkinson presented the item to council and answered questions.**

**The following councilmembers will be appointed to the Ad Hoc Committee: Councilmember Ryan, Councilmember Labowski, and Councilmember Campos.**

**Councilmember Willis moved to appoint Councilmember Ryan, Councilmember Labowski, and Councilmember Campos to the Ad Hoc**



Committee. Councilmember Spradley seconded the motion which passed unanimously.

**3. EXECUTIVE SESSIONS**

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 9:17 p.m.

By: \_\_\_\_\_  
NEAL LINNARTZ, MAYOR

**Attest:**

\_\_\_\_\_  
GAYLE WILKINSON, CITY SECRETARY