

**FINAL - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, SEPTEMBER 11, 2023**

AGENDA

CALL TO ORDER

Mayor Linnartz called the meeting to order at 6:02 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) Clean Energy Week Proclamation

The aforementioned proclamation was not read at this time.

B) National Hispanic Heritage Month Proclamation

Mayor Linnartz read the aforementioned proclamation and presented it to the LULAC members who then 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: David Warmke, Michael Murphy, Steve Ceh, Amy Stone

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 C and D for individual consideration.

Councilmember Spradley pulled item E for individual consideration.

Resolutions & Action Items

- A) Approval of the minutes for the August 28, 2023, general and special meetings.
- B) Approval to renew the following annual contracts, as allowed for by their contract language and in accordance with City Charter Section 9.17: Stryker ProCare Services, Flasher Equipment, Roadway Striping, Target Solutions/Vector.
- C) Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure, not to exceed \$89,160, to Economic & Planning Systems, Inc., for a planning and feasibility study for a possible public/private partnership, a project authorized under 505.102 of the Texas Local Government Code.

This item was pulled for individual consideration.

- D) Approval of a recommendation by the New Braunfels Economic Development Corporation (NBEDC) approving a Professional Services Agreement, not to exceed \$405,386, with the City of New Braunfels for administrative and professional support services for FY 2024.

This item was pulled for individual consideration.

Ordinances

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

- E) Approval of the first 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.

This item was pulled for individual consideration.

- F) Approval of the first 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.
- G) Approval of the first 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.
- H) Approval of the first 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.
- I) Approval of the second and final 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.
- J) Approval of the second and final 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).

Approval of the Consent Agenda

Mayor Linnartz read the aforementioned consent agenda with the exception of items C, D, and E.

Mayor Pro Tem Bowers motioned to approve the consent agenda except for items C, D, and E. Councilmember Campos seconded the motion which passed unanimously.

2. INDIVIDUAL ITEMS FOR CONSIDERATION

- C-1) Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure, not to exceed \$89,160, to Economic & Planning Systems, Inc., for a planning and feasibility study for a possible public/private partnership,

a project authorized under 505.102 of the Texas Local Government Code.

The aforementioned item was pulled by David Warmke.

Mayor Linnartz read the aforementioned item for individual consideration.

Jeff Jewell presented the item to council and answered questions.

The following individuals spoke at this time: David Warmke

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

D-1) Approval of a recommendation by the New Braunfels Economic Development Corporation (NBEDC) approving a Professional Services Agreement, not to exceed \$405,386, with the City of New Braunfels for administrative and professional support services for FY 2024.

The aforementioned item was pulled by David Warmke.

Mayor Linnartz read the aforementioned item for individual consideration.

Jeff Jewell presented the item to council and answered questions.

The following individuals spoke at this time: David Warmke

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

E-1) Approval of the first 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.

The aforementioned item was pulled by Councilmember Spradley.

Mayor Linnartz read the aforementioned item for individual consideration.

Jared Werner presented the item to council and answered questions.

Councilmember Spradley motioned to approve this item.

Councilmember Labowski seconded the motion which passed unanimously.

A) Discuss and consider approval of the second and final reading of an ordinance adopting the FY 2024 Operating Budget and Plan of Municipal Services.

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: Loree Shrank, David Warmke, Nicole Lawson

Councilmember Campos motioned to adopt the FY 2024 Operating Budget and Plan of Municipal Services including Budget Order and attachments included in that order. Mayor Pro Tem Bowers seconded the motion which passed unanimously.

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 and answered questions.

The following individuals spoke at this time: Loree Shrank, David Warmke

Councilmember Campos motioned 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 using a powerpoint and answered questions.

The following individuals spoke at this time: Loree Shrank, David

Warmke

Councilmember Campos motioned 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) Discuss and consider a request for a conditional sign permit to allow one freestanding monument sign in the Neighborhood (Mixed Density) Residential Planning Area of the Veramendi Development on the property addressed at 150 Word Parkway.

Mayor Linnartz read the aforementioned item.

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

Applicant Ken Loki answered questions from council.

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

E) Discuss and consider the first 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.

Mayor Linnartz read the aforementioned item.

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

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

F) Discuss and consider the first 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.

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: Garrett Mechler

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

- G) 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 requested postponement to the September 25th regular meeting.

No action was taken at this time.

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
- City Park on 1044, Blk 1, Lot 1

The aforementioned item took place during the 5:00 p.m. executive session.

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

ADJOURNMENT

Mayor Linnartz adjourned at 7:27 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY