FINAL - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, OCTOBER 13, 2025

CALL TO ORDER

Mayor Linnartz called the meeting to order at 6:03 p.m.

CALL OF ROLL: CITY SECRETARY

Present: 7 - Mayor Neal Linnartz, Councilmember Toni Carter, Councilmember Michael Capizzi, Councilmember D. Lee Edwards, Mayor Pro Tem 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 CARTER

Councilmember Carter 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) Hill Country Night Sky Month

Mayor read the aforementioned proclamation.

Michelle Molina accepted the proclamation and addressed council.

B) Native Plant Week

Mayor read the aforementioned proclamation.

Members of the New Braunfels Chapter of the Native Plant Society of Texas accepted the proclamation and addressed council.

C) Unplug Texas Day

Mayor Linnartz read the aforementioned proclamation.

Members of the Texas Recreation and Parks Society accepted the proclamation and addressed council.

PRESENTATIONS

A) Presentation by the Texas State Fire Marshals Office recognizing the New Braunfels Fire Department for maintaining an Insurance Services Office (ISO) Class 1 rating.

Mayor Linnartz read the aforementioned item.

Chief Lozano introduced this item to council along with State Fire Marshal Debra Knight, who presented the Insurance Services Office Class 1 rating to the New Braunfels Fire Department.

<u>CITIZENS COMMUNICATIONS</u>

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. Individuals desiring to speak at citizen's communications should line up behind the podium and be ready to speak.

The following individuals spoke at this time: Rick Myrick, Jim Holster.

1. <u>CONSENT AGENDA</u>

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.

Action Items

A) Approval of the September 22, 2025 regular and executive session meeting minutes.

B) Approval of transitioning the TIRZ 1 Advisory Board from Spring-appointed to Fall-appointed and extending all existing members’ terms from May 31 to November 30 of each respective year.

C) Approval of transitioning the TIRZ 3 Advisory Board from Spring-appointed to Fall-appointed and extending all existing members’ terms from May 31 to November 30 of each respective year.

D) Approval of a recommendation by the Tax Increment Reinvestment Zone #1 Board nominating a Chair and Vice Chair for the remainder of the term ending December 31, 2025.

E) Approval of a recommendation by the Tax Increment Reinvestment Zone #3 Board nominating a Chair and Vice Chair for a one-year term to begin January 1, 2026

F) Approval of the Second Amendment to the Chapter 380 Economic Development Agreement between the City of New Braunfels and Continental Autonomous Mobility US, LLC. (Aumovio).

This item was pulled by Richard Kelsheimer.

G) Approval of the issuance of an invitation for competitive sealed proposals for construction of the Golf Course Road Parking Area and Biofiltration System, and the Landa Park Recreation Parking Lot and Biofiltration System and the Gruene Road / Post Road intersection improvements.

H) Approval of an expenditure to Ford Audio-Video Systems, LLC to complete audio and visual upgrades at the New Braunfels Civic and Convention Center

I) Approval of an amendment to an Interlocal Agreement with Comal County Emergency Services District No. 7 regarding the use of fire trucks purchased by Comal County Emergency Services District No. 7.

J) Approval of the acceptance of a 15.03-acre tract of land described as Lot 901, Block 1, Arroyo Verde Subdivision Unit 4, from the New Braunfels Parks Foundation.

K) Approval of the acceptance of a 46-acre tract of land described as Lot 908, Block K, Oak Creek Subdivision Unit 4, from the New Braunfels Parks Foundation.

L) Approval of a lease agreement between the City of New Braunfels and Skyler and Kameron Koepp, for farming on approximately 62.6 acres out of the O Russell Survey No. 2, Abstract 485, Comal County, Texas.

Resolutions

M) Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a Second Amendment to the contract with Continental Autonomous Mobility US, LLC., to modify the employment condition, eliminate the “two-year rolling average" methodology, and provide alternate methods for measuring compliance.

This item was pulled by Richard Kelsheimer.

N) Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving an economic development agreement with Continental Autonomous Mobility US, LLC., for a project expenditure, of up to $300,000, pursuant to Section 501.101 of the Texas Local Government Code.

O) 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, 2027.

Ordinances

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

P) Approval of the first reading of an ordinance, in accordance with adopted agreements with the property owner, to annex for limited purposes Lot 1, Block 115, Mayfair - Parcel E-15 Subdivision, consisting of 19.99 acres

Q) Approval of the second and final reading of an ordinance amending Ordinance No. 2024-90 that designated Reinvestment Zone No. 2024-01 for tax abatement purposes, by correcting the property description in Exhibit A.

R) Approval of the second and final reading of an ordinance requested by Evelyn Orr Westfahl, on behalf of June Orr, to rezone approximately 0.2 of an acre out of City Block 2013, part of Lots 234 and 235, from C-2 (General Business District) to C-2 SUP (General Business District with a Special Use Permit to allow Short Term Rental of a residence), currently addressed as 341 North Market Avenue.

S) Approval of the second and final reading of an ordinance requested by Alba Henriquez, on behalf of Luciano Henriquez, to rezone approximately 0.3 of an acre out of the A. M. Esnaurizar Survey 1, Abstract 1, from C-3 (Commercial District) to C-3 SUP (Commercial District with a Special Use Permit to allow Short Term Rental of a residence), currently addressed as 1160 Dunlap Drive.

T) Approval of the second and final reading of an ordinance amending Chapter 110, Appendix X of the Code of Ordinances relating to the implementation of the next phase of Solid Waste commercial rate adjustments.

Approval of the Consent Agenda

Mayor Linnartz read the aforementioned ordinances and resolutions of the consent agenda with the exception of items F and M. Items F and M were pulled for individual consideration.

Councilmember Edwards made a motion to approve the consent agenda with the exception of items F and M. Councilmember Labowski seconded the motion which passed unanimously.

2. INDIVIDUAL ITEMS FOR CONSIDERATION

Individuals desiring to speak to any individual item should line up behind the podium and be ready to speak when public comment is recognized.

F-1) Approval of the Second Amendment to the Chapter 380 Economic Development Agreement between the City of New Braunfels and Continental Autonomous Mobility US, LLC. (Aumovio).

This item was pulled off consent by Richard Kelsheimer.

Mayor Linnartz read the aforementioned item.

Richard Kelsheimer addressed council and asked questions.

Jeff Jewell spoke on this item and answered questions.

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

M-1) Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a Second Amendment to the contract with Continental Autonomous Mobility US, LLC., to modify the employment condition, eliminate the "two-year rolling average" methodology, and provide alternate methods for measuring compliance.

This item was pulled by Richard Kelsheimer.

Mayor Linnartz read the aforementioned item.

The discussion regarding this item took place during item F-1.

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

A) Discuss and consider approval of a joint-bid contract between the City of New Braunfels and New Braunfels Utilities, with Capital Excavation Company for the construction of the San Antonio / Water Lane Project as part of the 2023 Bond Citywide Streets Program, along with authorization for the City Manager to execute change orders up to the contingency amount, and authorization of a contract for construction materials testing with ECS Southwest, LLP for construction materials testing.

Mayor Linnartz read the aforementioned item.

Scott McClelland presented this item to council using a powerpoint presentation.

Councilmember Edwards motioned to approve this item. Councilmember Capizzi seconded the motion which passed unanimously.

B) Discuss and consider approval of a contract with River North Transit, LLC a wholly owned subsidiary of Via Transportation, Inc. for microtransit services to the New Braunfels Urban Transit District.

Mayor Linnartz read the aforementioned item.

Julie Sitton presented this item to council using a powerpoint presentation and answered questions.

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

C) Public hearing, discussion, and possible action approving a tax abatement agreement with applicant and property owner Continental Autonomous Mobility US, LLC.

Mayor Linnartz read the aforementioned item.

Jeff Jewell presented this item to council using a powerpoint

presentation.

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

D) Public hearing, discussion, and possible action approving the first reading of an ordinance designating a geographic area within the City of New Braunfels as a reinvestment zone for tax increment financing purposes pursuant to Chapter 311 of the Texas Tax Code to be known as Tax Increment Reinvestment Zone Number Five - West End ("TIRZ 5: West End"), City of New Braunfels, describing the property parcels included in the zone, containing findings and provisions related to the creation of the zone, providing a termination date, providing the zone take effect immediately upon passage of the ordinance, providing a severability clause, providing for publication, and declaring an effective date.

Mayor Linnartz read the aforementioned item.

Jeff Jewell presented this item to council using a powerpoint presentation and answered questions.

Councilmember Labowski motioned to approve this item with staff recommendations. Councilmember Ryan seconded the motion which passed unanimously.

E) Discuss and consider approval of a resolution for nomination(s) to the Guadalupe County Appraisal District Board of Directors for a four (4) year term ending 2029.

Mayor Linnartz read the aforementioned item.

Gayle Wilkinson presented this item to council and answered questions.

No nominations were made.

F) Discuss and consider approval of a resolution for nomination(s) to the Comal County Appraisal District Board of Directors.

Mayor Linnartz read the aforementioned item.

Gayle Wilkinson presented this item to council and answered questions.

No nominations were made.

3. EXECUTIVE SESSION

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551.071, 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 in accordance with Section 551.074 of the Texas Government Code.

B) Deliberate issues regarding economic development negotiations in accordance with Section 551.087 of the Texas Government Code:
1. The Neue
2. Project Maiden

C) 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:

a. Discuss Legal Options Relating to the Status of Real Estate Negotiations to Secure Necessary Right-of-Way for the Kohlenberg Road Improvements Project:
i. a 2.309 Acre (100,568 square foot) tract of land in the A.M. Esnaurizar Survey No. 98, of Comal County, Texas and being out of the called 239.708 acre tract conveyed to Frederick Frueholz Jr., recorded in Document No. 201306045302 of the Official Public Records of Comal County, Texas; and being more specifically out of the called 49.64 acre 1st Parcel of said 239.708 acres recorded as Volume 78, Page 399 - Tr. 2, Official Public Records of Comal County, Texas. (Comal County Parcel No. 71628)

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

The aforementioned items took place in executive session at 5:00 p.m.

No action was taken at this time.

ADJOURNMENT

Mayor Linnartz adjourned the meeting at 7:34 p.m.

By: ______________________________

NEAL LINNARTZ, MAYOR

Attest:

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GAYLE WILKINSON, CITY SECRETARY