

**DRAFT - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JANUARY 22, 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, 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.

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, George Green, Ron Schmidt, Pam Kraft, Kim Huntsman, Joeylynn Mesaros, Marty Isles, Amanda DuPleis, Ross Grohman, Chen Peng, Cassandra Bould

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.

Resolutions & Action Items

- A) Approval of the January 8th, 2024, regular and executive session minutes and the January 16, 2024 special meeting minutes.
- B) Approval of a budget amendment for the FY 2024 General Fund- Fire Department budget totaling \$370,000 for the purchase of an ambulance.
- C) Approval of the FY 2024 Street Maintenance Plan
- D) Approval of a budget amendment for the FY 2024 General Fund - Fire Department budget totaling \$231,000 for the purchase of two generators.
- E) Approval of a Design Build contract with T.F. Harper & Associates, LP for the Mission Hill Park Phase 2 Project.

This item was pulled for individual consideration by David Warmke.

- F) Approval of a contract modification with Pape Dawson Engineers Inc. for the final design plans, specifications and estimates for the realignment of Gruene Road at Post Road.

This item was pulled for individual consideration by David Warmke.

- G) Approval of a settlement agreement between River Ranch RV Park and Resort ("River Ranch") and the City in Cause No. C2022-0386D, City of New Braunfels, TX, Plaintiff, v. In Rem 420 BUS 35N, New Braunfels, TX, Jimon Inc. D/B/A River Ranch RV Park Resort, Defendants; and authorizing the City Manager to execute related documents.
- H) Approval of annual routine recurring expenditures for FY 2024 in accordance with City Charter Section 9.17.
- I) Approval to authorize the City to enter into a Development Agreement with Rockspring Saur, LLC for sound attenuation, Saengerhalle Road reconstruction and widening, drainage easements, and drainage improvements

This item was pulled for individual consideration by Ross G.

- J) Approval of proposed amendments to the Mayfair Development and Design Control Document (DDCD) under the “Development Agreement Obligation” option with the purpose of addressing “missing-middle housing” and other minor details with more clarity

Ordinances

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

- K) Approval of the first reading of an ordinance establishing the number of positions in each classification in the New Braunfels Police Department pursuant to Local Government Code, Chapter 143.
- L) Approval of the first and final reading of an ordinance ordering a Regular Election to be held in the City of New Braunfels on May 4, 2024, for Regular City Officers; and establishing an Early Voting Location and Polling Places for this Election; and making provisions for the conduct of the Election.
- M) Approval of the second reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department pursuant to Local Government Code, Chapter 143.
- N) Approval of the second and final reading of an ordinance regarding the proposed rezoning of 0.14 acres out of New City Block 4074, Baus Addition, Block A, Lot 9 from C-3 (Commercial District) to C-3 SUP (Commercial District with a Special Use Permit for Short-Term Rental), currently addressed at 559 West Nacogdoches Street
- O) Approval of the second and final reading of an ordinance adopting the proposed amendments to Chapter 10, Aviation, of the City of New Braunfels Code of Ordinances, updates to the Airport Minimum Standards, and adoption of new Rules and Regulations.
- P) Approval of the second and final reading of an ordinance amending Section 86-2 of the Code of Ordinances, regarding rounding park rental fees to nearest dollar.

Approval of the Consent Agenda

Mayor Linnartz read the aforementioned consent agenda items K-P and noted items A-J with the exception of items E, F, and I which were pulled for individual consideration. Councilmember Campos motioned

to approve the consent agenda. Councilmember Ryan seconded the motion which passed unanimously.

2. INDIVIDUAL ITEMS FOR CONSIDERATION

E-1) Approval of a Design Build contract with T.F. Harper & Associates, LP for the Mission Hill Park Phase 2 Project.

This item was pulled for individual consideration by David Warmke.

Mayor Linnartz read the aforementioned item.

Scott McClelland answered questions regarding the item.

The following individuals spoke at this time: David Warmke

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

F-1) Approval of a contract modification with Pape Dawson Engineers Inc. for the final design plans, specifications and estimates for the realignment of Gruene Road at Post Road.

This item was pulled for individual consideration by David Warmke.

Mayor Linnartz read the aforementioned item.

Scott McClelland answered questions regarding the item.

The following individuals spoke at this time: David Warmke

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

I-1) Approval to authorize the City to enter into a Development Agreement with Rockspring Saur, LLC for sound attenuation, Saengerhalle Road reconstruction and widening, drainage easements, and drainage improvements

This item was pulled for individual consideration by Ross G.

Mayor Linnartz read the aforementioned item.

Applicant representative James Ingalls requested postponement to the February 26, 2024 regular council meeting.

The following individuals spoke at this time: Pam Kraft

Councilmember Spradley motioned to postpone this item to the February 26, 2024 regular council meeting. Mayor Pro Tem Bowers seconded the motion which passed unanimously.

- A) Public hearing and first reading of an ordinance to rezone approximately 26 acres out of John Thompson Survey No. 21, Abstract No. 608, from APD (Agricultural/Pre-development District) to R-3H (Multifamily High Density District), TH-A (Townhouse Residential District), and C-1B (General Business District), currently addressed at 1890 FM 1044

Mayor Linnartz read the aforementioned item.

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

Applicant representative Sally D. addressed council and answered questions.

Garry Ford answered questions from council.

The following individuals spoke at this time: Bryan Kahovec, Martin Nealeigh, John Malik, Nashawn Meneley, Ken Winslow, Matt Voss, Deric Haley, David Warmke, Kathy Wactor, Danny Ybarra, Lisa Meyer, John Wactor, Marty Isles, Eileen Mewbourn, Jerome Meyer, Rodney Doyal

This item died due to a lack of a motion.

Mayor Linnartz called a 5 minute break.

- B) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 86 acres out of the A.M. Esnaurizar Survey, Abstract 20, from APD AH (Agricultural/Pre-Development Airport Hazard Overlay District) to R-3L AH (Multifamily Low Density Airport Hazard Overlay District) currently addressed at 1280 Saengerhalle Road and 1682 Saur Lane

Mayor Linnartz read the aforementioned item.

Christopher Looney presented the item to council using a powerpoint

and indicated the applicant wanted to request a postponement.

Applicant representative James Ingalls requested postponement to February 26, 2024.

The following individuals spoke at this time: Martin Nealeigh, Pam Kraft

Councilmember Spradley motioned to postpone this item to the February 26, 2024 regular council meeting. Councilmember Labowski seconded the motion which passed.

Opposed:

Mayor Linnartz, and Councilmember Campos

- C) Discuss and consider the second reading of an ordinance regarding a proposed rezoning of approximately 52 acres out of the A.M. Esnaurizar Survey, Abstract 98, from R-2 AH (Single-Family and Two-Family Airport Hazard Overlay District) to R-2 AH SUP (Single-Family and Two-Family Airport Hazard Overlay District with a Special Use Permit for Multifamily), currently addressed at 1450 FM 1101

Mayor Linnartz read the aforementioned item.

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

Applicant representative James Ingalls addressed council.

Mayor Pro Tem Bowers requested the following conditions be added:

- Trees of at least 3 inches in circumference shall be planted every 40 feet along the property line with FM 1101.
- The masonry wall abutting residential properties shall be at least 8 feet tall.
- Trees abutting the residential properties (every 20 or 25 feet what was in the packet already) must be at least 3 inches in circumference.
- A berm shall be erected adjacent to abutting residential properties (numbers noted in the video, two properties at the Seminole extension) to provide maximum visual screening from the abutting multifamily property as long as they comply with any city code/ordinance on line of sight for the adjoining roadway.
- If the 8ft masonry fence must be reduced in height as it approaches

the sidewalks/roadway at Seminole drive visual screening from the abutting multifamily property must be installed to shield the residential properties as long as it complies with any city code/ordinance on line of sight for the adjoining roadway.

Councilmember Labowski requested the following condition be added:

-Concrete as an acceptable construction material for the dividing wall along with masonry

The following individuals spoke at this time: Martin Nealeigh, Jodi Smith, Joy McCarty

Councilmember Campos motioned to approve this item with staff and council recommendations. Councilmember Ryan seconded the motion which passed.

Opposed:

Mayor Pro Tem Bowers, Councilmember Spradley, and Councilmember Labowski

D) Public hearing and first reading of an ordinance to rezone 0.273 acres out of the Behrendt Subdivision, Lot 4, from R-2 AH (Single-Family and Two-Family Airport Hazard Overlay District) to M-1A AH (Light Industrial Airport Hazard Overlay District), currently addressed at 1977 Post Road

Mayor Linnartz read the aforementioned item.

Mayor Linnartz recused himself from this item

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

The following individuals spoke at this time: Harry Jewett

Councilmember Campos motioned to approve this item. Councilmember Ryan seconded this motion which passed.

Recused:

Mayor Linnartz

E) Public hearing and first reading of an ordinance to rezone approximately 6 acres out of the Behrendt Subdivision, Lots 1, 2, and

3, from C-3 AH (Commercial Airport Hazard Overlay District), M-1 AH (Light Industrial Airport Hazard Overlay District), and R-2 AH (Single-Family and Two-Family Airport Hazard Overlay District) to M-1A AH (Light Industrial Airport Hazard Overlay District), currently addressed at 1983 & 1993 Post Road

Mayor Pro Tem Bowers read the aforementioned item.

Mayor Linnartz recused himself from this item

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

The following individuals spoke at this time: Harry Jewett

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

Recused:

Mayor Linnartz

F) Public hearing and first reading of an ordinance to rezone Eickenroht Addition, Block 1, Lot 4, from R-3 (Multifamily District) to R-3 SUP (Multifamily District with a Special Use Permit for Short-Term Rental), currently addressed at 1236 South Academy Avenue

Mayor Linnartz read the aforementioned item.

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

Mayor Pro Tem Bowers motioned to approve this item. Councilmember Campos seconded the motion 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 or 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:

- City of New Braunfels v. River Ranch RV Park Resort

- B) Deliberate and consider the purchase, exchange, lease, or value of real property, in accordance with Section 551.072 of the Texas Government Code:

1. Parkland Acquisition
2. NBU Headquarters

The aforementioned executive session items took place during executive session.

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

There was no action at this time.

ADJOURNMENT

Mayor Linnartz adjourned at 8:24 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY

