

**DRAFT - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, AUGUST 12, 2024**

AMENDED 08-09-2024

AGENDA

CALL TO ORDER

Mayor Linnartz called the meeting to order at 6:01 p.m.

CALL OF ROLL: CITY SECRETARY

Present: 7 - Mayor Neal Linnartz, Mayor Pro Tem Andres Campos, Councilmember Christopher Willis, Councilmember D. Lee Edwards, 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 WILLIS

Councilmember Willis 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, Jude Mesaros, Martin Hiles, Jim Holster, Michael Murphy, Joeylynn Mesaros, Steve Ceh, Debbie Leinbaugh, Judy Rockfeld

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 I for individual consideration.

Resolutions & Action Items

- A) Approval of the July 22, 2024 Executive and Regular City Council meeting minutes, the August 5, 2024 Special City Council meeting minutes, the August 6, 2024 Special City Council meeting minutes, and the August 8, 2024 Special City Council meeting minutes.
- B) Approval of a second amendment to lease agreement between the City of New Braunfels and NCWPCS MPL 25 - Year Sites Tower Holdings, LLC for a communications tower located at 350 S. Castell Ave.
- C) Approval of annual routine recurring expenditures for FY 2024 in accordance with City Charter Section 9.17.
- D) Approval of a contract with The Library Corporation (TLC) for an integrated library software (ILS) system for a computerized System (hereinafter referred to as "Library•Solution").
- E) Approval of annual contracts with E-Z Bel construction, LLC and The Levy Company, Inc. for installation and maintenance of traffic signals.
- F) Approval of an expenditure with Schaefer Plastics North America, LLC of up to \$150,000 for the purchase of residential refuse and recycling containers and lids.
- G) Approval of a ratification for the submission of a grant application to the U.S. Department of Energy for their Energy Efficiency and Conservation Block Grant Program; authorization for the City Manager to accept funds and execute all contract documents associated with the grant; and approval of a contract with Yates Company, LLC for the replacement of boilers located at the City's Main Public Library and Civic/Convention Center.
- H) Approval of an expenditure and corresponding budget amendment in the amount of \$163,869 to Collision Country Repair Center for the repair of a solid waste collection vehicle.

- I) Approval of a recommendation by the Tax Increment Reinvestment Zone #3 Board to amend the TIRZ 3 Project and Financing Plan
David Warmke pulled this item 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.)

- J) Approval of the first reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 54, Sections 54-41 to 54-55, by repealing an ordinance that established a volunteer fire department.
- K) Approval of the second and final reading of an ordinance to rezone approximately 0.21 of an acre out of the Highland Park Addition Subdivision Block 14, 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 1622 Cross Street
- L) Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 1, Section 1-12, to update the official map reflecting the city's current boundaries and designating that a copy be kept by the Offices of the City Secretary and City Engineer, and other city offices authorized by the City Manager.
- M) Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 2, Section 2-127, repealing an ordinance establishing a \$50.00 reward for tips leading to the arrest and conviction of persons who damage city property.
- N) 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

Mayor Linnartz read the aforementioned consent agenda.

Councilmember Spradley made a motion to approve the consent agenda with the exception of item I. Mayor Pro Tem Campos seconded the motion which passed unanimously.

I-1) Approval of a recommendation by the Tax Increment Reinvestment Zone #3 Board to amend the TIRZ 3 Project and Financing Plan

Mayor Linnartz read the aforementioned item.

David Warmke pulled item I for individual consideration.

Jeff Jewell answered questions regarding the item.

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

2. PRESENTATIONS

A) Presentation and update on the feasibility analysis for NBEDC-owned property at Common Street and Gruene Road

Mayor Linnartz read the aforementioned item.

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

No action was taken at this time.

The following individuals spoke at this time: David Warmke, Theresa Hastings

3. INDIVIDUAL ITEMS FOR CONSIDERATION

A) Discuss and consider the approval of the second reading of an ordinance amending Chapter 110 of the Code of Ordinances relating to Solid Waste commercial rates and proposed operational changes.

Mayor Linnartz read the aforementioned item.

Matthew Eckmann presented the item to council using a powerpoint, introduced Elizabeth Ghiorso and answered questions.

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

B) Discuss and consider the approval of an amended resolution that supported the submission of an application to the Motor Vehicle Crime Prevention Authority, Fiscal Year 2024 SB 224 Catalytic Converter

Grant Program on behalf of the New Braunfels Police Department for personnel and equipment costs.

Mayor Linnartz read the aforementioned item.

Jennifer Gates and Chief Keith Lane presented this item to council using a powerpoint and answered questions.

The following individuals spoke at this time: Jim Holster

Councilmember Spradley motioned to approve this time. Councilmember Labowski seconded the motion which passed unanimously.

4. EXECUTIVE SESSION

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 on this agenda. Any final action or vote on any executive session item will be taken in open session.

- A) Deliberate and consider the purchase, exchange, lease, contract terms, due diligence, or value of real property, in accordance with Section 551.072 of the Texas Government Code:
 - 1. A-1 SUR-1 AM Esnaurizar, up to 100 acres

- B) 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 Status of New Braunfels Utilities Real Estate Negotiations to Secure Easements Regarding the McKenzie Interceptor Upgrade Project:
 - Properties owned by NB Avery Park Homeowners Association, Inc:
 - i. a, 0.296 Acre Permanent Utility Easement, a 0.044 Acre Temporary Construction Easement, and a 0.213 Acre Temporary Construction Easement, (Guadalupe County Parcel No. 125092)
 - ii. a 0.632 Acre Permanent Utility Easement, a 0.312 Acre Temporary Construction Easement, and a 0.022 Acre Temporary Construction Easement (Guadalupe County Parcel Nos. 171818 and 171819)
 - Property owned by Pulte Homes of Texas, L.P and M/I Homes of San Antonio, LLC:

- i. a 0.563 Acre Temporary Construction Easement (Guadalupe County Parcel No. 55904)
 - Property owned by Saengerhalle Meadows Homeowners Association, Inc.:
 - i. a 1.827 Acre Permanent Utility Easement, and a 1.025 Acre Temporary Construction Easement, (Guadalupe County Parcel No. 56337)
 - Properties owned by Rockspring Saur, LLC:
 - i. a 2.088 Acre Permanent Utility Easement, and a 1.395 Acre Temporary Construction Easement, (Guadalupe County Parcel Nos. 191564 and 108128)
 - Properties owned by GCP III St. Croix Landco, LLC:
 - i. a 1.937 Acre Permanent Utility Easement, and a 1.127 Acre Temporary Construction Easement, (Comal County Parcel Nos. 421640; 422735; and 441204);
 - Property owned by MP New Braunfels, LLC:
 - i. a 1.846 Acre Permanent Utility Easement, and a 0.847 Acre Temporary Construction Easement, (Comal County Parcel No. 71650)

b. A-1 SUR-1 AM Esnaurizar, up to 100 acres

C) Deliberate issues regarding economic development negotiations in accordance with Section 551.087 of the Texas Local Government Code:

1. Project Gather

Mayor Linnartz read only aforementioned item B.

Mayor Linnartz recessed into executive session at 7:32 p.m.

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

Mayor Linnartz reconvened into open session at 7:58 p.m.

No action was taken at this time.

ADJOURNMENT

Mayor Linnartz adjourned at 7:58 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY