FINAL - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JULY 13, 2026

CALL TO ORDER

Mayor French called the meeting to order at 6:02 p.m.

CALL OF ROLL: CITY SECRETARY

Present: 7 - Councilmember Toni Carter, Councilmember Michael Capizzi, Councilmember D. Lee Edwards, Mayor Pro Tem Lawrence Spradley, Councilmember Mary Ann Labowski, Mayor Michael French, and Councilmember Nikki Shaw

REQUEST ALL PHONES AND OTHER DEVICES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL.

INVOCATION: MARY ANN LABOWSKI

Councilmember Labowski provided the invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

Mayor French led the Pledge of Allegiance and the Salute to the Texas Flag.

PROCLAMATIONS:

A) Parks & Recreation Month

Mayor French read the aforementioned proclamation.

Members of the New Braunfels Parks Department and the Parks Foundation accepted the proclamation and addressed council.

CITIZENS COMMUNICATIONS

We will now open Citizens Communications, our public comment period where our citizens are heard. In the interest of time and structure, this period is specifically for individuals to address the City Council on issues and items of concern that are not listed on this agenda. There will be no City Council action at this time. Citizens will be provided the right to speak on posted agenda items, which we will recognize later when those specific items are called. In the interest of protecting the City's network and data security, we cannot accept flash drives or electronic files at the podium. (You do need to upload your digital files to the City Secretary's online form two hours prior to the meeting). Please use hard copies on our overhead projector for the Council to view. Individuals desiring to speak, please line up behind the podium and be ready. This is your time to address your City Council. We only ask that you remain respectful and courteous to everyone in the room. When you reach the podium, please state your name and whether you are a resident of New Braunfels, a non-resident, or live within our ETJ. Thank you.

The following individuals spoke at this time: Julie King, Eva Pepitone, Donna Mullerton, Cassandra Canton, Elizabeth Cortes, Bill Miller, Angela Keller, Kristen Costen, Lori Rowe, David Warmke, Angela Allen, Lee Brown, Joyce Compton, Miss Ruby

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 June 8th and June 22nd, 2026 special and regular city council meeting minutes.

B) Approval of a contract award for the construction of the Gruene Road and Post Road Intersection and the Zipp Road and Old Zipp Road Intersection to E-Z Bel Construction and authorization for the City Manager to execute any change orders and project expenditures up to the contingency amount.

This item was pulled for individual consideration.

C) Approval of a professional services agreement with Freese and Nichols, Inc. for the completion of the plans, specifications, and cost estimates of the Alamo Area Metropolitan Planning Organization Citywide Pedestrian Improvement Phase 2 Project.

D) Approval of Natalie Thamm and Daniel Jones as contract municipal prosecutors under the existing contract with Denton Navarro Rodriguez Bernal Santee & Zech, P.C..

This item was pulled for individual consideration.

E) Approval of the purchase of vehicles and equipment from Lake Country Chevrolet and Holt Truck Center for Public Works and New Braunfels Police Department, and approval to declare replaced units as surplus.

F) Approval of a budget amendment for the FY 2026 General Fund - City Attorney Department Budget.

This item was pulled for individual consideration.

G) Approval of a modification to the annual contracts with Roadway Striping, Inc and Interstate Barricades & Markings, Inc for pavement marking services on an as-needed basis for the City.

This item was pulled for individual consideration.

H) Approval of an adjustment to the authorized Citywide full time equivalent from 907.5 to 907.75.

Resolutions

I) Approval of a resolution renewing a Memorandum of Understanding (MOU) between Texas Parks and Wildlife Department (TPWD) and the New Braunfels Fire Department for prescribed live-fire training.

J) Approval of a resolution recommended by the New Braunfels Economic Development Corporation forgiving the New Braunfels National Airport loan remaining balance of $644,770, pursuant to 501.103 of the Texas Local Government Code.

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.)

K) Approval of the first reading of an ordinance requested by Pamela Johnson granting the historic rehabilitation tax incentive for a period of 10 years for the property at 941 Lee Street, a locally designated historic landmark.

This item was pulled for individual consideration.

Approval of the Consent Agenda

Mayor French addressed the consent agenda with the exceptions of items B, D, F, G, J, and K.

Councilmember Edwards motioned to approve items A, C, E, H, I of the consent agenda. Councilmember Capizzi seconded the motion which passed unanimously.

2. PRESENTATIONS

A) Presentation, update, and possible direction to staff on the 2019 Bond Project - Police Department Headquarters.

Mayor Pro Tem Capizzi recused himself at 7:15pm

Mayor French read the aforementioned item.

Jordan Matney presented this item to council using a powpperpoint presentation and introduced Garry Ford and Scott McClelland, all answered questions from council.

During discussion, Councilmember Carter presented a pdf presentation of photos to council containing images of the police department headquarters.

Robert Camareno also addressed council and answered questions.

Councilmember Carter gave direction to staff that a full independent investigation, hired by council, should be conducted, and insight should be gathered from both TML and an independent structural engineer during the investigation as well.

The following individuals spoke at this time: Lynn McCord, Mikey Frias, Angela Keller, Rita McNeal, Tiffany Kelly, Randy Clauson, Joeylynn Mesaros, Timothy Davis, Nicole Bodeleigh, Leah Garcia, David Warmke

Councilmember Spradley agreed with Councilmember Carter on an independent review of the structural assessment of the building.

Councilmember Edwards gave his remarks and recommended using outside sources not connected to this project and to conduct separate

inspections based on their area of expertise.

Councilmember Labowski asked Chief Flores to speak on this issue. He addressed council and answered questions from Councilmember Carter.

Councilmember Carter addressed staff regarding building rentals that would allow police officers to use as locker rooms while their current locker rooms are under repair.

No action was taken at this time.

Mayor French called for a break 8:45 p.m.

B) Discussion and possible direction regarding amending the downtown paid parking program, to include three hours of free parking for Resident River Parking permit holders.

Mayor French reconvened the meeting at 8:53pm

Mayor Pro Tem Capizzi returned to the dais when council reconvened from the break.

Mayor French requested this item to be postponed and Councilmember Spradley and Mayor Pro Tem Capizzi objected to the postponement.

Mayor French read the aforementioned item and presented this item to council using a powerpoint presentation and answered questions from council.

The following individuals spoke at this time: Christina Brown, Richard Kelsheimer, Leah Garcia, Clarisa DeSanto, Jennifer Wilson, Pat Butler, Lee Brown, Kristen Carden, Peter Lahderman, Ashley Allsup, Timothy Davis, Chase Taylor, Elizabeth Cortes

Mayor addressed chambers and directed staff to look at changing the interface to an app instead of a QR code, and potentially changing to two hours of free parking.

Councilmember Edwards agreed with Mayor French and made his remarks on helping seniors when using the QR code that is currently being used for paid parking.

Jordan Matney went over some of the different options that were brought up during previous meetings to include digital chalking, an option not to register (parking kiosks), resident parking privileges, expanded free parking hours, free parking after a certain timeframe/ modification on time hours.

Jordan Matney explained the process about how the data will eventually be brought to council.

Councilmember Labowski addressed concerns from citizens regarding business signs and their similarity to city parking signs. Jordan Matney addressed her concerns and answered her questions.

Councilmember Spradley also directed staff to look at free parking options for Medal of Honor and Purple Heart Recipients.

No action was taken at this time.

3. 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.

B-1) Approval of a contract award for the construction of the Gruene Road and Post Road Intersection and the Zipp Road and Old Zipp Road Intersection to E-Z Bel Construction and authorization for the City Manager to execute any change orders and project expenditures up to the contingency amount.

This item was pulled by Councilmember Labowski on behalf of Timothy Davis from Consent.

Mayor French read the aforementioned item.

Mr. Davis asked questions about this item and Garry Ford addressed and answered the questions.

Garry Ford addressed council and gave a brief presentation of the item and answered questions.

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

D-1) Approval of Natalie Thamm and Daniel Jones as contract municipal prosecutors under the existing contract with Denton Navarro Rodriguez Bernal Santee & Zech, P.C..

This item was pulled by Mayor French from Consent.

Mayor French read the aforementioned item.

Nathan Brown addressed council and answered questions.

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

F-1) Approval of a budget amendment for the FY 2026 General Fund - City Attorney Department Budget.

Mayor French and Councilmember Carter pulled this item from Consent.

Mayor French read the aforementioned item.

Becky Wiatrek addressed council and answered questions.

Jared Werner addressed council and answered questions as well.

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

Opposed: Councilmember Carter, Councilmember Shaw, and Mayor French

G-1) Approval of a modification to the annual contracts with Roadway Striping, Inc and Interstate Barricades & Markings, Inc for pavement marking services on an as-needed basis for the City.

Mayor French pulled this item from Consent..

Mayor French read the aforementioned item.

Greg Malatek addressed council and answered questions.

The following individuals spoke at this time: Angela Keller

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

unanimously.

J-1) Approval of a resolution recommended by the New Braunfels Economic Development Corporation forgiving the New Braunfels National Airport loan remaining balance of $644,770, pursuant to 501.103 of the Texas Local Government Code.

Councilmember Spradley pulled this item from Consent on behalf of Tiffany Kelly

Mayor French read the aforementioned item.

Jordan Matney and Jeff Jewell addressed council and answered questions.

The following individuals spoke at this time: Tiffany Kelly, David Warmke, Angela Keller, Bridgette Bodeleigh,, Eva Pepitone, David Slaughter

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

Opposed: Councilmember Carter, Councilmember Shaw, and Mayor French

K-1) Approval of the first reading of an ordinance requested by Pamela Johnson granting the historic rehabilitation tax incentive for a period of 10 years for the property at 941 Lee Street, a locally designated historic landmark.

Mayor French pulled this item from Consent.

Mayor French read the aforementioned item.

Katie Totman addressed council and answered questions.

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

B) Discuss and consider the approval of the submission of the Community Development Block Grant Annual Action Plan, and its associated funding recommendations, for Program Year 2026 to the U.S. Department of Housing and Urban Development.

Councilmember Spradley requested this item be addressed first on Individual items.

Mayor French read the aforementioned item.

Christopher Greenwell presented this item to council using a powerpoint presentation and answered questions.

The following individuals spoke at this time: Angela Keller

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

A) Public hearing and consideration of amendments to the Mayfair Master Framework Plan requested by Thad Rutherford of Southstar at Mayfair Developer, LLC.

Mayor French read the aforementioned item.

Christopher Looney presented this item to council using a powerpoint presentation.

Christopher Looney introduced the applicant, Thad Rutherford, who also presented to council using a powerpoint presentation and answered questions. Christopher Looney read comments from public comment cards that were received by staff.

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

Mayor French called for a recess at 11:51 p.m.

C) Discuss and consider the approval of a resolution recommended by the New Braunfels Economic Development Corporation approving an expenditure of up to $2.4M for additional construction and financing costs of Castell Avenue Phase 1 - Coll Street Drainage Improvement, pursuant to Section 501.103 of the Texas Local Government Code.

Mayor French reconvened the meeting at 12:01 a.m.

Mayor French read the aforementioned item.

Jordan Matney presented this item to council using a powerpoint

presentation and answered questions.

The following individuals spoke at this time: David Warmke

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

D) Discuss and consider a joint-bid contract between the City of New Braunfels and New Braunfels Utilities, with Pesado Construction Company, Inc. for construction of the Castell Avenue Phase 1 - Coll Street Improvements along with authorization for the City Manager to execute change orders up to the contingency amount, and construction-related expenditures within the project budget.

Mayor French read the aforementioned item.

Jordan Matney presented this item to council using a powerpoint presentation and answered questions.

The following individuals spoke at this time: Angela Keller

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

E) Discuss and consider a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure of up to $700,000 to the City of New Braunfels for the construction of Alamo Area Metropolitan Planning Organization Citywide Pedestrian Improvements Phase 1, pursuant to 505.152 of the Texas Local Government Code.

Mayor French read the aforementioned item.

Jordan Matney presented this item to council using a powerpoint presentation and answered questions.

The following individuals spoke at this time: David Warmke, Angela Keller

Garry Ford also spoke on this item and answered questions.

Councilmember Edwards motioned to approve this item.

Councilmember Labowski seconded the motion which passed unanimously.

F) Discuss and consider a contract amendment to the professional services agreement with Freese and Nichols, Inc. for Construction Administration Services for the Alamo Area Metropolitan Planning Organization Citywide Pedestrian Improvement Phase 1 Project.

Mayor French read the aforementioned item.

Jordan Matney presented this item to council using a powerpoint presentation and answered questions.

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

4. <u>EXECUTIVE SESSION</u>

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 and employment of a City Attorney, including matters related to the search and selection of candidates, pursuant to Texas Government Code Section 551.074 (Personnel Matters).

B) Deliberate the appointment, reassignment, evaluation, duties, discipline, or removal of the Interim City Attorney in accordance with Section 551.074 of the Texas Government Code.

Mayor French read Item B of the aforementioned executive session.

City Council adjourned into closed session at 12:41 a.m.

City Council reconvened into open session at 1:36 a.m.

Councilmember Carter motioned to remove the current assigned interim city attorney, defaulting to Nathan Brown as the acting city attorney until the next scheduled meeting where council will vote in open session to appoint the interim city attorney, and retain outside

counsel for assigned cases given by the acting city attorney.

Councilmember Spradley seconded the motion which passed unanimously.

5. **<u>IF NECESSARY, RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.</u>**

<u>ADJOURNMENT</u>

Mayor French adjourned at 1:39 a.m.

By: ______________________________

MICHAEL FRENCH, MAYOR

Attest:

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GAYLE WILKINSON, CITY SECRETARY