

**FINAL - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, MAY 13, 2024**

AGENDA

CALL TO ORDER

Mayor Linnartz called the meeting to order at 6:00 p.m.

CALL OF ROLL: CITY SECRETARY

Present: 6 - Mayor Neal Linnartz, Councilmember Andres Campos, Councilmember Christopher Willis, Mayor Pro Tem Harry Bowers, Councilmember Lawrence Spradley, and Councilmember April Ryan

Absent: 1 - Councilmember Mary Ann Labowski

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

INVOCATION: COUNCILMEMBER SPRADLEY

Councilmember Spradley 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) City University Class of 2024

Mayor Linnartz read the aforementioned proclamation.

City University Class of 2024 students accepted the proclamation.

B) Jaycees Week

Mayor Linnartz read the aforementioned proclamation.

Members of the New Braunfels Jaycees accepted the proclamation and addressed council.

C) The Comal Cemetery as a Texas Historical Commission Subject Marker.

Mayor Linnartz read the aforementioned proclamation.

Members with the New Braunfels Parks and Recreation Department and the Texas Historical Commission accepted the proclamation and addressed council.

D) Historic Preservation Month

Mayor Linnartz read the aforementioned proclamation.

Katie Totman and Tom Tumlinson accepted the proclamation and addressed council.

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

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 the following items for individual consideration: H, I, J, N, and R.

Resolutions & Action Items

- A) Approval of the minutes for the regular and executive session council meetings on April 22, 2024 and the special meeting for April 15, 2024.
- B) Approval of a proposal from Matrix Consulting Group for a Police Department Patrol Staffing Study and the appropriate budget amendment.
- C) Approval to authorize the City to enter into a Development Agreement with Rockspring Saur, LLC for Saengerhalle Road reconstruction and widening, drainage and avigation easements, and sound transmission

and attenuation.

- D) Approval of a contract with McCreary, Veselka, Bragg & Allen P.C. for support of case resolutions and delinquent account collections.
- E) Approval of a contract with Consolidated Traffic Control, Inc. for the installation of Opticom emergency preemption equipment to support the City of New Braunfels Fire Department.
- F) Approval of a contract with Paddle TX for the operation and maintenance of the Paddle Boat and Mini Golf Landa Park Attractions.
- G) Approval of a contract with Sustainable Modular Management for a modular classroom building at the new Fire Training Complex.
- H) Approval of a contract modification with Freese & Nichols Inc. for bidding and construction phase services associated with the Last Tuber's Exit Improvement Project.

This item was pulled for individual consideration by David Warmke.

- I) Approval of a contract modification with Freese & Nichols Inc. for bidding and construction phase services associated with the construction of the Landa Lake Dam & Spillway Improvements.

This item was pulled for individual consideration by David Warmke.

- J) Approval of the Modification of Deed between the City of New Braunfels and ADM Milling Co.

This item was pulled for individual consideration by David Warmke.

- K) Approval to authorize the City Manager to execute an interlocal cooperative purchasing agreement with the Sheriffs Association of Texas in accordance with the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code for the purchase of vehicles.
- L) Approval of an updated Interlocal Cooperation Agreement between the City of New Braunfels and the New Braunfels Independent School District (NBISD) for the provision of School Resource Officers by the New Braunfels Police Department at NBISD locations.
- M) Approval of a resolution authorizing the City Manager to apply for Federal Transit Administration grant funds and authorizing the City Manager to execute and file required documents annually.
- N) Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure

of up to \$1,000,000 to the City of New Braunfels for the construction of the Landa Lake Dam & Spillway Improvements, a project authorized under 505.152 of the Texas Local Government Code.

This item was pulled for individual consideration by David Warmke.

- O) Approval of a resolution consenting to the issuance of unlimited tax road bonds and unlimited tax bonds by Comal County Water Improvement District No. 1A, a Water Improvement District located within the Extraterritorial Jurisdiction of the City.
- P) Approval of a resolution consenting to the issuance of Contract Revenue Bonds by Comal County Water Improvement District No. 1A, a Water Improvement District located within the Extraterritorial Jurisdiction of the City.
- Q) Approval of a resolution supporting the submission of projects to the U.S. Department of Transportation Safe Streets and Roads for All grant.
- R) Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure of up to \$1,200,000 to the City of New Braunfels for the construction of the Last Tuber's Exit Improvements, a project authorized under 505.152 of the Texas Local Government Code.

This item was pulled for individual consideration by David Warmke.

Ordinances

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

- S) Approval of the first reading of an ordinance amending the New Braunfels Code of Ordinances, Section 86-2 by adopting new Miscellaneous Park Rental fees and moving all fees to Appendix D.
- T) Approval of the first reading of an ordinance amending the New Braunfels Code of Ordinances, Section 86-98 by adopting new Landa Haus Set Up fees, and moving all Landa Haus Rental fees to Appendix D.
- U) Approval of the first reading of an ordinance amending the New Braunfels Code of Ordinances, Section 86-95 by adopting a Tube Chute Facility Rental fee, adjusting the Tube Rental Deposit, and moving all fees to Appendix D.

- V) Approval of the second and final reading of an ordinance regarding amendments to Chapter 144 Zoning, Section 5.1 Parking, loading, stacking, and vehicular circulation.

Approval of the Consent Agenda

Mayor Linnartz read the aforementioned consent agenda with the exception of items H, I, J, N, and R.

Mayor Pro Tem Bowers made a motion to approve the consent agenda. Councilmember Campos seconded the motion which passed unanimously.

Absent:

Councilmember Labowski

2. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider the approval of an ordinance declaring the canvass and result of the General Election held on May 4, 2024, to elect two members of the New Braunfels City Council; containing a savings clause; declaring an effective date upon one reading.

Mayor Linnartz read the aforementioned item.

Gayle Wilkinson presented the aforementioned item.

The following individuals spoke at this time: David Warmke

Mayor Pro Tem Bowers motioned to approve this item. Councilmember Spradley seconded the motion with the condition that a mistake be corrected in the ordinance. The item passed unanimously.

Absent:

Councilmember Labowski

- B) Discuss and consider the second and final reading of an ordinance to rezone approximately 5 acres consisting of Lot 2 of the William E. Field Subdivision, from R-2 AH (Single-Family and Two-Family with Airport Hazard Overlay District) to C-4A AH (Resort Commercial with Airport Hazard Overlay District), currently addressed at 1493 Gruene Road.

Mayor Linnartz read the aforementioned item.

Matthew Simmont presented the aforementioned item to council using

a powerpoint and answered questions.

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

Absent:

Councilmember Labowski

C) Discuss and consider the second and final reading of an ordinance regarding a proposed rezoning of approximately 82 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.

Matthew Simmont presented the aforementioned item to council using a powerpoint and answered questions.

Garry Ford answered questions from council.

The following individuals spoke at this time: Gordon Jackson, Jim C., Pam Kraft

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

Opposed:

Councilmember Spradley

Absent:

Councilmember Labowski

J-1) Approval of the Modification of Deed between the City of New Braunfels and ADM Milling Co.

Mayor Linnartz read the aforementioned item.

David Warmke asked questions regarding the item.

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

R-1) Approval of a resolution recommended by the New Braunfels

Economic Development Corporation approving a project expenditure of up to \$1,200,000 to the City of New Braunfels for the construction of the Last Tuber's Exit Improvements, a project authorized under 505.152 of the Texas Local Government Code.

Mayor Linnartz read the aforementioned item.

David Warmke asked questions regarding the item.

Scott McClelland answered questions.

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

H-1) Approval of a contract modification with Freese & Nichols Inc. for bidding and construction phase services associated with the Last Tuber's Exit Improvement Project.

Mayor Linnartz read the aforementioned item.

All questions were previously answered under Item R-1.

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

N-1) Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure of up to \$1,000,000 to the City of New Braunfels for the construction of the Landa Lake Dam & Spillway Improvements, a project authorized under 505.152 of the Texas Local Government Code.

Mayor Linnartz read the aforementioned item.

All questions were previously answered under Item R-1.

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

I-1) Approval of a contract modification with Freese & Nichols Inc. for bidding and construction phase services associated with the construction of the Landa Lake Dam & Spillway Improvements.

Mayor Linnartz read the aforementioned item.

All questions were previously answered under Item R-1.

Councilmember Campos motioned to approve this item. Councilmember Willis 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 and consider the purchase, exchange, lease, or value of real property, in accordance with Section 551.072 of the Texas Government Code:
 - 1. A-1 SUR-1 AM Esnaurizar, Acres 239.708
 - 2. NBU Headquarters
 - 3. 2602 FM 758

- 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:

- Proposed development agreement with Rockspring Saur, LLC, and related development and roadway matters.

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.

No action was taken at this time.

ADJOURNMENT

Mayor Linnartz adjourned at 7:03 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY