

**DRAFT - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, AUGUST 14, 2023**

AGENDA - AMENDED 8/11/2023

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, 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: COUNCILMEMBER LABOWSKI

Councilmember Labowski 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: Marsha Rodgers, Jodi Smith, Amy Stone, Martin Nealeigh, Greg Garber, Michael Murphy, Kathy Burges

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.

Mayor Linnartz indicated that Item D was pulled by staff.

Resolutions & Action Items

- A) Approval of the July 24, 2023 Regular and Executive session minutes.
- B) Approval of a contract modification with Rodriquez Transportation Group, Inc. for the preliminary schematic layout of Zipp Road between Pahmeyer Road and Legend Pond.
- C) Approval to renew the following annual contracts, as allowed for by their contract language and in accordance with City Charter Section 9.17: Belt Harris Pechacek, LLP, Bureau Veritas, SafeBuilt Texas, and Sunland Group, Inc, BB Inspection Services LLC, Landscape Commander, Alight Solutions, Inc, CINTAS Corporation, Quality Counts, CJ Hensch, and Sunland Group Inc, Masterplan, K. Frieze & Assoc.
- D) Approval of an interlocal agreement for the allocation of sales tax revenue for the development of fire and emergency services by the City of New Braunfels and Comal County Emergency Services District No. 7
- E) Approval of a Professional Services Agreement with Pape-Dawson Engineers to provide civil engineering and surveying services for the plat of the Southeast Library site.
- F) Approval of the purchase of the real property addressed as 256 and 264 Krueger Avenue, authorization for the City Manager to execute all necessary agreements and approval of the associated budget amendment.
- G) Approval of a budget amendment to the FY 2023 Budget - CDBG Fund.
- H) Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure, not to exceed \$485,584, to the City of New Braunfels for a professional services agreement with Vickrey & Associates, LLC., for

feasibility studies and conceptual design of the Dry Comal Creek Hike and Bike Trail - segments two and three, a project expenditure authorized under 505.152 of the Texas Local Government Code; and declaring an effective date.

- I) Approval of an Interlocal Agreement (ILA) between New Braunfels Utilities (NBU), Guadalupe Blanco River Authority (GBRA), and the City of New Braunfels to establish and advance the One Water Program
- J) Approval of a resolution recommended by the New Braunfels Economic Development Corporation for a one-year extension to an existing economic development incentive agreement with Texas Tito's, Inc., which supports an expansion project to promote business enterprises that create or retain primary jobs; and declaring an effective date.
- K) Approval of the issuance of a license to store wrecked/abandoned vehicles (Vehicle Storage Facility) on property addressed at 2635 State Highway S.

Ordinances

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

- L) Approval of the first 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.
- M) Approval of the second and final reading of an ordinance regarding the proposed rezoning of 0.2 acres consisting of Lot 20, Block 2, Eickenroht Addition Revised Subdivision, from R-3 (Multifamily District) to R-3 SUP (Multifamily District with Special Use Permit for Short-Term Rental of a Residence), currently addressed at 1241 South Academy Avenue.
- N) Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 6 acres out of New Braunfels Town Center at Creekside Phase 4, Lot 1, from M-1Ar75 AH & M-1Ar60 AH (Light Industrial District with Restrictions, Airport Overlay) to M-1Ar75 AH SUP & M-1Ar60 AH SUP (Light Industrial District with

Restrictions, Airport Overlay with a Special Use Permit for Multifamily), located north of the intersection of Creekside Crossing and Sophie Lane.

- O) Approval of the second and final reading of an ordinance changing a portion of W Zipp Rd. to Pahmeyer Rd.
- P) Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 10 acres out of the Equinox Subdivision, from MU-Ar82 SUP (Low Intensity Mixed Use District with Restrictions with a Special Use Permit for Two-Story Townhomes) to MU-Ar82 SUP (Low Intensity Mixed Use District with Restrictions with a Special Use Permit for Multifamily), located west of the intersection of Independence Drive and Equinox Circle.
- Q) Approval of the second and final reading of an ordinance regarding the proposal to rezone approximately 0.2 acres out of New City Block 4071, Schneider Addition, West part of both Lots 1 and 2, from C-3 (Commercial District) to C-3 SUP (Commercial District, with a Special Use Permit for Short-Term Rental of a Residence), currently addressed as 695 South Santa Clara Avenue.
- R) Approval of the second and final reading of an ordinance regarding the proposal to rezone approximately 8 acres out of A. M. Esnaurizar Survey 1, Abstract 1, from R-2 (Single-Family and Two-Family District) to C-1B (General Business District), currently addressed at 1297 Church Hill Drive.
- S) Approval of the second and final reading of an ordinance regarding the proposal to rezone 0.16 acres out of New City Block 5085, being part of Lots 50 & 51, from C-1 (Local Business District) to C-1 SUP (Local Business District, with a Special Use Permit for Short-Term Rental of a Residence), currently addressed as 135 West Garza Street.
- T) Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 31 acres in the A.M. Esnaurizar Survey, Abstract No. 98, from APD AH AL (Agricultural/Pre-Development District with Airport Overlay) to M-1A AH AL (Light Industrial District with Airport Overlay), currently addressed as 3700 IH 35 North.
- U) Approval of the second and final reading of an ordinance regarding the proposed base rezoning of 2.62 acres out of the A.M. Esnaurizar Survey, Abstract No. 1, being part of Lot 1B, Block 1, of East

Hansmann Subdivision, from "APD" Agricultural/Pre-Development with Airport Hazard Overlay and "M-1" Light Industrial District with Airport Hazard Overlay to "M-1A" Light Industrial District Airport Hazard Overlay, currently addressed at 3206 IH 35 N.

Approval of the Consent Agenda

Mayor Linnartz read the aforementioned consent agenda with the exception of Item D.

Mayor Pro Tem Bowers motioned to approve the consent agenda with the exception of Item D. Councilmember Spradley seconded the motion which passed unanimously.

2. INDIVIDUAL ITEMS FOR CONSIDERATION

1-D) Approval of an interlocal agreement for the allocation of sales tax revenue for the development of fire and emergency services by the City of New Braunfels and Comal County Emergency Services District No. 7

Mayor Linnartz indicated this item had been pulled from the consent agenda and read the aforementioned item.

Jared Werner presented the item to council and answered questions from Council.

Mayor Pro Tem Bowers motioned to approve this item with the additional provision that the City Manager is able to negotiate the final terms with ESD #7. Councilmember Willis seconded the motion which passed unanimously.

A) Public hearing and first reading of an ordinance regarding the proposed rezoning of 0.13 acres in the Juan Martin de Veramendi Survey, Abstract No. 2, from R-2 (Single-Family and Two-Family District) to C-1A (Neighborhood Business District), currently addressed as 175 Comal Avenue.

Mayor Linnartz read the aforementioned item.

Christopher Looney presented the item to council using a powerpoint, answered questions, and indicated the item required a supermajority vote.

Applicant Charlie and Jeana Motz addressed council and answered

questions.

The following individuals spoke at this time: Bill Norville, Toni Peters

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

Mayor Linnartz called a 5 minute break.

Opposed:

Councilmember Labowski

- B) Discuss and consider the postponement or other action of a resolution for removal of the proposed Minor Collector identified in the City of New Braunfels Regional Transportation Plan as the future extension of Seminole Drive from the dead end of Seminole Drive from 1400 feet northwest of Alves Lane to FM 1101.

Mayor Linnartz read the aforementioned item.

Garry Ford presented the item to council and requested postponement to the October 16 meeting.

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

Councilmember Labowski motioned to postpone this item to the October 16 meeting. Councilmember Spradley seconded the motion which passed unanimously.

- C) Public hearing, discussion and possible approval of a resolution reauthorizing the City of New Braunfels Tax Abatement Policy

Mayor Linnartz read the aforementioned item.

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

The following individuals spoke at this time: David Warmke

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

- D) Discuss and consider the approval of a Professional Services

Agreement with Vickrey & Associates, LLC. for preliminary design and engineering of the Dry Comal Creek Hike and Bike Trail Segments 2 and 3.

Mayor Linnartz read the aforementioned item.

Garry Ford presented the item to council using a powerpoint and answered questions.

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

- E) Discuss and consider a resolution recommended by the New Braunfels Economic Development Corporation (NBEDC) approving a project expenditure, not to exceed \$3,500,000, to the City of New Braunfels for construction of the Zipp Family Sports Park, a project authorized under 505.152 of the Texas Local Government Code; and declaring an effective date.

Mayor Linnartz read the aforementioned item.

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

The following individuals spoke at this time: David Warmke

Councilmember Campos motioned to approve this item. Councilmember Spradley 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/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:

- San Antonio Street reconstruction project
- Heather Glen Subdivision Settlement Offer

- B) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code, specifically
- 1493 Gruene Road

Mayor Linnartz read the aforementioned executive session items.

Mayor Linnartz recessed into executive session at 8:10 p.m.

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

Mayor Linnartz reconvened into open session at 8:54 p.m.

No action was taken at this time.

ADJOURNMENT

Mayor Linnartz adjourned at 8:54 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY