



**CITY OF NEW BRAUNFELS, TEXAS
CITY COUNCIL MEETING**



**CITY HALL - COUNCIL CHAMBERS
550 LANDA STREET**

MONDAY, SEPTEMBER 9, 2024 at 6:00 PM

Neal Linnartz, Mayor
Andres Campos, Mayor Pro Tem (District 1)
Christopher Willis, Councilmember (District 2)
D. Lee Edwards, Councilmember (District 3)
Lawrence Spradley, Councilmember (District 4)
Mary Ann Labowski, Councilmember (District 5)
April Ryan, Councilmember (District 6)
Robert Camareno, City Manager

MISSION STATEMENT

The City of New Braunfels will add value to our community by planning for the future, providing quality services, encouraging community involvement and being responsive to those we serve.

AGENDA

CALL TO ORDER

CALL OF ROLL: CITY SECRETARY

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

INVOCATION: MAYOR LINNARTZ

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

PROCLAMATIONS:

- A) Fentanyl Poisoning Awareness Month [24-861](#)
- B) Constitution Week [24-868](#)
- C) Leukodystrophy Awareness Month [24-867](#)

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.

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 minutes for the regular and executive [24-1159](#) session council meetings on August 26, 2024.
Matthew Schwarz, Assistant City Secretary
- B) Approval of a recommendation by the New Braunfels [24-1087](#) Economic Development Corporation (NBEDC) approving an administrative support and professional services contract, not to exceed \$455,386, with the City of New Braunfels for FY 2025.
Jeff Jewell, Economic and Community Development Director
- C) Approval of a contract with Lone Star Paving for the [24-1156](#) reconstruction of West San Antonio Street from Walnut Avenue to Academy Avenue and authorization for the City Manager to execute any change orders up to the contingency amount.
Scott McClelland, Assistant Transportation and Capital Improvements Director
- D) Approval of a Guaranteed Maximum Price of \$1,854,561 [24-1157](#) with Trimbuilt Construction, Inc. for construction of the Fire Station #5 Renovation Project and approval of an owner's contingency of \$70,000.
Scott McClelland, Assistant Transportation and Capital Improvements Director
- E) Approval of a contract between the City of New [24-1094](#) Braunfels and the Humane Society of the New Braunfels Area for FY 2025.
Jared Werner, Assistant City Manager
- F) Approval of a FY 2024 Budget Amendment in the 2013 [24-1165](#) Bond Fund to support street maintenance projects scheduled to be completed prior to the end of the 2024 fiscal year.
Karrie Cook, Budget Manager
- G) Approval of a resolution authorizing the City Manager to [24-1102](#) act on behalf of the City of New Braunfels in all matters related to an awarded Airport Improvement Grant

administered by the Texas Department of Transportation, Aviation Division; and approval for a contract with KSA Engineers, Inc. for environmental, design, and bidding services to support the subsequent construction of a perimeter fence at the New Braunfels National Airport.

Jennifer Gates, Grants Coordinator

- H) Approval of a resolution authorizing the City Manager to enter into an Advance Funding Agreement between the City of New Braunfels and the Texas Department of Transportation for sidewalks along Schmidt Ave and traffic signal improvements at San Antonio Street & Academy Avenue. [24-1106](#)

Scott McClelland, Assistant Transportation and Capital Improvements Director

- I) Approval of a resolution to consent to the creation of the Steelwood Trail Municipal Utility District (MUD) within the City's Extraterritorial Jurisdiction (ETJ) in Guadalupe County, consisting of 93.386 acres, and authorizing the City Manager to execute a development agreement between the City of New Braunfels and SA Given to Fly, L.P. [24-1057](#)

Matt Greene, Principal Planner

- J) Approval of a resolution of support for the Texas Department of Transportation Project for the Bridge Replacement on Landa Park Drive at the Mill Pond [24-1149](#)

Greg Malatek, Director of Public Works

- K) Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure of up to \$2,000,000 to the City of New Braunfels for the construction of Alligator Creek Trail West, pursuant to Sec. 505.152 of the Texas Local Government Code. [24-1036](#)

Scott McClelland, Assistant Director of Transportation and Capital Improvements

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 second and final reading of an ordinance to rezone approximately 7 acres out of the J Thompson [24-1128](#)

Survey 21, Abstract 608, from R-1 (Single-Family District) to R-1A-4 (Single-Family Small Lot Residential District), currently addressed at 2911 Morningside Dr.

Matthew Simmont, AICP Planning Manager

- M) Approval of the second and final reading of an ordinance [24-1129](#) to rezone approximately 5.3 acres out of City Block 5089, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, & 13, from R-2 (Single-Family and Two-Family District) to C-O (Commercial Office District), currently addressed as 511 E North St.

Jean Drew, AICP, CNU-A, Planning and Development Services Assistant Director

- N) Approval of the second and final reading of an ordinance [24-1130](#) amending the New Braunfels Code of Ordinances, Chapters 62 and 90 and Appendix D, to update the local food code, streamline certain food service establishment procedures, consolidate rules on mobile food units, and ensure consistency with the State of Texas Food Code.

Bryan V. Ruiz, R.S., Neighborhood Services Manager

- O) Approval of the second and final reading of an ordinance [24-1154](#) amending the New Braunfels Code of Ordinances, Chapter 10 and Appendix D by ratifying the current New Braunfels National Airport rates and charges and adding them to Appendix D.

Karrie Cook, Budget Manager

- P) Approval of the second and final reading of an amendment to the New Braunfels Code of Ordinances, Appendix D by adopting new fees for Supplies, Specialty Care Transport, and Fire Inspections and adding fees to Appendix D.

Karrie Cook, Budget Manager

- Q) Approval of the second and final reading of an ordinance [24-1139](#) amending the New Braunfels Code of Ordinances, Chapter 2, Section 2-128, to repeal the prerequisite for claimants to appear before city council prior to filing a lawsuit and update the address for receipt of claims against the city.

Valeria Acevedo, City Attorney

- R) Approval of the second and final reading of an ordinance [24-1151](#)

amending the New Braunfels Code of Ordinances, Section 114-141 by adopting new fees for Road/Right of Way Excavation Permits and moving fees to Appendix D.

Karrie Cook, Budget Manager

- S) Approval of the second and final reading of an amendment to the New Braunfels Code of Ordinances, Appendix D by adopting new fees for Camp Minnehaha and Fischer Park Nature Camp and adding fees to Appendix D. [24-1150](#)

Karrie Cook, Budget Manager

- T) Approval of the second and final reading of an ordinance amending Chapter 144, Zoning, regarding temporary vending operations and mobile food courts. [24-1140](#)

Christopher J. Looney, AICP, Planning & Development Services Director

- U) Approval of the second reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government Code, Chapter 143. [24-1163](#)

Becca Miers, Director of Human Resources

2. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of a traffic calming plan on Howard Street. [24-1068](#)

Carly Farmer, Engineer

- B) Discuss and consider approval of a traffic calming plan on Caddell Lane. [24-1069](#)

Carly Farmer, Engineer

- C) Discuss and consider approval of the second and final reading of an ordinance adopting the FY 2025 Operating Budget and Plan of Municipal Services. [24-1121](#)

Karrie Cook, Budget Manager

- D) Discuss and consider a resolution of the City of New Braunfels ratifying the increase in revenue generated by the 2024 property tax rate included in the FY 2025 Annual Budget. [24-1118](#)

Karrie Cook, Budget Manager

- E) Discuss and consider approval of the second and final [24-1124](#)

reading of an ordinance adopting the 2024 ad valorem tax rates.

Karrie Cook, Budget Manager

- F) Discuss and consider the approval of an ordinance [24-1062](#) authorizing the issuance of city of New Braunfels, Texas Tax Notes, Series 2024; levying an ad valorem tax in support of the notes; awarding the sale of the notes; approving an official statement, a paying agent/registrars agreement and other agreements relating to the sale and issuance of the notes; and ordaining other matters relating to the issuance of the notes.

Sandy Paulos, Director of Finance

- G) Discuss and consider approval of a resolution of the City [24-1120](#) of New Braunfels, Texas, authorizing the use of eminent domain proceedings for the acquisition of permanent easements and temporary construction easements that are necessary to advance and achieve the public use of expanding the New Braunfels Utilities' wastewater system, (the "McKenzie Interceptor Upgrade Project"), to increase sewer capacity to meet existing and future needs and ensure reliability, in the event negotiations are unsuccessful:
- a. Properties owned by N.B. 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);
 - b. 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);
 - c. 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); and

d. 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),

Ryan Kelso - Chief Executive Officer, New Braunfels Utilities

Bruce Haby - Real Estate Services Manager, New Braunfels Utilities

- H) Discuss and consider approval of a resolution [24-1123](#) authorizing any legal action necessary to remove the cemetery dedication by MP New Braunfels, LLC encumbering a 40.37 acre tract situated in the A.M. Esnaurizar Survey, Abstract Number 1, Comal County, Texas

Ryan Kelso - Chief Executive Officer, New Braunfels Utilities

Bruce Haby - Real Estate Services Manager, New Braunfels Utilities

- I) Discuss and consider the second and final reading of an ordinance to amend New Braunfels Code of Ordinances, Chapter 30, Section 30-52 by adopting new rental fees at the New Braunfels Civic & Convention Center and adding all fees to Appendix D. [24-1153](#)

Karrie Cook, Budget Manager

3. **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, [24-1131](#) contract terms, due diligence, or value of real property, in accordance with Section 551.072 of the Texas Government Code:
1. TSTC Campus
- B) Deliberate the appointment and employment of an interim [24-1126](#) Assistant City Attorney/Municipal Court Prosecutor in accordance with Section 551.074 of the Texas Government Code.

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

ADJOURNMENT

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall.

Gayle Wilkinson, City Secretary

NOTE: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at (830) 221-4010 at least two (2) work days prior to the meeting so that appropriate arrangements can be made.