

**FINAL - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, SEPTEMBER 9, 2024**

AGENDA

CALL TO ORDER

Mayor Linnartz called the meeting to order at 6:00 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: MAYOR LINNARTZ

Mayor Linnartz 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) Fentanyl Poisoning Awareness Month

Mayor Linnartz read the aforementioned proclamation.

Individuals bringing awareness Fentanyl Poisoning Awareness Month received the proclamation and addressed council and the audience.

B) Constitution Week

Mayor Linnartz read the aforementioned proclamation.

The National Society of the Daughters of the American Revolution received the proclamation and addressed council and the audience.

C) Leukodystrophy Awareness Month

This proclamation was not read at this time.

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, Jim Holster

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.

Items C and D were pulled for individual consideration by David Warmke.

Resolutions & Action Items

- A) Approval of the minutes for the regular and executive session council meetings on August 26, 2024.
- B) Approval of a recommendation by the New Braunfels 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.
- C) Approval of a contract with Lone Star Paving for the 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.
- D) Approval of a Guaranteed Maximum Price of \$1,854,561 with Trimbuilt Construction, Inc. for construction of the Fire Station #5 Renovation Project and approval of an owner's contingency of \$70,000.
- E) Approval of a contract between the City of New Braunfels and the Humane Society of the New Braunfels Area for FY 2025.
- F) Approval of a FY 2024 Budget Amendment in the 2013 Bond Fund to

support street maintenance projects scheduled to be completed prior to the end of the 2024 fiscal year.

- G) Approval of a resolution authorizing the City Manager to 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.
- 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.
- 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.
- 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
- 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.

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 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.
- M) Approval of the second and final reading of an ordinance 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.

- N) Approval of the second and final reading of an ordinance 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.
- O) Approval of the second and final reading of an ordinance 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.
- 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.
- Q) Approval of the second and final reading of an ordinance 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.
- R) Approval of the second and final reading of an ordinance 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.
- 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.
- T) Approval of the second and final reading of an ordinance amending Chapter 144, Zoning, regarding temporary vending operations and mobile food courts.
- 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

Approval of the Consent Agenda

Mayor Linnartz read the aforementioned consent agenda ordinance items and noted that items C and D were pulled for individual consideration.

Councilmember Spradley motioned to approve the consent agenda with the exception of items C and D. Mayor Pro Tem Campos seconded the motion which passed unanimously.

2. INDIVIDUAL ITEMS FOR CONSIDERATION

C-1) Approval of a contract with Lone Star Paving for the 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.

David Warmke pulled this item for individual consideration.

Mayor Linnartz read the aforementioned item.

David Warmke addressed council and asked questions from staff.

Scott McClelland answered questions.

The following individuals spoke at this time: Jim Holster

Councilmember Spradley moved to approve this item. Councilmember Ryan seconded the motion which passed unanimously.

D-1) Approval of a Guaranteed Maximum Price of \$1,854,561 with Trimbuilt Construction, Inc. for construction of the Fire Station #5 Renovation Project and approval of an owner's contingency of \$70,000.

David Warmke pulled this item for individual consideration.

Mayor Linnartz read the aforementioned item.

David Warmke addressed council and asked questions from staff.

Scott McClelland answered questions.

Councilmember Labowski moved to approve this item. Councilmember Ryan seconded the motion which passed unanimously.

A) Discuss and consider approval of a traffic calming plan on Howard Street.

Mayor Linnartz read the aforementioned item.

Carly Farmer presented the item to council using a powerpoint and answered questions.

The following individuals spoke at this time: Vanessa Brown

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

B) Discuss and consider approval of a traffic calming plan on Caddell Lane.

Mayor Linnartz read the aforementioned item.

Carly Farmer presented the item to council using a powerpoint and answered questions.

The following individuals spoke at this time: Bria Mutch, Jane Smith

Councilmember Labowski moved to approve this item. Councilmember Willis seconded the motion which passed unanimously.

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.

Mayor Linnartz read the aforementioned item.

Karrie Cook presented the item to council using a powerpoint and answered questions.

Mayor Pro Tem Campos moved to approve the final reading of an ordinance adopting the Fiscal Year 2025 Operating Budget and Plan of Municipal Services including the Budget Order and attachments included in that order. Councilmember Spradley seconded the motion which passed unanimously.

- 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.

Mayor Linnartz read the aforementioned item.

Karrie Cook presented the item to council using a powerpoint.

The following individuals spoke at this time: David Warmke

Mayor Pro Tem Campos moved to ratify the property tax revenue increase reflected in the Fiscal Year 2025 Operating Budget and Plan of Municipal Services. Councilmember Spradley seconded the motion which passed unanimously.

- E) Discuss and consider approval of the second and final reading of an ordinance adopting the 2024 ad valorem tax rates.

Mayor Linnartz read the aforementioned item.

Karrie Cook presented the item to council using a powerpoint and answered questions.

Mayor Pro Tem Campos moved that the property tax rate be increased by the adoption of a tax rate of .408936 per \$100 of assessed taxable valuation, which is effectively an 2.7% increase in the tax rate, with .203928 for debt service and .205008 cents for operations and maintenance. Councilmember Spradley seconded the motion which passed unanimously.

- F) Discuss and consider the approval of an ordinance 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/registrar agreement and other agreements relating to the sale and issuance of the notes; and ordaining other matters relating to the issuance of the notes.

Mayor Linnartz read the aforementioned item.

Sandy Paulos and Ryan Samco presented the item to council using a powerpoint and answered questions.

The following individuals spoke at this time: David Warmke

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

- G) Discuss and consider approval of a resolution of the City 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),

Mayor Linnartz read the aforementioned item.

Ryan Kelso and NBU legal counsel presented the item to council using a powerpoint and answered questions.

The following individuals spoke at this time: David Warmke

Councilmember Spradley moved that the City of New Braunfels approve the resolution authorizing the use of the power of eminent domain to acquire:

- 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);**
- to advance and achieve the public use of expanding the New Braunfels Utilities' wastewater system to increase sewer capacity to meet existing needs and to serve future growth and ensure reliability. Mayor Pro Tem Campos seconded the motion which passed unanimously.**

- H) Discuss and consider approval of a resolution 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**

Mayor Linnartz read the aforementioned item.

Ryan Kelso and NBU legal counsel presented the item to council using a powerpoint and answered questions.

Mayor Pro Tem Campos moved that the City of New Braunfels approve the resolution authorizing the performance of all legal actions necessary to challenge, remove, and dissolve the Certificate of Perpetual Care Cemetery Dedication that MP New Braunfels, LLC recorded in the Real Property Records of Comal County, Texas. Councilmember Spradley seconded the motion which passed unanimously.

- 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.

Mayor Linnartz read the aforementioned item.

Karrie Cook presented the item to council and answered questions.

Councilmember Labowski moved to approve this item. Councilmember Willis seconded the motion which passed unanimously.

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, 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 Assistant City Attorney/Municipal Court Prosecutor in accordance with Section 551.074 of the Texas Government Code.

The aforementioned executive session items were not read at this time.

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

There was no action at this time.

ADJOURNMENT

Mayor Linnartz adjourned at 7:23 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY