

**DRAFT - MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL  
REGULAR MEETING OF MONDAY, OCTOBER 23, 2023**

**AGENDA**

**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: MAYOR PRO TEM BOWERS**

Mayor Pro Tem Bowers 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) National Code Compliance Month

Mayor Linnartz read the aforementioned proclamation.

Bryan Ruiz with the City of New Braunfels Code Compliance accepted the proclamation and addressed council.

B) Family Promise Week

Mayor Linnartz read the aforementioned proclamation.

Sarah Dixon with Family Promise accepted the proclamation and addressed council.

C) Teachers Day Proclamation

This item was not read.

**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, David Gonzalez, Marilyn Aden, Ron Schmidt, Amy Sharp, Ann Gayle Smith, Stacy Young, Laurie Cano, Kim Farlow, Jim Holster, Joey Hendricks, Laura Simmons, Amanda Freeman, Kennedy James, Gabriel Grove, Susan Peloquin, Brandy Steptoe, Jennifer Jones, Bentley Paiz, Stacy Hatsack, Theresa Gould, Joel Hayes, Lynn Silver, JoeyLynn Mesaros, Ashley Allsup, Dawn Wolverton**

**Mayor Linnartz called a 5 minute break.**

## **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.*

**Item L was pulled for individual consideration by David Warmke.**

### *Resolutions & Action Items*

- A) Approval of the October 9th, 2023 Regular & Special Meeting Minutes and the October 16th, 2023 Special Meeting Minutes.
- B) Approval for purchase through Chastang Enterprise Houston LLC/Chastang Ford for a 2024 Ford Expedition SSV
- C) Approval of a license agreement between the City of New Braunfels and Legacy at Lake Dunlap Property Owners Association for an encroachment in the public Right of Way adjacent to Weltner Road.
- D) Approval of a Professional Services Agreement with Doucet and Associates, Inc. to provide design services for the Golf Course Road parking area and biofiltration system.

- E) Approval of a contract with Deckard Technologies, Inc. for a short-term rental compliance software platform and automated licensing and tax remittance system.
- F) Approval of a contract with Routeware Inc. for the purchase of a software suite for the Solid Waste and Recycling Division.
- G) Approval of a purchase with Wastequip for commercial refuse containers.
- H) Approval of the acceptance of 25 acres of land located in the Sarah Dewitt Survey, A-103, Guadalupe County, Texas from the New Braunfels Parks Foundation.
- I) Approval of amendments to the agreement between the City of New Braunfels and the Humane Society of the New Braunfels Area, Inc. and the associated budget amendment
- J) Approval of the acceptance of a 10.002 acre tract of land described as Lot 1, Block 1, Mission Hill Park Subdivision from the New Braunfels Parks Foundation.
- K) Approval of a contract with EMERGICON LLC to provide Emergency Medical Services (EMS) Medical Billing Cost Recovery Services for the City of New Braunfels Fire Department.
- L) Approval of a Resolution of the City Council of the City of New Braunfels, Texas, approving a recommendation of the New Braunfels Tax Increment Reinvestment Zone #3 - Downtown TIRZ approving the creation of the Business Improvement and Preservation Grant Program.

**This item was pulled by David Warmke.**

- M) Approval of a Resolution authorizing the resale of property held in trust by the County of Comal, Texas, as Trustee, described as Lot 23, Block 5, Evergreen Village Subdivision, Unit 1A, City of New Braunfels, Comal County, Texas to the City of New Braunfels and authorization for the City Manager to execute all necessary conveyance documents.
- N) Approval of a Resolution authorizing the resale of property held in trust by the County of Comal, Texas, as Trustee, described as Lot 16, Block 5, Evergreen Village Subdivision, Unit 1A, City of New Braunfels, Comal County, Texas to the City of New Braunfels and

authorization for the City Manager to execute all necessary conveyance documents.

- O) Approval of a Resolution authorizing the resale of property held in trust by the County of Comal, Texas, as Trustee, described as Lot 1, Block 3, Glen Brook Addition, A Zero Lot Line Subdivision, Unit 2, City of New Braunfels, Comal County, Texas to the City of New Braunfels and authorization for the City Manager to execute all necessary conveyance documents.
- P) Approval of a Resolution identifying public purpose and authorizing the City Manager to execute a lease agreement between the City of New Braunfels and Family Promise of Greater New Braunfels for property addressed as 295 Rosewood Avenue.

#### *Ordinances*

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

- Q) Approval of the second and final reading of an ordinance to amend Section 126-354 of the Code of Ordinances of the City of New Braunfels to include a portion of N Washington Avenue in Parking by Permit Area C.
- R) Approval of the first reading of an ordinance changing street names in Sunset Ridge and Vista Hills Unit 2 from "Vista Vw" to "Blue Cloud Way", in Sunset Ridge from "S Water Ln" to "N Gleaming Trl", and in Highland Grove Unit 2 from "S Water Ln" to "S Gleaming Trl".

#### Approval of the Consent Agenda

**Mayor Linnartz read the aforementioned consent agenda with the exception of item L.**

**Mayor Pro Tem Bowers motioned to approve the consent agenda with the exception of item L. Councilmember Campos seconded the motion which passed unanimously.**

## **2. INDIVIDUAL ITEMS FOR CONSIDERATION**

- 1-L) Approval of a Resolution of the City Council of the City of New Braunfels, Texas, approving a recommendation of the New Braunfels Tax Increment Reinvestment Zone #3 - Downtown TIRZ approving the creation of the Business Improvement and Preservation Grant Program.

**This item was pulled by David Warmke.**

**Mayor Linnartz read the aforementioned item.**

**Jeff Jewell presented the item to council.**

**David Warmke commented on this item.**

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

- A) Discuss and consider the first reading of an ordinance granting to Universal Natural Gas, LLC d/b/a Universal Natural Gas, Inc., its successors and assigns for a period of 15 years, a non-exclusive franchise and right to enter public way to install, operate and maintain a natural gas distribution system within, along, across, over and under the public ways of the City of New Braunfels, Texas for the transportation, distribution and/or sale of natural gas to customers and the public in the City; providing for publication and an effective date.

**Mayor Linnartz read the aforementioned item.**

**Valeria Acevedo presented the item to council.**

**Outside counsel Alfred Herrera and a Universal Natural Gas representative further presented this item to council and answered questions.**

**The following individuals spoke at this time: David Gonzalez**

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

- B) Discuss and consider the proposed amendments to pavement engineering standards as it pertains to new streets.

**Mayor Linnartz read the aforementioned item.**

**Greg Malatek presented the item to council using a powerpoint and answered questions.**

**Councilmember Spradley motioned to approve this item. Mayor Pro**

**Tem Bowers seconded this motion which passed unanimously.**

- C) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 31 acres out of the A.M. Esnaurizar Survey, Eleven League Grant, Block No. 106, Abstract No.20, from C-3 (Commercial District) and APD (Agricultural/Pre-Development District) to MU-A (Low Intensity Mixed Use District), currently addressed at 1865 South SH 46.

**Mayor Linnartz read the aforementioned item.**

**Matthew Simmont presented the item using a powerpoint.**

**Applicant Ashley Fairmont further presented the item to council using a powerpoint and answered questions.**

**The following individuals spoke at this time: David Gonzalez, David Warmke, Ross G. Mayor Linnartz read the aforementioned item.**

**Matthew Simmont presented the item using a powerpoint.**

**Applicant Ashley Fairmont further presented the item to council using a powerpoint and answered questions.**

**The following individuals spoke at this time: David Gonzalez, David Warmke, Ross G.**

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

**Opposed:**

**Councilmember Labowski**

- D) Public hearing and first reading of an ordinance to rezone approximately 25.59 acres out of the John Thompson Survey No. 21, Abstract No. 608, Comal County, Texas, from APD (Agricultural/Pre-development District) to R-3H (Multifamily High Density District), TH-A (Townhome Residential District), and C-1B (General Business District), currently addressed at 1890 FM 1044.

**Mayor Linnartz read the aforementioned item.**

**Jean Drew indicated the applicant has requested postponement and answered questions.**

The following individuals spoke at this time: Shauna Neeley, Amy Bourne, David Benitez, Ken Winslow, Brian Cloak, Angela Stubb, Enilsa Svec, Laura Winslow, David Gonzalez, Thomas Vasek, Gary Conley

Councilmember Campos motioned to deny postponement. Councilmember Willis seconded the motion which passed unanimously. The postponement was denied and the item continued.

Jean Drew presented the item to council using a powerpoint and answered questions.

Applicant Sergio Lozano further presented this item to council.

Mayor Linnartz called a ten minute recess.

The applicant withdrew their application for rezoning to be able to better communicate with the community before re-approaching planning commission.

E) Public hearing and first reading of an ordinance to rezone 0.255 acres out of Walnut Hills Subdivision, Lot 1, from R-2 (Single-Family and Two-Family District) to C-1A (Neighborhood Business District), currently addressed at 1417 North Walnut Avenue.

Mayor Linnartz read the aforementioned item.

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

The applicant's representative explained the purpose for the rezoning and answered questions.

Mayor Pro Tem Bowers 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 the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Court Judge in accordance with Section 551.074 of the Texas Government Code.
- B) Deliberate issues regarding economic development negotiations in accordance with Section 551.087 of the Texas Government Code:
  - Project Lion

**The aforementioned items took place during executive session.**

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

**There was no action taken at this time.**

**ADJOURNMENT**

Mayor Linnartz adjourned at 9:40 p.m.

By: \_\_\_\_\_  
NEAL LINNARTZ, MAYOR

**Attest:**

\_\_\_\_\_  
GAYLE WILKINSON, CITY SECRETARY