

**FINAL - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JANUARY 8, 2024**

AGENDA - AMENDED 01-04-2024

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, 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 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.

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: Ron Schmidt, Bill Barry, Jim Holster, Steve Ceh, Mike Murphy, Loree Shrank

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 December 11, 2023 special, executive, and regular meeting minutes.
- B) Approval to cancel the second December regular City Council meeting on December 23, 2024, the regular council meeting on November 11, 2024 (Veterans Day), and the regular council meeting on May 27, 2024 (Memorial Day).
- C) Approval of a FY 2024 Budget Amendment for the Edwards Aquifer Habitat Conservation Plan Fund to add the Year Twelve Conservation Projects totaling \$465,385 in both revenue and expenditures.
- D) Approval of a Professional Services Agreement with the Broussard Group, Inc. dba TBG Partners for the creation of a comprehensive and targeted West End Area Master Plan and authorizing the City Manager to execute the Agreement.
- E) Approval to renew the following annual contracts, as allowed for by their contract language and in accordance with City Charter Section 9.17: Atlas Environmental, BIO-West, Inc, Environmental Survey Consulting, ERB Enterprise, Texas Municipal League, Motorola
- F) Approval of FY 2023 budget amendments for the General Fund, Golf Fund, Special Revenue Fund, Development Services, Self Insurance Fund, Fleet Fund and the Court Technology Fund.
- G) Approval of a budget amendment to the FY 2024 Budget - CDBG Fund.
- H) Approval of the sale of a 0.013 acre tract of land out of lot 133, New City Block 2004, addressed as 385 W. San Antonio Street in the City of New Braunfels, Texas
- I) Approval of the Transportation and Traffic Advisory Board to serve as the City of New Braunfels Street Safety Action Plan Task Force.

- J) Approval of a resolution terminating the development agreement between the City of New Braunfels and HK Porter LLC on approximately 350 acres of property located on the north side of FM 1863 and north of the intersection of FM 1863 and Word Ranch Road.
- K) Approval of an purchase with Schaefer Plastics North America, LLC for the purchase of residential refuse and recycling containers and lids.
- L) Approval of the Arts Commission recommendations for allocating hotel occupancy tax (HOT) grant funds to community arts organizations and authorizing the City Manager to execute related grant award contracts.
- M) Approval of the Heritage Commission recommendations for allocating hotel occupancy tax grant funds to community heritage organizations and authorizing the City Manager to execute related grant award contracts.

Ordinances

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

- N) Approval of the second and final reading of an ordinance to rezone 0.38 acres out of New City Block 4071, Schneider Addition, lots 7 & 8, from SND-1 (Special Neighborhood District-1) to R-3L (Multifamily Low-Density District) currently addressed at 605 South Santa Clara Avenue.
- O) Approval of the second and final reading of an ordinance to amend Section 126-346 of the Code of Ordinances of the City of New Braunfels to establish a no parking zone on both sides of Comal Creek Trail between Springs Nursery.
- P) Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 144-1.4 by adding definitions of Heritage and Protected Trees, amending Section 144-5.3-1 by extending approval authority for tree replacement to include department staff, creating the Tree Mitigation Fund option to tree replacement; and amending Appendix D-Fee Schedule, by adopting new fees for development related services.
- Q) Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Appendix D - Fee Schedule by adopting new fees for Traffic Impact Analysis Services.

- R) Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 62-Health and Sanitation, by adopting new fees for Neighborhood Services - Health and Sanitation related services and moving all fees to Appendix D-Fee Schedule, and minor editing.
- S) Approval of the first reading of an ordinance amending Section 86-2 of the Code of Ordinances, regarding rounding park rental fees to nearest dollar.
- T) Approval of the first reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department pursuant to Local Government Code, Chapter 143.

Approval of the Consent Agenda

Mayor Linnartz read the aforementioned consent agenda.

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

2. INDIVIDUAL ITEMS FOR CONSIDERATION

- F) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 86 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) and R-3H AH (Multifamily High Density Airport Hazard Overlay District) currently addressed at 1280 Saengerhalle Road and 1682 Saur Lane

Mayor Linnartz read the aforementioned item and stated the applicant has requested a postponement to the January 22nd meeting.

The applicant explained the reasoning behind requesting the postponement.

Councilmember Spradley motioned to postpone the item to the January 22nd council meeting. Councilmember Campos seconded the motion which passed unanimously.

- A) Discuss and consider approval of an ordinance authorizing the issuance of "City of New Braunfels, Texas, Utility System Revenue And Refunding Bonds, Series 2024", pledging the net revenues of the

City's Waterworks, Sanitary Sewer and Electric Light and Power Systems to the payment of the principal of and interest on said bonds; enacting provisions incident and related to the issuance, payment, security, sale and delivery of said bonds; establishing procedures for the sale and delivery of said Bonds; delegating matters relating to the sale and issuance of said Bonds to authorized City and Systems officials and providing an effective date

Mayor Linnartz read the aforementioned item.

Dawn Schriewer and the NBU Financial Advisor 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.

B) Discuss and consider approval of the installation of speed humps on E Zink Street.

Mayor Linnartz read the aforementioned item.

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

The following individuals spoke at this time: David Warmke

This item died for lack of a motion.

C) Public hearing and first reading of an ordinance regarding the proposed rezoning of Oak Grove Estates, Unit 5 Subdivision, Block 1, Lots 2 & 3 from R-1 AH (Single-Family Airport Hazard Overlay District) to C-O AH (Commercial Office Airport Hazard Overlay District), currently addressed as 125 & 145 Oak Knot Drive.

Mayor Linnartz read the aforementioned item.

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

Applicant Dean Shilling addressed council and answered questions.

The following individuals spoke at this time: Rachel Torres, Evan Robinson, Rick DeLong, Steve Lingeback, Vanessa Jackson, David Taylor, Joy Salster, Unnamed Person

Councilmember Willis motioned to deny this item. Councilmember Labowski seconded the motion which passed.

Opposed:

Mayor Linnartz, and Councilmember Campos

D) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 52 acres out of the A.M. Esnaurizar Survey, Abstract 98, from R-2 AH (Single-Family and Two-Family Airport Hazard Overlay District) to R-2 AH SUP (Single-Family and Two-Family Airport Hazard Overlay District with a Special Use Permit for Multifamily), currently addressed as 1450 FM 1101.

Mayor Linnartz read the aforementioned item.

Mayor Linnartz called a 5 minute break.

Matthew Simmont presented the item using a presentation and answered questions.

Applicant representative James Ingalls addressed council.

The following individuals spoke at this time: Martin Nealeigh

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

Opposed:

Mayor Pro Tem Bowers, Councilmember Spradley, and Councilmember Labowski

E) Public hearing and first reading of an ordinance to rezone approximately 42 acres out of the A. M. Esnaurizar Survey, Abstract 20, from MU-A AH (Low-Intensity Mixed-Use Airport Hazard Overlay District) to C-1B AH (General Business Airport Hazard Overlay District), currently addressed at 1983 State Highway 46.

Mayor Linnartz read the aforementioned item.

Jean Drew presented the item to council using a powerpoint.

Applicant representative Wayne Flores addressed council.

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

- G) Public hearing and first reading of an ordinance regarding the proposed rezoning of 0.14 acres out of New City Block 4074, Baus Addition, Block A, Lot 9 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 at 559 West Nacogdoches Street.

Mayor Linnartz read the aforementioned item.

Matthew Simmont 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.

- H) Public hearing and consideration of the proposed Mayfair Sector Plan 3, within the Comal County Water Improvement District #3, encompassing approximately 540 acres out of the A M Esnaurizar Survey 1, Abstract 1, including property east of IH 35 N, north of Kohlenberg Rd and south of Watson Lane E within the Mayfair Project.

Mayor Linnartz read the aforementioned item.

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

Applicant representative Todd Blackman introduced himself.

The following individuals spoke at this time: David Warmke

Councilmember Spradley motioned to approve this item with staff recommendations. Mayor Pro Tem Bowers 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 or 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:

- City of New Braunfels v. River Ranch RV Park Resort

- B) Deliberate issues regarding economic development negotiations in accordance with Section 551.087 of the Texas Government Code:

- Project Lion

The aforementioned item B took place during executive session. Item A was not read.

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

Executive session item B took place during executive session. Item A was not read. No action was taken at this time.

ADJOURNMENT

Mayor Linnartz adjourned at 8:18 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY