

**FINAL - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, FEBRUARY 12, 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, 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 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.

PRESENTATIONS:

A) Retiree Recognition - Xavier Larralde
Mayor Linnartz read the aforementioned item.

Chief Ruy Lozano introduced Lt. Xavier Larralde and his family and announced his retirement.

Lt. Xavier Larralde addressed the council and attendees.

PROCLAMATIONS:

A) Engineers Week
Mayor Linnartz read the aforementioned proclamation.

Garry Ford accepted the proclamation and addressed council.

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

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 C was pulled for individual consideration by Pam Kraft.

Items L and M were pulled for individual consideration by Mayor Linnartz.

Resolutions & Action Items

- A) Approval of the January 22, 2024 regular and executive session City Council meeting minutes and the February 6, 2024 special City Council meeting minutes.
- B) Approval of a resolution authorizing the City of New Braunfels to form an Urban Transit District as allowed under Chapter 458 Rural and Urban Transit Districts, of the Texas Transportation Code; and providing an effective date.
- C) Approval of a resolution authorizing the City Manager to enter into an Advance Funding Agreement between the City of New Braunfels and Texas Department of Transportation for Barbarosa Road/Saur Lane Expansion funded by the Alamo Area Metropolitan Planning Organization Surface Transportation Block Grant.

This item was pulled for individual consideration by Pam Kraft.

- D) Approval to renew the following annual contracts, as allowed for by their contract language and in accordance with City Charter Section 9.17: Frost Bank, Terrill & Waldrop, Law Offices of Charles S Frigerio,

Guadalupe Regional Medical Center, AppleOne Employment Services, Strategic Government Resources and Life Scan Wellness Center.

- E) Approval of contracts with Dana Safety Supplies, Farrwest Specialty Vehicles, and Bluebonnet Motors, Inc. for vehicle upfitting services.
- F) Approval of a FY 2024 Budget Amendment totaling \$62,000 for the Airport Fund to support the remaining balance for security gates and equipment refurbishment.
- G) Approval of an Interlocal Cost Sharing Agreement between Comal County and the City of New Braunfels regarding demand response public transportation services
- H) Approval of an amendment to the FY 2024 Budget - Grant Fund.
- I) Approval of the appointment of Cas Mikolajczak to the Landa Park Golf Course Advisory Board for an unexpired term ending November 30, 2025.

Ordinances

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

- J) Approval of the first reading of an ordinance to amend Article IV, Section 30-60 of the Code of Ordinances of the City of New Braunfels to change the membership for the Partnership Committee from 15 to 11, add a provision for absentee members, and minor clarifying edits.
- K) Approval of the first reading of an ordinance amending the New Braunfels Code of Ordinances, Appendix D, Section A, Fee Schedule by adopting new fees for Fire Prevention and Protection related services; providing a savings clause; and declaring and effective date.
- L) Approval of the second and final reading of an ordinance to rezone 0.273 acres out of the Behrendt Subdivision, Lot 4, from R-2 AH (Single-Family and Two-Family Airport Hazard Overlay District) to M-1A AH (Light Industrial Airport Hazard Overlay District), currently addressed at 1977 Post Road

This item was pulled for individual consideration by Mayor Linnartz.

- M) Approval of the second and final reading of an ordinance to rezone approximately 6 acres out of the Behrendt Subdivision, Lots 1, 2, and 3, from C-3 AH (Commercial Airport Hazard Overlay District), M-1 AH

(Light Industrial Airport Hazard Overlay District), and R-2 AH (Single-Family and Two-Family Airport Hazard Overlay District) to M-1A AH (Light Industrial Airport Hazard Overlay District), currently addressed at 1983 & 1993 Post Road

This item was pulled for individual consideration by Mayor Linnartz.

- N) Approval of the second and final reading of an ordinance to rezone Eickenroht Addition, Block 1, Lot 4, from R-3 (Multifamily District) to R-3 SUP (Multifamily District with a Special Use Permit for Short-Term Rental), currently addressed at 1236 South Academy Avenue
- O) Approval of the second and final reading of an ordinance establishing the number of positions in each classification in the New Braunfels Police Department pursuant to Local Government Code, Chapter 143.
- P) Approval of the second and final 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.

Approval of the Consent Agenda

Mayor Linnartz read the aforementioned consent agenda items with the exception of items C, L, and M.

Mayor Pro Tem Bowers motioned to approve the consent agenda with the exception of items C, L, and M. Councilmember Campos seconded the motion which passed unanimously.

2. INDIVIDUAL ITEMS FOR CONSIDERATION

- C-1) Approval of a resolution authorizing the City Manager to enter into an Advance Funding Agreement between the City of New Braunfels and Texas Department of Transportation for Barbarosa Road/Saur Lane Expansion funded by the Alamo Area Metropolitan Planning Organization Surface Transportation Block Grant.

This item was pulled by Pam Kraft.

Mayor Linnartz read the aforementioned item.

Pam Kraft addressed council and asked questions.

Garry Ford addressed council and answered questions.

The following individuals spoke at this time: Pam Timmerman

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

L-1) Approval of the second and final reading of an ordinance to rezone 0.273 acres out of the Behrendt Subdivision, Lot 4, from R-2 AH (Single-Family and Two-Family Airport Hazard Overlay District) to M-1A AH (Light Industrial Airport Hazard Overlay District), currently addressed at 1977 Post Road

Mayor Linnartz pulled this item for individual consideration and recused himself.

Mayor Pro Tem Bowers read the aforementioned item.

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

The following individuals spoke at this time: Harry Jewitt

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

Recused:

Mayor Linnartz

M-1) Approval of the second and final reading of an ordinance to rezone approximately 6 acres out of the Behrendt Subdivision, Lots 1, 2, and 3, from C-3 AH (Commercial Airport Hazard Overlay District), M-1 AH (Light Industrial Airport Hazard Overlay District), and R-2 AH (Single-Family and Two-Family Airport Hazard Overlay District) to M-1A AH (Light Industrial Airport Hazard Overlay District), currently addressed at 1983 & 1993 Post Road

Mayor Linnartz pulled this item for individual consideration and recused himself.

Mayor Pro Tem Bowers read the aforementioned item.

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

The following individuals spoke at this time: Harry Jewitt

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

Recused:

Mayor Linnartz

- A) Discuss and consider a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure of up to \$8,000,000 for the purchase of approximately 130 acres of land, legally described as approximately 62.6 acres out of the O Russell Survey No. 2, Abstract 485 and 3982 Hunter Road - approximately 68.163 acres out of the O Russell Survey No. 2, Abstract 485 for a project authorized under 505.152 of the Texas Local Government Code.

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, Charles Quincy, Chuck Turner, Eric Reed, Kansas Sarton

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

- B) Public hearing and first reading of an ordinance regarding amendments to the City's Code of Ordinances in Chapter 144 Zoning, Section 1.4, Definitions and 5.3-4, Additional residential buffering requirements.

Mayor Linnartz read the aforementioned item.

Christopher Looney presented the item to council using a presentation and answered questions.

Mayor Pro Tem Bowers left the meeting at 7:19 p.m.

The following individuals spoke at this time: David Warmke, David Drastata, John Cranford, Jodie Drastata, Paul Williams, Ken Palato, Melissa Snow, Dan Krueger

Councilmember Spradley made a motion to approve abutting and add 500 ft. The motion died for lack of a second.

Councilmember Campos motioned to remove the noise rules from the zoning and let the noise ordinance rule how the City enforces noise. Councilmember Ryan seconded the motion which failed.

Mayor Linnartz called a five minute break.

Opposed:

Councilmember Willis, Councilmember Spradley, and Councilmember Labowski

Absent:

Mayor Pro Tem Bowers

- C) Discuss and consider the first reading of an ordinance regarding amendments to Chapter 118 Subdivision Platting, Sections 11 Waiver, 13 Appeal for relief from apportionment of municipal infrastructure costs, 22 Subdivision master plan, 44 Blocks, 49 Sidewalks, 51 Water, sewer and drainage facilities; flood hazards, and 56 Closure, abandonment and sale of public right of way.

Mayor Linnartz read the aforementioned item.

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

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

Absent:

Mayor Pro Tem Bowers

- D) Discuss and consider the first reading of an ordinance regarding amendments to Chapter 118 Subdivision Platting, necessary for alignment with 2023 Texas State Legislature's Local Government Code revisions

Mayor Linnartz read the aforementioned item.

Christopher Looney presented the item to council using a powerpoint and answered questions.

The following individuals spoke at this time: David Warmke

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

Absent:

Mayor Pro Tem Bowers

- E) Discuss and consider the first reading of an ordinance regarding amendments to Chapter 144 Zoning, Section 3.3 Zoning districts and regulations for property zoned prior to June 22, 1987, 3.4 Zoning districts and regulations for property zoned subsequent to June 22, 1987, 4.2 Land use matrix, 5.1 Parking, loading, stacking and vehicular circulation, and 5.17 Short term rental or occupancy.

Mayor Linnartz read the aforementioned item.

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

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

Absent:

Mayor Pro Tem Bowers

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:
1. New Braunfels Youth Collaborative Project

C) Deliberate and consider the purchase, exchange, lease, or value of real property in accordance with Section 551.072 of the Texas Government Code:
1. City Block 2006, Block 2006 & Adjoining 50 E End of Mill St.
2. Approximately 130 acres of land: 62.6 acres out of the O Russell Survey No. 2, Abstract 485 and 3982 Hunter Road - approximately 68.163 acres out of the O Russell Survey No. 2, Abstract 485

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

The aforementioned executive session items took place during executive session.

No action was taken at this time.

ADJOURNMENT

Mayor Linnartz adjourned at 8:47 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY