

**FINAL - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, AUGUST 26, 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, 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: 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.

PROCLAMATIONS:

A) Texas Treasure Business Award

Mayor Linnartz read the aforementioned proclamation.

Representatives from Fishbeck Welding Inc. received the proclamation and addressed council.

B) Tourism Friendly Community

Mayor Linnartz read the aforementioned proclamation.

Sammie Martinek and Tanya Pence received the proclamation and addressed council.

C) Payroll Week Proclamation

Mayor Linnartz read the aforementioned proclamation.

Carolyn Davis and representatives from the City of New Braunfels Finance Department received the proclamation.

PRESENTATIONS:

A) Presentation and recognition of Rene Perez' retirement.

Mayor Linnartz recognized Matt Eckmann who spoke in recognition of Rene Perez's career with the city and presented Rene with a city street sign.

Rene Perez addressed council.

B) Presentation and recognition of Gretchen Pruett's retirement.

Mayor Linnartz recognized Robert Camareno who spoke in recognition of Gretchen Pruett's career with the city and presented Gretchen with a city street sign.

Gretchen Pruett addressed council.

C) Presentation reviewing Communications and Community Engagement activities for the third quarter of FY2024.

Mayor Linnartz read the aforementioned item.

Jenna Vinson presented this item using a powerpoint presentation.

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, Marcie Celinas, Michael Murphy

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 August 12, 2024 Regular and Special meeting minutes

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and the August 19, 2024 Special meeting minutes.

- B) Approval of the City of New Braunfels FY 2024 Third Quarter Investment Report.
- C) Approval of a professional services agreement with Sunland Group, Inc. for architectural services for the design of bathroom expansion options at Das Rec.

This item was pulled for individual consideration by David Warmke.

- D) Approval of the renewal of a license to store wrecked/abandoned vehicles (Vehicle Storage Facility) on property addressed at 1216 W San Antonio Street.
- E) Approval of a contract with Quickbase, Inc. for the development of a Project Management System.
- F) Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure of up to \$45,000 to Economic & Planning Systems, Inc., for Phase Two of a planning and feasibility study - a possible private/public partnership, pursuant to Section 505.102 of the Texas Local Government Code.

This item was pulled for individual consideration by David Warmke.

Ordinances

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

- G) Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 54, Sections 54-41 to 54-55, by repealing an ordinance that established a volunteer fire department.
- H) Approval of the first 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.
- I) Approval of the first 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.

- J) Approval of the first reading of an ordinance amending the New Braunfels Code of Ordinances, Sections 102-26 and 102-29 by adopting new Vehicle Storage Facilities license fees, and moving fee information to Appendix D, and replacing the term junkyard with vehicle storage facility.

This item was pulled by staff.

- K) Approval of the first 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.
- L) Approval of the first 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.
- M) Approval of the first 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.
- N) Approval of the first 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.
- O) Approval of the first 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.

Approval of the Consent Agenda

Mayor Linnartz read the aforementioned consent agenda items A, B, D, E, G, H, K, L, M, N, and O. Consent items C and F were pulled for individual consideration. Consent item J was pulled by staff.

Councilmember Spradley motioned to approve the consent agenda items A, B, D, E, G, H, K, L, M, N, and O. Mayor Pro Tem Campos seconded the motion which passed unanimously.

2. INDIVIDUAL ITEMS FOR CONSIDERATION

1-C) Approval of a professional services agreement with Sunland Group, Inc. for architectural services for the design of bathroom expansion options at Das Rec.

David Warmke asked for this item to be pulled from consent.

Mayor Linnartz read the aforementioned item.

David Warmke asked questions regarding this item.

Scott McClelland answered questions regarding this item.

Councilmember Spradley motioned to approve this item. Councilmember Labowski seconded the motion which passed 6/0. Councilmember Ryan was not present on the dais.

Absent:

Councilmember Ryan

1-F) Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure of up to \$45,000 to Economic & Planning Systems, Inc., for Phase Two of a planning and feasibility study - a possible private/public partnership, pursuant to Section 505.102 of the Texas Local Government Code.

David Warmke asked for this item to be pulled from consent.

Mayor Linnartz read the aforementioned item.

David Warmke asked questions regarding this item.

Jeff Jewell answered questions regarding this item.

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

A) Discuss and consider the approval of an Interlocal Agreement with the Alamo Area Council of Governments to continue demand-response transit services and authorize the City Manager to execute all contract documents associated with the agreement.

Mayor Linnartz read the aforementioned item.

Garry Ford presented this item using a powerpoint presentation and answered questions.

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

B) Public hearing and first reading of an ordinance regarding historic landmark designation of the property currently addressed as 275 S. Sycamore Avenue in response to an application for a demolition permit

Mayor Linnartz read the aforementioned item.

Katie Totman presented this item using a powerpoint presentation and answered questions.

The following individuals spoke at this time: Kevin Webb, David Warmke, Jim Holster

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

C) Public hearing and first 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.

Mayor Linnartz read the aforementioned item.

Matthew Simmont presented this item using a powerpoint presentation and answered questions.

The following individuals spoke at this time: Jacob Kondo

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

D) Public hearing and first 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.

Mayor Linnartz read the aforementioned item.

Jean Drew presented this item using a powerpoint presentation and answered questions.

Applicant TJ Grossi presented this item using a powerpoint and answered questions.

The following individuals spoke at this time: Jim Holster

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

E) Public hearing and first reading of an ordinance amending Chapter 144, Zoning, regarding temporary vending operations and mobile food courts.

Mayor Linnartz read the aforementioned item.

Chris Looney presented this item using a powerpoint presentation and answered questions.

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

F) Discuss and consider the approval of an ordinance authorizing the issuance of the City of New Braunfels, Texas combination tax and revenue certificates of obligation, series 2024; levying an ad valorem tax and pledging certain surplus revenues in support of the certificates; awarding the sale of the certificates; approving an official statement, a paying agent/registrar agreement and other agreements relating to the sale of the certificates; and ordaining other matters relating to the issuance of the certificates.

Mayor Linnartz read the aforementioned item.

Sandy Paulos presented this item using a powerpoint presentation and answered questions.

Andrew Freedman presented this item using a powerpoint presentation and answered questions.

The following individuals spoke at this time: David Warmke

Mayor Pro Tem Campos motioned to approve this item.

Councilmember Labowski 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 pending/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:
 - 1. A-1 SUR-1 AM Esnaurizar, up to 100 acres
 - 2. Vehicle Storage Facilities ordinance, licensing, current licenses, state regulations, and related matters.

- B) 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. A-1 SUR-1 AM Esnaurizar, up to 100 acres
 - 2. Mayfair District

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

The aforementioned items took place during Executive Session at 5:00 p.m.

No action was taken at this time.

ADJOURNMENT

Mayor Linnartz adjourned 8:09 p.m

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY