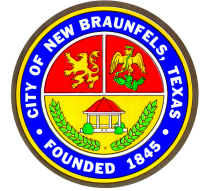




**CITY OF NEW BRAUNFELS, TEXAS
CITY COUNCIL MEETING**

**CITY HALL - COUNCIL CHAMBERS
424 S. CASTELL AVENUE**



MONDAY, JUNE 13, 2011 at 6:00 P.M.

Gale Pospisil, Mayor
Richard Zapata, Councilmember (District 1)
Mark Goodner, Mayor Pro Tem (District 2)
Mike Ybarra, Councilmember (District 3)

Sandy Nolte, Councilmember (District 4)
Bryan Miranda, Councilmember (District 5)
Steven Digges, Councilmember (District 6)
Michael Morrison, City Manager

MISSION STATEMENT

***The City of New Braunfels will add value to our community
by planning for the future, providing quality services, encouraging
Community involvement and being responsive to those we serve.***

A G E N D A

CALL TO ORDER: June 13, 2011 @ 6:00 P.M.

CALL OF ROLL: City Secretary

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

INVOCATION: Councilmember Mike Ybarra

PROCLAMATION: Celebration of the Dedication for the New Braunfels Garden Club
Texas Historical Commission Marker Acknowledging Landa Park
as an Historic Site - *Page 1*

PRESENTATION: Update on Panther Canyon.
(S. Ramsey, Director of Public Works) Page 3

**REQUEST ALL PAGERS AND PHONES BE TURNED OFF, EXCEPT EMERGENCY ON-
CALL PERSONNEL.**

1. MINUTES

Consider approving the minutes of the special and regular meetings of May 23, 2011.
(P. Aten, City Secretary) Page 5

Consider approving the minutes of the special meeting of May 31, 2011.
(P. Aten, City Secretary) Page 15

2. CITIZENS' COMMUNICATIONS

*This time is for citizens to address the City Council on issues and items of concern not on this agenda. There will be no City Council action at this time.
(Mayor Pospisil) Page 17*

3. CONSENT AGENDA

All items listed below are considered to be routine and non-controversial by the 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.

Resolutions & Action Items

- (A) Approval of the Mayoral re-appointments of Mayor Pro Tem Mark Goodner, Tobin Hoffmann and John Malik as members to the Board of Directors of Reinvestment Zone No. 1 for a term ending May 29, 2013.
(P. Aten, City Secretary) Page 19
- (B) Approval of the appointment of John R. Clark to the Parks and Recreation Advisory Board of the City of New Braunfels for a term ending October 13, 2011.
(P. Aten, City Secretary) Page 21
- (C) Authorization for the purchase of MUSCO Lighting through a BuyBoard purchase for installation of lights at Eikel Park and Fredericksburg Field Baseball Complex, and authorization to accept grant/donation funding from LCRA, the New Braunfels Parks Foundation and the New Braunfels Little League Association.
(S. Laird Dicke, Parks and Recreation Director) Page 23
- (D) Approval of the renewal of the annual contract with Bound Tree Medical, LLC for medical supplies.
(M. Quinones, Purchasing Manager) Page 25

Ordinances

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

- (E) Approval of a budget adjustment in the FY 2010-11 Adopted Budget for the Stormwater Development Fund and authorization for the City Manager to reimburse connection fees paid by Leisure Pools.
(D. Korinchock, Support Services Director) Page 27
- (F) Approval of the first reading of an ordinance amending Ordinance Number 75-10 to approve installation of four way stop signs at the intersection of S. Live Oak Avenue and Lee Street.
(J. Klein, City Engineer) Page 29

- (G) Approval of the first reading of an ordinance amending the Code of Ordinances of the City of New Braunfels, Texas by modifying Sections 126-141 to delete the school zone on State Highway 46 West near FM 1863.
(J. Klein, City Engineer) Page 33
- (H) Ratification of the City Manager's approval of change order 4 to the contract with Texas Sterling Construction Company for construction services on Walnut Avenue as part of the Walnut Avenue Reconstruction and Improvements Project.
(O. Garza, Assistant City Engineer) Page 37
- (I) Approval of the second and final reading of an ordinance amending Chapter 122 "Taxation," Article II, "Hotel Occupancy Taxes" to add the Section 122-36 "Use of Proceeds" to authorize the City to use the taxes levied to advertise and encourage the growth of tourist and convention activity in the City, to provide financial support for the Civic Center operations and debt service and to enhance the arts and culture organizations and programs.
(D. Korinchock, Support Services Director) Page 39
- (J) Approval of a resolution: ratifying application for FY 2011 Community Oriented Policing Services Hiring program grant for \$981,405 from the Office of Community Oriented Policing Services under the U.S. Department of Justice; (2) authorizing the City Manager to accept funds if awarded; and (3) authorizing the City Manager to execute all contract documents associated with the grant award.
(C. Keenum, Grants Coordinator) Page 41
- (K) Approval of the second and final reading of an ordinance designating W. Mill Street, from N. Academy Avenue to N. Guenther Avenue, to be known as the Mill Street Historic District, according to Chapter 66, Article III, and amending the zoning map.
(S. Mattingly, Planning & Community Development Director) Page 43
- (L) Approval of the second and final reading of an ordinance designating 528 W. Mill Street as a local historic landmark to be known as the George Ullrich Haus, according to Chapter 66, Article III, and amending the zoning map.
(S. Mattingly, Planning & Community Development Director) Page 65
- (M) Approval of the second and final reading of an ordinance granting a Special Use Permit to allow: a) a private pre-kindergarten; b) the use of Hardi-plank siding on classroom cottages; and c) signage in the "R-1" Single-Family District, located at 1658 Pahmeyer Road.
(S. Mattingly, Planning & Community Development Director) Page 81
- (N) Approval of the second and final reading of an ordinance annexing 3.211 acres of land consisting of Barbarosa Road Right-of-Way between FM 1101 and Alves Lane, adjacent to the existing City Limits.
(S. Mattingly, Planning & Community Development Director) Page 111

- (O) Approval of the second and final reading of an ordinance annexing 65.986 acres of land on Hueco Springs Loop Road, adjacent to the existing City Limits.
(S. Mattingly, Planning & Community Development Director) Page 123
- (P) Approval of the second and final reading of an ordinance zoning 65.986 acres, located on Hueco Springs Loop Road approximately 2,000 feet northeast of Highway 46 West, to "R-1A-6.6" Single-Family District.
(S. Mattingly, Planning & Community Development Director) Page 135

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- (A) Discuss and consider the appointment of three individuals to the Planning Commission of the City of New Braunfels for terms ending May 31, 2014.
(P. Aten, City Secretary) Page 156
- (B) Discuss and consider authorizing the City Manager to enter into a contract with Freese and Nichols, Inc. to provide a feasibility study for bank stabilization alternatives for the Comal Cemetery Guadalupe River bank cliff.
(S. Ramsey, Public Works Director) Page 158
- (C) Discuss and consider authorizing the City Manager to amend the contract with Half Associates, Inc. to finalize the Landa Lake Spring-Fed Pool Dam Design.
(S. Ramsey, Public Works Director) Page 160
- (D) Discuss and consider a request by William Lee to waive application fees for a Special Use Permit to allow short term rental of a one-family dwelling in the "C-2" General Business District at 260 N. Castell Avenue.
(S. Mattingly, Planning & Community Development Director) Page 162
- (E) Discuss and consider approval of the second and final reading of an ordinance amending Section 126-354 to modify the permit parking ordinance in Area "I" with the addition of both sides of E. Coll St. between S. Market Ave. and S. Gilbert Ave.
(S. Mattingly, Planning & Community Development Director) Page 166
- (F) Discuss and consider the first reading of an ordinance amending Chapter 58, Floods, by adopting a new flood damage prevention ordinance.
(S. Mattingly, Planning & Community Development Director) Page 176

5. EXECUTIVE SESSIONS

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items; any final action or vote taken will be in public.

- (A) Deliberate and consider the purchase, exchange, lease or value of real property, in accordance with Section 551.072, of the Texas Government Code.
(P. Isham, Interim City Attorney)
- (B) Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code.
(P. Isham, Interim City Attorney)
- (C) 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.
(P. Isham, Interim City Attorney)
- (D) Deliberate issues regarding competitive matters in accordance with Section 551.086, of the Texas Government Code.
Power Supply Resources
- (E) Discuss personnel matters in accordance with Section 551.074, of the Texas Government Code.
Review of City Attorney and Municipal Judge positions.

NOTE: *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).*

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the New Braunfels Municipal Building on June 9, 2011, at 4:30 p.m.

Patrick Aten, City Secretary

NOTE: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 221-4010 at least two (2) work days prior to the meeting so that appropriate arrangements can be made.