



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

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



MONDAY, NOVEMBER 26, 2012 at 6:00 P.M.

Gale Pospisil, Mayor
Richard Zapata, Councilmember (District 1)
Mark Goodner, Mayor Pro Tem (District 2)
Ron Reaves, 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: November 26, 2012 @ 6:00 P.M.

CALL OF ROLL: City Secretary

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

INVOCATION: Mayor Pro Tem Mark Goodner

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

PROCLAMATION: Wassailfest Day

PRESENTATION: Recognition of the New Braunfels Library Foundation
(*G. Pruett, Library Director*)

Status update on silent crossings.
(*S. Digges, Councilmember District 6*)
(*This item placed on the agenda at the request of Councilmember Digges*)

Proposed 2013 Environmental Stewardship Campaign
(*J. Young, Director of New Braunfels CVB*)

1. MINUTES

Consider approving the minutes of the regular meeting of November 12, 2012.
(*P. Aten, City Secretary*)

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 Gale Pospisil)*

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 appointment of Russell McDonald to the Zoning Board of Adjustments for a term ending May 31, 2013.
(P. Aten, City Secretary)
- (B) Approval of the appointment of Fay Pool to the New Braunfels Partnership Committee for a term ending August 1, 2015.
(P. Aten, City Secretary)
- (C) Approval for the City Manager to execute an amendment to the Advance Funding Agreement with the Texas Department of Transportation for the improvements to FM 306 and an amendment to the Interlocal Agreement with Comal County for the local funding for the project.
(D. Korinchock, Support Services Director)
- (D) Approval of budget adjustments and transfers in the FY 2011-12 Adopted Budget in City Administration, City Attorney's Office, Fire Department, Public Works, Non-Departmental and Human Resources Department in the General Fund and in the Hotel/Motel Tax Fund.
(D. Korinchock, Support Services Director)
- (E) Authorization for the City Manager to execute an Interlocal Cooperation Contract with the Edwards Aquifer Authority for funding of the Edwards Aquifer Habitat Conservation Plan Program.
(D. Korinchock, Support Services Director)
- (F) Approval authorizing the City Manager to execute contracts implementing the Edwards Aquifer Recovery Implementation Program Habitat Conservation Plan Year One:
 - Old Channel Restoration – Bio-West
 - Aquatic Vegetation – Bio-West
 - Non-native Animal Control - SWCA
 - Gill Parasite – Bio-West
 - Low Impact Development (LID) – Design Workshop

- (S. Ramsey, Public Works Director)*
- (G) Approval to authorize the City Manager to enter into a Professional Services Agreement with SAIC Energy, Environment & Infrastructure, LLC, Inc. for a commercial recycling feasibility study and rate model update for the City of New Braunfels.
(M. Mundell, Solid Waste Manager)
- (H) Approval of an annual contract with Pristine Texas Rivers, Inc. for non-river litter pickup services in City park land.
(M. Quinones, Purchasing Manager)
- (I) Approval of a resolution authorizing the City Manager to execute an agreement for the temporary closure of SH 46 Business (Seguin Avenue), East and West San Antonio Street, and North and South Castell for the 2012 Wassailfest Celebration which will be held on December 6, 2012, from 5:00 p.m. to 12:00 a.m.
(M. Vernon, Downtown Development Coordinator)

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 a second and final reading of an ordinance designating the property at 663 W. Mill Street as a Local Historic Landmark, to be known as the Julius Schwandt House.
(S. Mattingly, Planning and Community Development Director)
- (K) Approval of the first reading of an ordinance amending Ordinance 75-10 to approve the installation of a stop sign on Westpointe Drive at Oak Run Parkway.
(G. Ford, Assistant City Engineer)
- (L) Approval of the first reading of an ordinance amending Ordinance 75-10 to approve the installation of a stop sign on Oak Cascade at Oak Run Parkway.
(G. Ford, Assistant City Engineer)
- (M) Approval of the first reading of an ordinance amending Chapter 78 of the Code of Ordinances Article II, Section 78-27 pertaining to Library Advisory Board membership qualifications.
(P. Aten, City Secretary)

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- (A) Discuss and consider approval of a resolution of the City Council of the City of New Braunfels, Texas approving the issuance of \$11,670,000 New Braunfels Development Authority Tax Increment Contract Revenue Improvement and

Refunding Obligations, Series 2012, and containing other provisions relating to the foregoing subject.

(D. Korinchock, Support Services Director)

- (B) Discuss and consider approval of a resolution recommended by the New Braunfels Industrial Development Corporation for an authorized project expenditure of up to \$703,728 to fund a professional services agreement for two (2) years with the Greater New Braunfels Chamber of Commerce, Inc.
(J. Jewell, Development Coordinator)
- (C) Discuss and consider possible action on a request from the Greater New Braunfels Chamber of Commerce for additional hotel/motel tax proceeds to fund continuing cultural heritage projects.
(D. Korinchock, Support Services Director)
- (D) Discuss and consider approval of the second and final reading an ordinance repealing Chapter 138, Article V, Section 138-122 which governs incident management tows and implementing a new selection process.
(T. Wibert, Police Chief)
- (E) Public hearing and first reading of an ordinance rezoning approximately 2.12 acres, located at 1437 & 1441 S. State HWY 46, from "C-1" Local Business District to "C-1 B" General Business District.
(S. Mattingly, Planning and Community Development Director)
- (F) Public hearing and first reading of an ordinance rezoning 5.09 acres located at 1185 Gruene Road from "R-2" Single and Two-Family District to "C-4A" Resort Commercial District.
(S. Mattingly, Planning and Community Development Director)
- (G) Public hearing and first reading of an ordinance granting approval of a Special Use Permit to allow the short term rental of a single family dwelling in the "C-1" Local Business District, located at 504 E. San Antonio Street.
(S. Mattingly, Planning and Community Development Director)
- (H) Public hearing and first reading of an ordinance rezoning 2.112 acres located at the northwest intersection of Marigold Way and the IH 35 S access road, from "APD" Agricultural/Pre-Development District to "C-1 B" General Business District.
(S. Mattingly, Planning and Community Development Director)
- (I) Public hearing and first reading of an ordinance rezoning 1.0 acre located at the northeast intersection of Marigold Way and the IH 35 S access road, from "APD" Agricultural/Pre-Development District to "C-1 B" General Business District.
(S. Mattingly, Planning and Community Development Director)

- (J) Public hearing and first reading of an ordinance rezoning 2.167 acres located at the terminus of Advantage Drive, from "C-3" Commercial District and "M-1" Light Industrial District to "ADSD" Advantage Drive Special District.
(S. Mattingly, Planning and Community Development Director)

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.
- (B) Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code.
- (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.
- (D) Deliberate the appointment, employment, evaluation, reassignment, or duties of the Municipal Court Judge, in accordance with Section of 551.074 of the Texas Government Code.
(G. Pospisil, Mayor)
(This item placed on the agenda at the request of Mayor Pospisil)

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 November 19, 2012, at 11:00 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.