



CITY OF NEW BRAUNFELS, TEXAS  
CITY COUNCIL MEETING



CITY HALL - COUNCIL CHAMBERS  
424 S. CASTELL AVENUE

MONDAY, JANUARY 28, 2013 at 6:00 P.M.

Gale Pospisil, Mayor	Sandy Nolte, Councilmember (District 4)
Richard Zapata, Councilmember (District 1)	Bryan Miranda, Councilmember (District 5)
Mark Goodner, Mayor Pro Tem (District 2)	Steven Digges, Councilmember (District 6)
Ron Reaves, Councilmember (District 3)	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:** January 28, 2013 @ 6:00 P.M.

**CALL OF ROLL:** City Secretary

**PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

**INVOCATION:** Councilmember Bryan Miranda

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

**PROCLAMATION:** Love My Library Month

**PRESENTATIONS:** Texas Comptroller's Leadership Circle Gold Award  
(S. Masterson, Public Information Officer)

2012 Citizen Survey  
(M. Morrison, City Manager)

Recommendations for Bond Election  
(Ray Still, Bond Advisory Committee Chair)

This item will not be addressed on January 28. The presentation will be made on January 29.

**1. MINUTES**

Consider approving the minutes of the regular meeting of January 14, 2013.  
(P. Aten, City Secretary) Page 3

**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) Page 9*

**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 Sarah Valdez to the Community Development Advisory Committee for a term ending December 13, 2015.  
*(P. Aten, City Secretary) Page 11*
- (B) Approval of the appointment of Debra Frierson to the Historic Landmark Commission for a term ending April 7, 2016.  
*(P. Aten, City Secretary) Page 13*
- (C) Approval of the purchase of refuse and recycling containers for the Solid Waste Division from Toter, Inc. through the National Intergovernmental Purchasing Alliance contract and declaring the old carts surplus.  
*(M. Quinones, Purchasing Manager) Page 15*
- (D) Approval of the purchase of eleven replacement tactical ballistic vests for the Police Department from GT Distributors, Inc. through a BuyBoard contract.  
*(M. Quinones, Purchasing Manager) Page 19*
- (E) Approval of a Memorandum of Understanding with the Texas Department of Transportation to adopt their federally approved Disadvantaged Business Enterprise Program.  
*(M. Quinones, Purchasing Manager) Page 21*
- (F) Approval of the renewal of the maintenance agreement for the Accela land and asset management software.  
*(D. Korinchock, Support Services Director) Page 29*
- (G) Approval of a resolution approving an agreement with TxDOT to contribute to the cost of right-of-way acquisition for the road improvement project to widen Business 46 from Kerlick Lane to Landa Street and authorization for the City Manager to execute the agreement.  
*(D. Korinchock, Support Services Director) Page 31*

- (H) Approval of budget amendments in the Edwards Aquifer Habitat Conservation Plan Fund, the Hotel Motel Tax Fund and the General Fund in the FY 2012-13 Adopted Budget.  
*(D. Korinchock, Support Services Director) Page 35*
- (I) Approval of a budget amendment in the General Fund in the FY 2012-13 Adopted Budget related to settlement of a lawsuit.  
*(D. Korinchock, Support Services Director) Page 39*
- (J) Approval of the submission of a grant application to the FY 2013 Recreational Trails grant program from Texas Parks and Wildlife for up to \$200,000 for the construction of recreational trails at Fischer Park.  
*(S. Dicke, Parks and Recreation Director) Page 41*
- (K) Approval of a resolution and ratification of the submission of a grant application to the Texas Department of Transportation through the Texas Traffic Program's Selective Traffic Enforcement Program (STEP) for \$108,428.25 and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant if awarded.  
*(T. Wibert, Police Chief) Page 43*
- (L) Approval of a resolution setting a schedule for public hearings regarding the annexation of approximately 48 acres of land on Westmeyer Road including Westmeyer Road right-of-way, adjacent to the existing city limits.  
*(S. Mattingly, Planning and Community Development Director) Page 47*

Ordinances

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

- (M) Approval of the second and final reading of an ordinance deleting Chapter 2, Article III, Division 2 of the Code of Ordinances in its entirety in order to abolish the Board of Literary Review established in 1956.  
*(P. Aten, City Secretary) Page 53*
- (N) Approval of the second and final reading of an ordinance amending Ordinance 75-10 to approve the installation of a stop sign on Lee Street at Peach Avenue.  
*(G. Ford, Assistant City Engineer) Page 57*
- (O) Approval of the second and final reading of an ordinance amending Ordinance 75-10 to approve the installation of a stop sign on Divine Way at Walnut Avenue.  
*(G. Ford, Assistant City Engineer) Page 61*

**4. INDIVIDUAL ITEMS FOR CONSIDERATION**

- (A) Discuss and consider the appointment of three individuals to the Arts Commission for terms ending January 31, 2016, and one individual for a term ending January 31, 2015.  
*(P. Aten, City Secretary) Page 65*
- (B) Discuss and consider approval of the purchase of two grapple trucks, one roll-off truck, one front load and three side load garbage collection vehicles, (replacement equipment), and one new light duty truck for a total of \$1,849,328 (funded from the Enterprise Maintenance and Equipment Replacement Fund and the Solid Waste Fund) from Grande Truck Center, Chastang's Bayou City Autocar, Freightliner of Austin, Waste Systems Equipment INC., Heil of Texas, and Bluebonnet Ford through BuyBoard and LCRA contracts and declaring the old vehicles surplus.  
*(M. Quinones, Purchasing Manager) Page 67*
- (C) Discuss and consider an amendment to the existing contract with Terra Design Group in the amount of \$82,424 for final construction documents for Fischer Park existing pond dams and the appropriate budget adjustment.  
*(S. Dicke, Parks and Recreation Director) Page 69*
- (D) Public hearing and first reading of an ordinance rezoning Lot 2, Block 1, Buffington, Bingham and Bigham Subdivision, located at 1550 Gruene Road, from "R-2" Single-family and Two-family District to "R-3L" Multifamily Low Density District.  
*(S. Mattingly, Planning and Community Development Director) Page 71*
- (E) 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 "River Bluff at Gruene" Planned Development District.  
*(S. Mattingly, Planning and Community Development Director) Page 95*
- (F) Public hearing and first reading of an ordinance approving a Type II Special Use Permit to allow a mobile food court in the "C-2" General Business District on 0.277 acres located at 210 W. Mill Street.  
*(S. Mattingly, Planning and Community Development Director) Page 137*
- (G) Public hearing and first reading of an ordinance approving a Type II Special Use Permit to allow a 176 apartment unit (a density of 14.41 units per acre) in the C-1Br-1 General Business District with restrictions on 12.21 acres out of the A-154 SUR-34 H FOSTER, located near Gruene Road / Rivercrest Drive.  
*(S. Mattingly, Planning and Community Development Director) Page 171*
- (H) Discuss and consider approval of a conditional sign permit at 645 North Walnut Avenue in the "C-1" Local Business District.  
*(S. Mattingly, Planning and Community Development Director) Page 207*

- (I) Discuss and consider approval of the second and final reading of an ordinance amending Ordinance Section 6-77 (d) and repealing Section 144-5.21(c) to approve the keeping of chicken hens within the city limits on lots less than 40,000 square feet in size.  
*(S. Mattingly, Planning and Community Development Director) Page 217*

**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)*
- (E) Deliberate the appointment, employment, evaluation, reassignment, or duties of the City Attorney, 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 January 23, 2013, at 3:00 p.m.

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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.