



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

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



MONDAY, MARCH 25, 2013 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)
Robert Camareno, Interim 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: March 25, 2013 @ 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: Sexual Assault Awareness Month

1. MINUTES

Consider approving the minutes of the regular meeting of March 11, 2013.
(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 conveyance of Lot 4, Block 7, Rivercrest Heights, Unit No. 2 Subdivision, in fee simple to the City from F.E. Maxwell and Mary Lee Seitz Maxwell for the amount up to \$399,800 with 100 percent reimbursement from the Federal Emergency Management Agency (FEMA) through the Pre-Disaster Mitigation grant program previously approved by City Council.
(C. Real, Real Estate Manager)
- B. Approval of the renewal of the annual contract with Graphic Packaging International, Inc. for green waste bags.
(M. Quinones, Purchasing Manager)
- C. Approval to declare the houses approved for purchase through the FEMA Pre-Disaster Mitigation Grant program and the structures at Fischer Park surplus and allow Habitat for Humanity the opportunity to remove items before demolition.
(M. Quinones, Purchasing Manager)
- D. Approval of a contract with The Lindley Company, LLC for 345 Landa Street building remodel and five percent contingency.
(M. Quinones, Purchasing Manager)

Ordinances

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

- E. Approval of the second and final reading of an ordinance amending Section 126-354 to modify the permit parking ordinance in Area I.
(P. Aten, City Secretary)
- F. Approval of the first reading of an ordinance amending Section 126-132 of the City of New Braunfels Code of Ordinances to establish speed limits in Landa Park.
(G. Ford, Assistant City Engineer)
- G. Approval of the first reading of an ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to approve the installation of traffic control devices (Stop and Yield signs) in Landa Park.
(G. Ford, Assistant City Engineer)

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A. Discuss and consider approval of a contract with Weigelt Enterprises, LLC for installation of an irrigation system and other landscape improvements at Prince Solms Park and approve the appropriate budget adjustment and ten percent contingency.
(M. Quinones, Purchasing Manager)
- B. Discuss and consider approval of a contract with Austin Filter Systems, Inc. for the Landa Park Riverfront Rehabilitation Project and approve the appropriate budget

- adjustments and a 15 percent contingency.
(M. Quinones, Purchasing Manager)
- C. Update on Railroad Quiet Zones Project and approval of funding up to \$33,528 for a task order under an existing contract with D&M Construction for adjustments on Phase 1, Quiet Zone 2; approval to amend an existing contract with HNTB Corporation for \$27,327 to complete design of Phase 2; and approval for the Interim City Manager to execute agreements with Union Pacific Railroad (UPRR) for the installation of constant warning timing at railroad crossings located on N. Walnut Avenue at UPRR Mainline 1 for \$453,610 and on Gruene Road at UPRR Mainline 1 for \$108,549.
(O. Garza, Capital Programs Manager)
- D. Discuss and consider approval of amendments to existing contracts with HDR Engineering, Inc. for up to \$38,620 for additional construction administration services and with Raba Kistner Consultants for up to \$68,846 for on-call construction inspection services on the Walnut Avenue Reconstruction and Improvements Project.
(O. Garza, Capital Programs Manager)
- E. Discuss and consider approval of a resolution recommended by the New Braunfels Industrial Development Corporation regarding a project expenditure suitable for the development and expansion of the airport of \$300,000 to Berry Aviation, Inc. for an economic development incentive; and approval of an economic development agreement with Berry Aviation, Inc.
(J. Jewell, Development Coordinator)
- F. Discuss and consider approval of a resolution recommended by the City of New Braunfels Industrial Development Corporation regarding an authorized project expenditure of up to \$3,500,000 to the City of New Braunfels for a project to construct hangar, maintenance, repair and associated facilities and related infrastructure at the New Braunfels Regional Airport to be leased to Berry Aviation, Inc.
(J. Jewell, Development Coordinator)
- G. Discuss and consider approval of a professional services agreement with KSA Engineers, Inc. in an amount not to exceed \$209,000 for design and engineering services related to the construction of hangars and associated facilities at the New Braunfels Regional Airport; and authorizing the Interim City Manager to execute an agreement regarding same.
(J. Jewell, Development Coordinator)
- H. Discuss and consider approving a resolution supporting the creation of the proposed Crystal Clear Special Utility District to replace Crystal Clear Water Supply Corporation ("Crystal Clear WSC").
(R. Camareno, Interim City Manager)
- I. Public hearing and first reading of an ordinance approving Historic Landmark Designation for the E. San Antonio Street Bridge over the Coma I River.
(S. Mattingly, Planning and Community Development Director)

- J. Public hearing and approval of an ordinance abandoning a portion of Tolle Street, located between South Gilbert Avenue and the terminus of Tolle Street.
(S. Mattingly, Planning and Community Development Director)
- K. Public hearing and first reading of an ordinance granting a Type I Special Use Permit to allow a High Intensity Mixed Use development in the "APD" Agricultural/Pre-Development District on 37.96 acres located on FM 1101.
(S. Mattingly, Planning and Community Development Director)
- L. Public hearing and first reading of an ordinance approving a Type II Special Use Permit to allow a commercial plumbing business in the "APD" Agricultural/Pre-Development District on 0.473 acres located at 166 Prairie View Lane.
(S. Mattingly, Planning and Community Development Director)
- M. Public hearing and first reading of an ordinance rezoning 30.99 acres out of the 20 SUR AM Esnaurizar Survey, located at 1545 and 1583 South State Highway 46, from "APD" Agricultural/Pre-Development District and "C-1" Local Business District to "MU-B" Mixed Use High Intensity District.
(S. Mattingly, Planning and Community Development Director)
- N. Public hearing and first reading of an ordinance rezoning approximately three acres located on FM 483 in the New Braunfels Town Center at Creekside Subdivision, from "APD" Agricultural/Pre-Development to "MU-B" High Intensity Mixed Use District.
(S. Mattingly, Planning and Community Development Director)
- O. Public hearing and first reading of an ordinance rezoning 4.987 acres out of the A-154 Sur-34 H Foster Survey located at 2137 IH 35 N from "C-3" Commercial District and "M-1 " Light Industrial District to "M-1A" Light Industrial District.
(S. Mattingly, Planning and Community Development Director)
- P. Public hearing and first reading of an ordinance approving a Type I Special Use Permit to allow the short term rental of a single-family structure in the "C-2" Central Business District on .09 acres located at 195 E. Coll Street.
(S. Mattingly, Planning and Community Development Director)
- Q. Public hearing and first reading of an ordinance rezoning 336 Landa Street from "C-1" Local Business District to "C-1A" Neighborhood Business District.
(S. Mattingly, Planning and Community Development Director)
- R. Public hearing and first reading of an ordinance rezoning 35.359 acres, located on Orion Drive and FM 1102, from "APD" Agricultural/Pre-Development District to "M-2A" Heavy Industrial District.
(S. Mattingly, Planning and Community Development Director)
- S. Public hearing and first reading of an ordinance approving an amendment to a Type II Special Use Permit to allow the erection of professional offices and/or related parking in an "R-2" Single and Two-Family District.
(S. Mattingly, Planning and Community Development Director)

- T. Discuss and consider approval of a conditional sign permit at 2158 State Highway 46 South in the in the "C-3" General Business 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 and City Manager, in accordance with Section of 551.074 of the Texas Government Code.

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 March 20, 2013, 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.