



CITY OF NEW BRAUNFELS, TEXAS
CITY COUNCIL MEETING

CITY HALL - COUNCIL CHAMBERS
424 S. CASTELL AVENUE



MONDAY, MAY 23, 2011 at 6:00 P.M.

R. Bruce Boyer, Mayor
Richard Zapata, Councilmember (District 1)
Mark Goodner, Councilmember (District 2)
Mike Ybarra, Councilmember (District 3)

Sandy Nolte, Councilmember (District 4)
Kathleen Krueger, Mayor Pro Tem (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: May 23, 2011 @ 6:00 P.M.

CALL OF ROLL: City Secretary

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

INVOCATION: Councilmember Mark Goodner

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

1. MINUTES

Consider approving the minutes of the special meeting of May 2, 2011.
(P. Aten, City Secretary)

Consider approving the minutes of the regular meeting of May 9, 2011.
(P. Aten, City Secretary)

Consider approving the minutes of the special meeting of May 16, 2011.
(P. Aten, City Secretary)

2. CITY COUNCIL ACTIONS

(A) Complete and issue Certificates of Election to the Mayor-elect and Councilmembers-elect.

(B) Administer oath-of-office to Councilmember-elect, District Five, Bryan Miranda.

- (C) Administer oath-of-office to Councilmember-elect, District Six, Steven Digges.
- (D) Administer oath-of-office to Mayor-elect, Gale Pospisil.
- (E) Consideration and approval of a resolution and recognition of the public service rendered by Kathleen Krueger as Councilmember, District Five and Mayor Pro-Tem (2005-2011), of the City of New Braunfels, Texas.
- (F) Consideration and approval of a resolution and recognition of the public service rendered by R. Bruce Boyer as Mayor of the City of New Braunfels, Texas.
- (G) Election of a Mayor Pro-Tem.

3. 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)*

4. 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 City of New Braunfels Arts Commission recommendations for allocating grant awards from hotel occupancy tax to various arts organizations of the City and authorizing the City Manager to execute contracts with the aforementioned organizations for the purpose of disbursement and use of funding.
(P. Aten, City Secretary)
- (B) Approval of a resolution approving an engagement letter with Guinn and Morrison for redistricting for the City of New Braunfels.
(P. Isham, Interim City Attorney)
- (C) Approval of the City of New Braunfels FY 2010-11 second quarter investment report.
(D. Korinchock, Support Services Director)
- (D) Approval of a budget adjustment in the FY 2010-11 Adopted Budget for the Convention and Tourism Fund.
(D. Korinchock, Support Services Director)

- (E) Approval of the renewal of annual contracts with Terracon Consultants, Inc. and Arias and Associates, Inc. for construction material testing.
(M. Quinones, Purchasing Manager)
- (F) Approval of a resolution: (1) ratifying applications for FY 2011 Homeland Security Grant Program (HSGP) grants totaling \$227,517 from the Texas Department of Public Safety/State Administrative Agency under the U.S. Department of Homeland Security; (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.
(Charis Keenum, Grants Coordinator)
- (G) Approval of a proposed License Agreement between Southbank Owner's Association, Inc. and the City of New Braunfels for landscaping and irrigation improvements and related maintenance.
(S. Mattingly, Planning & Community Development Director)

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.)

- (H) Approval of the second and final reading of an ordinance amending Ordinance Number 75-10 to approve installation of four way stop signs at the intersections of Savannah Hill Circle at Settlers Crossing, Jerad Street at Stonehaven, and Jerad Street at Stonecrest Path.
(J. Klein, City Engineer)
- (I) Approval of the second and final reading of revisions to Ordinance Number 2010-14 merging the Downtown Development Board (DDB) with the Main Street Advisory Board (MSAB) to become known as the New Braunfels Downtown Board (NBDB) and adopting Bylaws.
(S. Mattingly, Planning & Community Development Director)
- (J) Approval of the second and final reading of an ordinance amending Section 126-354 to modify the permit parking ordinance in Area "I".
(S. Mattingly, Planning & Community Development Director)
- (K) Approval of the first 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)

5. INDIVIDUAL ITEMS FOR CONSIDERATION

- (A) Discuss and consider approval of a contract with Davilla Construction for construction services on Fire Station #4, authorization for the City Manager to execute change orders, and funding for material testing.
(M. Quinones, Purchasing Manager)
- (B) Presentation and direction to staff regarding amending Section 58, the Flood Ordinance.
(S. Mattingly, Planning & Community Development Director)
- (C) Update and possible action regarding recommendations from the Downtown Development Board and the Main Street Advisory Board.
(S. Mattingly, Planning & Community Development Director)
- (D) Discuss and consider approval of a conditional sign permit to allow the addition of an electronic message board on the existing monument sign at 801 W. San Antonio Street.
(S. Mattingly, Planning & Community Development Director)
- (E) Public hearing and first reading of an ordinance designating W. Mill Street, from S 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)
- (F) Public hearing and first 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)
- (G) Public hearing and first 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)
- (H) Public hearing and first reading of an ordinance granting a Special Use Permit to allow a commercial tuber entrance and takeout in the "C-4" Resort Commercial District, located at 444 East San Antonio Street.
(S. Mattingly, Planning & Community Development Director)
- (I) Public hearing and first 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)

- (J) Public hearing and first 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)

6. **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) 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 May 19, 2011, at 12:00 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.