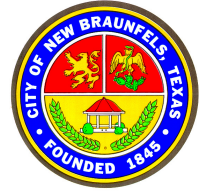




CITY OF NEW BRAUNFELS, TEXAS
CITY COUNCIL MEETING

CIVIC/CONVENTION CENTER EXHIBIT HALL
375 S. CASTELL AVENUE



MONDAY, AUGUST 22, 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: August 22, 2011 @ 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: National Payroll Week

1. **MINUTES**

Consider approving the minutes of the special and regular meetings of August 8, 2011, and the special meeting of August 15, 2011.
(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 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 changes to the Parks and Recreation Advisory Board bylaws.
(P. Aten, City Secretary)
- (B) Approval of the renewal of the annual contracts with Tru-Cut Landscape and Green Grass, Inc. for landscape services.
(M. Quinones, Purchasing Manager)
- (C) Approval of the purchase of city-wide printing services from American Printing Industries, Texas State University Print and Mail Services and Pollock Companies.
(M. Quinones, Purchasing Manager)
- (D) Approval to waive fees for the New Braunfels Humane Society for development of a new facility on 16.48 acres on Morningside Drive.
(S. Mattingly, Planning & Community Development Director)
- (E) Approval to authorize the City Manager to execute a proposed License Agreement between the Oak Creek Property Owner's Association, Inc. and the City of New Braunfels for landscape and irrigation improvements and related maintenance.
(S. Mattingly, Planning & Community Development Director)
- (F) Approval of a budget adjustment in the FY 2010-11 Adopted Budget for the Airport Fund for fuel sales revenue and expenditures.
(D. Korinchock, Support Services Director)
- (G) Approval of a budget transfer in the FY 2010-11 Adopted Budget for the City Attorney's Office.
(D. Korinchock, Support Services Director)
- (H) Approval of a resolution approving the financing by the Red River Health Facilities Development Corporation of a health facility located within the City of New Braunfels, Texas for Eden Home, Inc.
(P. Aten, City Secretary)

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- (A) Discuss and consider the second and final reading of an ordinance amending Section 86-14 of the Code of Ordinances to prohibit all disposable containers on certain public waterways.
(P. Isham, Interim City Attorney)
- (B) Discussion and direction regarding the Ad Hoc River Committee.
(G. Pospisil, Mayor)
(This item has been placed on the agenda at the Request of Mayor Pospisil.)

- (C) Discuss and consider approval of a resolution recommended by the New Braunfels Industrial Development Corporation to enter into a contract with the City of New Braunfels to fund the City's share of extending Runway 13 and associated improvements at the New Braunfels Municipal Airport up to \$480,000.
(J. Jewell, Development Coordinator)
- (D) Presentation, discussion, and possible action regarding Business 46 (Seguin Avenue) Railroad Underpass.
(J. Klein, City Engineer)
- (E) Public hearing and first reading of an ordinance rezoning 167.91 acres out of the Legend Pond Subdivision, located 3,800 feet east of FM 1044 on the east side of West Klein Road, from "APD" Agricultural/Pre-Development District to Legend Pond Planned Development District.
(S. Mattingly, Planning & Community Development Director)
- (F) Public hearing and first reading of an ordinance rezoning portions of Rolling Valley Subdivision, from "R-3" Multi Family District to "R-1A6-6" Single-Family District.
(S. Mattingly, Planning & Community Development Director)
- (G) Public hearing and first reading of an ordinance rezoning portions of Park Ridge Subdivision, from "R-3" Multi Family District to "R-1A6-6" 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 the short term rental of three single family residences that includes meeting space in conjunction with their occupancy in the "APD" Agricultural/Pre-Development District, located at 1150, 1154 and 1156 SH 46 South. **Requested by applicant to postpone until September 12th City Council meeting.**
(S. Mattingly, Planning & Community Development Director)
- (I) Public hearing and first reading of an ordinance granting a Special Use Permit to allow a parking lot in the "R-2" Single-Family and Two-Family District at 470 Union Street. **Requested by applicant to postpone until September 12th City Council meeting.**
(S. Mattingly, Planning & Community Development Director)
- (J) Discuss and consider an appeal to the non-residential and multifamily design standards exterior building materials requirement for a proposed commercial building to be located at 1320 N. IH 35.
(S. Mattingly, Planning & 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.
(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 the appointment, employment, evaluation, reassignment, or duties of a Charter officer, including the city attorney, in accordance with Section 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 August 17, 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.