



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

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



MONDAY, OCTOBER 24, 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: October 24, 2011 @ 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: Living Legends of New Braunfels
National Hospice Month

PRESENTATIONS: Symon's Drainage Project
Wurstfest

1. MINUTES

Consider approving the minutes of the special meetings of October 3 and October 10, 2011, and the regular meeting of October 10, 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 appointment of one member to the Parks and Recreation Advisory Board.
(P. Aten, City Secretary)
- (B) Approval of the appointment of one member to the New Braunfels Utilities Board of Trustees.
(P. Aten, City Secretary)
- (C) Approval of the Mayoral appointment of Scott Haag, and the re-appointments of Benno Engel, Helgard Suhr-Hollis, David Hartmann, and Mike Dietert as members to the New Braunfels Partnership Committee for terms ending August 1, 2014.
(P. Aten, City Secretary)
- (D) Approval of Transportation and Traffic Advisory Board's recommendation to deny a request for installation of stop signs in the Northpark Meadows Subdivision.
(J. Klein, City Engineer)
- (E) Approval of Transportation and Traffic Advisory Board's recommendation to deny a request for installation of stop signs on South Live Oak at Lee Street.
(J. Klein, City Engineer)
- (F) Approval of Transportation and Traffic Advisory Board's recommendation to deny a request for installation of stop signs on South Chestnut at Lee and Stonewall Streets.
(J. Klein, City Engineer)
- (G) Approval of a recommendation by the New Braunfels Industrial Development Corporation authorizing subordination of the New Braunfels Industrial Development Corporation lien as secondary to the liens, mortgages, encumbrances, security interests, claims, rights and assignments of the STORE loan for Hill Country Furniture Management LLC d/b/a Ashley Furniture.
(J. Jewell, Development Coordinator)
- (H) Approval of changing from a performance pay system to a step plan for certain ranks in the Police Department due to Civil Service Implementation.
(J. O'Connell, Human Resources Director)

Ordinances

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

- (I) Approval of the second and final reading of ordinances related to Civil Service implementation in the New Braunfels Police Department and associated ordinances in the New Braunfels Fire Department.
- (1) An ordinance implementing Chapter 143, Texas Local Government Code for the New Braunfels Police Department.
 - (2) An ordinance establishing the classifications within the Police and Fire Departments and authorizing the number of employees in each classification.
 - (3) An ordinance authorizing the payment of assignment pay for bilingual pay in the New Braunfels Police and Fire Department.
 - (4) An ordinance amending sections of the City of New Braunfels Personnel Policy Manual by clarifying Civil Service employees' benefits related to sick leave and vacation.
 - (5) An ordinance authorizing the payment of assignment pay for on-call pay in the New Braunfels Fire Department.
 - (6) An ordinance authorizing the payment of assignment pay for on-call pay in the New Braunfels Police Department.
 - (7) An ordinance regarding departmental files of the New Braunfels Police and Fire Department subject to Chapter 143.
- (J. O'Connell, Human Resources Director)*
- (J) Approval of the second and final reading of an ordinance annexing approximately 99.24 acres of land on Engel Road including Engel Road right-of-way, south of the intersection of Engel Road and Schmucks Road, adjacent to the existing city limits.
- (S. Mattingly, Planning & Community Development Director)*

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- (A) Discuss and consider Comal County's request for the City of New Braunfels to participate in the Dry Comal Flood Control Project.
(M. Morrison, City Manager)
- (B) Public hearing on Community Development Block Grant ("CDBG") Program Year 2012 One Year Action.
(D. Korinchock, Support Services Director)
- (C) Public hearing and first reading of an ordinance adopting the redistricting plan to change the municipal precinct boundaries of the City of New Braunfels, Texas.
(P. Isham, Interim City Attorney)
- (D) Discuss and consider approval of a resolution to authorize the City Manager to enter into the Edwards Aquifer Recovery Implementation Program Habitat Conservation Plan, by signing the associated Implementing Agreement, Funding

- and Management Agreement and the Habitat Conservation Plan; thus obligating the City of New Braunfels to minimization and mitigation activities, while protecting recreation and Edwards Aquifer water supply.
(*N. Pence, Watershed Program Manager*)
(*P. DiFonzo, NBU CEO*)
(*R. Biggers, NBU Executive Director of Water Services*)
- (E) Discuss and consider approval of the second and final reading of ordinances related to Civil Service implementation in the New Braunfels Police Department and associated ordinances in the New Braunfels Fire Department.
(1) An ordinance creating assignment pay for certain assignments within the New Braunfels Police Department.
(2) An ordinance creating certification pay for Police Officers possessing certain Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) Certifications.
(3) An ordinance creating education pay for Police Officers and Fire Fighters who earn post-secondary degrees.
(*J. O'Connell, Human Resources Director*)
- (F) Discuss and consider authorizing the City Manager to approve Change Order 2 to the contract with Yantis Company for construction services on the North Tributary Regional Flood Control Project.
(*J. Klein, City Engineer*)
- (G) Discuss and consider an appeal to the non-residential and multifamily design standards exterior building materials requirement for a proposed office/warehouse building to be located at 1335 Wald Road.
(*S. Mattingly, Planning & Community Development Director*)
- (H) Public hearing and first reading of an ordinance rezoning of Lots 1, 2 and 3, Block 1, Cotton Crossing, Unit 10, located adjacent to Gruene Lake Drive at the intersection of Gruene Road, from "C-1Br50" General Business District to "SND-Gruene Lake Village" Special District.
(*S. Mattingly, Planning & Community Development Director*)
- (I) Public hearing and first reading of an ordinance granting a Special Use Permit to allow the temporary placement and habitation of a travel trailer for management and security of Holiday Hills Christmas Trees lot during the selling season, located at 1050 IH-35 North.
(*S. Mattingly, Planning & Community Development Director*)
- (J) First public hearing regarding the proposed annexation of 18.942 acres of land located at 710 Conrads Lane, adjacent to the existing city limits.
(*S. Mattingly, Planning & Community Development Director*)
- (K) First public hearing regarding the proposed annexation of 125 acres of land at 3900 IH-35 North, adjacent to the existing city limits.

(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)

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 October 19, 2011, at 6:30 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.