



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

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



MONDAY, MARCH 12, 2012 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: March 12, 2012 @ 6:00 P.M.

CALL OF ROLL: City Secretary

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

INVOCATION: Councilmember Steven Digges

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

PROCLAMATION: Arbor Day

PRESENTATION: Lone Star Legacy Park Award

1. MINUTES

Consider approving the minutes of the regular meeting of February 27, 2012.
(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 a resolution appointing election officers for the May 12, 2012 General Election.
(P. Aten, City Secretary)
- (B) Approval of the purchase of a Kubota tractor and bat wing shredder for drainage maintenance from Ewald Tractor.
(M. Quinones, Purchasing Manager)
- (C) Approval of the purchase of six rear load and four front load garbage collection vehicles and one container handler (replacement equipment) for the Public Works Sanitation Division from Grande Truck Center, Reliance Truck and Equipment, and Heil through BuyBoard contracts.
(M. Quinones, Purchasing Manager)
- (D) Approval of a Professional Services Agreement between Kimley-Horn and Associates, Inc. and the City of New Braunfels to update the Roadway Impact Fee Ordinance.
(S. Mattingly, Planning and Community Development 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.)

- (E) Approval of the first reading of an ordinance amending Chapter 10 of the Code of Ordinances regarding charges on commercial activities at the New Braunfels Regional Airport.
(L. Llerena, Airport Director)
- (F) Approval of the second and final reading of an ordinance amending City of New Braunfels, Texas Code of Ordinances Chapter 2, Article III, Division 5, Section 2-112, in order to increase the required number of members necessary for a quorum of the Transportation and Traffic Advisory Board.
(P. Aten, City Secretary)

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- (A) Public hearing and possible approval of the proposed New Braunfels-Seguin Regional Transportation Plan and amending the Comprehensive Plan by replacing the City's Thoroughfare Plan.
(S. Mattingly, Planning and Community Development Director)

- (B) Public hearing and first reading of an ordinance granting a Special Use Permit to allow the sale of modular and manufactured homes in the "C-3" Commercial District, located at 1999 IH-35 North.
(S. Mattingly, Planning and Community Development Director)
- (C) Discuss and consider approval of a conditional sign permit at 2090 IH 35 North, located in the "M-UB" High Intensity Mixed Use District.
(S. Mattingly, Planning and Community Development Director)
- (D) Discuss and consider approval of a conditional sign permit at 1760 Highway 46 West, located in the "C-3" Commercial District.
(S. Mattingly, Planning and Community Development Director)
- (E) Presentation of options available to the City Council regarding the establishment of a Charter Review Committee.
(V. Acevedo, City Attorney)
- (F) Presentation on a summary of Ethics Point activity.
(R. Zapata, Councilmember, District 1)
(This item placed on the agenda at the request of Councilmember Zapata)
- (G) Discuss and consider the implementation of Ethics Point for Charter officers.
(R. Zapata, Councilmember, District 1)
(This item placed on the agenda at the request of Councilmember Zapata)
- (H) Public Hearing and first reading of an ordinance amending Chapter 82 Offenses and Miscellaneous Provisions of the Code of Ordinances, by changing the time of day when the use of amplified sound devices is prohibited.
(J. Vargas, Assistant Chief of Police)
- (I) Discuss and consider the first reading of an ordinance establishing parking fees for river visitors, authorization and funding of seasonal positions and the appropriate budget adjustments
(S. Dicke, Parks and Recreation Director)
- (J) Discuss and consider first reading of an ordinance amending loading/unloading zones and eliminating 15 minute parking on Liebscher Drive at Prince Solms Park, and authorization to construct the necessary road improvements within the park, and authorizing the appropriate budget adjustments.
(S. Dicke, Parks and Recreation Director)
- (K) Discuss and consider the first reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 86 – Parks and Recreation, Article 1- In General, Section 86-3 Rules and Regulations for Control of Park and Recreation Areas, by prohibiting certain behavior at USGS Comal Weir, commonly known as Stinky Falls, and establishing a restricted zone in the area immediately upstream that will be demarcated with buoys; and the appropriate budget adjustment.

- (J. Vargas, Assistant Chief of Police)*
- (L) Discuss and consider authorization and funding for certain initiatives associated with implementation of the Sustainable Tourism and Environmental Stewardship Plan and River Ad Hoc Committee recommendations
(D. Korinchock, Support Services Director)
 - (M) Discuss and consider approval of the first reading of an ordinance amending Ordinance No. 2011-87 which establishes classifications and the number of employees within the Police and Fire Departments, authorization and funding of three lieutenant positions, six engineer positions, and nine firefighter positions for the staffing of Fire Station 4, and the appropriate budget adjustment.
(J. Robinson, Fire Chief)
 - (N) Discuss and consider authorization and funding for the purchase of a tractor and shredder for the Airport and a flat wheel roller for Public Works.
(M. Quinones, Purchasing Manager)
 - (O) Discuss and consider a resolution relating to establishing the City Council of the City of New Braunfels' intention to reimburse itself for the prior lawful expenditure of funds relating to the acquisition of certain personal property from the proceeds of tax-exempt obligations to be issued by the City for authorized purposes; authorizing matters incident and related thereto; and providing an effective date.
(D. Korinchock, Support Services Director)
 - (P) Discuss and consider authorizing the City Manager to purchase or lease a modular building for Park Operations offices under the Texas Multiple Award Schedule (TXMAS) contract and the appropriate budget adjustments.
(S. Dicke, Parks and Recreation Director)
 - (Q) Discuss and consider the first reading of an ordinance regarding park rules and park fees.
(S. Dicke, Parks and Recreation 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.
(V. Acevedo, City Attorney)
- (B) Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code.
(V. Acevedo, 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.
(V. Acevedo, City Attorney)
- (D) Deliberate the appointment, employment, evaluation, reassignment, or duties of a Charter officer, which includes the Municipal Court Judge, 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 March 8, 2012, at 5:00 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.