



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



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

MONDAY, JULY 22, 2013 at 6:00 P.M.

Gale Pospisil, Mayor
George Green, Councilmember (District 1)
Aja Edwards Patino, Councilmember (District 2)
Ron Reaves, Councilmember (District 3)

Sandy Nolte, Councilmember (District 4)
Bryan Miranda, Mayor Pro Tem (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: July 22, 2013 @ 6:00 P.M.

CALL OF ROLL: City Secretary

INVOCATION: Councilmember Ron Reaves

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PRESENTATION: Retiree Recognition

PROCLAMATION: FIRST Robotics Team: Field Destruction

1. MINUTES

Consider approving the minutes of the special meetings of July 1, July 2, and July 8, 2013, and regular meeting of July 8, 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) Confirmation of the reappointment of Pat Clifton to the City of New Braunfels Civil Service Commission for a term ending August 10, 2016.
(R. Camareno, Interim City Manager)
- (B) Approval of the Mayoral re-appointments of Frank Witting, Gina Littrell, Andreas Lojewski, Martha Rehler, and Ian Taylor as members to the New Braunfels Partnership Committee for terms ending August 1, 2016.
(P. Aten, City Secretary)
- (C) Approval of a budget amendment to the 2013 Certificates of Obligation Capital Improvement Fund.
(D. Korinchock, Support Services Director)
- (D) Approval of the renewal for two years of a contract with Bound Tree Medical, LLC for medical supplies for the Fire Department.
(M. Quinones, Purchasing Manager)
- (E) Approval of a contract with Flasher Equipment Company for the purchase of roadway paint, thermoplastic markings, and raised pavement markers for the Public Works Department.
(M. Quinones, Purchasing Manager)
- (F) Approval of contracts with Terracon Consultants, Inc., Arias and Associates, and Raba Kistner Consultants for construction material testing services s.
(M. Quinones, Purchasing Manager)
- (G) Approval of a resolution adopting the Alamo Area Council of Governments (AACOG) Regional Emergency Management Plan.
(J. Robinson, Fire Chief)
- (H) Approval of a resolution setting a schedule for public hearings regarding the annexation of 16.324 acres of land on Loop 337, adjacent to the existing city limits.
(S. Mattingly, Planning and Community Development Director)
- (I) Approval of a development agreement requesting exemption from payment of Roadway Impact Fees for The Residences at Solms Village located at 2265 Goodwin Lane.
(S. Mattingly, Planning and Community Development Director)

4. **INDIVIDUAL ITEMS FOR CONSIDERATION**

- (A) Discuss and consider approval of the second and final reading of an ordinance amending Section 30-26 and Section 66-26 to modify the memberships of the Arts and Heritage Commissions.
(P. Aten, City Secretary)
- (B) Discuss and consider the appointment of one individual to the Downtown Board for a term ending May 31, 2014.
(P. Aten, City Secretary)
- (C) Second public hearing and approval on the City of New Braunfels Roadway Impact Fee Study Update.
(G. Ford, Assistant City Engineer)
- (D) Discuss and consider approval of an ordinance authorizing the issuance of “City of New Braunfels, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2013”; providing for the payment of said certificates by the levy of an ad valorem tax upon all taxable property within the City and further securing said certificates by a lien on and pledge of the pledged revenues of the system; providing the terms and conditions of said certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said certificates including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement and a purchase contract; complying with the requirements of the letter of representations previously executed with the depository trust company; authorizing the execution of any necessary engagement agreements with the City’s financial advisors and/or bond counsel; and providing an effective date.
(D. Korinchock, Support Services Director)
- (E) Discuss and consider approval of an ordinance by the City Council of the City of New Braunfels, Texas authorizing the issuance of “City of New Braunfels, Texas General Obligation Refunding Bonds, Series 2013A”, levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement, a purchase contract, and an escrow and trust agreement; complying with the letter of representations on file with the depository trust company; authorizing the execution of any necessary engagement agreements with the City’s financial advisors and/or bond counsel; and providing an effective date.
(D. Korinchock, Support Services Director)
- (F) Public Hearing regarding Amendment Two to the Community Development Block Grant (CDBG) Program Year 2013 One-Year Action Plan.
(D. Korinchock, Support Services Director)

- (G) Public hearing and first reading of an ordinance rezoning a portion of Lot 2A, Block 1, Oak Run Commercial Reserve 2, located on State Highway 46 West between Oak Run Parkway and Oak Run Point from "C-1A" Neighborhood Business District to "C-1 B" General Business District.
(S. Mattingly, Planning and Community Development Director)
- (H) Public hearing and first reading of an ordinance rezoning 2.677 acres located at the southwest intersection of Klein Road and Legend Pond from "APD" Agricultural/Pre-Development District to "C-1A" Neighborhood Business District with a Special Use Permit to allow: (1) a convenience store with fuel sales, with or without an automated car wash; and (2) a full service car wash (detail shop).
(S. Mattingly, Planning and Community Development Director)
- (I) Public hearing and first reading of an ordinance rezoning 2.398 acres located at the southeast intersection of Klein Road and Legend Pond from "APD" Agricultural/Pre-Development District to "C-1A" Neighborhood Business District with a Special Use Permit to allow: (1) a convenience store with fuel sales, with or without an automated car wash; and (2) a full service car wash (detail shop).
(S. Mattingly, Planning and Community Development Director)
- (J) Public hearing and first reading of an ordinance rezoning 0.696 acres located at the southeast intersection of Klein Road and Klein Meadows from "APD" Agricultural/Pre-Development District to "C-1A" Neighborhood Business District.
(S. Mattingly, Planning and Community Development Director)
- (K) Public hearing and first reading of an ordinance rezoning 2.937 acres located at the southwest intersection of Klein Road and Klein Meadows from "APD" Agricultural/Pre-Development District to "C-1A" Neighborhood Business District with a Special Use Permit to allow: (1) a convenience store with fuel sales, with or without an automated car wash; and (2) a full service car wash (detail shop).
(S. Mattingly, Planning and Community Development Director)
- (L) Public hearing and first reading of an ordinance granting a Type II Special Use Permit to allow two single-family dwellings in the "APD" Agricultural/Pre-Development District, located at 1922 Lou Ann Drive.
(S. Mattingly, Planning and Community Development Director)
- (M) Public hearing and first reading of an ordinance approving the abandonment and sale of Mulberry Avenue right-of-way between W. Torrey Street and W. Austin Street, and a portion of W. Austin Street right-of-way between Mulberry Avenue and N. Liberty Avenue.
(S. Mattingly, Planning and Community Development Director)
- (N) Discuss and consider approval of the second and final reading of an ordinance amending Chapter 144, Zoning Ordinance, by adding Section 26 Mobile Food Courts.
(S. Mattingly, Planning and Community Development Director)

- (O) Discuss and consider approval of the first reading of an ordinance annexing 120.7 acres of land on FM 1101, adjacent to the existing city limits.
(S. Mattingly, Planning and Community Development Director)
- (P) Discuss and consider approval of awarding a construction contract to Fuquay, Inc. for the Gruene Apple Channel and Roadway Repair Project, authorization for the City Manager to execute an amendment to the Professional Services Agreement with Civil Engineering Consultants to provide Pre-Construction and Construction Phase Services, authorizing Terracon to provide material testing services, approving a ten percent contingency on construction, and the appropriate budget adjustment.
(S. Ramsey, Public Works 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 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 July 17, 2013, at 2:00 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.