



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



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

MONDAY, OCTOBER 28, 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: October 28, 2013 @ 6:00 P.M.

CALL OF ROLL: City Secretary

INVOCATION: Councilmember Aja Edwards Patino

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PROCLAMATION: Municipal Court Week
National Hospice Month

PRESENTATION: Wurstfest
(Al Leach)

1. MINUTES

Consider approving the minutes of the regular meeting of October 14, 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) Approval of the appointment of seven individuals to the Animal Services Advisory Board.
(P. Aten, City Secretary)
- (B) Approval of the purchase of tires from Destefano's Tire Center through a National Purchasing Partners cooperative contract.
(M. Quinones, Purchasing Manager)
- (C) Approval of the purchase of ammunition from GT Distributors through a BuyBoard cooperative contract for the Police Department.
(M. Quinones, Purchasing Manager)
- (D) Approval of the purchase of a patch truck from Bergkamp through a BuyBoard cooperative contract for the Public Works Department.
(M. Quinones, Purchasing Manager)
- (E) Approval of the purchase of design services from CgM Associates for the Police Department Facility Improvement Project.
(M. Quinones, Purchasing Manager)
- (F) Approval of the purchase of refuse and recycling containers for Public Works Solid Waste Division from Toter, Inc. through the National Intergovernmental Purchasing Alliance contract and declaring the old carts as surplus.
(M. Quinones, Purchasing Manager)
- (G) Approval of the purchase of five commercial refuse roll-off containers from Wastequip through the Houston Galveston Area Council (HGAC) contract for Public Works Solid Waste Division.
(M. Quinones, Purchasing Manager)
- (H) Approval to purchase from state contracts and cooperative agreements for Fiscal Year 2013-14.
(M. Quinones, Purchasing Manager)
- (I) Approval of a proposed settlement in the pending condemnation action against Raymond A. Schumacher, as Trustee for the Raymond A. Schumacher Declaration of Trust Dated October 9, 1985, regarding 1.338 acres and 14.279 acres of real property and improvements for the North Tributary Flood Control Project and authorizing the Interim City Manager to execute the Agreed Final Judgment.
(C. Real, Real Estate Manager)

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- (A) Discuss and consider approval of the second and final reading of an ordinance amending Chapter 106, *Signs*, by repealing existing Section 106-17, Temporary Street Banners, and approving a new Section 106-17 of the Code of Ordinances.
(P. DiFonzo, New Braunfels Utilities CEO)
- (B) Discuss and consider approval of the appointment of two individuals to the Parks and Recreation Advisory Board for terms ending October 13, 2015, and October 13, 2016.
(P. Aten, City Secretary)
- (C) Discuss and consider approval of a resolution adopting the Community Development Block Grant (CDBG) Program Year 2014 One Year Action Plan.
(D. Korinchock, Support Services Director)
- (D) Discuss and consider a budget amendment to the FY 2013-14 Adopted Budget to create the 2013 General Obligation Bond Fund.
(D. Korinchock, Support Services Director)
- (E) Discuss and consider approval of contracts with:
 - (1) Moeller & Associates in the amount of \$431,839 to provide preliminary engineering and design services for the Solms Road / Morningside Drive Reconstruction Bond Project;
 - (2) Moeller & Associates in the amount of \$73,345 to provide preliminary engineering and design services for the Rueckle Road Reconstruction Bond Project;
 - (3) Moeller & Associates in the amount of \$85,620 to provide engineering and design services for the Common Street, Wald Road, and Saur Lane Projects, as part of the Citywide Street Improvements Projects;
 - (4) Pawelek & Moy, Inc. in the amount of \$49,982 to provide engineering and design services for the Post Road Project, as part of the Citywide Street Improvements Projects;
 - (5) M&S Engineering in the amount of \$363,016 to provide preliminary engineering and design services for the Alves Lane Improvements Bond Project; and
 - (6) Contract Land Staff, HDR, LAN, Integra Realty, Eckmann Groll, Paul Hornsby, Menn & Associates and Alterra Design for the provision of real estate services needed for completion of 2013 Bond projects and approval for the City Manger to execute contracts; and authorize the expenditure of an amount not-to-exceed \$100,000 for the initial phase of services.
(O. Garza, Capital Projects Manager)

- (F) Discuss and consider approval of the second and final reading of an ordinance amending the Code of Ordinances Chapter 86, Section 86-94, Landa Park swimming pool fees.
(S. Dicke, Parks and Recreation Director)
- (G) Discuss and consider approval of the second and final reading of an ordinance amending the Code of Ordinances Chapter 30, Article III Civic Center, Section 30-52, Rental Fees, by repealing existing Section 30-52, and approving a new Section 30-52 to become effective January 1, 2014.
(M. Scott, Civic/Convention Center Manager)
- (H) Discuss and consider the second and final reading of an ordinance amending Chapter 62, Article III, Section 62-118 (c)(1), (5) and (6) of the Code of Ordinances, establishing and adopting a new food establishment fee schedule.
(J. Lara, Environmental Health Manager)
- (I) Discuss and consider the first reading of an ordinance amending Chapter 100 Roadway Impact Fees of the City of New Braunfels Code of Ordinances.
(G. Ford, Assistant City Engineer)
- (J) Discuss and consider approval of the establishment of the right-of-way width of State Highway 46 from IH 35 to Cordova Road, identified as a Principal Arterial in the City of New Braunfels Regional Transportation Plan, to 120 feet.
(G. Ford, Assistant City Engineer)
- (K) Public hearing and first reading of an ordinance approving Historic Landmark Designation for property located at 586 W. Mill Street, to be known as the Froehlich-Stein House.
(S. Mattingly, Planning and Community Development Director)
- (L) Public hearing and first reading of an ordinance approving the abandonment and sale of 0.022 acres of drainage right-of-way adjacent to 420 Marsh Oval.
(S. Mattingly, Planning and Community Development Director)
- (M) Public hearing and first reading of an ordinance rezoning 22.228 acres of the Freiheit Subdivision located at the northwest corner of FM 1101 and South Kowald Lane from "R-2" Single Family and Two Family District to "M-1A" Light Industrial District.
(S. Mattingly, Planning and Community Development Director)
- (N) Public hearing and first reading of an ordinance granting a Type 1 Special Use Permit to allow a multifamily development with graduated densities of zero, 16, and 24 units per acre in the "C-1A" Neighborhood Business and "R-3L" Multifamily Low Density Districts, on 12.98 acres located at 1141 Highway 46 South.
(S. Mattingly, Planning and Community Development Director)
- (O) Public hearing and approval of a resolution amending the 2006 Future Land Use

Plan and approval of the second and final reading of an ordinance rezoning Lots 1 and 2, McKenna Village Subdivision, from "C-3" Commercial District, "R-3" Multifamily District, and "R-3Hr41 " and "R-3Hr46" Multifamily High Density with Restrictions to "ZH-A" Zero Lot Line Home District, located at 910 and 1010 Landa Street.

(S. Mattingly, Planning and Community Development Director)

- (P) Public hearing and approval of the second and final reading of an ordinance rezoning 32.173 acres out of the A-608 Sur-21 J. Thompson Survey from "C-1 B" General Business District and "APD" Agricultural/ Pre-Development District to "R-1A6.6" Single Family District, located approximately 2,414 feet southeast of the intersection of Interstate 35 and Doeppenschmidt Road.

(S. Mattingly, Planning and Community Development Director)

- (Q) Discuss and consider approval of the purchase of 5.7298 acres of land and improvements located at 955 North Walnut Avenue from HEB Grocery Company, LP.

(R. Camareno, Interim City Manager)

- (R) Discuss and consider a request from the Parks and Recreation Advisory Board regarding the implementation of a reuse water irrigation system for the Parks System.

(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.
- (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 City Manager, City Attorney, and 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 October 24, 2013, 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.