



CITY OF NEW BRAUNFELS, TEXAS
CITY COUNCIL MEETING

CITY HALL - COUNCIL CHAMBERS
424 S. CASTELL AVENUE



MONDAY, OCTOBER 12, 2015 at 6:00 P.M.

Barron Casteel, Mayor
George Green, Councilmember (District 1)
Aja Edwards, Councilmember (District 2)
Ron Reaves, Mayor Pro Tem (District 3)

Chris Monceballez, Councilmember (District 4)
Wayne Peters, Councilmember (District 5)
Leah A. García, Councilmember (District 6)
Robert Camareno, 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

Amended

CALL TO ORDER: October 12, 2015 @ 6:00 P.M.

CALL OF ROLL: City Secretary

INVOCATION: Councilmember Wayne Peters

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PROCLAMATIONS: Friends of the Library Week
Community Planning Month
Domestic Violence Awareness Month
Chamber of Commerce Week

1. **MINUTES**
Discuss and consider approval of the minutes of the special and regular meetings of September 28, 2015.
(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 Barron Casteel)
3. **CONSENT AGENDA**
All items listed below are considered to be routine and non-controversial by the City 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 renewal of a contract with the Landa Park Miniature Railroad for train concessions in Landa Park.
(S. Dicke, Parks and Recreation Director)
- (B) Approval of a resolution recommended by the New Braunfels Industrial Development Corporation to provide up to \$109,157 to the Center for Entrepreneurship for operation of the Small Business Development Center in 2015-2016.
(J. Jewell, Development Coordinator)
- (C) Approval of a resolution recommended by the New Braunfels Industrial Development Corporation to provide up to \$50,000 to the City of New Braunfels for a project to extend the County Line Memorial Trail.
(J. Jewell, Development Coordinator)
- (D) Approval of a contract with Landscape Commander, LLC for landscape services on undeveloped flood properties, roadways and medians for the Parks and Recreation Department.
(M. Quinones, Purchasing Manager)
- (E) Approval to purchase from state contracts and cooperative agreements for Fiscal Year 2015-16.
(M. Quinones, Purchasing Manager)
- (F) Approval of the purchase of a dump truck for the Public Works Department from Freightliner of Austin through a Buyboard Cooperative contract, and declare the replacement unit as surplus.
(M. Quinones, Purchasing Manager)
- (G) Approval of a purchase from Ewald Kubota for a tractor and shredder for the Public Works Department.
(M. Quinones, Purchasing Manager)
- (H) Approval of the purchase of refuse and recycling containers from Toter, Inc. through the National Intergovernmental Purchasing Alliance contract for the Solid Waste Division and declaring the old carts surplus.
(M. Quinones, Purchasing Manager)
- (I) Approval of the purchase of commercial refuse containers from Wastequip through the Houston Galveston Area Council (HGAC) contract for the Solid Waste Division and declaring the old containers surplus.

- (M. Quinones, Purchasing Manager)*
- (J) Approval of the purchase of large truck and equipment tires from Hesselbein Tire Southwest based on best value and recap service from Wingfoot Commercial Tire Systems, LLC through the Texas Multiple Award Schedule (TXMAS) contract.
(M. Quinones, Purchasing Manager)
- (K) Approval of budget transfers in the FY 2014-15 General Fund Adopted Budget.
(J. Werner, Assistant Finance 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.)

- (L) Approval of the second and final reading of an ordinance amending Section 54-91 – Violations declared nuisances: extraterritorial application, of the Code of Ordinances, by deleting all references to the sale of fireworks in the extraterritorial jurisdiction of the City of New Braunfels.
(P. O'Connell, Fire Marshal)
- (M) Approval of the second and final reading of an ordinance amending Sections 130-223 130-224 of the Code of Ordinances regarding the Drought Management Plan.
(R. Biggers, NBU Executive Director of External Affairs)

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- (A) Discuss and consider possible direction regarding a veterans' memorial.
(L. García, Councilmember, District 6)
(This item has been placed on the agenda at the request of Councilmember García.)
- (B) Discuss and consider approval of the first reading of an ordinance amending Ordinance 75-10 of the Code of Ordinances to install stop signs in the Oak Creek, Quail Valley, and Stone Gate Subdivisions.
(G. Ford, City Engineer)
- (C) Discuss and consider approval of the establishment of the right-of-way width of 120 feet for FM 725, identified as a Principal Arterial in the City of New Braunfels Regional Transportation Plan, from County Line Road to IH 35.
(G. Ford, City Engineer)
- (D) Discuss and consider approval of the first reading of an ordinance to remove the through truck restriction on Rueckle Road between IH 35 and Morningside Drive.
(G. Ford, City Engineer)

- (E) Discuss and consider approval of the first reading of an ordinance amending Section 118-51 (e) (2) of the Code of Ordinances to prohibit drainage easements crossing lots and property lines in one- and two-family subdivisions.
(G. Ford, City Engineer)
- (F) Discuss and consider approval of a Conditional Sign Permit in the "M-1Ar60" Light Industrial District, located within the Creekside Town Center and addressed at 225 Creekside Way.
(C. Looney, Planning and Community Development Director)
- (G) Public hearing and approval of the first reading of an ordinance regarding amendments to the Code of Ordinances, Chapter 144, Zoning, Section 5.3-1 Landscaping, Tree Preservation, Public Trees and Screening.
(C. Looney, Planning and Community Development Director)
- (H) Public hearing and approval of the first reading of an ordinance regarding amendments to the Code of Ordinances, Chapter 144, Zoning, Section 5.3-1 Landscaping, Tree Preservation, Public Trees and Screening; and Section 5.3-2 Fences and Walls.
(C. Looney, Planning and Community Development Director)
- (I) Discuss and consider approval of the second and final reading of an ordinance regulating the use of golf carts, neighborhood vehicles and other types of recreational off-highway vehicles on certain streets.
(V. Acevedo, City Attorney)
- (J) Discuss and consider acceptance of a recommendation from the Ethics Commission regarding revisions to the procedures for ethics complaints.
(V. Acevedo, City Attorney)
- (K) Discuss and consider approval of the Guaranteed Maximum Price with Guido Construction for the interior demolition at the New City Hall building and authority for the City Manager to approve any changes up to the three percent owner's contingency.
(B. Woods, Capital Programs Manager)
- (L) Discuss and consider approval of an interlocal agreement with New Braunfels Independent School District regarding shared cost of construction and operation of a municipal eight-lane swimming pool in the new community recreation center and terms of availability for District use for student swim practices, meets, aquatic events and competitions.
(R. Camareno, City Manager)

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 employee(s), City Manager, City Attorney, and/or 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 8, 2015, at 4:15 p.m.

Andrea Cunningham, Assistant 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.



City Council Agenda Item Report
October 12, 2015

Agenda Item No. 3M

Presenter/Contact – Roger Biggers, NBU Executive Director of External Affairs
(830) 629-8470 – rbiggers@nbutexas.com

SUBJECT: Approval of the second and final reading of an ordinance amending Sections 130-223 130-224 of the Code of Ordinances regarding the Drought Management Plan.

BACKGROUND/RATIONALE:

The City Council unanimously approved the first reading of this ordinance on September 28, 2015.

The City of New Braunfels Drought Management Plan Ordinance was designed to assist New Braunfels Utilities (NBU) in managing its water supply during drought when the NBU water supply is curtailed due to dropping water levels in the Edwards Aquifer, reduced Guadalupe River flow, or low water levels in Canyon Reservoir. The Development of the Trinity Well Field has added significantly to the NBU water supply and with that additional supply NBU will have more flexibility in managing its water supply during drought.

The present Drought Management Plan does not allow any flexibility when declaring drought stages. The Ordinance mandates the declaration of certain stages of the drought plan when certain trigger levels are reached in the J-17 Well or the Comal River flow. With the incorporation of the Trinity Well Field supply and the future Aquifer Storage and Recovery project it would be beneficial to the city residents for NBU to have some flexibility as to whether or not entering into a more restrictive stage is necessary based on the time of year and the water supply remaining at the time the Trigger Level is reached.

Allowing this flexibility will still provide the protection NBU needs from a supply shortage or over pumping penalties from the EAA, while giving NBU the ability to avoid a further drought stage reduction when it is not necessary to assure a supply for the remainder of a year.

The only changes to the ordinance at this time are included in Section 130-223 - Declarations of Water Use Reduction Stages in effect; notice of publication required, and Section 130-224 - "Trigger Levels" for implementation and termination of water use reduction measures, Stages I, II and III. Attached is a redlined version of these sections of the ordinance showing the suggested amendments as well as a clean copy of the revised sections.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

	City Plan/Council Priority:

FISCAL IMPACT:

None

BOARD/COMMISSION RECOMMENDATION:

These amendments are recommended by the New Braunfels Utilities Board of Trustees by Resolution to the City Council Dated August 27, 2015. The Resolution is attached for review.

STAFF RECOMMENDATION:

NBU staff recommends approval of the ordinance.