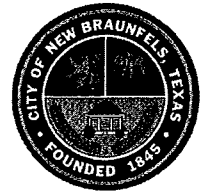




**CITY OF NEW BRAUNFELS, TEXAS
REGULAR CITY COUNCIL MEETING**

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



MONDAY, SEPTEMBER 28, 2009 at 6:00 P.M.

R. Bruce Boyer, Mayor
Richard Zapata, Councilmember (District 1)
Mark Goodner, Councilmember (District 2)
Mike Ybarra, Councilmember (District 3)

Sandy Nolte, Councilmember (District 4)
Kathleen Krueger, Mayor Pro Tem (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.*

REVISED AGENDA

CALL TO ORDER: September 28, 2009 @ 6:00 P.M.

CALL OF ROLL: City Secretary

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

INVOCATION: Mayor Bruce Boyer

PROCLAMATIONS: Sewing & Stitching with God
Domestic Violence
Colonial Heritage
Gruene Music & Wine Fest
Fire Prevention Week

RECOGNITIONS: Officer of the Quarter
Athletes of the Year

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

1. MINUTES

Consider approving the minutes of the special meetings of September 1, 2009 and September 3, 2009, and the regular meeting of September 14, 2009.
(M. Resendez, 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 Boyer

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.

- (A) Approval of the second and final reading of an Ordinance to remove the statutory maximum contribution rate limit for the City's retirement plan, Texas Municipal Retirement System, (TMRS).
(J. O'Connell, Human Resources Director)
- (B) Approval of the second and final reading of an ordinance amending the Code of Ordinances by repealing section 126-369 (b)(4) for Freight Zone time limits on Academy Avenue at Mill Street.
(J. Klein, City Engineer)
- (C) Approval of the second and final reading of an ordinance amending Ordinance Number 75-10 dated April 28, 1975 to approve installation of the traffic control devices (stop signs) at certain intersections on North Washington Avenue, East Camp Street and North Central Avenue.
(J. Klein, City Engineer)
- (D) Approval of the second and final reading of an ordinance amending the Code of Ordinances by modifying Section 126-136 to establish a school speed zone on Goodwin Lane and designate specific times.
(J. Klein, City Engineer)
- (E) Approval of the second and final reading of an ordinance amending the Code of Ordinances by repealing Section 126-134 which established a speed limit of 35 mph on Gruene Road between Post Road and Hanz Drive, which will set the speed limit at 30 mph, in accordance with Section 126-130.
(J. Klein, City Engineer)
- (F) Approval of the second and final reading of an ordinance abandoning a small portion of road right-of-way adjacent to the north side of lot 2 of Midtex Timber Hollow Unit 2 Subdivision to the City of New Braunfels.
(A. Wayland, City Attorney)

- (G) Approval of action to declare police patrol canine "Barron" surplus City property due to the retirement of the certified canine handler and provide for the donation of the canine to an area law enforcement agency.
(J. Vargas, Assistant Chief of Police/M. Quinones, Purchasing Manager)
- (H) Approval of an agreement on roadway impact fee offsets and construction of public improvements with SEDCOR, LTD. ("SEDCOR"), a Texas limited partnership for County Line Road and authorize the City Manager to execute the agreement.
(J. Klein, City Engineer)
- (I) Approval of the first reading of an ordinance amending the Code of Ordinances by modifying Sections 126-137, 126-138, and 126-140 to designate a specific speed limit on East Common Street and specific time and speed limit for an area school zone.
(J. Klein, City Engineer)
- (J) Approval of the first reading of an ordinance repealing Ordinance No. 2003-44 which established speed limits on Doeppenschmidt Road, Morningside Drive, Hunter Road, Solms Road, Ron Road, Rueckle Road, and Klein Road.
(J. Klein, City Engineer)
- (K) Approval of the purchase of services from the Humane Society of New Braunfels Area, Inc.
(M. Quinones, Purchasing Manager)
- (L) Authorization for the City Manager to enter into a contract renewal with Texas Municipal League (TML) for property, liability, and worker's compensation insurance coverage, effective October 1, 2009.
(J. O'Connell, Human Resources Director)
- (M) Approval of the appropriate budget transfer in the FY 2009-10 Adopted Budget Stormwater Development Fund.
(D. Korinchock, Support Services Director)
- (N) Authorize the City Manager to enter into a revised contract with Half Associates, Inc. to finalize the Landa Park Irrigation System Evaluation and Design.
(R. Camareno, Assistant City Manager)
- (O) Approval of the appointment of Nancy Ament to a position on the New Braunfels Library Advisory Board for a term ending September 26, 2012.
(M. Resendez, City Secretary)
- (P) Approval of a Resolution setting a schedule for public hearings to be held to consider annexation of 57.268 acres of land.
(S. Mattingly, Planning and Community Development Director)

- (Q) Approval of changes to the Investment Policy for the City of New Braunfels.
(*D. Korinchock, Support Services Director*)

4. **PRESENTATIONS**

- (A) Presentation regarding Union Pacific's Mainline No. 1 Railroad Tie and Concrete Planking Replacement Project.
(*O. Garza, Assistant City Engineer*)

5. **INDIVIDUAL ITEMS FOR CONSIDERATION**

- (A) Discuss and Consider Authorizing the City Manager to enter into a contract renewal with Waste Management of Texas, Inc.
(*R. Camareno, Assistant City Manager*)
- (B) Public hearing and first reading of an ordinance granting a Special Use Permit to allow up to 18 multifamily residential units per acre on approximately 10 acres located adjacent to the Stonegate Subdivision on SH 46 South, and zoned "R-3L Multifamily Low Density District".
~~Applicant Has Requested that this item be postponed until the 10/12/09 Meeting.~~
(*S. Mattingly, Planning and Community Development Director*)
- (C) Public hearing and first reading of an ordinance granting Special Use Permits to allow for short term rentals in the "R-2 Single and Two Family Residential District" located at 285 Rio Drive and 222 Cordoba Drive.
~~Applicant Has Requested that this item be postponed until the 10/26/09 Meeting.~~
(*S. Mattingly, Planning and Community Development Director*)
- (D) Public hearing and first reading of an ordinance rezoning 6.5 acres located in Klein Subdivision from "APD Agricultural/Pre-Development District" to "R-1A-6.6 Single Family District."
(*S. Mattingly, Planning and Community Development Director*)
- (E) Discuss and consider approval of a conditional sign permit to allow modifications to an existing sign located at 626 S. Business IH 35.
(*S. Mattingly, Planning and Community Development Director*)
- (F) Discuss and consider an appeal to the non-residential and multifamily design standards to allow the front entry of a proposed building, to be located at 490 Business IH 35 S., to be setback 5.5' from the drive rather than the minimum setback of 15'.
(*S. Mattingly, Planning and Community Development Director*)
- (G) Discuss and consider the first reading of an ordinance to amend the Code of Ordinances, Section 82-3, Firearms, Discharging, Hunting Permits.
(*S. Mattingly, Planning and Community Development Director*)

- (H) Discuss and consider directing staff to study possible amendments to the City of New Braunfels Charter in a Charter Election.
(Councilmember Zapata, District 1)

6. 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.

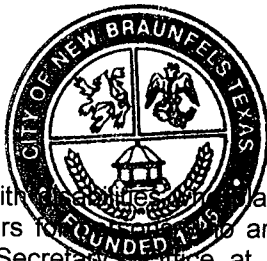
- (A) Deliberate and consider the purchase, exchange, lease or value of real property, in accordance with Section 551.072, of the Texas Government Code.
(A. Wayland, City Attorney)
- (B) Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code.
(A. Wayland, 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.
(A. Wayland, City Attorney)

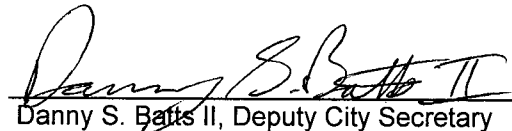
NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).

ADJOURNMENT

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the New Braunfels Municipal Building on September 23, 2009 at 5:10 p.m.




Danny S. Batts II, Deputy City Secretary

NOTE: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for those 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.