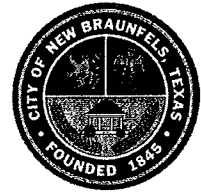




**CITY OF NEW BRAUNFELS, TEXAS
REGULAR CITY COUNCIL MEETING**

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



MONDAY, APRIL 12, 2010 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.*

A G E N D A

CALL TO ORDER: April 12, 2010 @ 6:00 P.M.

CALL OF ROLL: City Secretary

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

INVOCATION: Mayor Pro-Tem Kathleen Krueger

PROCLAMATIONS: Child Abuse Prevention Month
Friends of the Library Day
Earth Day

RECOGNITION: Ravenstar Outdoor Education – winner of the 2010 National
Recreation and Parks Society Southwest Region Conservation
Award

Government Finance Officers Association Distinguished Budget
Presentation Award.

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

1. MINUTES

Consider approving the minutes of the special meeting of March 15, 2010, and the
regular meeting of March 22, 2010.

(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.

Resolutions & Action Items

- (A) Approval of a resolution appointing the presiding judges and alternate judges for the regular City election to be held on May 8, 2010.
(M. Resendez, City Secretary)
- (B) Approval of a joint election agreement between the City of New Braunfels and the New Braunfels Independent School District.
(M. Resendez, City Secretary)
- (C) Approval of budget transfers in the Child Safety Fund and the 2007 Certificates of Obligation Capital Improvement Fund.
(D. Korinchock, Support Services Director)
- (D) Approval of amending a contract with Halff Associates, Inc. for archeological services at the Landa Park Golf Course.
(S. Laird-Dicke, Parks and Recreation Director)
- (E) Authorization for the City Manager to enter into a contract renewal with McGriff, Seibels and Williams of Texas, Inc, for Employee Benefit Management Services.
(J. O'Connell, Human Resources Director)
- (F) Approval of the purchase of services from Universal Landscape Services for the Walnut Avenue Extension Landscape Project and authorization for the City Manager to execute contract and change orders.
(S. Laird Dicke, Parks and Recreation Director / M. Quinones, Purchasing Manager)
- (G) Approval of a resolution approving a recommendation of the New Braunfels Industrial Development Corporation to modify resolution 2009-R71 to enter into a contract with the Symons Corporation with regard to providing a grant in an amount up to \$165,000 for utility upgrades.
(A. Wayland, City Attorney)

- (H) Approval of a resolution of the City Council of the City of New Braunfels, Texas, authorizing the filing of grant applications with the Alamo Area Council of Governments (AACOG) for a regional solid waste grants program grant; authorizing the City Manager to act on behalf of the City of New Braunfels in all matters related to the application; and pledging that if a grant(s) is received the City of New Braunfels will comply with the grant requirements of the Alamo Area Council of Governments, the Texas Commission on Environmental Quality and the State of Texas and acceptance of the grant funds if awarded.
(S. Ramsey, Public Works Director)
- (I) Approval of an Interlocal Agreement Between the City of New Braunfels and Comal County Reference Preservation and Restoration of the Comal County Courthouse.
(R. Camareno, Assistant City Manager)
- (J) Approval of a resolution authorizing the lease of golf carts from PNC Equipment Finance and authorizing the City Manager to execute the leases.
(S. Laird Dicke, Parks and Recreation Director)
- (K) Approval and authorization for the City Manager to enter into a contract with Bassco Services for the upgrade and refurbishment of the fuel farm at the airport, under a sole source justification.
(L. Llerena, Airport Director/M. Quinones, Purchasing Manager)

Ordinances

(In accordance with Section 3.10 of the City's 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 Ordinance Number 75-10 dated April 28, 1975 to approve installation of the traffic control devices (stop signs) at certain intersections on East North Street (North Veramendi Avenue and North Houston Avenue).
(J. Klein, City Engineer)
- (M) Approval of the second and final reading of an ordinance abandoning 0.061 acres of public alley located adjacent to 435 McKenna Avenue, at the southwest terminus of Oasis Street.
(S. Mattingly, Planning and Community Development Director)
- (N) Approval of the second and final reading of an ordinance amending chapter 86, section 4 by prohibiting smoking within 50' of any outdoor City owned youth athletic fields, skate park, playground or playground equipment located within the city limits.
(S. Laird Dicke, Parks and Recreation Director)

- (O) Approval of the second and final reading of an ordinance granting a Special Use Permit to allow a bed and breakfast facility in the "R-3 Multifamily District" located at 1210 Sleepy Hollow Lane, and a request to waive application fees.
(S. Mattingly, Planning and Community Development Director)
- (P) Approval of the first reading of an ordinance amending the code of ordinances of the City of New Braunfels, Texas by amending section 126-346 (f) to add no parking zones along the northwest side of Porter Street between Rusk Avenue and Wright Avenue; along the southwest side of Wright Avenue between Porter Street and Church Hill Drive; along the northwest side of Church Hill Drive between Wright Avenue and Loop 337 feeder road; and along the northwest side of Industrial Drive between Loop 337 and Gruene Road and giving an effective date.
(S. Ramsey, Public Works Director)

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- (A) Discuss and consider a resolution enacting a six month moratorium with regard to short term rental applications and special use permits.
(R. Bruce Boyer, Mayor)
This item has been placed on the agenda at the request of Mayor Boyer.
- (B) Public hearing and first reading of an ordinance replacing in its entirety Section 5.16, Short Term Rental or Occupancy in one and two unit dwellings, Chapter 144, Zoning.
(S. Mattingly, Planning and Community Development Director)
- (C) Discuss and consider appointments to the Downtown Development Board.
(S. Mattingly, Planning and Community Development Director)
- (D) Discuss and consider the first reading of an ordinance amending Chapter 126 "Traffic and Vehicles," Article IV "Operations of Vehicles," Division 1 "Generally" of the code of ordinances by adding a new Section 126-103 relating to restrictions on operating a motor vehicle near vulnerable road users..
(R. Camareno, Assistant City Manager)
- (E) Discussion and possible action regarding the Solid Waste Residential, Recycling, and Commercial Rates, proposed operational changes, consideration of purchase authorization, and appropriate budgetary transfer if necessary.
(S. Ramsey, Public Works Director)
- (F) Discuss and consider approval of the first reading of an ordinance designating Landa Lake in Landa Park as a historic landmark.
(S. Mattingly, Planning and Community Development Director)

This Item Postponed from the February 8, 2010 City Council Meeting

- (G) Discuss and consider approval of a Conditional Sign Permit for the Wespointe Village Shopping Center, located at the northwest corner of S. Hwy 46 W. and Loop 337.
(S. Mattingly, Planning and Community Development Director)
- (H) Discuss and consider an appeal to the non-residential and multifamily design standards exterior building materials for a permit to construct a two-story office building at 170 E. San Antonio Street.
(S. Mattingly, Planning and Community Development Director)
- (I) Discuss and consider an appeal to the non-residential and multifamily design standards exterior building materials requirement for a proposed commercial building to be located at 1400 IH 35 N.
(S. Mattingly, Planning and Community Development Director)
- (J) Public hearing and first reading of an ordinance granting a Special Use Permit to allow a single-family residence to be used for short term rentals in the "R-2 Single and Two Family Residential District" located at 1378 Sleepy Hollow Lane.
(S. Mattingly, Planning and Community Development Director)

This Item Postponed from the March 22, 2010 City Council Meeting.
- (K) Public hearing and first reading of an ordinance amending Section 126-354 to modify the permit parking ordinance in Areas "B" and "H"; repealing all ordinances in conflict, adding a savings clause and declaring an effective date.
(S. Mattingly, Planning and Community Development Director)
- (L) Public hearing and consideration of a resolution amending the 2006 Future Land Use Plan from "Residential Low Density" to "Residential Medium Density." and a second and final reading of an ordinance rezoning 12.195 acres out of the J.M. Veramendi Survey, located on the west side of Ervendberg Avenue, approximately 1,000 feet north of Gruene Road, from "R-3L Multifamily Low Density District" with restrictions to a specific site plan, to "R-3L Multifamily Low Density District".
(S. Mattingly, Planning and Community Development Director)
- (M) Public hearing and consideration of a resolution amending the 2006 Future Land Use Plan from "Residential Medium Density" to "Commercial" and a second and final reading of the ordinance rezoning 1649 and 1655 Old McQueeney Road, from "B-1 Conventional and Mobile Home District" to "C-1B General Business District".
(S. Mattingly, Planning and Community Development Director)

- (N) First public hearing for the annexation of 38.994 acres of land out Subdivision No. 6, A.M. Esnaurizar Eleven League Grant, Comal County, Texas, being a portion of that 39.910 acre tract of land called TRACT II and described in Document Number 2000060147551 of the Official Records of Comal County Texas, to the existing City Limits.
(S. Mattingly, Planning and Community Development 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.

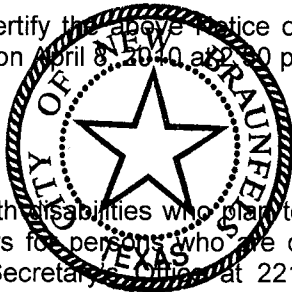
- (A) Deliberate and consider the purchase, exchange, lease or value of real property, in accordance with Section 551.072, of the Texas Government Code.
(A. Wayland, City Attorney)
- (B) Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government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

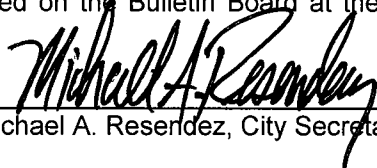
NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).

ADJOURNMENT

CERTIFICATION

I hereby certify that the above notice of Meeting was posted on the Bulletin Board at the New Braunfels Municipal Building on April 8, 2010 at 2:00 p.m.




Michael A. Resendez, 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.