

# CITY OF NEW BRAUNFELS, TEXAS REGULAR CITY COUNCIL MEETING

# CITY HALL - COUNCIL CHAMBERS 424 S. CASTELL AVENUE



# MONDAY, SEPTEMBER 13, 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.

# AGENDA

CALL TO ORDER:

September 13, 2010 @ 6:00 P.M.

CALL OF ROLL:

City Secretary

# PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

**INVOCATION:** 

Rev. Adam Cork

**Grace Memorial Church** 

PROCLAMATION:

**Constitution Week** 

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

# 1. MINUTES

Consider approving the minutes of the special meetings of August 17, 2010, August 18, 2010, and the regular meeting of August 23, 2010. (*A. Smith, Interim 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 the renewal of the annual contract with Pollock Companies for Citywide printing services.

  (M. Quinones, Purchasing Manager)
- (B) Approval of the renewal of the annual contract with Bluebonnet Motors, Inc. for oil change services.

  (M. Quinones, Purchasing Manager)
- (C) Approval of the renewal of the annual contract with Davis, Kinard & Co., P.C. for auditing services.

  (M. Quinones, Purchasing Manager)
- (D) Approval of the renewal of the annual contracts with Pawelek & Moy, Inc., River City Engineering, HMT Engineering & Surveying, Inc., and The Schultz Group, Inc. for engineering services for small street and drainage projects.

  (M. Quinones, Purchasing Manager)
- (E) Approval of the renewal of a lease with Nortex Modular Space for rental of the portable buildings under TXMAS contract #4-56060.

  (M. Quinones, Purchasing Manager)
- (F) Authorization for the City Manager to approve change order 1 to the contract with DNT Construction, LLC for construction services on Goodwin Lane as part of the Goodwin Lane Improvements Project.

  (J. Klein, City Engineer)
- (G) Approval for the City Manager to execute an Interlocal Agreement with Sam Houston State University for continuation of services that provide the Police Department with a comprehensive police information system.

  (B. Whitmire, Interim Chief of Police)
- (H) Approval of a budget transfer in the FY 2009-10 Facilities Maintenance Fund Adopted Budget to continue to provide funds for flood related remediation and needed repairs.

(D. Korinchock, Support Services Director)

# **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.)

- (I) Approval of the second and final reading of an ordinance designating 192 Texas Avenue as a historic landmark to be known as the Moos-Vollmar-Sonier House.
  - (S. Mattingly, Planning and Community Development Director)
- (J) Approval of the second and final reading of an ordinance of the City of New Braunfels, Texas amending Chapter 10 "Aviation" Of the Code of Ordinances by deleting Article VI. "Minimum Standards For Fixed Based Operators, Commercial Operations And Tenants" in its entirety and adopting a new Article VI. "New Braunfels Municipal Airport Minimum Standards".

  (V. Llerena, Airport Director)
- (K) Approval of the second and final reading of an ordinance amending Ordinance Number 75-10 to approve installation of the traffic control devices (stop signs) in Mission Hills Ranch Subdivision. (J. Klein, City Engineer)
- (L) Approval of the second and final reading of an ordinance amending Ordinance Number 75-10 to approve installation of traffic control devices (stop signs) in New Braunfels Town Center at Creekside.

  (J. Klein, City Engineer)

# 4. INDIVIDUAL ITEMS FOR CONSIDERATION

- (A) Discuss and possible action by City Council on extension of Overnight Rental Moratorium Applications for Special Use Permits and related issues.

  (Mayor Pro Tem Kathleen Krueger)
- (B) Discuss and consider the appointment of one individual to the Parks and Recreation Advisory Board for an unexpired term ending October 13, 2011. (Ann Smith, Interim City Secretary)
- (C) Discuss and consider the appointment of two individuals to the Municipal Airport Advisory Board for unexpired terms ending May 12, 2011 and May 12, 2012. (Ann Smith, Interim City Secretary)

- (D) 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 2010", 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, sales, and delivery of the bonds; authorizing the execution of a paying agent/registrar agreement, a purchase and investment letter, and an escrow deposit letter; complying with the provisions of the depository trust company's letter of representations; and providing an effective date.
  - (D. Korinchock, Support Services Director)
- (E) Discuss and consider approval of a conditional sign permit for 158 S. Seguin Ave.
  - (S. Mattingly, Planning and Community Development Director)
- (F) Discuss and consider approval of a conditional sign permit for 259 Loop 337. (S. Mattingly, Planning and Community Development Director)
- (G) Discuss and consider approval of a conditional sign permit for 148 S. Castell Avenue.

  (S. Mattingly, Planning and Community Development Director)
- (H) Public Hearing and consideration of a resolution amending the 2006 Future Land Use Plan from "Commercial" and "Residential Low Density" to "Mixed Use" and a second and final reading of an ordinance zoning 29.898 acres located in the 2100 block of FM 1101, south of the intersection of FM 1101 and Barbarosa Road, to "MU-B" High Intensity Mixed Use.

  (S. Mattingly, Planning and Community Development Director)
- (I) Public Hearing and consideration of a resolution amending the 2006 Future Land Use Plan from "Commercial" and "Residential Low Density" to "Mixed Use" and a second and final reading of an ordinance zoning 30.202 acres located in the 2200 block of FM 1101, east of the intersection of FM 1101 and Barbarosa Road, to "MU-B" High Intensity Mixed Use.

  (S. Mattingly, Planning and Community Development Director)
- (J) Report on District Meetings held during the week of August 30-September 2, 2010.

  (Michael Morrison, City Manager)

# 5. <u>EXECUTIVE SESSIONS</u>

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 Cartify here bove Notice of Meeting was posted on the Bulletin Board at the New Braunfels Municipal Building on September 9, 2010 at 2:00 p.m.

Ann Smith, Interim City Secretary

**NOTE**: Person with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreterments ons 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.