MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MARCH 12, 2012

The City Council of the City of New Braunfels, Texas, convened in a Regular Session on March 12, 2012 at 6:00 p.m.

City Councilmembers present were: Mayor Gale Pospisil, presiding; and Mayor Pro Tem Mark Goodner, Councilmembers Richard Zapata, Mike Ybarra, Sandy Nolte, Bryan Miranda and Steven Digges.

City Staff present were: City Manager Michael Morrison, City Attorney Valeria Acevedo, City Secretary Patrick Aten, Assistant City Attorney Frank Onion, Parks and Recreation Director Stacey Dicke, Planning and Community Development Director Shannon Mattingly, Airport Director Lenny Llerena, Support Services Director Debi Korinchock, Watershed Program Manager Nathan Pence, Public Works Director Steven Ramsey, Management and Budget Coordinator Jared Werner, Fire Chief John Robinson, and Assistant Police Chief Joe Vargas.

The meeting was called to order by Mayor Pospisil in the New Braunfels Municipal Building City Council Chambers at 6:00 p.m. Mayor Pospisil led the Pledge of Allegiance and the Salute to the Texas Flag and Councilmember Digges gave the invocation.

Proclamation: Mayor Pospisil presented a proclamation declaring March 18, 2012, as Arbor Day.

Presentation: Stacey Laird Dicke presented the City Council with the Lone Star Legacy Park Award from the Texas Recreation and Parks Society.

1. Minutes

Consider approving the minutes of the regular meeting of February 27, 2012.

Councilmember Digges moved to approve the minutes and Councilmember Nolte seconded the motion which were unanimously approved by the City Council.

2. Citizen's Communications:

Dolores Schumann spoke about the wading pool and pedestrian bridges in Landa Park.

Stacie Zercher spoke about her employment with the City of New Braunfels.

3. CONSENT AGENDA

Mayor Pospisil read the Consent Agenda Items (A-F) as listed below, except item B which was pulled from the Consent Agenda by Councilmember Zapata.

Councilmember Nolte moved to approve the consent agenda without Item B. Councilmember Miranda seconded the motion which was approved unanimously by a roll call vote of the City Council.

Resolutions & Action Items

(A) Approval of a resolution appointing election officers for the May 12, 2012 General Election.

(C) Approval of the purchase of six rear load and four front load garbage collection vehicles and one container handler (replacement equipment) for the Public Works Sanitation Division from Grande Truck Center, Reliance Truck and Equipment, and Heil through BuyBoard contracts.

(D) Approval of a Professional Services Agreement between Kimley-Horn and Associates, Inc. and the City of New Braunfels to update the Roadway Impact Fee Ordinance.

Ordinances

(E) Approval of the first reading of an ordinance amending Chapter 10 of the Code of Ordinances regarding charges on commercial activities at the New Braunfels Regional Airport.

(F) Approval of the second and final reading of an ordinance amending City of New Braunfels, Texas Code of Ordinances Chapter 2, Article III, Division 5, Section 2-112, in order to increase the required number of members necessary for a quorum of the Transportation and Traffic Advisory Board.

(B) Mayor Pospisil read the following caption:
Approval of the purchase of a Kubota tractor and bat wing shredder for drainage maintenance from Ewald Tractor.

Councilmember Zapata asked about the purpose of the tractor.

Debi Korinchock and Steve Ramsey stated the new equipment would be used by new personnel. Mr. Ramsey offered to provide Councilmember Zapata information if there were specifics given of underutilization of current equipment. Mr. Ramsey offered to provide Councilmember Zapata with details of the easement conversions with the Stormwater Utility Program. Councilmember Digges stated he would like details of the easement conversions with the Stormwater Utility Program.

Councilmember Zapata moved to postpone the item until the March 26,

2012 City Council meeting. The motion failed for lack of a second.

Councilmember Miranda moved for approval of the resolution. Councilmember Nolte seconded the motion, which passed 6-1 with Councilmember Zapata opposed.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

(J) Mayor Pospisil read the following caption:
Discuss and consider first reading of an ordinance amending loading/unloading zones and eliminating 15 minute parking on Liebscher Drive at Prince Solms Park, and authorization to construct the necessary road improvements within the park, and authorizing the appropriate budget adjustments.

Councilmember Ybarra moved to postpone the item indefinitely. Councilmember Digges seconded the motion which passed unanimously.

(A) Mayor Pospisil read the following caption:
Public hearing and possible approval of the proposed New Braunfels-Seguin Regional Transportation Plan and amending the Comprehensive Plan by replacing the City's Thoroughfare Plan.

Shannon Mattingly presented the item.

During the public hearing, the following people spoke:
John Seidel, Mark Hampton, Elizabeth Bowerman, Diane Scharnhorst, Sue Cummings, Rittler Strachan, Mark McGonigal, Nancy Ney, George Green, and Michael Scudder.

Councilmember Zapata moved to submit the Outer Loop Plan with portions from the Hybrid Plan to line up with our MPO partners. Councilmember Digges seconded the motion which failed 3-4, with Mayor Pro Tem Goodner, Councilmember Ybarra, Councilmember Nolte, and Mayor Pospisil opposed.

Shannon Mattingly and Ben Englehardt answered questions from the City Council.

Councilmember Ybarra expressed his concern with the connectivity of the entire loop.

Mayor Pro Tem Goodner asked that priority be given to the order of the construction of bridges spanning the Guadalupe River.

Councilmember Miranda moved to approve the Hybrid Plan. Councilmember Digges seconded the motion which passed 6-1, with Councilmember Zapata opposed.

<City Council took a seven minute break.>

(B) Mayor Pospisil read the following caption:
Public hearing and first reading of an ordinance granting a Special Use Permit to allow the sale of modular and manufactured homes in the "C-3" Commercial District, located at 1999 IH-35 North.

Shannon Mattingly presented the item.

No one spoke during the public hearing.

Mayor Pro Tem Goodner moved to approve the item with the staff recommendation. Councilmember Digges seconded the motion which passed unanimously.

(C) Mayor Pospisil read the following caption:
Discuss and consider approval of a conditional sign permit at 2090 IH 35 North, located in the "M-UB" High Intensity Mixed Use District.

Shannon Mattingly presented the item.

Councilmember Miranda moved for approval of the item. The motion failed due to lack of a second.

(D) Mayor Pospisil read the following caption:
Discuss and consider approval of a conditional sign permit at 1760 Highway 46 West, located in the "C-3" Commercial District.

Shannon Mattingly presented the item.

Gwen Karraker spoke in favor of the item.

Councilmember Digges moved to approve the item. Councilmember Miranda seconded the motion which passed unanimously.

(E) Mayor Pospisil read the following caption:
Presentation of options available to the City Council regarding the establishment of a Charter Review Committee.

Valeria Acevedo presented the item.

No action was taken and no direction was given to form a Charter Review Committee.

(F) Mayor Pospisil read the following caption:
Presentation on a summary of Ethics Point activity.

Julie O'Connell presented the summary of EthicsPoint activity.

No action was taken.

(G) Mayor Pospisil read the following caption:
Discuss and consider the implementation of Ethics Point for Charter officers.

Councilmember Zapata presented the item.

No action was taken.

(H) Mayor Pospisil read the following caption:
Public Hearing and first reading of an ordinance amending Chapter 82 Offenses and Miscellaneous Provisions of the Code of Ordinances, by changing the time of day when the use of amplified sound devices is prohibited.

Mayor Pospisil read the following caption:
(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.

In accordance with Texas Government Code, Subchapter D, the City Council convened in a closed session to discuss this item. The City Council recessed into executive session from 9:00 – 9:08 p.m.

In open session, Valeria Acevedo presented the item and expressed her concerns with the proposed ordinance because of the potential for litigation.

Councilmember Ybarra moved to postpone the item indefinitely. Councilmember Digges seconded the motion which passed unanimously.

(I) Mayor Pospisil read the following caption:
Discuss and consider the first reading of an ordinance establishing parking fees for river visitors, authorization and funding of seasonal positions and the appropriate budget adjustments.

Stacey Dicke presented the item.

Mayor Pro Tem Goodner moved to postpone the item indefinitely. Councilmember Digges seconded the motion which passed unanimously.

(K) Mayor Pospisil read the following caption:
Discuss and consider the first reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 86 – Parks and Recreation, Article 1- In General, Section 86-3 Rules and Regulations for Control of Park and Recreation Areas, by prohibiting certain behavior at USGS Comal Weir, commonly known as Stinky Falls, and establishing a restricted zone in the area immediately upstream that will be demarcated with buoys; and the appropriate budget adjustment.

Joe Vargas presented the item.

Councilmember Zapata moved to postpone the item indefinitely. Councilmember Miranda seconded the motion which passed unanimously.

(L) Mayor Pospisil read the following caption:
Discuss and consider authorization and funding for certain initiatives associated with implementation of the Sustainable Tourism and Environmental Stewardship Plan and River Ad Hoc Committee recommendations.

Debi Korinchock presented each part of this item for the City Council to consider individually.

(1) Fines and Forfeitures Revenue:
Staff proposed an increase in FY 2011-12 revenue estimates for fines and forfeitures by $19,000.
Councilmember Ybarra moved to approve the item and adjust the budget accordingly. Councilmember Miranda seconded the motion which passed 6-1, with Councilmember Digges opposed.

Councilmember Zapata asked for the last two years of river-related fines and forfeitures that the City remits to the State.

(2) Rangers:

Staff identified additional expenses related to the rangers' education and enforcement efforts on the Comal and Guadalupe Rivers. The total cost of these items is $19,500.
Councilmember Miranda moved to approve the item. Mayor Pospisil seconded the motion which failed 2-5, with Mayor Pro Tem Goodner and Councilmembers Zapata, Ybarra, Nolte, and Digges opposed.

(3) Police Overtime:
This item was not discussed. No action was taken.

(4) Signage:
New signs will be developed and constructed to communicate to visitors all river related rules and information needed to ensure their safe and enjoyable experience. The new signs are currently being designed at a cost of $10,000. Additional costs will be incurred to manufacture and place these signs.
Councilmember Nolte moved to approve the item and adjust the budget accordingly. Councilmember Miranda seconded the motion which passed unanimously.

(5) Stanchions:
Stanchions are recommended for FY 2011-12 which will be used for line queuing at Prince Solms Park. The cost of this effort is estimated at $5,500.
Councilmember Miranda moved to approve the item and adjust the budget accordingly. Councilmember Nolte seconded the motion which passed 6-1, with Councilmember Digges opposed.

(6) Street Marking:
Supplies required for street marking to improve shuttle and pedestrian interaction is recommended. The estimated cost is $5,000.
Nathan Pence stated that the item could also be titled Sidewalk Markings.
Councilmember Ybarra moved to approve the item and adjust the budget accordingly. Councilmember Miranda seconded the motion which passed 5-2, with Councilmembers Nolte and Digges opposed.

(M) Mayor Pospisil read the following caption:
Discuss and consider approval of the first reading of an ordinance amending Ordinance No. 2011-87 which establishes classifications and the number of employees within the Police and Fire Departments, authorization and funding of three lieutenant positions, six engineer

positions, and nine firefighter positions for the staffing of Fire Station 4, and the appropriate budget adjustment.

John Robinson presented the item. Chief Robinson informed the City Council that he intends to invoke a Civil Service local rule which allows him to give a preference for new hires that are certified as Emergency Medical Technician, Paramedic.

Staff recommended:

1. Approval of the first reading of an amendment to Ordinance 2011-87 to increase the number of authorized positions in the Fire Department;
2. Authorize three lieutenant, six engineer and nine firefighter positions effective June 30, 2012; and
3. Approve the appropriate budget transfer.

Councilmember Ybarra and Chief Robinson discussed the merits of the New Braunfels Fire Department eventually becoming an all-paramedic staff.

Councilmember Digges and Chief Robinson discussed the level of training for the Fire Department. Chief Robinson spoke about the high level of training the Fire Department maintains citing paramedic training, EMS protocols, as well as awards and recognitions the Fire Department has received.

Robert Garcia (New Braunfels Fire Fighters Association) spoke against the Civil Service local rule for paramedic preference.

Mayor Pospisil stated that Chief Robinson provided the City Council with the information about invoking the Civil Service local rule for paramedic preference, but City Council was not acting on that topic.

Councilmember Miranda moved to approve the item with all three recommendations. Councilmember Ybarra seconded the motion which passed 6-1, with Councilmember Digges opposed.

<Councilmember Digges excused himself and left the City Council meeting.>

(N) Mayor Pospisil read the following caption:
Discuss and consider authorization and funding for the purchase of a tractor and shredder for the Airport and a flat wheel roller for Public Works.

Debi Korinchock, Lenny Llerena, and John Cox presented the item.

Mark McGonigal spoke about this item..

Councilmember Miranda moved to approve the item. Mayor Pospisil seconded the motion which passed 5-1, with Councilmember Zapata opposed.

Mayor Pro Tem Goodner moved to fund the equipment from the Equipment Replacement Fund. Councilmember Miranda seconded the motion which passed unanimously.

(O) Mayor Pospisil read the following caption:
Discuss and consider a resolution relating to establishing the City Council of the City of New Braunfels' intention to reimburse itself for the prior lawful expenditure of funds relating to the acquisition of certain personal property from the proceeds of tax-exempt obligations to be issued by the City for authorized purposes; authorizing matters incident and related thereto; and providing an effective date.

No action was taken on this item because of the action taken on Item 4N.

(Q) Mayor Pospisil read the following caption:
Discuss and consider the first reading of an ordinance regarding park rules and park fees.

Stacey Dicke presented the item.

John Mathis (Chairman of the Parks and recreation Advisory Board) and Jose Hidalgo spoke about this item.

Councilmember Nolte moved to approve the item. Councilmember Miranda seconded the motion which passed 5-1, with Councilmember Zapata opposed.

(P) Mayor Pospisil read the following caption:
Discuss and consider authorizing the City Manager to purchase or lease a modular building for Park Operations offices under the Texas Multiple Award Schedule (TXMAS) contract and the appropriate budget adjustments.

Stacey Dicke presented the item.

Councilmember Nolte moved to purchase a modular building with the factory exterior and the appropriate budget adjustment. Councilmember

Miranda seconded the motion which passed 5-1, with Mayor Pro Tem opposed.

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.

(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.

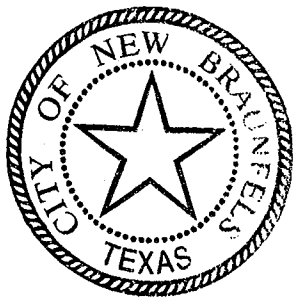
(D) Deliberate the appointment, employment, evaluation, reassignment, or duties of a Charter officer, which includes the Municipal Court Judge, in accordance with Section 551.074 of the Texas Government Code.

The City Council recessed into executive session from 11:09 – 11:17 p.m.

No action was taken.

Adjournment: This regular meeting adjourned at 11:17 p.m.

Date Approved: March 26, 2012

By: Gale Pospisil
GALE POSPISIL, MAYOR

Attest: Patrick D. A.
PATRICK D. ATEN, CITY SECRETARY