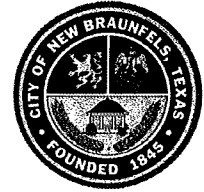




**CITY OF NEW BRAUNFELS, TEXAS  
REGULAR CITY COUNCIL MEETING**

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



**MONDAY, MARCH 22, 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:** March 22, 2010 @ 6:00 P.M.

**CALL OF ROLL:** City Secretary

**PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

**INVOCATION:** Councilmember Sandy Nolte

**PROCLAMATIONS:** Parkinson's Disease Awareness Day  
Sexual Assault Awareness Month

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

**1. MINUTES**

Consider approving the minutes of the regular meeting of March 8, 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 cancelling the May 8, 2010 Election for City Council District 1.  
*(M. Resendez, City Secretary)*
- (B) Approval to authorize the City Manager to enter into a contract with Latitude Geographics to develop a road closure GIS application.  
*(D. Korinchock, Support Services Director/M. Parma, GIS Coordinator)*
- (C) Approval of the purchase of professional services with Hardin & Robbins, LLC for Municipal Court.  
*(M. Quinones, Purchasing Manager)*
- (D) Approval of the auction items declared as surplus and sold; and declare a police special use vehicle as surplus and provide for donation of vehicle to an area law enforcement agency.  
*(M. Quinones, Purchasing Manager)*
- (E) Approval of the purchase of construction services from Weigelt Enterprises for Landa Park Irrigation Project and authorization for the City Manager to execute contract and change orders.  
*(S. Laird Dicke, Parks & Recreation Director/M. Quinones, Purchasing Manager)*
- (F) Approval of the addition of donated military special use vehicle to the Police Department fleet.  
*(R. Everett, Police Chief)*
- (G) Approval of the appointment of Darlene Moore and Myra Goff to the New Braunfels Heritage Commission for terms ending March 11, 2013.  
*(M. Resendez, City Secretary)*
- (H) Approval of the appointment of Matthew Carpenter to the Community Development Advisory Board for a term ending December 13, 2012.  
*(M. Resendez, City Secretary)*
- (I) Approval of the appointment of Matthew Carpenter and Timothy Kelcy to the Zoning Board of Adjustment as alternate members for terms ending May 31, 2011.  
*(M. Resendez, City Secretary)*

- (J) Approval of the appointment of Timothy Kellcy to the Construction Board of Appeals as an At-Large Regular Member for a term ending February 24, 2013.  
*(M. Resendez, City Secretary)*
- (K) Approval of the appointment of Shaun Sweeny to the Municipal Airport Advisory Board for a term ending May 12, 2010.  
*(M. Resendez, City Secretary)*
- (L) Approval for the City Manager to enter into a contract with EZ-GO for the lease of 60 golf carts under a TXMAS contract.  
*(S. Laird Dicke, Parks and Recreation Director)*
- (M) Authorization for the purchase of lights for the Camp Comal Softball Complex, Bombers Field, through Buyboard.  
*(S. Laird Dicke, Parks and Recreation Director)*
- (N) Approval of staff authorization to execute transactions in City bank and investment accounts and approval of resolutions for investment accounts with Texas Capital Bank, N.A.  
*(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.)*

- (O) Approval of the first 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)*
- (P) Approval of the first 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)*

#### **4. INDIVIDUAL ITEMS FOR CONSIDERATION**

- (A) Appointment of one individual to the Historic Landmark Commission for an unexpired term ending April 7, 2012.  
*(M. Resendez, City Secretary)*
- (B) Appointment of one individual to the Parks and Recreation Advisory Board for an unexpired term ending October 13, 2012.  
*(M. Resendez, City Secretary)*

- (C) Appointment of one individual to the Main Street Advisory Board for a term ending December 31, 2012.  
*(M. Resendez, City Secretary)*
- (D) Discuss and consider direction to staff with regards to a safe passage ordinance for bicyclists and other “vulnerable road users”.  
*(M. Goodner, Councilmember, District 2)*
- (E) Discuss and consider approval of the first 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)*
- (F) Public hearing and first reading of an ordinance replacing in its entirety Section 5.16, Short Term Rental or Occupancy in one or two family dwellings, Chapter 144, Zoning Ordinance.  
*(S. Mattingly, Planning and Community Development Director)*
- (G) Public hearing and first reading of an ordinance amending Section 1.3, Definitions, Chapter 144, Zoning Ordinance, regarding occupancy limitations of residential dwelling units.  
*(S. Mattingly, Planning and Community Development Director)*
- (H) 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 1262 Sleepy Hollow Lane.  
*(S. Mattingly, Planning and Community Development Director)*  
**This Item Postponed from the February 22, 2010 City Council Meeting.**
- (I) 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 February 22, 2010 City Council Meeting.**
- (J) Public hearing and first reading of an ordinance granting a Special Use Permit to allow a single-family residence located at 140 E. Main Street and zoned “C-1 Local Business District” to be used for short term rentals.  
*(S. Mattingly, Planning and Community Development Director)*
- (K) Public hearing and first 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)*

- (L) Consider and approve a resolution setting a schedule for public hearings to be held to consider annexation of 38.944 acres of land on FM 1101 adjacent to the existing City Limits.  
*(S. Mattingly, Planning and Community Development Director)*
- (M) Public hearing and first 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)*
- (N) Public Hearing and first reading of an 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)*
- (O) Discuss and consider the first reading of an ordinance establishing a Juvenile Curfew.  
*(R. Everett, Police Chief)*

## **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.

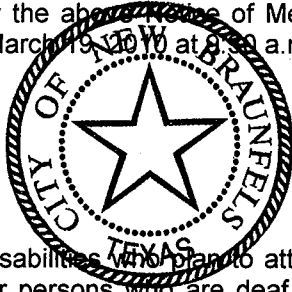
- (A) Deliberate and consider the purchase, exchange, lease or value of real property, in accordance with Section 551.072, of the Texas Government Code.  
*(A. Wayland, City Attorney)*
- (B) Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas 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 the above ~~copy~~ of Meeting was posted on the Bulletin Board at the New Braunfels Municipal Building on March 19, 2010 at 8:30 a.m.



  
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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.