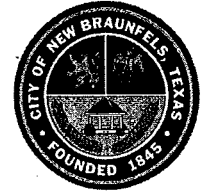




**CITY OF NEW BRAUNFELS, TEXAS
REGULAR CITY COUNCIL MEETING**

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



MONDAY, FEBRUARY 28, 2011 at 6:00 P.M.

R. Bruce Boyer, Mayor	Sandy Nolte, Councilmember (District 4)
Richard Zapata, Councilmember (District 1)	Kathleen Krueger, Mayor Pro Tem (District 5)
Mark Goodner, Councilmember (District 2)	Steven Digges, Councilmember (District 6)
Mike Ybarra, Councilmember (District 3)	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: February 28, 2011 @ 6:00 P.M.

CALL OF ROLL: City Secretary

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

INVOCATION: Councilmember Mike Ybarra

PRESENTATION: 2010 Conservation Project Award, presented by the Lindheimer
Chapter of the Texas Master Naturalists

Special Presentation – New Braunfels Police Department
Chief Tom Wibert, presenter

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

1. MINUTES

Consider approving the minutes of the workshop and regular meetings of February 14,
2011.

(A. Smith, Interim Deputy City Secretary)

Consider approving the minutes of the workshop meeting of February 22, 2011.

(P. Aten, 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 City of New Braunfels FY 2010-11 First Quarter Investment Report.
(D. Korinchock, Support Services Director)
- (B) Approval of a resolution approving an amendment to a chapter 380 economic development agreement ("Westpointe Village") and authorizing the Assistant City Manager to execute the agreement.
(A. Wayland, City Atty.)
- (C) Authorize the City Manager to apply for Community Partnership Program (CPP) Grant Funds from the Lower Colorado River Authority to fund lighting at Eikel Park.
(S. Dicke, Parks and Recreation Director)
- (D) Authorization for the City Manager to enter into joint election agreements between the City of New Braunfels and the New Braunfels Independent School District and the Comal Independent School District.
(A. Smith, Interim Deputy City Secretary)
- (E) Approval of a resolution to support the legislative activities of the Alliance of CenterPoint Municipalities during the 82nd session of the Texas Legislature, as they affect gas utility ratemaking.
(A. Wayland, City Attorney)
- (F) Approval of a recommendation from the New Braunfels Arts Commission to grant the Historic Outdoor Gallery Of Art of New Braunfels, Inc. a one year extension on the use of the 2010 hotel/motel tax grant award.
(P. Aten, City Secretary)

- (G) Approval of a resolution recommended by the New Braunfels Industrial Development Corporation regarding the funding of engineering services in connection with downtown parking in the amount of \$68,000.
(J. Jewell, Development Coordinator)
- (H) Approval of a resolution recommended by the New Braunfels Industrial Development Corporation to provide funds to the City in the amount of \$3,000,000 for a portion of the costs of improving FM 306 West of IH-35.
(J. Jewell, Development Coordinator)
- (I) Approval of a resolution recommended by the New Braunfels Industrial Development Corporation to provide a grant in an amount up to \$250,000 for renovations and expansion of the Brauntex Performing Arts Theatre.
(J. Jewell, Development Coordinator)
- (J) Approval of a resolution for the purchase of 2.524 acres of land, New Braunfels, Texas, in the amount of \$145,200.00 and authorizing the City Manager to execute all necessary documents.
(A. Wayland, Attorney)

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.)

- (K) Approval of the second and final reading of an ordinance amending Section 144-5.16 of the Code of Ordinances, City of New Braunfels, Texas, Short Term Rental or Occupancy in One and Two Unit Dwelling.
(A. Wayland, City Attorney)
- (L) Approval of the second and final reading of an ordinance annexing a 100.007 acre tract of land out of Subdivision No. 33 and Subdivision No.58 of the A.M. Esnaurizar Eleven League Grant Survey, and being a portion of Tract Three, a 112 acre tract of land, all of Tract Four, a 1.93 acre tract of land, and all of Tract Five, an 88.5 acre tract of land located east of FM 1101 and west of Westmeyer Road adjacent to the existing City Limits.
(S. Mattingly, Planning and Community Dev. Director)

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- (A) Public hearing and first reading of an ordinance amending Highland Grove Planned Development District Concept Plan, located on the southeast side of Morningside Drive at Ruekle Road.
(S. Mattingly, Planning and Community Dev. Director)

- (B) Public Hearing and consider approval of the Community Development Block Grant ("CDBG") Consolidated Annual Performance and Evaluation Report ("CAPER").
(*S. Mattingly, Planning and Community Dev. Director*)
- (C) Public hearing and first reading of an ordinance amending Chapter 130, Article VI, New Braunfels Code of Ordinances, relating to the amendment of land use assumptions and a capital improvements plan and the imposition of water and wastewater impact fees.
(*S. Mattingly, Planning and Community Dev. Director*)
- (D) Discussion and consideration of first reading of an ordinance closing N. Houston Avenue and N. Central Avenue at Union Pacific Railroad Main Line No. 2 and providing a severability clause, and declaring an effective date.
(*O. Garza, Asst. City Engineer*)
- (E) Discuss and consider approval of a resolution creating a Watershed Advisory Committee for the City of New Braunfels; providing for appointment of committee members, terms of office and duties.
(*N. Pence, Watershed Program Manager*)

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*)
- (C) Annual Evaluation of the City Manager, in accordance with Section 551.074, of the Texas Government Code, Personnel Matters.
(*Mayor Boyer*)

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 February 23, 2011 at 4:10 p.m.



Patrick Aten, 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.