

REGULAR CITY COUNCIL MEETING
NEW BRAUNFELS MUNICIPAL BUILDING - CITY COUNCIL CHAMBERS
424 S. CASTELL AVENUE
MAY 26, 2009 – 6:00 P.M.

*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: MAY 26, 2009 @ 6:00 P.M.

CALL OF ROLL: CITY SECRETARY

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

INVOCATION: COUNCILMEMBER STEVEN DIGGES

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

1. MINUTES

CONSIDER APPROVING THE MINUTES OF THE REGULAR MEETING OF MAY 11, 2009.
M. Resendez, City Secretary

2. CITY COUNCIL ACTIONS

- (A) CONSIDERATION AND APPROVAL OF A RESOLUTION AND RECOGNITION OF THE PUBLIC SERVICE RENDERED BY GALE POSPISIL AS COUNCILMEMBER, DISTRICT THREE AND MAYOR PRO-TEM (2003-2009) OF THE CITY OF NEW BRAUNFELS, TEXAS.
- (B) CONSIDERATION AND APPROVAL OF A RESOLUTION AND RECOGNITION OF THE PUBLIC SERVICE RENDERED BY PAT WIGGINS AS COUNCILMEMBER, DISTRICT FOUR (2006-2009) OF THE CITY OF NEW BRAUNFELS, TEXAS.
- (C) ADMINISTER OATH-OF-OFFICE TO COUNCILMEMBER-ELECT, DISTRICT THREE, MIKE YBARRA.
- (D) ADMINISTER OATH-OF-OFFICE TO COUNCILMEMBER-ELECT, DISTRICT FOUR, SANDY NOLTE.
- (E) ELECTION OF A MAYOR PRO-TEM.

3. 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 Bruce Boyer

4. **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.

- (A) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE AMENDING CHAPTER 54 "FIRE PREVENTION AND PROTECTION; EMERGENCY MEDICAL SERVICES," SECTION 54-87 "FIRE PREVENTION AND PROTECTION FEES," SUBSECTION (a) OF THE CODE OF ORDINANCES TO ESTABLISH AN ANNUAL TENT PERMIT FEE.
P. O'Connell, Fire Marshal
- (B) APPROVAL OF THE PURCHASE OF A DUMP TRUCK FOR THE PARKS AND RECREATION DEPARTMENT FROM BLUEBONNET MOTORS, INC. THROUGH THE LOWER COLORADO RIVER AUTHORITY CONTRACT.
S. Laird, Parks and Recreation Director/M. Quinones, Purchasing Manager
- (C) APPROVAL OF ANNUAL CONTRACTS WITH MYERS CONCRETE CONSTRUCTION, JD RAMMING PAVING, AUSTIN ENGINEERING COMPANY, INC., D&M CONSTRUCTION, DOUBLE S PAVING, INC., D&D CONTRACTORS, INC., AND AARON CONCRETE CONTRACTORS FOR ROAD CONSTRUCTION WORK.
M. Quinones, Purchasing Manager
- (D) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS BY MODIFYING SECTIONS 126-136 THROUGH SECTION 126-138 TO DESIGNATE A SPECIFIC TIME AND LOCATION FOR AREA SCHOOL SPEED ZONES; REPEALING ALL ORDINANCES IN CONFLICT.
S. Ramsey, Public Works Director
- (E) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE GRANTING THE RENEWAL OF TAX RELIEF TO THE OWNER OF THE DESIGNATED LANDMARK LOCATED AT 471 MAIN PLAZA, KNOWN AS THE SCHMITZ HOTEL, FOR AN ADDITIONAL PERIOD OF FIVE YEARS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.
S. Mattingly, Planning and Community Development Director
- (F) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE GRANTING THE RENEWAL OF TAX RELIEF TO THE OWNER OF THE DESIGNATED LANDMARK LOCATED AT 421 S. SEGUIN, KNOWN AS THE KOESTER HOUSE; FOR AN ADDITIONAL PERIOD OF FIVE YEARS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.
S. Mattingly, Planning and Community Development Director
- (G) APPROVAL OF THE PURCHASE AND INSTALLATION OF AN EMERGENCY GENERATOR FROM CERTIFIED HILL COUNTRY ELECTRIC, INC. FOR THE CITY-WIDE INFORMATION TECHNOLOGY SERVER ROOM LOCATED IN THE LIBRARY.
M. Quinones, Purchasing Manager
- (H) APPROVAL OF THE PURCHASE OF VEHICLE ACCESSORIES FOR THE POLICE DEPARTMENT FROM GT DISTRIBUTORS UNDER THE BUYBOARD COOPERATIVE.
R. Everett, Chief of Police/ M. Quinones, Purchasing Manager

- (I) APPROVAL OF THE PURCHASE OF COMPREHENSIVE MAINTENANCE FOR POLICE VEHICLES AUDIO/VIDEO CAMERAS FROM COBAN TECHNOLOGIES
R. Everett, Chief of Police/ M. Quinones, Purchasing Manager

- (J) APPROVAL OF THE FIRST AND FINAL READING OF AN ORDINANCE ESTABLISHING A 25 MPH SPEED ZONE ON WILLOW AVENUE FROM W. COLL STREET TO BUTCHER STREET; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.
S. Mattingly, Planning and Community Development Director

- (K) APPROVAL OF THE PURCHASE OF AN ELECTRONIC LED MESSAGE CENTER/MONUMENT SIGN FOR THE CIVIC/CONVENTION CENTER FROM ENTECH SIGNS-ALPHA LED UNDER A TXMAS CONTRACT.
M. Scott, Civic Center Manager/M. Quinones, Purchasing Manager

- (L) APPROVAL TO AMEND PROGRAM YEAR 2008 ACTION PLAN TO REFLECT AWARD OF \$92,170 IN AMERICAN RECOVERY AND INVESTMENT ACT FUNDS.
N. Davison, Housing and Community Development Coordinator

- (M) APPROVAL TO AMEND AUTHORIZATION TO EXECUTE CONTRACT BETWEEN THE CITY OF NEW BRAUNFELS AND THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR A HOME GRANT IN THE AMOUNT OF \$390,000 AND ALLOCATION OF THE CASH MATCH FUNDS.
N. Davison, Housing and Community Development Coordinator

- (N) A RESOLUTION RELATING TO ESTABLISHING THE INTENTION OF THE CITY OF NEW BRAUNFELS, TEXAS TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS IN FURTHERANCE OF ACQUIRING, CONSTRUCTING, EQUIPPING AND IMPROVING PUBLIC FACILITIES FROM THE PROCEEDS OF TAX EXEMPT OBLIGATIONS TO BE ISSUED BY THE ISSUER FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE
D. Korinchock, Support Services Director

- (O) APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF NEW BRAUNFELS AND THE STATE OF TEXAS, REPRESENTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, TO ACCEPT FUNDING AVAILABLE UNDER THE AVIATION CAPITAL IMPROVEMENT PROGRAM FOR AN AIRPORT BUSINESS PLAN FOR THE NEW BRAUNFELS MUNICIPAL AIRPORT.
V. Llerena, Airport Director

- (P) APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE GREATER NEW BRAUNFELS CHAMBER OF COMMERCE CONCERNING THE USE OF FUNDS FROM THE HOTEL OCCUPANCY TAX.
A. Wayland, City Attorney

- (Q) APPROVAL OF A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING OF THE SAFE COMMUNITIES – CONNECTED NEIGHBORHOODS PROJECT TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION; AND AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF NEW BRAUNFELS IN ALL MATTERS RELATED TO THIS GRANT, INCLUDING EXECUTION OF ALL REQUIRED DOCUMENTATION ASSOCIATED WITH ANY RESULTING AWARD.
R. Everett, Chief of Police/ V. Brown, Intergovernmental Services Manager

(R) APPROVAL OF APPOINTMENTS TO THE FOLLOWING BOARDS AND COMMISSIONS:

- 1) TWO MEMBERS TO THE ARTS COMMISSION, ONE AT-LARGE AND THE OTHER BEING A REPRESENTATIVE FROM THE GREATER NEW BRAUNFELS ARTS COUNCIL FOR TERMS ENDING JANUARY 31, 2012.
- 2) TWO MEMBERS TO THE HERITAGE COMMISSION BEING REPRESENTATIVES FROM THE NEW BRAUNFELS HISTORIC MUSEUMS ASSOCIATION FOR TERMS ENDING MARCH 11, 2012.
- 3) ONE MEMBER TO THE MUNICIPAL AIRPORT ADVISORY BOARD FOR A TERM ENDING MAY 12, 2012.
- 4) ONE REGULAR MEMBER TO THE ZONING BOARD OF ADJUSTMENT FOR A TERM ENDING MAY 31, 2011.
M. Resendez, City Secretary

5. **PRESENTATIONS**

- (A) PRESENTATION OF A CERTIFICATE OF ACHIEVEMENT FOR ECONOMIC EXCELLENCE FROM THE TEXAS ECONOMIC DEVELOPMENT COUNCIL TO THE NEW BRAUNFELS INDUSTRIAL DEVELOPMENT CORPORATION.
M. Meek, President, Greater New Braunfels Chamber of Commerce
- (B) PRESENTATION, DISCUSSION AND ACTION REGARDING DESIGN ALTERNATIVES FOR CONVERTING NBU, AT&T, AND TIME WARNER CABLE AERIAL FACILITIES TO UNDERGROUND AS PART OF THE WALNUT AVENUE WIDENING PROJECT (SEGMENT 1).
S. Ramsey, Public Works Director

6. **INDIVIDUAL ITEMS FOR CONSIDERATION**

- (A) DISCUSS AND CONSIDER APPROVAL OF A LEASE AGREEMENT BETWEEN THE CITY OF NEW BRAUNFELS AND THE COMAL COUNTY FAIR ASSOCIATION OF TEXAS AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS.
M. Morrison, City Manager
- (B) DISCUSS AND CONSIDER APPROVAL FOR THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HALFF ASSOCIATES FOR DESIGN OF SOUTH TRIBUTARY TRAIL AMENITIES.
S. Laird, Parks and Recreation Director
- (C) PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS, BY AMENDING SECTION 126-354 TO MODIFYING THE PERMIT PARKING ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT; ADDING A SAVINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.
S. Mattingly, Planning and Community Development Director
- (D) DISCUSS AND CONSIDER APPOINTING FIVE MEMBERS TO THE PLANNING COMMISSION WITH THREE TERMS ENDING MAY 31, 2012, ONE UNEXPIRED TERM ENDING MAY 31, 2011 AND ONE UNEXPIRED TERM ENDING MAY 31, 2010.
M. Resendez, City Secretary

7. **EXECUTIVE SESSIONS**

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session. **After the Executive Session discussion on any of the following items, any final action or vote taken will be in public.**

- (A) DISCUSS AND CONSIDER THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY, IF THE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON, IN ACCORDANCE WITH SECTION 551.072, OF THE TEXAS GOVERNMENT CODE.
A. Wayland, City Attorney

- (B) EXECUTIVE SESSION TO DELIBERATE ISSUES REGARDING ECONOMIC DEVELOPMENT NEGOTIATION 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 Notice of Meeting was posted on the Bulletin Board at the New Braunfels Municipal Building on May 22, 2009 at 2:00 p.m.



Michael A. Resendez

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.