

REGULAR CITY COUNCIL MEETING
NEW BRAUNFELS MUNICIPAL BUILDING - CITY COUNCIL CHAMBERS
424 S. CASTELL AVENUE
MARCH 12, 2007 – 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.*

AGENDA

CALL TO ORDER: MARCH 12, 2007 @ 6:00 P.M.

CALL OF ROLL: CITY SECRETARY

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

INVOCATION: COUNCILMEMBER GALE POSPISIL

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

1. **MINUTES (PAGE 1-23)**

CONSIDER APPROVING THE MINUTES OF (A) SPECIAL AND REGULAR MEETING OF FEBRUARY 26, 2007 AND (B) THE SPECIAL MEETING OF MARCH 1, 2007.

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. (PAGE 24)**

Mayor Boyer

3. **CONSENT AGENDA (PAGES 25-26)**

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 PURCHASE OF A DUMP TRUCK FROM SANTEX INTERNATIONAL UNDER THE HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENT'S CONTRACT. **(PAGE 27)**

M. Quinones, Purchasing Mgr.

(B) APPROVAL OF THE PURCHASE OF VEHICLE ACCESSORIES TO GT DISTRIBUTORS UNDER THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) CONTRACT. **(PAGE 28)**

M. Quinones, Purchasing Mgr.

(C) APPROVAL TO REJECT ALL BIDS FOR THE BATHHOUSE AT LANDA PARK, REDUCE THE SCOPE OF WORK AND REBID. **(PAGE 29)**

M. Quinones, Purchasing Mgr.

- (D) APPROVAL OF BUDGET ADJUSTMENTS IN THE FY 2006-07 ADOPTED BUDGET IN THE CHILD SAFETY FUND, THE COURT TECHNOLOGY FUND, AND THE SPECIAL REVENUE FUND. **(PAGE 30)**
D. Korinchock, Chief Financial Officer
- (E) APPROVAL OF THE CITY OF NEW BRAUNFELS FY 2006-07 FIRST QUARTER INVESTMENT REPORT. **(PAGES 31-38)**
D. Korinchock, Chief Financial Officer
- (F) APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A UTILITY EASEMENT TO NEW BRAUNFELS UTILITIES ACROSS THE LANDA PARK GOLF COURSE PROPERTY. **(PAGES 39-42)**
M. Short, Public Works Director
- (G) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE GRANTING A SPECIAL USE PERMIT AT 291 S. UNION AVENUE TO ALLOW SHORT TERM RENTAL OR OCCUPANCY OF LESS THAN 30 DAYS IN A "C-1 LOCAL BUSINESS DISTRICT". **(PAGES 43-46)**
F. Robbins, Planning Director
- (H) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE GRANTING A SPECIAL USE PERMIT AT 297 S. UNION AVENUE TO ALLOW SHORT TERM RENTAL OR OCCUPANCY OF LESS THAN 30 DAYS IN A "C-1 LOCAL BUSINESS DISTRICT". **(PAGES 47-50)**
F. Robbins, Planning Director
- (I) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE REZONING LOTS 1A AND 1B, NCB 5019, LOCATED AT 380 AND 388 EAST AUSTIN STREET FROM "R-2 SINGLE AND TWO FAMILY DISTRICT" TO "R-3L MULTIFAMILY LOW DENSITY DISTRICT" WITH A RESTRICTION; AND GRANTING A SPECIAL USE PERMIT TO ALLOW TWO EXISTING SINGLE-FAMILY HOMES TO BE USED AS DAILY OR WEEKLY RENTALS. **(PAGES 51-54)**
F. Robbins, Planning Director
- (J) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE ANNEXING 14.856 ACRES OUT OF LOT 2 AND LOT 3, HIGH POINT SUBDIVISION, UNIT 3, KNOWN AS 1529 FM 306 TO THE CITY OF NEW BRAUNFELS, TEXAS, AND ADOPTING A SERVICE PLAN. **(PAGES 55-62)**
F. Robbins, Planning Director
- (K) APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS APPROVING THE RECOMMENDATION OF THE NEW BRAUNFELS INDUSTRIAL DEVELOPMENT CORPORATION TO CONTRACT WITH THE CITY OF NEW BRAUNFELS FOR SERVICES FOR CONTRACT AUDITING SERVICES. **(PAGES 63-65)**
M. Harrison, Chairman NBIDC

- (L) APPROVAL OF A OVERFLOW PARKING LEASE RENEWAL BETWEEN THE COMAL COUNTY FAIR ASSOCIATION, INC., AND WATERPARK MANAGEMENT, INC. **(PAGES 66-72)**

P. Isham, Interim City Attorney

- (M) APPROVAL OF FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NUMBER 75-10 DATED APRIL 28, 1975 TO APPROVE THE INSTALLATION OF STOP SIGNS ON MORNINGSIDE DRIVE & SCHMIDT AVENUE, MISSION HILLS SUBDIVISION, CASTLE RIDGE SUBDIVISION, MEADOWS OF MORNINGSIDE SUBDIVISION, COTTON CROSSING SUBDIVISION AND GARDENS OF HUNTER'S CREEK SUBDIVISION WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW BRAUNFELS. **(PAGES 73-76)**

M. Short, Public Works Director

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- (A) DISCUSS AND CONSIDER APPROVAL OF A RESOLUTION GRANTING A PREFERENCE TO LOCAL VENDORS. **(PAGES 77-78)**

M. Quinones, Purchasing Mgr.

- (B) APPROVAL OF INTERLOCAL AGREEMENT BETWEEN THE CITY OF NEW BRAUNFELS AND COMAL COUNTY REGARDING GREEN WASTE RECYCLING PROGRAM AND DECLARING FIVE REAR LOAD COLLECTION VEHICLES AS SURPLUS. **(PAGES 79-81)**

M. Short, Public Works Director

- (C) CONSIDER AND APPROVAL OF SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 82, OFFENSES AND MISCELLANEOUS PROVISIONS, PROVIDING FOR THE PREVENTION AND CONTROL OF DUST, DEFINING CERTAIN TERMS USED HEREIN, AND PROVIDING FOR REGULATIONS AND EXCEPTION. **(PAGES 82-85)**

F. Robbins, Planning Director

- (D) CONSIDER AND APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW CHAPTER 100 "ROADWAY IMPACT FEES" AND DECLARING AN EFFECTIVE DATE. **(PAGES 86-101)**

F. Robbins, Planning Director

- (E) DISCUSS AND CONSIDER ACTION REGARDING THE FOLLOWING CITY OF NEW BRAUNFELS BOARD & COMMISSION APPOINTMENTS: **(PAGES 102-112)**

1) TWO REGULAR MEMBERS AND ONE TENANT MEMBER TO THE HOUSING AUTHORITY BOARD OF COMMISSIONERS FOR TERMS ENDING JANUARY 22, 2009.

2) ONE REGULAR MEMBER TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE FOR A TERM ENDING DECEMBER 31, 2008.

3) THREE REGULAR MEMBERS TO THE BUILDING STANDARDS COMMISSION FOR TERMS ENDING OCTOBER 26, 2008.

M. Resendez, City Secretary

- (F) DISCUSS AND CONSIDER THE WAYFINDING PROGRAM INCLUDING ACCEPTING THE WAYFINDING BID FROM EXECUTIVE SIGNS, FUNDING THE PROGRAM, AND APPROVING A PHASING PROGRAM. **(PAGES 113-119)**
F. Robbins, Planning Director
- (G) DISCUSS AND CONSIDER APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPROVING THE RECOMMENDATION OF THE NEW BRAUNFELS INDUSTRIAL DEVELOPMENT CORPORATION TO OFFER FINANCIAL INCENTIVES TO LEISURE POOLS USA TRADING, INC., TO ASSIST IN RELOCATING ITS HEADQUARTERS TO NEW BRAUNFELS, TEXAS. **(PAGES 120-124)**
M. Harrison, Chairman NBIDC
- (H) CONSIDER AND APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF NEW BRAUNFELS, TEXAS, ON MAY 12, 2007, TO SUBMIT A MEASURE TO THE REGISTERED VOTERS OF DISTRICT SIX, OF THE CITY OF NEW BRAUNFELS, TEXAS, REGARDING THE RECALL OF KEN VALENTINE, COUNCILMEMBER DISTRICT 6; ESTABLISHING AN EARLY VOTING LOCATION AND A POLLING PLACE FOR THE ELECTION; AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION. **(PAGES 125-129)**
M. Resendez, City Secretary
- (I) CONSIDER AND APPROVAL OF A RESOLUTION DECLARING THE CITY OF NEW BRAUNFELS, TEXAS TO HAVE A POPULATION OVER 50,000 PERSONS. **(PAGES 130-136)**
F. Robbins, Planning Director
- (J) CONSIDER AND APPROVAL OF THE FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES BY ADDING A NEW SECTION 2-130 ENTITLED "CITY MANAGER – EXECUTION OF CONTRACTS AND DEEDS," PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN INCONSISTENT PROVISIONS CLAUSE; AND DECLARING AN EFFECTIVE DATE. **(PAGES 137-139)**
P. Isham, City Attorney
- (K) CONSIDER AND APPROVAL OF THE FIRST READING OF AN ORDINANCE AMENDING CHAPTER 66, HISTORIC PRESERVATION, PROVIDING FOR A 20% PROPERTY TAX EXEMPTION IN A HISTORIC DISTRICT; PROVIDING FOR AN EXPEDITED APPROVAL PROCESS FOR CERTIFICATES OF ALTERATION IN THE DOWNTOWN HISTORIC DISTRICT; AMENDING THE HISTORIC LANDMARK COMMISSION MEMBERSHIP; PROVIDING FOR A REVIEW OF DEMOLITION PERMITS; AND ESTABLISHING A FEE OF \$25 FOR CERTIFICATES OF ALTERATION APPLICATIONS. **(PAGES 140-145)**
F. Robbins, Planning Director
- (L) DISCUSS AND CONSIDER ACTION ON AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF NEW BRAUNFELS, TEXAS AND A-L CREEKSIDE TOWN CENTER, L.P. **(PAGE 146) Will be under a separate cover.**
P. Isham, City Attorney
- (M) DISCUSS AND CONSIDER ACTION REGARDING A RESOLUTION EXPRESSING THE CITY OF NEW BRAUNFELS' INTENT TO CREATE A TAX INCREMENT REINVESTMENT ZONE TO FINANCE PUBLIC IMPROVEMENTS IN SUPPORT OF THE NEW BRAUNFELS TOWN CENTER AT CREEKSIDE DEVELOPMENT; AUTHORIZING AND DIRECTING DISTRIBUTION OF A WRITTEN NOTICE OF THE