

**REGULAR CITY COUNCIL MEETING**  
**NEW BRAUNFELS MUNICIPAL BUILDING - CITY COUNCIL CHAMBERS**  
**424 S. CASTELL AVENUE**  
**August 11, 2008 – 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:**      AUGUST 11, 2008 @ 6:00 P.M.

**CALL OF ROLL:**      CITY SECRETARY

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

**INVOCATION:**      COUNCILMEMBER MARK GOODNER

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

**1.      MINUTES**

CONSIDER APPROVING THE MINUTES OF THE REGULAR MEETING OF JULY 28, 2008.  
*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 Bruce 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.**

(A)      APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE AMENDING CHAPTER 42 "COURTS" OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS BY RE-ESTABLISHING SECTION 42.44 "COURT COSTS; MUNICIPAL COURT TECHNOLOGY FUND"; RATIFYING AND AUTHORIZING THE COLLECTION OF A TECHNOLOGY FEE AS PART OF COURT COSTS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

*S. Hartin, Municipal Court Judge*

(B)      APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE REZONING 0.3473 ACRES ON SH 46 SOUTH BETWEEN MISTY ACRES DRIVE AND DUNLAP DRIVE FROM "R-2 SINGLE AND TWO FAMILY DISTRICT" TO "C-1B GENERAL BUSINESS DISTRICT".

*M. Greene, City Planner*

- (C) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE DESIGNATING THE STRUCTURE LOCATED AT 290 W. SAN ANTONIO STREET, TO BE KNOWN AS THE "BRAUNTEX THEATER", AS A HISTORIC LANDMARK ACCORDING TO CHAPTER 66, ARTICLE III, AND AMENDING THE ZONING MAP.  
*C. Bell, Historic Preservation Officer*
- (D) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE DESIGNATING THE STRUCTURE LOCATED AT 475 S. ACADEMY AVENUE, KNOWN AS THE "GUSTAV BIELSTEIN HOUSE", AS A HISTORIC LANDMARK ACCORDING TO CHAPTER 66, ARTICLE III, AND AMENDING THE ZONING MAP.  
*C. Bell, Historic Preservation Officer*
- (E) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE AMENDING SECTION 118-46-K CUL-DE-SAC, NEW BRAUNFELS CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.  
*R. Edwards, Fire Marshal*
- (F) APPROVAL OF A CONTRACT WITH V. K. KNOWLTON CONSTRUCTION AND UTILITIES, LTD., FOR CONSTRUCTION SERVICES ON THE PHASE 2-06 (OLD FM 306) STREET IMPROVEMENT PROJECT.  
*S. Ramsey, Public Works Director/M. Quinones, Purchasing Manager*
- (G) APPROVAL OF THE FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NUMBER 75-10, DATED APRIL 28, 1975 TO MODIFY STREET NAME LOCATIONS FOR TRAFFIC CONTROL DEVICES WITHIN BROWN ROCK SPRINGS SUBDIVISION WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW BRAUNFELS.  
*S. Ramsey, Public Works Director*
- (H) APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NEW BRAUNFELS AND COMAL COUNTY DISTRICT ATTORNEY'S OFFICE.  
*J. Robinson, Interim Fire Chief*
- (I) APPROVAL OF THE CITY OF NEW BRAUNFELS FY 2007-08 THIRD QUARTER INVESTMENT REPORT.  
*D. Korinchock, Chief Financial Officer*
- (J) AUTHORIZATION FOR THE CITY MANAGER TO TERMINATE THE CONTRACT FOR FEDERAL LEGISLATIVE SERVICES WITH THELEN REID BROWN RAYSMAN & STEINER, L.L.P. AND ENTER INTO A CONTRACT FOR LIKE SERVICES WITH RICHARD J. LEIDL, P.C.  
*M. Morrison, City Manager*

4. **INDIVIDUAL ITEMS FOR CONSIDERATION**

- (A) CONSIDERATION AND APPROVAL OF AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF NEW BRAUNFELS, TEXAS COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2008"; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND FURTHER SECURING SAID CERTIFICATES BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SAID CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING WITH THE REQUIREMENTS OF THE LETTER OF REPRESENTATIONS WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING AN EFFECTIVE DATE.  
*D. Korinchock, Chief Financial Officer*
- (B) SECOND AND FINAL READING OF AN ORDINANCE REZONING LOT 4 AND THE WEST 25' OF LOT 5, BLOCK 5055, LOCATED AT 156 E. COMMON STREET, FROM "R-2 SINGLE AND TWO FAMILY DISTRICT" TO "C-1B GENERAL BUSINESS DISTRICT".  
*M. Greene, City Planner*
- (C) DISCUSS AND CONSIDER AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A CONTRACT WITH A HEALTH PLAN CARRIER TO PROVIDE ADMINISTRATIVE SERVICES FOR THE CITY'S SELF-FUNDED MEDICAL, PRESCRIPTION, DENTAL, AND VISION EMPLOYEE BENEFIT PLAN.  
*J. O'Connell, Human Resources Director*
- (D) DISCUSS AND CONSIDER APPROVAL OF FIVE ADDITIONAL FIREFIGHTER POSITIONS AND THREE ADDITIONAL LIEUTENANT POSITIONS.  
*J. Robinson, Interim Fire Chief*
- (E) DISCUSS AND CONSIDER AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A CONTRACT MODIFICATION FOR CHANGES IN THE PROFESSIONAL SERVICES CONTRACT WITH HALFF ASSOCIATES REGARDING THE SOUTH TRIBUTARY REGIONAL FLOOD CONTROL PROJECT.  
*S. Ramsey, Public Works Director*
- (F) DISCUSS AND CONSIDER AN APPEAL TO THE NON-RESIDENTIAL AND MULTIFAMILY DESIGN STANDARDS MINIMUM VERTICAL AND HORIZONTAL ARTICULATION REQUIREMENTS, FOR A PERMIT APPLICATION FOR A NEW COMMERCIAL BUILDING TO BE LOCATED AT 1671 IH 35.  
*M. Greene, City Planner*
- (G) PUBLIC HEARING AND FIRST 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 FOR AREA SCHOOL SPEED ZONES; REPEALING ALL ORDINANCES IN CONFLICT.  
*S. Ramsey, Public Works Director*

5. **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) 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. (*New Braunfels I.H. 35 Retail Associates, L.P. vs. City of New Braunfels*)  
A. Wayland, City Attorney
- (B) 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. (*Valemas, Inc.*)  
A. Wayland, City Attorney
- (C) 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

6. **REPORTS**

- a) CITY COUNCIL'S REPORT
- b) STAFF REPORTS

*City Council reserves the right to hear any of the above described agenda items that qualify for an executive session in an executive session by publicly announcing the applicable section number of the Open Meetings Act (Chapter 551 of the Texas Government Code) that justifies executive session treatment.*

**ADJOURNMENT**

**CERTIFICATION**

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the New Braunfels Municipal Building on August 6, 2008 at 3:30 p.m.



*Michael A. Resendez*  
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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.