

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

AGENDA

CALL TO ORDER: JANUARY 12, 2009 @ 6:00 P.M.

CALL OF ROLL: CITY SECRETARY

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

INVOCATION: COUNCILMEMBER PAT WIGGINS

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

1. MINUTES

CONSIDER APPROVING THE MINUTES OF (A) THE SPECIAL MEETING OF DECEMBER 1, 2008, AND (B) THE REGULAR MEETING OF DECEMBER 8, 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 ORDINANCE NUMBER 75-10 DATED APRIL 28, 1975 TO APPROVE INSTALLATION OF THE TRAFFIC CONTROL DEVICES ON RUSK AVENUE, ROSEMARY DRIVE AND WITHIN MOCKINGBIRD HEIGHTS SUBDIVISION WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW BRAUNFELS.

S. Ramsey, Public Works Director

(B) APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPROVING AN ENGAGEMENT LETTER WITH MICHAEL B. SMITHERS FOR LEGAL SERVICES TO THE CITY; AND DECLARING AN EFFECTIVE DATE.

A. Wayland, City Attorney

- (C) APPROVAL OF A RESOLUTION APPROVING A RECOMMENDATION OF THE NEW BRAUNFELS INDUSTRIAL DEVELOPMENT CORPORATION TO PROVIDE FUNDS NOT TO EXCEED \$2,500 FOR ATTENDANCE OF AIRPORT REPRESENTATIVES AT A CHARTER AND TOUR SCHEDULERS SHOW.
A. Wayland, City Attorney
- (D) APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A FEMA PRE-DISASTER MITIGATION GRANT IN THE AMOUNT OF \$360,000; AND 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 THE AWARD.
V. Brown, Intergovernmental Services Manager
- (E) APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL PROJECT ADVANCE FUNDING AGREEMENT (LPAFA) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE DEVELOPMENT, DESIGN, AND CONSTRUCTION OF SIDEWALKS, CROSSWALKS, AND PAVEMENT MARKINGS PROJECT FOR FRAZIER ELEMENTARY SCHOOL IN ACCORDANCE WITH THE SAFE ROUTES TO SCHOOL PROGRAM.
S. Ramsey, Public Works Director
- (F) APPROVAL OF SUBLEASING CONTRACTS FOR THE USE OF THE ARTS AND CRAFTS BUILDING AT THE COMAL COUNTY FAIRGROUNDS.
A. Wayland, City Attorney
- (G) APPROVAL OF A CONTRACT WITH DU-MOR ENTERPRISES, INC. FOR CONSTRUCTION SERVICES ON THE FOREST DRIVE DRAINAGE, STREET AND WATER PROJECT, AND AUTHORIZATION FOR CITY MANAGER TO EXECUTE CHANGE ORDERS AND APPROVAL OF THE APPROPRIATE BUDGETARY TRANSFER.
S. Ramsey, Public Works Director/M. Quinones, Purchasing Manager
- (H) APPROVAL OF THE APPOINTMENT OF MICHAEL LEE TO THE CONSTRUCTION BOARD OF APPEALS FOR A TERM ENDING FEBRUARY 24, 2013 AND THE APPOINTMENT OF JACKIE SCOTT (REPRESENTING THE LANDA LADIES GOLF ASSOCIATION) TO THE LANDA PARK MUNICIPAL GOLF COURSE ADVISORY BOARD FOR A TERM ENDING DECEMBER 31, 2011.
M. Resendez, City Secretary
- (I) APPROVAL OF A FIRST READING OF AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, CHANGING THE NAME OF FM 306 TO CREEKSIDE CROSSING COMMENCING EAST FROM THE CURRENT INTERSECTION WITH IH 35 EFFECTIVE UPON PASSAGE AND APPROVAL OF THIS ORDINANCE; PROVIDING A REPEALER CLAUSE AND PROVIDING A SEVERABILITY CLAUSE.
R. Mattingly, Planning and Community Development Director

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- (A) DISCUSS AND CONSIDER THE APPROVAL OF THE UTILIZATION OF HOTEL/MOTEL TAX REVENUE FROM THE GREATER NEW BRAUNFELS CHAMBER OF COMMERCE FOR THE PURCHASE OF BUILDING IMPROVEMENTS AND EQUIPMENT ADDITIONS TO THE CIVIC/CONVENTION CENTER.
R. Camareno, Assistant City Manager

- (B) PUBLIC HEARING AND FIRST READING OF AN ORDINANCE REZONING LOT 1B, CONRADS ROAD SUBDIVISION, UNIT 1, LOCATED AT 135 CONRADS ROAD, FROM "APD AGRICULTURAL/PRE-DEVELOPMENT DISTRICT" TO "M-1A LIGHT INDUSTRIAL DISTRICT", WITH A CONCURRENT LAND USE PLAN AMENDMENT.
S. Mattingly, Planning and Community Development Director
- (C) PUBLIC HEARING AND FIRST READING OF AN ORDINANCE GRANTING A SPECIAL USE PERMIT ON LOT 15, CITY BLOCK 3024, TO ALLOW A SINGLE-FAMILY RESIDENCE IN AN "R-2 SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT" TO BE USED FOR SHORT TERM RENTALS AT 4 HERRY COURT.
S. Mattingly, Planning and Community Development Director
- (D) PUBLIC HEARING AND FIRST READING OF AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW A CHILD DAY CARE / NURSERY / DAY CAMP IN AN "APD AGRICULTURAL/PRE-DEVELOPMENT DISTRICT", LOCATED AT THE NORTHEAST CORNER OF S. WALNUT AVENUE AND FRANCES STREET.
S. Mattingly, Planning and Community Development 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 IH-35 Retail Associates, L.P. v. City of New Braunfels, Texas and A-L Creekside Town Center, L.P.*
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) 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
- (D) DISCUSS AND DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE IN ACCORDANCE WITH SECTION 551.074, OF THE TEXAS GOVERNMENT CODE.
A. Wayland, City Attorney

6. **REPORTS**

a) **CITY COUNCIL'S REPORT**

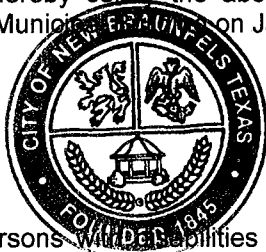
- Mayor Pro-tem Gale Pospisil - Announcement regarding Citizens Forum for District 3

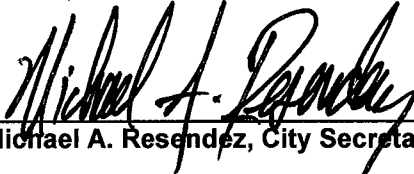
City Council reserves the right to hear any of the above described agenda items that qualify for an executive session in an executive session by publicly announcing the applicable section number of the Open Meetings Act (Chapter 551 of the Texas Government Code) that justifies executive session treatment.

ADJOURNMENT

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the New Braunfels Municipal Center on January 8, 2009 at 4:00 p.m.





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.