

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

**AGENDA**

**CALL TO ORDER:**       JANUARY 26, 2009 @ 6:00 P.M.

**CALL OF ROLL:**       CITY SECRETARY

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

**INVOCATION:**       COUNCILMEMBER KATHLEEN KRUEGER

**RECOGNITION:**       OFFICER OF THE QUARTER (*Safe City Commission*)

**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 15, 2008, (B) THE SPECIAL MEETING OF JANUARY 12, 2009, AND (C) THE REGULAR MEETING OF JANUARY 12, 2009.

*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 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.

*S. Mattingly, Planning and Community Development Director*

(B)   APPROVAL OF THE CITY OF NEW BRAUNFELS FY 2008-09 FIRST QUARTER INVESTMENT REPORT.

*D. Korinchock, Support Services Director*

- (C) APPROVAL OF THE FIRST READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS BY AMENDING SECTION 126-368(F) TO MODIFY FIFTEEN MINUTE PARKING WITHIN CYPRESS BEND PARK.  
*N. Pence, River Activities Manager*
- (D) APPROVAL OF THE FIRST READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS BY ADDING SECTION 126-346 (F) (81) TO DESIGNATE SPECIFIC NO PARKING ZONE ALONG THE NORTHWEST SIDE OF MORNING QUAIL BETWEEN CONRADS ROAD AND HUMMINGBIRD DRIVE; REPEALING ALL ORDINANCES IN CONFLICT; ADDING A SAVINGS CLAUSE; AND GIVING AN EFFECTIVE DATE.  
*S. Ramsey, Public Works Director*
- (E) APPROVAL OF THE FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NUMBER 75-10 DATED APRIL 28, 1975 TO APPROVE THE INSTALLATION OF THE TRAFFIC CONTROL DEVICES AT BENTWOOD DRIVE AND FRANCES STREET WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW BRAUNFELS.  
*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 FOR CITY MANAGER TO ENTER INTO A CONTRACT WITH HALFF ASSOCIATES FOR CONSTRUCTION DRAWINGS FOR PRINCE SOLMS PARK GATEWAYS PHASES 3 AND 4.  
*S. Laird, Parks and Recreation Director*
- (H) APPROVAL OF MEMBERSHIP TO AUSTIN-SAN ANTONIO COMMUTER RAIL DISTRICT.  
*M. Morrison, City Manager*
- (I) APPROVAL OF THE APPOINTMENT OF CAROL JOHNSON TO THE MAIN STREET ADVISORY BOARD FOR AN UNEXPIRED TERM ENDING DECEMBER 31, 2010.  
*M. Resendez, City Secretary*

**4. PRESENTATIONS**

- (A) PRESENTATION REQUESTED BY COUNCILMEMBER GOODNER REGARDING CURRENT GRAFFITI ENFORCEMENT AND ABATEMENT ACTIVITIES.  
*R. Everett, Police Chief/S. Mattingly, Planning and Community Development Director*
- (B) PRESENTATION AND DISCUSSION REGARDING PERMIT PARKING ZONES ON SECTIONS OF MEUSEBACH STREET, MARKET AVENUE, ZINK STREET, BRIDGE STREET, MILL STREET, GILBERT AVENUE, TOLLE STREET, NAPOLEON STREET, STEIN COURT, COLL STREET, COMAL AVENUE, COMAL CIRCLE, RUTH STREET, AND GUADA COMA DRIVE.  
*N. Pence, River Activities Manager*

**5. INDIVIDUAL ITEMS FOR CONSIDERATION**

- (A) PRESENTATION, DISCUSSION AND POSSIBLE ACTION REGARDING THE CITY'S CAPITAL IMPROVEMENT PLAN.  
*R. Camareno, Assistant City Manager*

- (B) DISCUSS AND CONSIDER APPROVAL OF A CONTRACT WITH YANTIS COMPANY FOR CONSTRUCTION SERVICES ON THE SOUTH TRIBUTARY REGIONAL FLOOD CONTROL PROJECT, AUTHORIZATION FOR CITY MANAGER TO EXECUTE CHANGE ORDERS, AUTHORIZATION OF ADDITIONAL FUNDING FOR THE HALFF ASSOCIATES CONTRACT, AND APPROPRIATE BUDGET TRANSFER.  
*S. Ramsey, Public Works Director/M. Quinones, Purchasing Manager*
- (C) APPROVAL OF THE SECOND AND FINAL 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".  
*S. Mattingly, Planning and Community Development Director*
- (D) PUBLIC HEARING AND A RESOLUTION OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE FUTURE LAND USE PLAN FOR 1.136 ACRES, LOCATED AT 135 CONRADS ROAD, ALSO KNOWN AS LOT 1B, CONRADS ROAD SUBDIVISION, UNIT 1, BY CHANGING THE DESIGNATION FROM COMMERCIAL TO INDUSTRIAL.  
*S. Mattingly, Planning and Community Development Director*
- (E) DISCUSSION AND POSSIBLE ACTION ON A CONTRACT FOR PROFESSIONAL SERVICES FOR THE DOWNTOWN IMPLEMENTATION PLAN INCLUDING THE APPROPRIATE BUDGETARY TRANSFER.  
*S. Mattingly, Planning and Community Development Director*
- (F) SECOND AND FINAL 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*

**6. 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.

- Robert and Kathleen Krueger property  
A. Wayland, City Attorney

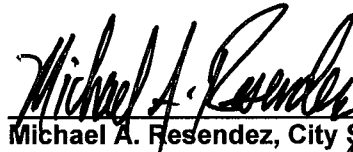
City Council reserves the right to hear any of the above described agenda items that qualify for an executive session in an executive session by publicly announcing the applicable section number of the Open Meetings Act (Chapter 551 of the Texas Government Code) that justifies executive session treatment.

## ADJOURNMENT

## CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the New Braunfels Municipal Building on January 23, 2009 at 11:00 a.m.



  
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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.