REGULAR CITY COUNCIL MEETING NEW BRAUNFELS MUNICIPAL BUILDING - CITY COUNCIL CHAMBERS 424 S. CASTELL AVENUE FEBRUARY 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:

FEBRUARY 12, 2007 @ 6:00 P.M.

CALL OF ROLL:

CITY SECRETARY

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

INVOCATION:

MAYOR PRO-TEM SONIA MUÑOZ-GILL

PROCLAMATION:

PRESIDENT GEORGE WASHINGTON DAY (PAGE 1)
William Hightower Chapter 35 of the Sons of American Revolution

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

- 1. MINUTES (PAGES 2-36)
 CONSIDER APPROVING THE MINUTES OF (A) THE SPECIAL MEETING ON JANUARY 9, 2007, (B) THE SPECIAL MEETING ON JANUARY 11, 2007, (C) THE SPECIAL MEETING ON JANUARY 22, 2007, (D) THE REGULAR MEETING ON JANUARY 22, 2007, AND (E) THE SPECIAL MEETING ON JANUARY 29, 2007.

 M. Resendez, City Secretary
- 2. <u>CITIZENS' COMMUNICATIONS</u> 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 37)

 Mayor Boyer
- 3. CONSENT AGENDA (PAGES 38-39)

 ALL ITEMS LISTED BELOW ARE CONSIDERED TO BE ROUTINE AND NONCONTROVERSIAL 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 COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS; AMENDING CHAPTER 86 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES BY ADDING A NEW SECTION 86-15 REQUIRING LIFE JACKETS ON CERTAIN PUBLIC WATERWAYS; AND A NEW SECTION 86-16 RESTRICTING CERTAIN TYPES OF FLOTATION DEVICES ON THE RIVERS; ESTABLISHING A PENALTY; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. (PAGES 40-44)

 P. Isham, City Attorney

- (B) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE AMENDING SECTION 86-10 "PROHIBITION OF ALCOHOLIC BEVERAGES IN PORTIONS OF CITY PARKS" TO MODIFY AND CHANGE WHERE CONSUMPTION OF ALCOHOL MAY TAKE PLACE OR CONTAINERS OF ALCOHOL MAY BE POSSESSED; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. (PAGES 45-47)

 P. Isham, City Attorney
- (C) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 114-99 OF THE CODE OF ORDINANCES MODIFYING THE APPROVAL METHODS FOR GRANTING ACESS TO ROADWAYS; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. (PAGES 48-56)

 M. Short, Public Works Director
- (D) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO 1607 HWY 46 SOUTH, TO ALLOW A MINI-STORAGE FACILITY AND AN AUTO SALES BUSINESS IN AN "APD AGRICULTURAL / PREDEVELOPMENT DISTRICT" AND "C-1 LOCAL BUSINESS DISTRICT". (PAGES 57-65) F. Robbins, Planning Director
- (E) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE REZONING LOTS 2A AND 2B, THOMAS FINK SUBDIVISION, LOCATED AT 1215 ERVENDBERG AVENUE, FROM 'R-2 SINGLE AND TWO FAMILY DISTRICT" TO "MU-A LOW INTENSITY MIXED USE DISTRICT", WITH A RESTRICTION. (PAGES 66-67) F. Robbins, Planning Director
- (F) APPROVAL TO REALLOCATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AS FOLLOWS: (PAGE 68)
 - 1) PY 2004 KATY/MESQUITE DRAINAGE FUNDS TO PY 2004 VERAMENDI DRAINAGE PROJECT:
 - 2) PY 2005 HOMEBUYER ASSISTANCE PROGRAM FUNDS TO PY 2005 MINOR HOME REPAIR PROGRAM; AND
 - 3) PY 2006 MACKENZIE FOUNDATION FUNDS TO PY 2006 MINOR HOME REPAIR PROGRAM.

 N. Davison, H&CD Manager
- (G) APPROVAL OF AN INTERLOCAL AGREEMENT WITH TARRANT COUNTY IN ACCORDANCE WITH TEXAS GOVERNMENT CODE 791, "TEXAS INTERLOCAL COOPERATION ACT". (PAGES 69-71)

 M. Quinones, Purchasing Manager
- (H) APPROVAL OF SUBLEASING CONTRACTS FOR THE USE OF THE ARTS AND CRAFTS BUILDING AT THE COMAL COUNTY FAIRGROUNDS. (PAGES 72-77)

 P. Isham, City Attorney
- (I) APPROVAL OF AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BRINKLEY SARGENT ARCHITECTS FOR THE SPACE PLANNING FACILITIES NEEDS ASSESSMENT. (PAGES 78)

 M. Quinones, Purchasing Manager

- (J) APPROVAL OF A CONTRACT MODIFICATION WITH JOE BLAND CONSTRUCTION FOR REMOBILIZATION ON THE GRUENE ROAD IMPROVEMENTS CONTRACT AND APPROPRIATE BUDGET TRANSFER. (PAGE 79)

 M. Quinones, Purchasing Manager
- (K) APPROVAL OF A BUDGET TRANSFER IN THE FY 2006-07 ADOPTED BUDGET FOR CITY ADMINISTRATION COSTS ASSOCIATED WITH INTERIM CITY ATTORNEY SERVICES. (PAGE 80)

 D. Korinchock, Chief Financial Officer
- (L) APPROVAL TO AUTHORIZE THE CITY MANAGER TO PURCHASE ADDITIONAL RIGHT-OF-WAY (0.032-ACRES) FOR THE GRUENE ROAD IMPROVEMENT PROJECT. (PAGES 81-84)

 M. Short, Public Works Director
- (M) APPROVAL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A LAND LEASE WITH SOUTH TEX STEEL CONSTRUCTION, INC. AT NEW BRAUNFELS MUNICIPAL AIRPORT TO CONSTRUCT A 100' x 100' HANGAR. (PAGE 85)

 A. Spinks, Airport Director
- (N) FIRST 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 86-89)

 F. Robbins, Planning Director
- (O) APPROVAL OF A RESOLUTION TO RECOMMEND AESTHETIC DETAILS FOR THE GRUENE ROAD BRIDGE REPLACEMENT PROJECT. (PAGES 90-93)

 M. Short, Public Works Director

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- (A) PUBLIC HEARING AND CONSIDER APPROVAL OF THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT ("CAPER") TO THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT ("HUD"). (PAGES94-96) N. Davison, H&CD Manager
- (B) DISCUSS AND CONSIDER APPROVAL OF A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS FROM THE PROCEEDS OF OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AUTHORIZING MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE. (PAGES 97-103)

 D. Korinchock, Chief Financial Officer
- (C) DISCUSS AND CONSIDER ACTION ON TERM LIMITS FOR THE VARIOUS BOARDS AND COMMISSIONS OF THE CITY OF NEW BRAUNFELS. (PAGES 104-105)

 K. Valentine, Councilmember, District 6
- (D) DISCUSS AND CONSIDER ACTION REGARDING THE FOLLOWING CITY OF NEW BRAUNFELS BOARD & COMMISSION APPOINTMENTS: (PAGES 106-109)
 - 1) THREE MEMBERS TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE FOR THREE-YEAR TERMS ENDING DECEMBER 13, 2009.

- 2) THREE MEMBERS TO THE DESIGN/SIDEWALK COMMITTEE FOR TWO-YEAR TERMS ENDING DECEMBER 31, 2008. TWO APPOINTMENTS MUST BE OWNERS OR OCCUPANTS OF PROPERTY WITHIN THE DOWNTOWN BUSINESS CORRIDOR.
- TWO MEMBERS TO THE LANDA PARK GOLF COURSE ADVISORY BOARD FOR THREE-YEAR TERMS ENDING DECEMBER 31, 2009. (THESE ARE AT-LARGE POSITIONS)
- 4) THREE MEMBERS TO THE MAIN STREET ADVISORY BOARD FOR THREE-YEAR TERMS ENDING DECEMBER 31, 2009.
- 5) ONE REGULAR MEMBER TO THE ZONING BOARD OF ADJUSTMENTS FOR AN UNEXPIRED TERM ENDING MAY 31, 2008.
- 6) ONE MEMBER TO THE AIRPORT ADVISORY COMMITTEE FOR AN UNEXPIRED TERM ENDING DECEMBER 13, 2008.

 M. Resendez, City Secretary
- (E) PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW CHAPTER 100, "ROADWAY IMPACT FEES" AND DECLARING AN EFFECTIVE DATE. (PAGES 110-127)

 F. Robbins, Planning Director
- (F) SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS; AMENDING CHAPTER 86 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES BY AMENDING SECTION 86-14 PROHIBITING CERTAIN CONTAINERS OR COOLERS ON CERTAIN PUBLIC WATERWAYS; ESTABLISHING A PENALTY; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. (PAGES 128-136)

 P. Isham, City Attorney
- (G) FENCING AND GATEWAYS AT HINMAN ISLAND AND PRINCE SOLMS PARKS:
 - (a) DISCUSS AND CONSIDER APPROVAL OF A CONCEPTUAL PLAN.
 - (b) RESOLUTION TO AUTHORIZE A PROCUREMENT PROCESS AND THE EMERGENCY PURCHASING PROCEDURES FOR THE FENCING. (PAGES 137-139)
 - S. Laird, Parks and Recreation Director
- 5. <u>EXECUTIVE SESSION:</u> In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session. <u>After the Executive Session discussion on any of the following items, any final action or vote taken will be in public.</u> (PAGE 140)
 - (A) DISCUSS THE CITY ATTORNEY POSITION, IN ACCORDANCE WITH SECTION 551.074, OF THE TEXAS GOVERNMENT CODE, PERSONNEL MATTERS.
 - (B) ONE YEAR EVALUATION OF APPOINTED OFFICIAL, IN ACCORDANCE WITH SECTION 551.074, OF THE TEXAS GOVERNMENT CODE, PERSONNEL MATTERS.

6. REPORTS (PAGE 141)

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

ADJOURNMENT

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.

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the New Braunfels Municipal Building February 8, 2007 at 3:30 p.m.

Michael A. Resendez, City Secretary

NOTE: Persons with the plan to attend this meeting and who may need auxiliary aids or services such as interpretable or 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.