

REGULAR CITY COUNCIL MEETING
NEW BRAUNFELS MUNICIPAL BUILDING - CITY COUNCIL CHAMBERS
424 S. CASTELL AVENUE
JULY 27, 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: JULY 27, 2009 @ 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 SPECIAL MEETING OF JULY 6, 2009 AND THE REGULAR MEETING OF JULY 13, 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 AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS BY MODIFYING SECTIONS 126-346 AND SECTION 126-368 TO DESIGNATE A SPECIFIC NO PARKING ZONE; REPEALING ALL ORDINANCES IN CONFLICT.

N. Pence, River Project Manager

(B) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW A SINGLE-FAMILY RESIDENCE, LOCATED AT 288 N. MARKET STREET, TO BE USED FOR SHORT TERM RENTALS IN A "M-1 LIGHT INDUSTRIAL DISTRICT"; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

S. Mattingly, Planning and Community Development Director

- (C) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE DESIGNATING THE STRUCTURE LOCATED 185 S. SEGUIN STREET, TO BE KNOWN AS THE MERGELE BUILDING, AS A HISTORIC LANDMARK ACCORDING TO CHAPTER 66, ARTICLE III, AND AMENDING THE ZONING MAP; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.
S. Mattingly, Planning and Community Development Director
- (D) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS BY AMENDING SECTION 126-354 TO MODIFY THE PERMIT PARKING ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT, ADDING A SAVINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.
S. Mattingly, Planning and Community Development Director
- (E) APPROVAL TO AUTHORIZE THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO THE CONTRACT WITH ACME BRIDGE COMPANY, INC. FOR THE OAK RUN PEDESTRIAN BRIDGE.
S. Ramsey, Public Works Director
- (F) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE REZONING 0.988 ACRES LOCATED AT 2145 FM 1101 FROM "APD AGRICULTURAL/PRE-DEVELOPMENT DISTRICT" TO "C-1B GENERAL BUSINESS DISTRICT"; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.
S. Mattingly, Planning and Community Development Director
- (G) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE REZONING 5.713 ACRES LOCATED AT 3363 IH-35 SOUTH FROM "APD AGRICULTURAL/PRE-DEVELOPMENT DISTRICT" TO "C-1B GENERAL BUSINESS DISTRICT"; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.
S. Mattingly, Planning and Community Development Director
- (H) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE REZONING 0.940 ACRES LOCATED AT 2157 FM 1101 FROM "APD AGRICULTURAL/PRE-DEVELOPMENT DISTRICT" TO "C-1B GENERAL BUSINESS DISTRICT"; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.
S. Mattingly, Planning and Community Development Director
- (I) APPROVE AUTHORIZING THE CITY MANAGER TO RENEW THE CONTRACT WITH GREAT WEST/CIGNA FOR ADMINISTRATIVE SERVICES FOR THE CITY'S SELF-FUNDED MEDICAL, PRESCRIPTION, DENTAL, AND VISION EMPLOYEE BENEFIT PLAN.
J. O'Connell, Human Resources Director
- (J) APPROVE AUTHORIZING THE CITY MANAGER TO RENEW THE CONTRACT WITH GREAT WEST/CIGNA FOR STOP LOSS (REINSURANCE) PREMIUM FOR THE CITY'S SELF-FUNDED MEDICAL AND PRESCRIPTION PLAN.
J. O'Connell, Human Resources Director
- (K) APPROVAL AND CONFIRMATION OF THE REAPPOINTMENT OF JAN KOTYLO TO THE CITY OF NEW BRAUNFELS CIVIL SERVICE COMMISSION.
M. Morrison, City Manager

- (L) APPROVAL OF THE RENEWAL OF THE ANNUAL CONTRACT WITH J.R. RAMON AND SONS, INC. FOR DEMOLITION SERVICES.
M. Quinones, Purchasing Manager
- (M) APPROVAL OF THE PURCHASE OF A SQUAD (LIGHT RESCUE) VEHICLE AND REFURBISH OF EMS VEHICLE 03-401 FROM FRAZER THROUGH THE HOUSTON GALVESTON AREA COUNCIL COOPERATIVE.
J. Robinson, Fire Chief/ M. Quinones, Purchasing Manager
- (N) APPROVAL OF THE PURCHASE OF A PIERCE COMPRESSED AIR FOAM SYSTEM (CAFS) PUMPER FROM SIDONS FIRE APPARATUS THROUGH THE BUYBOARD COOPERATIVE.
J. Robinson, Fire Chief/ M. Quinones, Purchasing Manager
- (O) APPROVAL OF THE PURCHASE OF A VEHICLE FOR THE ANIMAL CONTROL DIVISION FROM BLUEBONNET MOTORS THROUGH THE LCRA CONTRACT
S. Mattingly, Planning and Community Development Director / M. Quinones, Purchasing Manager
- (P) APPROVAL OF THE PURCHASE OF CELLULAR PHONE SERVICE FROM VERIZON WIRELESS THROUGH THE STATE OF TEXAS DIR CONTRACT.
M. Quinones, Purchasing Manager
- (Q) APPROVAL OF THE PURCHASE OF FIRE FIGHTER BUNKER GEAR FROM DOOLEY TACKABERRY THROUGH THE BUYBOARD COOPERATIVE.
J. Robinson, Fire Chief/ M. Quinones, Purchasing Manager
- (R) AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A CONTRACT FOR PROFESSIONAL SERVICES WITH CH2MHILL REGARDING ANALYZING AND MAPPING THE DRY COMAL CREEK FLOOD PLAIN.
S. Ramsey, Public Works Director
- (S) APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A U.S. DEPARTMENT OF JUSTICE, OJP-OJJDP, EARMARKS PROGRAMS GRANT IN THE AMOUNT OF \$50,000 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
- (T) APPROVAL OF THE FIRST READING OF AN ORDINANCE AMENDING CHAPTER 30, CIVIC AND CULTURAL FACILITIES AND AFFAIRS BY CREATING A NEW ARTICLE IV, NEW BRAUNFELS PARTNERSHIP COMMITTEE, SECTIONS 30-60 THROUGH 30-63, PURPOSE, MEMBERS, TERMS, APPOINTMENTS, OFFICERS, AND POWERS AND DUTIES.
V. Brown, Intergovernmental Services 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 2009"; 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, Support Services Director

- (B) DISCUSS AND CONSIDER THE SECOND AND FINAL READING OF AN ORDINANCE MODIFYING THE CODE OF ORDINANCES CITY OF NEW BRAUNFELS, TEXAS BY MODIFYING SECTION 126-355 TO DESIGNATE A DOWNTOWN ON-STREET PARKING ZONE; REPEALING ALL ORDINANCES IN CONFLICT, ADDING A SAVINGS CLAUSE AND GIVING AN EFFECTIVE DATE.

S. Mattingly, Planning and Community Development Director

- (C) PUBLIC HEARING AND FIRST READING OF AN ORDINANCE GRANTING A SPECIAL USE PERMIT AT 1581 SH 46 SOUTH TO ALLOW PRE-OWNED AUTO SALES IN THE "C-1 LOCAL BUSINESS DISTRICT" AND "APD AGRICULTURAL/PRE-DEVELOPMENT DISTRICT"; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

S. Mattingly, Planning and Community Development Director

- (D) PUBLIC HEARING AND FIRST READING OF AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW UP TO 18 MULTIFAMILY RESIDENTIAL UNITS AN ACRE ON APPROXIMATELY 10 ACRES OUT OF SUBDIVISION NO. 112 OF THE A.M. ESNAURIZAR ELEVEN LEAGUE GRANT, LOCATED ADJACENT TO THE STONEGATE SUBDIVISION ON SH 46 SOUTH AND ZONED "R-3L MULTIFAMILY LOW DENSITY DISTRICT"; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

S. Mattingly, Planning and Community Development Director

- (E) PUBLIC HEARING AND FIRST READING OF AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW TEMPORARY STORAGE OF WATER AND SEWER PIPE, APPURTENANCES, CONSTRUCTION EQUIPMENT AND PIPE TRENCH BACKFILL ON VACANT PROPERTY AT E. DALLAS STREET AT N. UNION AVENUE, LOCATED IN AN "R-2 SINGLE AND TWO FAMILY DISTRICT" REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

S. Mattingly, Planning and Community Development Director

- (F) PUBLIC HEARING AND FIRST READING OF AN ORDINANCE DESIGNATING THE 500 BLOCK OF HILL AVENUE AS AN EXPANSION OF THE SOPHIENBURG HILL HISTORIC DISTRICT, ACCORDING TO CHAPTER 66, ARTICLE III AND AMENDING THE ZONING MAP; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

S. Mattingly, Planning and Community Development Director

- (G) PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING CHAPTER 58, FLOODS, CODE OF ORDINANCES, BY ADOPTING A NEW FEMA FLOOD STUDY AND FLOOD INSURANCE RATE MAPS; REPEALING ALL OTHER ORDINANCES OR

PARTS OF ORDINANCES IN CONFLICT; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND SETTING AN EFFECTIVE DATE.

S. Mattingly, Planning and Community Development Director

- (H) PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS BY AMENDING SECTION 126-354 TO MODIFY THE PERMIT PARKING ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT, ADDING A SAVINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.

S. Mattingly, Planning and Community Development Director

- (I) DISCUSS AND CONSIDER APPROVAL OF A RESOLUTION DECLARING THE STRUCTURE LOCATED AT 364 N. WALNUT AVENUE, NEW BRAUNFELS, TEXAS TO BE SURPLUS PROPERTY AND ACCEPTING A LETTER OF INTENT TO PURCHASE AND RELOCATE THE STRUCTURE TO 343 CROSS STREET IN NEW BRAUNFELS, TEXAS.

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) 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

- (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) 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.

A. Wayland, City Attorney

- (D) ANNUAL EVALUATION OF THE CITY ATTORNEY, IN ACCORDANCE WITH SECTION 551.074, OF THE TEXAS GOVERNMENT CODE, PERSONNEL MATTERS.

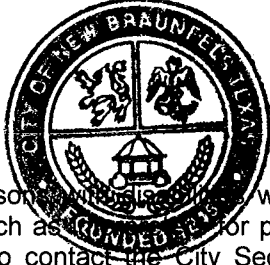
A. Wayland, City Attorney

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 (Chapter 551 of the Texas Government Code).*

ADJOURNMENT

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the New Braunfels Municipal Building on July 24, 2009 at 11:00 a.m.





Danny S. Batts II, Deputy City Secretary

NOTE: Persons 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.