

REGULAR CITY COUNCIL MEETING
NEW BRAUNFELS MUNICIPAL BUILDING - CITY COUNCIL CHAMBERS
424 S. CASTELL AVENUE
JULY 28, 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: JULY 28, 2008 @ 6:00 P.M.

CALL OF ROLL: CITY SECRETARY

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

INVOCATION: COUNCILMEMBER RICHARD ZAPATA

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 14, 2008.
M. Resendez, City Secretary

2. PRESENTATIONS

(A) PRESENTATION BY DR. ROBERT GULLEY, PROGRAM DIRECTOR FOR THE EDWARDS AQUIFER RECOVERY IMPLEMENTATION PROGRAM, ON PROGRESS AND RATIONALE BEHIND THE EDWARDS AQUIFER RECOVERY IMPLEMENTATION PROGRAM.
S. Ramsey, Public Works Director/Dr. Robert Gulley

3. 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

4. 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 FOR THE CLOSURE OF SHENANDOAH DRIVE AT THE INTERSECTION OF WALNUT AVENUE.
J. Klein, City Engineer

- (B) 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 AT THE INTERSECTIONS OF MORALES COURT AT ROSA PARKS, CROCKETT COURT AT ROSA PARKS AND BLUEBONNET AVENUE AT BUSINESS 35 WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW BRAUNFELS.
J. Klein, City Engineer
- (C) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE GRANTING THE RENEWAL OF A TAX RELIEF TO THE OWNER OF THE DESIGNATED HISTORIC LANDMARK LOCATED AT 388 COMAL AVENUE, KNOWN AS THE TOLLEHAMPE HOUSE, FOR AN ADDITIONAL PERIOD OF FIVE YEARS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.
S. Mattingly, Director of Planning and Community Development
- (D) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE ABANDONING 0.134 ACRES OF PLUM STREET RIGHT-OF-WAY AT THE INTERSECTION OF MICHIGAN STREET.
S. Mattingly, Director of Planning and Community Development
- (E) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE ABANDONING 0.1953 ACRES OF RIGHT-OF-WAY LOCATED AT THE TERMINUS OF E. LINCOLN STREET.
S. Mattingly, Director of Planning and Community Development
- (F) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 130, ARTICLE IV, DIVISIONS 5, 6, AND 7, WATER CONSERVATION AND CRITICAL PERIOD MANAGEMENT PLAN-GENERALLY OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS, PROVIDING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.
P. DiFonzo, NBU Chief Executive Officer
- (G) APPROVAL OF THE PURCHASE OF INSTALLATION SERVICES FROM LCRA FOR EQUIPMENT ON THE NEW POLICE VEHICLES.
R. Everett, Police Chief/M. Quinones, Purchasing Manager
- (H) APPROVAL OF THE FIRST 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
- (I) APPROVAL OF ROGER SHARP TO OPERATE PROFLIGHT AVIATION FLIGHT TRAINING AT NEW BRAUNFELS AIRPORT.
A. Spinks, Airport Director
- (J) APPROVAL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A LAND LEASE WITH JOHN EWALD AT NEW BRAUNFELS MUNICIPAL AIRPORT TO CONSTRUCT A 60' X 60' AIRCRAFT STORAGE HANGAR.
A. Spinks, Airport Director

- (K) APPROVAL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A LAND LEASE WITH GARY HENRY AT NEW BRAUNFELS MUNICIPAL AIRPORT TO CONSTRUCT A 100' X 100' AIRCRAFT STORAGE HANGAR.
A. Spinks, Airport Director
- (L) APPROVAL AND CONFIRMATION OF AN APPOINTMENT TO THE CITY OF NEW BRAUNFELS CIVIL SERVICE COMMISSION.
M. Morrison, City Manager
- (M) APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPROVING THE RECOMMENDATION OF THE CITY OF NEW BRAUNFELS INDUSTRIAL DEVELOPMENT CORPORATION REGARDING THE FUNDING OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF NEW BRAUNFELS INDUSTRIAL DEVELOPMENT CORPORATION AND THE GREATER NEW BRAUNFELS CHAMBER OF COMMERCE FOR THE DEVELOPMENT AND OPERATION OF AN ECONOMIC DEVELOPMENT PROGRAM.
A. Wayland, City Attorney

5. INDIVIDUAL ITEMS FOR CONSIDERATION

- (A) DISCUSS AND CONSIDER A RESOLUTION APPROVING AN AGREEMENT FOR PROPERTY TAX ABATEMENT WITH DETEX CORPORATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT.
A. Wayland, City Attorney
- (B) DISCUSS AND CONSIDER APPROVAL OF A CONTRACT WITH R. L. JONES, L.P. FOR CONSTRUCTION SERVICES ON THE KATY STREET AND DRAINAGE IMPROVEMENT PROJECTS AND THE APPROPRIATE BUDGETARY TRANSFERS AND ADJUSTMENT.
S. Ramsey, Public Works Director/M. Quinones, Purchasing Manager
- (C) PUBLIC HEARING AND FIRST 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".
S. Mattingly, Director of Planning and Community Development
- (D) PUBLIC HEARING AND FIRST READING OF AN ORDINANCE REZONING OF 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" WITH A SPECIAL USE PERMIT TO ALLOW GRAVEL PARKING.
S. Mattingly, Director of Planning and Community Development
- (E) PUBLIC HEARING AND FIRST 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.
S. Mattingly, Director of Planning and Community Development
- (F) PUBLIC HEARING AND FIRST 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.
S. Mattingly, Director of Planning and Community Development

- (G) PUBLIC HEARING AND FIRST 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.

S. Mattingly, Director of Planning and Community Development

- (H) PUBLIC HEARING AND A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE 2005 THOROUGHFARE PLAN SPECIFICALLY, THE CALIFORNIA STREET/FREDERICKSBURG ROAD/ACADEMY AVENUE CONNECTION FROM BUSINESS IH 35 TO LOOP 337 AND BEYOND.

S. Mattingly, Director of Planning and Community Development

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) 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) 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

7. **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 July 23, 2008 at 3:00 p.m.



Michael A. Resendez

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.