REGULAR CITY COUNCIL MEETING NEW BRAUNFELS MUNICIPAL BUILDING - CITY COUNCIL CHAMBERS 424 S. CASTELL AVENUE DECEMBER 8, 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.

AGENDA

CALL TO ORDER:

DECEMBER 8, 2008 @ 6:00 P.M.

CALL OF ROLL:

CITY SECRETARY

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

INVOCATION:

MAYOR PRO-TEM GALE POSPISIL

RECOGNITIONS:

"AWARD PRESENTATIONS TO RAVENSTAR AND WURSTFEST

ASSOCIATION FROM TEXAS RECREATION AND PARKS SOCIETY"

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

1. MINUTES

CONSIDER APPROVING THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 24, 2008. Pages 1-11

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. <u>Page 13</u>
 Mayor Bruce Boyer
- 3. CONSENT AGENDA Pages 15-16
 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 AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS BY ADDING SECTION 126-346 (F) (80) TO DESIGNATE A SPECIFIC NO PARKING ZONE ALONG BOTH SIDES OF LANDA STREET BETWEEN N. WALNUT AVENUE AND LIVE OAK AVENUE; REPEALING ALL ORDINANCES IN CONFLICT; ADDING A SAVINGS CLAUSE; AND GIVING AN EFFECTIVE DATE. Pages 17-18
 S. Ramsey, Public Works Director

- (B) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE AMENDING CHAPTER 100, ARTICLE 1, SECTION 100.04, "DEFINITIONS", CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS; RELATING TO ROADWAY IMPACT FEES; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND CONTAINING A SAVINGS CLAUSE. S. Mattingly, Planning and Community Development Director Pages 19-20
- (C) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE AMENDING AND REPLACING CHAPTER 78, ARTICLE III, SECTIONS 78-32 THROUGH 78-38, CODE OF ORDINANCES, CITY OF NEW BRAUNFELS, TEXAS; RELATING TO RATES FOR THE NEW BRAUNFELS PUBLIC LIBRARY OVERDUE MATERIALS; REPEALING ALL OTHER ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH.

 G. Pruett, Library Director Pages 21-23
- (D) APPROVAL OF A CONTRACT WITH R. L. JONES L.P. FOR CONSTRUCTION SERVICES ON THE PHASE 3-05 STREET MAINTENANCE PROJECT, AUTHORIZATION FOR CITY MANAGER TO EXECUTE CHANGE ORDERS, AND AUTHORIZATION OF ADDITIONAL FUNDING TO THE JACOBS CARTER BURGESS CONTRACT. <u>Pages 25-26</u> S. Ramsey, Public Works Director/M. Quinones, Purchasing Manager
- (E) APPROVAL OF THE POSTAGE METER RENTAL, MAINTENANCE AGREEMENT AND POSTAGE FOR THE NEOPOST POSTAGE MACHINE. <u>Page 27</u>
 M. Quinones, Purchasing Manager
- (F) APPROVAL OF THE PURCHASE FROM LCRA OF MAINTENANCE AND OTHER RELATED SERVICES FOR THE RADIOS AT THE POLICE AND FIRE DEPARTMENTS.

 M. Quinones, Purchasing Manager Page 29
- (G) APPROVAL OF THE PURCHASE OF A RECORDER FROM COMMERCIAL ELECTRONIC CORPORATION THROUGH THE HOUSTON GALVESTON AREA COOPERATIVE. <u>Page 31</u>
 M. Quinones, Purchasing Manager
- (H) APPROVAL OF THE PURCHASE OF JANITORIAL SUPPLIES FROM GULF COAST PAPER. <u>Page 33</u>
 M. Quinones, Purchasing Manager
- (I) 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 35-40 D. Korinchock, Support Services Director
- (J) AUTHORIZATION FOR CITY MANAGER TO APPROVE CONTRACT MODIFICATION #1 TO THE CONTRACT WITH THE SCHULTZ GROUP, INC. FOR 2006 STREET MAINTENANCE PROJECT PHASE 1-06. Pages 41-43
 S. Ramsey, Public Works Director
- (K) CONSIDER APPROVING THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY AND PAUL C. ISHAM. <u>Pages 45-46</u>
 A. Wayland, City Attomey

- (L) APPROVAL OF THE APPOINTMENTS OF COURTNEY LYONS-GARCIA, HARRY BOWERS AND JEFFREY M. JEWELL TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE FOR THREE YEAR TERMS ENDING DECEMBER 13, 2011 AND THE APPOINTMENT OF JEFFREY M. JEWELL TO THE CENTRAL TEXAS TECHNOLOGY CENTER ADVISORY BOARD FOR A TERM ENDING APRIL 26, 2011.

 M. Resendez, City Secretary Pages 47-64
- (M) APPROVAL OF THE FIRST 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. Pages 65-68
 S. Ramsey, Public Works Director

4. PRESENTATIONS

(A) PRESENTATION OF DOWNTOWN HISTORIC STRUCTURES SURVEY RESULTS.

HHM, Inc./C. Bell. Historic Preservation Officer

5. INDIVIDUAL ITEMS FOR CONSIDERATION

- (A) DISCUSS AND CONSIDER ACTION REGARDING THE FOLLOWING CITY OF NEW BRAUNFELS BOARD & COMMISSION APPOINTMENTS:
 - 1) THREE MEMBERS TO THE MAIN STREET ADVISORY BOARD FOR THREE YEAR TERMS ENDING DECEMBER 31, 2011.
 - 2) ONE AT-LARGE MEMBER TO THE LANDA PARK MUNICIPAL GOLF COURSE ADVISORY BOARD FOR A TERM ENDING DECEMBER 31, 2011.
 - 3) ONE MEMBER TO THE PLANNING AND ZONING COMMISSION FOR AN UNEXPIRED TERM ENDING MAY 31, 2011.

 M. Resendez, City Secretary
- (B) DISCUSS AND CONSIDER APPROVAL OF A CONTRACT WITH TEXAS FLEET FUELS TO PROVIDE FUEL SERVICES FOR THE VEHICLE FLEET.

 M. Quinones, Purchasing Manager
- (C) PUBLIC HEARING AND FIRST READING OF AN ORDINANCE ADOPTING A NEW CHAPTER 106, SIGNS, REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

 S. Mattingly, Planning and Community Development Director
- (D) DISCUSS AND CONSIDER A RESOLUTION APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH INVESTOR GROSENBACHER PARTNERSHIP AND NB RETAIL LTD. TO PROVIDE REIMBURSEMENT FOR PUBLIC IMPROVEMENTS ASSOCIATED WITH THE WESTPOINTE VILLAGE PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT. (This item will be addressed following the executive sessions)

 R. Camareno, Assistant City Manager

(E) DISCUSS AND CONSIDER AUTHORIZATION FOR THE CITY MANAGER TO APPROVE CHANGE ORDERS TO THE CONTRACT WITH M. J. BOYLE, GENERAL CONTRACTOR, INC. FOR CONSTRUCTION SERVICES ON THE CIVIC AND CONVENTION CENTER PROJECT AND APPROPRIATE BUDGET ADJUSTMENT. (This item will be addressed following the executive sessions)

R. Camareno, Assistant City Manager

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 Attomey
- (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.
 - Valemas, Inc. vs. City of New Braunfels, Texas
 - New Braunfels Fire Fighters Association
 - M. J. Boyle General Contractor, Inc.

A. Wayland, City Attorney

(C) EXECUTIVE SESSION TO DELIBERATE ISSUES REGARDING ECONOMIC DEVELOPMENT NEGOTIATION IN ACCORDANCE WITH SECTION 551.087, OF THE TEXAS GOVERNMENT CODE.

A. Wayland, City Attomey

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 December 4, 2008 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.