



**CITY OF NEW BRAUNFELS, TEXAS
CITY COUNCIL MEETING**



**CITY HALL - COUNCIL CHAMBERS
550 LANDA STREET**

MONDAY, NOVEMBER 24, 2025 at 6:00 PM

Neal Linnartz, Mayor	Lawrence Spradley, Mayor Pro Tem (District 4)
Toni L. Carter, Councilmember (District 1)	Mary Ann Labowski, Councilmember (District 5)
Michael Capizzi, Councilmember (District 2)	April Ryan, Councilmember (District 6)
D. Lee Edwards, Councilmember (District 3)	Robert Camareno, City Manager

OUR MISSION

The City of New Braunfels serves the community by planning for the future, responding to community needs, and preserving our natural beauty and unique heritage.

AGENDA

CALL TO ORDER

CALL OF ROLL: CITY SECRETARY

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

INVOCATION: COUNCILMEMBER CARTER

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

PROCLAMATIONS:

- | | |
|-------------------------------------|--------------------------------|
| A) Tree of Angels Day | <u>25-1421</u> |
| B) National Nurse Practitioner Week | <u>25-1285</u> |
| C) Wreaths Across America | <u>25-1415</u> |

CITIZENS COMMUNICATIONS

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. There will be no City Council action at this time. In the interest of protecting the City's network and data, the City is not accepting flash drives or electronic files for use during Citizens Communications. Please use hard copies, the overhead projector or access the City's online digital form to upload electronic files you would like the Mayor and Council to view. The digital form would need to be uploaded two (2) hours prior to the City Council meeting. A link to this form can be accessed on the City Secretary's website. Individuals desiring to speak at citizen's communications should line up behind the podium and be ready to speak.

1. CONSENT AGENDA

All items listed below are considered to be routine and non-controversial by the City 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. Citizens must be present to pull an item.

Action Items

- A) Approval of the November 10, 2025 executive and [25-1418](#) regular city council meeting minutes, and the November 4, 2025 and November 17, 2025 special city council meeting minutes.
Natalie Baker, Deputy City Secretary
- B) Approval of a contract with TTL, Inc. for the final plans, [25-1416](#) specifications, and estimates for the Westside Library permanent building drain.
Scott McClelland, Assistant Transportation and Construction Services Director
- C) Approval of FY 2025 budget amendments for the [25-1422](#) General Fund and Special Revenue Funds.
Karrie Cook, Budget Manager
- D) Appointment of Jeff Hohl and Sidney Reed as a contract [25-1412](#) municipal court prosecutors.
Valeria M. Acevedo, City Attorney
- E) Approval of the format and content of the proposed [25-1464](#) petition and service plan for the potential creation of a Tourism Public Improvement District as authorized by Chapter 372 of the Texas Local Government Code.
Jared Werner, Assistant City Manager
Tanya Pence, Chief Marketing Officer and President of the Convention and Visitor's Bureau
- F) Approval of the acceptance of 2.153 acres of right of way [25-1462](#) out of a tract of land in the A.M. Esnaurizar Survey No. 98, of Comal County, Texas, and being out of Lot 1, Block 1 of the Continental Nautilus Subdivision, from Continental Autonomous Mobility US, LLC.
Matthew Eckmann, Assistant Director of Public Works

Resolutions

- G) Approval of a resolution adopting the Title VI [25-1380](#) Non-Discrimination Plan.
Scott McClelland, Assistant Transportation & Construction Services Director
Julie Sitton, Transit Manager

Ordinances

(In accordance with Section 3.10 of the City Charter, a descriptive caption of each ordinance shall be read on two separate days.)

- H) Approval of the first reading of an ordinance amending [25-1472](#) the New Braunfels Code of Ordinances, Chapter 2, Sections 2-101 and 2-102, and Chapter 130-406, changing the membership criteria and composition of the Water/Wastewater Impact Fee Advisory Committee to comply with S.B. 1883.
Nathan Brown, Senior Assistant City Attorney
- I) Approval of the first reading of an ordinance amending [25-1473](#) the New Braunfels Code of Ordinances, Chapter 100-20, changing the membership criteria and composition of the Roadway Impact Fee Advisory Committee to comply with S.B. 1883.
Nathan Brown, Senior Assistant City Attorney
- J) Approval of the first reading of an ordinance to amend [25-1437](#) Section 126-132 of the Code of Ordinances of the City of New Braunfels to lower the speed limit in the residential area bounded by Wood Road, Walnut Avenue, and Loop 337.
Carly Farmer, Assistant City Engineer
- K) Approval of the first reading of an ordinance amending [25-1289](#) the City's Code of Ordinances, Sec. 6-109, relating to home quarantine of animals.
Bryan V. Ruiz, Neighborhood Services Manager
- L) Approval of the first reading of an ordinance to revise [25-1431](#) Section 126 Article IV Division 3 of the Code of Ordinances of the City of New Braunfels to restructure speed limits and school speed zones and remove the school zone associated with the previous New Braunfels ISD Ninth Grade Center.
Carly Farmer, Assistant City Engineer
- M) Approval of the first reading of an ordinance to amend [25-1435](#) Section 126-133 of the Code of Ordinances of the City of New Braunfels to establish a school zone for Legend Point Elementary School.
Carly Farmer, Assistant City Engineer

- N) Approval of the second and final reading of an ordinance [25-1366](#) amending the Code of Ordinances, Chapter 126, Sec. 126-355 (c), related to the downtown parking zone by adding an exception to enforcement.
Jeff Jewell, Economic and Community Development Director
- O) Approval of the second and final reading of an ordinance, in accordance with adopted agreements with the property owner, to annex for limited purposes Lots 1R, 2R, and 3, Block 81, Mayfair - Parcel EA-3 Subdivision, consisting of approximately 8.7 acres.
Christopher J. Looney, AICP, Planning Director
- P) Approval of the second and final reading of an ordinance [25-1430](#) to amend the City's Code of Ordinances: Chapter 144-5.3, regarding fences
Christopher J. Looney, AICP, Planning Director
- Q) Approval of the second and final reading of an ordinance [25-1448](#) to amend Section 14-27, International Building Code, and Section 14-29, International Residential Code, of the City of New Braunfels Code of Ordinances, regarding fence regulations.
Latifat Olufemi, Building Official

2. INDIVIDUAL ITEMS FOR CONSIDERATION

Individuals desiring to speak to any individual item should line up behind the podium and be ready to speak when public comment is recognized.

- A) Public hearing and first reading of an ordinance, at the [25-1436](#) request of Daniel Morales, to rezone approximately 0.2 of an acre out of City Block 5044 Subdivision, South portion of Lot A, from R-2 (Single-Family and Two-Family District) to C-O SUP (Commercial Office District with a Special Use Permit to allow Short Term Rental of a residence), currently addressed at 215 Dittlinger Street
Christopher J. Looney, AICP, Planning Director
Applicant: Daniel Morales
- B) Public hearing and first reading of an ordinance, at the [25-1419](#) request of Walmart Stores East, LP (Joe Frederick) on behalf of Frederick Frueholz, Jr. Estate (Joe H. Tays), regarding the proposed rezoning of approximately 72.097 acres out of the A.M. Esnaurizar Grant, Abstract No. 1,

from APD AH (Agricultural/Pre-development, Airport Hazard Overlay District) to M-1A AH (Light Industrial, Airport Hazard Overlay District), generally located south of Kohlenberg Road and west of FM 1101

Christopher J. Looney, AICP, Planning Director

Applicant: Walmart Stores East, LP (Joe Frederick)

- C) Public hearing and first reading of an ordinance to [25-1432](#) amend Chapter 144 Zoning, Subsection 2.1, to align rezoning public notices, protests, and sign requirements with state House Bill (HB) 24.

Christopher Looney, AICP, Planning Director

- D) Public hearing and first reading of an ordinance, at the [25-1433](#) request of Toni and Joe Rios, to rezone approximately 0.2 of an acre out of the Buena Vista Addition Subdivision, Block 3, Greater Part of Lot 8, from C-3 (Commercial District) to C-3 SUP (Commercial District with Special Use Permit to allow Short Term Rental of a residence), currently addressed at 265 School Avenue

Christopher J. Looney, AICP, Planning Director

Applicant: Toni and Joe Rios

- E) Discuss and consider approval of a recommendation by [25-1429](#) the New Braunfels Economic Development Corporation (NBEDC) approving an expenditure, of up to \$2,200,000, to The Neue, LLC., for a mixed-use development project and public infrastructure improvements, pursuant to Section 501.103 of the Texas Local Government Code.

Jordan Matney, Deputy City Manager

3. EXECUTIVE SESSION

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551.071, the City Council may convene in a closed session to discuss any of the items listed on this agenda. Any final action or vote on any executive session item will be taken in open session.

- A) Deliberate the appointment, evaluation, duties, discipline, [25-1344](#) or removal of the City Manager in accordance with Section 551.074 of the Texas Government Code.

4. IF NECESSARY, RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

ADJOURNMENT

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall.

Gayle Wilkinson, 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 (830) 221-4010 at least two (2) work days prior to the meeting so that appropriate arrangements can be made.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/24/2025

Agenda Item No. A)



Proclamation

THE STATE OF TEXAS §
COUNTY OF COMAL §
CITY OF NEW BRAUNFELS §

WHEREAS, when crimes occur, society must protect not only the rights of the accused, but also the rights of the victim; and

WHEREAS, recognizing that the holiday season is a difficult time for victims and their families, the Tree of Angels has become a memorable tradition observed in New Braunfels to recognize that the holiday season is a difficult time for victims and their families; and

WHEREAS, all New Braunfels citizens recognize the important work of all who commit themselves to assist crime victims and their loved ones with traditions like the Tree of Angels, that reflect the kind and compassionate spirit of the holiday season and encourage us all to play a role in building a safer, more just community.

NOW THEREFORE, be it resolved, that I, Neal Linnartz, Mayor of the City of New Braunfels, Texas, hereby proclaim December 3, 2025, as

"TREE OF ANGELS DAY"

in New Braunfels, and I encourage all citizens to recognize this important historical date.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 24th day of November 2025.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/24/2025

Agenda Item No. B)



Proclamation

THE STATE OF TEXAS §
COUNTY OF COMAL §
CITY OF NEW BRAUNFELS §

WHEREAS, nurse practitioners (NPs) have served a critical role as trusted health care providers for decades; and

WHEREAS, NPs work to expand health care access in communities across our state, promote health equity in care and improve health outcomes for all; and

WHEREAS, patients depend on the more than 431,000 licensed NPs in the United States to diagnose, manage and treat their chronic and acute health care conditions; and

WHEREAS, NPs provide high-quality primary, acute and specialty health care services while emphasizing health promotion, disease prevention, health education and counseling, partnering with patients to improve their health; and

WHEREAS, the confidence that patients have in NP-delivered health care is evidenced by the more than 1 billion visits made annually to NPs across the country; and

WHEREAS, more than five decades of research demonstrates the high quality of care provided by NPs; and

WHEREAS, better utilization of NPs through modernized state laws and improved policies creates better health through a more accessible, efficient, cost-effective and higher-quality health care system; and

WHEREAS, more than half the nation — including 27 states, the District of Columbia, Guam and the Northern Mariana Islands — has adopted Full Practice Authority legislation, offering patients full and direct access to the outstanding care provided by NPs; and

WHEREAS, leading governmental and policy entities, including the National Academy of Medicine, National Council of State Boards of Nursing, National Governors Association and Federal Trade Commission, have taken notice of the benefits of providing patients full and direct access to NP-delivered care; and

WHEREAS, NPs serve as the provider of choice for many Texas residents and play a pivotal role in the health and welfare of our communities; and

WHEREAS, the city of New Braunfels, Texas is proud to recognize and honor the service of NPs to our state.

NOW THEREFORE, be it resolved, that I, Neal Linnartz, Mayor of the City of New Braunfels, Texas, hereby proclaim November 9 – 15, 2025, as

"National Nurse Practitioner Week"

in New Braunfels, in recognition of the countless contributions NPs have made over the past half century and will continue to make on behalf of the health and well-being of citizens in our state.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 24th day of November 2025.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/24/2025

Agenda Item No. C)



Proclamation

THE STATE OF TEXAS §
COUNTY OF COMAL §
CITY OF NEW BRAUNFELS §

WHEREAS, the freedoms we enjoy as Americans have been secured by the selfless sacrifices of our nation’s veterans, active-duty service members, and their families; and

WHEREAS, Wreaths Across America is a national nonprofit organization founded to honor and remember the lives of those who served in our armed forces, ensuring their sacrifices are never forgotten and their stories continue to inspire future generations; and

WHEREAS, Wreaths Across America Day, observed annually in December, brings together volunteers, families and communities across the United States to place wreaths on the graves of veterans in more than 5,300 locations, including Comal Cemetery, and Cemeteries of Peace Avenue; and

WHEREAS, this act of remembrance serves to honor the service and sacrifices of veterans and their families, reflect on the price of freedom, and teach younger generations the importance of respecting those who protect our liberties; and

WHEREAS, on December 13, 2025, Texans will join the nation in this solemn observance to “Remember, Honor, Teach” and express our profound gratitude to the brave men and women who served.

NOW THEREFORE, be it resolved, that I, Neal Linnartz, Mayor of the City of New Braunfels, Texas, hereby proclaim December 13, 2025, as

"Wreaths Across America Day"

in New Braunfels, and I encourage all citizens to join me in the worthy observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 24th day of November 2025.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/24/2025

Agenda Item No. A)

PRESENTER:

Natalie Baker, Deputy City Secretary

SUBJECT:

Approval of the November 10, 2025 executive and regular city council meeting minutes, and the November 4, 2025 and November 17, 2025 special city council meeting minutes.

**DRAFT - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL - SPECIAL
REGULAR MEETING OF TUESDAY, NOVEMBER 4, 2025**

CALL TO ORDER

Mayor Linnartz called the meeting to order at 6:00 p.m.

CALL OF ROLL: CITY SECRETARY

Present 7 - Councilmember D. Lee Edwards, Mayor Pro Tem Lawrence Spradley, Councilmember April Ryan, Councilmember Mary Ann Labowski, Councilmember Toni Carter, Mayor Neal Linnartz, and Councilmember Michael Capizzi

INVOCATION: MAYOR LINNARTZ

Mayor Linnartz provided the invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

Mayor Linnartz led the Pledge of Allegiance and the Salute to the Texas Flag.

1. WORKSHOP

A) Presentation, discussion, and possible staff direction on the City of New Braunfels Thoroughfare Plan Update.

Mayor Linnartz read the aforementioned item.

Jordan Matney presented this item to council and introduced Garry Ford and Chief Lozano who also presented to council using a powerpoint presentation and answered questions.

The following individuals spoke at this time: Martin Nealeigh, David Irvin, Beverly Fisher Garrett, Suzanne Collins, Jody Smith, Kathy deBerjeois, Michael Theal, Angela Allan, Johnathan Packer, David Ozuna, Justin Meadows, Chris Parreira, Casey Lee, Jason Vreeland, Wendy Carson, Todd Blackman, Lee Garrett, Ian Perez, David Speicher

No action was taken at this time.

2. EXECUTIVE SESSION

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551.071, the City Council may convene in a closed session to discuss any of the items listed on this agenda. Any final action or vote on any executive session item will be taken in open session.

3. **IF NECESSARY, RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.**

There were no executive session items.

No action was taken at this time.

4. **ADJOURNMENT**

Mayor Linnartz adjourned the meeting at 8:47 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY

**DRAFT - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL - EXECUTIVE SESSION
REGULAR MEETING OF MONDAY, NOVEMBER 10, 2025**

CALL TO ORDER

Mayor Linnartz called the meeting to order at 5:02 p.m.

CALL OF ROLL: CITY SECRETARY

Councilmember Labowski arrived after Executive Session convened.

Present 6 - Councilmember D. Lee Edwards, Mayor Pro Tem Lawrence Spradley, Councilmember Michael Capizzi, Mayor Neal Linnartz, Councilmember Toni Carter, and Councilmember Mary Ann Labowski

Absent 1 - Councilmember April Ryan

1. EXECUTIVE SESSIONS

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551.071, the City Council may convene in a closed session to discuss any of the items listed below. Any final action or vote on any executive session item will be taken in open session.

- A) Deliberate the appointment, evaluation, duties, discipline, or removal of the City Attorney in accordance with Section 551.074 of the Texas Government Code.

Mayor Linnartz read the aforementioned executive session item.

Mayor Linnartz adjourned into closed session at 5:03 p.m.

2. IF NECESSARY, RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

Mayor Linnartz reconvened into open session at 6:02 p.m.

Councilmember Carter made a motion stating - Mayor, I would like to make a motion and a vote of confidence in favor of our City Attorney, Valeria Acevedo, by approving a 4% salary increase, bringing her annual salary to \$238,400. Councilmember Capizzi seconded the motion which passed unanimously.

ADJOURNMENT

Mayor Linnartz adjourned the meeting at 6:03 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY

**DRAFT - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, NOVEMBER 10, 2025**

CALL TO ORDER

Mayor Linnartz called the meeting to order at 6:03 p.m.

CALL OF ROLL: CITY SECRETARY

Present: 6 - Mayor Neal Linnartz, Councilmember Toni Carter, Councilmember Michael Capizzi, Councilmember D. Lee Edwards, Mayor Pro Tem Lawrence Spradley, and Councilmember Mary Ann Labowski

Absent: 1 - Councilmember April Ryan

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

INVOCATION: MAYOR PRO TEM SPRADLEY

Mayor Pro Tem Spradley provided the invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

Mayor Linnartz led the Pledge of Allegiance and the Salute to the Texas Flag.

PROCLAMATIONS:

A) Type 1 Diabetes Awareness Month

Mayor Linnartz read the aforementioned proclamation.

Members from the BreakthroughT1D organization accepted the proclamation.

B) National Hunger & Homelessness Awareness Week

Mayor Linnartz read the aforementioned proclamation.

Members from the NB Housing Partners, Crisis Center of Comal County, Hill Country MHDD, Family Promise, Acacia Medical Mission, Connections Individual and Family Services, New Braunfels Food Bank, and SOS Food Bank accepted the proclamation and addressed council.

C) Geography Awareness Week / GIS Day

Mayor Linnartz read the aforementioned proclamation.

Members from the City of New Braunfels GIS department accepted the proclamation and addressed council.

CITIZENS COMMUNICATIONS

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. There will be no City Council action at this time. In the interest of protecting the City's network and data, the City is not accepting flash drives or electronic files for use during Citizens Communications. Please use hard copies, the overhead projector or access the City's online digital form to upload electronic files you would like the Mayor and Council to view. The digital form would need to be uploaded two (2) hours prior to the City Council meeting. A link to this form can be accessed on the City Secretary's website. Individuals desiring to speak at citizen's communications should line up behind the podium and be ready to speak.

The following individuals spoke at this time: Jim Holster, Danielle Edwards, Cody Akeroyd

1. CONSENT AGENDA

All items listed below are considered to be routine and non-controversial by the City 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. Citizens must be present to pull an item.

Action Items

- A) Approval of the October 27, 2025 city council regular and executive session meeting minutes.
- B) Approval of the appointment of Christopher Willis for the Heritage Commission (a Spring Board) for an unexpired city resident seat with a term ending 05-31-2028.
- C) Approval of the purchase of vehicles from Bluebonnet Motors Ford and Lake Country Chevrolet for various City Departments, and approval to declare the replaced units as surplus.
- D) Approval of purchases of a chassis and the remounting of the EMS body with Frazer, for the Fire Department and approval to declare replaced unit as surplus.
- E) Approval of an expenditure of up to \$90,000 for the acquisition of the necessary right-of-way for the Oak Run Intersection Improvements

Project and authorization for the City Manager to execute all necessary conveyance documents.

- F) Approval to authorize the City Manager to execute a Memorandum of Understanding Agreement with the Brownsville Independent School District in accordance with TX Government Code 791 for the sale of City surplus vehicles to the Brownsville ISD. And, to declare the vehicles being sold as surplus.
- G) Approval of an Interlocal Agreement between the City of New Braunfels and Comal County for the installation of special tree lighting system in downtown.

Resolutions

- H) Approval of a resolution recommended by the New Braunfels Economic Development Corporation (NBEDC) approving an expenditure, of up to \$250,000, to the SPARK Small Business Center to assist with the operation of an economic development program, pursuant to Section 505.102 of the Texas Local Government Code.

Ordinances

(In accordance with Section 3.10 of the City Charter, a descriptive caption of each ordinance shall be read on two separate days.)

- I) Approval of the first reading of an ordinance, in accordance with adopted agreements with the property owner, to annex for limited purposes Lots 1R, 2R, and 3, Block 81, Mayfair - Parcel EA-3 Subdivision, consisting of approximately 8.7 acres.
- J) Approval of the first reading of an ordinance amending Chapter 14, Section 14-27, International Building Code, and Sec. 14-29-International Residential Code of the City of New Braunfels Code of Ordinances, pertaining to fence regulations.
- K) Approval of the second and final reading of an ordinance designating a geographic area within the City of New Braunfels as a reinvestment zone for tax increment financing purposes pursuant to Chapter 311 of the Texas Tax Code to be known as Tax Increment Reinvestment Zone Number Four - Zipp Park ("TIRZ 4: Zipp Park"), City of New Braunfels, describing the property parcels included in the zone, containing findings and provisions related to the creation of the zone, providing a termination date, providing the zone take effect immediately upon passage of the ordinance, providing a severability

clause, providing for publication, and declaring an effective date.

- L) Approval of the second and final reading of an ordinance regarding a proposed rezoning requested by James Ingalls of INK Civil, on behalf of Audrey Raley of HAW Properties 1863, LLC, of approximately 0.75 of an acre out of the L. Salinas Survey No. 458 Abstract No. 531, from APD (Agricultural Predevelopment District) to C-1A (Neighborhood Commercial District), currently addressed as 160 FM 1863
- M) Approval of the second and final reading of an ordinance requested by Beverly Davidek, on behalf of Richard L. and JoAnn Rothfelder, to rezone approximately 0.4 of an acre out of the John Thompson Survey No. 21, Abstract 608, from R-3 (Multifamily District) to R-3 SUP (Multifamily District with a Special Use Permit to allow a Short Term Rental), currently addressed at 1731 Kuehler Avenue.

Approval of the Consent Agenda

Mayor Linnartz read the aforementioned ordinance and resolutions of the consent agenda.

Mayor Pro Tem Spradley made a motion to approve the consent agenda. Councilmember Labowski seconded the motion which passed unanimously.

Absent:

Councilmember Ryan

2. INDIVIDUAL ITEMS FOR CONSIDERATION

Individuals desiring to speak to any individual item should line up behind the podium and be ready to speak when public comment is recognized.

- A) Public hearing and first reading of an ordinance to amend the City's Code of Ordinances: Chapter 144-5.3, regarding fences.

Mayor Linnartz read the aforementioned item.

Christopher Looney presented this item to council using a powerpoint presentation and answered questions.

Councilmember Capizzi motioned to approve this item. Councilmember Labowski seconded the motion which passed unanimously.

Absent:

Councilmember Ryan

- B) Discuss and consider a resolution to cast 495 votes toward the election of a member of the Comal Appraisal District Board of Directors.

Mayor Linnartz read the aforementioned item.

Gayle Wilkinson presented this item to council and answered questions.

Mayor Pro Tem Spradley motioned to cast all 495 votes to Case Brown. Councilmember Labowski seconded the motion which passed unanimously.

Absent:

Councilmember Ryan

- C) Discuss and consider a resolution to cast 53 votes toward the election of a member/members of the Guadalupe Appraisal District Board of Directors.

Mayor Linnartz read the aforementioned item.

Gayle Wilkinson presented this item to council.

Councilmember Edwards motioned to cast all 53 votes to Letticia Sever. Mayor Pro Tem Spradley seconded the motion which passed unanimously.

Absent:

Councilmember Ryan

3. EXECUTIVE SESSION

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551.071, the City Council may convene in a closed session to discuss any of the items listed on this agenda. Any final action or vote on any executive session item will be taken in open session.

- A) Deliberate the appointment, evaluation, duties, discipline, or removal of the City Attorney in accordance with Section 551.074 of the Texas Government Code.

4. IF NECESSARY, RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

The aforementioned executive session item took place at 5:00 p.m.

No action was taken at this time.

ADJOURNMENT

Mayor Linnartz adjourned the meeting at 6:40 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY

**DRAFT - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL - SPECIAL
REGULAR MEETING OF MONDAY, NOVEMBER 17, 2025**

CALL TO ORDER

Mayor Linnartz called the meeting to order at 4:03 p.m.

CALL OF ROLL: CITY SECRETARY

Present 6 - Councilmember D. Lee Edwards, Councilmember April Ryan, Councilmember Mary Ann Labowski, Councilmember Toni Carter, Mayor Neal Linnartz, and Councilmember Michael Capizzi

Absent 1 - Mayor Pro Tem Lawrence Spradley

INVOCATION: COUNCILMEMBER LABOWSKI

Councilmember Labowski provided the invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

Mayor Linnartz led the Pledge of Allegiance and the Salute to the Texas Flag.

CONSENT ITEMS

A) Approval of the appointments to the Building Standards Commission of Lesha Blair for a city resident seat with a term ending 11-30-2027 and William Burrell for the legal category seat with a term ending 11-30-2027.

B) Approval of the appointments of Scott Morehouse, Serena Morris, and Dylan Ott, for the three (3) positions on the Community Development Advisory Committee with three terms ending 11-30-28.

Gayle Wilkinson addressed council prior to the approval of the consent agenda and announced Dylan Ott has removed his name from consideration to serve on the Community Development Advisory Committee. This item has been amended to show the appointments of Serena Morris and Scott Morehouse with terms ending 11-30-2028.

C) Approval of the appointment of Robert Blythin to the Animal Services Advisory Board for a City Resident seat, Eric Trager for an Animal Facility Owner/Operator seat, and Michael Doherty for the Veterinarian seat with terms ending 11-30-28.

D) Approval of the appointments of Tommy Carden, Justin Morales, and

Austin Milam for the three (3) resident positions with the Landa Park Golf Course Advisory Board with terms ending 11-30-2028 and James Carter for the NB Golf Association position with a term ending 11-30-2028.

- E) Approval of the appointment of Rykley Crowe and Nancy Pappas for the two (2) City Resident positions for the Library Advisory Board with terms ending 11-30-2028 and Sierra Crowley for an unexpired Resident position with a term ending 11-30-2027.
- F) Approval of the appointments of Courtney Lyons-Garcia and Laurie Wehring to the Parks and Recreation Advisory Board for two (2) City Resident positions with terms ending 11-30-2028.
- G) Approval of five (5) Mayoral appointments of Tate Korpi, Nathan Manlove, Hans-Bernard Moeller, Tommy Carden, and Jedediah Silva with terms ending 11-30-2028 to the Partnership Committee.
- H) Approval of the appointments of Tanya Pence for the position of River/Tourism Professional for the River Advisory Committee with an unexpired term ending 11-30-2026, Destin Singleton for the Parks & Recreation Representative with a term ending 11-30-2028, and Brad Bechtol for the City Resident seat with a term ending 11-30-2028.
- I) Approval of the appointments of Don Austin, Tera Thompson, Cody Elrod, and Atanacio Campos for four (4) individual terms to the New Braunfels Economic Development Corporation with terms ending 11-30-2027.
- J) Approval of the appointments of Richard Kelshimer and Jonathan Cooper to the City Resident seats for the Workforce Housing Advisory Board with terms ending 11-30-2028, Peter James to the Habitat for Humanity Representative with a term ending 11-30-2028, Jonathan Packer to the NB Chamber Representative with a term ending 11-3-2028, Larry Hammonds to the NB EDC Representative seat with a term ending 11-30-2028, and Sarah Dixon to the Housing Authority Representative with a term ending 11-30-2028.

ORDINANCES

- K) Approval of the first reading of an ordinance amending the Code of Ordinances, Chapter 126, Sec. 126-355 (c), related to the downtown parking zone by adding exceptions to enforcement.

This item was pulled for individual consideration by councilmember

Carter.

Approval of the Consent Agenda

Mayor Linnartz read the aforementioned consent agenda with the exception of Item K and notated Item B has been amended to remove the appointment of Dylan Ott to the Community Development Advisory Committee.

Councilmember Ryan made a motion to approve the consent agenda with the exception of Item K and the amendment to Item B. Councilmember Edwards seconded the motion which passed unanimously.

Absent:

Mayor Pro Tem Spradley

INDIVIDUAL CONSIDERATION

K-1) Approval of the first reading of an ordinance amending the Code of Ordinances, Chapter 126, Sec. 126-355 (c), related to the downtown parking zone by adding exceptions to enforcement.

This item was pulled by Councilmember Carter.

Mayor Linnartz read the aforementioned item.

Councilmember Carter addressed council and asked questions relating to this item.

Robert Camareno answered the questions from Councilmember Carter.

Councilmember Capizzi motioned to approve this item. Councilmember Ryan seconded the motion which passed unanimously.

Absent:

Mayor Pro Tem Spradley

1. WORKSHOP

A) Interview two (2) applicants and appoint one (1) individual to the New Braunfels Utilities Board of Trustees for a term ending November 30, 2030.

Mayor Linnartz read the aforementioned item.

Gayle Wilkinson presented this item to council.

City Council interviewed the two applicants: Wayne Peters and David Speicher.

The following individual, Wayne Peters, was nominated to the New Braunfels Utilities Board of Trustees with a term ending November 30, 2030 with a 5/1 vote.

Councilmember Carter opposing

PRESENTATIONS

A) Presentation and discussion on early childhood education matters in New Braunfels

Mayor Linnartz read the aforementioned item.

Johnathan Packer of the New Braunfels Chamber of Commerce presented this item to council and introduced Mark Larson and Mike Crowley, who also presented to council, using a powerpoint presentation and answered questions.

B) Presentation and update on City of New Braunfels Capital Projects and Initiatives.

Mayor Linnartz read the aforementioned item.

Scott McClelland presented this item to council using a pdf presentation and answered questions.

C) Presentation and discussion on proposed amendments to the New Braunfels Code of Ordinances to update Traffic Impact Analysis fees and requirements.

Mayor Linnartz read the aforementioned item.

Garry Ford presented this item to council using a powerpoint presentation and answered questions.

D) Presentation, discussion, and possible direction on proposed ordinance amendments concerning the composition of the Roadway Impact Fee Advisory Committee and Water & Wastewater Impact Fee Advisory Committee as required by Senate Bill 1883

Mayor Linnartz read the aforementioned item.

Nathan Brown presented this item to council using a powerpoint presentation and answered questions.

Mayor Linnartz called for a recess at 5:33 p.m.

Mayor Linnartz reconvened the meeting at 5:39 p.m.

E) Presentation, Discussion, and Possible Direction Regarding Management of Floating Vegetation.

Mayor Linnartz read the aforementioned item.

Amy Niles presented this item to council using a powerpoint presentation and answered questions.

The following individuals spoke at this time: Art Arnolds, David Marks, John Ivy, John Brooks, Kathy Arnolds, Russell Hamley, Paul Leeland, Karen Kursh, Mark Statler

Council directed staff to form an ad hoc committee that would address the issues presented in this item and bring the composition of the committee as an action item in early 2026.

F) Presentation and discussion regarding the creation of a Tourism Public Improvement District.

Mayor Linnartz read the aforementioned item.

Jared Werner introduced this item to council and Tanya Pence, who presented using a powerpoint presentation and answered questions.

2. EXECUTIVE SESSION

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551.071, the City Council may convene in a closed session to discuss any of the items listed on this agenda. Any final action or vote on any executive session item will be taken in open session.

3. IF NECESSARY, RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

There were no executive session items.

No action was taken at this time.

4. ADJOURNMENT

Mayor Linnartz adjourned the meeting at 7:16 p.m.

By: _____
NEAL LINNARTZ, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY

11/24/2025

Agenda Item No. B)

PRESENTER:

Scott McClelland, Assistant Transportation and Construction Services Director

SUBJECT:

Approval of a contract with TTL, Inc. for the final plans, specifications, and estimates for the Westside Library permanent building drain.

DEPARTMENT: Transportation and Construction Services**COUNCIL DISTRICTS IMPACTED:** All**BACKGROUND INFORMATION:**

Through geotechnical site investigations, it has been determined that the Westside Library requires a permanent building drain to mitigate the possibility of water collecting under the building. The drain will ensure that the facility does not incur long term structural damage and remains in good working order to serve the community.

The City had previously contracted with TTL, Inc. to perform geotechnical investigations of the site, which will directly inform the design of the permanent drain. Staff selected TTL as the most qualified based on their experience and qualifications to support this project. The scope and fee presented by TTL, Inc. for final design includes preparing construction documents and an opinion of probable construction cost. The fee for the final design is \$100,231.00.

ISSUE:

Continue an ongoing program of infrastructure construction and maintenance.

STRATEGIC PLAN REFERENCE:

☐ Economic Mobility ☐ Enhanced Connectivity ☒ Community Identity
☐ Organizational Excellence ☐ Community Well-Being ☐ N/A

FISCAL IMPACT:

The funding for this contract will be supported through contingencies within the 2019 bond, therefore sufficient funds are available.

RECOMMENDATION:

Staff recommends approval of a contract with TTL, Inc. for the final design of the Westside Library permanent building drain.

11/24/2025

Agenda Item No. C)

PRESENTER:

Karrie Cook, Budget Manager

SUBJECT:

Approval of FY 2025 budget amendments for the General Fund and Special Revenue Funds.

DEPARTMENT: Finance

COUNCIL DISTRICTS IMPACTED: N/A

BACKGROUND INFORMATION:

General Fund:

Per the City's financial policy, if an overall department budget needs to be increased or decreased, a budget amendment is required via City Council approval. Due to higher-than-anticipated employee expenditures, unanticipated operating expenditures, and increased costs of operating expenditures, budget amendments are required in several departments in the General Fund. Many of these amendments are consistent with the FY 2025 expenditure estimates developed during the most recent budget development process. Staff recommends utilizing savings generated by other General Fund departments to support these amendments, so there will be no direct financial impact to the General Fund. The following General Fund budget amendments are recommended for City Council consideration.

Each section below shows the General Fund department that is requesting a budget increase and the Departments/Divisions that can cover the increase with savings generated throughout FY 2025. The departments requesting budget increases are City Attorney, Municipal Court, Fire, and Police.

City Attorney	
	Net Change
Employee Expenses	\$ 4,500
Operating Expenses	\$ 84,000
	\$ 88,500

City Secretary	
	Net Change
Employee Expenses	\$ (32,000)
Operating Expenses	\$ (11,500)
	\$ (43,500)

City Manager	
	Net Change
Employee Expenses	\$ -
Operating Expenses	\$ 45,000
	\$ (45,000)

Municipal Court	
	Net Change
Employee Expenses	\$ 15,000
	\$ 15,000

Communications & Community Engagement	
	Net Change
Operating Expenses	\$ (15,000)
	\$ (15,000)

Fire Department		NCD Planning		NCD Neighborhood		TCS Capital		TCS Engine	
	Net Change		Net Change		Net Change		Net Change		Net Change
Employee Expenses	\$ 1,464,500	Employee Expenses	\$ (305,000)	Employee Expenses	\$ (120,000)	Employee Expenses	\$ (102,000)	Employee Expenses	\$ (542,000)
Operating Expenses		Operating Expenses		Operating Expenses		Operating Expenses		Operating Expenses	

Police Department		Library- Main Lib	
	Net Change		Net Change
Employee Expenses	\$352,000	Employee Expenses	\$337,000
Operating Expenses		Operating Expenses	
	\$352,000		\$(352,000)

Special Revenue Funds:

PEG Fund: During FY 2025, a project was completed for the installation, configuration, and support of a new audio/visual and broadcast system in Council Chambers, Executive, and Tejas Conference Rooms. At the time the fund's budget was established in September 2024, final project costs had not been determined. At the March 24th City Council meeting, the total budget for this project was approved to be \$702,000. Now that the project is completed, the total costs have exceeded the originally established budget for the fund. The PEG fund does have sufficient fund balance to cover the requested budget amendment.

PEG Fund	
	Net Change
Capital Expense	\$ 16,750
Contingencies	
	\$ -
Debt Service	\$ -
Employee Expenses	\$ -
Operating Expenses	\$ -
Transfers Out	\$ -
Total Budget	\$ 16,750

Child Safety Fund: The Child Safety Fund houses all expenditures for the City's School Resource Officer program. The budget for SRO program employee expenditures is based on an estimate of salaries and overtime throughout the entire fiscal year. At the completion of the fiscal year, the employee expenses exceeded the budget. NBISD covers 75% of full-time SRO employee costs as well as 100% of overtime and SRO Rover costs. Remaining expenditures are covered by an interfund transfer from the City's General Fund; therefore, sufficient funds are available to support this budget amendment.

Child Safety	
	Net Change
Capital Expense	\$ -
Contingencies	
	\$ -
Debt Service	\$ -
Employee Expenses	\$ 310,000
Operating Expenses	\$ -
Transfers Out	\$ -
	\$ 310,000

Court Security Fund: The Court Security Fund is used to fund any expenses related to the security of the Municipal Court. \$5,000 is needed to cover operating expenditures related to security upgrades. There is sufficient fund balance available to cover the amount needed.

Court Security	
	Net Change
Capital Expense	\$ -
Contingencies	
	\$ -
Debt Service	\$ -
Employee Expenses	\$ -
Operating Expenses	\$ 5,000
Transfers Out	\$ -
	\$ 5,000

Facilities Maintenance Fund: The Facilities Maintenance Fund is used to address various City facility needs. During FY 2025, additional landscaping work was completed to address needs such as mowing, trimming, edging, shredding, planting, mulching, plant debris/litter, and weed control. There are sufficient funds available to cover the requested budget amendment.

Facilities Maintenance Fund	
	Net Change
Capital Expense	\$ -
Contingencies	
	\$ -
Debt Service	\$ -
Employee Expenses	\$ -
Operating Expenses	\$ 13,000
Transfers Out	\$ -
	\$ 13,000

Fire Apparatus Replacement Fund: In FY 2025, the Fire Apparatus Fund paid off the final two outstanding debt service payments, allowing the fund to be solely utilized for vehicle maintenance and other fire-related operating costs in FY 2026. There are sufficient funds available within the fund balance to support this budget amendment.

Fire Apparatus Replacement Fund	
	Net Change
Capital Expense	\$ -
Contingencies	
	\$ -
Debt Service	\$ 274,000
Employee Expenses	\$ -
Operating Expenses	\$ -
Transfers Out	\$ -
	\$ 274,000

Local Youth Diversion Fund: The Local Youth Diversion Fund is used to support the salaries for a Juvenile Case Coordinator and to implement programs related to juvenile outreach, court education, leadership programs, and other projects designed to prevent or reduce the number of juvenile referrals to the Court. A budget amendment is needed to cover the salary costs of the Juvenile Case Coordinator that exceeded the original budget. There are sufficient funds available to support this budget amendment.

Local Youth Diversion Fund	
	Net Change
Capital Expense	\$ -
Contingencies	\$ -
Debt Service	\$ -
Employee Expenses	\$ 14,800
Operating Expenses	\$ -
Transfers Out	\$ -
	\$ 14,800

ISSUE:

N/A

FISCAL IMPACT:

The General Fund amendments do not result in a fiscal impact and do not affect the fund balance. The Special Revenue Funds have sufficient funds available to support the proposed amendments.

RECOMMENDATION:

Staff recommends approval of all budget amendments for FY 2025.

11/24/2025

Agenda Item No. D)

PRESENTER:

Valeria M. Acevedo, City Attorney

SUBJECT:

Appointment of Jeff Hohl and Sidney Reed as a contract municipal court prosecutors.

DEPARTMENT: City Attorney's Office**COUNCIL DISTRICTS IMPACTED:** Citywide**BACKGROUND INFORMATION:**

On April 14, 2025, City Council approved an agreement with the Law Offices of Ryan Henry to provide as-needed prosecutorial services to manage the municipal court dockets. In accordance with the City Charter, Sec. 8.04, City Council approved the appointment of Justin Plescha, Jason Rammel and Ryan Henry as prosecutors; however, they are no longer employed at this law firm. At this time, new replacements must be appointed. Mr. Jeff Hohl and Sidney Reed are experienced attorneys. Mr. Hohl will be the primary contract prosecutor while Ms. Reed will serve as back-up, if needed. Mr. Hohl has several years' experience as a misdemeanor and felony prosecutor in Texas. Ms. Reed has over 10 years of court experience. Mr. Henry will continue to serve as back-up for both of these attorneys if the need arises.

ISSUE:

The City Charter delegates the hiring of attorneys to the city attorney with final approval of the appointment resting with the City Council. A replacement contract prosecutor is needed to assist with court dockets.

STRATEGIC PLAN REFERENCE:

☐ Economic Mobility ☐ Enhanced Connectivity ☐ Community Identity
☒ Organizational Excellence ☐ Community Well-Being ☐ N/A
Maintenance of efficient, effective, and high-quality services.

FISCAL IMPACT:

This appointment does not have an additional fiscal impact as funding was originally approved by City Council for these services by the Law Offices of Ryan Henry, PLLC. in April, 2025. The previously approved agreement is estimated not to exceed \$25,000 per year.

RECOMMENDATION:

Staff recommends appointment of Mr. Hohl as a contact prosecutor.

11/24/2025

Agenda Item No. E)

PRESENTER:

Jared Werner, Assistant City Manager

Tanya Pence, Chief Marketing Officer and President of the Convention and Visitor's Bureau

SUBJECT:

Approval of the format and content of the proposed petition and service plan for the potential creation of a Tourism Public Improvement District as authorized by Chapter 372 of the Texas Local Government Code.

DEPARTMENT: N/A**COUNCIL DISTRICTS IMPACTED:** N/A**BACKGROUND INFORMATION:**

A Tourism Public Improvement District (TPID) is a state-authorized tool designed to enhance and promote tourism, hotel activity, and year-round visitation within a defined geographic area. Its primary purpose is to generate dedicated funding for expanded marketing and promotional initiatives that support a stronger and more resilient tourism economy. Ten Texas cities, including Waco, Corpus Christi, Frisco, Denton, and Addison currently operate TPIDs.

For New Braunfels, creation of a TPID directly aligns with the City's Strategic Plan, particularly the Economic Mobility and Organizational Excellence strategic priorities. Several local factors further support consideration of a TPID:

- Stagnant or declining hotel occupancy tax revenues.
- Major redevelopment and mixed-use projects expected to increase year-round tourism demand.
- A strong relationship between tourism performance and sales tax growth, which indirectly reduces property tax revenue growth.
- Significant increases in advertising costs, which currently limit the CVB to marketing in only eight Texas markets for roughly half the year.

A TPID would provide the resources needed to expand marketing into additional regions and during more months of the year. The proposed assessment is 2% of the room rate, with an expected average annual revenue of \$1.2 million. Eligible lodging properties include those within the city limits with five or more rooms unless they derive a majority of revenue from admission tickets.

Under the proposed service plan:

- 85% of funding must support marketing, attracting groups, and sales activities.
- 10% is allocated to research and administration.
- 5% is reserved for contingencies.

Council Consideration This Evening

The only action requested is approval of the petition and service plan. This does not create the TPID; it simply authorizes the Chamber of Commerce working with the Texas Hotel & Lodging Association to begin gathering

signatures from eligible lodging partners.

To advance, the petition must be signed by hotel owners representing:

- 60%+ of total appraised hotel value, *and either*
 - 60%+ of total hotel surface area, *or*
 - 60%+ of the total number of hotels in the proposed district.

If these thresholds are met, the process continues with public hearings and final Council consideration.

Proposed TPID Timeline

- November: Council considers format and content of the proposed petition and service plan.
- Dec-Jan: Chamber gathers petition signatures.
- March: Petition validated; Council orders and holds public hearings.
- April: Council considers final approval to create the TPID.
- July: TPID assessments begin.

Administration

The TPID assessment would be collected using the same process currently in place for local hotel tax collections. A TPID board, comprised of lodging representatives would oversee expenditures, with non-voting representatives from the City and the Chamber/CVB. City Council must review and approve the service plan annually throughout the 10-year authorization period.

Note: This topic was previously presented to City Council for discussion at the June 30 workshop and again during the November 17 presentation meeting.

ISSUE:

N/A

STRATEGIC PLAN REFERENCE:

☒Economic Mobility ☐Enhanced Connectivity ☐Community Identity

☒Organizational Excellence ☐Community Well-Being ☐N/A

Objective - Support Confluence, the New Braunfels Chamber of Commerce Economic Development Strategic Plan, by helping to ensure a community that supports targeted industries and increases the diversity of job opportunities in the community

Objective - Considering statutory and market-based factors, continue to diversify revenue streams to support long-term fiscal sustainability of the organization

FISCAL IMPACT:

There is no fiscal impact associated with this item.

RECOMMENDATION:

Approval of the petition and service plan for collection of signatures

STATE OF TEXAS

COUNTY OF COMAL

TO: The Mayor and City Council of the City of New Braunfels, Texas

**PETITION REQUESTING CREATION
OF THE NEW BRAUNFELS TOURISM PUBLIC IMPROVEMENT DISTRICT (NBTPID)**

The undersigned signatories who are qualified petitioners for owners of real property in the hereinafter described tourism public improvement district hereby request that the City Council of the City of New Braunfels, Texas, approve the creation of a New Braunfels Tourism Public Improvement District (NBTPID) to commence on July 1, 2026, and expire on September 30, 2035. under the Public Improvement District Assessment Act, V.T.C.A. Local Government Code, Chapter 372 (The ‘Act’), so that the powers granted under the Act may be exercised by the City of New Braunfels.

LODGING PROPERTY OWNERSHIP ENTITY NAME _____
COUNTY OF COMAL

Signature of Qualified Petitioner Date

Printed name of Qualified Petitioner

_____ Title of signatory to this document

Name of lodging property and lodging property address (es); may attach a separate sheet for multiple addresses

The Qualified Petitioner whose signature appears represents and warrants that he or she is authorized to enter into a binding agreement concerning the operation of a lodging on behalf of the owner of the above named lodging and to execute this Petition on behalf of the named lodging property ownership group. Petitions should be returned on or before **January 30, 2026.**

*Return original executed petitions to: **Attention:**
Tanya Pence
New Braunfels Convention & Visitors Bureau
390 South Seguin Avenue
New Braunfels, Texas 78130*

In support of this petition, the qualified petitioners show and understand the following:

- (1.) **District Name.** “New Braunfels Tourism Public Improvement District.”
- (2.) **District Location.** The District is located wholly within the City of New Braunfels, TX (the “City”), a Texas home rule municipality. The boundaries of the proposed assessment district shall solely include contiguous and non-contiguous lodging properties with 5 or more rooms within the City of New Braunfels. The exception to this is any lodging entity whose majority of annual revenue is derived from tickets and/or passes to an attraction shall not be included.
- (3.) **Purpose of the District.** The purpose of the District is to enhance services, in particular, special supplemental services relating to District marketing, business recruitment, and promotional activities authorized by the Act for the promotion of the district, including the provision of incentives by the New Braunfels Tourism Public Improvement District Corporation through the New Braunfels Convention and Visitors Bureau to organizations to encourage them to bring large scale events and citywide meetings to New Braunfels, and to fund supplemental marketing initiatives by the New Braunfels Tourism Public Improvement District Corporation, that are overseen by the New Braunfels Convention and Visitors Bureau, to increase event, group, leisure, and lodging and convention activity within the City.
- (4.) **Method of Assessment.** The method of assessment, which may specify included or excluded classes of assessable property, is based on the sale of lodging nights by lodging properties with 5 or more rooms located within the District and who do not derive the majority of their revenue from tickets and/or passes to an attraction. The annual assessment rate for all lodging properties with 5 or more rooms within the district shall not exceed two percent of the price paid to lodging properties for a room, which reflects the special benefits accruing to the property due to the services provided by the District. The assessment does not apply to preexisting contracts for room nights or pre-paid lodging reservations, that were executed before the date the NBTPID assessment was approved by the City Council unless the contract is subject to change or modification that would allow a unilateral change by the lodging property in the fees applicable to the contract.
- (5.) **Estimated Cost: No Bonded Indebtedness.** During a proposed ten (10) year period, the estimated annual cost of improvements and services provided by the District are estimated to range from nine hundred thousand dollars to two million dollars (\$900,000 to \$2,000,000) annually; however, in no event shall the assessment rate exceed two percent of the price paid to lodging properties for a taxable room night in a lodging property. The district shall not incur bonded indebtedness. See the attached ten (10) year service plan that indicates total estimated collections for each year of the Service Plan. The service plan and assessment rate are subject to annual review by the New Braunfels Tourism Public Improvement District Corporation Board of Directors and are subject to an annual public hearing and approval by the New Braunfels City Council.
- (6.) **Apportionment of Cost Between the District and the Municipality as a Whole.** The District shall pay the cost of the supplemental services described in this petition by assessment against lodging properties with 5 or more rooms within the District and who do not derive the majority of their annual revenue from tickets and/or passes to an attraction.
- (7.) **District Management.** The District shall be overseen by the New Braunfels Tourism Public Improvement District Corporation, a nonprofit corporation organized under Texas law and exempt from federal income tax under the provisions of Section 501(c) of the Internal Revenue Code. The said corporation will carry liability insurance in amounts and cover risks as required by the City and will indemnify the City against losses resulting from acts or omissions of the corporation and any of its contract or employed staff. The New Braunfels City Council will review and approve the service plan and assessment rate annually, determine and levy assessments, and conduct other functions as required by the Act. The New Braunfels Tourism Public Improvement District Management Corporation in partnership with the New Braunfels Convention and Visitors Bureau will manage the District pursuant to a three-way contract with the City. During the annual approval of the Service Plan by the City Council, the New Braunfels Tourism Public Improvement District Management Corporation shall have the authority, with city council approval, to make adjustments of the percentage of the funds within each of the approved budget categories of the adopted service plan.

- (8.) **Board of Directors.** NBTPID lodging owners and owner representatives will serve as the board of directors. The board will recommend an annual service and assessment plan, along with a corresponding budget, to the governing body of the municipality. However, the district shall be managed through a contract between the City, the New Braunfels Convention and Visitors Bureau and the New Braunfels Tourism Public Improvement District Management Corporation. The Board of Directors of the New Braunfels Tourism Public Improvement District Corporation has the power to conduct meetings, control the affairs, and establish policies for the Corporation, as well as make rules not inconsistent with the laws of the State of Texas, for the guidance of the officers and management in the affairs of the Corporation.
- (9.) **District Dissolution.** The District shall automatically dissolve in ten years, unless it is renewed or dissolved through the petition and approval process as provided by the Act.
- (10.) **Request for Creation of the New Braunfels Tourism Public Improvement District.** The persons signing this petition request and concur with the establishment of the District and authorize the New Braunfels Tourism Public Improvement District Management Corporation to implement the detailed provisions and conditions of the District, providing that assessments will not exceed two percent of the price paid to lodging partners for a taxable room night in a lodging property and the initial term of the District will not exceed ten years.
- (11.) **Sufficiency of Petition.** This petition will be sufficient if it is signed by:
- (a) The qualified petitioners who represent:
 - a. More than 60 percent of the appraised value of real property liable for assessment under the proposal, as determined by the current roll of the appraisal district in which the property is located; and
 - b. More than 60 percent of:
 - i. All lodging properties that are liable for assessment under the proposal; or
 - ii. The area of all real property that is liable for assessment under the proposal.
- (12.) **Action Requested.** The petitioners hereby request that the City Council do the following:
- (a) Determine that this petition meets the requirements of the Act;
 - (b) Make findings by resolution as to the advisability of the nature of the proposed improvements and/or services, the estimated cost, the boundaries of the improvement district, the method of assessment, and the apportionment of the expenses between the proposed district and the City as a whole;
 - (c) Give proper notice and hold a public hearing on the advisability of establishing the district and providing the proposed services;
 - (d) By no later than April 13, 2026, adopt a resolution authorizing the establishment of the improvement district in accordance with its findings as to the advisability of the improvements and/or services;
 - (e) Establish the Assessment Rate and approve the Assessment Roll for the District;
 - (f) Take any and all other steps necessary to the establishment of the district; and
 - (g) Work with the New Braunfels Tourism Public Improvement District Management Corporation regarding other details and provisions to implement the district.
- (13.) **Headings.** The headings of the paragraphs contained in this Petition are for the convenience of the reader and do not constitute a part of this Petition. This petition may be executed in multiple counterparts.

New Braunfels Tourism Public Improvement District (NBTPID)

Proposed Service Plan

Date: November 4, 2025

The New Braunfels Tourism Public Improvement District Service Plan is formulated to positively impact visitation to New Braunfels and increase overnight accommodation activity through strategic investment which will be overseen by a Board of Directors of the district. The voting members of the TPID Board of Directors will be comprised solely of lodging property representatives of hotel participate that participate in the New Braunfels Tourism Public Improvement District. The proposed district is designed to ensure that New Braunfels is able to successfully compete with other cities throughout the state and across the country to achieve an increased market share of event, meeting, group, and leisure travel business.

District Name

The district name shall be the New Braunfels Tourism Public Improvement District (NBTPID).

District Location

The NBTPID will be located entirely within the city limits of New Braunfels, TX (City), a Texas home-rule municipality. The boundaries of the proposed NBTPID are as shown on the attached map marked "Exhibit A" and shall solely include non-contiguous and contiguous lodging properties with five (5) or more rooms within the City of New Braunfels. An exception to inclusion in the District is provided to this is any lodging entity whose majority of annual revenue is derived from tickets and/or passes to an attraction. Such an exception shall not prevent such a lodging property from voluntarily contributing to or supporting the work of the District.

Purpose of the NBTPID

The proposed NBTPID will supplement the existing use of local hotel occupancy taxes for sales and marketing initiatives for the purpose of generating additional business, group, event, and leisure travel to New Braunfels that will generate increased lodging activities for the hotels within the District.

Method of Assessment

The NBTPID assessment will be levied on hotel properties located within the NBTPID boundaries that have five (5) or more rooms ordinarily used for sleeping and that do not derive the majority of their annual revenue from tickets and/or passes to an attraction. The annual assessment rate for all hotel properties within the District shall be two percent (2%) of taxable hotel room night sales. The assessment shall only apply to room night sales that are subject to local hotel occupancy tax under Texas state law. If a room night rental transaction is exempt from local hotel occupancy tax, it is also exempt from the application of the NBTPID assessment. Further, the NBTPID assessment shall not apply to prior hotel contracts for room nights or fully pre-paid hotel night reservations, that were executed prior to the creation of the NBTPID by the City Council, and for which the contract

does not have a provision allowing for it to be unilaterally amended by the hotel to include a new fee.

The NBTPID budget will be allocated as shown in the Table A below:

Table A

10-year Cumulative Service Plan*

Category	%	\$'s
Marketing & Sales	85%	\$9,413,750
Research and Administration	10%	\$1,107,500
Contingency Funds	5%	\$553,750
Total	100%	\$11,075,000

**Service plan allocations, up to a 10% variance, can be allowed under any category.*

The estimated annual funding for the NBTPID for the ten-year term of the District from FY 2026-FY 2035 is shown in Table B below. The estimated annual funding is forecasted to increase each year based on new lodging facilities and NBTPID activity. Expenditures of the NBTPID will be limited to actual collections, which cannot exceed the two percent (2%) assessment on each taxable room night sale by New Braunfels lodging partners with 5 or more rooms and do not derive the majority of their annual revenue for tickets and /or passes to an attraction, as defined in the NBTPID petition. The NBTPID will follow established statutory procedures for the addition of newly built eligible hotels into the district. Assessment revenue not expended in a fiscal year may be rolled over to the next fiscal year's budget, so long as they are allocated to the same budget category and approved by a majority vote of the NBTPID Board.

Table B

10-year Service Plan Category Percentages & Amounts

Budget Year	Est. % YOY increase	Annual Projected Budget	Marketing & Sales	Research & Administration	Contingency
		100%	85%	10%	5%
FY26 (July - Sept.)	5%	\$320,000	\$272,000	\$32,000	\$16,000
FY27	4%	\$990,000	\$841,500	\$99,000	\$49,500
FY28	4%	\$1,025,000	\$871,250	\$102,500	\$51,250
FY29	4%	\$1,070,000	\$909,500	\$107,000	\$53,500
FY30	8%	\$1,150,000	\$977,500	\$115,000	\$57,500
FY31	4%	\$1,195,000	\$1,015,750	\$119,500	\$59,750
FY32	4%	\$1,240,000	\$1,054,000	\$124,000	\$62,000
FY33	4%	\$1,290,000	\$1,096,500	\$129,000	\$64,500
FY34	4%	\$1,345,000	\$1,143,250	\$134,500	\$67,250
FY35	8%	\$1,450,000	\$1,232,500	\$145,000	\$72,500
Totals		\$11,075,000	\$9,413,750	\$1,107,500	\$553,750

Projected New Braunfels Tourism Public Improvement District Services

Supplemental Marketing (advertising and promotion) and Sales Initiatives

Fifty percent (50%) of the annual NBTPID budget is targeted for increased marketing initiatives, which will drive more overnight stays to NBTPID hotels and indirect economic activity within New Braunfels. This allocation is part of the eighty-five (85%) overall NBTPID allocation to the marketing and sales category. The percentage spent on marketing compared to sales may be adjusted by the NBTPID Board based on recommendations of the Convention and Visitors Bureau (CVB). Current hotel occupancy tax fund collections do not generate enough budget capacity for sales and marketing campaigns to drive year-round visitation to multiple audiences. NBTPID funds will generate additional capacity to expand reach in key target markets that are not accessible with current funding, such initiatives may include, but are not limited to:

a. Expand reach and frequency in primary markets

The CVB has historically focused on 4 key primary markets: Houston, Dallas/Fort Worth, San Antonio and Austin at various times with various mediums throughout the year. Data shows these markets drive the majority of tourism to New Braunfels. The additional funding provided by a TPID allows marketing on a more year-round basis both within these and other key markets, and to undertake additional tactics for increased reach, frequency and market awareness.

b. Allow for advertising in secondary Texas markets

The current HOT budget does not support advertising in secondary designated marketing areas (DMA's) including but not limited to: Corpus Christi, Harlingen and Midland/Odessa for the majority of the year. The additional NBTPID funds will allow the CVB to focus on these secondary markets with impactful marketing initiatives for longer periods of time. Data indicates these markets drive tourism with longer stays which provide a larger positive impact for New Braunfels businesses.

c. Experience Development/Visitor Servicing

A key strategy for the CVB is to further separate New Braunfels from its competition in experience development and visitor servicing. With NBTPID funding, resources will be available to develop and enhance supplemental programs and experiences that yield heightened visitor perceptions of New Braunfels as a destination. It is also noteworthy current HOT fund levels have allowed us to maintain the existing Visitor Center, but they only enable basic operations dependent on volunteer staff, in a location that no longer provides sufficient visitor traffic. The NBTPID funding could be utilized to relocate the visitor center downtown and support expenses as the center will enhance our ability to increase traffic and create a meaningful resource and potential revenue center. The NBTPID funds could also be used to support the creation of impactful customer service programs such as the Ambassador program geared for hospitality partners and other stakeholders aimed at increasing awareness of New Braunfels assets in

different ways creating a positive and memorable experience for all tourists visiting the New Braunfels community.

Supplemental Sales (Conventions, Meetings, Sports) Initiatives

Thirty-five percent (35%) of annual NBTPID budget is targeted to supplemental sales initiatives designed to increase state and regional awareness of New Braunfels as a meeting and convention destination to generate increased hotel activity. This allocation is part of the eighty-five percent (85%) allocation for the Marketing and Sales category. The percentage of the NBTPID funding that is spent on sales compared to marketing may be adjusted by the NBTPID Board based on recommendations of the CVB. Supplemental sales initiatives may include but are not limited to:

a. Direct marketing related to group sales initiatives

The NBTPID funding will enable us to place paid additional advertising in support of group sales efforts. Research shows paid advertising increases reach and frequency exponentially as well as provides us the ability to better target audiences generating the highest ROI.

b. Film and Music Commissions

A growing opportunity for Designated Marketing Organizations (DMOs) is the ability to sell their community as a film and music destination. Industry trade associations along with celebrities like Taylor Sheridan, Matthew McConaughey and Billy Bob Thornton are actively promoting Texas as a film friendly destination and NBTPID funds will provide the opportunity to tap into opportunities within this sector. Additionally, cities like Austin, Nashville and Tulsa have proven to have a rich, unique music scene which appeals to a growing sector of travelers seeking an authentic cultural experience. The NBTPID funding will allow us the ability to actively seek out opportunities in both the film and music industries to bring business, room nights, and exposure for New Braunfels.

c. Tradeshow/Sales Missions (FAM tours)

To ensure success, the CVB must increase its involvement and engagement with travel/tradeshow associations. A focus on increased sales initiatives will lead to additional site visits for industry tradeshows. It is important to bring meeting planners to our destination so that they can experience first-hand all that New Braunfels has to offer.

d. Sales Servicing and Staffing

The expansion of our overall sales and marketing efforts for both leisure and group travel may require additional staff and contract resources.

e. National Industry Organizations

The ability to develop strong partnerships with meeting planner groups is critical to the future success of growing group room nights. Current HOT funding allocations limit the capacity of the CVB to attend certain key industry meetings throughout the year that include meeting planners that would likely be interested in New Braunfels as a destination for their events; the NBTPID will help enhance this capacity to attend these regional and national meetings.

f. Events Bid Fund/Incentives

Currently, the CVB budget does not have the capacity to offer incentives for groups and organizations to bring their events or group business to New Braunfels. The NBTPID would provide funding to offer competitive incentives and sponsorships that will enable us to better compete to secure key groups that will host their meetings in New Braunfels. These funds will also support transportation incentives which is a primary obstacle in recruiting meetings. With the limited number of hotels with meeting space, transportation incentives will help cover the cost for potential groups to transport attendees from a cadre of hotels to secondary meeting, event, and attraction venues.

Research and Administration Initiatives

Ten percent (10%) of the annual NBTPID budget will be allocated toward research initiatives and for the administrative costs of administering the TPID. With the NBTPID investment in additional marketing for both leisure and group travel, combined with the increased sales initiatives, it is possible that additional CVB and/or contract sales staff may be necessary. Any such initiatives will be presented to the NBTPID Board for their review and potential approval. It will also be important for the NBTPID to have the ability to conduct thorough research to make educated recommendations as well as to be able to track and analyze the results/impact of NBTPID funded marketing and sales initiatives. The allocation to research is essential to maximizing the impact of every TPID dollar. The administrative and research costs may include, but would not be limited to the following:

a. Administrative Costs

The City of New Braunfels will incur additional costs from its collection of TPID fees and the NBTPID will be responsible for reimbursing the City for such costs. The NBTPID may also need to cover limited additional CVB expenses for legal counsel, administration of the district, and supplemental finance and accounting assistance needed to administer the NBTPID funds.

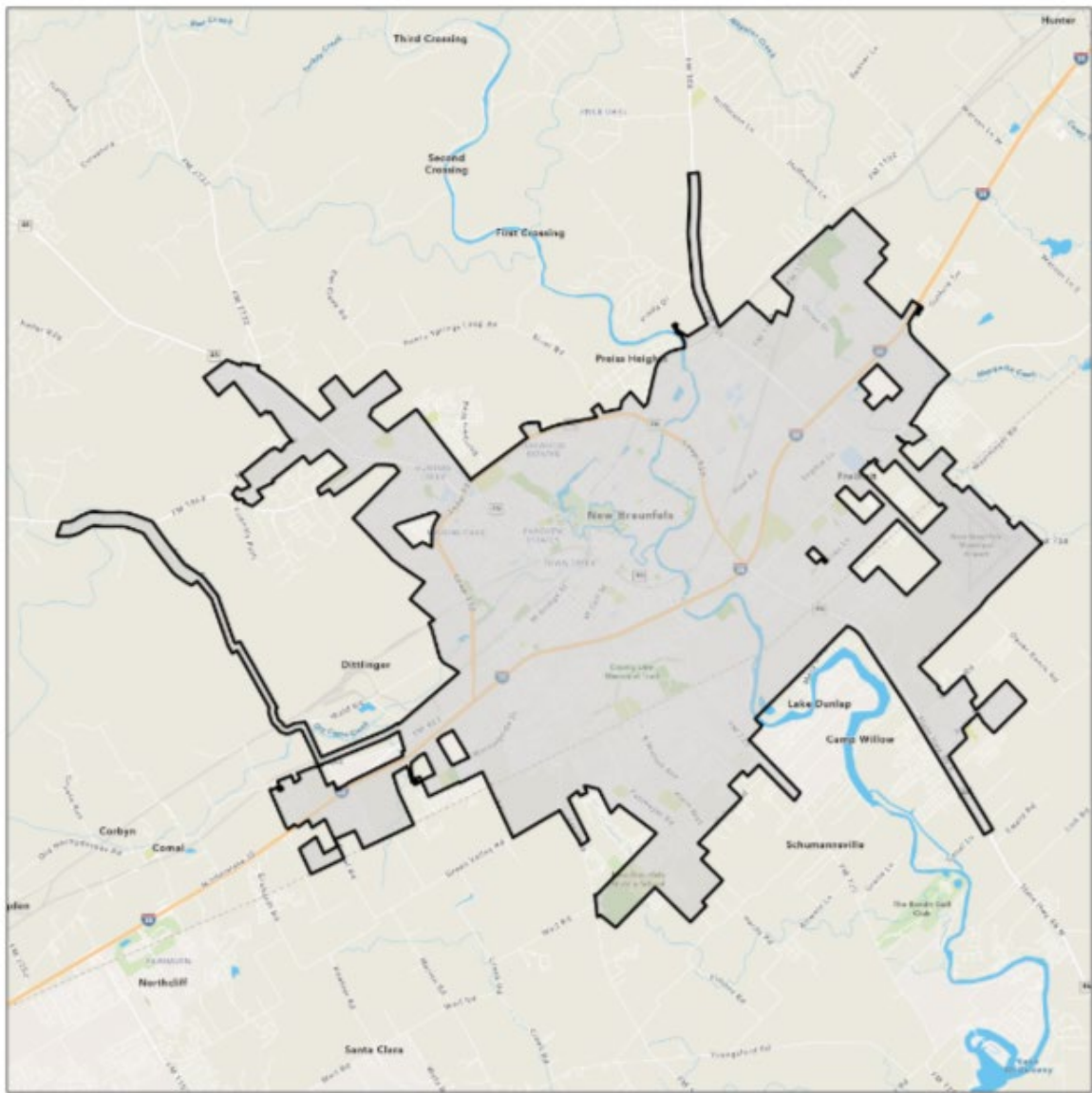
b. Research

Growing our tourism and hotel activity will require a continued dedication to research and prospecting programs to ensure a strong ROI from the sales and marketing initiatives undertaken by the NBTPID. Current hotel occupancy tax fund levels have allowed us to conduct some of this essential research, but with the NBTPID funding, we will be able to garner higher level and more strategic ROI measurements and data as well as use industry-leading sales prospecting tools.

Contingency Funds

Five percent (5%) of annual NBTPID budget will be allocated to NBTPID contingency funds to allow consistent operation of the NBTPID Service Plan during unexpected economic challenges and to be prepared to address new opportunities within each budget category.

Exhibit A: Proposed NBTPID Boundaries



11/24/2025

Agenda Item No. F)

PRESENTER:

Matthew Eckmann, Assistant Director of Public Works

SUBJECT:

Approval of the acceptance of 2.153 acres of right of way out of a tract of land in the A.M. Esnaurizar Survey No. 98, of Comal County, Texas, and being out of Lot 1, Block 1 of the Continental Nautilus Subdivision, from Continental Autonomous Mobility US, LLC.

DEPARTMENT: Public Works**COUNCIL DISTRICTS IMPACTED:** 4**BACKGROUND INFORMATION:**

The Kohlenberg Reconstruction Project is one of the approved projects in Proposition A of the City of New Braunfels 2023 Bond Program. The project will improve the current roadway to four lanes, improve drainage infrastructure, provide intersection enhancements and provide for sidewalks and a shared use path.

ISSUE:

In order to accomplish this project, it is necessary to acquire right-of-way and utility easements from several parcels. Continental Autonomous Mobility has agreed to dedicate the necessary right-of-way to accomplish this project.

While the right of way is being dedicated, the City has agreed to a settlement of \$80,000 for the reconstruction of the existing fence and gate on the property to align with the new driveway connection.

FISCAL IMPACT:

Funding for the expenditure portion of this transaction is incorporated in the 2023 Bond Program, therefore sufficient funds are available.

RECOMMENDATION:

Staff recommends the approval of this dedication.



ISO 9001:2015 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

2806 W. Bitters Road, Suite 218 • San Antonio, Texas 78248 • Phone (210) 641-9999

**FIELD NOTES
FOR
PARCEL 2 – CONTINENTAL AUTONOMOUS MOBILITY US LLC
KOHLENBERG ROAD R.O.W.
2.153 Acres (93,798 Square Foot)**

Being a 2.153 acre (93,798 square foot) tract of land in the A.M. Esnaurizar Survey No. 98, of Comal County, Texas, and being out of Lot 1, Block 1 of the Continental Nautilus Subdivision as shown on the plat recorded in Document No. 202106015426 of the Official Map Records (O.M.R.C.C.) of Comal County, Texas; said 2.153 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at ½" iron rod found in the existing southwest right-of-way (ROW) line of Kohlenberg Road (variable width ROW) at the north corner of Lot 1, Block 1 of the above described subdivision;

THENCE S 44°38'41" E, with said southwest ROW of Kohlenberg Road, for a distance of 1470.67 feet to a found ½" iron rod with Sherwood cap at the east corner of Lot 1, Block 1;

THENCE S 42°42'02" W with the southeast line of Lot 1, Block 1 for a distance of 64.35 feet to a set 5/8" iron rod with aluminum cap stamped "TxDOT ROW", a second ½" iron rod found at the south corner of Lot 1, Block 1 bears S 42°42'02" W – 1306.42 feet;

THENCE N 44°36'02" W through the Lot 1, Block 1 for a distance of 1473.61 feet to a set 5/8" iron rod with aluminum cap stamped "TxDOT ROW" on the northwest line of Lot 1, Block 1;

THENCE N 45°19'10" E, with said northwest line for a distance of 63.15 feet to the **POINT OF BEGINNING**, and containing 2.153 acres (93,798 square foot) of land, more or less

- Bearings source is between the first two ½" iron rods found on the southwest ROW line of Kohlenberg Road described above, and shown as S 44°38'41" E as derived from GPS observation based on NAD 83(2011), Texas State Plane Coordinate System - South Central Zone (4203).

I hereby certify that this description conforms to the minimum standards set forth by the Texas Board of Professional Engineers and Land Surveyors according to an actual survey made on the ground by employees of KCI Technologies.”

Date: *October 23, 2024*

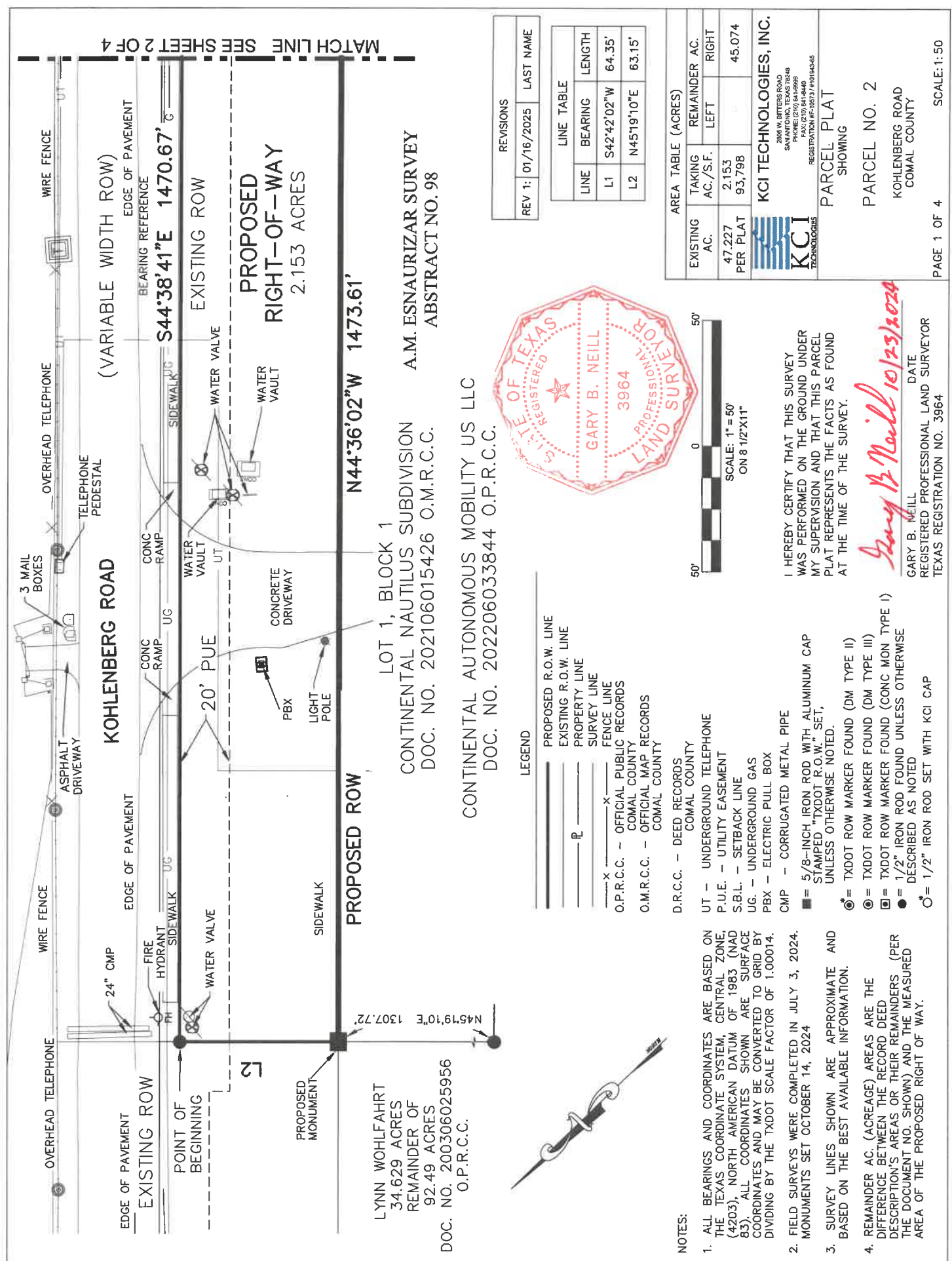
Gary B Neill

Gary B. Neill
R.P.L.S. #3964
Firm No. 101943-65



Warning: Only those copies with the Signature and Seal in red should be relied upon.

CONB Kohlenberg
Project Number: 45E0619602
00002476_00004.004



MATCH LINE SEE SHEET 2 OF 4

REVISIONS	
REV 1:	LAST NAME
01/16/2025	

LINE TABLE		
LINE	BEARING	LENGTH
L1	S42°42'02"W	64.35'
L2	N45°19'10"E	63.15'

AREA TABLE (ACRES)			
EXISTING AC.	TAKING AC./S.F.	REMAINDER AC.	RIGHT
47.227	2.153		45.074
PER PLAT	93,798		

KCI TECHNOLOGIES, INC.
2808 W. BITTERS ROAD
SAN ANTONIO, TEXAS 78248
PHONE: (210) 841-4440
FAX: (210) 841-4440
REGISTRATION #10573 / 10184366

PARCEL PLAT
SHOWING
PARCEL NO. 2
KOHLENBERG ROAD
COMAL COUNTY
PAGE 1 OF 4
SCALE: 1" = 50'



I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

Gary B. Neill 10/23/2024
DATE
GARY B. NEILL
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 3964

- LEGEND
- PROPOSED R.O.W. LINE
 - EXISTING R.O.W. LINE
 - PROPERTY LINE
 - SURVEY LINE
 - FENCE LINE
 - O.P.R.C.C. - OFFICIAL PUBLIC RECORDS
 - COMAL COUNTY
 - O.M.R.C.C. - OFFICIAL MAP RECORDS
 - COMAL COUNTY
 - D.R.C.C. - DEED RECORDS
 - COMAL COUNTY
 - UT - UNDERGROUND TELEPHONE
 - P.U.E. - UTILITY EASEMENT
 - S.B.L. - SETBACK LINE
 - UG - UNDERGROUND GAS
 - PBX - ELECTRIC PULL BOX
 - CMP - CORRUGATED METAL PIPE
 - 5/8-INCH IRON ROD WITH ALUMINUM CAP
 - STAMPED "TXDOT R.O.W." SET, UNLESS OTHERWISE NOTED.
 - TXDOT ROW MARKER FOUND (DM TYPE II)
 - TXDOT ROW MARKER FOUND (DM TYPE III)
 - TXDOT ROW MARKER FOUND (CONC MON TYPE I)
 - 1/2" IRON ROD FOUND UNLESS OTHERWISE DESCRIBED AS NOTED
 - 1/2" IRON ROD SET WITH KCI CAP

- NOTES:
- ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, (4203), NORTH AMERICAN DATUM OF 1983 (NAD 83). ALL COORDINATES SHOWN ARE SURFACE COORDINATES AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE TXDOT SCALE FACTOR OF 1.00014.
 - FIELD SURVEYS WERE COMPLETED IN JULY 3, 2024. MONUMENTS SET OCTOBER 14, 2024
 - SURVEY LINES SHOWN ARE APPROXIMATE AND BASED ON THE BEST AVAILABLE INFORMATION.
 - REMAINDER AC. (ACREAGE) AREAS ARE THE DIFFERENCE BETWEEN THE RECORD DEED DESCRIPTION'S AREAS OR THEIR REMAINDERS (PER THE DOCUMENT NO. SHOWN) AND THE MEASURED AREA OF THE PROPOSED RIGHT OF WAY.

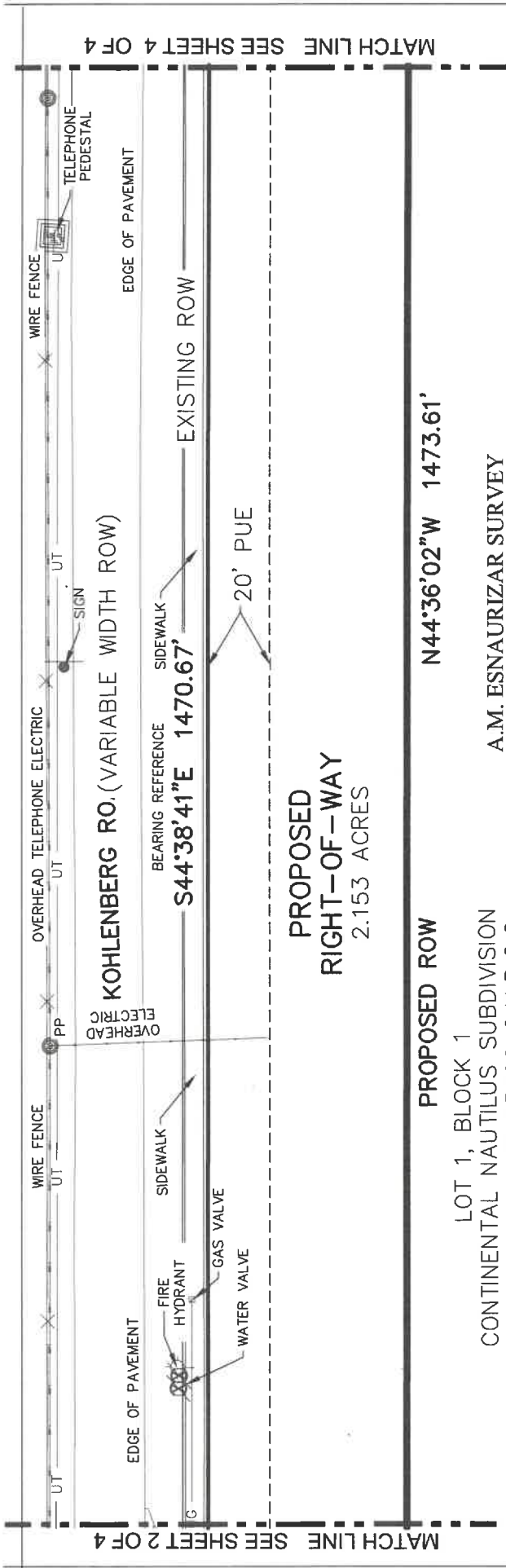
LOT 1, BLOCK 1
CONTINENTAL NAUTILUS SUBDIVISION
DOC. NO. 202106015426 O.M.R.C.C.
A.M. ESNAURIZAR SURVEY
ABSTRACT NO. 98

CONTINENTAL AUTONOMOUS MOBILITY US LLC
DOC. NO. 202206033844 O.P.R.C.C.

LYNN WOHLFAHRT
34.629 ACRES
REMAINDER OF
92.49 ACRES
DOC. NO. 200306025956
O.P.R.C.C.

MATCH LINE SEE SHEET 2 OF 4

MATCH LINE SEE SHEET 4 OF 4



**PROPOSED
RIGHT-OF-WAY**
2.153 ACRES

PROPOSED ROW
N44°36'02"W 1473.61'

LOT 1, BLOCK 1
CONTINENTAL NAUTILUS SUBDIVISION
DOC. NO. 202106015426 O.M.R.C.C.

CONTINENTAL AUTONOMOUS MOBILITY US LLC
DOC. NO. 202206033844 O.P.R.C.C.

A.M. ESNAURIZAR SURVEY
ABSTRACT NO. 98



LEGEND

- PROPOSED R.O.W. LINE
- EXISTING R.O.W. LINE
- PROPERTY LINE
- SURVEY LINE
- FENCE LINE
- O.P.R.C.C. - OFFICIAL PUBLIC RECORDS
- COMAL COUNTY
- O.M.R.C.C. - OFFICIAL MAP RECORDS
- COMAL COUNTY
- D.R.C.C. - DEED RECORDS
- COMAL COUNTY
- UT - UNDERGROUND TELEPHONE
- P.U.E. - UTILITY EASEMENT
- S.B.L. - SETBACK LINE
- UG - UNDERGROUND GAS
- PBX - ELECTRIC PULL BOX
- CMP - CORRUGATED METAL PIPE
- P.P. - POWER POLE
- 5/8-INCH IRON ROD WITH ALUMINUM CAP
- STAMPED "TXDOT R.O.W." SET, UNLESS OTHERWISE NOTED.
- TXDOT ROW MARKER FOUND (DM TYPE II)
- TXDOT ROW MARKER FOUND (DM TYPE III)
- TXDOT ROW MARKER FOUND (CONC MON TYPE I)
- 1/2" IRON ROD FOUND UNLESS OTHERWISE DESCRIBED AS NOTED
- 1/2" IRON ROD SET WITH KCI CAP

NOTES:

- ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, (4203), NORTH AMERICAN DATUM OF 1983 (NAD 83). ALL COORDINATES SHOWN ARE SURFACE COORDINATES AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE TXDOT SCALE FACTOR OF 1.00014.
- FIELD SURVEYS WERE COMPLETED IN JULY 3, 2024. MONUMENTS SET OCTOBER 14, 2024
- SURVEY LINES SHOWN ARE APPROXIMATE AND BASED ON THE BEST AVAILABLE INFORMATION.
- REMAINDER AC. (ACREAGE) AREAS ARE THE DIFFERENCE BETWEEN THE RECORD DEED DESCRIPTION'S AREAS OR THEIR REMAINDERS (PER THE DOCUMENT NO. SHOWN) AND THE MEASURED AREA OF THE PROPOSED RIGHT OF WAY.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S42°42'02"W	64.35'
L2	N45°19'10"E	63.15'

AREA TABLE (ACRES)

EXISTING AC.	TAKING AC./S.F.	REMAINDER AC.	LEFT	RIGHT
47.227				45.074
PER PLAT				



KCI TECHNOLOGIES, INC.
2808 W. BERTERS ROAD
SAN ANTONIO, TEXAS 78248
PHONE (210) 841-4440
FAX (210) 841-4440
REGISTRATION #10071 #10194546

**PARCEL PLAT
SHOWING**

PARCEL NO. 2
KOHLENBERG ROAD
COMAL COUNTY

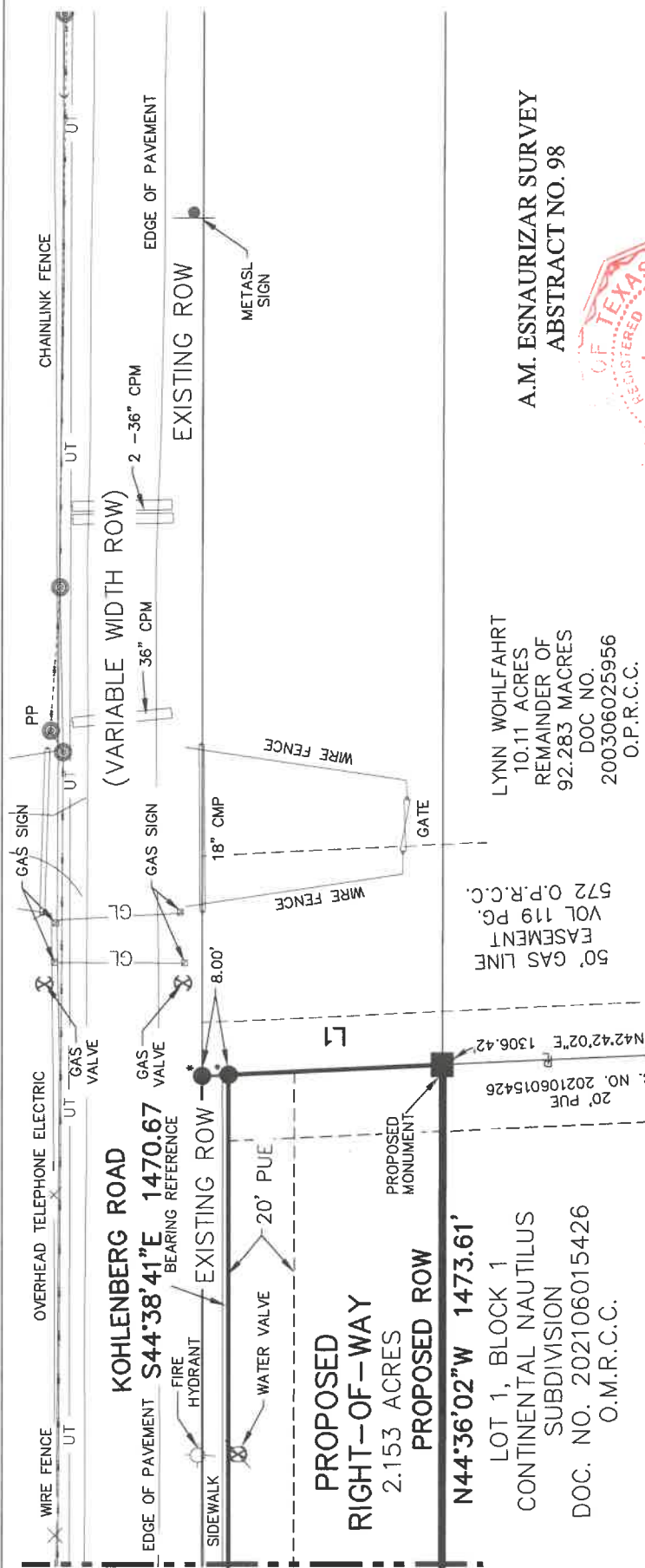
PAGE 3 OF 4
SCALE: 1"=50'

I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

Gary B. Neill
DATE: 10/23/2024
GARY B. NEILL
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 3964



MATCH LINE SEE SHEET 3 OF 4



CONTINENTAL AUTONOMOUS
MOBILITY US LLC
DOC. NO. 202206033844
O.P.R.C.C.

LOT 1, BLOCK 1
CONTINENTAL NAUTILUS
SUBDIVISION
DOC. NO. 202106015426
O.M.R.C.C.

50' GAS LINE
EASEMENT
VOL 119 PG.
572 O.P.R.C.C.

LYNN WOHLFAHRT
10.11 ACRES
REMAINDER OF
92.283 MACRES
DOC NO.
200306025956
O.P.R.C.C.

A.M. ESNAURIZAR SURVEY
ABSTRACT NO. 98

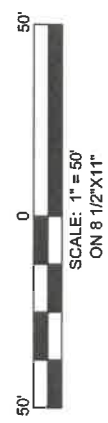


LEGEND

- PROPOSED R.O.W. LINE
- EXISTING R.O.W. LINE
- PROPERTY LINE
- SURVEY LINE
- FENCE LINE
- O.P.R.C.C. - OFFICIAL PUBLIC RECORDS
- COMAL COUNTY
- O.M.R.C.C. - OFFICIAL MAP RECORDS
- COMAL COUNTY
- D.R.C.C. - DEED RECORDS
- COMAL COUNTY

NOTES:

- ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, (4203) NORTH AMERICAN DATUM OF 1983 (NAD 83). ALL COORDINATES SHOWN ARE SURFACE COORDINATES AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE TXDOT SCALE FACTOR OF 1.00014.
- FIELD SURVEYS WERE COMPLETED IN JULY 3, 2024. MONUMENTS SET OCTOBER 14, 2024
- SURVEY LINES SHOWN ARE APPROXIMATE AND BASED ON THE BEST AVAILABLE INFORMATION.
- REMAINDER AC. (ACREAGE) AREAS ARE THE DIFFERENCE BETWEEN THE RECORD DEED DESCRIPTION'S AREAS OR THEIR REMAINDERS (PER THE DOCUMENT NO. SHOWN) AND THE MEASURED AREA OF THE PROPOSED RIGHT OF WAY.



I HEREBY CERTIFY THAT THIS SURVEY
WAS PERFORMED ON THE GROUND UNDER
MY SUPERVISION AND THAT THIS PARCEL
PLAT REPRESENTS THE FACTS AS FOUND
AT THE TIME OF THE SURVEY.

Gary B. Neill
10/23/2024
DATE
GARY B. NEILL
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 3964

LINE TABLE		
LINE	BEARING	LENGTH
L1	S42°42'02"W	64.35'
L2	N45°19'10"E	63.15'

AREA TABLE (ACRES)

EXISTING AC.	TAKING AC./S.F.		REMAINDER AC.
	LEFT	RIGHT	
47.227 PER PLAT	2.153	93.798	45.074



KCI TECHNOLOGIES, INC.
2008 W. BATTERS ROAD
SUITE 100
PHOENIX, AZ 85027
PHONE: (602) 641-0989
FAX: (602) 641-0940
REGISTRATION #10737/01019456

PARCEL PLAT
SHOWING

PARCEL NO. 2
KOHLENBERG ROAD
COMAL COUNTY

11/24/2025

Agenda Item No. G)

PRESENTER:

Scott McClelland, Assistant Transportation & Construction Services Director
Julie Sitton, Transit Manager

SUBJECT:

Approval of a resolution adopting the Title VI Non-Discrimination Plan.

DEPARTMENT: Transportation & Construction Services

COUNCIL DISTRICTS IMPACTED: Citywide

BACKGROUND INFORMATION:

As a recipient of Federal Financial Assistance, the City of New Braunfels is required to adopt a Title VI Non-Discrimination Plan. The City has collaborated with a Title VI expert to develop a plan that meets all federal requirements. The plan follows the requirements presented under Title VI, 42 U.S.C. § 2000d et. seq., of the Civil Rights Act of 1964. It has been reviewed and approved by the Federal Transit Administration and the Texas Department of Transportation. The policy establishes guidelines affirming that no person shall be excluded from participation, denied benefits, or otherwise subjected to discrimination on the grounds of race, color, or national origin. The plan also outlines procedures for filing and processing complaints by individuals who believe they have been subjected to discrimination.

ISSUE:

Ensure compliance with Federal regulations to avoid jeopardizing federal funding sources.

STRATEGIC PLAN REFERENCE:

☐ Economic Mobility ☐ Enhanced Connectivity ☐ Community Identity
☒ Organizational Excellence ☐ Community Well-Being ☐ N/A

FISCAL IMPACT:

Establishing a Title VI Plan enables the City to continue receiving federal funding for projects and programs.

RECOMMENDATION:

Staff recommends approval of the resolution adopting the attached Title VI Non-Discrimination Plan for the City of New Braunfels.

RESOLUTION NO. 2025-R_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS ADOPTING THE TITLE VI PLAN AND COMPLIANCE PROGRAM ATTACHED TO THIS RESOLUTION AS EXHIBIT A; AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT THE PLAN AND TO EXECUTE ALL DOCUMENTS NECESSARY FOR PLAN IMPLEMENTATION

WHEREAS, the City of New Braunfels, Texas, as a recipient of federal funds, is required to comply with nondiscrimination laws and regulations; and

WHEREAS, the City of New Braunfels, Texas, is dedicated to nondiscrimination in all programs, services, and activities, in accordance with Title VI of the Civil Rights Act of 1964 and related federal laws; and

WHEREAS, a Title VI Plan must be adopted or updated every three (3) years to receive federal funding; and

WHEREAS, this plan has been developed in accordance with the requirements of the Texas Department of Transportation, Federal Highway Administration, and Federal Transit Administration; and

WHEREAS, this plan details the City's policies, procedures, and practices to ensure compliance with federal nondiscrimination standards.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of New Braunfels, Texas that:

The City Council of the City of New Braunfels, Texas, hereby adopts the Title VI Plan and Compliance Program attached hereto as Exhibit A, and any other forms necessary for implementation of this Plan. The City Council authorizes the City Manager to execute the Plan and all other documents necessary for Plan implementation. This Resolution shall become effective immediately upon adoption and after the legally required publication periods have expired.

PASSED, ADOPTED, AND APPROVED at an open meeting properly posted and conducted in accordance with the Texas Open Meetings Act on this, the 24th day of November 2025.

City of New Braunfels, Texas

Neil Linnartz, Mayor

Attest:

GAYLE WILKINSON, City Secretary



Title VI
Non-Discrimination Plan
City of New Braunfels, Texas

Adopted: November 24, 2025

Title VI Coordinator
550 Landa Street
New Braunfels, TX 78130
titlevicoordinator@newbraunfels.gov
830-387-5570

Table of Contents

Section 1:	Introduction
Section 2:	Title VI Plan Revision Log
Section 3:	Policy Statement
Section 4:	Organizational Responsibilities
Section 5:	Organization Chart
Section 6:	Monitoring Program
Section 7:	Complaint Procedure & Notice of Public Rights
Section 8:	Limited English Proficiency Plan (LEP)
Section 9:	Public Participation Plan (PPP)
Section 10:	Title VI Complaint Form
Section 11:	Texas Department of Transportation (TxDOT) & Federal Highway Administration (FHWA) Specific Requirements
Section 12:	Federal Transit Administration (FTA) Specific Requirements
Attachment A –	Resolution Adoption
Attachment B –	Department Of Transportation (DOT) 1050.2A Assurances
Attachment C –	FHWA 1273 Form

Section 1: Introduction

The City of New Braunfels, as a recipient of Federal Financial Assistance and under Title VI, 42 U.S.C. § 2000d et. seq., of the Civil Rights Act of 1964 and related statutes, affirms no person shall on the grounds of race, color, and national origin be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the City regardless of whether these projects and activities are federally funded or not.

The City of New Braunfels must not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing the accomplishment of the objectives of the program on the grounds of race, color, or national origin. Therefore, the primary goals and objectives of the City of New Braunfels Title VI Non-Discrimination Plan are:

1. To assign responsibilities and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and pertinent directives.
2. To ensure that people affected by the City's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, or national origin.
3. To prevent discrimination in City programs and activities, whether those programs and activities are federally funded or not.
4. To establish procedures for identifying impacts in any program, service, or activity that may create an illegal adverse impact on any person because of race, color, or national origin and all affected Title VI populations.
5. To establish procedures to annually review Title VI compliance of specific program areas within the City of New Braunfels.
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in a City-provided service, project, program, or activity.

The authorities applicable to the City's Title VI/Nondiscrimination Program include:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. §2000d et seq., 78 state 252), prohibits discrimination on the basis of race, color, national origin.
- **49 CFR Part 21** (entitled Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of The Civil Rights Act of 1964).
- **23 CFR Part 200** (FHWA's Title VI/Nondiscrimination Regulation).
- **28 CFR Part 50.3** (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

- **Texas Administrative Code §9.4**, Civil Rights – Title VI Compliance

Section 2: Title VI Plan Revision Log

The Title VI Plan was adopted by New Braunfels City Council on *November 24, 2025*. A copy of the Resolution is included as **Attachment A**.

The City will review and update the Title VI plan every three (3) years or as necessary. The following log will be maintained, indicating the date, section, and summary of revisions.

Date	Section Revised	Summary of Revisions	Date Adopted

Section 3: Policy Statement

Title VI Policy Statement
City of New Braunfels

It is the policy of the City of New Braunfels, Texas, to provide reasonable assurances it will comply with the requirements and provisions of Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d-42 U.S.C 2000d-4, and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally- Assisted Programs of the Department of Transportation- Effectuation of Title VI of the Civil Rights Act of 1964 and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person who resides in, or does business with, the City of New Braunfels on the grounds of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination under any of our programs or activities.

_____	_____
Robert Camareno, City Manager	Date
City of New Braunfels	

Declaración de Política del Título VI
Ciudad de New Braunfels

Es política de la Ciudad de New Braunfels, Texas, brindar garantías razonables de que cumplirá con los requisitos y disposiciones del Título VI de la Ley de Derechos Civiles de 1964, 78Stat. 252, 42 U.S.C 2000d-42 U.S.C 2000d-4, y todos los requisitos impuestos por o de conformidad con el Título 49 de los Reglamentos Federales del Departamento de Transporte, Subtítulo A, Oficina del Secretario, Parte 21, No Discriminación en Programas con Asistencia Federal del Departamento de Transporte - Realización del Título VI de la Ley de Derechos Civiles de 1964 y otras directrices pertinentes, a fin de que y de conformidad con la Ley, Reglamentos, y otras directrices pertinentes, ninguna persona que resida en, o que haga algún negocio con la Ciudad de New Braunfels sea excluido de participar, o se le niegue alguna prestación o, de otra manera esté sujeto a discriminación en cualquiera de nuestros programas o actividades por su raza, color, u origen nacional.

_____	_____
Robert Camareno, Administrador de la Ciudad	Fecha
de New Braunfels	

Section 4: Organizational Responsibilities

The Title VI Program Coordinator is empowered by the City Manager and is responsible for managing and monitoring all aspects of compliance with the Title VI program, plan, and assurance for the City of New Braunfels.

Complaints

If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, or national origin (including Limited English Proficiency), he/she may exercise his/her right to file a complaint with the City's Title VI Coordinator. The City's complaint handling procedure is outlined in *Section 7* of this document. Every effort will be made to resolve complaints informally and at the lowest level first. Complaints may also be filed with the Federal Transit Administration, Texas Department of Transportation, and Federal Highway Administration, depending on the source of program funding.

Program Reviews

Special emphasis program reviews will be conducted on activities, accomplishments, and issues. The reviews will be conducted by the Title VI Program Coordinator to ensure effectiveness in their compliance with Title VI provisions. The Title VI Program Coordinator will coordinate efforts to ensure equal participation in all programs and activities at all levels. The City will conduct reviews annually following the City's fiscal year calendar.

Title VI Reviews on Sub-Recipients (if applicable)

The City does not have any sub-recipients. In the future, should the City utilize sub-recipients, a Title VI compliance review will be conducted annually by the Title VI Coordinator.

Limited English Proficiency Program

The City has developed an evaluation and implementation program to ensure Limited English Proficiency (LEP) persons who are served by federal aid programs administered by the City are provided, free of charge, meaningful access to programs and services. Specifically, the LEP program will address language barriers that could prevent LEP persons from obtaining services and information relating to services, programs, and projects, and understanding the benefits to which they are entitled.

Title VI Plan Updates: The City will review the need for any updates to its Title VI Assurances every three (3) years or as necessary.

Public Participation Plan and Policy

The City of New Braunfels believes that effective community involvement improves the quality of decision-making processes and builds public trust in the City. The City has developed a public participation plan and policy to inform, consult, involve, collaborate, and empower the public in understanding the problem, alternatives, opportunities, and/or solutions.

Remedial Action: The City will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program's administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s).

Non-Discrimination Requirements: The City will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the service, facility, and performance of any contract on the grounds of race, color, or national origin. In administering its Title VI Program, the City will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing the accomplishment of the objectives of the Title VI Program.

Environmental Justice in Minority and Low-Income Populations

The City will develop strategies to address disproportionately high and adverse human health or environmental effects on minority and low-income populations, to promote nondiscrimination in Federal-aid programs substantially affecting human health and the environment, and to provide minority and low-income communities access to public information and an opportunity for public participation in matters relating to human health or the environment.

Non-Discrimination Training

The City will provide training on Title VI and its related statutes for managers, supervisors, and transit staff on a biannual basis. The City provides information to the public detailing its Title VI obligations and notifies members of the public of the protections afforded to them by Title VI and other nondiscrimination requirements. A Notice of the Public's Rights under Title VI is found on the City's website:

www.newbraunfels.gov/titlevi.

Title VI Contract Provisions

The Purchasing Manager will ensure all standard U.S. DOT Title VI assurance clauses are included in project bid documents and contracts funded by TxDOT, U.S. Department of Transportation, or Federal Transit Administration (FTA). These clauses will include provisions that require compliance with Title VI after contractor or consultant selection is made. The Purchasing Manager will review the contract documents to ensure inclusion of the required clauses. In addition, any subcontracts of the contractor or consultant will be reviewed to ensure the required clauses are included.

Site and Facility Location

The City shall not select a site or location of a facility for participants and beneficiaries of the City's federal aid programs if that selection could exclude individuals from participation in, or deny them the benefits of, or subject them to discrimination on the grounds of race, color and national origin or could substantially impair the accomplishment of the objectives of nondiscrimination on the aforesaid grounds.

Data Collection

Statistical data on race, color, and national origin, and English language proficiency of participants in and beneficiaries of City programs, e.g., impacted citizens and affected communities, will be gathered and maintained by the City. The gathering procedures will be reviewed periodically to ensure the sufficiency of the data in meeting the requirements of the Title VI program.

Transit-related, non-elected Committees or Councils

The City does not have any transit-related, non-elected, planning boards, advisory councils, or committees.

List of Complaints, Title VI Investigations and Lawsuits

The City maintains a complaint log, which documents all activity related to the complaint. The complaint log in this plan shall include the following information:

- Date complaint filed.
- Complainant identification – race, color or national origin.
- Nature of complaint.
- Who the complaint is against.
- Date investigation completed.
- Result of investigation.
- Date complainant notified of the result of the investigation.

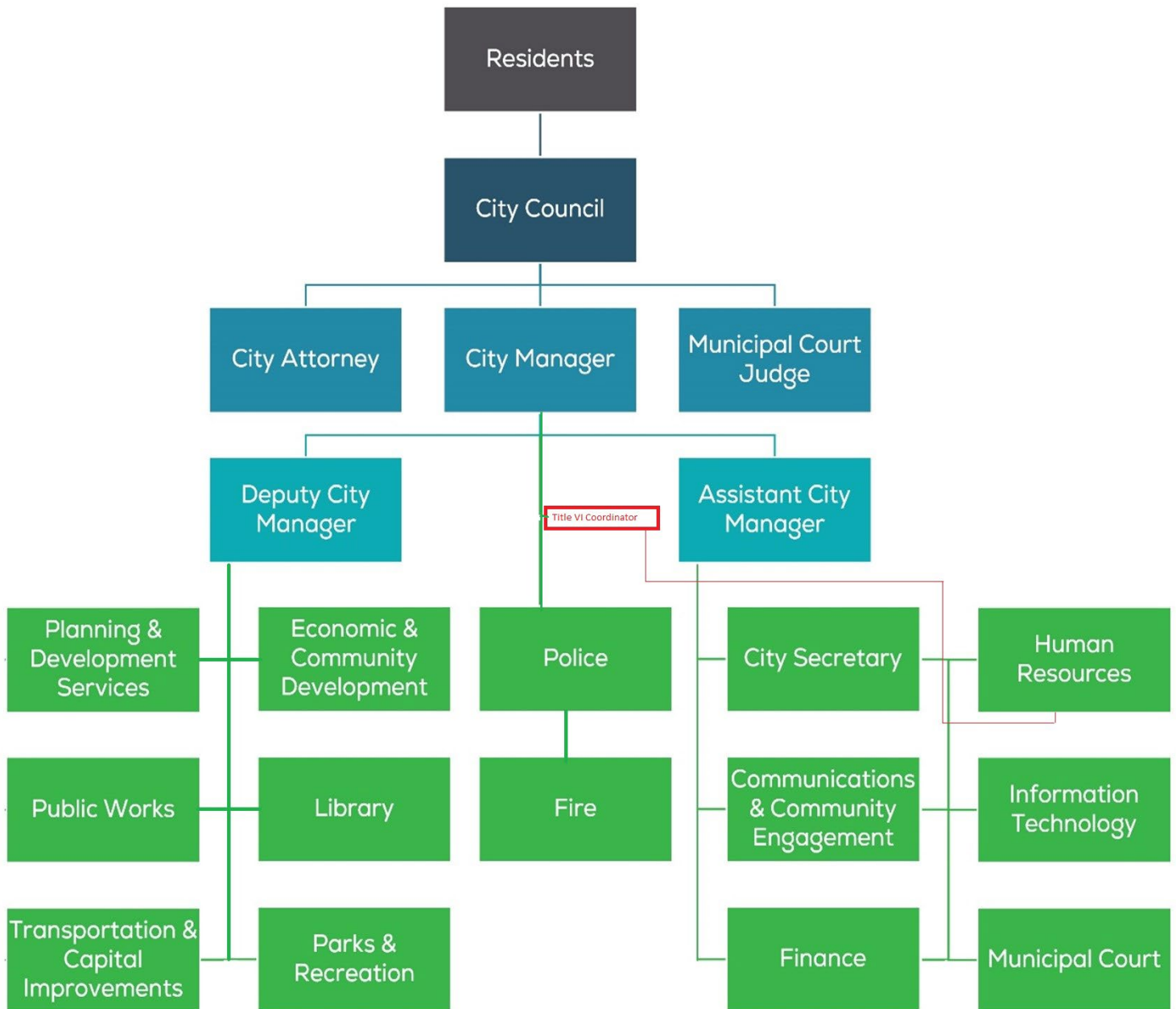
Record & Summary of Title VI Complaints Investigation, Lawsuits from 2020 through the initial adoption of this Title VI Plan by City.

The City has not received nor been notified by the Department of Transportation or Federal Transit Administration or other programs of any Title VI complaints during the time period referenced above. The City's legal team keeps records of any lawsuits regarding Title VI and there are no such lawsuits during the time period referenced above. The Title VI Coordinator will keep information as reflected below regarding any applicable complaints, investigations, or lawsuits on a go-forward basis.

	Date (month, day, year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
1.				
Lawsuits				
1.				
Complaints				
1.				

Section 5: Organization Chart

The Title VI Coordinator works to ensure the actions of the City are in compliance with the requirements of Title VI and related laws. The City's Title VI Coordinator has unimpeded access to the City Manager concerning any Title VI related issues.



Section 6: Monitoring Program

The City will employ the following monitoring and enforcement mechanisms to ensure compliance with Title VI Program requirements:

1. The City reserves the right to inspect all records of the contractor and subcontractors concerning any TxDOT, U.S. Department of Transportation, or Federal Transit Administration (FTA) assisted contracts, in addition to an annual questionnaire to be completed and returned to the department by January 31st.
2. The City will bring to the attention of the USDOT Office of the Inspector General any false, fraudulent, or dishonest conduct in connection with the Title VI Program.
3. If a firm uses, or attempts to use, false, fraudulent, or deceitful statements or representations to meet the Title VI requirement of the contract, the City reserves the right, under the provisions of Title VI Assurances, to report such actions to the USDOT or its designee. The USDOT or its designee may, at its discretion, initiate suspension, or debarment proceedings against the firm. The City may also pursue all means available to address such unprofessional and unethical behavior.
4. The City will consider similar action under our own legal authorities, including responsibility determinations in future contracts in accordance with the City's established purchasing policies.

Section 7: Complaint Procedures & Notice of Public Rights

Any person who believes they, or any specific class of persons, to be subjected to prohibited discrimination on the grounds of race, color, or national origin by the City of New Braunfels may file a written Title VI complaint individually or through a representative by completing and submitting the City's Title VI Complaint Form. Title VI complaints must be filed within 180 days of the date of alleged act of discrimination, unless the discrimination is ongoing, or the time for filing is extended by FHWA. Written complaints must include the facts and circumstances surrounding the alleged discrimination. Complaints can be filed individually or through a representative by completing and submitting the City's Title VI Complaint Form. Anonymous complaints will not be accepted. Complaint procedures and forms can be found at www.newbraunfels.gov/titlevi or requested from the Title VI Coordinator, 550 Landa Street, New Braunfels, TX 78130, by email at titlevicoordinator@newbraunfels.gov or by calling 830-387-5570.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of the complainant and location, date and description of the problem including whether it is related to race, color, or national origin. Alternative means of filing complaints will be made available for persons with disabilities upon request.

The City of New Braunfels reviews external complaints it receives alleging violations of Title VI. Once the complaint is received, the Title VI Coordinator, or designee, will review it to determine if the City has jurisdiction. A copy of each Title VI complaint received will be forwarded to TxDOT/FHWA or FTA, depending on the nature of the complaint within ten (10) working days of receipt. The complainant will receive an

acknowledgment letter informing him/her whether the complaint will be investigated by the City. Highway-related Title VI complaints will be forwarded to TxDOT/FHWA for handling and investigation. All other Title VI complaints, including transit-related complaints, will be forwarded to the FTA and also investigated by the City as described below. The City's complaint and investigation files are to be kept confidential to the extent allowed by applicable Federal and State law. The City will retain files in accordance with record retention schedules and all Federal guidelines.

The city has sixty (60) business days to investigate the complaint. If more information is needed to resolve the case, the city may contact the complainant. The complainant has fifteen (15) business days from the date of the letter to send the additional information requested to the investigator assigned to the case.

If the investigator is not contacted by the complainant or does not receive the additional information within fifteen (15) business days, the City can administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF).

- ✓ A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed.
- ✓ A letter of finding (LOF) summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur.

If the complainant wishes to appeal the decision, she/he has fifteen (15) calendar days after the date of the closure letter or the LOF to do so. The appeal should be submitted in writing by mail to the current City Manager using the Title VI Coordinator address below. Within fifteen (15) calendar days of receipt of an appeal, the City Manager or her/his designee will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the City Manager or her/his designee will respond in writing with a final resolution of the complaint.

Filing a Discrimination Complaint with the Federal Transit Administration

Any person who believes they have been discriminated against, on the grounds of race, color, and national origin (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. § 200d-3) can file a complaint with the Federal Transit Administration (FTA). A complaint may also be filed by a representative on behalf of such a person.

1. Complaints shall be submitted in writing on the FTA's [Civil Rights Complaint Form](#) and must be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination.

2. Mail the completed form to Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590 OR Federal Transit Administration, Region VI, 819 Taylor Street, Room 8A36, Fort Worth, TX 76102.

Filing a Discrimination Complaint with the Texas Department of Transportation

Any person who believes they have been discriminated against, on the grounds of race, color, and national origin (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. § 200d-3) can file a complaint with the Texas Department of Transportation (TxDOT). A complaint may also be filed by a representative on behalf of such a person.

1. Complaints shall be submitted in writing on TxDOT's [Complaint Form \(English & Spanish\)](#) and must be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination.
2. Mail the completed form to Texas Department of Transportation, Office of Civil Rights, 125 East 11th Street, Austin, Texas 78701 OR Federal Highway Administration, Attention: HCR-20, Room E81-320, 1200 New Jersey Avenue, SE Washington, DC 20590.

If information is needed in another language, contact: Si necesita información en otro idioma, póngase en contacto:

Title VI Coordinator
550 Landa Street
New Braunfels, TX 78130
titlevicoordinator@newbraunfels.gov
830-387-5570

The City of New Braunfels Notice to the Public is as follows:

Notifying the Public of Rights Under Title VI

- ✓ The City of New Braunfels operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of New Braunfels.
- ✓ For more information on the City of New Braunfels civil rights program, the procedures to file a complaint, or to file a complaint contact 830-387-5570, (TTY 711); email titlevi coordinator@newbraunfels.gov ; or visit our administrative office at City Hall ,550 Landa Street , New Braunfels, Texas 78130. For more information, visit www.newbraunfels.gov.
- ✓ A complaint may also be filed directly with the:

Texas Department of Transportation, Civil Rights Division, Attn: Title VI Program Administrator, 125 E. 11th Street, Austin, TX 78701-2483, or

Federal Transit Administration—Region VI, 819 Taylor Street, Room 8A36, Fort Worth, TX 76102, or

Federal Highway Administration, Office of Civil Rights, Attention: HCR-20, Room E81-320, 1200 New Jersey Ave., SE Washington, DC, 20590.
- ✓ If information is needed in another language, contact 830-387-5570.

Notificación para el Público de los Derechos bajo el Título VI

La Ciudad de New Braunfels opera sus programas y servicios sin consideración de raza, color, origen nacional en base al Título VI de la Ley de Derechos Civiles. Cualquier persona que crea que ha sido perjudicada por cualquier práctica discriminatoria ilegal bajo el Título VI puede presentar formalmente una queja ante la Ciudad de New Braunfels.

Para recibir más información sobre el programa de derechos civiles de la Ciudad de New Braunfels, el procedimiento para presentar formalmente una queja, o para presentar formalmente una queja llame al 830-387-5570, (TTY 711); envíe un correo electrónico a: titlevi coordinator@newbraunfels.gov ; o visite nuestras oficinas administrativas en el Ayuntamiento de la Ciudad en el 550 Landa Street, New Braunfels, Texas 78130. Para mayores informes, visite www.newbraunfels.gov

Además, se puede presentar formalmente una queja directamente al:

Departamento de Transporte de Texas, División de Derechos Civiles, Att: Administrador: Title VI Program
Administrator, 125 E. 11th Street, Austin, TX 78701-2483, or
Administración Federal de Tránsito —Region VI, 819 Taylor Street, Room 8A36, Fort Worth, TX 76102, or
Administración Federal de Carreteras, Oficina de Derechos Civiles, Atención: HCR-20, Room E81-320, 1200 New Jersey Ave., SE Washington, DC, 20590.

Si necesita información en otro idioma, llame al: 830-387-5570.

✓

The City of New Braunfels Notice to the Public is posted in the following locations:

Required:

- ☒ Agency website: www.newbraunfels.gov/titlevi
- ☒ Public areas of the agency's office
- ☒ Reception desk
- ☒ Inside transit vehicles

Optional:

- ☒ Rider Guides/Schedules
- ☒ Other, _____

Section 8: Limited English Proficiency Plan (LEP)

Purpose

As a recipient of federal funds from the Department of Transportation, the City is subject to legal requirements to provide language assistance to those having Limited English Proficiency (LEP). Most individuals living in the United States read, write, speak, and understand English; however, there are many individuals for whom English is not their primary

language. Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be LEP. Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. Recipients of federal financial assistance, such as the City, have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government services.

Language barriers prohibit persons from obtaining services and information relating to a variety of services and programs because they may not be able to read instructions or correspondence written in English and may not understand verbal information. Many times, they are not aware of regulatory requirements and the legal implications of the services they seek. When LEP persons receive legal documents, they often do not understand the contents of the correspondence and its implication to their daily lives. LEP persons may not be able to take advantage of services, which can affect different aspects of their lives.

Title VI of the Civil Rights Act of 1964 and its implementing regulations require that “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes discrimination on the grounds of national origin. Title VI and its implementing regulations require the City take responsible steps to ensure meaningful access to the benefits, services, information and activities for individuals who have LEP. In certain circumstances, failure to ensure LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition under Title VI of the Civil Rights Act of 1964, 42 U.S.C.2000d, and Title VI regulations against national origin discrimination.

Department of Transportation (DOT) Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons (DOT LEP Guidance)

In 2005, the DOT published updated guidance for its recipients. This document provides suggestions to best comply with the statutory and regulatory obligations to provide meaningful access to the benefits, services and information, and other important portions of their programs and activities for individuals who are LEP. A defining component of this guidance is a recommendation to use a four-factor analysis framework to conduct a LEP needs assessment.

The City’s Limited English Proficiency (LEP) Plan is established based on guidance “On an effective Language Implementation Plan” expressed in Sections V and VII of the U.S. Department of Transportation’s Policy Guidance Concerning Recipients' Responsibilities to Limited English.

Using the LEP guidance in 70 FR 74087 and the FTA handbook on implementing an LEP plan, the following tasks were used to address the needs of the LEP population served:

1. Identifying LEP individuals who need language assistance
2. Providing language assistance measures
3. Staff Training
4. Providing notice to LEP persons of the availability of language assistance
5. Monitoring and updating the LEP plan

The LEP regulation mandates that all federal agencies and recipients of federal funding identify any need for services to those persons and households for whom English proficiency is limited. The City performed the above tasks, which provided the results, findings, commitments/actions, and analysis.

Goals

It is essential that City staff be informed about their diverse clientele from a linguistic, cultural, and social perspective. The goal in providing meaningful access is to ensure that LEP persons can communicate effectively, and act appropriately based on that communication. The minimum reasonable measures would be to ensure that LEP persons are given adequate information, are able to understand that information, and are able to participate effectively in programs or activities.

The City will take reasonable steps to ensure that LEP persons are given adequate information, are able to understand that information, and are able to participate effectively in recipient programs or activities, where appropriate.

Four Factor Analysis

In an effort to identify LEP individuals who may need language assistance, the City looked to the DOT's Four Factor Analysis guidance. Furthermore, this analysis aids transit agencies receiving federal financial assistance in taking reasonable steps to ensure meaningful access to all of its services, programs, and activities utilized by LEP persons. The DOT guidance states transit agencies will provide written translation of vital documents for each eligible LEP language group that meets the Department of Justice (DOJ) Safe Harbor provision of five percent (5%) of the population or 1,000 persons, whichever is less, identified as a limited English proficiency speaker within the service area. Such practices will be considered strong evidence of compliance with written-translation obligations. The City defines the LEP population as those individuals that speak English less than "very well."

Using the Four Factor Analysis, the City came away with the following findings:

Factor 1: The number or proportion of LEP persons in the service area who may be served by the City.

Factor 1 assesses the number and proportion of persons that are LEP and likely to be encountered within New Braunfels. In accordance with policy guidance, the initial step for providing meaningful access to services for LEP persons and maintaining an effective LEP program is to identify LEP populations and describe their language characteristics. This process began by collecting and analyzing data provided by the U.S. Census

Bureau. The U.S. Census Bureau collects information about non-English speakers and defines those that are LEP as those that speak a language other than English and can only speak English “less than very well.” To characterize the LEP population from the Census data, the number of individuals, age five and older, that are LEP were examined.

City staff reviewed the 2020 United States Census Bureau data to determine the approximate number of LEP persons aged 5 years and older in the City of New Braunfels. 21.1% of the City’s population spoke a language other than English. However, the population that identified as speaking English less than “very well” totaled 4,415 individuals aged 5 or older or 5.1% of the total population. Further breakdown of the data shows that there are 16,920 (19.4%) individuals who speak Spanish. Of Spanish speakers, there are 4,186 (4.8%) individuals who identified as speaking English less than “very well.” Other identified populations that speak a language other than English include Other Indo-European languages with 161 individuals (0.18%) speaking English less than well, and Asian and Pacific Island languages with 68 individuals (0.08%) speaking English less than well.

Table 1 presents the data that describes the number of individuals that are LEP. As shown in Table 1, approximately 87,075 people, age five and older, lived within the City limits of New Braunfels, Texas; of which most (94.9 %) speak English “Very Well” and a small percentage spoke English less than “very well” (5.1%). The largest LEP population in the City is Spanish speakers, followed by Other Indo-European, and Asian and Pacific Language speakers. The LEP speakers speaking Other Indo-European, and Asian and Pacific languages together account for 229 people or 0.26 of all speakers 5 years or older. Of the LEP speakers 4186 speak Spanish and 229 speak other languages. According to the Safe Harbor Provision Spanish would be the only language needed to be translated for vital documents. Others upon request can be translated orally.

Table 1: Characteristics of People by Language Spoken at Home in New Braunfels, Texas, 2018-2022

	New Braunfels city, Texas											
					Percent of specified language speakers							
	Total		Percent		Speak English only or speak English "very well"		Percent speak English only or speak English "very well"		Speak English less than "very well"		Percent speak English less than "very well"	
Label	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Population 5 years and over	87,075	±643	(X)	(X)	82,660	±969	94.9%	±0.9	4,415	±775	5.10%	±0.9
Speak only English	68,726	±1,654	78.9%	±1.8	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Speak a language other than English	18,349	±1,526	21.1%	±1.8	13,934	±1,344	75.9%	±3.7	4,415	±775	24.10%	±3.7
SPEAK A LANGUAGE OTHER THAN ENGLISH												
Spanish	16,920	±1,555	19.4%	±1.8	12,734	±1,340	75.3%	±3.9	4,186	±769	24.70%	±3.9
5 to 17 years old	2,338	±479	2.7%	±0.6	2,008	±461	85.9%	±7.1	330	±169	14.10%	±7.1
18 to 64 years old	12,347	±1,146	14.2%	±1.3	9,115	±1,023	73.8%	±4.7	3,232	±647	26.20%	±4.7
65 years old and over	2,235	±358	2.6%	±0.4	1,611	±306	72.1%	±8.5	624	±223	27.90%	±8.5
Other Indo-European languages	1,109	±352	1.3%	±0.4	948	±319	85.5%	±9.4	161	±112	14.50%	±9.4
5 to 17 years old	22	±51	0.0%	±0.1	22	±51	100.0%	±78.4	0	±35	0.00%	±78.4
18 to 64 years old	632	±269	0.7%	±0.3	556	±266	88.0%	±11.8	76	±72	12.00%	±11.8
65 years old and over	455	±181	0.5%	±0.2	370	±150	81.3%	±17.8	85	±93	18.70%	±17.8
Asian and Pacific Island languages	245	±164	0.3%	±0.2	177	±106	72.2%	±21.9	68	±80	27.80%	±21.9
5 to 17 years old	22	±40	0.0%	±0.1	22	±40	100.0%	±78.4	0	±35	0.00%	±78.4
18 to 64 years old	193	±139	0.2%	±0.2	141	±93	73.1%	±17.0	52	±56	26.90%	±17.0
65 years old and over	30	±59	0.0%	±0.1	14	±22	46.7%	±53.3	16	±48	53.30%	±53.3
Other languages	75	±99	0.1%	±0.1	75	±99	100.0%	±42.5	0	±35	0.00%	±42.5
5 to 17 years old	0	±35	0.0%	±0.1	0	±35	-	**	0	±35	-	**
18 to 64 years old	75	±99	0.1%	±0.1	75	±99	100.0%	±42.5	0	±35	0.00%	±42.5
65 years old and over	0	±35	0.0%	±0.1	0	±35	-	**	0	±35	-	**
CITIZENS 18 YEARS AND OVER												
All citizens 18 years old and over	67,406	±1,163	(X)	(X)	65,293	±1,209	96.9%	±0.7	2,113	±468	3.10%	±0.7
Speak only English	54,321	±1,500	80.6%	±1.5	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Speak a language other than English	13,085	±967	19.4%	±1.5	10,972	±960	83.9%	±3.5	2,113	±468	16.10%	±3.5
Spanish	11,827	±963	17.5%	±1.5	9,892	±922	83.6%	±3.8	1,935	±468	16.40%	±3.8
Other languages	1,258	±383	1.9%	±0.6	1,080	±349	85.9%	±8.3	178	±114	14.10%	±8.3

Factor 2: The frequency with which LEP persons come into contact with the City.

Through the analysis of demographic data in Factor 1 the City identified the LEP populations it serves. The second step of the four-factor LEP needs assessment is to evaluate the frequency with which LEP individuals come into contact with the programs, activities, and services. To date, City employees have had (0) requests for translated program documents.

Factor 3: Importance of City Projects to LEP Persons

Per the Federal Transit Administration, regarding Title VI prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, transportation and transit programs play a critical role in the community as well as other projects and programs that occur in the city and may be important to LEP persons.

Factor 4: Resources Available to the City of New Braunfels

This step will allow the City to weigh the demand for language assistance against the current and projected financial and personnel resources. This analysis will help determine if the current language assistance measures are cost-effective and help plan for future investments that will provide the most needed assistance to the greatest number of LEP persons within the resources available to the City. Following this guidance, the City has described in the sections below the language assistance services currently available as well as additional measures it is considering that would help in providing assistance to LEP persons.

Four-Factor Conclusion

This four-factor analysis will help develop new language assistance services and/or suggest modifications to the existing language assistance measures currently being provided. The information gathered from the Census Bureau, feedback from surveys of community organizations and citizens (including LEP persons) will define the steps that will be implemented in the LEP Plan.

Language Assistance Measures

City staff have the following options available to them to help assist someone who is having trouble communicating due to a language barrier:

- Google Translate – Translates words, phrases, and web pages between English and 100 other languages.
- City website offers Google Translate buttons on the bottom of every page.
- Bilingual City Staff – Spanish-speaking City staff are available to communicate with the public over the phone, through email, and in person. The City administers testing to verify that the employee can pass a standardized written and oral test at the 12th grade level. A list of qualified interpreters is distributed to staff annually.

Qualified Interpreter

A qualified interpreter means an interpreter who can interpret effectively, accurately, and impartially, either for individuals with disabilities or for individuals with limited English skills. The interpreter should be able to interpret both receptively and expressively, using any necessary specialized vocabulary. We do request an advance notice for an interpreter to attend meetings.

Non-English Language Relay Service

A telecommunications relay service may be implemented if needed that would allow persons with hearing or speech disabilities or who use languages other than English to communicate with voice telephone users in a shared language other than English, through a communications assistant who is fluent in that language.

Written Language Translation of Vital Documents

Pursuant to the aforementioned Safe Harbor Analysis, the City has identified the following as Vital Documents that will be translated into Spanish. Such documents will be made available on the City's website and also in hard copy within appropriate City administrative offices and other reasonably appropriate City areas frequented by the public.

FORMS [Identify specifically, as appropriate]	Languages	Timeframe
Documents relating to service changes and general information:	English Spanish	At least within 30 days of change
Documents relating to routes and schedules, including riding rules.	English Spanish	At least within 30 days of change
Title VI Complaint and Appeal Process	English Spanish	Ongoing
Title VI Complaint form	English Spanish	Ongoing
Title VI Policy Statement	English Spanish	Ongoing
Documents relating to fare changes or fare media changes	English Spanish	At least within 30 days of change
Notifying the Public of Rights	English Spanish	Ongoing

Staff Training Programs

Ongoing and thorough training will be important to ensure that staff members are knowledgeable about LEP processes and procedures. Training on the Policy and the LEP Plan will be provided for new transit employees upon hire and to other staff as part of the City's regular training programs biannually.

Providing Notice to LEP Persons

Based on the analysis of demographic data, surveys of community organizations and citizens (including LEP persons), the City can provide notification of the availability of interpretive services, upon request and free of charge. These notices will be placed on public meeting announcements and/or other outreach materials including media releases. A notice to that effect will be posted at City administrative offices and other locations likely to encounter LEP persons.

LEP Plan Re-evaluation and Revision Policy

Evaluation can help track outreach efforts, discover dissemination problems early, and find out whether language services have impacted relations with local LEP communities. The Title VI Coordinator will monitor and consider the following when addressing changes:

- Frequency of encounters with LEP language groups. Nature and the importance of activities to LEP persons.
- Availability of resources, including technological advances and sources of additional resources, and the costs imposed.
- Whether existing assistance is meeting the needs of LEP persons.

- Whether staff understands the LEP plan and how to implement it.
- Effectiveness of City Staff training.
- Whether identified sources for assistance are still available and viable.
- Updates in demographic information from sources such as the US Census Bureau.
- Feedback from City Staff, community organizations, the public, LEP individuals, or other sources.

Following this guidance, and based on monitoring data received, the Title VI Coordinator should reconsider the effectiveness of language assistance measures every two and a half years and determine if any modifications are needed.

Make Modifications to LEP Plan as Necessary

Based on the feedback received from the internal monitoring and feedback from community organizations, the City may make changes to the type of written and oral language assistance measures provided as well as staff training and community outreach programs. The cost and effectiveness of language assistance measures should be considered during this process.

Section 9: Public Participation Plan (PPP)

Introduction

As a recipient of federal funds from the Department of Transportation (DOT), the City is subject to legal requirements to create and implement a public participation plan that identifies and describes the City's policies and procedures for public participation and to ensure meaningful access to benefits, services, and information. The City has written a separate LEP Plan to address the specific communication needs of LEP populations; the communication strategies identified in this Public Participation Plan (PPP) will be coordinated with the policies and procedures identified in the LEP Plan.

Public Participation Plan and Policy

The City of New Braunfels believes that effective community involvement improves the quality of decision-making processes and builds public trust in the City. The goal of the public participation policy is to inform, consult, involve, collaborate, and empower the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solutions.

The City of New Braunfels will maintain a comprehensive community involvement program for its transportation system that includes plans for receiving public comments for major decision-making processes, including, but not limited to, policy development, strategic planning, budgeting, capital projects planning, fare adjustments, and transit service changes. The City will also develop methods to provide the public with access to accurate, understandable, and timely information to facilitate effective involvement in the decision-making process.

Public Involvement Strategies

The City uses a mix of print and electronic media as well as in-person communication strategies to share information about planned events, City news and happenings, and to provide notification, background, and progress information about City projects.

Public Outreach Activities

The public outreach and involvement activities conducted by the City of New Braunfels will be summarized, beginning with the adoption of this policy in the table below:

Event Date	Reason for Outreach	Communication Method Used (Public Notice, Social Media)	City Staff Members Present	Notes

Electronic & Web-based Media

The City uses electronic and web-based media to communicate information about planned activities and ongoing projects.

Press Releases are used to announce events that will occur or to communicate project milestones, immediate releases of information and/or to provide notice of closures and other changes.

Social Media – Blogs/Facebook is used to provide communications about project progress and allow for interaction among stakeholders and the City. These social media outlets can also be used to generate a historical record of project progress and commentary provided by the community.

Online Public Engagement Tools, included on the City’s website and third-party websites, provide the ability to host virtual meeting materials and gather comments from the public on projects or topics of interest.

Public Meetings

The City employs two different types of public meetings based on the communication needs.

Public Meetings generally involve a discussion between City staff and community members about specific concerns related to projects that directly impact them. The function of these meetings is to provide information and receive feedback about a proposed project, ensure public participation in the development of the project, and to keep the community informed during the project’s life cycle.

Open Houses are generally informal meetings that allow for participants to come and go as they please, ask questions of City staff, and provide written and/or verbal comments. The City uses this meeting format to provide information to the community and to solicit community feedback on proposed projects. The function of these meetings is to provide information and receive feedback about a proposed project, ensure public participation in the development of the project, and to keep the community informed during the project’s life cycle. This type of public meeting is the primary meeting type utilized by the City.

Close the Loop

It is very important after a public involvement activity to let the participants know what information was gained from this activity and how it will be used in the decision-making process. This can be accomplished by sending letters to participants, posting information on the city’s website, or through social media, or, in the case of an ongoing committee, it could be a regular agenda item.

The City also tracks comments and responses provided using the following matrix.

Add header

Project Name					
Meeting Location			Preparer		
Meeting Date			Date		
Date			x/x/xxxx		
Commenter Number	Commenter Name	Date Received	Source	Comment Topic	Response
1	John Doe	1/01/20XX	Online	I think this is just what the City needs to get people out and about	Comment noted.
2	James Smith	01/20120XX	Mail	Information on the water release, cost, time tables, flood risk, environmental impact, and restoration planning; would all be very nice to know. Having the same map and diagrams 7 times was great!	The additional details mentioned will be developed once the project progresses through design. Comment noted regarding public meeting format.

Communication Strategies and Considerations for Minority, Low-Income, LEP, or Persons with Disabilities Populations

There are many ways the City can help ensure meaningful communication is provided to minority, low-income and LEP populations. One way the City can provide effective communication to the local minority, low-income, and LEP community is to tailor public involvement activities to the local population they are trying to reach. The City can tailor neighborhood meetings based on demographic information and input from stakeholder interviews. Locations should be convenient to transit, which could be a community center, a church or local recreation center.

Chart of demographic and income from the 2020 decennial Census data

Median Household Income	\$90,330	-	\$101,041	-
Average Household Income	\$114,531	-	\$125,227	-
Per Capita Income	\$45,166	-	\$50,646	-

Race and Ethnicity	Census 2020	
	Number	Percent
White Alone	61,750	67.3%
Black Alone	2,591	2.8%
American Indian	664	0.7%
Asian Alone	1,312	1.4%
Pacific Islander	159	0.2%
Some Other Race	8,183	8.9%
Two or More Races	17,130	18.7%
Hispanic (Any Race)	32,588	35.5%

All meetings should be held in ADA-compliant facilities. Invitation and meeting announcements will offer accommodations for interpreting services and other special needs upon request. Special needs could include those related to physical, mental, sensory, and other disabilities. Meetings should be set up in a format that a person with a wheelchair would be able to fully participate in all activities.

Translate Outreach Materials

A Spanish interpreter can be present to provide interpretive services for other public involvement activities, such as surveys and meetings. The City has many employees who are fluent in Spanish and are available for interpretation. The presence of the interpreter should be identified at meetings with notices posted to let participants know that this service can be made available.

Meeting materials (including exhibits, agendas, comment cards, handouts, presentations, pocket cards, postcards, newsletters, etc.) can be translated into Spanish or other languages, as needed and if requested in advance, or the interpreter would provide competent oral translation of meeting materials. Other technical exhibits could use pictograms and photos to communicate the intended message with fewer words.

Public meeting announcements should be translated into Spanish. Translated notification could be added to the English version of these announcements, indicating that interpretive services are available upon request and free of cost. The City should reconsider the effectiveness of its communication strategies and procedures every three (3) years (on the same schedule as the re-evaluation of the Title VI & LEP Plan).

Conduct Internal Monitoring

It is important to obtain informal feedback from internal as well as external stakeholders. This could be in the form of a team meeting including City staff and any consultants who may be involved in the process. Questions that could be discussed in this meeting include:

- Is the input received from the public useful in the decision-making process? If so, how has it been useful? If not, how could it be improved?
- Did the public receive the information they needed to provide meaningful input?
- Has anything occurred to warrant changes to the existing plan?
- Is the internal commitment of all parties still in place?

Obtain Feedback from Community Organizations

Community and civic organizations and businesses may be useful outlets to contact when planning and/or implementing future public involvement activities. This outreach would allow the City to determine if there have been any noticeable changes in the demographics of the population in their service area. It would provide input on whether the public involvement strategies currently in place and efforts to inform the EJ and LEP communities of the availability of language assistance are working, and to continue to inform the LEP community of new or updated language assistance.

Meeting Evaluations

A short, to-the-point questionnaire could be used at the end of public meetings to get a sense of how effective the meeting was perceived by the public. This questionnaire could be placed on the back of a comment card or provided as a separate handout. Possible questions could include:

- How did you hear about tonight's meeting?
- On a scale from 1 (did not like) to 5 (liked very much), rate the location of this meeting?
- On a scale from 1 to 5, rate the information presented and on display?
- On a scale from 1 to 5, how would you rate the "Open House" format used for tonight's meeting?
- In which language do you prefer to receive project information?
- Do you have any other comments?

Make Modifications to PPP Plan as Necessary

Based on the feedback received from the internal monitoring and feedback from community organizations, the City would likely need to make incremental changes to the public involvement strategy. Please review the LEP Plan for more information on how language assistance measures will be monitored and reevaluated.

Alamo Area Metropolitan Planning Organization (AAMPO)

AAMPO serves as the Federally designated MPO to encompass all of Bexar County, Comal County, Guadalupe County, and a portion of Kendall County. In cooperation with the Texas Department of Transportation (TxDOT) and transit operators, AAMPO develops the Transportation Improvement Program (TIP). The four-year program lists all federally funded highway and transit projects in addition to regionally significant projects. This program must also be consistent with the long-range Regional Transportation Plan. In developing the TIP, AAMPO provides citizens, affected public agencies, representatives of transportation

agencies, and other interested parties with a reasonable opportunity to comment on the proposed program. According to the Texas Administrative Code, Title 43, Chapter 16, Section 101(b), the TIP shall be updated and approved at least every two (2) years. The City of New Braunfels participates in AAMPO's planning projects by providing and listing City transit projects.

Section 10: Title VI Complaint Form

The City of New Braunfels Title VI Complaint Form is made available in the following locations :

Required:

- ☒ Agency website: www.newbraunfels.gov/titlevi
- ☒ Hard copy in the central office 550 Landa Street New Braunfels TX 78130
- ☒ Available in appropriate languages for LEP populations meeting the Safe Harbor Threshold
- ☐ Other _____

Section 11: TxDOT & FHWA Specific Requirements

The City of New Braunfels includes all standard U.S. DOT Title VI assurance clauses in project bid documents and contracts which are funded by TxDOT or U.S. Department of Transportation (DOT) dollars. The City's signed U.S. DOT Standard Title VI Assurances and related Appendices are attached below as Attachment B. Additionally, Form FHWA-1273, attached as Attachment C, shall be physically attached by the City to all Federally funded transit or construction contracts of \$10,000 or more.

Section 12: FTA Specific Requirements

Transit-related, Non-elected, Committees or Councils

The City does not have any transit-related, non-elected, planning boards, advisory councils, or committees. New Braunfels City Council provides oversight of the New Braunfels Transit District for the City.

Transit Service Provided

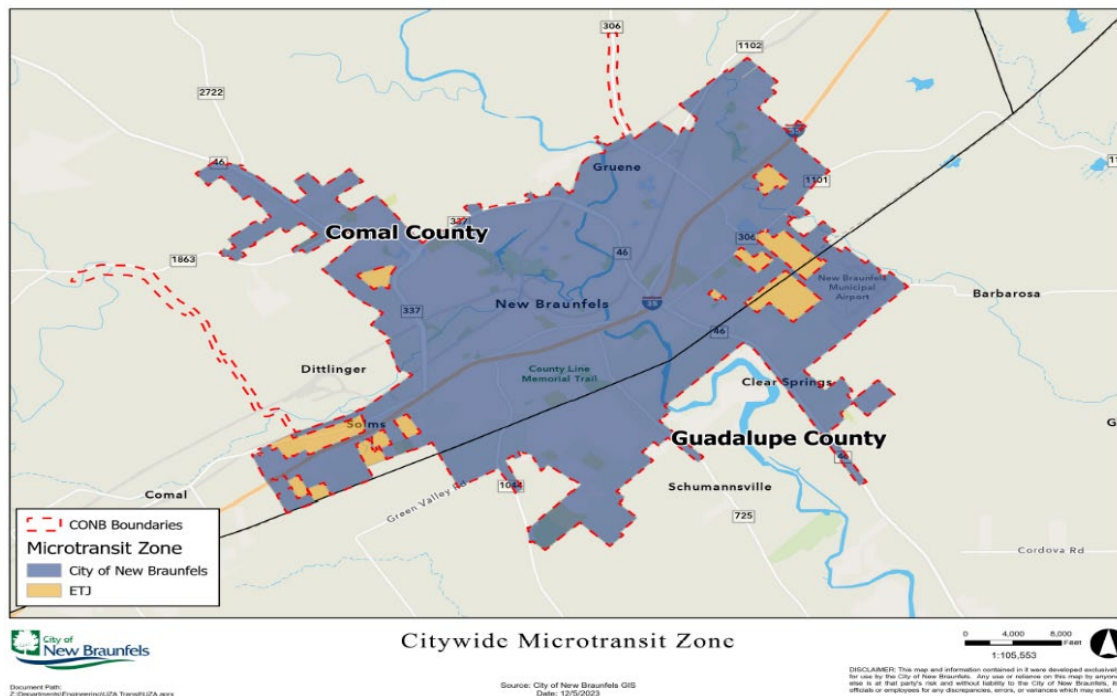
Transit services have been provided to residents of New Braunfels by Alamo Regional Transit (ART) through an Interlocal Agreement with the Alamo Area Council of Governments (AACOG) as part of the San Antonio Large Urbanized Area (UZA) since 2013. The current service is a demand-response curb-to-curb service within ART's 12-county service area.

The City will implement a microtransit, on-demand shared ride service in 2025. Transit services will be provided within the microtransit zone. This service will be provided using a turnkey operations model, and it is anticipated that eight (8) revenue service vehicles will be used. The City will coordinate with Comal and Guadalupe Counties to expand into those areas that are part of the New Braunfels UZA. The City of New Braunfels does not directly operate or own any transit vehicles and has one full-time transit employee.

Public Participation & Outreach

The City completed a Transit Development Plan (TDP) in 2023. As part of the plan, extensive outreach and community engagement were conducted. Transit surveys were conducted both in English and Spanish.

New Braunfels Microtransit Zone



Policy Fare & Services Changes

The purpose of this policy is to establish guidelines and standards to assist the New Braunfels Transit District in making decisions regarding adjustments to transit services and fares. The City will follow any Title VI requirements as set forth in FTA Circular 4702.1B as it applies to the transit agency size and number of fixed route vehicles operating in peak service, if applicable.

Policy

This policy will apply to proposed changes in fares or to a major change in service. Minor service and fare changes are excluded from this policy. Such fare and service changes proposed shall not be implemented until after public input and consideration of any comments received, and after New Braunfels City Council approval.

Public Participation

The New Braunfels Transit District will utilize the Public Participation Plan for soliciting public comments and input on proposed service changes/reductions as defined below.

Service and Fare Equity Analyses

The New Braunfels Transit District will conduct a Service and Fare Equity Analysis prior to making changes to ensure there is no disproportionate impact on access to mobility for minority or low-income populations.

Facility Construction Site Equity Analysis

The New Braunfels Transit District does not have any transit facilities.

Service Changes

A major service reduction is defined as a reduction in service of 25% or more of vehicle revenue hours of any route or demand-responsive service, including the deletion of a route or major alteration of a portion thereof.

Objective

The New Braunfels Transit District and staff will consider the impact reducing service has on customers and the community.

Major Service Reduction Process

The New Braunfels Transit District will review its public transportation service annually and the following guidelines outline the required steps for developing, evaluating, and implementing a service reduction:

1. Recommendations for major service reductions will be developed by transit staff, in keeping with this policy.
2. Transit staff will complete or have completed an analysis to evaluate the overall impact of the service reduction.
3. A public hearing is required for any major service reduction.
4. All major service reductions must be approved by the City Council.
5. Once major service reductions have been approved by the City Council, appropriate ads will be placed with local media outlets, posted on public transportation vehicles, and posted on the transit website 30 days prior to the effective date of the service reduction.

Emergencies

Notwithstanding the above policy, the City Council or City Manager may with no notice, make reductions in service in times of emergencies, such as adverse weather, mass evacuations, etc. Once the emergency has ended, the service will be returned to its pre-emergency service level. The return to pre-emergency service level may be done in stages.

Distribution of Transit Amenities

The following guidelines will be used when placing amenities at bus stops when used:

- Bus stops generating at least 20-50 daily boardings qualify for a shelter.
- Bus stops generating at least 10-15 daily boardings qualify for a bench.

Amenities may be placed at locations not meeting these guidelines if the stop is located nearby:

- Major activity/employment centers
- Hospitals or social service agencies
- Apartments with 250+ units
- Schools

- Route intersections
- Service frequency greater than 30 minutes
- Low income as defined by CDBG guidelines.

Service Standards

At this time, the City does not operate any fixed route services.

Vehicle Assignment:

As part of the New Braunfels Transit District planning process and when service changes are made, transit staff will recommend the type and size of vehicle to be used in service. Transit staff will monitor vehicles put into service in New Braunfels to ensure there are no problems with the assigned vehicles.

Fare Policy

The following objectives are designed to support the City of New Braunfels' goal and desire to keep fares affordable for public transportation customers, with the need to maximize fare revenue to help maintain and expand operations.

Fare Policy Review

The City of New Braunfels will review the fare policy and pricing with the expectation fares may be adjusted as necessary to keep pace with the rate of increase in the cost of operations. Generally, fare changes will become effective at the beginning of the fiscal year or calendar year. The City reserves the right to make fare adjustments at any time due to unexpected operational impacts. All fare adjustments will follow the process as outlined in this policy.

1. Customer/Community: City staff will consider what the impact of setting or restructuring fares have on customers and the community. The City seeks to set fares that are equitable to the widest possible range of existing and potential users. The fare structure will always take into account the socioeconomic makeup of our customers. The City will establish fares that are uniform and easy to understand for all public transportation options provided by the City.
2. Financial: Fare revenue is an important component of the operating budget for public transportation provided by the City. Fare revenue helps offset the cost of operating the system; the City's fare structure will support a predictable fare revenue stream. Presently, the New Braunfels Transit District's third-party contractor will obtain the fares received and deduct that amount from the monthly invoice. This agreement may change in the future depending on data obtained from the transit system, Rio!.
Setting or restructuring fares should ensure the total fare revenue stream is maintained at an appropriate level. The City Council and staff will consider what the financial impact of setting or restructuring fares has on the long-term sustainability of public transportation provided by the City. The City will monitor ridership, operational productivity, and efficiency and propose fare adjustments, as necessary.

Fare Change Process

The following guidelines outline the required steps for developing, evaluating, and implementing fare changes.

1. Recommendations for setting or restructuring fares will be developed by City staff, in keeping with this policy. Multi-year increases may be proposed.
2. City staff will complete or have completed an operations and ridership analysis to evaluate the overall costs of operating the service and levels of ridership.
3. Public outreach will be conducted to solicit public comments on any fare increases. Public outreach can be in the form of a public meeting, survey, social media, newspapers, and/or email, mail and phone. All public comments will be considered by the City before any fare adjustments are made.
4. All fare structure changes, adjustments or increases must be approved by the City Council.
5. Once the fare increase has been approved by City Council, appropriate notice will be placed with local media outlets, posted on public transportation vehicles and posted on the City's website 30 days prior to the effective date of the fare increase.

Monitoring Report of Service Standards and Policies

The City of New Braunfels does not have a population greater than 200,000 people, the City does not operate 50 or more vehicles. For this reason, this section is not required.

Public Engagement Process for Recipient's Title VI Policies

See The City Public Participation Policy.

Results of Service and Fare Equity Analyses

The following can be concluded based on the findings of the Title VI equity analysis for New Braunfels Transit:

- No disproportionate impact on access to mobility for minority or low-income populations
- Mobility On-Demand (MOD) service greatly increases access to mobility for all socioeconomic groups.
- The introduction of MOD service increases access to mobility for all.

City Management Approval of the Title VI Program

The Title VI Program will be presented to the City Council for approval. Once approved it will be submitted to TxDOT and FTA. Any updates or changes will be submitted upon City Council approval.

Conclusion

The Title VI Program represents the City's continued efforts to maintain strict compliance with all Title VI regulations. Furthermore, this program also shows the City's continued commitment to serving the diverse population within its service area. The City of New Braunfels strives to ensure individuals of all backgrounds have equal access to programs, services, and activities.



Attachment A Resolution



Attachment B
DOT 1050.2A Assurances

Standard Title VI/Nondiscrimination Assurances

DOT Order No. 1050.2A

The City of New Braunfels (herein referred to as the “Recipient”), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), they are subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the grounds of race, color, and national origin).
- 49 C.F.R. Part 21 (entitled Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of The Civil Rights Act of 1964).
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity,” for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above General Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted Department of Transportation programs:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regards to an “activity”) facilitated or will be (with regards to a “facility”) operated or will be (with regards to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals (RFP) for work, or material subject to the Acts and the Regulations made in connection with all Department of Transportation (DOT) programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The City of New Braunfels, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. The Recipient will insert the clauses of **Appendix A** and **Appendix E** of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of **Appendix B** of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. Where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. The Recipient will include the clauses set forth in **Appendix C** and **Appendix D** of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. The period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. The period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, City of New Braunfels also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the DOT access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the DOT. You must keep records, reports, and submit the material for review upon request to DOT, or its designee in a timely, complete, and accurate way.

Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance.

City of New Braunfels gives this ASSURANCE in consideration of and for obtaining any federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under all Department of Transportation programs. This ASSURANCE is binding on City of New Braunfels, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in all Department of Transportation programs. The person signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

 Robert Camareno
 City Manager, City of New Braunfels

 Date

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The contractor, concerning the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
4. Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the contractor under the contract until the contractor complies;
 - b. Cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with

respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

Clauses for Deeds Transferring US Property

The following clauses will be included in deeds affecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of New Braunfels will accept title to the lands and maintain the project constructed thereon in accordance with all applicable federal statutes, the Regulations for the Administration of all Department of Transportation programs, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d- 4), does hereby remise, release, quitclaim and convey unto the City of New Braunfels all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto City of New Braunfels and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of New Braunfels, its successors and assigns.

The City of New Braunfels, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed and (2) that the City of New Braunfels will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may

be amended.

In the event of breach of any of the above-mentioned nondiscrimination conditions, the Department will have a right to enter, or re-enter said lands and facilities on said land, and that above-described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction. *

(*Reverted clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

Clauses for Transfer Real Property Acquired or Improved under the Activity, Facility, or Program

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the City of New Braunfels pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, City of New Braunfels will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the City of New Braunfels will have the right to enter or re-enter the lands and facilities thereon, and the above-described lands and facilities will there upon revert to and vest in and become the absolute property of the City of New Braunfels and its assigns. *

(*Reverted clause and related language to be used only when it is determined that such a clause is

necessary in order to make clear the purpose of Title VI.)

APPENDIX D

Clauses for Construction/Use/Access to Real Property Acquired Under the Activity, Facility or Program

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by City of New Braunfels pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, “as a covenant running with the land”) that:
 - (1) no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
 - (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination.
 - (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, City of New Braunfels will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Nondiscrimination covenants, City of New Braunfels will thereupon revert to and vest in and become the absolute property of City of New Braunfels and its assigns. *

(*Reverted clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following nondiscrimination statutes and authorities, including but not limited to:

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects).
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex).
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not).
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100).
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).



Attachment C

FHWA 1273 Form

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Non-segregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
- XI. Certification Regarding Use of Contract Funds for Lobbying
- XII. Use of United States-Flag Vessels:

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under title 23, United States Code, as required in 23 CFR 633.102(b) (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services). 23 CFR 633.102(e).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider. 23 CFR 633.102(e).

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services) in accordance with 23 CFR 633.102. The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in solicitation-for-bids or request-for-proposals documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract). 23 CFR 633.102(b).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work

performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract. 23 CFR 633.102(d).

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. 23 U.S.C. 114(b). The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors. 23 U.S.C. 101(a).

II. NONDISCRIMINATION (23 CFR 230.107(a); 23 CFR Part 230, Subpart A, Appendix A; EO 11246)

The provisions of this section related to 23 CFR Part 230, Subpart A, Appendix A are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR Part 60, 29 CFR Parts 1625-1627, 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR Part 60, and 29 CFR Parts 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR Part 230, Subpart A, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal Employment Opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (see 28 CFR Part 35, 29 CFR Part 1630, 29 CFR Parts 1625-1627, 41 CFR Part 60 and 49 CFR Part 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140, shall constitute the EEO and specific affirmative action standards for the contractor's project activities under this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR Part 35 and 29 CFR Part 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract. 23 CFR 230.409 (g)(4) & (5).

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, sexual orientation, gender identity, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action or are substantially involved in such action, will be made fully cognizant of and will implement the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer or other knowledgeable company official.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to ensure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action

within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs (i.e., apprenticeship and on-the-job training programs for the geographical area of contract performance). In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. 23 CFR 230.409. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide

sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants /

Employees with Disabilities: The contractor must be familiar with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established thereunder. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment:

The contractor shall not discriminate on the grounds of race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors, suppliers, and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurances Required:

a. The requirements of 49 CFR Part 26 and the State DOT's FHWA-approved Disadvantaged Business Enterprise (DBE) program are incorporated by reference.

b. The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible.

c. The Title VI and nondiscrimination provisions of U.S. DOT Order 1050.2A at Appendixes A and E are incorporated by reference. 49 CFR Part 21.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women.

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of more than \$10,000. 41 CFR 60-1.5.

As prescribed by 41 CFR 60-1.8, the contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location under the contractor's control where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size), in accordance with 29 CFR 5.5. The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. 23 U.S.C. 113. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. 23 U.S.C. 101. Where applicable law requires that projects be treated as a project on a Federal-aid highway, the provisions of this subpart will apply regardless of the location of the project. Examples include: Surface Transportation Block Grant Program projects funded under 23 U.S.C. 133 [excluding recreational trails projects], the Nationally Significant Freight and Highway

Projects funded under 23 U.S.C. 117, and National Highway Freight Program projects funded under 23 U.S.C. 167.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages (29 CFR 5.5)

a. *Wage rates and fringe benefits.* All laborers and mechanics employed or working upon the site of the work (or otherwise working in construction or development of the project under a development statute), will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act ([29 CFR part 3](#))), the full amount of basic hourly wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. As provided in paragraphs (d) and (e) of 29 CFR 5.5, the appropriate wage determinations are effective by operation of law even if they have not been attached to the contract. Contributions made or costs reasonably anticipated for bona fide fringe benefits under the Davis-Bacon Act ([40 U.S.C. 3141\(2\)\(B\)](#)) on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph 1.e. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics must be paid the appropriate wage rate and fringe benefits on the wage determination for the classification(s) of work actually performed, without regard to skill, except as provided in paragraph 4. of this section. Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: *Provided*, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classifications and wage rates conformed under paragraph 1.c. of this section) and the Davis-Bacon poster (WH-1321) must be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b. *Frequently recurring classifications.* (1) In addition to wage and fringe benefit rates that have been determined to be prevailing under the procedures set forth in [29 CFR part 1](#), a wage determination may contain, pursuant to § 1.3(f), wage and fringe benefit rates for classifications of laborers and mechanics for which conformance requests are regularly submitted pursuant to paragraph 1.c. of this section, provided that:

(i) The work performed by the classification is not performed by a classification in the wage determination for which a prevailing wage rate has been determined;

(ii) The classification is used in the area by the construction industry; and

(iii) The wage rate for the classification bears a reasonable relationship to the prevailing wage rates contained in the wage determination.

(2) The Administrator will establish wage rates for such classifications in accordance with paragraph 1.c.(1)(iii) of this section. Work performed in such a classification must be paid at no less than the wage and fringe benefit rate listed on the wage determination for such classification.

c. *Conformance.* (1) The contracting officer must require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract be classified in conformance with the wage determination. Conformance of an additional classification and wage rate and fringe benefits is appropriate only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is used in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) The conformance process may not be used to split, subdivide, or otherwise avoid application of classifications listed in the wage determination.

(3) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken will be sent by the contracting officer by email to DBAconformance@dol.gov. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(4) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer will, by email to DBAconformance@dol.gov, refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(5) The contracting officer must promptly notify the contractor of the action taken by the Wage and Hour Division

under paragraphs 1.c.(3) and (4) of this section. The contractor must furnish a written copy of such determination to each affected worker or it must be posted as a part of the wage determination. The wage rate (including fringe benefits where appropriate) determined pursuant to paragraph 1.c.(3) or (4) of this section must be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

d. *Fringe benefits not expressed as an hourly rate.* Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor may either pay the benefit as stated in the wage determination or may pay another bona fide fringe benefit or an hourly cash equivalent thereof.

e. *Unfunded plans.* If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, *Provided*, That the Secretary of Labor has found, upon the written request of the contractor, in accordance with the criteria set forth in § 5.28, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

f. *Interest.* In the event of a failure to pay all or part of the wages required by the contract, the contractor will be required to pay interest on any underpayment of wages.

2. Withholding (29 CFR 5.5)

a. *Withholding requirements.* The contracting agency may, upon its own action, or must, upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to satisfy the liabilities of the prime contractor or any subcontractor for the full amount of wages and monetary relief, including interest, required by the clauses set forth in this section for violations of this contract, or to satisfy any such liabilities required by any other Federal contract, or federally assisted contract subject to Davis-Bacon labor standards, that is held by the same prime contractor (as defined in § 5.2). The necessary funds may be withheld from the contractor under this contract, any other Federal contract with the same prime contractor, or any other federally assisted contract that is subject to Davis-Bacon labor standards requirements and is held by the same prime contractor, regardless of whether the other contract was awarded or assisted by the same agency, and such funds may be used to satisfy the contractor liability for which the funds were withheld. In the event of a contractor's failure to pay any laborer or mechanic, including any apprentice or helper working on the site of the work all or part of the wages required by the contract, or upon the contractor's failure to submit the required records as discussed in paragraph 3.d. of this section, the contracting agency may on its own initiative and after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

b. *Priority to withheld funds.* The Department has priority to funds withheld or to be withheld in accordance with paragraph

2.a. of this section or Section V, paragraph 3.a., or both, over claims to those funds by:

- (1) A contractor's surety(ies), including without limitation performance bond sureties and payment bond sureties;
- (2) A contracting agency for its procurement costs;
- (3) A trustee(s) (either a court-appointed trustee or a U.S. trustee, or both) in bankruptcy of a contractor, or a contractor's bankruptcy estate;
- (4) A contractor's assignee(s);
- (5) A contractor's successor(s); or
- (6) A claim asserted under the Prompt Payment Act, [31 U.S.C. 3901](#)–3907.

3. Records and certified payrolls (29 CFR 5.5)

a. Basic record requirements (1) Length of record retention. All regular payrolls and other basic records must be maintained by the contractor and any subcontractor during the course of the work and preserved for all laborers and mechanics working at the site of the work (or otherwise working in construction or development of the project under a development statute) for a period of at least 3 years after all the work on the prime contract is completed.

(2) Information required. Such records must contain the name; Social Security number; last known address, telephone number, and email address of each such worker; each worker's correct classification(s) of work actually performed; hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in [40 U.S.C. 3141\(2\)\(B\)](#) of the Davis-Bacon Act); daily and weekly number of hours actually worked in total and on each covered contract; deductions made; and actual wages paid.

(3) Additional records relating to fringe benefits. Whenever the Secretary of Labor has found under paragraph 1.e. of this section that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in [40 U.S.C. 3141\(2\)\(B\)](#) of the Davis-Bacon Act, the contractor must maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

(4) Additional records relating to apprenticeship. Contractors with apprentices working under approved programs must maintain written evidence of the registration of apprenticeship programs, the registration of the apprentices, and the ratios and wage rates prescribed in the applicable programs.

b. Certified payroll requirements (1) Frequency and method of submission. The contractor or subcontractor must submit weekly, for each week in which any DBA- or Related Acts-covered work is performed, certified payrolls to the contracting

agency. The prime contractor is responsible for the submission of all certified payrolls by all subcontractors. A contracting agency or prime contractor may permit or require contractors to submit certified payrolls through an electronic system, as long as the electronic system requires a legally valid electronic signature; the system allows the contractor, the contracting agency, and the Department of Labor to access the certified payrolls upon request for at least 3 years after the work on the prime contract has been completed; and the contracting agency or prime contractor permits other methods of submission in situations where the contractor is unable or limited in its ability to use or access the electronic system.

(2) Information required. The certified payrolls submitted must set out accurately and completely all of the information required to be maintained under paragraph 3.a.(2) of this section, except that full Social Security numbers and last known addresses, telephone numbers, and email addresses must not be included on weekly transmittals. Instead, the certified payrolls need only include an individually identifying number for each worker (e.g., the last four digits of the worker's Social Security number). The required weekly certified payroll information may be submitted using Optional Form WH-347 or in any other format desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division website at <https://www.dol.gov/sites/dolgov/files/WHDL/legacy/files/wh347.pdf> or its successor website. It is not a violation of this section for a prime contractor to require a subcontractor to provide full Social Security numbers and last known addresses, telephone numbers, and email addresses to the prime contractor for its own records, without weekly submission by the subcontractor to the contracting agency.

(3) Statement of Compliance. Each certified payroll submitted must be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor, or the contractor's or subcontractor's agent who pays or supervises the payment of the persons working on the contract, and must certify the following:

(i) That the certified payroll for the payroll period contains the information required to be provided under paragraph 3.b. of this section, the appropriate information and basic records are being maintained under paragraph 3.a. of this section, and such information and records are correct and complete;

(ii) That each laborer or mechanic (including each helper and apprentice) working on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in [29 CFR part 3](#); and

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification(s) of work actually performed, as specified in the applicable wage determination incorporated into the contract.

(4) Use of Optional Form WH-347. The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 will satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(3) of this section.

(5) *Signature.* The signature by the contractor, subcontractor, or the contractor's or subcontractor's agent must be an original handwritten signature or a legally valid electronic signature.

(6) *Falsification.* The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under [18 U.S.C. 1001](#) and [31 U.S.C. 3729](#).

(7) *Length of certified payroll retention.* The contractor or subcontractor must preserve all certified payrolls during the course of the work and for a period of 3 years after all the work on the prime contract is completed.

c. *Contracts, subcontracts, and related documents.* The contractor or subcontractor must maintain this contract or subcontract and related documents including, without limitation, bids, proposals, amendments, modifications, and extensions. The contractor or subcontractor must preserve these contracts, subcontracts, and related documents during the course of the work and for a period of 3 years after all the work on the prime contract is completed.

d. *Required disclosures and access* (1) *Required record disclosures and access to workers.* The contractor or subcontractor must make the records required under paragraphs 3.a. through 3.c. of this section, and any other documents that the contracting agency, the State DOT, the FHWA, or the Department of Labor deems necessary to determine compliance with the labor standards provisions of any of the applicable statutes referenced by § 5.1, available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and must permit such representatives to interview workers during working hours on the job.

(2) *Sanctions for non-compliance with records and worker access requirements.* If the contractor or subcontractor fails to submit the required records or to make them available, or refuses to permit worker interviews during working hours on the job, the Federal agency may, after written notice to the contractor, sponsor, applicant, owner, or other entity, as the case may be, that maintains such records or that employs such workers, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available, or to permit worker interviews during working hours on the job, may be grounds for debarment action pursuant to § 5.12. In addition, any contractor or other person that fails to submit the required records or make those records available to WHD within the time WHD requests that the records be produced will be precluded from introducing as evidence in an administrative proceeding under [29 CFR part 6](#) any of the required records that were not provided or made available to WHD. WHD will take into consideration a reasonable request from the contractor or person for an extension of the time for submission of records. WHD will determine the reasonableness of the request and may consider, among other things, the location of the records and the volume of production.

(3) *Required information disclosures.* Contractors and subcontractors must maintain the full Social Security number and last known address, telephone number, and email address

of each covered worker, and must provide them upon request to the contracting agency, the State DOT, the FHWA, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or other compliance action.

4. Apprentices and equal employment opportunity (29 CFR 5.5)

a. *Apprentices (1) Rate of pay.* Apprentices will be permitted to work at less than the predetermined rate for the work they perform when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship (OA), or with a State Apprenticeship Agency recognized by the OA. A person who is not individually registered in the program, but who has been certified by the OA or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice, will be permitted to work at less than the predetermined rate for the work they perform in the first 90 days of probationary employment as an apprentice in such a program. In the event the OA or a State Apprenticeship Agency recognized by the OA withdraws approval of an apprenticeship program, the contractor will no longer be permitted to use apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(2) *Fringe benefits.* Apprentices must be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringe benefits must be paid in accordance with that determination.

(3) *Apprenticeship ratio.* The allowable ratio of apprentices to journeyworkers on the job site in any craft classification must not be greater than the ratio permitted to the contractor as to the entire work force under the registered program or the ratio applicable to the locality of the project pursuant to paragraph 4.a.(4) of this section. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated in paragraph 4.a.(1) of this section, must be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under this section must be paid not less than the applicable wage rate on the wage determination for the work actually performed.

(4) *Reciprocity of ratios and wage rates.* Where a contractor is performing construction on a project in a locality other than the locality in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyworker's hourly rate) applicable within the locality in which the construction is being performed must be observed. If there is no applicable ratio or wage rate for the locality of the project, the ratio and wage rate specified in the contractor's registered program must be observed.

b. *Equal employment opportunity.* The use of apprentices and journeyworkers under this part must be in conformity with

the equal employment opportunity requirements of Executive Order 11246, as amended, and [29 CFR part 30](#).

c. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. 23 CFR 230.111(e)(2). The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeyworkers shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract as provided in 29 CFR 5.5.

6. Subcontracts. The contractor or subcontractor must insert FHWA-1273 in any subcontracts, along with the applicable wage determination(s) and such other clauses or contract modifications as the contracting agency may by appropriate instructions require, and a clause requiring the subcontractors to include these clauses and wage determination(s) in any lower tier subcontracts. The prime contractor is responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in this section. In the event of any violations of these clauses, the prime contractor and any subcontractor(s) responsible will be liable for any unpaid wages and monetary relief, including interest from the date of the underpayment or loss, due to any workers of lower-tier subcontractors, and may be subject to debarment, as appropriate. 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract as provided in 29 CFR 5.5.

9. Disputes concerning labor standards. As provided in 29 CFR 5.5, disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility. a. By entering into this contract, the contractor certifies that neither it nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of [40 U.S.C. 3144\(b\)](#) or § 5.12(a).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of [40 U.S.C. 3144\(b\)](#) or § 5.12(a).

c. The penalty for making false statements is prescribed in the U.S. Code, Title 18 Crimes and Criminal Procedure, [18 U.S.C. 1001](#).

11. Anti-retaliation. It is unlawful for any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, or to cause any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, any worker or job applicant for:

a. Notifying any contractor of any conduct which the worker reasonably believes constitutes a violation of the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#);

b. Filing any complaint, initiating or causing to be initiated any proceeding, or otherwise asserting or seeking to assert on behalf of themselves or others any right or protection under the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#);

c. Cooperating in any investigation or other compliance action, or testifying in any proceeding under the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#); or

d. Informing any other person about their rights under the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#).

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Pursuant to 29 CFR 5.5(b), the following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchpersons and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek. 29 CFR 5.5.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph 1. of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages and interest from the date of the underpayment. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or

mechanic, including watchpersons and guards, employed in violation of the clause set forth in paragraph 1. of this section, in the sum currently provided in 29 CFR 5.5(b)(2)* for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph 1. of this section.

* \$31 as of January 15, 2023 (See 88 FR 88 FR 2210) as may be adjusted annually by the Department of Labor, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990.

3. Withholding for unpaid wages and liquidated damages

a. *Withholding process.* The FHWA or the contracting agency may, upon its own action, or must, upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to satisfy the liabilities of the prime contractor or any subcontractor for any unpaid wages; monetary relief, including interest; and liquidated damages required by the clauses set forth in this section on this contract, any other Federal contract with the same prime contractor, or any other federally assisted contract subject to the Contract Work Hours and Safety Standards Act that is held by the same prime contractor (as defined in § 5.2). The necessary funds may be withheld from the contractor under this contract, any other Federal contract with the same prime contractor, or any other federally assisted contract that is subject to the Contract Work Hours and Safety Standards Act and is held by the same prime contractor, regardless of whether the other contract was awarded or assisted by the same agency, and such funds may be used to satisfy the contractor liability for which the funds were withheld.

b. *Priority to withheld funds.* The Department has priority to funds withheld or to be withheld in accordance with Section IV paragraph 2.a. or paragraph 3.a. of this section, or both, over claims to those funds by:

- (1) A contractor's surety(ies), including without limitation performance bond sureties and payment bond sureties;
- (2) A contracting agency for its procurement costs;
- (3) A trustee(s) (either a court-appointed trustee or a U.S. trustee, or both) in bankruptcy of a contractor, or a contractor's bankruptcy estate;
- (4) A contractor's assignee(s);
- (5) A contractor's successor(s); or
- (6) A claim asserted under the Prompt Payment Act, [31 U.S.C. 3901](#)–3907.

4. Subcontracts. The contractor or subcontractor must insert in any subcontracts the clauses set forth in paragraphs 1. through 5. of this section and a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor is responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs 1. through 5. In the

event of any violations of these clauses, the prime contractor and any subcontractor(s) responsible will be liable for any unpaid wages and monetary relief, including interest from the date of the underpayment or loss, due to any workers of lower-tier subcontractors, and associated liquidated damages and may be subject to debarment, as appropriate.

5. Anti-retaliation. It is unlawful for any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, or to cause any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, any worker or job applicant for:

a. Notifying any contractor of any conduct which the worker reasonably believes constitutes a violation of the Contract Work Hours and Safety Standards Act (CWHSSA) or its implementing regulations in this part;

b. Filing any complaint, initiating or causing to be initiated any proceeding, or otherwise asserting or seeking to assert on behalf of themselves or others any right or protection under CWHSSA or this part;

c. Cooperating in any investigation or other compliance action, or testifying in any proceeding under CWHSSA or this part; or

d. Informing any other person about their rights under CWHSSA or this part.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System pursuant to 23 CFR 635.116.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" in paragraph 1 of Section VI refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions: (based on longstanding interpretation)

- (1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
- (2) the prime contractor remains responsible for the quality of the work of the leased employees;

(3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and

(4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract. 23 CFR 635.102.

2. Pursuant to 23 CFR 635.116(a), the contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. Pursuant to 23 CFR 635.116(c), the contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract. (based on long-standing interpretation of 23 CFR 635.116).

5. The 30-percent self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements. 23 CFR 635.116(d).

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR Part 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract. 23 CFR 635.108.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and

health standards (29 CFR Part 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704). 29 CFR 1926.10.

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR Part 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 11, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT (42 U.S.C. 7606; 2 CFR 200.88; EO 11738)

This provision is applicable to all Federal-aid construction contracts in excess of \$150,000 and to all related subcontracts. 48 CFR 2.101; 2 CFR 200.327.

By submission of this bid/proposal or the execution of this contract or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, subcontractor, supplier, or vendor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal Highway Administration and the Regional Office of the Environmental Protection Agency. 2 CFR Part 200, Appendix II.

The contractor agrees to include or cause to be included the requirements of this Section in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements. 2 CFR 200.327.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200. 2 CFR 180.220 and 1200.220.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction. 2 CFR 180.320.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default. 2 CFR 180.325.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 2 CFR 180.345 and 180.350.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180, Subpart I, 180.900-180.1020, and 1200. "First Tier Covered Transactions" refers to any covered transaction between a recipient or subrecipient of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a recipient or subrecipient of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction. 2 CFR 180.330.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold. 2 CFR 180.220 and 180.300.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. 2 CFR 180.300; 180.320, and 180.325. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. 2 CFR 180.335. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>). 2 CFR 180.300, 180.320, and 180.325.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default. 2 CFR 180.325.

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency, 2 CFR 180.335;.

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property, 2 CFR 180.800;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification, 2 CFR 180.700 and 180.800; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default. 2 CFR 180.335(d).

(5) Are not a corporation that has been convicted of a felony violation under any Federal law within the two-year period preceding this proposal (USDOT Order 4200.6 implementing appropriations act requirements); and

(6) Are not a corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability (USDOT Order 4200.6 implementing appropriations act requirements).

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant should attach an explanation to this proposal. 2 CFR 180.335 and 180.340.

3. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders, and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200). 2 CFR 180.220 and 1200.220.

a. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances. 2 CFR 180.365.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180, Subpart I, 180.900 – 180.1020, and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a recipient or subrecipient of Federal funds and a participant (such as the prime or general contractor). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a recipient or subrecipient of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated. 2 CFR 1200.220 and 1200.332.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold. 2 CFR 180.220 and 1200.220.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>), which is compiled by the General Services Administration. 2 CFR 180.300, 180.320, 180.330, and 180.335.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily

excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment. 2 CFR 180.325.

* * * * *

4. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

a. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals:

(1) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency, 2 CFR 180.355;

(2) is a corporation that has been convicted of a felony violation under any Federal law within the two-year period preceding this proposal (USDOT Order 4200.6 implementing appropriations act requirements); and

(3) is a corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability. (USDOT Order 4200.6 implementing appropriations act requirements)

b. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant should attach an explanation to this proposal.

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000. 49 CFR Part 20, App. A.

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or

cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

XII. USE OF UNITED STATES-FLAG VESSELS:

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, or any other covered transaction. 46 CFR Part 381.

This requirement applies to material or equipment that is acquired for a specific Federal-aid highway project. 46 CFR 381.7. It is not applicable to goods or materials that come into inventories independent of an FHWA funded-contract.

When oceanic shipments (or shipments across the Great Lakes) are necessary for materials or equipment acquired for a specific Federal-aid construction project, the bidder, proposer, contractor, subcontractor, or vendor agrees:

1. To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels. 46 CFR 381.7.

2. To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (b)(1) of this section to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Office of Cargo and Commercial Sealift (MAR-620), Maritime Administration, Washington, DC 20590. (MARAD requires copies of the ocean carrier's (master) bills of lading, certified onboard, dated, with rates and charges. These bills of lading may contain business sensitive information and therefore may be submitted directly to MARAD by the Ocean Transportation Intermediary on behalf of the contractor). 46 CFR 381.7.

**ATTACHMENT A - EMPLOYMENT AND MATERIALS
PREFERENCE FOR APPALACHIAN DEVELOPMENT
HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS
ROAD CONTRACTS (23 CFR 633, Subpart B, Appendix B)**
This provision is applicable to all Federal-aid projects funded
under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.

11/24/2025

Agenda Item No. H)

PRESENTER:

Nathan Brown, Senior Assistant City Attorney

SUBJECT:

Approval of the first reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 2, Sections 2-101 and 2-102, and Chapter 130-406, changing the membership criteria and composition of the Water/Wastewater Impact Fee Advisory Committee to comply with S.B. 1883.

DEPARTMENT: City Attorney's Office

COUNCIL DISTRICTS IMPACTED: All districts

BACKGROUND INFORMATION:

Senate Bill 1883, adopted during the 89th Regular Legislative Session, amended membership requirements and criteria for impact fee advisory committees in Chapter 395, Local Government Code. Chapter 395 now requires that not less than 50 percent of the membership of an advisory committee be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity.

ISSUE:

These ordinance sections should be amended to bring the membership criteria and composition of the Water/Wastewater Impact Fee Advisory Committee into compliance with the requirements of Local Government Code Chapter 395 as amended by Senate Bill 1883 and to distinguish the Water/Wastewater Impact Fee Advisory Committee from the Roadway Impact Fee Advisory Committee.

FISCAL IMPACT:

None.

RECOMMENDATION:

Staff recommends approval of this ordinance.

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING CHAPTER 2, SECTIONS 2-101 AND 2-102, AND CHAPTER 130-406, CHANGING THE MEMBERSHIP CRITERIA AND COMPOSITION OF THE WATER/WASTEWATER IMPACT FEE ADVISORY COMMITTEE TO COMPLY WITH S.B. 1883; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels has established a Water/Wastewater Impact Fee Advisory Committee created pursuant to Chapter 395, Texas Local Government Code; and

WHEREAS, Senate Bill 1883 adopted during the 89th regular legislative session amended Texas Local Government Code Chapter 395 and was effective September 1, 2025; and

WHEREAS, the ordinance setting forth the membership criteria and composition of the Water/Wastewater Impact Fee Advisory Committee must be changed in order to comply with state law as amended by Senate Bill 1883.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1. Amendment.

That City of New Braunfels Code of Ordinances, Section 2-101 is hereby amended as follows with underlined font indicating added language and strikethrough font indicating deleted language:

Sec. 2-101. Established; composition.

There is here and now established a committee to be known as the New Braunfels Water/Wastewater Impact Fee Advisory Committee (the "advisory committee"), which shall be under the jurisdiction of New Braunfels Utilities. ~~The planning commission of the city as expanded hereby shall act as the advisory committee. The planning commission when it acts as the~~ The advisory committee shall be comprised of the following nine members: ~~The nine members of such commission as appointed by the city council pursuant to section 10.01 of the Charter and~~ four ~~ad hoc~~ members, being the mayor, ~~general manager~~ the chief executive officer of New Braunfels Utilities, the president of the board of trustees of New Braunfels Utilities and one representative who resides in the extraterritorial jurisdiction of the city; ~~and. The planning commission when it acts as the advisory committee must include at least one representative~~ five members, consisting of representatives of the real estate, development or building industry who ~~is~~ are not ~~an employee~~ employees or ~~official~~ officials of a political subdivision or governmental entity, including New Braunfels Utilities. ~~The ad hoc member of the planning commission when it acts as the advisory committee who resides in the extraterritorial jurisdiction~~ Each member shall be appointed by a majority vote of the city council for a term of three years. Vacancies for any reason other than the expiration of a committee member's expired term shall be filled only for the unexpired term of the vacancy and upon a majority vote of the city council.

(Ord. No. 93-44, § I, 11-22-93)

SECTION 2. Amendment.

That City of New Braunfels Code of Ordinances, Section 2-102 is hereby amended as follows with underlined font indicating added language and strikethrough font indicating deleted language:

Sec. 2-102. Criteria for appointment of members.

In determining the criteria for appointment to the Water/Wastewater Impact Fee Advisory Committee ~~impact fee advisory committee~~, the city council shall consider individuals who have shown an interest in guiding the city's impact fee development as mandated by ~~V.T.C.A.~~ Local Government Code § 395.001 et seq., and chapter 130, article VI, of this Code, where such individuals reside, and whether or not such individuals can represent the real estate, development or building industry.

(Ord. No. 93-44, § I, 11-22-93)

SECTION 3. Amendment.

That City of New Braunfels Code of Ordinances, Section 130-406 is hereby amended as follows with underlined font indicating added language and strikethrough font indicating deleted language:

Sec. 130-406. Water/Wastewater Impact Fee Advisory Committee ~~Advisory committee~~, functions.

- (a) The ~~city has appointed an impact fee advisory committee~~ City Council shall appoint the Water/Wastewater Impact Fee Advisory Committee (the "advisory committee") in accordance with the provisions of the Act.
- (b) The functions of the advisory committee are those set forth in the Act, or any successor statute, and shall include the following:
 - (1) Advise and assist the city in adopting land use assumptions;
 - (2) Review the capital improvements plan regarding water and wastewater capital improvements and file written comments thereon;
 - (3) Monitor and evaluate implementation of the capital improvements program;
 - (4) Advise the city of the need to update or revise the land use assumptions, capital improvements program and impact fees; and
 - (5) File semiannual reports evaluating the progress of NBU in achieving the capital improvements plans and identifying any problems in implementing the plans or administering the impact fees.
- (c) The city or NBU shall make available to the advisory committee any professional reports prepared in the development or implementation of the capital improvements plan.
- (d) The city council shall adopt procedural rules for the advisory committee to follow in carrying out its duties.

(Ord. No. 2022-83, § 2, 11-14-22)

SECTION 4: Repealer.

All provisions of the New Braunfels Code of Ordinances, or other ordinances, whether codified or uncoded, in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the Code of Ordinances or other ordinances, codified or uncoded, not in conflict with the provisions of the ordinance shall remain in full force and effect.

SECTION 5: Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence or section

of this ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence paragraph or section of this ordinance.

SECTION 6: Savings Clause.

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

SECTION 7: Effective Date.

This ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 24th day of November, 2025.

PASSED AND APPROVED: Second reading this 8th day of December, 2025.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

AN ACT

relating to the approval of land use assumptions, capital improvement plans, and impact fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 395.043, Local Government Code, is amended to read as follows:

Sec. 395.043. INFORMATION ABOUT LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN AVAILABLE TO PUBLIC. At least 60 days ~~[On or~~ before the date of the first publication of the notice of the hearing on the land use assumptions and capital improvements plan, the political subdivision shall make available to the public its land use assumptions, the time period of the projections, and a description of the capital improvement facilities that may be proposed.

SECTION 2. Section 395.051(a), Local Government Code, is amended to read as follows:

(a) The political subdivision, within 30 days after the date of the public hearing on the imposition of an impact fee, shall approve or disapprove the imposition of an impact fee. Approval of the imposition of an impact fee by a political subdivision requires an affirmative vote of two-thirds of the members of the governing body of the political subdivision.

SECTION 3. Subchapter C, Chapter 395, Local Government Code, is amended by adding Section 395.0515 to read as follows:

1 Sec. 395.0515. LIMITATION ON IMPACT FEE INCREASE. A
2 political subdivision may not increase the amount of an impact fee
3 for three years from the later of the date the fee was adopted or
4 most recently increased, if applicable. Nothing in this section
5 prohibits the political subdivision from implementing an impact fee
6 collection schedule that allows less than the maximum adopted
7 impact fee to be collected or phased in up to the maximum adopted
8 impact fee for a period not to exceed ten years, as authorized by
9 this chapter.

10 SECTION 4. Section 395.053, Local Government Code, is
11 amended to read as follows:

12 Sec. 395.053. HEARING ON UPDATED LAND USE ASSUMPTIONS AND
13 CAPITAL IMPROVEMENTS PLAN. The governing body of the political
14 subdivision shall, within 120 [~~60~~] days after the date it receives
15 the update of the land use assumptions and the capital improvements
16 plan, adopt an order setting a public hearing to discuss and review
17 the update and shall determine whether to amend the plan.

18 SECTION 5. Section 395.054, Local Government Code, is
19 amended to read as follows:

20 Sec. 395.054. HEARING ON AMENDMENTS TO LAND USE
21 ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, OR IMPACT FEE. A public
22 hearing must be held by the governing body of the political
23 subdivision to discuss the proposed ordinance, order, or resolution
24 amending land use assumptions, the capital improvements plan, or
25 the impact fee. At least 60 days [~~On or~~] before the date of the
26 first publication of the notice of the hearing on the amendments,
27 the land use assumptions and the capital improvements plan,

1 including the amount of any proposed amended impact fee per service
2 unit, shall be made available to the public.

3 SECTION 6. Section 395.058(b), Local Government Code, is
4 amended to read as follows:

5 (b) The advisory committee is composed of not less than five
6 members who shall be appointed by a majority vote of the governing
7 body of the political subdivision. Not less than 50 [40] percent of
8 the membership of the advisory committee must be representatives of
9 the real estate, development, or building industries who are not
10 employees or officials of a political subdivision or governmental
11 entity. ~~[If the political subdivision has a planning and zoning~~
12 ~~commission, the commission may act as the advisory committee if the~~
13 ~~commission includes at least one representative of the real estate,~~
14 ~~development, or building industry who is not an employee or~~
15 ~~official of a political subdivision or governmental entity. If no~~
16 ~~such representative is a member of the planning and zoning~~
17 ~~commission, the commission may still act as the advisory committee~~
18 ~~if at least one such representative is appointed by the political~~
19 ~~subdivision as an ad hoc voting member of the planning and zoning~~
20 ~~commission when it acts as the advisory committee.]~~ If the impact
21 fee is to be applied in the extraterritorial jurisdiction of the
22 political subdivision, the membership must include a
23 representative from that area.

24 SECTION 7. Subchapter C, Chapter 395, Local Government
25 Code, is amended by adding Section 395.059 to read as follows:

26 Sec. 395.059. INDEPENDENT FINANCIAL AUDIT. (a) Before a
27 political subdivision may increase an existing impact fee or adopt

1 a new impact fee for a service area where an impact fee had
2 previously been adopted, the political subdivision must conduct an
3 independent financial audit in accordance with this section.

4 (b) An independent financial audit conducted under this
5 section must be performed by an independent auditor who:

6 (1) is a certified public accountant or public
7 accountant licensed by the Texas State Board of Public Accountancy;
8 and

9 (2) is not, and has not been during the 12 months
10 preceding the commencement of the audit, under contract to provide
11 any other service to the political subdivision or a related entity
12 of the political subdivision.

13 (c) An independent financial audit conducted under this
14 section must provide, if applicable, a detailed accounting of:

15 (1) the amount of funds collected from any impact fee
16 imposed by the political subdivision in the service area;

17 (2) the amount of interest accumulated under Section
18 395.025 on impact fees collected by the political subdivision in
19 the service area;

20 (3) any proposed capital improvements or facility
21 expansions to be financed from an impact fee collected by the
22 political subdivision in the service area that were not
23 constructed, as described by Section 395.025, including the
24 categories of each improvement and expansion;

25 (4) the amount of funds collected from impact fees by
26 the political subdivision in the service area that have not been
27 spent;

1 (5) each impact fee collected by the political
2 subdivision in the service area;

3 (6) the allocation of each impact fee made to the
4 political subdivision in the service area;

5 (7) any waived impact fees in the service area under
6 Section 395.016(g);

7 (8) any requested refunds of impact fees in the
8 service area under Section 395.025;

9 (9) any impact fees in the service area refunded under
10 Section 395.025; and

11 (10) any errors or omissions of credits in impact fee
12 calculations for impact fees in the service area.

13 (d) An independent financial audit conducted under this
14 section must be submitted to the political subdivision and advisory
15 committee described by Section 395.058. Before the political
16 subdivision may increase an existing impact fee or adopt a new
17 impact fee for a service area where an impact fee had previously
18 been adopted, the political subdivision must hold a public hearing
19 on the results of the audit received under this subsection.

20 (e) A political subdivision shall make available to the
21 public on the political subdivision's Internet website an
22 applicable independent financial audit at least 30 days before:

23 (1) the publication of notice required under Section
24 395.044; and

25 (2) the adoption of an order as required under Section
26 395.053.

27 (f) A political subdivision may use money collected from an

1 impact fee to conduct an audit required under this section.

2 SECTION 8. Section 395.077, Local Government Code, is
3 amended by adding Subsection (f) to read as follows:

4 (f) The attorney general may bring an action on behalf of a
5 property owner to contest an impact fee or to recover a refund for
6 an impact fee under Section 395.025.

7 SECTION 9. Section 395.078, Local Government Code, is
8 repealed.

9 SECTION 10. Section 395.059, Local Government Code, as
10 added by this Act, applies only to a new impact fee or an increase to
11 an existing impact fee adopted on or after the effective date of
12 this Act.

13 SECTION 11. Sections 395.043 and 395.054, Local Government
14 Code, as amended by this Act, apply only to a land use assumption,
15 capital improvement plan, or impact fee that is the subject of a
16 public hearing required to be held by Section 395.042 or 395.053 of
17 that code, as applicable, that is held on or after the 90th day
18 after the effective date of this Act. A land use assumption,
19 capital improvement plan, or impact fee subject to a public hearing
20 that is held before the 90th day after the effective date of this
21 Act is governed by the law in effect immediately before the
22 effective date of this Act, and the former law is continued in
23 effect for that purpose.

24 SECTION 12. Section 395.051(a), Local Government Code, as
25 amended by this Act, applies only to the approval of the imposition
26 of an impact fee on or after the effective date of this Act.

27 SECTION 13. Section 395.0515, Local Government Code, as

S.B. No. 1883

1 added by this Act, applies only to the increase of the amount of an
2 impact fee that is adopted on or after the effective date of this
3 Act.

4 SECTION 14. This Act takes effect September 1, 2025.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1883 passed the Senate on April 23, 2025, by the following vote: Yeas 26, Nays 5; and that the Senate concurred in House amendments on May 21, 2025, by the following vote: Yeas 26, Nays 5.

Secretary of the Senate

I hereby certify that S.B. No. 1883 passed the House, with amendments, on May 16, 2025, by the following vote: Yeas 87, Nays 32, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

11/24/2025

Agenda Item No. I)

PRESENTER:

Nathan Brown, Senior Assistant City Attorney

SUBJECT:

Approval of the first reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 100-20, changing the membership criteria and composition of the Roadway Impact Fee Advisory Committee to comply with S.B. 1883.

DEPARTMENT: City Attorney's Office

COUNCIL DISTRICTS IMPACTED: All districts

BACKGROUND INFORMATION:

Senate Bill 1883, adopted during the 89th Regular Legislative Session, amended membership requirements and criteria for impact fee advisory committees in Chapter 395, Local Government Code. Chapter 395 now requires that not less than 50 percent of the membership of an advisory committee be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity.

ISSUE:

This should be amended to bring the membership criteria and composition of the Roadway Impact Fee Advisory Committee into compliance with the requirements of Local Government Code Chapter 395 as amended by Senate Bill 1883.

FISCAL IMPACT:

None.

RECOMMENDATION:

Staff recommends approval of this ordinance.

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING SECTION 100-20, CHANGING THE MEMBERSHIP CRITERIA AND COMPOSITION OF THE ROADWAY IMPACT FEE ADVISORY COMMITTEE TO COMPLY WITH S.B. 1883; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels has established a Roadway Impact Fee Advisory Committee created pursuant to Chapter 395, Texas Local Government Code; and

WHEREAS, Senate Bill 1883 adopted during the 89th regular legislative session amended Texas Local Government Code Chapter 395 and was effective September 1, 2025; and

WHEREAS, the ordinance setting forth the membership criteria and composition of the Roadway Impact Fee Advisory Committee must be changed in order to comply with state law as amended by Senate Bill 1883.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1. Amendment.

That City of New Braunfels Code of Ordinances, Section 100-20 is hereby amended as follows with underlined font indicating added language and strikethrough font indicating deleted language:

Sec. 100-20. ~~Advisory committee~~ Roadway Impact Fee Advisory Committee.

- (a) ~~Effective April 1, 2007, the planning commission shall serve as the roadway impact fee advisory committee~~
The Roadway Impact Fee Advisory Committee ("advisory committee") shall consist of seven persons appointed by a majority vote of the City Council. At least four advisory committee members shall be representatives of the real estate, development, or building industry who are not employees or officials of a political subdivision or governmental entity. The Mayor and City Manager, or City Manager's designee, shall serve as members of the advisory committee.
- (b) Each appointed member of the advisory committee shall be appointed for a term of three years, Vacancies for any reason other than the expiration of a committee member's expired term shall be filled only for the unexpired term of the vacancy and in accordance with subsection (a), above.
- ~~(b)(c)~~ The functions of the advisory committee are those set forth in ~~V.T.C.A.,~~ Local Government Code ch. 395, as amended, or any successor.
- ~~(c)(d)~~ The city shall make available to the advisory committee any professional reports prepared in the development or implementation of the roadway improvements plan.
- ~~(d)(e)~~ The advisory committee shall adopt procedural rules for carrying out its duties.

(Ord. No. 2013-69, § 1(Att. A), 11-11-13)

SECTION 2: Repealer.

All provisions of the New Braunfels Code of Ordinances, or other ordinances, whether codified or uncoded, in conflict with the provisions of this ordinance are hereby repealed, and all other

provisions of the Code of Ordinances or other ordinances, codified or uncoded, not in conflict with the provisions of the ordinance shall remain in full force and effect.

SECTION 3: Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence or section of this ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence paragraph or section of this ordinance.

SECTION 4: Savings Clause.

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

SECTION 5: Effective Date.

This ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 24th day of November, 2025.

PASSED AND APPROVED: Second reading this 8th day of December, 2025.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

AN ACT

relating to the approval of land use assumptions, capital improvement plans, and impact fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 395.043, Local Government Code, is amended to read as follows:

Sec. 395.043. INFORMATION ABOUT LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN AVAILABLE TO PUBLIC. At least 60 days ~~On or~~ before the date of the first publication of the notice of the hearing on the land use assumptions and capital improvements plan, the political subdivision shall make available to the public its land use assumptions, the time period of the projections, and a description of the capital improvement facilities that may be proposed.

SECTION 2. Section 395.051(a), Local Government Code, is amended to read as follows:

(a) The political subdivision, within 30 days after the date of the public hearing on the imposition of an impact fee, shall approve or disapprove the imposition of an impact fee. Approval of the imposition of an impact fee by a political subdivision requires an affirmative vote of two-thirds of the members of the governing body of the political subdivision.

SECTION 3. Subchapter C, Chapter 395, Local Government Code, is amended by adding Section 395.0515 to read as follows:

1 Sec. 395.0515. LIMITATION ON IMPACT FEE INCREASE. A
2 political subdivision may not increase the amount of an impact fee
3 for three years from the later of the date the fee was adopted or
4 most recently increased, if applicable. Nothing in this section
5 prohibits the political subdivision from implementing an impact fee
6 collection schedule that allows less than the maximum adopted
7 impact fee to be collected or phased in up to the maximum adopted
8 impact fee for a period not to exceed ten years, as authorized by
9 this chapter.

10 SECTION 4. Section 395.053, Local Government Code, is
11 amended to read as follows:

12 Sec. 395.053. HEARING ON UPDATED LAND USE ASSUMPTIONS AND
13 CAPITAL IMPROVEMENTS PLAN. The governing body of the political
14 subdivision shall, within 120 [~~60~~] days after the date it receives
15 the update of the land use assumptions and the capital improvements
16 plan, adopt an order setting a public hearing to discuss and review
17 the update and shall determine whether to amend the plan.

18 SECTION 5. Section 395.054, Local Government Code, is
19 amended to read as follows:

20 Sec. 395.054. HEARING ON AMENDMENTS TO LAND USE
21 ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, OR IMPACT FEE. A public
22 hearing must be held by the governing body of the political
23 subdivision to discuss the proposed ordinance, order, or resolution
24 amending land use assumptions, the capital improvements plan, or
25 the impact fee. At least 60 days [~~On or~~] before the date of the
26 first publication of the notice of the hearing on the amendments,
27 the land use assumptions and the capital improvements plan,

1 including the amount of any proposed amended impact fee per service
2 unit, shall be made available to the public.

3 SECTION 6. Section 395.058(b), Local Government Code, is
4 amended to read as follows:

5 (b) The advisory committee is composed of not less than five
6 members who shall be appointed by a majority vote of the governing
7 body of the political subdivision. Not less than 50 [40] percent of
8 the membership of the advisory committee must be representatives of
9 the real estate, development, or building industries who are not
10 employees or officials of a political subdivision or governmental
11 entity. ~~[If the political subdivision has a planning and zoning~~
12 ~~commission, the commission may act as the advisory committee if the~~
13 ~~commission includes at least one representative of the real estate,~~
14 ~~development, or building industry who is not an employee or~~
15 ~~official of a political subdivision or governmental entity. If no~~
16 ~~such representative is a member of the planning and zoning~~
17 ~~commission, the commission may still act as the advisory committee~~
18 ~~if at least one such representative is appointed by the political~~
19 ~~subdivision as an ad hoc voting member of the planning and zoning~~
20 ~~commission when it acts as the advisory committee.]~~ If the impact
21 fee is to be applied in the extraterritorial jurisdiction of the
22 political subdivision, the membership must include a
23 representative from that area.

24 SECTION 7. Subchapter C, Chapter 395, Local Government
25 Code, is amended by adding Section 395.059 to read as follows:

26 Sec. 395.059. INDEPENDENT FINANCIAL AUDIT. (a) Before a
27 political subdivision may increase an existing impact fee or adopt

1 a new impact fee for a service area where an impact fee had
2 previously been adopted, the political subdivision must conduct an
3 independent financial audit in accordance with this section.

4 (b) An independent financial audit conducted under this
5 section must be performed by an independent auditor who:

6 (1) is a certified public accountant or public
7 accountant licensed by the Texas State Board of Public Accountancy;
8 and

9 (2) is not, and has not been during the 12 months
10 preceding the commencement of the audit, under contract to provide
11 any other service to the political subdivision or a related entity
12 of the political subdivision.

13 (c) An independent financial audit conducted under this
14 section must provide, if applicable, a detailed accounting of:

15 (1) the amount of funds collected from any impact fee
16 imposed by the political subdivision in the service area;

17 (2) the amount of interest accumulated under Section
18 395.025 on impact fees collected by the political subdivision in
19 the service area;

20 (3) any proposed capital improvements or facility
21 expansions to be financed from an impact fee collected by the
22 political subdivision in the service area that were not
23 constructed, as described by Section 395.025, including the
24 categories of each improvement and expansion;

25 (4) the amount of funds collected from impact fees by
26 the political subdivision in the service area that have not been
27 spent;

1 (5) each impact fee collected by the political
2 subdivision in the service area;

3 (6) the allocation of each impact fee made to the
4 political subdivision in the service area;

5 (7) any waived impact fees in the service area under
6 Section 395.016(g);

7 (8) any requested refunds of impact fees in the
8 service area under Section 395.025;

9 (9) any impact fees in the service area refunded under
10 Section 395.025; and

11 (10) any errors or omissions of credits in impact fee
12 calculations for impact fees in the service area.

13 (d) An independent financial audit conducted under this
14 section must be submitted to the political subdivision and advisory
15 committee described by Section 395.058. Before the political
16 subdivision may increase an existing impact fee or adopt a new
17 impact fee for a service area where an impact fee had previously
18 been adopted, the political subdivision must hold a public hearing
19 on the results of the audit received under this subsection.

20 (e) A political subdivision shall make available to the
21 public on the political subdivision's Internet website an
22 applicable independent financial audit at least 30 days before:

23 (1) the publication of notice required under Section
24 395.044; and

25 (2) the adoption of an order as required under Section
26 395.053.

27 (f) A political subdivision may use money collected from an

1 impact fee to conduct an audit required under this section.

2 SECTION 8. Section 395.077, Local Government Code, is
3 amended by adding Subsection (f) to read as follows:

4 (f) The attorney general may bring an action on behalf of a
5 property owner to contest an impact fee or to recover a refund for
6 an impact fee under Section 395.025.

7 SECTION 9. Section 395.078, Local Government Code, is
8 repealed.

9 SECTION 10. Section 395.059, Local Government Code, as
10 added by this Act, applies only to a new impact fee or an increase to
11 an existing impact fee adopted on or after the effective date of
12 this Act.

13 SECTION 11. Sections 395.043 and 395.054, Local Government
14 Code, as amended by this Act, apply only to a land use assumption,
15 capital improvement plan, or impact fee that is the subject of a
16 public hearing required to be held by Section 395.042 or 395.053 of
17 that code, as applicable, that is held on or after the 90th day
18 after the effective date of this Act. A land use assumption,
19 capital improvement plan, or impact fee subject to a public hearing
20 that is held before the 90th day after the effective date of this
21 Act is governed by the law in effect immediately before the
22 effective date of this Act, and the former law is continued in
23 effect for that purpose.

24 SECTION 12. Section 395.051(a), Local Government Code, as
25 amended by this Act, applies only to the approval of the imposition
26 of an impact fee on or after the effective date of this Act.

27 SECTION 13. Section 395.0515, Local Government Code, as

S.B. No. 1883

1 added by this Act, applies only to the increase of the amount of an
2 impact fee that is adopted on or after the effective date of this
3 Act.

4 SECTION 14. This Act takes effect September 1, 2025.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1883 passed the Senate on April 23, 2025, by the following vote: Yeas 26, Nays 5; and that the Senate concurred in House amendments on May 21, 2025, by the following vote: Yeas 26, Nays 5.

Secretary of the Senate

I hereby certify that S.B. No. 1883 passed the House, with amendments, on May 16, 2025, by the following vote: Yeas 87, Nays 32, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

11/24/2025

Agenda Item No. J)

PRESENTER:

Carly Farmer, Assistant City Engineer

SUBJECT:

Approval of the first reading of an ordinance to amend Section 126-132 of the Code of Ordinances of the City of New Braunfels to lower the speed limit in the residential area bounded by Wood Road, Walnut Avenue, and Loop 337.

DEPARTMENT: Transportation and Construction Services

COUNCIL DISTRICTS IMPACTED: 2

BACKGROUND INFORMATION:

At their August 25, 2025, meeting, City Council approved a traffic calming plan for Mission Drive that included warning sign improvements, vegetation trimming, pavement markings, and a hardscape neck-down. City Council also directed staff to lower the posted speed limit on Mission Drive from the state-mandated 30 mph to 25 mph. The change in the posted speed limit will result in different speed limits on the surrounding streets and impact the uniformity of traffic signs and laws. Furthermore, a section of Laurel Lane, Encino Drive, and Balcones Avenue are currently posted at 25 mph, which may confuse residents and motorists. On September 15, 2025, staff presented a potential pilot study to lower the speed limit to 25 mph in the entire residential area bounded by Wood Road, Walnut Avenue, and Loop 337. City Council directed staff to move forward with the pilot study.

An engineering traffic study was completed to evaluate the need to lower the speed limit in the subject residential area as required by state law and city ordinance. The study included site investigations, traffic data collection and analysis, and evaluation of the study area and roadway characteristics in order to make a recommendation on speed limit changes. Based on the traffic study, a pilot study of lowering the speed limit to 25 mph in the residential area bounded by Wood Road, Walnut Avenue, and Loop 337 is recommended.

The proposed pilot study will progress through the following steps: establish the recommended speed limit changes for the pilot study in ordinance, prepare and install a speed limit sign plan, collect traffic data post-implementation to compare to pre-project data, and report findings to the City Council, including recommendations for implementation in other areas of the city. Changing the posted speed limit from the prima facie speed of 30 mph requires an ordinance to establish the new speed limit and for it to be enforceable. Once an ordinance is approved, the speed limit sign plan will be drafted to install new speed limit signs reflecting the 25-mph speed limit and replacing existing 30 mph signs as needed. The sign plan will focus on 7 key entry points into the residential area: Ridge Hill Drive, Kerlick Lane, Beverly Lane, Laurel Lane, Mission Drive, Royal Crest, and Moss Rock Drive. Additional "reminder signs" will be placed as deemed necessary. The speed limit changes will not affect the school zone 20-mph speed limit or boundaries. After all signs have been

installed, staff will allow traffic to adjust to the new conditions for a few months before collecting traffic data to compare with the data collected before the pilot study. The data will be analyzed to identify changes in traffic volumes and several speed statistics such as the 85th percentile, 50th percentile, average, and pace speeds. Based on the results, staff will evaluate the effectiveness of speed limit reduction on safety and speeding. The results will be presented to City Council, and staff will outline a high-level plan for implementing speed limit reductions from the prima facie 30-mph speed in other residential areas in the city.

ISSUE:

City Council has directed staff to perform a pilot study on lowering the speed limit to 25 mph in a residential area with speeding and safety concerns.

STRATEGIC PLAN REFERENCE:

☐ Economic Mobility ☐ Enhanced Connectivity ☐ Community Identity
☐ Organizational Excellence ☒ Community Well-Being ☐ N/A

FISCAL IMPACT:

Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY 2026 Approved Streets and Drainage Budget.

RECOMMENDATION:

Staff recommends lowering the speed limit to 25 mph in the residential area bounded by Wood Road, Walnut Avenue, and Loop 337 as part of a pilot study.

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-132 TO REDUCE THE SPEED LIMIT IN THE RESIDENTIAL AREA BOUNDED BY WOOD ROAD, WALNUT AVENUE, AND LOOP 337.

WHEREAS, after engineering and field investigation, the City Engineer has recommended that traffic control signs be installed on certain streets, avenues, thoroughfares and boulevards within the corporate limits of the City of New Braunfels in order to protect the health, safety and welfare of the citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

I.

THAT the City of New Braunfels Code of Ordinances Section 126-132 (d) is hereby amended as follows:

- (5) Laurel Lane from the intersection with Mission Drive to the intersection with Wood Road.
- (11) Forest Lane from the intersection with Beverly Lane to the intersection with Laurel Lane.
- (12) Beverly Lane from Wood Road to the terminus of Beverly Lane.
- (13) Cedar Trail from a point 125 feet west of the intersection with Mission Trail to the terminus of Cedar Trail.
- (14) Clearfield Drive from the intersection with Wood Road to the terminus of Clearfield Drive.
- (15) Elm Trail from the intersection with Mission Trail to the terminus of Elm Trail.
- (16) Evergreen Lane from the intersection with Twin Oaks Drive to the terminus of Evergreen Lane.
- (17) Forest Ridge from the intersection with Ridge Hill Drive to the terminus of Forest Ridge.

- (18) Kerlick Lane from the intersection with Walnut Avenue to the intersection with Mission Hills Drive.
- (19) La Mesa Drive from the intersection with Mission Drive to the intersection with Twin Oaks Drive.
- (20) Laurel Circle from the intersection with Mission Drive to the terminus of Laurel Circle.
- (21) Laurel Trail from the intersection with Mission Trail to the terminus of Laurel Trail.
- (22) Mira Loma from the intersection with Mission Drive to the terminus of Mira Loma.
- (23) Mission Drive from the intersection with Kerlick Lane to the intersection with Wood Road.
- (24) Mission Trail from the intersection with Persimmon Trail to the terminus of Mission Trail.
- (25) Mission Hills Drive from the intersection with Kerlick Lane to the intersection with Valley View Lane.
- (26) Mission Trace from the intersection with Mission Drive to the terminus of Mission Trace.
- (27) Mission View Court from the intersection with Mission Hills Drive to the terminus of Mission View Court.
- (28) Moss Rock Drive from the intersection with Wood Road to the intersection with Trail View.
- (29) Persimmon Trail from the intersection with Mission Trail to the intersection with Timber Drive.
- (30) Ridge Drive from the intersection with Kerlick Lane to the intersection with Mission Drive.
- (31) Ridge Hill Drive from the intersection with Loop 337 to the intersection with Mission Hills Drive.

- (32) Royal Crest from the intersection with Wood Road to the intersection with Valley View Lane.
- (33) Sierra Drive from the intersection with Mission Drive to the terminus of Sierra Drive.
- (34) Timber Drive from the intersection with Kerlick Lane to the intersection with Persimmon Trail.
- (35) Trail View from the intersection with Mission Drive to the terminus of Trail View.
- (36) Twin Oaks Drive from the intersection with Kerlick Lane to the southern intersection with Valley View Lane.
- (37) Valley View Lane from the intersection with Mission Drive to a point 255 feet west of the intersection with Mission Trail.
- (38) Wallhalla Street from the intersection with Kerlick Lane to the terminus of Wallhalla Street.
- (39) Wildwood Trail from the intersection with Wood Road to the northern terminus of Wildwood Trail.

II.

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate or affect the remaining provisions hereof which will be and remain in full force and effect.

III.

THAT it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

IV.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the 24th day of November, 2025.

PASSED AND APPROVED: Second reading this the ____th day of _____, 2025.

CITY OF NEW BRAUNFELS, TEXAS

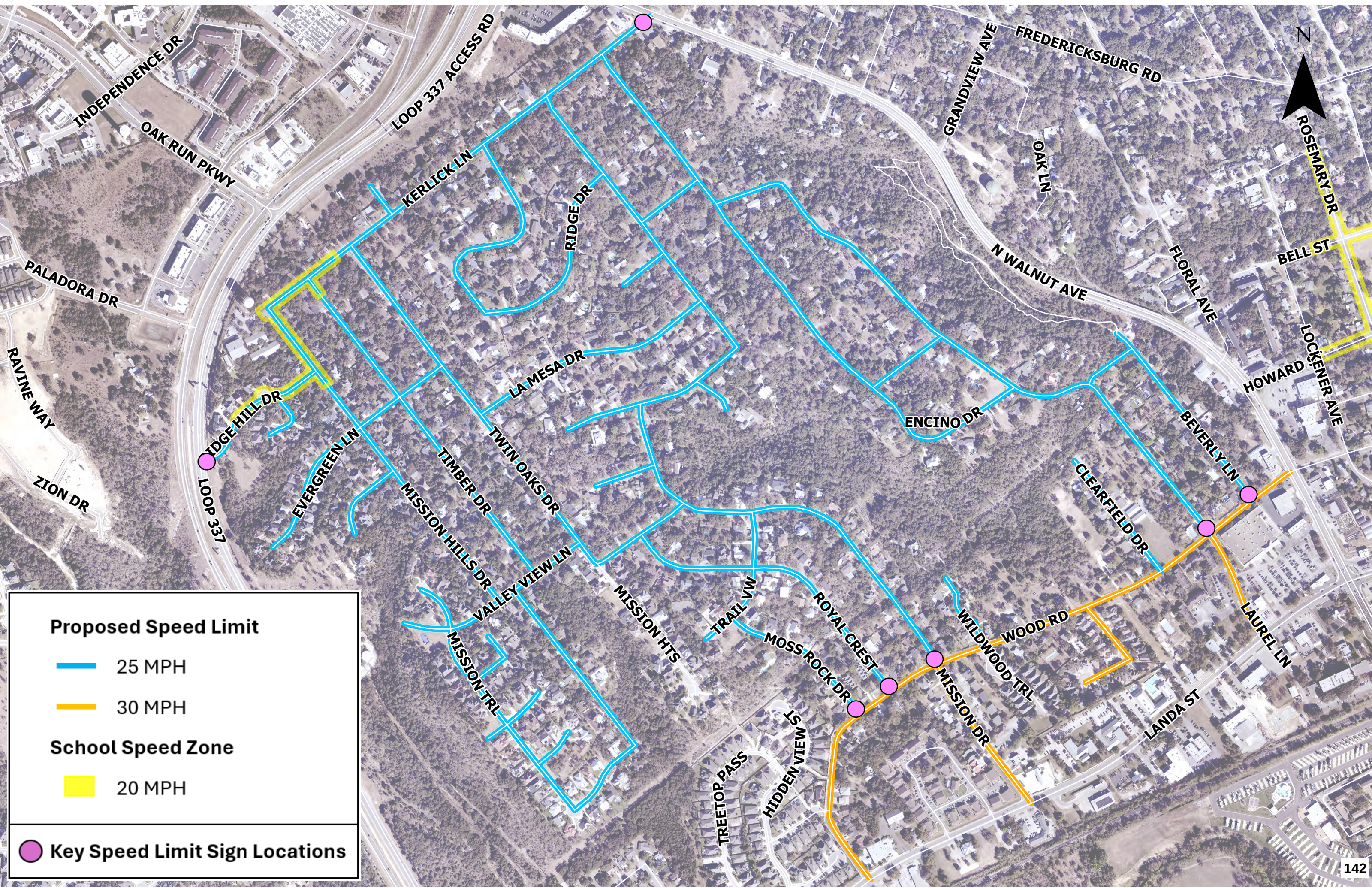
NEAL LINNARTZ, MAYOR

ATTEST:

GAYLE WILKINSON, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY



Proposed Speed Limit

 25 MPH

 30 MPH

School Speed Zone

 20 MPH

 **Key Speed Limit Sign Locations**



Traffic Study Summary

Date: November 18, 2025
Recommendation: Lower the speed limit in the residential area bounded by Wood Road, Walnut Avenue, and Loop 337 to 25 mph
Prepared By: Carly L Farmer, PE, CFM
Reviewed By: Garry L Ford, PE, PTOE

Background

An engineering study was completed to evaluate the appropriate speed limit in the residential area bounded by Wood Road, Walnut Avenue, and Loop 337. The study was completed after direction from City Council to lower the posted speed limit on Mission Drive from 30 mph to 25 mph during their August 25, 2025, meeting where a traffic calming plan was approved for Mission Drive. The change in the posted speed limit will result in different speed limits on the surrounding streets and impact uniformity of traffic signs and laws. Staff is recommending lowering the speed limit to 25 mph in the entire residential area bounded by Wood Road, Walnut Avenue, and Loop 337. The statutory maximum speed limit in the City of New Braunfels is 30 miles per hour (mph) except where otherwise established by ordinance and posted by official traffic signs. The city may alter speed limits based on the result of an engineering study.

The area bounded by Wood Road, Walnut Avenue, and Loop 337 is largely single-family residential, along with a church, school, and city park. Many of the streets have steep grades, making it popular for walkers and runners seeking incline training. There are no sidewalks on the streets other than the south side of Kerlick Lane and the New Braunfels Christian Academy frontage on Mission Hills Drive. Streets in the area are also commonly used as a cut-through route to avoid congestion at the intersections of Walnut Avenue and SH 46 and Walnut Avenue and Landa Street. The posted speed limit on the majority of the streets is 30 mph. A section of Laurel Lane, Encino Drive, and Balcones Avenue are currently posted at 25 mph which, along with a through-truck restriction, were installed as part of the Walnut Avenue reconstruction project in 2015. There is a school zone in the northwestern section of the area on Ridge Hill Drive, Mission Hills Drive, Kerlick Lane, and Timber Drive for the New Braunfels Christian Academy. During the active hours of the school zone, the speed limit is 20 mph. The study area including current speed limits and school zone are shown in Figure 1.

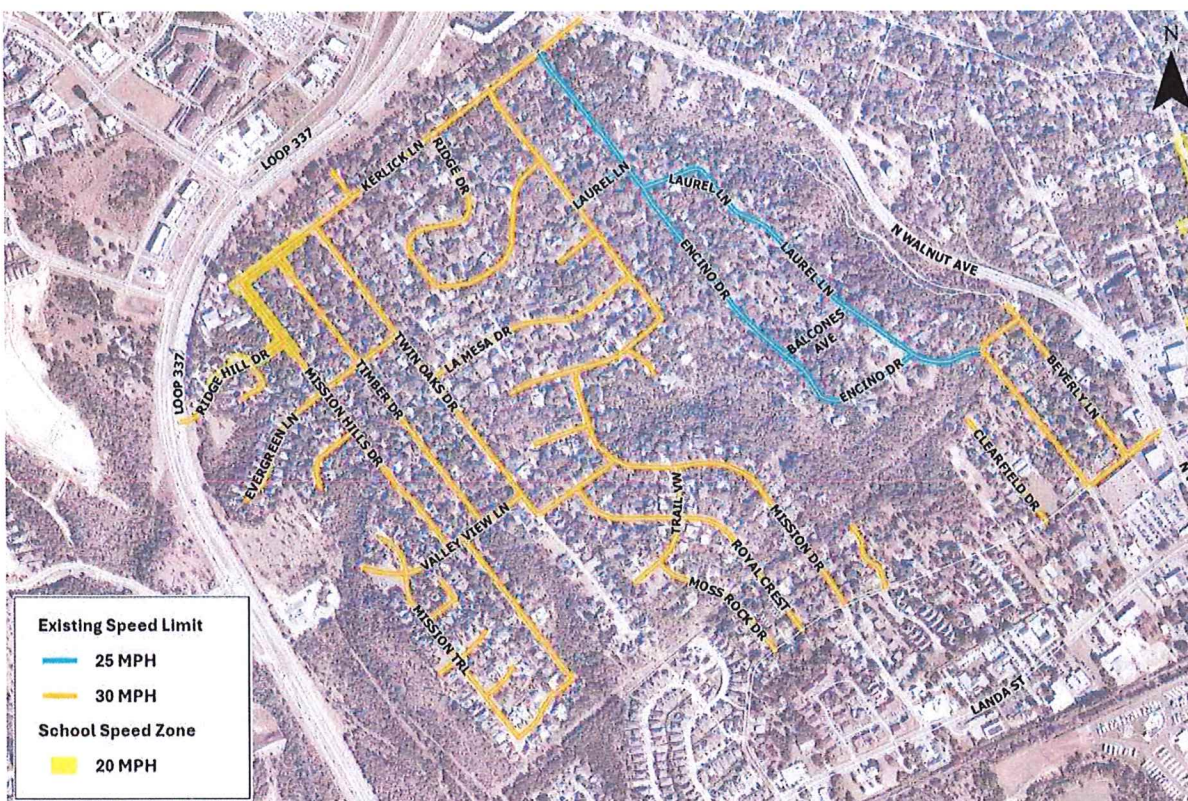


Figure 1. Street Area Layout

Guidance

Speed limits applicable to public streets are established:

- Statutorily- a maximum speed limit applicable to a particular class of road that is established by State law; or
- As altered speed zones - based on engineering studies.

Engineering studies for recommending speed limits utilized by the city's Transportation and Construction Services Department are based on the Texas Manual on Uniform Traffic Control Devices (TMUTCD) and new speed limit setting guidance in the latest federal Manual on Uniform Traffic Control Devices and Speed Limit Setting Handbook. The primary factors considered in the engineering study include:

- **Roadway environment** (such as roadside development, number and frequency of driveways and access points, and land use), functional classification, public transit volume and location or frequency of stops, parking practices, and pedestrian and bicycle facilities and activity;
- **Roadway characteristics** (such as lane widths, shoulder condition, grade, alignment, median type, and sight distance);
- **Geographic context** (such as urban district, rural town center, non-urbanized rural area, or suburban area) and multimodal trip generation;
- **Reported crash experience** for at least a 12-month period;

- **Speed distribution of free-flowing vehicles**, including the pace, median (50th-percentile), and 85th-percentile speeds;
- **Review of past speed studies** to identify any trends in operating speeds.

Other relevant factors may also be considered depending on the specific needs of the study approach and study area.

A city may declare a lower speed limit of not less than 25 miles per hour if the governing body determines that the prima facie speed limit on the streets is unreasonable or unsafe. By State Law, a traffic engineering study is required in order for a city to lower a speed limit below 25 mph.

Site Investigation

Site investigations and a traffic study were completed for the study area in Fall 2025 following the comprehensive traffic calming investigation for Mission Drive in 2024 and 2025. The goals of the study were to evaluate the need to lower the speed limit in the study area through site observations, traffic data collection and analysis, and evaluation of area and roadway characteristics. Every street in the study area provides direct access to multiple homes. Pedestrian and cyclist activity was frequently observed both for recreational purposes and for drop-off to and pick-up from New Braunfels Christian Academy. The newly opened Willard Canyon Trail off of Beverly Lane has contributed to an increase in pedestrian activity in the area as well.

Crash History

Traffic crash data for April 2022 through April 2025 was found through the Texas Department of Transportation's Crash Records Information System. There were six reported crashes in the study area during this time, none of which were reported as speed-related.

Data Collection

Traffic speed and volume data were collected in October 2025 for key locations in the study area to accompany the data collected on Mission Drive in March 2024. The data collection points were selected to represent multiple streets in the residential area that are likely to experience the highest amount of volume and speeds. The average daily traffic (ADT) and the pace, 50th percentile (median), and 85th percentile speeds for each collection point are documented in Table 1.

Table 1. Traffic Speed and Volume Data

Street	Limits	ADT (vpd)	Pace speed (mph)	50 th % speed (mph)	85 th % speed (mph)
Mission Dr	Laurel Ln and Laurel Cir	757	20-29	24	30
Mission Dr	Valley View Ln and Trail View	793	12-21	17	21
Mission Dr	Trail View and Wood Rd	941	25-34*	27	33
Kerlick Ln	Twin Oaks Dr and Ridge Dr	1,492	23-32	26	32
Mission Hills Dr	Ridge Hill Dr and Evergreen Ln	982	18-27	22	25
Ridge Hill Dr	Loop 337 to Mission Hills Dr	1,074	19-28	22	26
Timber Dr	Evergreen Ln and Valley View Ln	196	16-25	20	26
Twin Oaks Dr	Kerlick Ln and Evergreen Ln	438	19-28	23	29
Valley View Ln	Mission Hts and Royal Crest	841	13-22	18	24
La Mesa Dr	Twin Oaks Dr and Mission Dr	153	20-29	20	27

*Pace speed is derived from speed data binned in 5mph increments

Recommendation

Based on the site investigation and collected speed data, it is recommended that the regulatory speed limit be revised to 25 mph for the residential area bounded by Wood Road, Walnut Avenue, and Loop 337. Most of the streets have measured 85th percentile speeds between 25-30 mph, indicating the posted 30 mph speed limit is excessive. In addition, the direct residential driveway access and pedestrian activity around the homes and school in the area are conditions for which a 30-mph speed limit is not suitable. The median and pace speeds demonstrate that a 25-mph speed limit is in line with traffic speeds for the majority of vehicles traveling through the area. The 25-mph speed limit also provides consistency with the regulatory speed limits posted on Laurel Lane, Balcones Avenue, and Encino Drive.

Traffic data will be recollected after the 25-mph speed limit is implemented to determine if the speed limit reduction was impactful to vehicle speeds on streets where speeds regularly exceed 30 mph. The results of the impact will be used a pilot study to determine if implementing a reduced neighborhood speed limit will have an impact on reducing speeds, improving safety, and a consideration for other neighborhoods.

11/24/2025

Agenda Item No. K)

PRESENTER:

Bryan V. Ruiz, Neighborhood Services Manager

SUBJECT:

Approval of the first reading of an ordinance amending the City's Code of Ordinances, Sec. 6-109, relating to home quarantine of animals.

DEPARTMENT: Neighborhood & Community Planning**COUNCIL DISTRICTS IMPACTED:** All**BACKGROUND INFORMATION:**

As noted in a summary email to City Council Members on November 12, 2025, currently Chapter 6-109 (b) (6) of the City of New Braunfels Code of Ordinances requires an animal in home quarantine (typically the result of a bite incident) to be observed on the first and last day by a licensed veterinarian. The State of Texas, however, allows the local rabies control authority (the City) or a veterinarian to observe the animal in home quarantine on the first and last day. Staff is recommending amending our local code to be consistent with state statute and surrounding animal control agencies, affording the pet owner the option for municipal observation on the first and last days.

ISSUE:

When a resident is granted home quarantine by our local Animal Welfare Officers, they are required under our local ordinance to have a vet visit for a first and last day check. This can pose a financial concern especially if the pet owner is on a fixed income or does not have consistent transportation. These concerns may have the person question the need to keep the pet, or release to the shelter which then increases the burden on the shelter to house another animal that already had a home.

STRATEGIC PLAN REFERENCE:

☐ Economic Mobility ☐ Enhanced Connectivity ☐ Community Identity
☒ Organizational Excellence ☒ Community Well-Being ☐ N/A

FISCAL IMPACT:

None

RECOMMENDATION:

Benefits of this proposed amendment include:

- **Consistency with State Statute:** Aligns our ordinance with Texas Health and Safety Code and our

benchmark cities.

- **Reduced Financial Burden:** Eliminates the need for two veterinary visits, easing costs for residents on fixed incomes or without reliable transportation.
- **Shelter Impact:** Helps prevent owner surrenders due to quarantine-related expenses, reducing intake pressure on our shelter.
- **Animal Welfare:** Minimizes stress for pets by allowing observation in their home environment.

Therefore, staff recommends approval.

The Animal Services Advisory Board recommended approval at their August 2025 meeting.

RESOURCE LINKS:

Chapter 6 Animals, Section 109:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH6AN_ARTVRACO_S6-109QUMETE

TEXAS ADMINISTRATIVE CODE
TITLE 25. HEALTH SERVICES
PART I. DEPARTMENT OF STATE HEALTH SERVICES
CHAPTER 169. ZOONOSIS CONTROL
SUBCHAPTER A. RABIES CONTROL AND ERADICATION

§169.21. Purpose.

The purpose of this subchapter is to protect public health by establishing standardized rules for the control and eradication of rabies in the State of Texas, in accordance with the Texas Health and Safety Code, Chapter 826.

The provisions of this §169.21 adopted to be effective April 1, 1980, 5 TexReg 812; amended to be effective July 12, 1998, 23 TexReg 7224; amended to be effective December 20, 2007, 32 TexReg 9341; amended to be effective March 31, 2013, 38 TexReg 1994

§169.22. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Unless defined in this section, all words have definitions as provided in the Texas Health and Safety Code, §826.002.

- (1) Animal--Any mammal, domesticated or wild.
- (2) Assistance animal--An animal that is specially trained or equipped to help a person with a disability and that:
 - (A) is used by a person with a disability who has satisfactorily completed a specific course of training in the use of the animal; and
 - (B) has been trained by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities as reputable and competent to provide animals with training of this type.
- (3) Cat--Any domestic cat, excluding hybrids.
- (4) Confinement--The restriction of an animal to an area, in isolation from other animals and people, except for contact necessary for its care.
- (5) Currently vaccinated--Vaccinated and satisfying all the following criteria.
 - (A) The animal must have been vaccinated against rabies with a vaccine licensed by the United States Department of Agriculture (USDA) for that species at or after the minimum age requirement and using the recommended route of administration for the vaccine.
 - (B) At least 30 days have elapsed since the initial vaccination.

veterinarian. Drinking bottles may be used for animals acclimated to their use. Domestic ferrets shall have fresh, clean water accessible at all times, provided in drinking bottles of appropriate size to maintain a fresh supply. Water receptacles shall be kept clean and sanitary.

(d) Sanitation.

(1) Cleaning of primary enclosures. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the inhabitants, but not less than daily.

(2) Sanitation of primary enclosures. Cages, rooms, and pens shall be maintained in a sanitary condition.

(3) Building and premises. Building and premises shall be kept clean.

(e) Pest Control. A regular program for the control of insects, ectoparasites, and other pests shall be established and maintained. The facility shall be free of visible signs of rodents and keep other vermin infestations to a minimum at all times. Each pesticide must be used in accordance with its manufacturer's label instructions.

(f) Outdoor facilities are acceptable under this section provided those facilities meet all the requirements of this section.

(g) This section applies to all animal shelters located in counties with a population of 75,000 or greater as required by the Texas Health and Safety Code, Chapter 823, and to all quarantine or impoundment facilities regardless of county population.

The provisions of this §169.26 adopted to be effective April 1, 1980, 5 TexReg 812; amended to be effective February 22, 1993, 18 TexReg 845; amended to be effective February 21, 1996, 21 TexReg 963; amended to be effective August 21, 1996, 21 TexReg 7660; amended to be effective July 12, 1998, 23 TexReg 7224; amended to be effective February 18, 2003, 28 TexReg 1389; amended to be effective July 21, 2004, 29 TexReg 6936; amended to be effective December 20, 2007, 32 TexReg 9341; amended to be effective March 31, 2013, 38 TexReg 1994

§169.27. Quarantine Method and Testing.

(a) When a dog, cat, or domestic ferret that has bitten a human has been identified, the custodian will place the animal (regardless of its vaccination status) in quarantine as defined in the Texas Health and Safety Code, §826.002, until the end of the 10-day observation period. The animal must also be quarantined if there is probable cause to believe that it has otherwise exposed a human to rabies. The observation period will begin at the time of the exposure. The animal must be placed in a department-licensed quarantine facility specified by the local rabies control authority and observed at least twice daily. However, the local rabies control authority may allow the animal to be quarantined in a veterinary clinic. As an alternative to quarantine at a department-licensed facility or a veterinary clinic, the local rabies control authority may allow home confinement. To allow home confinement, the following criteria must be met.

(1) A secure enclosure approved by the local rabies control authority must be used to prevent escape.

(2) The animal has been vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the manufacturer recommendations for the vaccine. If an unvaccinated animal is not over 16 weeks of age at the time of the potential exposure, it may be allowed home confinement.

(3) During the confinement period, the animal's custodian must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted.

(4) The local rabies control authority or a veterinarian must observe the animal at least on the first and last days of the home confinement.

(5) The animal was not a stray as defined in the Texas Health and Safety Code, §826.002, at the time of the potential exposure.

(b) If the potential rabies exposure described in subsection (a) of this section occurs in a city or county other than where the animal's custodian resides, the animal may be transferred to a department-licensed quarantine facility or a veterinary clinic in the city or county of the custodian's residence or allowed home confinement, if applicable, if there is mutual agreement to do so between the local rabies control authorities for the city or county where the exposure occurred and where the custodian resides.

(c) The alternative to quarantining (to include home confining) a dog, cat, or domestic ferret that has bitten or otherwise potentially exposed a person to rabies as described in subsection (a) of this section is to have the animal euthanatized in such a manner that the brain is not damaged and a suitable specimen submitted to a department-designated laboratory for rabies testing. A list of department-designated laboratories may be found on the department's website or may be obtained from any of the department's regional Zoonosis Control offices.

(d) A domestic animal that has potentially exposed a human to rabies and has been designated by the local rabies control authority as unowned may be euthanatized. If the animal is euthanatized, a suitable specimen shall be submitted for rabies testing.

(e) "Free-roaming animals" as used in this section includes animals that have been in captivity less than 200 days immediately prior to the potential exposure and those that are not in captivity. If the animal implicated in the potential exposure is a free-roaming high-risk animal, it shall be euthanatized and a suitable specimen submitted for rabies testing. If the animal implicated in the potential exposure is a high-risk animal that has been in captivity without contact with free-roaming animals for 200 days or more immediately prior to the potential exposure or is less than 200 days old, has always been in captivity without contact with free-roaming animals, and is the progeny of a dam that has been in captivity without contact with free-roaming animals for 200 days or more immediately prior to the potential exposure, the local rabies control authority shall conduct a risk assessment to gauge the probability that the animal could have been exposed to rabies and, therefore, poses a public health risk. If the probability that the animal implicated in the potential exposure could have had animal contact conducive to rabies transmission is low and the potential exposure poses a negligible public health risk, the local rabies control authority may require that the animal involved in the potential exposure be quarantined at a department-licensed quarantine

ORDINANCE NO. 2025- ____

**AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS,
AMENDING THE CODE OF ORDINANCES, CHAPTER 6, ANIMALS,
ARTICLE V, TO UPDATE RABIES QUARANTINE PROVISIONS;
REPEALING ALL LAWS IN CONFLICT; PROVIDING FOR
SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.**

Whereas, the City Council of the City of New Braunfels, Texas finds that these regulations are a proper exercise of its authority as a home-rule municipality, and further finds that these amendments are necessary to protect the health and safety of its citizens.

Whereas, the City Council of the City of New Braunfels, Texas, as authorized under the Texas Local Government Code, has adopted and employed ordinances establishing the New Braunfels Animal Services Advisory Board; and

Whereas, the City Council amends its ordinances from time to time to ensure they are achieving community and citizen goals; and

Whereas, the City Council has directed that ordinance dealing with the care of pets be reviewed by the Animal Services Advisory Board to make recommendations concerning improving those regulations; and

Whereas, the Animal Services Advisory Board at a public meeting on August 20, 2025 recommended approval of the proposed amendments; and

Whereas, the City Council heard a presentation and held a public hearing on this topic at their DATE meeting at which time they directed staff to bring forward for consideration amendments that would update the local ordinances and address citizen concerns; and

Whereas, the City Council considered the first reading on said amendments on November 24, 2025, and a second reading on December 8, 2025.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION1: That the Code of Ordinances, Chapter 6-Animals, Article V be amended as indicated below:

ARTICLE V. RABIES CONTROL

Sec. 6-109. Quarantine method and testing.

- (a) Animals quarantined at a veterinary clinic shall be observed by a licensed veterinarian at least on the first and last days of the quarantine period. If the veterinarian determines that the animal has clinical signs of the

disease of rabies, the animal shall be humanely euthanized, and the head or brain submitted for testing. If the veterinarian determines that the animal does not exhibit the clinical signs of the disease of rabies, the local rabies control authority officer shall provide a form to the veterinarian for ~~his~~ their signature certifying that the animal has been found to be free of the clinical signs of rabies at the end of the quarantine period. This form shall be returned to the local rabies control authority officer at the end of the quarantine period.

- (b) The owner of the animal to be quarantined may request permission from the local rabies control authority officer for home quarantine if the following criteria can be met:
- (1) Secure facilities must be available at the home of the animal's owner and must be approved by the local rabies control authority officer.
 - (2) The animal is currently vaccinated against rabies and possesses a current city registration (if the licensing requirement of this chapter is applicable).
 - (3) The animal was not in violation of any laws or ordinances at the time of the incident.
 - (4) The bite or scratch incident was a provoked attack.
 - (5) The animal welfare officer must approve the granting of a home quarantine if all other requirements have been met. The approval must be in writing on a form provided by the local rabies control authority officer.
 - (6) A licensed veterinarian or Animal Welfare Officer must observe the animal at least on the first and last days of the quarantine period. ~~For the first observation, the animal will be transported by the animal welfare officer or the owner to the local veterinarian chosen by the owner, and then returned to the location of the home quarantine by the animal welfare officer or the owner after the observation.~~ If the animal becomes ill during the home quarantine period, the veterinarian and the local rabies control authority officer must be notified by the person having possession of the animal. ~~At the end of the observation period the owner shall transport the animal by direct route to the veterinarian for the final observation. Both observations by the veterinarian may be made at the location of the home quarantine if requested by the owner or required by the rabies control officer.~~ The release from quarantine must be accomplished in writing.
 - (7) The owner shall be responsible for paying all rabies observation fees to the veterinarian.
 - (8) It shall be unlawful to violate the provisions and conditions of the home quarantine as required by the local rabies control authority officer. If the owner of the animal fails to abide by all provisions and conditions required by the local rabies control authority officer when the home quarantine was granted and the animal is found in violation of such conditions, the animal shall be immediately impounded and quarantined for the remainder of the observation period at an approved veterinary facility at the owner's expense.
- (c) No dog or cat shall be released from quarantine unless:
- (1) The owner has an unexpired rabies vaccination certificate and registration for the animal (if the registration requirement is applicable); or
 - (2) The animal is vaccinated against rabies by a licensed veterinarian at the owner's expense and a registration, if required, is obtained at the owner's expense from the veterinarian.
- (d) No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely euthanized in such a manner that the brain is not mutilated. The brain shall be submitted to a state department of health certified laboratory for rabies diagnosis.

(Code 1961, § 3-24)

State law reference(s)—Release or disposition of quarantined animal, V.T.C.A., Health and Safety Code § 826.043.

SECTION 2: This Ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to animals within the City of New Braunfels, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this Ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

SECTION 3: That if any provisions of this Ordinance shall be held void, illegal, or unconstitutional, it is hereby provided that all other parts of the same which are not held void, illegal or unconstitutional shall remain in full force and effect.

SECTION 4: EFFECTIVE DATE AND PUBLICATION:

This Ordinance shall become adopted upon its second reading, signature, and filing with the City Secretary's Office; however, it will not take effect until it has been published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this ____ day of _____, 2025.

PASSED AND APPROVED: Second reading this ____ day of _____, 2025.

CITY OF NEW BRAUNFELS, TEXAS

NEAL LINNARTZ, Mayor

ATTEST:

Gayle Wilkinson, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney

11/24/2025

Agenda Item No. L)

PRESENTER:

Carly Farmer, Assistant City Engineer

SUBJECT:

Approval of the first reading of an ordinance to revise Section 126 Article IV Division 3 of the Code of Ordinances of the City of New Braunfels to restructure speed limits and school speed zones and remove the school zone associated with the previous New Braunfels ISD Ninth Grade Center.

DEPARTMENT: Transportation and Construction Services

COUNCIL DISTRICTS IMPACTED: N/A

BACKGROUND INFORMATION:

Speed limits on Texas roads, including city streets, are set by statute in Section 545.352 of the Texas Transportation Code. The prima facie speed limit on a street in an urban district is 30 mph. Deviations from the prima facie speed limit on a street must be established by ordinance in order to be posted on a roadway and enforceable. Speed limits, including school speed zones, in the City of New Braunfels are contained within Section 126 Article IV Division 3 of the Code of Ordinances.

The current organization of the speed limit ordinance presents multiple challenges:

- The subsection format allows for a limited number of speed limits to be established.
- Multiple posted speed limits deviating from 30 mph are not included.
- Some speed limits for TxDOT roadways have not been updated after completed projects.
- The language used for defining speed limit boundaries is inconsistent.
- Fines for violations are inconsistent.

Staff began an effort to reorganize the speed limit ordinance to address the above challenges. Using the existing ordinance, speed limit sign inventory, and field verification, all existing posted speed limits deviating from the prima facie speed of 30 mph and all school speed zones were documented into a new ordinance structure using consistent language. This reorganization lists all speed limits and school speed zones in Section 126-132 and Section 126-133, respectively. Both sections utilize a subsection format that categorizes speed limits into 5 mph increments. This new structure is more intuitive to read, allows ordinances to be easier to locate and amend, and does not limit the number of speed limits that can be added.

During this process, New Braunfels ISD confirmed that the previous Ninth Grade Center site on Guenther Avenue will not be used as a school campus in the near future. As part of the speed limit revisions, staff is proposing to remove the school zones on Business 35 and Nacogdoches Street, as well as a portion of Guenther Avenue, Magazine Avenue, and Butcher Street. The adjacent school zone for Carl Schurz Elementary School

will remain. The flashing beacons on Business 35 have already been removed, but staff will need to adjust school zone signs on the other streets to reflect the removal of the school zone for the Ninth Grade Center.

ISSUE:

The speed limit ordinance is disorganized, incomplete, and challenging for staff to use. A school zone needs to be removed for the previous Ninth Grade Center.

STRATEGIC PLAN REFERENCE:

☐ Economic Mobility ☐ Enhanced Connectivity ☐ Community Identity
☒ Organizational Excellence ☒ Community Well-Being ☐ N/A

FISCAL IMPACT:

Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY 2026 approved streets and drainage budget.

RECOMMENDATION:

Staff recommends restructuring the speed limit and school speed zone ordinance and removing the school zone for the previous New Braunfels ISD Ninth Grade Center.

ORDINANCE NO. 2025-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, AMENDING SECTION 126 ARTICLE IV DIVISION
3 TO RESTRUCTURE THE SPEED LIMIT ORDINANCE AND REMOVE
THE SCHOOL SPEED ZONE FOR THE NINTH GRADE CENTER.**

WHEREAS, after engineering and field investigation, the City Engineer has recommended that traffic control signs be installed on certain streets, avenues, thoroughfares and boulevards within the corporate limits of the City of New Braunfels in order to protect the health, safety and welfare of the citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

I.

THAT the City of New Braunfels Code of Ordinances Section 126 Article IV Division 3 is hereby amended as follows:

**Part II Code of Ordinances
Chapter 126- Traffic and Vehicles
Article IV.- Operations of Vehicles
Division 3. Speed Limits**

Sec. 126-126. - State law, applicability

The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within this city, except as this division, as authorized by state law, hereby declares and determines upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be prima facie unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this chapter when signs are in place giving notice thereof.

Sec. 126-127. - Decreasing state speed limits—Generally.

The state law maximum speed may be decreased within the city.

Sec. 126-128. - Same—At certain intersections.

The speed limits imposed by state law may from time to time be decreased at certain intersections within the city.

Sec. 126-129. - Increasing state speed limit.

The state speed limit may from time to time be increased in certain zones within the city.

Sec. 126-130. - Thirty miles per hour speed limit.

It shall be unlawful to operate any vehicle on any portion of any roadway at a speed greater than 30 miles per hour within the corporate limits of the city, except where otherwise established by ordinance and indicated by posted traffic signs.

Sec. 126-131. - Regulation at traffic signals.

The city engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

Sec. 126-132. - Speed limits on specified streets.

- (a) The maximum, reasonable and prudent speed limit shall be no greater than 10 miles per hour in the following locations:
 - (1) Jessie Guerrero Circle from the intersection with Peace Avenue to the terminus of Jesse Guerro Circle.
- (b) The maximum, reasonable and prudent speed limit shall be no greater than 15 miles per hour in the following locations:
 - (1) Dollar Drive from the intersection with SH 46 to the terminus of Dollar Drive.
- (c) The maximum, reasonable and prudent speed limit shall be no greater than 20 miles per hour in the following locations:
 - (1) Aquatic Circle from the intersection with Landa Park Drive to the terminus of Aquatic Circle.
 - (2) Caddell Lane from the intersection with SH 46 to the intersection with

Apache Drive.

- (3) California Boulevard from the intersection with Lakeview Boulevard to the beginning of Landa Park Drive.
- (4) Klein Road from the intersection with FM 725 to easterly for a distance of 1,555 feet.
- (5) E.P. Nowotny from the intersection with Monument Drive to the intersection with Landa Park Drive.
- (6) Elizabeth Avenue from the intersection with Landa Park Drive to the intersection with W Torrey Street.
- (7) Gazebo Circle from the intersection with Landa Park Drive to the terminus of Gazebo Circle.
- (8) Golf Course Road from the intersection with Landa Park Drive to the terminus of Golf Course Road.
- (9) Gruene Road from the intersection with Sunnybrook Drive to the intersection with Ervendberg Avenue.
- (10) Hinman Island Drive from the intersection with Elizabeth Avenue to the intersection with Liberty Avenue.
- (11) Hunter Road from the intersection with Gruene Road to a point 85 feet north of the intersection with Rapids Road.
- (12) Kentucky Boulevard from the intersection with Ohio Avenue to the intersection with Fredericksburg Road.
- (13) Landa Park Drive from the intersection with Landa Street to the beginning of California Boulevard.
- (14) Mill Race Run from the intersection with Playground Drive to the terminus of Mill Race Run.
- (15) Monument Drive from the intersection with Landa Park Drive to the intersection with Playground Drive.
- (16) Liberty Avenue from the intersection with San Antonio Street to the intersection with Torrey Street.
- (17) Union Avenue from a point 150 feet east of the intersection with Garza Street to the intersection with Union Alley.
- (18) New Braunfels Street from the intersection with Hunter Road to the

intersection with Gruene Road.

(19) Playground Drive from the intersection with Fredericksburg Road to the intersection with Landa Park Drive.

(20) Quail Ridge from the intersection with Klein Road to the intersection with Roadrunner Avenue.

(d) The maximum, reasonable and prudent speed limit shall be no greater than 25 miles per hour in the following locations:

(1) Balcones Avenue from the intersection with Encino Drive to the intersection with Laurel Lane.

(2) Cambridge Way from the intersection with Stratford Grace to the terminus of Cambridge Way.

(3) Encino Drive from the intersection with Kerlick Lane to the southernmost intersection with Laurel Lane.

(4) Fredericksburg Road from the intersection with Ohio Avenue to the intersection with Landa Street.

(5) Laurel Lane from the intersection with Mission Drive to the intersection with Forest Drive.

(6) Seguin Avenue

a. from the intersection with Main Plaza to the intersection with Bridge Street.

b. from the intersection with Main Plaza to the intersection with Coll Street.

(7) Prairieview Lane from the intersection with SH 46 to the terminus of Prairieview Lane.

(8) Castell Avenue from the intersection with San Antonio Street to the intersection with Butcher Street.

(9) Stratford Grace from the intersection with South Bank Boulevard to the terminus of Stratford Grace.

(10) Willow Avenue from the intersection with Butcher Street to the intersection with Coll Street.

(e) The maximum, reasonable and prudent speed limit shall be no greater than 35 miles per hour in the following locations:

- (1) Alves Lane from the intersection with SH 46 to the intersection with Barbarosa Road.
- (2) Creekside Crossing from the intersection with IH 35 to a point 730 feet east of the intersection with Town Center Drive.
- (3) Common Street from the intersection with FM 306 to the intersection with Gruene Road.
- (4) FM 725 from the intersection with IH 35 to a point 190 feet south of the intersection with Courtyard Drive/E Green Valley.
- (5) Goodwin Lane from the intersection with FM 306 to the northern intersection with Conrads Lane.
- (6) Krueger Canyon Road from the intersection with FM 482 to the intersection with FM 1863.
- (7) Landa Street from the intersection with Walnut Avenue to the intersection with Northbound SL 337 Access Road.
- (8) Loop 337 from the intersection with Business 35 to the northern intersection with IH 35.
- (9) McQueeney Road from the intersection with IH 35 to the intersection with County Line Road.
- (10) Mission Valley Road from the intersection with SH 46 to a point 1,275 feet east of the intersection with Dietz Ranch Road.
- (11) Solms Road from the intersection with FM 482 to northerly for a distance of 1,400 feet.
- (12) Walnut Avenue
 - a. From a point 175 feet north of the intersection with Floral Avenue to the intersection with Business 35.
 - b. From a point 45 feet north of the intersection with Woodall Circle to the intersection with Klein Road.
- (13) Seguin Avenue from the intersection with Coll Street to the intersection with IH 35.
- (14) Schmucks Road from the intersection with Doeppenschmidt Road to westerly for a distance of 1,150 feet.
- (15) State Highway 46 from the intersection with IH 35 to a point 100 feet

east of the intersection with Bartels Street.

- (16) County Line Road from the intersection with FM 725 to the intersection with FM 1044.
 - (17) Klein Road from the intersection with FM 725 to the intersection with FM 1044.
 - (18) Word Ranch Road from the intersection with FM 1863 to southerly for a distance of 1,025 feet.
- (f) The maximum, reasonable and prudent speed limit shall be no greater than 40 miles per hour in the following locations:
- (1) Barbarosa Road from the intersection with FM 1101 to a point 400 feet west of the intersection with Clara Park.
 - (2) Conrads Lane from the intersection with IH 35 to the intersection with FM 1102.
 - (3) FM 1863 from the intersection with SH 46 to the intersection with Kings Way.
 - (4) Kohlenberg Road from the intersection with IH 35 to the intersection with FM 1101.
 - (5) Southbound Loop 337 Access Road from the intersection with River Road to westerly for a distance of 2,020 feet.
 - (6) Business 35 from the intersection with Spur Street to the intersection with IH 35.
 - (7) Walnut Ave from a point 60 feet east of the intersection with Deer Trot to a point 175 feet north of the intersection with Floral Avenue.
- (g) The maximum, reasonable and prudent speed limit shall be no greater than 45 miles per hour in the following locations:
- (1) Creekside Crossing from a point 730 feet east of the intersection with Town Center Drive to the intersection with FM 1101.
 - (2) FM 1044 from the intersection with NB IH 35 Frontage Road to a point 225 feet south of the intersection with Loma Verde Drive.
 - (3) FM 1101 from the intersection with SH 46 to a point 1,445 feet south of the intersection with Kowald Lane.
 - (4) FM 2722 from the intersection with SH 46 to a point 100 feet south of

the intersection with Old Bear Creek Road.

- (5) FM 306 from the intersection with IH 35 to a point 1,980 feet north of the intersection with Hunter Road.
- (6) FM 482 from a point 30 feet west of the intersection with Solms Road to the intersection with SB IH 35 Frontage Road.
- (7) FM 725 from a point 190 feet south of the intersection with Courtyard Drive/E Green Valley to a point 950 feet south of the intersection with South Bank Boulevard.
- (8) FM 758 from the intersection with SH 46 to a point 360 feet east of the intersection with Village Springs.
- (9) Green Valley Road from the intersection with FM 1044 to the intersection with Ron Road.
- (10) Loop 337.
 - a. From the southern intersection with IH 35 to the intersection with San Antonio Street.
 - b. From the intersection with SH 46 to a point 940 feet west of the intersection with California Boulevard.
 - c. From the intersection with Hanz Drive to the intersection with Business 35.
- (11) Northbound Loop 337 Access Road from a point 2,200 feet west of the intersection with River Road to the intersection with Rock Street.
- (12) Walnut Avenue from the intersection with SH 46 to a point 60 feet east of the intersection with Deer Trot.
- (13) Northbound IH 35 Frontage Road from a point 1,745 feet north of the intersection with FM 306 to the intersection with Solms Road.
- (14) Southbound IH 35 Frontage Road from a point 1,470 feet north of the intersection with FM 306 to the intersection with Solms Road.
- (15) State Highway 46.
 - a. From a point 100 feet east of the intersection with Bartels Street to the intersection with Alves Lane.
 - b. From a point 110 feet east of the intersection with Deborah Drive to a point 465 feet east of the intersection with Camp Willow

Road.

- c. From the intersection with SL 337 to a point 550 feet west of the intersection with Northwoods Drive.
- (h) The maximum, reasonable and prudent speed limit shall be no greater than 50 miles per hour in the following locations:
 - (1) FM 1044 from a point 225 feet south of the intersection with Loma Verde Drive to a point 125 feet south of the intersection with Green Valley Road.
 - (2) FM 306 from a point 1,980 feet north of the intersection with Hunter Road to a point 775 feet north of the intersection with Millies Lane.
 - (3) FM 725 from a point 950 feet south of the intersection with South Bank Boulevard to a point 15 feet south of the intersection with Bradbury Drive.
 - (4) Northbound IH 35 Frontage Road from the intersection with Solms Road to a point 2,225 feet south of the intersection with Engel Road.
 - (5) Southbound IH 35 Frontage Road from the intersection with Solms Road to a point 1,520 feet south of the intersection with Marigold Way.
 - (6) State Highway 46.
 - a. From the intersection with Alves Lane to a point 110 feet east of the intersection with Deborah Drive.
 - b. From a point 550 feet west of the intersection with Northwoods Drive to a point 980 feet west of the intersection with Hueco Spring Loop Road.
- (i) The maximum, reasonable and prudent speed limit shall be no greater than 55 miles per hour in the following locations:
 - (1) FM 1044 from a point 125 feet south of the intersection with Green Valley Road to a point 1,975 feet north of the intersection with Wood Thrush.
 - (2) FM 1101 from a point 1,445 feet south of the intersection with Kowald Lane to the intersection with Kohlenberg Road.
 - (3) FM 1102 from the intersection with FM 306 to the intersection with Conrads Lane.

- (4) FM 1863 from the intersection with Kings Way to westerly for a distance of 395 feet.
- (5) FM 758 from a point 360 feet east of the intersection with Village Springs to a point 25 feet east of the intersection with Airport Road.
- (6) Loop 337.
 - a. From a point 940 feet west of the intersection with California Boulevard to the intersection with Hanz Drive.
 - b. From the intersection with San Antonio Street to the intersection with SH 46.
- (7) Northbound IH 35 Frontage Road from a point 1,745 feet north of the intersection with Kohlenberg Road to a point 1,745 feet north of the intersection with FM 306.
- (8) Southbound IH 35 Frontage Road from a point 1,610 feet north of the intersection with Conrads Lane to a point 1,470 feet north of the intersection with FM 306.
- (9) State Highway 46.
 - a. From a point 465 feet east of the intersection with Camp Willow Road to a point 410 feet east of the intersection with Weltner Road.
 - b. From a point 980 feet west of the intersection with Hueco Spring Loop Road to a point 600 feet west of the intersection with Walzem Mission Road.
- (j) The maximum, reasonable and prudent speed limit shall be no greater than 60 miles per hour in the following locations:
 - (1) State Highway 46 from a point 410 feet east of the intersection with Weltner Road to a point 530 feet east of Pfeiffer Lane.
- (k) The maximum, reasonable and prudent speed limit shall be no greater than 65 miles per hour in the following locations:
 - (1) Reserved.
- (l) The maximum, reasonable and prudent speed limit shall be no greater than 70 miles per hour in the following locations:
 - (1) IH 35 from a point 1,610 feet north of the intersection with Conrads

Lane to a point 2,225 feet south of the intersection with Engel Road.

- (m) Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$200.00.

Sec. 126-133. - School speed zones on specified streets.

- (a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted time periods or when the school zone flashing lights are operating on each scheduled school day during every authorized school term, in excess of 20 miles per hour:
- (1) Avery Parkway from the intersection with Wood Drake Lane to a point 180 feet north of the intersection with Avery Ranch Drive.
 - (2) Bell Street from the intersection with Fredericksburg Road to a point 170 feet west of the intersection with Rosemary Drive.
 - (3) Butcher Street from the intersection with Guenther Avenue to a point 75 feet north of the intersection with Magazine Avenue.
 - (4) Church Hill Drive from the intersection with Loop 337 Access Road to the northern intersection with Broadway.
 - (5) Clemens Avenue from the intersection with Coll Street westerly for a distance of 180 feet.
 - (6) Common Street from a point 160 feet south of the intersection with Sundance Parkway to a point 375 feet north of the intersection with Gruene Park Drive.
 - (7) Cross Street from the intersection with Guenther Avenue to a point 80 feet south of the intersection with Santa Clara Avenue.
 - (8) Deborah Drive from a point 160 feet north of the intersection with Lucinda Drive northerly for a distance of 550 feet.
 - (9) Commerce Street from a point 165 feet west of the intersection with Houston Avenue to a point 165 feet east of the intersection with Veramendi Avenue.
 - (10) Main Street from a point 165 feet west of the intersection with Houston Avenue to a point 165 feet east of the intersection with Veramendi

Avenue.

- (11) Escarpment Oak from the intersection with Goodwin Lane to a point 110 feet north of the intersection with Shale Cove.
- (12) Fredericksburg Road from a point 130 feet north of the intersection with Wood Road to the intersection with Oakcrest Drive.
- (13) Goodwin Lane from a point 520 feet south of the intersection with Northwest Crossing Drive to a point 95 feet north of the intersection with Pebble Creek Run.
- (14) Hanz Drive from the intersection with Common Street to a point 175 feet east of the intersection with Cotton Boulevard.
- (15) Howard Street from the intersection with Fredericksburg Road to a point 165 feet east of the intersection with Walnut Avenue.
- (16) Kerlick Lane from the intersection with Mission Hills Drive to a point 85 feet west of the intersection with Twin Oaks Drive.
- (17) Klein Meadows.
 - a. From a point 215 feet north of the intersection with Legend Pass southerly for a distance of 490 feet.
- (18) Klein Way from the intersection with Klein Road to the intersection with Settlers Crossing.
- (19) Loop 337 Access Road from the intersection with Loop 337 to the intersection with Church Hill Drive.
- (20) Magazine Avenue from the intersection with Butcher Street to a point 205 feet west of the intersection with Coll Street.
- (21) Mission Hills Drive from the intersection with Kerlick Lane to the intersection with Ridge Hill Drive.
- (22) Morningside Drive from a point 175 feet east of the intersection with Bee Boulevard to a point 320 feet west of the intersection with Delta Drive.
- (23) Castell Avenue from the intersection with Mill Street to the intersection with Bridge Street.
- (24) Central Avenue.
 - a. From the intersection with Commerce Street to the intersection

with Camp Street.

- b. From the intersection with Common Street to the intersection with Main Street.

- (25) Hidalgo Avenue from the intersection with Mill Street to the intersection with Spur Street.
- (26) Houston Avenue from a point 175 feet north of the intersection with Commerce Street to a point 175 feet south of the intersection with Main Street.
- (27) Lone Star Avenue from a point 280 feet north of the intersection with San Antonio Street to a point 490 feet south of the intersection with Zamora Avenue.
- (28) Veramendi Street from a point 175 feet north of the intersection with Commerce Street to a point 175 feet south of the intersection with Main Street.
- (29) Oak Run Parkway from a point 100 feet west of the intersection with Oak Brook easterly for a distance of 330 feet.
- (30) Oak Run Point from a point 75 feet south of the intersection with Alyssa Way to the terminus of Oak Run Point.
- (31) Ohio Avenue from a point 200 feet east of the intersection with Brentwood Drive westerly to the terminus of Ohio Avenue.
- (32) Pahmeyer Road from a point 200 feet north of the intersection with Rising Sun Boulevard to a point 520 feet south of the intersection with Cooper Lane.
- (33) Parkview Boulevard from the intersection with Bell Street to the intersection with Oakcrest Drive.
- (34) Ridge Hill Drive from the intersection with Mission Hills Drive to a point 280 feet west of the intersection with Forest Ridge.
- (35) Rising Sun Boulevard from the intersection with Pahmeyer Road to a point 270 feet west of the intersection with Sunset View.
- (36) Rosemary Drive from the intersection with Howard Street to the intersection with Starcrest Drive.
- (37) Guenther Avenue from the intersection with Butcher Street to the

intersection with Marguerite Street.

- (38) Santa Clara Drive from the intersection with San Antonio Street to a point 145 feet east of the intersection with Coll Street.
 - (39) Walnut Avenue
 - a. From a point 190 feet north of the intersection with Northpark Ridge to a point 110 feet north of the intersection with France Street.
 - b. From a point 250 feet north of Settlers Crossing southerly for a distance of 750 feet.
 - (40) School Avenue from the intersection with Zamora Street southerly for a distance of 375 feet.
 - (41) Settlers Crossing from the intersection with Walnut Avenue to the intersection with Savannah Hill Circle.
 - (42) Timber Drive from the intersection with Kerlick Lane southerly for a distance of 115 feet.
 - (43) Bridge Street from the intersection with Seguin Avenue to the intersection with Academy Avenue.
 - (44) Coll Street from a point 195 feet south of the intersection with Guenther Avenue to a point 155 feet north of the intersection with Magazine Avenue.
 - (45) County Line Road from a point 50 feet west of the intersection with Palace Drive to a point 260 feet east of Sungate Drive.
 - (46) Klein Road from a point 250 feet east of the intersection with Klein Way westerly for a distance of 560 feet.
 - (47) San Antonio Street from the intersection with N Grape Avenue to a point 150 feet west of the intersection with S Lone Star Avenue.
 - (48) Zink Street from the intersection with Landa Street southerly to the terminus of Zink Street.
 - (49) Zamora Avenue from the intersection with Lone Star Avenue to the intersection with Hidalgo Avenue.
- (b) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted time periods or when the

school zone flashing lights are operating on each scheduled school day during every authorized school term, in excess of 25 miles per hour:

- (1) Business 35 from a point 295 feet north of the intersection with Loop 337 to a point 135 feet north of the intersection with Rhine Terrace.
- (c) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted time periods or when the school zone flashing lights are operating on each scheduled school day during every authorized school term, in excess of 30 miles per hour:
- (1) Reserved.
- (d) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted time periods or when the school zone flashing lights are operating on each scheduled school day during every authorized school term, in excess of 35 miles per hour:
- (1) FM 1101.
 - a. From a point 440 feet north of the intersection with Ventura Drive northerly for a distance of 1,980 feet.
 - b. From a point 255 feet north of the intersection with Kowald Lane southerly for a distance of 1,030 feet.
 - c. From a point 620 feet north of the intersection with Rainy Creek to a point 420 feet north of the intersection with Willowbrook.
 - (2) FM 1863 from a point 930 feet west of the intersection with State Highway 46 westerly for a distance of 2,450 feet.
- (e) Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$200.00

II.

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate or affect the remaining provisions hereof which will be and remain in full force and effect.

III.

THAT it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

IV.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the 24th day of November, 2025.

PASSED AND APPROVED: Second reading this the ___th day of _____, 2025.

CITY OF NEW BRAUNFELS, TEXAS

NEAL LINNARTZ, MAYOR

ATTEST:

GAYLE WILKINSON, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY



Existing School Zone- Carl Schurz ES

School Zone To Remove- 9th Grade Center

11/24/2025

Agenda Item No. M)

PRESENTER:

Carly Farmer, Assistant City Engineer

SUBJECT:

Approval of the first reading of an ordinance to amend Section 126-133 of the Code of Ordinances of the City of New Braunfels to establish a school zone for Legend Point Elementary School.

DEPARTMENT: Transportation and Construction Services**COUNCIL DISTRICTS IMPACTED:** 2**BACKGROUND INFORMATION:**

New Braunfels ISD has requested to establish a 20-mph school zone for the recently completed Legend Pond Elementary School on Klein Meadows. The school was opened in Fall 2025. The posted speed limit on the streets surrounding the school is 30 mph.

Based on guidance in the Texas Manual on Uniform Traffic Control Devices (TMUTCD), the traffic engineer hired by NBISD has requested that the school zone boundary include Klein Meadows in front of the school property and extending west to include all approaches to the intersection of Klein Meadows and Legend Pond. City staff reviewed the proposal and guidance in the TMUTCD and agree with the proposed school zone boundaries due to the intersection being included in the school pedestrian route established for the school.

A temporary traffic order has been secured from the Chief of Police in order for the school speed zone signs to be installed while city staff brings the ordinance to City Council for approval. NBISD is responsible for the installation and will be coordinating with the city on inspection and acceptance of the work.

ISSUE:

New Braunfels ISD has requested a school zone for Legend Pond Elementary School.

STRATEGIC PLAN REFERENCE:

☐ Economic Mobility ☒ Enhanced Connectivity ☐ Community Identity
☐ Organizational Excellence ☒ Community Well-Being ☐ N/A

FISCAL IMPACT:

New Braunfels ISD is responsible for the cost of the signs, equipment, and installation.

RECOMMENDATION:

Staff recommends establishing the school zone for Legend Point Elementary School.

ORDINANCE NO. 2025-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, AMENDING SECTION 126-133 TO ESTABLISH A
SCHOOL SPEED ZONE FOR LEGEND POINT ELEMENTARY SCHOOL.**

WHEREAS, after engineering and field investigation, the City Engineer has recommended that traffic control signs be installed on certain streets, avenues, thoroughfares and boulevards within the corporate limits of the City of New Braunfels in order to protect the health, safety and welfare of the citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

I.

THAT the City of New Braunfels Code of Ordinances Section 126-133 (a) is hereby amended:

- (17) Klein Meadows.
 - a. From a point 215 feet north of the intersection with Legend Pass southerly for a distance of 490 feet.
 - b. From a point 200 feet west of the southern intersection with Legend Pond to a point 250 feet west of the intersection with Whispering Oak.
- (50) Legend Pond from a point 200 feet north of the southern intersection with Klein Meadows to a point 150 feet south of the intersection with Klein Meadows.

II.

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate or affect the remaining provisions hereof which will be and remain in full force and effect.

III.

THAT it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable

and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

IV.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the 24th day of November, 2025.

PASSED AND APPROVED: Second reading this the __th day of _____, 2025.

CITY OF NEW BRAUNFELS, TEXAS

NEAL LINNARTZ, MAYOR

ATTEST:

GAYLE WILKINSON, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY



LEGEND PARK

WHISPERING OAK

LEGEND MEADOWS

GENTLE MEADOW

LEGEND POND

KLEIN MEADOWS

W ZIPP RD

LONDON AVE

CARRAWAY ST

HARPER LEE LN



New School Zone- Legend Point ES

11/24/2025

Agenda Item No. N)

PRESENTER:

Jeff Jewell, Economic and Community Development Director

SUBJECT:

Approval of the second and final reading of an ordinance amending the Code of Ordinances, Chapter 126, Sec. 126-355 (c), related to the downtown parking zone by adding an exception to enforcement.

DEPARTMENT: Economic and Community Development**COUNCIL DISTRICTS IMPACTED:** 1 & 5**BACKGROUND INFORMATION:**

The Downtown Board and its parking committee recommended that vehicles with disabled license plates be exempt from downtown paid parking. Council responded positively to this recommendation at its meeting on October 20, 2025. Based on state law and public feedback, staff recommends that the exemption also include disabled parking placards.

Under Texas Transportation Code Section 681, vehicles displaying a valid disabled license plate or placard may not be charged parking fees at parking meters. While the City of New Braunfels does not have parking meters, staff believes the statute reflects legislative intent that individuals with disabilities should not be required to pay for public parking. State law also allows only vehicles with disabled plates or placards to park in accessible parking spaces; vehicles with Disabled Veteran plates are not eligible for these spaces unless accompanied by a placard.

Public feedback noted that many residents and visitors with disabilities use placards rather than license plates. Including placards also aligns with other Texas cities such as Fort Worth, Houston, Galveston, San Antonio, and Dallas, which exempt disabled plates and placards while typically applying a time limit to encourage turnover.

It is unlawful to use a fraudulent disabled parking placard. The license plate or placard must bear the international symbol of access as defined in the Texas Transportation Code, Sec. 681.001, and it must be issued by a state or by a state or province of a foreign country to the owner or operator of the vehicle for the transportation of a person with a disability. ParkNBTX Ambassadors will be trained to identify eligible placards, and photos of suspected fraudulent placards will support enforcement. The police department may be notified if misuse is suspected. Interstate has been monitoring disabled parking plate and placard use prior to this change; staff will re-evaluate the new exception if a significant, unusual increase in usage occurs.

ISSUE:

Approval of an ordinance adding disabled parking license plate and placard holders to the paid parking exceptions in Downtown.

STRATEGIC PLAN REFERENCE:

☒ Economic Mobility ☒ Enhanced Connectivity ☐ Community Identity
☐ Organizational Excellence ☒ Community Well-Being ☐ N/A

FISCAL IMPACT:

The impact is unknown as the data collected does not include length of stay or the impact of the ordinance change.

RECOMMENDATION:

City Council passed the first reading of the ordinance on November 17, 2025 with a vote of 6-0.

Staff recommends approval of adding disabled parking license plate and placard holders to the paid parking exceptions in Downtown, with ongoing monitoring to ensure compliance and assess program impacts.

ORDINANCE NO. 2025- ____

**AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS,
AMENDING CHAPTER 126, ARTICLE VII-PARKING, DIVISION 2 BY
ADDING PARKING REGISTRATION AND FEE EXCEPTIONS FOR
DISABLED LICENSE PLATES AND PLACARDS; REPEALING ALL
LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY,
PUBLICATION AND AN EFFECTIVE DATE.**

Whereas, the City of New Braunfels seeks to provide equitable and accessible parking options in its downtown area; and

Whereas, Texas state law recognizes both disabled parking license plates and placards as valid indicators for individuals with disabilities to access designated parking accommodations; and

Whereas the Downtown Board, through its Parking Committee, recommended that disabled parking license plates be exempt from downtown parking fees; and

Whereas public feedback has indicated support for including both disabled parking license plates and placards as exemptions to downtown parking fees; and

Whereas the City Council desires to align local parking practices with other Texas cities and public input to ensure accessibility for all residents and visitors; and

Whereas the City of New Braunfels seeks to promote fair and consistent enforcement of disabled parking regulations by ensuring that only disabled license plates and placards bearing the International Symbol of Access (ISA) are recognized as valid;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION1: That Chapter 126 “Traffic and Vehicles” Ordinance VII “Parking”, Division 2, is amended as indicated below:

ARTICLE VII. - PARKING

DIVISION 2. PROHIBITED PARKING

Sec. 126-355. Downtown parking zone.

(a) *Definitions.* The following terms, as used in this section, have the following definitions:

Downtown parking zone shall mean the area comprised of the following public streets:

- (1) Main Plaza;
- (2) Seguin Avenue from Mill Street to Coll Street;

- (3) San Antonio Street from Gilbert Street to Academy Avenue;
- (4) Castell Avenue from Mill Street to Coll Street;
- (5) The south/west side of Market Street from E. Mill Street to E. San Antonio Street.



Motor vehicle, referred to here as *vehicle*, shall mean any mechanically or electrically powered device not operated on rails, upon which or by which any person or property may be transported upon a public street. The load on a motor vehicle or trailer attached to it, is considered part of the vehicle. Tractors and motorized machinery are included while self-propelled in transit or used for transportation.

Public parking means any parking spaces located on streets and other property owned by the City of New Braunfels, Texas.

- (b) *Downtown parking and registration.*
 - (1) *Paid downtown parking.* There shall be a parking fee charged for all public parking spaces in the downtown parking zone between the hours of 10:00 a.m. and 10:00 p.m. daily, except that the first hour

parked each day shall be free. Unless an exemption applies, the parking fee shall be paid by each vehicle at an hourly rate of \$2.00 for each parking space, with a maximum charge of \$10.00 per day per vehicle. Payment shall be made through the city's internet based point of sale application or other methods approved by the city. In areas with marked parking spaces, the vehicle must be parked within the marked space. If a designated parking enforcement agent determines that a vehicle is parked in more than one parking space or the vehicle is parked in a space that is legally occupied by another vehicle, then an additional fee of \$2.00 will be charged for each hour the vehicle remains parked. Once a parking fee is paid, the operator may not transfer the space to another vehicle. If a vehicle leaves and returns later in the same day when the fee is applicable, a new \$2.00 hourly fee will be charged. All fees collected from publicly owned parking spaces within the downtown parking zone will be deposited or transferred to the city's Downtown Parking Fund.

- (2) *Registration required.* Any vehicle parked in the Downtown Parking Zone must be registered with the city through its parking enforcement agent. Failure to register a vehicle shall constitute a civil offense pursuant to sections 126-357.1—126-360 and subject to a civil offense only.
- (c) *General exceptions.* The terms of this section shall not apply in the following instances:
 - (1) Vehicles with disabled veteran license plates, disabled parking plates, or displaying a disabled parking placard, will be exempt from registration requirements and parking fees. With the exception of disabled veteran license plates or placards, the license plate or placard must bear the international symbol of access as defined in the Texas Transportation Code, Sec. 681.001, and it must be issued by a state or by a state or province of a foreign country to the owner or operator of the vehicle for the transportation of a person with a disability. ~~Vehicles with disabled veteran license plates will be exempt from registration requirements and parking fees.~~
 - 2) When the city manager or designee determines that weather or other conditions do not warrant charging such fee, the fee may be temporarily suspended.
- (d) *Penalties.*
 - (1) Any vehicle parked in violation of section 126-355 will be subject to additional fees and civil enforcement, including immobilization or impoundment.

(Ord. No. 2009-50, § I, 7-27-09; Ord. No. 2011-14, § I, 1-24-11; Ord. No. 2019-45, § 2, 7-22-19; Ord. No. 2025-31, § 1, 5-27-25)

Editor's note(s)—Appendix A as referred to in this section is not set out at length herein, but is on file in the office of the city clerk.

SECTION 2: This Ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to parking within the City of New Braunfels, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this Ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

SECTION 3: That if any provisions of this Ordinance shall be held void, illegal, or unconstitutional, it is hereby provided that all other parts of the same which are not held void, illegal or unconstitutional shall remain in full force and effect.

SECTION 4:

This Ordinance shall become adopted and effective after second reading, signature, and upon its filing with the City Secretary's Office.

PASSED AND APPROVED: First reading this ____ day of _____, 2025.

PASSED AND APPROVED: Second reading this ____ day of _____, 2025.

CITY OF NEW BRAUNFELS, TEXAS

NEAL LINNARTZ, Mayor

ATTEST:

Gayle Wilkinson, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney

11/24/2025

Agenda Item No. O)

PRESENTER:

Christopher J. Looney, AICP, Planning Director

SUBJECT:

Approval of the second and final reading of an ordinance, in accordance with adopted agreements with the property owner, to annex for limited purposes Lots 1R, 2R, and 3, Block 81, Mayfair - Parcel EA-3 Subdivision, consisting of approximately 8.7 acres.

DEPARTMENT: Neighborhood and Community Planning**COUNCIL DISTRICTS IMPACTED:** District 4**BACKGROUND INFORMATION:**

Petitioner: Comal County Water Improvement District No. 3 (Mayfair)
c/o Allen Boone Humphries
Attn: Ryan Harper
919 Congress Ave., Suite 1500
Austin, TX 78701

Owner: Southstar at Mayfair Developer, LLC
Thad Rutherford, President/CEO
1118 Vintage Way
New Braunfels, TX 78132

Staff Contact: Matt Greene
(830) 221-4053 | mgreene@newbraunfels.gov

The City Council unanimously approved the first reading of this ordinance at the November 10, 2025, regular meeting.

As part of the Mayfair Development Agreement adopted in 2022, the City of New Braunfels and Comal County Water Improvement District No. 3 negotiated a Strategic Partnership Agreement (SPA) for limited purpose annexation of certain properties within Mayfair. Under the Agreement, once properties designated for commercial or “mixed commercial and residential” development (per the Sector Plan) are platted they shall be annexed into the City for the limited purpose of sales tax collection. The City will not collect property taxes in these areas and will correspondingly provide only limited municipal services as specified in Article VI of the SPA. Residents of areas annexed for limited purposes may vote in elections for City Council and City Charter amendments but may not vote in bond elections.

ISSUE:

Per the SPA, limited purpose annexations must take place within 180 days after a plat for such property is recorded. The Mayfair - Parcel EA-3 Subdivision plat establishing Lots 1R, 2R, and 3, Block 81, (attached) was recorded with Comal County on July 1, 2025. Final action on the limited purpose annexation of Lot 1 (second reading) must occur before December 28, 2025.

Lot 1R is designated for Recreation Center use, but will include some commercial components, and Lots 2R and 3 are designated for Neighborhood Commercial use. These lots make up the area of the Mayfair development known as Midtown Mayfair.

STRATEGIC PLAN REFERENCE:

☐ Economic Mobility ☐ Enhanced Connectivity ☐ Community Identity

☒ Organizational Excellence ☐ Community Well-Being ☐ N/A

- Objective: Considering statutory and market-based factors, continue to diversify revenue streams to support long-term fiscal sustainability of the organization.

FISCAL IMPACT:

In accordance with the negotiated and adopted SPA, limited purpose annexation of the subject tract is required and will allow the city to share in sales tax collection in order to provide the requisite limited scope of corresponding municipal services.

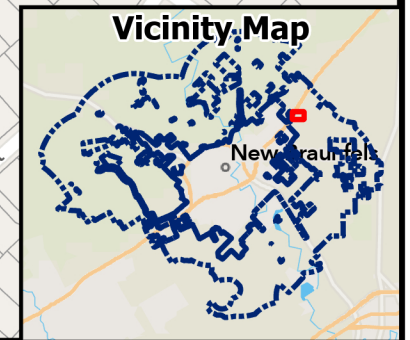
RECOMMENDATION:

Approval

Resource Links:

- Mayfair Strategic Partnership Agreement (SPA):
newbraunfels.gov/DocumentCenter/View/26106/Mayfair-Partnership-Agreement?bidId=<https://newbraunfels.gov/DocumentCenter/View/26106/Mayfair-Partnership-Agreement?bidId=>

LOCATION MAP



CS25-0383 Limited Purpose Annexation Lots 1R, 2R, & 3, Block 81, Mayfair - Parcel EA-3

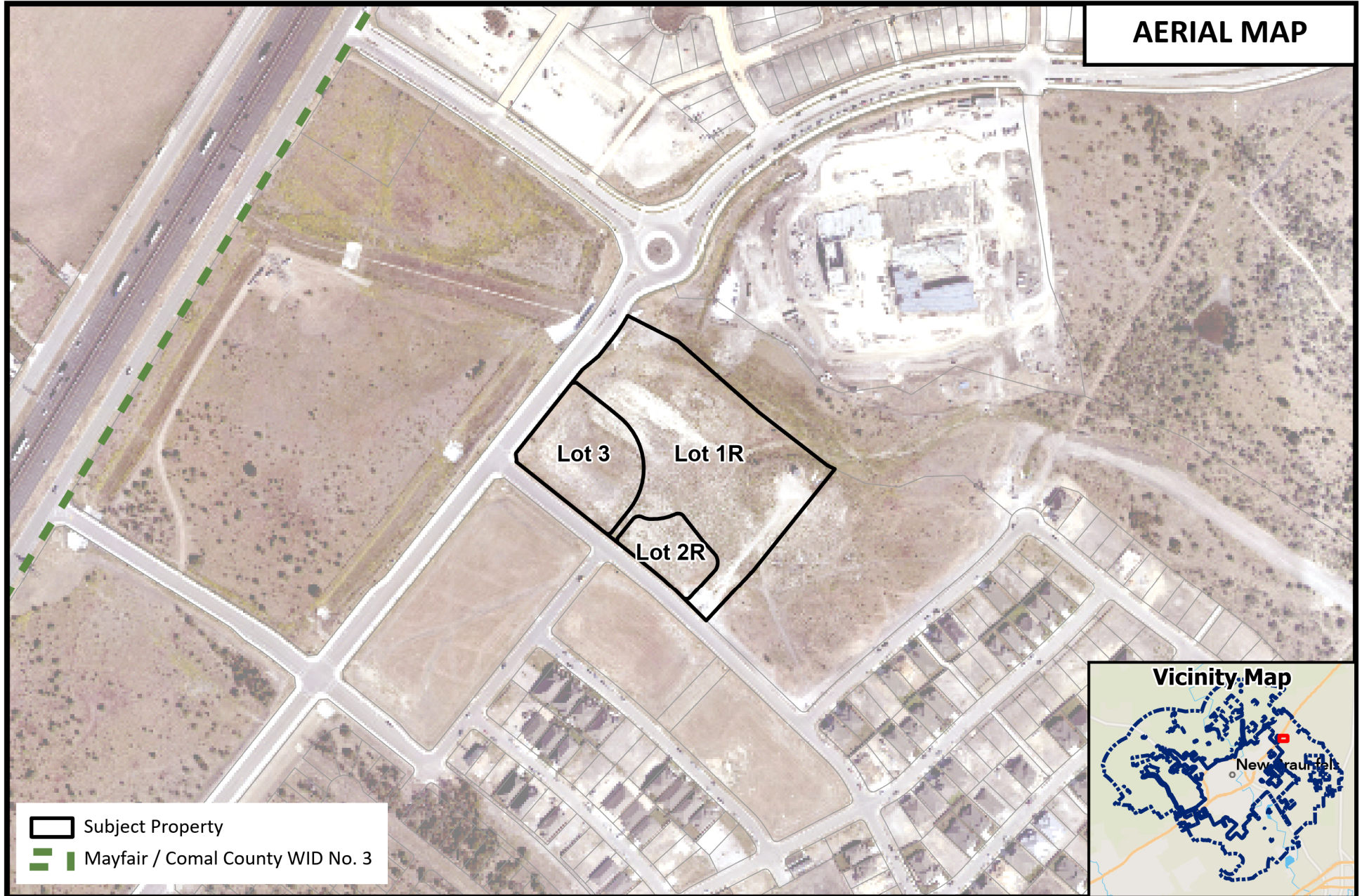
Source: City of New Braunfels Planning
Date: 10/16/2025

0 210 420 Feet



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by else is at that party's risk and without liability to the City of New Braunfels officials or employees for any discrepancies, errors, or variances which may

AERIAL MAP



CS25-0383 Limited Purpose Annexation Lots 1R, 2R, & 3, Block 81, Mayfair - Parcel EA-3

Source: City of New Braunfels Planning
Date: 10/16/2025

0 210 420
Feet



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by else is at that party's risk and without liability to the City of New Braunfels officials or employees for any discrepancies, errors, or variances which may

FINAL PLAT OF THE
MAYFAIR - PARCEL EA-3,
LOTS 1R, 2R & 3, BLOCK 81
BEING A REPLAT OF MAYFAIR - PARCEL EA-3, LOTS 1 & 2,
BLOCK 81, AS RECORDED IN DOCUMENT NO. 202306002618
OF THE PLAT RECORDS OF COMAL COUNTY, TEXAS, IN
THE ANTONIO M. ESNAURIZAR SURVEY, ABSTRACT 98,
COMAL COUNTY, TEXAS

FLOOD ZONE NOTE:

1. ACCORDING TO MAP COMMUNITY PANEL NO. 4854630295F, MAP NO. 48091C0295F, EFFECTIVE DATE: SEPTEMBER 2, 2009 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM), THE SUBJECT TRACT IS LOCATED WITHIN ZONE "X" (UN-SHADED) WHICH IS DEFINED BY FEMA AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN," COMMONLY KNOWN AS THE 500-YEAR FLOODPLAIN. ZONE "X" (UN-SHADED) IS OUTSIDE OF ANY FEMA ESTABLISHED FLOOD HAZARD ZONE. ALL ZONE DELINEATIONS SHOWN HEREON ARE APPROXIMATE. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE ANY LIABILITY ON THE PART OF KIMLEY-HORN OR THE UNDERSIGNED.

PLAT NOTES:

1. THIS SUBDIVISION IS LOCATED IN THE COMAL INDEPENDENT SCHOOL DISTRICT.
2. THIS SUBDIVISION IS NOT LOCATED IN THE EDWARDS AQUIFER RECHARGE ZONE OR THE CONTRIBUTING ZONE.
3. FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS, AND OTHER PUBLIC SPACES) OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES.
4. MAINTENANCE OF DEDICATED DRAINAGE EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER.
5. NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY OF NEW BRAUNFELS AND THE COUNTY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACE WITH THE LIMITS OF THE SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.
6. ALL LOTS MEET THE REQUIRED MINIMUM SQUARE FOOTAGES ACCORDING TO ZONING ORDINANCE.
7. FOR NEW CONSTRUCTION, THE FINISHED FLOOR OF ALL LOTS MUST BE A MINIMUM OF TEN (10) INCHES ABOVE FINAL ADJACENT GRADE AND THE LOT GRADED IN ACCORDANCE WITH THE APPROVED GRADING PLAN.
8. PER SEC. 2.5 OF THE NEW BRAUNFELS DRAINAGE AND EROSION CONTROL CRITERIA MANUAL, DEVELOPMENT ADJACENT TO STORMWATER CONVEYANCE STRUCTURES MUST BE ELEVATED 12 INCHES ABOVE THE 100-YEAR WATER FLOW ELEVATION (IN THE CONVEYANCE STRUCTURE) TO THE SAME ELEVATION THAT A DEVELOPMENT ADJACENT TO A 100-YEAR FLOODPLAIN WOULD BE REQUIRED TO MEET.
9. NBU WILL ONLY SERVE WATER OR WASTEWATER TO A PLATTED LOT ONLY IF THE DEVELOPER AND LANDOWNERS COMPLY WITH THEIR OBLIGATIONS OUTLINED WITHIN THE UTILITY COST SHARING AGREEMENT SOUTHSTAR AT MAYFAIR, LLC.
10. THIS SUBDIVISION CONTAINS 1 BLOCK AND 3 LOTS.

NBU NOTES:

1. MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS OF THE EASEMENT, MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES. IT SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT OR ANY PART OF IT.
2. UTILITIES WILL POSSESS A 5 FOOT WIDE SERVICE EASEMENT TO THE BUILDING STRUCTURES ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF BUILDING STRUCTURE.
3. UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN FENCED AREAS.
4. EACH LOT MUST HAVE ITS OWN METER AND SEWER SERVICE AT THE OWNER'S/DEVELOPER'S EXPENSE.
5. DO NOT COMBINE ANY NEW UTILITY EASEMENTS (UE) WITH DRAINAGE EASEMENTS (DE) OR MAKE CHANGES TO IN GRADE WITHIN THE UTILITY EASEMENTS WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.
6. NEW BRAUNFELS UTILITIES IS NOT RESPONSIBLE FOR DAMAGES TO PROPERTY IMPROVEMENTS (I.E. LANDSCAPING, TREES, PAVEMENT, SIGNS, DRAINAGE STRUCTURE, PRIVATE UTILITIES, ETC.) THAT ARE PLACED IN ANY TYPE OF UTILITY EASEMENT. TO ENSURE NO CONFLICTS EXIST WITH UTILITY INFRASTRUCTURE IN THE EASEMENT, ALL SUCH IMPROVEMENTS PLACED IN ANY TYPE OF UTILITY EASEMENT MUST BE REVIEWED AND APPROVED THROUGH THE NEW BRAUNFELS UTILITIES EASEMENT ENCROACHMENT PROCESS. NEW BRAUNFELS UTILITIES DEVELOPMENT SERVICES FACILITATES THE EASEMENT ENCROACHMENT APPLICATION PROCESS.

SIDEWALK PLAT NOTES:

1. FOUR (4) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED BY THE HOMEBUILDER PER CITY STANDARDS AT THE TIME OF BUILDING PERMIT ADJACENT TO GARLAND AVENUE.
2. FOUR (4) FOOT WIDE SIDEWALKS ARE EXISTING ADJACENT TO GUTHRIE TRL.

SURVEYOR'S CERTIFICATION:

KNOW ALL MEN BY THESE PRESENTS:

I, THE UNDERSIGNED MICHAEL A. MONTGOMERY II, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE UNDER MY SUPERVISION AND IN COMPLIANCE WITH CITY AND STATE SURVEY REGULATIONS AND LAWS AND MADE ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

Michael A. Montgomery II
June 11, 2025
MICHAEL A. MONTGOMERY II, R.P.L.S.
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6890



STATE OF TEXAS
COUNTY OF COMAL

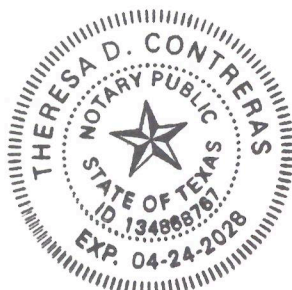
I (WE) THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE MAYFAIR - PARCEL EA-3, LOTS 1R, 2R & 3, BLOCK 81 SUBDIVISION TO THE CITY OF NEW BRAUNFELS, COUNTY OF COMAL, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

Jim Vater
OWNER/DEVELOPER: JIM VATER
SOUTHSTAR AT MAYFAIR DEVELOPER, LLC
A TEXAS LIMITED LIABILITY COMPANY
1118 VINTAGE WAY
NEW BRAUNFELS, TX, 78132

STATE OF TEXAS
COUNTY OF *Comal*

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS *11th* DAY OF *June*, 20*25*, BY *Theresa D. Contreras*.

Theresa D. Contreras
NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES *4/24/28*



APPROVED THIS THE *6th* DAY OF *May*, 20*25*, BY THE CITY OF NEW BRAUNFELS, TEXAS.

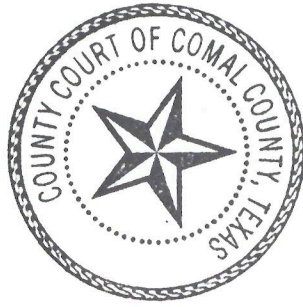
APPROVED FOR ACCEPTANCE:

6/30/2025
DATE
6/16/2025
DATE

Matthew J. Miniat
for PLANNING AND DEVELOPMENT SERVICES DIRECTOR
Comal
CITY ENGINEER

STATE OF TEXAS
COUNTY OF COMAL

I, BOBBY KOEPP, DO CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN THE MAP AND PLAT RECORDS, DOC. NO. *202506020326* OF COMAL COUNTY ON THIS THE *1st* DAY OF *July*, 20*25*, AT *1:56* O'CLOCK *P*.M.
WITNESS MY HAND AND OFFICIAL SEAL, THIS THE *1st* DAY OF *July*, 20*25*.



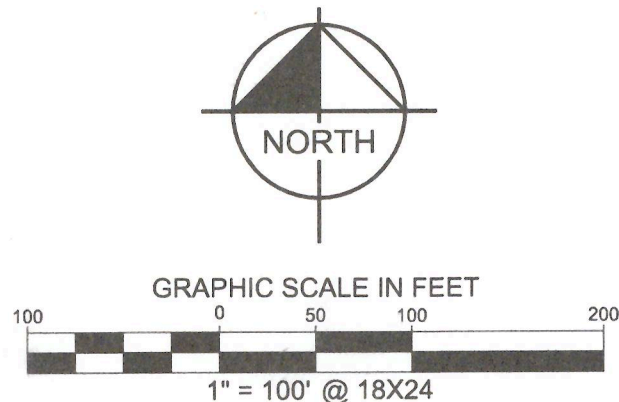
COUNTY CLERK, COMAL COUNTY, TEXAS
BY: *Jessica Hester*, DEPUTY

Kimley»Horn

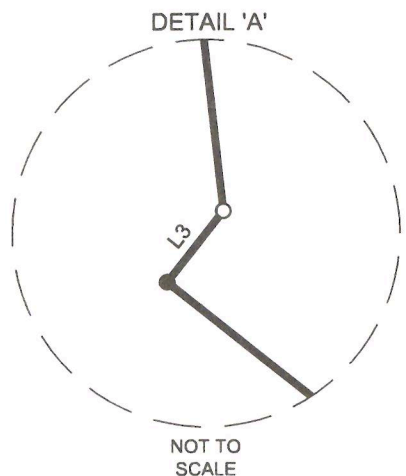
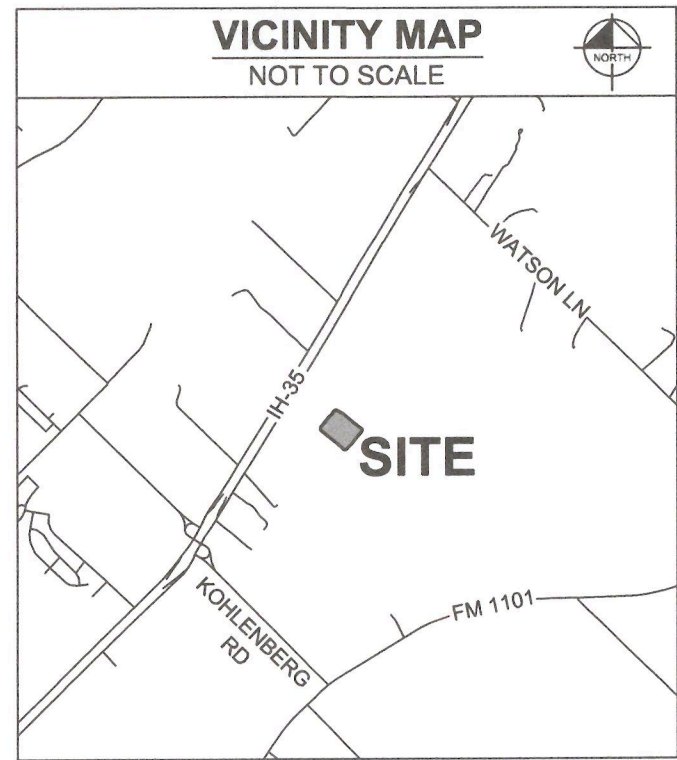
10814 JOLLYVILLE ROAD, CAMPUS IV SUITE 200, AUSTIN, TEXAS 78759 TEL. NO. (512) 418-1771
WWW.KIMLEY-HORN.COM

COPYRIGHT © 2025
KIMLEY-HORN AND ASSOCIATES, INC.
ALL RIGHTS RESERVED
XXX-XXXX-XXXX.0APA

SCALE	DRAWN BY	CHECKED BY	DATE	PROJECT NO.	SHEET NO.
N/A	MSB	MMII	6/11/2025	068800400	1 OF 2



BENCHMARKS	
BM #100	MAG NAIL WITH WASHER STAMPED "KHA 100" FOUND IN THE SIDEWALK ALONG THE WEST SIDE OF GUTHRIE TRAIL, ±47.5 FEET SOUTHWEST OF THE INTERSECTION OF GUTHRIE TRAIL AND GARLAND AVENUE. N: 13825201.66 E: 2270707.28 ELEV. = 719.57
VERTICAL DATUM IS BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD '88), GEOID 18.	



CURVE TABLE				
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING
C1	5°07'38"	1028.00'	91.99'	N48°53'46"W
C2	9°51'42"	441.00'	75.90'	N33°36'34"E
C3	4°22'51"	88.00'	6.73'	N40°43'50"E
C4	80°00'00"	30.00'	41.89'	N01°27'35"W
C5	5°00'00"	212.00'	18.50'	N38°57'35"W
C6	78°57'10"	20.00'	27.56'	N75°56'10"W
C7	26°20'24"	147.00'	67.58'	S77°45'27"W
C8	25°07'55"	62.00'	27.20'	N76°30'23"W
C9	77°31'09"	20.00'	27.06'	S77°18'00"W
C10	90°00'00"	188.00'	295.31'	N06°27'35"W
C11	7°14'13"	212.00'	26.78'	S47°50'28"E
C12	74°58'57"	20.00'	26.16'	S81°41'50"E
C13	25°19'30"	62.00'	27.40'	N73°29'26"E
C14	81°20'24"	147.00'	208.69'	S53°10'37"E
C15	78°58'26"	20.00'	27.57'	S51°59'38"E
C16	78°54'31"	20.00'	27.54'	S49°02'30"W
C17	32°54'20"	147.00'	84.42'	S26°02'25"W
C18	78°57'10"	20.00'	27.56'	S03°01'00"W
C19	5°00'00"	188.00'	16.41'	S38°57'35"E
C20	80°00'00"	54.00'	75.40'	S01°27'35"E
C21	4°22'51"	112.00'	8.56'	S40°43'50"W
C22	175°31'43"	123.00'	376.82'	N01°27'35"W
C23	116°38'27"	25.00'	50.89'	S35°22'30"E
C24	48°48'38"	212.00'	180.60'	S01°27'35"E
C25	116°38'28"	25.00'	50.89'	S32°27'20"W
C26	16°07'26"	50.00'	14.07'	N30°28'42"E
C27	80°00'00"	50.00'	69.81'	N01°27'35"W
C28	3°01'57"	1138.39'	60.25'	N36°30'22"W
C29	99°56'33"	167.00'	291.30'	N07°28'41"W
C30	2°18'00"	167.00'	6.70'	N65°28'13"W
C31	7°12'31"	159.07'	20.01'	N70°03'12"W
C32	20°21'39"	167.00'	59.35'	N83°40'00"W
C33	23°55'20"	82.00'	34.24'	S74°11'31"W
C34	22°12'45"	168.00'	65.13'	N27°26'03"E
C35	45°48'21"	168.00'	134.31'	N13°24'02"W
C36	5°36'06"	168.00'	16.42'	N45°55'46"W
C37	26°05'17"	30.00'	13.66'	N25°29'47"E

LINE TABLE			LINE TABLE		
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	N45°06'18"W	112.38'	L32	S48°32'25"W	12.42'
L2	N46°19'57"W	10.00'	L33	N26°52'44"E	22.44'
L3	N38°32'25"E	2.83'	L34	N63°07'16"W	20.00'
L4	N06°27'35"W	21.21'	L35	S26°52'44"W	21.66'
L5	N50°14'36"E	59.16'	L36	N38°32'25"E	63.14'
L6	N38°32'25"E	62.95'	L37	N80°33'48"W	22.89'
L7	S64°41'01"E	23.18'	L38	S38°32'25"W	72.01'
L8	N87°55'16"E	14.78'	L39	N38°32'25"E	92.00'
L9	N42°55'16"E	88.11'	L40	N76°27'35"W	19.81'
L10	N38°32'25"E	18.49'	L41	N13°32'25"E	20.00'
L11	N41°27'35"W	65.06'	L42	S76°27'35"E	19.59'
L12	N36°27'35"W	56.38'	L43	S49°45'19"W	19.13'
L13	S38°32'25"W	70.88'	L44	N40°14'41"W	20.00'
L14	S06°27'35"E	14.14'	L45	N49°45'19"E	19.32'
L15	N83°32'25"E	14.14'	L46	N38°32'25"E	20.02'
L16	N38°32'25"E	82.00'	L47	S38°32'25"W	48.00'
L17	S83°32'25"W	14.14'	L48	N51°27'35"W	20.00'
L18	S06°27'35"E	14.56'	L49	N38°32'25"E	48.00'
L19	N88°32'25"E	12.13'	L50	N38°32'25"E	106.73'
L20	S01°27'35"E	24.00'	L51	S75°07'09"E	21.84'
L21	S88°32'25"W	12.16'	L52	S38°32'25"W	115.50'
L22	S36°27'35"E	56.38'	L53	S48°32'25"W	28.00'
L23	S41°27'35"E	65.06'	L54	N41°27'35"W	20.00'
L24	S38°32'25"W	18.49'	L55	N48°32'25"E	28.27'
L25	S42°55'16"W	88.11'	L56	N89°59'57"W	67.69'
L26	S02°04'44"E	17.04'	L57	N00°00'03"E	20.00'
L27	S25°57'30"E	26.34'	L58	S89°59'57"E	65.17'
L28	N38°32'25"E	23.66'	L59	S71°26'53"E	42.56'
L29	N41°27'35"W	55.68'	L60	S41°28'46"W	21.72'
L30	N48°32'25"E	12.78'	L61	N71°26'53"W	31.36'
L31	N41°27'35"W	20.00'			

UTILITY PROVIDER NOTE:

WATER: NEW BRAUNFELS UTILITIES
SANITARY SEWER: NEW BRAUNFELS UTILITIES
ELECTRICITY: NEW BRAUNFELS UTILITIES
TELECOM: CENTRIC
GAS: CENTRIC

SURVEYOR'S NOTES:

- BASIS OF BEARINGS IS THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE (4204). ALL COORDINATES AND DISTANCES SHOWN HEREON ARE SURFACE VALUES. THE SURFACE ADJUSTMENT FACTOR IS 1.00016. THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET.
- ACCORDING TO MAP COMMUNITY PANEL NO. 4854630295F, MAP NO. 48091C0295F, EFFECTIVE DATE: SEPTEMBER 2, 2009 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM), THE SUBJECT TRACT IS LOCATED WITHIN ZONE "X" (UN-SHADED) WHICH IS DEFINED BY FEMA AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN," COMMONLY KNOWN AS THE 500-YEAR FLOODPLAIN. ZONE "X" (UN-SHADED) IS OUTSIDE OF ANY FEMA ESTABLISHED FLOOD HAZARD ZONE. ALL ZONE DELINEATIONS SHOWN HEREON ARE APPROXIMATE. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE ANY LIABILITY ON THE PART OF KIMLEY-HORN OR THE UNDERSIGNED.

FINAL PLAT OF THE
MAYFAIR - PARCEL EA-3,
LOTS 1R, 2R & 3, BLOCK 81

BEING A REPLAT OF MAYFAIR - PARCEL EA-3, LOTS 1 & 2,
BLOCK 81, AS RECORDED IN DOCUMENT NO. 202306002618
OF THE PLAT RECORDS OF COMAL COUNTY, TEXAS, IN
THE ANTONIO M. ESNAURIZAR SURVEY, ABSTRACT 98,
COMAL COUNTY, TEXAS

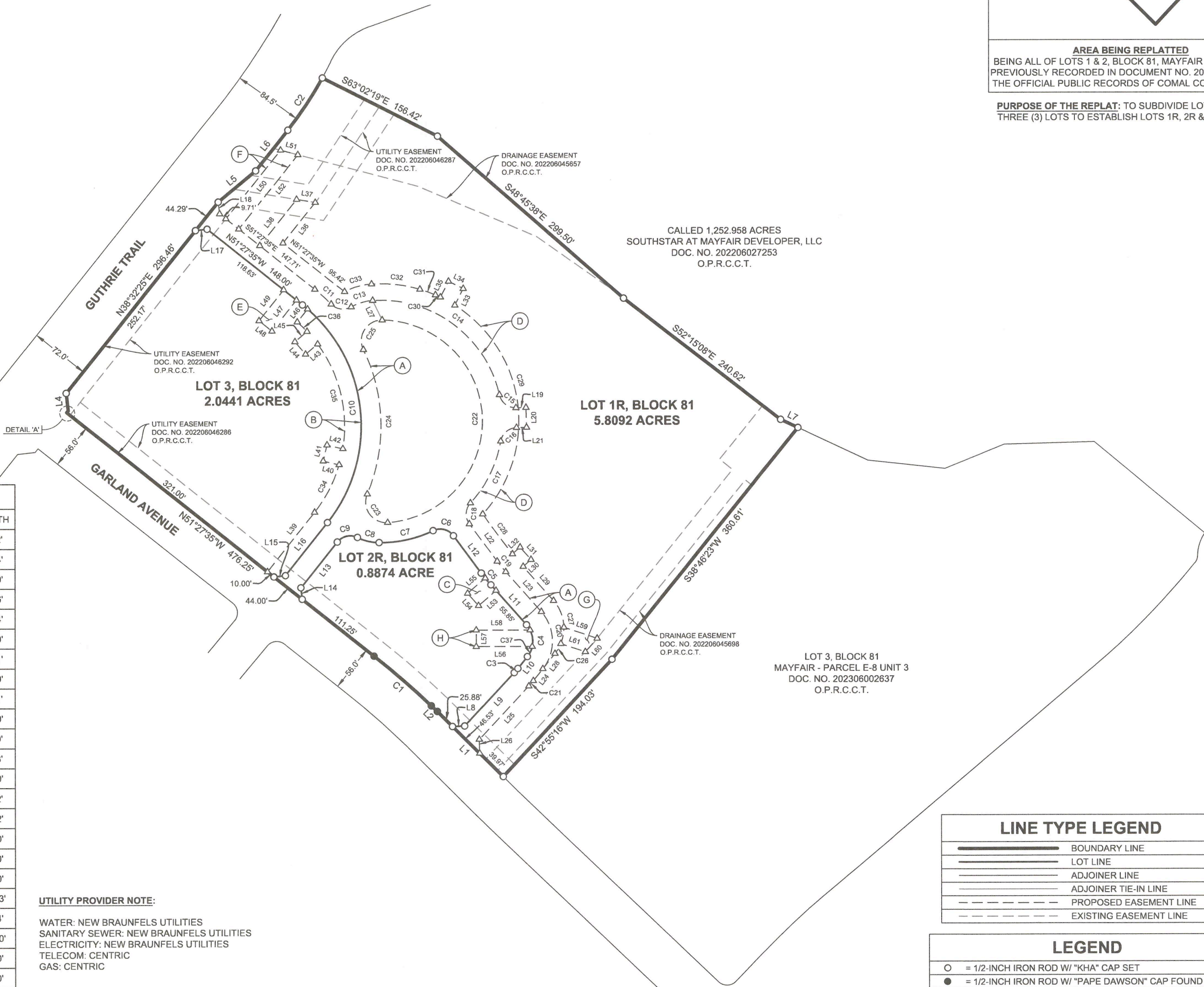
EASEMENT LABELS

(A)	ACCESS AND UTILITY EASEMENT (HEREBY DEDICATED BY THIS PLAT)
(B)	UTILITY EASEMENT (HEREBY DEDICATED BY THIS PLAT)
(C)	UTILITY EASEMENT (HEREBY DEDICATED BY THIS PLAT)
(D)	UTILITY EASEMENT (HEREBY DEDICATED BY THIS PLAT)
(E)	DRAINAGE EASEMENT (HEREBY DEDICATED BY THIS PLAT)
(F)	DRAINAGE EASEMENT (HEREBY DEDICATED BY THIS PLAT)
(G)	DRAINAGE EASEMENT (HEREBY DEDICATED BY THIS PLAT)
(H)	DRAINAGE EASEMENT (HEREBY DEDICATED BY THIS PLAT)

AREA BEING REPLATED

BEING ALL OF LOTS 1 & 2, BLOCK 81, MAYFAIR PARCEL EA-3,
PREVIOUSLY RECORDED IN DOCUMENT NO. 202306002618 OF
THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.

PURPOSE OF THE REPLAT: TO SUBDIVIDE LOTS 1 & 2 INTO
THREE (3) LOTS TO ESTABLISH LOTS 1R, 2R & 3.



LINE TYPE LEGEND

———	BOUNDARY LINE
———	LOT LINE
———	ADJOINER LINE
———	ADJOINER TIE-IN LINE
---	PROPOSED EASEMENT LINE
---	EXISTING EASEMENT LINE

LEGEND

○	= 1/2-INCH IRON ROD W/ "KHA" CAP SET
●	= 1/2-INCH IRON ROD W/ "PAPE DAWSON" CAP FOUND
△	= CALCULATED POINT
O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS COMAL COUNTY, TEXAS	

Kimley»Horn

10814 JOLLYVILLE ROAD, CAMPUS IV
SUITE 200, AUSTIN, TEXAS 78759
TEL. NO. (512) 418-1771
TBPELS FIRM # 10194624
WWW.KIMLEY-HORN.COM

SCALE	DRAWN BY	CHECKED BY	DATE	PROJECT NO.	SHEET NO.
1" = 100'	MSB	MMII	6/11/2025	068800400	2 OF 2

COPYRIGHT © 2025
KIMLEY-HORN AND ASSOCIATES, INC.
ALL RIGHTS RESERVED
XXX-XXXX-XXXX.0APA

ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPROVING THE LIMITED PURPOSE ANNEXATION OF LOTS 1R, 2R, AND 3, BLOCK 81, MAYFAIR – PARCEL EA-3 SUBDIVISION, CONSISTING OF 8.7407 ACRES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City is authorized to annex territory for limited purposes in accordance with Chapter 43 of the Texas Local Government Code, and the City of New Braunfels, Texas home-rule charter, and by statute; and

WHEREAS, the City of New Braunfels and the Comal County Water Improvement District No. 3 (“District”) negotiated a Strategic Partnership Agreement (“Agreement”), adopted and effective April 22, 2024, and recorded in the Comal County Official Public Records as Document No. 202506028248, specifying the terms of a limited purpose annexation of certain properties within the District designated for commercial or “mixed commercial and residential” development; and

WHEREAS, the City published notice of public hearings regarding the Agreement and held public hearings as required by state law on April 8, 2024, and April 22, 2024;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT That the following described territory, depicted in Exhibit “A” attached, is hereby annexed into the city for the limited purpose of the collection of sales tax pursuant to the terms set forth in the Agreement, and that the boundary limits of the city are hereby extended to include said territory within the city limits and the same shall hereafter be included within the territorial limits of said city with the explanation that said territory is annexed into the city for limited purposes:

Being all of Lots 1R, 2R and 3, Block 81, Mayfair – Parcel EA-3 Subdivision, as depicted in Exhibit “A” attached.

SECTION 2

THAT The City shall provide to the herein annexed territory only those municipal services in accordance with Article VI of the Agreement.

SECTION 3

THAT the qualified voters residing within the Limited Purpose Tract may vote in City elections, as voters in Council District 4, pursuant to Local Government Code Sections 43.0751(q) and 43.130.

SECTION 4

THAT the city secretary is hereby directed to file with the county clerk and other appropriate officials and agencies, as required by state and federal law and city annexation procedures, a certified copy of this ordinance.

SECTION 5

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

SECTION 6

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 7

THAT in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

SECTION 8

THAT ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 10th day of November 2025.

PASSED AND APPROVED: Second reading this 24th day of November 2025.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

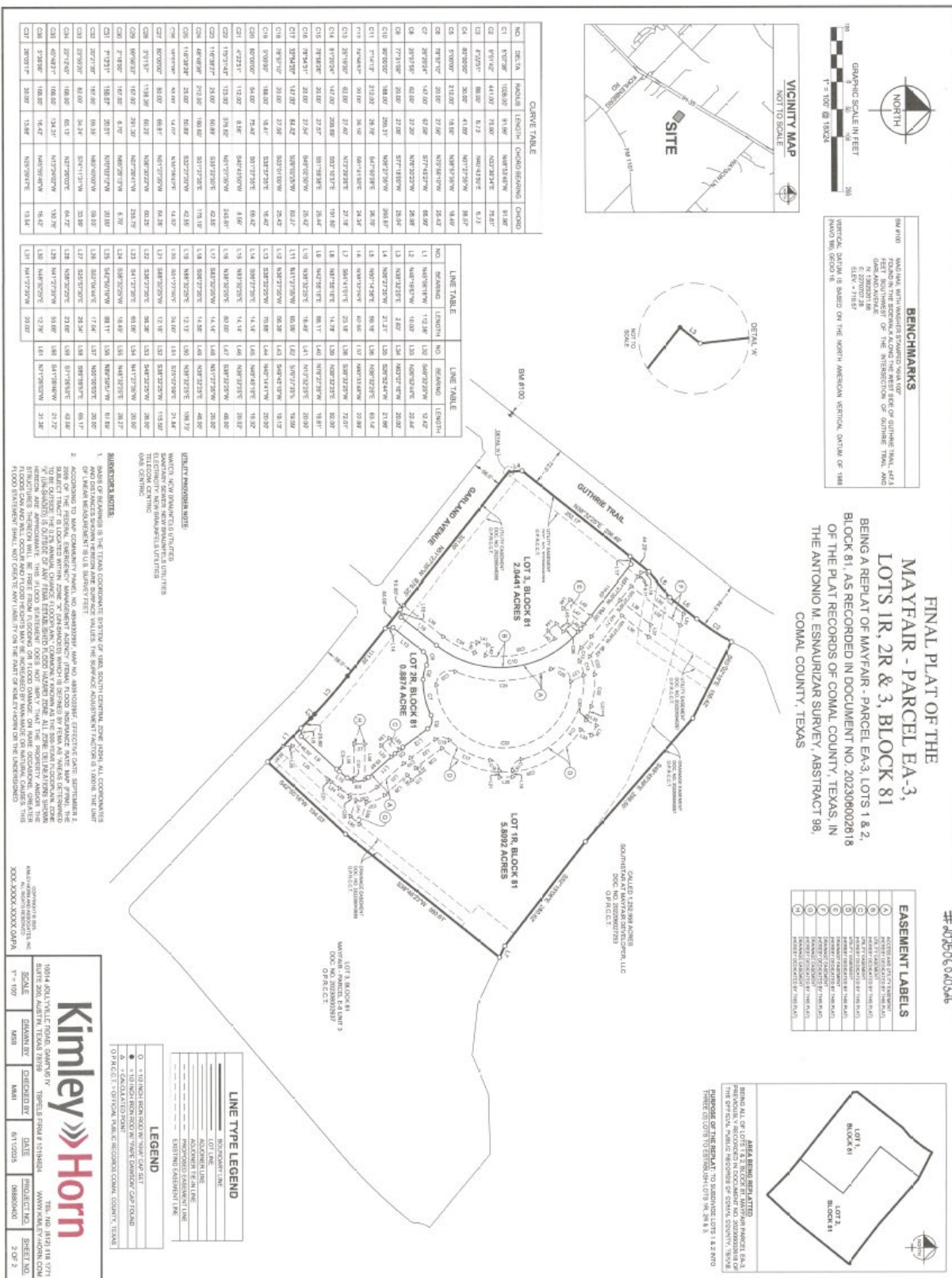
ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"



11/24/2025

Agenda Item No. P)

PRESENTER:

Christopher J. Looney, AICP, Planning Director

SUBJECT:

Approval of the second and final reading of an ordinance to amend the City's Code of Ordinances: Chapter 144 -5.3, regarding fences

DEPARTMENT: Neighborhood & Community Planning
Transportation & Construction Services

COUNCIL DISTRICTS IMPACTED: All

BACKGROUND INFORMATION:

Case No: ORD25-380

Staff Contact:

Amanda Mushinski, AICP, CNU-A
(830) 221-4056 | amushinski@newbraunfels.gov

The City Council held a public hearing on November 10, 2025, and unanimously approved the first reading of the ordinance amendment.

This topic was presented to City Council at the October 20th Special Meeting.

Staff consistently reviews permitting procedures to identify redundancies and other opportunities to streamline processes, reduce workload, and shorten turnaround times. Fence permits have been identified as one such opportunity.

There are a variety of different types of fences desired by property owners. Some are predominantly open, such as chain-link or wrought iron. Others are solid screen using materials such as wood pickets or pre-cast concrete. Some fences are required, such as those intended to secure swimming pools or to buffer commercial uses from residential, while others are desired by property owners to simply delineate their property boundaries or to control access.

Presently, all fences require building permits; some fence repair also requires permits. Depending on the fence type and location, there are various rules to comply with. The rules are basic and relatively consistent with most other jurisdictions, so compliance is straightforward. If the requirement to obtain a permit were eliminated for most fence types, that would create capacity for Plans Examiners to focus on other, more complex permit types, reducing overall turnaround times.

ISSUE:

The current requirement for a building permit for all fence installations and certain repairs has been identified as an opportunity to improve efficiency and enhance customer service. While fencing plays a role in property aesthetics, security, and privacy, the permitting process for most standard fence types provides limited benefit

relative to the staff time required for review and issuance. Most fences are simple in design and construction, and compliance with height, placement, and material standards can be verified through existing inspection or code compliance procedures.

Eliminating the permit requirement for most fence types would align with the City's goals of streamlining development processes, reducing turnaround times, and improving customer experience. This adjustment would allow Plans Examiners to focus on more complex permit types that have a greater impact on life safety and development quality, while still maintaining public safety and compliance through existing standards and enforcement tools. In-turn, the reduced workload will result in faster review turn-around times on other permit types.

This amendment to the Zoning Ordinance joins concurrent amendments to the Building Codes. If approved, permits will only be required for fences:

1. Built to secure swimming pools
2. 7 feet tall or taller
3. Proposed to be built in drainage easements
4. Proposed to be built in the floodplain

COMPREHENSIVE PLAN REFERENCE:

The proposed ordinance amendment is consistent with the following actions from Envision New Braunfels:

- **Action 1.11:** Update policies and codes to achieve development patterns that implement the goals of this plan
- **Action 3.6:** Proactively provide a regulatory environment that remains business and resident-friendly.

STRATEGIC PLAN REFERENCE:

☒Economic Mobility ☐Enhanced Connectivity ☐Community Identity
☒Organizational Excellence ☐Community Well-Being ☐N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

Approval.

The Planning Commission held a public hearing on November 5, 2025, and unanimously recommended approval.

Draft Minutes for the November 5, 2025, Planning Commission Regular Meeting

B) ORD25-380 Public hearing and consideration of an amendment to the City's Code of Ordinances: Chapter 144-5.3, regarding fences. (Case Manager: Amanda Mushinski, Planner, AICP, CNU-A)

Amanda Mushinski introduced the aforementioned item.

Chair Sonier asked if there were any questions for staff.

Brief discussion followed on permitting and inspection procedures for fences.

Chair Sonier opened the public hearing and asked if anyone present wished to speak on the item.

No one spoke.

Chair Sonier closed the public hearing.

Chair Sonier asked if there were any further discussion or motion to be made.

Motion by Commissioner Allsup, seconded by Commissioner Nolte, to recommend approval of the item to City Council. Motion carried unanimously (8-0-0).

ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING SECTION 5.3; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 211 of the Texas Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City Council of the City of New Braunfels, Texas, deems it necessary and desirable to establish zoning regulations to provide for the orderly development of property within the City by governing the use of land in order to promote the public health, safety, morals, and general welfare of the residents of the City; and

WHEREAS, the Comprehensive Plan, Envision New Braunfels, has multiple action items supporting updates that improve regulations, including Action Items 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan; 3.6: Proactively provide a regulatory environment that remains business and resident-friendly.

WHEREAS, the City of New Braunfels Strategic Plan has multiple objectives in the Economic Mobility and Organizational Excellence Strategic Priorities supporting updates that improve regulations.

WHEREAS, the City Council has directed that regulations dealing with the use and development of land be reviewed by the Planning Commission to make recommendations concerning improving those regulations; and

WHEREAS, the City is engaged in a project to update the development-related ordinances known as the Land Development Ordinance (LDO), in accordance with the Comprehensive Plan, Envision New Braunfels; and

WHEREAS, the Planning Commission held a public hearing on November 5, 2025, and recommended approval of the proposed amendments; and

WHEREAS, the City Council held a public hearing on said amendments on November 10, 2025; and

WHEREAS, the City Council hereby finds and determines that regularly updating the code for clarification provides improved customer service and is in the best interest of the citizens of New Braunfels.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT Chapter 144, Zoning, Article V, Development Standards, Section 5.3, Landscaping, tree preservation, public trees, screening, fences, buffering and lighting, is hereby amended with additions as underlines and deletions as strikeouts as follows:

Chapter 144 - ZONING

ARTICLE V. - DEVELOPMENT STANDARDS

Sec. 144-5.3 Landscaping, tree preservation, public trees, screening, fences, buffering and lighting.

5.3-2. Fences and walls.

(d) A fence from the front or rear corners of a building may extend through the side yard at the maximum height allowed.

(e) ~~Permit required. All f~~ Fences and walls ~~require building permits and~~ must comply with all permit/plan review submittal requirements including engineered foundation when necessary, as required in applicable adopted code(s).

* * * * *

SECTION 2

THAT it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 3

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 4

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

SECTION 5

THAT in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

PASSED AND APPROVED: First reading this 10th day of November 2025.

PASSED AND APPROVED: Second reading this 24th day of November 2025.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

11/24/2025

Agenda Item No. Q)

PRESENTER:

Latifat Olufemi, Building Official

SUBJECT:

Approval of the second and final reading of an ordinance to amend Section 14-27, International Building Code, and Section 14-29, International Residential Code, of the City of New Braunfels Code of Ordinances, regarding fence regulations.

DEPARTMENT: Transportation and Construction Services
Neighborhood & Community Planning

COUNCIL DISTRICTS IMPACTED: All**BACKGROUND INFORMATION:**

The City Council unanimously approved the first reading of the ordinance amendment at the November 10, 2025, regular meeting.

This topic was presented to the City Council at their October 20, 2025, Special Meeting.

Staff consistently reviews permitting procedures to identify redundancies and other opportunities to streamline processes, reduce workload, and shorten turnaround times. Fence permits have been identified as one such opportunity.

There are various types of fences desired by property owners. Some are predominantly open, such as chain-link or wrought iron. Others are solid screens using materials such as wood pickets or pre-cast concrete. Some fences are required, such as those intended to secure swimming pools or to buffer commercial uses from residential areas, while property owners desire others to delineate their property boundaries or control access.

Currently, all fences require building permits; some fence repairs also require permits. Depending on the type of fence and its location, there are various rules to comply with. The rules are basic and relatively consistent with those of most other jurisdictions, making compliance straightforward. If the requirement to obtain a permit were eliminated for most fence types, that would create capacity for Plans Examiners to focus on other, more complex permit types, reducing overall turnaround times.

ISSUE:

The current requirement for a building permit for all fence installations and certain repairs has been identified as an opportunity to improve efficiency and enhance customer service. While fencing plays a role in property aesthetics, security, and privacy, the permitting process for most standard fence types provides limited benefit

relative to the staff time required for review and issuance. Most fences are simple in design and construction, and compliance with height, placement, and material standards can be verified through existing inspection or code compliance procedures.

Eliminating the permit requirement for most fence types would align with the City's goals of streamlining development processes, reducing turnaround times, and improving customer experience. This adjustment would allow Plans Examiners to focus on more complex permit types that have a greater impact on life safety and development quality, while still maintaining public safety and compliance through existing standards and enforcement tools. In-turn, the reduced workload will result in faster review turnaround times on other permit types.

These amendments to the Building and Residential Codes are concurrent with an amendment to the Zoning Ordinance. If approved, permits will only be required for fences:

1. Built to secure swimming pools
2. 7 feet tall or taller
3. Proposed to be built in drainage easements
4. Proposed to be built in the special flood hazard area.

STRATEGIC PLAN REFERENCE:

☒Economic Mobility ☐Enhanced Connectivity ☐Community Identity

☒Organizational Excellence ☐Community Well-Being ☐N/A

[Enter Objectives/Performance Measures Supported]

FISCAL IMPACT:

N/A

RECOMMENDATION:

Approval

ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, SECTION 27 (2021 INTERNATIONAL BUILDING CODE) AND SECTION 29 (2021 INTERNATIONAL RESIDENTIAL CODE); REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels ("City") adopted the 2021 International Residential, Building, Plumbing, Mechanical, Fuel Gas, Energy Conservation, Fire, Property Maintenance, and Existing Building Codes and the 2020 National Electrical Code in October 2023; and

WHEREAS, the City of New Braunfels Strategic Plan has multiple objectives in the Economic Mobility and Organizational Excellence Strategic Priorities supporting updates that improve regulations; and

WHEREAS, the Comprehensive Plan, Envision New Braunfels, has multiple action items supporting updates that improve regulations, including Action Items 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan; 3.6: Proactively provide a regulatory environment that remains business and resident-friendly; and

WHEREAS, the City Council hereby finds and determines that regularly updating the code for clarification provides improved customer service and is in the best interest of the citizens of New Braunfels; and

WHEREAS, the City Council hereby finds that adopting these amendments would align with the City's goals of streamlining development processes, reducing turnaround times, and improving customer experience.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT Chapter 14, Buildings and Building Regulations, Article II, Building Code, Section 14-27(e), *Work Exempt from Permit*, is hereby amended to include the following underlined additions:

Chapter 14 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. – BUILDING CODE

Sec. 14-27. – 2021 International Building Code (IBC).

e) 105.2 Work exempt from permit.

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following, provided that there is no special flood hazard area (SFHA) on the associated property:

Building:

12. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

13. Fences, other than those that are:

a. swimming pool barriers,

b. fences over 7 feet (2134mm) tall, or

c. fences in a drainage easement.

SECTION 2

THAT Chapter 14, Buildings and Building Regulations, Article III, Residential Code, Section 14-29(b), *Work Exempt from Permit*, is hereby amended to include the following underlined additions:

Chapter 14 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE III. – RESIDENTIAL CODE

Sec. 14-29. – 2021 International Residential Code (IRC).

b) R105.2 Work exempt from permit.

Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following provided that there is no special flood hazard area (SFHA) on the associated property.

Building:

8. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

9. Fences, other than those that are:

a. swimming pool barriers,

b. fences over 7 feet (2134mm) tall, or

c. fences in a drainage easement.

SECTION 3

THAT it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 4

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 5

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

SECTION 6

THAT in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

SECTION 7

THAT this Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office.

PASSED AND APPROVED: First reading this 10th day of November 2025.

PASSED AND APPROVED: Second reading this 24th day of November 2025.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

11/24/2025

Agenda Item No. A)

PRESENTER:

Christopher J. Looney, AICP, Planning Director

Applicant: Daniel Morales**SUBJECT:**

Public hearing and first reading of an ordinance, at the request of Daniel Morales, to rezone approximately 0.2 of an acre out of City Block 5044 Subdivision, South portion of Lot A, from R-2 (Single-Family and Two-Family District) to C-O SUP (Commercial Office District with a Special Use Permit to allow Short Term Rental of a residence), currently addressed at 215 Dittlinger Street

DEPARTMENT: Neighborhood and Community Planning**COUNCIL DISTRICTS IMPACTED:** 5**BACKGROUND INFORMATION:****Case No:** SUP25-367**Applicant/Owner:**

Daniel Morales

830-237-6388 | danielmorales1016@hotmail.com

Staff Contact:

Amanda Mushinski, AICP, CNU-a

(830) 221-4056 | amushinski@newbraunfels.gov

The subject property is approximately 0.2 of an acre on the northeast corner of the intersection of Washington Avenue and Dittlinger Street, and 2 blocks northeast of Prince Solms Park. It is bordered by R-3 and R-2 zoning with abutting residential land uses.

The 1950s residence is roughly 864 square feet in total interior livable area with 2 bedrooms and 1 bathroom. Per the Zoning Ordinance, the maximum occupancy of an STR with a total of 2 bedrooms and 1 bathroom is 5 occupants, and the minimum off-street parking is 2 spaces. There is sufficient room to accommodate the minimum parking requirements.

ISSUE:

The R-2 Zoning District is intended to preserve low-density residential neighborhoods by accommodating detached single-family and duplex dwellings while maintaining compatible development patterns and neighborhood character. Short-Term Rentals (STRs) are not allowed by right or by Special Use Permit within residential zoning districts such as R-2. To seek an SUP for an STR, the property must first be rezoned to a nonresidential district, hence the applicant's request to rezone from R-2 to C-O (Commercial Office District); and concurrently request a Special Use Permit (SUP) to allow the short-term rental use of the existing single-family home.

The applicant requested the C-O District because it is the least-intensive mixed-use zoning district that allows

both 1) the continued use of the existing residence as a dwelling and 2) the potential operation of a short-term rental with SUP approval.

Short-term rental standards in the Zoning Ordinance help to ensure proper measures are in place to protect public health, safety, and neighboring properties. If this rezoning request is approved, the registration of the short-term rental and online payment of hotel occupancy taxes are required. The project must also comply with all other City Code standards.

There are approximately 25 approved short term rental SUPs within one-half mile of the subject property, 15 of which are active.

COMPREHENSIVE PLAN REFERENCE:

The proposed rezoning is not consistent with the following actions from Envision New Braunfels:

- **Action 1.3:** Encourage balanced and fiscally responsible land-use patterns.
- **Action 3.3:** Balance commercial centers with stable neighborhoods.

Future Land Use Plan: The subject property is located within the New Braunfels Sub Area, near existing Outdoor Recreation, Tourist, and Education Centers.

STRATEGIC PLAN REFERENCE:

☐Economic Mobility ☐Enhanced Connectivity ☐Community Identity
☐Organizational Excellence ☐Community Well-Being ☒N/A

The proposed rezoning does not represent a targeted mixed-use redevelopment or contribute to integrated housing and commercial opportunities identified in the plan. Instead, it would introduce opportunity for some nonresidential uses within an established residential neighborhood, outside of designated mixed-use or employment focus areas. Additionally, the conversion of an existing single-family home to a short-term rental at this location would not support the Strategic Plan's goal of increasing affordable housing options.

FISCAL IMPACT:

The proposed rezoning is not in alignment with the recommendations and strategies of the Land Use Fiscal Analysis. As noted in the Comprehensive Plan and Strategic Plan consistency review above, the proposed rezoning would introduce opportunities for nonresidential uses within a predominantly residential area without contributing to a broader mixed-use or redevelopment objective. While the property could generate limited revenue through local and state hotel occupancy taxes (HOT) if operated as a short-term rental, the request would not result in a mix of uses or development intensity that increases fiscal productivity that would outweigh the aforementioned negative impacts. The existing single-family home would remain in residential use, and the change in zoning would not further the Land Use Fiscal Analysis goal of encouraging diverse, revenue-positive development patterns within targeted growth areas.

RECOMMENDATION:

Denial. Rezoning the property to a mixed-use district would introduce a broader range of potential uses than what currently exists in the neighborhood. The surrounding area is primarily developed with single-family homes and zoned R-2 or R-3. As the requested C-O also allows multifamily, office and additional low-intensity nonresidential uses, allowing it at this location would introduce the potential for nonresidential uses within a predominantly residential area; and would allow for higher intensity uses such as multifamily or office development that are not consistent with the surrounding neighborhood character or the intent of the Comprehensive Plan and Strategic Plan. The request does not support the Land Use Fiscal Analysis objectives related to mixed-use or fiscally productive development patterns and may set a precedent for similar commercial rezonings within this and other established residential neighborhoods.

If approved, staff recommends the following conditions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan and floor plan. Any significant changes to the site plan or floor plan will require a revision to the SUP.

The Planning Commission held a public hearing on November 5, 2025, and unanimously recommended denial (8-0-0).

Code of Ordinances Sec. 144-2.1 *Changes and Zoning Amendments*:

(b) *Considerations for approving or denying a zoning change.* In making a determination regarding a requested zoning change, the planning commission and the city council shall consider the following factors:

- (1) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the city as a whole;
- (2) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;
- (3) How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved;
- (4) Any other factors that will substantially affect the public health, safety, morals, or general welfare; and
- (5) Whether the request is consistent with the comprehensive plan.

Mailed notification as required by state statute:

Public hearing notices were sent to owners of 19 properties within 200 feet of the request. As of the date this agenda was posted, the city has received responses representing 15% opposition.

Resource Links:

- Chapter 144, Sec. 3.3-2 (R-2) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 3.4-17 (C-O) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 5.17 (Short-term Rental) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?



Aerial Exhibit

Vicinity Map

New Braunfels

1604



SUP25-367

215 Dittlinger St - R-2 to C-O w/ SUP for STR

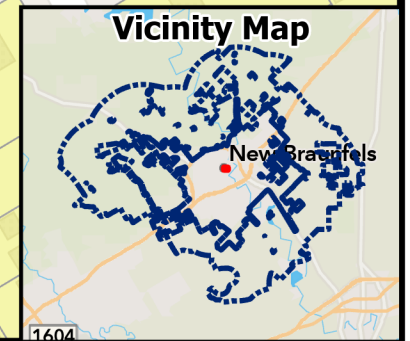
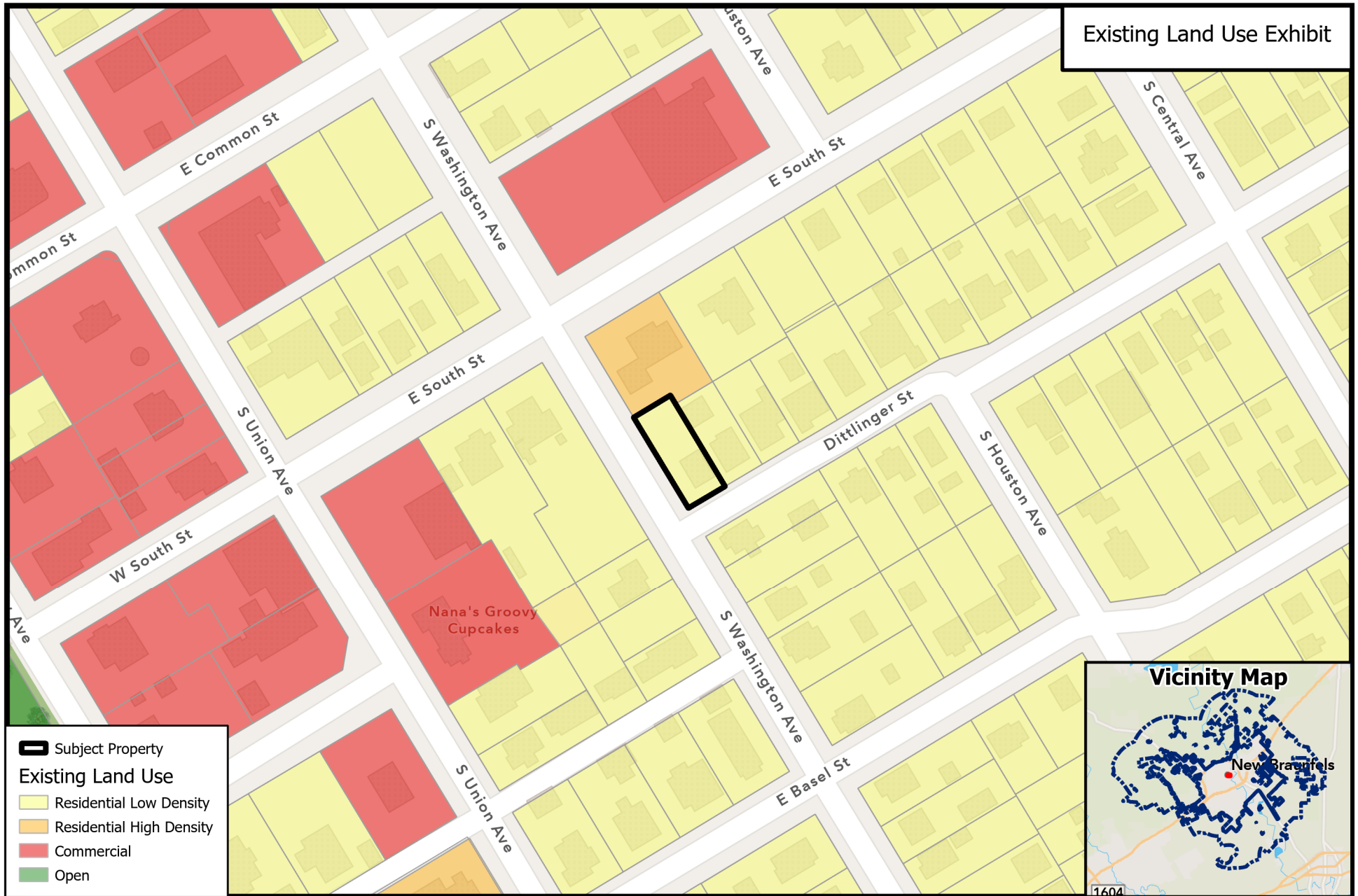
0 90 180 Feet

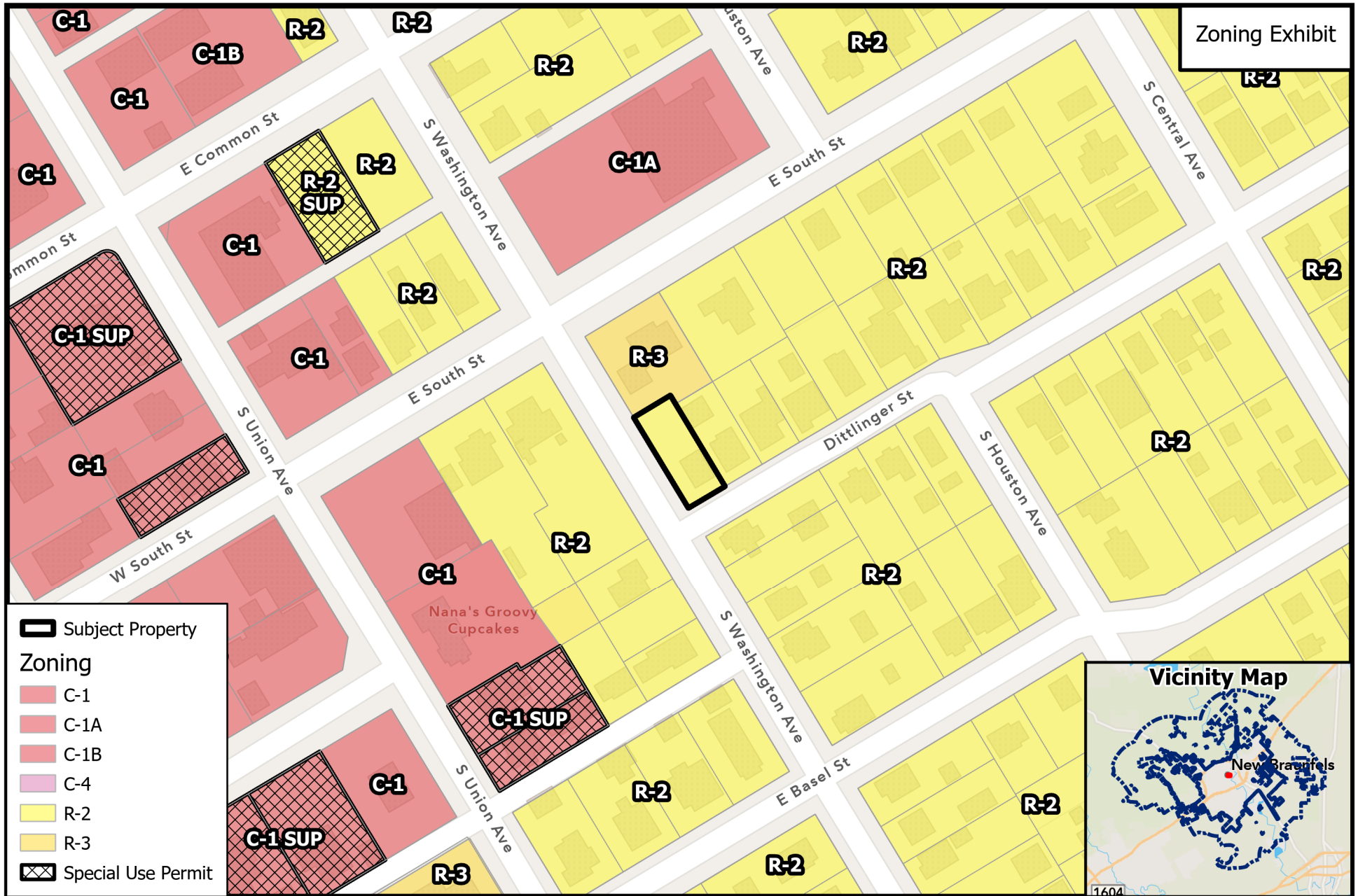


Path: \\chfs-1\Departments\Planning\ZoneChange & SUPs\2025\SUP25-367 - 215 Dittlinger St -

Source: City of New Braunfels Planning
Date: 10/13/2025

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by else is at that party's risk and without liability to the City of New Braunfels officials or employees for any discrepancies, errors, or variances which may





Land Use	Existing	Proposed
	R-2	CO
Accessory building/structure (see section 144-5.4)	P	P
Accessory dwelling (one accessory dwelling per lot)	P	P
Accounting, auditing, bookkeeping, and tax preparations		P
Acid manufacture		
Adult day care (no overnight stay)		P
Adult day care (with overnight stay)		
Aircraft support and related services		
Airport		
All-terrain vehicle (ATV) dealer/sales		
Ambulance service (private)		
Amphitheaters (outdoor live performances)		
Amusement devices/arcade (four or more devices)		
Amusement services or venues (indoors) (see section 144-5.13)		
Amusement services or venues (outdoors)		
Animal grooming shop		
Answering and message services		P
Antique shop		P
Appliance repair		
Archery range		
Armed services recruiting center		P
Art dealer/gallery		P
Artist or artisans studio		P
Assembly/exhibition hall or areas		
Assisted living facility/retirement home		
Athletic fields		
Auction sales (non-vehicle)		
Auto body repair, garages (see section 144-5.11)		
Auto glass repair/tinting (see section 144-5.11)		
Auto interior shop/upholstery (see section 144-5.11)		
Auto leasing		
Auto muffler shop (see section 144-5.11)		
Auto or trailer sales rooms or yards (see section 144-5.12)		
Auto or truck sales rooms or yards—Primarily new (see section 144-5.12)		
Auto paint shop		
Auto repair as an accessory use to retail sales		
Auto repair garage (general) (see section 144-5.11)		
Auto supply store for new and factory rebuilt parts		
Auto tire repair/sales (indoor)		
Auto wrecking yards		
Automobile driving school (including defensive driving)		
Bakery (retail)		P
Bank, savings and loan, or credit union		P
Bar/tavern (no outdoor music)		
Bar/tavern		
Barber/beauty college (barber or cosmetology school or college)		
Barns and farm equipment storage (related to agricultural uses)	P	P
Battery charging station		
Bed and breakfast inn (see section 144-5.6)		P

Land Use	Existing	Proposed
	R-2	CO
Bicycle sales and/or repair		
Billiard/pool facility		
Bingo facility		
Bio-medical facilities		
Blacksmith or wagon shops		
Blooming or rolling mills		
Boarding house/lodging house		P
Book binding		
Book store		P
Bottling or distribution plants (milk)		
Bottling works		
Bowling alley/center (see section 144-5.13)		
Breweries/distilleries and manufacture of alcohol and alcoholic beverages		
Broadcast station (with tower) (see section 144-5.7)		
Bulk storage of gasoline, petroleum products, liquefied petroleum and flammable liquids (see section 5.27)		
Bus barns or lots		
Bus passenger stations		
Cabin or cottage (rental)		
Cabin or cottage (rental for more than 30 days)		
Cafeteria/cafe/delicatessen		
Campers' supplies		
Campgrounds		
Canning/preserving factories		
Car wash (self-service; automated)		
Car wash, full service (detail shop)		
Carpenter, cabinet, or pattern shops		
Carpet cleaning establishments		
Caterer		
Cement, lime, gypsum or plaster of Paris manufacture		
Cemetery and/or mausoleum	P	P
Check cashing service		P
Chemical laboratories (e.g., ammonia, bleaching powder)		
Chemical laboratories (not producing noxious fumes or odors)		
Child day care/children's nursery (business)		
Church/place of religious assembly	P	P
Cider mills		
Civic/conference center and facilities		
Cleaning, pressing and dyeing (non-explosive fluids used)		
Clinic (dental)		P
Clinic (emergency care)		P
Clinic (medical)		P
Club (private)		
Coffee shop		P
Cold storage plant		
Commercial amusement concessions and facilities		
Communication equipment—Installation and/or repair		
Community building (associated with residential uses)	P	P

Land Use	Existing	Proposed
	R-2	CO
Community home (see definition)	P	P
Computer and electronic sales		
Computer repair		
Concrete or asphalt mixing plants—Permanent		
Concrete or asphalt mixing plants—Temporary		
Confectionery store (retail)		P
Consignment shop		
Contractor's office/sales, with outside storage including vehicles		
Contractor's temporary on-site construction office	P	P
Convenience store with gas sales		
Convenience store without gas sales		
Cotton ginning or baling works		
Country club (private)	P	
Credit agency		P
Crematorium		
Curio shops		
Custom work shops		
Dance hall/dancing facility (see section 144-5.13)		
Day camp		
Department store		
Distillation of bones		
Dormitory (in which individual rooms are for rental)		P
Drapery shop/blind shop		
Driving range		
Drug store/pharmacy		
Duplex/two-family/duplex condominiums	P	P
Electrical generating plant		
Electrical repair shop		
Electrical substation		P
Electronic assembly/high tech manufacturing		
Electroplating works		
Enameling works		
Engine repair/motor manufacturing re-manufacturing and/or repair		
Explosives manufacture or storage		
Exterminator service		
Fairground		
Family home adult care	P	
Family home child care	P	
Farmers market (produce market—wholesale)		
Farms, general (crops) (see chapter 6 and section 144-5.9)	P	P
Farms, general (livestock/ranch) (see chapter 6 and section 144-5.9)	P	P
Feed and grain store		
Fertilizer manufacture and storage		
Filling station (gasoline tanks must be below the ground)		
Florist		
Flour mills, feed mills, and grain processing		
Food or grocery store with gasoline sales		
Food or grocery store without gasoline sales		

Land Use	Existing	Proposed
	R-2	CO
Food processing (no outside public consumption)		
Forge (hand)		
Forge (power)		
Fraternal organization/civic club (private club)		
Freight terminal, rail/truck (when any storage of freight is wholly outside an enclosed building)		
Freight terminal, truck (all storage of freight in an enclosed building)		
Frozen food storage for individual or family use		
Funeral home/mortuary		
Furniture manufacture		
Furniture sales (indoor)		
Galvanizing works		
Garbage, offal or dead animal reduction or dumping		
Garden shops and greenhouses		P
Gas manufacture		
Gas or oil wells		
Golf course (public or private)	P	P
Golf course (miniature)		
Government building or use with no outside storage (outside storage allowed in M-2 and M-2A)	P	P
Grain elevator		
Greenhouse (commercial)		
Handicraft shop		
Hardware store		
Hay, grain, and/or feed sales (wholesale)		
Health club (physical fitness; indoors only)		
Heating and air-conditioning sales/services		
Heavy load (farm) vehicle sales/repair (see section 144-5.14)		
Heavy manufacturing		
Heliport		
Hides/skins (tanning)		
Home occupation (see section 144-5.5)	P	
Home repair and yard equipment retail and rental outlets		
Hospice		P
Hospital, general (acute care/chronic care)		
Hospital, rehabilitation		
Hotel/motel		
Hotels/motels—Extended stay (residence hotels)		
Ice delivery stations (for storage and sale of ice at retail only)		
Ice plants		
Indoor or covered sports facility		
Industrial laundries		
Iron and steel manufacture		
Junkyards, including storage, sorting, baling or processing of rags		
Kiosk (providing a retail service)		P
Laboratory equipment manufacturing		
Laundromat and laundry pickup stations		P
Laundry, commercial (without self-serve)		
Laundry/dry cleaning (drop off/pick up)		P

Land Use	Existing	Proposed
	R-2	CO
Laundry/washateria (self-serve)		
Lawnmower sales and/or repair		
Leather products manufacturing		
Light manufacturing		
Limousine/taxi service		
Livestock sales/auction		
Locksmith		P
Lumber mill		
Lumberyard (see section 144-5.15)		
Lumberyard or building material sales (see section 144-5.15)		
Machine shop		
Maintenance/janitorial service		
Major appliance sales (indoor)		
Manufacture of carbon batteries		
Manufacture of paint, lacquer, oil, turpentine, varnish, enamel, etc.		
Manufacture of rubber, glucose, or dextrin		
Manufactured home—HUD Code compliant (see Texas Occupations Code ch. 1201)		
Manufactured home park—HUD Code compliant (see Texas Occupations Code ch. 1201)		
Manufactured home subdivision—HUD Code compliant (see Texas Occupations Code ch. 1201)		
Manufactured home sales		
Manufacturing and processes		
Manufacturing processes not listed		
Market (public, flea)		
Martial arts school		
Meat or fish packing/storage plants		
Medical supplies and equipment		
Metal fabrication shop		
Micro brewery (onsite mfg. and/or sales)		
Micro distillery (onsite mfg. and/or sales)		
Mini-warehouse/self-storage units (no boat and RV storage permitted)		
Mini-warehouse/self-storage units with outside boat and RV storage		
Monument, gravestone, or marble works (manufacture)		
Motion picture studio, commercial film		
Motion picture theater (indoors)		
Motion picture theater (outdoors, drive-in)		
Motorcycle dealer (primarily new/repair)		
Moving storage company		
Moving, transfer, or storage plant		
Multifamily (apartments/condominiums)		P
Museum		
Natural resource extraction and mining		
Needlework shop		P
Nonbulk storage of gasoline, petroleum products and liquefied petroleum		
Nursing/convalescent home/sanitarium		
Offices, brokerage services		P
Offices, business or professional		P
Offices, computer programming and data processing		P

Land Use	Existing	Proposed
	R-2	CO
Offices, consulting		P
Offices, engineering, architecture, surveying or similar		P
Offices, health services		P
Offices, insurance agency		P
Offices, legal services, including court reporting		P
Offices, medical offices		P
Offices, real estate		P
Offices, security/commodity brokers, dealers, exchanges and financial services		P
Oil compounding and barreling plants		
One-family dwelling, detached	P	P
Outside storage (as primary use)		
Paint manufacturing		
Paper or pulp manufacture		
Park and/or playground (private and public)	P	P
Parking lots (for passenger car only) (not as incidental to the main use)		
Parking structure/public garage		
Pawn shop		
Personal services		P
Personal watercraft sales (primarily new/repair)		
Pet shop/supplies (less than 10,000 sq. ft.)		
Pet store (over 10,000 sq. ft.)		
Petroleum or its products (refining of)		
Photo engraving plant		
Photographic printing/duplicating/copy shop or printing shop		P
Photographic studio (no sale of cameras or supplies)		P
Photographic supply		P
Plant nursery (no retail sales on site)	P	
Plant nursery (retail sales/outdoor storage)		
Plastic products molding/reshaping		
Plumbing shop		
Portable building sales		
Poultry killing or dressing for commercial purposes		
Propane sales (retail)		
Public recreation/services building for public park/playground areas	P	P
Publishing/printing company (e.g., newspaper)		
Quick lube/oil change/minor inspection		
Radio/television shop, electronics, computer repair		
Railroad roundhouses or shops		
Rappelling facilities		
Recreation buildings (private)		
Recreation buildings (public)	P	P
Recycling kiosk		
Refreshment/beverage stand		
Rental or occupancy for less than one month (see section 144-5.17)		
Research lab (non-hazardous)		P
Residential use in buildings with non-residential uses permitted in the district		P
Restaurant/prepared food sales		
Restaurant with drive-through service		

Land Use	Existing	Proposed
	R-2	CO
Retail store and shopping center without drive-through service (50,000 sq. ft. bldg. or less)		
Retail store and shopping center with drive-through service (50,000 sq. ft. bldg. or less)		
Retail store and shopping center (more than 50,000 sq. ft. bldg.)		
Retirement home/home for the aged		P
Rock crushers and rock quarries		
Rodeo grounds		
RV park		
RV/travel trailer sales		
Sand/gravel sales (storage or sales)		
School, K-12 public or private	P	P
School, vocational (business/commercial trade)		P
Security monitoring company (no outside storage or installation)		P
Security systems installation company		
Sexually oriented business (see chapter 18)		
Sheet metal shop		
Shoe repair shops		P
Shooting gallery—Indoor (see section 144-5.13)		
Shooting range—Outdoor (see section 144-5.13)		
Shopping center		
Sign manufacturing/painting plant		
Single-family industrialized home (see section 144-5.8)	P	P
Smelting of tin, copper, zinc or iron ores		
Specialty shops in support of project guests and tourists		
Stables (as a business) (see chapter 6)		
Stables (private, accessory use) (see chapter 6)		
Steel furnaces		
Stockyards or slaughtering		
Stone/clay/glass manufacturing		
Storage—Exterior storage for boats and recreational vehicles		
Storage in bulk		
Structural iron or pipe works		
Studio for radio or television, without tower (see zoning district for tower authorization)		
Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)		
Sugar refineries		
Tailor shop (see home occupation)		
Tar distillation or manufacture		
Tattoo or body piercing studio		
Taxidermist		
Telecommunications towers/antennas (see section 144-5.7)		
Telemarketing agency		P
Telephone exchange buildings (office only)		P
Tennis court (commercial)		P
Theater (non-motion picture; live drama)		
Tire sales (outdoors)		
Tool rental		
Townhouse (attached)		P
Transfer station (refuse/pick-up)		
Travel agency		P

Land Use	Existing	Proposed
	R-2	CO
Truck or transit terminal		
Truck stop		
Tuber entrance and takeout facilities (see section 144-5.13)		
University or college (public or private)		P
Upholstery shop (non-auto)		
Used or second hand merchandise/furniture store		
Vacuum cleaner sales and repair		
Vehicle storage facility		
Veterinary hospital (no outside animal runs or kennels)		
Veterinary hospital (with outdoor animal runs or kennels that may not be used between the hours of 9:00 p.m. and 7:00 a.m.)		
Video rental/sales		
Warehouse/office and storage/distribution center		
Waterfront amusement facilities—Berthing facilities sales and rentals		
Waterfront amusement facilities—Boat fuel storage/dispensing facilities		
Waterfront amusement facilities—Boat landing piers/launching ramps		
Waterfront amusement facilities—Swimming/wading pools/bathhouses		
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system	P	P
Welding shop		
Wholesale sales offices and sample rooms		
Wire or rod mills		
Wood distillation plants (charcoal, tar, turpentine, etc.)		
Woodworking shop (ornamental)		
Wool scouring		
Zero lot line/patio homes		P



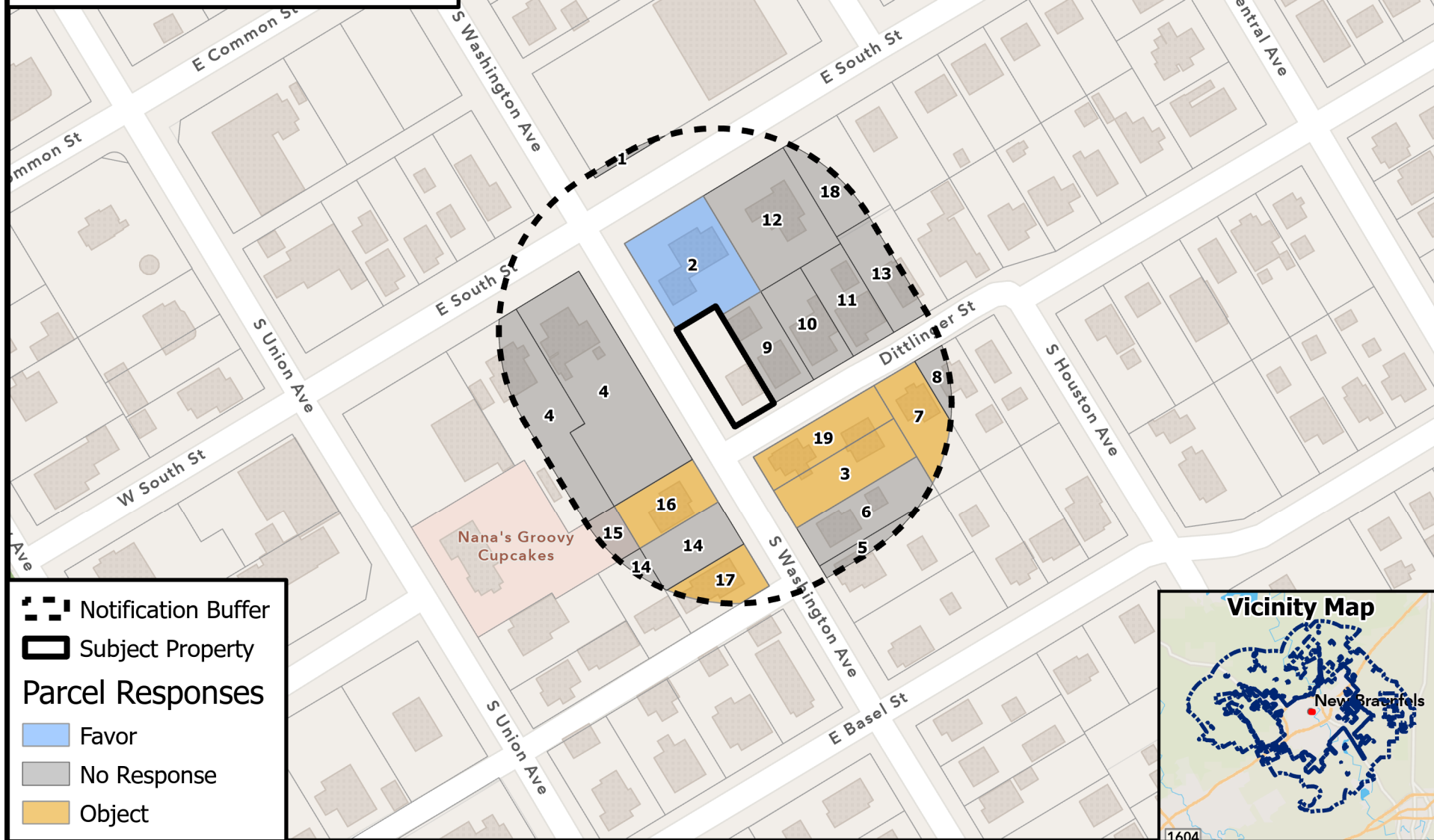
215 Dittlinger St—residence



215 Dittlinger St—Washington frontage

1

Property Owner - Refer to Property Number on Postcard. Numbers may shift due to real estate transactions from the initial notification.



- Notification Buffer
- Subject Property
- Parcel Responses**
- Favor
- No Response
- Object

PLANNING COMMISSION – November 5, 2025 – 6:00PM

City Hall Council Chambers

Applicant: Daniel Morales

Address/Location: 215 Dittlinger St

SUP25-367

The numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as “Subject Property”.

- | | |
|---------------------------------|-----------------------------|
| 1. COMAL RIVER PARKING LLC | 11. MARTINEZ ROSA E |
| 2. SANDOVAL HORACIO M & MARIA R | 12. MORALES RUBEN |
| 3. SCHOTT GORDON A | 13. KIEL DIANNA |
| 4. HAAS MILTON ALWIN & BETHEL | 14. MCGRATH-WHITE TRACY O |
| 5. BUSTOS DELIO & JUANITA | 15. 283 S UNION SERIES |
| 6. KOCIAN HANNI ELIZABETH | 16. DIAZ EVA |
| 7. CASTILLO ESTELLA | 17. MARTIN MIKE & KELLY |
| 8. NICHOLSON HOWARD & JOANIE | 18. OLEARY JAMES D & EMLY F |
| 9. GUTIERREZ EPIMENIA | 19. FLORES PAUL & SHARLA |
| 10. LISA AHART PROPERTIES LLC | |

SEE MAP

FLORES PAUL & SHARLA
793 COMAL CREEK TRAIL
NEW BRAUNFELS TX 78130
Property #: 19
SUP25-367
Case Manager: AM

FAVOR ☐
COMMENTS OPPOSE ☒

- 1) Hard to maintain a safe environment with several different people going in + out
- 2) Security concerns - lack of oversight or background checks
- 3) Neighborhood disruption with more noise, parties, traffic
- 4) Several families with small children nearby which raises safety concerns

SCHOTT GORDON A
323 S WASHINGTON
NEW BRAUNFELS TX 78130
Property #: 3
SUP25-367
Case Manager: AM

FAVOR ☐
COMMENTS OPPOSE ☒

- More people, more noise, more vehicles, more late night events
- Less upkeep of the yard,
- Possible more pets
- Could be renters that are not nice or care about being kind to our neighbors.
- We have many older people in our neighborhood. Let's keep it peaceful.

MARTIN MIKE & KELLY
344 S WASHINGTON AVE
NEW BRAUNFELS TX 78130
Property #: 17
SUP25-367
Case Manager: AM

FAVOR ☐
COMMENTS OPPOSE ☒

- Within a few houses of the property #17, there are 9 children of age 15 yrs or younger!
- We won't know background of short-term renters. We know and communicate with our neighbors regarding any concern, currently.
- We currently have a rental behind our home - located on Union St. and our kids and us often can't get to sleep due to loud music, yelling, foul language.

SANDOVAL HORACIO M & MARIA R
202 E SOUTH ST
NEW BRAUNFELS TX 78130
Property #: 2
SUP25-367
Case Manager: AM

FAVOR ☒
COMMENTS OPPOSE ☐



CASTILLO E ELLA
266 DITTLIN R ST
NEW BRAUN LS TX 78130
Property #: 7
SUP25-367
Case Manager:

COMMENT

FAVOR ☐
OPPOSE ☒

DIAZ EVA

302 S WASHINGTON AVE

NEW BRAUNFELS TX 78130

Property #: 16

SUP25-367

Case Manager: AM

FAVOR ☐

COMMENTS

OPPOSE ☒

I, Eva Diaz strongly
oppose this special use
permit for the following
reasons: frequent guest
turnover, security concern
for neighbor hood. (loud
music etc) too much
coming & going, loss of
privacy etc. Mr. Morales
is requesting 6 parking
spaces which @ 2 guests
per vehicle = 12 (single
family home is too
small @ only 864 sq. ft.
Thank You.

From: [Chandler Gray](#)
To: [Amanda Mushinski](#)
Subject: thoughts on CASE# SUP25-367
Date: Wednesday, November 5, 2025 11:42:29 AM

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please share my comments with the Planning Commission on CASE# SUP25-367 - which is on tonight's agenda - but I am unable to attend.

Dear Planning Commission:

I am not in the 200' circle, but I am a long time resident in the neighborhood ~ so I do care...

As you know - this area is one of the older neighborhoods in the city, and does NOT have an HOA to protect it. **It is protected by ZONING....**

This request would **erode the fabric of the RESIDENTIAL NEIGHBORHOOD**, and do nothing but **introduce COMMERCIAL CREEP**.

And worse, it is **clearly SPOT ZONING - which from what I understand is ILLEGAL IN TEXAS.**

Per Google:

1) "Spot zoning is illegal in Texas when one can prove it is arbitrary, unreasonable, and discriminatory and does not substantially relate to the public's health, safety, morals, or general welfare"

2) "Is spot zoning illegal in Texas?"

Normally a single lot may not be zoned differently from those surrounding it as this is considered "spot zoning" which is a violation of state law."

I could go on and on, and include all the negatives of allowing Short Term Rentals into residential neighborhoods, as that would be the next step in their request, but I feel the above points should be enough.

Please do NOT allow commercial ZONING to creep into this RESIDENTIAL NEIGHBORHOOD.

Thank you for your consideration of the neighborhood as a WHOLE, and not just

those of one individual.

Sincerely,

Chandler Gray
186 E. Lincoln St.

Draft Minutes for the November 5, 2025, Planning Commission Regular Meeting

D) SUP25-367 Public hearing and recommendation to City Council, at the request of Daniel Morales, to rezone approximately 0.2 of an acre out of City Block 5044 Subdivision, South portion of Lot A, from R-2 (Single-Family and Two-Family District) to C-O SUP (Commercial Office District with Special Use Permit to allow Short Term Rental of a residence), currently addressed at 215 Dittlinger Street. (Applicant/Owner: Daniel Morales; Case Manager: Amanda Mushinski, Planner, AICP, CNU-A)

Amanda Mushinski introduced the aforementioned item.

Chair Sonier asked if there were any questions for staff.

Discussion followed on neighboring property owner responses, staff recommendation, zoning distinctions between C-3, C-O, and MUA, and SUP requirements for short-term rentals.

Chair Sonier invited the applicant to speak on the item.

The applicant did not speak at this time.

Discussion followed on zoning context, previous similar requests, existing short-term rentals, and potential restrictions on SUPs.

Chair Sonier opened the public hearing and asked if anyone present wished to speak on the item.

Five individuals spoke in opposition of the item.

The applicant spoke in favor of the item.

Chair Sonier closed the public hearing.

Chair Sonier asked if there were any further discussion or motion to be made.

Discussion followed on residential character of the area, commercial zoning implications, staff recommendation, and compatibility with neighborhood use.

Motion by Commissioner Rudy, seconded by Vice-Chair Taylor, to recommend denial of the item to City Council. Motion carried unanimously (8-0-0).

ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 0.2 OF AN ACRE, BEING OUT OF CITY BLOCK 5044 SUBDIVISION, SOUTH PORTION OF LOT A, ADDRESSED AT 215 DITTLINGER STREET, FROM R-2 (SINGLE-FAMILY AND TWO-FAMILY DISTRICT) TO C-O SUP (COMMERCIAL OFFICE DISTRICT WITH SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A RESIDENCE); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of the C-O (Commercial Office District), the City Council has given due consideration to all components of said district; and

WHEREAS, the rezoning is in compliance with the Future Land Use Plan; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of approximately 0.2 of an acre being out of City Block 5044 Subdivision, South portion of Lot A, addressed at 215 Dittlinger Street from R-2 (Single-Family and Two-Family District) to C-O SUP (Commercial Office District with Special Use Permit to allow Short Term Rental of a residence); and

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City recognizes that granting such a permit is possible while promoting the health, safety and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatible and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for Short Term Rental use; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan; and

WHEREAS, the requested rezoning is in accordance with the City's Strategic Plan; and

WHEREAS, the City Council desires to grant a Special Use Permit at 215 Dittlinger Street, to allow Short Term Rental of a residence in the C-O (Commercial Office District); **now, therefore;**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS,

TEXAS:

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following tract of land from R-2 (Single-Family and Two-Family District) to C-O SUP (Commercial Office District with Special Use Permit to allow Short Term Rental of a residence) District and designating said property with a a "Special Use Permit" to allow Short Term Rental of a residence with conditions herein described:

Approximately 0.2 of an acre, being out of City Block 5044 Subdivision, South portion of Lot A, as described on Exhibit "A" and depicted in Exhibit "B", attached.

SECTION 2

THAT the Special Use Permit be subject to the following additional conditions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan Exhibit "C" and floor plan Exhibit "D". Any significant changes to the site plan will require a revision to the SUP.

SECTION 3

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 4

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 5

THIS ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 24th day of November 2025.

PASSED AND APPROVED: Second reading this 8th day of December 2025.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

Exhibit "A"

All that certain tract or parcel of land containing 0.151 of an acre of land out of Lot 1, New City Block 5044, City of New Braunfels, Comal County, Texas and being the same land, as surveyed and found on the ground on April 28, 1998, as that certain parcel described in Volume 586, Page 386 of the Official Public Records of Comal County, Texas; Said 0.151 of an acre parcel being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found at the intersection of the northeasterly-right-of-way line of E. Dittlinger Street and the southeasterly right-of-way line of S. Washington Avenue for the most westerly corner and POINT OF BEGINNING of this parcel;

THENCE with said right-of-way line of S. Washington Avenue, North 31 deg 00' 00" East (basis of bearings), a distance of 122.52 feet (called North 31 deg East, 123 feet) to a 1/2 inch iron rod found for the most northerly corner of this parcel, same being the most westerly corner of the Spurrier tract described in Volume 877, Page 503 of the Official Public Records of Comal County, Texas;

THENCE leaving said right-of-way line and with the common line of this parcel and said Spurrier tract, South 58 deg 30' 19" East, a distance of 53.19 feet (called South 59 deg East, 54 feet) to a 1/2 inch iron rod found for the most easterly corner of this parcel;

THENCE continuing with the common line of this parcel and said Spurrier tract and the Gutierrez tract described in Volume 378, Page 3 of the Official Public Records of Comal County, Texas, South 30 deg 39' 27" West, a distance of 122.91 feet (called South 31 deg West, 123 feet) to a fence corner found on the aforementioned right-of-way line of E. Dittlinger Street for the most southerly corner of this parcel, same being the most westerly corner of said Gutierrez tract;

THENCE with said right-of-way line, North 58 deg 06' 10" West, a distance of 53.93 feet (called North 59 deg West, 54 feet) to the POINT OF BEGINNING and containing 0.151 of an acre of land.

Exhibit "A"

Filed and Recorded
Official Public Records
Jay Streeter, County Clerk
Comal County, Texas
04/06/2018 04:29:33 PM
LJMR 3 Page(s)
201208012202



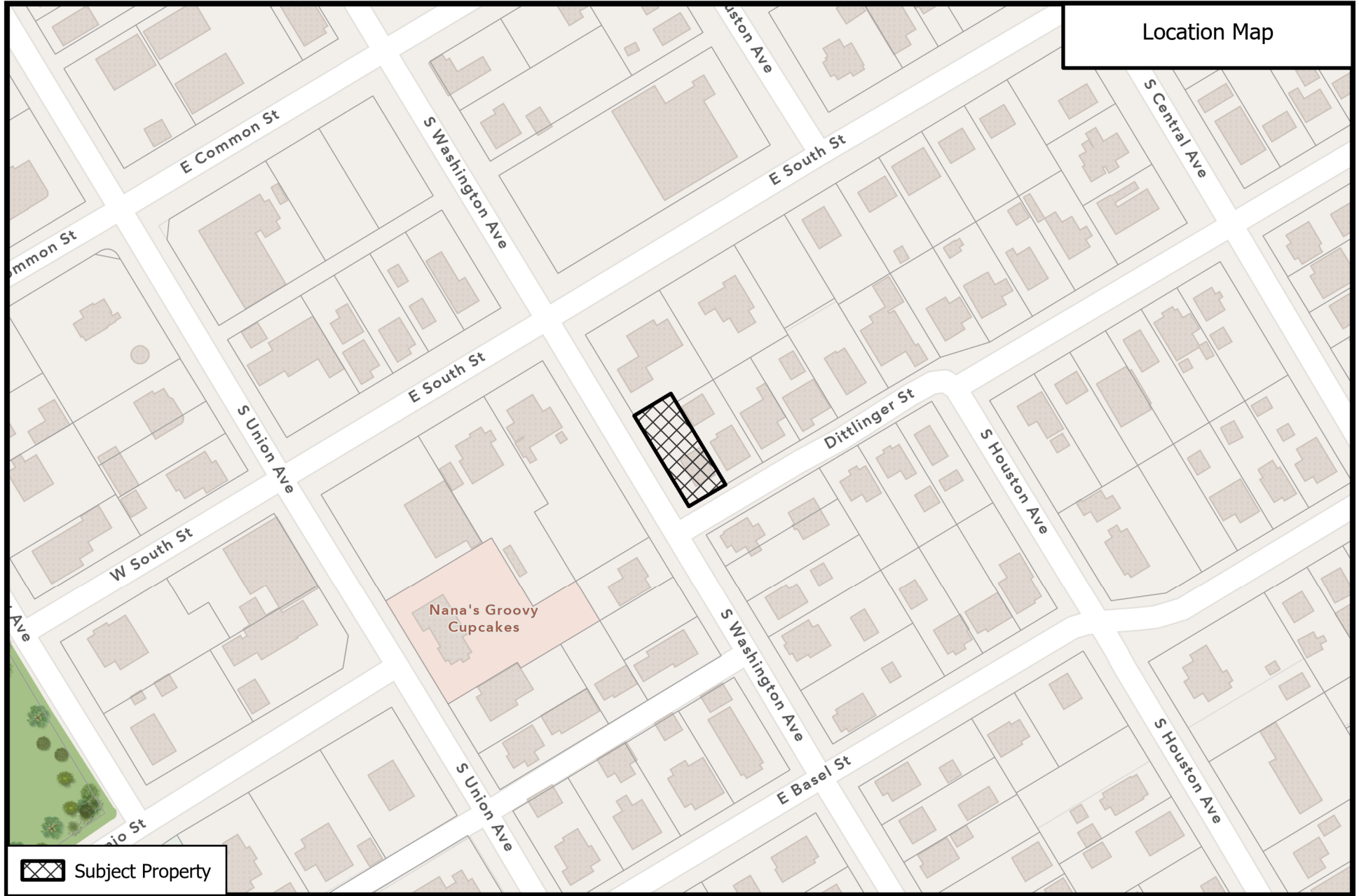
Jay Streeter

Filed and Recorded
Official Public Records
Bobbie Koepf, County Clerk
Comal County, Texas
05/01/2018 02:15:41 PM
CHRISTY 4 Page(s)
201806016805



Bobbie Koepf

Exhibit "B"



SUP25-367 215 Dittlinger St - R-2 to C-O w/ SUP for STR

0 90 180
Feet



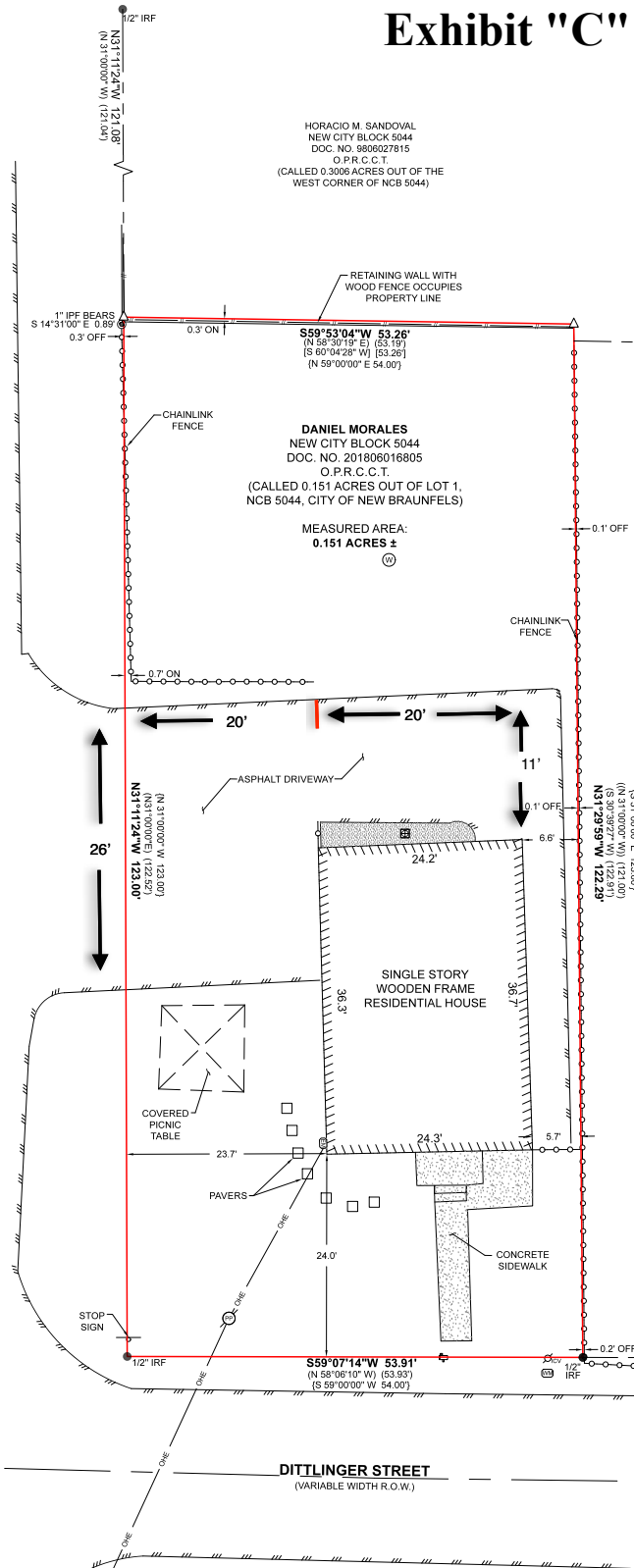
Path: \\chfs-1\Departments\Planning\ZoneChange & SUPs\2025\SUP25-367 - 215 Dittlinger St -

Source: City of New Braunfels Planning
Date: 10/28/2025

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by else is at that party's risk and without liability to the City of New Braunfels officials or employees for any discrepancies, errors, or variances which may

Exhibit "C"

SOUTH WASHINGTON AVENUE
(60' WIDE R.O.W.)



GENERAL NOTES:

1. BEARINGS ARE BASED ON PROPERTY CORNERS FOUND AND ROTATED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, SOUTH CENTRAL ZONE (4204), NAD 1983, GEOID 18. DISTANCES ARE IN U.S. SURVEY FEET (GRID).
2. UNDERGROUND UTILITIES NOT LOCATED OR SHOWN.
3. PROPERTY IS SUBJECT TO ALL APPLICABLE DEVELOPMENT CODES AND ZONING ORDINANCES.
4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THE SURVEYOR DID NOT RESEARCH THE DEED RECORDS.
5. PER WWW.FEMA.GOV, THIS PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN MAP NUMBER 48091C0455G, DATED 5/8/2024.
6. FENCES SHOWN HEREON ARE GRAPHIC ONLY, WITH DIMENSIONAL TIES SHOWN AT SPECIFIC LOCATIONS WHERE THEY WERE PHYSICALLY MEASURED. MEASUREMENTS ARE TO THE INSIDE OF THE FENCE FROM THE SUBJECT PROPERTY. THE FENCE LINE MAY MEANDER BETWEEN MEASURED LOCATIONS.

SURVEYOR'S CERTIFICATION

I, SETH REICHENAU, A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF TEXAS, INDICATE TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS PLAN IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION.

THE FIELD WORK WAS COMPLETED ON JULY 15, 2025

Seth Reichenau
SETH REICHENAU
RPLS NO. 6735

FIELD CREW: ALA, ZH
DRAWN BY: ALA

REVISION #:

JULY 24, 2025



AS-BUILT SURVEY 0.151 ACRE TRACT

OUT OF LOT 1, NEW CITY BLOCK 5044,
CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS
ADDRESS: 215 DITTLINGER STREET, NEW BRAUNFELS, TX

PREPARED FOR
Daniel Morales

SURVEYOR
DILLO DEV
engineering | surveying | planning
Contact: Seth Reichenau, RPLS
Tel: (830) 282-0333 Email: info@DilloDev.com
Address: 967 Broadway, New Braunfels, TX 78130
TX Engineering Firm No. F-22833
TX Surveying Firm No. 10194711 JOB NO. 21
SHEET 11

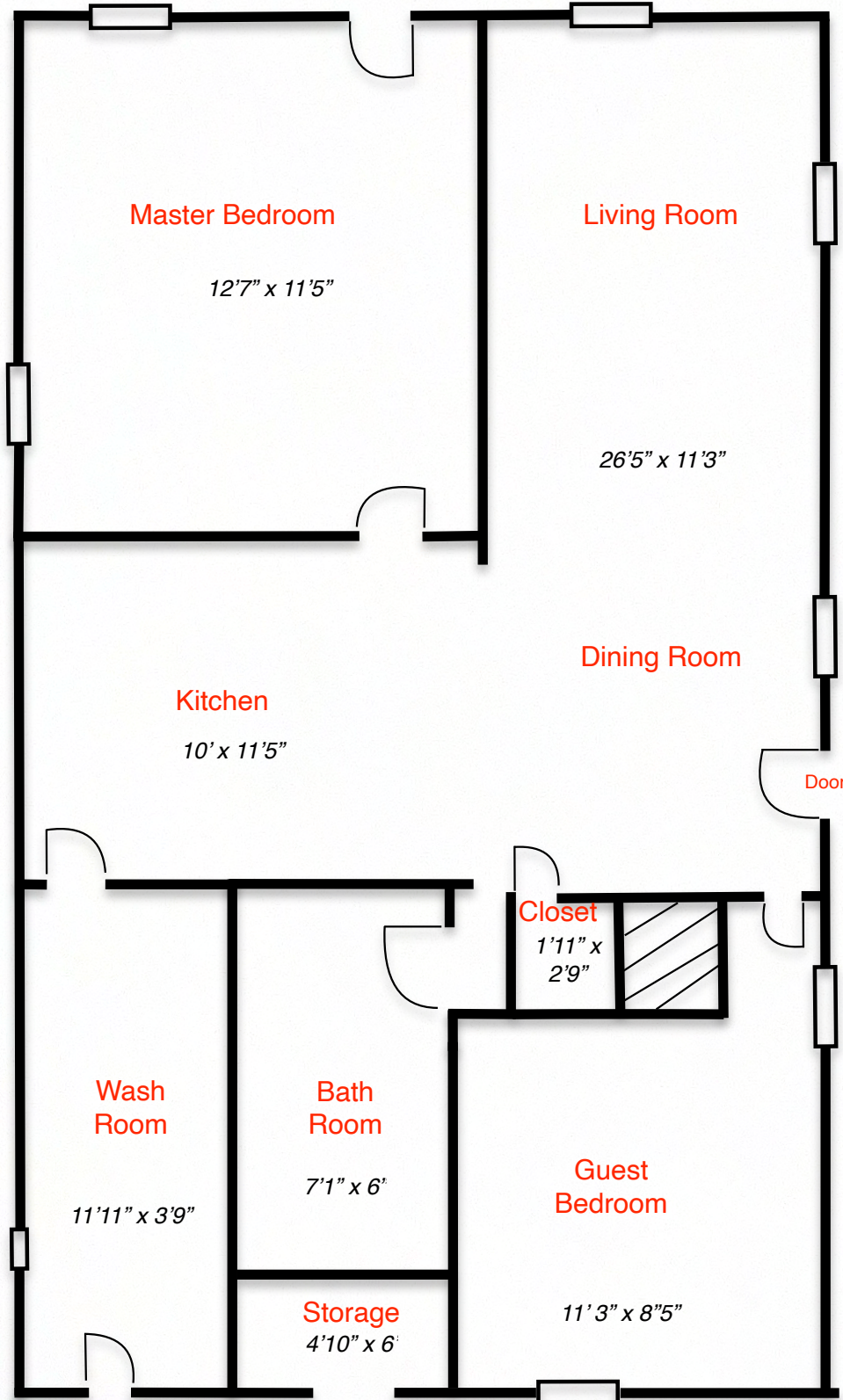
Daniel Morales,
the property owner, acknowledged that this site plan submitted for the purposes of
rezoning this property is in accordance with all applicable provisions of the
Zoning Ordinance. Additionally, I understand that City Council approval of this
site plan in conjunction with a rezoning case does not relieve me from adherence
to any/all City-adopted Codes/Ordinances at the time of plan submittal for
building permits. Nor does it relieve me from adherence to any/all state or federal
rules and regulations."

Regards,
Daniel Morales,

Exhibit "D"

Dittlinger St.

North



Washington St.

11/24/2025

Agenda Item No. B)

PRESENTER:

Christopher J. Looney, AICP, Planning Director

Applicant: Walmart Stores East, LP (Joe Frederick)**SUBJECT:**

Public hearing and first reading of an ordinance, at the request of Walmart Stores East, LP (Joe Frederick) on behalf of Frederick Frueholz, Jr. Estate (Joe H. Tays), regarding the proposed rezoning of approximately 72.097 acres out of the A.M. Esnaurizar Grant, Abstract No. 1, from APD AH (Agricultural/Pre-development, Airport Hazard Overlay District) to M-1A AH (Light Industrial, Airport Hazard Overlay District), generally located south of Kohlenberg Road and west of FM 1101

DEPARTMENT: Neighborhood and Community Planning**COUNCIL DISTRICTS IMPACTED:** 4**BACKGROUND INFORMATION:****Case Number:** PZ25-0366

Applicant: Walmart Stores East, LP (Joe Frederick)
Joe.Frederick@walmart.com

Owner: Frederick Frueholz, Jr. Estate (Joe H. Tays)
nbtays@gmail.com

Staff Contact: Mary Lovell
(830) 221-4051
mlovell@newbraunfels.gov

The undeveloped subject property is approximately 72.1 acres and is part of a larger (237 acre) tract located approximately 0.3 of a mile southwest from the intersection of Kohlenberg Road and FM 1101. Surrounding land uses include manufacturing and warehousing to the west and south, residential located outside the city limits across FM 1101 to the east, and undeveloped land and the Continental USA manufacturing facility to the north. Surrounding zoning consists of APD to the west and north, and MU-B (High Intensity Mixed Use District) to the south. Properties to the east and west are outside the city limits.

ISSUE:

Walmart operates a distribution center on the adjacent parcel addressed at 3900 North I-35. They are requesting a change in the base zoning district to expand their truck and trailer parking lot associated with the current facility onto the subject property.

COMPREHENSIVE PLAN REFERENCE:

M-1A at this location is consistent with the following actions from Envision New Braunfels:

- **Action 1.3:** Encourage balanced and fiscally responsible land use patterns.
- **Action 1.6:** Incentivize infill development and redevelopment to take advantage of existing infrastructure.

- **Action 1.8:** Concentrate future investment in industrial and employment centers near existing and emerging hubs, such as the airport; and along existing high-capacity transportation networks, such as Interstate Highway 35.
- **Action 3.1:** Plan for a healthy jobs/ housing balance.
- **Action 3.3:** Balance commercial centers with stable neighborhoods.

Future Land Use Plan: The subject property is located within Oak Creek Sub Area, and near existing and future Employment Centers.

STRATEGIC PLAN REFERENCE:

☒ Economic Mobility ☐ Enhanced Connectivity ☐ Community Identity
☐ Organizational Excellence ☐ Community Well-Being ☐ N/A

- **Economic Mobility:** Incentivize mixed-use developments and redevelopments in targeted locations to create a built environment with integrated housing, commercial centers, and opportunities for improved connectivity.
- **Economic Mobility:** Support Confluence, the New Braunfels Chamber of Commerce Economic Development Strategic Plan, by helping to ensure a community that supports the targeted industries and increases the diversity of job opportunities in the community.

FISCAL IMPACT:

The proposed rezoning request is in alignment with the following recommendations and strategies of the Land Use Fiscal Analysis:

- Continuing to provide a balance of high-quality small commercial buildings and businesses and larger, more autocentric businesses that draw employees and customers from a broader area is important to keeping New Braunfels' economy healthy.
- Prioritize infill projects that add people and buildings in areas with existing infrastructure. This will increase revenue to provide service delivery without significant impacts on infrastructure costs and distribute cost burdens across more home/business owners.

Traffic Impact Analysis (TIA): Per adopted ordinance, a Level 3 TIA Report will be conducted at the Subdivision Platting and/or Building Permit stage, as applicable.

Drainage: Per adopted ordinance, if a drainage study is required, it will be conducted with the Public Infrastructure Construction Plan approval process and/or Building Permit stage, as applicable.

Utilities: As part of the routine intake review process, the water provider for the subject site, NBU (New Braunfels Utilities), reviewed the proposed zoning change request and has responded with no comments.

RECOMMENDATION:

Approval. M-1A at this location would allow development that aligns with Envision New Braunfels, the Strategic Plan, and the Land Use Fiscal Analysis.

The Planning Commission held a public hearing on November 5, 2025 and unanimously recommended approval of the applicant's request (8-0-0).

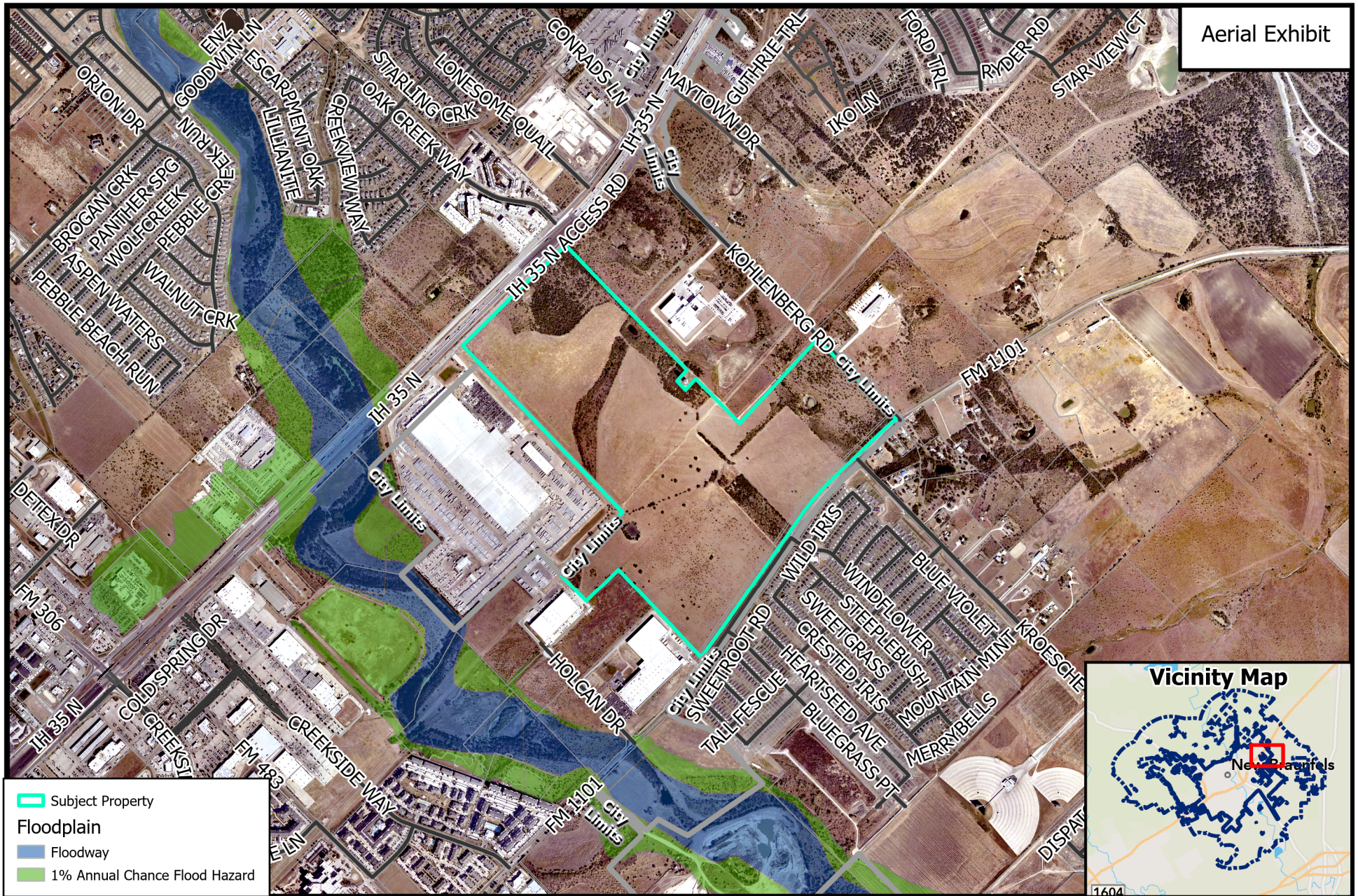
Mailed notification as required by state statute:

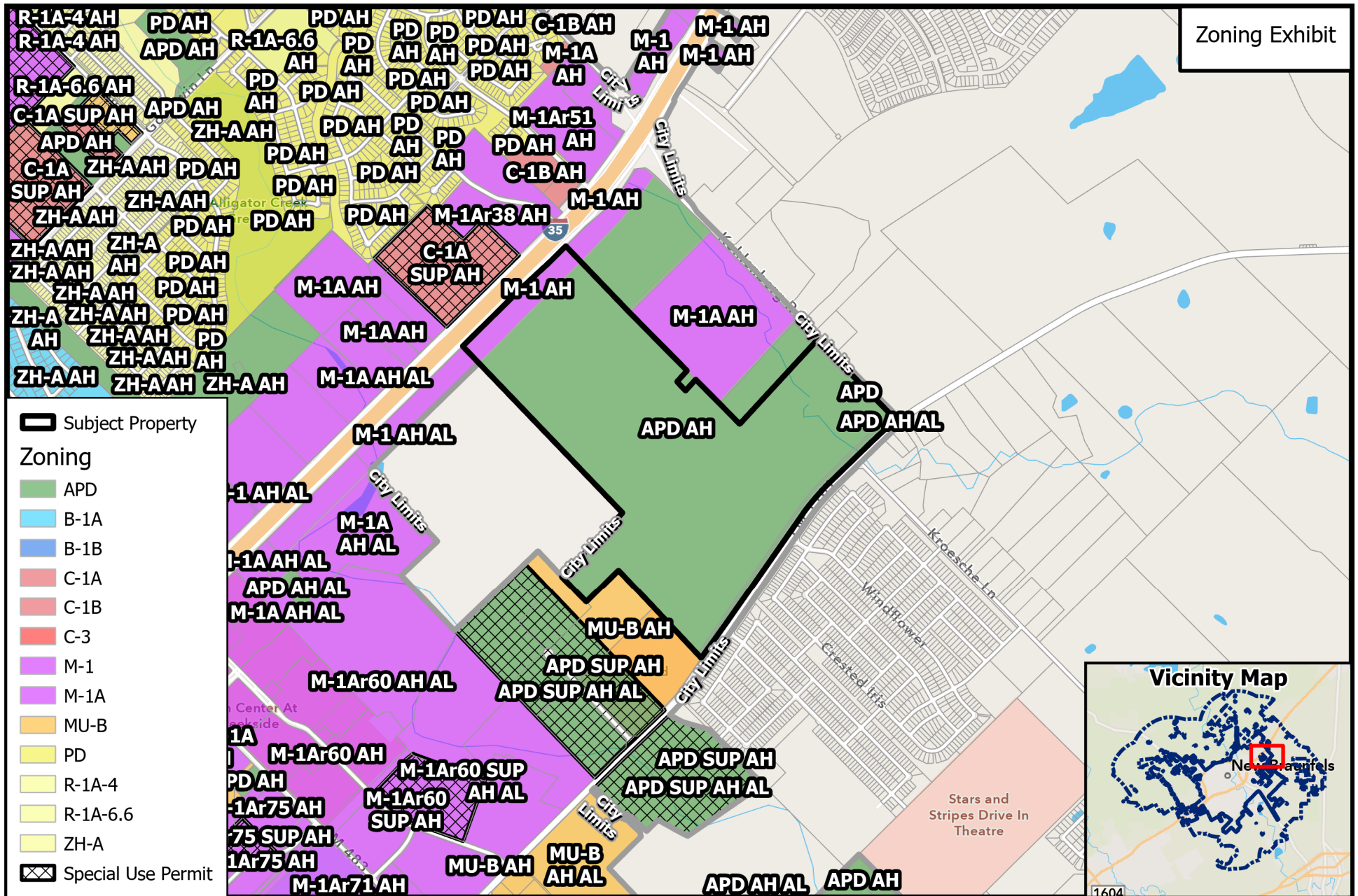
Public hearing notices were sent to owners of 7 properties within 200 feet of the request. To date, no responses

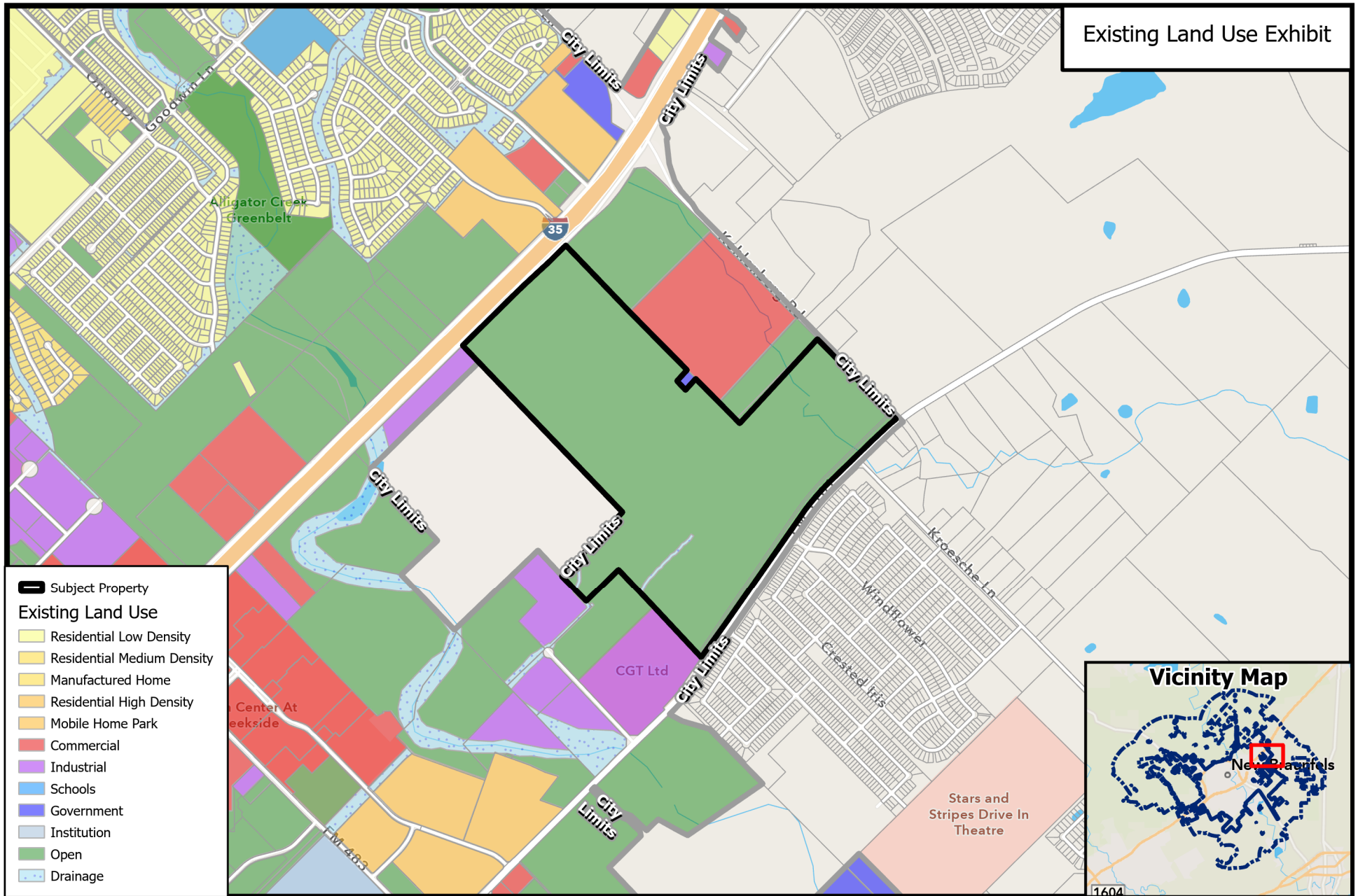
have been received.

Resource Links:

- Chapter 144, Sec. 3.4-1 (APD) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 3.4-18 (M-1A) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 5.20 (AH) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?







Land Use	Existing	Proposed
	APD	M-1A
Accessory building/structure (see section 144-5.4)	P	
Accessory dwelling (one accessory dwelling per lot)	P	
Accounting, auditing, bookkeeping, and tax preparations		P
Acid manufacture		
Adult day care (no overnight stay)		
Adult day care (with overnight stay)		
Aircraft support and related services		P
Airport		P
All-terrain vehicle (ATV) dealer/sales		P
Ambulance service (private)		P
Amphitheaters (outdoor live performances)		P
Amusement devices/arcade (four or more devices)		P
Amusement services or venues (indoors) (see section 144-5.13)		P
Amusement services or venues (outdoors)		P
Animal grooming shop		P
Answering and message services		P
Antique shop		P
Appliance repair		P
Archery range		P
Armed services recruiting center		P
Art dealer/gallery		P
Artist or artisans studio		P
Assembly/exhibition hall or areas		P
Assisted living facility/retirement home		
Athletic fields		P
Auction sales (non-vehicle)		P
Auto body repair, garages (see section 144-5.11)		P
Auto glass repair/tinting (see section 144-5.11)		P
Auto interior shop/upholstery (see section 144-5.11)		P
Auto leasing		P
Auto muffler shop (see section 144-5.11)		P
Auto or trailer sales rooms or yards (see section 144-5.12)		P
Auto or truck sales rooms or yards—Primarily new (see section 144-5.12)		P
Auto paint shop		P
Auto repair as an accessory use to retail sales		P
Auto repair garage (general) (see section 144-5.11)		P
Auto supply store for new and factory rebuilt parts		P
Auto tire repair/sales (indoor)		P
Auto wrecking yards		
Automobile driving school (including defensive driving)		P
Bakery (retail)		P
Bank, savings and loan, or credit union		P
Bar/tavern (no outdoor music)		P
Bar/tavern		P
Barber/beauty college (barber or cosmetology school or college)		P
Barns and farm equipment storage (related to agricultural uses)	P	P
Battery charging station		P

Land Use	Existing	Proposed
	APD	M-1A
Bed and breakfast inn (see section 144-5.6)		
Bicycle sales and/or repair		P
Billiard/pool facility		P
Bingo facility		P
Bio-medical facilities		P
Blacksmith or wagon shops		P
Blooming or rolling mills		
Boarding house/lodging house		
Book binding		P
Book store		P
Bottling or distribution plants (milk)		P
Bottling works		P
Bowling alley/center (see section 144-5.13)		P
Breweries/distilleries and manufacture of alcohol and alcoholic beverages		
Broadcast station (with tower) (see section 144-5.7)		P
Bulk storage of gasoline, petroleum products, liquefied petroleum and flammable liquids (see section 5.27)		
Bus barns or lots		P
Bus passenger stations		P
Cabin or cottage (rental)		
Cabin or cottage (rental for more than 30 days)		
Cafeteria/cafe/delicatessen		P
Campers' supplies		P
Campgrounds		
Canning/preserving factories		
Car wash (self-service; automated)		P
Car wash, full service (detail shop)		P
Carpenter, cabinet, or pattern shops		P
Carpet cleaning establishments		P
Caterer		P
Cement, lime, gypsum or plaster of Paris manufacture		
Cemetery and/or mausoleum	P	P
Check cashing service		P
Chemical laboratories (e.g., ammonia, bleaching powder)		
Chemical laboratories (not producing noxious fumes or odors)		P
Child day care/children's nursery (business)		
Church/place of religious assembly	P	P
Cider mills		
Civic/conference center and facilities		P
Cleaning, pressing and dyeing (non-explosive fluids used)		P
Clinic (dental)		P
Clinic (emergency care)		P
Clinic (medical)		P
Club (private)		P
Coffee shop		P
Cold storage plant		P
Commercial amusement concessions and facilities		P

Land Use	Existing	Proposed
	APD	M-1A
Communication equipment—Installation and/or repair		P
Community building (associated with residential uses)		P
Community home (see definition)	P	
Computer and electronic sales		P
Computer repair		P
Concrete or asphalt mixing plants—Permanent		
Concrete or asphalt mixing plants—Temporary		
Confectionery store (retail)		P
Consignment shop		P
Contractor's office/sales, with outside storage including vehicles		P
Contractor's temporary on-site construction office	P	
Convenience store with gas sales		P
Convenience store without gas sales		P
Cotton ginning or baling works		
Country club (private)	P	P
Credit agency		P
Crematorium		P
Curio shops		P
Custom work shops		P
Dance hall/dancing facility (see section 144-5.13)		P
Day camp		P
Department store		P
Distillation of bones		
Dormitory (in which individual rooms are for rental)		
Drapery shop/blind shop		P
Driving range		P
Drug store/pharmacy		P
Duplex/two-family/duplex condominiums		
Electrical generating plant		
Electrical repair shop		P
Electrical substation		P
Electronic assembly/high tech manufacturing		P
Electroplating works		P
Enameling works		
Engine repair/motor manufacturing re-manufacturing and/or repair		P
Explosives manufacture or storage		
Exterminator service		P
Fairground		P
Family home adult care	P	
Family home child care	P	
Farmers market (produce market—wholesale)	P	P
Farms, general (crops) (see chapter 6 and section 144-5.9)	P	P
Farms, general (livestock/ranch) (see chapter 6 and section 144-5.9)	P	P
Feed and grain store		P
Fertilizer manufacture and storage		
Filling station (gasoline tanks must be below the ground)		P
Florist		P

Land Use	Existing	Proposed
	APD	M-1A
Flour mills, feed mills, and grain processing	P	
Food or grocery store with gasoline sales		P
Food or grocery store without gasoline sales		P
Food processing (no outside public consumption)		P
Forge (hand)		P
Forge (power)		P
Fraternal organization/civic club (private club)		P
Freight terminal, rail/truck (when any storage of freight is wholly outside an enclosed building)		P
Freight terminal, truck (all storage of freight in an enclosed building)		P
Frozen food storage for individual or family use		P
Funeral home/mortuary		P
Furniture manufacture		P
Furniture sales (indoor)		P
Galvanizing works		P
Garbage, offal or dead animal reduction or dumping		
Garden shops and greenhouses		P
Gas manufacture		
Gas or oil wells		
Golf course (public or private)	P	P
Golf course (miniature)		P
Government building or use with no outside storage (outside storage allowed in M-2 and M-2A)	P	P
Grain elevator	P	
Greenhouse (commercial)		P
Handicraft shop		P
Hardware store		P
Hay, grain, and/or feed sales (wholesale)	P	
Health club (physical fitness; indoors only)		P
Heating and air-conditioning sales/services		P
Heavy load (farm) vehicle sales/repair (see section 144-5.14)		P
Heavy manufacturing		
Heliport		P
Hides/skins (tanning)		
Home occupation (see section 144-5.5)	P	
Home repair and yard equipment retail and rental outlets		P
Hospice		
Hospital, general (acute care/chronic care)		P
Hospital, rehabilitation		P
Hotel/motel		P
Hotels/motels—Extended stay (residence hotels)		
Ice delivery stations (for storage and sale of ice at retail only)		P
Ice plants		P
Indoor or covered sports facility		
Industrial laundries		P
Iron and steel manufacture		
Junkyards, including storage, sorting, baling or processing of rags		
Kiosk (providing a retail service)		P
Laboratory equipment manufacturing		P

Land Use	Existing	Proposed
	APD	M-1A
Laundromat and laundry pickup stations		P
Laundry, commercial (without self-serve)		P
Laundry/dry cleaning (drop off/pick up)		P
Laundry/washateria (self-serve)		P
Lawnmower sales and/or repair		P
Leather products manufacturing		P
Light manufacturing		P
Limousine/taxi service		P
Livestock sales/auction	P	
Locksmith		P
Lumber mill		
Lumberyard (see section 144-5.15)		P
Lumberyard or building material sales (see section 144-5.15)		P
Machine shop		P
Maintenance/janitorial service		P
Major appliance sales (indoor)		P
Manufacture of carbon batteries		
Manufacture of paint, lacquer, oil, turpentine, varnish, enamel, etc.		
Manufacture of rubber, glucose, or dextrin		
Manufactured home—HUD Code compliant (see Texas Occupations Code ch. 1201)		
Manufactured home park—HUD Code compliant (see Texas Occupations Code ch. 1201)		
Manufactured home subdivision—HUD Code compliant (see Texas Occupations Code ch. 1201)		
Manufactured home sales		P
Manufacturing and processes		P
Manufacturing processes not listed		P
Market (public, flea)		P
Martial arts school		P
Meat or fish packing/storage plants		
Medical supplies and equipment		P
Metal fabrication shop		P
Micro brewery (onsite mfg. and/or sales)		P
Micro distillery (onsite mfg. and/or sales)		P
Mini-warehouse/self-storage units (no boat and RV storage permitted)		P
Mini-warehouse/self-storage units with outside boat and RV storage		P
Monument, gravestone, or marble works (manufacture)		
Motion picture studio, commercial film		P
Motion picture theater (indoors)		P
Motion picture theater (outdoors, drive-in)		P
Motorcycle dealer (primarily new/repair)		P
Moving storage company		P
Moving, transfer, or storage plant		P
Multifamily (apartments/condominiums)		
Museum		P
Natural resource extraction and mining		
Needlework shop		P
Nonbulk storage of gasoline, petroleum products and liquefied petroleum		P
Nursing/convalescent home/sanitarium		

Land Use	Existing	Proposed
	APD	M-1A
Offices, brokerage services		P
Offices, business or professional		P
Offices, computer programming and data processing		P
Offices, consulting		P
Offices, engineering, architecture, surveying or similar		P
Offices, health services		P
Offices, insurance agency		P
Offices, legal services, including court reporting		P
Offices, medical offices		P
Offices, real estate		P
Offices, security/commodity brokers, dealers, exchanges and financial services		P
Oil compounding and barreling plants		
One-family dwelling, detached	P	
Outside storage (as primary use)		P
Paint manufacturing		
Paper or pulp manufacture		
Park and/or playground (private and public)	P	P
Parking lots (for passenger car only) (not as incidental to the main use)		P
Parking structure/public garage		P
Pawn shop		P
Personal services		P
Personal watercraft sales (primarily new/repair)		P
Pet shop/supplies (less than 10,000 sq. ft.)		P
Pet store (over 10,000 sq. ft.)		P
Petroleum or its products (refining of)		
Photo engraving plant		P
Photographic printing/duplicating/copy shop or printing shop		P
Photographic studio (no sale of cameras or supplies)		P
Photographic supply		P
Plant nursery (no retail sales on site)	P	P
Plant nursery (retail sales/outdoor storage)		P
Plastic products molding/reshaping		P
Plumbing shop		P
Portable building sales		P
Poultry killing or dressing for commercial purposes		
Propane sales (retail)		P
Public recreation/services building for public park/playground areas		P
Publishing/printing company (e.g., newspaper)		P
Quick lube/oil change/minor inspection		P
Radio/television shop, electronics, computer repair		P
Railroad roundhouses or shops		
Rappelling facilities		P
Recreation buildings (private)		P
Recreation buildings (public)	P	P
Recycling kiosk		P
Refreshment/beverage stand		P
Rental or occupancy for less than one month (see section 144-5.17)		

Land Use	Existing	Proposed
	APD	M-1A
Research lab (non-hazardous)		P
Residential use in buildings with non-residential uses permitted in the district		
Restaurant/prepared food sales		P
Restaurant with drive-through service		P
Retail store and shopping center without drive-through service (50,000 sq. ft. bldg. or less)		P
Retail store and shopping center with drive-through service (50,000 sq. ft. bldg. or less)		P
Retail store and shopping center (more than 50,000 sq. ft. bldg.)		P
Retirement home/home for the aged		
Rock crushers and rock quarries		
Rodeo grounds	P	P
RV park		
RV/travel trailer sales		P
Sand/gravel sales (storage or sales)		
School, K-12 public or private	P	P
School, vocational (business/commercial trade)		P
Security monitoring company (no outside storage or installation)		P
Security systems installation company		P
Sexually oriented business (see chapter 18)		
Sheet metal shop		P
Shoe repair shops		P
Shooting gallery—Indoor (see section 144-5.13)		P
Shooting range—Outdoor (see section 144-5.13)		
Shopping center		P
Sign manufacturing/painting plant		P
Single-family industrialized home (see section 144-5.8)	P	
Smelting of tin, copper, zinc or iron ores		
Specialty shops in support of project guests and tourists		P
Stables (as a business) (see chapter 6)	P	
Stables (private, accessory use) (see chapter 6)	P	
Steel furnaces		
Stockyards or slaughtering		
Stone/clay/glass manufacturing		P
Storage—Exterior storage for boats and recreational vehicles		P
Storage in bulk		P
Structural iron or pipe works		
Studio for radio or television, without tower (see zoning district for tower authorization)		P
Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)		P
Sugar refineries		
Tailor shop (see home occupation)		P
Tar distillation or manufacture		
Tattoo or body piercing studio		P
Taxidermist		P
Telecommunications towers/antennas (see section 144-5.7)		
Telemarketing agency		P
Telephone exchange buildings (office only)		P
Tennis court (commercial)		P
Theater (non-motion picture; live drama)		P

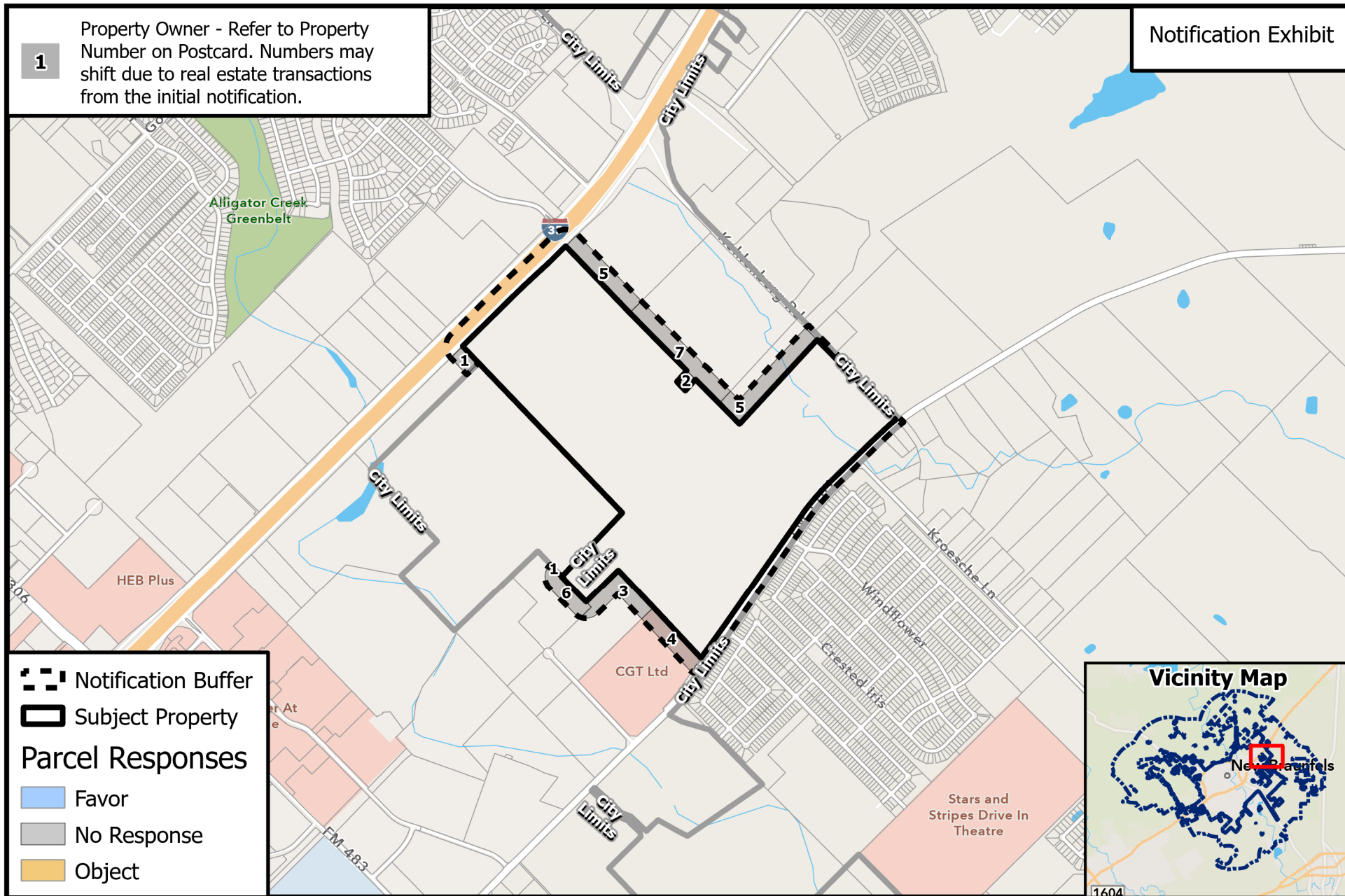
Land Use	Existing	Proposed
	APD	M-1A
Tire sales (outdoors)		P
Tool rental		P
Townhouse (attached)		
Transfer station (refuse/pick-up)		P
Travel agency		P
Truck or transit terminal		P
Truck stop		
Tuber entrance and takeout facilities (see section 144-5.13)		
University or college (public or private)		P
Upholstery shop (non-auto)		P
Used or second hand merchandise/furniture store		P
Vacuum cleaner sales and repair		P
Vehicle storage facility		
Veterinary hospital (no outside animal runs or kennels)		P
Veterinary hospital (with outdoor animal runs or kennels that may not be used between the hours of 9:00 p.m. and 7:00 a.m.)		P
Video rental/sales		P
Warehouse/office and storage/distribution center		P
Waterfront amusement facilities—Berthing facilities sales and rentals		P
Waterfront amusement facilities—Boat fuel storage/dispensing facilities		P
Waterfront amusement facilities—Boat landing piers/launching ramps		P
Waterfront amusement facilities—Swimming/wading pools/bathhouses		P
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system	P	P
Welding shop		P
Wholesale sales offices and sample rooms		P
Wire or rod mills		
Wood distillation plants (charcoal, tar, turpentine, etc.)		
Woodworking shop (ornamental)		P
Wool scouring		
Zero lot line/patio homes		



Subject Property -
South of Kohlenberg Rd. and West of FM 1101

1

Property Owner - Refer to Property Number on Postcard. Numbers may shift due to real estate transactions from the initial notification.



PLANNING COMMISSION – NOVEMBER 5, 2025 – 6:00PM

City Hall Council Chambers

Applicant: Walmart Stores East, LP

Address/Location: South of Kohlenberg Rd. and east of FM 1101

Case # PZ25-0366

The numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as "Subject Property".

- | | |
|--------------------------------|---------------------------------------|
| 1. WALMART STORES EAST LP | 5. WOHLFAHRT LYNN |
| 2. NEW BRAUNFELS UTILITIES | 6. ZELL THREE INC |
| 3. GCP III ST CROIX LANDCO LLC | 7. CONTINENTAL AUTONOMOUS MOBILITY US |
| 4. CGT U S LIMITED | LLC |

SEE MAP

Draft Minutes for the November 5, 2025, Planning Commission Regular Meeting

- E) PZ25-0366 Public hearing and recommendation to City Council, at the request of Walmart Stores East, LP (Joe Frederick), on behalf of Frederick Frueholz, Jr. Estate (Joe H. Tays), to rezone approximately 72.097 acres out of the A.M. Esnaurizar Grant, Abstract No. 1, from APD AH (Agricultural/Pre-development, Airport Hazard Overlay District) to M-1A AH (Light Industrial, Airport Hazard Overlay District), generally located south of Kohlenberg Road and west of FM 1101. (Applicant: Walmart Stores East, LP (Joe Frederick); Owner: Frederick Frueholz, Jr. Estate (Joe H. Tays); Case Manager: Mary Lovell, Senior Planner, MPA, AICP, CNU-A)**

Mary Lovell introduced the aforementioned item.

Chair Sonier asked if there were any questions for staff.

Discussion followed on the area specified for rezoning and landscaping requirements for new non-residential developments.

Chair Sonier invited the applicant to speak on the item.

Ivan Jaime elaborated on the request by providing a brief history of the property and existing distribution center, discussing facility operations and regional impact, the proposed expansion, and alignment with the city's long-term plans and ordinances.

A brief discussion followed on the proposed site plan, property ingress and egress, and landscaping requirements.

Chair Sonier opened the public hearing and asked if anyone present wished to speak on the item.

No one spoke.

Chair Sonier closed the public hearing.

Chair Sonier asked if there were any further discussion or motion to be made.

Motion by Vice-Chair Taylor, seconded by Commissioner Allen, to recommend approval of the item to City Council. Motion carried unanimously (8-0-0).

ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 72.097 ACRES OUT OF THE A.M. ESNAURIZAR GRANT, ABSTRACT NO. 1, FROM APD AH (AGRICULTURAL/PRE-DEVELOPMENT, AIRPORT HAZARD OVERLAY DISTRICT) TO M-1A AH (LIGHT INDUSTRIAL, AIRPORT HAZARD OVERLAY DISTRICT), GENERALLY LOCATED SOUTH OF KOHLENBERG ROAD AND WEST OF FM 1101; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of the M-1A AH (Light Industrial, Airport Hazard Overlay District), the City Council has given due consideration to all components of said district; and

WHEREAS, the rezoning is in compliance with the Future Land Use Plan; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan;

WHEREAS, the requested rezoning is in accordance with the City's Strategic Plan;

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of approximately 72.097 acres out of the A.M. Esnaurizar Grant, Abstract No. 1, from APD AH (Agricultural/Pre-development, Airport Hazard Overlay District) to M-1A AH (Light Industrial, Airport Hazard Overlay District); and

now, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following tract of land from APD AH (Agricultural/Pre-development, Airport Hazard Overlay District) to M-1A AH (Light Industrial, Airport Hazard Overlay District):

Approximately 72.097 acres out of the A.M. Esnaurizar Grant, Abstract No. 1, as delineated on Exhibit "A" and described in Exhibit "B", attached.

SECTION 2

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed

to the extent that they are in conflict.

SECTION 3

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 4

THIS ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 24th day of November, 2025.

PASSED AND APPROVED: Second reading this 8th day of December, 2025.

CITY OF NEW BRAUNFELS

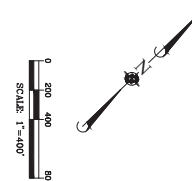
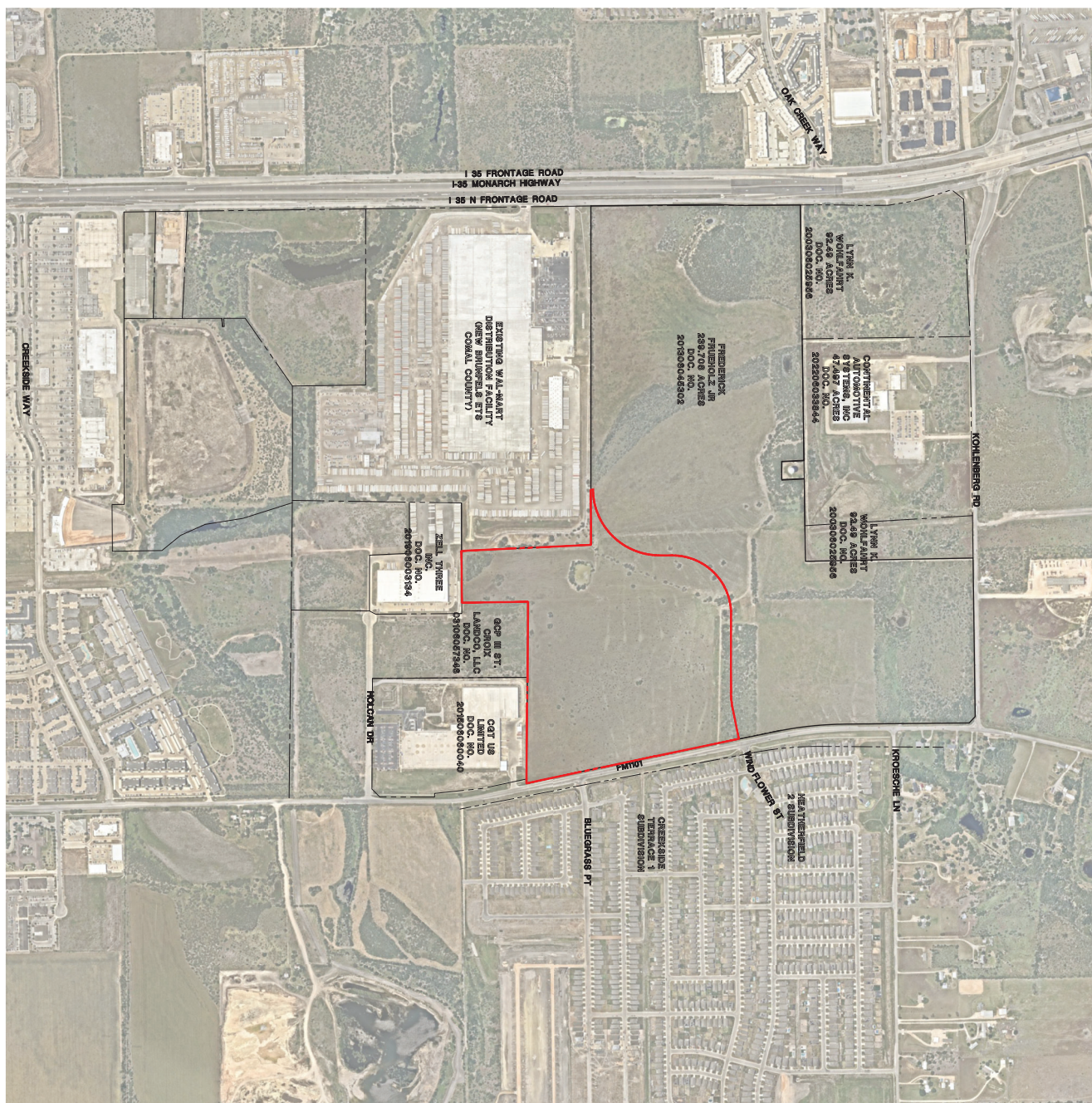
NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



-EXHIBIT "B"

LEGAL DESCRIPTION

72.097 ACRES OUT OF THE A. M. ESNAURIZAR GRANT, ABSTRACT NO. 1, IN COMAL COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 239.708 ACRE TRACT CONVEYED TO FREDERICK FRUEHOLZ JR, BY EXECUTOR DEED OF RECORD IN DOCUMENT NO. 201306045302, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.

METES & BOUNDS

72.097 ACRES OUT OF THE A. M. ENSAURIZAR GRANT, ABSTRACT NO. 1, IN COMAL COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 239.708 ACRE TRACT CONVEYED TO FREDERICK FRUEHLING JR, BY EXECUTOR DEED OF RECORD IN DOCUMENT NO. 201306045302, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS; SAID 72.097 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED, BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, AT A 1/2-INCH IRON ROD WITH "DAM 5346" CAP FOUND IN THE NORTHWEST RIGHT-OF-WAY LINE OF F.M. 1101 (R.O.W. VARIES), FOR THE MOST SOUTHERLY CORNER OF SAID 239.708 ACRE TRACT AND HEREOF;

THENCE, N43°18'51"W, LEAVING SAID NORTHWEST RIGHT-OF-WAY LINE, IN PART ALONG THE NORTHEAST LINE OF LOT 1, BLOCK 1, TITAN INDUSTRIAL NB PARK 1, A SUBDIVISION OF RECORD IN DOCUMENT NO. 201506050740, OF SAID OFFICIAL PUBLIC RECORDS, AND IN PART ALONG THE NORTHEAST LINE OF LOT 5, BLOCK 1, GOLDENROD INDUSTRIAL NB PARK, A SUBDIVISION OF RECORD IN DOCUMENT NO. 202306002754, OF SAID OFFICIAL PUBLIC RECORDS, BEING A SOUTHWEST LINE OF SAID 239.708 ACRE TRACT, A DISTANCE OF 1489.12 FEET TO A 1/2-INCH IRON ROD FOUND AT THE NORTHERN MOST CORNER OF SAID LOT 5, FOR AN ANGLE POINT HEREOF;

THENCE, S45°28'03"W, ALONG THE NORTHWEST LINE OF SAID LOT 5, BEING A SOUTH LINE OF SAID 239.708 ACRE TRACT, A DISTANCE OF 544.81 FEET TO A 1/2-INCH IRON ROD FOUND IN THE NORTHEAST LINE OF LOT 4, BLOCK 1, TITAN INDUSTRIAL NB PARK UNIT 3, A SUBDIVISION OF RECORD IN DOCUMENT NO. 201906003134, OF SAID OFFICIAL PUBLIC RECORDS, BEING AN ANGLE POINT IN THE NORTHWEST LINE OF SAID LOT 5, FOR THE SOUTHWESTERLY CORNER OF SAID 239.708 ACRE TRACT AND HEREOF;

THENCE, N44°07'35"W, ALONG THE NORTHEAST LINE OF SAID LOT 4, BEING A SOUTHWEST LINE OF SAID 239.708 ACRE TRACT, A DISTANCE OF 424.63 FEET TO A 1/2-INCH IRON ROD WITH "CB SA PROP COR" CAP FOUND AT A SOUTH CORNER OF LOT 1, BLOCK 1, WAL-MART SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 9, PAGE 119, PLAT RECORDS OF COMAL COUNTY, TEXAS, FOR THE MOST WESTERLY CORNER HEREOF;

THENCE, LEAVING THE NORTHEAST LINE OF SAID LOT 4, ALONG THE SOUTHEAST LINE AND NORTHEAST LINE OF SAID LOT 1, WAL-MART SUBDIVISION, BEING A WEST LINE OF SAID 239.708 ACRE TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. N43°27'43"E, A DISTANCE OF 1062.76 FEET TO A 1/2-INCH IRON ROD FOUND AT THE EASTERMOST CORNER OF SAID LOT 1, WAL-MART SUBDIVISION, FOR AN ANGLE POINT; AND

2.N43°52'05"W, A DISTANCE OF 452.70 FEET TO A CALCULATED POINT, FOR THE NORTHWESTERLY CORNER HEREOF;

THENCE, LEAVING THE NORTHEAST LINE OF SAID LOT 1, WAL-MART SUBDIVISION, OVER AND ACROSS SAID 239.708 ACRE TRACT, THE FOLLOWING SEVEN (7) COURSES AND DISTANCES:

1. N46°07'55" E, A DISTANCE OF 17.28 FEET TO A CALCULATED POINT AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

2. ALONG SAID CURVE, HAVING A RADIUS OF 544.87 FEET, A CENTRAL ANGLE OF 88°36'51", AN ARC LENGTH OF 842.70 FEET, AND A CHORD WHICH BEARS S88°52'25"E, A DISTANCE OF 761.19 FEET TO A CALCULATED POINT AT THE POINT OF TANGENCY OF SAID CURVE;

3. N46°49'09"E, A DISTANCE OF 116.83 FEET TO A CALCULATED POINT AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

4. ALONG SAID CURVE, HAVING A RADIUS OF 479.93 FEET, A CENTRAL ANGLE OF 90°01'03", AN ARC LENGTH OF 754.02 FEET, AND A CHORD WHICH BEARS S88°44'01"E, A DISTANCE OF 678.83 FEET TO A CALCULATED POINT AT THE POINT OF TANGENCY OF SAID CURVE;

5. S43°43'30"E, A DISTANCE OF 645.93 FEET TO A CALCULATED POINT AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

6. ALONG SAID CURVE, HAVING A RADIUS OF 582.68 FEET, A CENTRAL ANGLE OF 10°28'54", AN ARC LENGTH OF 106.59 FEET, AND A CHORD WHICH BEARS S49°44'14"E, A DISTANCE OF 106.45 FEET TO A CALCULATED POINT AT THE POINT OF TANGENCY OF SAID CURVE; AND

7.554°58'44"E, A DISTANCE OF 279.88 FEET TO A CALCULATED POINT IN SAID NORTHWEST RIGHT-OF-WAY LINE, BEING THE SOUTHEAST LINE OF SAID 239.708 ACRE TRACT, FOR THE MOST EASTERLY CORNER HEREOF;

THENCE, ALONG SAID NORTHWEST RIGHT-OF-WAY LINE, BEING THE SOUTHEAST LINE OF SAID 239.708 ACRE TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. S34°32'12"W, A DISTANCE OF 1101.32 FEET TO A CALCULATED POINT, FOR AN ANGLE POINT; AND

2.S34°09'30"W, A DISTANCE OF 679.75 FEET TO THE POINT OF BEGINNING, AND CONTAINING 72.097 ACRES (3,140,532 SQUARE FEET) OF LAND, MORE OR LESS.

SURVEYORS CERTIFICATION

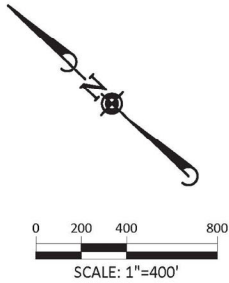
I HEREBY CERTIFY THAT AN INSPECTION WAS MADE IN AUGUST, 2025 ON THE GROUND OF THE TRACT OF LAND AS SHOWN HEREON AND THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY AND IN GOOD STANDING IN THE STATE OF TEXAS, AND THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES.


RICHARD LANTIS
RPLS NO. 6908
MANHARD CONSULTING
1120 S CAPITAL OF TEXAS HWY, BLDG 1, STE 210
AUSTIN, TEXAS 78746



PROJ. MGR.: RL
DRAWN BY: TZ
SURV. DATE: 08/05/25
ISSUE DATE: 09/22/25
SCALE: 1"=400'

SHEET
1 OF 1
NBTX01.02



LINE TABLE		
LINE	BEARING	LENGTH
L1	N43°18'51"W	1489.12'
L2	S45°28'03"W	544.81'
L3	N44°07'35"W	424.63'
L4	N43°27'43"E	1062.76'
L5	N43°52'05"W	452.70'
L6	N46°07'55"E	17.28'
L7	N46°49'09"E	116.83'
L8	S43°43'30"E	645.93'
L9	S54°58'44"E	279.88'
L10	S34°32'12"W	1101.32'
L11	S34°09'30"W	679.75'

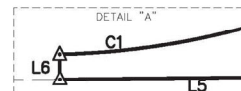
CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C1	544.87'	88°36'51"	842.70'	S88°52'25"E	761.19'
C2	479.93'	90°01'03"	754.02'	S88°44'01"E	678.83'
C3	582.68'	10°28'54"	106.59'	S49°44'14"E	106.45'

LEGEND

- = PROPERTY LINE
 = ADJOINING PROPERTY LINE
 = FOUND 1/2-INCH IRON ROD
 = CALCULATED POINT
P.O.B. = POINT OF BEGINNING

SURVEYOR'S NOTES

1. DISTANCES ARE MARKED IN FEET AND DECIMAL PLACES THEREOF, NO DIMENSION SHALL BE ASSUMED BY SCALE MEASUREMENT HEREON. DISTANCES AND/OR BEARINGS SHOWN IN PARENTHESIS (456.67') ARE RECORD OR DEED VALUES, NOT FIELD MEASURED.
2. COMPARE THIS PLAT, BENCHMARKS AND ALL SURVEY MONUMENTS BEFORE BUILDING, AND IMMEDIATELY REPORT ANY DISCREPANCIES TO THE SURVEYOR.
3. THIS SURVEY IS SUBJECT TO MATTERS OF TITLE, WHICH MAY BE REVEALED BY A CURRENT TITLE REPORT, EASEMENTS, SETBACKS AND OTHER RESTRICTIONS WHICH MAY BE FOUND IN ANY PUBLIC RECORD, INCLUDING, BUT NOT LIMITED TO, LOCAL ORDINANCES, DEEDS OR OTHER INSTRUMENTS OF RECORD HAVE NOT BEEN SHOWN.
4. THIS BOUNDARY SURVEY DOES NOT CONSTITUTE A TITLE SURVEY, AND SHOULD NOT BE USED TO CONVEY REAL PROPERTY.



BASIS OF BEARINGS

COORDINATES AND BEARINGS ARE BASED UPON THE TEXAS
COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83(2011),
EPOCH 2010 DATUM, UTILIZING THE ALTERRA CENTRAL RTKNET
VIRTUAL REFERENCE NETWORK

11/24/2025

Agenda Item No. C)

PRESENTER:

Christopher Looney, AICP, Planning Director

SUBJECT:

Public hearing and first reading of an ordinance to amend Chapter 144 Zoning, Subsection 2.1, to align rezoning public notices, protests, and sign requirements with state House Bill (HB) 24.

DEPARTMENT: Neighborhood and Community Planning

COUNCIL DISTRICTS IMPACTED: All

BACKGROUND INFORMATION:

Case No: ORD25-373

Staff Contact:

Dana Moses

(830) 221-4054 | dmoses@newbraunfels.gov

House Bill 24 was enacted and signed into law during the 2025 Texas Legislative Session and became effective on September 1, 2025. This new statute revised rezoning notice, protest, voting threshold, and sign requirements for municipalities state-wide. The City of New Braunfels Zoning Ordinance (Chapter 144) must, therefore, be updated to comply with the Texas Local Government Code.

ISSUE:

The City's current Zoning Ordinance references older provisions of the Texas Local Government Code. While state statute always supersedes local ordinances, failure to update local ordinances accordingly can lead to confusion and could affect the perceived validity of future zoning actions.

COMPREHENSIVE PLAN REFERENCE:

The proposed ordinance amendment is consistent with the following actions from Envision New Braunfels:

- **Action 1.11:** Update policies and codes to achieve development patterns that implement the goals of this plan
- **Action 3.6:** Proactively provide a regulatory environment that remains business and resident-friendly.

STRATEGIC PLAN REFERENCE:

☐ Economic Mobility ☐ Enhanced Connectivity ☐ Community Identity
☒ Organizational Excellence ☐ Community Well-Being ☐ N/A

FISCAL IMPACT:

Costs for the new signs are being evaluated to determine if fee modifications will be required.

RECOMMENDATION:

Approval.

The Planning Commission held a public hearing on November 5 2025, and unanimously recommended approval (8-0-0).

RESOURCE LINKS:

HB 24: <https://capitol.texas.gov/BillLookup/Text.aspx?LegSess=89R&Bill=HB24>

New Braunfels Chapter 144 Zoning:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIZOPRAD_S144-2.1CHZOAM

Draft Minutes for the November 5, 2025, Planning Commission Regular Meeting

A) ORD25-373 Public hearing and recommendation to City Council regarding an amendment to Chapter 144 Zoning, Subsection 2.1, to align public notices, protests, and sign requirements with new state statute. (Case Manager: Dana Moses, Planner)

Dana Moses introduced the aforementioned item.

Chair Sonier asked if there were any questions for staff.

No one spoke.

Chair Sonier opened the public hearing and asked if anyone present wished to speak on the item.

No one spoke.

Chair Sonier closed the public hearing.

Chair Sonier asked if there were any further discussion or motion to be made.

Motion by Commissioner Allsup, seconded by Commissioner Nolte, to recommend approval of the item to City Council. Motion carried unanimously (8-0-0).

ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING SECTION 2.1; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 211 of the Texas Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City Council of the City of New Braunfels, Texas, deems it necessary and desirable to establish zoning regulations to provide for the orderly development of property within the City by governing the use of land in order to promote the public health, safety, morals, and general welfare of the residents of the City; and

WHEREAS, the Comprehensive Plan, Envision New Braunfels, has multiple action items supporting updates that improve regulations, including Action Items 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan; 3.6: Proactively provide a regulatory environment that remains business and resident-friendly; and

WHEREAS, the City of New Braunfels Strategic Plan has multiple objectives in the Economic Mobility and Organizational Excellence Strategic Priorities supporting updates that improve regulations; and

WHEREAS, the state of Texas enacted HB 24 in 2025 modifying certain rezoning notice and voting procedures requiring the City to update its Zoning Ordinance accordingly; and

WHEREAS, the City Council has directed that regulations dealing with the use and development of land be reviewed by the Planning Commission to make recommendations concerning improving those regulations; and

WHEREAS, the Planning Commission held a public hearing on November 5, 2025, and recommended approval of the proposed amendments; and

WHEREAS, the City Council held a public hearing on said amendments on November 24, 2025; and

WHEREAS, the City Council hereby finds and determines that regularly updating the code for clarification provides improved customer service and is in the best interest of the citizens of New Braunfels.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT Chapter 144, Zoning, Article II, Section 2.1 is hereby amended with additions as underlines and deletions as strikeouts as follows:

Chapter 144 – Zoning

ARTICLE II. – ZONING PROCEDURES AND ADMINISTRATION

Sec. 144-2.1. – Changes and zoning amendments.

2.1-2. *Procedure before the planning commission.*

- (a) *Public hearing and notification.* Public hearing, notification and signage shall be processed in accordance with the provisions of Texas Local Government Code Chapter 211. ~~The planning commission shall hold a public hearing on all proposed zoning changes and text amendments. Written notices of all such public hearings shall be sent by the planning and community development department to all owners of real property within 200 feet of the property on which the change is proposed. Such notices shall be sent not less than ten days before the day set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same properly addressed and first class postage paid in the city post office. If the property lying within 200 feet of the property proposed for a zoning change is located in territory which was annexed to the city and is not included on the most recently approved city tax roll, notice to such owners shall be given by publication once in a newspaper of general circulation in the city at least 15 days prior to the hearing. Notice shall state the time and place of such hearing. In addition to the written and published notification, a zoning pending change sign shall be placed adjacent to each public street or right-of-way abutting the subject property or if the property does not front a public street or right-of-way, adjacent to the closest public street or right-of-way, located in the middle of the frontage, and within three feet of the curb or pavement, or as prescribed by the planning and community development department at the time of application. One sign shall be required for the first 100 feet of frontage of the tract, and, thereafter, one additional sign for every 200 feet of frontage, or fraction thereof, except that not more than three signs shall be required on each roadway frontage. If the tract has less than 200 feet of frontage per roadway, then only one sign is required per road. All signs shall be clearly visible to the public from the adjacent public streets. The applicant shall post the sign(s) at least 15 days prior to the planning commission's meeting and maintain said sign(s) in good condition and in place until final action by city council. If the sign(s) is not posted 15 days prior to the planning commission hearing, the applicant's case shall be withdrawn and rescheduled. In the event that a sign(s) is removed from the property or damaged, the applicant~~

~~shall be responsible for purchasing a replacement sign(s) and installing it immediately.~~ The sign(s) shall be furnished by the city and a fee shall be charged the applicant per appendix D of this Code.

2.1-3. *Procedure before City Council.*

- (b). *Protests.* Protests shall be processed in accordance with the provisions of Texas Local Government Code Chapter 211.~~In accordance with the provisions of W.T.S.A.C., Local Government Code §-211.006 (commonly referred to as the "20 percent rule" if a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three fourths of all members of the governing body (city council). The protest must be written and signed by the owners of at least 20 percent of either: the area of the lots or land covered by the proposed change; or the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.~~

SECTION 2

THAT it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 3

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 4

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

SECTION 5

THAT in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

SECTION 6

THAT this Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office.

PASSED AND APPROVED: First reading this 24th day of November 2025.

PASSED AND APPROVED: Second reading this 8th day of December 2025.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

11/24/2025

Agenda Item No. D)

PRESENTER:

Christopher J. Looney, AICP, Planning Director

Applicant: Toni and Joe Rios**SUBJECT:**

Public hearing and first reading of an ordinance, at the request of Toni and Joe Rios, to rezone approximately 0.2 of an acre out of the Buena Vista Addition Subdivision, Block 3, Greater Part of Lot 8, from C-3 (Commercial District) to C-3 SUP (Commercial District with Special Use Permit to allow Short Term Rental of a residence), currently addressed at 265 School Avenue

DEPARTMENT: Neighborhood and Community Planning**COUNCIL DISTRICTS IMPACTED:** 1**BACKGROUND INFORMATION:****Case No:** SUP25-368**Applicant/Owner:**

Toni and Joe Rios

(830) 381-9746 | wooddriverhomes@gmail.com

Staff Contact:

Amanda Mushinski, AICP, CNU-A

(830) 221-4056 | amushinski@newbraunfels.gov

The subject property is approximately 0.2 of an acre on the northeast side of School Avenue, approximately 50 feet northwest of the intersection of School Avenue and IH 35 South, and 300 feet southwest of Ernest Eikel Field. It is bordered by C-3 zoning with abutting residential land uses.

The recently constructed residence is roughly 1932 square feet in total interior livable area with 2 bedrooms and 2 bathrooms. Per the Zoning Ordinance, the maximum occupancy of an STR with a total of 2 bedrooms and 2 bathrooms is 6 occupants, and the minimum off-street parking is 2 spaces. There is sufficient room to accommodate the minimum parking requirements.

ISSUE:

Short-term rental standards in the Zoning Ordinance help to ensure proper measures are in place to protect public health, safety, and neighboring properties. If this rezoning request is approved, the registration of the short-term rental and online payment of hotel occupancy taxes are required. The project must also comply with all other City Code standards.

There are currently two properties with zoning approved for short term rentals within one-half mile of the subject property, however neither are active.

COMPREHENSIVE PLAN REFERENCE:

The requested rezoning is consistent with the following actions from Envision New Braunfels:

- **Action 1.3:** Encourage balanced and fiscally responsible land-use patterns.
- **Action 1.14:** Ensure regulations do not unintentionally inhibit the provisions of a variety of flexible and innovative lodging options and attractions.

Future Land Use Plan: The subject property is located within the Oak Creek Sub Area, along a Transitional Mixed Use Corridor and IH 35, and near existing Education, Outdoor Recreation, and Civic Centers.

STRATEGIC PLAN REFERENCE:

☒ Economic Mobility ☐ Enhanced Connectivity ☐ Community Identity

☐ Organizational Excellence ☐ Community Well-Being ☐ N/A

- Incentivize mixed-use developments and redevelopments in targeted locations to create a built environment with integrated housing, commercial centers, and opportunities for improved connectivity.

FISCAL IMPACT:

The proposed rezoning request is in alignment with the following recommendations and strategies of the Land Use Fiscal Analysis:

- Provide a mix of uses and building types, heights, and sizes in a more walkable context to produce more value and fiscal productivity.
- Mix of uses (residential and short-term rental) developed on a single parcel of land increases revenue to cover costs of services.
- If approved, the property will be subject to local and state hotel occupancy tax (HOT).

RECOMMENDATION:

Approval. The property is already zoned commercial, and lies on the edge of a neighborhood abutting the Interstate Highway access road. Hence, future lodging guests would not have to travel deep into a residential neighborhood to access the STR. If approved, staff recommends the following conditions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan and floor plan. Any significant changes to the site plan or floor plan will require a revision to the SUP.

The Planning Commission held a public hearing on November 5, 2025, and unanimously recommended approval (8-0-0).

Code of Ordinances Sec. 144-2.1 *Changes and Zoning Amendments:*

(b) *Considerations for approving or denying a zoning change.* In making a determination regarding a requested zoning change, the planning commission and the city council shall consider the following factors:

- (1) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the city as a whole;
- (2) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;
- (3) How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved;
- (4) Any other factors that will substantially affect the public health, safety, morals, or general welfare; and
- (5) Whether the request is consistent with the comprehensive plan.

Mailed notification as required by state statute:

Public hearing notices were sent to owners of 19 properties within 200 feet of the request. As of the date this

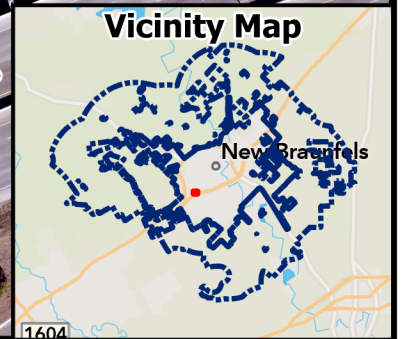
agenda was posted, the city has received responses representing 3% in opposition.

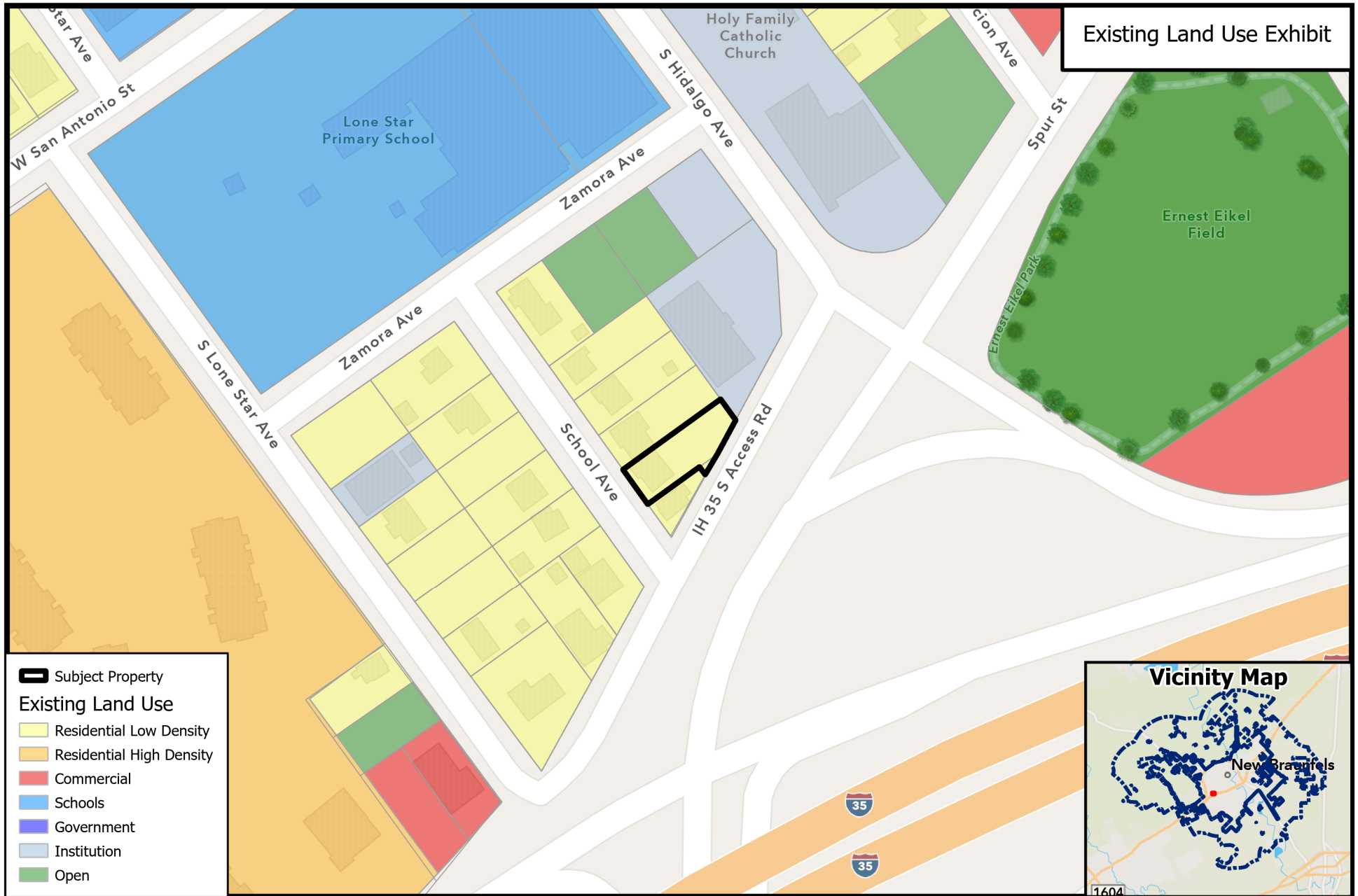
Resource Links:

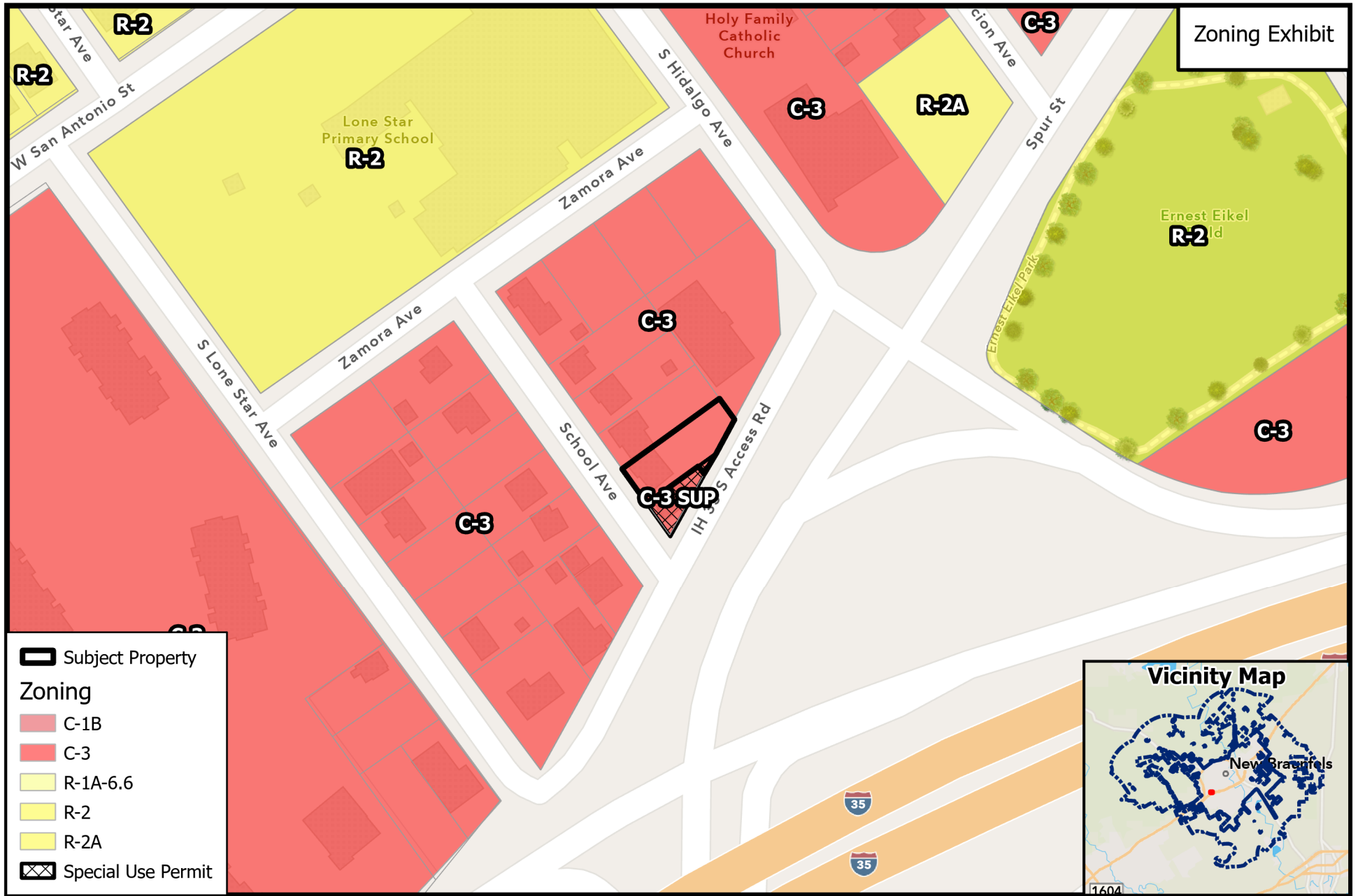
- Chapter 144, Sec. 3.3-9 (C-3) of the City's Code of Ordinances:
[https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:
[https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Sec. 5.17 (Short-term Rental) of the City's Code of Ordinances:
[https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)



Aerial Exhibit

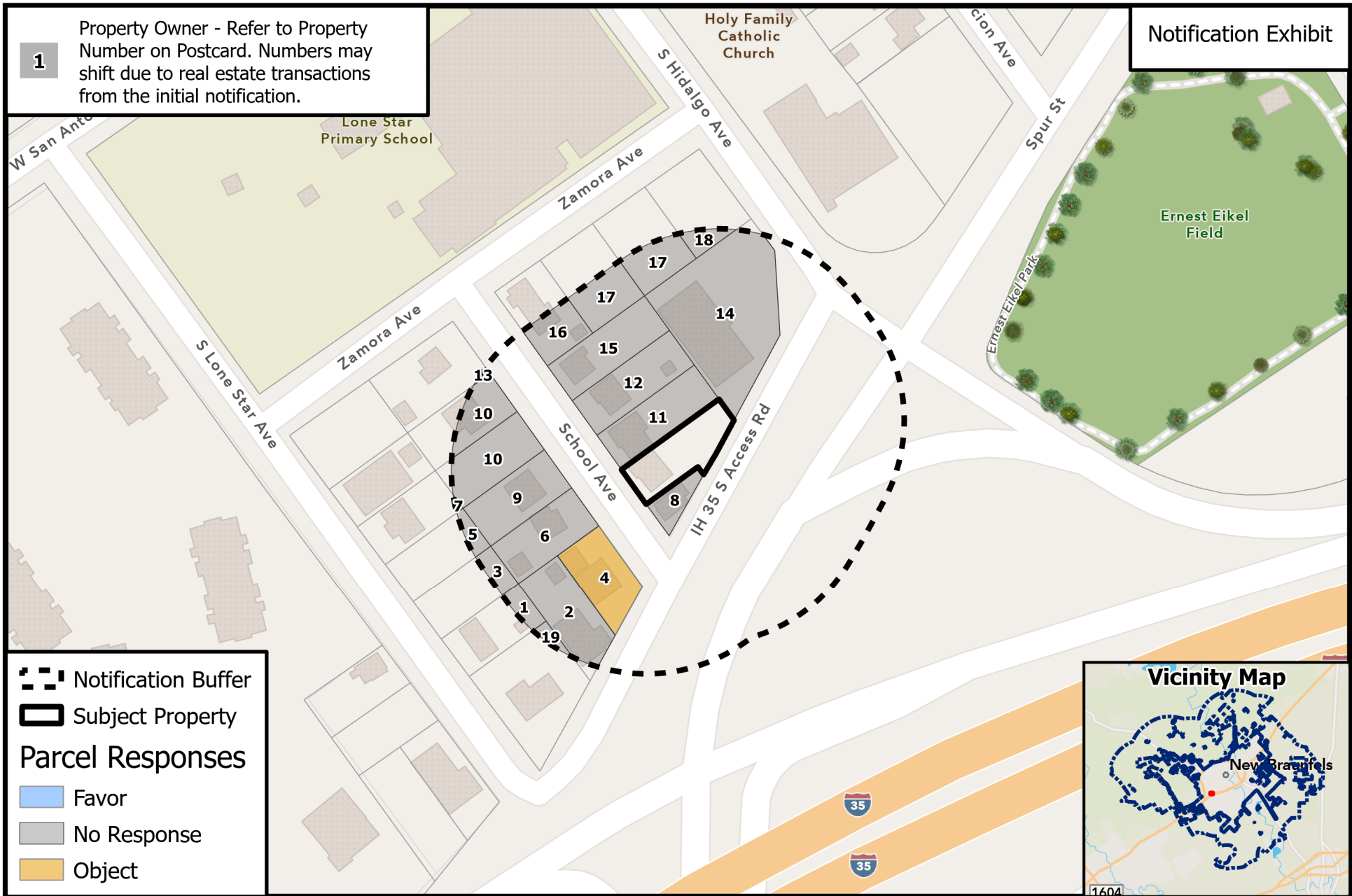








265 School Ave



PLANNING COMMISSION – November 5, 2025 – 6:00PM

City Hall Council Chambers

Applicant: Toni & Joe Rios

Address/Location: 265 School Ave

SUP25-368

The numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as "Subject Property".

- | | |
|--------------------------------------|-------------------------------|
| 1. AGUIRRE AGUSTINA P | 11. PEREZ ESTHER V |
| 2. WESCH JOAN M | 12. PMR HOMES LLC |
| 3. PEREZ JAZMIN | 13. BARRIENTOS MELBA |
| 4. RODRIGUEZ PEDRO G & ESPERANZA | 14. HOLY FAMILY CHURCH |
| 5. PEREZ ZENIA | 15. ORTEGON JANET |
| 6. CAMACHO FRANCISCA C | 16. LEOS LEONARDO C & MACARIA |
| 7. GONZALES JUAN P | 17. ARCHBISHOP OF SAN ANTONIO |
| 8. 291 SCHOOL AVENUE TRUST 2-08-2022 | 18. ARCHDIOCESE OF S A |
| 9. SANCHEZ LUIS A | 19. GARCIA EDWARD OSCAR |
| 10. MORALES ROBERT ESTATE OF | |

SEE MAP

RODRIGUEZ PEDRO G & ESPERANZA

1374 JACKSON ST

NEW BRAUNFELS TX 78130

Property #: 4

SUP25-368

Case Manager: AM

FAVOR ☐

OPPOSE ☒

COMMENTS

Draft Minutes for the November 5, 2025, Planning Commission Regular Meeting

- C) SUP25-368 Public hearing and recommendation to City Council, at the request of Toni and Joe Rios to rezone approximately 0.2 of an acre out of the Buena Vista Addition Subdivision, Block 3, Greater Part of Lot 8, from C-3 (Commercial District) to C-3 SUP (Commercial District with Special Use Permit to allow Short Term Rental of a residence), currently addressed at 265 School Avenue. (Applicant/Owner: Toni and Joe Rios; Case Manager: Amanda Mushinski, Planner, AICP, CNU-A)**

Amanda Mushinski introduced the aforementioned item.

Chair Sonier asked if there were any questions for staff.

Brief discussion followed on responses received from neighboring property owners.

Chair Sonier invited the applicant to speak on the item.

No one spoke.

Chair Sonier opened the public hearing and asked if anyone present wished to speak on the item.

No one spoke.

Chair Sonier closed the public hearing.

Chair Sonier asked if there were any further discussion or motion to be made.

Motion by Vice-Chair Taylor, seconded by Commissioner Nolte, to recommend approval of the item with staff recommendations to City Council.

Brief discussion followed on short-term rental activity in the area.

Earlier motion by Vice-Chair Taylor, seconded by Commissioner Nolte, to recommend approval of the item with staff recommendations to City Council carried unanimously (8-0-0).

ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 0.2 OF AN ACRE, BEING OUT OF THE BUENA VISTA ADDITION SUBDIVISION, BLOCK 3, GREATER PART OF LOT 8, CURRENTLY ADDRESSED AT 265 SCHOOL AVENUE, FROM C-3 (COMMERCIAL DISTRICT) TO C-3 SUP (COMMERCIAL DISTRICT WITH SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A RESIDENCE); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City recognizes that granting such a permit is possible while promoting the health, safety and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatible and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for short term rental use; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan; and

WHEREAS, the requested rezoning is in accordance with the City's Strategic Plan; and

WHEREAS, the City Council desires to grant a Special Use Permit at 265 School Avenue, to allow short term rental of a residence in the C-3 (Commercial District); **now, therefore;**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following tract of land as a "Special Use Permit" for the uses and conditions herein described:

Being out of the Buena Vista Addition Subdivision, Block 3, Greater Part of Lot 8, being as delineated on Exhibit "A" and depicted on Exhibit "B" attached.

SECTION 2

THAT the Special Use Permit be subject to the following additional conditions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan Exhibit "C" and floor plan Exhibit "D". Any significant changes to the site plan will require a revision to the SUP.

SECTION 3

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 4

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 5

THIS ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 24th day of November 2025.

PASSED AND APPROVED: Second reading this 8th day of December, 2025.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

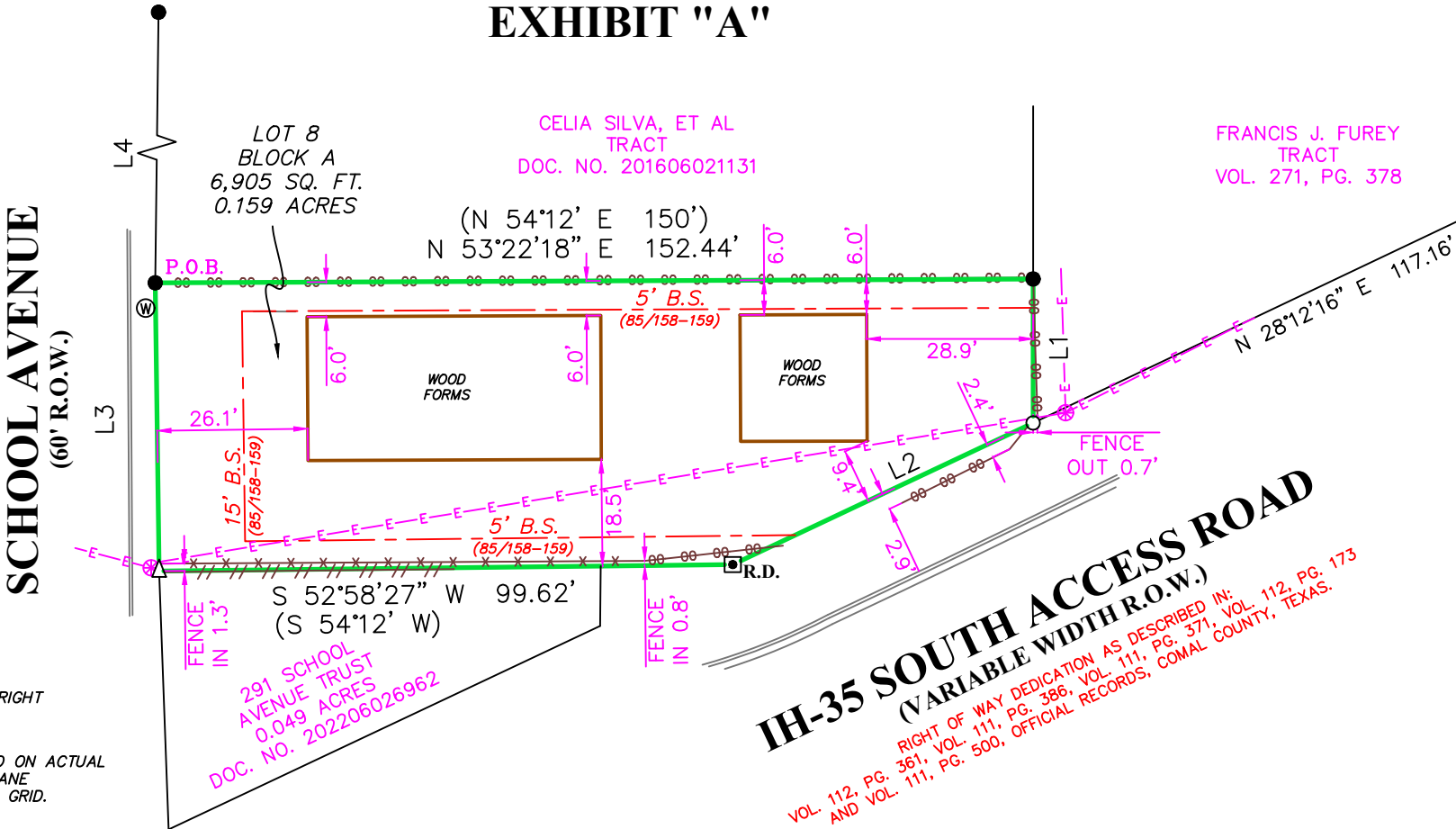
GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 48091C, Panel No. 0445 F, which is Dated 9/2/2009. By scaling from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X. Because this is a boundary survey, the survey did not take any actions to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD ZONES, which may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at https://msc.fema.gov/portal.

LINE	BEARING	DISTANCE
L1	S 36°22'40" E (S 35°48' E)	24.99'
L2	S 28°23'00" W	57.66'
L3	N 37°08'57" W (N 35°48' W)	50.04' (50')
L4	N 35°40'54" W (N 35°48' W)	149.74' (150')



NOTE:
PRIOR SURVEY (WESTAR JOB NO.
82936) WAS USED FOR REFERENCE.

NOTE:
RECORD DATA IS BASED ON TX DOT RIGHT
OF WAY MAPS RECORDED AS SHOWN.

NOTE:
BEARINGS SHOWN HEREON ARE BASED ON ACTUAL
GPS OBSERVATIONS, TEXAS STATE PLANE
COORDINATES, SOUTH CENTRAL ZONE, GRID.

NOTE:
THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS,
AGREEMENTS, AND/OR SETBACK LINES (IF ANY) AS FOLLOWS: VOL.
85, PG. 158-159, DEED RECORDS, COMAL COUNTY, TEXAS.

FIRM REGISTRATION NO.
10111700

Westar
Alamo

LAND SURVEYORS, LLC.

P.O. BOX 1645 BOERNE, TEXAS 78006
PHONE (210) 372-9500 FAX (210) 372-9999

- LEGEND**
- △ = CALCULATED POINT
 - = FND. 1/2" IRON ROD
 - = SET 1/2" IRON ROD CAPPED WALLS
 - ⊙ = FND. TYPE III MONUMENT
 - ⊞ = RECORD INFORMATION
 - B.S. = BUILDING SETBACK
 - R.D. = RECORD DIGNITY MONUMENT
 - ⊞ = WATER METER
 - ⊞ = OVERHEAD ELECTRIC
 - ⊞ = WIRE FENCE
 - ⊞ = WOOD FENCE
 - ⊞ = CHAIN LINK FENCE
 - ⊞ = POWER POLE
 - P.O.B. = POINT OF BEGINNING

DWG: JB/CJ RVD: MJE/CC

Property Address: 265 SCHOOL AVENUE

Property Description:

Being 0.159 acres of land, more or less, being all of Lot 8, Block 3, Buena Vista Addition, an addition to the City of New Braunfels, Comal County, Texas, according to the map or plat thereof recorded in Volume 84, Pages 180-182, Deed Records, Comal County, Texas, SAVE AND EXCEPT that portion conveyed to the State of Texas in a Right-of-Way Deed recorded in Volume 111, Page 371, Deed Records, Comal County, Texas, and being that same property conveyed to Wood River Homes LLC in a General Warranty Deed recorded in Document No. 202306031838, Official Public Records, Comal County, Texas; said 0.159 acres being more particularly described by metes and bounds attached hereto.

Owner: T.B.D.

TITLE COMPANY: N/A



I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual FORMS ONLY survey made on the ground under my supervision.

Mark J. Ewald

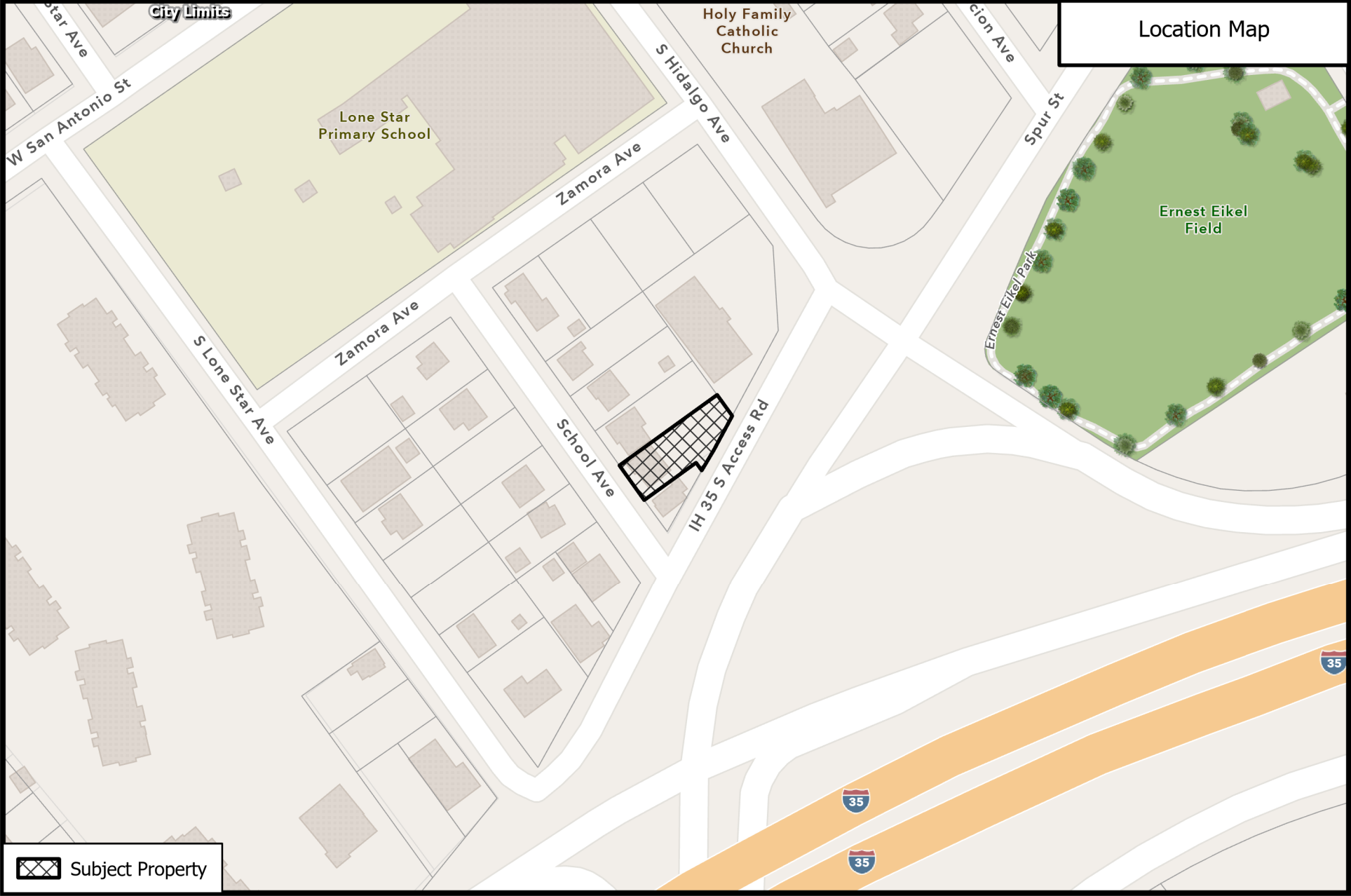
MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5095

DATE: 7/19/2024

G.F. NO. N/A

JOB NO. 126585

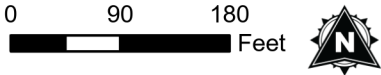
EXHIBIT "B"



Path: \\chfs-1\Departments\Planning\ZoneChange & SUPs\2025\SUP25-368 - 265 School Ave -

SUP25-368
265 School Ave - SUP for STR

Source: City of New Braunfels Planning
Date: 10/31/2025



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by else is at that party's risk and without liability to the City of New Braunfels officials or employees for any discrepancies, errors, or variances which may

EXHIBIT "C"



- NOTE:
1. GENERAL CONTRACTOR TO VERIFY PROPERTY LINES AND BUILDING SETBACKS TO CONFORM TO CURRENT CITY OF NEW BRAUNFELS ZONING REQUIREMENTS.
 2. VERIFY EXISTING MATURE TREES AND SALVAGE ANY NOT WITHIN BUILDING FOOTPRINT.
 3. GC TO VERIFY LOCATION OF CITY UTILITIES IN FIELD.

SITE PLAN LEGEND	
PROPERTY LINE	----
REAR SETBACK MIN	----
ACTUAL SETBACK	----
NORTH ARROW	

"I, Wood River Homes LLC, the property owner, acknowledge that the site plan submitted for the purposes of rezoning this property is in accordance with all applicable provisions of the Zoning Ordinance. Additionally, I understand that City Council approval of this site plan in conjunction with a rezoning case does not relieve me from adhering to any/all City-adopted Codes/Ordinances at the time of plan submission for building permits. Nor does it relieve me from adherence to any/all state or federal rules and regulations."

1. SITE PLAN
1" = 10'-0"



Consultant:
Address:
Phone:
Fax:
e-mail:

Consultant:
Address:
Phone:
Fax:
e-mail:

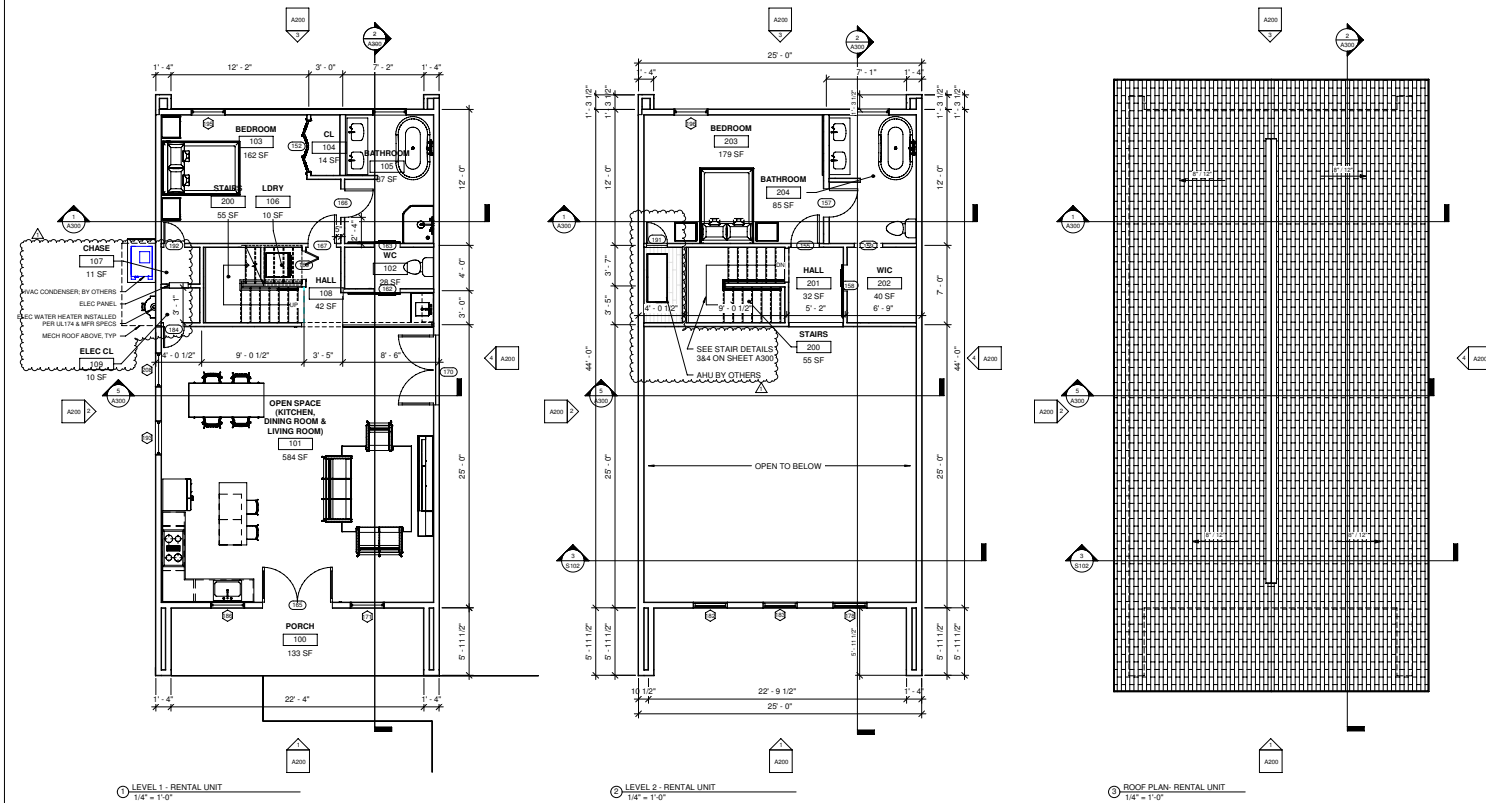
JOE RIOS
SCHOOL AVE RENTAL
265 School Ave
New Braunfels, TX 78130

SITE PLAN	
Project number	223033
Date	02.02.2024
Drawn by	JGR
Checked by	CdL
Scale	As indicated

C 279

EXHIBIT "D"

PERMIT SET





JOE RIOS
SCHOOL AVE RENTAL
265 School Ave
New Braunfels, TX 78130

No.	Description	Date
1	REVISION	02/02/2024

FLOOR PLAN - RENTAL UNIT	
Project number	2230333
Date	02.02.2024
Drawn by	JGR
Checked by	CdL

A101
Scale 1/4" = 1'-0"

11/24/2025

Agenda Item No. E)

PRESENTER:

Jordan Matney, Deputy City Manager

SUBJECT:

Discuss and consider approval of a recommendation by the New Braunfels Economic Development Corporation (NBEDC) approving an expenditure, of up to \$2,200,000, to The Neue, LLC., for a mixed-use development project and public infrastructure improvements, pursuant to Section 501.103 of the Texas Local Government Code.

DEPARTMENT: Economic and Community Development**COUNCIL DISTRICTS IMPACTED:** 5**BACKGROUND INFORMATION:**

The Neue is a proposed mixed-use project at the corner of Guenther Avenue and W. San Antonio Street. The proposed site was acquired by a related entity in early 2020 and the project has been through several design iterations with public engagement in the last five years. The project proposed is a four-story building that includes at least 40 (forty) for-sale residences (1BR, 2BR, 3BR, and Penthouse units), three professional office spaces and two retail spaces totaling approximately 5,000 gross square feet, fully gated parking, indoor/outdoor flex space, electric vehicle charging stations, indoor mailroom with secure package delivery and other resident amenities. The estimated total development budget (included city requested right of way improvements) is approximately \$28,200,000. The Neue project includes approximately \$2,200,000 of on-site infrastructure improvements and off-site public right of way improvements. The planned public infrastructure improvements include relocation of overhead utilities, water and wastewater infrastructure construction and expansion at the site, and pedestrian improvements on Guenther and W. San Antonio streets.

During initial planning of the project, staff requested the developer engage an engineer to develop a plan and cost estimates for improvement of the Guenther Street right of way to include undergrounding of utilities, sidewalk improvements and street rehabilitation. Of the proposed amount, approximately \$700,000 is allocated for engineering, design and construction of Guenther Street improvements from San Antonio to Cross Street. The remaining balance of \$1,500,000 is a project grant to offset development costs associated with required street improvements, utility and drainage upgrades and construction, landscaping improvements as well as a rebate of impact fees assessed for the project's retail and office components and city property taxes during construction.

The draft contract requires the company to advance the design and engineering costs for the Guenther Street improvements. Upon acceptance of the design by the City, the Company will receive up to \$100,000 in reimbursement. If the NBEDC and its designees elect to proceed with construction of the improvements, payments will be reimbursed monthly for the completed work and is capped at \$600,000. The Company is responsible for securing financing for construction of the \$27,500,000 development project. It will be eligible for reimbursement of up to \$1,500,000 for construction of the eligible project improvements (Exhibit B) after it receives a Certificate of Occupancy not later than January 1, 2028.

The project still needs to undergo final underwriting required by its selected financial institution.



One of the biggest barriers for the project is cost-revenue realities and market uncertainty. The project's total development costs exceed the revenues anticipated, which affects the amount of capital the project can attract. Condominiums face unique financing challenges because they generate only one-time sales revenue as the primary benefit. Since they are not owned and held by the developer, investors look to proposed sale revenues as opposed to the benefits created by traditional commercial real estate investments such as cash flow, tax savings and appreciation. Additionally, downtown New Braunfels has almost no comparable condominium developments of this scale. The Neue is the first of its kind and, as such, lenders treat it as a high-risk product. This challenges project economics with higher equity requirements, stricter pre-sale mandates, and more conservative revenue assumptions. Additionally, there is effectively no secondary market for construction loans, which makes financing challenges even more pronounced.

The proposed incentive would be an amount, not to exceed \$2,200,000. This amount accomplishes two significant items: first, it absorbs enough development related costs to make the project more attractive to the final equity and lending partners. Secondly, it continues the program of desired improvements in the downtown such as pedestrian enhancements and aesthetic improvements tied to the conversion of overhead to underground utilities. An initial presentation on this proposed project was provided at the NBEDC meeting on September 30, 2025.

ISSUE:

Several studies conducted by the city including the Downtown Implementation Plan, Envision New Braunfels, and Strategic Plan identified the need for increased residential in downtown, targeted infrastructure improvements, and mixed-use developments that include housing. Realizing such projects, however, requires economic development incentives. Staff has determined that the project does not advance *but for* the public participation in a portion of the proposed improvements.

Texas Local Government Code 501.103 allows EDCs to allocate sales tax funds to public infrastructure improvements that are publicly owned and controlled and found by the board of directors to promote new or expanded business enterprise. In this instance, the NBEDC finds that the public infrastructure enables, supports and is reasonably necessary for the development of a mixed use project that will generate beneficial economic development outcomes.

STRATEGIC PLAN REFERENCE:

☒Economic Mobility ☒Enhanced Connectivity ☐Community Identity
☐Organizational Excellence ☐Community Well-Being ☐N/A

FISCAL IMPACT:

On and off-site improvements are estimated at approximately \$2.2 million. The project will generate approximately \$25 million in new incremental value in the Downtown TIRZ, as well as additional sales in the retail and office spaces. The project's net benefit over 10 years is approximately \$1.58 million to the City of New Braunfels and NBEDC.

RECOMMENDATION:

Staff recommends approval of the NBEDC's recommendation for this expenditure.

At the time of City Council agenda publication, the NBEDC had not considered or voted on the proposed expenditure.

RESOLUTION 2025 – RXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS APPROVING A RECOMMENDATION OF THE NEW BRAUNFELS ECONOMIC DEVELOPMENT CORPORATION FOR AN EXPENDITURE OF UP TO \$2,200,000 TO THE NEUE, LLC FOR A MIXED-USE DEVELOPMENT PROJECT AND PUBLIC INFRASTRUCTURE IMPROVEMENTS, PURSUANT TO SECTION 501.103 OF THE TEXAS LOCAL GOVERNMENT CODE.

WHEREAS, Section 501.103 of the Texas Local Government Code, in pertinent part, defines the term “project” to mean “expenditures that are found by the board of directors to be required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, limited to: (1) streets and roads, rail spurs, water and sewer utilities, electric utilities, or gas utilities, drainage, site improvements, and related improvements; (2) telecommunications and Internet improvements . . .”; and

WHEREAS, the New Braunfels Economic Development Corporation (NBEDC) encourages high-quality, mixed-use development that includes residential, retail, office uses, and that enhances the downtown environment; and

WHEREAS, the NBEDC met on September 30, 2025 to consider an economic development incentive to The Neue, LLC to help support construction and public infrastructure costs for a mixed-use development in downtown New Braunfels; and

WHEREAS, the planned project includes at least forty (40) housing units for sale, at least 5,000 square feet of retail and office space for lease, and public infrastructure improvements on Guenther and West San Antonio Streets; and

WHEREAS, Developer has applied to NBEDC for financial assistance necessary to construct a mixed-use building to be located at 699 W. San Antonio Street, New Braunfels, Comal County, Texas (hereinafter referred to as the “Property”) and the planned project would have a minimum capital investment of twenty-five million dollars (\$25,000,000); and

WHEREAS, the planned project would address several needs identified in the following City Plans: Envision New Braunfels, Downtown Action Plan, Downtown TIRZ Plan, and 2024-2029 City Strategic Plan; and

WHEREAS, the NBEDC held a public hearing on November 20, 2025 to request public comments about the proposed economic development incentive; and

WHEREAS, the NBEDC voted to approve the incentive in an amount up to \$2,200,000 to The Neue, LLC for the planned project; and

WHEREAS, the approved expenditure, of up to \$2,200,000, would assist in the costs of design, engineering, and construction costs; and

WHEREAS, the NBEDC will enter into an economic development agreement as authorized by Texas Local Government Codes 501.101 and 501.103 with The Neue, LLC, and said agreement will outline all obligations for both parties.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1: That the recommendation of the New Braunfels Economic Development Corporation to approve an expenditure of up to \$2,200,000 to The Neue, LLC, is hereby approved.

SECTION 2: That an economic development agreement between the NBEDC and The Neue, LLC, will be executed to address the obligations and payments; the NBEDC President and Secretary are authorized to execute the document.

SECTION 3: That this Resolution shall become effective from and after the date of its passage.

PASSED, ADOPTED, AND APPROVED this 24th day of November 2025.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

**CONTRACT BETWEEN THE NEW BRAUNFELS ECONOMIC DEVELOPMENT
CORPORATION AND THE NEUE LLC**

THE STATE OF TEXAS

§

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COMAL

§

THIS CONTRACTUAL AGREEMENT (the “Agreement”) is made and entered into by and between the New Braunfels Economic Development Corporation (hereinafter "EDC") acting by and through its duly authorized officers, and The Neue LLC. (hereinafter "Developer") acting by and through its officers. The EDC and Developer shall hereinafter be referred to individually as a “Party” and collectively as the “Parties”.

WITNESSETH:

I.

WHEREAS, Texas Local Government Code §501.054 provides the EDC with the powers of non-profit corporations incorporated under the Texas Non-Profit Corporation Act, as amended, and Section Seven of the Bylaws of the EDC allows for the President and Secretary of the EDC to execute any contract which the Board has approved and authorized to be executed; and

WHEREAS, EDC desires to encourage high-quality, mixed-use development that includes residential, retail, and office uses, and that enhances the downtown environment; and

WHEREAS, the Developer intends to construct a mixed-use building (the “Project”) located at 699 W. San Antonio consistent with the plan attached as Exhibit A; and

WHEREAS, the EDC desires to provide funding to offset certain costs related to the construction of the Project and associated public right-of-way improvements and other performance deliverables; and

WHEREAS, the EDC requested the Developer undertake certain improvements within the Public Right-of-Way on Guenther and West San Antonio Streets upon construction of the Project and proposes to reimburse the Developer for design, engineering and construction costs associated with the improvements agreed to herein; and

WHEREAS, this Development Agreement is proposed to be entered into by and between the EDC

and Developer, as more fully described below and subject to the terms of this Agreement.

II. Agreement

NOW THEREFORE, under the authority granted to the EDC by §501.103 of the Texas Local Government Code and upon the recommendation of the EDC, which occurred on _____, 2025, and the approval of the City Council of the City of New Braunfels, which occurred on _____, 2025, Resolution 2025-R__ , an amount of up to \$700,000 is authorized to be allocated to Company for Public Infrastructure Improvements, including engineering and final design as defined herein, and an amount of up to \$1,500,000 is authorized to be allocated to Company for Project Improvements attributable to construction of the Project, with the total of up to \$2,200,000 to be provided

by EDC to the Company under the following conditions:

- (1) Company, at its own initial cost, shall commence immediately with the Engineering and Final Design of the Public Infrastructure Improvements set forth in Exhibit C. The Engineering and Final Design of the Public Infrastructure Improvements shall be completed within one hundred and eighty days (180) of the Effective Date of this Agreement. Company shall only proceed with construction of Public Infrastructure Improvements upon direction of EDC to commence with construction of the Public Infrastructure Improvements and shall do so following competitive bidding requirements as set forth in the Texas Government Code and shall complete the Public Infrastructure Improvements within twelve (12) months of EDC's having given direction to commence construction of such improvements. Notwithstanding the forgoing, if the Contractor is delayed, hindered, or prevented from the performance of the foregoing obligation by any reason not within the reasonable control of Contractor, then performance of the foregoing obligation will be excused for a period of such delay and the period for the performance of the foregoing obligation will be extended for a period equivalent to the period of such delay, save and except that no such period of delay shall total more than 30 days, cumulatively, without the express consent of the EDC in writing.
- (2) After delivery to EDC of the Engineering and Final Design of the Public Infrastructure Improvements set forth in Exhibit C, Company shall be eligible for reimbursement from EDC for actual costs not to exceed the maximum sum of \$100,000. Company shall be

reimbursed within 30 days of delivery of the Engineering and Final Design of the Public Infrastructure Improvements to EDC.

- (3) The Developer or its agent shall submit to the City for design review and approval of Project Improvements at thirty percent (30%), sixty percent (60%) and ninety (90%) design stages. Design approvals at these interim design stages shall be given in written form by the City Engineer. Such written design approvals from the City Engineer authorizes Developer and/or its agents to advance design to the next interim percentage design step as described above or for City permitting, as appropriate.
- (4) If additional right-of-way is required, the EDC and Company agree to collaborate on a mutually beneficial approach that includes, but is not limited to, design revisions that reduce the need for additional right-of-way, the addition or securing of easements to construct designed improvements, the addition of right-of-way through formal legal means or the abandonment of the improvement causing the need for additional right-of-way.
- (5) As progress is made towards completion of the Public Infrastructure Improvements set forth in Exhibit C, Company shall be eligible for reimbursement on a monthly basis for costs of completed work on the Public Infrastructure Improvements. EDC shall reimburse such costs within 30 days of request for reimbursement by Company for Public Infrastructure Improvements. Notwithstanding the foregoing, the total sum of reimbursements provided to the Company for construction of the Public Infrastructure Improvements shall not exceed \$600,000.
- (6) Company, at its own initial cost, shall commence immediately with the eligible Project Improvements set forth in Exhibit B. The Project Improvements shall be completed within 30 months of the Effective Date. Notwithstanding the foregoing, if the Contractor is delayed, hindered, or prevented from the performance of the foregoing obligation by any reason not within the reasonable control of Contractor, then performance of the foregoing obligation will be excused for a period of such delay and the period for the performance of the foregoing obligation will be extended for a period equivalent to the period of such delay, save and except that no such period of delay shall total more than 180 days, cumulatively, without the express consent of the EDC in writing.
- (7) Notwithstanding the foregoing, the final engineering design for the Public Infrastructure Improvements and Project Improvements must be approved by the City Engineer prior to the issuance of any permits for work within the public right-of-way, and construction shall

be accepted by the City Engineer prior to the issuance of a Certificate of Occupancy for any portion of this Project that is dependent on the completion of the Public Infrastructure Improvements.

- (8) The Completion Date shall occur no later than January 1, 2028, unless otherwise agreed upon in writing by the EDC and Company.
- (9) Company shall at all times comply with the ordinances of City of New Braunfels and the laws of the State of Texas.
- (10) All funds received by Company from EDC as herein provided shall be expended solely for the purposes stated herein. In no event may funds distributed from EDC to Company pursuant to this Agreement exceed \$2,200,000. Any breach of this covenant shall be cause for immediate termination of the distribution of funds and repayment to EDC by Company of any funds already paid under this agreement

III. Definitions

Certificate of Occupancy means the final certificate of occupancy issued by the City of New Braunfels for the Site that is needed to fulfill the purpose of the Project as depicted in Exhibit A and Exhibit B.

City refers to the City of New Braunfels

City Engineer refers to the City Engineer, or equivalent Director, of the City of New Braunfels

Completion Date means the date on which the Project Improvements have passed all required municipal inspections as evidenced by the City's issuance of a final Certificate of Occupancy, and the Public Infrastructure Improvements have been accepted by the City.

Effective Date means the date on which both parties have executed this Agreement.

Engineering and Final Design of the Public Infrastructure Improvements are the engineering and final design plans for the public infrastructure depicted in Exhibit C.

Land means the tract(s) of real property and improvements thereon, as shown in the survey in Exhibit E attached hereto and made a part hereof, upon which the Project Improvements will be constructed.

NBU means New Braunfels Utilities.

Project Improvements are improvements to the Project on the Site that the EDC determine are substantially consistent with what is depicted in Exhibit A and Exhibit B and shall include 40 or more housing units that are for sale or have been sold as part of the Project, and at least 5,000 gross square feet for sale, retail and office condominiums, with a minimum capital investment of \$25,000,000.

Public Infrastructure Improvements are the public improvements within the City right-of-way that are depicted in Exhibit C.

Site refers to Company's property located at 699 West San Antonio, New Braunfels, Texas, upon which construction is substantially in accordance with Exhibit A and Exhibit B.

Term means the period from the Effective Date to July 1, 2028.

IV.

In the performance of this contract, COMPANY shall not discriminate against any person because of his/her race, color, religion, national origin, sex, disability or ancestry. Breach of this covenant may be regarded as a material breach of the contract causing its termination.

V.

It is expressly understood and agreed by both parties hereto that each acts independently of each other, and neither has the authority to bind the other or to hold out to a third party that it is the authority for the other. The parties hereto understand and agree that the City shall not be liable for any claims, which may be asserted by any third party occurring in connection with the performance of the EDC.

Nothing contained herein shall be deemed or construed by the parties hereto or by any third party as creating the relationship of employer-employee, principal agent, joint ventures or any other similar such relationships, between the parties hereto.

VI.

Employment of Undocumented Workers. During the Term of this Agreement, COMPANY agrees not to knowingly employ an undocumented worker and if convicted of a violation of 8 U.S.C. Sec. 1324a(f), the COMPANY shall repay the amount of the Grant and any other funds received by the COMPANY from the EDC as of the date of such violation within sixty (60) days after the date the COMPANY is notified by the EDC of such violation, plus interest at the rate periodically announced by the Wall Street Journal as the prime or base commercial rate, or if the Wall Street Journal shall ever cease to exist or cease to announce

a prime or base lending rate, then at the annual rate of interest from time to time announced by Citibank, N.A. (or by any other New York money center bank selected by the EDC) as it prime or base commercial lending rate, from the date of such notice until paid.

VII.

All communications between EDC and COMPANY shall be addressed to the President of the New Braunfels Economic Development Corporation, c/o City of New Braunfels, 550 Landa Street, New Braunfels, Texas 78130. Any communication to COMPANY shall be addressed to _____.

VIII.

It is understood and agreed that in the event any provision of this contract is inconsistent with requirements of law, the requirements of law will control and the parties shall revert to their respective positions, which would otherwise be enjoyed or occupied by the respective parties for the terms of this contract.

IX.

The foregoing instrument in writing between the parties herein, constitutes the entire agreement between the parties relative to the funds made the basis hereof, and any other written or oral agreement with the EDC being expressly waived by COMPANY.

IN WITNESS WHEREOF, the parties hereto execute this agreement in duplicate originals on this ____ day of ____, 2025.

CITY OF NEW BRAUNFELS
ECONOMIC DEVELOPMENT CORPORATION

By: _____
Shane Hines, *President*

Date: _____

By: _____
Larry Hammonds, *Secretary*

Date: _____

(Signatures Continue on Next Page)

THE NEUE, LLC.

By: _____

Date: _____

Before me, _____, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that _____ executed the same as the act of _____, for the purposes and consideration therein expressed.

Subscribed and sworn to be before this _____ day of _____, 2025.

Notary Public

My commission expires: _____

EXHIBIT A – Site Development Plan



OVERVIEW

Targeted delivery

Summer/Fall 2027

- ~43 **Luxury Residences** – owner occupied – 72,000 sq ft total building
 - 1BR - ~825 sq ft
 - 2BR - ~1100 sq ft
 - 3BR - ~1600 sq ft
 - Penthouses - ~1200
- **3 professional services offices** – ~3,300 sq ft combined
- **2 retail spaces** – ~2,000 sq ft combined

DESIGN CONSIDERATIONS



- Property is zoned C2.
- Oriented on W San Antonio St. and creates a hard corner at Guenther Ave.
- Rear of building is ~120' from the residential area behind.
- Four stories with ample parking.
- **Materials and color tones are respectful of the downtown fabric and respond to New Braunfels' natural environment.**
- Thoughtful lighting design to minimize light pollution including zero cutoff and low-level lighting.
- Design includes **significant ROW improvements, relocation of overhead utilities, extending and expanding capacity of water and wastewater infrastructure** across San Antonio and Guenther Ave.
- **High efficiency design considerations.**
- Contech filtered drainage system onsite.
- **Enhanced sidewalks with decorative pavers, ADA compliant ramps and sidewalks.**

23

EXHIBIT B – Project Improvements

Eligible Project Improvements for Reimbursement

- Costs associated with construction of electric, water, drainage and wastewater improvements
- Professional engineering, landscape architect and design costs
- Traffic control
- Streetscape improvements
- Performance bonds, insurance, contingencies, construction interest, and contractor fees
- Impact fees and permits
- Property tax reimbursements during construction

EXHIBIT C – Public Infrastructure Improvements

	GUENTHER ROADWAY IMPROVEMENTS OPINION OF PROBABLE COST	OVERALL SUMMARY
UNITS:	N/A	DATE: 10-Sep-25
NO. OF LOTS:	N/A	STATUS OF DESIGN: Conceptual
ACREAGE:	N/A	SOURCE OF UNIT PRICE: N/A
DENSITY:	N/A	DATE OBTAINED: N/A

GUENTHER ROADWAY IMPROVEMENTS

ROADWAY IMPROVEMENTS	SUB TOTAL:	\$567,207.95
----------------------	------------	--------------

	TOTAL IMPROVEMENTS:	\$567,207.95
--	---------------------	--------------

ASSUMPTIONS AND EXCLUSIONS:

1. Estimate is based on a conceptual layout only and not based on final design documents.
2. Unit prices assumes dirt excavation.
3. Impact fees not included (Roadway, Sewer, Water).
4. Prices reflect present day costs.
5. Excludes anything not explicitly stated in this document.
6. Estimate does not include amenities/monumentation.
7. Estimate does not include staking improvements.
8. Estimate does not include tree ordinance/streetscape requirements.
9. Estimate does not include lighting/streetlights.
10. Guenther Ave. & Cross St. pavement improvements/sections are assumed based on discussion with reviewing agencies.
11. Estimate does not include costs associated with the NBU overhead electric to underground conversion project.
12. Estimate does not include sidewalk, curb and driveway construction costs along the frontage of the proposed Neue development
13. Estimate does not include existing storm sewer relocation. It is assumed that adequate roadway cover exists.

11



EXHIBIT D- Reimbursement Schedule

Phase	Description	Max Amount	Trigger for Reimbursement	Payment Timing
1	Engineering & Final Design (Exhibit C)	\$100,000	Submittal of final design to EDC	30 days after delivery
2	Construction of Public Infrastructure (Exhibit C)	\$600,000	Monthly invoices for completed work	30 days after request
3	Project Improvements (Exhibit B)	\$1,500,000	Completion & City/EDC approval	After completion milestones
Total		\$2,200,000 (max)		

Date: Oct 23, 2015 2:10pm User ID: msalechi@nrc.ca
File: U:\Project\3000\101\Design\Civil\PLATF\FINAL_PL_3000101.dwg



City Council - Executive Session Agenda Item Report

550 Landa Street
New Braunfels, TX

11/24/2025

Agenda Item No. A)
