



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



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

MONDAY, AUGUST 10, 2026 at 6:00 PM

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

Pursuant to Texas Government Code Sec. 551.127, on a regular, non-emergency basis, members may attend and participate in the meeting remotely by video conference. Should that occur, a quorum of the members will be physically present at the location noted.

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 EDWARDS

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

CITIZENS COMMUNICATIONS

We will now open Citizens Communications, our public comment period where our citizens are heard. In the interest of time and structure, this period is specifically for individuals to address the City Council on issues and items of concern that are not listed on this agenda. There will be no City Council action at this time. Citizens will be provided with the right to speak on posted agenda items, which we will recognize later when those specific items are called. In the interest of protecting the City's network and data security, we cannot accept flash drives or electronic files at the podium. (You do need to upload your digital files to the City Secretary's online form two hours prior to the meeting). Please use hard copies on our overhead projector for the Council to view. Individuals desiring to speak, please line up behind the podium and be ready. This is your time to address your City Council. We only ask that you remain respectful and courteous to everyone in the room. When you reach the podium, please state your name and whether you are a resident of New Braunfels, a non-resident, or live within our ETJ. Thank you.

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 city council July 27, 2026 regular and [26-908](#) executive session meeting minutes.
Natalie Baker, Deputy City Secretary
- B) Approval of the authorization for the City Manager to [26-799](#) execute a Proposal with intent to purchase a Pumper Truck and Aerial Truck.
Ruy Lozano, Fire Chief
- C) Approval of contract expenditures for annual routine [26-894](#) recurring expenditures for FY 2026 in accordance with City Charter Section 9.17.
Barbara Coleman, Purchasing Manager
- D) Approval of a budget amendment for the following FY [26-853](#) 2026 Special Revenue Funds: Cemetery Improvement Fund, Child Safety Fund, Facilities Maintenance Fund, Community Development Block Grant (CDBG), and Edwards Aquifer Habitat Conservation Plan (EAHCP) Fund.
Becky Wiatrek, Assistant Director of Finance
- E) Approval of a contract between the City of New [26-955](#) Braunfels and the Humane Society of the New Braunfels

Area for FY 2027.

Jared Werner, Assistant City Manager

Resolutions

- F) Approval of a Resolution of the City Council of the City of [26-854](#) New Braunfels, approving the submission of a grant application to the Texas Department of Transportation, and authorizing the City Manager to act on behalf of the City of New Braunfels and the New Braunfels National Airport in all matters related to application for funding through the Airport Infrastructure Grant program for the New Braunfels National Airport Pavement Rehabilitation Construction Project and pledging that the City of New Braunfels will comply with the grant requirements of the Texas Department of Transportation.

Christopher Greenwell, Budget 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.)

- G) Approval of the second and final reading of an [26-708](#) ordinance, requested by Pamela Johnson, granting the historic rehabilitation tax incentive for a period of 10 years for the property at 941 Lee Street, a locally designated historic landmark.

Katie Totman, Historic Preservation Officer

Applicant/Owner: Pamela Johnson

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) Discuss and consider the first reading amending Chapter [26-949](#) 130, Article IV, Divisions 3,5,6 and of the City's Code of Ordinances to adjust residential and landscape irrigation drought surcharges; revise drought stage destinations and triggers; clarify definitions and related provisions; repeal conflicting ordinance; provide a savings clause; and establish an effective date.

Ryan Kelso, NBU Chief Executive Officer

- B) Discuss and consider approval of the second and final [26-858](#)

reading of an ordinance, requested by Elevate Permit Group, on behalf of Jeremy Coburn, to rezone approximately 0.3 of an acre out of City Block 5092, southwest part of Lot 29, 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 256 East Austin Street.

Matthew Simmont, AICP, Planning Manager

Applicant: Elevate Permit Group / Owner: Jeremy Coburn

- C) Discuss and consider approval of a resolution [26-959](#) recommended by the New Braunfels Economic Development Corporation approving a project expenditure of up to \$1,400,000 to the City of New Braunfels for final design of the Alamo Area Metropolitan Planning Organization Gruene Multimodal Improvements Project, pursuant to 505.152 of the Texas Local Government Code.

Jordan Matney, Deputy City Manager

- D) Discuss and consider approval of a contract with [26-703](#) Pape-Dawson Engineers, Inc. for the final plans, specifications, and estimates of the Gruene Area Multimodal Improvements Project.

Garry Ford, Transportation and Construction Services Director

- E) Public hearing and first reading of an ordinance to [26-900](#) amend Section 126-346 of the Code of Ordinances of the City of New Braunfels to prohibit parking on both sides of Divine Way from the intersection with Fayette Drive southwesterly for approximately 165 feet.

Garry Ford, Transportation and Construction Services Director

- F) Discuss and consider the appeal by Lennar Corporation [26-861](#) of Denial of Eligibility for Partial Reimbursement of Park Development Fees for Navarro Subdivision.

Jordan Matney, Deputy City Manager

3. **PRESENTATIONS**

- A) Presentation and update on the 2019 Bond Project - [26-915](#) Police Department Headquarters.

Jordan Matney, Deputy City Manager

4. 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 and employment of a City [26-684](#) Attorney and City Manager, including matters related to the search and selection of candidates, pursuant to Texas Government Code Section 551.074 (Personnel Matters).
- B) Deliberate and consider the purchase, exchange, lease, [26-904](#) contract terms, due diligence, or value of real property in accordance with Section 551.072 of the Texas Government Code:
 - Connections Lease

5. 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.

TAXPAYER IMPACT STATEMENT:

TAXPAYER IMPACT STATEMENT

Comal County & Guadalupe County

House Bill 1522, passed by the Texas Legislature in 2025, amends section 551.043 of the Texas Government Code to require that the notice of a meeting required to be posted under section 551.043(a) of the Texas Open Meetings Act, at which a governmental body will discuss or adopt a budget for the governmental body, must include a taxpayer impact statement showing, for the median-valued homestead property, a comparison of the property tax bill in dollars pertaining to the property for the current fiscal year to an estimate of the property tax bill in dollars for the same property for the upcoming fiscal year.

The City of New Braunfels has adopted a budget for FY2026.

2024 Value of Median-Valued Homestead Property in Comal County	\$ 349,106
2024 Property Tax Bill for the Current Fiscal Year (\$0.0.408936)	\$ 1,428
2025 Value of Median-Valued Homestead Property in Comal County	\$ 354,783
Estimated 2025 Property Tax Bill for the Upcoming Fiscal Year if the City Adopts the Proposed Budget and Tax Rate (\$0.408936 per \$100 of value)	\$ 1,451
Estimated 2025 Property Tax Bill for the Upcoming Fiscal Year if the City Adopts a Balanced Budget Funded at the No-New-Revenue Tax Rate (\$.409475 per \$100 of value)	\$ 1,453

2024 Value of Median-Valued Homestead Property in Guadalupe County	\$ 331,133
2024 Property Tax Bill for the Current Fiscal Year (\$0.0.408936)	\$ 1,354
2025 Value of Median-Valued Homestead Property in Guadalupe County	\$ 311,795
Estimated 2025 Property Tax Bill for the Upcoming Fiscal Year if the City Adopts the Proposed Budget and Tax Rate (\$0.408936 per \$100 of value)	\$ 1,275
Estimated 2025 Property Tax Bill for the Upcoming Fiscal Year if the City Adopts a Balanced Budget Funded at the No-New-Revenue Tax Rate (\$.409475 per \$100 of value)	\$ 1,277

The estimates in this Impact Statement are valid only for the FY 2026 adopted budget and tax rate.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/10/2026

Agenda Item No. A)

PRESENTER:

Natalie Baker, Deputy City Secretary

SUBJECT:

Approval of the city council July 27, 2026 regular and executive session meeting minutes.

**DRAFT - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL - EXECUTIVE SESSION
REGULAR MEETING OF MONDAY, JULY 27, 2026**

CALL TO ORDER

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

CALL OF ROLL: CITY SECRETARY

Present 7 - Councilmember D. Lee Edwards, Councilmember Lawrence Spradley, Mayor Pro Tem Michael Capizzi, Councilmember Toni Carter, Councilmember Mary Ann Labowski, Mayor Michael French, and Councilmember Nikki Shaw

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.

Mayor French read the aforementioned executive session items.

Mayor French adjourned into closed session at 5:06 p.m.

- A) Deliberate issues regarding economic development negotiations in accordance with Section 551.087 of the Texas Government Code:
 - 1. Gruene 16

- B) Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:
 - a. Discuss Legal Options Relating to the Status of Real Estate Negotiations by New Braunfels Utilities to Secure a Necessary Easement for the IH 35 Interceptor Upgrade Rio Bar Screen Project:
 - a 0.7402-Acre Permanent Utility Easement Out of the A.M. Esnaurizar Survey, Abstract 98, Comal County, Texas, Being All of Lot 8, Block 4, Resubdivision of Villa Rio, According to the Plat of Record in Volume 129, Page 312, of the Deed Records of Comal County, Texas, Located at 470 Rio Drive, New Braunfels, Texas 78130, and

Assigned Comal Appraisal District Property ID 67480

b. Discuss Legal Options Relating to the Status of Real Estate Negotiations to Secure Necessary Right-of-Way and Utility Easement for the Barbarosa Road Improvements Project:

· a 0.4592-acre ROW and 0.158-acre Utility Easement out the Antonio Maria Esnaurizar Survey, Abstract 20, Guadalupe County, Texas, out of Lot 2A, Timmerman Subdivision as recorded in Volume 5, Page 393 A & B, Map and Plat Records of Guadalupe County, Texas Located at 2241 Westmeyer Road, New Braunfels, Texas 78130, and Assigned Guadalupe County Appraisal District Property ID 43773

c. Cause No. 2026CV0238, City of New Braunfels v. Lynn K. Wohlfahrt

d. City of New Braunfels v. Stoddard Construction Management, Inc., and Swiss Re Corporate Solutions America Insurance Corporation.

C) Deliberate the appointment and employment of a City Attorney, including matters related to the search and selection of candidates, pursuant to Texas Government Code Section 551.074 (Personnel Matters).

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

City Council reconvened into open session at 5:58 p.m.

No action was taken at this time.

ADJOURNMENT

Mayor French adjourned the meeting at 5:58 p.m.

By: _____
MICHAEL FRENCH, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY

**DRAFT - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JULY 27, 2026**

CALL TO ORDER

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

CALL OF ROLL: CITY SECRETARY

Present: 7 - Councilmember Toni Carter, Councilmember Michael Capizzi, Councilmember D. Lee Edwards, Mayor Pro Tem Lawrence Spradley, Councilmember Mary Ann Labowski, Mayor Michael French, and Councilmember Nikki Shaw

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

INVOCATION: MAYOR PRO TEM CAPIZZI

Mayor Pro Tem Capizzi provided the invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PROCLAMATIONS:

A) National Hire a Veteran Day

Mayor read the aforementioned proclamation.

Mike Crowley and a number of Veteran's accepted the proclamation and addressed council.

CITIZENS COMMUNICATIONS

We will now open Citizens Communications, our public comment period where our citizens are heard. In the interest of time and structure, this period is specifically for individuals to address the City Council on issues and items of concern that are not listed on this agenda. There will be no City Council action at this time. Citizens will be provided with the right to speak on posted agenda items, which we will recognize later when those specific items are called. In the interest of protecting the City's network and data security, we cannot accept flash drives or electronic files at the podium. (You do need to upload your digital files to the City Secretary's online form two hours prior to the meeting). Please use hard copies on our overhead projector for the Council to view. Individuals desiring to speak, please line up behind the podium and be ready. This is your time to address your City Council. We only ask that you remain respectful and courteous to everyone in the room. When you reach the podium, please state your name and whether you are a resident of New Braunfels, a non-resident, or live within our ETJ. Thank you.

The following individuals spoke at this time: Esther Sandoval, Tiffany Kelly, Kristen Carden, Cassandra Canton, Mike Frias, Lane Fluker, Jonathan Marquez, Terry Jackson, and David Warmke.

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 city council July 13, 2026 regular and executive session meeting minutes, and the July 17, 2026 and July 20, 2026 special meeting minutes.
- B) Approval of a contract with Siddons-Martin Emergency Group for Preventive Maintenance of Pierce emergency apparatus equipment and repairs as needed to support the Fire Department.

This item was pulled for individual consideration.

- C) Approval of the City of New Braunfels FY 2026 Second Quarter Investment Report.
- D) Approval of amendment to Development Agreement with AG Sunflower Ridge, LLC

This item was pulled by staff.

- E) Approval of an expenditure in the amount of \$223,160.00 for the purchase of a modular building for the Parks Operations Division from Mobile Modular Management Corporation and authorization for the City Manager to execute all necessary documents.

This item was pulled for individual consideration.

- F) Approval of a budget amendment for the FY 2026 Special Revenue Fund.

This item was pulled for individual consideration.

- G) Approval of an Interlocal Agreement with the University of Texas Regional Security Operations Center for CyberSecurity Services at no cost to the City.

- H) Approval of an amendment to the lease agreement between the City of New Braunfels and Sammie Lynn Dietz, individually and doing business as Dietz Gun Shop and Range and authorization for the City Manager to execute all necessary agreements.

This item was pulled for individual consideration.

Resolutions

- I) Approval of a resolution giving consent to the issuance of Contract Revenue Bonds (Road Facilities), Series 2026, by Comal County Water Improvement District No. 3 Master District (Mayfair).

This item was pulled for individual consideration.

Approval of the Consent Agenda

Mayor French addressed the consent agenda with the exceptions of B, D, E, F, H, and I.

Councilmember Spradley motioned to approve items A, C, G of the consent agenda. Councilmember Labowski seconded the motion which passed unanimously.

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.

- B-1) Approval of a contract with Siddons-Martin Emergency Group for Preventive Maintenance of Pierce emergency apparatus equipment and repairs as needed to support the Fire Department.

This item was pulled by Councilmember Nikki Shaw from Consent.

Mayor French read the aforementioned item.

Councilmember Shaw asked questions about this item and Chief Lozano answered the questions.

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

E-1) Approval of an expenditure in the amount of \$223,160.00 for the purchase of a modular building for the Parks Operations Division from Mobile Modular Management Corporation and authorization for the City Manager to execute all necessary documents.

This item was pulled by Councilmember Shaw from Consent.

Mayor French read the aforementioned item.

Councilmember Shaw asked questions about this item, Matthew Eckmann addressed and answered the questions.

Mayor Pro Tem Capizzi motioned to approve this item. Councilmember Spradley seconded the motion which passed unanimously.

F-1) Approval of a budget amendment for the FY 2026 Special Revenue Fund.

This item was pulled by Councilmember Shaw from Consent.

Mayor French read the aforementioned item.

Councilmember Shaw asked questions and Becky Wiatrek addressed and answered the questions.

Councilmember Labowski motioned to approve this item. Mayor Pro Tem Capizzi seconded the motion which passed.

Opposed: Mayor French

H-1) Approval of an amendment to the lease agreement between the City of New Braunfels and Sammie Lynn Dietz, individually and doing business as Dietz Gun Shop and Range and authorization for the City Manager to execute all necessary agreements.

This item was pulled by Councilmember Carter from Consent.

Mayor French read the aforementioned item.

Councilmember Carter asked questions and Matthew Eckmann addressed and answered the questions.

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

I-1) Approval of a resolution giving consent to the issuance of Contract Revenue Bonds (Road Facilities), Series 2026, by Comal County Water Improvement District No. 3 Master District (Mayfair).

This item was pulled by David Warmke from Consent.

Mayor French read the aforementioned item.

Mr. Warmke asked questions about this item and Jeff Jewell and David Smalling addressed and answered the questions.

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

Opposed: Mayor French

A) Public hearing and first reading of an ordinance, requested by Will Baker of Awe Be Ltd., to rezone approximately 0.3 of an acre out of the Starlight Terrace Subdivision Unit 1, Block 2, Lot 9, from M-1 (Light Industrial District) to R-2A (Single-Family and Two-Family District), currently addressed at 1038 and 1042 Seidel Street.

Mayor French read the aforementioned item.

Matthew Simmont addressed council noting that the applicant has asked for this to be moved to the August 24 city council meeting for initial review.

Mayor Pro Tem Capizzi motioned to postpone this item to the August 24 city council meeting. Councilmember Labowski seconded the motion which passed.

Councilmember Edwards was not present on the dais for the vote.

Absent:

Councilmember Edwards

- B) Public hearing and first reading of an ordinance, requested by Elevate Permit Group, on behalf of Jeremy Coburn, to rezone approximately 0.3 of an acre out of City Block 5092, southwest part of Lot 29, 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 256 East Austin Street.

Mayor French read the aforementioned item.

Matthew Simmont presented this item to council using a powerpoint presentation and answered questions. The applicant, Jeremy Colburn, also addressed council.

Councilmember Labowski motioned to approve this item. Mayor Pro Tem Capizzi seconded the motion which passed.

Opposed:

Councilmember Shaw

- C) Public hearing and first reading of an ordinance, requested by Miles Payne, on behalf of Samantha Richards, Executor of the Estate of John William Turner, to rezone approximately 2 acres out of City Block 3022, from M-1 (Light Industrial District) to M-1 SUP (Light Industrial District with a Special Use Permit for one residence with an allowance for short term rental), currently addressed at 474 North Guenther Avenue.

Mayor French read the aforementioned item.

Matthew Simmont presented this item to council using a powerpoint presentation and answered questions. The applicant, Miles Payne, also addressed council.

The following spoke to this item: Wayne Peters, Hale Snyder

Councilmember Labowski motioned to postpone this item. Mayor Pro Tem Capizzi seconded the motion which passed unanimously.

- D) Discuss and consider approval of a resolution authorizing proceeding with issuance of Certificates of Obligations and further directing the publication of Notice of Intention to issue City of New Braunfels, Texas

Combination Tax and Revenue Certificates of Obligation, Series 2026.

Mayor French read the aforementioned item.

Jared Werner presented this item to council using a powerpoint presentation and answered questions.

The following spoke at this time: David Warmke, Tiffany Kelly, Angela Keller, Richard Kelshimer,

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

- E) Discuss and Consider approval of a resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to street and drainage improvements from the proceeds of tax-exempt obligations to be issued by the City for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date.

Mayor French read the aforementioned item.

Jared Werner presented this item to council using a powerpoint presentation and answered questions.

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

- F) Discuss and consider the appointment of three Councilmembers to an Ad Hoc Committee concerning the Boards and Commissions.

Mayor French read the aforementioned item.

Natalie Baker presented this item to council and answered questions.

Councilmembers discussed who was currently on the Ad Hoc Committee. Mayor French asked for volunteers for this committee. Councilmembers Carter, Councilmember Spradley, Councilmember Labowski, and Councilmember Shaw all announced their interest in serving on the committee. Mayor French asked for a show of hands for those who supported Councilmember Carter, Councilmember Spradley, Councilmember Labowski, and Councilmember Shaw.

The three with the highest votes were Councilmembers Spradley, Councilmember Labowski, and Councilmember Shaw.

Mayor Pro Tem Capizzi motioned to approve Councilmembers Spradley, Councilmember Labowski, and Councilmember Shaw as the representatives of the Ad Hoc Committee. Councilmember Edwards seconded the motion which passed unanimously.

Mayor French called for a recess at 8:47 p.m.

Mayor French reconvened the meeting at 9:00 p.m.

3. PRESENTATIONS

A) Presentation, update, and possible direction to staff on the 2019 Bond Project - Police Department Headquarters.

Mayor Pro Tem Capizzi recused himself at 9:00 p.m.

Mayor French read the aforementioned item.

Jordan Matney presented this item to council using a powerpoint presentation and answered questions from council, along with Scott McClelland.

The following individuals spoke at this time: Angela Keller, David Warmke

4. 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 issues regarding economic development negotiations in accordance with Section 551.087 of the Texas Government Code:
1. Gruene 16

B) Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:

a. Discuss Legal Options Relating to the Status of Real Estate Negotiations by New Braunfels Utilities to Secure a Necessary Easement for the IH 35 Interceptor Upgrade Rio Bar Screen Project:

· a 0.7402-Acre Permanent Utility Easement Out of the A.M. Esnaurizar Survey, Abstract 98, Comal County, Texas, Being All of Lot 8, Block 4, Resubdivision of Villa Rio, According to the Plat of Record in Volume 129, Page 312, of the Deed Records of Comal County, Texas, Located at 470 Rio Drive, New Braunfels, Texas 78130, and Assigned Comal Appraisal District Property ID 67480

b. Discuss Legal Options Relating to the Status of Real Estate Negotiations to Secure Necessary Right-of-Way and Utility Easement for the Barbarosa Road Improvements Project:

· a 0.4592-acre ROW and 0.158-acre Utility Easement out the Antonio Maria Esnaurizar Survey, Abstract 20, Guadalupe County, Texas, out of Lot 2A, Timmerman Subdivision as recorded in Volume 5, Page 393 A & B, Map and Plat Records of Guadalupe County, Texas Located at 2241 Westmeyer Road, New Braunfels, Texas 78130, and Assigned Guadalupe County Appraisal District Property ID 43773

c. Cause No. 2026CV0238, City of New Braunfels v. Lynn K. Wohlfahrt

d. City of New Braunfels v. Stoddard Construction Management, Inc., and Swiss Re Corporate Solutions America Insurance Corporation.

C) Deliberate the appointment and employment of a City Attorney and City Manager, including matters related to the search and selection of candidates, pursuant to Texas Government Code Section 551.074 (Personnel Matters).

Mayor French read the aforementioned executive session items.

Mayor French adjourned into closed session at 9:27 p.m.

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

Mayor French reconvened the meeting at 10:20 p.m.

No action was taken at this time.

ADJOURNMENT

Mayor French adjourned at 10:20 p.m.

By: _____
MICHAEL FRENCH, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY

8/10/2026

Agenda Item No. B)

PRESENTER:

Ruy Lozano, Fire Chief

SUBJECT:

Approval of the authorization for the City Manager to execute a Proposal with intent to purchase a Pumper Truck and Aerial Truck.

DEPARTMENT: Fire**COUNCIL DISTRICTS IMPACTED:** All**BACKGROUND INFORMATION:**

Staff is requesting authorization to execute a intent to purchase proposal for a Pierce Enforcer Pumper in the amount of \$1,215,347 and a Pierce Enforcer Aerial HD Ladder in the amount of \$2,203,437. The New Braunfels Fire Department currently operates a fleet of seven Pierce pumpers and three Pierce aerial apparatus, which have been purchased on a staggered replacement schedule over many years.

The Fire Department's replacement plan anticipates approximately 10 years of frontline service, followed by 2 years in reserve for pumper trucks and 5 years in reserve for aerial apparatus. The pumper identified for replacement was purchased in 2012 and is currently 14 years old, while the aerial truck was purchased in 2008 and is currently 18 years old. Both units have exceeded their planned service lives, resulting in increasing maintenance costs and a greater risk of mechanical failure.

Lead times for new fire apparatus have increased significantly in recent years. Current production timelines are approximately 32-33 months for a pumper and 41-42 months for an aerial apparatus. Based on these timelines, the replacement pumper will be approximately 17 years old at delivery, while the aerial truck will be approximately 22 years old.

Procurement - The City has standardized its fire apparatus fleet with Pierce apparatus to improve maintenance, training, and operational consistency. Staff proposes utilizing the BuyBoard Cooperative Purchasing Program through Siddons-Martin Emergency Group, eliminating the need for a separate competitive procurement process.

Fiscal Consideration - Approval of the intent to purchase proposal does not obligate the City to purchase the apparatus at this time. Rather, it allows the City to secure its position in the manufacturer's production schedule and lock in current pricing while the long-term funding strategy is finalized. As discussed during the recent City Council budget workshop, replacement of these apparatus is being considered as part of a potential May 2027 bond program. Should that funding strategy not move forward, staff will return to City Council with an alternative funding recommendation well in advance of the anticipated deliveries in FY 2029 and FY 2030.

ISSUE:

Lead time for receiving new apparatus is long. From the date of order to the date of delivery a pumper is 3-years and for an aerial it is 4-years.

STRATEGIC PLAN REFERENCE:

N/A **Economic Mobility** N/A **Enhanced Connectivity** N/A **Community Identity**

YES **Organizational Excellence** YES **Community Well-Being**

FISCAL IMPACT:

Execution of the intent to purchase does not require payment until delivery (3-4 years from now). As mentioned earlier, the FY 2029 and FY 2030 will indicate what the ultimate funding strategy will be to support this critical front-line equipment.

RECOMMENDATION:

Staff Recommends authorization for the City Manager to execute a Proposal with intent to purchase a Pumper Truck and Aerial Truck.

Siddons-Martin Emergency Group, LLC
1506 Interstate 35 W
Denton, TX 76207-2402
GDN P115891
TxDMV Dealer License No. A173067

July 21, 2026

Ruy Lozano, Fire Chief
New Braunfels Fire Department
550 Landa Street
New Braunfels, TX 78130



Proposal For: 2027 Budget New Braunfels Aerial

Siddons-Martin Emergency Group, LLC, is pleased to provide the following proposal to New Braunfels Fire Department. Unit(s) will comply with all specifications attached and made a part of this proposal. Total price includes delivery FOB and training on the operation and use of the apparatus.

Description	Amount
Qty. 1 - 1326 Pierce-Custom Enforcer Aerial, HD Ladder 107' ASL Tandem	
Unit Price - \$2,214,790.00	
Delivery within 40-43 months of ordered date	
Quote - 0012372 - 0	
Vehicle Price	\$2,214,790.00
Pricing Level Discount	(\$12,853.00)
1326 – Unit Total	\$2,201,937.00
Subtotal	\$2,201,937.00
BuyBoard 746-24 (FIRE)	\$1,500.00
Total	\$2,203,437.00

Price guaranteed until 10/30/2026.

Prepayment Discount: To receive the prepayment discount(s), if quoted, above, the Customer must pay the applicable prepayment invoice in full within forty-five (45) days of the invoice date, unless otherwise agreed in writing by Siddons-Martin Emergency Group.

Additional: This proposal is valid for Pierce Manufacturing Bid 1326. Pricing Level Discount requires purchase prior to November 1, 2026. This proposal pricing is based on a standard one (1) year warranty. Extended bumper to bumper warranties are available ranging from two (2) to ten (10) years or beyond. Costs for extended warranties range from \$17,000 for a two (2) year up to \$150,000 for a ten (10) year bumper to bumper. Prepayment options are also available upon request.

Taxes: Tax is not included in this proposal. If the purchasing organization is not exempt from sales tax or any other applicable taxes and/or the proposed apparatus does not qualify for exempt status, it is the duty of the purchasing organization to pay any and all taxes due. Balance of sale price is due upon acceptance of the apparatus at the factory.

Payment Terms: Unless otherwise specifically noted and agreed upon in writing by Siddons-Martin Emergency Group, all invoices are net due upon delivery and acceptance of the apparatus. Any alternate payment terms must be expressly approved in advance and documented in a signed agreement or purchase order executed by both parties. Payments not received when due shall be subject to the late fee provisions stated below, accruing from the date payment was due until paid in full. Siddons-Martin Emergency Group reserves the right to delay delivery, withhold release of title or documentation, or impose additional charges if agreed payment terms are not met. Title and ownership of the apparatus shall not transfer to the Customer until full payment has been received by Siddons-Martin Emergency Group.

If the apparatus and any associated loose equipment, poly components, or upfitting items are purchased under a single purchase order, Siddons-Martin Emergency Group will invoice for the total purchase price upon Customer's acceptance of the apparatus, excluding any ancillary, incidental, or non-essential outstanding items. For purposes of this Agreement, "outstanding items" may include, without limitation, loose equipment, accessories, minor apparatus upfitting, punch-list items, or post-delivery buildout components that do not materially impair the Apparatus's intended operational use.

If Customer requests delivery of loose equipment, poly components, or upfitting items prior to delivery of the apparatus, Siddons-Martin Emergency Group may condition such early delivery on advance payment of the total purchase price or written confirmation that such payment has been authorized by Customer.

Late Fee: A late fee of .033% of the sale price will be charged per day for overdue payments beginning ten (10) days after the payment is due. After 30 days, the late fee increases to .044% per day until the payment is received.

Persistent Inflationary Environment Notification: If the Producer Price Index of Components for Manufacturing [www.bls.gov Series ID: WPUID6112] (the "PPI") has increased at a compounded annual growth rate greater than 5.0% from the date of acceptance of this proposal letter (the "Order Month") and 14 months prior to the anticipated Ready for Pickup Date (the "Evaluation Month"), then the proposal price may be increased by an amount equal to any increase exceeding 5.0% for the time period between the Order Month and the Evaluation Month. Siddons-Martin Emergency Group

and Pierce Manufacturing will provide documentation of such an increase and the updated price for the customer's approval before proceeding with completion of the order along with an option to cancel the order.

Due to global supply chain constraints, any delivery date contained herein is a good faith estimate as of the date of this order/contract. Delivery updates will be made available, and a final delivery date will be provided as soon as possible.

Force Majeure: Siddons-Martin Emergency Group shall not be liable for any failure or delay in the performance of its obligations if such failure or delay is due to causes beyond its reasonable control, including but not limited to acts of God, war, natural disasters, armed conflicts, acts of terrorism, labor disruptions, supply chain disruptions, governmental mandates, or any other events that are unforeseeable and unavoidable by Siddons-Martin Emergency Group. Should Siddons-Martin Emergency Group encounter such force majeure event, it shall promptly notify Customer in writing and shall use all reasonable efforts to mitigate the effects of the force majeure event and resume the performance of its obligations as soon as practicable.

Purchase price may be subject to new or increased tariffs, duties, taxes, or other governmental charges levied against, or made applicable to, the vehicle or any component thereof after the date of this proposal. Should such fees be enacted prior to order completion, Siddons-Martin Emergency Group reserves the right to revise the final cost to reflect the additional fees and will provide notice of any such adjustment.

Acceptance: To ensure the above stated terms and conditions are understood and adhered to, Siddons-Martin Emergency Group, LLC requires an authorized individual from the purchasing organization sign and date this proposal and include it with any purchase order. Upon signing of this proposal, the terms and conditions stated herein will be considered binding and accepted by the Customer. The terms and acceptance of this proposal will be governed by the laws of the State of Texas. No additional terms or conditions will be binding upon Siddons-Martin Emergency Group, LLC unless agreed to in writing and signed by a duly authorized officer of Siddons-Martin Emergency Group, LLC.

I, _____, the authorized representative of New Braunfels Fire Department, agree to purchase the proposed and agree to the terms of this proposal and the specifications attached hereto.

Customer Authorized Representative

Signature and Date

Sales Representative

Signature and Date

Siddons-Martin Emergency Group, LLC
1506 Interstate 35 W
Denton, TX 76207-2402
GDN P115891
TxDMV Dealer License No. A173067

July 21, 2026

Ruy Lozano, Fire Chief
New Braunfels Fire Department
550 Landa Street
New Braunfels, TX 78130



Proposal For: 2027 Budget New Braunfels Pumper

Siddons-Martin Emergency Group, LLC, is pleased to provide the following proposal to New Braunfels Fire Department. Unit(s) will comply with all specifications attached and made a part of this proposal. Total price includes delivery FOB and training on the operation and use of the apparatus.

Description	Amount
Qty. 1 - 1327 Pierce-Custom Enforcer Pumper, 2nd Gen	
Unit Price - \$1,321,511.00	
Delivery within 30-33 months of ordered date	
Quote - 0012371 - 0	
Vehicle Price	\$1,321,511.00
Pricing Level Discount	(\$7,664.00)
1327 – Unit Total	\$1,313,847.00
Subtotal	\$1,313,847.00
BuyBoard 746-24 (FIRE)	\$1,500.00
Total	\$1,315,347.00

Price guaranteed until 10/30/2026.

Prepayment Discount: To receive the prepayment discount(s), if quoted, above, the Customer must pay the applicable prepayment invoice in full within forty-five (45) days of the invoice date, unless otherwise agreed in writing by Siddons-Martin Emergency Group.

Additional: This proposal is valid for Pierce Manufacturing Bid 1327. Pricing Level Discount requires purchase prior to November 1, 2026. This proposal pricing is based on a standard one (1) year warranty. Extended bumper to bumper warranties are available ranging from two (2) to ten (10) years or beyond. Costs for extended warranties range from \$10,000 for a two (2) year up to \$94,000 for a ten (10) year bumper to bumper. Prepayment options are also available upon request.

Taxes: Tax is not included in this proposal. If the purchasing organization is not exempt from sales tax or any other applicable taxes and/or the proposed apparatus does not qualify for exempt status, it is the duty of the purchasing organization to pay any and all taxes due. Balance of sale price is due upon acceptance of the apparatus at the factory.

Payment Terms: Unless otherwise specifically noted and agreed upon in writing by Siddons-Martin Emergency Group, all invoices are net due upon delivery and acceptance of the apparatus. Any alternate payment terms must be expressly approved in advance and documented in a signed agreement or purchase order executed by both parties. Payments not received when due shall be subject to the late fee provisions stated below, accruing from the date payment was due until paid in full. Siddons-Martin Emergency Group reserves the right to delay delivery, withhold release of title or documentation, or impose additional charges if agreed payment terms are not met. Title and ownership of the apparatus shall not transfer to the Customer until full payment has been received by Siddons-Martin Emergency Group.

If the apparatus and any associated loose equipment, poly components, or upfitting items are purchased under a single purchase order, Siddons-Martin Emergency Group will invoice for the total purchase price upon Customer's acceptance of the apparatus, excluding any ancillary, incidental, or non-essential outstanding items. For purposes of this Agreement, "outstanding items" may include, without limitation, loose equipment, accessories, minor apparatus upfitting, punch-list items, or post-delivery buildout components that do not materially impair the Apparatus's intended operational use.

If Customer requests delivery of loose equipment, poly components, or upfitting items prior to delivery of the apparatus, Siddons-Martin Emergency Group may condition such early delivery on advance payment of the total purchase price or written confirmation that such payment has been authorized by Customer.

Late Fee: A late fee of .033% of the sale price will be charged per day for overdue payments beginning ten (10) days after the payment is due. After 30 days, the late fee increases to .044% per day until the payment is received.

Persistent Inflationary Environment Notification: If the Producer Price Index of Components for Manufacturing [www.bls.gov Series ID: WPUID6112] (the "PPI") has increased at a compounded annual growth rate greater than 5.0% from the date of acceptance of this proposal letter (the "Order Month") and 14 months prior to the anticipated Ready for Pickup Date (the "Evaluation Month"), then the proposal price may be increased by an amount equal to any increase exceeding 5.0% for the time period between the Order Month and the Evaluation Month. Siddons-Martin Emergency Group

and Pierce Manufacturing will provide documentation of such an increase and the updated price for the customer's approval before proceeding with completion of the order along with an option to cancel the order.

Due to global supply chain constraints, any delivery date contained herein is a good faith estimate as of the date of this order/contract. Delivery updates will be made available, and a final delivery date will be provided as soon as possible.

Force Majeure: Siddons-Martin Emergency Group shall not be liable for any failure or delay in the performance of its obligations if such failure or delay is due to causes beyond its reasonable control, including but not limited to acts of God, war, natural disasters, armed conflicts, acts of terrorism, labor disruptions, supply chain disruptions, governmental mandates, or any other events that are unforeseeable and unavoidable by Siddons-Martin Emergency Group. Should Siddons-Martin Emergency Group encounter such force majeure event, it shall promptly notify Customer in writing and shall use all reasonable efforts to mitigate the effects of the force majeure event and resume the performance of its obligations as soon as practicable.

Purchase price may be subject to new or increased tariffs, duties, taxes, or other governmental charges levied against, or made applicable to, the vehicle or any component thereof after the date of this proposal. Should such fees be enacted prior to order completion, Siddons-Martin Emergency Group reserves the right to revise the final cost to reflect the additional fees and will provide notice of any such adjustment.

Acceptance: To ensure the above stated terms and conditions are understood and adhered to, Siddons-Martin Emergency Group, LLC requires an authorized individual from the purchasing organization sign and date this proposal and include it with any purchase order. Upon signing of this proposal, the terms and conditions stated herein will be considered binding and accepted by the Customer. The terms and acceptance of this proposal will be governed by the laws of the State of Texas. No additional terms or conditions will be binding upon Siddons-Martin Emergency Group, LLC unless agreed to in writing and signed by a duly authorized officer of Siddons-Martin Emergency Group, LLC.

I, _____, the authorized representative of New Braunfels Fire Department, agree to purchase the proposed and agree to the terms of this proposal and the specifications attached hereto.

Customer Authorized Representative

Signature and Date

Sales Representative



Signature and Date

8/10/2026

Agenda Item No. C)

PRESENTER:

Barbara Coleman, Purchasing Manager

SUBJECT:

Approval of contract expenditures for annual routine recurring expenditures for FY 2026 in accordance with City Charter Section 9.17.

DEPARTMENT: Finance

COUNCIL DISTRICTS IMPACTED: NA

BACKGROUND INFORMATION:

Per section 9.17 of the City Charter, City Council approval is required for purchases that exceed \$100,000. In an effort to optimize staff efficiency and City operations, routine expenditures that occur every year and are included in the appropriate department budgets are brought forth as Bulk Spend for consideration by Council. This process eliminates the need for these expenditure requests to be brought to City Council individually throughout the year and ensures the City remains compliant with Local Government Code and the City Charter.

This action will allow purchases to be made as needed throughout the year and prevents delays in obtaining goods and/or services needed to maintain City operations. The purchases brought forth on Bulk Spend have been procured in accordance with Texas Local Government Code and each procurement method is documented accordingly. Cooperative Agreements utilized have been competitively vetted and identified to meet the requirements set forth by code.

The following requests are for additional expenditures to support needs for the remainder of FY 2026. Their original spend request was authorized by City Council on a previous date, as indicated below, and are requiring additional expenditures for the remainder of the fiscal year (through September 30, 2026).

As additional vendors that are anticipated to exceed the \$100,000 threshold are identified, they will be brought to City Council for approval at that time. Moreover, any purchases that warrant individual consideration and approval will still be brought to City Council as well.

The following purchases and estimated annual expenditures are recommended for City Council consideration:

VENDOR	PREVIOUS ACTION	REQUESTING ACTION	TOTAL AUTHORIZED SPEND	CONTRACT SOURCE
Angel Armor	CC 25-1270 -10/27/2025, for body armor as needed by Police Dept. staff with a Annual spend NTE \$130,000.	Requesting additional spend authority of \$25,000 to support staff needs, through end of FY26. Funding is incorporated into the appropriate operating budgets.	\$155,000	BuyBoard
AV Fuel	CC 21-757 - 8/9/2021 Approved contract with AV Fuel Corp. for Airport fuel used for resale - with estimated annual expenditure of \$1.2M -CC 25-1155 on 9-22-25 Approved latest contract renewal with an annual spend NTE \$2.5M.	Airport is requesting additional spending authority of \$400,000 to purchase aviation fuel which is sold to Airport customers. This is a 5-year contract, and it is in its 4 th year. The estimated annual spend has been \$2.5M, however, with fuel pricing volatility, \$400,000 additional spend is requested to cover projected sales through the end of FY 2026. Funding is supported with revenue collected from fuel sales.	\$2,900,000	City Contract
Galls, Inc.	CC 25-1270 - 10-27-25, for Police and Fire staff uniforms, such as bullet proof vest and other accessories as needed for with an annual spend NTE \$250,000 for FY 2026.	Requesting additional spending authority of \$40,000 to allow staff to purchase Fire and Police Department uniforms and accessories through the end of FY 2026.	\$290,000	BuyBoard

ISSUE:

Bulk purchases for various annual expenditures that will exceed the City's threshold of \$100,000 or additional spending authority needed for items previously approved by City Council to support operations for the remainder of FY 2026.

STRATEGIC PLAN REFERENCE:

N/A **Economic Mobility** N/A **Enhanced Connectivity** N/A **Community Identity**
YES Organizational Excellence N/A **Community Well-Being**

FISCAL IMPACT:

Funding for all initiatives and expenditures above are incorporated into the appropriate FY 2026 departmental budgets. However, the amounts above are estimates; actual costs are dependent upon needs. If the actual costs above exceed what was allocated in the budget for those services, departments are required to make up that difference elsewhere within their operating budget. This action does not increase the budget allocation for any fund.

RECOMMENDATION:

Staff are requesting approval of expenditures for annual routine recurring expenditures for FY 2026 in accordance with City Charter Section 9.17.

8/10/2026

Agenda Item No. D)

PRESENTER:

Becky Wiatrek, Assistant Director of Finance

SUBJECT:

Approval of a budget amendment for the following FY 2026 Special Revenue Funds: Cemetery Improvement Fund, Child Safety Fund, Facilities Maintenance Fund, Community Development Block Grant (CDBG), and Edwards Aquifer Habitat Conservation Plan (EAHCP) Fund

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

Special Revenue Funds account for revenues that are legally or administratively restricted for specific purposes, ensuring those funds are used only for the programs and activities for which they were intended. Because these revenues are dedicated to specific uses, fund balances may fluctuate throughout the year based on the timing of revenue collections and related expenditures and are not intended to accumulate unrestricted reserves.

The proposed budget amendments listed below are necessary to provide additional spending authority and, where applicable, recognize grant revenues received during Fiscal Year 2026. These amendments support operational needs, contractual obligations, facility repairs, and grant-funded projects that were either not anticipated or exceeded the appropriations included in the original FY 2026 budget. Approval of these amendments ensures the City maintains compliance with its budgetary requirements while allowing these restricted funds to be used for their intended purposes.

Cemetery Improvement Fund

The Cemetery Improvement fund is used to pay for maintenance and improvements at the City's cemeteries.

An increase of \$13,000 in operating expenditures is requested to provide sufficient spending authority for the Cemetery Improvement Fund. The amendment is primarily attributable to costs associated with the design of the Field of Graves project, which exceeded the original annual budget allocation. Approval of this amendment will allow the City to satisfy outstanding obligations through the remainder of the fiscal year.

Child Safety Fund

The Child Safety Fund, required by statute, is to be used to pay for safety programs for school-age children, including school crossing guards and other projects that enhance child safety, health, or nutrition.

An increase of \$442,018 is requested, consisting of \$318,778 in employee expenditures and \$123,240 in operating expenditures.

The employee expenditure increase reflects School Resource Officer salary costs that exceeded the amount originally budgeted. These costs will be fully reimbursed by New Braunfels Independent School District (NBISD) in accordance with the existing interlocal agreement.

The operating expenditure increase is necessary because the FY 2025 Crossing Guard payment to NBISD was not invoiced prior to fiscal year-end. Additional budget authority is needed to process both the outstanding FY 2025 payment and the current fiscal year payment as required under the interlocal agreement.

Facilities Maintenance Fund

The Facilities Maintenance Fund is used to set aside funds for unexpected repairs on the City's infrastructure. Funds are used to address major structural and system repairs in City buildings and parks.

An increase of \$66,500 in operating expenditures is requested to address unanticipated facility maintenance needs, including plumbing repairs at the Police Department Headquarters and replacement of an air conditioning unit at the New Braunfels Public Library.

Community Development Block Grant (CDBG) Fund

The CDBG Fund is used to track expenditures of all Community Development Block Grants federal entitlement funds.

An increase of \$150,000 in both revenues and operating expenditures is requested to account for previously unbudgeted Minor Home Repair Program projects funded through prior-year Community Development Block Grant allocations. These expenditures are fully reimbursable by the U.S. Department of Housing and Urban Development (HUD) and support critical health and safety improvements for income-qualified homeowners.

Edwards Aquifer Habitat Conservation Plan (EAHCP) Fund

The City of New Braunfels officially entered into the Edwards Aquifer Recovery Implementation Plan (EARIP) on October 24, 2011, and, at the same time, approved the Habitat Conservation Plan (HCP), the Funding Management Agreement (FMA) and the Implementing Agreement. In FY 2016, the City began the implementation of a watershed protection plan. The costs associated with the plan are reimbursed by TCEQ. The EAHCP/WPP Fund allows the City of New Braunfels to track all revenues and expenditures related to these two important programs.

An increase of \$275,000 in both revenues and operating expenditures is requested to recognize grant funding received for the design of a biofiltration system. The grant award was not anticipated when the FY 2026 budget was adopted and requires corresponding budget authority to complete the project.

The Table below is intended to provide an illustration of where the funds are planning to come from to support the budget amendments described above. For the first three, there is sufficient reserves to support the amendments. For the CDBG and EAHCP Funds, there are offsetting amendments to revenue, meaning that there is no fiscal impact from the amendment.

Fund	Revenue	Expenditures	FY2026 Estimated Ending Fund Balance
Cemetery Improvement Fund	—	\$13,000	\$258,551
Child Safety Fund	—	\$442,018	\$85,530
Facilities Maintenance Fund	—	\$66,500	\$1,738,635
Community Development Block Grant Fund	\$150,000	\$150,000	N/A
Edwards Aquifer Habitat Conservation Plan Fund	\$275,000	\$275,000	N/A

ISSUE:

N/A

FISCAL IMPACT:

These amendments provide the necessary budget authority and allocation to address operational needs, contractual obligations, facility repairs, and grant-funded projects. Grant-funded expenditures will be offset by corresponding revenues where applicable.

RECOMMENDATION:

Staff recommends approval of the proposed FY 2026 budget amendments for the Cemetery Improvement Fund, Child Safety Fund, Facilities Maintenance Fund, Community Development Block Grant Fund, and Edwards Aquifer Habitat Conservation Plan Fund.

8/10/2026

Agenda Item No. E)

PRESENTER:

Jared Werner, Assistant City Manager

SUBJECT:

Approval of a contract between the City of New Braunfels and the Humane Society of the New Braunfels Area for FY 2027.

DEPARTMENT: Finance**COUNCIL DISTRICTS IMPACTED:** All**BACKGROUND INFORMATION:**

Since 1980, the City of New Braunfels has partnered with the Humane Society of the New Braunfels Area, Inc. (HSNBA), a local not-for-profit, to jointly administer and operate various animal-related services for the community.

In 2023, HSNBA experienced significant financial hardship, including a period of insolvency. Over the past few years, the organization has made substantial progress toward long-term fiscal sustainability by establishing reserves and adopting a fund balance policy. To maintain a live release rate of 90% and continue providing efficient, high-quality animal care, HSNBA must reduce its reliance on grants and donations for operating costs -a long-standing practice that contributed to its prior financial instability. The most effective way to achieve this reduction is through increased contract revenue.

Transitioning away from dependence on one-time revenues for operations is a multi-year strategy. Consistent with prior years, staff recommends entering into another one-year agreement (October 1, 2026 - September 30, 2027) with a 13% increase in funding (excluding payment for dispatch services).

As discussed during the July 20, 2026, City Council presentation, once Comal County finalizes its contract amount for the upcoming fiscal year, City staff will return to Council with an update on the combined year-over-year increase in contract revenue provided by the City and County, as well as an estimate of the recurring operating expenditures that the combined contract revenue is expected to support.

The fiscal impact of this change is approximately \$74,000 annually and has been incorporated into the FY 2027 Proposed Budget.

ISSUE:

Establishing contract services with HSNBA for FY 2027.

STRATEGIC PLAN REFERENCE:

N/A **Economic Mobility** N/A **Enhanced Connectivity** N/A **Community Identity**
N/A **Organizational Excellence** YES **Community Well-Being**

FISCAL IMPACT:

As mentioned earlier, the fiscal impact from the amendments to the FY 2027 contract have been incorporated into the FY 2027 Proposed Budget.

RECOMMENDATION:

Staff recommend approval of this item.

SEVENTH AMENDED AND RESTATED AGREEMENT

This Seventh Amended Agreement, by and between the City of New Braunfels, a Home Rule Municipal Corporation located in Comal and Guadalupe Counties, Texas, hereinafter referred to as the "City", and the Humane Society of the New Braunfels Area, Inc., a Texas Non-Profit Corporation located in New Braunfels, Comal County, Texas, hereinafter referred to as the "Humane Society", shall upon approval and execution be the effective Agreement between these parties commencing October 1, 2026.

WHEREAS, the City and the Humane Society entered into an Agreement for the Humane Society to operate and maintain animal welfare, care and welfare services as well as to operate and maintain an animal care facility for the purpose of sheltering lost or abandoned animals until humanely disposed of in accordance with the principles of the Humane Society and all applicable state and local rules and regulations; and

WHEREAS, the City, the Humane Society, and local veterinary medical providers agree that providing preventive vaccination services to animals at intake improves the health and welfare of animals in shelter care; and

WHEREAS, the City has a continuing need for animal impoundment facilities to house, board and keep animals collected by City Animal Welfare Officers, City-appointed agents, and residents of the City of New Braunfels; and

WHEREAS, the City Council of the City of New Braunfels authorizes the City Manager to amend the previous Agreement with the Humane Society.

NOW THEREFORE, it is hereby agreed that all animals collected by the aforementioned parties shall be impounded for the time prescribed by the City's animal welfare ordinances and the policies adopted by the Humane Society at the Humane Society's shelter in accordance with the terms, conditions and agreements as follows:

1. Definitions: For the purposes of this Agreement the following terms are defined as follows:
 - A. "Animal" means every non-human species of animal, both domestic and wild.
 - B. "Animal Fees" refers to animal service fees, disposal fees, and impoundment fees

- collected by the City or the Humane Society over a twelve (12) month period.
- C. "Animal Ordinances" means the City of New Braunfels Code of Ordinances, Chapter 6 - Animals, and any related ordinances, and all amendments thereto.
 - D. "City" means and refers to the City of New Braunfels, in Comal and Guadalupe Counties, Texas.
 - E. "Humane Society" means the Humane Society of the New Braunfels Area, Inc.
 - F. "Live Outcome" means the number of animals who are adopted, rescued, transferred to another shelter, returned to their owners after being lost, or cats placed via the TNR program "Trap-Neuter-Return".
 - G. "Major Holidays" means those holidays observed by the Humane Society and is limited to no more than fourteen (14) per year.
 - H. "Quarantine" or "Quarantine Services" means and refers to the strict confinement, for the purpose of preventing the spread of disease, under restraint by closed cage, isolation, kennel, rabies chamber, paddock, or any other manner approved by the local health authority on the premises of the Humane Society. This also includes the daily rabies review of all City animals under quarantine at the Humane Society by Humane Society staff.
 - I. "Quarantine Period" means that portion of the observation period during which an animal is physically confined for observation as provided for under section 6-109 of the City's Code of Ordinances as amended.
 - J. "Shelter" and "Premises" are used interchangeably, and both refer to and mean the Humane Society's animal shelter, currently addressed at 3353 Morningside Drive, New Braunfels, Texas, and any subsequent location.
- 2. Term: This Agreement shall begin on October 1, 2026, the effective date, and shall continue for a period of one (1) year unless sooner terminated by either party by giving written notice of its desire to terminate this Agreement ninety (90) days prior to the desired effective termination date
 - 3. Animal Welfare Responsibilities: The Humane Society's responsibility for a seized animal shall not begin until the animal is in custody of the Shelter. The City agrees that all animals apprehended within the City limits by Animal Welfare Officers or the City's duly appointed agents shall be delivered either to the Shelter or the animal's owner. Once

impounded, animals shall remain under the control and custody of the Humane Society for such period of time as required under state law and the City's Animal Ordinances except as hereinafter stipulated.

4. Quarantine Services: The Humane Society agrees to provide Quarantine Services to the City for animals placed into quarantine with the Shelter by City personnel or its authorized agents in accordance with state statutes and local ordinances.
5. Payments:
 - A. Animal Service Fees - Beginning October 1, 2025, the City shall pay for animal services based on a per capita funding model. The annual payment amount will be calculated by multiplying the total population by the applicable per capita rate. Effective October 1st of each year, the calculation shall be updated using the most recent population estimate published on Census.gov and the per capita rate. The baseline established per capita rate for fiscal year 2026 is \$5.00, and in each subsequent year, the rate will be adjusted for annual inflation (calendar year) as determined by the Bureau of Labor Statistics, unless otherwise mutually agreed to in writing by both parties. In addition, the Humane Society may request a review and negotiation of the per capita rate to account for significant changes in operating costs, service levels, or other relevant factors. Any agreed-upon adjustment to the per capita rate shall be documented in the annual acknowledgement form executed by both parties. The total annual payment amount, as calculated each October 1, shall be paid out in twelve equal monthly installments on the 15th of every month. By September 1st of every year, City staff will prepare an acknowledgement form detailing the population, rate, and total annual payment for the upcoming fiscal year. This form shall be executed by both parties annually, no later than the 1st of October, prior to payments being made for the year in which the form applies.
 - B. Disposal Fees - The Humane Society shall pay the City on a monthly basis, all non-animal disposal fees. The City agrees to pay the disposal costs for animal remains accumulated at the Shelter.
 - C. Dispatch Services - In addition to the animal service fee stated above, the City shall pay the Humane Society on a monthly basis, on or before the 15th of each month, a fee of \$4,950 to cover the cost of dispatch services.
 - D. Facilities Use Fee Payment - The City has made payment in full for the facility use

fee and the City shall have no further obligation to the Humane Society regarding this Facilities Use Fee but shall still be granted the same impoundment space and access to facilities as provided in this Agreement.

- E. Impoundment Fee Payments - The Humane Society shall pay to the City on a monthly basis, on or before the 15th day of each month, all impoundment fees collected or received by the Humane Society from animal owners. Impound fees are set as per Chapter 6 code of ordinances.
 - F. Pet Registration - The Humane Society shall refer to the City any residents or providers who wish to register their pets. The Humane Society shall notify the Neighborhood Services Manager of any animals in-taken that are not licensed/registered.
6. Records and Reports:
- A. The Humane Society shall maintain, at its expense, a computer system to facilitate said record keeping. Such records shall include those listed below.
 - B. The Humane Society shall provide the City's Neighborhood Services Manager a monthly report, in addition to the statement described in Section 5(A) above, that provides the following information on a per month basis for animals brought in by City Animal Welfare Officers, Appointed Agents or City residents:
 - (1) The number of animals received sorted by:
 - a. Animals delivered by the City's Animal Welfare Officers and Appointed Agents
 - b. Animals not delivered by the City's Animal Welfare-Officers and Appointed Agents
 - (2) The number of animals euthanized
 - (3) The number of animals adopted
 - (4) The number of animals reclaimed
 - (5) The total amount of impoundment fees collected
 - C. The Humane Society agrees to submit to the City's Finance Department on September 15th of each year, a copy of its projected fiscal budget for the upcoming fiscal period detailing funding, planned operations, and any capital investments on assets, liabilities and equities. The Humane Society further agrees to submit to the City on January 31st of each year a copy of its final operating budget for that year. All financial statements and

reports shall be on forms approved by the City. In addition, the Humane Society agrees to allow the City to audit, at the City's expense, the Humane Society's books, financial and otherwise, maintained by the Humane Society, provided the City provides at least five (5) days written notice of its intent to perform an audit. The Humane Society agrees to provide the City and its auditors with complete access to all records necessary to perform said audit.

D. On a quarterly basis, the Humane Society will provide the following financial document to the City's Finance Department in a mutual effort to ensure and maintain fiscal health for the benefit of the taxpayers:

- (1) Bank reconciliations
- (2) Income statement
- (3) Balance sheet
- (4) IRS-990 Tax Form and supporting documentation (annual)
- (5) Quarterly budget spend worksheet
- (6) Monthly/quarterly operating report

7. Operation: The Humane Society agrees to operate and maintain the Shelter in a safe, humane and business-like manner, in compliance with all State regulations, and in a manner comparable with other animal shelters. Without limiting the foregoing, operation of the Shelter shall include the following:

A. Hours of Operation - Animal Welfare Officers shall have twenty-four (24) hour access to the Shelter for the delivery of animals. The Shelter's hours of operation shall be conspicuously posted at the Shelter and viewable by the public twenty-four (24) hours a day, seven days a week. Excluding Major Holidays and two (2) days of required training, the Shelter will be open to the public each week a minimum of thirty-six (36) hours, as follows:

- (1) Monday through Friday - Thirty (30) hours minimum
- (2) Saturday and Sunday Six (6) hours minimum, with at least four (4) hours on Saturday

B. Dispatch - The Humane Society shall provide dispatch service for Animal Welfare Officers during the thirty-six (36) hours of public operation outlined above. In addition, the Humane Society shall provide an additional twelve (12) hours of dispatch service whether or not the shelter is open to the public. The Shelter shall

provide dispatch service at least six (6) days per week for a minimum of forty-eight (48) hours total dispatch service per week. The Shelter is not required to provide dispatch service when the Shelter is closed for major holidays or for the aforementioned two training days. The Humane Society shall inform the City's Neighborhood Services Manager if the shelter will be closed for training so that the City can ensure alternative dispatch services no later than seven (7) days before the scheduled closure.

- C. Equipment - The City shall provide, install, maintain and pay for the following equipment for use by the Shelter in providing dispatch services:
- (1) Telephone – A dedicated telephone and telephone line with a separate directory listing for Animal Welfare and Rescue at the Shelter. The telephone shall be equipped with call forwarding or other such switching device as to allow the routing of calls to the City's Police Dispatch when the Shelter is closed. The Humane Society agrees not to use the line for other Shelter business.
 - (2) Radio - Radio dispatch equipment, including but not limited to the placement of a base radio and antenna at the Shelter.
- D. Ownership of Animals Delivered to Shelter - The City agrees, to the extent permitted by law, that every dog, cat or other animal, licensed or unlicensed, not claimed or redeemed by the owner before the expiration of the dates specified in the City's Animal Ordinances, shall become the sole and exclusive property of the Humane Society, so that neither the City nor any agency of the City shall have any claim or right to said animals. Once an animal has become the property of the Humane Society, it may sell any animal, save and except for dogs and cats, according to the procedures outlined in the City's Animal Ordinances and all sale proceeds shall be the property of the Humane Society.
- E. Disposal of Animals - The City agrees that the Humane Society may, in accordance with its principles, humanely dispose of every animal placed in its custody, in a manner consistent with the City's Animal Ordinances. The Humane Society is authorized to euthanize any animal placed in its custody by the City or the City's agents and not redeemed or adopted within the time periods outlined in the City's Animal Ordinances. An animal may be euthanized if its owner cannot be determined

or contacted within a reasonable time and when, in the opinion of the Animal Welfare Officer, the Shelter Director or their designees, in consultation with a licensed veterinarian, it would be more humane to euthanize the sick or injured animal than to attempt to preserve its life for the designated impoundment or holding periods set forth in the Animal Ordinances.

- F. Shelter Conditions - The Humane Society agrees to provide suitable, safe and sanitary kennels, cages and pens for the impoundment of all animals in its custody and shall be responsible for their safekeeping for the impoundment periods as set forth in the City's Animal Ordinances.
- G. Liability - The Humane Society shall not be held liable to any person for the detention of any animal delivered to the Shelter by the City or its agent, provided the detention is in accordance with the City's Animal Ordinances.
- H. Employment - Nothing in this Agreement shall be construed as altering the employment status of the City's Animal Welfare Officers. Animal Welfare Officers are City employees. Disciplinary authority over Animal Welfare Officers shall be the exclusive domain of the City. The City is responsible for providing all vehicles, equipment, salaries, dispatch forms, records, office supplies and photocopy services to be utilized by the City's Animal Welfare Officers. All such equipment and supplies provided by the City shall remain the property of the City.
- I. Additional Considerations - The Humane Society agrees to provide all customary utility services for animal welfare operations. The Humane Society agrees to provide the following animal welfare services, including but not limited to housing, intake functions, isolation and quarantine facilities, and targeted medical treatment. The Humane Society further agrees to the following:
 - (1) The Humane Society will strive to maintain "Live Outcome" status and continue to reduce euthanasia, promote the humane treatment of animals, promote enhanced animal adoptions and fostering, advocate proactive Spay/Neuter initiatives, community education, and provide safe harbor for animals afflicted by neglect, abandonment and abuse, and in pursuit of such the Humane Society agrees to maintain representation on the City's Animal Services Advisory Board as currently structured.
 - (2) The Humane Society agrees to develop, provide, and maintain a web-based

program which shall be made available to the City's Animal Welfare and Rescue Division. The web-based program will allow animal welfare officers the capability to remotely access the information collected and documented by the Humane Society, including but not limited to current animal intake information, impoundment status, calls for service, demographic details, animal vaccination and licensing information, and other similar particulars.

- (3) The Humane Society agrees that the City shall have first right of refusal to purchase its real property addressed at 3353 Morningside Drive, New Braunfels, Texas if the Humane Society decides to sell. The City has paid the Humane Society ten dollars (\$10) and other valuable consideration for the first right of refusal, the sufficiency and receipt of such consideration is hereby acknowledged. Additionally, the City shall be afforded the right to purchase the personal property if the Humane Society decides to sell the Humane Society's personal property located at the Shelter. An appraisal at the time of the sale shall determine the fair market value of the real and personal property. The final purchase price for the City shall be equal to the difference remaining after deduction of all accrued facilities use fee amounts paid to the Shelter, as described in Section 5.D, at the time of sale.
- (4) The Humane Society agrees to contact and notify the City within twenty-four (24) hours of any potential or actual material changes impacting the operation of the facility, changes which may include, but are not limited to the following reportable events:
- a. Signs or symptoms of potential or actual zoonotic disease transmission or similar communicable disease outbreak conditions;
 - b. Adding to or reducing indoor or outdoor space(s);
 - c. Reducing the number of currently existing quarantine units;
 - cl. Receiving notice of failure or substandard compliance with statutory minimum standards pursuant to applicable Texas Department of State Health Services inspection reviews;
 - e. Changing the type of animals to be cared for;
 - f. Changing the hours, days, or months of operation;
 - g. Offering new services, which may fiscally affect contractual stipulations

found in this Agreement;

h. Extended utility outages; or

i. Closing temporarily.

- (5) The Humane Society agrees to provide a copy of the Texas Department of State Health Services facility inspection report to the City upon request and annually.
 - (6) The Humane Society agrees to develop written daily operational policies and practices related to animal care and housing, zoonotic disease control, isolation and separation protocols, and cleaning and disinfection procedures, updating and introducing industry best management practices whenever possible. The Humane Society agrees to provide copies of said documents to the City for review.
 - (7) The Humane Society agrees to allow City inspection officials access to enter the Shelter, in order to conduct periodic inspections of the premises to ensure compliance with the terms of this agreement, City ordinances and/or building codes.
 - (8) The Humane Society agrees to allow a City liaison to be a representative on the Humane Society's Board of Directors and attend regular board meetings as well as any board meetings in which fiscal/budgetary matters will be discussed/considered. The Humane Society shall notify the City liaison at least 30 days prior to each meeting.
 - (9) The Humane Society agrees to provide a presentation to the City Council twice annually, in the months of May and November, unless the City and Humane Society agree otherwise, to update the City Council on its business operations, financial condition, and community impacts. The City shall provide the Humane Society with any specific requests for information or topics to be included in such presentations no later than thirty (30) days prior to the scheduled presentation date.
8. Conflicts: It is mutually agreed that in all cases of conflict between this Agreement, State law and the City's Animal Ordinances, State law and the City's Ordinances shall prevail.
 9. Notice: The City agrees to provide the Humane Society notice of any proposed amendment to the City's Animal Ordinances at least two (2) weeks prior to the amendment's first reading before the City Council. Notwithstanding the foregoing, failure to provide notice in accordance with this Agreement shall in no way affect the

validity of any amendment to the City's Animal Ordinances. All notices required to be furnished in writing under the terms of this Agreement shall be furnished to the City at the following address:

City of New Braunfels, Texas
550 Landa Street
New Braunfels, TX 78130
Attention: Neighborhood Services Manager

and shall be provided to the Humane Society at the following address:

Humane Society of the New Braunfels Area, Inc.
3353 Morningside Drive
New Braunfels, TX 78130
Attention: Director

Any notice sent to any other address shall be insufficient to comply with the provisions of this Agreement. Notices will be deemed furnished when deposited in the United States mail postage prepaid.

10. Amendments: This Agreement may be amended upon not less than ninety (90) days' prior written notice by either the City or the Humane Society, provided that any such amendment shall be in writing and duly approved and executed by both parties.
11. Indemnification: The Humane Society shall indemnify and hold the City harmless from any liability from claims, demands and expenses, including attorney fees that may arise due to actions by the Humane Society in the performance of its duties pursuant to this Agreement.
12. Miscellaneous: The City shall have no further responsibility to the Humane Society other than as set forth in this Agreement. The Humane Society shall not have any authority over the City or its agents, except as set forth in this Agreement. The Humane Society shall not have any further responsibility to the City other than as set forth in this Agreement and the City shall not have any authority over the Humane Society employees, or other individuals affiliated with the Humane Society, except as set forth in this Agreement. Venue for any dispute or legal action arising under this Agreement shall be in Comal County, Texas.
13. Special Clauses:
 - A. In the event the Humane Society's reserve funds fall below the equivalent of three (3) months of operating expenses, the Humane Society may submit a written request to the City for emergency funding. Such request shall include, documentation of the Humane

Society's current financial condition and operating deficits, a summary of all grant applications submitted within the preceding six (6) months and their status, a comprehensive report of all fundraising and donor solicitation efforts undertaken during the same period, and the amount of supplemental funding requested. The City and the Humane Society agree that:

- (1) Upon receipt of the request, the City shall review the documentation and determine whether emergency funding is warranted. If approved, funds shall be disbursed to the Humane Society within 15 days of City Council authorization.
 - (2) Following any emergency funding disbursement, the Humane Society shall provide the City with monthly financial updates until reserves are restored to at least three (3) months of operating expenses.
- B. In the event a new agreement between the City and the Humane Society is not reached by the expiration of this Agreement, an automatic extension of the prior agreement will remain in full force and effect on a year-to-year basis subject to applicable law.
- C. The City and the Humane Society undertake to act in good faith to do all things reasonably within their power that are necessary or desirable to ensure realization of the spirit and intent of this Agreement.

IN WITNESS WHEREOF, the Humane Society, by and through its President, and the City, acting through its City Manager, duly authorized by the City Council of the City of New Braunfels, enter into this Agreement with an effective date of the 1st day of October 2026.

THE HUMANE SOCIETY OF THE NEW
BRAUNFELS AREA, INC., A TEXAS NON-
PROFIT CORPORATION.

By: _____
_____, Executive Director

ATTEST:

_____, HSNBA Board Member

ATTEST:

_____, HSNBA Board Member

CITY OF NEW BRAUNFELS

By: _____
Robert Camareno, City Manager

8/10/2026

Agenda Item No. F)

PRESENTER:

Christopher Greenwell, Budget Manager

SUBJECT:

Approval of a Resolution of the City Council of the City of New Braunfels, approving the submission of a grant application to the Texas Department of Transportation, and authorizing the City Manager to act on behalf of the City of New Braunfels and the New Braunfels National Airport in all matters related to application for funding through the Airport Infrastructure Grant program for the New Braunfels National Airport Pavement Rehabilitation Construction Project and pledging that the City of New Braunfels will comply with the grant requirements of the Texas Department of Transportation.

DEPARTMENT: Economic Development (New Braunfels National Airport) and Finance

COUNCIL DISTRICTS IMPACTED: Citywide

BACKGROUND INFORMATION:

The New Braunfels National Airport has infrastructure (runways and taxiways) that have been operating since the airfield was built by the US Army Air Corps in 1940. Current taxiways need preventive maintenance to ensure continued operations. Recent projects on the airport have addressed Runway 17-35, the north ramp, Taxiway A, and repairs on Runway 13-31. The current project will now focus on Taxiways A, E, and F.

Funding for the project originates with the Bipartisan Infrastructure Law (BIL), which appropriated funds specifically for airports within the National Plan of Integrated Airport Systems (NPIAS). As a National Airport, New Braunfels was awarded a total of \$3,820,000 over five annual installments to support airport infrastructure, including perimeter security fencing of the property and rehabilitation of the Airport's aging runways and taxiways. The perimeter fencing project has been completed. The remaining BIL funds of \$2,190,772 plus Federal Entitlement Grant funds of \$450,000 will now be used to support the pavement rehabilitation project for a total project budget of \$2,779,760.

Federal funding of \$2,640,772, along with a 5% local match of \$138,988 will be used to support the project totaling the project budget of \$2,779,760.

ISSUE:

Rehabilitation efforts are necessary for approximately 37,000 square yards of taxiways A, A1, E, and F to preserve pavement integrity, reduce foreign object debris, and extend the service life of the airfield infrastructure.

STRATEGIC PLAN REFERENCE:

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

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

FISCAL IMPACT:

If awarded, Federal funding will cover 95 percent of eligible project costs for the New Braunfels National Airport Pavement Rehabilitation Construction Project. The total project cost is estimated at \$2,779,760, with \$2,640,772 funded through the grant and the remaining \$138,988 supported by the Airport Fund. This item is for approval of the resolution for submission of the grant application only. It is not approving the actual expenditures. The related expenditures will be incorporated into the FY 2027 Proposed Budget.

RECOMMENDATION:

Staff recommends approval of the resolution.

RESOLUTION 2026-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF NEW BRAUNFELS AND THE NEW BRAUNFELS NATIONAL AIRPORT IN ALL MATTERS RELATED TO APPLICATION FOR FUNDING THROUGH THE AIRPORT INFRASTRUCTURE GRANT PROGRAM FOR THE NEW BRAUNFELS NATIONAL AIRPORT: CONSTRUCTION PROJECT AND PLEDGING THAT THE CITY OF NEW BRAUNFELS WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE TEXAS DEPARTMENT OF TRANSPORTATION.

WHEREAS, the City of New Braunfels intends to make certain improvements to the existing taxiways of the New Braunfels National Airport; and

WHEREAS, the general description of the project is described as: the rehabilitation of 37,000 square yards of existing paved taxiways A, A1, E, and F to maintain the structural integrity of the pavement and to minimize foreign object debris/maintain the structural integrity of the pavement to extend their useful lives; and

WHEREAS, the City of New Braunfels intends to request financial assistance from the Texas Department of Transportation for these improvements; and

WHEREAS, the total construction project budget is \$2,779,760; and the City of New Braunfels will be responsible for the total project cost and will seek 95% reimbursement from TxDOT.

NOW, THEREFORE, BE IT RESOLVED, that the City of New Braunfels hereby directs the City Manager of the City of New Braunfels to execute on behalf of the City of New Braunfels and the New Braunfels National Airport, at the appropriate time, and with the appropriate authorizations of this governing body, all agreements with the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to New Braunfels National Airport.

PASSED, ADOPTED, AND APPROVED on this, the 10th day of August 2026.

City of New Braunfels, Texas

Michael French, Mayor

Attest:

GAYLE WILKINSON, City Secretary

Project Information Report

Facility Name:	New Braunfels Ntl	Facility ID:	BAZ
UPIN:	BCA0012865	State Project Number:	2615NWBRF
Project Title:	(Construct) Rehabilitate Taxiway (IIJA) (Sponsor Agent)		
Project Category:	Taxiway		
Shovel Ready Year:	2026		
Project Manager:	Ben Breck	Secondary Project Manager:	Ed Mayle
Contract Specialist:	Sheri Quinlan	Application:	New Project Application
Project Description:	Pavement rehabilitation of taxiways.		

Justification:	Pavement maintenance program
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TXDOT Scoping Date:

Talking Points:	This project rehabilitates 37,000 square yards of existing paved taxiways A, A1, E, and F to maintain the structural integrity of the pavement and to minimize foreign object debris/maintain the structural integrity of the pavement] to extend their useful lives.
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Environmental:

Comments:

Funding Requests

Fiscal Year	Funding Type	Phase Description	Amount
2026	Federal - BIL	Taxiway rehabilitation	\$2,190,772.00
2026	Federal Entitlement	Taxiway rehabilitation	\$450,000.00
2026	Local	Taxiway rehabilitation	\$138,988.00
Project State Total:			\$0.00
Project Federal Total:			\$2,640,772.00
Project Local Total:			\$138,988.00
Overall Project Total:			\$2,779,760.00

8/10/2026

Agenda Item No. G)

PRESENTER:

Katie Totman, Historic Preservation Officer
Applicant/Owner: Pamela Johnson

SUBJECT:

Approval of the second and final reading of an ordinance, requested by Pamela Johnson, granting the historic rehabilitation tax incentive for a period of 10 years for the property at 941 Lee Street, a locally designated historic landmark.

DEPARTMENT: Neighborhood & Community Planning**COUNCIL DISTRICTS IMPACTED:** 1**BACKGROUND INFORMATION:**

Case No: HTV26-175

Applicant/Owner:

Pamela Johnson
(830) 310-2498

Staff Contact:

Katie Totman, CNU-A
(830) 221-4086 | ktotman@newbraunfels.gov

The first reading of the ordinance was unanimously approved by City Council at their meeting on July 13, 2026 (6-0-1); Councilmember Capizzi had stepped out of chambers during the vote.

The applicant is requesting the historic rehabilitation tax incentive for improvements made to the property at 941 Lee Street, an individually designated historic landmark known as the Schulz-Johnson House.

Chapter 66-57.1 "Incentives" allows a property owner of a historic landmark to apply for the historic rehabilitation tax incentive for a period of 10 years, if the improvements made to the property are of qualifying expenses totaling at least 10 percent of the appraised value of the property. The incentive freezes the taxable value of the property to the assessed value before the improvements were made.

The scope of work for the property included driveway replacement and French drains to help mitigate potential water damage to the property, addition of gutters, HVAC replacement, and repairs/new flooring in the guest house (former original garage to the property). Staff verified that the necessary permits and approvals were obtained for the scope of work.

The rehabilitation work carried out exceeded the 10 percent requirement and is compliant with the issued Certificates of Alteration.

ISSUE:

City Council action is required to approve the Historic Tax Rehabilitation Incentive because it requires the adoption of an ordinance.

STRATEGIC PLAN REFERENCE:

☐Economic Mobility ☐Enhanced Connectivity ☒Community Identity

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

- Objective - Adopt the new Land Development Ordinance that implements goals of our residents identified in Envision New Braunfels, including but not limited to **protecting historic structures**, preserving and increasing green space and tree canopy, protecting natural resources, and **safeguarding the character, integrity, and stability of neighborhoods**.

COMPREHENSIVE PLAN REFERENCE:

The proposed historic rehabilitation tax incentive is consistent with the following actions from Envision New Braunfels:

- **Action 1.6:** Incentivize infill development and redevelopment to take advantage of existing infrastructure.
- **Action 2.2:** Prioritize areas that are best suited for conservation and preservation.
- **Action 2.25:** Increase resources for historic preservation.

FISCAL IMPACT:

The historic rehabilitation tax incentive allows property owners maintain and improve historic properties.

RECOMMENDATION:

Staff recommends approval. The local historic rehabilitation tax incentive is a benefit the City of New Braunfels offers to owners of historic structures who wish to rehabilitate the structure while maintaining the historic character of their property and ensuring its longevity. It is an incentive to encourage the preservation and long-term maintenance of our community's historic resources.



Scope of Work (Retroactive)

Work Completed 2022-2025

941 Lee St, New Braunfels TX 78130
Property ID 1776
City Block 4029, Lot 3-E 56.25', Life Estate

Objectives

- **Objective 1:** Replace 2004 Ruud (estimated useful life of approximately 15 years) split system in the main house that was noted as deficient on the 2018 home inspection report by Nathan Vick, Professional Inspector, TRED#20219
- **Objective 2:** Take a conservative approach to performing improvements until long-term adequate property drainage is achieved so flooding of the original one-car garage no longer occurs (original one-car garage was turned into a small guest house by previous homeowner)
- **Objective 3:** After reaching a complete solution for adequate property drainage, address water damage in the original one-car garage so the structure once again becomes useable

Timelines

The February 2026 update to the incentives ordinance places a 3-year lookback timeframe from when a complete retroactive application for certification and verification is submitted. A significant rehabilitation effort took place in 2022 and is included in this application for the Historic Landmark Commission's consideration during this time of ordinance transition. Table 1 includes actual costs of work performed by vendors and the associated objective. Itemized statements of actual work performed is included at the end of this document. Table 2 presents the fluctuating improvement values by year with actual costs noted. Improvement value is an important factor when determining the 10% threshold of the improvements value reflected on the tax rolls of the Comal Appraisal District.

Table 1: Final Costs* by Objective

Year-Month	Vendor	Cost	Objective
2022-4	EZ Air Conditioning and Heating	15,059.00	1
2022-4	Zellner Electric	2,555.00	1
2024-2	Lessards Gutters	1,393.50	2
2024-6	Olshan Foundation Solutions	6,500.00	2
2025-5	All Out Concrete	21,275.00	2
2025-5	Expert Flooring Services	3,570.55	3
Total:		50,353.05	

* Itemized statements included at the end of this document

BEFORE - Front of House for Context



BEFORE - Interior of Garage



BEFORE - Interior of Garage



BEFORE - Interior of Garage



BEFORE - Interior of Garage



AFTER - Interior of Garage



AFTER - Exterior of Garage



AFTER - Exterior of Garage/Casita



BEFORE - Driveway/Drainage Area





AFTER - Gutters

AFTER - Driveway/Drainage



AFTER - Driveway/Drainage



AFTER - Driveway/Drainage



AFTER - Driveway/Drainage



AFTER - Driveway/Drainage



AFTER - Driveway/Drainage



ORDINANCE NO. 2026-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, GRANTING A TAX RELIEF TO THE DESIGNATED HISTORIC LANDMARK LOCATED AT 941 LEE STREET ALSO BEING CITY BLOCK 4029, LOT 3-E 56.25', LIFE ESTATE, KNOWN AS THE SCHULZ-JOHNSON HOUSE FOR A PERIOD OF TEN YEARS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE

WHEREAS, the State of Texas has enacted legislation empowering municipalities to preserve and protect historic places, structures, buildings, and areas of historical and cultural importance and significance and

WHEREAS, the City Council is aware of the numerous places, structures, buildings and areas having historical and cultural importance and significance which reflect the heritage of the City, State and its people, and is committed to promote and protect the heritage of New Braunfels for the future and

WHEREAS, the City Council, on September 14, 1998, adopted an ordinance to provide a tax relief/incentive for the stabilization, rehabilitation, and renovation of properties and/or structures designated as historic landmarks, by the City of New Braunfels and

WHEREAS, the property owner has met all the requirements set forth in the ordinance adopted on September 14, 1998, and the application has been approved by the Historic Landmark Commission of the City of New Braunfels;

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

SECTION 1

THAT the property located at 941 Lee Street, CITY BLOCK 4029, LOT 3-E 56.25', LIFE ESTATE, be granted the ten-year tax relief as outlined in Section 66-57.1, Incentives, Historic Landmark Preservation, of the New Braunfels Code of Ordinances, City of New Braunfels, Texas.

SECTION 2

THAT should any paragraph, sentence, clause, phrase, or word of this ordinance is held unconstitutional or otherwise invalid, such infirmity shall not affect the validity of this ordinance, and any portions in conflict are hereby repealed.

SECTION 3

THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative means of publication provided by law.

SECTION 4

This ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED: First reading this 13th day of July, 2026.

PASSED AND APPROVED: Second reading this 10th day of August, 2026.

CITY OF NEW BRAUNFELS

BY: _____
Michael A. French , Mayor

ATTEST:

Gayle Wilkinson, City Secretary

APPROVED AS TO FORM:

Nathan Brown, Interim City Attorney

8/10/2026

Agenda Item No. A)

PRESENTER:

Ryan Kelso, NBU Chief Executive Officer

SUBJECT:

Discuss and consider the first reading amending Chapter 130, Article IV, Divisions 3,5,6 and of the City's Code of Ordinances to adjust residential and landscape irrigation drought surcharges; revise drought stage destinations and triggers; clarify definitions and related provisions; repeal conflicting ordinance; provide a savings clause; and establish an effective date.

DEPARTMENT: NBU**COUNCIL DISTRICTS IMPACTED:** All**BACKGROUND INFORMATION:**

The last time this ordinance amendment was brought before City Council was in March 2019, "relating to Water Conservation and Critical Period Management Plan, Regulated Activities, and Drought Management Plan," requiring a first and second reading and approval at that time, as well. While being responsible stewards, aiming to continue to protect essential water users, the proposed plan aims to align conservation and responsibility.

STRATEGIC PLAN REFERENCE:

N/A **Economic Mobility** N/A **Enhanced Connectivity** N/A **Community Identity**
N/A **Organizational Excellence** YES **Community Well-Being**

FISCAL IMPACT:

Fiscal impact would be related to the proposed and presented future drought surcharge adjustments.

RECOMMENDATION:

NBU staff recommend approval of the ordinance.

ORDINANCE NO. 2026-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING CHAPTER 130, ARTICLE IV, DIVISION 3, DIVISION 5, DIVISION 6, AND DIVISION 7, OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS ADJUSTING RESIDENTIAL AND LANDSCAPE IRRIGATION DROUGHT SURCHARGES; REVISING DROUGHT STAGE DESIGNATIONS AND TRIGGERS; CLARIFYING DEFINITIONS AND OTHER PROVISIONS; RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of New Braunfels, Texas (the “City”), owns and operates by and through New Braunfels Utilities its own water system in accordance with the laws of the State of Texas and the charter of said City; and

WHEREAS, the Council of the City of New Braunfels has heretofore established ordinances containing the rules, regulations, and policies for water conservation, drought management, and residential and landscape irrigation drought surcharges for the service area of New Braunfels Utilities and such ordinances have been codified in Chapter 130, Article IV, Code of Ordinances of the City; and

WHEREAS, by Resolution R-2026-205, adopted February 26, 2026, the New Braunfels Utilities Board of Trustees recommends amendments to Division 3, Division 5, Division 6, and Division 7 of Chapter 130, Article IV, Code of Ordinances, to, among other things, (i) adjust the residential and landscape irrigation and drought surcharges, (ii) revise drought stage designations and triggers, (iii) clarify definitions and other provisions as specified in Exhibit A; and

WHEREAS, in order to adopt the amendments recommended by the New Braunfels Utilities Board of Trustees, it is now necessary and advisable that Division 3, Division 5, Division 6, and Division 7 of Chapter 130, Article IV, Code of Ordinances, as heretofore established by ordinance, be amended.

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, Chapter 130, Article IV, Division 3, Division 5, Division 6, and Division 7 are hereby amended as set forth in Exhibit A, attached hereto and incorporated herein for all purposes, with underlined font indicating added language and strikethrough font indicating deleted language.

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 _____ day of _____, 2026.

PASSED AND APPROVED: Second reading this _____ day of _____, 2026.

CITY OF NEW BRAUNFELS

MICHAEL FRENCH, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

_____, City Attorney
(Name)

Exhibit A

DIVISION 3. SERVICE REQUESTS; RATES

Sec. 130-166. Requests for water service.

Service authorization for the use of water shall be issued only by authorized employees of NBU, who shall collect the proper payment amount according to the rates and fees established in NBU Connection Policies and Service Conditions Policy.

(Ord. No. 2002-29, § 1(Att. A), 7-22-02)

Sec. 130-167. Water rates.

- (a) *Service rate classifications.* All water service supplied shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this section:

Residential service.

Multi-unit permanent residential water service.

Small general service.

Large general service.

Fire hydrant service.

Landscaping/irrigation service.

Tanker service.

Wholesale service.

Contractual water service.

Experimental service.

- (b) *Determination of classification.* Upon application for service, NBU shall make the initial determination of the customer's service rate classification. The classification is subject to change in accordance with the provisions of this article.

Rate schedule administration and assignment. Upon request for water service from a prospective customer, NBU shall assign the appropriate rate classification for water service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If an existing customer receiving service changes the nature or character of water service requirements, then NBU shall, upon review of the information available pertaining to the revised water service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive water service under more than one of NBU's rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for water service after

consideration of the various service requirements, the potential impact on the NBU system, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing items due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing items.

(c) *Residential service rate.*

- (1) *Availability.* The residential service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
- (3) *Excluded uses.* The residential service rate shall not be applicable for service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge, as shown below, plus any special charges or adjustments.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
¾-inch and smaller	\$ 17.64	\$ 19.39
1-inch	\$ 31.98	\$ 35.15
1½-inch	\$ 36.27	\$ 39.86
2-inch	\$ 43.96	\$ 48.31
3-inch	\$ 63.85	\$ 70.17
4-inch and greater	\$ 75.28	\$ 82.73

Monthly volume charge. The monthly volume charge for water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
0—3,000	\$2.36	\$2.60
3,001—6,000	\$5.71	\$6.28
6,001—12,000	\$8.79	\$9.66
Excess of 12,000	\$ 13.46	\$ 14.80

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
 - b. The amount specified in any contract between the customer and NBU.
- (d) *Multi-unit permanent residential service rate.*
- (1) *Availability.* The multi-unit permanent residential service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The multi-unit permanent residential service rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings, or an individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.
 - (3) *Excluded uses.* The multi-unit permanent residential service rate shall not be applicable for service to individually metered residential dwellings.
 - (4) *Monthly rates.* The multi-unit permanent residential service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, as shown below, plus any special charges or adjustments.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
¾-inch and smaller	\$ 17.64	\$ 19.39
1-inch	\$ 31.98	\$ 35.15
1½-inch	\$ 36.27	\$ 39.86
2-inch	\$ 43.96	\$ 48.31
3-inch	\$ 63.85	\$ 70.17
4-inch and greater	\$ 75.28	\$ 82.73

Monthly volume charge. The monthly volume charge for water usage per 1,000 gallons, or any part thereof, shall be:

Number of Units	Gallons of Water Usage	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
2—4	0— 8,000	\$ 4.95	\$ 5.44
	8,001— 20,000	\$ 4.95	\$ 5.44
	Excess of 20,000	\$ 4.95	\$ 5.44
5—10	0— 20,000	\$ 4.95	\$ 5.44
	20,001— 40,000	\$ 4.95	\$ 5.44
	Excess of 40,000	\$ 4.95	\$ 5.44
11—25	0— 40,000	\$ 4.95	\$ 5.44
	40,001— 100,000	\$ 4.95	\$ 5.44
	Excess of 100,000	\$ 4.95	\$ 5.44
26—50	0— 100,000	\$ 4.95	\$ 5.44
	100,001— 200,000	\$ 4.95	\$ 5.44

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	Excess of 200,000	\$ 4.95	\$ 5.44
51—75	0— 200,000	\$ 4.95	\$ 5.44
	200,001— 300,000	\$ 4.95	\$ 5.44
	Excess of 300,000	\$ 4.95	\$ 5.44
76—100	0— 300,000	\$ 4.95	\$ 5.44
	300,001— 400,000	\$ 4.95	\$ 5.44
	Excess of 400,000	\$ 4.95	\$ 5.44
100 +	0— 400,000	\$ 4.95	\$ 5.44
	400,001— 800,000	\$ 4.95	\$ 5.44
	Excess of 800,000	\$ 4.95	\$ 5.44

Monthly unit charge. When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s), each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$13.72 per month effective August 1, 2025, and \$15.07 per month effective August 1, 2026.

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

(5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus the monthly unit charge, plus any special charges or adjustments; or
- b. The amount specified in any contract between the customer and NBU.

(e) *Small general service rate.*

- (1) *Availability.* The small general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The small general service rate is applicable to water service for any customer whose volumetric usage is less than 100,000 gallons per month, which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks, barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries and garden centers, retail businesses, and warehouses and other similar nonresidential customers.
- (3) *Monthly rates.* The small general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below, plus any special charges or adjustments.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
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¾-inch and smaller	\$24.18	\$26.57
1-inch	\$26.65	\$29.29
1½-inch	\$34.34	\$37.74
2-inch	\$43.96	\$48.31
3-inch	\$65.94	\$72.47
4-inch	\$100.01	\$109.91
6-inch	\$ 173.54	\$ 190.72
8-inch	\$ 203.32	\$ 223.44
10 inch and greater	\$ 247.28	\$ 271.76

Monthly volume charge. The monthly volume charge for water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
0—5,000	\$ 4.12	\$4.53
5,001—35,000	\$ 6.32	\$6.94
35,001—75,000	\$ 8.79	\$9.66
Excess of 75,000	\$ 13.19	\$ 14.49

Monthly unit charge. When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$13.72 per month effective August 1, 2025, and \$15.07 per month effective August 1, 2026.

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

(4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus the monthly unit charge, plus any special charges or adjustments, if applicable; or
- b. The amount specified in any contract between the customer and NBU.

(f) *Large general service rate.*

- (1) *Availability.* The large general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The large general service rate is applicable to customers with water consumption equal to or exceeding 100,000 gallons per month for at least six months of the immediately preceding 12-month billing period. The aggregate consumption of multiple meters shall not be used to determine eligibility for large general service. At least one non-irrigation meter must meet the stated consumption criteria to be eligible for large general service rates. The LGS rate shall not apply to small general service customers with one meter operating a multi-unit commercial property, regardless of usage volume.
- (3) *Monthly rates.* The large general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below. When a customer is reclassified to the LGS rate from another rate schedule,

the customer may not change to another rate classification within a 12-month period unless there is a substantial change in the character or conditions of service.

Monthly customer charge: \$439.60 effective August 1, 2025, and \$483.12 effective August 1, 2026.
Each meter shall incur a monthly customer charge regardless of consumption.

Monthly volume charge: \$4.12 per 1,000 gallons effective August 1, 2025, and \$4.53 per 1,000 gallons effective August 1, 2026

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
 - b. The amount specified in any contract between the customer and NBU.

(g) *Fire hydrant service rate.*

- (1) *Availability.* The fire hydrant service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The fire hydrant service rate is applicable to water service provided through a fire hydrant, whether metered or estimated. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required. A service charge of \$100.00 will be assessed to set and remove the fire hydrant meter.
- (3) *Monthly rates.* The fire hydrant service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge: \$384.65 effective August 1, 2025, and \$422.73 effective August 1, 2026

Monthly volume charge: \$9.34 per 1,000 gallons effective August 1, 2025, and \$10.27 per 1,000 gallons effective August 1, 2026

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
 - b. The amount specified in any contract between the customer and NBU.
- (5) *Deposit.* All customers using a fire hydrant meter shall furnish a deposit of \$300.00 or establish other means of credit acceptable to NBU.

(h) *Landscape/irrigation service rate.*

- (1) *Availability.* The landscape/irrigation service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The landscape/irrigation service rate is applicable to water service for a residential, small general service, and large general service rate classification customer who has a sprinkler or irrigation system on a separate water meter:
 - a. Dedicated exclusively to such purpose, and
 - b. Which is in addition to one or more other water meters serving the same location.
- (3) *Monthly rates.* The landscape/irrigation service rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
½-inch and smaller	\$ 17.64	\$ 19.39
1-inch	\$ 31.98	\$ 35.15
1½-inch	\$ 36.27	\$ 39.86
2-inch	\$ 43.96	\$ 48.31
3-inch	\$ 63.85	\$ 70.17
4-inch and greater	\$ 75.28	\$ 82.73

Monthly volume charge. The monthly volume charge for water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
0—6,000	\$8.52	\$9.36
6,001—20,000	\$9.89	\$10.87
Excess of 20,000	\$ 14.62	\$16.06

(4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
- b. The amount specified in any contract between the customer and NBU.

(i) *Tanker service rate.*

- (1) *Availability.* The tanker service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The tanker water service rate is applicable to water service provided at locations approved by NBU, whether metered or estimated. Under this rate, a customer may acquire and purchase water through the use of water tanker trucks or other mobile water transport containers. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required.
- (3) *Rates.* The rate for each tanker or other mobile water transport containers acquiring water at locations approved by NBU shall be the sum of the tanker charge and the volume charge, as shown below.

Tanker charge	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
Per month	\$384.65	\$422.73
Volume charge, per 1,000 gallons or any part thereof	\$9.34	\$10.27

(4) *Minimum charge.* The minimum charge for each tanker truck connection shall be the larger of the following:

-
- a. The tanker charge plus the volume charge, plus any special charges or adjustments; or
 - b. The amount specified in any contract between the customer and NBU.
 - (j) *Wholesale water service.*
 - (1) *Availability.* Wholesale water service is available under the rules, regulations, and policies, as set by contract and approved by the NBU board of trustees. Contracts for wholesale service will be approved only when water supplies are sufficient to satisfy the requirements of the contract without jeopardizing the water needs of the citizens of the city and customers of NBU.
 - (2) *Applicability.* A wholesale service contract is applicable for water service to water systems created by the appropriate agency of the state as well as to other water systems and purveyors which resell water or water service.
 - (3) *Rates.* The rate set by contract shall not be less than the marginal cost to serve that customer.
 - (k) *Contractual water service.* NBU shall have the right to enter into contracts with customers for water service subject to prior approval of the NBU board of trustees. Such water service charges may be calculated on the basis of customer classification as set forth in this article or on cost of service, at the election of NBU; however, the water service charge shall never be less than cost of service.
 - (l) *Experimental rate.*
 - (1) *Applicability.* The experimental rate shall be applicable to any and all rate class groups at times chosen by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
 - (2) *Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's sole discretion.
 - (3) *Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
 - (m) *Residential and landscape irrigation drought surcharges.*
 - (1) If stage 3 water use reduction measures are in effect, NBU will implement a \$4.18 per 1,000 gallon surcharge for residential usage greater than 12,000 gallons and for irrigation usage greater than 6,000 gallons per month.
 - (2) If stage 4 water use reduction measures are in effect, NBU will implement a \$4.89 per 1,000 gallon surcharge for residential usage greater than 12,000 gallons and for irrigation usage greater than 6,000 gallons per month.
 - (3) If stage 5 water use reduction measures are in effect, NBU will implement a \$4.89 per 1,000 gallon surcharge for residential usage greater than 6,000 gallons and for irrigation usage greater than 0 gallons per month.
 - (n) NBU is directed to provide updates to city council and the NBU board on NBU's financial status. City council retains the power to consider a review of NBU's rates at any time.

(Ord. No. 2002-29, § 1(Att. A), 7-22-02; Ord. No. 2002-48, §§ I, II, 12-9-02; Ord. No. 2007-78, § 2, 10-22-07; Ord. No. 2014-16, § I(Exh. A), 2-24-14; Ord. No. 2015-62, § I(Exh. A), 11-9-15; Ord. No. 2018-78, § 2, 11-26-18; Ord. No. 2019-72, § 2, 10-28-19; Ord. No. 2020-63, § 3, 10-26-20; Ord. No. 2023-27, § 3(Exh. A), 4-10-23; Ord. No. 2025-39, § 3 (Exh. A.), 6-23-25)

Sec. 130-168. Water service for acquired systems.

In any area served by an existing water system acquired by NBU, water rates may be set at an amount sufficient to provide a fair return on the adjusted value of the invested capital for such acquired water system used and useful in rendering service to the public; and, upon recovery in full by NBU of the entire cost of the acquired system, including interest and acquisition expenses, such rates for users of the acquired system shall revert to the rate for such services as provided in this article for the appropriate location and classification.

(Ord. No. 2002-29, § 1(Att. A), 7-22-02)

Sec. 130-169. Water tap charges.

Charges for water taps shall be based on the schedule of construction charges and impact fees as approved by the NBU board of trustees.

(Ord. No. 2002-29, § 1(Att. A), 7-22-02)

Sec. 130-170. Water rates—Reuse water.

- (a) *Availability.* Reuse water service is available under the rules, regulations, and policies, as set by contract and approved by the NBU board of trustees. Contracts for reuse water service will be approved only when reuse water supplies are sufficient, as determined by NBU, to satisfy the requirements of the contract.
- (b) *Rates.* The rate for sales of reuse water shall be established by contract between NBU and any customer proposing to use reuse water. The rate set by contract shall not be less than the marginal cost to serve that customer.
- (c) *Sale.* The sale of reuse water shall be in accordance with and subject to the regulations of the Texas Commission of Environmental Quality (TCEQ) and applicable statutes.

(Ord. No. 2002-29, § 1(Att. A), 7-22-02; Ord. No. 2007-65, § I, 7-23-07)

Editor's note(s)—Ord. No. 2007-65, § I, adopted July 23, 2007, changed the title of § 130-170 from "Water rates—Reclaimed water" to "Water rates—Reuse water." The historical notation has been preserved for reference purposes.

Sec. 130-171. Private water systems.

Pursuant to Section 13.042 of the Texas Water Code, the city surrenders to the Texas Commission on Environmental Quality its exclusive original jurisdiction over the rates, operations and services of privately owned water systems within the incorporated limits of the city.

(Ord. No. 2003-27, § I, 4-14-03)

Sec. 130-172. Billing adjustments.

Water supply fee. The water supply fee is the cost assessed to customers who have a volumetric usage. It consists of the cost of certain water supplies expressed as dollars per 1,000 gallons, to be multiplied by the gallons sold during a billing period to each customer. Prior to August 1 of each fiscal year, the water supply fee applicable to the months of August-July billing periods is to be calculated based on estimated variables for the period. The

amount will be reconciled annually with actual costs and credits. The New Braunfels Utilities Board will be apprised of any changes to the water supply fee.

(Ord. No. 2019-72, § 2, 10-28-19)

Secs. 130-173—130-185. Reserved.

DIVISION 3. SERVICE REQUESTS; RATES

Sec. 130-166. Requests for water service.

Service authorization for the use of water shall be issued only by authorized employees of NBU, who shall collect the proper payment amount according to the rates and fees established in NBU Connection Policies and Service Conditions Policy.

(Ord. No. 2002-29, § 1(Att. A), 7-22-02)

Sec. 130-167. Water rates.

- (a) *Service rate classifications.* All water service supplied shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this section:

Residential service.

Multi-unit permanent residential water service.

Small general service.

Large general service.

Fire hydrant service.

Landscaping/irrigation service.

Tanker service.

Wholesale service.

Contractual water service.

Experimental service.

- (b) *Determination of classification.* Upon application for service, NBU shall make the initial determination of the customer's service rate classification. The classification is subject to change in accordance with the provisions of this article.

Rate schedule administration and assignment. Upon request for water service from a prospective customer, NBU shall assign the appropriate rate classification for water service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If an existing customer receiving service changes the nature or character of water service requirements, then NBU shall, upon review of the information available pertaining to the revised water service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive water service under more than one of NBU's rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for water service after

consideration of the various service requirements, the potential impact on the NBU system, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing items due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing items.

(c) *Residential service rate.*

- (1) *Availability.* The residential service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
- (3) *Excluded uses.* The residential service rate shall not be applicable for service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge, as shown below, plus any special charges or adjustments.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
¾-inch and smaller	\$ 17.64	\$ 19.39
1-inch	\$ 31.98	\$ 35.15
1½-inch	\$ 36.27	\$ 39.86
2-inch	\$ 43.96	\$ 48.31
3-inch	\$ 63.85	\$ 70.17
4-inch and greater	\$ 75.28	\$ 82.73

Monthly volume charge. The monthly volume charge for water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
0—3,000	\$2.36	\$2.60
3,001—6,000	\$5.71	\$6.28
6,001—12,000	\$8.79	\$9.66
Excess of 12,000	\$ 13.46	\$ 14.80

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
 - b. The amount specified in any contract between the customer and NBU.
- (d) *Multi-unit permanent residential service rate.*
- (1) *Availability.* The multi-unit permanent residential service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The multi-unit permanent residential service rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings, or an individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.
 - (3) *Excluded uses.* The multi-unit permanent residential service rate shall not be applicable for service to individually metered residential dwellings.
 - (4) *Monthly rates.* The multi-unit permanent residential service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, as shown below, plus any special charges or adjustments.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
¾-inch and smaller	\$ 17.64	\$ 19.39
1-inch	\$ 31.98	\$ 35.15
1½-inch	\$ 36.27	\$ 39.86
2-inch	\$ 43.96	\$ 48.31
3-inch	\$ 63.85	\$ 70.17
4-inch and greater	\$ 75.28	\$ 82.73

Monthly volume charge. The monthly volume charge for water usage per 1,000 gallons, or any part thereof, shall be:

Number of Units	Gallons of Water Usage	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
2—4	0— 8,000	\$ 4.95	\$ 5.44
	8,001— 20,000	\$ 4.95	\$ 5.44
	Excess of 20,000	\$ 4.95	\$ 5.44
5—10	0— 20,000	\$ 4.95	\$ 5.44
	20,001— 40,000	\$ 4.95	\$ 5.44
	Excess of 40,000	\$ 4.95	\$ 5.44
11—25	0— 40,000	\$ 4.95	\$ 5.44
	40,001— 100,000	\$ 4.95	\$ 5.44
	Excess of 100,000	\$ 4.95	\$ 5.44
26—50	0— 100,000	\$ 4.95	\$ 5.44

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(Supp. No. 36, Update 1)

	100,001— 200,000	\$ 4.95	\$ 5.44
	Excess of 200,000	\$ 4.95	\$ 5.44
51—75	0— 200,000	\$ 4.95	\$ 5.44
	200,001— 300,000	\$ 4.95	\$ 5.44
	Excess of 300,000	\$ 4.95	\$ 5.44
76—100	0— 300,000	\$ 4.95	\$ 5.44
	300,001— 400,000	\$ 4.95	\$ 5.44
	Excess of 400,000	\$ 4.95	\$ 5.44
100 +	0— 400,000	\$ 4.95	\$ 5.44
	400,001— 800,000	\$ 4.95	\$ 5.44
	Excess of 800,000	\$ 4.95	\$ 5.44

Monthly unit charge. When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s), each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$13.72 per month effective August 1, 2025, and \$15.07 per month effective August 1, 2026.

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

(5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus the monthly unit charge, plus any special charges or adjustments; or
- b. The amount specified in any contract between the customer and NBU.

(e) *Small general service rate.*

- (1) *Availability.* The small general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The small general service rate is applicable to water service for any customer whose volumetric usage is less than 100,000 gallons per month, which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks, barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries and garden centers, retail businesses, and warehouses and other similar nonresidential customers.
- (3) *Monthly rates.* The small general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below, plus any special charges or adjustments.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
5/8-inch and smaller	\$24.18	\$26.57
1-inch	\$26.65	\$29.29
1½-inch	\$34.34	\$37.74
2-inch	\$43.96	\$48.31
3-inch	\$65.94	\$72.47
4-inch	\$100.01	\$109.91
6-inch	\$ 173.54	\$ 190.72
8-inch	\$ 203.32	\$ 223.44
10 inch and greater	\$ 247.28	\$ 271.76

Monthly volume charge. The monthly volume charge for water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
0—5,000	\$ 4.12	\$4.53
5,001—35,000	\$ 6.32	\$6.94
35,001—75,000	\$ 8.79	\$9.66
Excess of 75,000	\$ 13.19	\$ 14.49

Monthly unit charge. When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$13.72 per month effective August 1, 2025, and \$15.07 per month effective August 1, 2026.

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge, plus any special charges or adjustments, if applicable; or
 - The amount specified in any contract between the customer and NBU.
- (f) *Large general service rate.*
- (1) *Availability.* The large general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The large general service rate is applicable to customers with water consumption equal to or exceeding 100,000 gallons per month for at least six months of the immediately preceding 12-month billing period. The aggregate consumption of multiple meters shall not be used to determine eligibility for large general service. At least one non-irrigation meter must meet the stated consumption criteria to be eligible for large general service rates. The LGS rate shall not apply to small general service customers with one meter operating a multi-unit commercial property, regardless of usage volume.

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- (3) *Monthly rates.* The large general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below. When a customer is reclassified to the LGS rate from another rate schedule, the customer may not change to another rate classification within a 12-month period unless there is a substantial change in the character or conditions of service.

Monthly customer charge: \$439.60 effective August 1, 2025, and \$483.12 effective August 1, 2026.
Each meter shall incur a monthly customer charge regardless of consumption.

Monthly volume charge: \$4.12 per 1,000 gallons effective August 1, 2025, and \$4.53 per 1,000 gallons effective August 1, 2026

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
- b. The amount specified in any contract between the customer and NBU.

(g) *Fire hydrant service rate.*

- (1) *Availability.* The fire hydrant service rate is available under the rules, regulations, policies, and at the rates set forth in this section.

- (2) *Applicability.* The fire hydrant service rate is applicable to water service provided through a fire hydrant, whether metered or estimated. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required. A service charge of \$100.00 will be assessed to set and remove the fire hydrant meter.

- (3) *Monthly rates.* The fire hydrant service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge: \$384.65 effective August 1, 2025, and \$422.73 effective August 1, 2026

Monthly volume charge: \$9.34 per 1,000 gallons effective August 1, 2025, and \$10.27 per 1,000 gallons effective August 1, 2026

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
- b. The amount specified in any contract between the customer and NBU.

- (5) *Deposit.* All customers using a fire hydrant meter shall furnish a deposit of \$300.00 or establish other means of credit acceptable to NBU.

(h) *Landscape/irrigation service rate.*

- (1) *Availability.* The landscape/irrigation service rate is available under the rules, regulations, policies, and at the rates set forth in this section.

- (2) *Applicability.* The landscape/irrigation service rate is applicable to water service for a residential, small general service, and large general service rate classification customer who has a sprinkler or irrigation system on a separate water meter:

- a. Dedicated exclusively to such purpose, and
- b. Which is in addition to one or more other water meters serving the same location.

- (3) *Monthly rates.* The landscape/irrigation service rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
½-inch and smaller	\$ 17.64	\$ 19.39
1-inch	\$ 31.98	\$ 35.15
1½-inch	\$ 36.27	\$ 39.86
2-inch	\$ 43.96	\$ 48.31
3-inch	\$ 63.85	\$ 70.17
4-inch and greater	\$ 75.28	\$ 82.73

Monthly volume charge. The monthly volume charge for water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
0—6,000	\$8.52	\$9.36
6,001—20,000	\$9.89	\$10.87
Excess of 20,000	\$ 14.62	\$16.06

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
 - The amount specified in any contract between the customer and NBU.

(i) *Tanker service rate.*

- (1) *Availability.* The tanker service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The tanker water service rate is applicable to water service provided at locations approved by NBU, whether metered or estimated. Under this rate, a customer may acquire and purchase water through the use of water tanker trucks or other mobile water transport containers. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required.
- (3) *Rates.* The rate for each tanker or other mobile water transport containers acquiring water at locations approved by NBU shall be the sum of the tanker charge and the volume charge, as shown below.

Tanker charge	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
Per month	\$384.65	\$422.73
Volume charge, per 1,000 gallons or any part thereof	\$9.34	\$10.27

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- (4) *Minimum charge.* The minimum charge for each tanker truck connection shall be the larger of the following:
- The tanker charge plus the volume charge, plus any special charges or adjustments; or
 - The amount specified in any contract between the customer and NBU.
- (j) *Wholesale water service.*
- (1) *Availability.* Wholesale water service is available under the rules, regulations, and policies, as set by contract and approved by the NBU board of trustees. Contracts for wholesale service will be approved only when water supplies are sufficient to satisfy the requirements of the contract without jeopardizing the water needs of the citizens of the city and customers of NBU.
 - (2) *Applicability.* A wholesale service contract is applicable for water service to water systems created by the appropriate agency of the state as well as to other water systems and purveyors which resell water or water service.
 - (3) *Rates.* The rate set by contract shall not be less than the marginal cost to serve that customer.
- (k) *Contractual water service.* NBU shall have the right to enter into contracts with customers for water service subject to prior approval of the NBU board of trustees. Such water service charges may be calculated on the basis of customer classification as set forth in this article or on cost of service, at the election of NBU; however, the water service charge shall never be less than cost of service.
- (l) *Experimental rate.*
- (1) *Applicability.* The experimental rate shall be applicable to any and all rate class groups at times chosen by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
 - (2) *Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's sole discretion.
 - (3) *Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (m) *Residential and landscape irrigation drought surcharges.*
- (1) If stage ~~III~~ water use reduction measures are in effect, NBU will implement a \$~~1,004.18~~ per 1,000 gallon surcharge for residential usage greater than ~~1512~~,000 gallons and for irrigation usage greater than ~~7,5006,000~~ gallons per month.
 - (2) If stage ~~IV~~ water use reduction measures are in effect, NBU will implement a \$~~2,004.89~~ per 1,000 gallon surcharge for residential usage greater than ~~1512~~,000 gallons and for irrigation usage greater than ~~7,5006,000~~ gallons per month.
 - (3) If stage 5 water use reduction measures are in effect, NBU will implement a \$4.89 per 1,000 gallon surcharge for residential usage greater than 6,000 gallons and for irrigation usage greater than 0 gallons per month.
- (n) NBU is directed to provide updates to city council and the NBU board on NBU's financial status. City council retains the power to consider a review of NBU's rates at any time.

(Ord. No. 2002-29, § 1(Att. A), 7-22-02; Ord. No. 2002-48, §§ I, II, 12-9-02; Ord. No. 2007-78, § 2, 10-22-07; Ord. No. 2014-16, § I(Exh. A), 2-24-14; Ord. No. 2015-62, § I(Exh. A), 11-9-15; Ord. No. 2018-78, § 2, 11-26-18; Ord. No. 2019-72, § 2, 10-28-19; Ord. No. 2020-63, § 3, 10-26-20; Ord. No. 2023-27, § 3(Exh. A), 4-10-23; Ord. No. 2025-39, § 3 (Exh. A.), 6-23-25)

Sec. 130-168. Water service for acquired systems.

In any area served by an existing water system acquired by NBU, water rates may be set at an amount sufficient to provide a fair return on the adjusted value of the invested capital for such acquired water system used and useful in rendering service to the public; and, upon recovery in full by NBU of the entire cost of the acquired system, including interest and acquisition expenses, such rates for users of the acquired system shall revert to the rate for such services as provided in this article for the appropriate location and classification.

(Ord. No. 2002-29, § 1(Att. A), 7-22-02)

Sec. 130-169. Water tap charges.

Charges for water taps shall be based on the schedule of construction charges and impact fees as approved by the NBU board of trustees.

(Ord. No. 2002-29, § 1(Att. A), 7-22-02)

Sec. 130-170. Water rates—Reuse water.

- (a) *Availability.* Reuse water service is available under the rules, regulations, and policies, as set by contract and approved by the NBU board of trustees. Contracts for reuse water service will be approved only when reuse water supplies are sufficient, as determined by NBU, to satisfy the requirements of the contract.
- (b) *Rates.* The rate for sales of reuse water shall be established by contract between NBU and any customer proposing to use reuse water. The rate set by contract shall not be less than the marginal cost to serve that customer.
- (c) *Sale.* The sale of reuse water shall be in accordance with and subject to the regulations of the Texas Commission of Environmental Quality (TCEQ) and applicable statutes.

(Ord. No. 2002-29, § 1(Att. A), 7-22-02; Ord. No. 2007-65, § I, 7-23-07)

Editor's note(s)—Ord. No. 2007-65, § I, adopted July 23, 2007, changed the title of § 130-170 from "Water rates—Reclaimed water" to "Water rates—Reuse water." The historical notation has been preserved for reference purposes.

Sec. 130-171. Private water systems.

Pursuant to Section 13.042 of the Texas Water Code, the city surrenders to the Texas Commission on Environmental Quality its exclusive original jurisdiction over the rates, operations and services of privately owned water systems within the incorporated limits of the city.

(Ord. No. 2003-27, § I, 4-14-03)

Sec. 130-172. Billing adjustments.

Water supply fee. The water supply fee is the cost assessed to customers who have a volumetric usage. It consists of the cost of certain water supplies expressed as dollars per 1,000 gallons, to be multiplied by the gallons sold during a billing period to each customer. Prior to August 1 of each fiscal year, the water supply fee applicable to the months of August-July billing periods is to be calculated based on estimated variables for the period. The amount will be reconciled annually with actual costs and credits. The New Braunfels Utilities Board will be apprised of any changes to the water supply fee.

(Ord. No. 2019-72, § 2, 10-28-19)

Secs. 130-173—130-185. Reserved.

***DIVISION 5. WATER CONSERVATION AND CRITICAL PERIOD MANAGEMENT
PLAN—GENERALLY***

Sec. 130-206. Definitions.

Air conditioning system(s) means a mechanical system generally consisting of a compressor, thermostat and duct work permanently installed in a building for the purpose of controlling humidity and temperature. For the purposes of this article, an air conditioning system does not include window units.

Aesthetic use means the use of water for outdoor fountains, waterfalls, and landscape lakes, ponds, or other water related features where such use is entirely ornamental and serves no other functional purpose.

Agricultural irrigation means irrigation for the purpose of growing crops commercially for human consumption or to use as feed for livestock or poultry.

Athletic field means a sports playing field, the essential feature of which is turf grass, used primarily for organized sports for schools, professional sports, or organized league play.

Automatic irrigation controller means a device that automatically activates and deactivates an irrigation system at times selected by the operator.

Base usage means the average monthly total water usage for the three lowest months of November and December and the following January and February during each of the three consecutive 12-month periods preceding the commencement of the user's use of water.

Beneficial use means the amount of water that is economically necessary for a purpose not otherwise prohibited by the city, state or federal law or regulation, when reasonable intelligence and reasonable diligence is used in applying water for that purpose.

Blowdown meter means a meter that tracks the amount of water discharged from a cooling tower system.

Bucket means a bucket or other container holding five gallons or less, used singly by one person.

CEO means the chief executive officer of NBU or designee.

Certificate of convenience and necessity (CCN) means the service area of NBU as granted by the TCEQ. Also referred to as the certified service area.

Cfs means cubic feet per second.

Commercial dining facility means a business that serves prepared food and beverages to be consumed on the premises.

Computer controlled irrigation system (CCIS) means a system comprised of a computer controller (digital operating system), software, interface modules, satellite field controllers, soil sensors, weather station, or similar devices which is capable of achieving maximum efficiency and conservation in the application of water for irrigation. A CCIS, at a minimum, should be designed to:

- (1) Prevent overwatering, flooding, pooling, evaporation and run-off; and
- (2) Prohibit sprinkler heads from applying water at an intake rate exceeding the capability of the soil.

Conductivity controller means a device used to measure the conductivity of total dissolved solids in the water of a cooling system and control the discharge of water in order to maintain efficiency.

Conservation compliance officer or compliance officer means the person acting in the position of conservation compliance officer.

Conservation coordinator or coordinator means the person acting in the position of conservation coordinator of New Braunfels Utilities.

Cooling tower means an open water recirculation device that uses fans or natural draft to draw or force air to contact and cool water through the evaporative process.

Day means a 24-hour period beginning at midnight.

Drip irrigation means an irrigation system (drip, porous pipe, etc.) designed to emit water at low pressures directly onto soil surface or below soil surface without airborne streams or droplets.

Drought means any condition, whether man-made or natural, where the available water supply or resources are not meeting the water demand, or if the water supply or resources are being depleted at a faster rate than they are being replenished. It is not intended to be limited to any meteorological definition of the term.

Drought management plan means the plan for management of the aquifer described and set out in division 7, as amended from time to time.

EAA means Edwards Aquifer Authority.

Edwards Aquifer or aquifer means that portion of an arcuate belt of porous, water-bearing, predominately carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone extending from west to east to northeast from the hydrologic division near Brackettville in Kinney County that separates underground flow toward the Comal Springs and San Marcos Springs from underground flow to the Rio Grande Basin through Uvalde, Medina, Atascosa, Bexar, Guadalupe and Comal counties, and in Hays County south of the hydrologic division near Kyle that separates flow toward the San Marcos River from flow to the Colorado River Basin.

Essential use means a use of water which is:

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- (1) Essential to the protection of public health, safety, or welfare, including but not limited to use for drinking, food preparation, personal hygiene, public sanitation, control or prevention of disease and firefighting;
 - (2) Essential to an industrial use or agricultural or military activity which directly supports gainful employment, unless the use is specifically defined in this article as a discretionary use;
 - (3) Watering of livestock.

Evapotranspiration rate (ET rate) means the rate which the combination of evaporation from soil surface and transpiration from vegetation will occur for specific climatic conditions.

Existing landscaping plant means a landscaping plant existing after such period of time as to accomplish an establishment and maintenance of growth.

Golf course means an irrigated and landscaped playing area made up of greens, tees, fairways and roughs and related areas used for the playing of golf.

Gray water means water after use in bath and utility sinks, tubs, showers and washing machines.

Hand-held hose means a hose attended by one person, fitted with a manual or automatic shutoff nozzle.

Health care facility means any hospital, clinic, nursing home or other health care or medical research facility.

Hose-end sprinkler means a sprinkler that applies water to landscape plants that is piped through a flexible, movable hose.

Household use means the use of water, other than uses in the outdoor category, for personal needs or for household purposes, such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a commercial or industrial facility.

Impervious surface area means any structure or any street, driveway, sidewalk, patio or other surface area covered with asphalt, concrete, brick, paving, tile or other material preventing water to penetrate the ground.

Industrial use means the use of water for or in connection with commercial or industrial activities, including manufacturing, bottling, brewing, food processing, scientific research and technology, recycling, production of concrete, asphalt, and cement, commercial uses of water for tourism, entertainment, and hotel or motel lodging, generation of power other than hydroelectric, and other business activities.

Irrigation system, also referred to as an in-ground or permanent irrigation system, being a system with fixed pipes and emitters or heads that apply water to landscape plants or turfgrass.

Irrigation system analysis means a zone-by-zone analysis of an irrigation system that, at a minimum, includes a review of the following elements:

- (1) Design appropriateness for current landscape requirements;
- (2) Irrigation spray heads and valves;
- (3) Precipitation rates expressed in inches per hour; and
- (4) Annual maintenance plan that includes irrigation system maintenance, landscape maintenance, and a basic summer and winter irrigation scheduling plan.

Landscape renovation means the removal and replacement of existing landscape plants with new landscape plants.

Landscape watering means the application of water to grow or maintain landscaping plants, such as flowers, ground covers, turf or grasses (other than golf courses or athletic fields), shrubs, and trees, but for purposes of this article does not include:

- (1) Essential use without waste of water by a commercial nursery to the extent the water is used for production rather than decorative landscaping;
- (2) Application of water without waste to a noncommercial family garden or orchard the produce of which is for household consumption only; and
- (3) Except when stages 2, 3, 4, and 5 of the drought management plan are in effect, application of water at any time on any day by means of a bucket, hand-held hose, soaker hose (but not one that sprays water in the air), or properly installed drip irrigation system.

Landscaping plant means any member of the kingdom plantae, including any tree, shrub, vine, herb, flower, succulent, groundcover or grass species that grows or has been planted out-of-doors.

Large property means a land tract owned by a general customer that equals or exceeds five acres in size and has an irrigation system.

Livestock means cattle, sheep, goats, hogs, poultry, horses, and game, domestic, exotic and other animals and birds, including zoo animals, used for commercial or personal purposes.

Livestock use means the use of water for drinking by or washing of livestock.

Low-flow toilet means a tank toilet that is designed to use 1.6 gallons or less of water per flush.

Make-up meter means a meter that measures the amount of water entering a cooling tower system.

Maintenance level means the level of water in a swimming pool required for proper circulation for operation of filter equipment for the swimming pool.

Master valve means a remote control valve located after the backflow prevention device that controls the flow of water to the irrigation system mainline.

msl means elevation above mean sea level.

Mulch means any material such as bark, leaves, straw or other materials left loose and applied to the soil surface to reduce evaporation.

NBU means New Braunfels Utilities.

New landscaping plant means any plant or seed planted in or transplanted to an area within such period of time as to accomplish a reasonable establishment and maintenance of growth. Application of grass seed to an existing stand of grass or turf is not considered new landscaping.

NPDES/TPDES permit holders means those entities that have valid state or federal permits commonly referred to as NPDES or TPDES (National Pollutant Discharge Elimination System/Texas Pollutant Discharge Elimination System) permits to satisfy requirements of the federal Clean Water Act.

Organic material means organic substances in differing stages of decay.

Other outdoor use means the use of water outdoors for the maintenance, cleaning and washing of structures and mobile equipment, including automobiles and boats, or the washing of streets, driveways, sidewalks, patios and other similar areas.

Park means a tract of land maintained by a city, private organization, or individual, as a place of beauty or of public recreation.

Person means any individual, corporation (including a government corporation), organization, state or federal governmental subdivision or agency, political subdivision of a state, interstate agency or body, business, trust, partnership, limited partnership, association, firm, company, joint stock company, joint venture, commission or any other legal entity.

Pervious hardscape means patios, pathways and other areas where firm footing is desired, constructed in such a way that allows for water to penetrate the ground. Examples include flagstone set in sand and wood plank decks, but exclude concrete slab patios and sidewalks or pavers set with mortar.

Pervious surface means any ground surface which can absorb water or other liquids.

Positive shut-off means a valve that is held in a closed position by system pressure until overridden by an outside force.

Power wash means a machine that uses water or a water-based product applied at high pressure to clean impervious surfaces.

Precipitation rate means the speed at which a sprinkler or irrigation system applies water. Precipitation rates are measured in inches per hour or inches per minute.

Prescribed hours for sprinkling means between the hours of 8:00 p.m. and 10:00 a.m. when the drought management plan is not in effect, and during the hours specified therein when the drought management plan is in effect.

Private residential swimming pool. See "Swimming pool."

Property address means the street address of a property, unless multiple street addresses are served by a single meter, in which case the billing address will be used.

Public facilities means municipally-owned or operated facilities.

Public swimming pool. See "Swimming pool."

Rain sensor means a device designed to stop the flow of water to an automatic irrigation system when rainfall has been detected.

Recycled or reuse water means domestic or municipal wastewater which has been treated to a quality suitable for a beneficial use in accordance with applicable law.

Requestor means a customer who requests a variance under this article.

Residential customer means a single or multi-family dwelling unit containing two or fewer family units.

Responsible person means a natural person or legal entity who causes, maintains or allows a violation(s) of the city code to occur or continue by action or failure to act. A responsible person includes, but is not limited to, the owner, tenant, co-tenant, lessee, sub-lessee or other person with any right to possession of the property where a city code violation that is related to the use or condition of property occurs, the on-site manager who normally works daily at the site when the business is open and is responsible for the activities at such premises, and the owner, and general partners of a legal entity. There may be more than one responsible person for a violation.

Soaker hose means plastic or flexible hose that emits water across the entire length based on water pressure, and connects directly to a flexible hose or spigot.

Soil holding capacity means the amount of moisture in the soil that can occur without becoming saturated.

Sprinkler means an emitter that applies water to the landscape plants in a stream that travels through the air. Sprinkler irrigation can be applied by an irrigation system or hose-end sprayer or a soaker hose that sprays water in the air.

Swimming pool means any structure, basin, chamber, or tank, including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two feet or more at any point.

- (1) *Private residential swimming pool.* Any swimming pool located on private property under the control of the homeowner, the use of which is limited to swimming or bathing by the homeowner's family or invited guests.

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- (2) *Public swimming pool.* Any swimming pool, other than a private residential swimming pool, intended to be used collectively by persons for swimming or bathing, operated by any person as defined herein, whether owner, lessee, operator, licensee, or concessionaire, regardless of whether a fee is charged for such use. The term includes, but is not limited to, apartment community pools, condominium association pools and community association pools.

TCEQ means the Texas Commission on Environmental Quality.

TDS means total dissolved solids.

Trigger level means the mean sea level of the Edwards Aquifer as indicated by the J-17 index well and/or the discharge from the Comal Springs according to the USGS log in cubic feet per second (cfs) that result in the implementation or termination of water use reduction measures.

Turf means a surface layer of earth containing mowed grass with roots.

Turfgrass means perennial ground cover plants and grasses that are adapted to regular mowing and traffic through management.

Vacuum system means a system, often consisting of a pump, chamber, and tubes, that is used to create a vacuum for any of a variety of purposes, including but not limited to medical, dental and industrial applications.

Vegetable garden means any "non-commercial" vegetable garden planted primarily for household use; "non-commercial" includes incidental direct selling of produce from such a vegetable garden to the public.

Vehicle wash facility means a permanently-located business that washes vehicles with water or water based product, including but not limited to self-service car washes, full-service car washes, roll-over/in-bay style car washes, and fleet maintenance wash facilities.

Vehicle wash fundraiser means any special-purpose vehicle wash event for which a fee is charged or donation accepted.

Water includes, but is not limited to potable water supplied by NBU or other water purveyor, potable water withdrawn from their groundwater well, surface water from any river, creek, natural watercourse, pond, lake or reservoir, and recycled water supplied by NBU or other water purveyor.

Water waste means use of water without obtaining maximum beneficial use thereof, to include but not be limited to:

- (1) Causing, suffering, or permitting a flow of water used for landscape watering to run into any river, creek or other natural water course or drain, superficial or underground channel, bayou, or unto any sanitary or storm sewer, any street, road or highway or other impervious surface area, or upon the lands of another person or upon public lands.

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- (2) Any discharge of water used for commercial, industrial, or domestic purposes to any storm, sanitary sewer, or septic system without the user first having obtained maximum beneficial use thereof.
 - (3) Failure by any responsible person, to repair any controllable leak on property. See also section 130-228 for additional information on leaks.
 - (4) Watering landscaped areas during rain or high wind.
 - (5) Washing outdoor impervious surfaces, with a pressure washer or garden hose, such as sidewalks, driveways and patios during drought stage, except to remove spills of hazardous materials, eliminate dangerous conditions which threaten the public health, safety, or welfare, or to prepare surface for maintenance work.
 - (6) Washing buildings, houses or structures with a pressure washer or garden hose for aesthetic purposes during a drought stage.
 - (7) Washing vehicles with a hose that lacks an automatic shut-off valve.

Water conservation plan means the water conservation plan required as part of the drought management plan referred to in division 7 must include proof of irrigation efficiency of 60 percent or greater and demonstrate specific measures to be taken to reduce consumption to meet the reduction goal established for each stage 1, 2, 3, 4, and 5 in Section 130-224(a). A plan should also include precipitation rates and irrigation schedules with run times. NBU may, on a case by case basis, waive the requirements for irrigation efficiency and/or submission of a water conservation plan.

Water flow restrictor means an orifice or other device through which water passes at a restricted rate.

Water purveyor use means water used for withdrawal, treatment, remediation, transmission and distribution by a potable water purveyor.

Watering day means a day designated for landscape watering in this article. Thus, if it is stage 1 and Wednesday is a designated watering day, the period of time referenced is Wednesday morning between midnight to 10:00 a.m., and Wednesday evening between 8:00 p.m. and 11:59 p.m.

Xeriscape means a landscape consisting of a maximum of 50 percent turf grass, with the remaining percentage of landscape incorporating low water use plants and/or pervious hardscape. The approved low water use plant list, as may be amended from time to time, shall be available from NBU and located at NBU and at www.nbutexas.com.

Zonal irrigation system means an irrigation system that segregates by station areas of shrubs, ground cover, bedding plants, and turf to accommodate a diversity of watering requirements.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-207. Nuisance declared.

The violation of any part of division 6 and 7 is deemed a nuisance which may be abated and enjoined by the city. Any person creating a public nuisance shall be subject to the provisions of this Code and other applicable law governing such nuisances, including reimbursing NBU or the city for any costs incurred in removing, abating or remedying such nuisance. The owner of any property where such nuisance has occurred shall be liable to the city and/or NBU for the cost of such abatement, removal or remediation, and shall pay such cost on demand, and the city acting for itself and/or NBU shall have the right to file a lien on the property to secure payment of the cost of such abatement, removal or remediation of the nuisance.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-208. Presumption and exception.

For purposes of this article, it shall be presumed that the person in whose name a water and/or electric meter connection is registered with NBU, or other purveyor servicing the property, is the responsible person who has made, caused, allowed or permitted a violation of the provisions of this article.

Proof that the particular premises had a water and/or electric meter connection registered in the name of the defendant cited in a criminal or civil complaint filed pursuant to this article shall constitute a prima facie presumption that the defendant is a person who made, caused, allowed or permitted a violation pursuant to the provisions of this article.

An exception to these presumptions can be granted if:

- (1) The meter holder can prove that another party is the responsible person.
- (2) exception to this presumption is found in subsection 130-214.2, wherein the city, whose premises are used by a tenant/lessee, is generally not responsible for the tenant/lessee's compliance. In such cases, the tenant/lessee of the city is responsible for compliance, and the city shall have no duty to enforce against the tenant/lessee except to the extent the city's municipal courts may be fully utilized by the NBU enforcement officers or other duly authorized governmental personnel charged with enforcement duties.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-209. Authorization to enforce.

The CEO of NBU or his or her designee and/or the city is authorized and directed to commence any action, in law or in equity, including the filing of criminal charges deemed necessary for the purpose of enforcing this article. As a condition of service, all customers,

including those whose service properties are located outside the city limits of the City of New Braunfels, are subject to chapter 130 of this Code. The CEO of NBU or the designee and/or the city may seek civil penalties or impose surcharges as may be allowed by statute and this article and any other legal or equitable relief available under common law or this article, under V.T.C.A., Local Government Code ch. 54 as it may be amended to address the subject matter of this article, or any other applicable city, state or federal code, ordinance, statute, rule or regulation.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14; Ord. No. 2019-17, § I, 3-25-19)

Sec. 130-210. Access to premises.

The city and NBU and all persons or agents employed by either shall, at all reasonable hours, have free access to properties to ascertain if water is being wasted and whether provisions of this article have been and are being complied with in all aspects; however, this section does not authorize entry into a residence without consent of the owner or occupant.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-211. Divisions 5, 6 and 7 to prevail if conflict.

In the event any section or provision of divisions 5, 6 and 7 of this article conflict in effect or application with any other section of this Code, the section or provision of divisions 5, 6 and 7 of this article will prevail.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-212. Severability.

If for any reason, any division, section, sentence, clause or part of this article is held legally invalid, such judgment shall not prejudice, affect, impair or invalidate the remaining divisions or sections of this article, but shall be confined to the specific division, section, sentence, clause or part of this article held legally invalid.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

DIVISION 6. REGULATED ACTIVITIES¹

Sec. 130-213. Activities to be regulated on and after effective dates.

The following activities shall be regulated in the manner set out herein on and after the respective dates indicated in the sections and subsections. A person affected by such regulations may request a variance in the manner set out in section 130-218.1 through 130-218.6. A violation of this section and subsections shall be subject to the enforcement provisions set out in section 130-219. It shall be and is hereby declared unlawful for any person to violate, refuse or fail to implement the requirements of this division or of the drought management plan set out in division 7.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-213.1. Landscape watering.

From and after June 1, 2019, landscape watering is regulated as described in section 130-220.1.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14; Ord. No. 2019-17, § I, 3-25-19)

Sec. 130-213.2. Vehicle wash fundraisers.

From and after February 10, 2014, any vehicle wash fundraiser shall be conducted at a vehicle wash facility using such facility's equipment.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-213.3. Golf courses.

From and after February 10, 2014, no golf courses shall be allowed to irrigate the greens, tees, roughs or fairways with potable water. Use of potable water for landscape irrigation in and around the club house will be permitted but must conform to all other requirements for landscape irrigation.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-214. Activities to be regulated on and after January 1, 2007.

Except as provided by a specific and alternative application date, particularly systems analysis, the following activities shall be regulated in the manner set out herein on and after January 1, 2007. A person affected by such regulations may request a variance in the manner set out in section 130-218.1 through 130-218.6. A violation of this section and subsections shall be subject to the enforcement provisions set out in section 130-219. It shall be and is hereby declared unlawful for any person to violate, refuse or fail to implement the requirements of this division.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-214.1. Minimum irrigation area and flow direction.

Effective January 1, 2007, newly installed irrigation systems using pop-up spray or rotor technology shall not be used in landscaped areas which have both:

- (1) Dimensions less than five feet in length and/or width, and
- (2) Impervious pedestrian or vehicular traffic surfaces along two or more perimeters.

Where pop-up sprays and rotor heads are allowed in newly installed irrigation systems, they (a) must direct flow away from any adjacent impervious surface, and (b) shall not be placed within four inches from an impervious surface.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-214.2. Annual irrigation system analysis for athletic fields, and large properties requiring variance from water use reduction measures.

Effective January 1, 2007:

- (1) An annual irrigation system analysis demonstrating no water waste shall be required for all athletic fields and large properties and shall be submitted in writing to the NBU conservation coordinator on or before May 1st of each year, beginning on May 1, 2007.
- (2) Municipal tenants and lessees of sports and athletic playing fields and any other municipally owned properties shall be responsible for compliance with this section and subsection. NBU shall look directly to such tenants and lessees for compliance unless the municipality concedes by contractual agreement with the tenant/lessee to assume the tenant/lessee's responsibility for compliance.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-214.3. Cooling towers.

Effective January 1, 2007:

- (1) Cooling towers, not utilizing recycled water, shall operate a minimum of four cycles of concentration. For the purposes of this section "concentration" means recirculated water that has elevated levels of total dissolved solids as compared to the original make-up water.
- (2) Newly constructed cooling towers shall be operated with conductivity controllers, as well as make-up and blowdown meters.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-214.4. Ice machines.

Effective January 1, 2007, newly installed ice machines shall not be single pass water-cooled.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-214.5. Commercial dining facilities.

Effective January 1, 2007, commercial dining facilities shall:

- (1) Utilize positive shut-offs for hand-held dish-rinsing wands.
- (2) Utilize water flow restrictors for all garbage disposals.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-214.6. Vehicle wash facilities.

- (a) Vehicle wash facilities, commencing operation on or after January 1, 2007, using conveyORIZED, touchless, and/or rollover in-bay technology shall reuse a minimum of 50 percent of water from previous vehicle rinses in subsequent washes.
- (b) Vehicle wash facilities, commencing operation on or after January 1, 2007, using reverse osmosis to produce water rinse with a lower mineral content, shall incorporate the unused concentrate in subsequent vehicle washes.
- (c) Regardless of date of operation commencement, from and after January 1, 2007, self-service spray wands used shall emit no more than three gallons of water per minute.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-215. Other activities to be regulated on and after January 1, 2007.

The following activities shall be regulated in the manner set out herein on and after January 1, 2007. A person affected by such regulations may request a variance in the manner set out in section 130-218.1 through 130-218.6. A violation of this section and subsections shall be subject to enforcement provisions set out in section 130-219. It shall be and is hereby declared unlawful for any person to violate, refuse or fail to implement the requirements of this division 6.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-215.1. Condensate collection.

Newly constructed commercial buildings installing air conditioning systems on and after January 1, 2007, shall have a single and independent condensate wastewater line to collect condensate wastewater to provide for future utilization as:

- (1) Process water and cooling tower make-up, and/or
- (2) Landscape irrigation water. Condensate wastewater shall not be allowed to drain into a storm sewer, roof drain overflow piping system, public way, or impervious surface.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-215.2. Rain sensors.

Effective January 1, 2007, rain sensors shall be properly maintained and operational on all irrigation systems equipped with automatic irrigation controllers.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-216. Landscaping regulations generally applicable on and after January 1, 2007.

Except as specifically provided with alternative effective dates, persons affected by the regulations set out herein below shall comply on and after January 1, 2007, and may request a variance to such regulations in the manner set out in section 130-218.1 through 130-218.6. A violation of this section and subsections shall be subject to the enforcement provisions set out in section 130-219. It shall be and is hereby declared unlawful for any person to violate, refuse or fail to implement the requirements of this division 6.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-216.1. Xeriscape option.

Effective January 1, 2007, homebuilders and/or developers subdividing lots and/or constructing new single-family residential homes shall offer a xeriscape option in any series of landscaping options offered to prospective home buyers.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-216.2. Model homes.

Effective January 1, 2007, homebuilders and/or developers who construct one or more model homes for a designated subdivision shall have at least one model home per subdivision landscaped according to a xeriscape design.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-216.3. Zonal system.

In-ground irrigation systems installed on and after January 1, 2007, shall be zonal irrigation systems.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-217. Conservation provisions in wholesale water contracts.

Each wholesale potable water supply contract entered into by NBU after this division becomes effective, including contract extensions, must include:

- (1) A provision that the wholesale customer is required to conform to the city's water conservation ordinance set out as article IV, divisions 5, 6 and 7, as amended from time to time;
- (2) A provision that NBU may implement a pro rata curtailment of water deliveries to or diversions by wholesale water customers as provided by V.T.C.A., Administrative Code tit. 30, ch. 288;
- (3) A provision that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with V.T.C.A., Administrative Code tit. 30, ch. 288.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-218. Variances.

The authority to grant a variance and an appeal from such variance to the provisions of this division 6 or division 7, is hereby delegated to NBU in the manner described herein. A determination by NBU pursuant to this section shall be deemed final for purposes of appeal. Appeal procedures are detailed below.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-218.1. Variance.

A person who is affected by these provisions may seek a variance in the manner set out herein. A person shall request a variance within 30 days of the date a provision becomes applicable to that person's activities and/or properties. For example, a person will have standing to seek a variance within 30 days following receipt of a formal (citation) or informal notice of violation; prior to a notice of violation; or at the discretion of the conservation coordinator when, in the coordinator's judgment, to deny standing to pursue a variance would clearly deny the applicant an opportunity to have justice and equity done for the applicant's case. In the latter situation, for purposes of justice and equity, the standard for allowing a

variance application to be heard or considered are the common notions of rightness and fair play.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-218.2. Time, date, place.

A person seeking a variance under these provisions shall make such request in writing to the conservation coordinator. Such request shall be reviewed by the conservation coordinator. If the application, on its face, warrants a variance, the coordinator may grant the request without hearing. Otherwise, the coordinator shall review such request within 30 days of receipt and shall inform the requestor in writing of the time, date and place for variance hearing if necessary.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-218.3. Representation and notice of NBU's response; first hearing.

The requestor may be represented by a duly authorized representative and may introduce such evidence as the requestor believes to be relevant. The coordinator and appropriate NBU personnel shall hear the request. The requestor shall receive written notification by the coordinator within 30 days of the date of the hearing whether such variance is granted or denied.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-218.4. Appeal.

In the event the variance is granted, the decision of the coordinator shall be final. Should the variance be denied, however, the requestor shall have ten days from receipt of the denial of the variance to seek an appeal in writing. Within 30 days of the written request for an appeal from the denial of a variance, a three member variance appeals panel composed of NBU customers appointed by and serving at the pleasure of the NBU board of trustees shall hear the appeal. The requestor shall be informed in writing of the time, date and place where such appeal shall be heard. The requestor and/or his authorized representatives may present evidence to the variance appeals panel why such appeal should be granted. The variance appeals panel shall inform the requestor within 30 days of the date of the hearing of the appeal whether the appeal has been granted or denied. The determination of the variance appeals panel shall be final and shall be in writing. If a judicial appeal is pursued, the applicant must take such appeal to district court or other court of competent jurisdiction within 30 days of the variance appeals panel's final determination, which further appeal shall be pursued under appropriate standards of the substantial evidence rule.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-218.5. Variance qualifications.

Variances to the regulated activities in this division 6 or the drought management plan in division 7 may be issued by the conservation coordinator provided that the general intent of the provisions of this division 6 or division 7 has been met, and strict compliance with this division 6 or division 7 is proven to be impracticable to accomplish and to cause unnecessary hardship. The criteria to determine hardship shall include, but not be limited to, a showing of level of capital outlay and technical complexity in relation to conservation benefit to be derived, and time and effort required to accomplish compliance with this article.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-218.6. Variance criteria.

The conservation coordinator shall also develop specific criteria to be used for granting variances from the provisions of division 6 or division 7 which are appropriate to the provision for which a variance is being sought. Such criteria shall be applied equally to each request for variance under a particular provision. A requestor shall be furnished with the criteria to be utilized by the coordinator prior to his/her variance application and/or appeal being heard.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-219. Enforcement.

- (a) *Violations.* It shall be a violation of this article for any person in the corporate limits of the city or its extra territorial jurisdiction or any person in the NBU CCN that receives water service from NBU to intentionally, knowingly, recklessly or criminally negligently allow or cause water waste, allow landscape watering outside the prescribed hours for sprinkling, or allow or cause any violation of any provision of this division or of the drought management plan. As a condition of service, all customers, including those whose service properties are located outside the city limits of the City of New Braunfels, are subject to chapter 130 of this Code.
- (b) *Continued violations.* At locations of repeated or continued violations of this division or of the drought management plan, the CEO of NBU shall have the authority to discontinue the supply of potable water to the registered meter holder or responsible person.
- (c) *Penalties; surcharges.*
 - (1) *Criminal.* Any person violating any provision of this article shall be guilty of an offense, and upon citation and conviction, shall be punished by a fine of not less than \$100.00 and not more than \$500.00 for the first offense; a fine of not less than \$200.00 and not more than \$500.00 for the second offense; a fine of not less than \$400.00 and not more than \$500.00 for the third and additional offenses. If the court determines the offense relates to public health or sanitation, the maximum fine is \$2,000.00,

regardless of the number of offenses. Each violation of a particular section of this division or division 7 shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this article.

- (2) *Civil.* Civil penalties, imposed by courts of competent jurisdiction in civil actions for violations of this article, may also be assessed as may be allowed by applicable state law in any amount to be authorized by the state. Under V.T.C.A., Local Government Code ch. 54, NBU and the office of the city attorney may presently pursue civil enforcement for injunctive relief and the imposition of up to \$1,000.00 per day civil penalties appropriately imposed by the court. This statutory remedy is in addition to the city's common law right to bring civil actions for injunctive relief to stop harmful acts, independent of authority found in the Texas Local Government Code.
- (3) *Surcharges.* Any person who violates the watering restriction provisions of this division or of the drought management plan will be held strictly liable and the consequence for such violation may include the imposition of surcharges. NBU is authorized to assess one or more surcharges on the water bill of any person presumed to have been the one who violated this division or a provision of the drought management plan. In the event NBU determines a violation has occurred, the person assessed the surcharge by NBU is prima facie presumed to have violated this division or the drought management plan for the purpose of assessment of surcharges. Surcharges may be assessed as follows:

First violation in any 12-month period	Warning
Second violation in any 12-month period	\$25.00
Third violation in any 12-month period	\$250.00
Fourth violation in any 12-month period	\$500.00

Non-payment of any assessed surcharge or repeated or continued violations of watering restrictions imposed by this article can result in termination of water service. A person who believes that a surcharge was unwarranted because either the violation did not occur or the violation was excused, may appeal the determination to the conservation coordinator and then to the variance appeals panel, whose decision on the matter is final.

- (4) *Use of Funds.* All surcharges and fines collected under this section shall be remitted to NBU and may be used by NBU to further water conservation programs, defray the cost of enforcement of this article, or for other lawful purposes.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14; Ord. No. 2019-17, § I, 3-25-19)

Secs. 130-219.1—130-219.3. Reserved.

Sec. 130-219.4. Defenses.

- (a) It shall be a defense to prosecution or imposition of surcharges that landscape watering was performed on any plant or seed planted in or transplanted to an area within such period of time as to accomplish a reasonable establishment and maintenance of growth, generally three weeks.
- (b) It shall be a defense to prosecution or imposition of surcharges that landscape watering was performed by a commercial enterprise in the business of growing or maintaining plants for sale, such as plant nurseries; provided, however, that such landscape watering shall be performed solely for the establishment, growth, and maintenance of such plants and not wasted.
- (c) It shall be a defense to prosecution that the subject water was gray water, treated wastewater, recycled or reuse water, condensate water, or cooling tower blowdown.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-219.5. Conservation compliance officer.

- (a) A conservation compliance officer shall be appointed by NBU. The compliance officer shall be authorized to administer and enforce this article.
- (b) The compliance officer is authorized and directed to enforce all of the provisions of this article, and the compliance officer, upon presentation of proper credentials, may enter properties in accordance with section 130-210 at reasonable times for the purpose of making inspections or preventing violations of this article. This section shall not be construed as imposing upon NBU and/or the city (or any official or employee of either) any liability or responsibility for damages to any property by reason of the inspections authorized under this section.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

DIVISION 7. DROUGHT MANAGEMENT PLAN²

Sec. 130-220. Adoption of drought management plan, water use reduction measures, and aquifer stage conditions.

The drought management plan, including the water use reduction measures and associated aquifer stage conditions set out therein, is hereby adopted.

²Editor's note(s)—Ord. No. 2014-8, § I(Exh. A), adopted February 10, 2014, repealed and reenacted division 7 in its entirety to read as herein set out. Formerly, division 5 pertained to similar subject matter, and derived from Ord. No. 2008-50, § I, adopted July 28, 2008.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-220.1. Landscape watering.

It is the policy of the city to promote the efficient use of water without waste at all times on a year round basis. From and after June 1, 2019, and subject to Section 130-224, landscape watering for residential and commercial properties will be limited to two days per week according to the street address as follows.

Last Number of Address	Watering Day
Even number (0,2,4,6,8)	Monday, Thursday
Odd number (1,3,5,7,9)	Tuesday, Friday
No address, more than one address associated with a single contiguous property	Monday, Friday

It is unlawful for any person to perform or permit landscape watering on any property within the city or its extraterritorial jurisdiction or areas covered by NBU's CCN between the hours of 10:00 a.m. and 8:00 p.m. on any day, except as expressly provided herein. Landscape watering is also restricted further during the times the drought management plan is in effect as provided herein.

(Ord. No. 2019-17, § I, 3-25-19)

Sec. 130-221. Basis of water use reduction measures and aquifer stage conditions.

The water use reduction measures may be based on the Edwards Aquifer water levels in Well AY-68-37-203 in San Antonio (also known as "Dodd Field Test Well" or "J-17") as set out in section 130-224, or on the discharge level of the Comal Springs, NBU water supply, or on aquifer water quality or other aquifer, potable water system capacity, or seasonal or weather conditions not based on water levels in J-17 (set out in section 130-226).

(Ord. No. 2014-8, § I(Exh. A), 2-10-14; Ord. No. 2019-17, § I, 3-25-19)

Secs. 130-222. Reserved.

Editor's note(s)—Ord. No. 2019-17, § I, adopted March 25, 2019, repealed the former section 130-222 in its entirety, which pertained to the implementation of water use reduction measures and stages, generally, and derived from Ord. No. 2014-8, § I(Exh. A), adopted February 10, 2014.

Sec. 130-223. Declaration of water use reduction stages in effect; notice by publication required.

- (a) The mayor of the city or his or her designee, in consultation with NBU, is hereby authorized to declare that water use reduction measures are in effect.
- (b) Notices of the implementation and termination of the water use reduction measures and each of the various stages, as appropriate, shall be publicly announced in the local media for a minimum of one day. The implementation or termination of the measures and each of the stages shall become effective immediately upon publication of the respective notice.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14; Ord. No. 2015-52, § I(Exh. A), 10-12-15; Ord. No. 2019-17, § I, 3-25-19)

Sec. 130-224. "Trigger levels" for implementation and termination of water use reduction measures stages 1, 2, 3, 4, and 5 and water use reduction goals.

- (a) Implementation and termination of stages 1, 2, 3, 4, and 5 of the water use reduction measures, based upon the J-17 Edwards Aquifer water levels as calculated and determined by the Edwards Aquifer Authority on a ten-day rolling average or the Comal Springs discharge, may occur according to this Section 130-224 and the following schedule:

Stage	1	2	3	4	5
Edwards Aquifer Level	660 msl	650 msl	640 msl	630 msl	625 msl
Comal Springs Flow Rate	225 cfs	200 cfs	150 cfs	100 cfs	45 cfs
Use Reduction Goal	7%	9%	11%	13%	15%

- (b) When the aquifer is at or below the ten-day rolling average indicated level msl, or the discharge from the Comal Springs is at or below the indicated cfs, whichever happens first, or as determined by section 130-221, the mayor of the city, in consultation with NBU, may officially declare the respective stage. NBU shall coordinate water use reduction with customers in its service area. The city and NBU shall enforce the water use reduction provisions set out in section 130-225 for each stage.
- (c) When the aquifer subsequently rises above the ten-day rolling average indicated level msl or the discharge from the Comal Springs rises above the indicated cfs, whichever occurs last, NBU staff will monitor the consistency of the various levels and other conditions as set

out in Section 130-221, before consulting with the mayor of the city on whether to terminate the drought restrictions for that stage.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14; Ord. No. 2015-52, § I(Exh. A), 10-12-15; Ord. No. 2019-17, § I, 3-25-19)

Sec. 130-225. Designated landscape irrigation times and days (stages 1, 2, 3, 4, 5).

During any period when stages 1, 2, 3, 4, or 5 have been declared to be in effect, the following regulations apply:

- (1) Irrigation with a hose-end sprinkler or irrigation system of existing landscape on any property (other than parks and athletic fields, the restrictions for which are set out in section 130-228) may occur only one day per week on the day associated with the street address as indicated in the below table:

Last Number of Address	Watering Day
0, 1	Monday
2, 3	Tuesday
4, 5	Wednesday
6, 7	Thursday
8, 9	Friday
Property with no street address or with more than one street address associated with a single contiguous property	Wednesday

- (2) For stage 1, 2, 3, 4, and 5, the following associated irrigation methods are permitted on the days specified: irrigation with a hose end sprinkler or in-ground irrigation system.
- (3) For stage 1, landscape irrigation with a soaker hose (that does not send spray in the air), handheld hose, drip irrigation system, or using a bucket is allowed on any day at any time.
- (4) For stage 2, 3, 4, and 5, landscape irrigation with a soaker hose (that does not send spray in the air), handheld hose, drip irrigation system, or using a bucket is allowed on any day during permissible watering times.

Note: Vehicle washing at home is limited to designated landscape sprinkling watering days and times as outlined in Section 130-220.1 or in Section 130-225., but use of a commercial facility is permitted any day for all drought stages.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14; Ord. No. 2019-17, § I, 3-25-19)

Sec. 130-226. Implementation of additional water use reduction measures ("aquifer risk").

- (a) Drought Conditions: Implementation of additional water use reduction measures, such as declaring stage 4 or 5 in periods of exceptional drought conditions, need not be based solely on the trigger levels set forth in section 130-224 but may instead be based on consideration of aquifer water quality or on any other water supply, as impacted by seasonal or weather climatological or environmental conditions.
- (b) Water Quality: Upon determination that water quality in any source within the NBU supply portfolio fails to meet established standards or poses a risk to public health or environmental integrity, NBU, with consultation of the mayor, shall implement mandatory water use reduction measures to ensure the sustainability and safety of the water supply.
- (c) Water Supply Availability: Water use reduction measures shall consider water supply availability to ensure the sustainable management of resources. Such measures may include, but are not limited to, reservoir levels, groundwater table measurements, streamflow rates, and regional drought and climatological conditions in the area the specific water supply is located
- (d) Infrastructure Issues: Operational issues with local water supply infrastructure that threaten availability or distribution will be subject to implementation of emergency water use reduction measures as NBU determines, with the consultation of the mayor. This may be applicable to specific areas or specific customer groups within the NBU infrastructure.
- (e) Other Considerations: Regardless of consideration of aquifer quality, whenever the mayor of the city in consultation with NBU may determine that the NBU water supply, or other aquifer, seasonal, or weather conditions not based on water levels in J-17 any specific water supply warrant, the mayor may also impose additional restrictions for all water uses.

Sec. 130-227. Termination of water use reduction measures, stages.

The mayor of the city, in consultation with NBU, may declare the termination of water use reduction measures and stages as scheduled in section 130-224. Notice of the termination of the water use reduction measures and each of its various stages, as appropriate, shall be publicly announced in local media for a minimum of one day. Termination of the measures and each of its stages shall become effective immediately upon publication of the respective notice.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14)

Sec. 130-228. Requirements for Designated Water-Use Activities.

Specific water use reduction measures, their corresponding stages and scope are set out in the table, below:

Measures for	Stages	Scope of Restrictions
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Essential Services	Year Round	Fire-fighting and medical uses — no restrictions.
	1	Reduction in fire hydrant; sewer line flushing recommended.
	2, 3, 4, 5	Hydrant flushing and sewer line flushing — only on emergency basis.
Water Purveyor Use	Year Round	Water purveyors are encouraged to implement voluntary measures, such as improving leak detection surveys and repair programs and stabilizing and equalizing system pressure.
Agricultural	1	Reduction of water use by any means available is encouraged.
	2, 3	The escape of irrigation tail water, as that term is commonly used in the agricultural community, is prohibited. Water loss through percolation in transmission canals is prohibited.
	4, 5	Additional reductions may be imposed by the city council if conditions warrant.
Livestock Use	Year Round	Reduction of water use by any means available is encouraged.
Industrial, Commercial, and Other	1, 2, 3, 4, 5	Reduction of water use by any means available is encouraged. Compliance is required for those uses in the outdoor category, including landscape watering, swimming pools, hot tubs and similar facilities, golf courses, aesthetic uses such as fountains; such restrictions specifically include industrial users, as well as all others. Use of gray water, treated wastewater or reuse water is a defense to prosecution.
Restaurants, or other Eating Establishments	Year Round	NBU strongly encourages that water be served to guests only upon request.
Household	Year Round	Reduction of water use by any means available is encouraged. Compliance shall be achieved for those uses in the outdoor category, such as landscape watering, swimming pools, hot tubs, and similar facilities.
Swimming Pools, Hot Tubs, etc.	Year Round	NBU strongly encourages that all swimming pools, other than public swimming pools, be covered with an effective evaporation cover or screen or evaporation shields covering at least 25

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		percent of the surface of the pool when the pool is not in active use. Active use includes necessary maintenance that requires removal of the cover, screen, or shields. Active use of public, commercial and apartment pools is whenever the pool is not officially closed.
Replenishing Pool, Hot Tubs, etc. water levels	Year Round	Replenishing to maintenance level permitted within watering hours.
New Pools, Filling New Pools, Hot Tubs etc.	Year Round	Construction, installation, and filling of new pools will be allowed.
Draining Pools, Hot Tubs, etc.	Year Round	Draining permitted only onto pervious surface, or onto pool deck where the water is transmitted directly to a previous surface, only if: 1. Draining excess water from pool due to rain in order to lower water to maintenance level; 2. Repairing, maintaining or replacing pool component that has become hazardous; or 3. Repairing pool leak. Refilling of public swimming pool permitted only if pool has been drained for repairs, maintenance or replacement set out in items 2 or 3 above. It is prohibited to drain swimming pools into the street, alley, gutter or other public right-of-way, ditch, or storm water drainage system or facility. It is considered water waste to drain a pool and allow the water to leave the property in which the pool is located.
Aesthetics (fountains, waterfalls, etc.)	1-5	Outside prohibited. The 100 percent use of treated wastewater, condensate, or cooling tower blow down is defense to prosecution under this paragraph. Alternate on-site reclaimed sources may be approved through variance on a case-by-case basis. If 100 percent use of gray water, treated wastewater or reuse water, condensate water, cooling tower blow down will be used, signs identifying this property as using recycled or reclaimed water source must be posted on site at a location for the general public view.
Ornamental lakes and ponds, etc.	1-5	A user seeking to introduce aquatic life to an ornamental pond or lake while drought stages 1 - 5 are in effect may file, in writing, with NBU a request for an aquatic life variance if the

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		introduction of the aquatic life will require the user to refill the ornamental pond or lake during the drought stages. The request must include: (1) any compelling reasons why the user proposes to introduce aquatic life to the ornamental pond or lake while drought stages are in effect; and (2) a management plan for the aquatic life.
Foundation Watering	Year Round	Foundations may be watered up to two hours on any day, during watering times, by handheld hose; or using a soaker hose or drip system placed within 24 inches of the foundation that does not produce a spray of water above the ground.
Other Outdoor Uses	Year Round	Waste is prohibited. No person may allow irrigation tail water to escape from that person's land. Non-commercial washing of vehicles and mobile equipment (e.g., washing vehicle at a residence) is permitted only on assigned residential landscape sprinkling watering days and times (see section 130-225) with hand-held hose (with automatic shut-off nozzle) or bucket of five gallons or less, but is prohibited between the hours of 10:00 a.m. and 8:00 p.m. every day. Use of commercial vehicle wash facility permitted any day. Citizens are encouraged to wash their cars no more than twice a month. Use of gray water, treated wastewater or recycled water is a defense to prosecution.
Pressure Washing	Year Round	Washing sidewalks, walkways, driveways, parking lots, street, tennis courts, and other impervious surfaces is prohibited except in emergencies to remove spills of hazardous materials or to eliminate dangerous conditions which threaten the public health, safety, or welfare. Washing buildings, houses or structures with a pressure washer or garden hose is prohibited for aesthetic purposes but allowable for surface preparation of maintenance work to be performed. A variance from NBU must be obtained for any

		pressure washing performed during drought stage.
Landscape Irrigation: Established Plants	1	Landscape watering using sprinkler or irrigation systems is permitted only on designated landscape watering days and times (see section 130-225). The use of gray water, treated wastewater or reuse water is a defense to prosecution. Voluntary irrigation system audits are encouraged. A user may file, in writing, with NBU a request for an exception to the designated days and times. The request must include: (1) a statement indicating compelling reasons why the user is unable to meet the specific designated watering times and days; and (2) a water conservation plan. The water conservation plan must also include proof of irrigation efficiency of 60 percent or greater and demonstrate specific measures to be taken to reduce consumption to meet the use reduction goal established for stage 1 specified in Section 130-224(a). NBU may, on a case by case basis, waive the requirements for irrigation efficiency and/or submission of a water conservation plan. Upon the approval of the water conservation plan as set forth herein, the user may be granted an exception.
	2, 3, 4, 5	Landscape watering using sprinklers or irrigation systems is permitted only on designated landscape watering days and times (see section 130-225). The use of gray water, treated wastewater or reuse water is a defense to prosecution. Voluntary irrigation system audits are encouraged. A user may file, in writing, with NBU a request for an exception to the designated days and times. The request must include: (1) a statement indicating compelling reasons why the user is unable to meet the specific designated watering times and days; and (2) a water conservation plan. The water conservation plan must also include proof of irrigation efficiency of 60 percent or greater and demonstrate specific measures to be taken to reduce consumption to meet the use reduction goal established for stage

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		2, 3, 4, or 5 specified in Section 130-224(a). NBU may, on a case by case basis, waive the requirements for irrigation efficiency and/or submission of a water conservation plan. Upon the approval of the water conservation plan as set forth herein, the user may be granted an exception.
Landscape Irrigation: New Landscaping Plants	1	Landscape watering permitted with variance confirmation letter to maintain adequate growth until established, generally three weeks. Prior to installation, property owners should submit by mail, facsimile, or e-mail to the NBU conservation coordinator their name, address where the new landscape is to be installed, receipt reflecting the type of landscaping installed, and the date of installation in order to receive a confirmation letter from NBU. Thereafter, landscape watering using sprinkler or irrigation systems for landscaping plants is permitted only on designated landscape watering days and times (see subsections 130-225). Watering with hand-held hose, soaker hose (but not one that sprays water in the air), bucket, or drip irrigation system is permitted at any time. The use of gray water, treated wastewater or reuse water is a defense to prosecution.
	2	New landscape installation restricted: during stage 2 drought restrictions, variance requests must be approved prior to new landscape installation. Prior to installation, property owners should submit by mail, facsimile, or e-mail to the NBU conservation coordinator their name and address where the new landscape is to be installed, receipt reflecting the type of landscaping installed, and the date of installation in order to receive a confirmation letter from NBU. Thereafter, landscape watering using sprinkler or irrigation systems for landscaping plants is permitted only on designated landscape watering days and times (see subsections 130-225). Watering with hand-held hose, soaker hose (but

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		not one that sprays water in the air), bucket, or drip irrigation system is permitted at any time, but only until adequate growth is established as set out in NBU's confirmation letter. Use of gray water, treated wastewater or reused water is a defense to prosecution. Voluntary irrigation system audits are encouraged. Once a variance letter has been received, landscape watering is permitted to maintain adequate growth until established, generally three weeks.
	3, 4, 5	New landscape installation restricted: during stage 3, 4, and 5 drought restrictions variance requests must be approved prior to new landscape installation. Installation of new landscapes is permitted only if not more than 50 percent of the available landscape area for residential properties or 25 percent of the available landscape area or commercial properties is planted with turf and if proper horticultural practices, as established by a credible and appropriate source, such as the Texas A&M AgriLife Extension Service, are followed including use of mulch and zonal irrigation systems if a permanent irrigation system is installed. The remaining landscape area must comply with the City of New Braunfels Code of Ordinances pertaining to ground cover. A user may file with NBU a request to install more than 50 percent turf for residential properties, or more than 25 percent for commercial properties. The request must include: (1) a statement or plan describing the landscaping plan; and (2) a statement indicating how the landscaping plan will achieve the goals of this chapter. Upon the approval of the alternate landscaping plan as set forth herein, the user may be granted an exception. Landscape renovation is allowed only if proper horticultural practices, as established by a credible and appropriate source, such as the Texas A&M AgriLife Extension Service, are

		followed, including use of mulch. Additionally, if the newly renovated landscaped area is watered with an irrigation system, then a zonal irrigation system must be installed. Prior to installation, property owners should submit by mail, facsimile, or e-mail to the NBU Conservation Coordinator their name, address where the new landscape is to be installed, receipt reflecting the type of landscaping installed, and the date of installation in order to receive a confirmation letter from NBU. Thereafter, landscape watering using sprinkler or irrigation systems for landscaping plants is permitted only on designated landscape watering days and times (see subsection 130-225). Watering with hand-held hose, soaker hose (but not one that sprays water in the air), bucket, or drip irrigation system is permitted at any time, but only until adequate growth is established as set out in NBU's confirmation letter. Use of gray water, treated wastewater or reused water is a defense to prosecution. Voluntary irrigation system audits are encouraged. Once a variance letter has been received, landscape watering is permitted to maintain adequate growth until established, generally three weeks.
Parks/Athletic Fields	1, 2, 3, 4, 5	Park and athletic field owner/operators shall be required to submit a water conservation plan and shall be defined as "conforming" or "non-conforming." An athletic field or park will be deemed "conforming" if there is a CCIS in place and the owner/operator is utilizing the system to achieve the goals of this division. Conforming facilities should have a conservation plan approved and on file with NBU. A park or athletic field that is not conforming is deemed "non-conforming" for the purposes of this division. Owners/operators of athletic fields or parks shall reduce water usage under the following terms:
Parks/Athletic Fields	1, 2, 3, 4, 5	Use of gray water, treated wastewater or recycled water is a defense to prosecution.

Parks/Athletic Fields	1	A. A conforming park/athletic fields shall implement a ten percent reduction in the replacement of daily evapotranspiration rate ("ET rate") or daily soil-holding capacity, achieved by use of an existing and properly operating CCIS (as defined) capable of achieving such water conservation goals.
		B. A non-conforming park/athletic fields shall not use more than 1.8 times the base usage for a park/athletic field not equipped with a CCIS. If not separately metered an irrigation audit showing precipitation rates and run times along with a conservation plan shall be submitted and approved by NBU for the purpose of establishing acceptable irrigation run times and days as approved by NBU.
	2	A. A conforming park/athletic field shall implement a 20 percent reduction in replacement of daily ET rate or daily soil holding capacity, achieved by use of an existing and properly operating CCIS (as defined) capable of achieving such water conservation goals.
		B. A non-conforming park/athletic field shall not use more than 1.6 times the base usage for a park/athletic field not equipped with a CCIS. If not separately metered an irrigation audit showing precipitation rates and run times along with a conservation plan shall be submitted and approved by NBU for the purpose of establishing acceptable irrigation run times and days as approved by NBU.
	3, 4, 5	A. A conforming park/athletic field shall implement a 30 percent reduction in replacement of daily ET rate or daily soil holding capacity, achieved by use of an existing and properly operating CCIS (as defined) capable of achieving such water conservation goals.
		B. A non-conforming park/athletic field shall not use more than 1.4 times the base usage for a park/athletic field not equipped with a CCIS. If not separately metered an irrigation audit showing precipitation rates and run times along

		with a conservation plan shall be submitted and approved by NBU for the purpose of establishing acceptable irrigation run times and days as approved by NBU.
Construction	Year Round	Construction operations receiving water from a construction meter, fire hydrant meter or water truck shall not use water for any purpose other than those required by regulatory agencies. Construction projects requiring watering for new landscaping materials shall adhere to the designated irrigation requirements set forth herein.
Hotels, Motels, Bed and Breakfasts	1, 2, 3, 4, 5	Hotels, motels and B&B's must offer and clearly notify guests of a "no linen/towel change" program.
	3, 4, 5	Hotels, motels, B&B's must limit linen/towel changes to once every three nights or for the entire stay, whichever is shorter, except for health and safety.
Leaks	Year Round	Repair all water leaks within 72 hours of notification from NBU unless other arrangements are made with the conservation coordinator.
	1, 2	Repair all leaks within 48 hours of notification from NBU unless other arrangements are made with the conservation coordinator.
	3, 4, 5	Repair all water leaks within 24 hours of notification from NBU unless other arrangements are made with the conservation coordinator.

(Ord. No. 2014-8, § I(Exh. A), 2-10-14; Ord. No. 2023-31 , § 2, 4-24-23)

Secs. 130-229, 130-230. Reserved.

DIVISION 3. SERVICE REQUESTS; RATES

Sec. 130-166. Requests for water service.

Service authorization for the use of water shall be issued only by authorized employees of NBU, who shall collect the proper payment amount according to the rates and fees established in NBU Connection Policies and Service Conditions Policy.

(Ord. No. 2002-29, § 1(Att. A), 7-22-02)

Sec. 130-167. Water rates.

- (a) *Service rate classifications.* All water service supplied shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this section:

Residential service.

Multi-unit permanent residential water service.

Small general service.

Large general service.

Fire hydrant service.

Landscaping/irrigation service.

Tanker service.

Wholesale service.

Contractual water service.

Experimental service.

- (b) *Determination of classification.* Upon application for service, NBU shall make the initial determination of the customer's service rate classification. The classification is subject to change in accordance with the provisions of this article.

Rate schedule administration and assignment. Upon request for water service from a prospective customer, NBU shall assign the appropriate rate classification for water service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If an existing customer receiving service changes the nature or character of water service requirements, then NBU shall, upon review of the information available pertaining to the revised water service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive water service under more than one of NBU's rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for water service after

consideration of the various service requirements, the potential impact on the NBU system, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing items due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing items.

(c) *Residential service rate.*

- (1) *Availability.* The residential service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
- (3) *Excluded uses.* The residential service rate shall not be applicable for service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge, as shown below, plus any special charges or adjustments.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
¾-inch and smaller	\$ 17.64	\$ 19.39
1-inch	\$ 31.98	\$ 35.15
1½-inch	\$ 36.27	\$ 39.86
2-inch	\$ 43.96	\$ 48.31
3-inch	\$ 63.85	\$ 70.17
4-inch and greater	\$ 75.28	\$ 82.73

Monthly volume charge. The monthly volume charge for water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
0—3,000	\$2.36	\$2.60
3,001—6,000	\$5.71	\$6.28
6,001—12,000	\$8.79	\$9.66
Excess of 12,000	\$ 13.46	\$ 14.80

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
 - b. The amount specified in any contract between the customer and NBU.
- (d) *Multi-unit permanent residential service rate.*
- (1) *Availability.* The multi-unit permanent residential service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The multi-unit permanent residential service rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings, or an individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.
 - (3) *Excluded uses.* The multi-unit permanent residential service rate shall not be applicable for service to individually metered residential dwellings.
 - (4) *Monthly rates.* The multi-unit permanent residential service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, as shown below, plus any special charges or adjustments.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
¾-inch and smaller	\$ 17.64	\$ 19.39
1-inch	\$ 31.98	\$ 35.15
1½-inch	\$ 36.27	\$ 39.86
2-inch	\$ 43.96	\$ 48.31
3-inch	\$ 63.85	\$ 70.17
4-inch and greater	\$ 75.28	\$ 82.73

Monthly volume charge. The monthly volume charge for water usage per 1,000 gallons, or any part thereof, shall be:

Number of Units	Gallons of Water Usage	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
2—4	0— 8,000	\$ 4.95	\$ 5.44
	8,001— 20,000	\$ 4.95	\$ 5.44
	Excess of 20,000	\$ 4.95	\$ 5.44
5—10	0— 20,000	\$ 4.95	\$ 5.44
	20,001— 40,000	\$ 4.95	\$ 5.44
	Excess of 40,000	\$ 4.95	\$ 5.44
11—25	0— 40,000	\$ 4.95	\$ 5.44
	40,001— 100,000	\$ 4.95	\$ 5.44
	Excess of 100,000	\$ 4.95	\$ 5.44
26—50	0— 100,000	\$ 4.95	\$ 5.44

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(Supp. No. 36, Update 1)

	100,001— 200,000	\$ 4.95	\$ 5.44
	Excess of 200,000	\$ 4.95	\$ 5.44
51—75	0— 200,000	\$ 4.95	\$ 5.44
	200,001— 300,000	\$ 4.95	\$ 5.44
	Excess of 300,000	\$ 4.95	\$ 5.44
76—100	0— 300,000	\$ 4.95	\$ 5.44
	300,001— 400,000	\$ 4.95	\$ 5.44
	Excess of 400,000	\$ 4.95	\$ 5.44
100 +	0— 400,000	\$ 4.95	\$ 5.44
	400,001— 800,000	\$ 4.95	\$ 5.44
	Excess of 800,000	\$ 4.95	\$ 5.44

Monthly unit charge. When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s), each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$13.72 per month effective August 1, 2025, and \$15.07 per month effective August 1, 2026.

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

(5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus the monthly unit charge, plus any special charges or adjustments; or
- b. The amount specified in any contract between the customer and NBU.

(e) *Small general service rate.*

- (1) *Availability.* The small general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The small general service rate is applicable to water service for any customer whose volumetric usage is less than 100,000 gallons per month, which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks, barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries and garden centers, retail businesses, and warehouses and other similar nonresidential customers.
- (3) *Monthly rates.* The small general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below, plus any special charges or adjustments.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
5/8-inch and smaller	\$24.18	\$26.57
1-inch	\$26.65	\$29.29
1½-inch	\$34.34	\$37.74
2-inch	\$43.96	\$48.31
3-inch	\$65.94	\$72.47
4-inch	\$100.01	\$109.91
6-inch	\$ 173.54	\$ 190.72
8-inch	\$ 203.32	\$ 223.44
10 inch and greater	\$ 247.28	\$ 271.76

Monthly volume charge. The monthly volume charge for water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
0—5,000	\$ 4.12	\$4.53
5,001—35,000	\$ 6.32	\$6.94
35,001—75,000	\$ 8.79	\$9.66
Excess of 75,000	\$ 13.19	\$ 14.49

Monthly unit charge. When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$13.72 per month effective August 1, 2025, and \$15.07 per month effective August 1, 2026.

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

(4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge, plus any special charges or adjustments, if applicable; or
- The amount specified in any contract between the customer and NBU.

(f) *Large general service rate.*

- (1) *Availability.* The large general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The large general service rate is applicable to customers with water consumption equal to or exceeding 100,000 gallons per month for at least six months of the immediately preceding 12-month billing period. The aggregate consumption of multiple meters shall not be used to determine eligibility for large general service. At least one non-irrigation meter must meet the stated consumption criteria to be eligible for large general service rates. The LGS rate shall not apply to small general service customers with one meter operating a multi-unit commercial property, regardless of usage volume.

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- (3) *Monthly rates.* The large general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below. When a customer is reclassified to the LGS rate from another rate schedule, the customer may not change to another rate classification within a 12-month period unless there is a substantial change in the character or conditions of service.

Monthly customer charge: \$439.60 effective August 1, 2025, and \$483.12 effective August 1, 2026.
Each meter shall incur a monthly customer charge regardless of consumption.

Monthly volume charge: \$4.12 per 1,000 gallons effective August 1, 2025, and \$4.53 per 1,000 gallons effective August 1, 2026

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
- b. The amount specified in any contract between the customer and NBU.

(g) *Fire hydrant service rate.*

- (1) *Availability.* The fire hydrant service rate is available under the rules, regulations, policies, and at the rates set forth in this section.

- (2) *Applicability.* The fire hydrant service rate is applicable to water service provided through a fire hydrant, whether metered or estimated. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required. A service charge of \$100.00 will be assessed to set and remove the fire hydrant meter.

- (3) *Monthly rates.* The fire hydrant service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge: \$384.65 effective August 1, 2025, and \$422.73 effective August 1, 2026

Monthly volume charge: \$9.34 per 1,000 gallons effective August 1, 2025, and \$10.27 per 1,000 gallons effective August 1, 2026

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
- b. The amount specified in any contract between the customer and NBU.

- (5) *Deposit.* All customers using a fire hydrant meter shall furnish a deposit of \$300.00 or establish other means of credit acceptable to NBU.

(h) *Landscape/irrigation service rate.*

- (1) *Availability.* The landscape/irrigation service rate is available under the rules, regulations, policies, and at the rates set forth in this section.

- (2) *Applicability.* The landscape/irrigation service rate is applicable to water service for a residential, small general service, and large general service rate classification customer who has a sprinkler or irrigation system on a separate water meter:

- a. Dedicated exclusively to such purpose, and
- b. Which is in addition to one or more other water meters serving the same location.

- (3) *Monthly rates.* The landscape/irrigation service rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
½-inch and smaller	\$ 17.64	\$ 19.39
1-inch	\$ 31.98	\$ 35.15
1½-inch	\$ 36.27	\$ 39.86
2-inch	\$ 43.96	\$ 48.31
3-inch	\$ 63.85	\$ 70.17
4-inch and greater	\$ 75.28	\$ 82.73

Monthly volume charge. The monthly volume charge for water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
0—6,000	\$8.52	\$9.36
6,001—20,000	\$9.89	\$10.87
Excess of 20,000	\$ 14.62	\$16.06

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
 - The amount specified in any contract between the customer and NBU.

(i) *Tanker service rate.*

- (1) *Availability.* The tanker service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The tanker water service rate is applicable to water service provided at locations approved by NBU, whether metered or estimated. Under this rate, a customer may acquire and purchase water through the use of water tanker trucks or other mobile water transport containers. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required.
- (3) *Rates.* The rate for each tanker or other mobile water transport containers acquiring water at locations approved by NBU shall be the sum of the tanker charge and the volume charge, as shown below.

Tanker charge	Eff. Aug. 1, 2025	Eff. Aug. 1, 2026
Per month	\$384.65	\$422.73
Volume charge, per 1,000 gallons or any part thereof	\$9.34	\$10.27

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- (4) *Minimum charge.* The minimum charge for each tanker truck connection shall be the larger of the following:
- The tanker charge plus the volume charge, plus any special charges or adjustments; or
 - The amount specified in any contract between the customer and NBU.
- (j) *Wholesale water service.*
- (1) *Availability.* Wholesale water service is available under the rules, regulations, and policies, as set by contract and approved by the NBU board of trustees. Contracts for wholesale service will be approved only when water supplies are sufficient to satisfy the requirements of the contract without jeopardizing the water needs of the citizens of the city and customers of NBU.
 - (2) *Applicability.* A wholesale service contract is applicable for water service to water systems created by the appropriate agency of the state as well as to other water systems and purveyors which resell water or water service.
 - (3) *Rates.* The rate set by contract shall not be less than the marginal cost to serve that customer.
- (k) *Contractual water service.* NBU shall have the right to enter into contracts with customers for water service subject to prior approval of the NBU board of trustees. Such water service charges may be calculated on the basis of customer classification as set forth in this article or on cost of service, at the election of NBU; however, the water service charge shall never be less than cost of service.
- (l) *Experimental rate.*
- (1) *Applicability.* The experimental rate shall be applicable to any and all rate class groups at times chosen by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
 - (2) *Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's sole discretion.
 - (3) *Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (m) *Residential and landscape irrigation drought surcharges.*
- (1) If stage ~~III~~ water use reduction measures are in effect, NBU will implement a \$~~1,004.18~~ per 1,000 gallon surcharge for residential usage greater than ~~1512~~,000 gallons and for irrigation usage greater than ~~7,5006,000~~ gallons per month.
 - (2) If stage ~~IV~~ water use reduction measures are in effect, NBU will implement a \$~~2,004.89~~ per 1,000 gallon surcharge for residential usage greater than ~~1512~~,000 gallons and for irrigation usage greater than ~~7,5006,000~~ gallons per month.
 - (3) If stage 5 water use reduction measures are in effect, NBU will implement a \$4.89 per 1,000 gallon surcharge for residential usage greater than 6,000 gallons and for irrigation usage greater than 0 gallons per month.
- (n) NBU is directed to provide updates to city council and the NBU board on NBU's financial status. City council retains the power to consider a review of NBU's rates at any time.

(Ord. No. 2002-29, § 1(Att. A), 7-22-02; Ord. No. 2002-48, §§ I, II, 12-9-02; Ord. No. 2007-78, § 2, 10-22-07; Ord. No. 2014-16, § I(Exh. A), 2-24-14; Ord. No. 2015-62, § I(Exh. A), 11-9-15; Ord. No. 2018-78, § 2, 11-26-18; Ord. No. 2019-72, § 2, 10-28-19; Ord. No. 2020-63, § 3, 10-26-20; Ord. No. 2023-27, § 3(Exh. A), 4-10-23; Ord. No. 2025-39, § 3 (Exh. A.), 6-23-25)

Sec. 130-168. Water service for acquired systems.

In any area served by an existing water system acquired by NBU, water rates may be set at an amount sufficient to provide a fair return on the adjusted value of the invested capital for such acquired water system used and useful in rendering service to the public; and, upon recovery in full by NBU of the entire cost of the acquired system, including interest and acquisition expenses, such rates for users of the acquired system shall revert to the rate for such services as provided in this article for the appropriate location and classification.

(Ord. No. 2002-29, § 1(Att. A), 7-22-02)

Sec. 130-169. Water tap charges.

Charges for water taps shall be based on the schedule of construction charges and impact fees as approved by the NBU board of trustees.

(Ord. No. 2002-29, § 1(Att. A), 7-22-02)

Sec. 130-170. Water rates—Reuse water.

- (a) *Availability.* Reuse water service is available under the rules, regulations, and policies, as set by contract and approved by the NBU board of trustees. Contracts for reuse water service will be approved only when reuse water supplies are sufficient, as determined by NBU, to satisfy the requirements of the contract.
- (b) *Rates.* The rate for sales of reuse water shall be established by contract between NBU and any customer proposing to use reuse water. The rate set by contract shall not be less than the marginal cost to serve that customer.
- (c) *Sale.* The sale of reuse water shall be in accordance with and subject to the regulations of the Texas Commission of Environmental Quality (TCEQ) and applicable statutes.

(Ord. No. 2002-29, § 1(Att. A), 7-22-02; Ord. No. 2007-65, § I, 7-23-07)

Editor's note(s)—Ord. No. 2007-65, § I, adopted July 23, 2007, changed the title of § 130-170 from "Water rates—Reclaimed water" to "Water rates—Reuse water." The historical notation has been preserved for reference purposes.

Sec. 130-171. Private water systems.

Pursuant to Section 13.042 of the Texas Water Code, the city surrenders to the Texas Commission on Environmental Quality its exclusive original jurisdiction over the rates, operations and services of privately owned water systems within the incorporated limits of the city.

(Ord. No. 2003-27, § I, 4-14-03)

Sec. 130-172. Billing adjustments.

Water supply fee. The water supply fee is the cost assessed to customers who have a volumetric usage. It consists of the cost of certain water supplies expressed as dollars per 1,000 gallons, to be multiplied by the gallons sold during a billing period to each customer. Prior to August 1 of each fiscal year, the water supply fee applicable to the months of August-July billing periods is to be calculated based on estimated variables for the period. The amount will be reconciled annually with actual costs and credits. The New Braunfels Utilities Board will be apprised of any changes to the water supply fee.

(Ord. No. 2019-72, § 2, 10-28-19)

Secs. 130-173—130-185. Reserved.

8/10/2026

Agenda Item No. B)

PRESENTER:

Matthew Simmont, AICP, Planning Manager

Applicant: Elevate Permit Group / Owner: Jeremy Coburn

SUBJECT:

Approval of the second and final reading of an ordinance, requested by Elevate Permit Group, on behalf of Jeremy Coburn, to rezone approximately 0.3 of an acre out of City Block 5092, southwest part of Lot 29, 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 256 East Austin Street.

DEPARTMENT: Neighborhood and Community Planning**COUNCIL DISTRICTS IMPACTED:** 5**BACKGROUND INFORMATION:****Case No:** SUP26-173**Applicant:**

Elevate Permit Group

(830) 420-0514

Owner:

Jeremy Coburn

(210) 792-2270

Staff Contact:

Amanda Mushinski

(830) 221-4056 | amushinski@newbraunfels.gov

The City Council held a public hearing on July 27, 2026 and unanimously approved the first reading of the applicant's requested rezoning ordinance (7-0-0).

The subject property is approximately 1/3 of an acre on the southeast side of East Austin Street, and approximately ½ block northeast of Christus Santa Rosa Hospital. It is bordered by R-2 (Single-Family and Two-Family District) and C-1 (Local Business District) zoning. Adjacent land uses consist of residences and commercial property.

The 1900s residence is roughly 1050 square feet with 3 bedrooms and 2 bathrooms. Per the Zoning Ordinance, the maximum occupancy of a short-term rental (STR) with a total of 3 bedrooms and 2 bathrooms is 8 occupants, and the minimum off-street parking is 3 spaces. There is sufficient room to meet the minimum paved off-street parking requirements.

ISSUE:

The R-2 zoning district is intended to preserve and allow for the development of 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 overlay (SUP) within residential zoning districts such as R-2. To seek an SUP for an STR, a property must be rezoned to a non-residential district. To meet that procedural requirement, the applicant is requesting to rezone from R-2 to C-O (Commercial Office District) and concurrently apply for a Special Use Permit (SUP) to allow the short-term rental use of the existing single-family home. C-O allows both 1) the continued use of the existing residence as a single-family dwelling and 2) the potential operation of a short-term rental with SUP approval from City Council.

The applicant initially requested a base zoning district rezoning to MU-A, Low-Intensity Mixed-Use District. While MU-A allows single-family residential use and short-term rentals with SUP approval, it permits a broader range of residential and nonresidential uses than C-O, including multifamily, office, and other low-intensity commercial uses. During the Planning Commission meeting on July 7, 2026, the Commission recommended the applicant consider adjusting their request down to the less intense C-O, Commercial Office District, instead of MU-A. The applicant agreed and is now requesting a base zoning district change to C-O. Because C-O is within the “range of intensity” between the current zoning (R-2) and the originally requested base zoning (MU-A), this alternative could proceed.

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 will be required. Also, the project must comply with all other City Code standards.

COMPREHENSIVE PLAN REFERENCE:

The proposed rezoning and SUP overlay is consistent with the following actions from Envision New Braunfels:

- **Action 1.3:** Encourage balanced and fiscally responsible land use patterns.
- **Action 3.1:** Plan for healthy jobs/housing balance.
- **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 Tourist and Medical Centers.

STRATEGIC PLAN REFERENCE:

☒Economic Mobility ☐Enhanced Connectivity ☐Community Identity

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

- Economic Mobility - Objective: 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 - Objective: 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:

- 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:

Staff recommends approval. The C-O District balances the applicant's request with a desire to protect the residential character of the surrounding neighborhood and limit potential impacts from incompatible commercial or mixed-use encroachment.

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 July 7, 2026, and recommended approval of a zoning change 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) (6-1).

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 20 properties within 200 feet of the request. As of the date this agenda was posted, 4 responses have been received in opposition (18%) and two responses in favor (6%) (a supermajority vote of City Council would not be required to approve the applicant's request.)

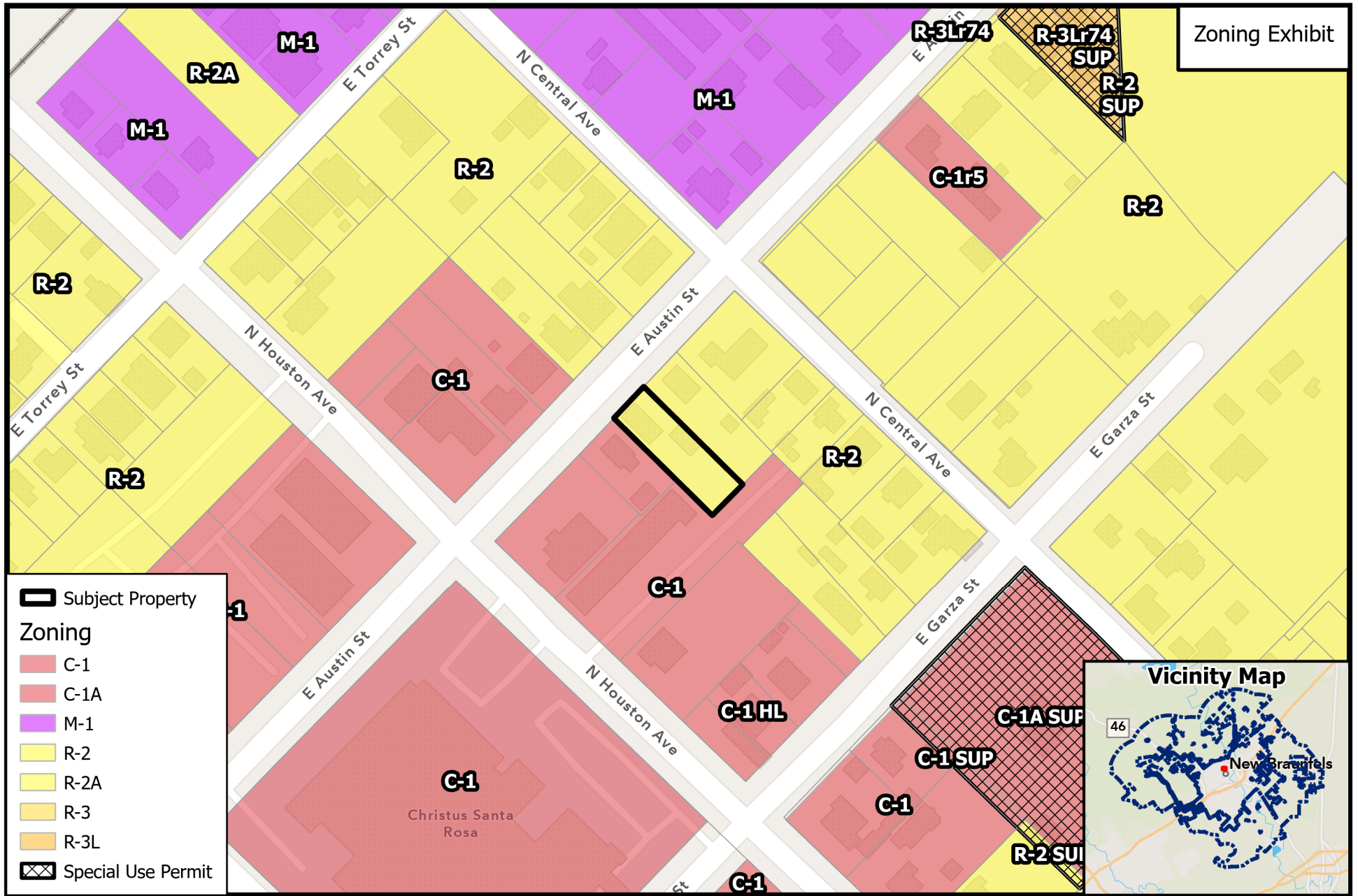
Resource Links:

- [Short Term Rental Map <https://newbraunfels.maps.arcgis.com/apps/webappviewer/index.html?id=16f23a4b3c8a41ec89ef42a58185421a>](https://newbraunfels.maps.arcgis.com/apps/webappviewer/index.html?id=16f23a4b3c8a41ec89ef42a58185421a)
- 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. 3.4-10 (MU-A) 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?](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?)







256 E Austin St

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

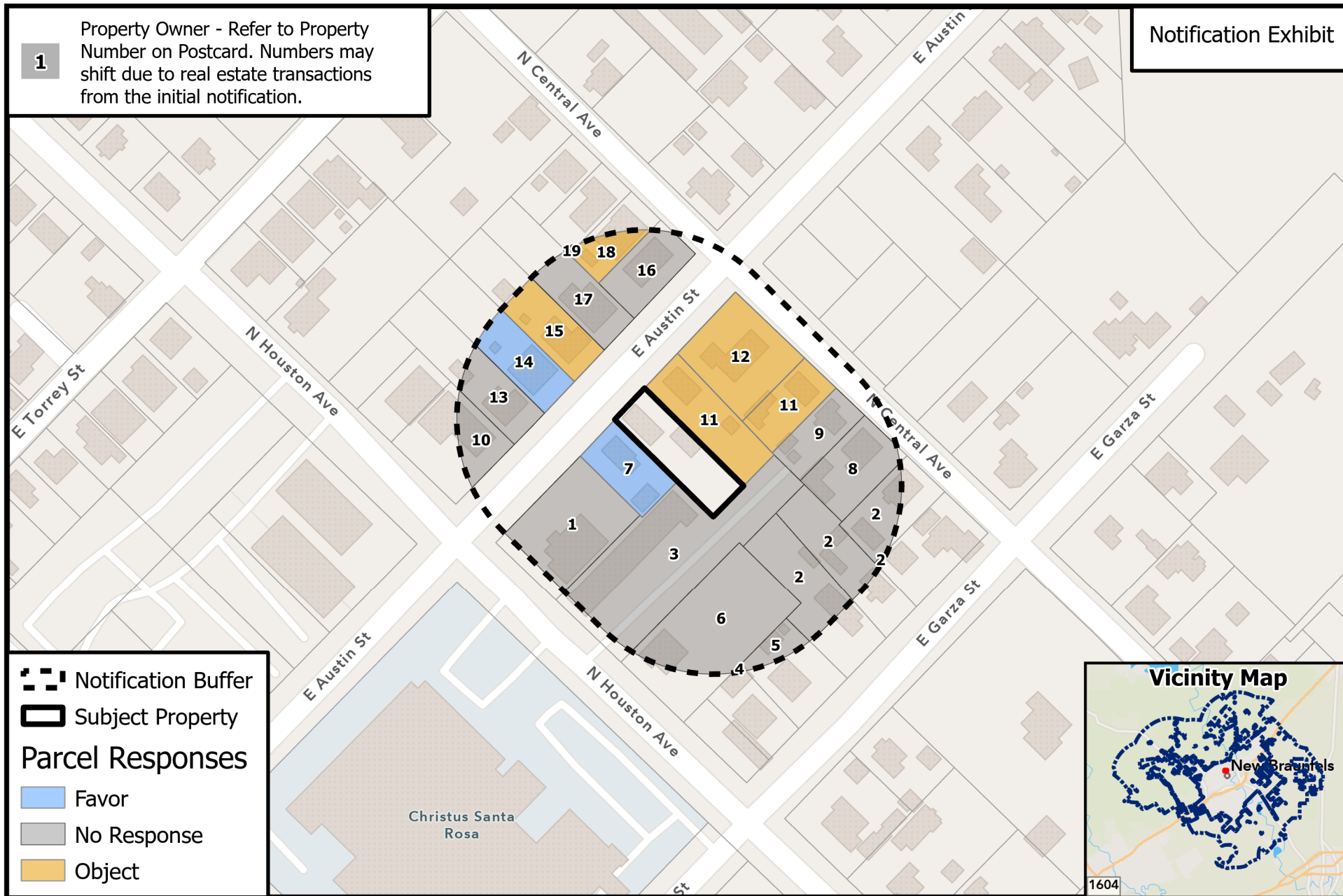
Land Use	Existing	Proposed
	R-2	CO
Offices, consulting		P
Offices, engineering, architecture, surveying or similar		P
Offices, health services		P
Offices, insurance agency		P
Offices, legal services, including court reporting		P
Offices, medical offices		P
Offices, real estate		P
Offices, security/commodity 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

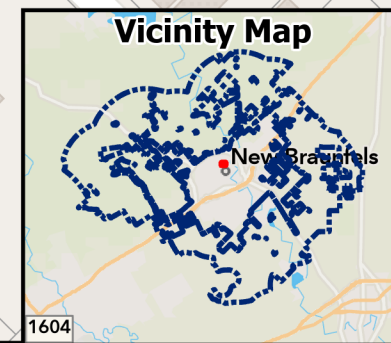
Land Use	Existing	Proposed
	R-2	CO
Truck or transit terminal		
Truck stop		
Tuber entrance and takeout facilities (see section 144-5.13)		
University or college (public or private)		P
Upholstery shop (non-auto)		
Used or second hand merchandise/furniture store		
Vacuum cleaner sales and repair		
Vehicle 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

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 – July 7, 2026 – 6:00PM

City Hall Council Chambers

Applicant: Elevate Permit Group

Address/Location: 256 E AUSTIN ST

SUP26-173

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. CAPITAL OF TEXAS REALTY LLC | 10. FORNEY BUILDING PARTNERS LTD |
| 2. DIETERT MICHAEL W & LINDA | 11. KASPER KENNETH R |
| 3. L J CASTLE HILLS VENTURE LTD | 12. KASPER KENNETH R |
| 4. LEEPER MARY E | 13. ROBLES MARTIN SR |
| 5. DIETERT MICHAEL W & LINDA P | 14. CAMPOS ATANACIO |
| 6. INSTITUTE FOR PUBLIC HEALTH &
EDUCATION RESEARCH | 15. MARTINEZ AIDA |
| 7. AA HILL COUNTRY PROPERTIES LLC | 16. YBARRA EDDIE M & ANGELES MATA-
YBARRA |
| 8. HANSEL LORI J | 17. RODRIGUEZ CONSUELO |
| 9. GUERRERO ALICIA G RVCBL TRST 04-16-
2025 | 18. GONZALES ANDREW J |
| | 19. RAMSEY ESTHER GARCIA |

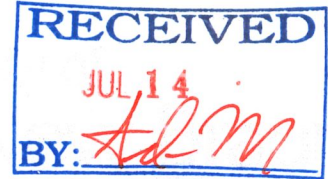
SEE MAP

CAMPOS ATANACIO
496 S CASTELL AVE
NEW BRAUNFELS TX 78130
Property #: 14
SUP26-173
Case Manager: AM

FAVOR ☒

OPPOSE ☐

COMMENTS



AA HILL COUNTRY PROPERTIES LLC

700 BELL SPRINGS ROAD

DRIPPING SPRINGS TX 78620

Property #: 7

SUP26-173

Case Manager: AM

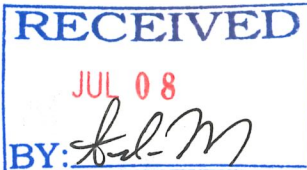
FAVOR



OPPOSE



COMMENTS



MARTINEZ AIDA

265 E AUSTIN ST

NEW BRAUNFELS TX 78130

Property #: 15

SUP26-173

Case Manager: AM

FAVOR

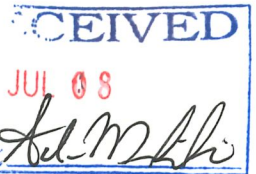


OPPOSE



COMMENTS

we had renters across
the street. They were into
drug. People coming & going
within 30 mins. There
were shots fired. But got the
wrong house. The houses
are the same color. The gas
meter was gone. People
working down the street all
police. There is three of us
ladies living by ourselves.
we never were afraid before.
I very much oppose!!!
one of my next door neighbor
is in her 10's



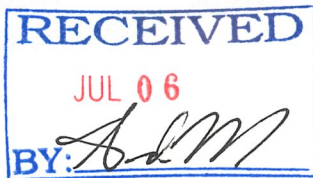
KASPER KENNETH R
272 E AUSTIN ST
NEW BRAUNFELS TX 78130
Property #: 11
SUP26-173
Case Manager: AM

COMMENTS

FAVOR ☐

OPPOSE ☒

ST Rentals =
All night noise



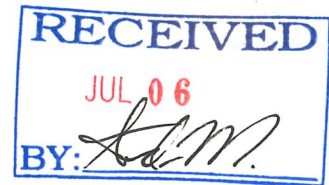
KASPER KENNETH
656 N CENTRAL AVE
NEW BRAUNFELS TX 78130
Property #: 12
SUP26-173
Case Manager: AM

COMMENTS

FAVOR ☐

OPPOSE ☒

ST Rental y Pool
Will cause ~~noise~~
LATE NIGHT PARTIES
in the quiet
neighborhood





Planning Division
To  Amanda Mushinski

Retention Policy CoNB Retention Policy (5 years, 11 months) Expires 5/31/2032

Reply

Reply All

Planning and Development Services
550 Landa Street | New Braunfels, TX 78130
830-221-4052 | planning@newbraunfels.gov
One City, One Team

Property # 18

-----Original Message-----
From: Digestible Media <digestiblemedia@gmail.com>
Sent: Tuesday, July 7, 2026 4:04 PM
To: Planning Division <planning@newbraunfels.gov>
Subject: Oppose SUP26-173

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.

Hello New Braunfels Planning commision.

I live at 717 N Central Ave and am affected by SUP26-173. I am wiring to oppose this zoning change. Would prefer if our neighborhood did not become a short term rental area.

Thanks!

ANDREW JAMES GONZALES
717 N Central Ave
New Braunfels Tx 78130

Draft Minutes for the 7/7/2026 Planning Commission Regular Meeting

A) SUP26-173 Public hearing and recommendation to City Council, requested by Elevate Permit Group, on behalf of Jeremy Coburn, to rezone approximately 0.3 of an acre out of City Block 5092, southwest part of Lot 29, from R-2 (Single-Family and Two-Family District) to MU-A SUP (Low Intensity Mixed Use District with a Special Use Permit to allow Short Term Rental of a residence), currently addressed at 256 East Austin Street.

Amanda Mushinski introduced the aforementioned item and recommended denial.

Chair Sonier asked if there were any questions for staff.

Discussion followed on the recommended denial and previously denied mid-block cases.

Chair Sonier invited the applicant to speak on the item.

Jeremy Coburn, owner, elaborated on the request discussing the community need, compatibility with the current neighborhood, guest limits, and parking accessibility.

Discussion followed on the residential objection, and the decision to pick the MU-A zoning.

Chair Sonier opened the public hearing and asked if anyone present wished to speak on the item.

2 individuals spoke in favor of the item.

0 individuals spoke in opposition of the item.

Chair Sonier closed the public hearing.

Tuesday, July 7, 2026 New Braunfels Planning Commission Regular Meeting

Chair Sonier asked if there were any further discussion or motion to be made.

Discussion followed on closest short term rental to the property, and the merits of MU-A vs the CO zoning districts.

Motion by Commissioner Taylor, seconded by Commissioner Henry to recommend the item for approval to rezone the property to CO instead of the requested MU-A with staff recommendations. Motion carries (6-1-0).

Opposed:

Mathis

Absent:

Allsup, and Rudy

ORDINANCE NO. 2026-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 0.3 ACRES, BEING OUT OF CITY BLOCK 5092, SOUTHWEST PART OF LOT 29, ADDRESSED AT 256 EAST AUSTIN STREET, 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); 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) 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 acres being out of City Block 5092, southwest part of Lot 29, addressed at 256 East Austin Street, 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); 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 256 East Austin Street, to allow a 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 a Special Use Permit to allow Short Term Rental of a Residence) with conditions herein described:

Approximately 0.3 acres, being out of City Block 5092, southwest part of Lot 29, as described on Exhibit "A", 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 "B" and floor plan Exhibit "C". 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 27th day of July 2026.

PASSED AND APPROVED: Second reading this 10th day of August 2026.

CITY OF NEW BRAUNFELS

MICHAEL FRENCH, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

City Attorney's Office

Exhibit "A"**Trihydro Corporation**

1672 Independence Drive, Suite 315 * NEW BRAUNFELS, TX. 78130

PHONE (830) 626-3588

jhickman@trihydro.com

TBPELS Firm Registration #10194320

BEING, all that parcel of land situated in the corporate limits of the City of New Braunfels, Comal County, Texas, being known as the southwest part of Lot No. 29, New City Block 5092. Also being the same tract described in Document No. 202206045450, Official Public Records Comal County, Texas (O.P.R.C.C.TX.);

COMMENCING at an iron rod found on the southeast right-of-way line of E. Austin St. marking the west corner of a called 0.161 acre tract, called the northeast part of Lot 25, New City Block 5092 and recorded in Document No. 201606039704, O.P.R.C.C.TX.;

THENCE North 44°03'00" East, a distance of 62.94 feet to a 1/2-inch iron rod found on said southeast right-of-way line of E. Austin St. marking the north corner of said northeast part of Lot 25, same being the west corner of Lot 29 of said New City Block 5092 and the west corner of the herein described tract and the **POINT OF BEGINNING**;

THENCE, North 44°07'36" East, a distance of 55.28 feet along said southeast right-of-way line of E. Austin St. with the northwest line of said Lot 29 to a 1/2-inch iron rod found marking the north corner of the herein described tract, same being the west corner of the remainder of a called 0.36 acre tract and being a portion of Lots 29 and 32, New City Block 5092 and recorded in Document No. 201206025395, O.P.R.C.C.TX.;

THENCE, South 45°47'51" East, a distance of 174.37 feet departing said southeast right-of-way line of E. Austin St. along the common line of this tract and said remainder of a called 0.36 acre tract to a 1/2-inch iron rod found marking the east corner of the herein described tract, same being on the northwest line of a called 0.705 acre tract, consisting of all of Lot 26 and a portion of Lots 25, 29, and 32, New City Block 5092 and recorded in Document No. 200606050859, O.P.R.C.C.TX.;

THENCE, South 44°16'08" West, a distance of 55.48 feet with the common line of this tract and said 0.705 acre tract to a 1/2-inch iron rod found marking the south corner of the herein described tract, same being an interior corner of said 0.705 acre tract and being on the southwest line of said Lot 29;

THENCE, North 45°44'04" West, along the southwest line of said Lot 29 at 63.3 feet a 1/2-inch iron rod found bears North 44°15'11" East, a distance of 0.92 feet and continuing for a total distance of 174.23 feet to the **POINT OF BEGINNING**. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey feet.



John Mark Hickman, RPLS 7001

Job No.: TXSUR-025-0062

Date: 10/03/2025




EXHIBIT

A

1 OF 2

SURVEY SHOWING ALL THAT PARCEL OF LAND, SITUATED IN THE CORPORATE LIMITS OF THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, KNOWN AS THE SOUTHWEST PART OF LOT NO. 29, NEW CITY BLOCK NO. 5092. ALSO BEING THE SAME TRACT DESCRIBED IN DOCUMENT NO. 202206045450 OFFICIAL PUBLIC RECORDS COMAL COUNTY, TEXAS.

NOTE: ALL BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM GRID, SOUTH CENTRAL ZONE (FIPS 4204) (NAD'83), AS DETERMINED BY THE GLOBAL POSITIONING SYSTEM (GPS). ALL DISTANCES ARE SHOWN IN U.S. SURVEY FEET.

DRAWN BY: PME

CHECKED BY: JMH

DATE: 10/03/2025

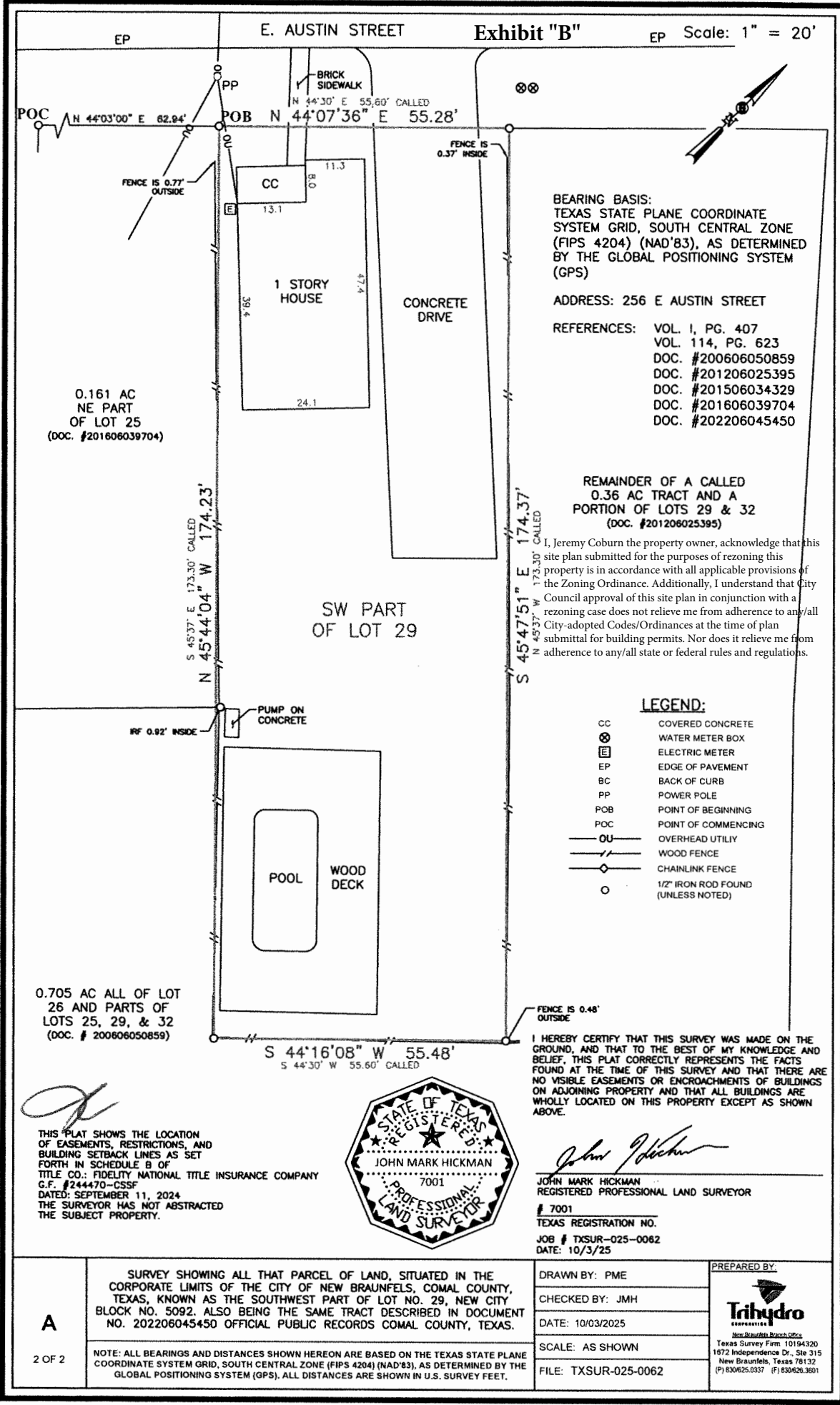
SCALE: NONE

FILE: TXSUR-025-0062

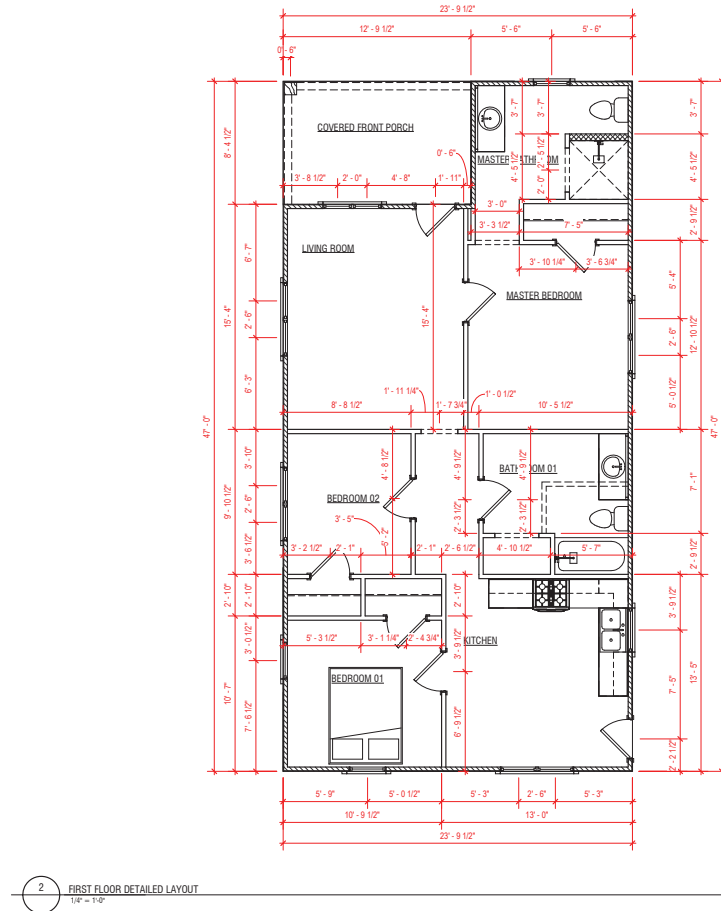
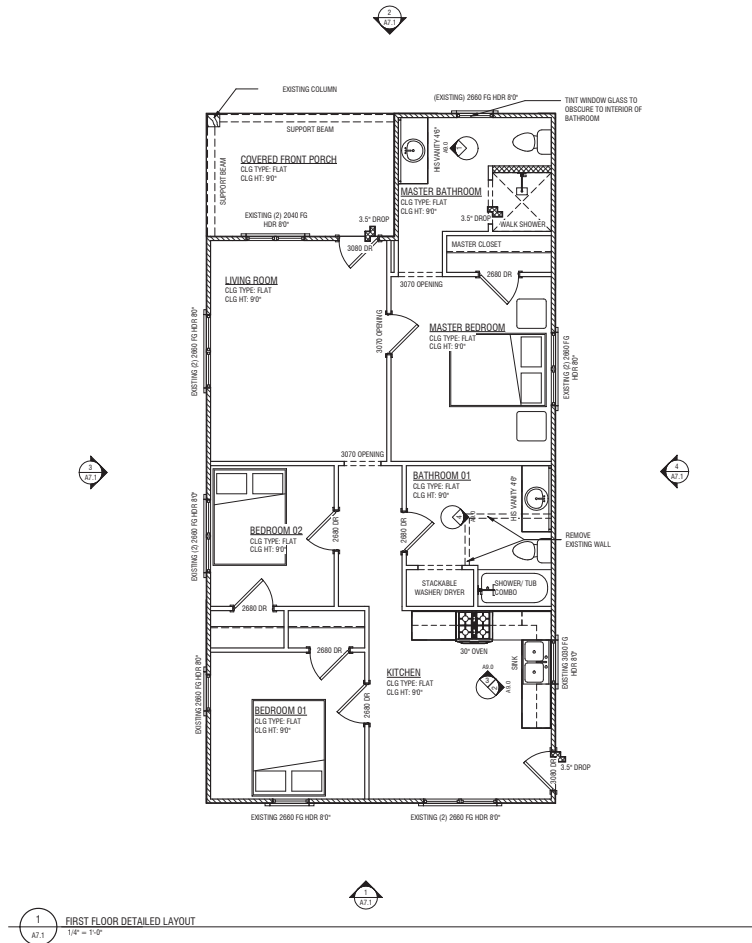
PREPARED BY:



New Braunfels Branch Office
Texas Survey Firm 10194320
1672 Independence Dr., Ste 315
New Braunfels, Texas 78132
(P) 830/626-3337 (F) 830/626-3601



169



AREA SCHEDULE		
NAME	AREA	COMMENTS
MAIN CONDITIONED SPACE	1011 SF	
COVERED FRONT PORCH	107 SF	
	1118 SF	

DETAILS AND DRAWINGS ARE BUILDER'S TYPE AND THE DESIGNER OF THIS SET OF PLANS HEREBY NOTIFIES BOTH OWNER AND BUILDER THAT HE, "DESIGNER", RELIEVES HIMSELF OF LIABILITIES TO PROBLEMS AT SITE IN REFERENCE TO SAID WORKING DRAWINGS. THESE PLANS ARE PURCHASED BY THE OWNER OF BUILDING AS A MINIMUM SET OF PLANS AND SHOULD BE USED ONLY AS A GUIDELINE. THE BUILDER IS RESPONSIBLE FOR AND SHOULD REVIEW ALL DRAWINGS, SPECIFICATIONS, LOCAL CODES, ELECTRICAL, JOIST, HEADERS, FOUNDATION REQUIREMENTS, SITE RESTRICTIONS, FRAMING AND WOOD LOAD REQUIREMENTS ETC. PRIOR TO COMPLETION OF PLANS AND PRIOR TO ANY CONSTRUCTION.

PROJECT NAME: EXISTING COBURN RESIDENCE

SHEET NAME
FIRST FLOOR PLAN

272 EAST AUSTIN STREET, NEW BRAUNFELS, TX 78130

SHEET NUMBER:
A4.0

PAPER SIZE: ARCH D
DATE: Issue Date
SCALE: AS NOTED
DRAWN BY: SEP
CHECKED BY: CSB



BMBS SOLUTIONS LLC
Drafting, Design & Estimating
Christopher.blackwell@bmbsolutions.com

Christopher.blackwell@bmbresolutions.com

[illegible]

8/10/2026

Agenda Item No. C)

PRESENTER:

Jordan Matney, Deputy City Manager

SUBJECT:

Discuss and consider approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure of up to \$1,400,000 to the City of New Braunfels for final design of the Alamo Area Metropolitan Planning Organization Gruene Multimodal Improvements Project, pursuant to 505.152 of the Texas Local Government Code.

DEPARTMENT: Transportation & Construction Services

COUNCIL DISTRICTS IMPACTED: 4

BACKGROUND INFORMATION:

The Alamo Area Metropolitan Planning Organization (AAMPO) Gruene Multimodal Improvements project will address pedestrian, bicycle, and Americans with Disabilities Act (ADA) improvements in the Gruene Historic District and surrounding area to enhance safety and connectivity. The project includes:

- Shared-use paths on Gruene Road and Hunter Road
- Sidewalks along key roadway segments
- Intersection improvements at Gruene Road and Rock Street
- Bike lane, landscaping, and other enhancements in key areas

This funding request will cover final design, including extensive stakeholder outreach, specialized design and aesthetic improvements in the Gruene area, required state coordination, and bidding phases of the project. The final design funding request is \$1,400,000.

AAMPO has pledged \$5,568,740 toward 80% of the construction costs, with the remaining 20% to be matched in the future.

The tentative project schedule includes:

- Final Design Contract Awarded: Summer 2026
- Construction Let Date: 2031, with potential for acceleration
- Secure Funding for 20% Construction Match: In alignment with Construction Let Date

Section 505.152 of the Texas Local Government Code permits the New Braunfels Economic Development Corporation (NBEDC) to invest in expenditures related to open space improvements to roads and streets. The NBEDC has previously supported project expenditures for pedestrian improvements, including those recently completed on Common Street and Union Avenue.

This project falls under the *Planning and Infrastructure* category in the NBEDC's Strategic Priorities. The NBEDC received a presentation on this project at its February 19, 2026, meeting, where Planning & Infrastructure - Strategic Priority 2 projects were discussed. The NBEDC held a public hearing on June 18, 2026, and approved this expenditure.

ISSUE:

Approval of a recommendation from the NBEDC to fund a project expenditure: final design of AAMPO Gruene Multimodal Improvements - in an amount not to exceed \$1,400,000.

STRATEGIC PLAN REFERENCE:

N/A **Economic Mobility** YES **Enhanced Connectivity** YES **Community Identity**

N/A **Organizational Excellence** YES **Community Well-Being**

- Enhanced Connectivity - Set total number of linear feet of gaps and measure progress made through redevelopment, capital investment, etc.
- Enhanced Connectivity - Increase bikeway, trails, and sidewalk miles
- Enhanced Connectivity - Increase walk and bike score
- Community Identity - Allocate resources and recurring funding dedicated to community-wide beautification and streetscape enhancement
- Community Well-Being - Develop capital and staffing investments that improve safety, reduce heat islands, and encourage transportation modes that support healthier lifestyles and exercise such as biking, walking, and running

New Braunfels Economic Development Corporation (NBEDC) Strategic Priorities:

- Planning and Infrastructure - Make thoughtful and strategic investments in capital planning processes as well as infrastructure development in areas including transportation, drainage, public spaces, and trails to create an attractive environment for business growth and development and talent acquisition
- Enhancing Sense of Place - Strengthen quality of place by advancing investments that preserve New Braunfels' character and improve downtown amenities, create unique outdoor spaces, and support catalytic projects for the community.

FISCAL IMPACT:

The NBEDC has an appropriate fund balance to approve this expenditure.

RECOMMENDATION:

Staff recommend approval of this project expenditure to fund the final design of the AAMPO Gruene Multimodal Improvements.

RESOLUTION 2026 – RXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPROVING A RECOMMENDATION OF THE NEW BRAUNFELS ECONOMIC DEVELOPMENT CORPORATION FOR A PROJECT EXPENDITURE OF UP TO \$1,400,000 TO THE CITY OF NEW BRAUNFELS FOR FINAL DESIGN OF AAMPO GRUENE MULTIMODAL IMPROVEMENTS, PURSUANT TO 505.152 OF THE TEXAS LOCAL GOVERNMENT CODE.

WHEREAS, on February 19, 2026, the New Braunfels Economic Development Corporation (“NBEDC”) Board of Directors met to discuss Planning & Infrastructure Projects – including the Alamo Area Metropolitan Planning Organization (“AAMPO”) Gruene Multimodal Improvement Project; and

WHEREAS, proposed project will address pedestrian and Americans with Disabilities Act (“ADA”) improvements in the Gruene Historic District and surrounding area to enhance safety and connectivity; and

WHEREAS, the project includes shared-use paths on Gruene and Hunter Roads, sidewalks along key corridors, intersection improvements at Gruene and Rock Roads, and bike lane/landscaping improvements in other key areas; and

WHEREAS, the NBEDC held a public hearing on June 18, 2026 to solicit public comments about this funding request; and

WHEREAS, Section 505.152 of the Texas Local Government Code authorizes the NBEDC to invest in expenditures related to open space improvements to roads and streets; and

WHEREAS, the NBEDC has previously supported project expenditures for pedestrian-related improvements, including those recently completed on Common Street and Union Avenue; and

WHEREAS, this project falls under the Planning & Infrastructure category in the NBEDC Strategic Priorities; and

WHEREAS, after discussing the request, the NBEDC voted to approve the expenditure in an amount up to \$1,400,000 to the City of New Braunfels to fund final design of AAMPO Gruene Multimodal Improvements.

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

SECTION 1: That the recommendation of the NBEDC to fund final design, in an amount up to \$1,400,000, to support the AAMPO Gruene Multimodal Improvements, is hereby approved.

SECTION 2: That this resolution shall become effective from and after the date of its passage.

PASSED AND APPROVED by the City Council of the City of New Braunfels, Texas on this 10th day of August, 2026.

MICHAEL FRENCH, Mayor
City of New Braunfels, Texas

ATTEST:

GAYLE WILKINSON, City Secretary
City of New Braunfels, Texas

**CONTRACT BETWEEN THE NEW BRAUNFELS ECONOMIC DEVELOPMENT
CORPORATION AND THE CITY OF NEW BRAUNFELS, TEXAS**

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, a Non-Profit Corporation of the State of Texas, hereinafter called "EDC", acting by and through its duly authorized officers, and the City of New Braunfels, Texas, a Texas municipal corporation, hereinafter called "CITY," acting by and through its officers:

W I T N E S S E T H:

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

II.

NOW THEREFORE, under the authority granted to the EDC by §505.152 of the Texas Local Government Code and upon the recommendation of the EDC which occurred on June 18, 2026, the City Council of New Braunfels, Texas on August 10, 2026 and with Resolution 2026-R___, approved the EDC's determination that an amount up to \$1,400,000 be allocated to the CITY for costs associated with final design of AAMPO Gruene Multimodal Improvements. Said funds shall be provided by EDC to the City under the following conditions:

- (1) Up to \$1,400,000 of the funds shall be allocated from sales tax funds by the EDC to CITY to pay for the final design of AAMPO Gruene Multimodal Improvements as indicated in Exhibit A;
- (2) The total of \$1,400,000 of EDC funds, or parts thereof, shall be distributed to CITY within thirty (30) days after receiving an invoice.

(3) CITY shall at all times comply with the ordinances of City of New Braunfels and the laws of the State of Texas; and

(4) All funds received by CITY from EDC as herein provided shall be expended solely for the purposes stated herein.

III.

In the performance of this contract, CITY 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.

IV.

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.

V.

Employment of Undocumented Workers. During the term of this Agreement, CITY agrees not to knowingly employ an undocumented worker and if convicted of a violation of 8 U.S.C. Sec. 1324a(f), the CITY shall repay the amount of the Grant and any other funds received by the CITY from the EDC as of the date of such violation within sixty (60) days after the date the CITY 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 its prime or base commercial lending rate, from the date of such notice until paid.

VI.

All communications between EDC and CITY 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 with a copy being sent to the President of the EDC at his/her residential or business address. Any communication to the CITY shall be addressed to the City Manager, 550 Landa Street, New Braunfels, Texas 78130.

VII.

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.

VIII.

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 CITY.

IN WITNESS WHEREOF, the parties hereto execute this agreement in duplicate originals on this _____ day of _____ 2026.

CITY OF NEW BRAUNFELS
ECONOMIC DEVELOPMENT CORPORATION

By: _____
Shane Hines, *President*

Date: _____

By: _____
Larry Hammonds, *Corporate Secretary*

Date: _____

(Signatures Continue on Following Page)

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Robert Camareno, *City Manager*

Date: _____

ATTEST:

By: _____
Gayle Wilkinson, *City Secretary*

Date: _____

APPROVED AS TO FORM:

By: _____
City Attorney's Office

Date: _____

AAMPO Gruene Multimodal Improvements



Project Scope

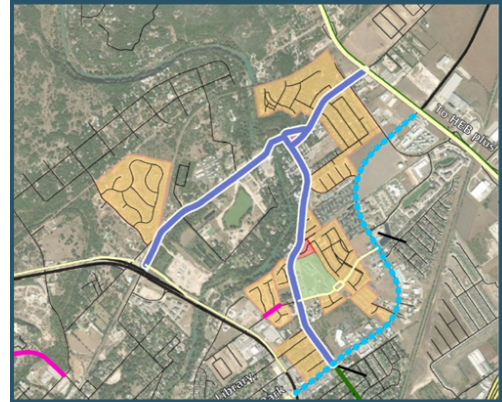
- Pedestrian and ADA improvements in the Gruene Historic District and surrounding area to enhance safety and connectivity
 - 10' shared-use paths on Gruene and Hunter Roads
 - 6' sidewalks along key corridors
 - Intersection realignment at Gruene Road & Rock Road
 - Bike lane enhancements and landscaping/pavers

Funding

- \$1,400,000 – Final Design - *NBEDC*
- \$5,468,740 – 80% Construction – AAMPO
- \$1,521,185 – 20% Construction – *NBEDC*

Schedule

- Final Design Contract Awarded – Spring 2026
- Construction Let Date – 2031 *potential for acceleration*
- Secure funding for 20% construction match



8/10/2026

Agenda Item No. D)

PRESENTER:

Garry Ford, Transportation and Construction Services Director

SUBJECT:

Discuss and consider approval of a contract with Pape-Dawson Engineers, Inc. for the final plans, specifications, and estimates of the Gruene Area Multimodal Improvements Project.

DEPARTMENT: Transportation and Construction Services**COUNCIL DISTRICTS IMPACTED:** 4**BACKGROUND INFORMATION:**

The Alamo Area Metropolitan Planning Organization (AAMPO) Gruene Area Multimodal Improvements Project is intended to enhance pedestrian safety, Americans with Disabilities Act (ADA) accessibility, and multimodal connectivity in the Gruene Historic District and surrounding area. Planned improvements include shared-use paths along segments of Gruene Road and Hunter Road, sidewalks to complete gaps, intersection improvements at Gruene Road and Rock Street, and bicycle lane and right-of-way enhancements in selected areas.

In September 2022, RPS Engineering prepared a preliminary design for roadway and pedestrian improvements along Gruene Road in anticipation of the 2023 bond program. Although the project was not advanced through the 2023 bond, the area remained identified as a priority corridor with pedestrian and bicycle improvement needs. Several segments are included in the City's Hike and Bike Trail Plan, specifically the Gruene Loop Trail. The project will also connect to the Waterway Lane Hike and Bike Trail, which is funded for construction in 2028, as well as pedestrian improvements being installed through the Common Street Widening Project.

A grant funding opportunity became available through AAMPO for pedestrian and bicycle improvements. On June 12, 2023, City Council approved a resolution of support for submission of the project to the AAMPO Transportation Improvement Program. The City subsequently contracted with Bain Medina Bain to advance preliminary engineering in support of the grant application. The project was selected to receive funding and is currently programmed for construction in 2031. Completing final design before the programmed construction funding date may create an opportunity to accelerate the project schedule.

On January 16, 2026, the City issued a task order request for final design to eligible firms and received 10 responses on February 2, 2026. Staff evaluated and scored the submissions and interviewed the top two firms. Pape-Dawson Engineers, Inc., was determined to be the most qualified firm.

Pape-Dawson Engineers, Inc. submitted a scope of services and fee proposal for final design on an hourly, not-to-exceed basis in the amount of \$1,359,464. The project is in an environmentally sensitive and historically significant area and is expected to require drainage improvements, utility relocations, and both stakeholder and

public engagement. The scope of work includes project management, data collection, schematic design, agency coordination and public involvement, environmental studies, survey, geotechnical analysis, utility coordination, roadway design, drainage design, traffic design, detailed design documents, and Texas Department of Transportation and AAMPO coordination and documentation.

The New Braunfels Economic Development Corporation (NBEDC) authorized funding of up to \$1,400,000 for the final design of the project at their June 18, 2026, meeting.

AAMPO has pledged \$5,568,740 for 80% of the construction costs, with an outstanding 20% construction cost match required in the future.

The tentative project schedule includes:

- Final Design Contract Awarded: Fall 2026
- Construction Let Date: 2031, with potential for acceleration
- Secure Funding for 20% Construction Match: in alignment with Construction Letting

ISSUE:

Continue ongoing enhancements of pedestrian infrastructure throughout the City of New Braunfels.

STRATEGIC PLAN REFERENCE:

YES Economic Mobility YES Enhanced Connectivity N/A Community Identity

N/A Organizational Excellence YES Community Well-Being

- Enhanced Connectivity - Set total number of linear feet of gaps and measure progress made through redevelopment, capital investment, etc.
- Enhanced Connectivity - Increase bikeway, trails, and sidewalk miles
- Enhanced Connectivity - Increase walk and bike score
- Community Identity - Allocate resources and recurring funding dedicated to community-wide beautification and streetscape enhancement
- Community Well-Being - Develop capital and staffing investments that improve safety, reduce heat islands, and encourage transportation modes that support healthier lifestyles and exercise such as biking, walking, and running

New Braunfels Economic Development Corporation (NBEDC) Strategic Priorities:

- Planning and Infrastructure - Make thoughtful and strategic investments in capital planning processes as well as infrastructure development in areas including transportation, drainage, public spaces, and trails to create an attractive environment for business growth and development and talent acquisition
- Enhancing Sense of Place - Strengthen quality of place by advancing investments that preserve New Braunfels' character and improve downtown amenities, create unique outdoor spaces, and support catalytic projects for the community.

FISCAL IMPACT:

The NBEDC has an appropriate fund balance to approve this expenditure and has authorized this expense.

RECOMMENDATION:

Staff recommends approval of a contract with Pape-Dawson Engineers, Inc. for the final plans, specifications, and estimates of the AAMPO Gruene Multimodal Improvements Project.

8/10/2026

Agenda Item No. E)

PRESENTER:

Garry Ford, Transportation and Construction Services Director

SUBJECT:

Public hearing and first reading of an ordinance to amend Section 126-346 of the Code of Ordinances of the City of New Braunfels to prohibit parking on both sides of Divine Way from the intersection with Fayette Drive southwesterly for approximately 165 feet.

DEPARTMENT: Transportation and Construction Services

COUNCIL DISTRICTS IMPACTED: 2

BACKGROUND INFORMATION:

Staff received a request from the Dove Crossing Homeowners' Association (HOA) to prohibit parking on both sides of Divine Way southwest of the intersection with Fayette Drive due to concerns about sight distance from vehicles parking near the intersection. The requested "no parking" zone begins at Fayette Drive and encompasses the frontage of 2512 and 2450 Fayette Dr as well as the drainage easement behind the two properties.

Divine Way is a two-lane residential collector through the North Ranch Estates and Dove Crossing subdivisions that begins at Walnut Avenue and ends at Eagle Pass Drive. It provides connectivity via Eagle Pass Drive to Dove Crossing Drive, a minor collector thoroughfare that runs between West County Line Road and West Klein Road. Divine Way is stop-controlled at the intersection with Walnut Avenue, and there is an all-way stop at the intersection with N Ranch Estates Boulevard. The posted speed limit on Divine Way is 30 mph, and there are curbs and sidewalks along both sides.

As part of the evaluation of the request, city staff conducted a site visit in February 2026 to observe the parking activity. The pavement width on Divine Way was measured to be 36 feet. Vehicles were observed parked along Divine Way and adjacent to the side of 2512 Fayette Drive during the site visit.

A sight distance analysis for the intersection of Divine Way and Fayette Drive was completed in accordance with the City of New Braunfels Code of Ordinances and American Association of State Highway and Transportation Officials (AASHTO) standards. Code of Ordinances Section 114-5.3-1 (b) (8) provides requirements on landscape and screening materials permitted within the "sight triangle" at street intersections to provide visibility. This requirement is the development standard for street intersections and is met.

AASHTO standards are based on intersection control, turning maneuvers, and speed. In addition to landscape and screening materials, parked vehicles and roadside structures and hardware within the right-of-way may potentially obstruct the driver's view. Based on the site visit and Google Maps (2026), parked vehicles on the

east side of Divine Way southwest of Fayette Drive were within the sight triangle for northbound Fayette Drive. Parked vehicles appear to be from 2512 Fayette Drive. No parked vehicles were observed on the west side of Divine Way southwest of Fayette Drive.

Maintaining visibility and sight distance in urban areas, specifically in residential areas and downtown, is a challenge and a balance of maintaining parking and safety. Strict adherence to AASHTO sight distance standards at intersections is oftentimes impractical given considerations to on-street parking, vehicular activity, and adjacent land use. Additionally, on-street parking and activity typically slow traffic speeds, and this is the expectation in urban areas.

Curb ramp improvements along Divine Way were recently reconstructed as part of the 2023 Bond Citywide Street Improvements Capital Program, providing ADA-compliant directional ramps for crosswalks in line with accessibility requirements and best practices at multiple intersections. City ordinance and state law prohibit parking within 20 feet of a marked or unmarked crosswalk. This new curb ramp improvement requires vehicles to park further away from Fayette Drive.

City staff is currently working with the HOA on a related request for traffic calming on Divine Way in the Dove Crossing subdivision. Many traffic calming elements also address sight distance concerns by slowing oncoming traffic and shifting vehicular traffic away from the curb, improving visibility. Removing on-street parking opens the full roadway width, which typically results in higher speeds. The city is working on obtaining a complete application and petition for traffic calming to begin the investigation. If received, data collection will likely occur when school resumes in the fall.

ISSUE:

The Dove Crossing HOA requested “no parking” zones along both sides of Divine Way from the intersection with Fayette Drive southwesterly for approximately 165 feet.

STRATEGIC PLAN REFERENCE:

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

FISCAL IMPACT:

Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY 2026 Approved Streets and Drainage Budget.

RECOMMENDATION:

Transportation and Traffic Advisory Board

The Transportation and Traffic Advisory Board unanimously recommended approval at their July 9, 2026, meeting.

Staff

Staff recommends installing a “no parking” zone on the east side of Divine Way from 20 feet of the curb ramp to the intersection of Fayette Drive, approximately 50 feet, and postponing the parking prohibition request until the traffic calming request has been investigated in accordance with the adopted Neighborhood Traffic Calming Policy. The recommended “no parking” zone does not require an ordinance and may be authorized by the City Engineer following City ordinance and state law.

ORDINANCE NO. 2026-____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, AMENDING SECTION 126-346 TO RESTRICT
PARKING ON DIVINE WAY**

WHEREAS, the City Council has determined 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 126-346 (f) is hereby amended as follows:

- (145) On both sides of Divine Way from the intersection with Fayette Drive southwesterly for a distance of 165 feet. Such no parking zone shall be designated as a tow-away zone.

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 10th day of August, 2026.

PASSED AND APPROVED: Second reading this the ___th day of ____, 2026.

CITY OF NEW BRAUNFELS, TEXAS

MICHAEL FRENCH, MAYOR

ATTEST:

GAYLE WILKINSON, CITY SECRETARY

APPROVED AS TO FORM:

NATHAN BROWN, INTERIM CITY ATTORNEY



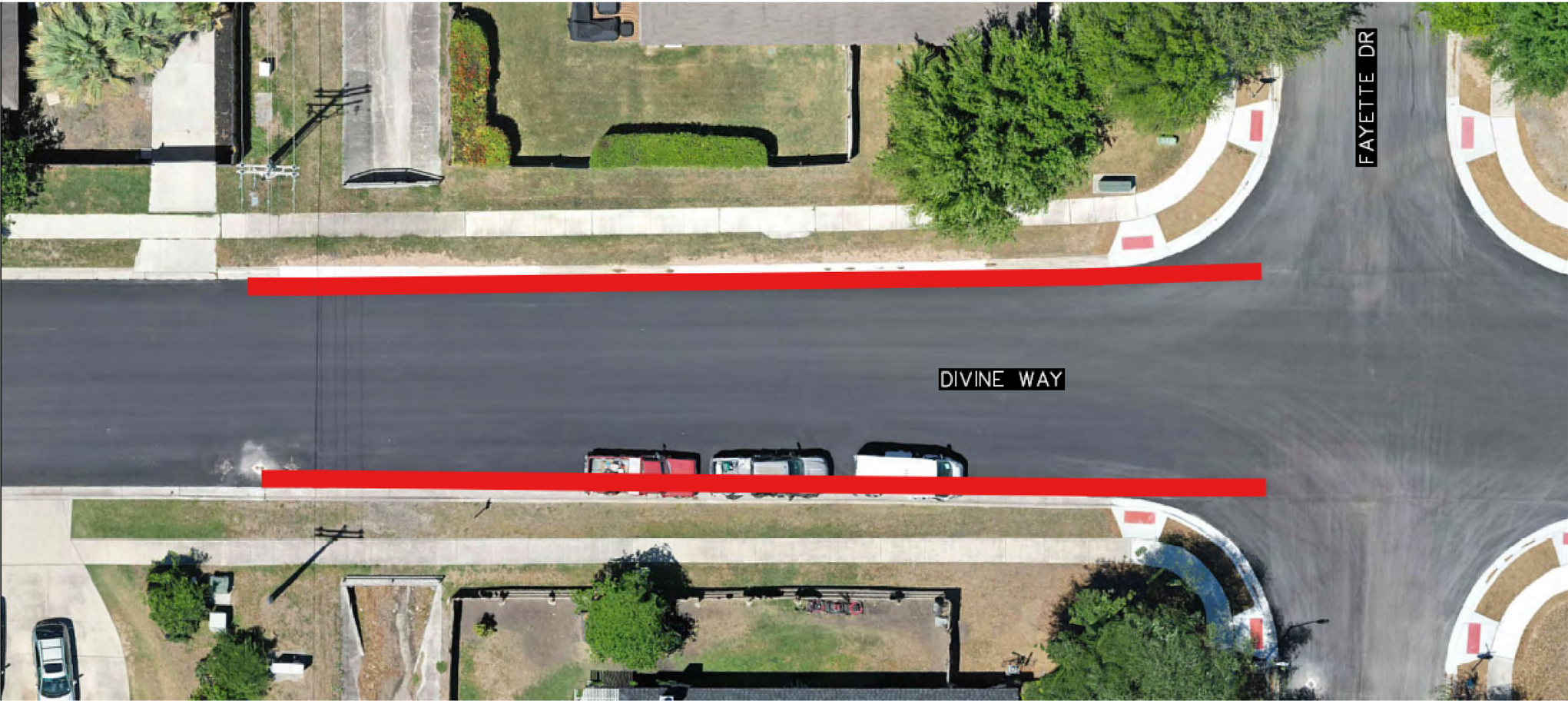
Figure 1 – Divine Way from NW Fayette Drive approach (facing west). Vehicle approaching northeast-bound from the all-way-stop-controlled intersection of Divine Way at N Ranch Estates Boulevard.



Figure 2 – ADA ramp and pavement before the 2023 Bond Citywide Street Improvements project.



Figure 3 – Current, improved pavement and ADA ramps at the subject intersection following the 2023 Bond Citywide Street Improvements project.



LEGEND

68

Proposed no parking

8/10/2026

Agenda Item No. F)

PRESENTER:

Jordan Matney, Deputy City Manager

SUBJECT:

Discuss and consider the appeal by Lennar Corporation of Denial of Eligibility for Partial Reimbursement of Park Development Fees for Navarro Subdivision.

DEPARTMENT: Parks and Recreation**COUNCIL DISTRICTS IMPACTED:** Outside City Limits**BACKGROUND INFORMATION:**

The Lennar Corporation (Developer) is developing a single-family subdivision named Navarro in the Guadalupe County Extra Territorial Jurisdiction (ETJ) consisting of fifteen units and a planned 1,319 dwelling units (DUs), as shown in Attachment A. Under the applicable Park Land Dedication and Development Ordinance, and based on the number of planned DUs, the development is required to do one of the following:

- Dedicate 7.85 acres of public park land and construct a public park in lieu of fees,
- Forgo park land dedication and park construction and instead pay fees-in-lieu of park land dedication (\$208/DU or \$274,352 total) and park development fees (\$1,528/DU or \$2,015,432 total).
- Set aside land for a 7.85-acre private park and construct certain park improvements to receive a 75 percent reimbursement of park development fees (\$1,511,574).

Developers are required to pay the fees-in-lieu of park land dedication and park development fees at the time of platting for each unit as a fiscal surety. Requirements for land dedication and park development are specified in City Ordinance and the City of New Braunfels Park Land Dedication Manual.

Through their Park Land Dedication Ordinance Letter of Intent dated March 26, 2019, the Developer stated their intention to set aside 4.44 acres for a private park to receive a 75 percent reimbursement park development fees (Attachment B). During the initial Master Plan approval by the Planning Commission on July 2, 2019, City staff noted that due to the insufficient acreage the proposed private park did not meet ordinance requirements to receive the 75 percent reimbursement of park development fees (Attachment C). Revisions to the park proposal would be required, and Parks and Recreation Department staff would review revised proposed recreational amenities at the time of platting to determine reimbursement eligibility.

For phased developments such as Navarro, the parameters for private parks are established during the platting of the first unit. Specifically, private parks must be platted concurrently with the plat of the first phase of development (Sec. 118-60(f)(4)), and private park design must be reviewed and approved by the Director of Parks and Recreation prior to the platting of the first unit (Sec. 118-65.1(c)(6)).

From 2019 to 2023, the Developer submitted multiple plat applications for multiple units of development. Platting of the first unit did not include the required parameters for the private park. On August 9, 2019, City staff notified the Developer's consulting engineers that the Developer's intentions were unclear, and that the City had not received any documentation regarding the private park. The engineer's response on August 20, 2019 stated that the Developer would pay only fees (i.e., forego development of a private park). Attachment D includes this correspondence.

Despite the previous statement, subsequent platting applications from the Developer indeed indicated an intention to set aside varying amounts of park land (13.87 to 19.08 acres) for a private park. On September 2, 2021, the Developer submitted a plat application to establish a 3.78-acre lot for a private park as the sixth unit of the Navarro subdivision. The plat was approved, and the Developer began construction of a private park amenity center on the lot.

On September 7, 2023 and November 6, 2023, staff met with the Developer to clarify intentions, determine project status, and consult on reasonable options for achieving compliance with the Ordinance. Despite the lack of clear information previously presented to the City, staff indicated a willingness to consider reimbursement eligibility for private park development if clear direction for the private park could be achieved, subject to the other requirements of the Ordinance. Options discussed included expanding the 3.78-acre park via a street crossing to include adjacent lots, replatting certain contiguous lots to park land, and pursuing approval for partial/prorated reimbursement based on the amount of eligible park land developed.

Since 2023, staff have provided consultation on the requirements of the Ordinance and have reviewed multiple design proposals for reimbursement eligibility. During this time, the Developer constructed a recreational trail on an adjacent drainage lot to expand the acreage of the private park (Attachment E). Throughout the process, staff advised that the supplemental land associated with the trail must be designated and duly recorded as park land to be eligible for reimbursement (Attachment F).

ISSUE:

In May 2026, the Developer determined that a bisecting portion of the supplemental area used for the recreational trail must be used for drainage, rendering that acreage ineligible for reimbursement. The Ordinance requires that land used for a private park be restricted to park and recreation purposes through recordation, and that detention/retention areas may not be used to meet acreage requirements.

The Developer has since submitted an additional proposed concept for private park land to achieve the acreage necessary for the subdivision (Attachment G). The proposal remains non-compliant and violates several ordinance requirements, as the proposed land is non-contiguous and encumbered by easements. Of the 7.85 acres required for the 1,319 planned dwelling units, the developer has developed 5.93 compliant acres to date. This compliant acreage is equivalent to serving 996 DUs, leaving a deficit of 1.92 acres and 323 DUs unserved by compliant park land.

Due to ongoing residential development within the Navarro subdivision, there appear to be no other land use alternatives to allow the Developer to achieve the necessary acreage for a private park.

Pursuant to the Ordinance, this issue was referred to the Park and Recreation Advisory Board for direction and

a recommendation (Sec. 118-65.4) at their July 14, 2026 meeting. The Board was asked to consider two options developed by staff:

Option 1 (Denial): This option would deny the developer any fee reimbursement due to the persistent lack of compliance with ordinance requirements, including the failure to secure design approval prior to platting and the ongoing non-compliant state of the proposed park land.

Option 2 (Prorated Reimbursement): This option would recommend that City Council approve an agreement to accept the 5.93 eligible developed acres and issue a 75 percent fee reimbursement only for the 996 served dwelling units, while denying any reimbursement for the remaining 323 unserved dwelling units.

The Park and Recreation Advisory Board voted unanimously (7-0) for Option 1, to deny the Developer any reimbursement of park development fees.

On July 21, 2026, the Developer exercised their right to appeal the decision of the Parks and Recreation Advisory Board in writing through the City Manager to City Council. This item represents the Developer's appeal.

STRATEGIC PLAN REFERENCE:

N/A **Economic Mobility** N/A **Enhanced Connectivity** N/A **Community Identity**

N/A **Organizational Excellence** YES **Community Well-Being**

Community Well-Being Goal: Implement services that enhance health and well-being to improve overall quality of life for residents.

FISCAL IMPACT:

The total required park development fee for the 1,319 planned dwelling units, calculated at \$1,528 per DU, equates to a total of \$2,015,432.

If the City Council upholds the Park and Recreation Advisory Board's decision of Option 1 (Denial), there will be no fiscal impact to the City, and the City will retain the full \$2,015,432 in collected park development fees.

Under Option 2 (Prorated Reimbursement), the City would issue a 75 percent fee reimbursement for the 996 served dwelling units, which equates to \$1,141,416. The City would retain the remaining \$874,016 in park development fees.

RECOMMENDATION:

Staff recommends upholding the decision of the Park and Recreation Advisory Board, resulting in the denial of reimbursement to the Developer.

UPDATED 11/08/2018

Appendix D

Park Land Dedication Ordinance Letter of Intent & Worksheet

DATE: 03/26/2019

TO: Parks & Recreation Department

The **Navarro** subdivision submits this Letter of Intent to comply with the 2006 / 2018 (circle one) Park Land Dedication and Development Ordinance.

Select One.

- ☐ This subdivision intends to dedicate a public park land and construct a public park in lieu of fees. We have met with the Parks Development Manager to review the requirements set forth in the ordinance and received preliminary approval to proceed with public park land dedication and development.
- ☐ This subdivision will pay the fees in-lieu-of park land dedication set at \$208 per dwelling unit and the required park development fees set at \$1,528 per dwelling unit and with no intent to construct a private park for credit. We will pay required fees when each plat is recorded.
- ☒ This subdivision will set aside land for a private park, as required by the ordinance, and intend to construct park improvements on the private park to be used as credit toward park land ordinance requirements. As fiscal surety, we will pay the in-lieu-of land and park development fees when each plat is recorded.
- ☐ This plat is a non-residential commercial subdivision and does not have park land requirements. However, if the zoning for this subdivision permits residential, at any time that residential dwelling units are added the owner/subdivider will contact the City and comply with ordinance requirements.

I, **Wayne Flores, P.E.**, certify this information to be true and accurate.

Sincerely,



☐ Please see worksheet completed on back.

PARK LAND ORDINANCE WORKSHEET

If zoning permits residential land use, then this worksheet must be completed.

1. What is the approved zoning? OCL
2. What type of residential development is permitted? Detached Single Family
3. What type of residential development is this? Please select all that apply.
 - ☒ Residential (detached single family)
 - ☐ Residential (2-family)
 - ☐ Residential (commercial)
 - ☐ Residential (multi-family)
 - ☐ Other, please describe: _____

Please list number of dwelling units.

Master Plan:	<u>1454</u>
Unit 1:	<u> </u>
Unit 2:	<u> </u>
Unit 3:	<u> </u>
TOTAL:	<u>1454</u>

4. Does this subdivision have two (2) or more acres for public park land dedication? How many acres? 0.00. If yes, please describe the terrain and the location of the public park land.

5. Does this subdivision have two (2) or more acres for a private park? How many acres? 4.44. If yes, please describe the terrain and the location of the private park and potential amenities and who will maintain the private park.

The terrain consists of existing farmland with approximately 1 - 2% slopes across it. The proposed park is planned to be within Unit 6 of the development. At this time, it is unknown as to what amenities will be provided. The park is to be maintained by the property owners association (POA).

To be completed by Park staff:

Park District	1	2	3	4
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7/2/2019

Agenda Item No. K)

Contact

Applicant: Urban Civil; Case Manager: Matthew Simmont
(830) 221-4058 - msimmont@nbtexas.org

SUBJECT:

Discuss and consider the master plan for Navarro Subdivision.

Plat Information:

Case #: MP19-0173

Owners: Louis C. & Annie Heinemeyer
737 Corona St
San Antonio, TX 78209

Randall Smidt
1207 Bay Oaks
Houston, TX 77008

Paula T. Soukup
P.O. Box 7
Geronimo, TX 78115

Developer: Gram Vikas Partners Inc.
Kelly Leach
1141 N. Loop 1604 E. #105-114
San Antonio, TX 78232
(210) 827-7918 kelly.welovedirt@gmail.com

Engineer: KFW Engineering & Surveying (Wayne Flores, P.E.)
3421 Paesanos Parkway, Suite 200
San Antonio, TX 78231
(210) 979-8444 wflores@kfwengineers.com

Description: 1,416 residential lots, park, drainage/detention and open space areas on 324 acres

Background:

The subject property is located outside city limits and on the eastern edge of the City's ETJ. Most of the property includes land that is either located within the existing New Braunfels ETJ or that has been approved for transfer from the Seguin ETJ into the New Braunfels ETJ upon property owner request (totaling approximately 300 acres). A small portion of the master plan (approximately 24 acres) is within the Seguin ETJ and outside of the approved ETJ transfer area. The owner of this

portion of the project has also requested this area be transferred into the New Braunfels ETJ. The proposed primary entrance of the Navarro development will be located approximately 700 feet north of the intersection of State Highway 123 N and Harborth Road. The property is approximately 3.2 miles east of the New Braunfels Regional Airport.

The developer is proposing a total of 1,448 single-family residential lots, 2 commercial lots, with 81 acres of park/open/drainage areas for an overall residential lot density of 4.46 units per acre. The subdivision is planned to be developed in 11 separate units. Street names must be approved for at least 37 new streets within the proposed master plan.

Drainage:

The City's Engineering Division of the Public Works Department reviewed the preliminary drainage plan report and plans as required by Section 118-51e of the Platting Ordinance in accordance with the requirements of Chapter 143 Municipal Drainage Utility Systems, and the Drainage and Erosion Control and Design Manual. Additional drainage review will occur with preliminary plats and final drainage review will be completed with review of the construction plans prior to submission of any final plat.

The southeastern corner of the subject property is within the 100-year floodplain and has been labeled as required on the proposed master plan.

Utilities:

Water services will be provided by Crystal Clear Special Utility District. Wastewater services will be provided by City of Seguin Utilities. Electric service will be provided by Guadalupe Valley Electric Cooperative. Utility Easements have been provided as requested by the utility providers. Utilities will be extended as part of this plat and construction plans must be approved prior to final plat submission. The developer has created the Lone Oak Farm MUD (Municipal Utility District) that allows for the raising of funds through the sale of bonds to pay for wastewater utility improvements for the project. The MUD can levy its own taxes and fees on the future property owners within the development as approved by a publicly elected board of directors.

Transportation:

Regional Transportation Plan:

The master plan is in compliance with the Regional Transportation Plan. State Highway 123 N and FM 758 are unclassified roadways under the control of TxDOT. No additional right of way dedication is proposed along State Highway 123 N. An additional 60-feet of right-of-way is proposed to be dedicated along FM 758 to accommodate a future 200-foot wide Parkway.

Hike and Bike:

There are no trails proposed within or adjacent to the subdivision and no dedication or construction is required.

Sidewalks:

Six-foot wide sidewalks will be installed along both sides of proposed Street A at the time of subdivision construction. Four-foot wide sidewalks will be constructed on both sides of all other internal streets at the time of development by the developer/homebuilder to create a continuous and

connected pedestrian system.

Roadway Impact Fees:

The subject property is not subject to Roadway Impact Fees as it is located in the ETJ and not within a Roadway Impact Fee Study Area.

Parkland Dedication and Development:

This subdivision is subject to the Parkland Dedication and Development Ordinance. A private neighborhood park is proposed to be developed with Unit 4 of the subdivision. The developer has submitted a letter for private park credit; however, the currently proposed park does not meet code requirements to receive park credit. The Parks and Recreation Department will review any proposed recreational amenities at the time of final plat and will determine whether any fees are eligible for reimbursement. Changes to the park layout and/or location in an effort to meet code requirements will require an amendment to the master plan. As currently proposed, payment of park fees will be necessary for code compliance. They are collected prior to plat recordation.

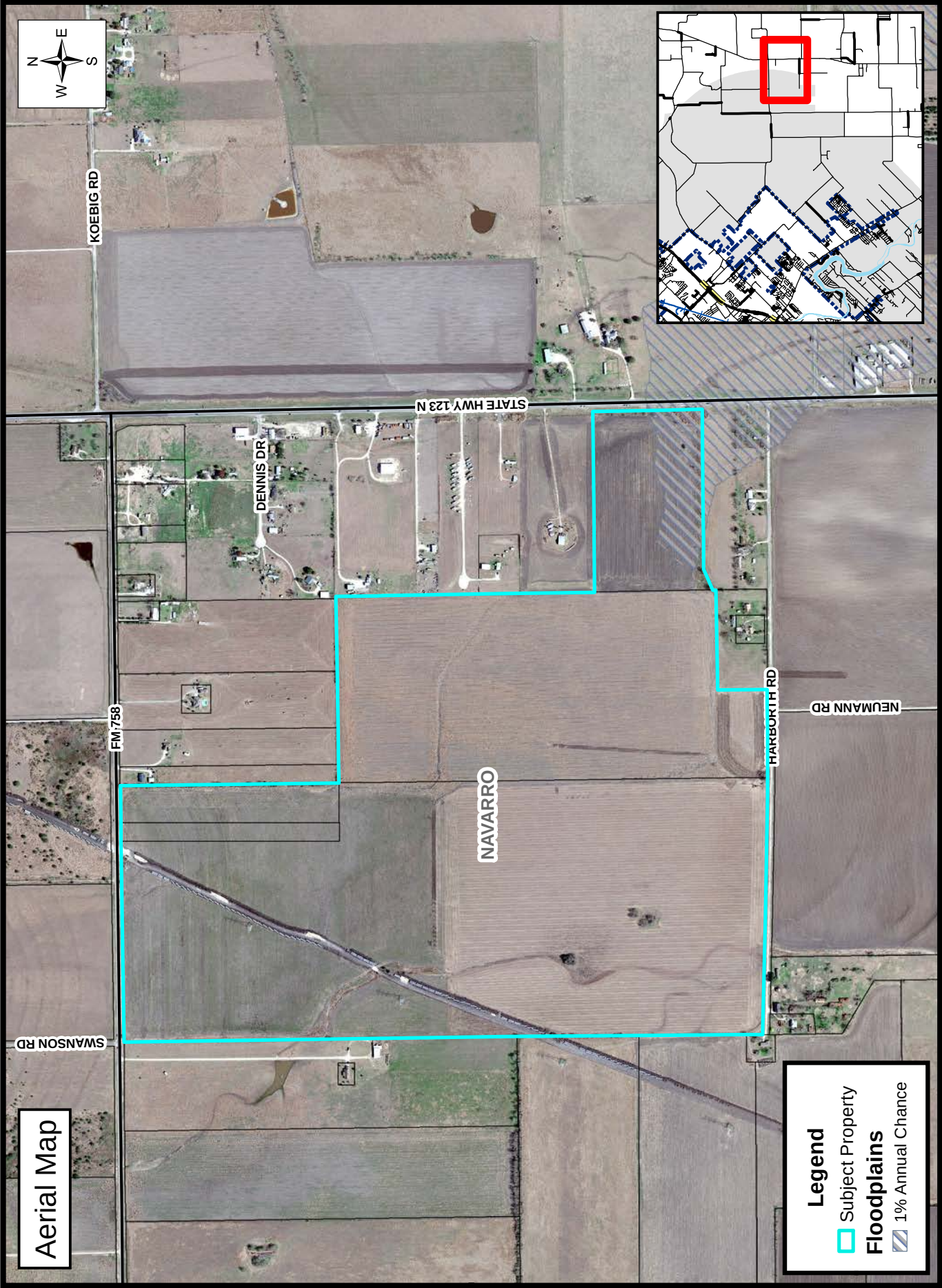
Staff Recommendation:

Staff recommends approval of the Navarro Master Plan if the following requirements of the adopted Platting Ordinance are met:

1. Master plan must be updated to reflect the boundaries of the Lone Oak Farm MUD.
2. Approved street names must be submitted with any subsequent plat applications.
3. Show drainage infrastructure, right-of-way and easements on master drainage plan. Existing culvert crossings shall be called out on master drainage plan.
4. Extend proposed water and wastewater lines to adjacent property lines.
5. Indicate the existing width and alignment of the street that is opposite proposed Street "KK" and Harborth Road.
6. Align Street "KK" at the southern border of the development with the centerline of the existing street across Harborth Road.
7. Provide note on master plan detailing street construction responsibility for the development. Include "City of New Braunfels Standards".
8. Revise the site location and all appropriate exhibits to match the proposed master plan.
9. Street A is very long and seems like there will likely be a speeding problem when it's completed. Revise the TIA report to address and include pavement markings and/or traffic calming options that may need to be incorporated with construction. Specific locations on traffic calming implementation on Street A shall be included within the Master Plan.
10. Mitigation needs to raise the level of service to a C or greater for all intersections, per the requirements of the City of New Braunfels and the City of Seguin. Revise TIA and all mitigation measures to LOS C. The Level of Service (LOS) at SH 123 and Harborth states LOC E does not meet said requirement.
11. Provide locations where water and wastewater lines connect to existing systems. Existing systems need to be identified.

Attachments:

1. Aerial Map
2. Master Plan
3. Photographs





Subject Property from SH 123 N. facing west



Subject Property from FM 758 facing south

August 20, 2019

Matthew Simmont
Planning Division
550 Landa Street
New Braunfels, TX 78130



Re: Navarro Subdivision – Unit 1C

Dear Mr. Simmont:

Our office is in receipt of the review comments (dated August 9, 2019) for the above-mentioned project, and would like to respond to these comments as follows:

Planning Division- Contact: Matthew Simmont

1. Comment (C) – Additional fee of \$1648.00 is due and payable at or before resubmittal. Please see attached.

Response (R) – Noted.

2. Comment (C) – The master plan provided with the application does not appear to address the requirements of approval. Provide an updated master plan (and any corresponding/required documents) that is consistent with the submitted preliminary plat and addresses all requirements of approval.

Response (R) – The updated MP is included.

3. Comment (C) – Revise the master plan to correctly indicate the Phasing/Unit boundaries and names/labels.

Response (R) – The M.P. has been revised and is submitted.

4. Comment (C) – Revise the index map to include a label for Unit 1D.

Response (R) – Unit 1D is labeled on the index map to the northeast of Unit 1A.

5. Comment (C) – Revise the location map to include the extent and boundary of this proposed subdivision.

Response (R) – Location map shows the extent and boundary of the proposed subdivision.

6. Comment (C) – The owner listed within the signature block is not consistent with the owner information shown on the right side of the plat. If the property ownership is intended to transfer, you may list the intended owner to maintain consistency.

Response (R) – The owner in the signature block has been updated to the property owner.

7. Comment (C) – Add a non-access easement on the frontage of residential lots along Street A.

Response (R) – Non-access easement on the frontage of all residential lots has been provided along street A (now Navarro Ranch)

8. Comment (C) – Temporary turnarounds are required at the northern terminus of Street NN and at the eastern terminus of Street O.

Response (R) – Per email reply from Jessica Perry, engineering supports a waiver for the temporary turnaround at the stub of street O. We have included a temporary turnaround on Street NN.

9. Comment (C) – All streets must be labeled with approved street names.

Response (R) – Street names have been labeled with the approved street names.

10. Comment (C) – Street X includes two street sections that require unique street names.

Response (R) – Street X has both street sections renamed with unique street names (Geronimo Vista and Navarro Vista).

11. Comment (C) – Update all notes to refer/include appropriate street names.

Response (R) – All notes reference the appropriate street names.

12. Comment (C) – Review and correct the numbering of the plat notes.

Response (R) – The numbering of the plat notes have been corrected.

13. Comment (C) – Provide standard notes that are required by TxDOT.

Response (R) – Notes that TxDOT requested in their comments have been provided onto the plat.

14. Comment (C) – Correct the Chapter number in note #7 to 114.

Response (R) – Chapter Number note #9 has been corrected to 114.

15. Comment (C) – Add the following note "Any activity occurring within the regulatory floodplain of the unincorporated areas of Guadalupe County must be permitted by the Guadalupe County Floodplain Manage."

Response (R) – The note has been provided under general notes #15.

16. Comment (C) – Review and correct all lot and block information within sidewalk note #11. Errors have been noted and marked – see below.

Response (R) – Note, the Block and Lot numbers have been revised slightly in between receiving these comments and resubmitting. We have corrected the noted and marked errors as well as updating the street name and any other revisions to the lots and blocks.

17. Comment (C) – Add the following to plat note 12. "b. State Highway 123 – Lot 1, Block 22; Lot 1, Block 21."

Response (R) – note has been provided under plat note 12.

18. Comment (C) – Note! Questions, concerns, suggestions or differences in opinion regarding any comment must be addressed prior to resubmittal. Please schedule a discussion with the reviewer and case manager no later than August 16th.

Response (R) –Noted.

8. FOUR (4) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED BY THE HOME BUILDER PER CITY STANDARDS AT THE TIME OF BUILDING CONSTRUCTION ALONG:
- a. STREETS O, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, LL, MM, NN.
11. FOUR (4) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED BY THE DEVELOPER PER CITY STANDARDS AT THE TIME OF SUBDIVISION STREET CONSTRUCTION ALONG:
- a. STREET O – LOT 31 & 32, BLOCK 10; LOT 29, BLOCK 14; LOT 1 & 10, BLOCK 18; LOT 10, BLOCK 20.
- b. STREET S – LOT 1 & 14, BLOCK 11; LOT 1 & 12, BLOCK 12; LOT 1 & 17, BLOCK 13.
- c. STREET U – LOT 30, BLOCK 14; LOT 21 & 44, BLOCK 15; LOT 23 & 46, BLOCK 16; LOT 23 & 46, BLOCK 17; LOT 23, BLOCK 19; LOT 10, BLOCK 20.
- d. STREET V – LOT 13, BLOCK 9; LOT 1, BLOCK 14.
- e. STREET X – LOT 1, BLOCK 9; LOT 32, BLOCK 10; LOT 13 & 25, BLOCK 11; LOT 11 & 21, BLOCK 12; LOT 8 & 12, BLOCK 13; LOT 1 & 22, BLOCK 15; LOT 1 & 24, BLOCK 16; LOT 1 & 24, BLOCK 17; LOT 1, BLOCK 19.
- f. STREET Y – LOT 1 & 7, BLOCK 6; LOT 1 & 15, BLOCK 7.
- g. STREET Z – LOT 3 & 4, BLOCK 6; LOT 7 & 8, BLOCK 7.
- h. STREET AA – LOT 11, BLOCK 8.
- i. STREET CC – LOT 1, BLOCK 8.
- j. STREET LL – LOT 1, BLOCK 3. — + 12
- k. STREET NN – LOT 17 & 18, BLOCK 2; LOT 11 & 12, BLOCK 3.

Engineering Division Comments – Contact: Jessica Perry

1) Comment (C) – Revise plat title to include all units being platted.

Response (R) – Plat title has been revised to include units 1A, 1B, 1C, 1D, and 1E.

- 2) Comment (C) – Please clarify why the Location Map appears to show the Site with a different shape than the Sheet Index Map, Unit Index Map, and plat sheets.

Response (R) – There was an error, it has been corrected to show the proper site.

- 3) Comment (C) – Identify location of existing drainage structures and easements within the subdivision. Note: Drainage easements may be delineated within Common Area lots (not open space), or the entire lot may be labeled a Drainage lot (not Drainage Easement lot).

Response (R) – All drainage easements are located

- 4) Comment (C) – According to the Location Map, the subdivision appears to be adjacent to FM 758 to the north of the site. If so, please show FM 758 on Sheet 5 of the plat.

Response (R) – Location map was incorrect, it has been adjusted to show the proper site.

- 5) Comment (C) – Please provide topographic information on the plat. (Note: Topographic information is required on the preliminary plats and required to be removed for final plats.)

Response (R) – Topographic contours have been included on the plat.

- 6) Comment (C) – Revise the owner certificate to include all subdivision units addressed by this plat, not only Unit 1C.

Response (R) – Owner certificate to all subdivision units have been addressed on this plat.

- 7) Comment (C) – Revise plat note 4 to include the City of New Braunfels to the list of parties with the right of ingress and egress.

Response (R) – City of New Braunfels has been included on the list of parties with right of ingress and egress.

- 8) Comment (C) – Revise sidewalk plat notes to include sidewalk construction on SH123.

Response (R) – Sidewalk plat notes include the sidewalk construction on SH123.

- 9) Comment (C) – Revise plat to include temporary turnarounds for Street NN at the north edge of the property on sheet 2.

a) For Street O at the east edge of the property on sheet 5.

Response (R) – Per email reply from Jessica Perry, engineering supports a waiver for the temporary turnaround at the stub of street O. We have included a temporary turnaround on Street NN.

- 10) Comment (C) – Revise Plat to include centerline radii for streets so that design requirements can be verified

Response (R) – Centerline radii for the streets have been included onto the preliminary plat.

- 11) Comment (C) – there appears to only be one access to the subdivision, at the intersection of Street "A" and SH 123. Please provide secondary access to the subdivision per fire code.

Response (R) – A second, temporary fire access has been provided from Navarro Ranch to Harborth Rd.

- 12) Comment (C) – Revise Preliminary Street, Water, and Sewer Plan to include the location and size of existing mains to which the system will be connected.

a) Please provide the location and size of existing wastewater lines to which the system will be connected.

Response (R) – The size of the wastewater line has been included onto the preliminary Plan sheet. While both water and sewer systems are proposed we have included with this submittal the service agreements with Crystal Clear and Seguin Utilities showing how the water and sewer lines will be extended.

- 13) Comment (C) – Revise Preliminary Street, Water and Sewer Plan:

a) Label the maintenance access from Street "U" for the drainage easement at Lot 30 Block 14;

- b) Off of Street "X" for the drainage easement at Lot 32 Block 10;
- c) And off of Street "CC" for the drainage easements at Lot 10 Block 20 and Lot 35 Block 5.

Response (R) – A 2' access on one side and a 12' minimum access on the other side of each drain have been provided inside of all drainage easements.

- 14) Comment (C) – Revise Preliminary Storm Water Management Plan: Please verify delineation of off-site drainage areas, which appear to change between the existing and proposed conditions.
- a) Several creek flow through the property/ Provide additional information for the location, easements, and channelization of these creeks.

Response (R) –The drainage areas have been updated accordingly. Flow arrows are shown on the drainage area maps showing the channel locations. These areas are called out as drainage easements.

- 15) Comment (C) – Note: Documentation of TxDOT approval will be required for proposed access onto SH 123.

Response (R) – Noted.

Parks and Recreation Department Comments – Contact: Ylida Capriccioso

- 1) Comment (C) – The subdivision is subject to the 2018 Parkland Dedication and Development Ordinance. It requires new residential projects to dedicate park land (or cash in-lieu-of) and pay park a development fee per dwelling unit.

Response (R) –Noted.

- 2) Comment (C) – Please add park plat note:
This subdivision is subjected to the 2018 City of New Braunfels Park Land Dedication and Development Ordinance. This plat is approved for 1 dwelling unit per buildable lot with a maximum of 415 lots, where fees are due at the time of final plat recordation. At such time that additional dwelling units are constructed; the owner of the lot shall contact the city and comply with the ordinance for each dwelling unit

Response (R) – Note has been included onto the Plat.

- 3) Comment (C) – Park letter and form is unclear. Letter indicates intent to pay fees, and form indicates intent to request credit. At this time, the park areas are ineligible for credit and do not meet the requirements in the code based on the master plan layout and preliminary plat submitted. Previous meetings a park plan was volunteered, PARD has not received any documents or exhibits. Determination of the park credit must be decided prior to construction document approval.

Response (R) –Per conversations with the park officials, we will be paying the fee in-lieu-of park dedication.

- 4) Comment (C) – Park letter and form indicates the subdivision will pay park fees in-lieu-of parkland dedication.

Fee in-lieu-of park land	\$ 86,320 (\$ 208 x 415 DU)
Park Development Fee	\$634,120 (\$1528 x 415 DU)
Park fees due at plat recordation	\$720,440

Response (R) – Noted.

New Braunfels Utility Comments - Contact: Erin Ratcliff and David Winkler

- 1) Comment (C) – Outside of NBU's Electric, Water and Wastewater Service Territories.
Response (R) – Noted

Comment (C) – **NBU Electric**

- 1) Is the proposed development within NBU's Electric Service Area? **No**

- 2) Is NBU's Electric Service immediately accessible to the property? **No**
- 3) The type and location of the nearest existing facilities are:
None Phase on/in _____ As shown
- 4) Is the present conductor size sufficient for high density or industrial development? **No**
- 5) Can a line extension be provided within the current budget year? **No**
- 6) Will any of these electric lines be required on/across the property indicated on the plat? **No**
- 7) Are there any existing electric lines/easements on/across the property that are not indicated on the attached plat? **No**

NBU Water/Wastewater

- 1) Is the proposed development within NBU's Water Service Area? **No**
 - 2) Is the proposed development within NBU's Wastewater Service Area? **No**
 - 3) Is the proposed development within an area known by NBU to currently have water system supply or capacity issues? **No**
 - 4) Is the proposed development within an area known by NBU to currently have wastewater system supply or capacity issues? **No**
 - 5) Is a main extension necessary? **No**
- Response (R) – Noted**

GIS Division Comments – Contact: Braden Warns

- 1) Comment (C) – A final digital plat must be submitted when proceeding with recordation, format must be in: (Ord. 118-21.c)
 - a) NAD 1983 State Plane Texas South Central FIPS 4204 (US Survey feet).
 - b) Grid scale.
 - c) All x-referenced files must not be in blocks.
 - d) DWG format 2013 version or later.

Response (R) – digital plat will be submitted with final recordation.

GVEC Comments – Contact: Paul Stock

- 1) Comment (C) – Add 15' PUE along all streets or public ROW. This includes both sides of the road.
Response (R) – A minimum of 15' PUE has been provided along the front and back of all lots along the street or public ROW. Per email with Paul Stock, a 10' PUE was allowed on the side lots.

General Comments

- 1) Comment (C) – Have any other changes been made to the plat? If so, please indicate here specifically what changes were made and the reason for each. Changes that require additional staff review will result in a delay of approval.
Response (R) – The drainage channel widths decreased. This allowed us to make minor modifications to the layout and either pick up a few lots or add area into the lots.
- 2) Comment (C) – The review of an application is not complete until all comments have been addressed in a Response Letter. For the Response Letter, copy this memo, including General Comments, and follow each with a statement of how it was addressed. Please Acknowledge informational comments.
Response (R) – Noted
- 3) Comment (C) – Misrepresentation of Facts. It shall be a violation of the Platting Ordinance for any person to knowingly or willfully misrepresent, or fail to include, any information required by this Chapter in any plat application or during any public hearing or meeting of the Commission or City Council. Such a violation shall constitute grounds for denial of the plat.
Response (R) – Noted.

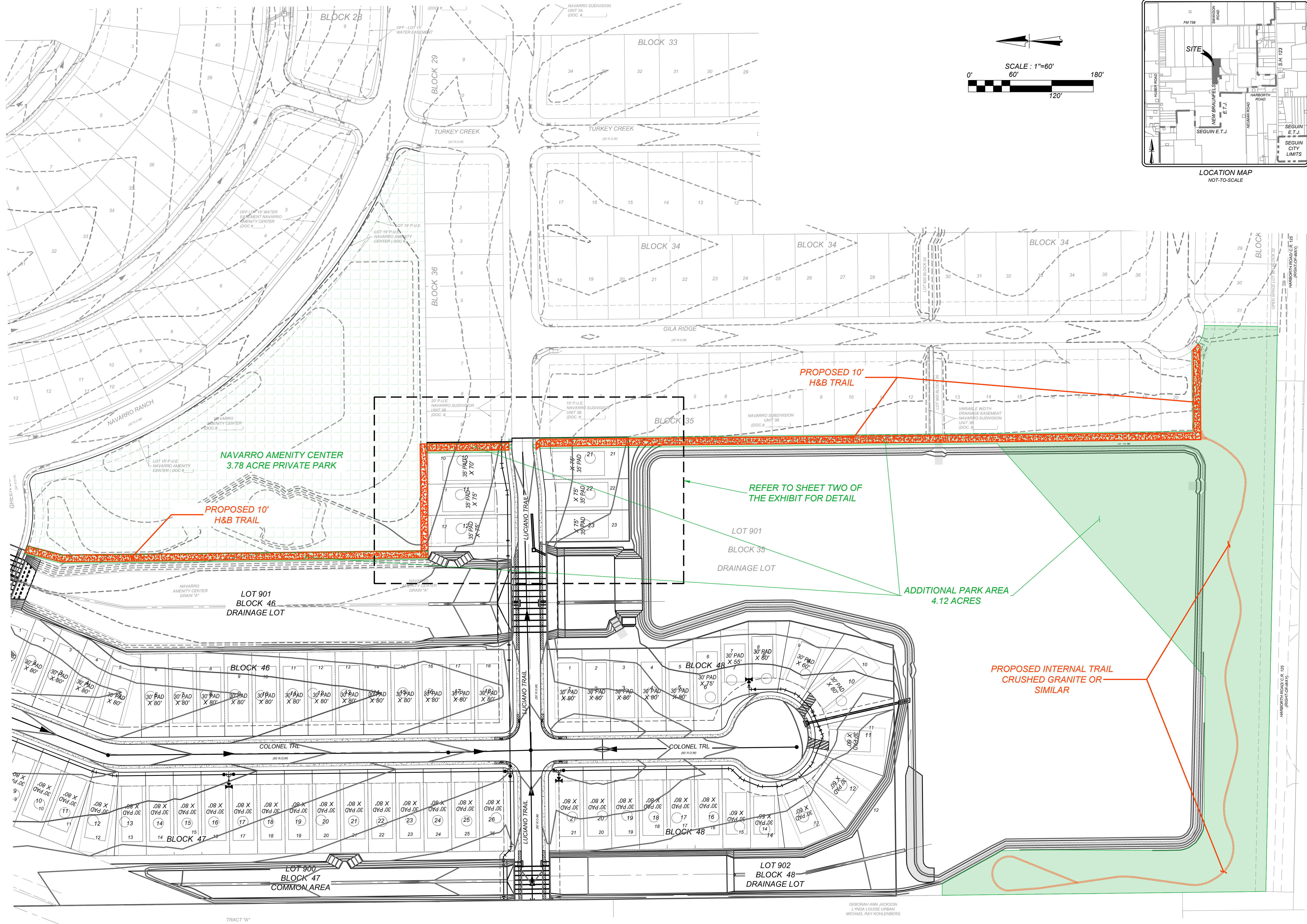
We appreciate your time and consideration in this matter. Should you have any additional comments/concerns or require any additional information please do not hesitate to contact our office.

Sincerely,
KFW Engineers,
TBPE Firm #9513



Wayne Flores, P.E.
Senior Project Manager

Date: Nov 27, 2023, 2:31pm User ID: mreyolds
File: U:\Projects\314\28\15\Design\Exhibits\Park Update\Grading Plan_Park Exhibit_REV2.dwg



NAVARRO SUBDIVISION - UNIT 6
NEW BRAUNFELS E.T.J. / GUADALUPE COUNTY
PARKLAND EXHIBIT

JOB NO. 314-28-18
DATE: MAY 2022
DRAWN: AC CHECKED: DA
SHEET NUMBER:
EX. 1

K&W
ENGINEERS & SURVEYING
P.O. Box 1830, 2204 S. 15th St., Suite 100
New Braunfels, TX 78130
Phone: (830) 220-8442 Fax: (830) 627-5897
TBPB Firm #: 9513 • TBPB License #: 10122300

ISSUE DATE
REVISIONS



November 18, 2025

John Ortiz
Land Development Manager, Lennar
john.ortiz@lennar.com
VIA EMAIL

RE: Partial Reimbursement Eligibility Status for Navarro Private Park Improvements

Mr. Ortiz:

This letter provides a summary of the outstanding requirements necessary for the Navarro development to qualify for a partial (75%) reimbursement of Park Development Fees in accordance with the 2018 City of New Braunfels Park Land Dedication and Development Ordinance.

Please note that the Navarro development has already fully satisfied the requirements of the Park Land Dedication and Development Ordinance through the payment of fees during the platting process. The requirements outlined below are necessary *solely* to obtain a partial fee reimbursement.

Required Acreage and Land Designation

To be eligible for partial reimbursement, the designated private park must total **7.85 acres** (based on 1,319 Dwelling Units). The current Amenity Center is platted at 3.75 acres, requiring an additional 4.10 acres to be formally designated.

<u>Unit / Lot</u>	<u>Action Required for Partial Reimbursement</u>
Unit 3B (Lot 901, Block 35)	Lot 901 is currently designated as a drainage lot. A replat would be required to divide this parcel into a dedicated drainage area and a dedicated private park area. It will be your responsibility to ensure sufficient acreage remains dedicated for drainage in accordance with City requirements.
Unit 6 (Lot 900, Block 36 & Lot 902, Block 35)	Both lots must be formally designated as a private park through a recorded instrument.

City Approval of Public Improvements

All public improvements in all phases of the private park must be inspected and approved by the City prior to partial reimbursement. Certificates of Approval (COA) have not yet been issued for the infrastructure in Units 3B and 6. Final approval from the City is required for these phases.

Standard Park Improvements

To be eligible for partial reimbursement, all Standard Park Improvements as specified in the Park Land Dedication Manual must be provided. Several amenity quantities were found to be deficient. The City is willing to conditionally reduce the quantity requirement for certain amenities upon the satisfactory fulfillment of the specified installation and accessibility conditions detailed below.

<u>Standard Park Improvement</u>	<u>Ordinance Requirement for 7.85-acre park</u>	<u>Conditional Requirement</u>
Water Fountains	8 Units (1/acre)	Two (2) units are currently installed, but in restricted areas (1 in the gated pool, 1 in the amenity center). The requirement is conditionally reduced to 4 total units if 2 new units are installed in addition to the 2 existing restricted units. The new units must provide unrestricted access as follows: 1 unit to serve the playground, and 1 unit to serve the trail. Both new units must be ADA accessible, installed on a concrete pad, and meet all required codes.
Trash Receptacles	16 Units (2/acre)	The requirement is conditionally reduced to 8 total units if all units are installed on a concrete pad and reasonably distributed throughout the 7.85-acre park.
Pet Waste Stations	16 Units (2/acre)	The requirement is conditionally reduced to 8 total units if all units are installed on a concrete pad and reasonably distributed throughout the 7.85-acre park.

Please continue to consult the Park Land Dedication and Development Ordinance and the Park Land Dedication Manual for information on development criteria and the reimbursement process. If you have any questions, please feel free to contact me at jbransford@newbraunfels.gov or 830.221.4358.

Sincerely,



Jeff Bransford, PMP, CPRE
Park Development Manager
Parks and Recreation Department

8/10/2026

Agenda Item No. A)

PRESENTER:

Jordan Matney, Deputy City Manager

SUBJECT:

Presentation and update on the 2019 Bond Project - Police Department Headquarters.

6/22/2026

Agenda Item No. A)

SUBJECT:

Deliberate the appointment and employment of a City Attorney and City Manager, including matters related to the search and selection of candidates, pursuant to Texas Government Code Section 551.074 (Personnel Matters).

8/10/2026

Agenda Item No. B)

SUBJECT:

Deliberate and consider the purchase, exchange, lease, contract terms, due diligence, or value of real property in accordance with Section 551.072 of the Texas Government Code:

- Connections Lease