



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



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

**MONDAY, OCTOBER 14, 2024 at 6:00 PM**

Neal Linnartz, Mayor  
Andres Campos, Mayor Pro Tem (District 1)  
Christopher Willis, Councilmember (District 2)  
D. Lee Edwards, Councilmember (District 3)  
Lawrence Spradley, Councilmember (District 4)  
Mary Ann Labowski, Councilmember (District 5)  
April Ryan, Councilmember (District 6)  
Robert Camareno, City Manager

***MISSION STATEMENT***

***The City of New Braunfels will add value to our community  
by planning for the future, providing quality services, encouraging  
community involvement and being responsive to those we serve.***

**AGENDA**

**CALL TO ORDER**

**CALL OF ROLL: CITY SECRETARY**

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

**INVOCATION: COUNCILMEMBER SPRADLEY**

**PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG**

**PROCLAMATIONS:**

- A) State Farm Day [24-1178](#)
- B) Texas Native Plant Week [24-1202](#)
- C) Manufacturing Month [24-1158](#)

**CITIZENS COMMUNICATIONS**

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

**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.

*Resolutions & Action Items*

- A) Approval of the September 23, 2024 executive session [24-1237](#) and regular city council meetings.  
Gayle Wilkinson, City Secretary
- B) Approval of an expenditure for repairs of Fire Department [24-1227](#) Unit 20403 to Siddons-Martin Emergency Group.  
Ruy Lozano, Fire Chief
- C) Approval of an agreement with RS&H Inc. to develop the [24-1239](#) Airport Master Drainage Plan and a budget amendment to fund the completion of the Airport Development and Design Standards Manual.  
Scott McClelland, Assistant Transportation and Capital Improvements Director
- D) Approval of purchases of vehicles with Bluebonnet [24-1295](#) Motors Ford, Lake Country Chevrolet, Cooper Equipment Company c/o Doggett Freightliner, Ewald Kubota, Inc. and Siddons Martin Emergency Group for various City Departments and approval to declare replaced units as surplus.  
Shane Knudson, Fleet Manager
- E) Approval of a contract with Insight Public Sector, Inc. to [24-1179](#) provide license plate readers and cameras for the New Braunfels Police Department using grant funds awarded by the Motor Vehicle Crime Prevention Authority, Fiscal Year 2024 SB 224 Catalytic Converter Grant Program.  
Jennifer Gates, Grants Coordinator
- F) Approval of a maintenance agreement with Stryker [24-1279](#) Emergency Equipment for specific fire department equipment.  
Ruy Lozano, Fire Chief
- G) Approval of annual routine recurring expenditures for FY [24-1266](#) 2025 in accordance with City Charter Section 9.17.  
Barbara Coleman, Purchasing Manager

- H) Approval of a contract with Pesado Construction [24-1259](#)  
Company for the construction of the Bergfeld Avenue  
Stormwater Filtration System and authorization for the  
City Manager to execute change orders up to the  
contingency amount.  
Scott McClelland, Assistant Transportation and Capital Improvements Director
- I) Approval of a purchase with Silsbee Ford for a Ford [24-1252](#)  
F-350 pick-up truck for fire department to support  
operations and emergency services.  
Ruy Lozano, Fire Chief
- J) Approval of a purchase with Sterling McCall Ford for one [24-1253](#)  
Ambulance Chassis and Remount of Fire Department  
Rescue Unit and to declare the replaced equipment as  
surplus.  
Ruy Lozano, Fire Chief
- K) Approval of a joint contract between the City of New [24-1168](#)  
Braunfels and New Braunfels Utilities with E-Z Bel  
Construction for the construction of the Union Avenue  
Improvements, construction materials testing with  
Terracon Consultants, Inc., and authorization for the City  
Manager to execute any change orders and project  
expenditures up to the contingency amount.  
Scott McClelland, Assistant Transportation and Capital Improvements Director

*Ordinances*

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

- L) Approval of the second and final reading of an ordinance [24-1248](#)  
amending the Project Plan and Reinvestment Zone  
Financing Plan for the New Braunfels Downtown Tax  
Increment Reinvestment Zone #3; and other matters in  
connection therewith.  
Jeff Jewell, Economic and Community Development Director

**2. INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Discuss and consider the approval of a contract with E-Z [24-1281](#)  
Bel Construction for the Citywide Intersection  
Improvements and authorization for the City Manager to  
execute change orders up to the contingency amount.  
Scott McClelland, Assistant Transportation and Capital Improvements Director

- B) Discuss and consider approval of a joint contract [24-1258](#) between the City of New Braunfels and New Braunfels Utilities with Austin Filter Systems, Inc. for the construction of improvements to the Last Tuber's Exit on the Comal River and authorization for the City Manager to execute change orders up to the contingency amount.  
Scott McClelland, Assistant Transportation and Capital Improvements Director
- C) Discuss and consider approval of a contract with [24-1256](#) Dalrymple Gravel & Contracting Company for the construction of the Landa Lake Dam & Spillway Improvements and authorization for the City Manager to execute change orders up to the construction contingency amount.  
Scott McClelland, Assistant Transportation and Capital Improvements Director
- D) Discuss and consider the approval of a resolution [24-1204](#) recommended by the New Braunfels Economic Development Corporation approving an economic development incentive, not to exceed \$4,500,000, to S. Castell, LLC for open space improvements and possible entertainment and exhibition facilities, pursuant to Section 505.152 of the Texas Local Government Code.  
Jeff Jewell, Economic and Community Development Director
- E) Public hearing and first reading of an ordinance [24-1238](#) amending Chapter 122 - Taxation - of the Code of Ordinances by adding an exemption from ad valorem taxes for qualifying childcare facility properties; providing for the repeal of conflicting provisions; providing for a severability clause; and declaring an effective date.  
Jeff Jewell, Economic and Community Development Director

### 3. **EXECUTIVE SESSION**

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551, 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 [24-1273](#) negotiations in accordance with Section 551.087 of the Texas Local Government Code:
1. Project Lark
  2. Project Sun



- B) Deliberate pending/contemplated litigation, settlement [24-1286](#) 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, including but not limited to:
- City of New Braunfels v. Stoddard Construction Management, Inc. and Swiss Re Corporate Solutions America Insurance Corp.; C2024-1777D
  - Specplay Equipment Co. and A-OK Playgrounds, LLC
- C) Deliberate the appointment, evaluation, duties, discipline, [24-1298](#) or removal of the Municipal Court Judge in accordance with Section 551.074 of the Texas Government Code.

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

**ADJOURNMENT**

**CERTIFICATION**

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

---

Gayle Wilkinson, City Secretary

NOTE: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at (830) 221-4010 at least two (2) work days prior to the meeting so that appropriate arrangements can be made.



## City Council Agenda Item Report

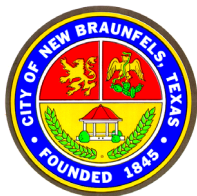
550 Landa Street  
New Braunfels, TX

**10/14/2024**

Agenda Item No. A)

---

---



# Proclamation

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

**WHEREAS**, State Farm Insurance, in partnership with local New Braunfels State Farm Agents Justin Meadows, Mark Elder, Bill Mehrer, John Boyd and Rosie Garcia, made a donation to the New Braunfels Fire Department for battery operated rescue saws valued at over \$15,000 to enhance the department’s rescue capability and positively impact the entire region’s emergency response profile; and

**WHEREAS**, State Farm Insurance has made it their business to be Like a Good Neighbor; and invest in the City of New Braunfels by ensuring the Fire Department is ready for the next emergency; and

**WHEREAS**, State Farm Insurance continues to be the leader in the insurance industry, providing insurance and financial services, being leaders in corporate social responsibility; and

**WHEREAS**, State Farm Insurance is purposeful in their efforts to empower people to be Good Neighbors, protecting what matters most, represented by their generosity to the City of New Braunfels Fire Department; and

**WHEREAS**, State Farm Insurance’s mission to help people manage the risks of everyday life, recover from the unexpected and realize their dreams is an example to us all.

**NOW THEREFORE**, be it resolved, that I, Neal Linnartz, Mayor of the City of New Braunfels, Texas, hereby proclaim October 14, 2024, as

**STATE FARM DAY**

in New Braunfels, Texas, and urge all citizens to recognize this important historical date.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 14<sup>th</sup> day of October 2024.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**NEAL LINNARTZ, Mayor**



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**10/14/2024**

Agenda Item No. B)

---

---



# Proclamation

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

**WHEREAS**, in 2009 efforts by members from the Native Plant Society of Texas led to the Texas Legislature designating the 3rd full week of October as Texas Native Plant Week; and

**WHEREAS**, Texas native plants conserve water, provide habitats for birds, wildlife, pollinators, and help protect ecosystems; and

**WHEREAS**, The Native Plant Society of Texas, founded in 1981, has 35 chapters promoting the conservation, research and utilization of native plants and plant habitats through education, outreach, and example; and

**WHEREAS**, New Braunfels is fortunate to have two active chapters, the Lindheimer Chapter founded in 2000 currently with 100 primary members and the New Braunfels Chapter founded in 2019 currently with 145 primary members; and

**WHEREAS**, The Lindheimer Chapter offers three times a year the Native Landscape Certification Program, a series of classes that teach the best practices for native plant landscape and habitat preservation; and established a Native Seed Library at the Tye Preston Memorial Library; and offers seasonal Plant Propagation classes; and

**WHEREAS**, two New Braunfels Chapter gardens have been certified as Monarch Way Stations--the Landa Family Memorial Garden and the Butterfly Garden at Conservation Plaza plants and created a container garden for the Heritage Gardens Memory Care Unit at Eden Hill. The chapter partners with the Headwaters at the Comal to present native landscaping classes to the public; and

**WHEREAS**, native plants are beneficial, helping prevent erosion with deep root systems holding surrounding soil, providing a cooling effect lowering the temperature in your yard, are a great source of food and habitat, and provide oxygen.

**NOW THEREFORE**, be it resolved, that I, Neal Linnartz, Mayor of the City of New Braunfels, Texas, hereby proclaim October 20-26, 2024, as

**TEXAS NATIVE PLANT WEEK**

in New Braunfels, Texas, and I do thereby call upon our citizens to join in recognizing and participating in this special observance.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 14<sup>th</sup> day of October 2024.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**NEAL LINNARTZ, Mayor**



## City Council Agenda Item Report

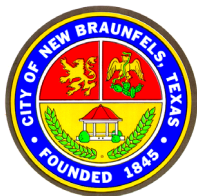
550 Landa Street  
New Braunfels, TX

**10/14/2024**

Agenda Item No. C)

---

---



# Proclamation

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

**WHEREAS**, the City of New Braunfels, Texas, acknowledges the substantial contributions of the manufacturing industry to our local economy, including job creation, innovation, and the enhancement of overall quality of life for our residents; and

**WHEREAS**, manufacturing serves as a key driver of technological advancement and innovation, while also producing essential goods that positively impact our everyday lives; and

**WHEREAS**, manufacturing companies in New Braunfels not only provide meaningful employment opportunities for our residents but also contribute to economic stability and long-term growth by investing in a highly skilled workforce; and

**WHEREAS**, Manufacturing month provides a platform to celebrate the remarkable achievements, capabilities, and talents of our local manufacturers and their employees, while underscoring the importance of a sustainable talent pipeline that spans K-12 education, higher education, and career opportunities; and

**WHEREAS**, in the spirit of collaboration, the New Braunfels Manufacturing Association, the New Braunfels Economic Development Corporation, the Greater New Braunfels Chamber of Commerce, and the City of New Braunfels are committed to aligning workforce development efforts with education and industry needs, ensuring the continued success of our manufacturing sector, and preparing the next generation of skilled workers.

**NOW THEREFORE**, be it resolved, that I, Neal Linnartz, Mayor of the City of New Braunfels, Texas, hereby proclaim October 2024 as

## MANUFACTURING MONTH

in New Braunfels, Texas, and the city reaffirms its commitment to supporting, attracting, and retaining manufacturing businesses. We celebrate the industry’s role in expanding opportunities for our workforce, fostering educational partnerships, and enhancing the quality of life across Greater New Braunfels.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 14<sup>th</sup> day of October 2024.

CITY OF NEW BRAUNFELS

\_\_\_\_\_  
NEAL LINNARTZ, Mayor



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

10/14/2024

Agenda Item No. A)

---

---

**PRESENTER:**

Gayle Wilkinson, City Secretary

**SUBJECT:**

Approval of the September 23, 2024 executive session and regular city council meetings.



**DRAFT - MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL  
REGULAR MEETING OF MONDAY, SEPTEMBER 23, 2024**

**AGENDA**

**CALL TO ORDER**

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

**CALL OF ROLL: CITY SECRETARY**

**Present:** 7 - Mayor Neal Linnartz, Mayor Pro Tem Andres Campos, Councilmember Christopher Willis, Councilmember D. Lee Edwards, Councilmember Lawrence Spradley, Councilmember Mary Ann Labowski, and Councilmember April Ryan

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

**INVOCATION: COUNCILMEMBER EDWARDS**

Councilmember Edwards provided the invocation.

**PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG**

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

**PROCLAMATIONS:**

A) Hill Country Night Sky Month

Mayor Linnartz read the aforementioned proclamation.

Colette Nies received the proclamation and addressed council.

B) Living Legends Of New Braunfels

Mayor Linnartz read the aforementioned proclamations.

Rusty Brockman, Maurice Dewey Fischer (Rodney Fischer accepting), and Dr. Carlos Campos received the three Living Legend proclamations.

## **CITIZENS COMMUNICATIONS**

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

**The following individuals spoke at this time: David Warmke, Michael Murphy, and Pastor Carl Miller**

### **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.

#### *Resolutions & Action Items*

- A) Approval of the September 5th, 2024 Special City Council meeting minutes, the September 9th, 2024 Regular and Executive City Council meeting minutes, and the September 16th, 2024 Special Meeting City Council meeting minutes.
- B) Approval of a contract with the Law Offices of Ryan Henry, PLLC., and approval of Ryan Henry, Justin Plescha and Jason Rammel to serve as interim prosecutors/assistant city attorneys.
- C) Approval to renew the following annual contracts, as allowed for by their contract language and in accordance with City Charter Section 9.17: Motorola Solutions, Westnet, Target/Vector Solutions, BoundTree, Revenue Optimization, Texas Municipal League, Bakers Heavy Equipment, Cesars Body Works, Christian Brothers, Bluebonnet Motors, N & L Best Deal, Dr. Tania Glenn, Brandfolder, Denton, Navarro, Rocha Bernal & Zech, RPS, Brown & Hofmeister, Catapult Health, D & D Contractors, Fischer Construction, Concrete Enterprise, Fuquay, Inc., D & M Owens, MAC Inc, Lonestar Paving, Intermountain Slurry, Viking Construction, Gruene Shredding, Inc., Siddons Martin, Tyler Technologies, Del Carmen Consulting,

- D) Approval of a contract with Crowe LLP for Financial Audit Services
- E) Approval of the purchase of vehicles from Reliable Chevrolet for the Police Department and approval to declare replaced units as surplus.
- F) Approval of a contract with Jerdon Enterprise, LP for the construction of a segment of West Alligator Creek Trail and authorization for the City Manager to execute change orders up to the contingency amount.

#### **Approval of the Consent Agenda**

**David Warmke pulled consent item D for individual consideration.**

**Mayor Linnartz read the aforementioned consent agenda excluding consent item D.**

**Councilmember Spradley made a motion to approve the consent agenda items A,B,C,E, and F. Mayor Pro Tem Campos seconded the motion which passed unanimously.**

#### **2. INDIVIDUAL ITEMS FOR CONSIDERATION**

- D) Approval of a contract with Crowe LLP for Financial Audit Services

**Mayor Linnartz read the aforementioned item for individual consideration:**

**David Warmke spoke at this time.**

**Sandy Paulos addressed questions from David Warmke.**

**Councilmember Ryan moved to approve consent item D. Councilmember Spradley seconded the motion which passed unanimously.**

- A) Public hearing and first reading of an ordinance amending the Project Plan and Reinvestment Zone Financing Plan for the New Braunfels Downtown Tax Increment Reinvestment Zone #3; and other matters in connection therewith.

**Mayor Linnartz read the aforementioned item.**

**Jeff Jewell presented this item providing a short PowerPoint and addressed questions.**

**The following individuals spoke at this time: David Warmke**

**Councilmember Ryan moved to approve the motion. Councilmember Labowski seconded the motion which passed unanimously.**

**B) Discuss and consider approval of a resolution for nomination(s) to the Comal County Appraisal District Board of Directors.**

**Mayor Linnartz read the aforementioned item.**

**Gayle Wilkinson presented this item and addressed questions.**

**Councilmember Spradley moved to nominate Eric Couch for a three year term for the Comal County Appraisal District position. Councilmember Ryan seconded the motion which passed unanimously.**

**C) Discuss and consider approval of a resolution for nomination(s) to the Guadalupe Appraisal District Board of Directors.**

**Mayor Linnartz read the aforementioned item.**

**Gayle Wilkinson presented the item and addressed questions.**

**Councilmember Willis moved to nominate Ernesto Rodriguez for the Guadalupe County Appraisal district board of director position. Councilmember Labowski seconded the motion which passed unanimously.**

**D) Public hearing and first reading of an ordinance to amend Chapter 144 regarding RVs on large acreage agriculturally zoned lots.**

**Mayor Linnartz read the aforementioned item.**

**Jean Drew presented this item providing a PowerPoint and addressed questions from council.**

**Councilmember Edwards moved to approve with an amendment to one RV per track zoned apd with no acreage noted. There was no second - the motion dies.**

**Councilmember Labowski moved to postpone this item. Councilmember Ryan seconded the motion which passed unanimously.**

### **3. EXECUTIVE SESSION**

**Monday, September 23, 2024 New Braunfels City Council Regular Meeting**

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551, 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 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:
  - 1. TSTC Campus

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

The aforementioned item took place during Executive Session at 5:00 p.m.

No action was taken at this time.

**ADJOURNMENT**

Mayor Linnarz adjourned at 6:50 p.m.

By: \_\_\_\_\_  
NEAL LINNARTZ, MAYOR

Attest:

\_\_\_\_\_  
GAYLE WILKINSON, CITY SECRETARY

**DRAFT - MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL - EXECUTIVE SESSION  
REGULAR MEETING OF MONDAY, SEPTEMBER 23, 2024**

**AGENDA**

**CALL TO ORDER**

Mayor Linnartz called the meeting to order at 5:11 p.m.

**CALL OF ROLL: CITY SECRETARY**

Councilmember Edwards arrived at 5:11 p.m.

**Present** 7 - Mayor Neal Linnartz, Mayor Pro Tem Andres Campos, Councilmember Christopher Willis, Councilmember D. Lee Edwards, Councilmember Lawrence Spradley, Councilmember Mary Ann Labowski, and Councilmember April Ryan

**1. EXECUTIVE SESSIONS**

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551, the City Council may convene in a closed session to discuss any of the items listed below. Any final action or vote on any executive session item will be taken in open session.

A) Deliberate 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:

1. TSTC Campus

Mayor Linnartz read the following executive session item and convened into closed session at 5:11 p.m.

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

Mayor reconvened into open session at 5:19 p.m.

No action was taken at this time.

**ADJOURNMENT**

Mayor Linnartz adjourned at 5:19 p.m.

10/14/2024

Agenda Item No. B)

---

**PRESENTER:**

Ruy Lozano, Fire Chief

**SUBJECT:**

Approval of an expenditure for repairs of Fire Department Unit 20403 to Siddons-Martin Emergency Group.

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

Fire department unit 20403 (Truck 7) experienced a catastrophic failure of a wheel hub causing significant damage to the unit and placing it out of service. Repair of this unit has been authorized by TML. Given the nature of the repair and the type of vehicle, the unit requires repair by the manufacturer's authorized service center, Siddons-Martin Emergency Group. The expenditure is being made under the City's maintenance and service contract with the vendor.

**ISSUE:**

The unit required extensive repair, totaling \$75,582.32 in order to place it back in service.

**STRATEGIC PLAN REFERENCE:**

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

**FISCAL IMPACT:**

An insurance claim was filed with the Texas Municipal League (TML) and the city has received \$74,443. The difference is the City's responsibility and will be supported by the Replacement Fund; therefore, sufficient funds are available to support this expenditure.

**RECOMMENDATION:**

Staff recommends approval of an expenditure to Siddons Martin Emergency Group.

10/14/2024

Agenda Item No. C)

**PRESENTER:**

Scott McClelland, Assistant Transportation and Capital Improvements Director

**SUBJECT:**

Approval of an agreement with RS&H Inc. to develop the Airport Master Drainage Plan and a budget amendment to fund the completion of the Airport Development and Design Standards Manual.

**DEPARTMENT:** Transportation and Capital Improvements**COUNCIL DISTRICTS IMPACTED:** 2**BACKGROUND INFORMATION:**

The City of New Braunfels adopted an Airport Master Plan in 2019 to establish goals to facilitate the growing aviation demands of the region. The Airport Master Drainage Plan (MDP) is intended to develop future drainage projects within the airport's property, as well as incorporate drainage requirements into the Airport Development and Design Standards Manual (DDSM) for all public infrastructure, buildings and improvements, and other facilities owned, operated, or maintained by the Airport or other private parties to facilitate the orderly and efficient development of Airport property for aeronautical and non-aeronautical uses. These design criteria will enable the City to move forward with the goals established in the master plan.

The City issued a Request for Qualifications (RFQ) for the MDP and DDSM and received four responses on November 28, 2023. Staff evaluated and scored the responses and selected RS&H Inc. for this task. RS&H has experience developing airports of all sizes, including San Antonio International Airport, Austin-Bergstrom International Airport, Sugarland Regional Airport, Santa Fe Regional Airport, and Stinson Municipal Airport.

The RFQ was published as a two-phase project: Phase 1: MDP and Phase 2: DDSM. City Council previously approved Phase 2 on June 24, 2024. This award recommendation is for Phase 1 and will cover the MDP. Funding of \$453,849.27 for the MDP was approved in the FY 2025 Budget. Staff is recommending approval of a contract modification to RS&H Inc. to proceed with the MDP scope of work.

**Budget Amendment:**

Increase Expenditures- Operating Expenses

Airport Fund: \$129,532

**ISSUE:**



---

Develop standards for future airport growth.

**STRATEGIC PLAN REFERENCE:**

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

**FISCAL IMPACT:**

The MDP scope modification cost is allocated in the FY 2025 Airport Operating Budget. A budget amendment is needed to incorporate the remaining cost of the DDSM into the FY 2025 Budget in the amount of \$129,532. The funding for this amendment will come from Airport Fund Reserves, therefore there are sufficient funds.

**RECOMMENDATION:**

Staff recommends approval of the modification of the professional services agreement with RS&H to develop the MDP and a budget amendment to incorporate the completion of the previously approved DDSM.

10/14/2024

Agenda Item No. D)

**PRESENTER:**

Shane Knudson, Fleet Manager

**SUBJECT:**

Approval of purchases of vehicles with Bluebonnet Motors Ford, Lake Country Chevrolet, Cooper Equipment Company c/o Doggett Freightliner, Ewald Kubota, Inc. and Siddons Martin Emergency Group for various City Departments and approval to declare replaced units as surplus.

**DEPARTMENT:** Finance**COUNCIL DISTRICTS IMPACTED:** City-wide**BACKGROUND INFORMATION:**

Staff are requesting approval for purchase of vehicles for various departments. These vehicles are a combination of replacement vehicles that are being retired from service, and new vehicles for department use to support new staff positions or new capital requests approved in the FY 25 Budget. Any replacement vehicles have either met or exceeded their useful life as determined by our fleet services division.

The City will utilize multiple vendors: Bluebonnet Motors Ford with a City contract, Lake Country Chevrolet through a TIPS cooperative agreement, Cooper Equipment Company c/o Doggett Freightliner through a BuyBoard cooperative agreement, Ewald Kubota Inc. through a Sourcewell cooperative agreement and Siddons Martin Emergency Group through the HGAC cooperative, all of which have been competitively vetted. The schedule below will provide detail to each purchase.

Department	Disposition	Vendor	Qty	Extended Price
Police - CID 2025 Ford F150 Truck Crew	Replaces Units: 1211, 1212 Tax Note	Bluebonnet Motors Ford <i>City Contract</i>	2	\$ 39,834.91-ea <b>\$79,669.82</b>
Police - CID 2025 Ford Explorer	Replaces Units: 1106, 1126, 1213, 1214, 1215	Bluebonnet Motors Ford <i>City Contract</i>	5	\$ 38,497.83-ea <b>\$192,489.15</b>
Police - Patrol 2025 Tahoe PPV 2wd	New Assets	Lake Country Chevrolet TIPS Cooperative	3	\$53,670.25-ea <b>\$161,010.75</b>
Police - Patrol 2025 Tahoe PPV 2wd	Replaces Unit 2006 TML Claim Coverage- \$18,225	Lake Country Chevrolet TIPS Cooperative	1	<b>\$53,670.25</b>

<b>TCI - Construction Inspector</b> 2025 Ford F150 Truck Crew 4X4	Replaces Unit 51101 Tax Note	Bluebonnet Motors Ford <i>City Contract</i>	1	\$45,605.91
<b>Parks Aquatics</b> 2025 Ford F150 Truck Crew	Replaces Unit 1067 Tax Note	Bluebonnet Motors Ford <i>City Contract</i>	1	\$42,002.91
<b>Health Specialist</b> 2025 Ford Maverick	New Asset General Fund	Bluebonnet Motors Ford <i>City Contract</i>	1	\$27,991.83
<b>Animal Welfare and Rescue</b> 2025 F-250 Ford Truck	Replaces Unit 2404 2024 Tax Note	Bluebonnet Motors Ford <i>City Contract</i>	1	\$48,239.07
<b>Fire Support</b> 2025 F-350 Ford Crew 4x4	Replaces Unit 16402 2024 Tax Note	Bluebonnet Motors Ford <i>City Contract</i>	1	\$59,878.25
<b>Fire Support</b> 2025 F-350 Ford Crew 4x4	Replaces Unit 16403 2024 Tax Note	Bluebonnet Motors Ford <i>City Contract</i>	1	\$59,878.25
<b>Airport</b> 2025 Ford F150 Truck Crew 4X4	New Asset Airport Fund	Bluebonnet Motors Ford <i>City Contract</i>	1	\$45,605.91
<b>Public Works - Fleet Svc</b> 2025 Ford F150 Truck Crew 4X4	New Asset General Fund	Bluebonnet Motors Ford <i>City Contract</i>	1	\$45,605.91
<b>Public Works - Streets</b> 2025 Oil Distributor Truck	New Asset General Fund	Cooper Equipment Co. c/o Doggett Freightliner <i>BuyBoary (\$400 fee)</i>	1	\$299,522.65
<b>Public Works - Streets</b> 2025 Kubota Skid Steer	Replaces Unit 98542 2024 Tax Note	Ewald Kubota Inc. Sourcewell	1	\$57,529.66
<b>Fire Support</b> 2025 Ford F550 - Ambulance - Bariatric capabilities	Replaces Unit 13405 2022 Tax Note	Siddons Martin Emergency Group <i>HGAC Contract</i>	1	\$409,230.00
<b>TOTAL</b>				<b>\$1,627,930.32</b>

Additional vehicles were approved in the FY 2025 Budget that will be brought to the City Council for approval as quotes are obtained through manufacturer order schedules or cooperative opportunities as stock is available from dealers.

In addition, staff recommends declaring the replaced vehicles surplus which allows for the future sale or donation of the asset.

#### ISSUE:

Staff are requesting new and replacement vehicles to maintain fiscal stability of city operations.

#### STRATEGIC PLAN REFERENCE:

☐ Economic Mobility ☐ Enhanced Connectivity ☐ Community Identity

---

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

**FISCAL IMPACT:**

The costs for vehicles described above are incorporated into the FY 2025 Adopted Budget within the 2022 tax note, 2024 Tax Note and Equipment Replacement Fund and the FY 2025 General Fund for the appropriate departments. Therefore, sufficient funds are available to purchase the vehicles.

**RECOMMENDATION:**

Staff Recommends approval of purchases of vehicles with Bluebonnet Motors Ford, Lake Country Chevrolet and Siddons Martin Emergency Group for various City Departments and approval to declare replaced units as surplus.

10/14/2024

Agenda Item No. E)

---

**PRESENTER:**

Jennifer Gates, Grants Coordinator

**SUBJECT:**

Approval of a contract with Insight Public Sector, Inc. to provide license plate readers and cameras for the New Braunfels Police Department using grant funds awarded by the Motor Vehicle Crime Prevention Authority, Fiscal Year 2024 SB 224 Catalytic Converter Grant Program.

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

The City's adopted 2024-2029 Strategic Plan includes an objective addressing continuation of diversifying revenue streams to support long-term fiscal sustainability of the Organization.

As such, on March 25, 2024, the City Council ratified an application, including an accompanying resolution, submitted by staff to the Motor Vehicle Crime Prevention Authority (MVCPA), Fiscal Year 2024 SB 224 Catalytic Converter Grant Program to request funding on behalf of the New Braunfels Police Department (NBPD) for costs associated with the detection and prevention of catalytic converter theft in Texas.

On June 27, 2024, the City received notification of a grant award for a total of \$913,399 to support personnel, equipment, and additional costs, including the procurement and installation of a variety of fixed and mobile automatic license plate readers (LPRs) and surveillance cameras for placement within strategic locations throughout the City for the detection and prevention of catalytic converter theft. Use of this technology will alert NBPD and law enforcement partners when a target vehicle enters and leaves the city, allowing them to be more efficient and effective in the response to, and deterrence of, crime.

With a portion of this funding, Staff is requesting approval to enter a 1-year contract with Insight Public Sector, Inc. for LPRs and surveillance cameras for a total of \$248,450 using an OMNIA Partners cooperative contract, thereby fulfilling competitive procurement requirements. The granting agency provides funds for 100% of the total amount; there is no City-match requirement.

The City is not obligated to continue its subscription for services after the initial contract term. As such, NBPD will evaluate the benefits and challenges of using the service during the City's Fiscal Year 2025, and if it is in the best interest of the City, staff and the awarded contractor will develop a proposal for continuation of services as the contract is scalable so the quantities and types of equipment may be adjusted based upon need and availability of future funding.

---

As applicable, any additional MVCPA grant-supported expenditures will be brought to Council for future consideration and approval.

**ISSUE:**

The City's adopted 2024-2029 Strategic Plan includes objectives pertaining to public safety and fiscal sustainability. Therefore, the contract described within this agenda item will support the use of awarded grant funds for eligible costs incurred by the New Braunfels Police Department during the City's Fiscal Years 2024 and 2025, including the cost of the requested technology.

**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:**

The granting agency will provide reimbursement of all eligible costs; there is no City-match requirement. Therefore, there are sufficient funds for the requested procurement.

**RECOMMENDATION:**

Staff recommends approval of a contract with Insight Public Sector, Inc. to provide license plate readers and cameras for the New Braunfels Police Department using grant funds awarded by the Motor Vehicle Crime Prevention Authority, Fiscal Year 2024 SB 224 Catalytic Converter Grant Program.

10/14/2024

Agenda Item No. F)

---

**PRESENTER:**

Ruy Lozano, Fire Chief

**SUBJECT:**

Approval of a maintenance agreement with Stryker Emergency Equipment for specific fire department equipment.

**DEPARTMENT:** Fire

**COUNCIL DISTRICTS IMPACTED:** All

**BACKGROUND INFORMATION:**

The fire department currently uses various EMS equipment manufactured by Stryker to include Powerload System's, Stretchers, Stair-Chairs, AED's and LUCAS CPR devices. These devices require annual maintenance to ensure functionality and accuracy. The most effective and efficient method of obtaining this annual maintenance is through a maintenance contract with the manufacturer.

This maintenance agreement is a three year agreement October 2024 through September 2027 with annual payments of \$61,024.05 for a total contract value of \$183,072.15

This contract is being awarded based on the Sourcewell Cooperative Contract 041823.

This contract contains a non-appropriations clause should funding not be allocated in future FY Budgets.

**ISSUE:**

The maintenance agreement provides for regularly scheduled maintenance as well as in field repair of all equipment ensuring all equipment is in service and functioning properly.

**STRATEGIC PLAN REFERENCE:**

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

**FISCAL IMPACT:**

The fire department has funds dedicated in the adopted FY 2025 budget to pay for Year 1 of 3. Future annual payments will be requested via the annual budget.

---

**RECOMMENDATION:**

Staff recommends approval of this item





## New Braunfels Fire 3 Yr Annual

Quote Number:	10986396	Rep:	Jordan Costello
Version:	1	Email:	
Prepared For:	CITY OF NEW BRAUNFELS FIRE	Phone Number:	
Attn:			
GPO:	Sourcewell Contract 041823	Service Rep:	
Quote Date:	10/01/2024	Email:	
Expiration Date:	10/31/2024		
Contract Start:	10/14/2024		
Contract End:	10/13/2027		

Delivery Address		Sold To - Shipping		Bill To Account	
Name:	CITY OF NEW BRAUNFELS FIRE	Name:	CITY OF NEW BRAUNFELS FIRE	Name:	CITY OF NEW BRAUNFELS FIRE
Account #:	20037687	Account #:	20037687	Account #:	20037687
Address:	169 HILL AVE	Address:	169 HILL AVE	Address:	169 HILL AVE
	NEW BRAUNFELS		NEW BRAUNFELS		NEW BRAUNFELS
	Texas 78130-5109		Texas 78130-5109		Texas 78130-5109

### ProCare Products:

#	Product	Description	Months	Qty	List Price	Disc % Off Contract	Sell Price	Total
1.0	POWERLOAD-PROCARE	PROCARE-SVC-POWER-LOAD Parts, Labor, Travel Preventative Maintenance Batteries Service	36	6	\$2,273.00	15.0%	\$5,796.15	\$34,776.90
2.0	POWERLOAD-PROCARE	PROCARE-SVC-POWER-LOAD Parts, Labor, Travel Preventative Maintenance Batteries Service	36	4	\$2,273.00	15.0%	\$5,796.15	\$23,184.60
3.0	STR-CHAIR-PROCARE	PROCARE-SVC-STAIR-CHAIR Parts, Labor, Travel Preventative Maintenance	36	9	\$305.00	15.0%	\$777.75	\$6,999.75
4.0	POWERPRO-PROCARE	PROCARE-SVC-POWERPRO Parts, Labor, Travel Preventative Maintenance Batteries Service	36	9	\$1,599.00	15.0%	\$4,077.45	\$36,697.05
5.0	POWERPRO-PROCARE	PROCARE-SVC-POWERPRO Parts, Labor, Travel Preventative Maintenance Batteries Service	36	2	\$1,599.00	15.0%	\$4,077.45	\$8,154.90
6.0	MANUAL-COT-PROCARE	PROCARE-SVC-MANUAL-COTS Parts, Labor, Travel Preventative Maintenance	36	1	\$805.00	15.0%	\$2,052.75	\$2,052.75
7.0	LUCAS-FLD-PROCARE	PROCARE-SVC-LUCAS-FIELD-REPAIR Parts, Labor, Travel Preventative Maintenance Batteries Service	36	12	\$1,719.00	15.0%	\$4,383.45	\$52,601.40
8.0	AED-FIELD-PROCARE	PROCARE-SVC-AED-FIELD-REPAIR Preventative Maintenance Batteries Service	36	14	\$456.00	15.0%	\$1,162.80	\$16,279.20



New Braunfels Fire 3 Yr Annual

Quote Number: 10986396

Version: 1

Prepared For: CITY OF NEW BRAUNFELS FIRE

Attn:

Rep: Jordan Costello

Email:

Phone Number:

GPO: Sourcewell Contract 041823

Quote Date: 10/01/2024

Expiration Date: 10/31/2024

Contract Start: 10/14/2024

Contract End: 10/13/2027

Service Rep:

Email:

#	Product	Description	Months	Qty	List Price	Disc % Off Contract	Sell Price	Total
9.0	AED-FIELD-PROCARE	PROCARE-SVC-AED-FIELD-REPAIR Preventative Maintenance Batteries Service	36	1	\$456.00	15.0%	\$1,162.80	\$1,162.80
10.0	AED-FIELD-PROCARE	PROCARE-SVC-AED-FIELD-REPAIR Preventative Maintenance Batteries Service	36	1	\$456.00	15.0%	\$1,162.80	\$1,162.80
ProCare Total:								\$183,072.15
ProCare Annual Payment:								\$61,024.05

Price Totals:

Authorized Customer Signer (Printed)

Date

Stryker Authorized Signature (Printed)

Date

Authorized Customer Signature

Date

Stryker Authorized Signature

Date



New Braunfels Fire 3 Yr Annual

Quote Number:	10986396		
Version:	1		
Prepared For:	CITY OF NEW BRAUNFELS FIRE	Rep:	Jordan Costello
	Attn:	Email:	
		Phone Number:	
GPO:	Sourcewell Contract 041823	Service Rep:	
Quote Date:	10/01/2024	Email:	
Expiration Date:	10/31/2024		
Contract Start:	10/14/2024		
Contract End:	10/13/2027		

---

Purchase Order Number

**Service Terms and Conditions:**  
The Terms and Conditions of this quote and any subsequent purchase order of the Customer are governed by the Terms and Conditions located at <https://techweb.stryker.com> The terms and conditions referenced in the immediately preceding sentence do not apply where Customer and Stryker are parties to a Master Service Agreement.

Payment Schedule

Starting Balance:

\$183,072.15

Date	Payment	Balance
10/14/2024	\$61,024.05	\$122,048.10
10/14/2025	\$61,024.05	\$61,024.05
10/14/2026	\$61,024.05	\$ -

## **Equipment Service Plan**

Line Item #	Model	Serial #
1.0	PROCARE-SVC-POWER-LOAD	2204012400037
1.0	PROCARE-SVC-POWER-LOAD	2203012400432
1.0	PROCARE-SVC-POWER-LOAD	2304012400264
1.0	PROCARE-SVC-POWER-LOAD	2108012400223
1.0	PROCARE-SVC-POWER-LOAD	2111012400166
1.0	PROCARE-SVC-POWER-LOAD	2112012400376
2.0	PROCARE-SVC-POWER-LOAD	140239264
2.0	PROCARE-SVC-POWER-LOAD	170140699
2.0	PROCARE-SVC-POWER-LOAD	161141074
2.0	PROCARE-SVC-POWER-LOAD	1908003400217
3.0	PROCARE-SVC-STAIR-CHAIR	2304010000372
3.0	PROCARE-SVC-STAIR-CHAIR	2304010000371
3.0	PROCARE-SVC-STAIR-CHAIR	2304010000373
3.0	PROCARE-SVC-STAIR-CHAIR	2304010000370
3.0	PROCARE-SVC-STAIR-CHAIR	2304010000369
3.0	PROCARE-SVC-STAIR-CHAIR	2310010000015
3.0	PROCARE-SVC-STAIR-CHAIR	2310010000106
3.0	PROCARE-SVC-STAIR-CHAIR	170241802
3.0	PROCARE-SVC-STAIR-CHAIR	2006010000215
4.0	PROCARE-SVC-POWERPRO	2306020700119
4.0	PROCARE-SVC-POWERPRO	2110020700304
4.0	PROCARE-SVC-POWERPRO	2111020700048
4.0	PROCARE-SVC-POWERPRO	2111020700097
4.0	PROCARE-SVC-POWERPRO	2111020700067
4.0	PROCARE-SVC-POWERPRO	2111020700049
4.0	PROCARE-SVC-POWERPRO	2111020700101
4.0	PROCARE-SVC-POWERPRO	2111020700096
4.0	PROCARE-SVC-POWERPRO	2111020700044
5.0	PROCARE-SVC-POWERPRO	2005003500506
5.0	PROCARE-SVC-POWERPRO	170241670
6.0	PROCARE-SVC-MANUAL-COTS	140241435
7.0	PROCARE-SVC-LUCAS-FIELD-REPAIR	3522EE70
7.0	PROCARE-SVC-LUCAS-FIELD-REPAIR	3523FL78
7.0	PROCARE-SVC-LUCAS-FIELD-REPAIR	3522BL11
7.0	PROCARE-SVC-LUCAS-FIELD-REPAIR	3521Y749
7.0	PROCARE-SVC-LUCAS-FIELD-REPAIR	3521Y744
7.0	PROCARE-SVC-LUCAS-FIELD-REPAIR	3521Y754
7.0	PROCARE-SVC-LUCAS-FIELD-REPAIR	3521Y717
7.0	PROCARE-SVC-LUCAS-FIELD-REPAIR	3521Y753
7.0	PROCARE-SVC-LUCAS-FIELD-REPAIR	3519I521
7.0	PROCARE-SVC-LUCAS-FIELD-REPAIR	3521Y750
7.0	PROCARE-SVC-LUCAS-FIELD-REPAIR	3521Y746
7.0	PROCARE-SVC-LUCAS-FIELD-REPAIR	3521Y748
8.0	PROCARE-SVC-AED-FIELD-REPAIR	49901329
8.0	PROCARE-SVC-AED-FIELD-REPAIR	48683044
8.0	PROCARE-SVC-AED-FIELD-REPAIR	48677767
8.0	PROCARE-SVC-AED-FIELD-REPAIR	48692712
8.0	PROCARE-SVC-AED-FIELD-REPAIR	48677769

8.0	PROCARE-SVC-AED-FIELD-REPAIR	48683043
8.0	PROCARE-SVC-AED-FIELD-REPAIR	48656704
8.0	PROCARE-SVC-AED-FIELD-REPAIR	48656696
8.0	PROCARE-SVC-AED-FIELD-REPAIR	48656698
8.0	PROCARE-SVC-AED-FIELD-REPAIR	49194809
8.0	PROCARE-SVC-AED-FIELD-REPAIR	49386595
8.0	PROCARE-SVC-AED-FIELD-REPAIR	48656697
8.0	PROCARE-SVC-AED-FIELD-REPAIR	48683045
8.0	PROCARE-SVC-AED-FIELD-REPAIR	48296262
9.0	PROCARE-SVC-AED-FIELD-REPAIR	48185054
10.0	PROCARE-SVC-AED-FIELD-REPAIR	50670947

## Purchase Order Form



Account Manager \_\_\_\_\_  
Cell Phone \_\_\_\_\_

Purchase Order Date \_\_\_\_\_  
Expected Delivery Date \_\_\_\_\_  
Stryker Quote Number \_\_\_\_\_

Check box if Billing same as Shipping ☐

BILL TO		CUSTOMER #
Billing Account Num		
Company Name		
Contact or Department		
Street Address		
Add'l Address Line		
City, ST ZIP		
Phone		

SHIP TO		CUSTOMER #
Shipping Account Num		
Company Name		
Contact or Department		
Street Address		
Add'l Address Line		
City, ST ZIP		
Phone		

Authorized Customer Initials \_\_\_\_\_

Authorized Customer Initials \_\_\_\_\_

DESCRIPTION	QTY	TOTAL
REFERENCE QUOTE <input type="text"/>	<input type="text"/>	<input type="text"/>

### Accounts Payable Contact Information

Name \_\_\_\_\_  
Email \_\_\_\_\_  
Phone \_\_\_\_\_

Stryker Terms and Conditions

[www.stryker.com/stnc](http://www.stryker.com/stnc)

### Authorized Customer Signature

Printed Name \_\_\_\_\_  
Title \_\_\_\_\_  
Signature \_\_\_\_\_  
Date \_\_\_\_\_

Attachment Stryker Quote Number

\*Sales or use taxes on domestic (USA) deliveries will be invoiced in addition to the price of the goods and services on the Stryker Quote.

10/14/2024

Agenda Item No. G)

**PRESENTER:**

Barbara Coleman, Purchasing Manager

**SUBJECT:**

Approval of annual routine recurring expenditures for FY 2025 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 annual purchases that exceed \$50,000. There are various routine expenditures that occur every year and staff recommend that these expenditures be approved all at once, as has been the practice for several years, to manage staff resources more efficiently while ensuring compliance with the charter. This creates efficiencies through eliminating the need for these expenditure requests to be brought to City Council individually throughout the year.

This action will allow purchases to be made as needed throughout the year. As indicated below, the purchases are competitively vetted by cooperative agreements, quote or justified as a single source. Funding has been allocated for all of the expenditures detailed below.

As additional vendors that are anticipated to exceed the \$50,000 threshold are identified, they would still be brought for City Council at that time. Moreover, any purchases that warrant individual consideration and approval will be brought to City Council in that manner.

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

Vendor Source	Service	Not to Exceed	Contract Source
<b>Acushnet Company Titleist</b>	Commercial Golf supplies for resale inventory. Funding is incorporated into the Stock-inventory budget for Golf.	\$130,000	Exempt
<b>Baker &amp; Taylor Books</b>	Library books, supplies and other cataloging services. Funding is incorporated into the Library Department operating budget.	\$240,000	TXMAS
<b>Baker &amp; Taylor Entertainment</b>	Audio books, music and movies. Funding is incorporated into the Library Department operating budget.	\$100,000	TXMAS



<b>CINTAS Corporation No. 2</b>	City uniform rental/purchase and Industrial cleaning services. Funding is incorporated into the appropriate department budget	\$115,000	City Contract
<b>Data Projections</b>	Multiple contracts for audio visual Solutions. Funding is incorporated into the IT and appropriate department budgets.	\$100,000	TIPS
<b>Ergon Asphalt &amp; Emulsions Inc.</b>	Custom blended emulsions. Funding is incorporated into the Streets and Drainage Budget.	\$105,000	Sole Source
<b>Farrwest Specialty Vehicles</b>	Vehicle upfitting services which include Equipment from the Buyboard Cooperative And installation from a city contract. Annual spend varies based on number of vehicles purchased. Funding is incorporated into the appropriate operating budget.	\$600,000	BuyBoard City Contract
<b>Freese &amp; Nichols Inc.</b>	Professional engineering Support for Citywide projects. Funding is incorporated into the appropriate operating budget.	\$150,000	City Contract
<b>Galls, Inc.</b> Fire and Police Department / uniforms, and other accessories.	Funding is incorporated into the appropriate operating budgets.	\$150,000	BuyBoard <b>Angel/miller</b> Bullet proof vest
<b>Goodyear Tire (Formerly: The Goodyear Tire &amp; Rubber Company)</b>	Tires & services for fleet vehicles. including Recap tire service for City wide fleet vehicles Funding is incorporated into the appropriate budgets.	\$ 170,000	BuyBoard NASPO
<b>GT Distributors</b>	Public Safety equipment, supplies Parts and uniforms. Funding is incorporated into the appropriate operating budget.	\$130,000	BuyBoard
<b>GTS Technology Solutions Inc</b>	Email security, computer replacements and on-demand purchases. Funding is incorporated in the IT operating budget.	\$1,000,000	DIR/ BuyBoard
<b>Harrell's Inc.</b>	Landscape fertilizers for Parks Dept. Funding is incorporated into the Golf Course Enterprise Fund budget.	\$200,000	BuyBoard
<b>Hesselbein Tire Southwest</b>	Tires and services for large trucks and equipment. Funding is incorporated into the Solid Waste Management Enterprise Fund budget.	\$125,000	BuyBoard
<b>Iteris Inc.</b>	Data collection system for traffic & roads and miscellaneous supplies for traffic management. Funding is incorporated into the Public Works Department operating budget.	\$ 60,000	TMAS/ BuyBoard Single Source
<b>Langely &amp; Banack Inc</b>	Legal Support related to construction Support.	\$100,000	Exempt

budget.	Funding is incorporated into the Legal	Department
<b>Motorola</b>	Annual maintenance & license for Includes Previously - Police and Fire Dept. computer aided Spillman Technologies dispatch and Records Management system Watch Guard vehicle accessories to support city fleet and evidence library for Police Dept. Funding is incorporated into the Police Department and other appropriate department operating budgets.	\$350,000 DIR
<b>NAFECO</b>	Safety uniforms, equipment and supplies. Funding is incorporated into the Fire Department operating budget.	\$400,000 BuyBoard
<b>Pape-Dawson Engineers Inc.</b>	Various city traffic engineering support Funding is incorporated into the Appropriate department budgets.	\$150,000 City Contract
<b>Precision Delta Corp</b>	Ammunition for Police Department Funding is incorporated into the Police Department operating budget.	\$100,000 TXMAS
<b>Progressive Commercial Aquatics Inc.</b>	Pool chemicals for City pools Funding is incorporated into the Parks Department operating budget.	\$100,000 BuyBoard
<b>Siddons Martin Fire Apparatus</b>	Service work for Fire engine repairs Funding is incorporated into the Fire Department operating budget.	\$300,000 BuyBoard
<b>Terrill &amp; Waldrop PLLC</b>	City general legal support. Funding is incorporated into the Legal Department budget.	\$75,000 City Contract
<b>Wastequip</b>	Waste Management containers Commercial dumpsters and residential trash and recycling carts. Funding is incorporated into the Solid Waste Management Enterprise Fund budget.	\$200,000 HGAC/NIPA Omnia Partner

## ISSUE:

Maintain fiscal stability of City Operations

## STRATEGIC PLAN REFERENCE:

☐Economic Mobility 
 ☐Enhanced Connectivity 
 ☐Community Identity  
☐Organizational Excellence 
 ☒Community Well-Being 
 ☐N/A  
 [Enter Objectives/Performance Measures Supported]

## FISCAL IMPACT:

---

Funding for all initiatives and expenditures above were incorporated into the appropriate FY 2025 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 that difference up elsewhere within their operating budget.

**RECOMMENDATION:**

Staff recommends approval of annual recurring expenditures for FY 2025 in accordance with City Charter section 9.17.

10/14/2024

Agenda Item No. H)

**PRESENTER:**

Scott McClelland, Assistant Transportation and Capital Improvements Director

**SUBJECT:**

Approval of a contract with Pesado Construction Company for the construction of the Bergfeld Avenue Stormwater Filtration System and authorization for the City Manager to execute change orders up to the contingency amount.

**DEPARTMENT:** Transportation and Capital Improvements**COUNCIL DISTRICTS IMPACTED:** District 1**BACKGROUND INFORMATION:**

The City of New Braunfels has proactively implemented a Watershed Protection Plan for the Dry Comal Creek and Comal River watershed. As part of this effort, the potential effectiveness of structural stormwater Best Management Practices (BMPs) (in-pipe filters, detention basins, etc.), for reducing bacteria pollution from stormwater runoff was evaluated, and the stormwater outfall located at the northwest terminus of Bergfeld Avenue was recommended for the pilot. The location was selected based on the relative E. coli loadings calculated, the high mean E. coli concentration measured, and constructability considerations.

The stormwater outfall consists of three 60-inch concrete pipes that discharge into an earthen swale that ultimately flows into the Dry Comal Creek. For this pilot study, an in-pipe filtration system will be installed in-line on one of the stormwater pipes. Access points to the storm drain upstream and downstream of the filtration system are also to be installed to allow for collecting samples of stormwater during rain events. This sampling and the subsequent water quality testing can help determine if this type of system is an effective method for removing bacteria pollution that can be constructed on a larger scale around the city in the future.

The City issued a competitive sealed proposal for construction on August 8, 2024, and received three proposals on September 18, 2024. The project team selected Pesado Construction Company as the best value with a proposed cost of \$320,352, including a 10% contingency bringing the construction total cost to \$352,387.

**ISSUE:**

Reducing elevated levels of biological pollutants found in the Dry Comal Creek and Comal River.

**STRATEGIC PLAN REFERENCE:**

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

This project supports the City's Watershed Protection Plan for the Dry Comal Creek and Comal River

**FISCAL IMPACT:**

This project has 100% funding from a watershed protection plan implementation grant provided by the Texas

---

Commission on Environmental Quality and the Environmental Protection Agency and is a budgeted FY 2025 expense in the EAHCP/WPP special revenue fund.

**RECOMMENDATION:**

Approval of a contract with Pesado Construction Company for the construction of the Bergfeld Avenue Stormwater Filtration System and authorization for the City Manager to execute change orders and project expenditures up to the contingency amount.

10/14/2024

Agenda Item No. I)

**PRESENTER:**

Ruy Lozano, Fire Chief

**SUBJECT:**

Approval of a purchase with Silsbee Ford for a Ford F-350 pick-up truck for fire department to support operations and emergency services.

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

The Fire department was authorized in the FY 25 budget to purchase an additional F-350. This vehicle is required to tow several large trailers used for both emergency and non-emergency responses. Staff are requesting to purchase a 2024 Ford F-350 DRW 4WD Crew Cab XL truck from Silsbee Ford for the price of \$63,386.75.

The City will be utilizing Silsbee Ford through a TIPS cooperative contract which has been competitively vetted.

**ISSUE:**

Staff are requesting new and replacement of vehicles to maintain fiscal stability of city operations. Continue to ensure the protection of citizens' lives and property.

**STRATEGIC PLAN REFERENCE:**

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

**FISCAL IMPACT:**

The funds for this request are approved in the adopted FY 2025 budget; therefore, sufficient funds are available for this purchase.

**RECOMMENDATION:**

Staff recommends approval of a purchase with Silsbee Ford for a Ford F-350 pick-up truck for fire department to support operations and emergency services.

10/14/2024

Agenda Item No. J)

---

**PRESENTER:**

Ruy Lozano, Fire Chief

**SUBJECT:**

Approval of a purchase with Sterling McCall Ford for one Ambulance Chassis and Remount of Fire Department Rescue Unit and to declare the replaced equipment as surplus.

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

The Fire Department was authorized in the FY 25 budget to replace Unit 10401- a modular rescue body manufactured by FRAZER Inc. mounted on a 2010 Ford Chassis. Staff are requesting the purchase of a 2023 Ford F-450 Super cab 4x4 Diesel chassis from Sterling McCall Ford. The current rescue body will be refurbished and re-mounted by the manufacturer, FRAZER Inc. on the new chassis for a total cost of \$163,325.00. A remount consists of removing the modular box portion, placing it on a new chassis and refurbishing several components of the box. The remounts will be conducted through Frazer who is administering the contract through Sterling McCall Ford. The city will utilize the BuyBoard cooperative agreement which meets the competitive procurement requirements.

The city is declaring the replaced equipment as surplus which is being traded and credited with the remount at a credit of \$6,000.

**ISSUE:**

Public Safety - Continue to ensure the protection of citizens' lives and property.

**STRATEGIC PLAN REFERENCE:**

☐Economic Mobility ☐Enhanced Connectivity ☐Community Identity  
☐Organizational Excellence ☒Community Well-Being ☐N/A  
[Enter Objectives/Performance Measures Supported]

**FISCAL IMPACT:**

The funds for the replacement of this unit are approved in the adopted FY 2025 budget; therefore, sufficient funds are available for this purchase.

---

---

**RECOMMENDATION:**

Staff recommends approval of a purchase with Sterling McCall Ford for one Ambulance Chassis and Remount of Fire Department Rescue Unit and to declare the replaced equipment as surplus.



10/14/2024

Agenda Item No. K)

---

**PRESENTER:**

Scott McClelland, Assistant Transportation and Capital Improvements Director

**SUBJECT:**

Approval of a joint contract between the City of New Braunfels and New Braunfels Utilities with E-Z Bel Construction for the construction of the Union Avenue Improvements, construction materials testing with Terracon Consultants, Inc., and authorization for the City Manager to execute any change orders and project expenditures up to the contingency amount.

**DEPARTMENT:** Transportation and Capital Improvements

**COUNCIL DISTRICTS IMPACTED:** 5

**BACKGROUND INFORMATION:**

As part of the ongoing Citywide Street Improvements approved in the 2023 Bond, the Union Avenue improvements include a mill and overlay of the roadway as well as the selective installation/replacement of curbs and sidewalks, from Lincoln Street to Common Street.

A solicitation for competitive sealed proposals was issued on June 26, 2024, and the City received two (2) proposals on July 30, 2024. City Staff and New Braunfels Utility staff reviewed the proposals and selected E-Z Bel as the best value after consensus scoring.

E-Z Bel's proposal includes \$1,600,376.00 for roadway improvements and \$848,560.67 for utility improvements. The total for the Joint Improvements Project is \$2,448,936.67. Staff recommends approval of a 7% owners' contingency to the City portion of the project, bringing the construction amount for roadway improvements to \$1,712,400.

The utility portion of this project will involve the construction of a new water main from Lincoln Street to E. San Antonio Street within the project limits. New Braunfels Utilities Board approved the expense for their portion of the project on September 26, 2024.

Terracon Consultants, Inc. will provide material testing services under their master service agreement with the City at an estimated cost of \$27,840.

**ISSUE:**

Ongoing maintenance of City infrastructure.

**STRATEGIC PLAN REFERENCE:**

☐ Economic Mobility ☒ Enhanced Connectivity ☐ Community Identity

---

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

**FISCAL IMPACT:**

The full cost of the project has been allocated in the FY 2025 Budget for the 2023 Bond Citywide Streets Project. Therefore, sufficient funds are available to award the contract as described above.

**RECOMMENDATION:**

Approval of a joint contract between the City of New Braunfels and New Braunfels Utilities with E-Z Bel Construction for the construction of the Union Avenue Improvements, construction materials testing with Terracon Consultants, Inc., and authorization for the City Manager to execute any change orders and project expenditures up to the contingency amount.

10/14/2024

Agenda Item No. L)

**PRESENTER:**

Jeff Jewell, Economic and Community Development Director

**SUBJECT:**

Approval of the second and final reading of an ordinance amending the Project Plan and Reinvestment Zone Financing Plan for the New Braunfels Downtown Tax Increment Reinvestment Zone #3; and other matters in connection therewith.

**DEPARTMENT:** Economic and Community Development**COUNCIL DISTRICTS IMPACTED:** 1, 5**BACKGROUND INFORMATION:**

**The City Council held a public hearing for this item on September 23, 2024 and unanimously approved the first reading of the ordinance.**

In December 2021, the New Braunfels Downtown Tax Increment Reinvestment Zone Project & Finance Plan was finalized. The document identifies the establishment of the TIRZ 3, the project plan, eligible improvements, and a financing plan. Per Texas Tax Code Chapter 311.011(e), the TIRZ Zone Board at any time may adopt an amendment to the Project and Financing Plan consistent with the requirements and limitations of the Tax Code. The amendment takes effect on approval by the governing body of the municipality that created the zone.

This amendment includes changes to update the existing land uses, project plan improvements, and eligible project costs within the Zone - all as set forth and further described in the amended Project and Financing Plan attached to this agenda item. These additional changes are made to accommodate potential incentives and the transfer of property as allowed by state law for the NBU downtown site redevelopment, more commonly known as the Mainzer project.

The Mainzer project is the name given to the proposed redevelopment of the downtown NBU site. In 2020-2021, NBU underwent an extensive RFQ and RFP process for potential acquisition and redevelopment of the site. NBU terminated the negotiations in 2022 and since that time, the city now owns the property and staff is recommending the restart of negotiations with the same development team selected through the NBU process without issuing a new RFP. NBU's process was in depth and comprehensive and yielded a final selection that received the support of the selection team and other stakeholders.

The City intends to restart negotiations with the development team that could include the possible conveyance of the newly acquired property through a sale, lease or grant. Under Texas Local Government Code, Chapter 272, the law provides for public land conveyances without notice and bidding requirements in certain instances. Specifically, Section 272.001(b)(6) provides the ability to enter exclusive negotiations with the previously selected developer if the property is within a Tax Increment Finance Zone and is developed consistent with the TIRZ project plan as adopted by the city for the zone.

---

This action amends the project plan to include the reference specifically to a hospitality project within the project and finance plan to provide for the exception to exclusively negotiate as allowed by state law.

The TIRZ 3 Board approved a resolution approving these changes at its September 11, 2024 regular meeting.

**ISSUE:**

The existing TIRZ 3 Project and Financing Plan requires updates, and this ordinance adopts these amendments.

**STRATEGIC PLAN REFERENCE:**

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

**FISCAL IMPACT:**

There is no fiscal impact for this item.

**RECOMMENDATION:**

The New Braunfels City Council approve the second and final reading of this ordinance to approve the amended changes to the TIRZ 3 Project and Financing Plan.

**ORDINANCE NO. 2024-\_\_**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW  
BRAUNFELS, TEXAS APPROVING AN AMENDED PROJECT PLAN  
AND REINVESTMENT ZONE FINANCING PLAN FOR THE NEW  
BRAUNFELS DOWNTOWN TAX INCREMENT REINVESTMENT ZONE  
#3; AND OTHER MATTERS IN CONNECTION THEREWITH.**

**WHEREAS**, the City Council (the "Council") of the City of New Braunfels, Texas (the "City") passed and approved Ordinance No. 2021-70 on September 27, 2021, which designated the New Braunfels Downtown Tax Increment Reinvestment Zone #3 (the "Zone") pursuant to Section 311.005(a) of the Tax Increment Finance Act, Texas Tax Code, Chapter 311, as amended (the "Act"); and

**WHEREAS**, the Board of Directors of the Zone (the "Zone Board") prepared and adopted a New Braunfels Downtown Tax Increment Reinvestment Zone Project and Financing Plan (the "Project and Financing Plan") for the Zone in Reinvestment Zone Number pursuant to Section 311.011 of the Act; and

**WHEREAS**, the Council adopted Resolution No. 2021-R68 on December 13, 2021, approving the Project and Financing Plan pursuant to Section 311.011(d) of the Act; and

**WHEREAS**, pursuant to Section 311.011(e) of the Act, the Zone Board at any time may adopt an amendment to the Project and Financing Plan consistent with the requirements and limitations of the Act, which shall take effect upon approval by the Council in accordance with Section 311.011(e) of the Act; and

**WHEREAS**, on September 11, 2024, the Zone Board adopted an amended Project and Financing Plan to update the existing land uses, project plan improvements, and eligible project costs within the Zone, all as set forth and further described in the amended Project and Financing Plan (the "Amended Project and Financing Plan") attached hereto as Exhibit A and recommended that the City approve the Amended Project and Financing Plan; and

**WHEREAS**, the City desires to approve the Amended Project and Financing Plan pursuant to Section 311.011(e) of the Act attached as Exhibit A; and

**WHEREAS**, pursuant to the Act, the City must approve the Amended Project and Financing Plan by ordinance; and

**WHEREAS**, notice of a public hearing to be held on September 23, 2024, was duly published in the *New Braunfels Herald-Zeitung* in its issue dated September 10, 2024, in compliance with Section 311.003(e) of the Act; and

**WHEREAS**, a public hearing was held on September 23, 2024, at 6:00 p.m. in City Hall, New Braunfels, Texas (the "Hearing") to consider the Amended Project and Financing Plan at

which time the City provided a reasonable opportunity for protest in accordance with Section 311.003(d) of the Act; and

**WHEREAS**, the Council hereby finds and determines that the adoption of this Ordinance is in the best interests of the citizens of New Braunfels, Texas; and

**WHEREAS**, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

**SECTION 1.** The City, after conducting the Hearing and having heard such evidence and testimony, has made the following findings and determinations based upon the testimony presented:

- (a) That the Hearing on the proposed Amended Project and Financing Plan has been properly called, held and conducted and that notices of the Hearing have been published at least seven (7) days before the Hearing in a newspaper of general circulation in the City.
- (b) The Project and Financing Plan should be amended to update the existing land uses, project plan improvements, and eligible project costs within the Zone, all as set forth and further described in the Amended Project and Financing Plan attached as Exhibit A.

**SECTION 2.** The Project and Financing Plan is hereby amended to update the existing land uses, project plan improvements, and eligible project costs within the Zone, all as set forth and further described in the Amended Project and Financing Plan attached as Exhibit A.

**SECTION 3.** The Council hereby approves the Amended Project and Financing Plan attached as Exhibit A.

**SECTION 4.** The officers of the City are authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the actions authorized hereby and the intent hereof.

**SECTION 5.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**SECTION 6.** All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**SECTION 7.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**SECTION 8.** If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, as if such invalid provision had never appeared herein, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

**SECTION 9.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

**SECTION 10.** This Ordinance shall be in force and effect from and after its final passage and it is so ordained.

*[The remainder of this page intentionally left blank.]*

FIRST READING on the 23rd day of September, 2024.

SECOND AND FINAL READING, PASSED, AND ADOPTED on the 14th day of October, 2024.

CITY OF NEW BRAUNFELS

---

Neal Linnartz, Mayor

ATTEST:

---

Gayle Wilkinson, City Secretary

**Affix City Seal Here**

APPROVED AS TO FORM:

---

Valeria Acevedo, City Attorney



*This page left intentionally blank.*

## Exhibit A

# New Braunfels Downtown Tax Increment Reinvestment Zone Project & Financing Plan

City of New Braunfels, Texas December 13, 2021

Amended August 12, 2024

Amended \_\_\_\_\_, 2024



## CONTENTS

Project Plan .....	1
Overview .....	1
Existing Tax Increment Financing Districts in the City of New Braunfels .....	1
Description of Tax Increment Reinvestment Zone #3.....	1
Table 1: Existing Land Use of Proposed TIRZ #3.....	2
Existing Zoning and Land Use Guidelines Applicable to TIRZ #3 .....	4
Taxing Jurisdictions Applicable to TIRZ .....	4
Proposed Changes in Master Plans, Zoning Ordinances, and Building Codes .....	4
Relocation of Displaced Persons.....	4
Project Plan Improvements.....	5
Eligible Project Costs.....	6
1. Public Infrastructure Improvements .....	6
2. Economic Development Incentives .....	6
3. Parking Improvements .....	6
4. Administration & Implementation .....	6
Summary of Project Costs.....	6
Financing Plan .....	7
Compliance & Reporting .....	7
Public Sector Entities Participating in TIRZ #3.....	7
Financial Forecast Assumptions.....	7
Financial Forecast Summary Results.....	8
Conclusion .....	9
Appendix – Parcels within TIRZ #3.....	10

TABLE 1: EXISTING LAND USE OF PROPOSED TIRZ #3 .....	2
TABLE 2: DOWNTOWN DEVELOPMENT COSTS FUNDED BY TIRZ #3 .....	5
TABLE 3: PRELIMINARY TIRZ #3 FORECAST FOR CITY CONTRIBUTION .....	8
TABLE 4: PARCELS WITHIN PROPOSED TIRZ #3 .....	10

FIGURE 1: PROPOSED TIRZ #3 GEOGRAPHIC BOUNDARY .....	3
--	---

## PROJECT PLAN

### OVERVIEW

The City of New Braunfels, Texas has implemented a tax increment reinvestment zone (TIRZ) to fund redevelopment projects and programs in Downtown New Braunfels. The is named TIRZ #3 – Downtown Tax Increment Reinvestment Zone (TIRZ #3).

This Project and Financing Plan for TIRZ #3 (the “Project and Financing Plan”) is designed to meet the legal requirements of designating a TIRZ. The statutes governing tax increment financing are located in Chapter 311 of the State of Texas Tax Code (the “Act”).

Pursuant to Section 311.011(e) of the Act, an amendment to the Project Plan and Financing Plan (the "Amendment to Project and Financing Plan") was adopted by the TIRZ No. 3 Board on September \_\_\_\_, 2024 and approved by the City on \_\_\_\_, 2024 to update the existing land use of TIRZ #3 as shown in Table 1 herein and the development costs funded by TIRZ #3 as shown in Table 2 herein. Except as amended by the revised exhibits attached hereto, the Project Plan and Reinvestment Zone Financing Plan for the TIRZ remains unchanged and in full force and effect.

### EXISTING TAX INCREMENT FINANCING DISTRICTS IN THE CITY OF NEW BRAUNFELS

There are two existing City of New Braunfels TIRZs. The first is the Creekside TIRZ (TIRZ #1) and the second is the Rivermill TIRZ (TIRZ#2). Under Chapter 311 of the Texas Tax Code, cities with fewer than 100,000 residents may not create a new TIRZ if the total appraised value of taxable real property in the proposed reinvestment zone and in the existing reinvestment zones would exceed 50.0 percent of the total appraised value of taxable real property within the city and its industrial districts. In addition, a TIRZ may not be created if more than 30.0 percent of the property in the proposed new reinvestment zone is used for residential purposes at the time of designation. The proposed TIRZ #3 complies with these state rules.

### DESCRIPTION OF TAX INCREMENT REINVESTMENT ZONE #3

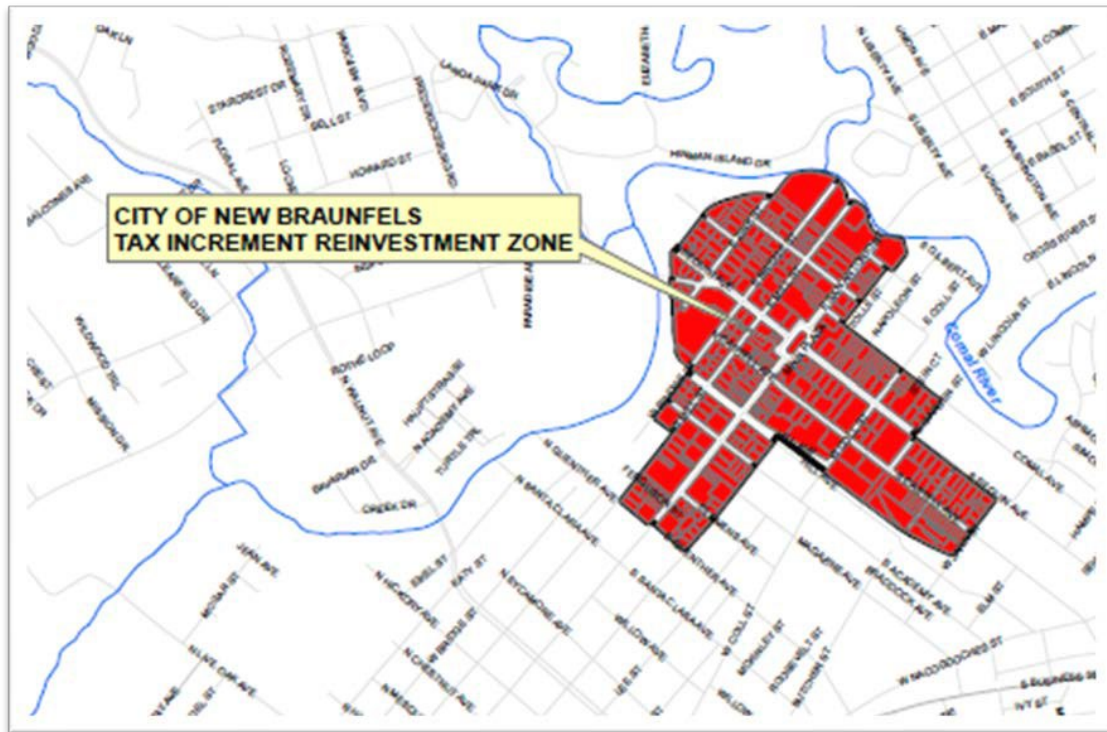
The proposed TIRZ #3 will cover approximately 183 acres (including roads and right of way). The 2021 baseline taxable property value of the TIRZ is \$ 141,765,876.00.

TABLE 1: EXISTING LAND USE OF TIRZ #3

Land Use	Parcel Count	Acres	Percentage of Zone
Commercial	172	61.99	33.77%
Exempt	54	38.62	21.04%
Industrial and Manufacturing	8	8.94	4.87%
Multi-Family Residential	2	0.40	0.22%
ROW	1	42.38	23.09%
Single Family Residential	111	27.28	14.86%
Utilities	3	3.37	1.84%
Vacant Lots and Tracts	4	0.60	0.32%
<b>TOTAL AREA</b>	<b>355</b>	<b>183.58</b>	<b>100.00%</b>
Non-public ownership		99.21	54.04%
Public ownership*		84.37	45.96%
<i>*Includes City of New Braunfels, Comal County, ROW, Utilities, and religious entities</i>			
Total Residential		27.68	15.08%
Maximum Residential		55.074	30%

Source: City of New Braunfels Existing Land Use Map

Figure 1: TIRZ #3 Geographic Boundary



## BOARD COMPOSITION

The TIRZ #3 Board shall be comprised of seven (7) members appointed by the New Braunfels City Council and to the greatest extent possible shall include five (5) property owners from within the TIRZ#3 boundaries and two at-large members (residing in Comal County or adjacent counties). These Board members shall serve 2-year staggered terms.

The duties of the TIRZ No. 3 Board will include making recommendations to the City Council concerning the administration, management, and operation of the Zone. The Board shall perform all duties imposed upon it by Chapter 311 of the Texas Tax Code and all other applicable laws.

## EXISTING ZONING AND LAND USE GUIDELINES APPLICABLE TO TIRZ #3

Existing City of New Braunfels land use, zoning guidelines, and policies would apply to all properties within the city limits.

## TAXING JURISDICTIONS APPLICABLE TO TIRZ

The proposed TIRZ #3 is located within the following taxing jurisdictions:

- City of New Braunfels
- Comal County
- New Braunfels ISD

## PROPOSED CHANGES IN MASTER PLANS, ZONING ORDINANCES, AND BUILDING CODES

There are no current master plans or anticipated changes to master plans or zoning ordinances.

## RELOCATION OF DISPLACED PERSONS

This plan currently does not call for nor anticipate the displacement and relocation of persons for the proposed projects.



## PROJECT PLAN IMPROVEMENTS

TIRZ #3 will provide support for catalytic infrastructure and incentives that will facilitate the redevelopment of the Downtown area. The Downtown area faces barriers to continued redevelopment as much of the pedestrian infrastructure in the zone is insufficient. Additionally, new development in the zone has been stifled due to a lack of convenient and adequate parking given the built-out nature of the development pattern. Finally, aging building systems and utility connections are a barrier to redevelopment as the majority of the existing building stock was constructed over 50 years ago and is out of compliance with modern requirements such as building codes, life safety, and Americans with Disabilities Act (ADA) access requirements.

Public infrastructure investments and additional enhancements are required to successfully redevelop the TIRZ #3 area. In addition, other projects might be added to the list as future development projects and related opportunities present themselves.

**Table 2: Downtown Development Costs Funded by TIRZ #3**

Project	Cost	Description
Public Infrastructure Improvements	\$7,500,000	Sidewalk construction/repair, installation of bicycle facilities, pedestrian amenities, enhanced crossings, roadway restriping and reconfiguration, and other right-of-way improvements with direct community benefits
Economic Development Incentives	\$4,000,000	Environmental remediation, interior/exterior demolition, historic façade restoration improvements/ easements and fire safety improvements/grants  Land and Construction costs including equipment and infrastructure, and other eligible project costs as may be more particularly described in this Project and Finance Plan
Parking Improvements	\$2,000,000	Land assembly/leases/and other projects that subsidize or otherwise provide public parking in strategic areas
Administration and Implementation	\$1,000,000	



## ELIGIBLE PROJECT COSTS

### 1. PUBLIC INFRASTRUCTURE IMPROVEMENTS

This category includes TIRZ-eligible expenditures for improvements to local streets and City Right of Way, including paving, utility infrastructure upgrades/relocation (water, wastewater, storm water), burial of overhead utilities as well as lighting improvements, street trees/planters, and sidewalk improvements for enhancing pedestrian linkages between throughout the historic downtown core.

---

### 2. ECONOMIC DEVELOPMENT INCENTIVES

Downtown New Braunfels has several buildings that contribute to the character and fabric of the community, but these buildings sometimes are financially unfeasible to properly redevelop because of the cost of environmental remediation of asbestos, lead-based paint and other contaminants, interior and exterior demolition costs, façade improvement costs and fire and ADA accessibility issues. Interior and exterior demolition expenses are tied directly to the remediation expenses. These costs are TIRZ- eligible expenditures. Remediation of environmentally hazardous materials and associated improvements, using TIRZ funds, greatly improves the marketability of these buildings. This budget category is necessary for attracting highly desired mixed-use and adaptive reuse projects to the Downtown TIRZ, including attracting new retail, office, hospitality and residential uses, including hotels, food and beverage, entertainment, and multifamily uses. Historic façade improvements and new construction under this program will be reviewed for compliance with any adopted design standards to ensure compatibility with other improved structures and investment in the Downtown area. Other eligible expenses include economic development incentives that could include the sale, transfer, or lease of land or contribution of TIRZ funds to offset public improvements costs to encourage development which diversifies the economy of the zone, grows property values and long-term property tax collections; and lessens the cost of private development by providing reimbursement for qualified public improvements. In accordance with the City's adopted TIRZ Policies, the Board may undertake projects that support economic development incentives in accordance with the Tax Code sections 311.010 (b) and (h) and Local Government Code, Chapter 380. The TIRZ #3 Board and the City may also establish and provide for the administration of programs for the purpose of developing or expanding transportation, business, and commercial activity in TIRZ #3.

---

### 3. PARKING IMPROVEMENTS

Downtown New Braunfels' growth in business activity, visitors, and resident population has created additional pressure on parking availability in Downtown. The city's planned parking updates and public transit will bring challenges and opportunities to Downtown visitors, residents, and employees. TIRZ funds may be used to acquire, construct, reconstruct, or install parking facilities such as a public lot, publicly-owned parking garage, parking terminal or other structure or accommodation for parking motor vehicles off the street. This includes

equipment, entrances, exits, fencing, and other accessories needed for safety and convenience. Privately-owned parking facilities may also be leased or improved for public or Downtown employee use.

---

#### 4. ADMINISTRATION & IMPLEMENTATION

Administration costs, including reasonable charges for time spent by City of New Braunfels employees, will be eligible for reimbursement as project costs. Administration costs are estimated at \$40,000 per year.

#### SUMMARY OF PROJECT COSTS

The total estimated cost of TIRZ #3 public infrastructure investment in the district is approximately \$7,500,000.

## FINANCING PLAN

Tax increment financing is a tool used by local governments to publicly finance needed infrastructure and other improvements within a defined area. These improvements are usually undertaken to promote the viability of existing businesses and to attract new commercial enterprises to the area. The statutes governing tax increment financing are located in Chapter 311 of the State of Texas Tax Code.

The costs of improvements in the defined zone are repaid by the contribution of future property tax revenues by each taxing unit that levies taxes against the property. Specifically, each taxing unit can choose to dedicate all, a portion, or none of the tax revenue that is attributable to the increase in property values due to the improvements within the reinvestment zone. Cities can also designate a portion of sales tax. The additional tax revenue that is received from the affected properties is referred to as the tax increment. Each taxing unit determines what percentage of its tax increment, if any, it will commit to repayment of the cost of financing the public improvements.

## COMPLIANCE & REPORTING

The TIRZ Board policies shall comply with all federal, state, and local laws, rules and regulations. The TIRZ Board will submit project status reports and financial reports as required by state law.

## PUBLIC SECTOR ENTITIES PARTICIPATING IN TIRZ #3

All project costs will be paid through the contribution of incremental property tax collections. This preliminary plan assumes that the City of New Braunfels will contribute a portion of their total tax rate (maintenance and operations (M&O) and interest and sinking (I&S) ad valorem tax rate for 25 years. The proposed TIRZ #3 does not include any sales tax increment.

## FINANCIAL FORECAST ASSUMPTIONS

- **TIRZ Duration** – It is assumed the TIRZ will have a 25-year lifespan.
- **TIRZ Allocation** – assumes that the City of New Braunfels will contribute 85% of their total incremental property tax collections.
- **Tax Rate** – While tax rates do change over time, the 2021 tax rates were held constant for the purposes of forecasting anticipated property tax revenue for the duration of the TIRZ.
- **Existing Properties** – The 2021 baseline property value of the TIRZ is approximately \$168 million but varies slightly by taxing jurisdiction based on exemptions offered.
- **Real Property** – Only taxable real property values are included in the tax increment calculations. By law, business personal property values are excluded from TIRZ.
- **Inflation & Appreciation Rate** – The inflation rate used for the value of improvements is 5.0 percent per year.

- **Net Present Value** – The net present values of the tax increment were calculated at a discount rate of 5.0 percent.
- **Future Development Patterns** – These assumptions do not include adjustments for future development. It is anticipated that TIRZ improvements will induce an organic growth in property values through induced development. These developments are currently undefined, and their value is not known. It is noted that the values shown in this plan are a conservative estimate and it is somewhat likely that revenues will exceed those presented in this forecast.

## FINANCIAL FORECAST SUMMARY RESULTS

The following table depicts the anticipated revenue generated over 25 years. The revenue forecast shows the TIRZ was established in 2021 (baseline year). The first TIRZ increment occurred in 2022.

**Table 3: Preliminary TIRZ #3 Forecast for City Contribution**

Calendar Year	Projected Tax Collections	Available for Fiscal Year Ending 30-Sep
2021	\$0	2022
2022	\$32,705	2023
2023	\$67,044	2024
2024	\$103,101	2025
2025	\$140,961	2026
2026	\$180,713	2027
2027	\$222,454	2028
2028	\$266,281	2029
2029	\$312,299	2030
2030	\$360,619	2031
2031	\$411,355	2032
2032	\$464,627	2033
2033	\$520,563	2034
2034	\$579,295	2035
2035	\$640,965	2036
2036	\$705,718	2037
2037	\$773,708	2038
2038	\$845,098	2039
2039	\$920,057	2040
2040	\$998,765	2041
2041	\$1,081,408	2042
2042	\$1,168,183	2043

2043	\$1,259,296	2044
2044	\$1,354,966	2045
2045	\$1,455,419	2046
<b>Total</b>	<b>\$14,865,599</b>	<b>2046</b>

## CONCLUSION

Based on the preliminary development plans for this area and anticipated tax revenue, a TIRZ is economically and financially feasible. The TIRZ should generate revenue to pay for infrastructure and redevelopment costs. Over the next 25 years, the TIRZ could generate approximately \$14.8 million to fund target improvements and incentives.

These projections are based on the best available datasets and information related to market conditions in the region. Given the high visibility of this area, for example, the substantial commitment of a few large developers could have a significantly positive impact on both the level and timing of future growth. Moreover, the financial projections make no allowance for positive spillover to the value of other properties in area as a result of new development (beyond inflation), which easily could occur. At the same time, a slowdown in development as a result of a weaker national economy, negative changes in key drivers of regional economy, or other unforeseen issues could materially reduce the volume of construction put in place, and resulting tax revenue, over the next 25 years.

## APPENDIX – PARCELS WITHIN TIRZ #3

**Table 4: Parcels within Proposed TIRZ #3 (Listed by Property ID Number)**

0	73	164	515	885	954	1008	1459
1	74	165	828	886	955	1009	1461
2	75	167	829	887	956	1010	1462
3	76	168	830	888	957	1011	1463
4	77	200	831	889	958	1012	1464
5	78	202	832	890	959	1013	1465
6	80	203	833	891	960	1014	24297
7	82	204	834	892	961	1016	30483
8	83	205	835	893	962	1024	37068
9	84	206	836	894	963	1026	44893
31	85	207	837	896	965	1027	44893
32	86	208	839	898	966	1028	44895
33	87	211	840	899	967	1029	54551
35	88	212	841	900	968	1030	137586
36	89	213	842	906	970	1032	145956
37	90	214	843	907	971	1034	152413
38	91	215	845	908	972	1035	378489
39	92	216	846	909	973	1037	378490

40	93	218	847	910	974	1038	378760
41	94	220	848	911	975	1040	410103
42	95	272	849	912	976	1042	431520
44	96	273	850	913	977	1044	431521
45	98	274	851	914	978	1045	431522
45	99	276	852	915	979	1046	431524
46	100	278	854	916	980	1047	431525
47	102	279	855	917	981	1048	
48	103	280	856	920	982	1049	
49	104	281	857	922	984	1050	
50	105	282	858	923	985	1051	
51	146	283	859	924	986	1292	
52	147	284	862	925	987	1435	
53	148	285	863	926	988	1436	
54	149	286	864	927	989	1438	
55	150	287	868	928	994	1440	
57	151	288	870	930	995	1441	
58	152	289	871	931	996	1442	
59	153	290	873	932	997	1443	
60	154	291	874	933	998	1445	



61	155	292	875	934	999	1446
62	156	293	876	935	1000	1447
64	157	294	877	936	1001	1448
65	158	295	878	937	1002	1449
66	159	296	879	939	1003	1450
68	160	297	880	950	1004	1453
69	161	298	881	951	1005	1456
70	162	299	882	952	1006	1457
72	163	300	883	953	1007	1458









METES AND BOUNDS DESCRIPTION  
FOR A 182.91 ACRE TRACT  
CITY OF NEW BRAUNFELS TAX INCREMENT REINVESTMENT ZONE (TIRZ)

Being a Political Boundary Description for 182.91 acres of land located within the Juan Martin De Veramendi Survey, A-2, in the City of New Braunfels, Comal County, Texas. Said boundary is comprised of 359 parcels of land and being more particularly described as follows:

BEGINNING at a point in the Southeast line of West Mill Street at it's intersection with an alley for the West corner of Lot 10, Block 44, New City Block (NCB) 3002, conveyed to the Patricia Blankenship Wyatt Revocable Trust, recorded in Document No. 201906022022 of the Official Public Records of Comal County Texas, Prop Id. 1051;

THENCE with the Northwest line of said Lot 10, NCB 3002, Lot 9 conveyed to Suzanne Marie Slovak, recorded in Document No. 201406034073 of the Official Public Records of Comal County Texas, Prop Id. 1050 and Lot 8 conveyed to Susan c. Milburn, recorded in Volume 204, Page 716 of the Comal County Deed Records, Prop Id. 1049, North 38°26'24" East, a distance of 262.81 feet to a point for the North corner of said Lot 8 and the West corner Ferguson Street (25' R.O.W.);

THENCE continuing with the Southeast line of West Mill Street, crossing Ferguson Street, North 38°33'11" East, a distance of 25.02 feet to a point for the North corner of Ferguson Street and the West corner of Lot 7, NCB 3001, conveyed to Celeste M. Forres, recorded in Document No. 200506003047 of the Official Public Records of Comal County Texas, Prop Id. 1030;

THENCE continuing with the Southeast line of West Mill Street, and the North line of NCB 3001, along the West line of the following five properties,

1. said Lot 7, NCB 3001
2. the property conveyed to First Methodist Church in Volume 422, Page 795 of the Comal County Deed Records, Prop Id. 1024,
3. Lot 12 conveyed to First United Methodist Church of New Braunfels, recorded in Document No. 201106032720 of the Official Public Records of Comal County, Texas, Prop Id. 1032,
4. Lot 14, conveyed to Leslie J. Lammers and Thomas E. Tumlinson recorded in Document No. 201706033702 of the Official Public Records Comal County Texas, Prop Id. 1034,
5. Lot 15, conveyed to Neil & Debbie Jo Allen, recorded in Document No. 201606021969 of the Official Public Records of Comal County Texas, Prop Id. 1035, North 38°17'23" East, a distance of 629.02 feet to a point for the North corner of said Lot 15;

THENCE crossing West Mill Street (66.66' R.O.W.) North 52°50'56" West, a distance of 66.51 feet to a point for the South corner Lot 216, NCB 3020, owned by New Braunfels Independent School District, no recording information found, Prop Id. 1292, and the East corner of Lot E NCB 3020;

THENCE with the Southwest line of Lot 216 and the Northeast line of Lot E and F, NCB 3020, North 52°57'12" West, a distance of 189.08 feet to a point in the Southeast line of West Bridge Street for the West corner of Lot 216 and the North corner of Lot F, NCB 3020;

THENCE with the Southeast line of West Bridge Street and the Northwest line of Lot 215 and Lot 215, owned by New Braunfels Independent School District, Prop Id. 1292, North 37°56'42" East, a distance of 195.27 feet to a point for the North corner of said Lot 215 and the West corner of North Academy Avenue;

THENCE with the Southeast line of West Bridge Street, crossing North Academy Ave (66.66' R.O.W.), North 37°50'05" East, a distance of 65.00 feet to a point for the West corner of a portion of Lot 103, NCB 2010 conveyed to Mary Ann Autry, recorded in Volume 141, Page 266 of the Comal County Deed Records, Prop Id. 924 and the North corner of North Academy Avenue;

THENCE continuing with the Southeast line of West Bridge Street, and the Northwest line of NCB 2010, the following 3 tracts,

1. said portion of Lot 103,
2. a portion of Lot 104, conveyed to James E. Glasgow Jr. and Carolyn M. Glasgow, recorded in Document No. 202006020515 of the Official Public Records of Comal County Texas, Prop Id. 925,
3. a portion of Lot 105, conveyed to Carr 2 Casa, LLC, recorded in Document No. 202106001621 of the Official Public Records of Comal County Texas, Prop Id. 927, North 37°46'59" East, a distance of 274.04 feet to a point for the North corner of said Lot 105, lying in the Southwest line of the Mo Pac Railroad (100' R.O.W.);

THENCE continuing with the Southeast line of West Bridge Street, crossing said Mo Pac Railroad R.O.W., North 37°46'58" East, a distance of 100.00 feet to a point in the Northeast Mo Pac Railroad R.O.W. for the West corner of Lot 107, NCB 2010, no deed information found, Prop Id. 931;

THENCE crossing West Bridge Street (66.66' R.O.W.), North 38°48'47" West, a distance of 66.82 feet to a point for the South corner of NCB 2011, a tract of land conveyed to Hilmar W. Rust, recorded in Volume 417, Page 786, Comal County Deed Records, Prop Id. 939;

THENCE with the West line of said Rust property, the following three calls:

- 1.) North 52°00'00" West, a distance of 109.44 feet to a point;
- 2.) North 24°46'30" West, a distance of 95.05 feet to a point;
- 3.) North 38°42'00" East, a distance of 48.50 feet to a point for the North corner of said Rust property, lying in the Southwest line of Lot 1, Block 1, Sts. Peter and Paul Catholic Church Subdivision, recorded in Volume 12, Page 233 of the Map Records of Comal County Texas, Prop Id. 54551;

THENCE with the West line of said Lot 1, North 52°00'00" West, a distance of 32.29 feet to a point in the East line of the M & KT Railroad R.O.W.;

THENCE with the East line of said railroad and the East line of Lot 1, Sts. Peter and Paul Subdivision and a tract conveyed to the Archbishop of San Antonio, recorded in Volume 152, Page 205 of the Comal County Deed Records, Prop Id. 1014, the following two calls:

- 1.) North 09°02'53" West, a distance of 140.44 feet to a point

ENGINEERING & SURVEYING TBPE-FIRM F-10961  
TBPLSFIRM10153600

- 2.) North 02°00'58" West, a distance of 357.85 feet to a point for the North corner of said Prop Id. 1014, lying in the South line of a tract conveyed to the Archbishop of San Antonio, recorded in Volume 614, Page 563 of the Comal County Deed Records, Prop. Id. 1016;

THENCE with the West line of said Prop Id. 1016, the following two calls:

- 1.) North 74°48'08" West, a distance of 21.53 feet to a point;
- 2.) North 02°44'13" West, a distance of 166.08 feet to a point for the North corner of said Prop. Id 1016, lying in the South line of Landa Street - State Highway 46 (60' R.O.W.);

THENCE crossing Landa Street-State Highway 46, North 18°34'25" East, a distance of 60.12 feet to a point for the Southwest corner of NCB 2018, a 0.436 of an acre tract conveyed to Hayes & Reno, LLC, recorded in Document No. 200406038372 of the Official Public Records of Comal County, Texas, Prop Id. 1012;

THENCE with the West line of said 0.436 acre tract, NCB 2018 and the East line of said M & KT Railroad R.O.W., North 02°25'50" West, a distance of 248.35 feet to a point for the Northwest corner of said 0.436 of an acre tract, NCB 2018, lying in the Southwest line of North Seguin Avenue;

THENCE crossing North Seguin Avenue (93.72' R.O.W.), North 57°10'49" East, a distance of 99.52 feet to a point for the West corner of NCB 2017, Lot 4A, conveyed to Agile Key, LLC, recorded in Document No. 202006024772 of the Official Public Records of Comal County Texas, Prop Id 999, at the Southeast intersection of Meusebach Street and North Seguin Avenue;

THENCE with the Southwest line of Meusebach Street and the Northwest line of NCB 2017, and the Northwest line of the following 4 tracts,

1. said Lot 4A,
2. a portion of Lot 4, conveyed to Charles W. and Catherine Reger, recorded in Document No. 201406011069, of the Official Public Records of Comal County, Texas, Prop Id. 1000,
3. a portion of Lot 5, conveyed to Hayes & Reno, LLC, recorded in Document No. 200906007159 of the Official Public Records of Comal County Texas, Prop Id. 1001,
4. a portion of Lots 5 and 6, conveyed to Matthew Pusateri and Katherine Lynch, recorded in Document No. 202006005968 of the Official Public Records of Comal County Texas, Prop Id. 1002, North 38°01'54" East, a distance of 382.05 feet to a point for the North corner of NCB 2017, lying in the Southwest line of North Market Street;

THENCE with the Southeast line of Meusebach Street, crossing North Market Avenue (66.66' R.O.W.) North 34°23'13" East, a distance of 61.83 feet to a point for the West corner of Lot 32R, NCB 2016, a subdivision recorded in Document No. 201706014260 of the Official Public Records of Comal County Texas, Prop Id. 981, being the West corner of the intersection of Meusebach and North Market Street;

THENCE with the West line of NCB 2016, said Lot 32R and the Southeast line of a railroad spur track, the following eleven calls:

- 1.) North 38°10'09" East, a distance of 24.58 feet to a point;
- 2.) North 51°34'56" East, a distance of 13.45 feet to a point;
- 3.) North 51°34'57" East, a distance of 7.29 feet to a point;

New Braunfels, TX 78130  
(830)625-8555  
TBPE-FIRM F-10961

ENGINE ERIN G & SURVEYING TBPLS FIRM 10153600

- 4.) North 55°34'35" East, a distance of 9.80 feet to a point;
- 5.) North 55°34'35" East, a distance of 37.97 feet to a point;
- 6.) North 59°05'47" East, a distance of 47.58 feet to a point;
- 7.) North 65°09'32" East, a distance of 32.79 feet to a point;
- 8.) North 65°09'32" East, a distance of 16.33 feet to a point;
- 9.) North 71°08'49" East, a distance of 47.93 feet to a point;
- 10.) North 73°25'53" East, a distance of 48.98 feet to a point;
- 11.) North 74°40'15" East, a distance of 131.63 feet to a point for the North corner of said Lot 32R and the a Northwest corner of a portion of Lot 7, NCB 216 conveyed to Jason E. Hurta, recorded in Document No. 201306023835 of the Official Public Records of Comal County Texas, Prop Id. 989;

THENCE with the Northwest line of said portion of Lot 7, North 71°07'45" East, a distance of 31.13 feet to a point for the North corner of said portion of Lot 7 and the West corner of Lot 1 & 2, Hays Subdivision, recorded in Document No. 9706009482 of the Official Public Records of Comal County Texas, Prop Id. 30483;

THENCE with the South line of the Railroad Spur Track and the North line of said Hayes Subdivision, along a non-tangent curve to the right, said curve having a radius of 566.93 feet, a central angle of 23°51'55", a chord bearing and distance of North 86°59'00" East, 234.44 feet, for an arc distance of 236.14 feet to a point for the East corner of said subdivision and NCB 2016, lying in the West line of East Zink Street {66.66' R.O.W.);

THENCE crossing East Zink Street, South 78°25'28" East, a distance of 84.29 feet to a point for the South corner of the intersection of East Zink Street and North Gibert Avenue, (49.5' R.O.W.), now closed and conveyed to ADM Milling Co., recorded in Document No. 9606001284 of the Official Public Records of Comal County Texas, Prop Id. 883, also being the North corner of NCB 2014;

THENCE with the Southeast line of East Zink Street and the Northwest line of North Gilbert Avenue and the Northwest line of NCB 2015, a tract conveyed to ADM Milling Co. in "Exhibit A, Tract 6", recorded in Volume 284, Page 817, Comal County Deed Records, Prop Id. 980, North 38°42'00" East, a distance of 277.84 feet to a point for the Northwest corner of said ADM Tract 6, lying in the South line of the Comal River;

THENCE with the North line of said ADM Tract 6 and the meanders of the South line of the Comal River, the following seven calls:

- 1.) North 72°20'49" East, a distance of 99.38 feet to a point;
- 2.) North 79°52'57" East, a distance of 40.73 feet to a point;
- 3.) North 90°00'00" East, a distance of 101.72 feet to a point;
- 4.) South 84°11'54" East, a distance of 106.33 feet to a point;
- 5.) South 75°47'44" East, a distance of 34.85 feet to a point;
- 6.) South 54°59'01" East, a distance of 51.84 feet to a point;
- 7.) South 70°13'18" East, a distance of 45.99 feet to a point for the Northeast corner of said ADM Tract 6 at the Northwest intersection of the Comal River and East Bridge Street;

# TBPE-FIRM F-10961  
ENG IN EE RING 8c SURVEY IN G TBPLS FIRM 10153600

THENCE with the Comal River and the end of East Bridge Street (66.66' R.O.W.), South 48°47'29" East, a distance of 67.91 feet to a point for the Northwest corner of a tract of land, owned by the City of New Braunfels, known as Prince Solms Park, Prop Id. 886;

THENCE with the Northeast line of said Prince Solms Park, the end of East Mill Street (66.66' R.O.W.) and the South line of the Comal River, the following eight calls:

- 1.) South 29°00'55" East, a distance of 116.96 feet to a point;
- 2.) South 03°00'46" West, a distance of 48.43 feet to a point;
- 3.) South 45°00'00" East, a distance of 32.40 feet to a point;
- 4.) South 12°05'39" East, a distance of 18.22 feet to a point;
- 5.) South 57°05'44" East, a distance of 6.96 feet to a point;
- 6.) South 57°05'40" East, a distance of 18.81 feet to a point;
- 7.) North 77°19'11" East, a distance of 52.18 feet to a point;
- 8.) South 55°00'25" East, a distance of 13.52 feet to a point for the End of East Mill Street at the Comal River and the North corner of NCB 2005, a 1.004 acre tract, conveyed to Fountaineer Investments, LLC, recorded in Document No. 201906026762 of the Official Public Records of Comal County Texas, Prop Id. 885;

THENCE with the North line of said 1.004 acre tract and the South line of the Comal River the following four calls:

- 1.) South 55°36'21" East, a distance of 89.91 feet to a point;
- 2.) South 35°05'46" East, a distance of 57.55 feet to a point;
- 3.) South 12°51'04" East, a distance of 59.47 feet to a point;
- 4.) South 24°55'00" West, a distance of 22.49 feet to a point in the East line of said 1.004 acre tract and the North corner of a tract conveyed to ADM Milling Co. in "Exhibit A 1. (a.)", recorded in Volume 284, Page 817 of the Comal County Deed Records, Prop Id. 431524;

THENCE with the North line of said ADM Milling Co., Tract 1. (a.), and the South line of the Comal River, the following seven calls:

- 1.) South 04°17'53" West, a distance of 24.64 feet to a point;
- 2.) South 48°44'33" East, a distance of 27.30 feet to a point;
- 3.) South 36°19'35" East, a distance of 43.40 feet to a point;
- 4.) South 01°18'42" East, a distance of 28.34 feet to a point;
- 5.) South 32°10'01" East, a distance of 24.48 feet to a point;
- 6.) South 58°45'51" East, a distance of 32.97 feet to a point;
- 7.) South 30°57'14" East, a distance of 36.96 feet to a point for the East corner of said ADM Milling Co. Tract 1. (a.), lying in the Northwest line of East San Antonio Street;

THENCE with the South line of the Comal River crossing East San Antonio Street (93.72' R.O.W.) South 80°51'44" East, a distance of 100.98 feet to a point in the Southeast line of East San Antonio Street for the North corner of NCB 1043, a 1.608 acre tract, conveyed to Auferstehung, Inc., recorded in Document No. 9806024551 of the Official Public Records of Comal County, Texas, Prop Id. 515;





290 S. Castell Avenue, Ste. 100  
New Braunfels, TX 78130  
(830)625-8555

ENGINEERING & SURVEYING

TBPE-FIRM F-10961  
TBPLS FIRM 10153600

THENCE with the North line of said 1.608 acre tract and the South line of the Comal River, the following three calls:

- 1.) South 81°19'51" East, a distance of 78.90 feet to a point;
- 2.) South 87°15'51" East, a distance of 98.50 feet to a point;
- 3.) South 13°17'51" East, a distance of 150.98 feet to a point for the Northeast corner of said 1.608 acre tract, lying in the West line of Tolle Street (67.56" R.O.W.);

THENCE with the West line of Tolle Street and the Southeast line of said 1.608 acre tract, South 38°11'09" West, a distance of 215.80 feet to a point at the North corner of the intersection of Tolle Street and South Gilbert Avenue;

THENCE with the North line of South Gilbert Avenue and the Southwest line of said 1.608 acre tract, North 52°30'51" West, a distance of 70.31 feet to a point in the Southwest line of said 1.608 acre tract;

THENCE crossing South Gilbert Avenue (60' R.O.W.) South 38°20'17" West, a distance of 57.68 feet to a point in the Southwest line of South Gilbert Avenue and the East corner of Lot 143 and a portion of Lot 142, NCB 1007, conveyed to ESA Partners, LLC., recorded in Document No. 202106016449 of the Official Public Records of Comal County Texas, Prop Id 431522, also being the North corner of Lot A, NCB 1007, Prop Id 107;

THENCE with the West line of said Lot A, NCB 1007 and the East line of the following 6 tracts,

1. said Lot 143 and a portion of Lot 142,
2. a tract conveyed to Greg Korman, recorded in Document No. 200806021412 of the Official Public Records of Comal County Texas, Prop Id 104,
3. a tract conveyed to Sheri Ann Jentsch, recorded in Document No. 200406040799 of the Official Public Records of Comal County Texas, Prop Id. 105,
4. a tract conveyed to Cabana Social Club, recorded in Document No. 201106012145 of the Official Public Records of Comal County Texas, Prop Id. 103,
- 5a tract conveyed to Bob and Betty Kiesling, recorded in Document No. 200706051883 of the Official Public Records of Comal County Texas, Prop Id. 102,
6. a tract conveyed to Avis E. & Nancy Field, described in Document No. 200506047553 of the Official Public Records of Comal County Texas, Prop Id. 100, South 38°20'17" West, a distance of 384.65 feet to a point for the North corner of the intersection of Tolle Street and South Market Street, being the South corner of NCB 1007;

THENCE crossing South Market Street (66.66' R.O.W.) South 38°20'17" West, a distance of 65.00 feet to a point for the South corner of the intersection of South Market Street and Tolle Street, being the East corner of NCB 1006;

THENCE with the Northwest line of Tolle Street and the Southeast line of NCB 1006 and the following two tracts:

1. a tract conveyed to Layton L. Leissner, No Deed information found, Prop Id. 96,

2. Lot 38 and a portion of Lot 39 conveyed to Southwestern Bell Tx, No Deed information found, Prop Id. 431521, South 38°20'17" West, a distance of 220.41feet to a point for the South corner of NCB 1006 and the North corner of the intersection of Comal Avenue and Tolle Street;

THENCE crossing Comal Avenue (66.66' R.O.W.) South 40°28'43" West, a distance of 65.11feet to a point for the East corner of Lot 37, NCB 1005, conveyed to Kenneth D. Brazle and David G. Pfeuffer, recorded in Document No. 9706006117 of the Official Public Records of Comal County Texas, Prop Id. 37;

THENCE with the Southwest line of Comal Avenue and the Northeast line of the following 14 tracts, 1. said Lot 37,

2. a tract conveyed to the City of New Braunfels, No Deed information found, Prop Id. 69,
3. a tract conveyed to Naeglins Bakery Inc, recorded in Volume 677, Page 398 of the Comal County Deed Records, Prop Id. 70,
4. a tract conveyed to 4K Mayo Property LLC., recorded in Document No. 201906010636 of the Official Public Records of Comal County Texas, Prop Id. 72,
- 5a tract conveyed to Stadt Corp., recorded in Document No. 200606001808 of the Official Public Records of Comal County Texas, Prop Id. 77,
- 6a tract conveyed to T.L. Marglin#6, LLC., recorded in Document No. 201506028574 of the Official Public Records of Comal County Texas, Prop Id. 76,
7. a tract conveyed to Guadalupe Amaro Partnership, recorded in Document No. 202006059688 of the Official Public Records of Comal County Texas, Prop Id. 78,
8. a tract conveyed to Guadalupe Amaro Partnership, Prop Id. 82, recorded in Document No. 202006059689 of the Official Public Records of Comal County Texas, Prop Id. 82,
9. a tract conveyed to Guadalupe Amaro Partnership, recorded in Document No. 202006059687 of the Official Public Records of Comal County Texas, Prop Id. 83,
10. a tract conveyed to Natman Investments, LLC., recorded in Document No. 201906016789 of the Official Public Records of Comal County Texas, Prop Id. 95,
11. a tract conveyed to the Duettra Georgia B. Exempt Trust, recorded in Document No. 201106039865 of the Official Public Records of Comal County Texas, Prop Id. 92,
12. a tract conveyed to Daniel and Mikki Tharp, recorded in Document No. 200406042582 of the Official Public Records of Comal County Texas, Prop Id. 90,
13. a tract conveyed to Julie and Greeson Taylor, recorded in Document No. 9906005966 of the Official Public Records of Comal County Texas, Prop Id. 89,
14. a tract conveyed to Chris and Heather Allen, recorded in Document No. 201906000593 of the Official Public Records of Comal County Texas, Prop Id. 88, South 52°33'38" East, a distance of 772.64 feet to a point for the East corner of NCB 1005 and the West corner of the intersection of Comal Avenue and East Coll Street;

THENCE with the Southwest line of Comal Avenue, crossing East Coll Street (66.66' R.O.W.) South 52°31'46" East, a distance of 65.01feet to a point for the South corner of the intersection of Comal Avenue and East Coll Street and the North corner of NCB 1011, being the North corner of a property conveyed to Julie A. Glisky, recorded in Document No. 200706020402 of the Official Public Records of Comal County Texas, Prop Id. 153;

#  
ENGINEERING & SURVEYING TBPE-FIRM F-10961  
TBPLSFIRM10153600

THENCE with the Southwest line of Comal Avenue and the Northeast line of NCB 1011 and the following 5 tracts;

1. said Glisky tract,
  2. a tract conveyed to Frederick Frueholz, Jr., recorded in Volume 212, Page 44 of the Comal County Deed Records, Prop Id. 155,
  3. a 1.477 acre tract conveyed to Elks 2279 of NB BPOE, recorded in Volume 184, Page 934 of the Comal County Deed Records, Prop Id. 149,
  4. Lot 164, conveyed to Greg and Leslie Baenziger, recorded in Volume 608, Page 630 of the Comal County Deed Records, Prop Id. 156,
  5. a portion of Lot 88, conveyed in a Death Certificate to Carola M. Davis, recorded in Document No. 200106040183 of the Official Public Records of Comal County Texas, Prop Id. 152,
- South 52°24'50" East, a distance of 482.55 feet to a point for the West corner of the intersection of Comal Avenue and East Garden Street, and the East corner of NCB 1011;

THENCE with the Northwest line of East Garden Street and the Southeast line of NCB 1011 and the Southeast line of the following 4 tracts,

1. said Carola M. Davis tract,
2. a portion of Lot 88, conveyed to Michael & Rhonda Neel, recorded in Document No. 9806014444 of the Official Public Records of Comal County Texas, Prop Id. 151,
3. a portion of Lot 79 conveyed to Richard M. Wangenheim Jr., recorded in Document No. 201806033352 of the Official Public Records of Comal County Texas, Prop Id. 147,
4. a portion of Lot 79 conveyed to William and Diane Mehrer, recorded in Document No. 9806000302 of the Official Public Records of Comal County Texas, Prop Id. 146, South 38°16'20" West, a distance of 386.20 feet to a point for the North corner of the intersection of East Garden Street and South Seguin Avenue, also being the South corner of NCB 1011;

THENCE with the Northwest line of East Garden Street, crossing South Seguin Street, (93.72' R.O.W.) South 38°11'55" West, a distance of 93.73 feet to a point for the West corner of the intersection of East Garden Street and South Seguin Avenue, also being the East corner of NCB 1012, and the East corner of a tract conveyed to the City of New Braunfels, recorded in Volume 172, Page 820 of the Comal County Deed Records, Prop Id. 159;

THENCE with the Southwest line of South Seguin Avenue, crossing East Garden Street (66.66' R.O.W.) South 52°36'25" East, a distance of 65.01 feet to a point for the South corner of the intersection South Seguin Avenue and East Garden Street, also being the North corner of NCB 1017 and the North corner of a Lot 181 conveyed to Marion & Robbie Borchers, recorded in Volume 1017, Page 28 of the Comal County Deed Records, Prop Id. 213;

THENCE with the Southwest line of South Seguin Ave. and the Northeast line of the following 5 tracts, 1. said Lot 181,

2. Lot 180 conveyed to Mario Borchers, recorded in Document No. 200406042893 of the Official Public Records of Comal County Texas, Prop Id. 212,
3. Lot 179 conveyed to 448 S. Seguin, LLC., recorded in Document No. 202006016856 of the Official Public Records of Comal County Texas, Prop Id. 211,



{830}625-8555  
TBPE-FIRM F-10961

ENGINEERING & SURVEYING TBPLS FIRM 10153600

4. Lots 178 & 185, conveyed to Communication Professionals, Ltd., recorded in Document No. 200206002205 of the Official Public Records of Comal County Texas, Prop Id. 208,

5. Lot 177 and a portion of Lot 160 conveyed to Jahn Building Development LLC., et al, recorded in Document No. 201206036421 of the Official Public Records of Comal County Texas, Prop Id. 207, South 52°35'59" East, a distance of 482.87 feet to a point for the Southwest corner of the intersection of South Seguin Avenue and Butcher Street, also being the East corner of NCB 1017;

THENCE with the South line of South Seguin Avenue, crossing Butcher Street (30' R.O.W.), South 52°33'56" East, a distance of 30.00 feet to a point for the Southeast corner of the intersection of South Seguin Avenue and Butcher Street, also being the North corner of NCB 1021, and the North corner of a tract conveyed to Dunverking Real Estate, Ltd., recorded in Document No. 201006008905 of the Official Public Records of Comal County Texas, Prop Id. 281;

THENCE with the Southwest line of South Seguin Avenue and the Northeast line of NCB 1021 and the Northeast line of the following 5 tracts,

1. said Dunverking Real Estate, LLC.Tract,
2. a tract conveyed to Troy D. Burch, Jr., recorded in Document No. 200706019362 of the Official Public Records of Comal County Texas, Prop Id. 282,
3. Lot 7R conveyed to D'Ann Harper Development Corp, recorded in Document No. 200506001310 of Official Public Records of Comal County Texas, Prop Id. 283,
4. Lot 14 conveyed to Becker Investments, Lp, recorded in Document No. 201406031140 of the Official Public Records of Comal County Texas, Prop Id. 285,
5. a tract conveyed to Big Diamond Inc., recorded in Document No. 201006026405 of the Official Public Records of Comal County Texas, Prop Id. 286, South 52°33'56" East, a distance of 516.88 feet to a point for the Northwest corner of the intersection of Jahn Street and South Seguin Avenue, also being the East corner of NCB 1021 and the East corner of said Big Diamond Inc. tract;

THENCE with the Northwest line of Jahn Street and the Southeast line of NCB 1021 and the Southeast line of the following 5 tracts,

1. said Big Diamond LLC tract,
2. a tract conveyed to William M. Norris, recorded in Document No. 200706003522 of the Official Public Records of Comal County Texas, Prop Id. 267,
3. a tract conveyed to CMF Real Estate Holdings, LLC, recorded in Document No. 201506026255 of the Official Public Records of Comal County Texas, Prop Id. 288,
4. Lots 3 & 4, Block 13 of the Re-subdivision of Jahn Addition, recorded in Volume 52, Page 351 of the Comal County Map Records, Prop Id. 273, conveyed to Yawn Group, LLC, recorded in Document No. 201806003260 of the Official Public Records of Comal County Texas
5. Lots 1 & 2, Block 13 of said Re-subdivision of Jahn Addition, as conveyed to My Little Girl, LLLC, recorded in Document No. 201106036607 of the Official Public Records of Comal County Texas, Prop Id. 272, South 37°32'43" West, a distance of 385.32 feet to a point for the North corner of the intersection of Jahn Street and South Castell Avenue, also being the South corner of NCB 1021;

ENGINEERING & SURVEYING TBPLS FIRM 10153600

THENCE with the Northwest line of Jahn Street, crossing South Castell Avenue (66.66' R.O.W.) South 37°32'43" West, a distance of 65.00 feet to a point for the West corner of the intersection of South Castell Avenue and Jahn Street and the East corner of NCB 1022;

THENCE with the Northwest line of Jahn Street and the Southeast line of NCB 1022, and the following 2 tracts and a street,

1. Lot 10, NCB 1022 conveyed to Katherine Truesdell, recorded in Document No. 201106030712 of the Official Public Records of Comal County Texas, Prop Id. 298,
2. the South line of Colvin Street (20' R.O.W.),
3. Lots 11,12 & 13, NCB 1022 conveyed to Jahn Street Properties, LLC., recorded in Document No. 201206041187 of the Official Public Records of Comal County Texas, Prop Id. 299, South 37°40'03" West, a distance of 268.68 feet to a point for the Northwest corner of the intersection of Jahn Street and the International Great Northern Railroad (100' R.O.W.);

THENCE with the North line of the International Great Northern Railroad R.O.W. and the Southwest line of said Jahn Street Property, North 66°14'32" West, a distance of 206.14 feet to a point for the Northwest corner of said Jahn Property and the Southeast corner a tract conveyed to the City of New Braunfels, in Parcel 1, recorded in Document No. 9706007700 of the Official Public Records of Comal County Texas, Prop Id. 167;

THENCE with the Railroad R.O.W. and the Southwest line of said City of New Braunfels tract, the following two calls:

- 1.) North 62°40'55" West, a distance of 190.28 feet to a point;
- 2.) North 61°36'04" West, a distance of 127.92 feet to a point in the Southwest corner of said City of New Braunfels tract, being the Southeast corner of the intersection of said railroad and Butcher Street;

THENCE with the Northeast line of said Railroad and crossing Butcher Street (30' R.O.W.) North 55°33'40" West, a distance of 32.30 feet to a point for the Northwest corner of Butcher Street and the South corner of a tract conveyed to the City of New Braunfels, in Parcel 2, recorded in Document No. 9706007700 of the Official Public Records of Comal County Texas, Prop Id. 410103;

THENCE with the Northeast line of said Railroad R.O.W. and the Southwest line of said Parcel 2, North 58°04'38" West, a distance of 53.79 feet to a point for the Southwest corner of said Parcel 2;

THENCE with the Northeast line of said Railroad 100' wide R.O.W., North 53°31'48" West, a distance of 438.20 feet to a point for the Southwest corner of the intersection of East Garden Street and said Railroad R.O.W.;

THENCE with the Railroad R.O.W., crossing East Garden Street (66.66' R.O.W.) North 52°28'19" West, a distance of 65.00 feet to a point for the South corner of NCB 1013, being the West corner of the intersection of said Railroad R.O.W. and East Garden Street;



ENGINEERING & SURVEYING TBPE-FIRM F-10961  
TBPLSFIRM10153600

THENCE with the Northeast line of said Railroad R.O.W. and the Southwest line of NCB 1013, North 52°49'35" West, a distance of 480.14 feet to a point for the West corner of NCB 1013 and the East corner of the intersection of said Railroad R.O.W. and West Coll Street {66.66' R.O.W.);

THENCE with the Northeast line of said 100' wide Railroad R.O.W., North 53°16'43" West, a distance of 637.05 feet to a point in the Northeast line of said Railroad R.O.W. and the Southwest line of Hill Avenue;

THENCE crossing said Railroad R.O.W., South 37°29'34" West, a distance of 100.00 feet to a point for the West corner of the intersection of said Railroad R.O.W. and Cross Street, and the East corner of NCB 1001 and the East corner of a tract conveyed to Donald and Lynn Forbes, recorded in Document No. 9706017179 of the Official Public Records of Comal County Texas, Prop Id. 9;

THENCE with the Northwest line of Cross Street and the Southeast corner of the following 3:

1. said Donald and Lynn Forbes tract,
2. a tract conveyed to Allegiant Senior Living, LLC, recorded in Document No. 201706039281 of the Official Public Records of Comal County Texas, Prop Id. 4,
3. a tract conveyed to Edward and Charlotte Cavanaugh Family Trust, recorded in Document No. 201806001171 of the Official Public Records of Comal County Texas, Prop Id. 378760, South 38°24'08" West, a distance of 265.63 feet to a point for the North corner of the intersection of Cross Street and South Academy Ave and the South corner of NCB 4001, and the South corner of said Edward and Charlotte Cavanaugh Family Trust tract;

THENCE with the Northwest line of Cross Street, crossing South Academy Street {66.66' R.O.W.), South 36°55'45" West, a distance of 68.78 feet to a point for the West corner of the intersection of South Academy Street and Cross Street, and the East corner of a tract conveyed to Michael J. Pollard, recorded in Document No. 200306033121 of the Official Public Records of Comal County Texas, Prop Id. 1442;

THENCE with the Northwest line of Cross Street and the Southeast line of the following 4 tracts,

1. said Pollard tract,
2. a tract conveyed to Janie Mott, recorded in Document No. 201806037582 of the Official Public Records of Comal County Texas, Prop Id. 1438,
3. Lots 1 and 6, NCB 4001 conveyed to Sophies Gasthaus, LLC., recorded in Document No. 202106034115 of the Official Public Records of Comal County Texas, Prop Id. 1443,
4. a tract with no deed information available, Prop Id. 1448, South 38°03'53" West, a distance of 492.03 feet to a point for the East corner of a tract conveyed to Delio and Juanita Bustos, recorded in Volume 390, Page 418 Comal County Deed Records;

THENCE continuing with the Northwest line of Cross Street, and the Southeast line of NCB 4001, and the following 2 tracts,

1. said Bustos tract,
2. a tract conveyed to Armando Martinez, recorded in Document No. 201406021790 of the Official Public Records of Comal County Texas, Prop Id. 1450, South 38°03'53" West, a distance of 152.68 feet to a point for the North corner of the intersection of Clemens Avenue and Cross Street;

THENCE with the Northwest line of Cross Street, crossing Clemens Avenue (66.0' R.O.W.) South 41°54'11" West, a distance of 65.09 feet to a point for the West corner of the intersection of Clemens Avenue and Cross Street, being the East corner of NCB 4002;

THENCE with the Northwest line of Cross Street and the Southeast line of NCB 4002 and the Southeast line of the following 4 tracts:

1. a confidential tract, Prop Id. 1463,
2. a tract conveyed to Richard Rabe, recorded in Document No. 201506004178 of the Official Public Records of Comal County Texas, Prop Id. 1465,
3. a tract conveyed to Jeffrey and Maria Turner, recorded in Volume 839, Page 487 of the Comal County Deed Records, Prop Id. 1461,
4. a tract conveyed to Gary and Sue McGurk, recorded in Volume 594, Page 727 of the Comal County Deed Records, Prop Id. 1462, South 42°17'48" West, a distance of 400.57 feet to a point for the North corner of the intersection of Cross Street and South Guenther Avenue, also being the South corner of NCB 4002 and said McGurk property;

THENCE with the Northeast line of South Guenther Avenue and the Southwest line of the following 3 tracts:

1. said McGurk tract,
2. a tract conveyed to the Seals Family Properties, LLC., recorded in Document No. 202006009910 of the Official Public Records of Comal County Texas, Prop Id. 1458,
3. a tract conveyed to Seals Family Property, LLC., recorded in Document No. 202006023475 of the Official Public Records of Comal County Texas, Prop Id. 1459, North 49°55'46" West, a distance of 393.46 feet to a point for the East corner of the intersection of South Guenther Avenue and West San Antonio Street, also being the West corner of NCB 4002 and said tract described as Prop Id. 1458;

THENCE with the Northeast line of South Guenther Avenue, crossing West San Antonio Street, (R.O.W. varies at this location) North 49°55'46"<sup>11</sup> West, a distance of 72.68 feet to a point in the Northwest line of West San Antonio Street and the Southeast line of Lots 4 and 5, NCB 3002, conveyed to Miles and Susan Granzin, recorded in Document No. 200406001675 of the Official Public Records of Comal County Texas, Prop Id. 1047;

THENCE with the Northwest line of West San Antonio Street and the Southeast line of said Granzin tract, South 38°57'56" West, a distance of 41.25 feet to a point for the North corner of the intersection of West San Antonio Street and a 20' Wide Alley, also being the South Corner of said Granzin tract;

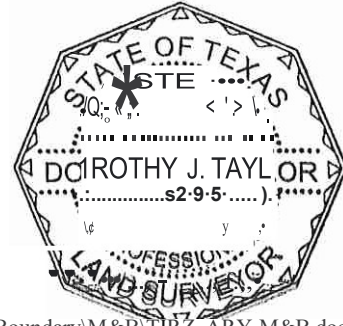
THENCE with the Northeast line of said Alley and the Southwest line of said Granzin tract and the Southwest line of the Patricia B. Wyatt Revocable Trust tract, North 50°27'33" West, a distance of 373.65 feet to the POINT OF BEGINNING and containing 182.91 acres of land in the City of New Braunfels, Comal County, Texas.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Written August 14, 2021.



Dorothy J. Taylor  
Registered Professional Land Surveyor No. 6295



S:\Projects\040 - City of New Braunfels\040.033 - Political Subdivision for Downtown TIRZ Boundary\M&B\TIRZ ARY M&B.docx



# New Braunfels Downtown Tax Increment Reinvestment Zone Project & Financing Plan

City of New Braunfels, Texas December 13, 2021

Amended August 12, 2024

Amended \_\_\_\_\_, 2024



## CONTENTS

Project Plan .....	1
Overview .....	1
Existing Tax Increment Financing Districts in the City of New Braunfels .....	1
Description of Tax Increment Reinvestment Zone #3.....	1
Table 1: Existing Land Use of Proposed TIRZ #3.....	2
Existing Zoning and Land Use Guidelines Applicable to TIRZ #3 .....	4
Taxing Jurisdictions Applicable to TIRZ .....	4
Proposed Changes in Master Plans, Zoning Ordinances, and Building Codes .....	4
Relocation of Displaced Persons.....	4
Project Plan Improvements.....	5
Eligible Project Costs.....	6
1. Public Infrastructure Improvements .....	6
2. Economic Development Incentives .....	6
3. Parking Improvements .....	6
4. Administration & Implementation .....	6
Summary of Project Costs.....	6
Financing Plan .....	7
Compliance & Reporting .....	7
Public Sector Entities Participating in TIRZ #3.....	7
Financial Forecast Assumptions.....	7
Financial Forecast Summary Results.....	8
Conclusion .....	9
Appendix – Parcels within TIRZ #3.....	10

TABLE 1: EXISTING LAND USE OF PROPOSED TIRZ #3 .....	2
TABLE 2: DOWNTOWN DEVELOPMENT COSTS FUNDED BY TIRZ #3 .....	5
TABLE 3: PRELIMINARY TIRZ #3 FORECAST FOR CITY CONTRIBUTION .....	8
TABLE 4: PARCELS WITHIN PROPOSED TIRZ #3 .....	10

FIGURE 1: PROPOSED TIRZ #3 GEOGRAPHIC BOUNDARY .....	3
--	---

## PROJECT PLAN

### OVERVIEW

The City of New Braunfels, Texas has implemented a tax increment reinvestment zone (TIRZ) to fund redevelopment projects and programs in Downtown New Braunfels. The is named TIRZ #3 – Downtown Tax Increment Reinvestment Zone (TIRZ #3).

This Project and Financing Plan for TIRZ #3 (the “Project and Financing Plan”) is designed to meet the legal requirements of designating a TIRZ. The statutes governing tax increment financing are located in Chapter 311 of the State of Texas Tax Code (the “Act”).

Pursuant to Section 311.011(e) of the Act, an amendment to the Project Plan and Financing Plan (the "Amendment to Project and Financing Plan") was adopted by the TIRZ No. 3 Board on September \_\_\_\_, 2024 and approved by the City on \_\_\_\_, 2024 to update the existing land use of TIRZ #3 as shown in Table 1 herein and the development costs funded by TIRZ #3 as shown in Table 2 herein. Except as amended by the revised exhibits attached hereto, the Project Plan and Reinvestment Zone Financing Plan for the TIRZ remains unchanged and in full force and effect.

### EXISTING TAX INCREMENT FINANCING DISTRICTS IN THE CITY OF NEW BRAUNFELS

There are two existing City of New Braunfels TIRZs. The first is the Creekside TIRZ (TIRZ #1) and the second is the Rivermill TIRZ (TIRZ#2). Under Chapter 311 of the Texas Tax Code, cities with fewer than 100,000 residents may not create a new TIRZ if the total appraised value of taxable real property in the proposed reinvestment zone and in the existing reinvestment zones would exceed 50.0 percent of the total appraised value of taxable real property within the city and its industrial districts. In addition, a TIRZ may not be created if more than 30.0 percent of the property in the proposed new reinvestment zone is used for residential purposes at the time of designation. The proposed TIRZ #3 complies with these state rules.

### DESCRIPTION OF TAX INCREMENT REINVESTMENT ZONE #3

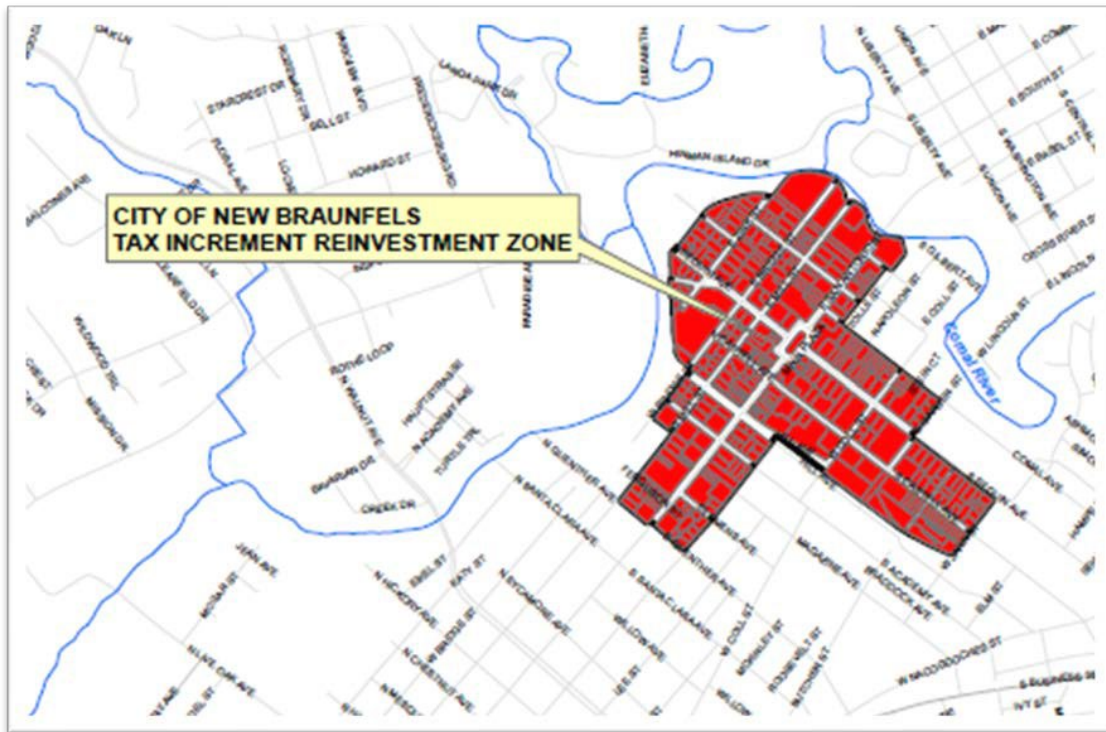
The proposed TIRZ #3 will cover approximately 183 acres (including roads and right of way). The 2021 baseline taxable property value of the TIRZ is \$ 141,765,876.00.

TABLE 1: EXISTING LAND USE OF TIRZ #3

Land Use	Parcel Count	Acres	Percentage of Zone
Commercial	172	61.99	33.77%
Exempt	54	38.62	21.04%
Industrial and Manufacturing	8	8.94	4.87%
Multi-Family Residential	2	0.40	0.22%
ROW	1	42.38	23.09%
Single Family Residential	111	27.28	14.86%
Utilities	3	3.37	1.84%
Vacant Lots and Tracts	4	0.60	0.32%
<b>TOTAL AREA</b>	<b>355</b>	<b>183.58</b>	<b>100.00%</b>
Non-public ownership		99.21	54.04%
Public ownership*		84.37	45.96%
<i>*Includes City of New Braunfels, Comal County, ROW, Utilities, and religious entities</i>			
Total Residential		27.68	15.08%
Maximum Residential		55.074	30%

Source: City of New Braunfels Existing Land Use Map

Figure 1: TIRZ #3 Geographic Boundary



## BOARD COMPOSITION

The TIRZ #3 Board shall be comprised of seven (7) members appointed by the New Braunfels City Council and to the greatest extent possible shall include five (5) property owners from within the TIRZ#3 boundaries and two at-large members (residing in Comal County or adjacent counties). These Board members shall serve 2-year staggered terms.

The duties of the TIRZ No. 3 Board will include making recommendations to the City Council concerning the administration, management, and operation of the Zone. The Board shall perform all duties imposed upon it by Chapter 311 of the Texas Tax Code and all other applicable laws.

## EXISTING ZONING AND LAND USE GUIDELINES APPLICABLE TO TIRZ #3

Existing City of New Braunfels land use, zoning guidelines, and policies would apply to all properties within the city limits.

## TAXING JURISDICTIONS APPLICABLE TO TIRZ

The proposed TIRZ #3 is located within the following taxing jurisdictions:

- City of New Braunfels
- Comal County
- New Braunfels ISD

## PROPOSED CHANGES IN MASTER PLANS, ZONING ORDINANCES, AND BUILDING CODES

There are no current master plans or anticipated changes to master plans or zoning ordinances.

## RELOCATION OF DISPLACED PERSONS

This plan currently does not call for nor anticipate the displacement and relocation of persons for the proposed projects.



## PROJECT PLAN IMPROVEMENTS

TIRZ #3 will provide support for catalytic infrastructure and incentives that will facilitate the redevelopment of the Downtown area. The Downtown area faces barriers to continued redevelopment as much of the pedestrian infrastructure in the zone is insufficient. Additionally, new development in the zone has been stifled due to a lack of convenient and adequate parking given the built-out nature of the development pattern. Finally, aging building systems and utility connections are a barrier to redevelopment as the majority of the existing building stock was constructed over 50 years ago and is out of compliance with modern requirements such as building codes, life safety, and Americans with Disabilities Act (ADA) access requirements.

Public infrastructure investments and additional enhancements are required to successfully redevelop the TIRZ #3 area. In addition, other projects might be added to the list as future development projects and related opportunities present themselves.

**Table 2: Downtown Development Costs Funded by TIRZ #3**

Project	Cost	Description
Public Infrastructure Improvements	\$7,500,000	Sidewalk construction/repair, installation of bicycle facilities, pedestrian amenities, enhanced crossings, roadway restriping and reconfiguration, and other right-of-way improvements with direct community benefits
Economic Development Incentives	\$4,000,000	Environmental remediation, interior/exterior demolition, historic façade restoration improvements/ easements and fire safety improvements/grants  Land and Construction costs including equipment and infrastructure, and other eligible project costs as may be more particularly described in this Project and Finance Plan
Parking Improvements	\$2,000,000	Land assembly/leases/and other projects that subsidize or otherwise provide public parking in strategic areas
Administration and Implementation	\$1,000,000	

## ELIGIBLE PROJECT COSTS

### 1. PUBLIC INFRASTRUCTURE IMPROVEMENTS

This category includes TIRZ-eligible expenditures for improvements to local streets and City Right of Way, including paving, utility infrastructure upgrades/relocation (water, wastewater, storm water), burial of overhead utilities as well as lighting improvements, street trees/planters, and sidewalk improvements for enhancing pedestrian linkages between throughout the historic downtown core.

### 2. ECONOMIC DEVELOPMENT INCENTIVES

Downtown New Braunfels has several buildings that contribute to the character and fabric of the community, but these buildings sometimes are financially unfeasible to properly redevelop because of the cost of environmental remediation of asbestos, lead-based paint and other contaminants, interior and exterior demolition costs, façade improvement costs and fire and ADA accessibility issues. Interior and exterior demolition expenses are tied directly to the remediation expenses. These costs are TIRZ- eligible expenditures. Remediation of environmentally hazardous materials and associated improvements, using TIRZ funds, greatly improves the marketability of these buildings. This budget category is necessary for attracting highly desired mixed-use and adaptive reuse projects to the Downtown TIRZ, including attracting new retail, office, hospitality and residential uses, including hotels, food and beverage, entertainment, and multifamily uses. Historic façade improvements and new construction under this program will be reviewed for compliance with any adopted design standards to ensure compatibility with other improved structures and investment in the Downtown area. Other eligible expenses include economic development incentives that could include the sale, transfer, or lease of land or contribution of TIRZ funds to offset public improvements costs to encourage development which diversifies the economy of the zone, grows property values and long-term property tax collections; and lessens the cost of private development by providing reimbursement for qualified public improvements. In accordance with the City's adopted TIRZ Policies, the Board may undertake projects that support economic development incentives in accordance with the Tax Code sections 311.010 (b) and (h) and Local Government Code, Chapter 380. The TIRZ #3 Board and the City may also establish and provide for the administration of programs for the purpose of developing or expanding transportation, business, and commercial activity in TIRZ #3.

### 3. PARKING IMPROVEMENTS

Downtown New Braunfels' growth in business activity, visitors, and resident population has created additional pressure on parking availability in Downtown. The city's planned parking updates and public transit will bring challenges and opportunities to Downtown visitors, residents, and employees. TIRZ funds may be used to acquire, construct, reconstruct, or install parking facilities such as a public lot, publicly-owned parking garage, parking terminal or other structure or accommodation for parking motor vehicles off the street. This includes



equipment, entrances, exits, fencing, and other accessories needed for safety and convenience. Privately-owned parking facilities may also be leased or improved for public or Downtown employee use.

---

#### 4. ADMINISTRATION & IMPLEMENTATION

Administration costs, including reasonable charges for time spent by City of New Braunfels employees, will be eligible for reimbursement as project costs. Administration costs are estimated at \$40,000 per year.

#### SUMMARY OF PROJECT COSTS

The total estimated cost of TIRZ #3 public infrastructure investment in the district is approximately ~~\$\_\_\_\_\_.~~ \$7,500,000.

## FINANCING PLAN

Tax increment financing is a tool used by local governments to publicly finance needed infrastructure and other improvements within a defined area. These improvements are usually undertaken to promote the viability of existing businesses and to attract new commercial enterprises to the area. The statutes governing tax increment financing are located in Chapter 311 of the State of Texas Tax Code.

The costs of improvements in the defined zone are repaid by the contribution of future property tax revenues by each taxing unit that levies taxes against the property. Specifically, each taxing unit can choose to dedicate all, a portion, or none of the tax revenue that is attributable to the increase in property values due to the improvements within the reinvestment zone. Cities can also designate a portion of sales tax. The additional tax revenue that is received from the affected properties is referred to as the tax increment. Each taxing unit determines what percentage of its tax increment, if any, it will commit to repayment of the cost of financing the public improvements.

## COMPLIANCE & REPORTING

The TIRZ Board policies shall comply with all federal, state, and local laws, rules and regulations. The TIRZ Board will submit project status reports and financial reports as required by state law.

## PUBLIC SECTOR ENTITIES PARTICIPATING IN TIRZ #3

All project costs will be paid through the contribution of incremental property tax collections. This preliminary plan assumes that the City of New Braunfels will contribute a portion of their total tax rate (maintenance and operations (M&O) and interest and sinking (I&S) ad valorem tax rate for 25 years. The proposed TIRZ #3 does not include any sales tax increment.

## FINANCIAL FORECAST ASSUMPTIONS

- **TIRZ Duration** – It is assumed the TIRZ will have a 25-year lifespan.
- **TIRZ Allocation** – assumes that the City of New Braunfels will contribute 85% of their total incremental property tax collections.
- **Tax Rate** – While tax rates do change over time, the 2021 tax rates were held constant for the purposes of forecasting anticipated property tax revenue for the duration of the TIRZ.
- **Existing Properties** – The 2021 baseline property value of the TIRZ is approximately \$168 million but varies slightly by taxing jurisdiction based on exemptions offered.
- **Real Property** – Only taxable real property values are included in the tax increment calculations. By law, business personal property values are excluded from TIRZ.
- **Inflation & Appreciation Rate** – The inflation rate used for the value of improvements is 5.0 percent per year.

- **Net Present Value** – The net present values of the tax increment were calculated at a discount rate of 5.0 percent.
- **Future Development Patterns** – These assumptions do not include adjustments for future development. It is anticipated that TIRZ improvements will induce an organic growth in property values through induced development. These developments are currently undefined, and their value is not known. It is noted that the values shown in this plan are a conservative estimate and it is somewhat likely that revenues will exceed those presented in this forecast.

## FINANCIAL FORECAST SUMMARY RESULTS

The following table depicts the anticipated revenue generated over 25 years. The revenue forecast shows the TIRZ was established in 2021 (baseline year). The first TIRZ increment occurred in 2022.

**Table 3: Preliminary TIRZ #3 Forecast for City Contribution**

Calendar Year	Projected Tax Collections	Available for Fiscal Year Ending 30-Sep
2021	\$0	2022
2022	\$32,705	2023
2023	\$67,044	2024
2024	\$103,101	2025
2025	\$140,961	2026
2026	\$180,713	2027
2027	\$222,454	2028
2028	\$266,281	2029
2029	\$312,299	2030
2030	\$360,619	2031
2031	\$411,355	2032
2032	\$464,627	2033
2033	\$520,563	2034
2034	\$579,295	2035
2035	\$640,965	2036
2036	\$705,718	2037
2037	\$773,708	2038
2038	\$845,098	2039
2039	\$920,057	2040
2040	\$998,765	2041
2041	\$1,081,408	2042
2042	\$1,168,183	2043

2043	\$1,259,296	2044
2044	\$1,354,966	2045
2045	\$1,455,419	2046
<b>Total</b>	<b>\$14,865,599</b>	<b>2046</b>

## CONCLUSION

Based on the preliminary development plans for this area and anticipated tax revenue, a TIRZ is economically and financially feasible. The TIRZ should generate revenue to pay for infrastructure and redevelopment costs. Over the next 25 years, the TIRZ could generate approximately \$14.8 million to fund target improvements and incentives.

These projections are based on the best available datasets and information related to market conditions in the region. Given the high visibility of this area, for example, the substantial commitment of a few large developers could have a significantly positive impact on both the level and timing of future growth. Moreover, the financial projections make no allowance for positive spillover to the value of other properties in area as a result of new development (beyond inflation), which easily could occur. At the same time, a slowdown in development as a result of a weaker national economy, negative changes in key drivers of regional economy, or other unforeseen issues could materially reduce the volume of construction put in place, and resulting tax revenue, over the next 25 years.

## APPENDIX – PARCELS WITHIN TIRZ #3

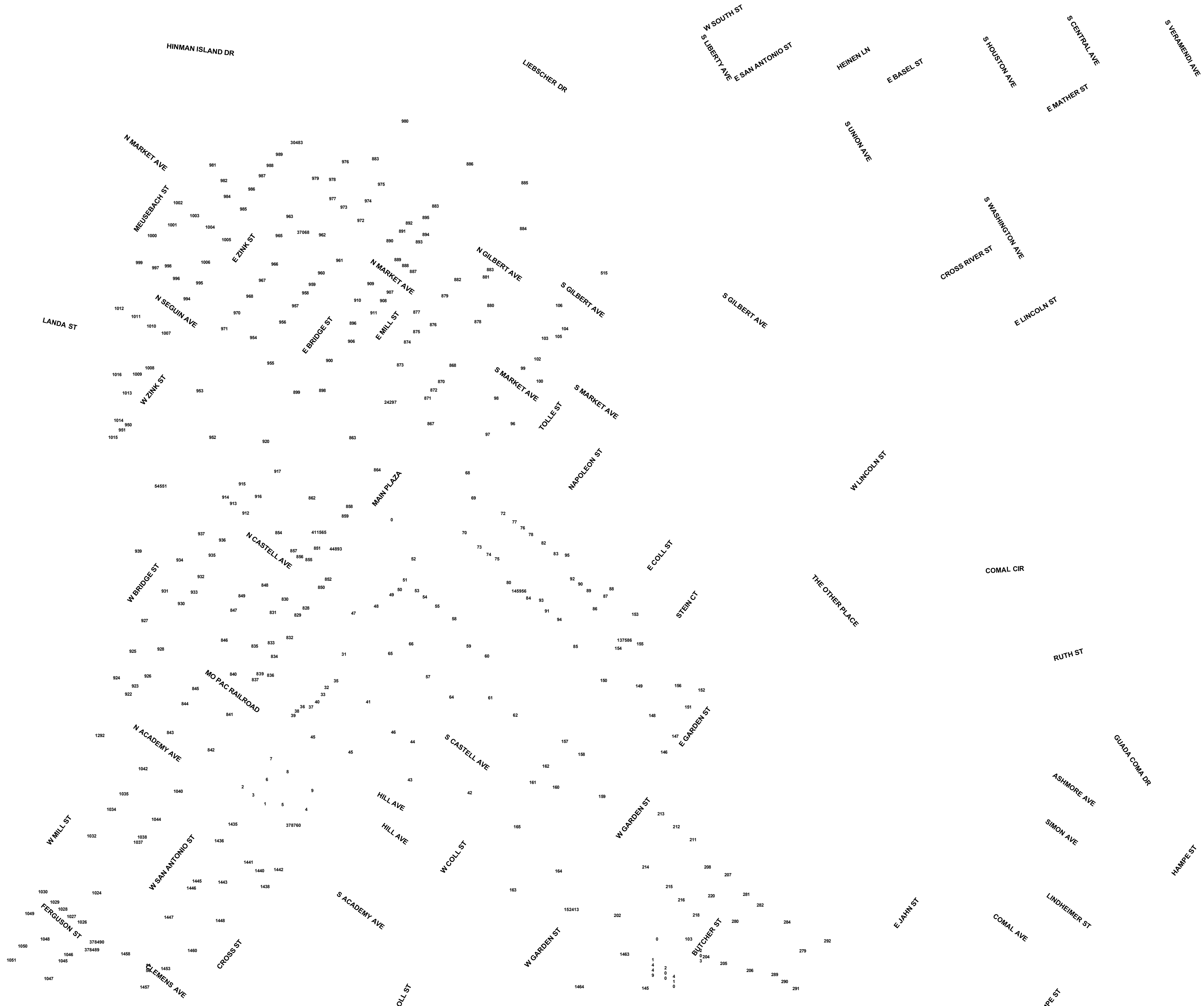
**Table 4: Parcels within Proposed TIRZ #3 (Listed by Property ID Number)**

0	73	164	515	885	954	1008	1459
1	74	165	828	886	955	1009	1461
2	75	167	829	887	956	1010	1462
3	76	168	830	888	957	1011	1463
4	77	200	831	889	958	1012	1464
5	78	202	832	890	959	1013	1465
6	80	203	833	891	960	1014	24297
7	82	204	834	892	961	1016	30483
8	83	205	835	893	962	1024	37068
9	84	206	836	894	963	1026	44893
31	85	207	837	896	965	1027	44893
32	86	208	839	898	966	1028	44895
33	87	211	840	899	967	1029	54551
35	88	212	841	900	968	1030	137586
36	89	213	842	906	970	1032	145956
37	90	214	843	907	971	1034	152413
38	91	215	845	908	972	1035	378489
39	92	216	846	909	973	1037	378490

40	93	218	847	910	974	1038	378760
41	94	220	848	911	975	1040	410103
42	95	272	849	912	976	1042	431520
44	96	273	850	913	977	1044	431521
45	98	274	851	914	978	1045	431522
45	99	276	852	915	979	1046	431524
46	100	278	854	916	980	1047	431525
47	102	279	855	917	981	1048	
48	103	280	856	920	982	1049	
49	104	281	857	922	984	1050	
50	105	282	858	923	985	1051	
51	146	283	859	924	986	1292	
52	147	284	862	925	987	1435	
53	148	285	863	926	988	1436	
54	149	286	864	927	989	1438	
55	150	287	868	928	994	1440	
57	151	288	870	930	995	1441	
58	152	289	871	931	996	1442	
59	153	290	873	932	997	1443	
60	154	291	874	933	998	1445	

61	155	292	875	934	999	1446
62	156	293	876	935	1000	1447
64	157	294	877	936	1001	1448
65	158	295	878	937	1002	1449
66	159	296	879	939	1003	1450
68	160	297	880	950	1004	1453
69	161	298	881	951	1005	1456
70	162	299	882	952	1006	1457
72	163	300	883	953	1007	1458











METES AND BOUNDS DESCRIPTION  
FOR A 182.91 ACRE TRACT  
CITY OF NEW BRAUNFELS TAX INCREMENT REINVESTMENT ZONE (TIRZ)

Being a Political Boundary Description for 182.91 acres of land located within the Juan Martin De Veramendi Survey, A-2, in the City of New Braunfels, Comal County, Texas. Said boundary is comprised of 359 parcels of land and being more particularly described as follows:

BEGINNING at a point in the Southeast line of West Mill Street at it's intersection with an alley for the West corner of Lot 10, Block 44, New City Block (NCB) 3002, conveyed to the Patricia Blankenship Wyatt Revocable Trust, recorded in Document No. 201906022022 of the Official Public Records of Comal County Texas, Prop Id. 1051;

THENCE with the Northwest line of said Lot 10, NCB 3002, Lot 9 conveyed to Suzanne Marie Slovak, recorded in Document No. 201406034073 of the Official Public Records of Comal County Texas, Prop Id. 1050 and Lot 8 conveyed to Susan c. Milburn, recorded in Volume 204, Page 716 of the Comal County Deed Records, Prop Id. 1049, North 38°26'24" East, a distance of 262.81 feet to a point for the North corner of said Lot 8 and the West corner Ferguson Street (25' R.O.W.);

THENCE continuing with the Southeast line of West Mill Street, crossing Ferguson Street, North 38°33'11" East, a distance of 25.02 feet to a point for the North corner of Ferguson Street and the West corner of Lot 7, NCB 3001, conveyed to Celeste M. Forres, recorded in Document No. 200506003047 of the Official Public Records of Comal County Texas, Prop Id. 1030;

THENCE continuing with the Southeast line of West Mill Street, and the North line of NCB 3001, along the West line of the following five properties,

1. said Lot 7, NCB 3001
2. the property conveyed to First Methodist Church in Volume 422, Page 795 of the Comal County Deed Records, Prop Id. 1024,
3. Lot 12 conveyed to First United Methodist Church of New Braunfels, recorded in Document No. 201106032720 of the Official Public Records of Comal County, Texas, Prop Id. 1032,
4. Lot 14, conveyed to Leslie J. Lammers and Thomas E. Tumlinson recorded in Document No. 201706033702 of the Official Public Records Comal County Texas, Prop Id. 1034,
5. Lot 15, conveyed to Neil & Debbie Jo Allen, recorded in Document No. 201606021969 of the Official Public Records of Comal County Texas, Prop Id. 1035, North 38°17'23" East, a distance of 629.02 feet to a point for the North corner of said Lot 15;

THENCE crossing West Mill Street (66.66' R.O.W.) North 52°50'56" West, a distance of 66.51 feet to a point for the South corner Lot 216, NCB 3020, owned by New Braunfels Independent School District, no recording information found, Prop Id. 1292, and the East corner of Lot E NCB 3020;

THENCE with the Southwest line of Lot 216 and the Northeast line of Lot E and F, NCB 3020, North 52°57'12" West, a distance of 189.08 feet to a point in the Southeast line of West Bridge Street for the West corner of Lot 216 and the North corner of Lot F, NCB 3020;

THENCE with the Southeast line of West Bridge Street and the Northwest line of Lot 215 and Lot 215, owned by New Braunfels Independent School District, Prop Id. 1292, North 37°56'42" East, a distance of 195.27 feet to a point for the North corner of said Lot 215 and the West corner of North Academy Avenue;

THENCE with the Southeast line of West Bridge Street, crossing North Academy Ave (66.66' R.O.W.), North 37°50'05" East, a distance of 65.00 feet to a point for the West corner of a portion of Lot 103, NCB 2010 conveyed to Mary Ann Autry, recorded in Volume 141, Page 266 of the Comal County Deed Records, Prop Id. 924 and the North corner of North Academy Avenue;

THENCE continuing with the Southeast line of West Bridge Street, and the Northwest line of NCB 2010, the following 3 tracts,

1. said portion of Lot 103,
2. a portion of Lot 104, conveyed to James E. Glasgow Jr. and Carolyn M. Glasgow, recorded in Document No. 202006020515 of the Official Public Records of Comal County Texas, Prop Id. 925,
3. a portion of Lot 105, conveyed to Carr 2 Casa, LLC, recorded in Document No. 202106001621 of the Official Public Records of Comal County Texas, Prop Id. 927, North 37°46'59" East, a distance of 274.04 feet to a point for the North corner of said Lot 105, lying in the Southwest line of the Mo Pac Railroad (100' R.O.W.);

THENCE continuing with the Southeast line of West Bridge Street, crossing said Mo Pac Railroad R.O.W., North 37°46'58" East, a distance of 100.00 feet to a point in the Northeast Mo Pac Railroad R.O.W. for the West corner of Lot 107, NCB 2010, no deed information found, Prop Id. 931;

THENCE crossing West Bridge Street (66.66' R.O.W.), North 38°48'47" West, a distance of 66.82 feet to a point for the South corner of NCB 2011, a tract of land conveyed to Hilmar W. Rust, recorded in Volume 417, Page 786, Comal County Deed Records, Prop Id. 939;

THENCE with the West line of said Rust property, the following three calls:

- 1.) North 52°00'00" West, a distance of 109.44 feet to a point;
- 2.) North 24°46'30" West, a distance of 95.05 feet to a point;
- 3.) North 38°42'00" East, a distance of 48.50 feet to a point for the North corner of said Rust property, lying in the Southwest line of Lot 1, Block 1, Sts. Peter and Paul Catholic Church Subdivision, recorded in Volume 12, Page 233 of the Map Records of Comal County Texas, Prop Id. 54551;

THENCE with the West line of said Lot 1, North 52°00'00" West, a distance of 32.29 feet to a point in the East line of the M & KT Railroad R.O.W.;

THENCE with the East line of said railroad and the East line of Lot 1, Sts. Peter and Paul Subdivision and a tract conveyed to the Archbishop of San Antonio, recorded in Volume 152, Page 205 of the Comal County Deed Records, Prop Id. 1014, the following two calls:

- 1.) North 09°02'53" West, a distance of 140.44 feet to a point

ENGINEERING & SURVEYING TBPE-FIRM F-10961  
TBPLSFIRM10153600

- 2.) North 02°00'58" West, a distance of 357.85 feet to a point for the North corner of said Prop Id. 1014, lying in the South line of a tract conveyed to the Archbishop of San Antonio, recorded in Volume 614, Page 563 of the Comal County Deed Records, Prop. Id. 1016;

THENCE with the West line of said Prop Id. 1016, the following two calls:

- 1.) North 74°48'08" West, a distance of 21.53 feet to a point;
- 2.) North 02°44'13" West, a distance of 166.08 feet to a point for the North corner of said Prop. Id 1016, lying in the South line of Landa Street - State Highway 46 (60' R.O.W.);

THENCE crossing Landa Street-State Highway 46, North 18°34'25" East, a distance of 60.12 feet to a point for the Southwest corner of NCB 2018, a 0.436 of an acre tract conveyed to Hayes & Reno, LLC, recorded in Document No. 200406038372 of the Official Public Records of Comal County, Texas, Prop Id. 1012;

THENCE with the West line of said 0.436 acre tract, NCB 2018 and the East line of said M & KT Railroad R.O.W., North 02°25'50" West, a distance of 248.35 feet to a point for the Northwest corner of said 0.436 of an acre tract, NCB 2018, lying in the Southwest line of North Seguin Avenue;

THENCE crossing North Seguin Avenue (93.72' R.O.W.), North 57°10'49" East, a distance of 99.52 feet to a point for the West corner of NCB 2017, Lot 4A, conveyed to Agile Key, LLC, recorded in Document No. 202006024772 of the Official Public Records of Comal County Texas, Prop Id 999, at the Southeast intersection of Meusebach Street and North Seguin Avenue;

THENCE with the Southwest line of Meusebach Street and the Northwest line of NCB 2017, and the Northwest line of the following 4 tracts,

1. said Lot 4A,
2. a portion of Lot 4, conveyed to Charles W. and Catherine Reger, recorded in Document No. 201406011069, of the Official Public Records of Comal County, Texas, Prop Id. 1000,
3. a portion of Lot 5, conveyed to Hayes & Reno, LLC, recorded in Document No. 200906007159 of the Official Public Records of Comal County Texas, Prop Id. 1001,
4. a portion of Lots 5 and 6, conveyed to Matthew Pusateri and Katherine Lynch, recorded in Document No. 202006005968 of the Official Public Records of Comal County Texas, Prop Id. 1002, North 38°01'54" East, a distance of 382.05 feet to a point for the North corner of NCB 2017, lying in the Southwest line of North Market Street;

THENCE with the Southeast line of Meusebach Street, crossing North Market Avenue (66.66' R.O.W.) North 34°23'13" East, a distance of 61.83 feet to a point for the West corner of Lot 32R, NCB 2016, a subdivision recorded in Document No. 201706014260 of the Official Public Records of Comal County Texas, Prop Id. 981, being the West corner of the intersection of Meusebach and North Market Street;

THENCE with the West line of NCB 2016, said Lot 32R and the Southeast line of a railroad spur track, the following eleven calls:

- 1.) North 38°10'09" East, a distance of 24.58 feet to a point;
- 2.) North 51°34'56" East, a distance of 13.45 feet to a point;
- 3.) North 51°34'57" East, a distance of 7.29 feet to a point;

New Braunfels, TX 78130  
(830)625-8555  
TBPE-FIRM F-10961

ENGINE ERIN G & SURVEYING TBPLS FIRM 10153600

- 4.) North 55°34'35" East, a distance of 9.80 feet to a point;
- 5.) North 55°34'35" East, a distance of 37.97 feet to a point;
- 6.) North 59°05'47" East, a distance of 47.58 feet to a point;
- 7.) North 65°09'32" East, a distance of 32.79 feet to a point;
- 8.) North 65°09'32" East, a distance of 16.33 feet to a point;
- 9.) North 71°08'49" East, a distance of 47.93 feet to a point;
- 10.) North 73°25'53" East, a distance of 48.98 feet to a point;
- 11.) North 74°40'15" East, a distance of 131.63 feet to a point for the North corner of said Lot 32R and the a Northwest corner of a portion of Lot 7, NCB 216 conveyed to Jason E. Hurta, recorded in Document No. 201306023835 of the Official Public Records of Comal County Texas, Prop Id. 989;

THENCE with the Northwest line of said portion of Lot 7, North 71°07'45" East, a distance of 31.13 feet to a point for the North corner of said portion of Lot 7 and the West corner of Lot 1 & 2, Hays Subdivision, recorded in Document No. 9706009482 of the Official Public Records of Comal County Texas, Prop Id. 30483;

THENCE with the South line of the Railroad Spur Track and the North line of said Hayes Subdivision, along a non-tangent curve to the right, said curve having a radius of 566.93 feet, a central angle of 23°51'55", a chord bearing and distance of North 86°59'00" East, 234.44 feet, for an arc distance of 236.14 feet to a point for the East corner of said subdivision and NCB 2016, lying in the West line of East Zink Street {66.66' R.O.W.);

THENCE crossing East Zink Street, South 78°25'28" East, a distance of 84.29 feet to a point for the South corner of the intersection of East Zink Street and North Gibert Avenue, (49.5' R.O.W.), now closed and conveyed to ADM Milling Co., recorded in Document No. 9606001284 of the Official Public Records of Comal County Texas, Prop Id. 883, also being the North corner of NCB 2014;

THENCE with the Southeast line of East Zink Street and the Northwest line of North Gilbert Avenue and the Northwest line of NCB 2015, a tract conveyed to ADM Milling Co. in "Exhibit A, Tract 6", recorded in Volume 284, Page 817, Comal County Deed Records, Prop Id. 980, North 38°42'00" East, a distance of 277.84 feet to a point for the Northwest corner of said ADM Tract 6, lying in the South line of the Comal River;

THENCE with the North line of said ADM Tract 6 and the meanders of the South line of the Comal River, the following seven calls:

- 1.) North 72°20'49" East, a distance of 99.38 feet to a point;
- 2.) North 79°52'57" East, a distance of 40.73 feet to a point;
- 3.) North 90°00'00" East, a distance of 101.72 feet to a point;
- 4.) South 84°11'54" East, a distance of 106.33 feet to a point;
- 5.) South 75°47'44" East, a distance of 34.85 feet to a point;
- 6.) South 54°59'01" East, a distance of 51.84 feet to a point;
- 7.) South 70°13'18" East, a distance of 45.99 feet to a point for the Northeast corner of said ADM Tract 6 at the Northwest intersection of the Comal River and East Bridge Street;

# TBPE-FIRM F-10961  
ENG IN EERING 8c SURVEY IN G TBPLS FIRM 10153600

THENCE with the Comal River and the end of East Bridge Street (66.66' R.O.W.), South 48°47'29" East, a distance of 67.91 feet to a point for the Northwest corner of a tract of land, owned by the City of New Braunfels, known as Prince Solms Park, Prop Id. 886;

THENCE with the Northeast line of said Prince Solms Park, the end of East Mill Street (66.66' R.O.W.) and the South line of the Comal River, the following eight calls:

- 1.) South 29°00'55" East, a distance of 116.96 feet to a point;
- 2.) South 03°00'46" West, a distance of 48.43 feet to a point;
- 3.) South 45°00'00" East, a distance of 32.40 feet to a point;
- 4.) South 12°05'39" East, a distance of 18.22 feet to a point;
- 5.) South 57°05'44" East, a distance of 6.96 feet to a point;
- 6.) South 57°05'40" East, a distance of 18.81 feet to a point;
- 7.) North 77°19'11" East, a distance of 52.18 feet to a point;
- 8.) South 55°00'25" East, a distance of 13.52 feet to a point for the End of East Mill Street at the Comal River and the North corner of NCB 2005, a 1.004 acre tract, conveyed to Fountaineer Investments, LLC, recorded in Document No. 201906026762 of the Official Public Records of Comal County Texas, Prop Id. 885;

THENCE with the North line of said 1.004 acre tract and the South line of the Comal River the following four calls:

- 1.) South 55°36'21" East, a distance of 89.91 feet to a point;
- 2.) South 35°05'46" East, a distance of 57.55 feet to a point;
- 3.) South 12°51'04" East, a distance of 59.47 feet to a point;
- 4.) South 24°55'00" West, a distance of 22.49 feet to a point in the East line of said 1.004 acre tract and the North corner of a tract conveyed to ADM Milling Co. in "Exhibit A 1. (a.)", recorded in Volume 284, Page 817 of the Comal County Deed Records, Prop Id. 431524;

THENCE with the North line of said ADM Milling Co., Tract 1. (a.), and the South line of the Comal River, the following seven calls:

- 1.) South 04°17'53" West, a distance of 24.64 feet to a point;
- 2.) South 48°44'33" East, a distance of 27.30 feet to a point;
- 3.) South 36°19'35" East, a distance of 43.40 feet to a point;
- 4.) South 01°18'42" East, a distance of 28.34 feet to a point;
- 5.) South 32°10'01" East, a distance of 24.48 feet to a point;
- 6.) South 58°45'51" East, a distance of 32.97 feet to a point;
- 7.) South 30°57'14" East, a distance of 36.96 feet to a point for the East corner of said ADM Milling Co. Tract 1. (a.), lying in the Northwest line of East San Antonio Street;

THENCE with the South line of the Comal River crossing East San Antonio Street (93.72' R.O.W.) South 80°51'44" East, a distance of 100.98 feet to a point in the Southeast line of East San Antonio Street for the North corner of NCB 1043, a 1.608 acre tract, conveyed to Auferstehung, Inc., recorded in Document No. 9806024551 of the Official Public Records of Comal County, Texas, Prop Id. 515;



290 S. Castell Avenue, Ste. 100  
New Braunfels, TX 78130  
(830)625-8555

ENGINEERING & SURVEYING

TBPE-FIRM F-10961  
TBPLS FIRM 10153600

THENCE with the North line of said 1.608 acre tract and the South line of the Comal River, the following three calls:

- 1.) South 81°19'51" East, a distance of 78.90 feet to a point;
- 2.) South 87°15'51" East, a distance of 98.50 feet to a point;
- 3.) South 13°17'51" East, a distance of 150.98 feet to a point for the Northeast corner of said 1.608 acre tract, lying in the West line of Tolle Street (67.56" R.O.W.);

THENCE with the West line of Tolle Street and the Southeast line of said 1.608 acre tract, South 38°11'09" West, a distance of 215.80 feet to a point at the North corner of the intersection of Tolle Street and South Gilbert Avenue;

THENCE with the North line of South Gilbert Avenue and the Southwest line of said 1.608 acre tract, North 52°30'51" West, a distance of 70.31 feet to a point in the Southwest line of said 1.608 acre tract;

THENCE crossing South Gilbert Avenue (60' R.O.W.) South 38°20'17" West, a distance of 57.68 feet to a point in the Southwest line of South Gilbert Avenue and the East corner of Lot 143 and a portion of Lot 142, NCB 1007, conveyed to ESA Partners, LLC., recorded in Document No. 202106016449 of the Official Public Records of Comal County Texas, Prop Id 431522, also being the North corner of Lot A, NCB 1007, Prop Id 107;

THENCE with the West line of said Lot A, NCB 1007 and the East line of the following 6 tracts,

1. said Lot 143 and a portion of Lot 142,
2. a tract conveyed to Greg Korman, recorded in Document No. 200806021412 of the Official Public Records of Comal County Texas, Prop Id 104,
3. a tract conveyed to Sheri Ann Jentsch, recorded in Document No. 200406040799 of the Official Public Records of Comal County Texas, Prop Id. 105,
4. a tract conveyed to Cabana Social Club, recorded in Document No. 201106012145 of the Official Public Records of Comal County Texas, Prop Id. 103,
- 5a tract conveyed to Bob and Betty Kiesling, recorded in Document No. 200706051883 of the Official Public Records of Comal County Texas, Prop Id. 102,
6. a tract conveyed to Avis E. & Nancy Field, described in Document No. 200506047553 of the Official Public Records of Comal County Texas, Prop Id. 100, South 38°20'17" West, a distance of 384.65 feet to a point for the North corner of the intersection of Tolle Street and South Market Street, being the South corner of NCB 1007;

THENCE crossing South Market Street (66.66' R.O.W.) South 38°20'17" West, a distance of 65.00 feet to a point for the South corner of the intersection of South Market Street and Tolle Street, being the East corner of NCB 1006;

THENCE with the Northwest line of Tolle Street and the Southeast line of NCB 1006 and the following two tracts:

1. a tract conveyed to Layton L. Leissner, No Deed information found, Prop Id. 96,



2. Lot 38 and a portion of Lot 39 conveyed to Southwestern Bell Tx, No Deed information found, Prop Id. 431521, South 38°20'17" West, a distance of 220.41feet to a point for the South corner of NCB 1006 and the North corner of the intersection of Comal Avenue and Tolle Street;

THENCE crossing Comal Avenue (66.66' R.O.W.) South 40°28'43" West, a distance of 65.11feet to a point for the East corner of Lot 37, NCB 1005, conveyed to Kenneth D. Brazle and David G. Pfeuffer, recorded in Document No. 9706006117 of the Official Public Records of Comal County Texas, Prop Id. 37;

THENCE with the Southwest line of Comal Avenue and the Northeast line of the following 14 tracts, 1. said Lot 37,

2. a tract conveyed to the City of New Braunfels, No Deed information found, Prop Id. 69,
3. a tract conveyed to Naeglins Bakery Inc, recorded in Volume 677, Page 398 of the Comal County Deed Records, Prop Id. 70,
4. a tract conveyed to 4K Mayo Property LLC., recorded in Document No. 201906010636 of the Official Public Records of Comal County Texas, Prop Id. 72,
- 5a tract conveyed to Stadt Corp., recorded in Document No. 200606001808 of the Official Public Records of Comal County Texas, Prop Id. 77,
- 6a tract conveyed to T.L. Marglin#6, LLC., recorded in Document No. 201506028574 of the Official Public Records of Comal County Texas, Prop Id. 76,
7. a tract conveyed to Guadalupe Amaro Partnership, recorded in Document No. 202006059688 of the Official Public Records of Comal County Texas, Prop Id. 78,
8. a tract conveyed to Guadalupe Amaro Partnership, Prop Id. 82, recorded in Document No. 202006059689 of the Official Public Records of Comal County Texas, Prop Id. 82,
9. a tract conveyed to Guadalupe Amaro Partnership, recorded in Document No. 202006059687 of the Official Public Records of Comal County Texas, Prop Id. 83,
10. a tract conveyed to Natman Investments, LLC., recorded in Document No. 201906016789 of the Official Public Records of Comal County Texas, Prop Id. 95,
11. a tract conveyed to the Duettra Georgia B. Exempt Trust, recorded in Document No. 201106039865 of the Official Public Records of Comal County Texas, Prop Id. 92,
12. a tract conveyed to Daniel and Mikki Tharp, recorded in Document No. 200406042582 of the Official Public Records of Comal County Texas, Prop Id. 90,
13. a tract conveyed to Julie and Greeson Taylor, recorded in Document No. 9906005966 of the Official Public Records of Comal County Texas, Prop Id. 89,
14. a tract conveyed to Chris and Heather Allen, recorded in Document No. 201906000593 of the Official Public Records of Comal County Texas, Prop Id. 88, South 52°33'38" East, a distance of 772.64 feet to a point for the East corner of NCB 1005 and the West corner of the intersection of Comal Avenue and East Coll Street;

THENCE with the Southwest line of Comal Avenue, crossing East Coll Street (66.66' R.O.W.) South 52°31'46" East, a distance of 65.01feet to a point for the South corner of the intersection of Comal Avenue and East Coll Street and the North corner of NCB 1011, being the North corner of a property conveyed to Julie A. Glisky, recorded in Document No. 200706020402 of the Official Public Records of Comal County Texas, Prop Id. 153;

# TBPE-FIRM F-10961  
ENGINEERING & SURVEYING TBPLSFIRM10153600

THENCE with the Southwest line of Comal Avenue and the Northeast line of NCB 1011 and the following 5 tracts;

1. said Glisky tract,
  2. a tract conveyed to Frederick Frueholz, Jr., recorded in Volume 212, Page 44 of the Comal County Deed Records, Prop Id. 155,
  3. a 1.477 acre tract conveyed to Elks 2279 of NB BPOE, recorded in Volume 184, Page 934 of the Comal County Deed Records, Prop Id. 149,
  4. Lot 164, conveyed to Greg and Leslie Baenziger, recorded in Volume 608, Page 630 of the Comal County Deed Records, Prop Id. 156,
  5. a portion of Lot 88, conveyed in a Death Certificate to Carola M. Davis, recorded in Document No. 200106040183 of the Official Public Records of Comal County Texas, Prop Id. 152,
- South 52°24'50" East, a distance of 482.55 feet to a point for the West corner of the intersection of Comal Avenue and East Garden Street, and the East corner of NCB 1011;

THENCE with the Northwest line of East Garden Street and the Southeast line of NCB 1011 and the Southeast line of the following 4 tracts,

1. said Carola M. Davis tract,
2. a portion of Lot 88, conveyed to Michael & Rhonda Neel, recorded in Document No. 9806014444 of the Official Public Records of Comal County Texas, Prop Id. 151,
3. a portion of Lot 79 conveyed to Richard M. Wangenheim Jr., recorded in Document No. 201806033352 of the Official Public Records of Comal County Texas, Prop Id. 147,
4. a portion of Lot 79 conveyed to William and Diane Mehrer, recorded in Document No. 9806000302 of the Official Public Records of Comal County Texas, Prop Id. 146, South 38°16'20" West, a distance of 386.20 feet to a point for the North corner of the intersection of East Garden Street and South Seguin Avenue, also being the South corner of NCB 1011;

THENCE with the Northwest line of East Garden Street, crossing South Seguin Street, (93.72' R.O.W.) South 38°11'55" West, a distance of 93.73 feet to a point for the West corner of the intersection of East Garden Street and South Seguin Avenue, also being the East corner of NCB 1012, and the East corner of a tract conveyed to the City of New Braunfels, recorded in Volume 172, Page 820 of the Comal County Deed Records, Prop Id. 159;

THENCE with the Southwest line of South Seguin Avenue, crossing East Garden Street (66.66' R.O.W.) South 52°36'25" East, a distance of 65.01 feet to a point for the South corner of the intersection South Seguin Avenue and East Garden Street, also being the North corner of NCB 1017 and the North corner of a Lot 181 conveyed to Marion & Robbie Borchers, recorded in Volume 1017, Page 28 of the Comal County Deed Records, Prop Id. 213;

THENCE with the Southwest line of South Seguin Ave. and the Northeast line of the following 5 tracts, 1. said Lot 181,

2. Lot 180 conveyed to Mario Borchers, recorded in Document No. 200406042893 of the Official Public Records of Comal County Texas, Prop Id. 212,
3. Lot 179 conveyed to 448 S. Seguin, LLC., recorded in Document No. 202006016856 of the Official Public Records of Comal County Texas, Prop Id. 211,



{830}625-8555  
TBPE-FIRM F-10961

ENGINEERING & SURVEYING TBPLS FIRM 10153600

4. Lots 178 & 185, conveyed to Communication Professionals, Ltd., recorded in Document No. 200206002205 of the Official Public Records of Comal County Texas, Prop Id. 208,

5. Lot 177 and a portion of Lot 160 conveyed to Jahn Building Development LLC., et al, recorded in Document No. 201206036421 of the Official Public Records of Comal County Texas, Prop Id. 207, South 52°35'59" East, a distance of 482.87 feet to a point for the Southwest corner of the intersection of South Seguin Avenue and Butcher Street, also being the East corner of NCB 1017;

THENCE with the South line of South Seguin Avenue, crossing Butcher Street (30' R.O.W.), South 52°33'56" East, a distance of 30.00 feet to a point for the Southeast corner of the intersection of South Seguin Avenue and Butcher Street, also being the North corner of NCB 1021, and the North corner of a tract conveyed to Dunverking Real Estate, Ltd., recorded in Document No. 201006008905 of the Official Public Records of Comal County Texas, Prop Id. 281;

THENCE with the Southwest line of South Seguin Avenue and the Northeast line of NCB 1021 and the Northeast line of the following 5 tracts,

1. said Dunverking Real Estate, LLC.Tract,
2. a tract conveyed to Troy D. Burch, Jr., recorded in Document No. 200706019362 of the Official Public Records of Comal County Texas, Prop Id. 282,
3. Lot 7R conveyed to D'Ann Harper Development Corp, recorded in Document No. 200506001310 of Official Public Records of Comal County Texas, Prop Id. 283,
4. Lot 14 conveyed to Becker Investments, Lp, recorded in Document No. 201406031140 of the Official Public Records of Comal County Texas, Prop Id. 285,
5. a tract conveyed to Big Diamond Inc., recorded in Document No. 201006026405 of the Official Public Records of Comal County Texas, Prop Id. 286, South 52°33'56" East, a distance of 516.88 feet to a point for the Northwest corner of the intersection of Jahn Street and South Seguin Avenue, also being the East corner of NCB 1021 and the East corner of said Big Diamond Inc. tract;

THENCE with the Northwest line of Jahn Street and the Southeast line of NCB 1021 and the Southeast line of the following 5 tracts,

1. said Big Diamond LLC tract,
2. a tract conveyed to William M. Norris, recorded in Document No. 200706003522 of the Official Public Records of Comal County Texas, Prop Id. 267,
3. a tract conveyed to CMF Real Estate Holdings, LLC, recorded in Document No. 201506026255 of the Official Public Records of Comal County Texas, Prop Id. 288,
4. Lots 3 & 4, Block 13 of the Re-subdivision of Jahn Addition, recorded in Volume 52, Page 351 of the Comal County Map Records, Prop Id. 273, conveyed to Yawn Group, LLC, recorded in Document No. 201806003260 of the Official Public Records of Comal County Texas
5. Lots 1 & 2, Block 13 of said Re-subdivision of Jahn Addition, as conveyed to My Little Girl, LLLC, recorded in Document No. 201106036607 of the Official Public Records of Comal County Texas, Prop Id. 272, South 37°32'43" West, a distance of 385.32 feet to a point for the North corner of the intersection of Jahn Street and South Castell Avenue, also being the South corner of NCB 1021;

ENGINEERING & SURVEYING TBPLS FIRM 10153600

THENCE with the Northwest line of Jahn Street, crossing South Castell Avenue (66.66' R.O.W.) South 37°32'43" West, a distance of 65.00 feet to a point for the West corner of the intersection of South Castell Avenue and Jahn Street and the East corner of NCB 1022;

THENCE with the Northwest line of Jahn Street and the Southeast line of NCB 1022, and the following 2 tracts and a street,

1. Lot 10, NCB 1022 conveyed to Katherine Truesdell, recorded in Document No. 201106030712 of the Official Public Records of Comal County Texas, Prop Id. 298,
2. the South line of Colvin Street (20' R.O.W.),
3. Lots 11,12 & 13, NCB 1022 conveyed to Jahn Street Properties, LLC., recorded in Document No. 201206041187 of the Official Public Records of Comal County Texas, Prop Id. 299, South 37°40'03" West, a distance of 268.68 feet to a point for the Northwest corner of the intersection of Jahn Street and the International Great Northern Railroad (100' R.O.W.);

THENCE with the North line of the International Great Northern Railroad R.O.W. and the Southwest line of said Jahn Street Property, North 66°14'32" West, a distance of 206.14 feet to a point for the Northwest corner of said Jahn Property and the Southeast corner a tract conveyed to the City of New Braunfels, in Parcel 1, recorded in Document No. 9706007700 of the Official Public Records of Comal County Texas, Prop Id. 167;

THENCE with the Railroad R.O.W. and the Southwest line of said City of New Braunfels tract, the following two calls:

- 1.) North 62°40'55" West, a distance of 190.28 feet to a point;
- 2.) North 61°36'04" West, a distance of 127.92 feet to a point in the Southwest corner of said City of New Braunfels tract, being the Southeast corner of the intersection of said railroad and Butcher Street;

THENCE with the Northeast line of said Railroad and crossing Butcher Street (30' R.O.W.) North 55°33'40" West, a distance of 32.30 feet to a point for the Northwest corner of Butcher Street and the South corner of a tract conveyed to the City of New Braunfels, in Parcel 2, recorded in Document No. 9706007700 of the Official Public Records of Comal County Texas, Prop Id. 410103;

THENCE with the Northeast line of said Railroad R.O.W. and the Southwest line of said Parcel 2, North 58°04'38" West, a distance of 53.79 feet to a point for the Southwest corner of said Parcel 2;

THENCE with the Northeast line of said Railroad 100' wide R.O.W., North 53°31'48" West, a distance of 438.20 feet to a point for the Southwest corner of the intersection of East Garden Street and said Railroad R.O.W.;

THENCE with the Railroad R.O.W., crossing East Garden Street (66.66' R.O.W.) North 52°28'19" West, a distance of 65.00 feet to a point for the South corner of NCB 1013, being the West corner of the intersection of said Railroad R.O.W. and East Garden Street;

ENGINEERING & SURVEYING TBPE-FIRM F-10961  
TBPLSFIRM10153600

THENCE with the Northeast line of said Railroad R.O.W. and the Southwest line of NCB 1013, North 52°49'35" West, a distance of 480.14 feet to a point for the West corner of NCB 1013 and the East corner of the intersection of said Railroad R.O.W. and West Coll Street {66.66' R.O.W.);

THENCE with the Northeast line of said 100' wide Railroad R.O.W., North 53°16'43" West, a distance of 637.05 feet to a point in the Northeast line of said Railroad R.O.W. and the Southwest line of Hill Avenue;

THENCE crossing said Railroad R.O.W., South 37°29'34" West, a distance of 100.00 feet to a point for the West corner of the intersection of said Railroad R.O.W. and Cross Street, and the East corner of NCB 1001 and the East corner of a tract conveyed to Donald and Lynn Forbes, recorded in Document No. 9706017179 of the Official Public Records of Comal County Texas, Prop Id. 9;

THENCE with the Northwest line of Cross Street and the Southeast corner of the following 3:

1. said Donald and Lynn Forbes tract,
2. a tract conveyed to Allegiant Senior Living, LLC, recorded in Document No. 201706039281 of the Official Public Records of Comal County Texas, Prop Id. 4,
3. a tract conveyed to Edward and Charlotte Cavanaugh Family Trust, recorded in Document No. 201806001171 of the Official Public Records of Comal County Texas, Prop Id. 378760, South 38°24'08" West, a distance of 265.63 feet to a point for the North corner of the intersection of Cross Street and South Academy Ave and the South corner of NCB 4001, and the South corner of said Edward and Charlotte Cavanaugh Family Trust tract;

THENCE with the Northwest line of Cross Street, crossing South Academy Street {66.66' R.O.W.), South 36°55'45" West, a distance of 68.78 feet to a point for the West corner of the intersection of South Academy Street and Cross Street, and the East corner of a tract conveyed to Michael J. Pollard, recorded in Document No. 200306033121 of the Official Public Records of Comal County Texas, Prop Id. 1442;

THENCE with the Northwest line of Cross Street and the Southeast line of the following 4 tracts,

1. said Pollard tract,
2. a tract conveyed to Janie Mott, recorded in Document No. 201806037582 of the Official Public Records of Comal County Texas, Prop Id. 1438,
3. Lots 1 and 6, NCB 4001 conveyed to Sophies Gasthaus, LLC., recorded in Document No. 202106034115 of the Official Public Records of Comal County Texas, Prop Id. 1443,
4. a tract with no deed information available, Prop Id. 1448, South 38°03'53" West, a distance of 492.03 feet to a point for the East corner of a tract conveyed to Delio and Juanita Bustos, recorded in Volume 390, Page 418 Comal County Deed Records;

THENCE continuing with the Northwest line of Cross Street, and the Southeast line of NCB 4001, and the following 2 tracts,

1. said Bustos tract,
2. a tract conveyed to Armando Martinez, recorded in Document No. 201406021790 of the Official Public Records of Comal County Texas, Prop Id. 1450, South 38°03'53" West, a distance of 152.68 feet to a point for the North corner of the intersection of Clemens Avenue and Cross Street;



THENCE with the Northwest line of Cross Street, crossing Clemens Avenue (66.0' R.O.W.) South 41°54'11" West, a distance of 65.09 feet to a point for the West corner of the intersection of Clemens Avenue and Cross Street, being the East corner of NCB 4002;

THENCE with the Northwest line of Cross Street and the Southeast line of NCB 4002 and the Southeast line of the following 4 tracts:

1. a confidential tract, Prop Id. 1463,
2. a tract conveyed to Richard Rabe, recorded in Document No. 201506004178 of the Official Public Records of Comal County Texas, Prop Id. 1465,
3. a tract conveyed to Jeffrey and Maria Turner, recorded in Volume 839, Page 487 of the Comal County Deed Records, Prop Id. 1461,
4. a tract conveyed to Gary and Sue McGurk, recorded in Volume 594, Page 727 of the Comal County Deed Records, Prop Id. 1462, South 42°17'48" West, a distance of 400.57 feet to a point for the North corner of the intersection of Cross Street and South Guenther Avenue, also being the South corner of NCB 4002 and said McGurk property;

THENCE with the Northeast line of South Guenther Avenue and the Southwest line of the following 3 tracts:

1. said McGurk tract,
2. a tract conveyed to the Seals Family Properties, LLC., recorded in Document No. 202006009910 of the Official Public Records of Comal County Texas, Prop Id. 1458,
3. a tract conveyed to Seals Family Property, LLC., recorded in Document No. 202006023475 of the Official Public Records of Comal County Texas, Prop Id. 1459, North 49°55'46" West, a distance of 393.46 feet to a point for the East corner of the intersection of South Guenther Avenue and West San Antonio Street, also being the West corner of NCB 4002 and said tract described as Prop Id. 1458;

THENCE with the Northeast line of South Guenther Avenue, crossing West San Antonio Street, (R.O.W. varies at this location) North 49°55'46" West, a distance of 72.68 feet to a point in the Northwest line of West San Antonio Street and the Southeast line of Lots 4 and 5, NCB 3002, conveyed to Miles and Susan Granzin, recorded in Document No. 200406001675 of the Official Public Records of Comal County Texas, Prop Id. 1047;

THENCE with the Northwest line of West San Antonio Street and the Southeast line of said Granzin tract, South 38°57'56" West, a distance of 41.25 feet to a point for the North corner of the intersection of West San Antonio Street and a 20' Wide Alley, also being the South Corner of said Granzin tract;

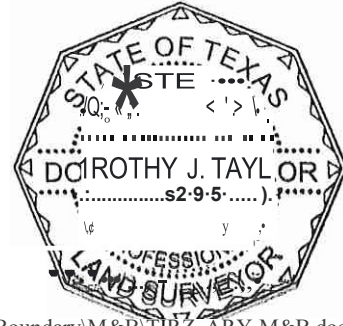
THENCE with the Northeast line of said Alley and the Southwest line of said Granzin tract and the Southwest line of the Patricia B. Wyatt Revocable Trust tract, North 50°27'33" West, a distance of 373.65 feet to the POINT OF BEGINNING and containing 182.91 acres of land in the City of New Braunfels, Comal County, Texas.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Written August 14, 2021.



Dorothy J. Taylor  
Registered Professional Land Surveyor No. 6295



S:\Projects\040 - City of New Braunfels\040.033 - Political Subdivision for Downtown TIRZ Boundary\M&B\TIRZ ARY M&B.docx

**10/14/2024**

Agenda Item No. A)

**PRESENTER:**

Scott McClelland, Assistant Transportation and Capital Improvements Director

**SUBJECT:**

Discuss and consider the approval of a contract with E-Z Bel Construction for the Citywide Intersection Improvements and authorization for the City Manager to execute change orders up to the contingency amount.

**DEPARTMENT:** Transportation and Capital Improvements**COUNCIL DISTRICTS IMPACTED:** 1 and 3**BACKGROUND INFORMATION:**

The Citywide Intersections Project was approved by voters in Proposition A of the 2023 Bond Program. On June 12, 2023, City Council approved a contract with Pape Dawson Engineers, Inc. for the final design of intersection improvements, including new traffic signals, turn lanes, and other intersection safety and operational improvements. The planned improvements include six intersections across the city, including:

- SH 46 and Hueco Springs Loop
- SH 46 and Mission Valley Road
- SH 46 and FM 1863/Alyssa Way
- SH 46 and Independence Drive
- Loop 337 and Borchers Boulevard
- Walnut Avenue and Gardenia Drive

The city issued a Competitive Sealed Proposal (CSP) for these improvements on August 15, 2024, and on September 24, 2024, the city received one bid for the Citywide Intersection Improvements. E-Z Bel Construction, LLC was the sole bidder at \$2,809,166.77. After evaluating E-Z Bel's qualifications and bid, E-Z Bel was determined to be a qualified contractor for the project. Staff recommends an owner contingency of 10% for a total construction cost of \$3,090,000.

**ISSUE:**

Continue an ongoing program of infrastructure construction and maintenance.

**STRATEGIC PLAN REFERENCE:**

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

**FISCAL IMPACT:**

Sufficient funding exists in the FY 2025 Budget for the 2023 Bond Program.



---

---

**RECOMMENDATION:**

Staff recommends approval of a contract with E-Z Bel Construction for the construction of the Citywide Intersection Improvements and authority for the City Manager to approve change orders and other project expenditures up to the contingency amount.

10/14/2024

Agenda Item No. B)

**PRESENTER:**

Scott McClelland, Assistant Transportation and Capital Improvements Director

**SUBJECT:**

Discuss and consider approval of a joint contract between the City of New Braunfels and New Braunfels Utilities with Austin Filter Systems, Inc. for the construction of improvements to the Last Tuber's Exit on the Comal River and authorization for the City Manager to execute change orders up to the contingency amount.

**DEPARTMENT:** Transportation and Capital Improvements**COUNCIL DISTRICTS IMPACTED:** 5**BACKGROUND INFORMATION:**

The New Braunfels Economic Development Corporation (NBEDC) has worked to develop a list of capital projects to support, through engineering and design and/or construction funding, since the summer of 2022. The NBEDC voted unanimously to approve funding the final design of the Last Tuber's Exit project with Freese and Nichols, Inc (FNI) at its January 19, 2023, meeting.

The proposed improvements to Last Tuber's Exit will help reduce staff intervention, reduce the backup of tubers at the lower landing area and stairs, and improve the safety of staff and park users. The construction of these improvements would replace the underwater stairs with additional steps and a 12' wide underwater landing. Handrails will be replaced, an ADA transfer system will be included, and marker buoys will be added to delineate the underwater landing.

The NBEDC received a presentation on the construction of these improvements at its March 21, 2024, regular meeting. The NBEDC held a public hearing on April 18, 2024, and unanimously approved the requested \$1,200,000 in construction funding. The New Braunfels City Council approved the construction funding at its May 13, 2024, meeting.

The City issued a joint solicitation with NBU for the exit improvements and associated waterline relocations on July 10, 2024, and received two proposals on August 7, 2024. Austin Filters Systems was selected as the best value with a total cost of \$1,166,200 including \$1,103,700 for the exit improvements and \$62,500 for waterline adjustments. Staff recommends a 10% owner's contingency to the City's portion for a total construction cost of \$1,214,070.

**ISSUE:**

Congestion and safety concerns at the Last Tuber's Exit

**STRATEGIC PLAN REFERENCE:**

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

New Braunfels is known for its river recreation. The proposed improvements will enhance the user experience

---

and safety for river-goers and staff.

**FISCAL IMPACT:**

The NBEDC has approved funding up to \$1,200,000 for the construction phase. On May 13, 2024, Council approved a \$154,179 contract amendment with FNI for bidding and construction phase services. The additional construction phase funding required has been allocated in the FY 2025 budget through the reallocation of 2013 Bond Funds for park facility repairs and enhancements. Therefore, sufficient funds are available.

**RECOMMENDATION:**

Approval of a joint contract between the City of New Braunfels and New Braunfels Utilities with Austin Filter Systems, Inc. for the construction of the egress improvements to the Last Tuber's Exit on the Comal River and authorization for the City Manager to execute change orders and additional project expenditures up to the contingency amount.

10/14/2024

Agenda Item No. C)

**PRESENTER:**

Scott McClelland, Assistant Transportation and Capital Improvements Director

**SUBJECT:**

Discuss and consider approval of a contract with Dalrymple Gravel & Contracting Company for the construction of the Landa Lake Dam & Spillway Improvements and authorization for the City Manager to execute change orders up to the construction contingency amount.

**DEPARTMENT:** Transportation and Capital Improvements**COUNCIL DISTRICTS IMPACTED:** 3**BACKGROUND INFORMATION:**

The New Braunfels Economic Development Corporation (NBEDC) has worked to develop a list of capital projects to support through engineering and design and/or construction funding since the summer of 2022. The NBEDC voted unanimously to approve funding the final design of the Landa Lake Dam project at its March 9, 2023, meeting. Freese and Nichols, Inc. (FNI) was selected as the design consultant.

Repairing the dam will improve the global stability of the structure to meet the TCEQ dam safety regulations. The construction of the improvements will add a concrete toe to the existing dam and address erosion in the overflow channel to improve the stability and maintenance of the channel.

The NBEDC unanimously approved \$1,000,000 for the construction of the proposed improvements and other construction phase expenses at its April 18, 2024, meeting.

The City issued a competitive sealed proposal for construction on July 30, 2024, and received four proposals on September 10, 2024. The project team selected Dalrymple Gravel and Contracting as the best value, with a total cost of \$712,500. Staff recommends including a 10% owner contingency for a total construction cost of \$783,750.

**ISSUE:**

The Landa Lake Dam does not meet the TCEQ dam safety regulations. The proposed improvements will improve the dam's stability to meet these regulations.

**STRATEGIC PLAN REFERENCE:**

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

The proposed improvements to the Landa Lake Dam & Spillway will add to the Community's Well-Being by ensuring longevity and improving the stability of the dam itself, keeping Landa Park safe by decreasing the likelihood of a dam failure.

**FISCAL IMPACT:**

The NBEDC has approved \$1,000,000 for construction phase expenses. Therefore, there are adequate funds for

---

this project expenditure.

**RECOMMENDATION:**

Approval of a contract with Dalrymple Gravel & Contracting for the construction of the Landa Lake Dam & Spillway Improvements and authorization for the City Manager to execute change orders and additional expenditures up to the construction contingency amount.

10/14/2024

Agenda Item No. D)

---

**PRESENTER:**

Jeff Jewell, Economic and Community Development Director

**SUBJECT:**

Discuss and consider the approval of a resolution recommended by the New Braunfels Economic Development Corporation approving an economic development incentive, not to exceed \$4,500,000, to S. Castell, LLC for open space improvements and possible entertainment and exhibition facilities, pursuant to Section 505.152 of the Texas Local Government Code.

**DEPARTMENT:** Economic and Community Development**COUNCIL DISTRICTS IMPACTED:** 5**BACKGROUND INFORMATION:**

In 1945, a 2.460-acre plot located at 210 S. Castell Avenue was conveyed to the Producer's Cooperative Marketing Association. From November 1945, the site functioned as the Producer's Co-Op Feed and Supply, serving both the local and rural economy. In 2021, the property was sold to 210 S. Castell, and the new owners announced plans to rehabilitate the buildings and convert the space into a mixed-use development. The redevelopment plan includes the transformation of existing buildings into a public marketplace that will house local businesses, retail stores, and food vendors. Additionally, the site will feature civic gathering spaces. Key renovations include the creation of:

- A public market and specialty grocery spaces.
- Public amenities such as a grand lawn, performance plaza, pavilion, and public restrooms.

A significant highlight of the project is the relocation and expansion of the existing downtown Farmer's Market to this new venue.

**Public Marketplace**

The public marketplace is envisioned as a vibrant center for commerce and community engagement. This curated, year-round marketplace will offer space for owner-operated shops and stalls, with a focus on showcasing local businesses and products. The marketplace will serve as an incubator for small businesses, providing leased spaces at lower overhead costs, allowing for economic growth and community development. The owners plan to accommodate 20-30 retail and food businesses within the redeveloped 12,900 square feet of space. Public markets, even those operating only one day a week, often act as economic anchors, supporting the local business ecosystem. According to a survey by the Project for Public Spaces, 60% of market shoppers also visit nearby stores on market days, indicating the potential for increased foot traffic and retail growth.

**Public Benefits and Open Space**

These markets can serve as focal spaces for the community and civic events by providing active public space and a unique destination for New Braunfels residents to enjoy. Beyond commerce, public markets offer broader public benefits such as:

- 
- Access to fresh, healthful foods.
  - Job creation.
  - Serving as incubators for small businesses.
  - Attracting tourists.
  - Preserving historic spaces.

The proposed incentive of up to \$4.5 million is intended to offset the costs of creating the public space and associated improvements. The extent of the improvements will create a park like setting in the downtown area, which has been identified as a desired improvement in multiple plans and public forums including Envision New Braunfels, the 2010 Downtown Implementation Plan, the South Castell Vision Plan and the 2021 Downtown Action Plan. The open space, splashpad, public restrooms, lighting, benches, trees, and improved pedestrian connectivity will upgrade the downtown experience for all users.

The NBEDC received an initial presentation on this item at its August 15, 2024, regular meeting. After holding public hearing at its September 12, 2024, special called meeting, the NBEDC voted unanimously to approve this expenditure.

#### **ISSUE:**

The total cost of the project is estimated at \$19.34 million but is not financially feasible with the additional costs incurred by constructing the open space. The development has been underwritten to verify that the open space improvements would not happen “but for” the recommended incentive. The project has an approximate \$4 million funding shortfall or financing “gap.” With a gap of this nature, there are only two options: decrease development costs or increase the potential revenue from the site. Without an incentive, the planned public space and amenities would likely be removed in favor of including parking around the site, which is a more financially beneficial opportunity for the owners. The owners also could clear the site of all existing improvements, seek any associated rezonings needed and construct a new series of buildings or structures.

#### **STRATEGIC PLAN REFERENCE:**

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

#### **FISCAL IMPACT:**

The proposed incentive of \$4.5 million is proposed to be delivered in tranches over a 10-year period.

The breakdown of the economic development incentive is:

**Total Amount of Incentive:** \$4,500,000

**Initial Payment:** \$2,000,000 reimbursed upon completion of the open space improvements, green space, and public restrooms

**Annual Payments:** \$250,000 each year for 10 years after annual compliance audits

**Compliance Audits:** Completed annually; Co-Op Marketplace must remain in operation and remain open for public access a majority of the year

The proposed terms would reimburse \$2 million to the owner after the improvements are constructed and provide annual payments of \$250,000 for 10 years if the market continues to operate. This incentive provides a

---

stabilized cash on cash return to the owner of approximately 7% and an unlevered Internal Rate of Return in year 10 of approximately 7.5%.

**RECOMMENDATION:**

Staff recommends approving this recommendation from the NBEDC.



**CONTRACT BETWEEN THE NEW BRAUNFELS ECONOMIC DEVELOPMENT  
CORPORATION AND 210 S. CASTELL, LLC.**

---

THE STATE OF TEXAS           §  
  §    KNOW ALL MEN BY THESE PRESENTS  
COUNTY OF COMAL           §

THIS CONTRACTUAL 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 referred to as "**EDC**", acting by and through its duly authorized officers, and 210 S. Castell, LLC., hereinafter referred to as "**Company**", acting by and through its officers.

W I T N E S S E T H:

WHEREAS, the City of New Braunfels ("City") and EDC desire to enter into an Economic Development Agreement whereby the EDC will provide certain incentives in exchange for the redevelopment of the property at 210 South Castell Avenue ("the Project"), in New Braunfels, Texas; and

WHEREAS, under the authority granted to the EDC by Texas Local Government Code §505.152, EDC recommended this project for approval on September 12, 2024, and the New Braunfels City Council approved it on \_\_\_\_\_, 2024; and

WHEREAS, the incentives are offered by the EDC in consideration of the COMPANY fulfilling performance requirements including, guaranteed minimum taxable value at its New Braunfels location and the construction and maintenance of entertainment, exhibition facilities, and open space improvements within the property boundaries, more fully described and detailed herein, that are accessible to the public; and

WHEREAS, the additional taxable value of real and business personal property will achieve the public purpose of promoting economic development and diversity,

increasing employment, reducing unemployment and underemployment, expanding commerce and stimulating business and commercial activity in the State and in New Braunfels, Texas; and

WHEREAS, the public features proposed as part of the Project have been identified in previous planning and public engagement efforts by the City and EDC and help advance the ongoing economic expansion and diversification of New Braunfels and Downtown New Braunfels more specifically; Said terms and conditions are further described below.

### AGREEMENT

#### I. COMPANY'S OBLIGATIONS

- (1) The Company shall make improvements as indicated in Exhibit A by December 31, 2026.
- (2) The Company agrees it shall maintain a minimum taxable assessed values in accordance with the following schedule:

Beginning of Year	Minimum Taxable Assessed Value
2025	\$1,979,460
2026	\$7,500,000
2027 through remaining term of this Agreement	\$13,100,000

- (3) Company agrees that the improvements attached in Exhibit A will remain open to the public a majority of days in each calendar year through the term of this Agreement.
- (4) Company agrees for the term of this Agreement that it shall require via written

lease agreement 1) that all of its commercial tenants operating on the Property must obtain and keep current Sales and Use Tax Permits if required by law; and 2) that all tenants operating on Property must provide its employment and sales tax data to the Company. The data that is collected by Company will be provided to the EDC as requested, reported in aggregate for all tenants on the Property.

- (5) Company agrees to work with EDC to make a good-faith effort to provide occasional conference and work space on Property available for Spark Small Business Center or other entrepreneurship efforts as agreed by the Company and EDC.
- (6) Additional Definitions
  - a) For purposes of this Agreement, “**Affiliate**” means (1) any entity 50% or more owned or controlled by Company, or any of its principal shareholders or any trust created for their benefit, (2) any entity taking over Company’s interest in this Agreement as a result of a merger or consolidation, (3) any entity acquiring all or substantially all of the assets of Company, or (4) any entity which has acquired a majority of the outstanding stock or equity of Company.

## II. INCENTIVES

In consideration of the Company meeting the above outlined performance obligations, EDC shall grant Company the following incentives:

- (1) The EDC shall provide an initial grant not to exceed \$2,000,000.00 (the “**Initial Grant**”) upon the sooner of Company receiving a passing final inspection from the City of New Braunfels for the improvements detailed in Exhibit A or the EDC’s determination that Company has substantially completed the improvements detailed in Exhibit A.
- (2) Upon receipt of sales tax from the Project and continuing annually for the next nine years (ten total payments, excluding the Initial Grant), the EDC shall grant to Company an additional \$250,000 per year upon EDC’s confirmation that Company is in

compliance with the terms of this Agreement.

- (3) Under no circumstances will the sum total of grants paid by EDC to Company pursuant to this Agreement exceed \$4.5 million.

### III.

If EDC determines that Company is in violation of any requirement of this Agreement, EDC's obligations under section II of this Agreement are suspended until EDC is satisfied that Company is in compliance with the requirements of this Agreement. If EDC finds that Company has failed to comply with sections IV, V, or VI of this Agreement, EDC must notify Company of the failure and Company shall have 30 days to cure. If Company fails to cure said failure within the 30 days, then this Agreement is subject to immediate termination by the EDC and any grants paid by EDC to Company pursuant to this Agreement are to be returned to EDC within 120 days of EDC's request for repayment.

### IV.

In the performance of this contract, Company shall not discriminate against any person because of the person's race, color, religion, national origin, sex, disability or ancestry. Company further agrees to comply with all applicable federal, state and local laws. Proven breach of this covenant in the form of a final adjudication by a court of competent jurisdiction may be regarded as a material breach of the contract causing its termination.

### V.

Chapter 2264 of the Texas Government Code requires Company to certify that Company will agree not to knowingly employ any undocumented workers during the term of the Agreement. If Company is convicted of a violation under 8 U.S.C. Section 1324a(f), Company shall repay the amount of the financial incentives it has received from EDC with six percent (6%) interest, at the rate and according to the other terms provided by an agreement under Section 2264.053, not later than the 120th day after the date the public agency, state or local taxing jurisdiction, or economic development corporation notifies Company of the violation. If convicted, Company shall repay the amount of all financial

incentives for the year(s) in which the violation occurred.

## VI.

- (1) This Agreement cannot be assigned by Company without the prior written consent of the City, which consent may not be unreasonably denied, delayed, conditioned or withheld (it being understood that reasonable reasons for the City to deny such consent include, without limitation, the lack of financial viability of the assignee, the business reputation of the assignee, the assignee's engaging in a type of business that would reflect poorly on the City, the assignee's lack of compliance with City ordinances and laws). Notwithstanding the foregoing, Company may assign this Agreement (in whole or in part), without the prior written consent of the City to any Affiliate of Company (currently existing or later formed), provided that such assignee assumes the obligations and liabilities of Company in writing in a form reasonably approved by the City.
- (2) The Term of this Agreement shall begin upon execution by both parties and shall be terminated ten years from the date of the first annual payment made pursuant to section II (b).

## VII.

All communications between EDC and Company shall be addressed to the President of the New Braunfels Economic Development Corporation, c/o City of New Braunfels, 550 Landa Street, New Braunfels, Texas 78130, with a copy being sent to the City Manager at the same address.

Any communication to Company shall be addressed to:

210 S. Castell Ave, LLC  
C/O Managing Member  
130 S. Seguin, Suite 100  
New Braunfels, Texas 78130

With Copies to:

VIII.

It is understood and agreed that in the event any provision of this contract is inconsistent with requirements of law, the requirements of law will control and the parties shall revert to their respective positions, which would otherwise be enjoyed or occupied by the respective parties for the terms of this contract. In addition, if the Company notifies the EDC that it is unable to satisfy any deadline provided in this Agreement due to adverse economic conditions, the EDC agrees to meet with the Company to better understand the impact of those adverse economic conditions on the Company and consider making good faith adjustments to the terms of this Agreement to address the impacts of such adverse economic conditions upon the Company.

IX.

The foregoing instrument in writing between the parties herein, constitutes the entire agreement between the parties, relative to the funds made the basis hereof, and any other written or oral agreement with the EDC being expressly waived by Company.

IN WITNESS WHEREOF, the parties hereto execute this agreement in duplicate originals on this \_\_\_\_ day of \_\_\_\_\_.

NEW BRAUNFELS ECONOMIC  
DEVELOPMENT CORPORATION

By: \_\_\_\_\_  
Kathy Meurin, President

NEW BRAUNFELS ECONOMIC  
DEVELOPMENT CORPORATION

By: \_\_\_\_\_  
Shane Hines, Secretary

STATE OF TEXAS §

COUNTY OF COMAL §

Before me, \_\_\_\_\_, on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that \_\_\_\_\_ executed the same as the act of the New Braunfels Economic Development Corporation as its President, for the purposes and consideration therein expressed.

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public, State of Texas

My commission expires:

\_\_\_\_\_

COUNTY OF COMAL                      §

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

My commission expires:



By: \_\_\_\_\_

STATE OF \_\_\_\_\_ §

COUNTY OF \_\_\_\_\_ §

Before me, \_\_\_\_\_, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that \_\_\_\_\_ executed the same as the act of \_\_\_\_\_. as its \_\_\_\_\_, for the purposes and consideration therein expressed.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

My commission expires:

\_\_\_\_\_

DRAFT

# Producer's Co-Op and Marketplace Redevelopment

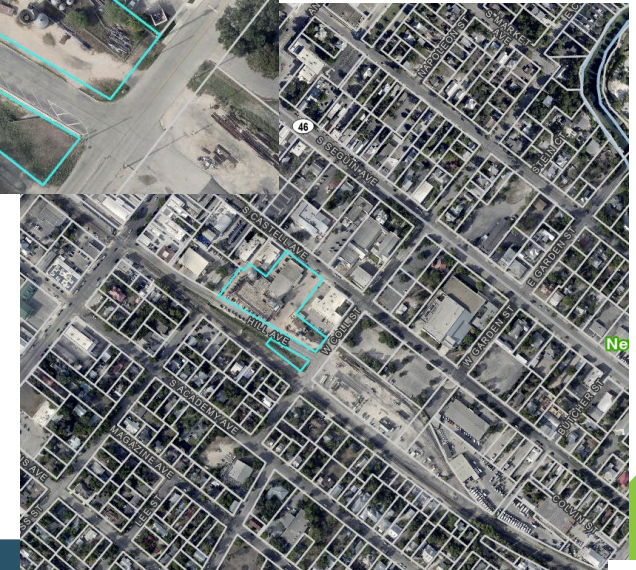
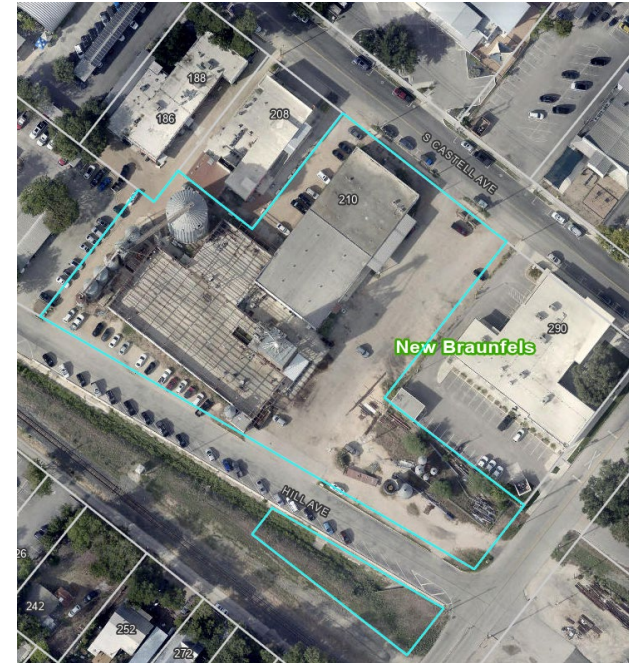
---





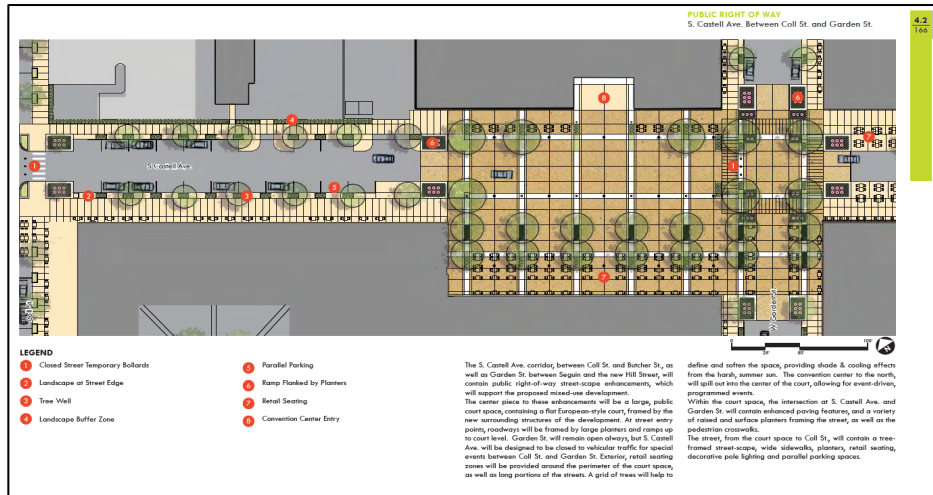
# Farmer's Co-Op - Public Marketplace

- History of 210 South Castell Ave.
  - 2.460 acres
  - Portions conveyed to Producer's Cooperative Marketing Association around 1945
  - Producer's Co-op Feed and Supply from November 1944 until sold in 2021 to 210 S. Castell, LLC
- Development plan to convert the space (~29,400 SF) into a destination public marketplace with retail and food vendors
- Question of whether to pursue the development of a public market and new urban park at the site**



# Background – Plans and Studies

- ▲ ACTION 8.14 Collaborate with local partners, in public and private sectors, to develop innovative parks and open spaces to achieve community needs and that are aligned with regional green infrastructure plans.
- ▲ Numerous planning efforts and public engagement have demonstrated that there should be **more public/park space in DTNB**



## A2 Aesthetics & Pede

### Existing Conditions: Downtown Parks and Open Space

- 1 Historic Marketplatz is an untapped gem for a community park. Currently, it is poorly maintained and lacking amenities - such as seating, lighting, vendors, shade.
- 2 Parking lot behind crosswalk cafe is under-utilized space proximate to Main Plaza retail and restaurants.
- 3 Industrial land along railroad from Hill to Garden Street is under-utilized land in terms of its ability to generate pedestrian-friendly economic activity.

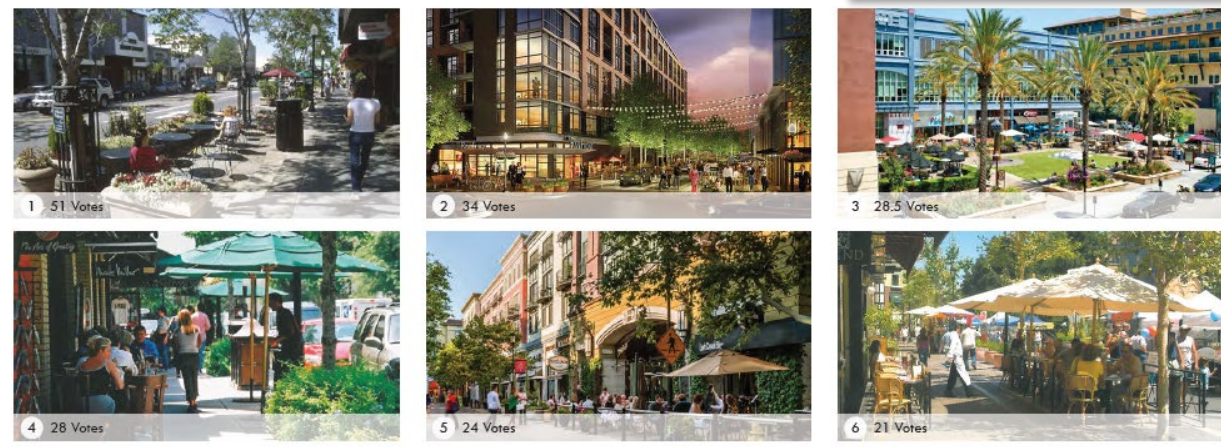
### Amenities

- "Info Kiosk"
- "Bicycle Rack"
- "Los Gallos (Must)"
- "Rooftop Cafe"
- "Walking track - include Historic District"
- "Public Art"
- "Gym / Fitness Center"
- "Market Square - Food, Art, Music, Farmer's Market"
- "Music Venue"
- "Public Space with regular programmed events"
- "Hotel for Convention Center"
- "Pedestrian Wayfinding System"
- 

### Sidewalks / Streetscape Improvements

- "Pedestrian Friendly Trees"
- "Pedestrian Connectivity"
- "Underground Utilities"
- "Verdant landscaping, colorful"
- "Sidewalks linking all of downtown"

### STATION 3 | PUBLIC R.O.W. & SPACES





# What is a Public Market?



- ▲ Year round, curated and intentional medley of owner-operated shops, stalls or spaces
- ▲ Typically focus on fresh or prepared foods, often locally grown or produced
- ▲ Often include artisanal or crafted goods by local businesses
- ▲ Focus on locally owned and operated businesses to highlight the best offerings of a community's food, craft, heritage and culture
- ▲ Typically, owned and operated by public or non-profit entities
- ▲ Can serve multiple public purposes, including providing access to fresh, healthful foods, job creation, small business incubator, tourist attraction, historic preservation, etc.



# Economic Opportunity





# Rural and Urban Economies

## ▲ The Market at 7<sup>th</sup> St., Charlotte, NC





# Active Public Space

## Food Hall Bottling, The Pearl





# Site Plan – Phases 1 and 2



- Areas 1-3 – civic/public space- has been identified in numerous plans/studies
- Building 15 is designated as the “public market”
- Small, scale, low-overhead lease spaces for operators to bridge and stabilize



# Project Concepts

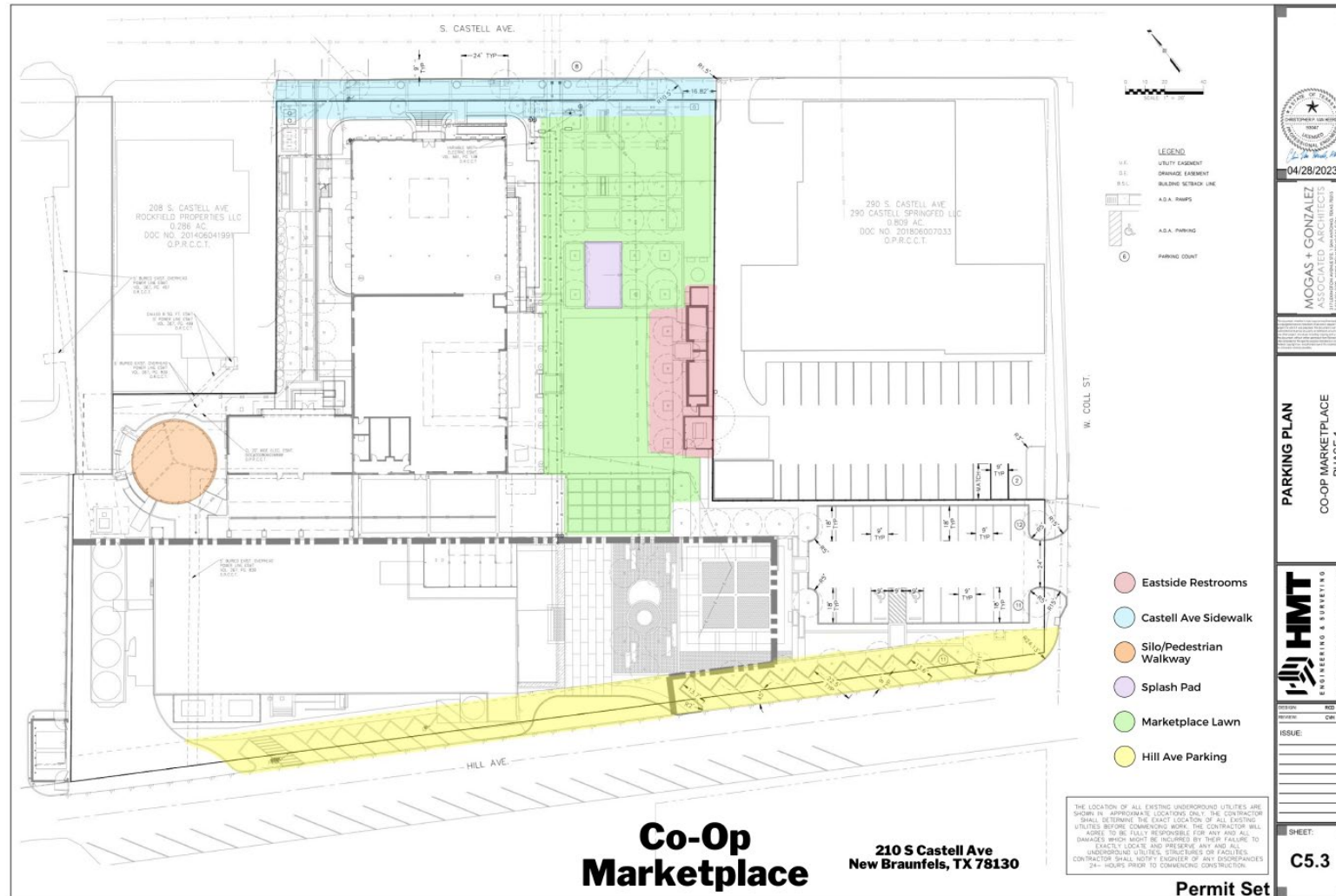




# Project Concepts



# Improvements Proposed



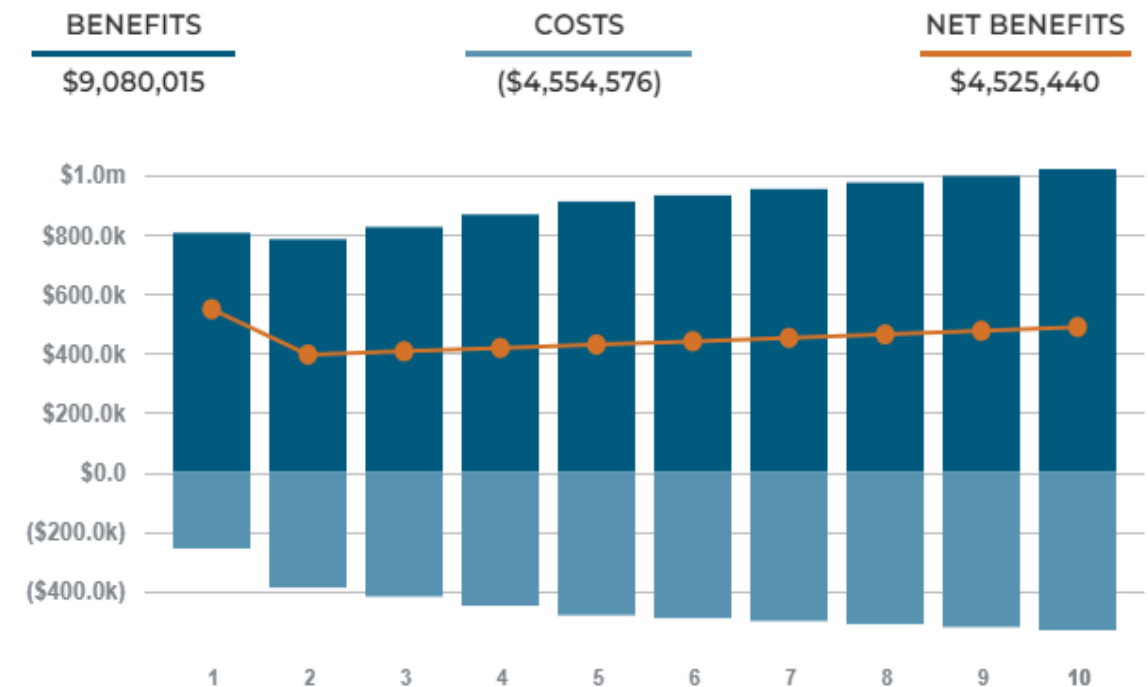
- ▲ Project is feasible without the open space
- ▲ Does the New Braunfels community want to see the **open/public space component in downtown?**
  - If the public space improvements are desired, there will need to be a contribution
- ▲ **Development Alternatives:**
  - **Reduce project costs**
    - Remove costs associated with the park and replace with parking
    - Abandon preservation of buildings and scrape the site (greenfield)
      - Significant financial hurdles with preserving or restoring historic buildings
  - **Increase project revenue by identifying more lucrative development opportunities**
    - Site would be attractive to multifamily or more traditional and proven use in the market, i.e. bar, dancehall, etc.



# Return Estimates: Private and Public

- ▲ Project with park space improvements is approximately \$19.3 million
  - \$4M allocated to public space and amenities
  - \$15.3M without the open space
- ▲ Project can support about \$15 million in private investment
- ▲ Project without park space performs financially better and is easiest path
- ▲ **Purpose of economic development incentives is to achieve public purposes that would otherwise not be feasible**

## Revenues to City and NBEDC





# Proposed Incentive

- ▲ \$3.5M+ spent on public amenities and space
- ▲ \$4.5M over a 10 year period
- ▲ \$2 million reimbursed upon completion of the public improvements (green space, restrooms, etc.)
- ▲ Annual \$250,000 payment for 10 years
  - Operate and run the market as represented
- ▲ Efforts to provide space for use by SPARK for mission-advancing activities
- ▲ Annual reporting on tenant employment and sales to understand impacts

		Total Revenue	To TIRZ	Cumulative TIRZ Revenue	Cumulative Benefit	EDC Sales Tax
Year	Year					
2026	1	\$ 345,188	\$ 33,629	\$ 33,629	\$ 345,188	\$ 76,406
2030	5	\$ 387,493	\$ 47,099	\$ 213,951	\$ 1,831,955	\$ 83,021
2035	10	\$ 447,465	\$ 54,600	\$ 471,506	\$ 3,946,013	\$ 95,807
2040	15	\$ 516,393	\$ 63,297	\$ 770,082	\$ 6,386,270	\$ 110,481
2045	20	\$ 595,701	\$ 73,378	\$ 1,116,215	\$ 9,201,693	\$ 127,343
2050	25	\$ 687,044	\$ 85,065	\$ 1,517,476	\$ 12,449,050	\$ 146,742
	Total			\$ 1,517,476	\$ 12,449,050	\$ 2,665,946
		Present Value of Cumulative Benefits				
		10 YR PV	2,936,204			
		20 YR PV	6,846,924			

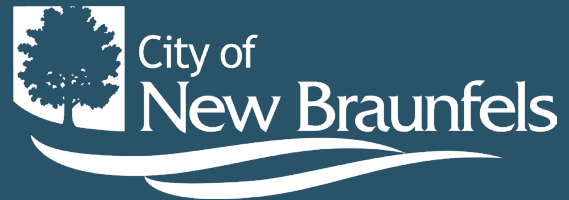
- ▲ Multiple simultaneous efforts underway to manage and expand existing parking supply
- ▲ Site adds angled parking along Hill Avenue
- ▲ Project completion mostly coincides with old city hall relocation in 2027
  - Frees up approximately 120+ daily spaces within walking distance to the site
- ▲ City evaluating the option to:
  - Reconfigure Castell/Coll Street lots to add 50-60 spaces (\$500,000)
  - Advance design and engineering for a parking structure (+\$15M) at same location

# Benefits of the Project

- ▲ **Public and open space**- Direct and secondary impacts
  - Benefits of urban parks are widely documented – significant economic activity to surrounding area
  - Project is adding taxable increment to the downtown TIRZ
    - Cumulative TIRZ (only) revenue of \$500k over 10 years
- ▲ **Entrepreneurship** - Project is creating space for nascent small businesses to operate and grow their businesses – “incubator like”
  - 20-30 retail/food businesses will have a leased space with lower overhead/risk
- ▲ Significant sales tax producer with anticipated product mixes and types
- ▲ Anticipated benefits of increased traffic for surrounding area

- ▲ Cumulatively, the project's direct and secondary tax revenues support the investment
  - Major benefits in sales tax and indirect expenditures for surrounding area
- ▲ Economic and community development benefits
  - Community achieves long-stated goals of adding open space/urban parks to the downtown area
  - Historic preservation
  - Increases available space for small and micro businesses
- ▲ Development alternatives include the abandonment of the park, clearing of the site and/or construction of proven market uses

# Questions?



## Co-Op Marketplace Objectives

- Promote Pedestrian Circulation<sup>1</sup>
  - o Open spaces
  - o Splashpad
  - o Restrooms
  - o Lighting, Benches & trees
  - o Close existing driveways
  - o Improve pedestrian connectivity to underutilized parking areas
- Create Green Space<sup>1</sup>
  - o Help ensure green spaces are within a one mile walk or bike ride of NB households
  - o Meet regional green infrastructure goals
- Provide Outdoor Exhibition Facilities<sup>2</sup>
  - o Build upon New Braunfels' strong program of downtown events and activities
  - o Potential alternative to street closures
- Encourage Retail Growth along South Castell<sup>3</sup>
  - o Broaden downtown retail development area
- Support the Civic Center<sup>3</sup>
  - o Mitigate isolation issues
  - o Make it a more attractive site to investors
- Meet Main Street Program Objectives<sup>4</sup>
  - o Maintains downtown identity and preserves a historic site
  - o Reflects larger planning and design efforts
  - o Stimulates investment and economic vitality

---

<sup>1</sup> New Braunfels Downtown Action Plan, January 7, 2021

<sup>2</sup> 2018 Envision New Braunfels comprehensive plan

<sup>3</sup> City of New Braunfels Downtown Implementation Plan, January 2010

<sup>4</sup> Texas Historical Commission, Texas Main Street Program 2023



### Co-Op Marketplace Narrative

The goal of the Co-Op Marketplace is to create a new and unique destination by converting the former producers Co-Op into a space that promotes pedestrian circulation via open spaces that provide lighting, benches, trees and other enhanced furnishings to the public that improve downtown's aesthetic quality, provide entrepreneurs an opportunity to flourish and preserve New Braunfels' historic resources.

The current site plan of the Co-Op Marketplace forgoes the typical developers' focus on maximizing profitability in favor of recognizing the unique opportunity to make significant progress towards fulfilling the goals of Envision New Braunfels and the Downtown Implementation Plan. This unique site can provide connectivity and promote pedestrian circulation between the main streets that anchor it. The Co-Op Marketplace site plan contributes significant streetscape and amenity improvements to downtown that very few sites will be able to provide in the future while maintaining the character of this historic business district.

The design of this site is strongly focused on providing open spaces with enhanced amenities accessible to the public including lighting, sitting areas, trees, restrooms, a splashpad and a stage that provides enhanced opportunities to celebrate the community's unique identity via downtown events while preserving an important historical landmark. Outdoor exhibition facilities have been designed to build upon New Braunfels' strong program of downtown events and activities such as the New Braunfels Farmers Market.

The network of trails is designed to improve pedestrian access for locals and tourists to desirable destinations and connect the South Castell Avenue Visioning Plan to the downtown core. The site's promotion of walkability will serve to help attract younger generations seeking pedestrian connections and improve public safety by eliminating existing driveways. The current site plan provides for increased automobile parking on Hill Street that would otherwise be unavailable. Outdoor restrooms are designed to provide facilities to the public which support the public's use of these open space improvements.

The Co-Op Marketplace site provides a unique opportunity to achieve the Downtown Implementation Plan goal for quality places downtown and along South Castell Avenue while taking the City a step closer to ensuring green spaces are within a one mile walk or bicycle ride for every household in New Braunfels. This unique opportunity to immediately collaborate with local partners in the private sector to develop these downtown open spaces aligns with regional green infrastructure goals while reducing the City's regular maintenance costs typically associated with this type of infrastructure.

The current plan includes a large 15,000 square foot building designed to be a destination marketplace that blends retail and food concepts in a stylish indoor space designed to attract the growing number of consumers who are looking for an alternative to internet, mall and big box shopping experiences. The goal is to provide a space where entrepreneurs can have an opportunity in downtown where retail and restaurant spaces would likely be unavailable or inaccessible otherwise. The entire Co-Op Marketplace site would serve as a destination to promote these new business enterprises so that they can grow, attract talent, and generate enough momentum to be successful elsewhere in the community once they have outgrown this space.

The Co-Op Marketplace is a unique opportunity to accomplish many of the communities' goals on a unique site in downtown New Braunfels.

## **RESOLUTION 2024-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 AN ECONOMIC DEVELOPMENT INCENTIVE OF UP TO \$4,500,000 TO 210 S. CASTELL, LLC FOR OPEN SPACE IMPROVEMENTS AND POSSIBLE ENTERTAINMENT AND EXHIBITION FACILITIES, PURSUANT TO SECTION 505.152 OF THE TEXAS LOCAL GOVERNMENT CODE.**

WHEREAS, the New Braunfels Economic Development Corporation (“NBEDC”) met on August 15, 2024 to consider a request from 210 S. Castell, LLC for an economic development incentive to help fund a portion of their open space improvements, possible entertainment, and exhibition facilities, associated with the Co-Op Marketplace project; and

WHEREAS, the project includes plans to renovate existing buildings to house a public market and specialty grocery spaces, add in a grand lawn, performance plaza, and public restrooms; and

WHEREAS, the project intends to create opportunities for small businesses to operate and grow, will act as an incubator by providing leased spaces with low overhead and risk, and will allow for the expansion of the existing Downtown Farmer’s Market; and

WHEREAS, section 505.152 of the Texas Local Government Code outlines approved projects for the NBEDC to include “open space improvements” as eligible for funding; and

WHEREAS, the NBEDC held a public hearing on September 12, 2024 to request public comments about the proposed economic development incentive; and

WHEREAS, after discussing the item, the NBEDC voted to approve the incentive in an amount up to \$4,500,000, to 210 S. Castell, LLC for the planned open space, possible entertainment, and exhibition facilities associated with the Co-Op Marketplace project; and

WHEREAS, the NBEDC will enter into an economic development agreement with 210 S. Castell, LLC for a period of ten years; and

WHEREAS, the economic development agreement will outline obligations for 210 S. Castell, LLC and the incentives provided by the NBEDC;

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

Section 1: That the recommendation of the New Braunfels Economic Development Corporation to approve an economic development incentive of up to \$4,500,000 to 210 S. Castell, LLC is hereby approved.

Section 2: That an economic development agreement between the NBEDC and 210 S. Castell, LLC will be executed to address the obligations and incentive payments and the NBEDC President and Secretary are authorized to execute the document.

Section 3: That this Resolution shall become effective from and after the date of its passage.

PASSED, ADOPTED, AND APPROVED this XX day of MONTH 2024.

CITY OF NEW BRAUNFELS

BY: \_\_\_\_\_  
NEAL LINNARTZ, MAYOR

ATTEST:

BY: \_\_\_\_\_  
GAYLE WILKINSON, CITY SECRETARY

10/14/2024

Agenda Item No. E)

**PRESENTER:**

Jeff Jewell, Economic and Community Development Director

**SUBJECT:**

Public hearing and first reading of an ordinance amending Chapter 122 - Taxation - of the Code of Ordinances by adding an exemption from ad valorem taxes for qualifying childcare facility properties; providing for the repeal of conflicting provisions; providing for a severability clause; and declaring an effective date.

**DEPARTMENT:** Economic and Community Development**COUNCIL DISTRICTS IMPACTED:** All**BACKGROUND INFORMATION:**

On November 7, 2023, Texas voters approved an amendment to the Texas Constitution which authorized cities and counties to provide an exemption from ad valorem property taxation of 50 to 100 percent of the appraised value of all or a portion of real property used to operate a qualifying childcare facility. This exemption is in Texas Tax Code Section 11.36, passed during the 88<sup>th</sup> Texas Legislature regular session.

This proposed ordinance adopts an exemption of 100 percent (100%) of the appraised value of all or a portion of real property used to operate a qualifying childcare facility, starting in the 2025 tax year. Once Council adopts this ordinance, the person claiming the exemption must apply to the applicable appraisal district in which the property is located to receive the childcare facility tax exemption. The law requires the property owner to ensure that the rent charged reflects the tax reduction, which can be passed through a monthly or an annual rent credit.

To qualify, a childcare facility must be licensed by the Health and Human Service Commission, the owner or operator must participate in the Texas Workforce Commission (TWC)'s Texas Rising Star Program, and at least 20 percent (20%) of the total number of children enrolled at the facility must be subsidized by TWC's childcare services program.

The following cities and counties have passed this same exemption: San Marcos, Kyle, Hays County, San Antonio, Bexar County, McKinney, Fort Worth, Tarrant County, Harris County, Houston, Austin, Denton, El Paso County, and Aransas County.

If approved, city staff would provide information and instructional guidance to childcare providers interested in applying for the exemption by working collaboratively with Comal and Guadalupe Counties. The Texas Comptroller's Form 50-844 will be the required application to apply for this exemption and must be submitted to the appropriate appraisal district by April 2025 to be eligible for 2025 tax savings.

City Council received an informational presentation on this matter at the July 11, 2024, Council Retreat and requested city staff to advance next steps.

**ISSUE:**

Section 11.36 of the Texas Tax Code, as added by S.B. 1145 of the 88<sup>th</sup> Texas Legislature (2023), authorizes a

---

municipality to adopt an exemption from ad valorem property taxes for businesses operating as a qualifying child-care facility. This proposed ordinance allows the City to provide this tax benefit to eligible child-care businesses, per state law.

**STRATEGIC PLAN REFERENCE:**

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

**FISCAL IMPACT:**

Home-based and non-profit providers are not eligible for the exemption. New Braunfels currently has three eligible childcare facilities that are members of the TWC rising star program. The fiscal impact is expected to be immaterial.

**RECOMMENDATION:**

The New Braunfels City Council approve the first reading of this ordinance and advance the item to a second reading at a future City Council meeting.

## ORDINANCE NO. 2024 - XX

**AN ORDINANCE AMENDING CHAPTER 122 – TAXATION - OF THE CODE OF ORDINANCES BY ADDING AN EXEMPTION FROM AD VALOREM TAXES FOR QUALIFYING CHILD-CARE FACILITY PROPERTIES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, Texas Tax Code Section 11.36, as added by S.B. 1145 of the 88<sup>th</sup> Texas Legislature regular session (2023), authorizes a municipality to adopt an exception from ad valorem property taxes on all or part of the appraised value of real property, or a portion thereof, for businesses operating as a qualifying child-care facility; and

**WHEREAS**, an exemption as described above, of 100 percent (100%) of the appraised value of all or a portion of real property used to operate a qualifying child-care facility is in the public interest; and

**WHEREAS**, providing tax incentives for child-care providers in New Braunfels may benefit families who may be forced to choose between working full-time or staying home to save on childcare costs; and

**WHEREAS**, providing tax incentives for child-care providers in New Braunfels may also benefit employers whose workforce can focus on their attendance and career advancement, instead of missing work when their children cannot be looked after.

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

### **SECTION 1: Amendment**

That Chapter 122, Article V, of the New Braunfels Code of Ordinances is hereby amended with additions as underlined and deletions as stricken:

## **ARTICLE V. ~~RESERVED~~ CHILD-CARE FACILITIES**

### **Sec. 122-121. - Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Child-care facility means a facility licensed by the Health and Human Services Commission to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.

Qualifying child-care facility means a child-care facility: the owner or operator of which participates in the Texas Workforce Commission's Texas Rising Start Program as described by Texas Government Code Section 2308.3155 for that facility; and at which at least 20 percent of the total number of children enrolled at the facility receive subsidized child-care services provided through the child-care services program administered by the Texas Workforce Commission.

### **Sec. 122-122. - Exemption**

(a) Subject to subsection (b), a qualifying child-care facility is eligible for exemption from taxation by the City of 100 percent of the appraised value of:

- \_\_\_\_\_ (1) the real property owned and operated as a qualifying child-care facility; or
- \_\_\_\_\_ (2) the portion of the real property that is leased to a person who uses the property to operate a qualifying child-care facility.

(b) To qualify for the exemption authorized in subsection (a), the property for which the exemption is to apply must:

- \_\_\_\_\_ (1) except as provided in subsection (c), be used exclusively to provide developmental and educational services for children attending the child-care facility; and
- \_\_\_\_\_ (2) reasonably necessary for the operation of the child-care facility.

(c) The use of exempt property for functions other than providing developmental and educational services for children attending the child-care facility located on the property does not result in the loss of an exemption authorized by this section if those other functions are incidental to the use of the property for providing those services to those children and benefit those children or the staff and faculty of the facility.

(d) A person who claims an exemption under subsection (a)(2) must include with the application for the exemption an affidavit certifying to the chief appraiser for the appraisal district that appraises the property that is the subject to the application that:

- \_\_\_\_\_ (1) the person has provided to the child-care facility to which the property is leased a disclosure document stating the amount by which the taxes on the property are reduced as a result of the exemption and the method the person will implement to ensure that the rent charged for the lease of the property fully reflects that reduction;
- \_\_\_\_\_ (2) the rent charged for the lease of the property reflects the reduction in the amount of taxes on the property resulting from the exemption through a monthly or annual credit against the rent; and
- \_\_\_\_\_ (3) the person does not charge rent for the lease of the property that exceeds:
  - \_\_\_\_\_ (A) for the property that consists of space in a commercial property, the rent charged by the person to other tenants of the commercial property for similar space; or
  - \_\_\_\_\_ (B) for property other than the property described in (A), the average rent charged for comparable rental property.

(e) Notwithstanding any other provision of this section, a person may not claim the exemption under subsection (a)(2) for:

- \_\_\_\_\_ (1) property on which the person also claims a residence homestead exemption under Texas Tax Code Section 11.13; or
- \_\_\_\_\_ (2) any part of which is leased by the person to another person for use as a principal residence.

~~Sees. 122-121 — 122-124.~~ Secs. 122-123 – 122-124. Reserved.

### **SECTION 2: Repealer**

All provisions of the New Braunfels Code of Ordinances, or other ordinances, whether codified or uncodified, 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 this 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 constitutionality 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, with exemptions under this ordinance applying beginning with the tax year 2025.

**PASSED AND APPROVED:** First reading this the 14<sup>th</sup> day of October, 2024.

**PASSED AND APPROVED:** Second reading this the 28<sup>th</sup> day of October, 2024.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**Neil Linnartz, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Gayle Wilkinson, City Secretary**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**VALERIA M. ACEVEDO, City Attorney**

# Application for Child-Care Facility Property Tax Exemption

Form 50-844

Tax Year

Appraisal District's Name

Appraisal District Account Number (if known)

**GENERAL INFORMATION:** This application applies to property that is owned or leased by a child-care facility that meets the qualifications for exemption pursuant to Tax Code Section 11.36.

**FILING INSTRUCTIONS:** Applicants must file this application and all supporting documents with the appraisal district office in each county in which the property is located. **Do not file this document with the Texas Comptroller of Public Accounts.**

## SECTION 1: Property Owner/Applicant

Did the applicant own the property that is the subject of this application on Jan. 1 of the tax year? ..... ☐ Yes ☐ No

☐ Individual ☐ Partnership ☐ Corporation ☐ Other (specify): \_\_\_\_\_

Name of Property Owner

Driver's License, Personal I.D. Certificate  
Social Security Number or Federal Tax I.D. Number\*

Physical Address, City, State, ZIP Code

Primary Phone Number (area code and number)

Email Address\*\*

Mailing Address, City, State, ZIP Code (if different from the physical address provided above)

## SECTION 2: Authorized Representative

**If you are an individual property owner filing this application, skip to Section 3; all other applicants filing on the property owner's behalf are required to complete Section 2.**

Please indicate the basis for your authority to represent the property owner in filing this application:

☐ Officer of the company ☐ General Partner of the company ☐ Attorney for property owner

☐ Agent for tax matters appointed under Tax Code Section 1.111 with completed and signed Form 50-162

☐ Other and explain basis: \_\_\_\_\_

Provide the following information for the individual with the legal authority to act for the property owner in this matter:

Name of Authorized Representative

Driver's License, Personal I.D. Certificate, or Social Security Number\*

Title of Authorized Representative

Primary Phone Number (area code and number)

Email Address\*\*

Mailing Address, City, State, ZIP Code

## SECTION 3: Property Description

Provide the descriptive information requested below for the property that is the subject of this application:

Physical Address (i.e. street address, not P.O. Box), City, State, ZIP Code

Appraisal District Account Number (if known)

Legal Description:

**SECTION 4: Child-Care Facility Information**

Name of Child-Care Facility

Owner/Operator

Primary Phone Number (area code and number)

Email Address\*\*

Mailing Address, City, State, ZIP Code

**SECTION 5: Property Use**

1. Is the child-care facility licensed by the Health and Human Services Commission? ..... ☐ Yes ☐ No  
If yes, please provide the license number: \_\_\_\_\_
2. What services are provided by the child-care facility?

3. Are any of the children related by blood, marriage or adoption to the owner or operator of the child-care facility? ..... ☐ Yes ☐ No
4. Does the child-care facility owner or operator participate in the Texas Workforce Commission's Texas Rising Star Program? ..... ☐ Yes ☐ No
5. Do 20 percent of the total number of children enrolled receive subsidized childcare services provided through the child-care services program administered by the Texas Workforce Commission? ..... ☐ Yes ☐ No
6. Is the property currently receiving an exemption under Tax Code Section 11.13, or is any part of the property leased to another person for use as a principal residence? ..... ☐ Yes ☐ No

**SECTION 6: Certification and Signature****If you make a false statement on this form, you could be found guilty of a Class A misdemeanor or a state jail felony under Penal Code Section 37.10.**

I, \_\_\_\_\_, swear or affirm the following:

Printed Name of Property Owner or Authorized Representative

1. that each fact contained in this application is true and correct;
2. that the property described in this application meets the qualifications under Texas law for the child-care facility exemption claimed;
3. that I have read and understand the Notice Regarding Penalties for Making or Filing an Application Containing a False Statement.

**sign  
here** ➡

Signature of Property Owner or Authorized Representative

Date

\* If the property owner is a company or other legal entity (not an individual), it must provide the entity's Federal Tax I.D. Number. Disclosure of your social security number (SSN) may be required and is authorized by law for tax administration and identification of any individual affected by applicable law. Authority: 42 U.S.C. § 405(c)(2)(C)(i); Tax Code Section 11.43(f). Except as authorized by Tax Code Section 11.48(b), a driver's license number, personal identification certificate number, or social security number provided in this application for an exemption filed with your county appraisal district is confidential and not open to public inspection under Tax Code Section 11.48(a).

\*\* An email address of a member of the public could be confidential under Government Code Section 552.137; however, by including the email address on this form, you are affirmatively consenting to its release under the Public Information Act.

# Important Information

## GENERAL INFORMATION

This application is for claiming a property tax exemption for a property that is owned or leased by a qualifying child-care facility pursuant to Tax Code Section 11.36. The exemption applies only to property located in a county or municipality in which the governing body of the taxing unit has authorized the exemption.

## FILING INSTRUCTIONS

Applicants must file this application and all supporting documentation with the appraisal district office in each county in which the property is located. **Do not file this document with the Texas Comptroller of Public Accounts.** You can find a county directory with contact information for appraisal district offices on the Comptroller's website.

## APPLICATION DEADLINES

You must file the completed application with all required documentation beginning Jan. 1 and not later than April 30 of the year for which you are requesting an exemption.

## ADDITIONAL INFORMATION REQUEST

The chief appraiser may request additional information to evaluate this application. Property owner must comply within 30 days of the request or the application will be denied. The chief appraiser may extend this deadline for a single period not to exceed 15 days for good cause shown (Tax Code Section 11.45).

## DUTY TO NOTIFY

Once the child-care exemption is granted, an application does not need to be filed annually unless the property's ownership changes or qualifications for the exemption change. The chief appraiser may require a new application to be filed to confirm eligibility by sending written notice and an application. You must notify the chief appraiser in writing before May 1 after the right to the exemption ends.

## DOCUMENTATION

Applicants must include the following documents with the application:

- Documentation that the child-care facility participates in the Texas Workforce Commission's Texas Rising Star Program as described by Government Code Section 2308.3155.
- Documentation showing that at least 20 percent of children enrolled in the child-care facility receive subsidized child-care services provided through the child-care services program administered by the Texas Workforce Commission.
- For a property owner leasing the property to a qualifying child-care facility, Form 50-845, Child-Care Facility Exemption Affidavit certifying that the property owner has provided to the child-care facility a disclosure in accordance with Tax Code Section 11.36(f).

**10/14/2024**

Agenda Item No. A)

---

**SUBJECT:**

Deliberate issues regarding economic development negotiations in accordance with Section 551.087 of the Texas Local Government Code:

1. Project Lark
2. Project Sun

**10/14/2024**

Agenda Item No. B)

---

**SUBJECT:**

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, including but not limited to:

- City of New Braunfels v. Stoddard Construction Management, Inc. and Swiss Re Corporate Solutions America Insurance Corp.; C2024-1777D
- Specplay Equipment Co. and A-OK Playgrounds, LLC



## City Council - Executive Session Agenda Item Report

550 Landa Street  
New Braunfels, TX

**10/14/2024**

Agenda Item No. C)

---

---