



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



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

TUESDAY, APRIL 13, 2021 at 6:00 PM

Rusty Brockman, Mayor	Matthew E. Hoyt, Councilmember (District 4)
Shane Hines, Councilmember (District 1)	Jason Hurta, Councilmember (District 5)
Justin Meadows, Mayor Pro Tem (District 2)	James Blakey, Councilmember (District 6)
Harry Bowers, Councilmember (District 3)	Robert Camareno, City Manager

**Please click the link below to join the webinar:
<https://us02web.zoom.us/j/85059081669> or call
(833) 926-2300 Webinar ID: 850 5908 1669**

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

INVOCATION: MAYOR PRO MEADOWS

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

1. WORKSHOP

- A) Presentation, discussion, and possible direction for an [21-374](#) update to the Capital Improvements Plan (CIP) to support the preparation and development of future bond programs.
Jennifer Cain, Capital Programs Manager
- B) Presentation, discussion, and possible direction to staff [21-377](#) regarding maintenance of sidewalks.
Garry Ford, Jr., Assistant Public Works Director/City Engineer
- C) Presentation and discussion regarding proposed City of [21-376](#) New Braunfels drainage policy changes.
Melissa Reynolds, First Assistant City Engineer

NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).

CERTIFICATION

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

Caitlin Krobot, City Secretary

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

4/13/2021

Agenda Item No. A)

PRESENTER:

Jennifer Cain, Capital Programs Manager

SUBJECT:

Presentation, discussion, and possible direction for an update to the Capital Improvements Plan (CIP) to support the preparation and development of future bond programs.

DEPARTMENT: Public Works, Capital Programs**COUNCIL DISTRICTS IMPACTED:** All, Citywide**BACKGROUND INFORMATION:**

In 2012, the City performed an update to the Capital Improvements Plan (CIP) which was adopted by the City Council. In advance of the 2013 and 2019 bond programs, the current CIP, along with various other master plans and studies were collectively utilized to assist in identifying and prioritizing capital investment projects. However, no other formal updates have been made to the plan since the 2012 update.

Staff is recommending the solicitation of requests for qualifications for a consultant to assist in the update of the CIP. The CIP update would include but is not limited to meeting with stakeholders to identify needs, reviewing current plans and documents, providing high level cost estimates, and assisting in the categorization and prioritization of all the identified projects. While we are in the middle of the 2019 bond program, initiating the CIP now is needed so that it would be available to support the preparation of a future bond program. The remaining bonds stemming from the 2019 bond program will be issued in FY 2021, FY 2022 and FY 2023. Therefore, the next ideal opportunity for a bond election is either May or November of 2023. Additional information on a draft timeline from development of the CIP to a potential bond election will be presented during the workshop.

ISSUE:

N/A

FISCAL IMPACT:

The costs for the CIP will be supported by General Fund reserves.

RECOMMENDATION:

Staff recommends the solicitation of requests for qualifications for a consultant to assist in the update of the CIP to support the preparation and development of future bond programs.

4/13/2021

Agenda Item No. B)

PRESENTER:

Garry Ford, Jr., Assistant Public Works Director/City Engineer

SUBJECT:

Presentation, discussion, and possible direction to staff regarding maintenance of sidewalks.

DEPARTMENT: Public Works

COUNCIL DISTRICTS IMPACTED: Citywide

BACKGROUND INFORMATION:

Staff received questions during capital project development and right-of-way negotiations regarding the maintenance responsibility of sidewalks and shared-used paths constructed by the City of New Braunfels using local, state, or federal funds. Section 114-3 of the City of New Braunfels Code of Ordinances specifies that it shall be the duty and the obligation of all owners, occupants and users of real property upon which a sidewalk, driveway or other way is located and used by or which may be used by the public to keep and maintain such sidewalk, driveway or way in a safe condition for use.

Staff is considering amending the ordinance to specify that City will maintain sidewalks, driveways, or other pedestrian facilities in City right-of-way if they are initially constructed using city, state, or federal funds since 2013.

ISSUE:

Maintenance responsibility of sidewalks, driveways, or other pedestrian facilities if initially constructed using city, state, or federal funds.

FISCAL IMPACT:

Additional funds will be required.

RECOMMENDATION:

Recommendation will be determined by discussion and possible staff direction.

4/13/2021

Agenda Item No. C)

PRESENTER:

Melissa Reynolds, First Assistant City Engineer

SUBJECT:

Presentation and discussion regarding proposed City of New Braunfels drainage policy changes.

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

City staff is proposing amendments to the Drainage and Erosion Control Design Manual and the Code of Ordinances, Chapter 58 - Floods. The proposed amendments are based on recommendations from the Drainage Area Master Plan (DAMP) development and the Community Rating System (CRS) Improvement Report. These items were previously presented in fall of 2020 and have been posted on the Engineering webpage for comment since late 2020. Staff has received minor comments and questions primarily regarding one element, to which more detail is presented below.

The DAMP, initiated in 2019, is currently finalizing Phase 1 which includes updates to regulations to align with State standards. These updates are important for Phase 2 - remapping of floodplains based on new hydrology. Phase 1 also provided recommendations for improvements to the floodplain ordinance to improve CRS rating enhancements. This DAMP is intended to function as a comprehensive and holistic watershed program that is sustainable.

The CRS is the National Flood Insurance Program's (NFIP) voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. The CRS Improvement Report was intended to investigate the City's potential to achieve improved CRS rating, creating better benefits for residents.

Drainage and Erosion Control Design Manual

The following amendments are proposed to the Drainage and Erosion Control Design Manual:

Chapter 2 - Drainage Policy and Criteria are proposed and include a new section, Floodplain Development Requirements. This section will include floodplain development requirements, establishing floodplain regulation to the 1% annual chance ultimate development (AC UD) flood, establishing requirements for compensatory excavation in the floodplain to offset lost floodplain volume in the 1% AC UD.

Section 2.9 is proposed to be revised to incorporate stream buffers (previously termed erosion hazard setbacks) regulated by contributing drainage areas. Stream buffers are important for preserving rivers and creeks,

protecting water quality, and provide aquatic habitats for endangered species. Feedback received to date has produced the need for more staff efforts to create a GIS map supporting this implementation and clarifying intent. Due to the additional efforts, we are proposing delaying this element to a later date at which time we will take this item, stand-alone, through the approval process.

Chapter 3 - Design Rainfall was revised ahead of the full policy changes and updates the City's Design Rainfall to align with the new NOAA Atlas 14, Volume 11 Texas. Note that this change went into effect January 2021 and is simply included to illustrate the holistic changes.

Chapter 4 - Determination of Design Discharge are proposed in order to update references to design rainfall criteria. Additionally, proposed changes include adding mitigation for the 50-year design storm to the already required 2, 10, 25, and 100-year storms.

Chapter 10 - Detention and Retention Facilities include updates for clarification for maximum water depths and incorporating the 50-year storm frequency to the design criteria for mitigation ponds.

Other updates include updates to Appendixes for Definitions of Terms, incorporating new terminology and removing the Stream Bank Erosion Hazard Setback Exhibit.

Code of Ordinances, Chapter 58 - Floods

The following amendments are proposed to the City of New Braunfels Code of Ordinances, Chapter 58, Floods:

Sec. 58-27 - Definitions is proposed to be revised to include new terms and clarification for existing terms.

Sec. 58-28.2 - General Provisions for establishment of the one percent annual chance ultimate development with Atlas 14 as the regulatory floodplain, which is critical to ensure accurate analysis prior to actual map revisions are adopted.

Sec. 58-29 - Administration include designating the floodplain administrator as the City Engineer, updates to reference the current Fee Schedule, and updating the variance procedures to remove the Construction Board of Appeals and insert City Council.

Sec. 58-30 - Provisions for flood hazard reduction is proposed to be amended to include a language not permitting recreational vehicles in the floodway. Further updates include a new section, 58-30.5 Floodplain to include the detailed requirements for development in the floodplain and reference to new hydrology requirements. Additionally, clarifications and reference updates were provided for Sec. 58-30.7 - "No-rise/no-impact certification" in order to clarify the modelling needs for review analysis.

Review Process

This item was initially presented to the Watershed Advisory Committee, Planning Commission, and City Council for information and initial feedback in fall of 2020. The changes have been posted online for stakeholder and public input since December 2020. Engineering hosted 2 virtual stakeholder presentations on April 1, 2021 along with an engineering workshop on April 8, 2021.

The feedback received and proposed text will be considered and discussed at follow-up meetings for the Watershed Advisory Committee on April 22, 2021 followed by Planning Commission for presentation and recommendation to Council.

ISSUE:

The proposed drainage policy changes are consistent with the following actions from Envision New Braunfels: Action 4.28: Acquire and set aside as much land as possible along the Comal and Guadalupe Rivers and their tributaries within the floodplain for greenspace and/or additional river access.

Action 5.2: Discourage development in Edwards Aquifer Recharge and contributing zones, stream zones, flood-prone areas, steep slopes, or other ecologically constrained areas. Where development in these areas must occur, require that it be environmentally sound using tools such as but not limited to low impact development (LID).

Action 5.6: Implement measures to achieve and maintain a high National Flood Insurance Program CRS rating to ensure the safety of all residents and to reduce property owner flood insurance rates.

Action 5.15: Ensure that developers adequately address drainage in their projects and developments.

The proposed drainage policy changes are consistent with the following minimum control measure from the Municipal Separate Storm Sewer System (MS4) Stormwater Management Program:

Minimum Control Measure 4: Post-Construction stormwater management in new development and re-development. Encouraging low impact development designs and establishing riparian zones and vegetative areas.

The proposed drainage policy changes are consistent with the following items from the Stormwater Management Strategy Report (2013):

Open Space Conservation - Set aside lands and preserve open space that have high infiltration rates which would contribute to reduced peak flow levels and increased infiltration.

Floodway Hazard Mitigation - to Further limit or restrict new construction in the 100-year floodplain and floodway beyond existing ordinance.

Stream Bank Setback - Establish setbacks from streams for new development.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Committee

This item will be presented to the Watershed Advisory Committee on April 22, 2021 and Planning Commission on May 4, 2021. Staff will update the City Council of the outcome of those meetings.

Staff

N/A