



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



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

**MONDAY, FEBRUARY 27, 2017 at 6:00 PM**

Barron Casteel, Mayor	Chris Monceballez, Councilmember (District 4)
George Green, Councilmember (District 1)	Wayne Peters, Mayor Pro Tem (District 5)
Justin Meadows, Councilmember (District 2)	Leah A. García, Councilmember (District 6)
Ron Reaves, Councilmember (District 3)	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**

**INVOCATION: Mayor Barron Casteel**

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

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

**PRESENTATIONS:**

- A) 2016 Achievement of Library Excellence Award  
*Gretchen Pruett, Library Director*

**1. MINUTES**

- A) Discuss and consider approval of the minutes of the special City Council meetings of February 3, and the regular City Council meeting of February 13, 2017.  
*Patrick Aten, City Secretary*  
[Minutes - February 3, 2017 Special Meeting](#)  
[Minutes - February 13, 2017 Regular Meeting](#)

**2. 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.

**3. 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.*

*Resolutions & Action Items*

- A) Approval of the Mayoral appointment of one individual as the Chair of the Watershed Advisory Committee for a term ending April 28, 2020.  
*Patrick Aten, City Secretary*
- B) Approval of a resolution supporting an application to the Texas Department of Housing and Community Affairs for 2017 competitive nine percent housing tax credits for Residences at New Braunfels and providing a commitment of development funding; and authorizing the city manager to execute necessary agreements.  
*Jeff Jewell, Economic Development Manager*  
[New Braunfels - Resolution of Support - NBHP LTD.docx](#)  
[NuRock company portfolio-small.pdf](#)
- C) Approval of a resolution supporting an application to the Texas Department of Housing and Community Affairs for 2017 competitive nine percent housing tax credits for Oak Creek Senior Village and providing a commitment of development funding; and authorizing the city manager to execute necessary agreements.  
*Jeff Jewell, Economic Development Manager*  
[New Braunfels - Resolution of Support - Oak Creek Senior Village.docx](#)  
[JES Holdings - Company Overview.pdf](#)
- D) Approval of the purchase of vehicles from Bluebonnet Motors, Inc., Griffith Ford Seguin, LLC, and Silsbee Ford; and to declare replacement units as surplus.  
*Jennifer Gates, Buyer*
- E) Approval of the ratification of an annual expenditure with Strategic Government Resources Inc. for FY 2016-17.  
*Kristi Aday, Assistant City Manager*
- F) Approval of a resolution for inclusion of the New Braunfels Public Library in a grant application by the Bulverde Spring Branch Public Library to the Texas State Library and Archives Commission for a Library Cooperation Grant to purchase a mobile maker space and authorizing the City Manager to execute all contract documents associated with the grant, if awarded.  
*Gretchen Pruett, Library 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.)*

- G) Approval of the second and final reading of an ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to install traffic control devices at Pahmeyer Road and Strawcove.

*Garry Ford, City Engineer*

[Pahmeyer and Strawcove Proposed Stops Map](#)

[2017-02-13 Ordinance - Pahmeyer at Strawcove Stop Sign](#)

- H) Approval of the second and final reading of an ordinance amending Section 126-346 of the Code of Ordinances to add a no parking zone on East Faust Street near the intersection with Comal Avenue and amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to install traffic control devices in the neighborhood of East Faust Street.

*Garry Ford, City Engineer*

[Comal&Faust Area Proposed Stops Map](#)

[2017-02-13 Ordinance - Comal&Faust NPZ and stops](#)

- I) Approval of the second and final reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Areas G and I.

*Garry Ford, City Engineer*

[Area I Map](#)

[Redline Ordinance - Areas G and I for CC](#)

[2017-02-13 Ordinance - Amend Parking by Permit Areas G&I](#)

- J) Approval of the second and final reading of an ordinance regarding the establishment of new fees for services provided or facilitated by the Planning and Community Development Department.

*Christopher J. Looney, Planning and Community Development Director*

[Service explanation for fees](#)

[Draft Ordinance](#)

- K) Approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to create no parking zones on Floral Avenue and Rainy Creek.

*Garry Ford, City Engineer*

[Floral Ave NPZ Map](#)

[Rainy Creek NPZ Map](#)

[2017-02-27 Ordinance - Floral Ave & Rainy Creek NPZ](#)

- L) Approval of the second and final reading of an ordinance for the proposed abandonment and sale of approximately 0.23 acres of street right-of-way at the terminus of Merriweather Street.

*Christopher J. Looney, Planning and Community Development Director*

[Application](#)

[Survey](#)

[Aerial Maps](#)

[Zoning and Land Use Maps](#)

[Executive Summary from Appraisal](#)

[Photographs](#)

[Ordinance No. 2015-69](#)

[2017 Ordinance](#)

4. **INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Discuss and consider approval of a resolution in support of state legislation also known as “David’s Law” that combats cyber bullying anyone under the age of 18.

*Ron Reaves, Councilmember District 3*

- B) Discuss and consider approval of the appointment of one individual to the Library Advisory Board for a term ending September 26, 2019.

*Patrick Aten, City Secretary*

- C) Discuss and consider approval of the appointment of three individuals to the Building Standards Commission for terms ending October 26, 2018.

*Patrick Aten, City Secretary*

- D) Discuss and consider approval of the appointment of one individual to the New Braunfels Housing Authority Board of Commissioners for a term ending January 22, 2019.

*Patrick Aten, City Secretary*

- E) Discuss and consider approval of the first reading of an ordinance amending Chapter 62, Article VII - Smoking in Public Places, of the Code of Ordinances, by amending definitions, adding electronic smoking devices, prohibiting smoking in bars, private clubs and hotel/motel rooms; adding vape shops to exceptions; and prohibiting outdoor smoking within ten (10) feet of entrances, exits, operable windows and ventilation systems of places where smoking is prohibited.

*Valeria Acevedo, City Attorney*

[2017.02.27 Smoking Ordinance First Reading](#)



- F) Public hearing on proposed substantial amendments to the Community Development Block Grant Program Year 2016 One Year Action Plan and approval of a resolution to adopt the proposed substantial amendments.

*Martie Simpson, Finance Director*

[2016 CDBG ActionPlan SubAmend Resolution](#)

- G) Discuss and consider approval of a contract with Key Enterprises for the replacement of the gym flooring at the Westside Community Center.

*Gretchen Pruett, Library Director*

[WCC Flooring Bid - Key Enterprises](#)

- H) Discuss and consider approval of contract with D&M Owens for construction of a walking trail at Haymarket Park and basketball court replacement at Jesse Garcia Park.

*Stacey Dicke, Parks and Recreation Director*

- I) Discuss and consider approval of a BuyBoard purchase with TF Harper & Associates for furnishings at Haymarket Park.

*Stacey Dicke, Parks and Recreation Director*

- J) Public hearing and consideration of the first reading of an ordinance regarding a proposed amendment to the "Highland Grove" Planned Development District Concept Plan and related Development Standards, on property comprising 228.68 acres located south and east of the intersection of Rueckle Road and Morningside Drive.

*Christopher J. Looney, Director of Community Planning & Development*

[Aerial](#)

[Application](#)

[Current and Proposed Concept Plan](#)

[Proposed Development Standards](#)

[Maps & Notification](#)

[Photographs](#)

[Draft Planning Commission Meeting Minutes](#)

[Sec. 3.5 Planned Development Districts](#)

[Ordinance](#)

- K) Public hearing and first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area A.

*Garry Ford, City Engineer*

[2017-02-27 Ordinance - Amend Parking by Permit Area A](#)  
[Sec. 126-354 Redlines - Area A](#)  
[Area A addition map](#)

- L) Discussion and possible direction to staff on the 2017 River Management Fee.

*Kristi Aday, Assistant City Manager*

[Council Recommendation 2017Draft Final Revised](#)

**5. EXECUTIVE SESSIONS**

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items; any final action or vote taken will be in public.

- A) Deliberate and consider the purchase of, exchange, lease or value of real property, in accordance with Section 551.072, of the Texas Government Code, including but not limited to:
  - acquisition of land for city facilities
- B) Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:
  - Alta Towers, LLC v. City of New Braunfels and City of New Braunfels Zoning Board of Adjustment

*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).*

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

**CERTIFICATION**

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall on February 22, 2017, at 10:00 a.m.

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Patrick Aten, 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.





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**2/27/2017**

Agenda Item No. A)

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Presenter/Contact

*Gretchen Pruett, Library Director*  
(830) 221-4322 - [gpruett@nbtexas.org](mailto:gpruett@nbtexas.org)

**SUBJECT:**

2016 Achievement of Library Excellence Award

**BACKGROUND / RATIONALE:**

[Enter Background/Rationale Here]

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

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**FISCAL IMPACT:**

[Enter Fiscal Impact Here]

**COMMITTEE RECOMMENDATION:**

[Enter Committee Recommendation Here]

**STAFF RECOMMENDATION:**

[Enter Staff Recommendation Here]

## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**2/27/2017**

Agenda Item No. A)

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Presenter/Contact

*Patrick Aten, City Secretary*  
(830) 221-4010 - [paten@nbtexas.org](mailto:paten@nbtexas.org)

**SUBJECT:**

Discuss and consider approval of the minutes of the special City Council meetings of February 3, and the regular City Council meeting of February 13, 2017.

**BACKGROUND / RATIONALE:**

N/A

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

N/A

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of the minutes of the special City Council meetings of February 3, 2017, and the regular City Council meeting of February 13, 2017.

**MINUTES  
OF THE NEW BRAUNFELS SPECIAL CITY COUNCIL  
REGULAR MEETING OF FRIDAY, FEBRUARY 3, 2017**

The City Council of the City of New Braunfels, Texas, convened in a Special Session on February 3, 2017, at 8:00 a.m.

City Councilmembers present were:

**Present**     6 - Mayor Barron Casteel, Councilmember Justin Meadows, Councilmember Ron Reaves, Councilmember Chris Monceballez, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

**Absent**     1 - Councilmember George Green

City Staff present were:

City Manager Robert Camareno, Assistant City Manager Kristi Aday, City Attorney Valeria Acevedo, City Secretary Patrick Aten, Police Chief Tom Wibert, Fire Chief Kenneth Jacks, Human Resources Director Gary Wuest, Planning and Community Development Director Christopher Looney, Economic Development Manager Jeff Jewell, Public Information Officer Sheri Masterson, Information Technology Director Travis Cochrane, Library Director Gretchen Pruitt, Finance Director Martie Simpson, Assistant Finance Director Jared Werner, and Capital Programs Manager Bryan Woods.

The meeting was called to order by Mayor Casteel in the Milltown Historic District Grande Room at 8:20 a.m. Councilmember Monceballez gave the invocation; and Mayor Casteel led the Pledge of Allegiance and the Salute to the Texas Flag.

**1. CITY COUNCIL RETREAT**

- A) Presentation and discussion regarding the FY 2016-17 financial position.
- B) Presentation, discussion, and possible direction regarding the operations of the Landa Park Golf Course.
- C) Presentation, discussion, and possible direction regarding the Community Recreation Center Business Plan.
- D) Presentation, discussion, and possible direction regarding the status of the Self Insurance Fund.

- E) Presentation, discussion, and possible direction regarding the development of the FY 2017-18 Budget.

**Mayor Casteel read the aforementioned captions.**

**Robert Camareno introduced the items.**

**Golf Strategist J.J. Keegan presented strategies for the Landa Park Golf Course. Staff will examine the recommendations and come back to City Council for further input.**

**Staff recommended Option C for the Community Recreation Center, but will have to come back to City Council for further input.**

**No action was taken on any of the agenda items.**

City Council did not meet in Executive Session.

This special meeting adjourned at 1:26 p.m.

Date Approved: February 27, 2017

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BARRON CASTEEL, MAYOR

Attest:

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PATRICK ATEN, CITY SECRETARY

**MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL  
REGULAR MEETING OF MONDAY, FEBRUARY 13, 2017**

The City Council of the City of New Braunfels, Texas, convened in a Regular Session on February 13, 2017, at 6:00 p.m.

City Councilmembers present were:

**Present:** 7 - Mayor Barron Casteel, Councilmember George Green, Councilmember Justin Meadows, Councilmember Ron Reaves, Councilmember Chris Monceballez, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

City Staff present were:

City Manager Robert Camareno, Assistant City Manager Kristi Aday, City Attorney Valeria Acevedo, Prosecutor and Assistant City Attorney Nathan Brown, City Secretary Patrick Aten, Assistant City Secretary Andrea Cunningham, Development Manager Jeff Jewell, River Operations Manager Amy Niles, Police Chief Tom Wibert, City Engineer Garry Ford, Capital Programs Manager Bryan Woods, Watershed Coordinator Mark Enders, Finance Director Martie Simpson, Environmental Services Manager Bryan Ruiz, Planning and Community Development Director Christopher Looney, and Planner Benjamin Campbell.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:00 p.m. Councilmember Garcia gave the invocation; and Mayor Casteel led the Pledge of Allegiance and the Salute to the Texas Flag.

**PROCLAMATIONS:**

Mayor Casteel proclaimed February 22, 2017 as President George Washington Day.

Mayor Casteel proclaimed the month of February 2017 as Black History Month.

**PRESENTATIONS:**

Jeff Jewell gave a presentation on utilizing Low Income Housing Tax Credits.

**JES Holdings Development Manager John Guttman presented the Oak Creek Senior Village project.**



**NuRock Co. Vice President John Boyd presented on The Residences of New Braunfels project.**

Valeria Acevedo gave a presentation regarding proposed amendments to Chapter 62, Article VII, Smoking in Public Places.

**<City Council took a break.>**

**Tobacco Haus owner Mark Sewell, and American Heart Association Senior Local Policy Manager Jerry Saavedra spoke regarding the presentation.**

Kristi Aday gave a presentation on the 2017 River Management Fee and the River Advisory Committee goals.

**James Reno and Shane Wolf spoke regarding the presentation.**

**City Council gave staff the following direction: 1) For future river seasons, any changes to river activities or policies should be presented to the City Council for consideration no later than December prior to the river season year, which may require holding the River Activities Citizen Public Forum earlier in the year; 2) Review the policies and procedures by which the complimentary outfitter wristbands are disbursed and used; 3) Conduct an attendance audit of the River Advisory Committee; and 4) Review and bring to City Council a recommendation from the River Advisory Committee on camera installation at the last tuber's exit.**

## **1. MINUTES**

- A) Discuss and consider approval of the minutes of the regular City Council meeting of January 23, 2017.

**Mayor Casteel read the aforementioned caption.**

**A motion was made by Councilmember Green, seconded by Mayor Pro Tem Peters, that this item be approved. The motion passed unanimously.**

## **2. CITIZENS' COMMUNICATIONS**

San Antonio Food Bank Chief of Government & Public Affairs Mario Obledo, Jr. spoke regarding the construction of the New Braunfels Food Bank.

Cheryl Gilpin spoke regarding water.

### **3. CONSENT AGENDA**

- A) Approval of the appointment of one individual to the Central Texas Technology Center Advisory Board for a term ending April 26, 2020.
- B) Approval of the appointment of one individual to the Watershed Advisory Committee for a term ending April 18, 2020.
- C) Approval for the City Manager to renew a three-year Small Government Enterprise License Agreement with Esri for geographic information system (GIS) software licenses and online GIS training.
- D) Approval of a resolution for a grant submission to the State Homeland Security Program from Office of the Governor - Homeland Security Grants Division for up to \$52,500 for the purchase of First Defender RM S1 Product Identification Equipment, and authorizing the City Manager to accept funds and execute all contract documents associated with the grant, if awarded.
- E) Approval of a resolution and submission of a grant application to the Office of the Governor - Criminal Justice Division, General Victim Assistance Direct Services Program grant in the amount of \$60,663.36 to request funding for one full-time Crime Victim Liaison position, and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.
- F) Approval of a resolution and submission of a grant application to the Office of the Governor - Criminal Justice Division, Violence Against Women Formula Grant Program in the amount of \$107,444.49 to continue funding one full-time investigator position, and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.
- G) Approval of an annual contract with Bluebonnet Motors, Inc, Grapevine DCJ, LLC and Griffith Ford Seguin, LLC for the purchase of vehicles on an as-needed basis for the city.
- H) Approval of several vehicles to be declared as surplus prior to being sold at auction and to an area law enforcement agency, as applicable.
- I) Approval to ratify the submission of a grant application to the Texas State Library and Archives Commission for the Libraries and Literacy Grant in the amount of \$4,000 to purchase library equipment and

authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.

- J) Approval of a contract with NewGen Strategies and Solutions, LLC to perform a study of the feasibility of the City adding a permanent drop-off location for solid waste items such as household hazardous waste, electronics, bulky goods, and brush.
- K) Approval of acquisition funds in the amount of \$50,000 for purchasing right-of-way on the Live Oak Avenue/Katy Street Improvements Project.
- L) Approval of acquisition funds in the amount of \$750,000 for purchasing right-of-way and temporary construction easements on the Solms/Morningside/Rueckle Road Reconstruction Project.
- M) Approval of a Letter of Agreement for Construction Services with Enterprise Texas Pipeline LLC for adjustments to their natural gas transmission lines as required to accommodate the Alves Lane Improvements Project.
- N) Approval of an authorization for the City Manager to enter into an interlocal agreement between the City and Comal County for the use of a property located at 340 North Seguin Avenue as a construction staging area.
- O) Approval of a resolution providing Veramendi Development Company, LLC. with the City of New Braunfels' consent pursuant to the Development Agreement to create the following: WID 1A and WID 1B subdistricts, and the Comal Master Water Improvement District.
- P) Approval to amend a contract term with Frost Banking Investments for banking services.
- Q) Approval of the first reading of an ordinance for the proposed abandonment and sale of approximately 0.23 acres of street right-of-way at the terminus of Merriweather Street.
- R) Approval of the first reading of an ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to install traffic control devices at Pahmeyer Road and Strawcove.
- S) Approval of the second and final reading of an ordinance amending Chapter 126 of the City of New Braunfels Code of Ordinances

regarding Traffic and Vehicles.

- T) Approval of the second and final reading of an ordinance regarding a requested rezoning to apply a Special Use Permit to allow short term rental of residential structures in the “C-1” Local Business District, on Lot G City Block 5085, addressed at 160 W. North Street.
- U) Approval of the second and final reading of an ordinance regarding amendments to the Code of Ordinances, Chapter 118 Platting, Section 46(x) Private Streets.
- V) Approval of the second and final reading of an ordinance regarding a rezoning to apply a Special Use Permit to allow short term rental of two residences and up to eight residential cabins in the “C-2” Central Business District on approximately 0.72 acres out of Lots 32 - 35, New City Block 2016, addressed at 468, 476, and 486 N. Market Avenue.
- W) Approval of the second and final reading of an ordinance regarding a requested rezoning to apply a Special Use Permit to allow a speech therapy clinic in the “R-2” Single and Two-family District, on Lot 10A Grandview Addition, addressed at 1208 N. Walnut Avenue.

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

**Mayor Casteel read the aforementioned captions. A motion was made by Mayor Pro Tem Peters, seconded by Councilmember Monceballez, to approve the Consent Agenda. The motion passed unanimously via roll call vote.**

#### **4. INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Discuss and consider approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to add a no parking zone on East Faust Street near the intersection with Comal Avenue and amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to install traffic control devices in the neighborhood of East Faust Street.

**Mayor Casteel read the aforementioned caption.**

**Garry Ford presented the item.**

**A motion was made by Mayor Pro Tem Peters, seconded by Councilmember Meadows, that this item be approved with staff**

**recommendations. The motion passed unanimously.**

- B) Discuss and consider approval of the first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Areas G and I.

**Mayor Casteel read the aforementioned caption.**

**Garry Ford presented the item.**

**A motion was made by Councilmember Green, seconded by Mayor Pro Tem Peters, that this item be approved. The motion passed unanimously.**

- C) Discuss and consider approval of a contract with Meyers Concrete for construction of Phases 1A, 1B, & 1C of the Downtown Sidewalk Improvements Project including an 18 percent contingency.

**Mayor Casteel read the aforementioned caption.**

**Bryan Woods presented the item.**

**A motion was made by Councilmember García, seconded by Councilmember Green, that this item be approved. The motion passed unanimously.**

- D) Discuss and consider approval for an Advanced Funding Agreement with TxDOT to construct Phases 1A and 1B of the Downtown Sidewalk Improvements Project.

**Mayor Casteel read the aforementioned caption.**

**Bryan Woods presented the item.**

**A motion was made by Councilmember Green, seconded by Councilmember García, that this item be approved. The motion passed unanimously.**

- E) Presentation, discussion, and approval of the City's 2017 Plan of Finance pertaining to the contemplated issuance of obligations to be designated as "City of New Braunfels, Texas General Obligation Bonds, Series 2017"; authorizing City staff and the City's financial advisors and bond counsel to proceed with the 2017 Plan of Finance.

**Mayor Casteel read the aforementioned caption.**

**Martie Simpson presented the item.**

**SAMCO Managing Director Andrew Friedman spoke regarding the item.**

**A motion was made by Councilmember Green, seconded by Councilmember Reaves, that this item be approved. The motion passed unanimously.**

- F) Discuss and consider approval for City staff to provide in-kind services to support a grant from the Interlocking Concrete Paver Institute to install permeable pavers at the Wurstfest grounds.

**Mayor Casteel read the aforementioned caption.**

**Mark Enders presented the item.**

**Wurstfest President Eric Couch spoke regarding the item.**

**A motion was made by Councilmember García, seconded by Councilmember Green, that this item be approved. The motion passed unanimously.**

- G) Discuss and consider approval of the second and final reading of an ordinance regarding a rezoning to apply a Special Use Permit to allow a mixed-use development including office, digital print shop, retail, music studio, and residential/bed and breakfast in the “C-3” Commercial and “R-2” Single-Family and Two-Family Districts on 0.66 acres, consisting of Lots 2, 3, 11, 12, and 13, New City Block 4048, addressed at 1260 S. Business 35.

**Mayor Casteel read the aforementioned caption.**

**Christopher Looney presented the item.**

**Carolyn Lehmann, Bill Newberry, and Jana Raley spoke regarding the item.**

**A motion was made by Mayor Pro Tem Peters, seconded by**

**Councilmember Reaves, that this item be approved with the condition that the approved uses listed under Building 1 and 2, for Building 1 read that a house "can" be used as a music studio that functions as a rehearsal space, a listening room, and a meeting space, with retail space. The motion passed via the following roll call vote:**

**In Favor:**

Mayor Casteel, Councilmember Meadows, Councilmember Reaves, Councilmember Monceballez, Mayor Pro Tem Peters, and Councilmember García

**Opposed:**

Councilmember Green

- H) Public hearing and consideration of the first reading of an ordinance regarding the establishment of new fees for services provided or facilitated by the Planning and Community Development Department.

**Mayor Casteel read the aforementioned caption.**

**Christopher Looney presented the item.**

**No one spoke during the public hearing.**

**A motion was made by Mayor Pro Tem Peters, seconded by Councilmember Meadows, that this item be approved. The motion passed unanimously.**

**5. EXECUTIVE SESSIONS**

- A) Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:
- Alta Towers, LLC v. City of New Braunfels and City of New Braunfels Zoning Board of Adjustment
- B) Deliberate and consider the purchase of, exchange, lease or value of real property, in accordance with Section 551.072, of the Texas Government Code, including but not limited to:
- acquisition of land for city facilities

**Mayor Casteel read the aforementioned captions.**

The City Council recessed into Executive Session 9:59 a.m. - 10:34 p.m.

No vote or action was taken.

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

City Council reconvened into Open Session at 10:34 p.m.

No vote or action was taken.

This regular City Council meeting was adjourned at 10:35 p.m.

Date Approved: February 27, 2017

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BARRON CASTEEL, MAYOR

Attest:

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PATRICK ATEN, CITY SECRETARY



**2/27/2017**

Agenda Item No. A)

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Presenter/Contact

*Patrick Aten, City Secretary*  
(830) 221-4010 - [paten@nbtexas.org](mailto:paten@nbtexas.org)

**SUBJECT:**

Approval of the Mayoral appointment of one individual as the Chair of the Watershed Advisory Committee for a term ending April 28, 2020.

**BACKGROUND / RATIONALE:**

The Watershed Advisory Committee (WAC) is comprised of ten members serving three year staggered terms, where the Committee Chair is appointed by the Mayor and confirmed by the City Council.

Stephen Hanz currently serves as the WAC Chair and has been reappointed by Mayor Casteel to serve as the Chair.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

N/A

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends the approval of the Mayoral appointment of the Committee Chair for the Watershed Advisory Committee for a term ending April 28, 2020.

**2/27/2017**

Agenda Item No. B)

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**Presenter/Contact***Jeff Jewell, Economic Development Manager  
(830) 221-4621 - [jjewell@nbtexas.org](mailto:jjewell@nbtexas.org)***SUBJECT:**

Approval of a resolution supporting an application to the Texas Department of Housing and Community Affairs for 2017 competitive nine percent housing tax credits for Residences at New Braunfels and providing a commitment of development funding; and authorizing the city manager to execute necessary agreements.

**BACKGROUND / RATIONALE:**

On February 13, 2017, representatives from the NuRock Companies delivered a presentation to City Council outlining a proposed housing tax credit project located at 1609 McQueeney Road. The project will be developed utilizing Low Income Housing Tax Credits (LIHTCs). LIHTCs are indirect Federal subsidies used to finance the development of affordable rental housing for households earning up to 60% of the area median income. The developer filed a pre-application to the Texas Department of Housing and Community Affairs (TDHCA) and has requested a Resolution of Support and Commitment of Development Funding from the City of New Braunfels. Each applicant that seeks an award of housing tax credits in connection with their proposed rental housing community tries to achieve the highest scoring application in the region. In the San Antonio region twenty seven (27) projects filed pre-applications. Out of these twenty seven (27) pre-apps, twenty five (25) are within five (5) points of each other (scores ranged from 125 to 120). These twenty seven (27) applications cumulatively requested \$38.25 million in housing tax credits. There are \$4.583 million available for allocation in the 2017 round. Most of the development groups requested the maximum amount available (\$1.5 million).

**Residences at New Braunfels**

The property will house 128 units in a mix of one, two and three bedroom apartments. To fulfill a request from City Council at the meeting on February 13, the developer added additional units reserved for those earning up to 30% AMI. This resulted in a greater number of market rate units to retain the project's financial feasibility. The unit breakdown is below:

	30% AMI		50% AMI		60% AMI		Market Rate	
	Units	Rents*	Units	Rents*	Units	Rents*	Units	Est. Rents
1	5	\$242	7	\$475	7	\$592	7	\$770
2	9	\$288	20	\$567	19	\$707	16	\$1,02
3	5	\$328	12	\$651	12	\$813	9	\$1,17

\*These are estimated base rents and do not include an allowance for utilities.

**Local Government Support**

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To earn an additional (17) points, a development group will seek a resolution from the Governing Body that expressly sets forth that the municipality supports the Application or Development. Alternatively, the developer can earn fourteen (14) points if the Governing Body adopts a resolution that expressly sets forth that the municipality has no objection to the Application or Development.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

	Yes	<b>City Plan/Council Priority:</b>	<b>Strategic Priorities:</b> 16. Foster opportunities for affordable housing 18. Work with existing entities to ensure sustainable quality development.
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**FISCAL IMPACT:**

If awarded a tax credit and all other requirements are met, the City would waive up to one thousand dollars (\$1,000) in building permit fees.

**STAFF RECOMMENDATION:**

Staff recommends approval of the City Council resolution.

**RESOLUTION NO. 2017-R \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS TEXAS, SUPPORTING AN APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2017 COMPETITIVE 9% HOUSING TAX CREDITS FOR RESIDENCES AT NEW BRAUNFELS AND PROVIDING A COMMITMENT OF DEVELOPMENT FUNDING; AND AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY AGREEMENTS AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, New Braunfels Housing Partners, Ltd. (“Project Applicant”), has proposed a development for affordable rental housing at 1609 McQueeney Road named Residences at New Braunfels (“the Project”) in the City of New Braunfels; and

WHEREAS, the Project Applicant has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2017 Competitive 9% Housing Tax Credits (“LIHTCs”) for the Project; and

WHEREAS, the Project Applicant or its related entity’s receipt of LIHTCs for the Project will require it to comply with the requirements of 42 U.S.C. Section 12745; and

WHEREAS, the City will provide a commitment of development funding of up to One Thousand Dollars (\$1,000.00) to the Project in the form of waived building permit fees; and

WHEREAS, the commitment of development funding does not require or imply the City of New Braunfels’ approval for the Project Applicant’s or its related entity’s pursuit of land use and development regulation entitlements; and

WHEREAS, the Project must comply with all applicable state statutes, ordinances and development regulations of the City of New Braunfels and any requirements of other applicable governmental entities prior to the delivery of project funds; and

WHEREAS, the property located at 1609 McQueeney Road is located in the city limits of the City of New Braunfels, Comal County, Texas; and

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

SECTION 1: The City Council adopts the foregoing statements and findings and incorporates them into this Resolution for all purposes and the City of New Braunfels in Comal County, Texas, acting through its governing body, hereby confirms that it supports the proposed Residences of New Braunfels, located at 1609 McQueeney Road, TDHCA #17234, and that this formal action has been taken to put on record the opinion expressed by the City of New Braunfels; and

SECTION 2: That the City Council hereby authorizes the City Manager to enter all necessary agreements related to the provision of fee waivers as described in the Resolution; and

SECTION 3: That for and on behalf of the City Council, the City Secretary is hereby authorized, empowered, and directed to certify this resolution; and

SECTION 4: That this Resolution shall become effective from and after the date of its passage.

PASSED, ADOPTED AND APPROVED this 27<sup>th</sup> day of February, 2017.

CITY OF NEW BRAUNFELS

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

Barron Casteel, Mayor

ATTEST:

\_\_\_\_\_

Patrick Aten, City Secretary



# **THE NUROCK COMPANIES**

## **An Introduction to NuRock**

***“Much More Than Housing”***

**Presented By:**    **John Boyd**  
                          **The NuRock Companies**  
                          4925 Greenville Road  
                          Suite 1305  
                          Dallas, Texas 75206  
                          (512) 426-4991

# The NuRock Companies

Since its inception, The NuRock Companies ("NuRock"), has been built on the expertise of its people to develop, operate and manage the highest quality market and affordable housing and supplement that housing with a support services program known as **BreakOut™**. Quite simply, NuRock's product is service --- service delivered with a commitment to excellence. Our successes are based on attention to detail and a dedication to quality, both accomplished while anticipating and satisfying the demands of the marketplace and focusing on the needs of our residents.

NuRock's operations encompass all aspects of real estate activity, including acquisition analysis, development support, construction, property management, governmental regulatory compliance services, and due diligence support work. As a service organization, we recognize that our people are our most important asset. We are able to call upon as needed professionals and support personnel to collaborate as teams to meet the specific requirements of a given project. Through these teams of professionals NuRock applies practical business judgment to all phases of our real estate activities. By measuring risk and long term planning, NuRock has built a stable and long-term goal focused organization equipped to compete aggressively within the cyclical real estate industry.

In the years to come, we remain dedicated to the goal of service. We are proud of our past performance and growth, and we commit ourselves as a team to continue our dedication to quality, integrity and detail.

## Affiliate Team Members

### NuRock Management, Inc.

NuRock Management Inc. was formed for the purpose of managing the various properties that are or will be owned by The NuRock Companies. Its personnel serve to maximize occupancy, reduce turnover, and maintain the overall physical value of the properties. In addition to the overall management of the properties, the staff of NuRock Management, Inc. assists in the development and implementation of the support programs known as **BreakOut™**. This teamwork approach ensures maximal success for the properties and the programs.

### NuRock Construction

NuRock Construction, an Atlanta based company, was formed in 1993 to provide the general construction and management services for apartment complexes developed by the NuRock Companies. NuRock Construction has continuously finished each project either ahead of schedule or on time and within budget parameters. This performance has allowed the NuRock Companies to significantly improve on the stabilization and value of each development.

NuRock Construction's success lies in the assurance that quality materials and workmanship are maximized at each development to ensure that each property will stand the test of time and further enhance long-term maintenance and marketing. Furthermore, in hiring of personnel, NuRock demands a keen understanding of the construction business and "resident" business, by constantly stressing the philosophy that each project is built with the resident's best interest in mind.

### NuRock Development Group

NuRock Corporation was formed for the purpose of providing pre-acquisition due diligence and negotiations, development support, act as a construction liaison and be a general partner for The NuRock Companies. Its staff interacts with the Management Group so that each property will be successful, not only in the development stage, but also from a management perspective for years to come.

### NuRock Housing Foundation

NuRock Housing Foundation I, Inc., a not for profit organization, was formed to provide and implement the much needed **BreakOut™** programs for the properties that are developed. Its staff coordinates the academic enrichment programs, the after school tutorial support and the many other supportive service programs for the resident's children.

All in all, professionalism along with a keen understanding of its market is the key to NuRock's successes. With the experience of its officers having developed and managed numerous properties throughout the Southeastern U.S., we are committed to enhancing the affordable housing ventures we pursue. Our single, most important goal is service to the people we provide housing for. Their satisfaction will ensure the success of each property we undertake for development and management.





## ***“The BreakOut™ Team”***

### **Our Mission**

**Our group is engaged in the business of providing innovative, value added housing that offers a community to enable individuals and families to improve their lot in life and take their place as productive, contributing members of society.**

### **Our Vision**

**“Putting people on the path to independent productive citizenship”**

### **Our Guiding Principles**

#### **Integrity**

**We are committed to openness and honesty. Our character as a responsive and responsible organization is reflected in each of our dealings with our residents and each other.**

#### **Financially Sound**

**We recognize the importance of being financially sound. We manage our resources in a manner that reflects the highest integrity in our spending and decision-making. We are accountable to management and each other in all our actions.**

#### **Teamwork**

**We are all members of a team, committed to carrying our organization’s mission. We consider our teammates in our actions and recognize and appreciate the contributions of everyone. We know that we must have the ideas and efforts of all if we are to achieve our vision.**

#### **Residents Are Our Focus**

**We exist to help our residents improve their lot in life. We work at understanding their needs and expectations and provide programs and services that meet them. We measure the effectiveness of these services by feedback from residents and progress towards goals. We strive to improve continually the quality of our progress.**

#### **Respect**

**We value each other, our teammates and the members of our community. We treat each other and the environment in which we live and work with respect.**

#### **Accountability**

**We are accountable to each other for our word and our commitment to our responsibilities. We engage in high context communications as a habit. When an occasion arises in which we are unable to fulfill a promise or commitment, we communicate immediately.**

#### **Passion for Detail**

**We believe that details make up the big picture; that details create the foundation upon which success is built. If we take care of the little things that are within our control, then the big issues will fall into place. Attention to detail should be our passion.**





## **ROBERT G. HOSKINS**

Robert G. Hoskins is President of The NuRock Companies. He has over 24+ years of top-level professional experience as a corporate officer, management consultant and strategic planner. Mr. Hoskins has an extensive background in financial analyses, feasibility analyses, operations planning, staff management and strategic development/planning with an emphasis in real estate development, acquisition, syndication and portfolio management. He unites strong analytical skills with a deep understanding of operational management issues to bring creative solutions to management problems.

### **PREVIOUS EXPERIENCE**

Prior to forming The NuRock Companies, Mr. Hoskins was Senior Vice President of GRI Management, Inc., operational services consulting firm located in Atlanta, Georgia. In that capacity he was responsible for facilitating feasibility studies for acquisition, disposition and operational strategies. Mr. Hoskins coordinated due diligence analyses and was heavily involved in contract negotiations.

Mr. Hoskins was a Vice President of HSI Management, Inc. of Atlanta, Georgia, a leading syndication, investment and property management firm in the Southeast United States. Mr. Hoskins utilized his specific experience within the multifamily housing industry to augment market share of HSI's real estate portfolio; initiated recommendations that streamlined and stabilized overall operating expenses for the portfolio; and designed and implemented marketing strategies that enhanced the portfolio's gross revenue stream.

Mr. Hoskins was Director of Acquisitions and Dispositions for Reese Companies, an investment and real estate development group located in Dallas, Texas. In that capacity, Mr. Hoskins coordinated and conducted market research studies, feasibility and due diligence analyses in order to quantify data for acquisition and disposition decisions.

Mr. Hoskins serves on the Board of Directors of NuRock Housing Foundation, Inc., a 501(c)(3) non-profit foundation.

### **EDUCATION**

B.B.A. Real Estate (emphasis in finance)                      University of North Texas

### **PROFESSIONAL AFFILIATIONS**

Georgia Affordable Housing Coalition-Board Member  
Institute of Real Estate Management  
Southeast Association of HUD Managing Agents (SAHMA)

## **SANDRA K. HOSKINS**

Sandra K. Hoskins is President of NuRock Management Group, Inc. She has over 18 years of experience in real estate operations management, marketing, and leasing strategies and competitive market development. She combines proven turn around management successes with a keen comprehension for balancing an asset's short term needs against long term goals for investment value.

### **PREVIOUS EXPERIENCE**

Prior to joining NuRock Management Group, Inc., Ms. Hoskins was a Vice President of Pointe Properties, Inc. and Creste Properties, affiliates of Sanbury Corporation. Sanbury is one of the leading developers of Low Income Housing Tax Credits properties in the southeast U.S.

While at Sanbury Corporation (the "Company"), Ms. Hoskins:

- Increased gross revenues of a \$75,000,000 real estate portfolio by \$1,920,000 over an eight-month period.
- Caused the portfolio to operate at the highest net operating income level during the history of the Company. This allowed for certain strategic properties to be refinanced, removing critical loan guarantees provided by the General Partner.
- Reduced maintenance costs for multifamily development portfolio by ensuring that property managers were strictly adhering to the budget and were monitoring the purchasing decisions of the maintenance staffs.
- Stabilized and streamlined management operations, creating a more predictable net operating income, increasing gross revenues in one partnership entity by \$12,000 per month.
- Created audit procedures that allow staff to better monitor resident qualification requirements, resulting in exact compliance with governmental regulatory agencies for Low Income Housing Tax Credits.

Prior to joining Sanbury Corporation, Ms. Hoskins was Vice President of Management and Marketing for AMLI Management Company, currently a Chicago real estate and investment trust (REIT). While at AMLI, Ms. Hoskins was successful at applying management strategies in the day-to-day operations of the Southeast portfolio, operating within budget guidelines, increasing revenue and profits, and strengthening the balance sheet. Ms. Hoskins was also instrumental in consulting with AMLI's development teams regarding layout, design, and size of individual units for multifamily construction projects, resulting in units being more marketable and achieving higher initial occupancy than projected as a result.

### **PROFESSIONAL AFFILIATIONS**

*Institute of Real Estate Management (IREM)*  
*Apartments Owners and Management Association (AOMA)*



## JOHN BOYD

John O. Boyd, CRE is Senior Vice President of the Texas/Western US Division of The NuRock Companies, and has been involved in the analysis, oversight, and creation of successful high quality developments, as well as the monitoring of development and construction phase activities since 1984. Mr. Boyd has acted as a consultant to several firms as well as participated as development partner in specific transactions. A brief overview of Mr. Boyd's real estate experience follows:

Co-founded a regional full-service Development/Construction/Management company based in Austin, TX; acted as Senior Vice President for the company and all affiliates from 1998 through 1Q 2016. Directly responsible for the growth of the company from 2 individuals to a vertically integrated platform with 165+ employees. Property types include mixed use, office/retail/multifamily, student, family and senior-oriented communities with capital stacks consisting of layers such as LIHTC – both 9% and 4%, HUD 221(d)(4) insured mortgages, tax exempt bond structures, conventional debt, equity and mezzanine, as well as TIF, CDBG and other incentives. Oversight of the creation of over 5,000 multifamily units in 43 developments across Texas, Mississippi, Florida, Georgia and Virginia, totaling over \$600M in cost.

Director of Acquisitions and Development for a national Assisted Living owner, 1998 through 2002, including development and construction management for prototypical 80-unit new construction assisted living communities in Texas, Georgia, Florida, Ohio and Michigan. Created the acquisition/brokerage arm of the company and developed/built 27 new AL communities.

Mr. Boyd acted as Development Manager for a regional affordable housing group from 1995 through 1998; performed site acquisition functions, real estate brokerage and contract negotiations, due diligence, coordination of in-depth market surveys and studies, feasibility analyses, and directed the development process.

Senior Staff Appraiser and Broker for several appraisal and brokerage firms from 1983 through 1990. Appraisal assignment procurement, production and review involving multifamily, commercial retail, office, industrial, vacant land and special purpose properties, with primary focus on income producing properties.

Education and Professional Affiliations: Bachelor of Science, emphasis in Real Estate, December 1983, Sam Houston State University; former MAI candidate and licensed appraiser in multiple states; current licensed Real Estate Broker in the State of Texas; Realtor Member, Texas and National Associations of Realtors; Counselor of Real Estate (CRE®).

# The AHF 50 | TOP 50 AFFORDABLE HOUSING DEVELOPERS

RANK (vs. 2014)	COMPANY INFO	EXECUTIVE CONTACT	2015 STARTS/ COMPLETIONS	REGION(S)	ORG. TYPE
1 (new)	<b>PEDCOR COS.</b> 1 Pedcor Square, 770 3rd Ave., S.W.; Carmel, IN 46032 (317) 587-0320 • <a href="http://www.pedcorcompanies.com">www.pedcorcompanies.com</a> Pedcor Cos., a longtime affordable housing provider, tops the developers list after starting construction on six new projects with 1,070 units in 2015.	<b>Phillip J. Stoffregen,</b> COO and executive vice president	<b>1,070 92</b>	<b>MW, SC, SE, W</b>	<b>For-profit</b>
2 (4)	<b>MCCORMACK BARON SALAZAR</b> 720 Olive St., Suite 2500; St. Louis, MO 63101 (314) 621-3400 • <a href="http://www.mccormackbaron.com">www.mccormackbaron.com</a> Last year, the firm secured a major contract to redevelop three public housing sites into mixed-income communities in Puerto Rico.	<b>Vince R. Bennett,</b> president	<b>829 386</b>	<b>National</b>	<b>For-profit</b>
3 (27)	<b>HERMAN &amp; KITTLE PROPERTIES</b> 500 E. 96th St., Suite 300; Indianapolis, IN 46240 (317) 805-1980 • <a href="http://www.hermankittle.com">www.hermankittle.com</a> The firm added new-construction bond deals back into its pipeline in addition to 9% low-income housing tax credit (LIHTC) deals.	<b>Jeffrey Kittle,</b> president and CEO	<b>792 638</b>	<b>National</b>	<b>For-profit</b>
4 (5)	<b>PENNROSE PROPERTIES</b> 1301 N. 31st St.; Philadelphia, PA 19121 (267) 386-8600 • <a href="http://www.pennrose.com">www.pennrose.com</a> Pennrose started construction on 10 affordable housing developments in 2015 and recently opened a Boston office.	<b>Mark H. Dambly,</b> president	<b>688 461</b>	<b>MW, NE, SE</b>	<b>For-profit</b>
5 (3)	<b>CONIFER REALTY</b> 1000 University Ave., Suite 500; Rochester, NY 14607 (585) 324-0500 • <a href="http://www.coniferllc.com">www.coniferllc.com</a> Conifer projects starting as many as 13 new developments this year after starting eight projects in 2015.	<b>Timothy D. Fournier,</b> president and CEO	<b>617 707</b>	<b>MW, NE</b>	<b>For-profit</b>
6 (10)	<b>THE PACIFIC COS.</b> 430 E. State St., Suite 100; Eagle, ID 83616 (208) 461-0022 • <a href="http://www.tpchousing.com">www.tpchousing.com</a> The Pacific Cos. completed 935 affordable and market-rate units, the largest number in company history, in 2015.	<b>Caleb Roope,</b> president and CEO	<b>561 689</b>	<b>W</b>	<b>For-profit</b>
7 (6)	<b>THE WODA GROUP</b> 229 Huber Village Blvd., Suite 100; Westerville, OH 43081 (614) 396-3200 • <a href="http://www.wodagroup.com">www.wodagroup.com</a> In addition to the firm's affordable housing work, it completed a 120-bed student housing project in Columbia, S.C., last year.	<b>Jeffrey Woda and David Cooper Jr.,</b> co-principals	<b>552 774</b>	<b>MW, NE, SE</b>	<b>For-profit</b>
8 (7)	<b>RISE RESIDENTIAL CONSTRUCTION</b> 16812 Dallas Parkway; Dallas, TX 75248 (972) 701-5558 • <a href="http://www.rise-residential.com">www.rise-residential.com</a> Formally known as Odyssey Residential Construction, the firm has created the new name, Rise Residential Construction, for media and marketing purposes.	<b>Melissa Adami,</b> president	<b>495 708</b>	<b>SC, W</b>	<b>For-profit</b>
9 (2)	<b>THE NRP GROUP</b> 5309 Transportation Blvd.; Cleveland, OH 44125 (216) 475-8900 • <a href="http://www.nrpgroup.com">www.nrpgroup.com</a> After starting construction on three affordable housing developments in 2015, the firm plans to start seven this year.	<b>J. David Heller and T. Richard Bailey,</b> partners	<b>485 1,487</b>	<b>National</b>	<b>For-profit</b>
10 (20)	<b>MERCY HOUSING</b> 1999 Broadway, Suite 1000; Denver, CO 80202 (303) 830-3300 • <a href="http://www.mercyhousing.org">www.mercyhousing.org</a> Mercy created regional real estate strategies that build concentration and commitment aimed at improving neighborhoods.	<b>Jane Graf,</b> president and CEO	<b>481 436</b>	<b>National</b>	<b>Non-profit</b>
11 (14)	<b>RELATED CALIFORNIA</b> 18201 Von Karman Ave., Suite 900; Irvine, CA 92612 (949) 660-7272 • <a href="http://www.relatedcalifornia.com">www.relatedcalifornia.com</a> Related California, which started four projects last year, has separated its affordable and market-rate housing divisions.	<b>Frank Cardone,</b> president, Related California Affordable	<b>438 261</b>	<b>W</b>	<b>For-profit</b>
12 (new)	<b>THE NUROCK COS.</b> 800 N. Point Parkway, Suite 125; Alpharetta, GA 30005 (770) 552-8070 • <a href="http://www.nurock.com">www.nurock.com</a> NuRock broke ground on a multifamily development in Broward County with funds from a Department of Justice lender's settlement.	<b>Robert Hoskins,</b> managing principal	<b>425 0</b>	<b>SC, SE</b>	<b>For-profit</b>
13 (17)	<b>TWG DEVELOPMENT</b> 333 N. Pennsylvania St., Suite 100; Indianapolis, IN 46204 (317) 264-1833 • <a href="http://www.twgdev.com">www.twgdev.com</a> The firm continued to find success outside of Indiana, with projects starting in Iowa, Kansas, Michigan, and Missouri.	<b>Joe Whitsett,</b> CEO	<b>421 241</b>	<b>MW</b>	<b>For-profit</b>
14 (11)	<b>MILLER-VALENTINE GROUP</b> 9349 Waterstone Blvd.; Cincinnati, OH 45249 (513) 588-1000 • <a href="http://www.mvg.com">www.mvg.com</a> In 2015, the company closed on two market-rate projects and eight LIHTC deals.	<b>Brian McGeady,</b> president, MV Affordable Housing Development	<b>419 610</b>	<b>MW, SC, SE</b>	<b>For-profit</b>
15 (13)	<b>REALTEX DEVELOPMENT CORP.</b> 1101 S. Capital of Texas Highway, Suite F-200; Austin, TX 78746 (512) 306-9206 • <a href="http://www.realtexdevelopment.com">www.realtexdevelopment.com</a> Realtex worked on projects in Florida, Georgia, Texas, and Virginia last year.	<b>Rick Deyoe,</b> president	<b>408 366</b>	<b>SC, SE</b>	<b>For-profit</b>
16 (new)	<b>ANTON DEVELOPMENT CO.</b> 950 Tower Lane, Suite 1225; Foster City, CA 94404 (650) 549-1600 • <a href="http://www.antondev.com">www.antondev.com</a> The firm began construction of Anton Portola, a 256-unit LIHTC community in Irvine, Calif., to satisfy the inclusionary housing obligation of master developer The Irvine Co.	<b>Steven L. Eggert,</b> president	<b>404 253</b>	<b>W</b>	<b>For-profit</b>
16 (12)	<b>LDG DEVELOPMENT</b> 1469 54th St.; Louisville, KY 40208 (502) 638-0534 • <a href="http://www.ldgdevelopment.com">www.ldgdevelopment.com</a> LDG projects starting as many as eight affordable housing developments with about 1,500 units this year.	<b>Chris Dischinger and Mark Lechner,</b> co-owners	<b>404 218</b>	<b>MW, SC, SE</b>	<b>For-profit</b>

REGIONS: MW=Midwest; NE=Northeast; SC=South Central; SE=Southeast; W=West



# The AHF 50 | TOP 50 AFFORDABLE HOUSING OWNERS

RANK (vs. 2014)	COMPANY INFO	EXECUTIVE CONTACT	AFFORDABLE UNITS/ PROJECTS OWNED	REGION(S)	ORG. TYPE
18 (29)	<b>L+M DEVELOPMENT PARTNERS</b> 1865 Palmer Ave., Suite 203; Larchmont, NY 10538 (914) 833-3000 • www.lmdevpartners.com L+M Development anticipates a busy 2016 with seven new-construction projects scheduled for completion and two preservation deals, totaling almost 2,000 affordable units.	<b>Ron Moelis,</b> CEO	<b>12,380</b> 75	NE, SC, W	For-profit
19 (25)	<b>HERMAN &amp; KITTLE PROPERTIES</b> 500 E. 96th St., Suite 300; Indianapolis, IN 46240 (317) 805-1980 • www.hermankittle.com Herman & Kittle's goals include increasing its portfolio to 15,000 units in the near future.	<b>Jeffrey Kittle,</b> president and CEO	<b>12,337</b> 129	National	For-profit
20 (17)	<b>AMERICAN COMMUNITY DEVELOPERS</b> 20250 Harper Ave.; Detroit, MI 48225 (313) 881-8150 • www.acdmail.com The company reported acquiring four developments with 636 affordable housing units last year.	<b>Gerald A. Krueger,</b> president	<b>11,907</b> 87	National	For-profit
21 (15)	<b>THE NRP GROUP</b> 5309 Transportation Blvd.; Cleveland, OH 44125 (216) 475-8900 • www.nrpgroup.com The NRP Group, a prominent developer of new construction projects, plans to expand its acquisition/rehab efforts.	<b>J. David Heller and</b> <b>T. Richard Bailey,</b> partners	<b>11,898</b> 112	National	For-profit
22 (18)	<b>PENNROSE PROPERTIES</b> 1301 N. 31st St.; Philadelphia, PA 19121 (267) 386-8600 • www.pennrose.com In 2015, Pennrose completed a strategic plan that will guide the company for the next five to 10 years.	<b>Mark H. Dambly,</b> president	<b>11,464</b> 184	MW, NE, SE	For-profit
23 (23)	<b>GENE B. GLICK CO.</b> P.O. Box 40177; Indianapolis, IN 46240 (317) 469-0400 • www.genebglick.com The firm was named management company of the year by the Indiana Apartment Association in 2015.	<b>David O. Barrett,</b> president and CEO	<b>11,329</b> 93	MW, NE, SE	For-profit
24 (20)	<b>BRIDGE HOUSING CORP.</b> 600 California St., Suite 900; San Francisco, CA 94108 (415) 989-1111 • www.bridgehousing.com BRIDGE launched a community development initiative to leverage its role as a real estate developer to partner with and improve neighborhood institutions and communities.	<b>Cynthia A. Parker,</b> president and CEO	<b>11,303</b> 109	W	Non-profit
25 (22)	<b>USA PROPERTIES FUND</b> 3200 Douglas Blvd., Suite 200; Roseville, CA 95661 (916) 773-6060 • www.usapropfund.com The company recently surpassed 11,000 units in its portfolio for the first time.	<b>Geoffrey C. Brown,</b> president	<b>11,292</b> 86	W	For-profit
26 (24)	<b>SILVER STREET DEVELOPMENT CORP.</b> 33 Silver St., Suite 200; Portland, ME 04101 (207) 780-9800 • www.silver-street.net Silver Street acquired 780 affordable housing units in three properties to add to its portfolio last year.	<b>Christopher Poulin,</b> COO	<b>10,428</b> 71	National	For-profit
27 (27)	<b>THE COMMUNITY BUILDERS</b> 95 Berkeley St., Suite 500; Boston, MA 02116 (617) 695-9595 • www.tcbinc.org TCB added more than 600 units to its portfolio, including historic developments in Massachusetts, New York, and North Carolina in the past year.	<b>Bart Mitchell,</b> president and CEO	<b>10,166</b> 129	MW, NE, SE	Non-profit
28 (28)	<b>MILLER-VALENTINE GROUP</b> 9349 Waterstone Blvd.; Cincinnati, OH 45249 (513) 588-1000 • www.mvvg.com Miller-Valentine's 2016 goals includes closing on approximately 12 affordable and four market-rate housing deals.	<b>Brian McGeady,</b> president, MV Affordable Housing Development	<b>9,996</b> 113	MW, SC, SE	For-profit
29 (31)	<b>PICERNE REAL ESTATE GROUP</b> 247 N. Westmonte Drive; Altamonte Springs, FL 32714 (407) 772-0200 • www.picernerealtygroup.com Picerne will continue to focus on expansion in Florida and Texas in the coming year.	<b>Robert M. Picerne,</b> COO	<b>9,791</b> 64	National	For-profit
30 (new)	<b>THE NUROCK COS.</b> 800 N. Point Parkway, Suite 125; Alpharetta, GA 30005 (770) 552-8070 • www.nurock.com In addition to its affordable housing work, the firm will begin predevelopment of market-rate communities in 2016.	<b>Robert Hoskins,</b> managing principal	<b>9,635</b> 35	SC, SE	For-profit
31 (21)	<b>THE HALLMARK COS.</b> 3111 Paces Mill Road, Suite A-250; Atlanta, GA 30339 (770) 984-2100 • www.hallmarkco.com The company closed an \$88.6 million transaction to acquire a portfolio involving 20 rural Tennessee properties last year.	<b>Martin Petersen,</b> president and CEO	<b>9,578</b> 235	SE	For-profit
32 (26)	<b>AMBLING MANAGEMENT CO.</b> 110 Ministry Drive, Suite D; Irmo, SC 29063 (229) 244-2800 • www.ambling.com Ambling will be focusing on affordable housing after recently selling its student housing division.	<b>James E. Hodge,</b> president	<b>9,491</b> 83	National	For-profit
33 (32)	<b>LHP DEVELOPMENT</b> 900 S. Gay St., Suite 2000; Knoxville, TN 37902 (865) 549-7448 • www.lhp.net Longtime affordable housing developer Lawler Wood Housing Partners rebranded to LHP Development in 2015 to reflect the leadership team that has been behind the business in recent years.	<b>W. Carr Hagan III,</b> president and director of development	<b>9,437</b> 64	MW, NE, SC, SE	For-profit

REGIONS: MW=Midwest; NE=Northeast; SC=South Central; SE=Southeast; W=West

# THE NUROCK COMPANIES

## PROPERTIES DEVELOPED, OWNED, MANAGED OR UNDER CONSTRUCTION

### Texas

<i>Property Name</i>	<i>Address</i>	<i>Units</i>	<i>Funding</i>
Residences of Diamond Hill	Fort Worth	204	9% Housing Tax Credits
Eagles Landing	Austin	240	9% Housing Tax Credits
Heritage Pointe	Austin	240	Tax Exempt Bonds 4% Housing Tax Credits
Tower Ridge	Corinth	224	Tax Exempt Bonds 4% Housing Tax Credits
Residences at Sunset Pointe	Fort Worth	224	Tax Exempt Bonds 4% Housing Tax Credits
Bella Vista	Fort Worth	276	Conventional Debt & Equity
Residences at Eastland	Fort Worth	146	9% Housing Tax Credits City of Fort Worth Loan Conventional Debt
Buttercup Apartments	Fort Worth	92	ARRA Exchange Funds City of Fort Worth Loan Conventional Debt Section 8
Heritage Park Vista	Fort Worth	140	ARRA Exchange Funds City of Fort Worth Loan Conventional Debt
Napa Villas	Plano	123	Conventional Debt & Equity
Heritage Oak Hill	Austin	96	9% Housing Tax Credits Conventional Debt
Residences at Earl Campbell	Tyler	92	9% Housing Tax Credits

### Florida

<i>Property Name</i>	<i>Address</i>	<i>Units</i>	<i>Funding</i>
Vista Grand	Spring Hill	90	9% Housing Tax Credits SAIL Funds
Town Park Crossing	Davie	100	ARRA Exchange Funds
Residences at Crystal Lake	Pompano Beach	92	Broward County TEB, SAIL Citi Sub Loan
Heritage at Pompano Station	Pompano Beach	116	9% Housing Tax Credits
Residences at Haverhill	West Palm Beach	117	9% Housing Tax Credits

### Oklahoma

<i>Property Name</i>	<i>Address</i>	<i>Units</i>	<i>Funding</i>
J.B. Milam	Claremore	101	9% Housing Tax Credits Conventional Debt





## Georgia

<i><b>Property Name</b></i>	<i><b>Address</b></i>	<i><b>Units</b></i>	<i><b>Funding</b></i>
Brittany Woods	Valdosta	104	Section 8 4% Housing Tax Credits
Park Chase	Valdosta	100	Section 8 4% Housing Tax Credits
Eagles Creste	East Point	284	Tax Exempt Bonds 4% Housing Tax Credits
Robins Creste	East Point	160	Tax Exempt Bonds 4% Housing Tax Credits
Eagles Run I	Atlanta	204	Home 9% Housing Tax Credits
Eagles Run II	Atlanta	78	9% Housing Tax Credits Tax Exempt Bonds
Eagles Trace	Columbus	381	4% Housing Tax Credits
East Augusta Commons	Augusta	148	Tax Exempt Bonds 4% Housing Tax
Hidden Cove	East Point	164	9% Housing Tax Credits Conventional Debt
Olde Town	Augusta	116	HOME/9% Housing Tax
Riverwood Club	Atlanta	144	9% Housing Tax Credits
Thornberry	Decatur	280	Tax Exempt Bonds
Towne West Manor	Atlanta	108	Tax Exempt Bonds
Village of College Park	College Park	104	9% Housing Tax Credits
Chapel Run Apartments	Decatur	172	4% Housing Tax Credits Tax Exempt
The Glen Oaks	Brunswick	72	9% Housing Tax Credits
Hearthstone Landing	Canton	72	HOME/9% Housing Tax
Heritage at Walton Reserve	Austell	105	9% Housing Tax Credits
Oaks At Brandlewood	Savannah	324	4% Housing Tax Credits Tax Exempt Bonds
Teller Village	Oak Ridge	80	9% Housing Tax Credits
Herrington Woods	Lawrenceville	324	Tax Exempt Bonds
Hyde Manor	Stockbridge	180	9% Housing Tax Credits
Hyde Park Apartments	Stockbridge	284	Home 9% Housing Tax Credits
Hyde Park Club	Clayton County	284	Tax Exempt Bonds
Palisades, Satellite Blvd	Gwinnett County	268	Tax Exempt Bonds
Eagles Pointe	Brunswick	168	9% Housing Tax Credits
Heritage at McDonough	McDonough	105	9% Housing Tax Credits
Tuscany Village	Clarkston	144	9% Housing Tax Credits

**TOTAL NUMBER OF UNITS IN PORTFOLIO**

**7,670**

### Funding –

- 4% and 9% Housing Tax Credits – Housing Tax Credits issued by State Housing Agency and sold to investors. This equity is used as a source of funds.
- Tax Exempt Bonds – Tax Exempt Revenue Bonds issued by a State or Local Housing Agency.
- Conventional Debt – a long term loan from a lender. Typically Fannie Mae or Freddie Mac.
- HOME – HUD HOME loan from a governmental body.
- Section 8 – a project based rental subsidy contract with HUD to provide rent subsidies to the residents.
- ARRA Exchange Funds – ARRA Housing Tax Credit Exchange Funds.



**NEW CONSTRUCTION**



Eagles Landing – 240 Units  
8000 Decker Lane  
Austin, Texas





Residences at Eastland – 146 Units  
5500 Eastland Street  
Fort Worth, Texas





**Bella Vista Apartments – 276 Units**  
8100 Old Denton Road  
Fort Worth, Texas





**Tower Ridge Apartments – 224 Units**  
2560 Tower Ridge Drive  
Corinth, Texas





Heritage Pointe – 140 Units  
1950 Webberville Road  
Austin, Texas





Heritage Park Vista – 140 Units  
8729 Ray White Road  
Fort Worth, Texas





**Residences at Crystal Lake – 92 Townhome Units**  
**Northeast 32<sup>nd</sup> Court**  
**Pompano Beach, FL**





**Town Park Crossing Apartments – 100 Units**  
**7843 Davie Road Extension**  
**Davie, FL 33024**





**Town Park Crossing Apartments – 100 Units**  
**7843 Davie Road Extension**  
**Davie, FL 33024**





**Heritage At Pompano Station– 116 Units  
Senior Housing – Final Site Plan Approved  
Atlantic Blvd and Dixie Hwy  
Pompano Beach, FL**





**Vista Grand at Spring Hill Apartments – 90 Units**  
**Senior Housing**  
**10380 Quality Drive**  
**Spring Hill, FL 346091**





**Heritage at McDonough Apartments – 105 Units**  
**Senior Housing**  
**180 Bridges Road**  
**McDonough, GA 30253**





**Heritage at McDonough Apartments – 105 Units**  
**Senior Housing**  
**180 Bridges Road**  
**McDonough, GA 30253**





**Heritage at McDonough Apartments – 105 Units**  
**Senior Housing**  
**180 Bridges Road**  
**McDonough, GA 30253**





**2/27/2017**

Agenda Item No. C)

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**Presenter/Contact***Jeff Jewell, Economic Development Manager  
(830) 221-4621 - jjewell@nbtexas.org***SUBJECT:**

Approval of a resolution supporting an application to the Texas Department of Housing and Community Affairs for 2017 competitive nine percent housing tax credits for Oak Creek Senior Village and providing a commitment of development funding; and authorizing the city manager to execute necessary agreements.

**BACKGROUND / RATIONALE:**

On February 13, 2017, representatives from the JES Development Company delivered a presentation to City Council outlining a proposed housing tax credit project located at Ranch Parkway and Gruene Road. The project will be developed utilizing Low Income Housing Tax Credits (LIHTCs). LIHTCs are indirect Federal subsidies used to finance the development of affordable rental housing for households earning up to 60% of the area median income. The developer filed a pre-application to the Texas Department of Housing and Community Affairs (TDHCA) and has requested a Resolution of Support and Commitment of Development Funding from the City of New Braunfels. Each applicant that seeks an award of housing tax credits in connection with their proposed rental housing community tries to achieve the highest scoring application in the region. In the San Antonio region twenty seven (27) projects filed pre-applications. Out of these twenty seven (27) pre-apps, twenty five (25) are within five (5) points of each other (scores ranged from 125 to 120). These twenty seven (27) applications cumulatively requested \$38.25 million in housing tax credits. There are \$4.583 million available for allocation in the 2017 round. Most of the development groups requested the maximum amount available (\$1.5 million).

**Oak Creek Senior Village**

The property will house approximately 98 units in a mix of one and two bedroom apartments. The unit breakdown and rent levels are as follows for this property:

Bedrooms	30% AMI		50% AMI		60% AMI		Est. Market Rate	
	Units	Rents*	Units	Rents*	Units	Rents*	Units	Rents
1	3	\$283	9	\$516	12	\$633	6	\$768
2	5	\$335	23	\$614	26	\$754	14	\$964

\*Rent amounts include allowance for utilities.

**Local Government Support**

To earn an additional (17) points, a development group will seek a resolution from the Governing Body that expressly sets forth that the municipality supports the Application or Development.



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Alternatively, the developer can earn fourteen (14) points if the Governing Body adopts a resolution that expressly sets forth that the municipality has no objection to the Application or Development.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

	Yes	<b>City Plan/Council Priority:</b>	<b>Strategic Priorities:</b> 16. Foster opportunities for affordable housing 18. Work with existing entities to ensure sustainable quality development.
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**FISCAL IMPACT:**

If awarded a tax credit and all other requirements are met, the City would waive up to one thousand dollars (\$1,000) in building permit fees.

**STAFF RECOMMENDATION:**

Staff recommends approval of the City Council resolution.

**RESOLUTION NO. 2017-R \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS TEXAS, SUPPORTING AN APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2017 COMPETITIVE 9% HOUSING TAX CREDITS FOR OAK CREEK SENIOR VILLAGE AND PROVIDING A COMMITMENT OF DEVELOPMENT FUNDING; AND AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY AGREEMENTS AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, Oak Creek Senior Village, LP (“Project Applicant”), has proposed a development for affordable rental housing at Ranch Parkway & Gruene Road named Oak Creek Senior Village (“the Project”) in the City of New Braunfels; and

WHEREAS, the Project Applicant has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2017 Competitive 9% Housing Tax Credits (“LIHTCs”) for the Project; and

WHEREAS, the Project Applicant or its related entity’s receipt of LIHTCs for the Project will require it to comply with the requirements of 42 U.S.C. Section 12745; and

WHEREAS, the City will provide a commitment of development funding of up to One Thousand Dollars (\$1,000.00) to the Project in the form of waived building permit fees; and

WHEREAS, the commitment of development funding does not require or imply the City of New Braunfels’ approval for the Project Applicant’s or its related entity’s pursuit of land use and development regulation entitlements; and

WHEREAS, the Project must comply with all applicable state statutes, ordinances and development regulations of the City of New Braunfels and any requirements of other applicable governmental entities prior to the delivery of project funds; and

WHEREAS, the property located at Ranch Parkway and Gruene Road is located in the city limits of the City of New Braunfels, Comal County, Texas; and

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

SECTION 1: The City Council adopts the foregoing statements and findings and incorporates them into this Resolution for all purposes and the City of New Braunfels in Comal County, Texas, acting through its governing body, hereby confirms that it supports the proposed Oak Creek Senior Village, located at Ranch Parkway and Gruene Road, TDHCA #17049 and that this formal action has been taken to put on record the opinion expressed by the City of New Braunfels; and

SECTION 2: That the City Council hereby authorizes the City Manager to enter all necessary agreements related to the provision of fee waivers as described in the Resolution; and

SECTION 3: That for and on behalf of the City Council, the City Secretary is hereby authorized, empowered, and directed to certify this resolution.

SECTION 4: That this Resolution shall become effective from and after the date of its passage.

PASSED, ADOPTED AND APPROVED this 27<sup>th</sup> day of February, 2017.

CITY OF NEW BRAUNFELS

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

Barron Casteel, Mayor

ATTEST:

\_\_\_\_\_

Patrick Aten, City Secretary

# COMPANY OVERVIEW

## JES HOLDINGS, LLC

DEVELOP



BUILD



MANAGE



INVEST

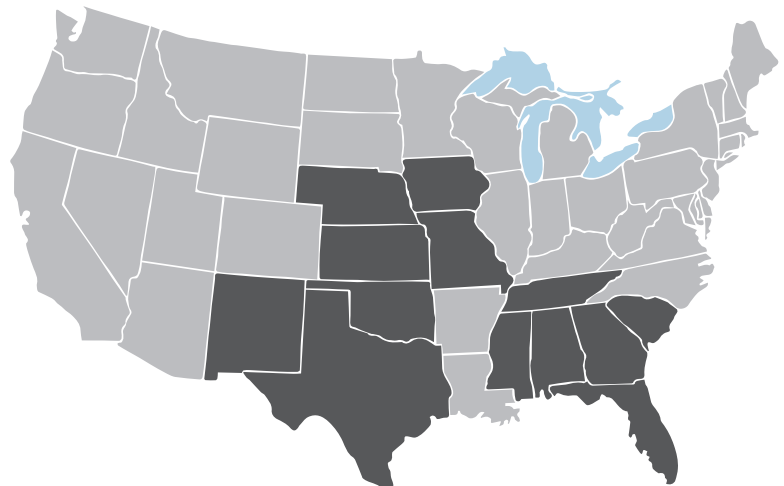
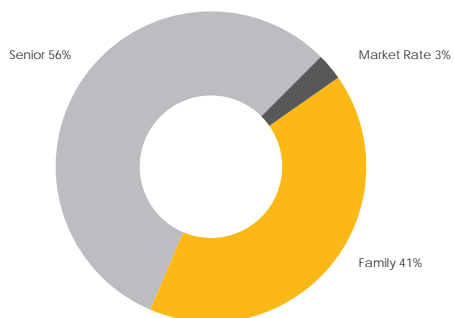


QUALITY HOUSING WHERE **OUR FAMILIES**  
WOULD BE PROUD TO LIVE.

JES Holdings is a privately-held family of companies with more than 800 employees. Since our beginning in 1984, our expertise has grown from affordable multi-family and senior housing communities to include skilled nursing care centers, market-rate apartment and loft communities, historic renovations and market rate independent senior living communities.

Our growth is the result of our commitment to creating partnerships through which we strive to serve each client's specific need with integrity, timeliness and unmatched professionalism.

### DEVELOPMENTS



JES Holdings, LLC and its affiliate companies are under the direction of our leadership team, including:

**Jeff Smith**  
President & CEO

**Monica Swoboda**  
Executive Vice President

**Will Markel**  
Executive Vice President



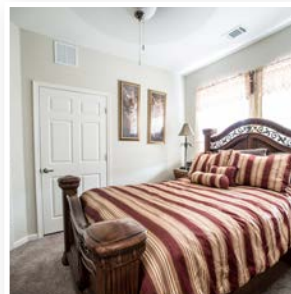
## AFFORDABLE EQUITY PARTNERS, INC.

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Affordable Equity Partners, Inc. (AEP) provides a full range of investment banking services. For over 30 years, AEP has invested in nearly 20,000 homes in 500 communities. We serve the growing need for affordable housing across 13 states in 76 cities. We have successfully syndicated over \$3 billion in tax credits to build or preserve homes for working class families and seniors. In 2016 AEP Syndicated credits for 15 developments totaling \$91,540,990 in Federal Credits and \$68,276,350 in State Credits.

In order to safeguard investment, AEP's asset management team plays an important role during the life of each asset within the AEP portfolio. Asset management is responsible for monitoring each asset from the time of closing at the property level through its disposition following the expiration of the tax credit compliance period.

The lease-up team facilitates aggressive lease-up efforts that begin up to 120 days prior to construction completion and acts as an auxiliary partner to the existing management company to secure residents for occupancy and ensure lease-up compliance.



## JES DEV CO, INC

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Founded in 1994, JES Dev Co, Inc. is an acknowledged leader in the development of affordable multi-family housing. JES Dev Co, Inc. specializes in identifying profitable opportunities by analyzing market projections, measuring market strength, and surveying community leaders and government officials.

Since 1994, JES Dev Co, Inc., has completed over 135 developments in more than 60 small and mid-sized communities, as well as larger metropolitan areas by transforming developer and investor ideas into reality. Specifically in the state of Texas, JES Dev Co, Inc. has developed Settlement Estates & Riverwood Commons, both located in Bastrop, TX and Hidden Glen, located in Salado, TX. In 2016, JES Dev Co, Inc. was awarded Bluff View Senior Village in Crandall, TX with an expected completion date in December 2017.

# TEXAS PORTFOLIO



## SETTLEMENT ESTATES

Bastrop, Texas

70 Garden-Style Senior Units

(32) One Bedroom Units - 651 Sq. Ft. Starting at \$538

(38) Two Bedroom Units - 859 Sq. Ft. Starting at \$637



## RIVERWOOD COMMONS

Bastrop, Texas

36 Senior Units Located in a Three-Story Building

(11) One Bedroom Units - 725 Sq. Ft. Starting at \$528

(25) Two Bedroom Units - 935 Sq. Ft. Starting at \$644



## HIDDEN GLEN

Salado, Texas

50 Garden-Style Senior Units

(15) One Bedroom Units - 700 Sq. Ft. Starting at \$565

(35) Two Bedroom Units - 850 Sq. Ft. Starting at \$665



## BLUFF VIEW SENIOR VILLAGE

Crandall, Texas

Under Construction - Expected Completion in December 2017

48 Senior Units Located in a Three-Story Building

(includes 15 market rate units)

(15) One Bedroom Units - 710 Sq. Ft.

(33) Two Bedroom Units - 893 to 925 Sq. Ft.

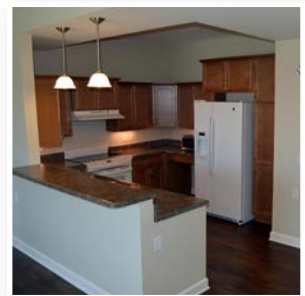


## FAIRWAY CONSTRUCTION CO, INC

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Since 1984, Fairway Construction Co., Inc. (FWC) has emerged as a leading contractor in the housing industry. The quality of our product reflects our commitment to excellence and efficiency. From 2010 to 2015 FWC Completed 30 jobs with a total contract amount of \$161,922,370.

Fairway Construction Co., Inc. (FWC) was founded in 1984 to provide construction services for JES Holdings, LLC. Throughout the years, Fairway Construction's expertise has grown from building affordable multi-family housing communities to include the construction of skilled nursing care centers, market-rate apartment communities, residential lofts, the rehabilitation of historic properties and conventional senior memory care facilities. Due to our reputation for consistently completing quality developments on time and within budget, FWC has expanded to add third-party construction developments and provides project management and consulting services for numerous developers. FWC offers a wide range of services to assist our clients from pre-construction through completion.



## FAIRWAY MANAGEMENT, INC.

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Fairway Management, Inc. (FWM) provides management and compliance services for a portfolio of 160 properties with approximately 7,500 units including Section 42, Section 8, Section 236, rural development and market rate communities.

FWM has more than 20 years of experience in affordable housing and provides valuable tax credit management consulting services offering an experienced team of management, accounting, and compliance professionals. FWM keeps average occupancy consistently at 97% across our portfolio.

2/27/2017

Agenda Item No. D)

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Presenter/Contact*Jennifer Gates, Buyer**(830) 221-4383 - JGates@nbtexas.org***SUBJECT:**

Approval of the purchase of vehicles from Bluebonnet Motors, Inc., Griffith Ford Seguin, LLC, and Silsbee Ford; and to declare replacement units as surplus.

**BACKGROUND / RATIONALE:**

A Competitive Sealed Proposal (CSP) solicitation was issued on December 14, 2016 seeking proposals from manufacturer-authorized dealers for the purchase of several types of vehicles to include, but not be limited to, Police vehicles, passenger vehicles, vans, pickups and specialty trucks. Proposals were opened on January 11, 2017 and three (3) responses were received. The evaluation committee reviewed all proposals on the basis of determining the best value to the City, with the intent to award to multiple vendors if possible. Several criteria were considered such as pricing, location, and reputation.

On February 13, 2017, City Council awarded a contract to Bluebonnet Motors, Inc. to be the City's primary contractor for Dodge and Ford vehicles due to their competitive pricing for both manufacturers. City Council also awarded a contract to Grapevine DCJ, LLC as the secondary contractor for Dodge vehicles, and a contract to Griffith Ford Seguin, LLC as the secondary contractor for Ford vehicles. As the contract is non-exclusive, City personnel may also continue to purchase vehicles from cooperative contracts that have been competitively-vetted such as BuyBoard, TXMAS, and HGAC on an as-needed basis.

Staff is requesting approval to purchase a total of 22 vehicles - a combination of replacement vehicles that are being retired from service, and new vehicles for departmental use such as Airport courtesy vehicles, Police pursuit vehicles, and for positions added to the organization in FY 2016-17. In addition, staff recommends declaring the replacement vehicles surplus which allows for the future sale of the vehicles.

Many of these vehicles require ancillary equipment prior to being operated in the field. As an example, all Police pursuit vehicles will require radars, cameras, light bars among other equipment. The purchase/cost of this equipment is **not** included in the figures below. If required, those costs will be brought for Council consideration at a later time.

Department	Equipment Type	Vendor	Price	Qty	Extended Price
Airport	Ford Escape	Griffith Ford Seguin	\$ 18,971	2	\$ 37,942
Fire	Ford F-150	Bluebonnet Motors	\$ 33,744	1	\$ 33,744
Planning	Ford Escape	Bluebonnet Motors	\$ 19,046	1	\$ 19,046



Planning	Ford F-250 - with lift gate	Bluebonnet Motors	\$ 28,381	1	\$ 28,381
Planning	Ford F-250	Bluebonnet Motors	\$ 25,149	1	\$ 25,149
Police	Ford Transit 350	Silsbee Ford	\$ 57,552	1	\$ 57,552
Police	Ford Explorer - Pursuit	Bluebonnet Motors	\$ 27,403	1	\$ 27,403
Police	Ford Explorer	Bluebonnet Motors	\$ 27,403	10	\$ 274,030
Public Works	Ford F-350 Flatbed Truck	Bluebonnet Motors	\$ 38,880	1	\$ 38,880
Public Works	Ford F-350	Bluebonnet Motors	\$ 38,953	1	\$ 38,953
Public Works	Ford F-150	Bluebonnet Motors	\$ 22,651	1	\$ 22,651
Solid Waste	Ford Transit	Bluebonnet Motors	\$ 23,112	1	\$ 23,112
<b>Total Price for Purchase of Above-Referenced Vehicles</b>					<b>\$ 626,843</b>

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

<b>Yes</b>	<b>Strategic Priorities 9:</b> Maintain fiscal stability of City operations.
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**FISCAL IMPACT:**

Of the 22 vehicles, 16 vehicles are replacements. Therefore, the majority of the funding is allocated in the Equipment Replacement Fund. The new vehicles are coming from five funding sources, the General Fund (1 Police pursuit vehicle), Airport Fund, 2015 Tax Notes Capital Fund, 2009 Certificates of Obligation and the 2012 Certificates of Obligation. Therefore, sufficient funds are available to purchase the vehicles. The purchase of several new vehicles has been postponed indefinitely to generate General Fund savings. Those vehicles will be incorporated into the vehicle purchase(s) for FY 2017-18.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of the purchases of 19 vehicles from Bluebonnet Motors, Inc., two vehicles from Griffith Ford Seguin, and one vehicle from Silsbee Ford. Additionally, Staff recommends that all replacement vehicles be declared surplus for future sale.

2/27/2017

Agenda Item No. E)

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Presenter/Contact

*Kristi Aday, Assistant City Manager*  
(830) 221-4285 - [KAday@nbtexas.org](mailto:KAday@nbtexas.org)

**SUBJECT:**

Approval of the ratification of an annual expenditure with Strategic Government Resources Inc. for FY 2016-17.

**BACKGROUND / RATIONALE:**

Strategic Government Resources Inc. provides for specialized executive recruitment and interim contractual services for municipalities throughout the country. The City of New Braunfels has been utilizing their services for temporary placement of the Municipal Court Administrator. The City has a fulltime candidate who has accepted the position and is expected to start in March.

This expenditure will exceed \$25,000 and in compliance with the City Charter Section 9.17 staff is asking to approve an amount not to exceed \$35,000.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

Yes	<b>Strategic Priorities:</b>	Maintain an ongoing program to provide exemplary customer service.
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**FISCAL IMPACT:**

This expenditure is being absorbed currently in the Municipal Court budget - operating expenditure allocation. While this expenditure was unbudgeted, vacancy savings were generated while utilizing this contract position. Therefore, if a budget transfer is needed later in the year, funds are available to support this one time expenditure.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends ratification of the expenditure with Strategic Government Resources Inc. for FY 2016-17.

2/27/2017

Agenda Item No. F)

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Presenter/Contact

*Gretchen Pruett, Library Director*  
(830) 221-4322 - [gpruett@nbtexas.org](mailto:gpruett@nbtexas.org)

**SUBJECT:**

Approval of a resolution for inclusion of the New Braunfels Public Library in a grant application by the Bulverde Spring Branch Public Library to the Texas State Library and Archives Commission for a Library Cooperation Grant to purchase a mobile maker space and authorizing the City Manager to execute all contract documents associated with the grant, if awarded.

**BACKGROUND / RATIONALE:**

The Bulverde Spring Branch Public Library is spearheading a grant application for funding of a vehicle and equipment to establish a mobile maker space for use by libraries within a 40 mile radius of their location. The vehicle could be reserved by the participating libraries to come to their location and unload the equipment to set up inside or outside. Proposed equipment include a laser cutter, 3D printer, computers, video equipment, sewing machines and metalworking equipment.

The Library Cooperation Grants from the Texas State Library and Archives require participating libraries to provide a Children's Internet Protection Act (CIPA) Compliance Statement and a Letter of Cooperation. The Bulverde Spring Branch Library would be the grant recipient and would coordinate all grant disbursement and reporting functions.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

<input checked="" type="checkbox"/>	Yes	<b>City Plan/Council Priorities</b>	Strategic Priorities: Infrastructure Objective 1a- Use a variety of funding sources for operational and capital needs.
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**FISCAL IMPACT:**

No fiscal impact.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of the inclusion of the New Braunfels Public Library as a partner in the Library Cooperation Grant from the Texas State Library and Archives and to authorize the City Manager to execute all contract documents associated with the grant, if awarded.

**2/27/2017**

Agenda Item No. G)

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Presenter/Contact

Garry Ford, City Engineer  
(830) 221-4020 - [gford@nbtexas.org](mailto:gford@nbtexas.org)

**SUBJECT:**

Approval of the second and final reading of an ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to install traffic control devices at Pahmeyer Road and Strawcove.

**BACKGROUND / RATIONALE:**

**Council District: 2**

City Council unanimously approved the first reading of the ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to install traffic control devices at Pahmeyer Road and Strawcove.

A citizen requested the Engineering Division evaluate the installation of an all-way stop at Pahmeyer Road and Strawcove. The intersection has four approaches and is currently controlled by stops on Strawcove. The stop signs on Pahmeyer Road were installed under authorization of Thomas Wibert, Chief of Police, on December 20, 2016 at the request from Garry Ford, P.E., City Engineer, creating an all-way stop condition at this intersection.

An engineering review was conducted in accordance with the *Texas Manual on Uniform Traffic Control Devices* (TMUTCD) and *A Policy on Geometric Design of Highways and Streets*. An all-way stop is justified primarily based on sight distance but also based on anticipated traffic on Strawcove coming from Sunspur Drive from the Sungate Subdivision.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

2006 Comprehensive Plan: Transportation Goal 21: Provide a system of convenient and safe transportation facilities through comprehensive, cooperative, and continuing transportation system planning and development.

**FISCAL IMPACT:**

Traffic control signs cost approximately \$135 each. Sufficient funding is available in the FY16-17 approved streets and drainage budget.

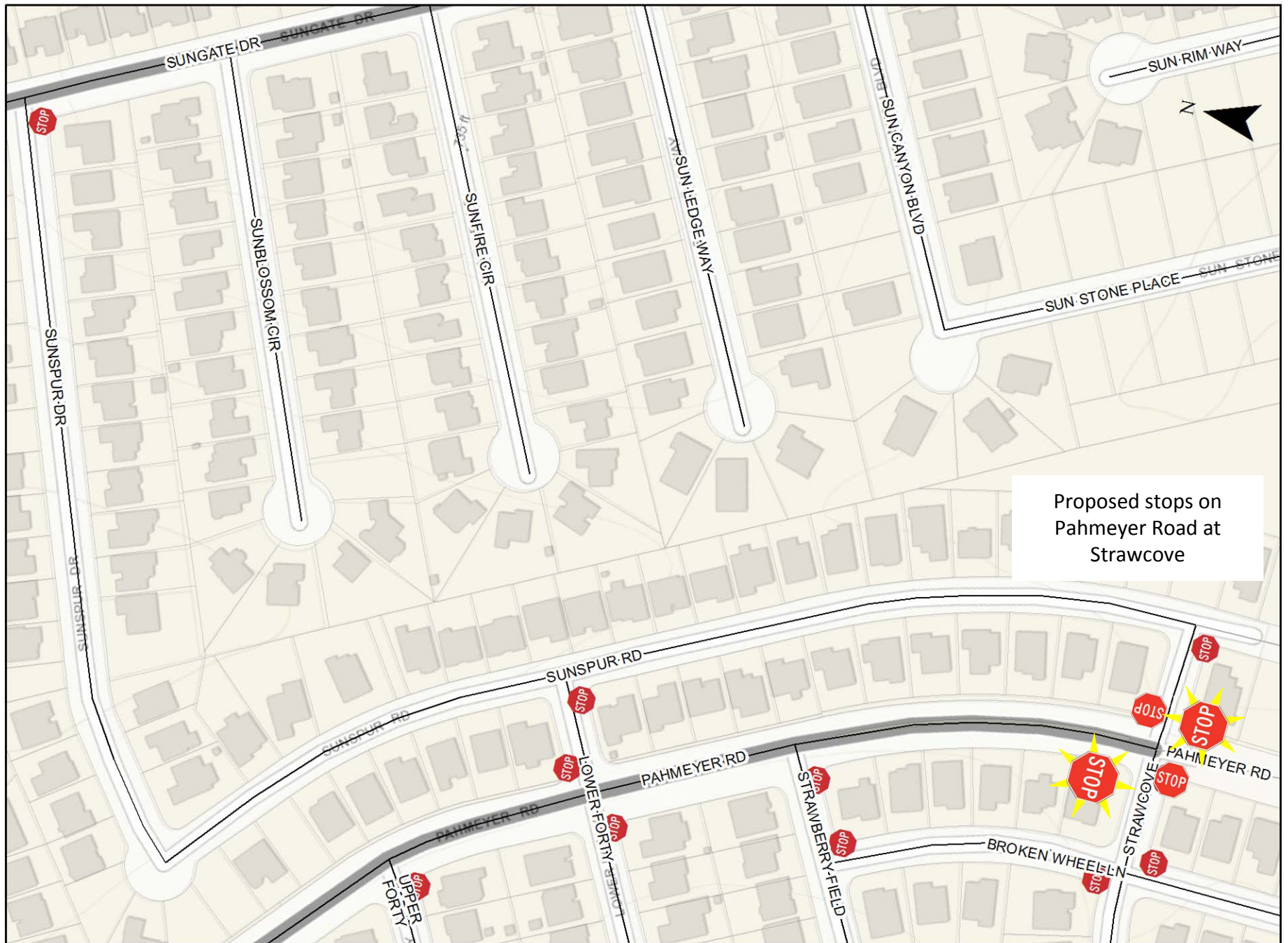
**COMMITTEE RECOMMENDATION:**

This request was considered by the Transportation and Traffic Advisory Board at their meeting on January 12, 2017. The Board unanimously approved the recommendation to City Council to install the all-way stop at Pahmeyer Road and Strawcove.

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**STAFF RECOMMENDATION:**

Staff recommends approval of the installation of the traffic control signs listed above.



Proposed stop signs on Pahmeyer Road at Strawcove



**ORDINANCE NO. 2017-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW  
BRAUNFELS, TEXAS, AMENDING ORDINANCE NUMBER 75-10  
DATED APRIL 28, 1975 TO APPROVE INSTALLATION OF TRAFFIC  
CONTROL DEVICES ON PAHMEYER ROAD AT STRAWCOVE;  
PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.**

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WHEREAS, after engineering and field investigation, the Transportation and Traffic Advisory Committee and the City Engineer have recommended that traffic control signs be installed on certain streets, avenues, thoroughfares and boulevards within the corporate limits of the City of New Braunfels in order to protect the health, safety and welfare of the citizens.

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

**I.**

THAT Ordinance Number 75-10 dated April 28, 1975, is hereby amended to authorize the installation of additional traffic control sign at the following location in the corporate limits of the City of New Braunfels, Texas:

**STOP SIGNS:**

- 1427. On Pahmeyer Road, south-bound at Strawcove.
- 1428. On Pahmeyer Road, north-bound at Strawcove.

**II.**

THAT the Public Works Department is directed to obtain and install the traffic control signs in the locations as set forth in this ordinance, and is directed to maintain the signs in a manner that provides for the health, welfare and safety of the citizens of New Braunfels.

**III.**

THAT all provisions as set forth in Ordinance Number 75-10 dated April 28, 1975, will be and remain in full force and effect as though written in full in this ordinance.

**IV.**

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate

or affect the remaining provisions hereof which will be and remain in full force and effect.

**V.**

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the 13<sup>th</sup> day of February, 2017.

PASSED AND APPROVED: Second reading this the 27<sup>th</sup> day of February, 2017.

CITY OF NEW BRAUNFELS, TEXAS

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*BARRON CASTEEL, MAYOR*

ATTEST:

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*PATRICK D. ATEN, CITY SECRETARY*

APPROVED AS TO FORM:

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*VALERIA M. ACEVEDO, CITY ATTORNEY*

**2/27/2017**

Agenda Item No. H)

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Presenter/Contact

Garry Ford, City Engineer  
(830) 221-4020 - [gford@nbtexas.org](mailto:gford@nbtexas.org)

**SUBJECT:**

Approval of the second and final reading of an ordinance amending Section 126-346 of the Code of Ordinances to add a no parking zone on East Faust Street near the intersection with Comal Avenue and amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to install traffic control devices in the neighborhood of East Faust Street.

**BACKGROUND / RATIONALE:**

**Council District: 5**

City Council unanimously approved the first reading of the ordinance amending Section 126-346 of the Code of Ordinances to add a no parking zone on East Faust Street near the intersection with Comal Avenue and amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to install traffic control devices in the neighborhood of East Faust Street.

The Engineering Division received a request for an all-way stop at the intersection of Faust Street and Comal Avenue. The intersection has four approaches and Comal Avenue is currently controlled by stop signs on both approaches.

A sight distance investigation and engineering review was conducted in accordance with the *Texas Manual on Uniform Traffic Control Devices* (TMUTCD) and *A Policy on Geometric Design of Highways and Streets*. Additionally, traffic counts were conducted and the intersection crash history was reviewed. Based on the result of these investigations, an all-way stop is not warranted at this intersection.

However, based on a recommendation from the Transportation and Traffic Advisory Board, a parking study was conducted at this intersection. The results of this parking study show that vehicles parked along East Faust Street west of the intersection with Comal Avenue restrict sight distance at the intersection. Because of this, a no parking zone is proposed along both sides of East Faust Street from the intersection with Comal Avenue to 63 feet in a westerly direction.

Additionally, city engineering staff expanded the request to include an evaluation of all uncontrolled intersections in the area for possible traffic control to ensure uniform use in neighborhood areas. Based on the stop sign criteria, it is recommended to install a stop sign at the following intersections:

- On St. Mary Street, southwest-bound at Kuehler Avenue.
- On Kessler Street, northeast-bound at Sanger Avenue.
- On Kuehler Avenue, northwest-bound at East Nacogdoches Street.
- On Sanger Avenue, northwest-bound at East Nacogdoches Street.

- 
- On Beaty Street, northeast-bound at Karbach Avenue.
  - On Beaty Street, southwest-bound at Sanger Avenue.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

2006 Comprehensive Plan: Transportation Goal 21: Provide a system of convenient and safe transportation facilities through comprehensive, cooperative, and continuing transportation system planning and development.

**FISCAL IMPACT:**

Traffic control signs cost approximately \$135 each. Sufficient funding is available in the FY16-17 approved streets and drainage budget.

**COMMITTEE RECOMMENDATION:**

The Transportation and Traffic Advisory Board approved the recommendation to install stop signs in the East Faust Street area including an all-way stop at Comal Avenue and East Faust Street on December 8, 2016. The board recommended a parking study be completed to determine if any other traffic control measures are required in preparation for City Council. The motion passed with three members in favor and one opposed.

**STAFF RECOMMENDATION:**

Staff recommends approval to create a no parking zone on both sides of East Faust Street from the intersection with Comal Avenue to 63 feet in a westerly direction and the installation of the stop signs at the intersections listed above. Staff does not recommend an all-way stop at Comal Avenue and East Faust Street.





Proposed stop signs in the area of the Comal Avenue and Faust Street intersection

**ORDINANCE NO. 2017-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-346 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO RESTRICT PARKING ON EAST FAUST STREET AND AMENDING ORDINANCE NUMBER 75-10 DATED APRIL 28, 1975 TO APPROVE INSTALLATION OF TRAFFIC CONTROL DEVICES IN THE NEIGHBORHOOD OF EAST FAUST STREET; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.**

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WHEREAS, the City Council has recommended that traffic control signs be installed on certain streets, avenues, thoroughfares and boulevards within the corporate limits of the City of New Braunfels in order to protect the health, safety and welfare of the citizens

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

**I.**

THAT the City of New Braunfels Code of Ordinances Section 126-346 (f) is hereby amended as follows:

- (99) On the north and south sides of East Faust Street from the intersection with Comal Avenue to a point 63 feet west. Such no parking zone shall be designated as a tow-away zone.

**II.**

THAT Ordinance Number 75-10 dated April 28, 1975, is hereby amended to authorize the installation of additional traffic control sign at the following location in the corporate limits of the City of New Braunfels, Texas:

**STOP SIGNS:**

- 1429. On St. Mary Street, southwest-bound at Kuehler Avenue, prior to entering Kuehler Avenue.
- 1430. On Kessler Street, northeast-bound at Sanger Avenue, prior to entering Sanger Avenue.



- 1431. On Kuehler Avenue, northwest-bound at East Nacogdoches Street, prior to entering East Nacogdoches Street.
- 1432. On Sanger Avenue, northwest-bound at East Nacogdoches Street, prior to entering East Nacogdoches Street.
- 1433. On Beaty Street, northeast-bound at Karbach Avenue, prior to entering Karbach Avenue.
- 1434. On Beaty Street, southwest-bound at Sanger Avenue, prior to entering Sanger Avenue.

### **III.**

THAT the Public Works Department is directed to obtain and install the traffic control signs in the locations as set forth in this ordinance, and is directed to maintain the signs in a manner that provides for the health, welfare and safety of the citizens of New Braunfels.

### **IV.**

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate or affect the remaining provisions hereof which will be and remain in full force and effect.

### **V.**

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the 13<sup>th</sup> day of February, 2017.

PASSED AND APPROVED: Second reading this the 27<sup>th</sup> day of February, 2017.

CITY OF NEW BRAUNFELS, TEXAS

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*BARRON CASTEEL, MAYOR*

ATTEST:

*PATRICK D. ATEN, CITY SECRETARY*

APPROVED AS TO FORM:

*VALERIA M. ACEVEDO, CITY ATTORNEY*

**2/27/2017**

Agenda Item No. I)

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Presenter/Contact

*Garry Ford, City Engineer*  
(830) 221-4020 - [gford@nbtexas.org](mailto:gford@nbtexas.org)

**SUBJECT:**

Approval of the second and final reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Areas G and I.

**BACKGROUND / RATIONALE:**

**Council District: 5**

City Council unanimously approved the first reading of the ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Areas G and I.

City Council has directed staff to add portions of South Market Avenue and East Coll Street to a Parking by Permit area so that the parking restrictions are contiguous along these streets. The area consists of single-family homes and one city-owned property.

This amendment is to:

- (1) move the property at 244 E. Coll Street, 276 E. Coll Street, 281 E. Coll Street, and 285 E. Coll Street from Area G to Area I;
- (2) add the portion of the property at 320 E. Coll Street that is adjacent to 294 E. Coll Street past the curve in E. Coll Street to Area I;
- (3) add 294 E. Coll Street to Area I;
- (4) add the portion of the property at 311 Comal Avenue that faces E. Coll Street to Area I; and
- (5) add the portion of the property at 285 E. Coll Street and the property at 294 Tolle Street that faces South Market Avenue to Area I.

The City of New Braunfels Code of Ordinances Section 126-354 specifies the parking by permit requirements. The requests received were for Parking by Permit between the hours of 8:00 a.m. and 8:00 p.m. from May 1<sup>st</sup> through September 30<sup>th</sup>, which is consistent with the existing Parking by Permit ordinance.

The proposed designated parking by permit area additions are part of a contiguous residential area and match the schedule of existing parking by permit areas.

A public hearing on the applications shall be conducted by City Council. Notices of the public hearing were mailed to all persons listed on the petition as being an occupant of each of the single family homes and to any other persons who may not be listed in the petition but are shown on the latest tax roll as owning property within the designated permit area.

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**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

Strategic Priority: Public Safety; Objective 5: Develop comprehensive program for river related issues which includes addressing river related issues in a timely manner and reviewing options to address river related activities and quality of life issues.

**FISCAL IMPACT:**

Traffic control signs cost approximately \$135 each. Sufficient funding is available in the FY16-17 approved Public Works budget.

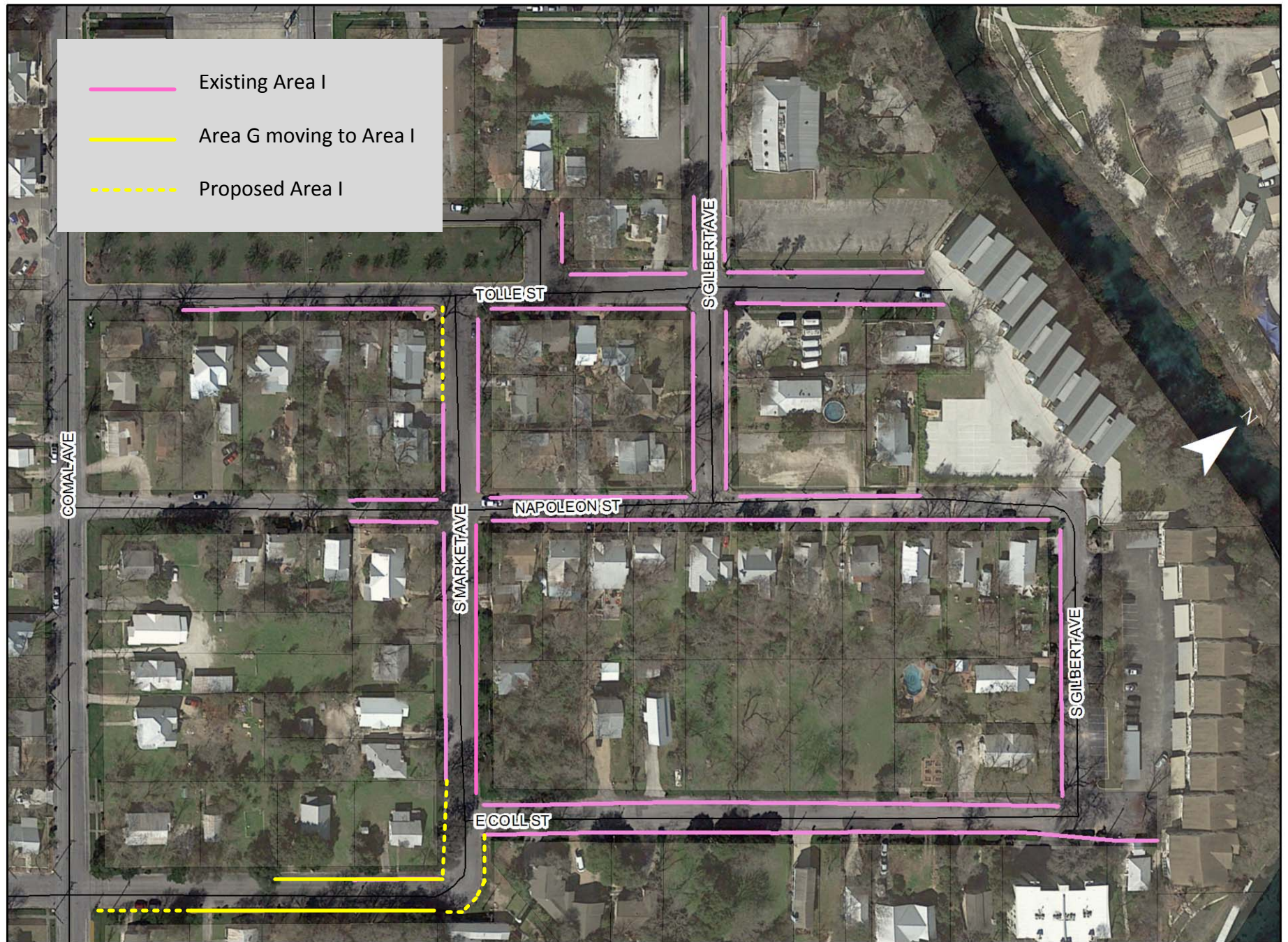
**COMMITTEE RECOMMENDATION:**

This item was presented to the Transportation and Traffic Advisory Board at their meeting on January 12, 2017. The Board recommended approval of amending Parking by Permit Areas G and I to list 294 E. Coll Street (the Boy Scout Hut) as both Areas G and I on a motion that carried unanimously.

**STAFF RECOMMENDATION:**

Staff recommends approval of amending Parking by Permit Areas G and I.





Proposed Amendments to Parking by Permit Area I

Sec. 126-354. - Parking by permit only.

- (c) *Designated permit areas.* No person shall park and leave standing any vehicle whether attended or unattended between the times listed and locations designated below without first having obtained a valid parking permit for the designated permit area from the city. Said designated permit area shall be designated as a tow-away zone:

(8) Area G, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.

- a. On both sides of Stein Court.
- b. On the north side of Comal Avenue from 417 Comal Avenue to 637 Comal Avenue.
- c. On the north side of Comal Avenue from 311 Comal Avenue to 393 Comal Avenue and 388 Comal Avenue on the south side.

~~d. On the northeast side of E. Coll Street from 244 E. Coll Street to 276 E. Coll Street.~~

~~e. On the northwest side of E. Coll Street from 285 E. Coll Street to 281 E. Coll Street.~~

(10) Area I, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.

- a. On the east side of S. Gilbert Avenue from 185 feet south of E. San Antonio Street to 285 S. Gilbert Avenue.
- b. On the south side of S. Gilbert Avenue from 393 Tolle Street to 292 S. Gilbert Avenue.
- c. On both sides of Tolle Street from 393 and 360 to 454 Tolle Street.
- d. On the northwest side of Napoleon Street from 325 S. Market Avenue to 451 Napoleon Street.

~~e. On the north both sides of S. Market Avenue from 360 Tolle Street to the intersection with Tolle Street to 353 S. Market Avenue the intersection with E. Coll Street.~~

f. On the southeast side of Tolle Street from 234 to 294 Tolle Street.

~~g. On the southeast side of S. Market Avenue from 286 S. Market Avenue to 372 S. Market Avenue.~~

h. On both sides of Napoleon St. between 286 Napoleon Street and 286 S. Market Avenue.

i. On the southwest side of S. Gilbert Avenue from Napoleon St. to E. Coll Street.

j. On both sides of E. Coll St. between S. Market Avenue and S. Gilbert Avenue.

k. On the southeast side of Napoleon Street from S. Market Avenue to S. Gilbert Avenue.

l. On the south side of E. Coll St. between S. Market Avenue and Comal Avenue.

m. On the north side of E. Coll St. between S. Market Avenue and 281 E. Coll Street.



**ORDINANCE NO. 2017-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW  
BRAUNFELS, TEXAS, AMENDING SECTION 126-354 (c) TO AMEND  
PARKING BY PERMIT AREAS G AND I; PROVIDING FOR  
SEVERABILITY AND AN EFFECTIVE DATE.**

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WHEREAS, the City Council has determined that Section 126-354 (c)(8) Parking by Permit Only, Designated Permit Areas, Area G and Section 126-354 (c)(10) Parking by Permit Only, Designated Permit Areas, Area I be amended in order to protect the health, safety and welfare of the citizens.

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

**I.**

THAT Section 126-354 (c) is hereby amended to read:

(c) *Designated permit areas.* No person shall park and leave standing any vehicle whether attended or unattended between the times listed and locations designated below without first having obtained a valid parking permit for the designated permit area from the city. Said designated permit area shall be designated as a tow-away zone:

- (8) Area G, between the hours of 8:00 a.m. and 8:00 p.m. from May 1<sup>st</sup> through September 30<sup>th</sup>.
  - a. On both sides of Stein Court.
  - b. On the north side of Comal Avenue from 417 Comal Avenue to 637 Comal Avenue.
  - c. On the north side of Comal Avenue from 311 Comal Avenue to 393 Comal Avenue and 388 Comal Avenue on the south side.
  
- (10) Area I, between the hours of 8:00 a.m. and 8:00 p.m. from May 1<sup>st</sup> through September 30<sup>th</sup>.
  - a. On the east side of S. Gilbert Avenue from 185 feet south of E. San Antonio Street to 285 S. Gilbert Avenue.
  - b. On the south side of S. Gilbert Avenue from 393 Tolle Street to 292 S. Gilbert Avenue.
  - c. On both sides of Tolle Street from 393 and 360 to 454 Tolle Street.
  - d. On the northwest side of Napoleon Street from 325 S. Market Street Avenue to 451 Napoleon Street.
  - e. On both sides of S. Market Avenue the intersection with Tolle Street to the intersection with E. Coll Street.
  - f. On the southeast side of Tolle Street from 234 to 294 Tolle Street.
  - g. On both sides of Napoleon St. between 286 Napoleon Street and 286 S. Market Avenue.



- h. On the southwest side of S. Gilbert Avenue from Napoleon St. to E. Coll Street.
- i. On both sides of E. Coll St. between S. Market Avenue and S. Gilbert Avenue.
- j. On the southeast side of Napoleon Street from S. Market Avenue to S. Gilbert Avenue.
- k. On the south side of E. Coll St. between S. Market Avenue and Comal Avenue.
- l. On the north side of E. Coll St. between S. Market Avenue and 281 E. Coll Street.

## II.

THAT the Public Works Department is directed to obtain and install the traffic control signs in the locations as set forth in this ordinance, and is directed to maintain the signs in a manner that provides for the health, welfare and safety of the citizens of New Braunfels.

## III.

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate or affect the remaining provisions hereof which will be and remain in full force and effect.

## IV.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the 13<sup>th</sup> day of February, 2017.

PASSED AND APPROVED: Second reading this the 27<sup>th</sup> day of February, 2017.

CITY OF NEW BRAUNFELS, TEXAS

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*BARRON CASTEEL, MAYOR*

ATTEST:

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*PATRICK D. ATEN, CITY SECRETARY*

APPROVED AS TO FORM:

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*VALERIA M. ACEVEDO, CITY ATTORNEY*

**2/27/2017**

Agenda Item No. J)

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Presenter

*Christopher J. Looney, Planning and Community Development Director  
(830) 221-4050 - clooney@nbtexas.org*

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding the establishment of new fees for services provided or facilitated by the Planning and Community Development Department.

**BACKGROUND / RATIONALE:**

**At their regular meeting on Monday, February 13, 2017, City Council unanimously approved the first reading of the proposed new development services fees (7-0).**

In FY 2015-16, City Council directed staff to conduct a fee study. A consultant was contracted to conduct a benchmark study with Planning and Community Development as the initial department analyzed. Recommendations included increases to some fees; and creation of new fees for development services currently provided but paid for through the general fund. At the 2016 Budget Retreat, City Council directed staff to implement recommended new fees first, and that any proposals for fee increases should be examined subsequently.

The services provided but currently lacking an associated fee are development-related (see attachment). These services include requests for waivers from the City's sidewalk requirements, amendments to the adopted future land use and transportation plans, and various subdivision plat associated processes. They are driven by property owners and applicants who wish to develop their land in a manner differently than it presently exists. These requests require staff time to process, analyze, develop recommendations, and prepare detailed reports and materials for various and often multiple board, commission or City Council public hearings and considerations.

As indicated above, the study was benchmark in nature and compared the City of New Braunfels against similar size Texas municipalities as well as other cities in our local region. These recommended fees were then adjusted logically in comparison to existing local fees for similar services, and actual staff time spent on each process. Staff presented these proposed fees to the development community at a meeting on September 29, 2016. After incorporating feedback, staff then briefed the Planning Commission at their meeting on November 1, 2016.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**



	Yes	<b>City Plan/Council Priority FY 2016-17 Adopted Budget and Plan of Municipal Services</b>	One Senior Planner position is proposed to be funded by establishment of planning related fees. With increased development applications due to population growth, this additional position will allow the department to increase the speed of development-related processes meeting expectations of the development community.
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**FISCAL IMPACT:**

Based on the estimated number of applications, it is anticipated that these proposed fee increases could generate approximately \$60,000 per year. These funds would be used to off-set the cost of one additional position in the Planning and Community Development Department. This position would be responsible for increasing speed of service delivery and consistency of development processes.

**COMMITTEE RECOMMENDATION:**

Not applicable.

**STAFF RECOMMENDATION:**

Following is a public input and presentation timeline associated with these proposed new fees:

2015-2016: Benchmark Study  
 May 2016: City Council Budget Retreat  
 Aug 2016: City Council Budget Presentation  
 Sept 2016: Development Community Presentation  
 Nov 2016: Planning Commission Presentation  
 Jan 23, 2017: City Council Presentation  
 Feb 13, 2017: City Council First Reading  
 Feb 27, 2017: City Council Second Reading  
 April 1, 2017: Proposed Implementation

Staff recommends approval with the above-proposed “grace period” of April 1, 2017 for implementation following approval of the second reading of the ordinance.



## **Development Services**

**This list of applications/services are only those for which fees are not currently assessed.**

- Sidewalk Waiver Request:** A subdivision plat waiver when a developer requests permission from the Planning Commission to not construct a code required sidewalk or to provide a cash escrow for the City to construct the sidewalk in the future. If the Planning Commission approves the waiver, the request is forwarded to City Council for consideration.
- Legal Lot Determination:** The administrative review of provided deed records to determine if the subject tract of land was created in its present configuration/shape in compliance with the City's subdivision regulations.
- Plat Waiver/Variance:** The Planning Commission may approve a request from a developer to not comply with certain provisions of the subdivision ordinance when strict compliance would create an undue hardship or when the purpose of the regulation would be better served by an alternative proposal.
- Vacate Plat:** A plat that voids a previous recorded subdivision plat. A plat is vacated in the same manner as the previously recorded plat.
- Plat Extension:** Administrative review and authorization of requests to extend the time allowed to record a plat at the County Courthouse.
- Plat Appeal:** The appeal of any administrative decision to the Planning Commission regarding the interpretation of the Platting Ordinance. This does not include appeals for relief from a dedication, reservation, construction, payment of fees or payment of construction cost requirement to assure uniform apportionment of municipal infrastructure costs that are proportionate to the proposed development's demand on municipal infrastructure.
- Plat Revision:** Administrative review of revisions made to an approved plat beyond those required of the approval prior to recordation.
- Voluntary Annexation Request:** A petition submitted to City Council from more than 50% of the property owners of the area requesting to be annexed into the city limits.



<b>License Agreements:</b>	A request submitted to City Council to authorize the encroachment of private improvements on public property or within a public right-of-way or easement including the legal terms of the encroachment.
<b>Residential Buffer Wall Exemption Request:</b>	A request from a commercial property owner for staff review of letters from abutting residential property owners for relief from the residential protection fence/wall requirement.
<b>Street Name Change:</b>	A petition submitted to City Council from property owners requesting a change in a street name their property abuts.
<b>Tree Removal Permit:</b>	Administrative review of a request from a property owner to remove trees subject to the City's tree preservation regulations.
<b>Future Land Use Plan Amendment:</b>	Request submitted to City Council from a property owner to change the Future Land Use designation on their property. Most commonly submitted in conjunction with a zoning change request and is considered an amendment to the Comprehensive Plan.
<b>Regional Thoroughfare Plan Amendment:</b>	Request submitted to City Council from a property owner to change the Regional Thoroughfare Plan designation, or a thoroughfare route. This is considered an amendment to the Comprehensive Plan
<b>Right-of-way Determination:</b>	Request submitted to City Council from affected property owner/developer to establish the effective right-of-way width for a major roadway or portion of major roadway identified on the City's Regional Transportation Plan to a width less than the "up to" right-of-way width identified on the Regional Transportation Plan for the associated street type.
<b>Nonconforming Use Certification/Registration:</b>	Administrative review of submitted material and research of records to determine and certify if the use of a property was existing at the time of the effective date of the regulation and if the use had not been abandoned pursuant to local ordinance and/or state statute.



## **Vested Rights**

<b>Determination:</b>	Administrative and legal review of submitted material to determine applicable development regulations associated with a proposed development as stipulated in Chapter 245 of the Texas Local Government Code.
<b>Newspaper Notification:</b>	Publication of a notice of public hearing in a local newspaper for certain requests as required by local ordinance and/or state statute.
<b>Mail Notification:</b>	Notice of public hearing and information related to the request mailed by regular US Mail to affected property owners and other agencies as specified in local ordinance and/or state statute.
<b>Health Permit Expired:</b>	A late fee for annual restaurant or kitchen health inspections.



**ORDINANCE NO. 2017-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 144, CHAPTER 118, AND CHAPTER 62 BY ADOPTING NEW FEES FOR DEVELOPMENT-RELATED SERVICES; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.**

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**WHEREAS**, the City of New Braunfels, Texas, **provides as part of its municipal business to the public** development application processes and services pursuant to federal law, state statute and local ordinance; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas seeks to provide for reasonable administrative fees in order to recoup the cost of conducting such processes and services on the public's behalf without unduly relying on taxes; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas directed a benchmark fee study be conducted **which reflected that many Texas municipalities charge development fees, such as those set forth below, to offset the cost of providing such development services**; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas directed the City implement new fees to pay for required services; and

**WHEREAS**, the local development community provided feedback on the proposed new fees at a meeting on September 29, 2016; and

**WHEREAS**, the Planning Commission was briefed on the proposed new fees at their regular meeting on November 1, 2016; and,

**WHEREAS**, New Braunfels' City Council finds **that the attached schedule of fees, is reasonable and prudent in light of the municipal effort and resources that must be expended to operate a regulatory program and provide certain municipal authorizations, permits, and approvals, and** that adopting new fees for development-related services will reduce the amount of taxpayer subsidization of development activities and allow for the Planning and Community Development Department to increase staff and in turn the speed of the development process **in a rapidly growing city.**

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

**Section 1. Findings of Fact**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact are found to be true and correct and that they are hereby adopted by the City Council and made a part hereof for all purposes. The City Council hereby finds and determines that the rules, regulations, terms, conditions, provisions, and requirements are reasonable and necessary to protect the public health, safety, and quality of life.

**Section 2. Amendment.**

Chapter 144 of City of New Braunfels Code of Ordinances is hereby amended so as to read in accord with the following table of fees in a new Article VII, as set forth below:

**ARTICLE VII – Fees.**

**Sec. 144-7.1 *Fee Schedule.*** The following is a list of applications with associated required fees that are not specified in other sections of this chapter.

Residential Buffer Wall Exemption	\$100
Street Name Change	\$550
Tree Removal Permit	\$100
Future Land Use Plan Amendment	\$500
Registration of a Nonconforming Use	\$75
Newspaper notification (per published notice)	\$115
Mail notification (per mailed notice)	\$2.15
Voluntary Annexation	\$1,000
Vested Rights Determination	\$200

**Section 3. Amendment**

Chapter 118 of City of New Braunfels Code of Ordinances is hereby amended so as to read in accord with the following table of fees in a new Article VII, as set forth below:

**ARTICLE VII – Fees.**

**Sec. 118-68 Fee Schedule.** The following is a list of applications with associated required fees that are not specified in other sections of this chapter.

Sidewalk Waiver	\$300
Legal Lot Determination	\$150
Plat Waiver/Variance	\$150
Plat Vacation	\$200
Plat Extension	\$200
Plat Appeal (Rough Proportionality Claims)	\$100
Plat Revision	\$200
Voluntary Annexation	\$1,000
License Agreement	\$250
Regional Thoroughfare Plan Amendment	\$900
Right-of-Way Determination	\$500
Vested Rights Determination	\$200
Newspaper notification (per published notice)	\$115
Mail notification (per mailed notice)	\$2.15

#### **Section 4. Amendment**

**Chapter 62, Section 118 of City of New Braunfels Code of Ordinances is hereby amended with the following additional subsection (c)(7):**

62-118. – Permits – Required; posting; fees.

(c) Fee. The following nonrefundable fees shall be paid for permits under this section:

\*\*\*\*

(7) Expired Health Permit Late Fee. Health permit applications submitted after January 1 of each calendar year shall be assessed a late fee of \$65.00.

#### **Section 5. Severability**

**THAT** it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

## **Section 6. Repealer**

**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect and all Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

## **Section 7. Effective Date and Publication.**

**THIS** ordinance shall become adopted and effective on April 1, 2017. This Ordinance must also be **published** in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

**PASSED AND APPROVED:** First reading this 13<sup>th</sup> day of February, 2017.

**PASSED AND APPROVED:** Second reading this 27<sup>th</sup> day of February, 2017.

**CITY OF NEW BRAUNFELS, TEXAS**

---

**BARRON CASTEEL, Mayor**

**ATTEST:**

---

**PATRICK D. ATEN, City Secretary**

**APPROVED AS TO FORM:**

---

**VALERIA M. ACEVEDO, City Attorney**



**2/27/2017**

Agenda Item No. K)

---

Presenter/Contact

Garry Ford, City Engineer  
(830) 221-4020 - [gford@nbtexas.org](mailto:gford@nbtexas.org)

**SUBJECT:**

Approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to create no parking zones on Floral Avenue and Rainy Creek.

**BACKGROUND / RATIONALE:**

Council Districts: 3 & 5

*Floral Avenue:*

A property owner has requested a no parking zone on Floral Avenue from the intersection with North Walnut Avenue behind her business. The no parking zone is intended to address double parking issues that have occurred from vehicles parking along Floral Avenue blocking the private parking lot at her business.

Floral Avenue is a two lane roadway north of North Walnut Avenue. The speed limit on Floral Avenue is 30 mph. Vehicles parked along Floral Avenue behind the business parking can block in employees and customers.

*Rainy Creek:*

A citizen has requested a no parking zone on Rainy Creek at the entrance to the West Village at Creekside subdivision. The no parking zone is requested because parents park in the entrance to the subdivision while waiting to pick up their children from the middle school across FM 1101. This results in parked vehicles blocking traffic and restricting sight distance at the intersection of FM 1101 and Rainy Creek.

The portion of Rainy Creek that the no parking zone is requested for is a divided a two lane roadway that intersects with FM 1101 across from Canyon Middle School. The speed limit on Rainy Creek is 30 mph.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

2006 Comprehensive Plan: Transportation Goal 21: Provide a system of convenient and safe transportation facilities through comprehensive, cooperative, and continuing transportation system planning and development.

**FISCAL IMPACT:**

Traffic control signs cost approximately \$135 each. Sufficient funding is available in the FY16-17 approved streets and drainage budget.

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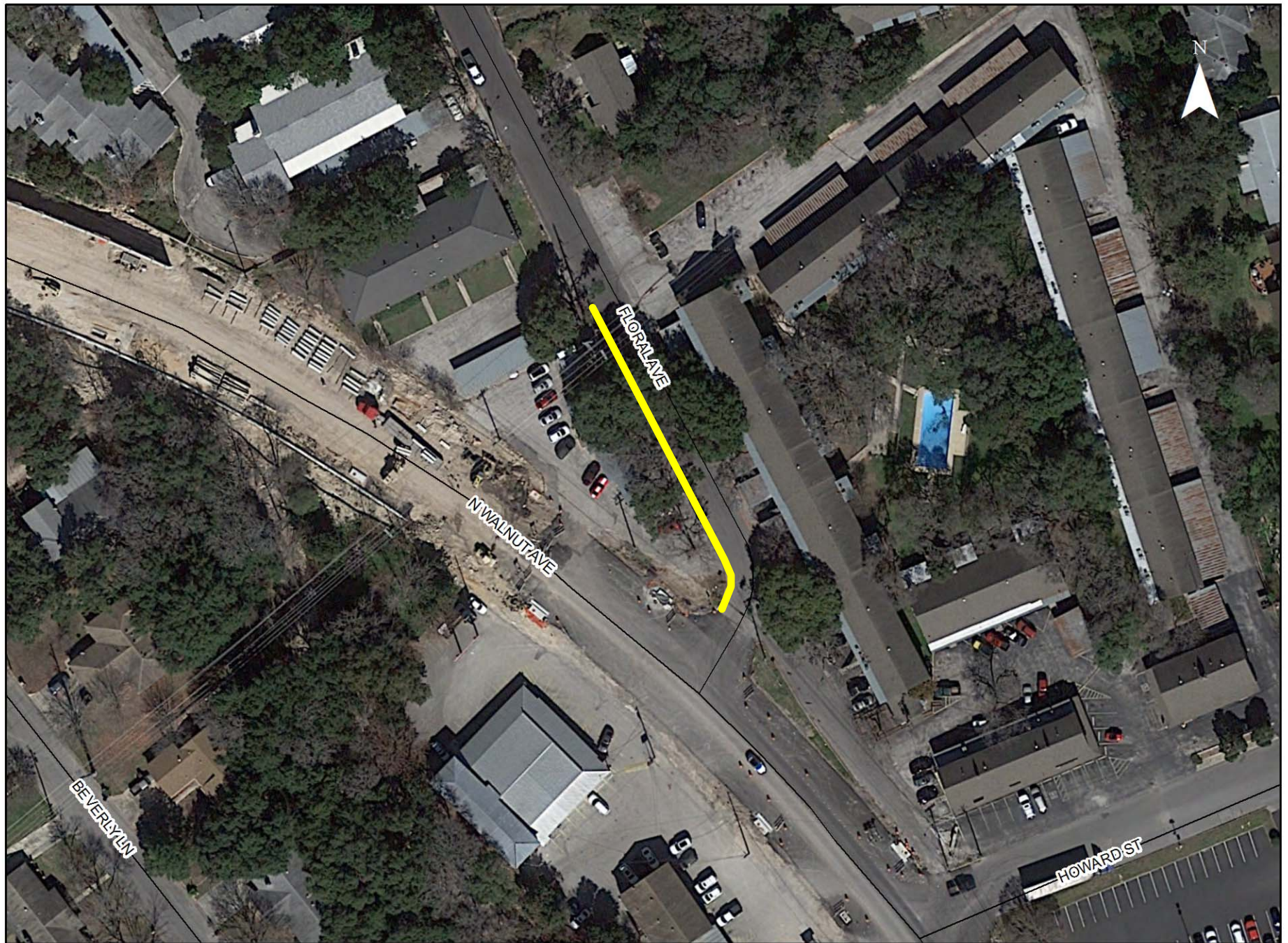
**COMMITTEE RECOMMENDATION:**

The Transportation and Traffic Advisory Board unanimously approved the recommendation to City Council to create no parking zones on Floral Avenue and Rainy Creek on February 9, 2017.

**STAFF RECOMMENDATION:**

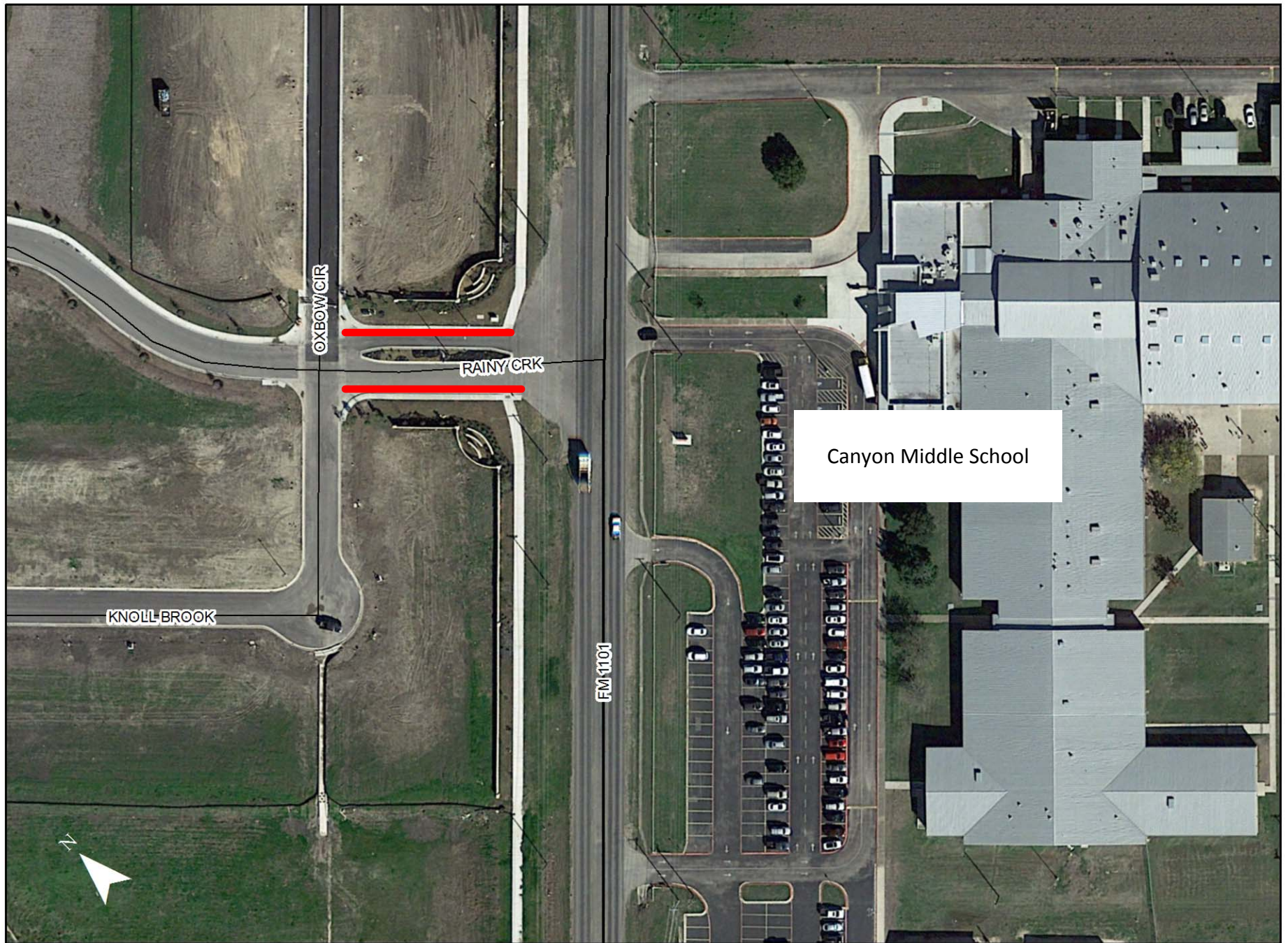
Staff recommends approval of creating no parking zones on Floral Avenue and Rainy Creek.





Proposed No Parking Zone on Floral Avenue





Canyon Middle School

Proposed No Parking Zone on Rainy Creek



**ORDINANCE NO. 2017-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-346 (F) OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO RESTRICT PARKING ON FLORAL AVENUE AND RAINY CREEK; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

---

WHEREAS, after engineering and field investigation, the Transportation and Traffic Advisory Committee and the City Engineer have recommended that traffic control signs be installed on certain streets, avenues, thoroughfares and boulevards within the corporate limits of the City of New Braunfels in order to protect the health, safety and welfare of the citizens.

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

**I.**

THAT the City of New Braunfels Code of Ordinances Section 126-346 (f) is hereby amended as follows:

- (100) On the west side of Floral Avenue from the intersection with North Walnut Avenue to a point 214 feet in a northerly direction. Such no parking zone shall be designated as a tow away zone.
- (101) On both sides of Rainy Creek, including traffic islands, from the intersection with FM 1101 to the intersection with Oxbow Circle. Such no parking zone shall be designated as a tow away zone.

**II.**

THAT the Public Works Department is directed to obtain and install the traffic control signs in the locations as set forth in this ordinance, and is directed to maintain the signs in a manner that provides for the health, welfare and safety of the citizens of New Braunfels.

**III.**

THAT all provisions hereof declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate or affect the remaining provisions hereof which remain in full force and effect.

**IV.**

All other ordinances or parts of ordinances in conflict herewith are repealed to the extent that they are in conflict.

**V.**

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the 27<sup>th</sup> day of February, 2017.

PASSED AND APPROVED: Second reading this the 13<sup>th</sup> day of March, 2017.

CITY OF NEW BRAUNFELS, TEXAS

\_\_\_\_\_  
*BARRON CASTEEL, MAYOR*

ATTEST:

\_\_\_\_\_  
*PATRICK D. ATEN, CITY SECRETARY*

APPROVED AS TO FORM:

\_\_\_\_\_  
*VALERIA M. ACEVEDO, CITY ATTORNEY*

2/27/2017

Agenda Item No. L)

---

Presenter

*Christopher J. Looney, Planning and Community Development Director  
(830) 221-4055 - clooney@nbtexas.org*

**SUBJECT:**

Approval of the second and final reading of an ordinance for the proposed abandonment and sale of approximately 0.23 acres of street right-of-way at the terminus of Merriweather Street.

**BACKGROUND / RATIONALE:**

Case No.: PZ-17-001

Council District: 6

**Owners /****Applicants:**

HEB Grocery Company LP  
646 S. Flores St.  
San Antonio, TX 78204

**Staff Contact:**

Matt Greene, Planner  
(830) 221-4053  
mgreene@nbtexas.org

**City Council unanimously approved the first reading of the ordinance on February 13, 2017 (7-0-0).**

The subject property is located at the terminus of Merriweather Street adjacent to the HEB on Walnut Avenue near IH 35 and consists of approximately 0.23 acres (10,018.8 square feet). HEB owns the adjacent lots currently addressed at 969, 972, 987, and 988 Merriweather Street. HEB's intention is to combine the four lots and the adjacent portion of the Merriweather street right-of-way into the existing HEB commercial lot and utilize it for parking.

A report was submitted by an independent appraiser indicating an estimated market value of \$50,100 for the property.

City Council unanimously approved this right-of-way abandonment request on November 23, 2015. However, the ordinance adopted for the right-of-way abandonment (Ordinance No. 2015-69, Attachment 7) states that if the Deed Without Warranty is not executed within one hundred twenty (120) days of the second and final reading of the ordinance, the ordinance shall become null and void. This transfer did not occur within this time frame necessitating City Council's reauthorization of the abandonment.

The following are additional requirements stipulated by Ordinance No. 2015-69:

1. A pedestrian access easement will be dedicated across the subject property to allow neighborhood residents to continue to access the retail center. This can be dedicated as part of the plat.
2. A replat of the existing HEB property to include the purchased right-of-way must be submitted and approved by the City prior to ownership transfer. Recordation will occur subsequent to the transfer. *A plat application was submitted and approved by the Planning Commission (with conditions) on February 2, 2016. The final mylar plat prints, tax certificates and plat recordation fees were submitted April 28, 2016.*
3. Use of the property is limited to a parking lot.

The 120-day window to transfer the Deed Without Warranty for the Merriweather property expired on March 22, 2016, prior to submittal of the final plat for recordation. The applicant is requesting reapproval of the right-of-way abandonment. The mylar prints of the plat along with all of the required documents, fees and conditions have been received and were verified by the City on December 13, 2016 along with all required signatures. The applicant also included that there will be no vehicular access to the subject site from Merriweather Street. Transfer of the right-of-way is the last step to complete the plat recordation process.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

✓	Yes	<b>City Plan/Council Priority:</b> 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	<b>Pros:</b> Goal 25B 11 <i>Ensure that pedestrian traffic is addressed as part of the platting process.</i> Sale of the right-of-way required the property to be platted. As a condition of the final plat approval, a pedestrian access easement must be dedicated across the subject property to allow neighborhood residents to continue to access the retail center. <b>Goal 53K</b> <i>Improve traffic flows to reduce idling time of vehicles.</i> The intended development of the right-of-way as additional parking could improve vehicular movement within the shopping center. <b>Cons:</b> None.
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**FISCAL IMPACT:**

\$50,100 from the sale of the property, addition of 0.23 acres of commercial acreage to the tax base, and less asphalt and curb for the City to maintain.

**COMMITTEE RECOMMENDATION:**

At their February 7, 2017 meeting, the Planning Commission recommended approval with Staff recommendations of the proposed abandonment and sale of approximately 0.23 acres of street right-of-way located at the terminus of Merriweather Street (9-0-0).

**STAFF RECOMMENDATION:**

Staff recommends approval of the request with the following conditions:

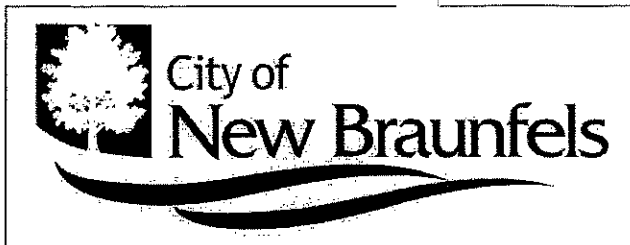
1. A pedestrian access easement be dedicated across the subject property to allow neighborhood residents to continue to access the retail center. This will be dedicated as



- 
- part of the final plat.
2. A replat of the existing HEB property to include the purchased right-of-way submitted and approved by the City prior to ownership transfer. Recordation will occur subsequent to the transfer.
  3. The property may only be used for parking.

**Attachments:**

1. Application
2. Survey
3. Aerial Maps
4. Zoning and Land Use Maps
5. Executive Summary from Appraisal
6. Photographs
7. Ordinance No. 2015-69
8. 2017 Ordinance



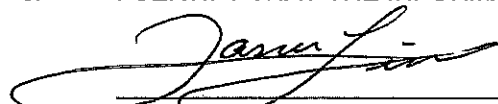
APPLICATION FOR CLOSURE/ABANDONMENT  
OF STREETS, ALLEYS OR PUBLIC WAYS  
Planning and Community Development  
424 S. Castell Avenue, New Braunfels, TX 78130  
Phone: (830) 221-4050 Fax: (830) 608-2109

P2-17-001

1. APPLICANT: HEB Grocery Company, LP - Ben Scott  
AGENT (if applicable): Bury-SAN, Inc. - Contact: Jason Link PH# 210-525-9090  
ADDRESS: 646 South Flores, San Antonio, TX 78204  
TELEPHONE: 210-938-8238  
EMAIL: jlink@buryinc.com / mjohnson@buryinc.com
2. LOCATION OF STREET, ALLEY OR PUBLIC WAY TO BE CLOSED/ABANDONED: Approximately 178 LF north east of the dead end of W. Merriweather Street.
3. LEGAL DESCRIPTION: 60' Public Right Of Way, VOL. 120 PG. 245
4. REASON FOR CLOSURE/ABANDONMENT: \_\_\_\_\_  
To consolidate the R.O.W. and 4 residential lots into the larger commercial lot adjacent to the site.
5. ATTACHMENTS: ☒ metes & bounds description/legal description (if applicable)  
☐ N/A letters from abutting owners joining in request (if applicable)  
☐ N/A statement of nonparticipation (if applicable)  
☒ \$150.00 non-refundable application fee

Note: The New Braunfels Code of Ordinances does not permit the closure or abandonment of half streets, alleys or public ways.

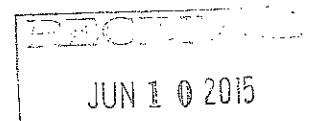
6. I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS ACCURATE AND CORRECT.

  
Owner's Signature Agent

6/10/2015  
Date

**FOR OFFICE USE ONLY**

Received on: 6/10/15 Receipt No.: 222807 Check No.: 6404  
Received by: \_\_\_\_\_ Case No.: \_\_\_\_\_ Planning Com. Date: \_\_\_\_\_  
City Council: 1<sup>st</sup> reading \_\_\_\_\_ 2<sup>nd</sup> reading \_\_\_\_\_ Ordinance No.: \_\_\_\_\_



**EXHIBIT "E"**

**= Subject Property**

*I, Enrique C. Elizondo, a Registered Professional Land Surveyor do hereby certify that this plat represents an actual survey made on the ground under my supervision and substantially complies with the minimum standards for land surveying in Texas as set forth by the Texas Board of Professional Land Surveying and that there are no encroachments or visible easements, to the best of my knowledge and belief, except as shown herein. This 9th day of July, 2015.*

*Enrique C. Elizondo*  
 Enrique C. Elizondo  
 Registered Professional Land Surveyor  
 Texas Registration No. 6386

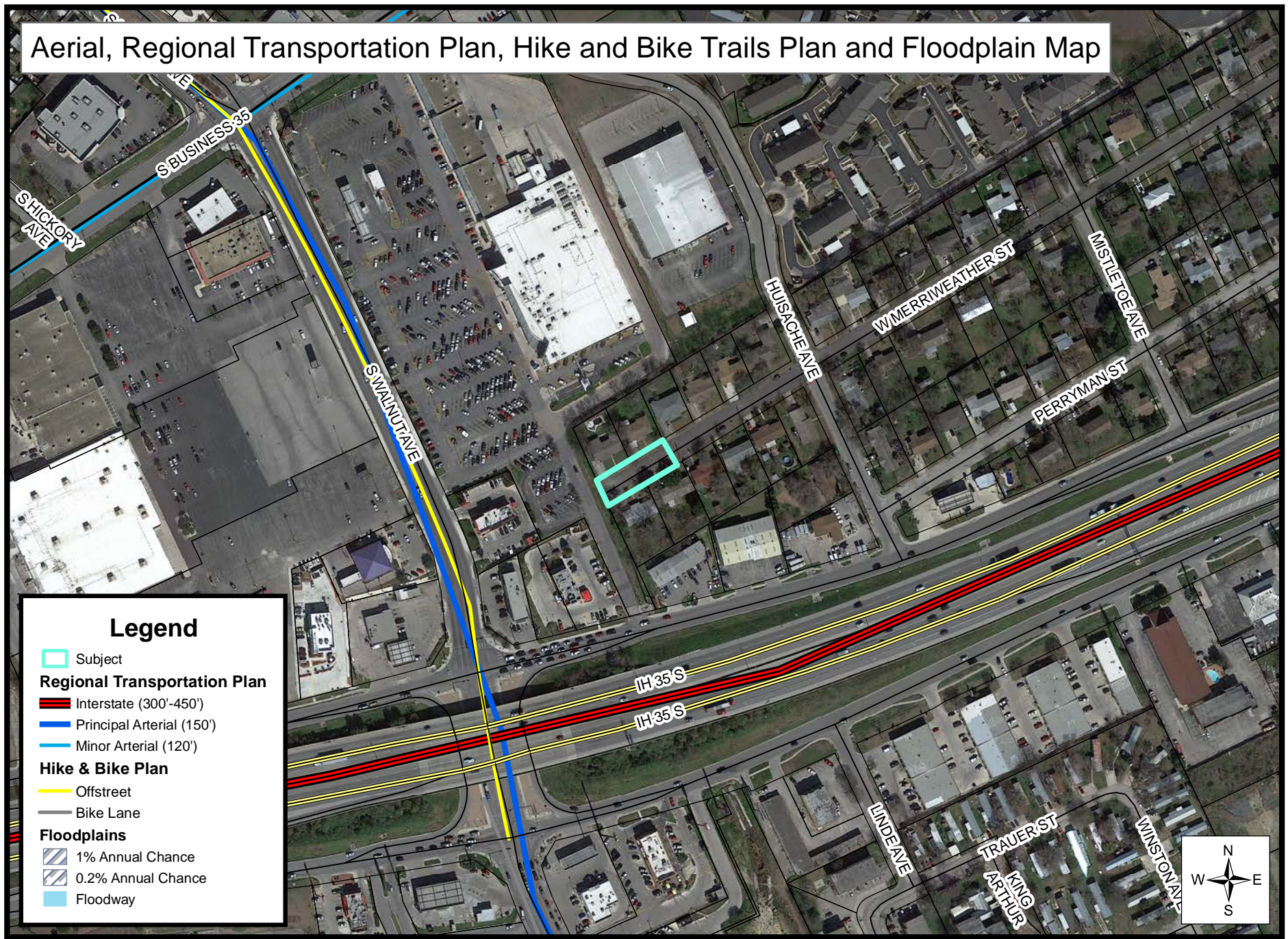
STATE OF TEXAS  
 REGISTERED  
 ENRIQUE C. ELIZONDO  
 6386  
 PROFESSIONAL  
 LAND SURVEYOR

Phone: (210) 375-4128 Fax: (210) 375-6130  
 5805 Callaghan Road, Suite 109  
 San Antonio, Texas 78228  
 TEXAS LICENSED SURVEYING  
 FIRM No. 10193864  
 www.elizondosassociates.com

**Elizondo & Associates**  
 LAND SURVEYING & MAPPING, LLC.



# Aerial, Regional Transportation Plan, Hike and Bike Trails Plan and Floodplain Map



ATTACHMENT 3



**PZ-17-001**  
**Proposed Abandonment of a portion of Merriweather St.**  
**adjacent to 969, 972, 987 & 988 Merriweather St.**

Map Created 1/26/17



# Aerial Close-Up Map

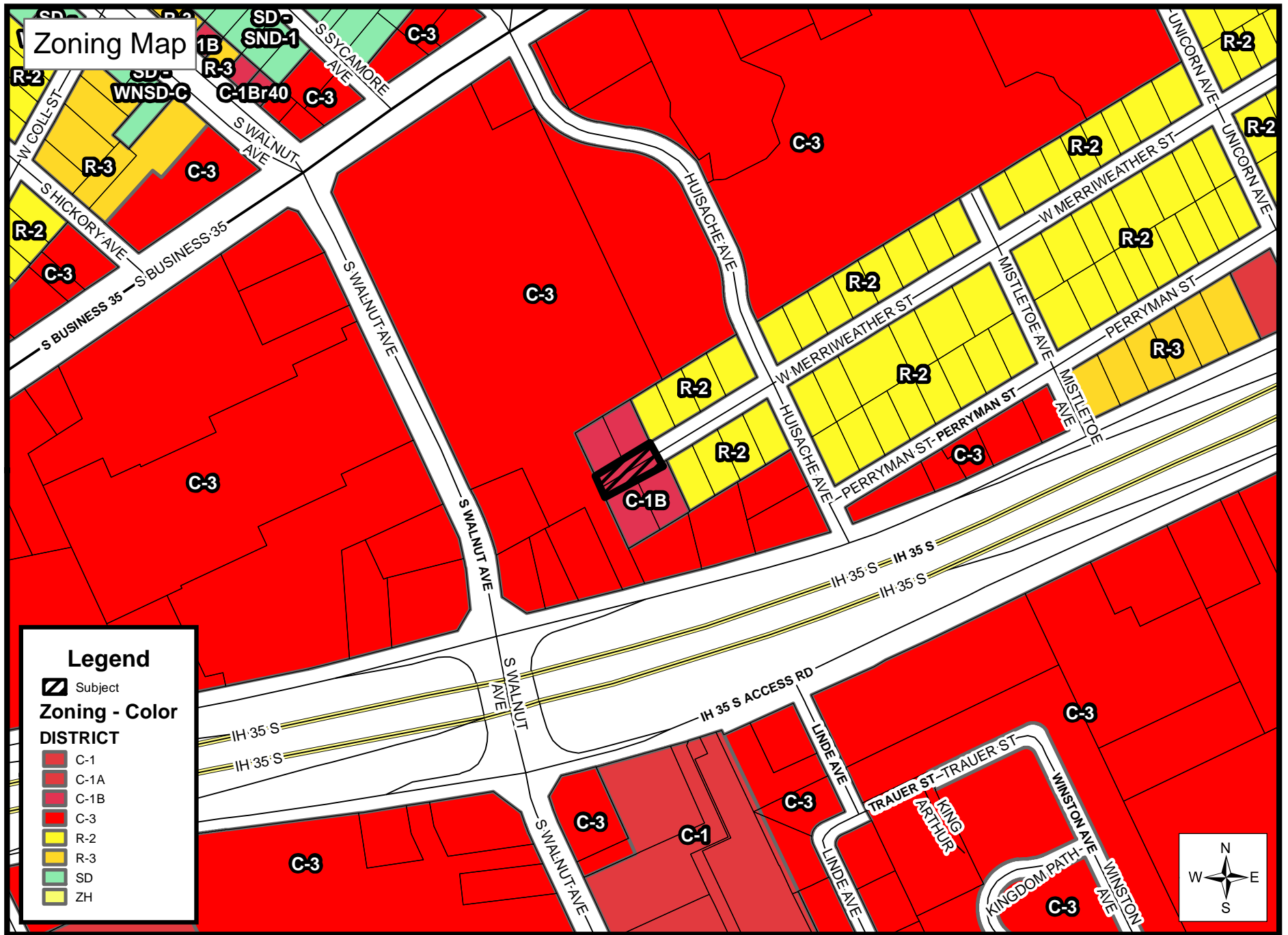


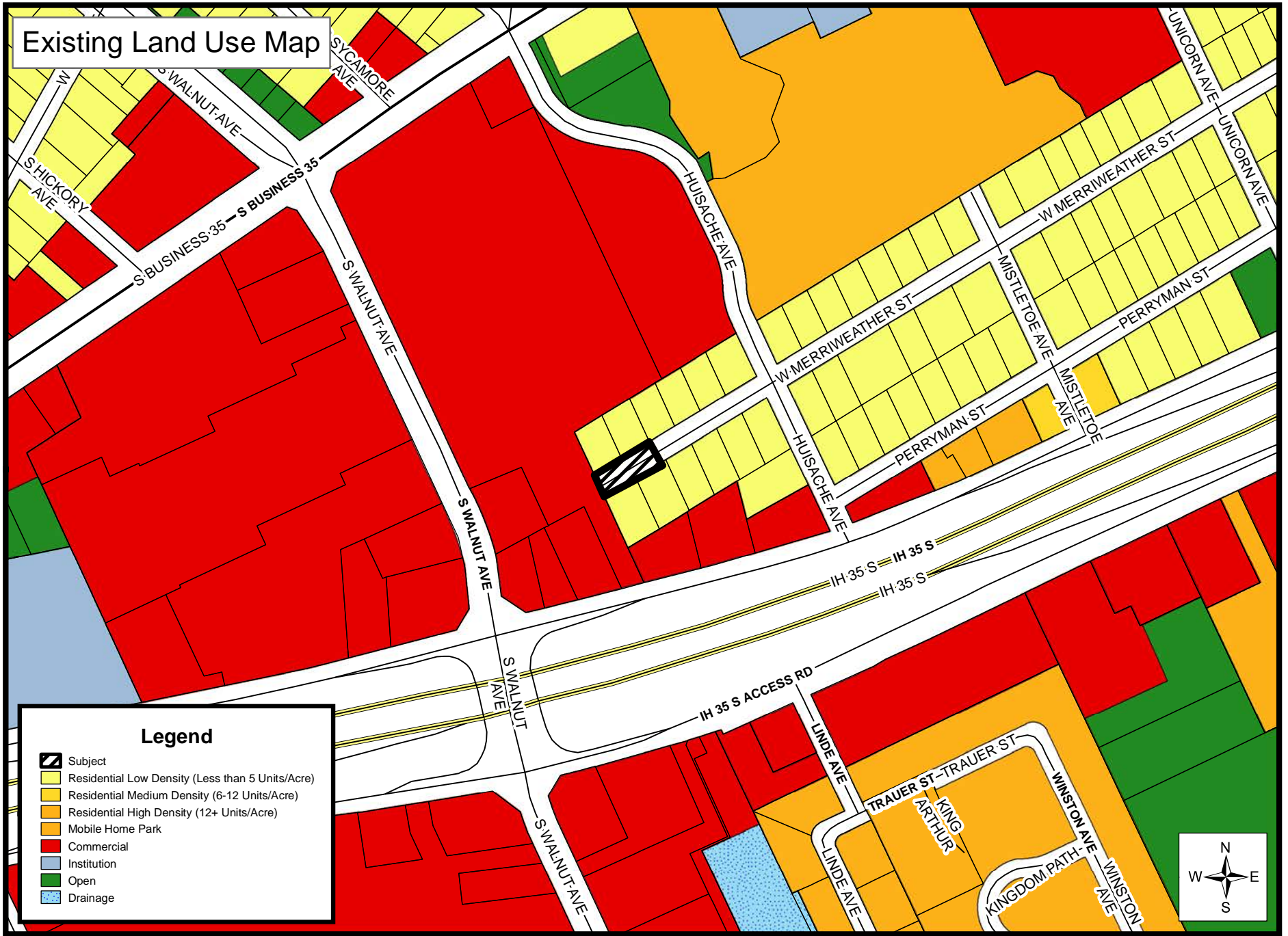
## Legend

Subject





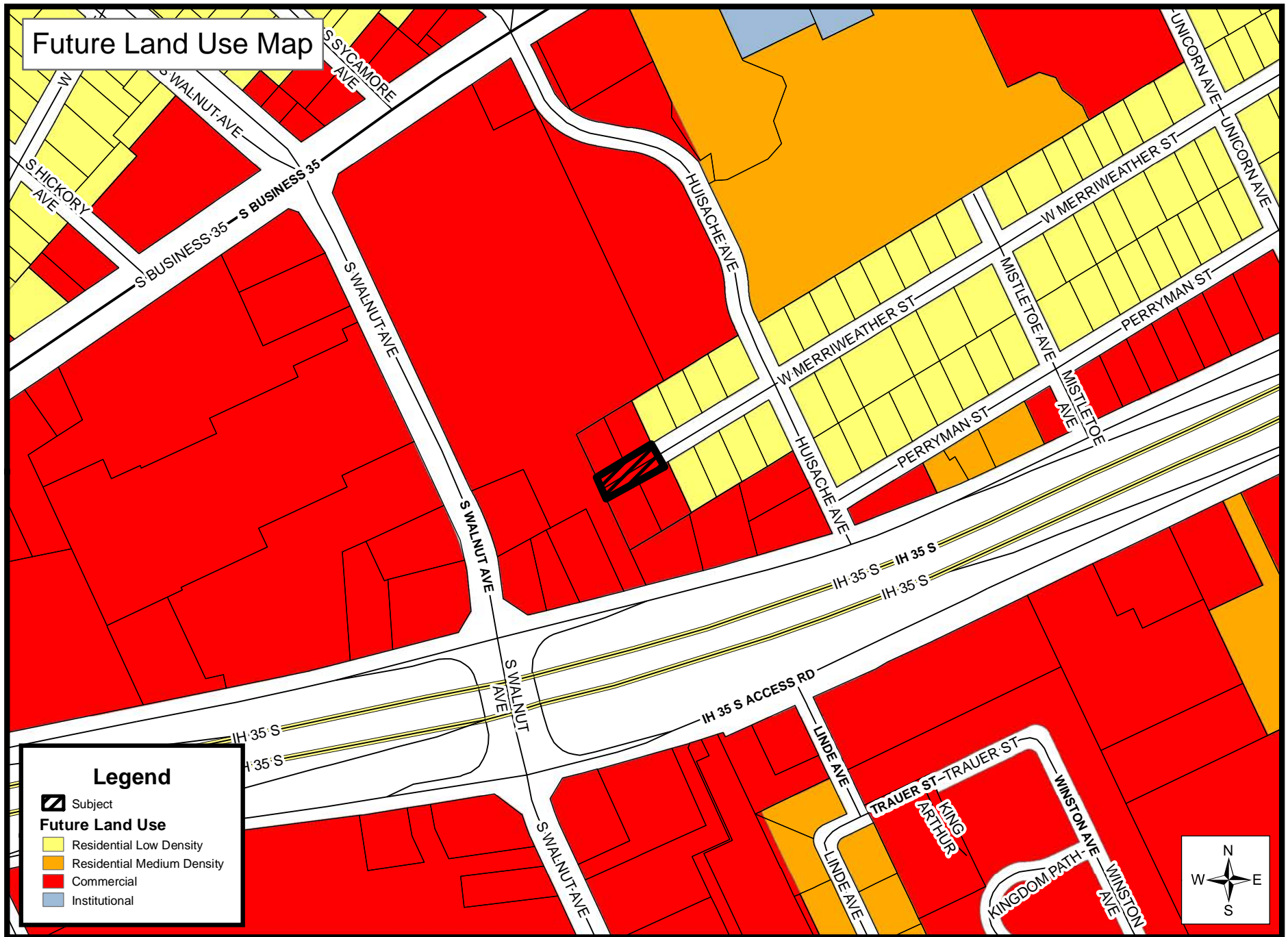




**PZ-17-001**  
**Proposed Abandonment of a portion of Merriweather St.**  
**adjacent to 969, 972, 987 & 988 Merriweather St.**

Map Created 1/26/17







**IDENTIFICATIONS, DEFINITIONS & CERTIFICATIONS****EXECUTIVE SUMMARY**

Parcel #:	W. Merriweather St. ROW Abandonment
Property Owner:	City of New Braunfels
Property Location:	NL & SL of W. Merriweather St., W of Huisache Ave, New Braunfels, Comal County, TX

PROPERTY COMPONENT SUMMARY		
Component	Acres	SF
Whole Property*	±0.2267 acres	±9,872 SF
Fee Simple Right Of Way Abandonment	±0.2267 acres	±9,872 SF
Remainder	±0 acres	±0 SF

\*The proposed ROW abandonment consists of 4 tracts which total ±0.2267 acres (±9,872 SF). For valuation purposes the W. Merriweather St. ROW sections have been combined with the respective adjacent residential lot for an average lot size of ±0.3112 acres (please refer to Scope of Work section). Therefore, the whole property parent tract for valuation purposes is ±0.3112 acres.

	Whole Property	Remainder After
Highest & Best Use- as if Vacant:	Residential use	Not applicable
Highest & Best Use- as Improved:	Residential use	Not applicable
Shape:	Rectangular	Not applicable
Topography:	Generally level	Not applicable
Flood plain %:	0%	Not applicable
Utilities:	All utilities available.	
Additional Public Services:	Police, fire, and emergency medical services are provided by the City of New Braunfels and Comal County.	
Zoning:	R-2- Single and Two Family Residential.	
Easements/Encumbrances:	No known adverse easements.	
Improvements (Whole):	Improved with four residences on the parent tract (±1,170 SF to ±1,897 SF per HCAD with a YOC of 1968) and attendant site improvements. The right of way strip contains asphalt paving.	
Appraisal Issues:	The proposed ROW abandonment consists of 4 tracts which total ±0.2267 acres (±9,872 SF). For valuation purposes the W. Merriweather St. ROW sections have been combined with the respective adjacent residential lot for an average lot size of ±0.3112 acres. Minimal site improvements are located in the right of way area and have been valued herein.	

Effective Date of the Appraisal: August 24, 2015  
Date of the Report: September 4, 2015  
Appraiser: Lory R. Johnson, MAI, SR/WA

RECOMMENDED COMPENSATION SUMMARY		
Whole Property Value (Land and impacted site improvements - if any)	\$50,100	
Fee Simple Right Of Way Abandonment		\$50,100
Total Recommended Compensation		\$50,100



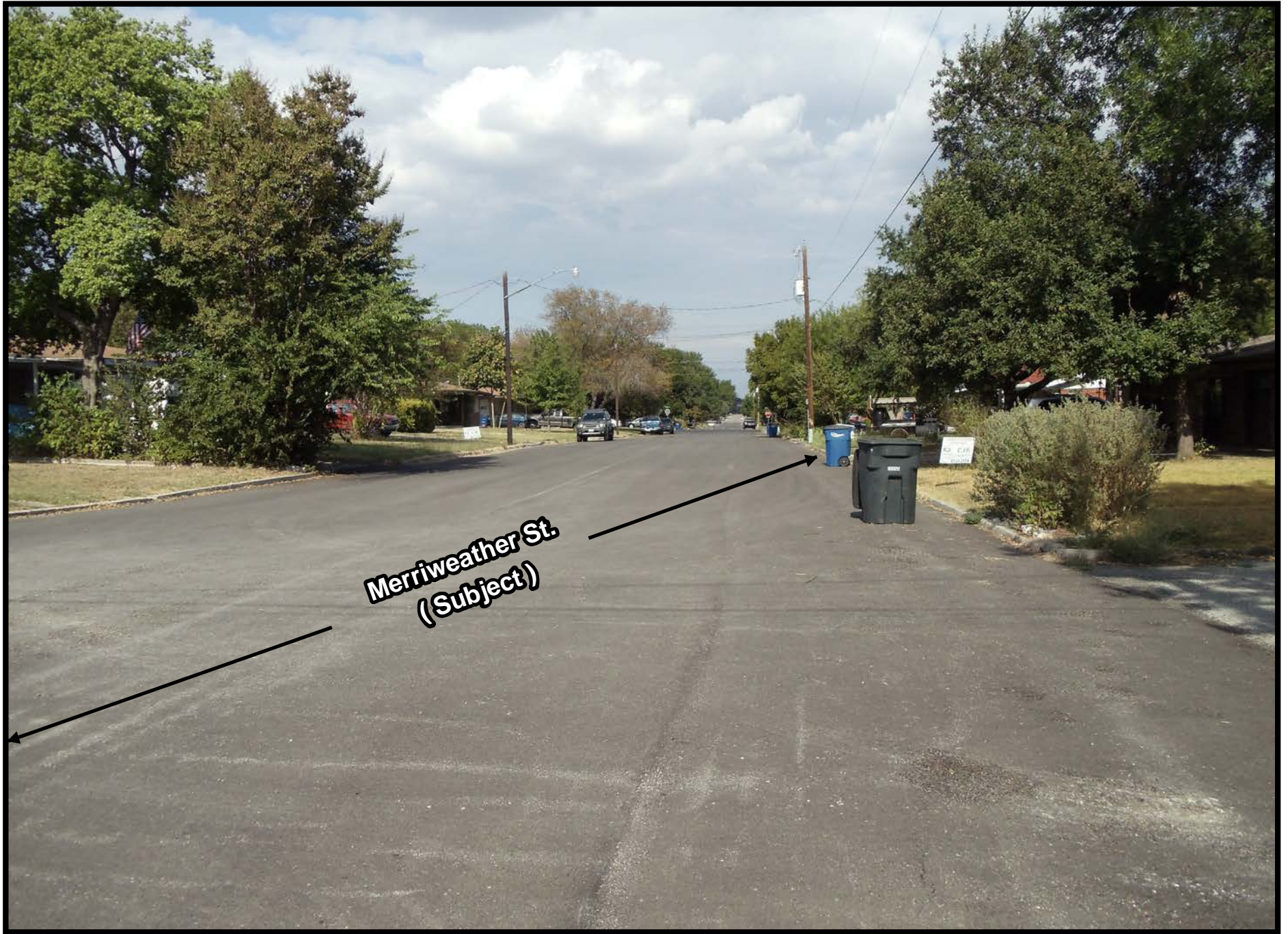


PZ-17-001

Photograph taken 9/28/15

Proposed Abandonment of a portion of Merriweather St.  
adjacent to 969, 972, 987 & 988 Merriweather St.





ORDINANCE NO. 2015 - 69

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ABANDONING 0.23 ACRES OF PUBLIC STREET RIGHT-OF-WAY LOCATED AT THE TERMINUS OF MERRIWEATHER STREET, ACCORDING TO THE PROVISIONS OF CHAPTER 253, SECTION 253.001 OF THE TEXAS LOCAL GOVERNMENT CODE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE**

---

**WHEREAS**, the City of New Braunfels, Texas, has street rights to a 0.23 acre tract of land, more or less, being a public street right-of-way, located at the terminus of Merriweatether Street, and said street right-of-way being in the City of New Braunfels, Texas; and

**WHEREAS**, the City of New Braunfels, having received a request from HEB Grocery Company LP, James and Cary Weldy, Shawn Ebert and Joyce Wieding, petitioning the City of New Braunfels to consider the abandonment of said right-of-way; and

**WHEREAS**, after determining that there is no need for the City of New Braunfels or any other surrounding property owners to retain the street right-of-way, it is the decision of the City Council of the City of New Braunfels that action be taken to release same to HEB Grocery Company LP, James and Cary Weldy, Shawn Ebert and Joyce Wieding, in the proper and legal manner; and

**WHEREAS**, Lory R. Johnson, MAI, SR/WA, has been appointed as the Appraiser to appraise the market value of the fee simple estate, for land only; and

**WHEREAS**, the said appraiser has determined that the fair market value of the land is FIFTY THOUSAND ONE HUNDRED DOLLARS and NO CENTS (\$50,100.00), and thus by making the sale of the land to the abutting property owners, the City of New Braunfels will be complying with all sections of said Chapter 253, Section 253.001, and that the sale



of said land in this particular instance has been determined by a fair appraisal and is conclusive of the fair market value thereof; **now, therefore;**

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

**SECTION 1**

That the City of New Braunfels, acting by and through its City Manager shall execute a Deed Without Warranty to HEB Grocery Company LP, James and Cary Weldy, Shawn Ebert and Joyce Wieding, conveying all of its right, title and interest in and to the public right-of-way and all rights in and to a 0.23 acre tract of land, more or less, being public street right-of-way located at the terminus of Merriweather Street, and said street right-of-way being in the City of New Braunfels, Texas. A survey of the property to be conveyed is attached marked Exhibit "A" and is described in attached marked Exhibit "B". If said Deed Without Warranty is not executed within one hundred and twenty (120) days of the second and final reading of this ordinance, this ordinance shall become null and void and a new application for abandonment shall be required.

**SECTION 2**

That the following restrictions will apply to the property:

1. *A pedestrian access easement will be dedicated across the subject property to allow neighborhood residents to continue to access the retail center. This can be dedicated as part of the plat.*
2. *A replat of the existing HEB property to include the purchased right-of-way must be submitted and approved by the City prior to ownership transfer. Recordation will occur subsequent to the transfer.*
3. *Use of the property is limited to a parking lot.*

### SECTION 3

That all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

### SECTION 4

That all other ordinances or parts of ordinance in conflict herewith are hereby repealed to the extent that they are in conflict.

### SECTION 5

That if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

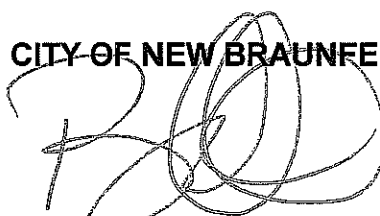
### SECTION 6

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

**PASSED AND APPROVED:** First Reading this the 9<sup>th</sup> day of November, 2015.

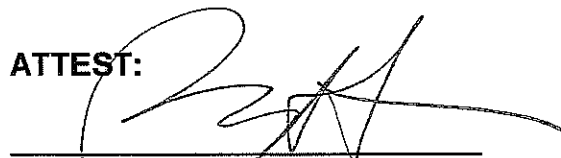
**PASSED AND APPROVED:** Second and Final Reading this the 23<sup>rd</sup> day of November, 2015.

**CITY OF NEW BRAUNFELS**



**BARRON CASTEEL, Mayor**

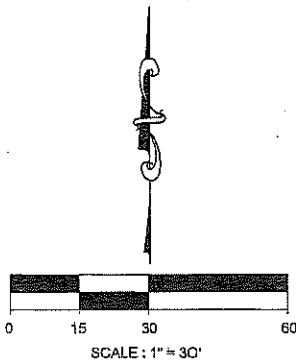
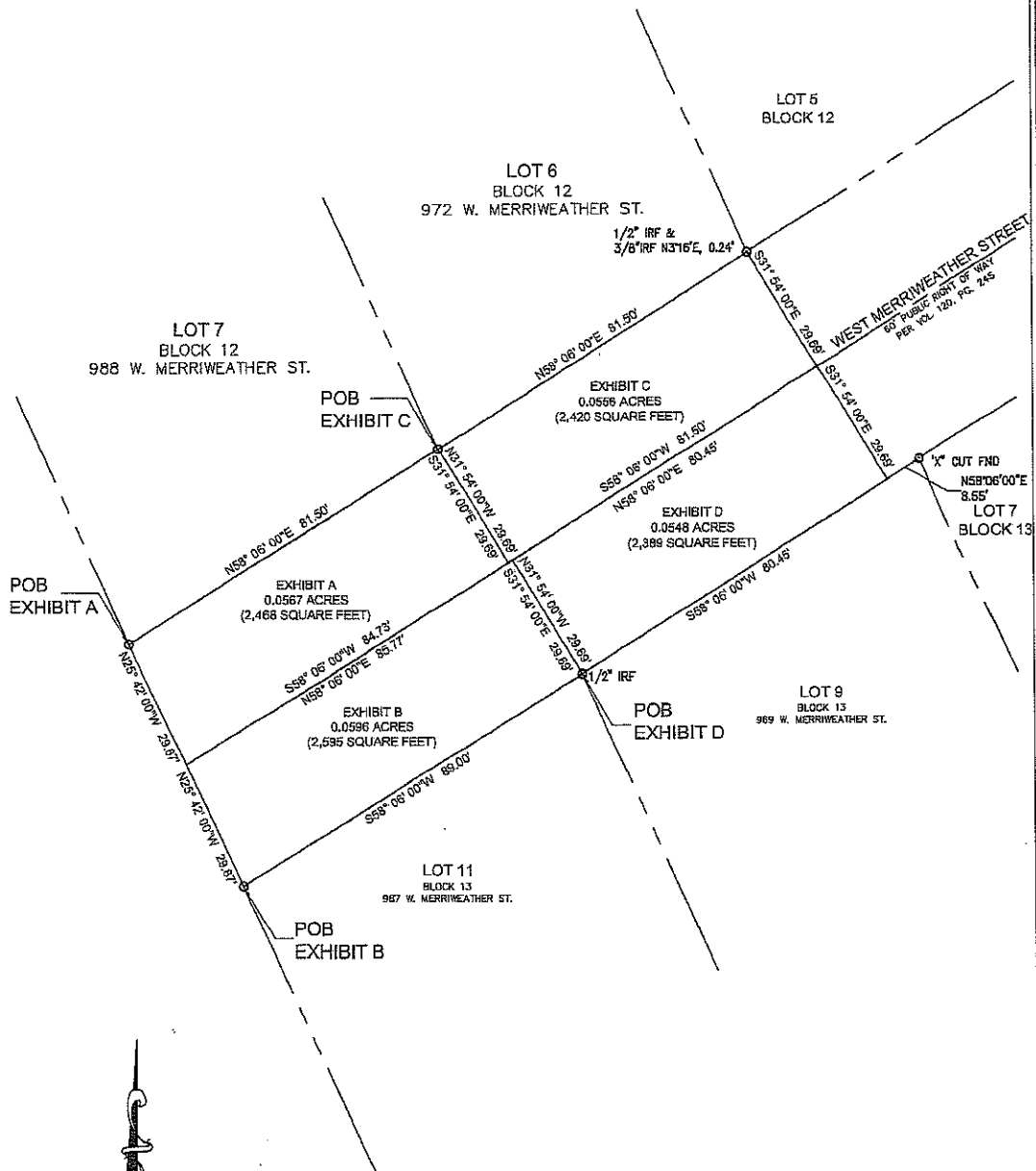
**ATTEST:**

  
**PATRICK D. ATEN, City Secretary**

**APPROVED AS TO FORM:**

  
**VALERIA M. ACEVEDO, City Attorney**

# EXHIBIT "E"



PHONE: (210) 375-4128 FAX: (210) 375-6130  
5505 Calleguen Road, Suite 109  
San Antonio, Texas 78228  
TEXAS LICENSED SURVEYING  
FIRM NO. 10193084  
www.elizondasurveying.com



**Elizondo & Associates**  
LAND SURVEYING & MAPPING, L.L.C.

I, Enrique C. Elizondo, a Registered Professional Land Surveyor do hereby certify that this plat represents an actual survey made on the ground under my supervision and substantially complies with the minimum standards for land surveying in Texas as set forth by the Texas Board of Professional Land Surveying and that there are no encroachments or visible encroachments, to the best of my knowledge and belief, except as shown herein. This 9th day of July, 2015.

*Enrique C. Elizondo*  
Enrique C. Elizondo  
Registered Professional Land Surveyor  
Texas Registration No. 6386



**EXHIBIT "A"**

STATE OF TEXAS

COUNTY OF BEXAR

ELIZONDO & ASSOCIATES  
5805 CALLAGHAN RD. STE. 109  
PHONE (210) 375-4128  
FAX (210) 375-5130

**"EXHIBIT A"**

A 0.0567 ACRE (2,468 SQUARE FEET) TRACT OF LAND FOR A PROPOSED RIGHT OF WAY ABANDONMENT BEING OUT OF WEST MERRIWEATHER STREET, A 60 FOOT RIGHT OF WAY ACCORDING TO THE PLAT OF UNICORN HEIGHTS, THIRD EXTENSION, RECORDED IN VOLUME 120, PAGE 245, DEED RECORDS OF COMAL COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING:** AT THE SOUTHWEST CORNER OF LOT 7 OF SAID PLAT, BEING IN THE NORTH RIGHT OF WAY LINE OF SAID WEST MERRIWEATHER STREET;


**THENCE:** NORTH 58 DEGREES 06 MINUTES 00 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 7 AND THE NORTH LINE OF SAID WEST MERRIWEATHER STREET, A DISTANCE OF 81.50 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7 AND THE SOUTHWEST CORNER OF LOT 6 OF SAID PLAT;

**THENCE:** SOUTH 31 DEGREES 54 MINUTES 00 SECONDS EAST, A DISTANCE OF 29.69 FEET TO THE CENTERLINE OF SAID WEST MERRIWEATHER STREET;

**THENCE:** SOUTH 58 DEGREES 06 MINUTES 00 SECONDS WEST, ALONG THE CENTERLINE OF SAID WEST MERRIWEATHER STREET, A DISTANCE OF 84.73 FEET;

**THENCE:** NORTH 25 DEGREES 42 MINUTES 00 SECONDS WEST, A DISTANCE OF 29.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.0567 ACRES (2,468 SQUARE FEET) OF LAND MORE OR LESS.

Corresponding plat prepared.

  
Enrique C. Elizondo, R.P.L.S. No. 6386



07/09/2015

**EXHIBIT "B"**



STATE OF TEXAS

COUNTY OF BEXAR

ELIZONDO & ASSOCIATES  
5805 CALLAGHAN RD. STE. 109  
PHONE (210) 375-4128  
FAX (210) 375-5130

"EXHIBIT B"

A 0.0596 ACRE (2,595 SQUARE FEET) TRACT OF LAND FOR A PROPOSED RIGHT OF WAY ABANDONMENT BEING OUT OF WEST MERRIWEATHER STREET, A 60 FOOT RIGHT OF WAY ACCORDING TO THE PLAT OF UNICORN HEIGHTS, THIRD EXTENSION, RECORDED IN VOLUME 120, PAGE 245, DEED RECORDS OF COMAL COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING:** AT THE NORTHWEST CORNER OF LOT 11 OF SAID PLAT, BEING IN THE SOUTH RIGHT OF WAY LINE OF SAID WEST MERRIWEATHER STREET;

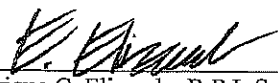
**THENCE:** NORTH 25 DEGREES 42 MINUTES 00 SECONDS WEST, A DISTANCE OF 29.87 FEET THE CENTERLINE OF SAID WEST MERRIWEATHER STREET;

**THENCE:** NORTH 58 DEGREES 06 MINUTES 00 SECONDS EAST, ALONG THE CENTERLINE OF SAID WEST MERRIWEATHER STREET, A DISTANCE OF 85.77 FEET;

**THENCE:** SOUTH 31 DEGREES 54 MINUTES 00 SECONDS EAST, A DISTANCE OF 29.69 FEET TO A ½ INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID LOT 11, THE NORTHWEST CORNER OF LOT 9 OF SAID PLAT AND BEING IN THE SOUTH RIGHT OF WAY LINE OF SAID WEST MERRIWEATHER STREET;

**THENCE:** SOUTH 58 DEGREES 06 MINUTES 00 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 11 AND THE SOUTH RIGHT OF WAY LINE OF SAID WEST MERRIWEATHER STREET, A DISTANCE OF 89.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.0596 ACRES (2,595 SQUARE FEET) OF LAND MORE OR LESS.

Corresponding plat prepared.

  
Enrique C. Elizondo, R.P.L.S. No. 6386



07/09/2015

STATE OF TEXAS

COUNTY OF BEXAR

ELIZONDO & ASSOCIATES  
5805 CALLAGHAN RD. STE. 109  
PHONE (210) 375-4128  
FAX (210) 375-5130

"EXHIBIT C"

A 0.0556 ACRE (2,420 SQUARE FEET) TRACT OF LAND FOR A PROPOSED RIGHT OF WAY ABANDONMENT BEING OUT OF WEST MERRIWEATHER STREET, A 60 FOOT RIGHT OF WAY ACCORDING TO THE PLAT OF UNICORN HEIGHTS, THIRD EXTENSION, RECORDED IN VOLUME 120, PAGE 245, DEED RECORDS OF COMAL COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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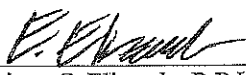
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Corresponding plat prepared.

  
Enrique C. Elizondo, R.P.L.S. No. 6386



07/09/2015

STATE OF TEXAS

COUNTY OF BEXAR

ELIZONDO & ASSOCIATES  
5805 CALLAGHAN RD. STE. 109  
PHONE (210) 375-4128  
FAX (210) 375-5130

"EXHIBIT D"

A 0.0548 ACRE (2,389 SQUARE FEET) TRACT OF LAND FOR A PROPOSED RIGHT OF WAY ABANDONMENT BEING OUT OF WEST MERRIWEATHER STREET, A 60 FOOT RIGHT OF WAY ACCORDING TO THE PLAT OF UNICORN HEIGHTS, THIRD EXTENSION, RECORDED IN VOLUME 120, PAGE 245, DEED RECORDS OF COMAL COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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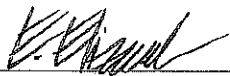
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**THENCE:** SOUTH 31 DEGREES 54 MINUTES 00 SECONDS EAST, A DISTANCE OF 29.69 FEET TO A POINT BEING IN THE NORTH LINE OF SAID LOT 9 AND IN THE SOUTH RIGHT OF WAY LINE OF SAID WEST MERRIWEATHER STREET FROM WHICH AN "X" CUT IN CONCRETE FOUND FOR THE NORTHEAST CORNER OF SAID LOT 9 BEARS NORTH 58 DEGREES 06 MINUTES 00 SECONDS EAST, A DISTANCE OF 8.55 FEET;

**THENCE:** SOUTH 58 DEGREES 06 MINUTES 00 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 9 AND THE SOUTH RIGHT OF WAY LINE OF SAID WEST MERRIWEATHER STREET, A DISTANCE OF 80.45 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.0548 ACRES (2,389 SQUARE FEET) OF LAND MORE OR LESS.

Corresponding plat prepared.

  
Enrique C. Elizondo, R.P.L.S. No. 6386



07/09/2015

ORDINANCE NO. 2017 - \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ABANDONING 0.23 ACRES OF PUBLIC STREET RIGHT-OF-WAY LOCATED AT THE TERMINUS OF MERRIWEATHER STREET, ACCORDING TO THE PROVISIONS OF CHAPTER 253, SECTION 253.001 OF THE TEXAS LOCAL GOVERNMENT CODE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE**

---

**WHEREAS**, the City of New Braunfels, Texas, has street rights to a 0.23 acre tract of land, more or less, being a public street right-of-way, located at the terminus of Merriweatether Street, and said street right-of-way being in the City of New Braunfels, Texas; and

**WHEREAS**, the City of New Braunfels, having received a request from HEB Grocery Company LP petitioning the City of New Braunfels to consider the abandonment of said right-of-way; and

**WHEREAS**, after determining that there is no need for the City of New Braunfels or any other surrounding property owners to retain the street right-of-way, it is the decision of the City Council of the City of New Braunfels that action be taken to release same to HEB Grocery Company LP in the proper and legal manner; and

**WHEREAS**, Lory R. Johnson, MAI, SR/WA, has been appointed as the Appraiser to appraise the market value of the fee simple estate, for land only; and

**WHEREAS**, the said appraiser has determined that the fair market value of the land is FIFTY THOUSAND ONE HUNDRED DOLLARS and NO CENTS (\$50,100.00), and thus by making the sale of the land to the abutting property owners, the City of New Braunfels will be complying with all sections of said Chapter 253, Section 253.001, and that the sale of said land in this particular instance has been determined by a fair appraisal and is



conclusive of the fair market value thereof; **now, therefore;**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW**

**BRAUNFELS, TEXAS**

**SECTION 1**

That the City of New Braunfels, acting by and through its City Manager shall execute a Deed Without Warranty to HEB Grocery Company LP, conveying all of its right, title and interest in and to the public right-of-way and all rights in and to a 0.23 acre tract of land, more or less, being public street right-of-way located at the terminus of Merriweather Street, and said street right-of-way being in the City of New Braunfels, Texas. A survey of the property to be conveyed is attached marked Exhibit "A" and is described in attached marked Exhibit "B". If said Deed Without Warranty is not executed within one hundred and twenty (120) days of the second and final reading of this ordinance, this ordinance shall become null and void and a new application for abandonment shall be required.

**SECTION 2**

That the following restrictions will apply to the property:

1. *A pedestrian access easement will be dedicated across the subject property to allow neighborhood residents to continue to access the retail center. This can be dedicated as part of the plat.*
2. *A replat of the existing HEB property to include the purchased right-of-way must be submitted and approved by the City prior to ownership transfer. Recordation will occur subsequent to the transfer.*
3. *Use of the property is limited to a parking lot.*

**SECTION 3**

That all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

#### **SECTION 4**

That all other ordinances or parts of ordinance in conflict herewith are hereby repealed to the extent that they are in conflict.

#### **SECTION 5**

That if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

#### **SECTION 6**

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

**PASSED AND APPROVED:** First Reading this the 13<sup>th</sup> day of February, 2017.

**PASSED AND APPROVED:** Second and Final Reading this the 27<sup>th</sup> day of February, 2017.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**BARRON CASTEEL**, Mayor

**ATTEST:**

\_\_\_\_\_  
**PATRICK D. ATEN**, City Secretary

**APPROVED AS TO FORM:**

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

**EXHIBIT "E"**

**LOT 5**  
BLOCK 12

**LOT 6**  
BLOCK 12  
972 W. MERRIWEATHER ST.

**LOT 7**  
BLOCK 12  
988 W. MERRIWEATHER ST.

**LOT 9**  
BLOCK 13  
969 W. MERRIWEATHER ST.

**LOT 10**  
BLOCK 13  
970 W. MERRIWEATHER ST.

**LOT 11**  
BLOCK 13  
967 W. MERRIWEATHER ST.

**LOT 13**  
BLOCK 13

**EXHIBIT A**  
0.0557 ACRES  
(2,468 SQUARE FEET)

**EXHIBIT B**  
0.0596 ACRES  
(2,595 SQUARE FEET)

**EXHIBIT C**  
0.0586 ACRES  
(2,420 SQUARE FEET)

**EXHIBIT D**  
0.0548 ACRES  
(2,389 SQUARE FEET)

**WEST MERRIWEATHER STREET**  
65' PUBLIC RIGHT OF WAY  
PER VOL. 120, PG. 245

**POB EXHIBIT A**

**POB EXHIBIT B**

**POB EXHIBIT C**

**POB EXHIBIT D**

**1/2" IRF & 3/8" IRF N31°16'E, 0.24'**

**1/2" IRF**

**X" CUT FND N58°06'00"E 8.55'**

**Scale: 1" = 30'**

**Enrique C. Elizondo**  
Registered Professional Land Surveyor  
Texas Registration No. 6386

**STATE OF TEXAS**  
**REGISTERED**  
**ENRIQUE C. ELIZONDO**  
6386

**EXHIBIT "A"**

STATE OF TEXAS

COUNTY OF BEXAR

ELIZONDO & ASSOCIATES  
5805 CALLAGHAN RD. STE. 109  
PHONE (210) 375-4128  
FAX (210) 375-5130

"EXHIBIT A"

A 0.0567 ACRE (2,468 SQUARE FEET) TRACT OF LAND FOR A PROPOSED RIGHT OF WAY ABANDONMENT BEING OUT OF WEST MERRIWEATHER STREET, A 60 FOOT RIGHT OF WAY ACCORDING TO THE PLAT OF UNICORN HEIGHTS, THIRD EXTENSION, RECORDED IN VOLUME 120, PAGE 245, DEED RECORDS OF COMAL COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**THENCE:** NORTH 58 DEGREES 06 MINUTES 00 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 7 AND THE NORTH LINE OF SAID WEST MERRIWEATHER STREET, A DISTANCE OF 81.50 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7 AND THE SOUTHWEST CORNER OF LOT 6 OF SAID PLAT;

**THENCE:** SOUTH 31 DEGREES 54 MINUTES 00 SECONDS EAST, A DISTANCE OF 29.69 FEET TO THE CENTERLINE OF SAID WEST MERRIWEATHER STREET;

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Corresponding plat prepared.

  
Enrique C. Elizondo, R.P.L.S. No. 6386



07/09/2015

EXHIBIT "B"



STATE OF TEXAS

COUNTY OF BEXAR

ELIZONDO & ASSOCIATES  
5805 CALLAGHAN RD. STE. 109  
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"EXHIBIT B"

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07/09/2015

STATE OF TEXAS

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5805 CALLAGHAN RD. STE. 109  
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"EXHIBIT C"

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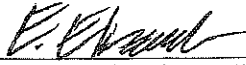
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07/09/2015

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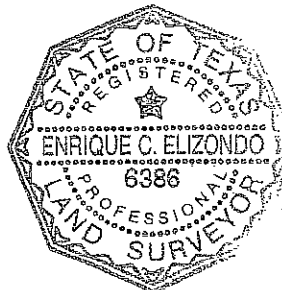
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Corresponding plat prepared.

  
Enrique C. Elizondo, R.P.L.S. No. 6386



07/09/2015

## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**2/27/2017**

Agenda Item No. A)

---

Presenter/Contact

*Ron Reaves, Councilmember District 3  
(830) 221-4659 - rreaves@nbtexas.org*

**SUBJECT:**

Discuss and consider approval of a resolution in support of state legislation also known as "David's Law" that combats cyber bullying anyone under the age of 18.

**BACKGROUND / RATIONALE:**

This agenda item is proposed by Councilmember Ron Reaves.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

N/A

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

N/A



**2/27/2017**

Agenda Item No. B)

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Presenter/Contact

*Patrick Aten, City Secretary*  
(830) 221-4010 - [paten@nbtexas.org](mailto:paten@nbtexas.org)

**SUBJECT:**

Discuss and consider approval of the appointment of one individual to the Library Advisory Board for a term ending September 26, 2019.

**BACKGROUND / RATIONALE:**

The Library Advisory Board has seven regular members serving three year staggered terms. Members of the Library Advisory Board must possess a current City of New Braunfels Library card.

Due to a resignation, the vacancy for one position was posted January 18 through February 16, 2017.

The following qualified applications were submitted:

- Connie Born
- Eric Hirabayashi
- Deborah Wigington

Applicant's current & prior service on Boards and Commissions

Connie Born has no prior City of New Braunfels board or commission experience. She is a graduate of City University.

Eric Hirabayashi has no prior City of New Braunfels board or commission experience.

Deborah Wigington has no prior City of New Braunfels board or commission experience.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

N/A

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of the appointment of one individual to the Library Advisory Board for a term ending September 26, 2019.



**2/27/2017**

Agenda Item No. C)

---

Presenter/Contact

*Patrick Aten, City Secretary*  
(830) 221-4010 - [paten@nbtexas.org](mailto:paten@nbtexas.org)

**SUBJECT:**

Discuss and consider approval of the appointment of three individuals to the Building Standards Commission for terms ending October 26, 2018.

**BACKGROUND / RATIONALE:**

The Building Standards Commission has five regular members and two alternates. One regular member serves as an at-large city resident, and four regular members serve from each of the following professions: real estate, homebuilding, development, and legal.

The vacancy for a member representing the homebuilding profession was posted June 25, 2015, through February 16, 2017; and the vacancies for an alternate member, and a representative of the real estate profession were posted June 17, 2016 through February 16, 2017.

The following qualified applications were submitted:

- Shane Hines (homebuilding)
- Kevin Butschek (homebuilding)
- Mary Ann Carter (real estate) (incumbent)

Shane Hines and Kevin Butschek qualify for the homebuilder position; therefore City Council will have to select one for the homebuilder position and the other for the alternate position.

Applicant's current & prior service on Boards and Commissions

Shane Hines currently serves on the Downtown Board.

Kevin Butschek has no prior City of New Braunfels board or commission experience.

Mary Ann Carter currently serves on the Building Standards Commission.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

N/A

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

N/A

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**STAFF RECOMMENDATION:**

Staff recommends approval of the appointments of three individuals to the Building Standards Commission for terms ending October 26, 2018.



**2/27/2017**

Agenda Item No. D)

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Presenter/Contact

*Patrick Aten, City Secretary*  
(830) 221-4010 - [paten@nbtexas.org](mailto:paten@nbtexas.org)

**SUBJECT:**

Discuss and consider approval of the appointment of one individual to the New Braunfels Housing Authority Board of Commissioners for a term ending January 22, 2019.

**BACKGROUND / RATIONALE:**

The New Braunfels Housing Authority Board of Commissioners is comprised of five members serving three year staggered terms, with at least one member being a Housing Authority tenant and the remainder serving at-large.

At the regular City Council meeting on January 9, 2017, City Council appointed Vicki Glasco to the Housing Authority Board of Commissioners for a term ending January 22, 2019. However, on January 17, 2017, the City Secretary's Office received Ms. Glasco's resignation due to a possible conflict of interest. The vacant seat was advertised January 17 through February 16, 2017.

The following qualified application was submitted for the at-large position:

- Wanda Sandlin
- David Pfeuffer

Applicant's current & prior service on city boards and commissions

Wanda Sandlin has no prior City of New Braunfels board or commission experience.

David Pfeuffer previous served on the Landa Park Golf Course Advisory Board.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

N/A

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of the appointment of one individual to the New Braunfels Housing Authority Board of Commissioners for a term ending January 22, 2019.

**2/27/2017**

Agenda Item No. E)

---

Presenter/Contact

*Valeria Acevedo, City Attorney*  
(830) 221-4281 - [vacevedo@nbtexas.org](mailto:vacevedo@nbtexas.org)

**SUBJECT:**

Discuss and consider approval of the first reading of an ordinance amending Chapter 62, Article VII - Smoking in Public Places, of the Code of Ordinances, by amending definitions, adding electronic smoking devices, prohibiting smoking in bars, private clubs and hotel/motel rooms; adding vape shops to exceptions; and prohibiting outdoor smoking within ten (10) feet of entrances, exits, operable windows and ventilation systems of places where smoking is prohibited.

**BACKGROUND / RATIONALE:**

On February 13, 2017, a presentation was made to the City Council on the proposed amendments. The presentation included a variety of public comment received by staff throughout the public ordinance development process. In addition, copies of public feedback received by staff from citizens were provided to City Council.

On December 12, 2016, City Councilmember Chris Monceballez asked the New Braunfels City Council to consider reviewing and updating the current City ordinance related to smoking. Areas for consideration included vaping technology, expansion of the locations where smoking is prohibited indoors (in an effort to broaden employee protection from second-hand smoke), and possible smoking distance requirement from facility entrances. City Council unanimously agreed that a stakeholder workgroup should be assembled to develop recommendations to the Council. A work group was formed consisting of Councilmember Chris Monceballez, District 4, Hampton Eudy, Scores; John Schendel, American Legion; Suzzane Russel, The Huisache; James Stuckey, Elks Lodge; Jerry Saavedra, Smoke Free Texas; Joel Dunnington, American for Non Smokers Rights; and city staff. The initial meeting was held on December 30, 2016.

As part of the process, the workgroup requested public input through press releases, social media and the city's website. A public meeting was held on January 18<sup>th</sup> at which the public was allowed to participate. Another public meeting was held on January 31<sup>st</sup> to receive additional public input. Furthermore, two press releases were issued informing the public about the meetings and providing a link to the draft ordinance. The public had the opportunity to either email comments or attend the public meetings.

The three main issues considered by the work group were: 1) whether or not to prohibit smoking in bars, private clubs, hotels/motels, retail tobacco shops, and vape shops; 2) address the use of electronic smoking devices; and 3) whether or not to include an outdoor smoking distance requirement from the entrances, exits, operable windows and ventilation systems of places where smoking is prohibited. Here are some of the highlights of the proposed draft ordinance:

- 
- 
1. It expands the smoking prohibition to include bars, private clubs, hotel/motel rooms, but exempt retail tobacco shops, vape shops and private residences that are not used as child care, adult daycare, or health care facilities, and the outdoors with some exceptions. See distance requirement in paragraph 3 below. The definition of movie theaters was amended to include drive in theaters.
  2. It addresses vaping and e-cigarettes as well as all other types of devices collectively referred to as *electronic smoking devices*, including any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, tank system or advanced personalized vaporizer (APV), or under any other product name or descriptor.
  3. It prohibit outdoor smoking within ten (10) feet of entrances, exits, operable windows, and ventilation systems of enclosed areas where smoking is prohibited so as to prevent tobacco smoke from entering those areas.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

N/A

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

No committee was formed however the stakeholder work group recommends certain amendments to the ordinance to include bars, private clubs and hotel/motel rooms in the smoking prohibition; include electronic smoking devices in the smoking prohibition; and let staff develop a recommendation on distance requirements. Also let the public input be received and considered. The work group declined to reach a consensus on distance requirements for smoking outside the entrance/exit of public places or places of employment. The work group deferred to Bryan Ruiz, Environmental Services Manager, to recommend a distance.

**STAFF RECOMMENDATION:**

Staff recommends approval.

## ORDINANCE NO. 2017-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 62-HEALTH AND SANITATION, ARTICLE 7, SMOKING IN PUBLIC PLACES, BY AMENDING DEFINITIONS; INCLUDING ELECTRONIC SMOKING DEVICES; PROHIBITING SMOKING IN BARS, PRIVATE CLUBS AND HOTEL/MOTEL ROOMS; ADDING VAPE SHOPS TO EXCEPTIONS; PROHIBITING OUTDOOR SMOKING WITHIN TEN (10) FEET OF ENTRANCES, EXITS, WINDOWS AND VENTILATION SYSTEMS OF PLACES WHERE SMOKING IS PROHIBITED; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY, PUBLICATION AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, according to the U.S. Surgeon General's 2014 Report, *The Health Consequences of Smoking—50 Years of Progress*, most of the 20 million smoking-related deaths since 1964 have been adults with a history of smoking; however, 2.5 million of those deaths have been among nonsmokers who died from diseases caused by exposure to secondhand smoke; and

WHEREAS, according to *E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General, 2016*, E-cigarette use by young people is a public health concern and that the use of such “e-cigs,” “e-hookahs,” “vape pens,” and “tank systems” by young people is not harmless as they typically contain nicotine, carbonyl compounds, and volatile organic compounds, known to have adverse health effects; and

WHEREAS, in May 2016, the Food and Drug Administration issued the deeming rule, exercising its regulatory authority over e-cigarettes as a tobacco product; and

WHEREAS, the US Surgeon General reports that secondhand smoke is known to cause strokes in nonsmokers; and

WHEREAS, employees need protection from secondhand smoke in their workplaces and should not be made to choose between their job and their health; and

WHEREAS, employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack, higher rates of death from cardiovascular disease and cancer, increased acute respiratory disease, and a measurable decrease in lung function; and

WHEREAS, the City Council of the City of New Braunfels, Texas, has the authority under its Home Rule Charter and under the laws of the State of Texas to adopt regulations aimed to protect the health, safety, and general welfare of its citizens.

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

**Section 1:** That Chapter 62 of the New Braunfels Code of Ordinances shall be amended to hereinafter read as follows:



## ARTICLE VII. - SMOKING IN PUBLIC PLACES & PLACES OF EMPLOYMENT

### Sec. 62-336. - 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:

*Adult daycare* means any home-based licensed, registered, or other facility engaged in the practice or business of providing care for adults.

*Bar* means any commercial establishment that derives 51 percent or more of its annual gross sales receipts from the sale of alcoholic beverages as defined by the Texas Alcoholic Beverage Code and has a valid on-premises consumption license issued by the Texas Alcoholic Beverage Commission.

*Child Care* means any home-based licensed, registered or listed facility that is engaged in the practice or business of providing care for children. These terms are defined by the Texas Department of Family and Protective Services (DFPS).

*Director* means the director of the department designated by the city manager to enforce and administer this article or the director's designated representative.

*Electronic Smoking Device* means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, tank system, or advanced personalized vaporizer (APV), or under any other product name or descriptor.

*Employee* means any person who is employed by any employer for direct or indirect monetary wages or profit, or is in a position that would lead a reasonable person to believe that such person is employed.

*Employer* means any person, partnership, corporation, association or other entity that employs one or more persons.

*Enclosed Area* means all space between a floor and a ceiling that is bounded on at least two sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not it contains openings of any kind.

*Food establishment* means any operation engaged in the preparation or sale of prepared ready-to-eat food, if such operation accounts for more than 51 percent of annual gross sales receipts. For the purpose of this section a food establishment does not include an outdoor patio.

*Governmental entity* means a municipality, county, school district, or appraisal district.

*Health care facility* means any home-based facility engaged in the practice or business of providing medical or psychological services for patients.

*Movie theater* means any establishment engaged in the business of exhibiting motion pictures to the public. Movie theater includes drive-in movie theaters.

*Opening* means the entrance for ingress and egress into a room or a means of gaining access into an area through which access is granted by way of self-closing doors.

*Outdoor Area* means any area that is not an enclosed area as defined in this section.

*Owner* means a manager, operator, person-in-charge, or proprietor of an establishment that is regulated by this article who has the authority to manage or control an area designated as a public place.

*Place of Employment* means an area under the control of a public or private employer, including, but not limited to, private clubs, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and temporary offices. A private residence is not a place of employment unless it is used as a child care, adult daycare, or health care facility.

*Public place* means any enclosed area that is open to or is used by the general public, or that is a place of employment as defined herein, and includes, but is not limited to: retail stores, grocery stores, offices, professional, commercial or financial establishments, bars, hotel and motel rooms, food establishments, movie theaters, public and private institutions of education, health care facilities, nursing and convalescent homes, residential treatment facilities, buildings owned or occupied by political subdivisions and public restrooms. For the purpose of this section, the following places are not included in this definition: private residence that is not used as a child care, adult daycare, or health care facility; retail tobacco store; or outdoor areas other than those prohibited in Sec. 62-338.

*Private Club* means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has

been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501. For the purposes of this ordinance, a private club is considered a public place.

*Retail Tobacco Store* Means a retail store where at least 51% of the total annual gross sales receipts are from the sale of tobacco products, smoking implements, or smoking accessories in which the sale of other products is incidental.

*Smoke or Smoking* means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. Smoking also includes the use of an electronic smoking device as defined herein, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this ordinance.

*Tobacco* means any tobacco, cigarette, cigar, pipe tobacco, smokeless tobacco, snuff or any other form of tobacco, which may be utilized for smoking, chewing, inhalation or other means of ingestion or absorption.

*Vape Shop* means any store where at least 51% of the total annual gross sale receipts are from the sale of electronic cigarettes or other electronic smoking devices or substances used in those or similar devices to produce inhalable vapors and in which the sale of other products is incidental.

#### Sec. 62-337. - Smoking prohibited.

- (a) Smoking is hereby prohibited in all public places and places of employment within the city limits.
- (b) It is an exception under this section that the person was smoking in a private residence that is not used as a child care, adult daycare, or health care facility; retail tobacco store; vape shop; or outdoor area other than those prohibited in Sec. 62-338.
- (c) The owner of a place covered by this prohibition commits an offense if he or she allows smoking in the establishment or facility in violation of this article.

#### Sec. 62-338. - Smoking prohibited in outdoor areas.

Smoking shall be prohibited in the following outdoor areas:

- (a) Within a distance of ten feet from entrances, exits, operable windows, and ventilation systems of enclosed areas where smoking is prohibited so as to prevent smoke from entering those areas.
- (b) For outdoor smoking restrictions in city parks, refer to Chapter 86 of this Code.

Sec. 62-339. - Signs.

The owner or other person having authority to manage and control any area designated as a public place, pursuant to this article, shall post or cause to be posted and prominently displayed, and shall maintain "No Smoking" signs in a form approved by the City Manager or his director, in conspicuous locations within such public place. Such signs shall clearly and conspicuously recite the phrase "No Smoking" in English and Spanish and/or use the international no-smoking symbol.

Sec. 62-340. - Reporting violations.

- (a) This Article shall be enforced by the Environmental Services Division or their designee such as: the fire department, code enforcement, building division, and police department.
- (b) Any citizen who desires to register a complaint under this chapter may initiate enforcement with the Environmental Services Division or their designee.
- (c) The Environmental Services Division, fire department, or their designees shall, in addition to the otherwise mandated inspections, inspect for compliance with this Article.
- (d) An owner, manager, operator, or employee of an establishment regulated by this Article shall inform persons violating this chapter of the appropriate requirements of this ordinance and then request immediate compliance.
- (e) In addition to the remedies provided by the provisions of this section the Environmental Services Division, fire department, police department or their designees, may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.
- (f) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this ordinance or reports or attempts to prosecute a violation of this ordinance.

Sec. 62-341. - Penalties for violations.

Any person, firm, corporation, agent, employer or employee who violates any provision of this Article shall, upon conviction, be fined an amount not more than \$200.00; provided, however, that in the event a defendant has previously been convicted under this Article, such defendant shall be fined an amount not more than \$500.00 for a second conviction hereunder, and shall be fined an amount not more than \$2,000.00 for



a third conviction hereunder and for each conviction thereafter. Each day that a violation is committed or permitted to exist shall constitute a separate offense.

Secs. 62-342—62-375. - Reserved.

#### SECTION 2: REPEALER.

All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only. All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

#### SECTION 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, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

#### SECTION 4. EFFECTIVE DATE AND PUBLICATION.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED AND APPROVED: Second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF NEW BRAUNFELS, TEXAS

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Barron Casteel, Mayor

ATTEST:

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Patrick Aten, City Secretary

APPROVED AS TO FORM:

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Valeria M. Acevedo, City Attorney

2/27/2017

Agenda Item No. F)

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Presenter/Contact

*Martie Simpson, Finance Director*  
(830) 221-4385 - [msimpson@nbtexas.org](mailto:msimpson@nbtexas.org)

**SUBJECT:**

Public hearing on proposed substantial amendments to the Community Development Block Grant Program Year 2016 One Year Action Plan and approval of a resolution to adopt the proposed substantial amendments.

**BACKGROUND / RATIONALE:**

The U.S. Department of Housing and Urban Development (HUD) provides a process by which a community can amend its One Year Action Plan when previously approved projects experience difficulty in meeting project timelines or objectives of the Community Development Block Grant Program (CDBG) program, and therefore become ineligible for CDBG funding.

The substantial amendments are subject to the citizen participation process, which requires formal action by the City Council, and approval by HUD. A thirty day public notice was published on January 20, 2017, to provide the opportunity for the public to review and comment on the proposed substantial amendments. The City has considered all comments or views received from the public concerning proposed substantial amendments in accordance with 24 CFR 91.105 (c) (3).

This item is a public hearing on the proposed substantial amendments to the CDBG Program Year 2016 One Year Action Plan to allow citizens to make comments on the recommendations as required by U.S. Department of HUD. If there are any public comments, then Council can approve the amendment with the provision that the comments will be included.

At this time, staff is requesting to reallocate the remaining funds to City projects. Below are the proposed projects that will be undertaken by the substantial amendment, if approved:

**Haymarket Park - \$77,300.50**

The project is located in a low/moderate income area of the City. CDBG funded activities will be the installation of a 6' walking track, installation of a shade structure, additional picnic tables, grills, benches, trash receptacles and replacement of posts, striping and backboards for the basketball court,

**Jesse Garcia Park - \$27,097.50**

The project is located in a low/moderate area of the City. CDBG funded activities will be the replacement of the concrete basketball court.

**Westside Community Center - \$63,159**

The project is located in a low/moderate area of the City. CDBG funded activities will be the

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replacement of the gym flooring.

Staff is requesting authorization to submit a Substantial Amendment to the U.S. Department of Housing and Urban Development. The proposed amendment will reprogram CDBG funds from Program Year 2016 currently available to the City. Should the City Council approve the substantial amendment, several items are included on the agenda to purchase the services and equipment to complete these projects.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

<input checked="" type="checkbox"/>	Yes	<b>City Plan/Council Priority:</b>	<b>Strategic Priorities:</b> Growth and development. <b>Comprehensive Plan:</b> Affordable housing, historic preservation, education and youth.
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**FISCAL IMPACT:**

These funds constitute a grant to the City from HUD, and there is no matching requirement. The CDBG program provides annual allocations to the City of New Braunfels (Entitlement Community) for a broad range of activities that preserve and develop viable urban communities.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of the resolution to adopt the substantial amendments to the Community Development Block Grant PY2016 Annual Action Plan.



**RESOLUTION NO. 2017-R\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPROVING THE SUBSTANTIAL AMENDMENTS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN FOR PROGRAM YEAR (PY) 2016 TO COMMIT THE USE OF \$167,557 IN AVAILABLE CDBG FUNDS TO ELIGIBLE ACTIVITIES, AND AUTHORIZING SUBMITTAL OF THE AMENDMENT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).**

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**WHEREAS**, on July 7, 2015, the City Council approved the Program Year (PY) 2016 Annual Action Plan for Community Development Block Grant (CDBG) funds, authorized the City Manager to execute, on behalf of the City, appropriate certifications and submit the plan to the United States Department of Housing and Urban Development (HUD) and authorized the City Manager to execute a contract with the HUD, all of which have been completed; and

**WHEREAS**, an amendment to the Annual Action Plan is required when there is a substantial change in the allocation priorities or methods of distribution to projects funded with CDBG funds; and

**WHEREAS**, \$167,557 in CDBG funds are available to commit to CDBG eligible activities through an amendment to the Annual Action Plan ("Amendment"); and

**WHEREAS**, the Amendment includes that the new proposed activities will be conducted by the City of New Braunfels Parks and Recreation Department at Haymarket Park (\$77,300.50) and Jesse Garcia Park (\$27,097.50) for park improvements and by the New Braunfels Library at Westside Community Center (\$63,159) for replacement of the gym floor; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas has reviewed the Amendment at a public hearing held on February 27, 2017 and Notice of Public Comment was published in the local newspaper on January 20, 2017, for purposes of soliciting public comment regarding the Amendment;

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

**THAT**, the City Council hereby approves the Amendment to the Community Development Block Grant Annual Action Plan for PY2016 to commit the use of \$167,557 in available CDBG funds to other eligible activities, and authorize the submittal of the amendment to the United States Department of Housing and Urban Development (HUD) and further authorizes the City Manager to execute, on behalf of the City, any certifications or other documents and take such actions as are necessary to carry out the intent of this Resolution.

**PASSED, APPROVED AND ADOPTED** this 27<sup>th</sup> day of February, 2017.

CITY OF NEW BRAUNFELS, TEXAS

BY: \_\_\_\_\_  
BARRON CASTEEL, Mayor

ATTEST:

\_\_\_\_\_  
PATRICK ATEN, City Secretary

2/27/2017

Agenda Item No. G)

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Presenter/Contact*Gretchen Pruett, Library Director*  
(830) 221-4322 - [gpruett@nbtexas.org](mailto:gpruett@nbtexas.org)**SUBJECT:**

Discuss and consider approval of a contract with Key Enterprises for the replacement of the gym flooring at the Westside Community Center.

**BACKGROUND / RATIONALE:**

After a heavy rain event in 2014, leaks in the gym roof caused serious water damage and warping to a section of the gym floor. Roof repairs were completed, but the floor was still damaged and created a hazardous area in part of the gym. Staff contacted gym flooring contractors and all of them declined to bid on a repair job as the floor would lose substantial integrity. Staff was told that repairs would not hold up and would not be warrantied.

Over time, subsequent sections of the floor have begun to deteriorate. Total replacement of the gym floor, with additional water barrier underlay, is recommended at this time to keep the facility useable.

Per the previous agenda item, Community Development Block Grant funds may be available for reallocation towards the replacement of the gym flooring at the Westside Community Center. The total cost for the contract will include materials and installation for \$63,159. Key Enterprises is a BuyBoard approved vendor and satisfies the procurement responsibilities. The contract will include the removal of the existing floor, new flooring prep and installation and game lines.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

<input checked="" type="checkbox"/>	Yes	<b>Strategic Priorities:</b>	Use a variety of funding sources for operational and capital needs.
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**FISCAL IMPACT:**

Community Development Block Grant funding in the amount of \$63,159 may be available through reprogramming action. Should the Council approve the reprogramming, sufficient funds would be available.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Should the City Council approve the substantial amendment to the 2016 CDBG One Year Action Plan in a previous agenda item, then staff recommends approval of a contract with Key Enterprises for replacement of the gym floor at the Westside Community Center.







Unlocking your Educational Furniture and Athletic Equipment needs.



**H. Eric Pipkin**  
Account Executive

1311 Chisholm Trail, Ste 404  
Round Rock, TX 78681

903-521-4051  
Fax 866-681-4579

[eric@keyenterprises.com](mailto:eric@keyenterprises.com)  
[www.keyenterprises.com](http://www.keyenterprises.com)

## **Sports Construction at it's Very Best**

January 20, 2017

City of New Braunfels-Westside Community Center  
Mrs. Gretchen Pruitt and Mrs. Jennifer Hernandez  
2932 S. IH 35 Frontage Road  
New Braunfels, Texas 78130

### **RE: Westside Community Center Scope Proposal**

#### **Section: 09 67 23 Gym Flooring**

Please accept this scope work letter into your records for the **delivery and installation** of **Gym Flooring for the Westside Community Center**

#### **Section 09 67 23 Gym Flooring**

##### **OPTION 1 - 4+2 MM**

**\$ 63,159.00**

##### **Inclusions:**

**Delivered & Installed**

- Tear out existing floor and dispose
- **Prep Slab and Apply Pallmann P108 Moisture Vapor Retarder System**
- Provide a 4 + 2 mm Elastiplus **Pad & Pour Floor** COLOR TBD
- Provide BBall, VBall and Pickleball Game Lines for Main Court

##### **OPTION 2 – 6.5 MM**

**\$ 63,159.00**

##### **Inclusions:**

**Delivered & Installed**

- Tear out existing floor and dispose
- **Prep Slab and Apply Pallmann P108 Moisture Vapor Retarder System**
- Provide a 6.5 mm OMNISPORT Sport Vinyl **Welded Seam Floor** COLOR TBD
- Provide BBall, VBall and Pickleball Game Lines for Main Court

Auditorium & Stadium Seating · Office & Classroom Furniture · Telescoping & Fixed Bleachers  
Lecture Hall Seating · Athletic Equipment · Cafeteria Tables · Science Lab Casework & Equipment ·  
Football, PE & Corridor Lockers · Indoor & Outdoor Scoreboards · Library Furniture



**General Notes:**

- This proposal expires in 90 days unless extended by written agreement and is conditioned upon either the usage of either an AIA document A401, AGC / ASA / ASC "Standard Form Construction Subcontract" or a subcontract form acceptable to Key Enterprises
- This proposal includes the preparation of shop drawings required for fabrication of the project, along with Warranty and Maintenance information.
- The scope of this project will require approximately 5 days removing and disposing of the existing flooring, installing the water retardant barrier, installing flooring and painting game lines.
- **This proposal will become part of the contract.**

**Terms of Sale:**

- 50% Deposit at the time the Purchase Order request is made and Balance upon completion of the job.

Sincerely,  
**KEY Enterprises**

H. Eric Pipkin  
Central Texas Account Exec

Auditorium & Stadium Seating · Office & Classroom Furniture · Telescoping & Fixed Bleachers  
Lecture Hall Seating · Athletic Equipment · Cafeteria Tables · Science Lab Casework & Equipment ·  
Football, PE & Corridor Lockers · Indoor & Outdoor Scoreboards · Library Furniture



2/27/2017

Agenda Item No. H)

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Presenter/Contact

Stacey Dicke, Parks and Recreation Director  
(830) 221-4350 - [sdicke@nbtexas.org](mailto:sdicke@nbtexas.org)

**SUBJECT:**

Discuss and consider approval of contract with D&M Owens for construction of a walking trail at Haymarket Park and basketball court replacement at Jesse Garcia Park.

**BACKGROUND / RATIONALE:**

Per a previous agenda item, Community Development Block Grant funds may be available for reallocation towards the construction of a trail at Haymarket Park and replacement of the basketball court at Jesse Garcia Park.

The cost for construction of the trail at Haymarket is \$40,000. The cost for replacement of the basketball court at Jesse Garcia Park is \$27,098.

D&M Owens is vendor approved by the City and currently on contract to perform this type of work. D&M Owens has completed this type of work to satisfactory levels and is qualified to perform the work for both projects.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

X	Yes	City Plan/Council Priority	Strategic Priorities - Use a variety of funding sources for operational and capital needs.
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**FISCAL IMPACT:**

Community Development Block Grant funding in the amount of \$67,098 may be available through reprogramming action. Should the Council approve the reprogramming, sufficient funding is available.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Should the City Council approve the substantial amendment to the 2016 CDBG One Year Action Plan in a previous agenda item, then staff recommends approval of a contract with D&M Owens for the construction of a trail at Haymarket Park and the replacement of a basketball court at Jesse Garcia Park.



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

2/27/2017

Agenda Item No. I)

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### Presenter/Contact

Stacey Dicke, Parks and Recreation Director  
(830) 221-4350 - [sdicke@nbtexas.org](mailto:sdicke@nbtexas.org)

### **SUBJECT:**

Discuss and consider approval of a BuyBoard purchase with TF Harper & Associates for furnishings at Haymarket Park.

### **BACKGROUND / RATIONALE:**

Through a previous action on this agenda, Community Development Block Grant funds may be available for reallocation for the purchase of park furnishings including playground shade, grill, tables, benches, trash cans, basketball posts and backboards.

The cost for purchase of the furnishings is \$39,490 and includes installation of the shade structure.

TF Harper & Associates is a BuyBoard approved vendor and satisfies the procurement responsibilities.

### **ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

Yes	Strategic Priorities:	Use a variety of funding sources for operational and capital needs
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### **FISCAL IMPACT:**

Community Development Block Grant funding in the amount of \$39,490 may become available through a previous agenda item reprogramming CDBG 2016 funds. Should the City Council approve the reprogramming, then sufficient funding is available for this project.

### **COMMITTEE RECOMMENDATION:**

N/A

### **STAFF RECOMMENDATION:**

Staff recommends approval of the purchase of park furnishings through the BuyBoard for Haymarket Park.



2/27/2017

Agenda Item No. J)

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Presenter

*Christopher J. Looney, Director of Community Planning & Development  
(830) 221-4050 - clooney@nbtexas.org*

**SUBJECT:**

Public hearing and consideration of the first reading of an ordinance regarding a proposed amendment to the "Highland Grove" Planned Development District Concept Plan and related Development Standards, on property comprising 228.68 acres located south and east of the intersection of Rueckle Road and Morningside Drive.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-16-066

**Council District:** 1

**Owner/Applicant:** Velma Development, LLC (Gordon Hartman)  
1202 Bitters, Bldg 1, Suite 1200  
San Antonio, TX 78216  
(210) 493-2811

**Staff Contact:** Matthew Simmont, Planner  
(830) 221-4058  
msimmont@nbtexas.org

The subject property is located on the southeast side of Morningside Drive, south of its intersection with Rueckle Road and consists of 228.68 acres. The property was annexed into the City in two phases, 1998 and 2001 and zoned "APD" Agricultural/Pre-Development District. For context and historical information purposes, the following timelines provide a synopsis of zoning and platting that has occurred on the subject property since its annexation:

"Highland Grove" Planned Development District (HGPS) (zoning related)

- 2006 - property rezoned to HGPS for residential and commercial use
- 2011 - HGPS was amended to allow only single-family residential use
- 2014 - HGPS was amended to revise the park location, adjust street and lot layout and reconfigure detention facilities
- February 2015 - HGPS was amended to revise the lot and street configuration of Unit 7
- November 2015 - HGPS was amended to increase the maximum building coverage to 50% and to revise the lot and street configuration of Units 4B, 7B and 10

The City Council approved the original Plan Development concept plan as the detail plan per the

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applicant's request, which requires the City Council to consider any subsequent revisions.

Master Plan and Platting approval (subdivision related)

- March 2006 - Master Plan approved for 657 residential lots and 18 acres of commercial use
- November 2011 - Master Plan approved for 788 residential lots
  - November 2011 - Unit 1 approved for 144 residential lots (recorded 1/13)
  - December 2011 - Unit 2 approved for 47 residential lots (recorded 12/14)
  - June 2013 - Unit 3 approved for 79 residential lots
  - May 2014 - Unit 4A approved for 66 residential lots
- August 2014 - Master Plan approved for 788 residential lots revised to match the amended HGPD Concept Plan
  - September 2014 - Unit 6 approved for 14 residential lots and park
- February 2015 - Master Plan approved for 788 residential lots revised to match the amended HGPD Concept Plan
  - March 2015 - Unit 7A approved for 60 residential lots and Unit 7B approved for 11 residential lots
- November 2015 - Master Plan approved for 770 residential lots revised to match the amended HGPD Concept Plan
  - October 2016 - Unit 5 approved for 37 residential lots

The applicant is currently proposing to amend the HGPD Concept Plan and Development Standards to revise the lot and street configuration of Unit 10. The proposed Concept Plan also removes Unit 7B by incorporating it into the revised Unit 10. The proposed amendment would adjust the location of some open space incorporating a portion of the gas line easement that is currently between residential lots. This amendment is being requested due to crossing constraints of the existing gas pipeline with streets and utilities.

The overall lot count of the Concept Plan amendment is proposed to decrease by 1 residential lot, to 769 residential lots, but the total acreage remains unchanged from the previously approved Concept Plan and Master Plan. The amount of open space for the subdivision is proposed to increase by approximately 0.50 acre to 40.46 acres. The proposed changes are in compliance with the approved development standards. Attachment 3 is a copy of the current HGPD Concept Plan and Attachment 4 is a copy of the proposed Amending Concept Plan.

A planned development district is a free-standing zoning district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a City Council approved plan that may vary from the established regulations of other zoning districts. It is the intent in such a district to insure compliance with good zoning practices while allowing certain desirable departures from the strict provisions of specific zoning classifications.

***General Information:***

***Size:***

228.68 acres

***Surrounding Zoning and Land Use:***

North - R-1 / Single-family, Vista Hill Subdivision

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Across Morningside Dr., R-2 and APD / Undeveloped  
South - R-1A-6.6 and APD / Agricultural & Undeveloped  
East - APD and R-1 / Single-family, Agricultural & Undeveloped  
West - APD / Pipeline Utilities, Single-family & Undeveloped

*Comprehensive Plan / Future Land Use Designation:*  
Residential Low Density

*Floodplain:*  
No portion of the property is located within the 1% annual chance flood zone.

*Regional Transportation Plan:*  
The proposed Amending Concept Plan is in compliance with the City's Regional Transportation Plan. Morningside Drive is designated as a 90-foot wide Major Collector and currently has 60-foot right-of-way width. An additional 15 feet of right-of-way was dedicated with the platting of Units 1 and 6 that are adjacent to Morningside Drive.

There is a proposed 150-foot Parkway that is located along the western boundary of the subdivision that will be constructed as an extension of FM 1044. An extension of County Line Road is also provided for on the plan that will be a Minor Arterial with a 90-foot right-of-way width. A Minor Collector with a 60-foot right-of-way width is also planned to be located central to the subdivision. Right-of-way dedication and construction will be required with these roadways as a component of the platting process.

*Hike and Bike Trails Plan:*  
The City's Hike and Bike Trails Plan includes an off-street hike and bike trail through the property. The best location for the trail will be along the future FM 1044 (Parkway) and then connecting eastward along the future Minor Arterial identified on the Regional Transportation Plan (Attachment 5). This trail will be designed and built with the construction of these roadways.

*Improvement(s):*  
Single-family homes and undeveloped properties

*Parkland Dedication:*  
This subdivision is subject to the Parkland Dedication and Development Ordinance. The subdivision contains a 4.9 acre park that is currently under development. The Parks and Recreation Department has reviewed the recreational amenities and is coordinating with the developer to ensure that the ordinance requirements have been met.

*Determination Factors:*  
In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (*There will be no changes in the current uses permitted.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The proposed amendment to the Concept Plan should not conflict with the existing and proposed public schools, streets, water supply, sanitary sewer and other utilities in the area.*);
- How other areas designated for similar development will be affected (*This amendment should*

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*not affect other areas designated for similar development.);*

- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*There should be no other factors that will substantially affect the public health, safety, morals, or general welfare.);* and
- Whether the request is consistent with the Comprehensive Plan (*The proposed zoning is consistent with the Future Land Use Plan designation of Low Density Residential and with several objectives of the Comprehensive Plan.*)

#### **ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

	Yes	<b>City Plan/Council Priority:</b> 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	<b>Pros: Object 1A:</b> <i>Evaluate proposed zone changes to maintain land use compatibility, as well as the integration of mixed land uses as a component of achieving better places to live.</i> The subject property is located in an area that is mostly developed with single-family residences or is currently being developed. <b>Goal 1C:</b> <i>Consider rezoning, as necessary, to ensure existing and future land use compatibility.</i> The proposed amendments are compatible with the existing development and development standards of the Highland Grove Subdivision. <b>Cons: N/A</b>
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#### **FISCAL IMPACT:**

N/A

#### **COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on February 7, 2017 and recommended approval of the proposed amendment to the "Highland Grove" Planned Development District Concept Plan and related Development Standards with Staff recommendation (7-0-0) with Commissioners Conkright and Hoyt absent.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the "Highland Grove" Amending Concept Plan and revised Development Standards as the proposed changes are consistent with the current "Highland Grove" Planned Development District Development Standards and the use designation of Residential Low Density in the Future Land Use Plan.

#### **Notification:**

Public hearing notices were sent to 250 owners of property within the subject area and within 200 feet of the subject area. The Planning & Community Development Department has received five responses (#'s 104, 173, 517, 537 & 538) in favor of the request and none in objection.

#### **Attachments:**

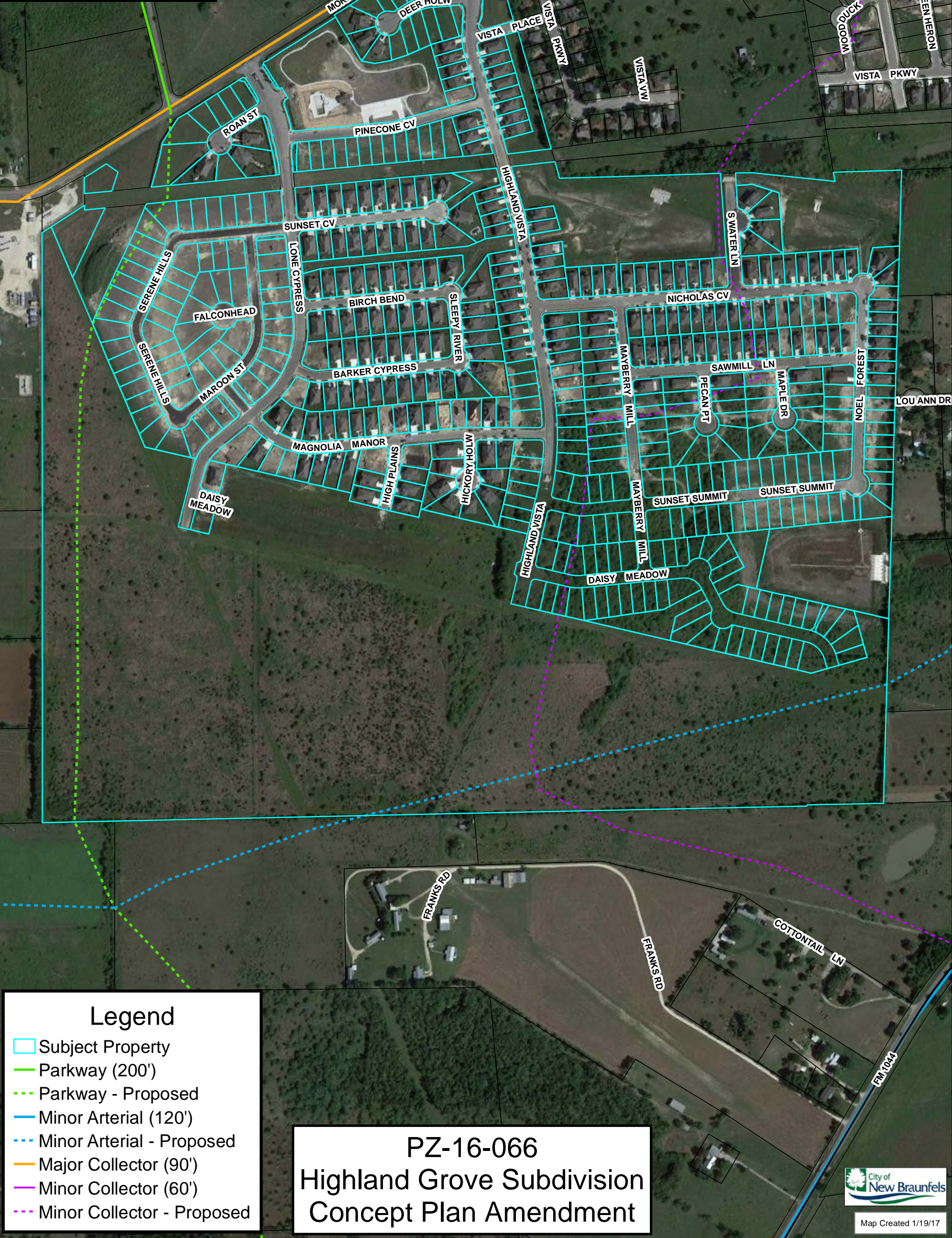
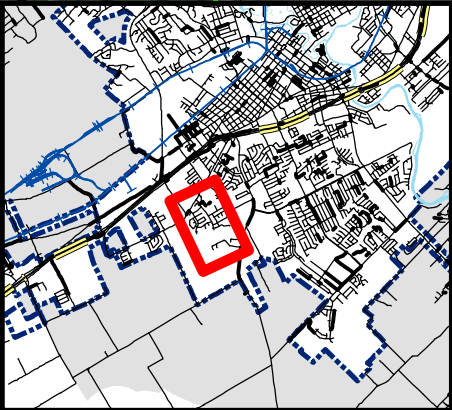
1. Aerial and Regional Transportation Plan Map
2. Application
3. Current and Proposed Concept Plan
4. Proposed Development Standards



- 
5. Maps & Notification (Zoning, Existing Land Use, Future Land Use, Notification List, Notification Map & Notification Responses)
  6. Photographs
  7. Draft Planning Commission Meeting Minutes from February 8, 2017
  8. Sec. 3.5 Planned Development Districts
  9. Ordinance



# Aerial and Regional Transportation Plan Map







City of  
New Braunfels



# APPLICATION FOR CONCEPT PLAN AMENDMENT

Planning and Community Development  
550 Landa Street, New Braunfels TX 78130  
Phone: (830) 221-4050

P2-16-066

1. Applicant - If owner(s), so state; If agent or other type of relationship, a letter of authorization must be furnished from owner(s) at the time submitted.

Name Velma Development, LLC Attn: Gordon Hartman, President

Mailing Address 1202 Bitters. Bldg 1. Suite 1200, San Antonio, TX 78216

Telephone: 210-493-2811 Fax: 210-493-7828 Mobile: \_\_\_\_\_ Email: jaime@gordonhartman.com

2. Property Address/Location: South of the intersection of Morningside Dr. and Rueckle Rd.

3. Legal Description:

(Note: if property is not platted, attach a metes and bounds description or survey and map.)

Name of Subdivision: Highland Grove Subdivision

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_ Acreage: \_\_\_\_\_

4. Date of Concept Plan approval: December 14, 2015

5. Date(s) of subsequent Concept Plan Amendments: \_\_\_\_\_

6. Describe the proposed amendments to the approved Concept Plan: \_\_\_\_\_

Revised Unit 10 lot and street configuration. Lot density table has been revised.

## NOTES:

- Applicant must provide 15 copies of the amended concept plan for distribution to the Planning Commission. Additional copies of the amended concept plan may be required prior to submitting the request to City Council.
- All applications are due by the date on the chart attached. Applications will be reviewed for completeness by Planning staff the day following the due date. Applicants shall have one week to provide additional requested information. If information is not provided, application will be processed for the next Planning Commission meeting.

The undersigned hereby requests an amendment to a Concept Plan on the above described property as indicated.

Signature of Owner(s)/Agent

Date

12/20/16

## For Office Use Only

Fee Received By: Mathy

Amount 12.00 Receipt No.: 233229

Date Received: 12/22/16

Zoning signs issued: Date: \_\_\_\_\_ No. \_\_\_\_\_

Cash/Check Number: 3401

Case Number: P2-16-066



February 2, 2017

Matthew Simmont  
City of New Braunfels Planning Department  
550 Landa St.  
New Braunfels, TX 78130

Re: Highland Grove Concept Plan Amendment Narrative

Dear Mr. Simmont,

This letter is being submitted to provide an explanation of the changes that are proposed with the concept plan amendment for the Highland Grove Planned Development District (PDD). This amendment is to the previous concept plan amendment that was approved on December 14, 2015. The reason for this amendment is to reflect the changes in the lot layout and minor street configuration within Unit 10. Unit 7B has been removed from the overall plan due to the crossing constraints of the existing gas pipeline with streets and utilities. One of the detention basins for Unit 10 has been relocated within the original Unit 7B boundary and additional lots have been added to Unit 10. The land use density table has been revised to show a decrease in the number of total lots but the overall acreage has remained the same.

Thank you for your consideration in this matter. Should additional information be required please feel free to contact our office.

Sincerely,  
KFW Engineers

A handwritten signature in blue ink that reads "Clayton Linney".

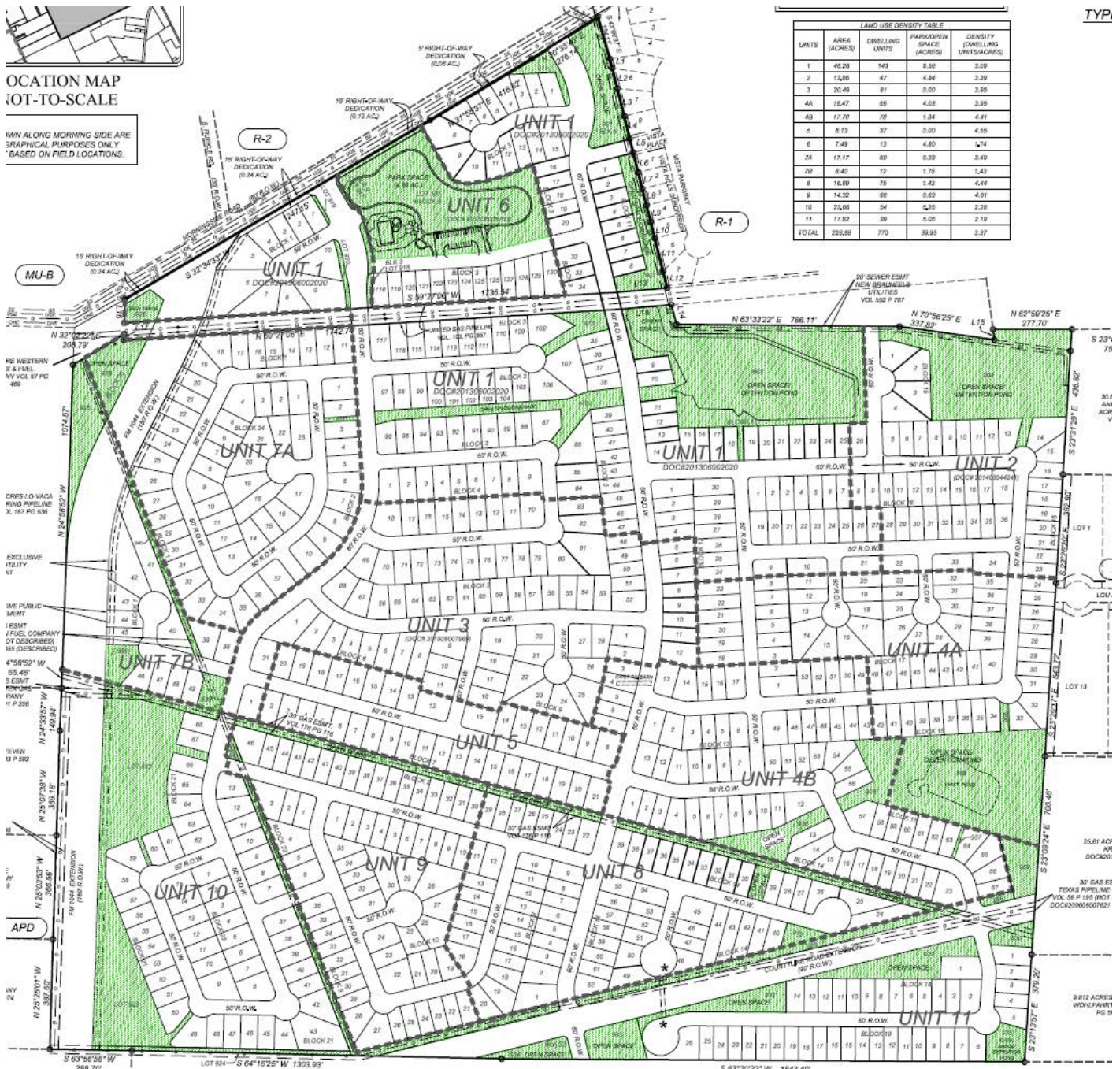
Clayton Linney, P.E.  
Project Manager





## LOCATION MAP NOT-TO-SCALE

OWN ALONG MORNING SIDE ARE  
GRAPHICAL PURPOSES ONLY  
BASED ON FIELD LOCATIONS.



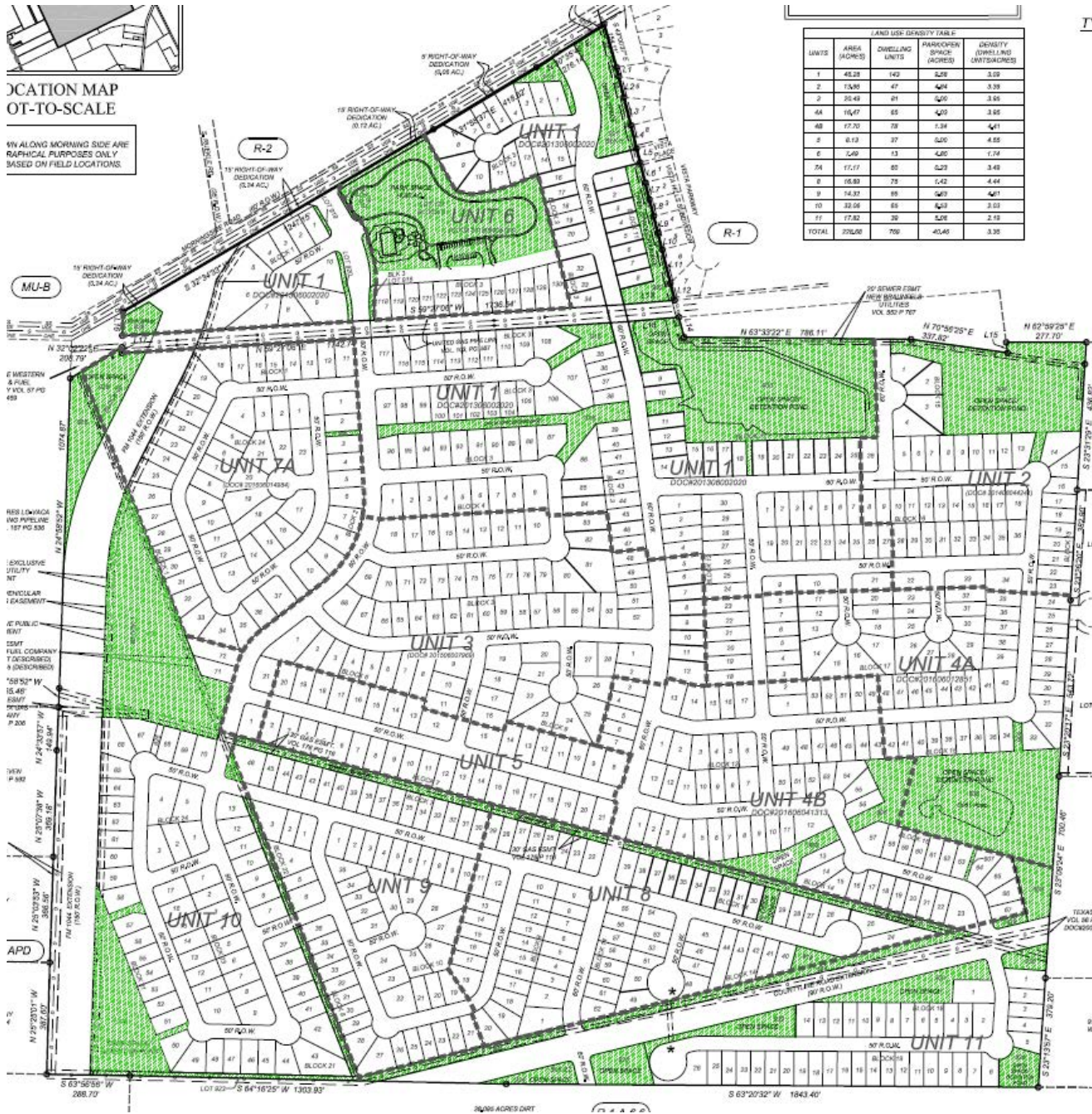
## Current Highland Grove Planned Development District Concept Plan





# LOCATION MAP NOT-TO-SCALE

1/4" ALONG MORNING SIDE ARE  
GRAPHICAL PURPOSES ONLY  
BASED ON FIELD LOCATIONS



## Proposed Highland Grove Planned Development District Concept Plan

# Highland Grove Planned Development District

## Development Standards

1. This planned development project conforms to the City of New Braunfels comprehensive development plan based on the maps located at the City of New Braunfels, Comal County, Texas. The current zoning map shows this area as Planned Development District and the Future Land Use Plan distinguishes the property as Low Density Residential. This project is proposed to be 3.45 lots per acre which is considered to be low density. The base zoning district for this project is R-1A.
2. The total acreage for this development is 228.685 acres of which 228.685 acres being single family residential.
3. Reference property lies within the Comal County Independent School District.
4. A 20' public utility easement (PUE) will be dedicated adjacent to all street right of ways.
5. No portion of this site is located within the 100-yr FEMA flood plain as designated on Community Panel 48091c0445 f, dated: September 2, 2009.
6. A Homeowner's Association will be created during engineering design phase of the project.
7. This property will be served by the following:
  - New Braunfels Utilities - water, sewer, and electric
  - AT&T phone service
  - Time Warner Cable TV

### **Design Regulations**

8. All residences immediately adjacent to the Vista Hills Subdivision shall be single story.
9. A minimum six foot tall masonry wall/fence shall be constructed adjacent the single family residences abutting the future FM 1044 extension, or, the developer shall provide adequate set-back and/or other sound abatement measures for future noise mitigation per the Texas Department of Transportation Guidelines for Analysis and Abatement of Highway Traffic Noise.
10. Tree Note: Developer/Builder agrees to plant a minimum of one (1) front yard tree per lot at the time of building construction.

11. Conditions of care of drainage areas shall be as follows and in addition to City ordinance:
  - a. All grass areas to be maintained at 12" or less in height and no less than twice a year.
  - b. All detention ponds to be maintained at 12" growth height or less and shall be evaluated by an engineer for silt build-up and performance at least once every five years with a report submitted to the City of New Braunfels engineering department.
  - c. All drainage and detention areas located on separate lots will be maintained by the Homeowner's Association.
12. No cluster mail boxes are to be installed on Vista Place.
13. The drainage areas abutting the homes on Vista Parkway are to be concrete lined.
14. Residential development standards as per New Braunfels Municipal Code Section 3.5-5(f):
  - a. Minimum lot area = 6,000 s.f. and 7,200 s.f.
  - b. Minimum lot width and depth = 50' (width) x 120' (depth) & 60' (width) x 120' (depth) - regular lots  
35' (width) x average of 120' (depth) - irregular lots  
\*At setback, all irregular lots have width of 50' minimum
  - c. Minimum front, side, and rear setbacks:  
Front = 25'  
Rear = 20'  
Side = 5'; For corner lots, the side setback is either 15' or 25' depending on the orientation of adjacent lots\*.  
\*If the rear lot line of the corner lot shares a side lot line with the adjacent lot, the side setback shall be consistent with the adjacent lots front setback, therefore, 25'. If the rear lot line of the corner lot shares a rear lot line with the adjacent lot, then the side setback is 15'.
  - d. Maximum height of buildings: 35'
  - e. Maximum building coverage: 50%
  - f. Maximum floor to area ratios for non-residential use: n/a
  - g. Minimum parking standards for each general land use: residential - 2 cars/lot
15. The individual homebuilder/developer shall be responsible for construction of a 4-foot concrete sidewalk adjacent to the back of curb inside the right-of-way. The developer of this project shall be responsible for construction of a 4' concrete sidewalk adjacent to the back of curb inside the right-of-way at common areas,



drainage easements, and all other areas where sidewalk is required to be constructed.

16. Items which may require a reduction of lots:
  - a. Coordination with gas companies regarding crossing requirements for street and drainage facilities.
  - b. Final sizing of drainage and utility easements.
  - c. Drainage study regarding final detention pond sizing.
  - d. Final ground topography versus aerial topography.
  - e. Additional utility easements or modification of drainage/utility easements.

### **Drainage Related**

17. Drainage easements shall be free from all obstructions.
18. The following lots shall be maintained by the Homeowner's Association. The Homeowner's Association will maintain all community facilities, green spaces, and detention areas:
  - Unit 1, Block 1, Lots 919 & 920
  - Unit 1, Block 3, Lots 913, 915, 916, 917, 918
  - Unit 1, Block 5, Lot 901
  - Unit 1, Block 11, Lots 902 & 903
  - Unit 1, Block 20, Lot 926
  - Unit 2, Block 15, Lot 904
  - Unit 4A, Block 15, Lots 905 & 906
  - Unit 4B, Block 15, Lots 906 & 907
  - Unit 4B, Block 14, Lot 908
  - Unit 6, Block 3, Lot 131
  - Unit 7A, Block 2, Lot 916
  - Unit 7A, Block 20, Lot 925
  - Unit 8, Block 7, Lot 936
  - Unit 8, Block 14, Lots 910, 911, & 912
  - Unit 9, Block 7, Lots 913 & 920
  - Unit 10, Block 21, Lots 923, 924, 926, & 927
  - Unit 10, Block 20, Lot 928
  - Unit 10, Block 7, Lot 920
  - Unit 11, Block 15, Lots 909 & 929
  - Unit 11, Block 14, Lot 928
  - Unit 11, Block 8, Lot 927
  - Unit 11, Block 18, Lots 931, 932, & 933
  - Unit 11, Block 19, Lots 930 & 935
  - Unit 11, Block 22, Lot 934
19. Unit 1 – Block 1, Lots 5 & 6; Unit 7A – Block 1, Lots 18 – 26; Unit 10 – Block 21, Lots 59 – 66, 923, 924, & 927 shall not have access to F.M. 1044 extension.

### **Transportation Related**

20. All streets are typical 50' right-of-way unless otherwise shown.
21. In lieu of construction of County Line Road, the estimated costs of such construction may instead be applied to offsite improvements, as determined at the completion of the TIA and under the construction and financing guidelines applicable to such offsite improvements, through a development agreement approved by City Council before approval of final plat.

### **Performance Guarantee**

The purpose for this Performance Guarantee is to ensure that drainage facilities for the Highland Grove Subdivision are constructed in accordance with the approved design criteria (as detailed in the approved drainage report) and all applicable City of New Braunfels ("City") rules and regulations in effect at the time the Highland Grove Planned Development District Concept Plan (the "Concept Plan") is approved by City Council.

#### **Terms:**

1. All drainage facilities required to be constructed within the Highland Grove Subdivision shall operate to meet or exceed the approved design criteria for their respective Coverage Periods (defined below), provided, however, any drainage ponds and appurtenances for each Drainage Area (as defined on the attached Drainage Area map) may not fully meet the approved design criteria until all streets within that Drainage Area are fully constructed. In the event the City determines that drainage facilities are not required for any Drainage Area, this section of the Development Standards shall be considered null and void in regard to such Drainage Area (or in the whole if drainage facilities are not required for any Drainage Area).
2. As used herein, the term "Coverage Period" shall mean a two (2)-year period of time commencing upon the date that forty percent (40%) of the homes within a given Drainage Area, as illustrated in the attached Drainage Area Map, have been issued certificates of occupancy and one-hundred percent (100%) of the streets and drainage infrastructure has been constructed to service those homes making-up the forty percent (40%) within the Drainage Area (the "Commencement Date"), and ending on the second annual anniversary of such Commencement Date. Each drainage facility within the Highland Grove Subdivision shall be subject to separate Coverage Periods and shall require separate Cash Sureties as described below.
3. In order to provide financial security for the obligation described in Paragraph "1" above, Applicant (as listed on the approved Concept Plan), or his successors and assigns, shall post with the City Cash Surety (as defined below) within thirty (30) calendar days of the Commencement Date for each Coverage Period in the amount of ten percent (10%) of the cost of drainage improvements for that particular Drainage Area. A

statement of construction value shall be provided to the City Engineer to support the Cash Surety Amount.

4. As used herein, the term “Cash Surety” shall mean one of the following, which the Applicant may chose at its own discretion:
  - a. Cash, or its equivalent, delivered to the City and to be held by the City in a separate, interest-bearing account with all interest thereon belonging to the Applicant;
  - b. An irrevocable letter of credit issued by a financial institution reasonably acceptable to the City; or
  - c. A performance bond issued in the name of the City on terms reasonably acceptable to the City.
5. If, during the Coverage Period, the City Engineer, or a third party engineer selected by the City, sends a written notice to Applicant stating in that notice that the drainage improvements for any Drainage Area within the Highland Grove Subdivision is not operating to meet the design criteria specified in the approved design documents (and specifying in such notice the specific deficiencies in such operation), within thirty (30) days thereafter Applicant shall do one of the following: (a) notify the City in writing that the Applicant shall rectify the problems specified by the City Engineer or City’s third party engineer, or (b) notify the City in writing that Applicant disagrees with the conclusion of the City Engineer or City’s third party engineer. In the event that Applicant fails to send either of the two written notices specified above within such thirty (30)-day period, Applicant shall be deemed to have selected option (a) above.
6. In the event that Applicant notifies the City that Applicant will rectify the problems specified by the City Engineer or City’s third party engineer as contemplated in Paragraph “5” above, Applicant shall be required to complete such necessary work in a reasonably expeditious manner, not to exceed ninety (90) days from the date Applicant provides such notice (or, if any permit is required to begin such work, ninety (90) days from the date of issuance of such permit), subject to force majeure and/or any action by the City causing delay.
7. In the event that Applicant notifies the City that Applicant disagrees with the conclusion of the City Engineer or City’s third party engineer, the City and Applicant shall agree on another independent third party engineer within fifteen (15) days of the City’s receipt of Applicant’s written notice. In the event that the City and Applicant fail to agree on the designation of such independent third party engineer within such fifteen (15)-day period, the City shall select such independent third party engineer. The

independent third party engineer shall determine if the drainage improvements for the Drainage Area in question are operating to meet the design criteria in the approved design documents, and the conclusion of the independent third party engineer in that regard shall be binding on the Applicant, its successors and assigns, and the City; provided, however, nothing is intended to modify or reduce Applicant's obligations pursuant to State law (regulatory or common law) with respect to drainage from the Highland Grove Subdivision onto adjoining properties. In the event that the independent third party engineer specifies in a written notice to Applicant that the drainage improvements for the Drainage Area in question are not operating to meet the design criteria in the approved design documents (and specifying in such notice the specific deficiencies in such operation), Applicant shall be required to complete such necessary work in a reasonably expeditious manner, not to exceed ninety (90) days, subject to force majeure or City action causing delay, from the receipt by Applicant of the written notice from the independent third party engineer. Applicant shall be responsible for paying the inspection costs of such independent third party engineer, not to exceed \$3,000.

8. In the event that Applicant fails to rectify the specified problems in the drainage improvements for the Drainage Area in question within the ninety (90)-day period, subject to force majeure or City action causing delay, under either Paragraph "6" or "7" above, the City shall have the right to utilize the Cash Surety to rectify the specified problems in the drainage improvements for that Drainage Area. The City shall be required to notify Applicant in writing of the City's election to utilize the Cash Surety for this purpose.
9. Within 30 days following the expiration of each Coverage Period, the City shall return to Applicant any unused Cash Surety.



# Zoning Map



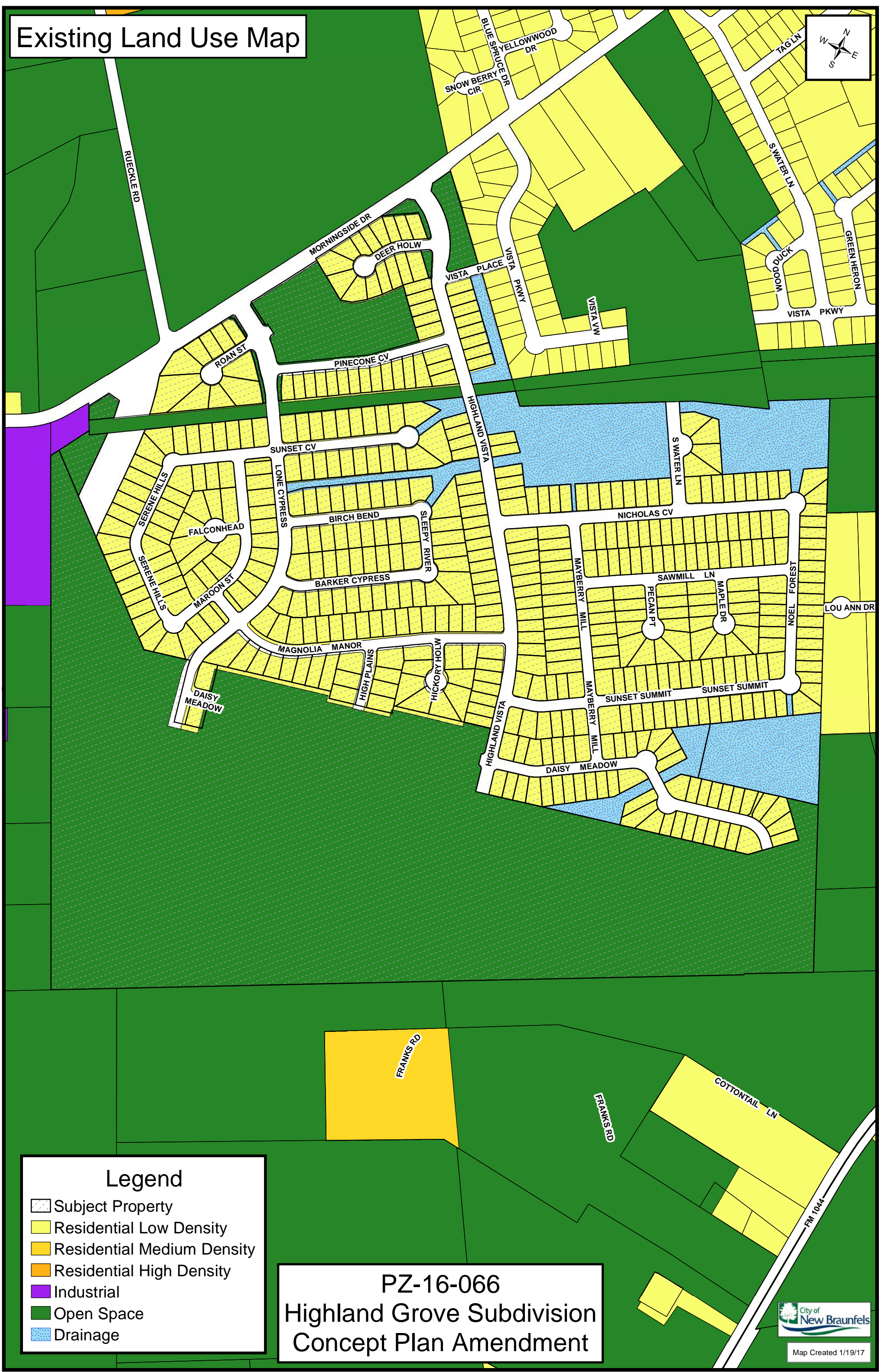
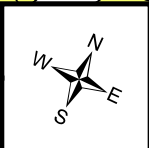
## Legend

- Subject Property
- APD
- C-3
- MU-B
- PD
- R-1
- R-1A-6.6
- R-2

PZ-16-066  
Highland Grove Subdivision  
Concept Plan Amendment



# Existing Land Use Map



## Legend

- Subject Property
- Residential Low Density
- Residential Medium Density
- Residential High Density
- Industrial
- Open Space
- Drainage

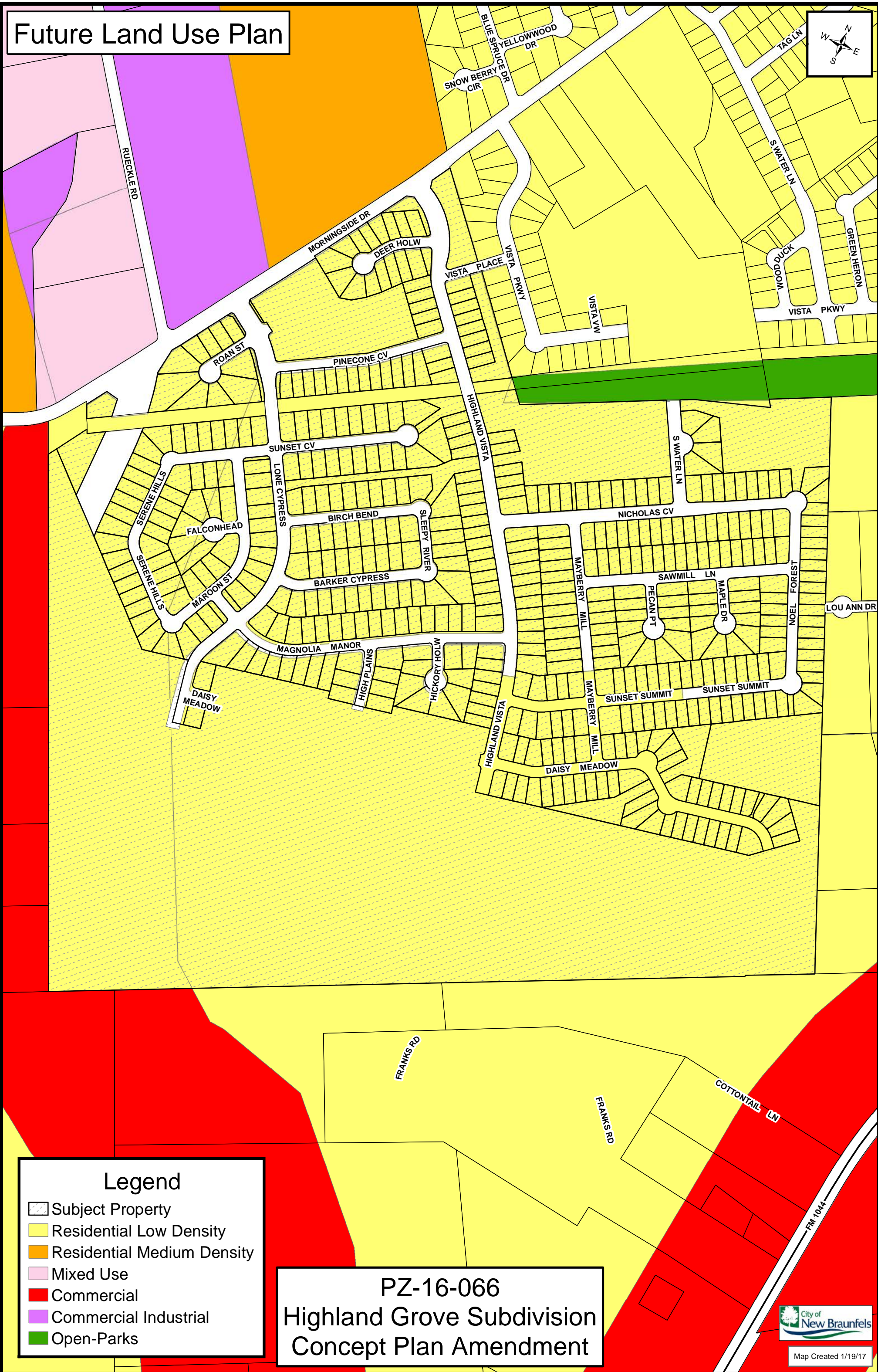
PZ-16-066  
Highland Grove Subdivision  
Concept Plan Amendment



Map Created 1/19/17



# Future Land Use Plan



**PLANNING COMMISSION – February 7, 2017 – 6:00PM**

New Braunfels City Hall Council Chambers

**Applicant/Owner:** Velma Development LLC, Gordon Hartman - President

**Address/Location:** Highland Grove Subdivision

**PROPOSED CONCEPT PLAN AMENDMENT – CASE #PZ-16-066**

The property under consideration is marked as “Subject Property” on the attached map. Property owners of the subject property or within 200 feet are listed below. All information is from the Appraisal District Records.

1	Velma Development Llc	39	Hernandez William E & Flor
2	Highland Grove Hoa Inc	40	Vela Phillip S
3	Highland Grove H	41	Johnson Moses P Jr & Belinda T
4	Ashton San Antonio Residential Llc	42	Secretary Of Veterans Affairs
5	Bella Vista Cmi Ltd	43	Prieto Esabel C Jr & Ingrid R
6	Calatlantic Homes Of Texas Inc	44	Uchniat Michael J & Rosemary R
	Lennar Homes Of Texas Land & Construction	45	Deleon Ivan F & Barbara A
7	Ltd	46	Cassidy Ryan & Zsofia Toth-Cassidy
8	M I Homes Of San Antonio Llc	47	Oneill Richard G & Rachel C
9	Wgh Texas Llc	48	Clausen Glenn & Kerri S
11	Restrepo Jesus A & Perla I	49	Harris Gary B & Christina M
12	Drake Matthew C & Natalie	50	Chilcote Judy J Rvcbl Lvng Trst
13	Walton Waddell Jr & Glenda P	51	Hodell Hans J & Deanna L
14	Avila Salomon Jr & Deah D	52	Stanley Steven L & Sang S
15	Alspach Robert D & Jennifer B	53	Moczygemba Matthew S & Sarah
16	Haines Eric H & Lavena A	54	Chappell Eric & Cecily
17	Bella Vista Cmi Ltd	55	Dorsa Christopher M & Savannah K Jones
18	Martinez Tony R & Sonya J	56	Spencer Michael A & Carol M
19	Pena James C & Lisa S	57	Bucek Milan A Jr
20	Zipp Betty Jane	58	Miller Marilyn J
21	Mcgee Tajaric W	59	Bendele Jacob & Lindsey
22	Mccarter Tanner S & Alma Ortega	60	Delarosa Frank & Ana Liza C
23	Solano Mario F & Keta	61	Smith Philip N & Shelley
24	Aino San Antonio Llc	62	Dy Erin & David
25	Bishop Anna Winifred	63	Jordan Kristen T & Cody P
26	Patel Sanjaykumar M Et Al	64	Prati Richard R & Dianna D
27	Lowrie Joe Marc	65	Tate Jonathan M & Jennifer K
28	Welch Marc E & Marsha P	66	Shepler Randy L & Melanie C
29	Hollon James F Sr & Amy C	67	Williams Daniel & Dorothy J
30	Picard Marcellus & Eryn R	68	Horton Clifford R & Bernadette A
31	Heimbecker Jennifer & Robert B Baker	69	Tawiah Kwame Atuabo
32	Cole Kelly R & Jonathan S	70	Rojas Mary Grace
33	Fabre Troy & Anita	71	Jellerson Marcus A & Patricia
34	Cherkitz Mark A & Leala M	72	Allen Jon & Shannon
35	Rogers William B & Tamara L Tilley-Rogers	73	Hamilton Kelly L & James
36	Spann Willie A & Mignon Jones-Spann	74	Phillips Bob & Virginia
37	Glasco Clarence N & Keisha S	75	Hurley Gregory Dean
38	Harmon Matthew Anthony	76	Bocanegra Fabian



77	Steele Mark T & Marian Moore	128	Vogt Michael Joseph
78	Patterson Horace E & Clara N	129	Meschwitz Elizabeth Erwin
79	Echevarria Sergio A Sr & Mariaana Andalon	130	Temple Shawn L & Carol E
80	Mcfarland Mahealani N & Christopher D	131	Gallagher Paul E & Valerie A
81	Johnson Gary M & Nancy A	132	Parry Brandon D & Kristin L
82	Johnson Wesley F & Carol A	133	Felan Christopher J & Sarah A
83	Tack Jeremy L	134	Lowther James E Et Al
84	Swanzy Tallen Montgomery	135	Gillespie Sean D & Felicia M
85	Gonzalez Victor & Erika Y	136	Thornton Brian Dale
86	Cogdill Aeris B & Valerie	137	French Raymond A & Renate R
87	De La Rosa Mario	138	Acker Tommy & Gabrielle
88	Ware Christopher W	139	Cox Barbara Lynn
89	Ward David & Alicia	140	Gonzalez Ruben Pedro
90	Berry Gregory D	141	Guillen Salvador & Adriana
91	Thomas Marilyn Ann	142	Garcia Ana Ugartechea
92	Hernandez Jenelle A & Jesus	143	Harmon Jason L & Ashlee N
93	Mroz Daniel A	144	Thomas Gregory S & Brandy S
94	Pearson Mark A & Abigail R	145	Bailey Shane & Kelly
95	Hohmann Thomas & Cynthia	146	Villegas Jose F Jr & Jennifer L
96	Samora Jordan D & Erin E	147	Chamberlain Ronald R Jr & Gilberto Martinez
97	Roach Kyle C	148	Cooke Robert G & Ruth D
98	Linkens Richard T	149	Kasperbauer John & Theresa
99	Johnson Jenna E & Roy Pelham	150	Hollenbeck Bradley K & Linda G
100	Trevino Raul E & Dina	151	Wallen Amy B & Christopher M
101	Tapley James H & Christine L	152	Ybarra Ismael
102	Richey Trevor L	153	Brookins Rodney T & Shandalyn
103	Abballe Michael R & Sherry D	154	Bautizta Nicholas & Lucinda
104	Williamson Pamela J & Neil W	155	Outland Wiley J & Annie S
105	Kinion Ryan	156	Baez Ruth A
106	Bowling Harold Kirkland Jr	157	Torres Cindy & Shawn E Cattin
107	Reyes Jim C	158	Allen Michael E & Stephanie L
108	Meek Jacob & Shayla	159	Dimery Carlton H Jr & Laura E
109	Property Owner	160	Parks Jim Edward Jr & Sarah R
110	Gentry Jason	161	Calderon Kimberly Ann
111	Freeman Kiyoshi C & Maria T Talampas	162	Haymaker Thomas N Sr
112	Stearns Gerald R & Bernadette	163	Layh Michael C
113	Barton Michael C & Lauren R	164	Helton Rebekah R & Alan N Glazer
114	Aguirre Heric R & Arely H Mendivil	165	Gomez Annette & Marc Olveda
115	Holmes Gennifer	166	Tran Xuan T & Huy
116	Hersh Sean & Carri L	167	Marron Ty E & Jennifer A
117	Chavez Randall & Kimberly G	168	Cardenas-Ruderer Hugo
118	Aino San Antonio Llc	169	Gamara Joya C & Rene G
119	Ayala Diego A	170	Deleon Eva C & Beniberto
120	Santiago Edwin	171	Cuellar Brandon T & Hailey N
121	Kovar Charles H & Helen M	172	Sawyer Aaron P & Tia E
122	Bilbrey Joel K & Shawnee L	173	Campbell Edward Bruce Iii
123	Mckenzie Kenneth Alan	174	Camacho Irene & William Dorsey
124	Miller Natalie J	175	Thomas Cedric A & Susana H
125	Sawyer Gerald & Amy	176	Levett Kendrick L & Kayla S
126	Lindeman Chase T & Shaleek R	177	Champion-Harris Jonathan & Malorie K
127	Katzenstein Royal L	178	Baker Christian B & Janelle M

179	Reynolds Richard S & Kelli S	514	Zamora Celestina R
180	Carby Robert William	515	Casarez Ricardo & Lynda O
181	Wheeler Brian	516	Wunderlich Diane L
182	Kolbrecki James J & Karen L	517	Johnson Rita
183	Johnson Paul G	518	Sandoval Juan M P & Elizabeth C Nunez
184	Mauldin William Scott	519	Blaylock Jason C
185	Lochrie Brett & Cindy	520	Schaefer Teresa B
186	Stewart Ian & Rochelle L Holder	521	Thomas Rebecca N
187	Bienek Anthony C & Nicole D	522	Ybarra Rogelio & Yolanda
188	Lundmark Brent T & Paula K	523	Barry Teresa
189	Fettner David A	524	Minter Trust
190	Honick Chris S & Megan A	525	Peters Merlene C
191	Brault Daniel & Ofelia	526	Howell Henry D
192	Tran Annie N & Thomas	527	Winston Benjamin
193	Villareal Edward B & Darici L	528	Self Sandra E & Bill L
194	Patchen Erik M & Summer L	529	Ortiz Robert M & Amelia
195	Reahm Daniel li & Kody L	530	Howell Dana
196	Dunivan John L li & Abby K	531	Fischer Thomas J & Elizabeth
197	Leeber Michael B & Jamey L	532	Dove Dorothy M
198	Martin Geraldine & Randy	533	Hernandez Maria Isabel
199	Reimers Russell K & Tonja O	534	Arndt Rolf H & Waltraud
200	Rieffe Anthony A	535	Dirt Dealers Xii
500	Enterprise Texas Pipeline Lp	536	Jhfs Holdings Llc
501	Cheney Beverly	537	Eidson Sarah W
502	Winslow Kenneth Eugene	538	Rueckle Commercial Holdings Llc
503	Hoffman Heidi Marie	539	Schaefer William J
504	Sliwinski Zbigniew & Edith	540	Wohlfahrt Adeline L
505	Parvin Todd & Angela	541	Kramm Henry O
506	Hooper Monty A & Tasha D	542	R & V Perry Second Family Ltd Prtnrshp
507	Beseda Timothy R & Connie M	543	Weston Grainger
508	Eastwood Mary F	544	Haggard Company
509	Bockholt Arretta H	545	Koehler Judy Lynn
510	Hanks Rickey L & Sheri	546	Rodriguez Michael
511	Scheile Michael O	547	Mcneill John V
512	Castillo Raymond & Cynthia	548	Mesa Isaac
513	Rivera Pete Sr	549	Property Owner

---

**SEE MAP**

# Notification Map



## Legend

- Subject Property
- 200' Notification Area
- Favor (2%)
- Object
- No Response

PZ-16-066  
Highland Grove Subdivision  
Concept Plan Amendment



Map Created 1/19/17

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-16-066 (Velma Development LLC) ms  
Date notice sent: 1/20/2017

Name: PAMELA WILLIAMSON  
Address: 854 MAYBERRY Mill, N.B. 78130  
Circled number on large 11 x 17 map: 104  
Comments: (Use additional sheets if necessary)

I favor: ✓  
I object: \_\_\_\_\_

Signature: Pamela F. Williamson



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YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-16-066 (Velma Development LLC) ms  
Date notice sent: 1/20/2017

Name: ED CAMPBELL  
Address: 865 SLEEPY RIVER  
Circled number on large 11 x 17 map: ✓ 173  
Comments: (Use additional sheets if necessary)

I favor: X  
I object: \_\_\_\_\_

Signature: Ed Campbell



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Planning Department

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-16-066 (Velma Development LLC) ms  
Date notice sent: 1/20/2017

Name: RITA D. JOHNSON  
Address: 843 VISTA PARKWAY  
Circled number on large 11 x 17 map: 517  
Comments: (Use additional sheets if necessary)

I favor: ✓  
I object: \_\_\_\_\_

Signature: Rita D. Johnson



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YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-16-066 (Velma Development LLC) ms  
Date notice sent: 1/20/2017

Name: Sarah W. Eidson

Address: \_\_\_\_\_

Circled number on large 11 x 17 map: 537

Comments: (Use additional sheets if necessary)



I favor: ✓

I object: \_\_\_\_\_

Signature: Sarah W. Eidson

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YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-16-066 (Velma Development LLC) ms  
Date notice sent: 1/20/2017

Name: Fred Heimer

Address: 130 S. Sequin, Suite 101

Circled number on large 11 x 17 map: 538

Comments: (Use additional sheets if necessary)

Signature: \_\_\_\_\_



I favor: X

I object: \_\_\_\_\_

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Highland Vista entrance into the subdivision



Streetscape along Birch Bend

**Draft Minutes for the February 7<sup>th</sup> 2017 Planning Commission Regular Meeting**

**PZ-16-066 Public hearing and recommendation to City Council regarding the proposed amendment to the “Highland Grove” Planned Development District Concept Plan and the related Development Standards, 228.68 acres located south and east of the intersection of Rueckle Road and Morningside Drive.**

(Applicant: KFW Engineering; Case Manager: M. Simmont)

Mr. Simmont presented the staff report, explained the proposed changes to the Concept Plan, and recommended approval.

Chair Elrod invited anyone in favor of the Concept Plan amendment to speak.

No one spoke.

Chair Elrod invited anyone opposed to the Concept Plan amendment to speak.

No one spoke.

Motion by Vice Chair Edwards, seconded by Commissioner Sonier, to close the public hearing. The motion carried. (7-0-0)

A motion by Vice Chair Edwards, seconded by Commissioner Sonier, to approve the proposed amendment to the “Highland Grove” Planned Development District Concept Plan and the related Development Standards, 228.68 acres located south and east of the intersection of Rueckle Road and Morningside Drive. The motion carried (7-0-0).

### 3.5. *Planned Development Districts.*

3.5-1. *Purpose:* The planned development district is a free-standing district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a plan that may vary from the established regulations of other zoning districts. It is the intent in such a district to insure compliance with good zoning practices while allowing certain desirable departures from the strict provisions of specific zoning classifications.

3.5-2. *Application:* An application for a planned development district shall be processed in accordance with this Chapter. A pre-planning conference is required between the applicant and the Planning Director prior to the actual filing of the application.

3.5-3. *Base District.* A base zoning district shall be specified. The regulations in the base zoning district shall control unless specifically stated otherwise in the PD.

3.5-4. *District plans and requirements:* There are two types of plans that may be used in the planned development process. The general purpose and use of each plan is described as follows:

- (a) *Concept plan.* This plan is intended to be used as the first step in the planned development process. It establishes the most general guidelines for the district by identifying the land use types, development standards, approximate road locations and project boundaries and illustrates the integration of these elements into a master plan for the whole district.
- (b) *Detail plan.* The detail plan is the final step of the planned development process. It contains the details of development for the property. For smaller tracts or where final development plans are otherwise known, the detail plan may be used to establish the district and be the only required step in the planned development process.

3.5-5. *Concept plan requirements:* Said concept plan shall include the following:

- (a) *Relation to the comprehensive plan.* A general statement setting forth how the proposed district will relate to the city's comprehensive plan and the degree to which it is or is not consistent with that plan and the proposed base zoning district.
- (b) *Acreage.* The total acreage within the proposed district.
- (c) *Survey.* An accurate survey of the boundaries of the district.
- (d) *Land uses.* Proposed general land uses and the acreage for each use, including open space. For residential development, the total number of units and the number of units per acre.
- (e) *General thoroughfare layout.* Proposed streets, as a minimum to arterial street level. (Showing collector and local streets is optional.)
- (f) *Development standards.* Development standards, if different from the base zoning district, for each proposed land use, as follows:
  - (1) Minimum lot area.
  - (2) Minimum lot width and depth.
  - (3) Minimum front, side, and rear building setback areas.
  - (4) Maximum height of buildings.
  - (5) Maximum building coverage.
  - (6) Maximum floor to area ratios for nonresidential uses.
  - (7) Minimum parking standards for each general land use.
  - (8) Other standards as deemed appropriate.
- (g) *Existing conditions.* On a scaled map sufficient to determine detail, the following shall be shown for the area within the proposed district.
  - (1) Topographic contours of ten feet or less.



- (2) Existing streets.
- (3) Existing 100-year floodplain, floodway and major drainage ways.
- (4) City limits and E.T.J. boundaries.
- (5) Zoning districts within and adjacent to the proposed district.
- (6) Land use.
- (7) Utilities, including water, wastewater and electric lines.

3.5-6. *Detail plan requirements:* The application for a planned development district shall include a detail plan consistent with the concept plan. Said detail plan shall include the following:

- (a) *Acreage.* The acreage in the plan as shown by a survey, certified by a registered surveyor.
- (b) *Land uses.* Permitted uses, specified in detail, and the acreage for each use.
- (c) *Off-site information.* Adjacent or surrounding land uses, zoning, streets, drainage facilities and other existing or proposed off-site improvements, as specified by the department, sufficient to demonstrate the relationship and compatibility of the district to the surrounding properties, uses, and facilities.
- (d) *Traffic and transportation.* The location and size of all streets, alleys, parking lots and parking spaces, loading areas or other areas to be used for vehicular traffic; the proposed access and connection to existing or proposed streets adjacent to the district; and the traffic generated by the proposed uses.
- (e) *Buildings.* The locations, maximum height, maximum floor area and minimum setbacks for all nonresidential buildings.
- (f) *Residential development.* The numbers, location, and dimensions of the lots, the minimum setbacks, the number of dwelling units, and number of units per acre (density).
- (g) *Water and drainage.* The location of all creeks, ponds, lakes, floodplains or other water retention or major drainage facilities and improvements.
- (h) *Utilities.* The location and route of all major sewer, water, or electrical lines and facilities necessary to serve the district.
- (i) *Open space.* The approximate location and size of greenbelt, open, common, or recreation areas, the proposed use of such areas, and whether they are to be for public or private use.
- (j) *Sidewalks and bike paths.* Sidewalks or other improved ways for pedestrian or bicycle use.
- (k) If multifamily or non-residential development, a landscape plan.

A detailed plan, with all of the information required of a concept plan, may be submitted in lieu of a concept plan.

3.5-7. *Phasing schedule:* PD districts larger than 350 acres shall provide a phasing schedule depicting the different construction phases.

3.5-8. *Approval of district:* The City Council may, after receiving a recommendation from the Planning Commission, approve by Ordinance the creation of a district based upon a concept plan or a detail plan. The approved plan shall be made part of the ordinance establishing the district. Upon approval said change shall be indicated on the zoning maps of the city.

The development standards and requirements including, but not limited to, maximum height, lot width, lot depth, floor area, lot area, setbacks and maximum off-street parking and loading requirements for uses proposed shall be established for each planned development district based upon the particular merits of the development design and layout. Such standards and requirements shall comply with or

be more restrictive than the standards established in the base zoning district for the specific type uses allowed in the district, except that modifications in these regulations may be granted if it shall be found that such modifications are in the public interest, are in harmony with the purposes of this Chapter and will not adversely affect nearby properties.

3.5-9. *Planning Commission approval of detail plan:* The Planning Commission is authorized to approve a detail plan or the amendment of a detail plan for property for which a concept plan has been approved by the City Council. If the City Council initially approved a detail plan in establishing the district, the detail plan may only be amended by the City Council. The approved detail plan shall be permanently filed in the Planning Department. The Planning Commission shall approve the detail plan if it finds that:

- (a) *Compliance.* The plan complies with the concept plan approved for that property and the standards and conditions of the PD district;
- (b) *Compatibility.* The plan provides for a compatible arrangement of buildings and land uses and would not adversely affect adjoining neighborhood or properties outside the plan; and
- (c) *Circulation of vehicular traffic.* The plan provides for the adequate and safe circulation of vehicular traffic.

If no detail plan has been approved for the property within ten years of the date of approval of a concept plan, the detail plan must be approved by the City Council, after receiving a recommendation from the Planning Commission, after notice and hearing.

3.5-10. *Expiration of detail plan:* A detail plan shall be valid for five years from the date of its approval. If a building permit has not been issued or construction begun on the detail plan within the five years, the detail plan shall automatically expire and no longer be valid. The Planning Commission may, prior to expiration of the detail plan, for good cause shown, extend for up to 24 months the time for which the detail plan is valid.

3.5-11. *Appeals from Planning Commission action:* If the Planning Commission disapproves a detail plan over which it has final approval authority, or imposes conditions, or refuses to grant an extension of time for which a detail plan is valid, the applicant may appeal the decision to the City Council by filing a written request with the Planning Director within ten days of the decision.

3.5-12. *Changes in detail plan:* Changes in the detail plan shall be considered the same as changes in the zoning ordinance and shall be processed as required in Section 2.3. Those changes which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor area ratio, height, or coverage of the site, or which do not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site, as indicated on the approved detail plan, may be authorized by the Planning Director. Any applicant may appeal the decision of the Planning Director to the Planning Commission for review and decision as to whether an amendment to the Planned Development District ordinance shall be required.

3.5-13. *Minimum development size:* The total initial development of any Planned Development District shall not be less than two acres for nonresidential developments and five acres for residential developments.

3.5-14. *Deviation from code standards:* The City Council may approve a PD concept plan with deviations from any provision in the Code of Ordinances. Such deviations shall be listed or shown as part of the Ordinance that approves the concept plan.

**ORDINANCE NO. 2017-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING THE "HIGHLAND GROVE" PLANNED DEVELOPMENT DISTRICT CONCEPT PLAN AND RELATED DEVELOPMENT STANDARDS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

---

**WHEREAS**, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

**WHEREAS**, in keeping with the spirit and objectives of the "PDD" Planned Development District, the City Council has given due consideration to all components of said district; and

**WHEREAS**, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

**WHEREAS**, the City Council desires to amend the "Highland Grove" Planned Development District Concept Plan and related development standards; **now, therefore,**

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

**SECTION 1**

**THAT** the Concept Plan adopted April 10, 2006 by Ordinance Number 2006-30, amended March 7, 2011 by Ordinance Number 2011-24, amended September 22, 2014 by Ordinance Number 2014-71, amended March 9, 2015 by Ordinance Number 2015-14, and amended December 14, 2015 by Ordinance Number 2015-73 are hereby amended by adopting the following described Concept Plan and associated Development Standards:

"Being 228.68 acres as delineated on Exhibit 'A', the Concept Plan, and adopting amended Development Standards as stated in Exhibit 'B', attached."

## **SECTION 2**

**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

## **SECTION 3**

**THAT** all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

## **SECTION 4**

**THAT** if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

## **SECTION 5**

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

**PASSED AND APPROVED:** First Reading this the 27th day of February, 2017.

**PASSED AND APPROVED:** Second and Final Reading this the 13th day of March, 2017.

**CITY OF NEW BRAUNFELS**

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**BARRON CASTEEL, Mayor**

**ATTEST:**

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**PATRICK D. ATEN, City Secretary**

**APPROVED AS TO FORM:**

---

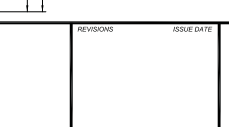
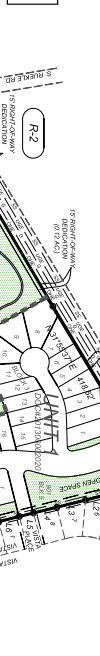
**VALERIA M. ACEVEDO, City Attorney**





**LEGEND**

- BOUNDARY
- ▣ PHASING LIMITS
- - - 10' CONTOURS

[illegible]

# Highland Grove Planned Development District

## Development Standards

1. This planned development project conforms to the City of New Braunfels comprehensive development plan based on the maps located at the City of New Braunfels, Comal County, Texas. The current zoning map shows this area as Planned Development District and the Future Land Use Plan distinguishes the property as Low Density Residential. This project is proposed to be 3.45 lots per acre which is considered to be low density. The base zoning district for this project is R-1A.
2. The total acreage for this development is 228.685 acres of which 228.685 acres being single family residential.
3. Reference property lies within the Comal County Independent School District.
4. A 20' public utility easement (PUE) will be dedicated adjacent to all street right of ways.
5. No portion of this site is located within the 100-yr FEMA flood plain as designated on Community Panel 48091c0445 f, dated: September 2, 2009.
6. A Homeowner's Association will be created during engineering design phase of the project.
7. This property will be served by the following:
  - New Braunfels Utilities - water, sewer, and electric
  - AT&T phone service
  - Time Warner Cable TV

### **Design Regulations**

8. All residences immediately adjacent to the Vista Hills Subdivision shall be single story.
9. A minimum six foot tall masonry wall/fence shall be constructed adjacent the single family residences abutting the future FM 1044 extension, or, the developer shall provide adequate set-back and/or other sound abatement measures for future noise mitigation per the Texas Department of Transportation Guidelines for Analysis and Abatement of Highway Traffic Noise.
10. Tree Note: Developer/Builder agrees to plant a minimum of one (1) front yard tree per lot at the time of building construction.

11. Conditions of care of drainage areas shall be as follows and in addition to City ordinance:
  - a. All grass areas to be maintained at 12" or less in height and no less than twice a year.
  - b. All detention ponds to be maintained at 12" growth height or less and shall be evaluated by an engineer for silt build-up and performance at least once every five years with a report submitted to the City of New Braunfels engineering department.
  - c. All drainage and detention areas located on separate lots will be maintained by the Homeowner's Association.
12. No cluster mail boxes are to be installed on Vista Place.
13. The drainage areas abutting the homes on Vista Parkway are to be concrete lined.
14. Residential development standards as per New Braunfels Municipal Code Section 3.5-5(f):
  - a. Minimum lot area = 6,000 s.f. and 7,200 s.f.
  - b. Minimum lot width and depth = 50' (width) x 120' (depth) & 60' (width) x 120' (depth) - regular lots  
35' (width) x average of 120' (depth) - irregular lots  
\*At setback, all irregular lots have width of 50' minimum
  - c. Minimum front, side, and rear setbacks:  
Front = 25'  
Rear = 20'  
Side = 5'; For corner lots, the side setback is either 15' or 25' depending on the orientation of adjacent lots\*.  
\*If the rear lot line of the corner lot shares a side lot line with the adjacent lot, the side setback shall be consistent with the adjacent lots front setback, therefore, 25'. If the rear lot line of the corner lot shares a rear lot line with the adjacent lot, then the side setback is 15'.
  - d. Maximum height of buildings: 35'
  - e. Maximum building coverage: 50%
  - f. Maximum floor to area ratios for non-residential use: n/a
  - g. Minimum parking standards for each general land use: residential - 2 cars/lot
15. The individual homebuilder/developer shall be responsible for construction of a 4-foot concrete sidewalk adjacent to the back of curb inside the right-of-way. The developer of this project shall be responsible for construction of a 4' concrete sidewalk adjacent to the back of curb inside the right-of-way at common areas,

drainage easements, and all other areas where sidewalk is required to be constructed.

16. Items which may require a reduction of lots:
  - a. Coordination with gas companies regarding crossing requirements for street and drainage facilities.
  - b. Final sizing of drainage and utility easements.
  - c. Drainage study regarding final detention pond sizing.
  - d. Final ground topography versus aerial topography.
  - e. Additional utility easements or modification of drainage/utility easements.

### **Drainage Related**

17. Drainage easements shall be free from all obstructions.
18. The following lots shall be maintained by the Homeowner's Association. The Homeowner's Association will maintain all community facilities, green spaces, and detention areas:
  - Unit 1, Block 1, Lots 919 & 920
  - Unit 1, Block 3, Lots 913, 915, 916, 917, 918
  - Unit 1, Block 5, Lot 901
  - Unit 1, Block 11, Lots 902 & 903
  - Unit 1, Block 20, Lot 926
  - Unit 2, Block 15, Lot 904
  - Unit 4A, Block 15, Lots 905 & 906
  - Unit 4B, Block 15, Lots 906 & 907
  - Unit 4B, Block 14, Lot 908
  - Unit 6, Block 3, Lot 131
  - Unit 7A, Block 2, Lot 916
  - Unit 7A, Block 20, Lot 925
  - Unit 8, Block 7, Lot 936
  - Unit 8, Block 14, Lots 910, 911, & 912
  - Unit 9, Block 7, Lots 913 & 920
  - Unit 10, Block 21, Lots 923, 924, 926, & 927
  - Unit 10, Block 20, Lot 928
  - Unit 10, Block 7, Lot 920
  - Unit 11, Block 15, Lots 909 & 929
  - Unit 11, Block 14, Lot 928
  - Unit 11, Block 8, Lot 927
  - Unit 11, Block 18, Lots 931, 932, & 933
  - Unit 11, Block 19, Lots 930 & 935
  - Unit 11, Block 22, Lot 934
19. Unit 1 – Block 1, Lots 5 & 6; Unit 7A – Block 1, Lots 18 – 26; Unit 10 – Block 21, Lots 59 – 66, 923, 924, & 927 shall not have access to F.M. 1044 extension.

### **Transportation Related**



20. All streets are typical 50' right-of-way unless otherwise shown.
21. In lieu of construction of County Line Road, the estimated costs of such construction may instead be applied to offsite improvements, as determined at the completion of the TIA and under the construction and financing guidelines applicable to such offsite improvements, through a development agreement approved by City Council before approval of final plat.

### **Performance Guarantee**

The purpose for this Performance Guarantee is to ensure that drainage facilities for the Highland Grove Subdivision are constructed in accordance with the approved design criteria (as detailed in the approved drainage report) and all applicable City of New Braunfels ("City") rules and regulations in effect at the time the Highland Grove Planned Development District Concept Plan (the "Concept Plan") is approved by City Council.

#### **Terms:**

1. All drainage facilities required to be constructed within the Highland Grove Subdivision shall operate to meet or exceed the approved design criteria for their respective Coverage Periods (defined below), provided, however, any drainage ponds and appurtenances for each Drainage Area (as defined on the attached Drainage Area map) may not fully meet the approved design criteria until all streets within that Drainage Area are fully constructed. In the event the City determines that drainage facilities are not required for any Drainage Area, this section of the Development Standards shall be considered null and void in regard to such Drainage Area (or in the whole if drainage facilities are not required for any Drainage Area).
2. As used herein, the term "Coverage Period" shall mean a two (2)-year period of time commencing upon the date that forty percent (40%) of the homes within a given Drainage Area, as illustrated in the attached Drainage Area Map, have been issued certificates of occupancy and one-hundred percent (100%) of the streets and drainage infrastructure has been constructed to service those homes making-up the forty percent (40%) within the Drainage Area (the "Commencement Date"), and ending on the second annual anniversary of such Commencement Date. Each drainage facility within the Highland Grove Subdivision shall be subject to separate Coverage Periods and shall require separate Cash Sureties as described below.
3. In order to provide financial security for the obligation described in Paragraph "1" above, Applicant (as listed on the approved Concept Plan), or his successors and assigns, shall post with the City Cash Surety (as defined below) within thirty (30) calendar days of the Commencement Date for each Coverage Period in the amount of ten percent (10%) of the cost of drainage improvements for that particular Drainage Area. A

statement of construction value shall be provided to the City Engineer to support the Cash Surety Amount.

4. As used herein, the term “Cash Surety” shall mean one of the following, which the Applicant may chose at its own discretion:
  - a. Cash, or its equivalent, delivered to the City and to be held by the City in a separate, interest-bearing account with all interest thereon belonging to the Applicant;
  - b. An irrevocable letter of credit issued by a financial institution reasonably acceptable to the City; or
  - c. A performance bond issued in the name of the City on terms reasonably acceptable to the City.
5. If, during the Coverage Period, the City Engineer, or a third party engineer selected by the City, sends a written notice to Applicant stating in that notice that the drainage improvements for any Drainage Area within the Highland Grove Subdivision is not operating to meet the design criteria specified in the approved design documents (and specifying in such notice the specific deficiencies in such operation), within thirty (30) days thereafter Applicant shall do one of the following: (a) notify the City in writing that the Applicant shall rectify the problems specified by the City Engineer or City’s third party engineer, or (b) notify the City in writing that Applicant disagrees with the conclusion of the City Engineer or City’s third party engineer. In the event that Applicant fails to send either of the two written notices specified above within such thirty (30)-day period, Applicant shall be deemed to have selected option (a) above.
6. In the event that Applicant notifies the City that Applicant will rectify the problems specified by the City Engineer or City’s third party engineer as contemplated in Paragraph “5” above, Applicant shall be required to complete such necessary work in a reasonably expeditious manner, not to exceed ninety (90) days from the date Applicant provides such notice (or, if any permit is required to begin such work, ninety (90) days from the date of issuance of such permit), subject to force majeure and/or any action by the City causing delay.
7. In the event that Applicant notifies the City that Applicant disagrees with the conclusion of the City Engineer or City’s third party engineer, the City and Applicant shall agree on another independent third party engineer within fifteen (15) days of the City’s receipt of Applicant’s written notice. In the event that the City and Applicant fail to agree on the designation of such independent third party engineer within such fifteen (15)-day period, the City shall select such independent third party engineer. The

independent third party engineer shall determine if the drainage improvements for the Drainage Area in question are operating to meet the design criteria in the approved design documents, and the conclusion of the independent third party engineer in that regard shall be binding on the Applicant, its successors and assigns, and the City; provided, however, nothing is intended to modify or reduce Applicant's obligations pursuant to State law (regulatory or common law) with respect to drainage from the Highland Grove Subdivision onto adjoining properties. In the event that the independent third party engineer specifies in a written notice to Applicant that the drainage improvements for the Drainage Area in question are not operating to meet the design criteria in the approved design documents (and specifying in such notice the specific deficiencies in such operation), Applicant shall be required to complete such necessary work in a reasonably expeditious manner, not to exceed ninety (90) days, subject to force majeure or City action causing delay, from the receipt by Applicant of the written notice from the independent third party engineer. Applicant shall be responsible for paying the inspection costs of such independent third party engineer, not to exceed \$3,000.

8. In the event that Applicant fails to rectify the specified problems in the drainage improvements for the Drainage Area in question within the ninety (90)-day period, subject to force majeure or City action causing delay, under either Paragraph "6" or "7" above, the City shall have the right to utilize the Cash Surety to rectify the specified problems in the drainage improvements for that Drainage Area. The City shall be required to notify Applicant in writing of the City's election to utilize the Cash Surety for this purpose.
9. Within 30 days following the expiration of each Coverage Period, the City shall return to Applicant any unused Cash Surety.

**2/27/2017**

Agenda Item No. K)

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Presenter/Contact

*Garry Ford, City Engineer*  
(830) 221-4020 - [gford@nbtexas.org](mailto:gford@nbtexas.org)

**SUBJECT:**

Public hearing and first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area A.

**BACKGROUND / RATIONALE:**

**Council District: 5**

Upon review of the existing signage and the ordinance for Parking by Permit Area A, it was determined that Parking by Permit Area A signs are posted along Cross River Street east of South Washington Avenue but this area of the street is not listed in the City's Code of Ordinances. The area consists of single-family homes.

The proposed designated parking by permit area additions are part of a contiguous residential area and match the schedule of existing parking by permit areas.

A public hearing on the amendments shall be conducted by City Council. Notices of the public hearing were mailed to all persons listed on the petition as being an occupant of each of the single family homes and to any other persons who may not be listed in the petition but are shown on the latest tax roll as owning property within the designated permit area.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

Strategic Priority: Public Safety; Objective 5: Develop comprehensive program for river related issues which includes addressing river related issues in a timely manner and reviewing options to address river related activities and quality of life issues.

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Transportation and Traffic Advisory Board unanimously approved the recommendation to City Council to amend Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area A on January 12, 2017.

**STAFF RECOMMENDATION:**

Staff recommends approval of the amendment to Parking by Permit Area A to include Cross River Street east of South Washington Avenue.



**ORDINANCE NO. 2017-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW  
BRAUNFELS, TEXAS, AMENDING SECTION 126-354 (c) TO AMEND  
PARKING BY PERMIT AREA A.**

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WHEREAS, the City Council has determined that Section 126-354 (c)(1) Parking by Permit Only, Designated Permit Areas, Area A be amended in order to protect the health, safety and welfare of the citizens.

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

**I.**

THAT Section 126-354 (c)(1) is hereby amended to read:

(c) *Designated permit areas.* No person shall park and leave standing any vehicle whether attended or unattended between the times listed and locations designated below without first having obtained a valid parking permit for the designated permit area from the city. Said designated permit area shall be designated as a tow-away zone:

- (1) Area A, between the hours of 8:00 a.m. and 8:00 p.m. from May 1<sup>st</sup> through September 30<sup>th</sup>.
  - a. On both sides of E. Lincoln Street from its intersection with S. Union Avenue easterly to the end of the street.
  - b. On both sides of S. Washington Avenue from its intersection with E. Lincoln Street to its intersection with E. Mather Street.
  - c. On both sides of Cross River Street from S. Union Avenue to the end of the street.
  - d. On the east side of S. Union Avenue from the intersection of E. Mather Street to Cross River Street.

**II.**

THAT the Public Works Department is directed to obtain and install the traffic control signs in the locations as set forth in this ordinance, and is directed to maintain the signs in a manner that provides for the health, welfare and safety of the citizens of New Braunfels.

**III.**

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate

or affect the remaining provisions hereof which will be and remain in full force and effect.

#### **IV.**

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the 27<sup>th</sup> day of February, 2017.

PASSED AND APPROVED: Second reading this the 13<sup>th</sup> day of March, 2017.

CITY OF NEW BRAUNFELS, TEXAS

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*BARRON CASTEEL, MAYOR*

ATTEST:

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*PATRICK D. ATEN, CITY SECRETARY*

APPROVED AS TO FORM:

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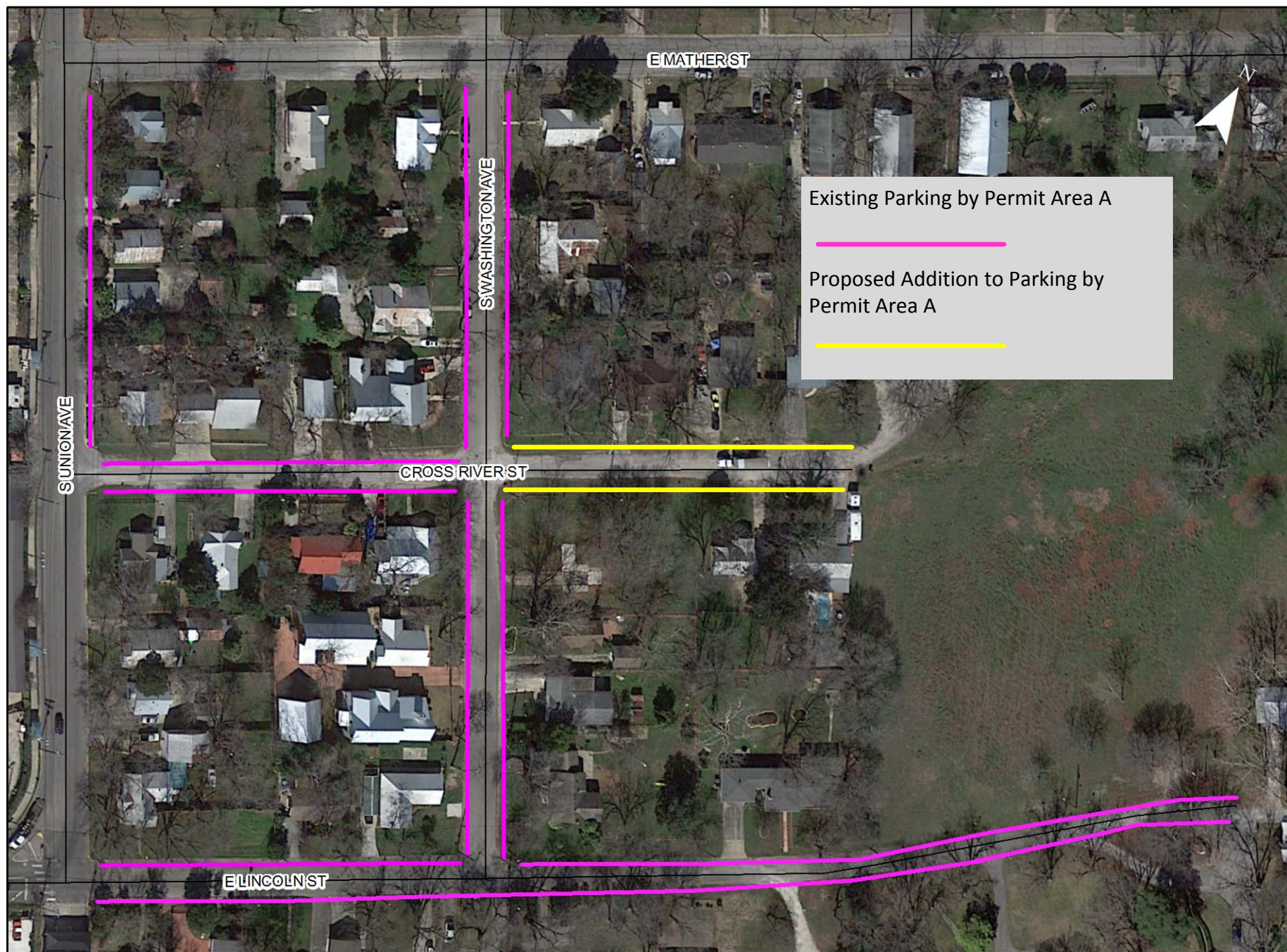
*VALERIA M. ACEVEDO, CITY ATTORNEY*

Sec. 126-354. - Parking by permit only.

- (c) *Designated permit areas.* No person shall park and leave standing any vehicle whether attended or unattended between the times listed and locations designated below without first having obtained a valid parking permit for the designated permit area from the city. Said designated permit area shall be designated as a tow-away zone:

(1) Area A, between the hours of 8:00 a.m. and 8:00 p.m. from May 1<sup>st</sup> through September 30<sup>th</sup>.

- a. On both side of E. Lincoln Street from its intersection with S. Union Avenue easterly to the end of the street.
- b. On both sides of S. Washington Avenue from its intersection with E. Lincoln Street to its intersection with E. Mather Street.
- c. On both sides of Cross River Street from S. Union Avenue to ~~S. Washington Avenue~~the end of the street.
- d. On east side of S. Union Avenue from the intersection of E. Mather Street to Cross River Street.



Proposed Addition to Parking by Permit Area A



2/27/2017

Agenda Item No. L)

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Presenter/Contact

*Kristi Aday, Assistant City Manager*  
(830) 221-4285 - [kaday@nbtexas.org](mailto:kaday@nbtexas.org)

**SUBJECT:**

Discussion and possible direction to staff on the 2017 River Management Fee.

**BACKGROUND / RATIONALE:**

At the February 13, 2017, City Council meeting staff provided a presentation and recommendation from the River Advisory Committee for the 2017 River Management Fees. Three options are provided for City Council's consideration:

1. Increase the River Management Fee from \$2 to \$3 during the 2017 river season.
2. Collect the River Management Fee on Fridays, in addition to Saturdays, Sundays and Holidays during the 2017 river season.
3. Leave the River Management Fee at \$2, collected on Saturdays, Sundays and Holidays during the 2017 river season (same price and practice as 2016.)

Attached to this agenda memo is a copy of the presentation to facilitate the City Council's discussion. It has been revised from the previous version to correct the revenue generated for adding Fridays at \$3.00 (pages 9 and 12). Staff will briefly review these options at the City Council meeting.

Should the City Council wish to revise the fee or collection days, an ordinance change will be necessary and will be brought back to the City Council's March 13, 2017 meeting for a first reading.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

N/A

**FISCAL IMPACT:**

Refer to the attached presentation.

**COMMITTEE RECOMMENDATION:**

The River Advisory Committee recommends that the River Management Fee remain at \$2 and continue to be collected on Saturday and Sundays and holidays during the 2017 river season.

**STAFF RECOMMENDATION:**

Staff recommends that the River Management Fee remain at \$2 and continue to be collected on Saturday and Sundays and holidays during the 2017 river season.



# River Advisory Committee 2017 River Season Recommendation

Kristi Aday  
Assistant City Manager  
February 13, 2017



# 2016 Season Recap



- \$2 River Management Fee added for all non-resident tubers during the tubing season.
  - Weekends and holidays between Memorial Day Weekend and Labor Day
- Residents who receive an annual River Pass avoid the \$2 fee. (appx 3600 resident passes issued.)
- Three collection booths placed in Prince Solms Park area to collect fee.

# 2016 Season Recap



	Private	Outfitters	Total
Estimated Tubers	107,100	244,526	351,626
Actual Tubers	58,629	198,938	257,567
Estimated Revenue	\$214,200	\$489,052	\$703,252
Actual Revenue	\$117,258	\$397,876	\$515,134

- 1.5 days the Comal River was closed on a fee day
- Rain events in August and Labor Day weekend contributed to low attendance



# 2016 Revenue Summary

	FY 2014-15 Actual	FY 2015-16 Budget	FY 2015-16 Unaudited Actuals	FY 2016-17 Budget
River Mgmt Fee	\$474,445	\$676,200	\$550,264	\$612,000
Parking Revenue	\$190,053	\$191,000	\$196,774	\$218,500
Transfer: Solid Waste Fund	\$125,000	\$125,000	\$171,323	\$145,000
Transfer: General Fund	\$213,178	\$205,302	\$276,015	\$252,376
Shuttle Fees	\$6,100	\$6,000	\$6,950	\$6,700
Fines & Forfeitures	\$83,620	\$77,000	\$81,488	\$66,500
Total Revenues	\$1,092,396	\$1,280,502	\$1,282,814	\$1,301,076

# Expenditure Summary



	Employee	Operating	Capital*	2016 Unaudited Actuals	FY 15/16 Budget	FY 16/17 Budget
Police	\$610,098	\$9,512		\$619,610	\$620,174	\$709,099
River Activities Manager, Cashiers, and Ranger Patrol	\$323,882	\$106,160	\$51,015	\$481,058	\$489,529	\$446,977
Litter and Debris Removal**		\$171,323		\$171,323	\$125,000	\$145,000
*Capital expenditures are solely for the fee collection booths purchased earlier in the fiscal year. **FY 2015-16 litter and debris removal impacted by 2015 fall flooding event.			Total	\$1,271,991	\$1,234,703	\$1,301,076

# Deficit to Consider



- \$276,015 General Fund transfer in FY 15/16.
- 257,567 tubers paid the River Management Fee this past season.
- A River Management Fee increase of \$1.08 (Total \$3.08) would have covered the General Fund Transfer in the season of 2016.



# Committee Charge



“To review and make recommendations on opportunities to generate revenue with a goal of maintaining a self-sustaining River Activities Fund.”

Staff presented to the River Advisory Committee three options to consider:

1. Increase the River Management Fee (RMF) to \$3.00.
2. Collect the RMF Friday-Sunday and Holidays during the river season.
3. Keep the RMF and collection days the same. (Weekends and Holidays Memorial Day Weekend-Labor Day)



# Increase RMF to \$3.00



## Pros:

- Moves the River Fund closer towards “revenue neutral”
- No increase in administrative expenses or processes

## Cons:

- Outfitter feedback
- Public relations

	Tubers	\$3.00 RMF	2016 Actual Revenue
Outfitter	198,938	\$596,814	\$397,876
Private	58,629	\$175,887	\$117,258
Total	257,567	\$772,701	\$515,134

With a \$3 RMF in 2016, the General Fund Transfer would have been \$18,448.

# Add Friday Collection



If \$2 RMF was charged on Friday in 2016, General Fund Transfer would be estimated \$212,018.

If \$3 RMF was charged on Friday in 2016, there would be no General Fund Transfer.

	Est. Tubers	RMF \$2	RMF \$3
Outfitter	35,421	\$70,842	\$106,263
Private	10,581	\$21,162	\$31,743
Friday Total	46,002	\$92,004	\$138,006
Friday Expense		\$27,723	\$27,723
Net Revenue		\$63,997	\$109,857

A surplus of \$91,409 would be realized.



# Add Friday Collection



## Pros:

- Moves the River Fund closer towards “revenue neutral”
- Captures another day of primarily tourist dollars

## Cons:

- Would require closing Hinman Island Drive on a weekday.
- New revenue generated would be partially offset by an administrative cost increase.

# Keep Fee and Days the Same



## Pros

- Provides another year of data collection in order to better identify trends.
- Would require no administrative or procedural changes.
- There would be no confusion nor negative feedback from the public/visitors.

## Cons

- Defers any new/immediate action on the fees to sustain the River Fund



# Recap of Options

	15/16 Actual	16/17 Budget
Deficit	<\$276,015>	<\$252,376>
\$3 River Management Fee		
Additional Revenue	\$257,567	\$306,000
Add Fridays in Season		
\$2 River Management Fee Revenue		\$91,720
Expenses		<\$27,723>
Net Revenue		\$63,997
\$3 River Management Fee Revenue		
Expenses		<\$27,723>
Net Revenue		\$415,857

# 2017 Season Recommendation



- RAC recommends that the River Management Fee remain the same for the 2017 River Season, charging \$2.00 to non-residents on weekends and holidays between Memorial Day weekend and Labor Day.
- Two years of weather and attendance data will allow better analysis and projections.
- The Committee will continue to look at options and opportunities for maintaining a self-sustaining River Activities Fund.



# 2017 Season Recommendation



Two initiatives which may impact the budget:

## 1. Reallocation of PD resources

- PD has identified opportunities to reduce staffing on certain days/times to better reflect activity and provide some summer relief to officers, without impacting operations.  
Expected savings: \$32,000

## 2. Last Tubers Exit Cameras

- Current estimate: approx. \$20,000 for 3 solar cameras
- Staff is working with NBU for partnership opportunities

# Council Feedback for RAC



Is the Committee achieving Council's goals? Should any changes be made to the Committee's charge?

- Review the report from the public input meeting. Prioritize and provide recommendations to the City Council on their implementation.
- Review and make recommendations on opportunities to generate revenue with a goal of maintaining a self-sustaining River Activities Fund.
- Review and make recommendations on opportunities for infrastructure improvements.
- Other responsibilities as directed from time to time by the City Council.



# Council Feedback for RAC



## What is 'revenue neutral'?

- The state in which revenues collected from participation in the activity, fully supports/funds the activity
- Should “revenue neutral” consider sales tax, hotel/motel revenues attributed to the tubing industry?





Questions?



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**2/27/2017**

Agenda Item No. A)

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Deliberate and consider the purchase of, exchange, lease or value of real property, in accordance with Section 551.072, of the Texas Government Code, including but not limited to:

- acquisition of land for city facilities



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**2/27/2017**

Agenda Item No. B)

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

- Alta Towers, LLC v. City of New Braunfels and City of New Braunfels Zoning Board of Adjustment