



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



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

MONDAY, MARCH 13, 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: Councilmember George Green

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PRESENTATIONS:

- A) Update on the Self Insurance Fund
Robert Camareno, City Manager

1. MINUTES

- A) Discuss and consider approval of the minutes of the special and regular City Council meetings of February 27, 2017.
Patrick Aten, City Secretary

[Minutes - February 27, 2017 Special Meeting](#)

[Minutes - February 27, 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 appointment of one individual to the Animal Services Advisory Board for a term ending November 1, 2019.
Patrick Aten, City Secretary
- B) Approval of the appointment of two individuals to the Downtown Board for terms ending May 31, 2019.
Patrick Aten, City Secretary
- C) Approval of a resolution adopting an order cancelling the May 6, 2017 Regular Election for Mayor and City Council Districts Five and Six; and declaring the candidates for Mayor and City Council Districts Five and Six Elected.
Patrick Aten, City Secretary
[Order to Cancel Election](#)
[Order to Cancel RES](#)
- D) Approval of the purchase of replacement firefighter personal protective equipment from NAFECO, Inc., and declaring the old equipment surplus.
Kenneth Jacks, Fire Chief
[NEW BRAUNFELS FD BUNKER GEAR QUOTE 12-13-16 \(2\).pdf](#)
- E) Approval for the submission of a grant application to the American Library Association Public Programs Office to participate in the NASA@ My Library STEM Education initiative and authorizing the City Manager to accept funds and execute all contract documents associated with the grant, if awarded.
Gretchen Pruett, Library Director
- F) Approval of a resolution recommended by the New Braunfels Industrial Development Corporation to provide up to \$450,000 to the City of New Braunfels for a project to operate and maintain Landa Park Golf Course at Comal Springs.
Robert Camareno, City Manager
[Attachment A- Resolution golf course funding-2017.doc](#)
- G) Approval of indefinite delivery indefinite quantity contracts with additional professional services firms on an as-needed basis.
Bryan Woods, Capital Programs Manager

[IDIQ Vendors 2017 - for Council review](#)

- H) Approval of an interlocal agreement between the City of New Braunfels and Comal County for the County to occupy approximately 5,700 square feet, have shared use of approximately 1,200 square feet and use of approximately 0.30 acres of adjacent property, located at 424 S. Castell Avenue for use as County offices and court facilities, and authorization for the City Manager to execute all necessary documents.

Matthew Eckmann, Real Estate Manager

[Exhibit A - Floor Plan](#)

[Exhibit B - Parking](#)

[Interlocal Agreement \(Comal County\) - 424 S. Castell - \(Final\)](#)

Ordinances

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

- I) Approval of the 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 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](#)

- J) Approval of the second and final 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](#)

- K) Approval of the second and final 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](#)

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) 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

- B) 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 B.

Garry Ford, City Engineer

[2017-03-13 Ordinance - Amend Parking by Permit Area B](#)

[Redline Ordinance - Area B](#)

[Area B amendment map](#)

- C) Discuss and consider approval of the second and final 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 five (5) feet of entrances, exits, operable windows and ventilation systems of places where smoking is prohibited.

Valeria Acevedo, City Attorney

[Final Reading 03.13.2017](#)

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

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 March 8, 2017, at 3:00 p.m.

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.



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550 LANDA STREET**

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INVOCATION: Councilmember George Green

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PRESENTATIONS:

- A) Update on the Self Insurance Fund
Robert Camareno, City Manager

1. MINUTES

- A) Discuss and consider approval of the minutes of the special and regular City Council meetings of February 27, 2017.
Patrick Aten, City Secretary

2. CITIZENS' COMMUNICATIONS

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3. CONSENT AGENDA

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Resolutions & Action Items

- A) Approval of the appointment of one individual to the Animal Services Advisory Board for a term ending November 1, 2019.
Patrick Aten, City Secretary
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Patrick Aten, City Secretary
- C) Approval of a resolution adopting an order cancelling the May 6, 2017 Regular Election for Mayor and City Council Districts Five and Six; and declaring the candidates for Mayor and City Council Districts Five and Six Elected.
Patrick Aten, City Secretary
- D) Approval of the purchase of replacement firefighter personal protective equipment from NAFECO, Inc., and declaring the old equipment surplus.
Kenneth Jacks, Fire Chief
- E) Approval for the submission of a grant application to the American Library Association Public Programs Office to participate in the NASA@ My Library STEM Education initiative and authorizing the City Manager to accept funds and execute all contract documents associated with the grant, if awarded.
Gretchen Pruett, Library Director
- F) Approval of a resolution recommended by the New Braunfels Industrial Development Corporation to provide up to \$450,000 to the City of New Braunfels for a project to operate and maintain Landa Park Golf Course at Comal Springs.
Robert Camareno, City Manager
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Bryan Woods, Capital Programs Manager
- H) Approval of an interlocal agreement between the City of New Braunfels and Comal County for the County to occupy approximately 5,700 square feet, have shared use of approximately 1,200 square feet and use of approximately 0.30 acres of adjacent property, located at 424 S. Castell Avenue for use as County offices and court facilities, and

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Matthew Eckmann, Real Estate Manager

Ordinances

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Garry Ford, City Engineer
- J) Approval of the second and final 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
- K) Approval of the second and final 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

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) 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
- B) 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 B.
Garry Ford, City Engineer
- C) Discuss and consider approval of the second and final 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 five (5) feet of entrances, exits, operable windows and ventilation systems of places where smoking is prohibited.
Valeria Acevedo, City Attorney

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**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF MONDAY, FEBRUARY 27, 2017**

The City Council of the City of New Braunfels, Texas, convened in a Special Session with the Parks and Recreation Advisory Board on February 27, 2017, at 4:30 p.m.

City Councilmembers present were:

Present 6 - Councilmember George Green, Councilmember Justin Meadows, Councilmember Ron Reaves, Councilmember Chris Monceballez, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

Absent 1 - Mayor Barron Casteel

Parks and Recreation Advisory Board members present:

Don Wehring, Jerry Millership, John M. Mathis, and Bryan Feltner.

Parks and Recreation Advisory Board Members absent were:

Cynthia Foster, Robert Belsjoe, and Jerry Goode.

City Staff present:

Assistant City Manager Kristi Aday, City Attorney Valeria Acevedo, City Secretary Patrick Aten, Parks and Recreation Director Stacey Dicke, and Park Development Manager Ylida Capriccioso.

The meeting was called to order by Mayor Pro Tem Peters in the New Braunfels City Hall Tejas Room at 4:37 p.m. Mayor Pro Tem Peters gave the invocation, and led the Pledge of Allegiance and the Salute to the Texas Flag.

1. WORKSHOP

A) Discussion and possible action regarding the Landa Park Master Plan.

Mayor Pro Tem Peters read the aforementioned caption.

Stacey Dicke introduced the item, and Asakur Robinson Senior Associate Designer Eric Leshinsky presented the item.

William Kolodzie spoke regarding the item.

No action was taken.

This special meeting adjourned at 5:51 p.m.

Date Approved: March 13, 2017

BARRON CASTEEL, MAYOR

Attest:

PATRICK ATEN, CITY SECRETARY

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, FEBRUARY 27, 2017**

The City Council of the City of New Braunfels, Texas, convened in a Regular Session on February 27, 2017, at 6:07 p.m.

City Councilmembers present were:

Present: 6 - Councilmember George Green, Councilmember Justin Meadows, Councilmember Ron Reaves, Councilmember Chris Monceballez, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

Absent: 1 - Mayor Barron Casteel

City Staff present were:

Assistant City Manager Kristi Aday, City Attorney Valeria Acevedo, City Secretary Patrick Aten, Assistant City Secretary Andrea Cunningham, Library Director Gretchen Pruett, City Engineer Garry Ford, Finance Director Martie Simpson, Parks and Recreation Director Stacey Dicke, Planning and Community Development Director Christopher Looney, and Environmental Services Manager Bryan Ruiz.

The meeting was called to order by Mayor Pro Tem Peters in the New Braunfels City Hall Council Chambers at 6:07 p.m. Mayor Pro Tem Peters gave the invocation and led the Pledge of Allegiance and the Salute to the Texas Flag.

PRESENTATIONS:

Mayor Pro Tem Peters presented Library Director Gretchen Pruett with the 2016 Achievement of Library Excellence Award.

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.

Mayor Pro Tem Peters read the aforementioned caption.

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

unanimously.

2. CITIZENS' COMMUNICATIONS

Jim Waldman spoke regarding the Veramendi Development.

3. CONSENT AGENDA

- A) Approval of the Mayoral appointment of one individual as the Chair of the Watershed Advisory Committee for a term ending April 28, 2020.
- 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.
- 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.
- 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.
- E) Approval of the ratification of an annual expenditure with Strategic Government Resources Inc. for FY 2016-17.
- 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.
- 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.
- 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.

- 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.
- 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.
- 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.

Approval of the Consent Agenda

Mayor Pro Tem Peters read the aforementioned captions with the exception of Item I, which was pulled for further discussion.

A motion was made by Councilmember Monceballez, seconded by Councilmember Green, to approve the Consent Agenda. The motion passed unanimously via roll call vote.

- 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.

Mayor Pro Tem Peters read the aforementioned caption.

Garry Ford presented the item.

Paul Giffen and Jim Waldman spoke regarding the item.

A motion was made by Councilmember Monceballez, seconded by Councilmember Green, that this item be approved. The motion passed unanimously via roll call vote.

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.

Mayor Pro Tem Peters read the aforementioned caption.

Councilmember Reaves presented the item.

Jennifer Tharp, Clayton Smaistrila, and Lilly Scott spoke regarding the item.

A motion was made by Councilmember Reaves, seconded by Mayor Pro Tem Peters, that this item be approved. The motion passed via the following vote:

In Favor:

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

Opposed:

Councilmember Green

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

Mayor Pro Tem Peters read the aforementioned caption.

Patrick Aten presented the item.

No majority was reached for a candidate, so a motion was made by Councilmember Meadows, seconded by Councilmember Reaves, that this item be postponed to the regular City Council meeting of March 13, 2017. The motion passed unanimously.

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

Mayor Pro Tem Peters read the aforementioned caption.

Patrick Aten presented the item.

A motion was made by Councilmember Reaves, seconded by Councilmember Green, to approve the appointment of Mary Ann Carter (real estate professional), Shane Hines (home building professional), and Kevin Butschek (alternate) to the Building Standards

Commission for terms ending October 26, 2018. The motion passed unanimously.

- 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.

Mayor Pro Tem Peters read the aforementioned caption.

Patrick Aten presented the item.

A motion was made by Councilmember García, seconded by Councilmember Reaves, to appoint David Pfeuffer to the New Braunfels Housing Authority Board of Directors for a term ending January 22, 2019. The motion passed via the following vote:

In Favor:

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

Opposed:

Councilmember Green

- 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.

Mayor Pro Tem Peters read the aforementioned caption.

Valeria Acevedo and Bryan Ruiz presented the item.

A motion was made by Councilmember Green, seconded by Councilmember Monceballez, that this item be approved.

A motion was made by Councilmember Meadows, seconded by Councilmember Reaves, that the main motion be amended by removing the outdoor distance requirement. The motion failed 3 to 3, with Mayor Pro Tem Peters, and Councilmembers Green and

Monceballez opposed.

Nancy Cronen, Joyce Yannuzzi, Charlie Gagen, Mark Sewell, Greg Gallagher, and Jerry Saavedra spoke regarding the amendment.

A motion was made by Councilmember Reaves, seconded by Councilmember García, that the main motion be amended to strike the prohibition of smoking in outdoor, open-air, drive-in movie theaters. The motion passed 4 to 2, with Councilmembers Green and Monceballez opposed.

Jerry Saavedra spoke regarding the amendment.

A motion was made by Councilmember Meadows, seconded by Councilmember Monceballez, to amend the main amended motion by reducing the outdoor distance requirement to five (5) feet. The motion passed 5 to 1, with Councilmember Green opposed.

The amended main motion passed via the following vote:

In Favor:

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

Opposed:

Councilmember Green, and Councilmember García

<City Council took a break.>

- 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.**

Mayor Pro Tem Peters read the aforementioned caption.

Martie Simpson, Gretchen Pruett, and CDBG Consultant Paula Harper presented the item.

No one spoke during the public hearing.

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

unanimously.

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

Mayor Pro Tem Peters read the aforementioned caption.

Gretchen Pruett presented the item.

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

- 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.

Mayor Pro Tem Peters read the aforementioned caption.

Stacey Dicke presented the item.

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

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

Mayor Pro Tem Peters read the aforementioned caption.

Stacey Dicke presented the item.

A motion was made by Councilmember Monceballez, seconded by Councilmember Meadows, that this item be approved. The motion passed unanimously.

- 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.

Mayor Pro Tem Peters read the aforementioned caption.

Christopher Looney presented the item.

No one spoke during the public hearing.

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

- 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.**

Mayor Pro Tem Peters read the aforementioned caption.

Garry Ford presented the item.

No one spoke during the public hearing.

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

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

Mayor Pro Tem Peters read the aforementioned caption.

Kristi Aday presented the item.

John Mathis spoke regarding the item.

A motion was made by Councilmember García, seconded by Councilmember Monceballez, to direct staff to wait another year before making any changes to the River Management Fee, to hold the River Public Input Meeting earlier in the year, and to bring all changes regarding the River Management Fee for City Council consideration in November or December prior to the start of the season. The motion passed unanimously.

The City Council did not recess into Executive Session.

This regular City Council meeting adjourned at 8:28 p.m.

Date approved: March 13, 2017

BARRON CASTEEL, MAYOR

Attest:

PATRICK ATEN, CITY SECRETARY



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

3/13/2017

Agenda Item No. A)

Presenter/Contact

Patrick Aten, City Secretary
(830) 221-4010 - paten@nbtexas.org

SUBJECT:

Approval of the appointment of one individual to the Animal Services Advisory Board for a term ending November 1, 2019.

BACKGROUND / RATIONALE:

The Animal Services Advisory Board is made up of seven members serving three year terms. One member serves at-large and six members serve from each of the following categories: licensed veterinarian that is a representative of the Comal County Veterinarians Medical Association, municipal official, county official that is a representative of Comal County's designated Texas Department of Health local rabies control authority, Humane Society of New Braunfels Area (HSNBA) employee, HSNBA board member, and animal facility owner/operator.

Vacancies for three members were posted July 15, 2016 through February 16, 2017.

The following qualified application was received for the at-large seat:

- Kirstin Hossalla

Applicant's current & prior service on Boards and Commissions

Kirstin Hossalla 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 the approval of the appointment of one individual to the Animal Services Advisory Board for a term ending November 1, 2019.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

3/13/2017

Agenda Item No. B)

Presenter/Contact

Patrick Aten, City Secretary
(830) 221-4010 - paten@nbtexas.org

SUBJECT:

Approval of the appointment of two individuals to the Downtown Board for terms ending May 31, 2019.

BACKGROUND / RATIONALE:

The Downtown Board has eleven members serving three year staggered terms. Four members serve as representatives of one of the following groups: Comal County, Schlitterbahn, Chamber of Commerce, Convention & Visitors Bureau, Downtown Association, Historic Landmark Commission, New Braunfels Industrial Development Corporation, Main Street Partners, or an Arts/Heritage organization; five members serve as property owners or business owners within the designated Main Street District and/or the Downtown Implementation Plan area; and two members serve at-large.

Two positions for a downtown business owner or downtown resident were advertised January 17, 2017 through February 16, 2017.

The following qualified applications for a downtown resident or downtown property owner were submitted:

- David Kneuper (incumbent)
- Shane Hines (incumbent)

Applicant's current & prior service on Boards and Commissions

David Kneuper currently serves on the Downtown Board.

Shane Hines currently serves on the Downtown 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 two individuals to the Downtown Board for terms

ending May 31, 2019.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

3/13/2017

Agenda Item No. C)

Presenter/Contact

Patrick Aten, City Secretary
(830) 221-4010 - paten@nbtexas.org

SUBJECT:

Approval of a resolution adopting an order cancelling the May 6, 2017 Regular Election for Mayor and City Council Districts Five and Six; and declaring the candidates for Mayor and City Council Districts Five and Six Elected.

BACKGROUND / RATIONALE:

The Texas Election Code specifies procedures for electing unopposed candidates for City Council. The City Secretary is to certify that a candidate is unopposed for election and that if the election were held only the votes cast for that candidate in the election for that office may be counted. After the deadline for filing an application for a place on the ballot passed on February 17, 2017, and after the deadline for filing an application for a write-in candidate passed on February 21, 2017, without additional candidates, the City Secretary certified in writing to the City Council on February 22, 2017, that the candidate for Mayor, City Council District Five and the candidate for City Council District Six are each unopposed. After such certification the City Council may declare by order each unopposed candidate elected to the office, thereby canceling the May 6, 2017 Election.

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 resolution.

ORDER OF CANCELLATION
ORDEN DE CANCELACIÓN

The City Council of the City of New Braunfels hereby cancels the election scheduled to be held on May 6, 2017, in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

El Ayuntamiento de la Ciudad de New Braunfels por la presente cancela la elección que, de lo contrario, se hubiera celebrado el día 6 de mayo de 2017 de conformidad, con la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado a continuación:

Candidate: Barron Casteel

Office Sought: Mayor

Candidate: Wayne Peters

Office Sought: Councilmember District Five

Candidate: Leah A. García

Office Sought: Councilmember District Six

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

Passed, Adopted, and Approved this 13th day of March, 2017.

Barron Casteel, Mayor

Patrick Aten, City Secretary

RESOLUTION NO. 2017- R_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, ADOPTING AN ORDER DECLARING EACH
UNOPPOSED CANDIDATE FOR THE MAY 6, 2017 REGULAR CITY
COUNCIL ELECTION AS ELECTED TO OFFICE.**

WHEREAS, The Texas Election Code requires the City Secretary to certify to the City Council that the candidates for Mayor and City Council Districts Five and Six are unopposed for election; and

WHEREAS, the City Council was notified by the City Secretary of the unopposed candidates on February 22, 2017; and

WHEREAS, only the votes cast in the election for the candidate for Mayor, the candidate for District Five, and the candidate for District Six may be counted; and

WHEREAS, the City Council may declare each unopposed candidate elected to office by order.

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

THAT, the City Council adopts the Order of Cancellation for Mayor and City Council Districts Five and Six, and declares each unopposed candidate as elected.

PASSED, ADOPTED, AND APPROVED this 13th day of March, 2017.

City of New Braunfels, Texas

BARRON CASTEEL, Mayor

Attest:

PATRICK D. ATEN, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

3/13/2017

Agenda Item No. D)

Presenter/Contact

Kenneth Jacks, Fire Chief
(830) 221-221-4200 - kjacks@nbtexas.org

SUBJECT:

Approval of the purchase of replacement firefighter personal protective equipment from NAFECO, Inc., and declaring the old equipment surplus.

BACKGROUND / RATIONALE:

Firefighter bunker gear, aka Personal Protective Equipment (PPE), has a finite life. PPE undergoes a thorough inspection after every fire or cleaning. NBFD also mandates PPE to be inspected quarterly. The Texas Commission on Fire Protection mandates annual testing and advanced testing of gear three or more years old. Any defects must be repaired or the gear must be taken out of service. The practical life of gear is approximately five years as it either wears out or becomes cost prohibitive to repair. Twenty-four sets being requested have surpassed their useful life. The other eight sets will be for new employees.

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

Yes - Strategic Priorities: Complete and adopt safety policies

FISCAL IMPACT:

The total cost is \$82,720 for 32 sets of gear. This purchase was anticipated for the current fiscal year and sufficient funds are available in the Fire Department's FY 2016-17 Budget.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the approval of the purchase of 32 sets of firefighter PPE from NAFECO, Inc., and declaring the old PPE surplus.

NAFECO

Gabe Labonte
538 Kerlick
New Braunfels, TX 78130
(830) 832-8388

Quote

Customer

Name New Braunfels FD Jesse Martinez
Address 4120 Loop 337 Station #2
City New Braunfels State TX ZIP 78130
Your PO#

Date 2/7/2017
Order No.
Rep 45 Gabe L.
FOB Delivered

Qty	Description	Unit Price	TOTAL
32	#CVFM V-Force PBI Max Coat (NBFD Spec)	\$1,499.00	\$47,968.00
32	#PVFM V-Force PBI Max belted pant (NBFD Spec)	\$1,086.00	\$34,752.00
32	3" Lime lettering sewn to top back of coat 'NBFD' (included in coat price)		\$0.00
Note: Pricing good through March of 2017			

Payment Details

- ☐ Cash
☒ Check
☐ Credit Card

Name _____
CC # _____
Expires _____

SubTotal	\$82,720.00
Shipping & Handling	
Taxes	\$0.00
TOTAL	\$82,720.00

If placing order, please use
Purchase Order # _____

Thank You for the opportunity to serve you.

FIRE-POLICE-EMS Equipment



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

3/13/2017

Agenda Item No. E)

Presenter/Contact

Gretchen Pruett, Library Director
(830) 221-4322 - gpruett@nbtexas.org

SUBJECT:

Approval for the submission of a grant application to the American Library Association Public Programs Office to participate in the NASA@ My Library STEM Education initiative and authorizing the City Manager to accept funds and execute all contract documents associated with the grant, if awarded.

BACKGROUND / RATIONALE:

The 21st century list of desired job skills for employers always include competencies in the areas of STEM (Science, Technology, Engineering and Math). Public libraries have become learning centers that inspire children to learn these skills. To further this mission, public libraries are invited to work with NASA@ My Library project organizations, NASA, and state library agencies to increase and enhance STEM learning opportunities for millions of library patrons throughout the nation, including geographic areas and populations that are currently underserved in STEM education. The NASA@ My Library project will increase and sustain the availability of NASA science-focused learning experiences for underserved audiences through:

- high-visibility NASA, Earth, celestial, and library events;
- professional development; and
- resource and experience development.

The New Braunfels Public Library will apply to be a NASA@ My Library Partner. NASA@ My Library Partners will receive materials and training to assist them in leading educational, fun STEM programming for all ages. Participating libraries will receive two NASA STEM Facilitation Kits designed for use in hands-on STEM programming; a tablet computer pre-loaded with how-to videos, apps, educational games and other materials relevant to the Facilitation Kits; an invitation to a two-day orientation workshop in Denver; programming and travel stipends; and more.

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

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

None.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the grant application to the American Library Association Public Program Office to participate in the NASA@ My Library STEM Education initiative and authorizing the City Manager to accept funds and execute all contract documents associated with the grant, if awarded.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

3/13/2017

Agenda Item No. F)

Presenter/Contact

Robert Camareno, City Manager
(830) 221-4280 - rcamareno@nbtexas.org

SUBJECT:

Approval of a resolution recommended by the New Braunfels Industrial Development Corporation to provide up to \$450,000 to the City of New Braunfels for a project to operate and maintain Landa Park Golf Course at Comal Springs.

BACKGROUND / RATIONALE:

During the 2016-2017 budgeting process, city staff projected an operating deficit in the operation of the Landa Park Golf Course at Comal Springs (LPGC) and presented those findings to City Council. One of the policy directions received from the City Council at the time was to discuss a possible contribution from the New Braunfels Industrial Development Corporation (NBIDC) to fund a gap in the expected operating revenues.

In December 2016, staff presented an overview of Landa Park Golf Course's financial position during the 2016-2017 fiscal year to the NBIDC Board of Directors. Since that presentation, the City engaged a consultant to analyze the position of the golf course and provide recommendations for its future. The study has since been completed, the results presented to the City Council and NBIDC Board, and immediate changes are being implemented. However, despite any implemented changes, the golf course fund will run a deficit during the 2016-2017 fiscal year. To fulfill these debt service commitments, the City is utilizing fund balance reserves in the debt service fund. Without the NBIDC's funding contribution, the City could alternatively fund the \$400,000-\$450,000 from the general fund, which will have an impact on the City's provision of core services.

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority:	Strategic Priorities: 1. Use a variety of funding sources for operational and capital needs 8. Maintain fiscal stability of City operations
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FISCAL IMPACT:

This action would provide up to \$450,000 to the City of New Braunfels to fulfill the debt service and other financial obligations of the golf course.

COMMITTEE RECOMMENDATION:

The NBIDC approved this project unanimously at its meeting on February 16, 2017.

STAFF RECOMMENDATION:

Staff recommends approval of the resolution.

RESOLUTION NO. 2017-R _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPROVING A RECOMMENDATION OF THE NEW BRAUNFELS INDUSTRIAL DEVELOPMENT CORPORATION TO PROVIDE FUNDS UP TO THE AMOUNT OF \$450,000 FOR A PROJECT TO OPERATE AND MAINTAIN LANDA PARK GOLF COURSE AT COMAL SPRINGS; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels Industrial Development Corporation ("IDC") Board of Directors met on February 16, 2017, to consider a request from the City of New Braunfels for up to \$450,000 to operate and maintain Landa Park Golf Course at Comal Springs; and

WHEREAS, Landa Park Golf Course at Comal Springs provides economic and cultural benefits for residents and visitors of New Braunfels and contributes to overall quality of life; and

WHEREAS, the IDC is an economic development corporation formed by the City of New Braunfels pursuant to the Local Government Code, Chapters 501-505 that is authorized by Chapter 505.152 to undertake a project for public park purposes and park facilities and related improvements; and

WHEREAS, the estimated total cost of the financial contribution is \$450,000; and

WHEREAS, the IDC Board of Directors held a public hearing on February 16, 2017, to solicit public comment with regard to the City's funding request; and

WHEREAS, the IDC Board of Directors, after discussing the request, voted to approve a grant in an amount of up to \$450,000 for the City of New Braunfels to operate and maintain Landa Park Golf Course at Comal Springs;

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

SECTION 1: That the recommendation of the New Braunfels Industrial Development Corporation to provide a grant to the City of New Braunfels in an amount up to \$450,000 for funding Landa Park Golf Course is hereby approved.

SECTION 2: That a contract between the IDC and City will be executed to fulfill the terms and conditions of the grant and the City Manager is authorized to execute the Agreement on behalf of the City.

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

PASSED, ADOPTED AND APPROVED this 13th day of March, 2017.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Barron Casteel, Mayor

ATTEST:

Patrick D. Aten, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

3/13/2017

Agenda Item No. G)

Presenter/Contact

*Bryan Woods, Capital Programs Manager
(830) 221-4022 - bwoods@nbtexas.org*

SUBJECT:

Approval of indefinite delivery indefinite quantity contracts with additional professional services firms on an as-needed basis.

BACKGROUND / RATIONALE:

City Staff released a Request for Qualifications (RFQ) for firms to be pre-qualified to provide professional services to the City on an as-needed basis. The RFQ was opened November 29, 2016, and 62 responses were received. This RFQ was released as an “indefinite delivery, indefinite quantity” (IDIQ) delivery method. This allows the City to contract with multiple firms for multiple services but with no minimum requirements.

After evaluation, staff has pre-qualified 54 firms allowing greater coverage and opportunity of contracting for professional services, such as master planning, civil engineering, and project management. Staff will have the ability to evaluate each pre-qualified firm to determine the best fit and capability for their particular project needs.

This is a continuous recruitment solicitation which allows the City to periodically re-open solicitations as the City finds need for additional firms and/or services. Added contracts will be brought forward for City Council award as they are recommended. The City is not required to utilize this list exclusively. Based on special cause, such as project scope and or size, departments may request from purchasing to solicit for services.

Any project orders exceeding \$25,000 will be brought back for City Council approval, as identified in policy.

Staff is recommending a term to begin upon award by City Council and will expire on July 31, 2020. Solicitations added will be aligned to the remaining term.

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

X	Yes	City Plan/Council Priority: Strategic Priorities	Infrastructure: Use a variety of funding sources for operational and capital needs.
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Since these contracts will be styled as an indefinite delivery/indefinite quantity, there is no direct fiscal impact related to this action. Any project orders that exceed \$25,000 will be brought back for City Council approval as they occur.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of indefinite delivery indefinite quantity contracts with additional professional services firms on an as-needed basis.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

3/13/2017

Agenda Item No. H)

Presenter/Contact

*Matthew Eckmann, Real Estate Manager
(830) 221-4089 - meckmann@nbtexas.org*

SUBJECT:

Approval of an interlocal agreement between the City of New Braunfels and Comal County for the County to occupy approximately 5,700 square feet, have shared use of approximately 1,200 square feet and use of approximately 0.30 acres of adjacent property, located at 424 S. Castell Avenue for use as County offices and court facilities, and authorization for the City Manager to execute all necessary documents.

BACKGROUND / RATIONALE:

The City of New Braunfels owns and occupies the building located at 424 S. Castell Avenue. Comal County has requested to occupy a portion of the building consisting of approximately 5,700 square feet, have shared use of approximately 1,200 square feet and approximately 0.30 acres of adjacent property for County offices and court facilities pursuant to the terms of the attached interlocal agreement. In addition, the county will lease two modular buildings from BOXX Modular through a separate and independent agreement.

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

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FISCAL IMPACT:

Comal County will be responsible for their pro rata share of utilities on the property so no fiscal impact is anticipated.

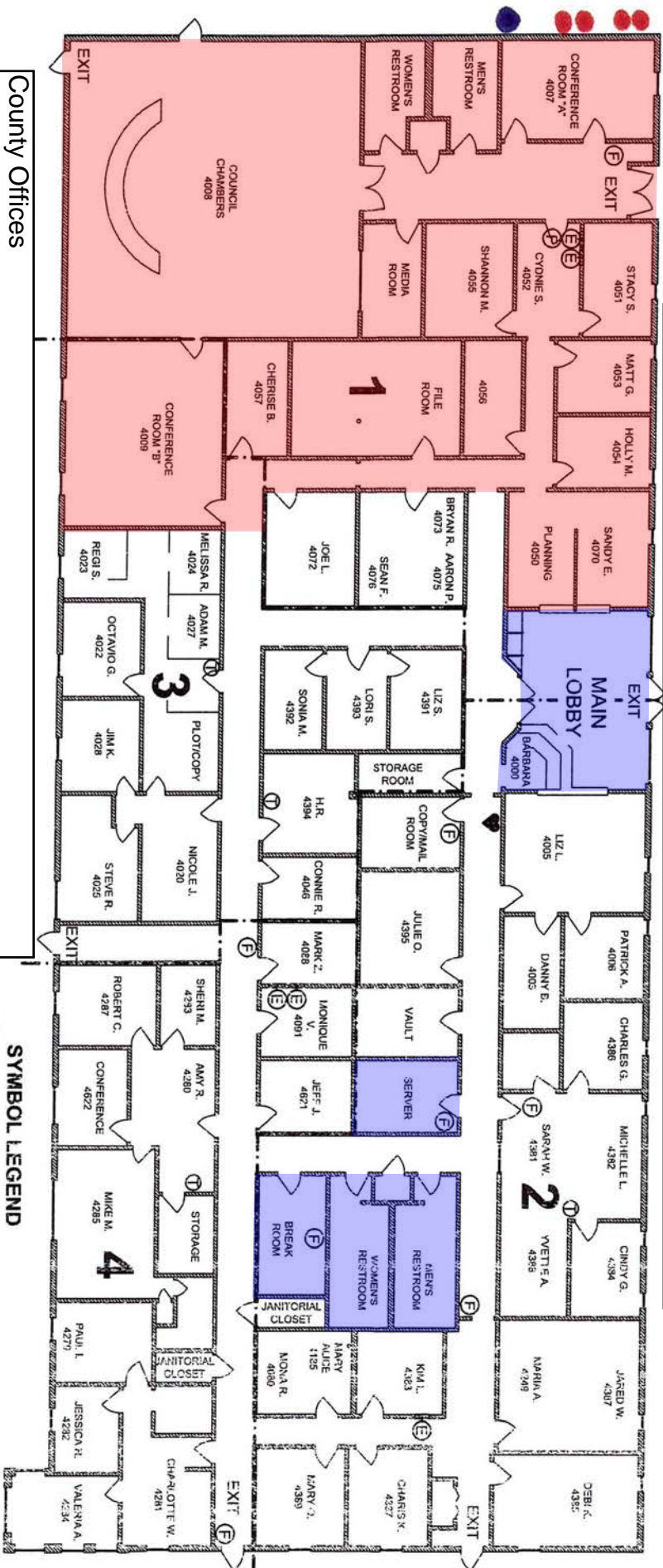
COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

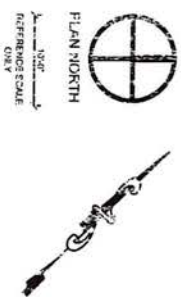
Staff recommends approval of the interlocal agreement.

City/County Annex Building Floor Plan



- County Offices
- City Offices
- Shared Use Space

- Fire Extinguisher
- Automated External Defibrillator
- Electrical Panel
- HVAC Thermostat



CITY OF NEW BRAUNFELS CITY HALL
424 S. CASTELL AVE.
NEW BRAUNFELS, TEXAS 78130

Electrical panel disconnect
Nat. Gas main valve

Exhibit "B"



- Legend**
- Addresses**
- Major Roads**
- Farm roads
 - Highways
- Parcels**
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3



Notes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

0.0 0.02 0.0 Miles

NAD_1983_StatePlane_Texas_South_Central_FIPS_4204_Feet
Comal County GIS

INTERLOCAL AGREEMENT

STATE OF TEXAS §
 §
 COUNTY OF COMAL §

This Interlocal Agreement (hereinafter referred to as the “Agreement”) is made by and between Comal County, Texas, a political subdivision of the State of Texas (hereinafter referred to as the “County”), acting through its duly authorized representative, County Judge, Sherman Krause and the City of New Braunfels, a Municipal Corporation located in Comal County, Texas (hereinafter referred to as the “City”), acting through its duly authorized City Manager, Robert Camareno. This Agreement is for the utilization of a portion of the City building and property located at 424 S. Castell Avenue to accommodate additional County Offices.

WHEREAS, Chapter 791 of the Texas Government Code authorizes local governments to enter into interlocal cooperation agreements; and

WHEREAS, the County and the City desire to enter into this Agreement for the public purpose of the County to utilize a portion of the City owned building and property located at 424 S. Castell Avenue to accommodate additional County Offices; and

WHEREAS, the County and the City have determined that this interlocal agreement will serve the best interests of the citizens of Comal County and the City of New Braunfels; and

WHEREAS, the governing bodies of both the County and the City have authorized the Agreement.

NOW, therefore, in consideration of the mutual promises and covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the City agree as follows:

ARTICLE I PREMISES

1. PREMISES: The County hereby leases from the City upon the terms and subject to the conditions set forth in this Agreement, the following property (hereinafter referred to as the “Premises”) for use as additional office space.
 - a. Exclusive use of an approximately 5,700 square foot space and shared use of approximately 1200 square feet of common area space out of the building located at 424 S. Castell Avenue (hereinafter referred to as the “Building”) legally described as, 1.289 Acres, City Block 1016, Lot 1-2-3 and N 6 of Lot 4, Comal County Property ID No. 202 and approximately 0.30 acres out of the property known as the Garden Street Right-of-Way, City Block 1016, Comal County Property ID No. 152413. Said properties being more particularly described in

Exhibits “A” and “B” attached hereto and incorporated herein by reference for all purposes.

ARTICLE II TERM

1. **INITIAL TERM:** The initial term of this agreement shall be for a period of two (2) years commencing on April 1, 2017.
2. **RENEWAL TERM:** Upon the expiration of the initial term, and unless terminated by either party as set forth below, this Agreement may be renewed annually for an additional term of one (1) year. Renewal notice must be given by written notice at least thirty (30) days prior to the expiration of expiring term and indicate the County’s intent to renew the Agreement upon the expiration of the term.
3. **EARLY TERMINATION:** Either party may terminate this agreement at any time upon ninety (90) days written notice to the other party.

ARTICLE III RENT

The City and the County have agreed that in an effort to be good stewards of public funds and for the benefit of the Citizens of Comal County and the City of New Braunfels, there shall be no rental due under this Agreement.

ARTICLE IV UTILITIES

The County agrees that it will pay its pro rata share of utilities (water, sewer, gas and electric) on the Premises on a monthly basis calculated and invoiced by the City based on the amount of square footage occupied. County shall, within 30 days of receiving invoices for utility costs, reimburse the City. The County shall be solely responsible for connecting, maintaining and paying for all internet and cable provider services required for use of the Premises and City has agreed to allow shared use of the Information Technology Closet located in the City portion of the building for the County’s use.

ARTICLE V SHARED USE SPACES/BUILDING ACCESS/PARKING

1. The County shall have shared use access to the following “Shared Use Spaces” in the Building as depicted on the attached Exhibit “A”:
 - a. Common Lobby Area
 - b. Common Breakroom
 - c. Employee Restrooms
 - d. Information Technology Closet

2. The County and City agree that employees of both Agencies shall be respectful of the other Agency in their utilization of the Shared Use Spaces.
3. County Employees shall be granted access from the Premises to the remainder of the common area halls and Shared Use Spaces.
4. The County agrees that no members of the Public may have access to the common area halls and shared use spaces.
5. The City agrees that no City Employee, except for Fire and Police Personnel shall have access to County offices at any time unless invited by a County Employee. Furthermore, the County agrees that in the event of an emergency, the City's Facilities Maintenance Personnel shall have access to Premises.
6. The County shall be entitled to 4 reserved parking spots located at the back of the Building identified on the attached Exhibit "B".
7. The County agrees that other than the 4 reserved parking spots, County Employees and Visitors shall have the non-exclusive use of the parking area to the Northwest of the property identified on the attached Exhibit "B". Furthermore, County shall be provided with an annual listing of Civic/Convention Center events and is asked to avoid scheduling Court on days where a conflict may arise regarding parking.

ARTICLE VI MODIFICATIONS, MAINTENANCE AND REPAIRS

1. The County at its sole cost and expense, shall make the necessary modifications required for its use of the Premises. Said modifications must be approved by the City and shall be done in accordance with all City Codes. If any modifications are made to the Premises, the County shall not be required to restore the Premises to its original condition upon termination of this Agreement.
2. The County at its sole cost and expense, shall have the responsibility of maintaining the interior of the Premises.
3. The County at its sole cost and expense, shall have the responsibility of providing janitorial services to the Premises.
4. The City shall be responsible for maintenance of the exterior structure of the Building, HVAC system and water systems and the County shall share on a pro rata basis the cost of repairs that impact/benefit the Premises.
5. The City at its sole cost and expense shall be responsible for all grounds, landscaping and pest control services.

ARTICLE VII NATURE OF RELATIONSHIP

1. The County and City agree that the nature of the relationship between them is one of landlord and tenant, and no other. Nothing contained in this Agreement shall be deemed or constructed to create the relationship of principal and agent or that of partnership or joint venture or any association between the County and the City, and any intention to create a joint venture or partnership relationship between the Parties hereto is hereby expressly disclaimed. No provision contained in this agreement, nor any acts of the Parties hereto shall be deemed to create any relationship between the County and the City other than the relationship of landlord and tenant. The County shall maintain exclusive control, direction and management of its own employees, and the City shall have no rights with respect thereto, except for the City's right to enforce covenants of the County as set forth in this agreement.

2. IMMUNITY: It is expressly understood and agreed that, in the execution of this agreement, neither the City nor County waive, nor shall be deemed hereby to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercising of governmental powers and functions.

ARTICLE VIII INSURANCE

1. The County shall be responsible for providing all necessary insurance to cover the premises, personal property and Employees during the term of this agreement.

ARTICLE IX ASSIGNMENT

1. The County may not assign or sublet any portion of the premises without the City's written consent.

ARTICLE X PROVISIONS

1. NOTICES: All notices required herein shall be sent to the respective parties at the following addresses:

To the County:	Comal County Attn: County Judge Sherman Krause 150 N. Seguin Ave. New Braunfels, TX 78130
----------------	--

To the City:

City of New Braunfels
Attn. City Manager Robert Camareno
550 Landa Street
New Braunfels, TX 78130

2. **BINDING EFFECT:** The provisions of this agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and permitted assigns.
3. **GOVERNING LAW:** This Agreement shall be governed, construed, and enforced in accordance with the laws of the State of Texas.
4. **SEVERABILITY:** If any term or provision of this Agreement, or the application to any person or circumstance shall, to any extent, be held to be invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
5. **REPRESENTATIONS AND WARRANTIES:** The County and City represent that each respective signatory has the full and complete authority to enter into this Agreement and that the joinder of no other person is required in order to cause this Agreement to be fully binding upon their respective properties.
6. **AMENDMENT:** This agreement may not be altered, waived, or otherwise modified, except where done in writing, and signed by the duly authorized representative of the County and the City.
7. **ENTIRE CONTRACT:** This instrument contains the entire Agreement between the parties relating to the subject matter herein. There are no other verbal or written understandings, promises, agreements, or representations relating to the subject matter if this Agreement which have not been included herein, and this Agreement supersedes any and all other agreements, either oral, or in writing, between the parties hereto with respect to the subject matter herein.

IN WITNESS WHEREOF, this instrument is executed this ____ day of March, 2017.

{Signatures on Following Page}

COUNTY

By: _____
 Sherman Krause, County Judge

Date: _____

Attest:

By: _____
 Bobbie Koepp, County Clerk

Date: _____

CITY

By: _____
 Robert Camareno, City Manager

Date: _____

Attest:

By: _____
 Patrick Aten, City Secretary

Date: _____



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

3/13/2017

Agenda Item No. I)

Presenter/Contact

Garry Ford, City Engineer
(830) 221-4020 - 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 Area A.

BACKGROUND / RATIONALE:

Council District: 5

A public hearing was held on February 27, 2017. City Council unanimously approved the first reading of the ordinance to amend Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area A.

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.

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.**

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 1st through September 30th.
 - 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 27th day of February, 2017.

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

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, MAYOR

ATTEST:

PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

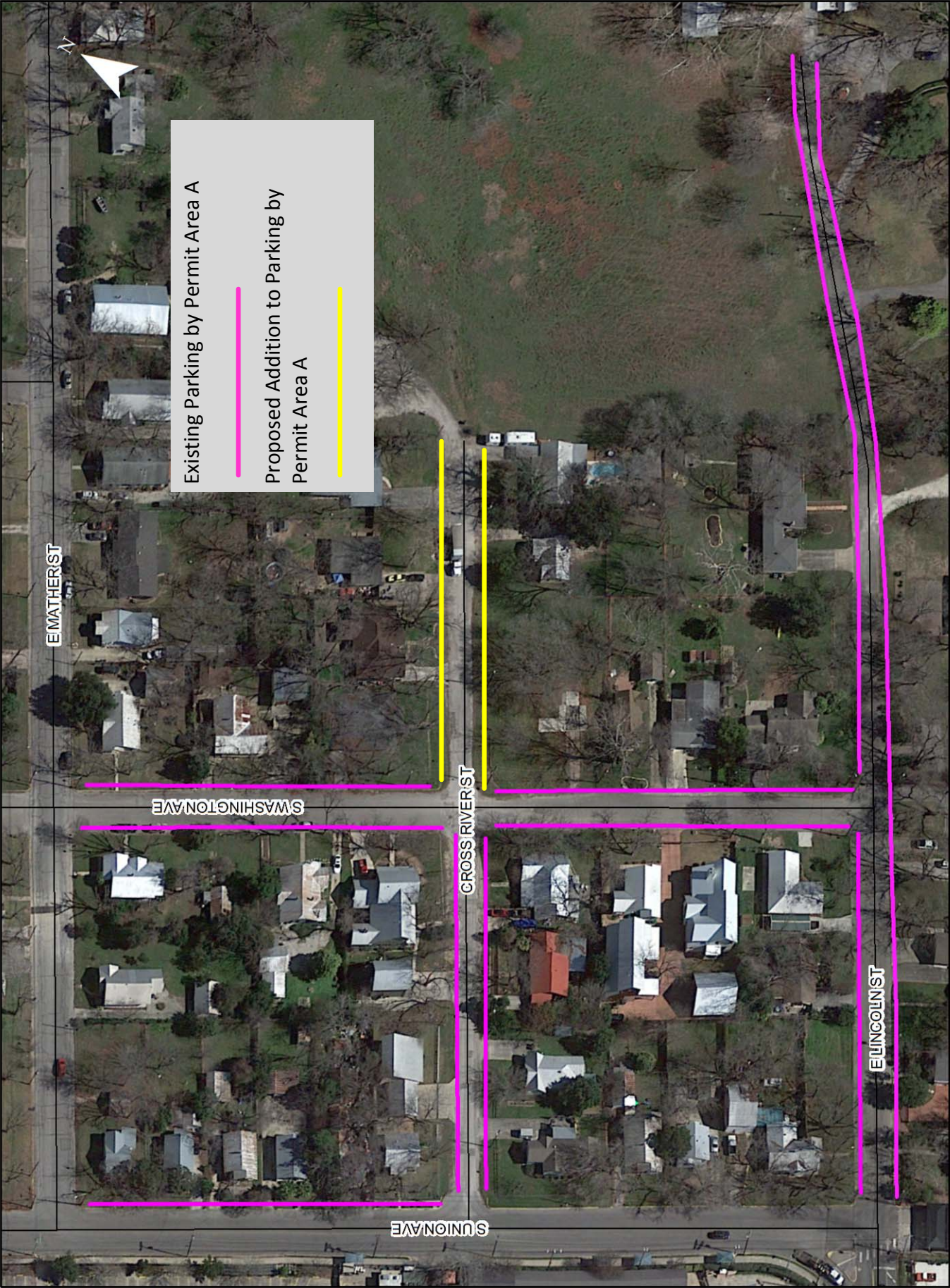
VALERIA M. ACEVEDO, CITY ATTORNEY

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 1st through September 30th.

- 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



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

3/13/2017

Agenda Item No. J)

Presenter/Contact

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

SUBJECT:

Approval of the second and final 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

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

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.

COMMITTEE RECOMMENDATION:

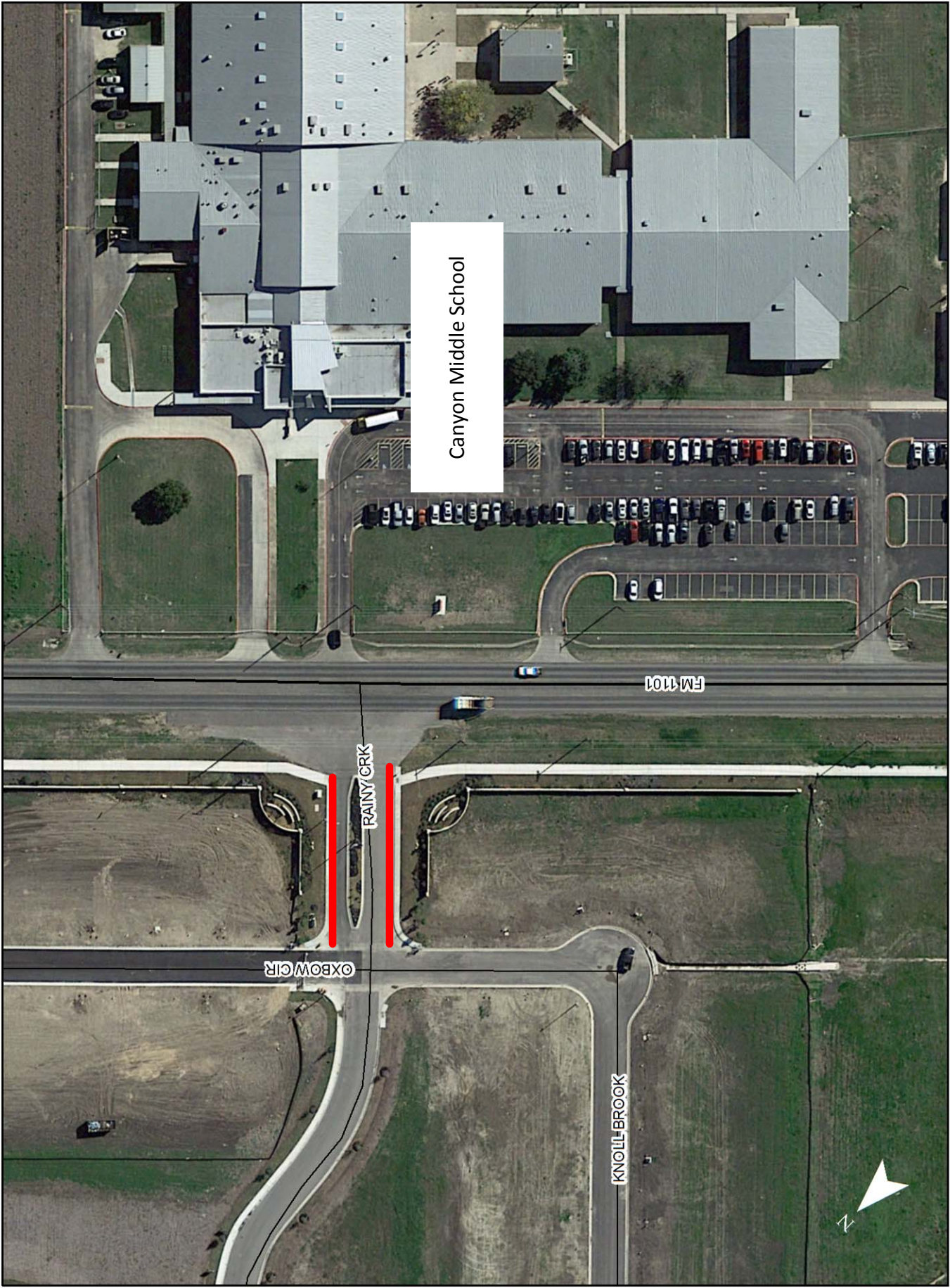
The Transportation and Traffic Advisory Board unanimously approved the recommendation to City Council to create no parking zones on Floral Avenue and Rainy Creek on February 9, 2017.

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

FM 1101

RAINY CRK

OXBOW CIR

KNOLL BROOK



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 27th day of February, 2017.

PASSED AND APPROVED: Second reading this the 13th 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



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

3/13/2017

Agenda Item No. K)

Presenter

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

SUBJECT:

Approval of the second and final 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

City Council held a public hearing on February 27, 2017 and unanimously approved the first reading of the ordinance amending the Highland Grove Planned Development District Concept Plan and related Development Standards. (7-0-0)

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 - HGPD 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 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
 - December 2015 - Unit 10 approved for 54 residential lots
 - October 2016 - Unit 5 approved for 37 residential lots
 - February 2017 - revised Unit 10 approved for 65 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

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 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	City Plan/Council Priority: 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	Pros: Object 1A: 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. The subject property is located in an area that is mostly developed with single-family residences or is currently being developed. Goal 1C: Consider rezoning, as necessary, to ensure existing and future land use compatibility. The proposed amendments are compatible with the existing development and development standards of the Highland Grove Subdivision. Cons: N/A
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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 requested planned development amendment 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:

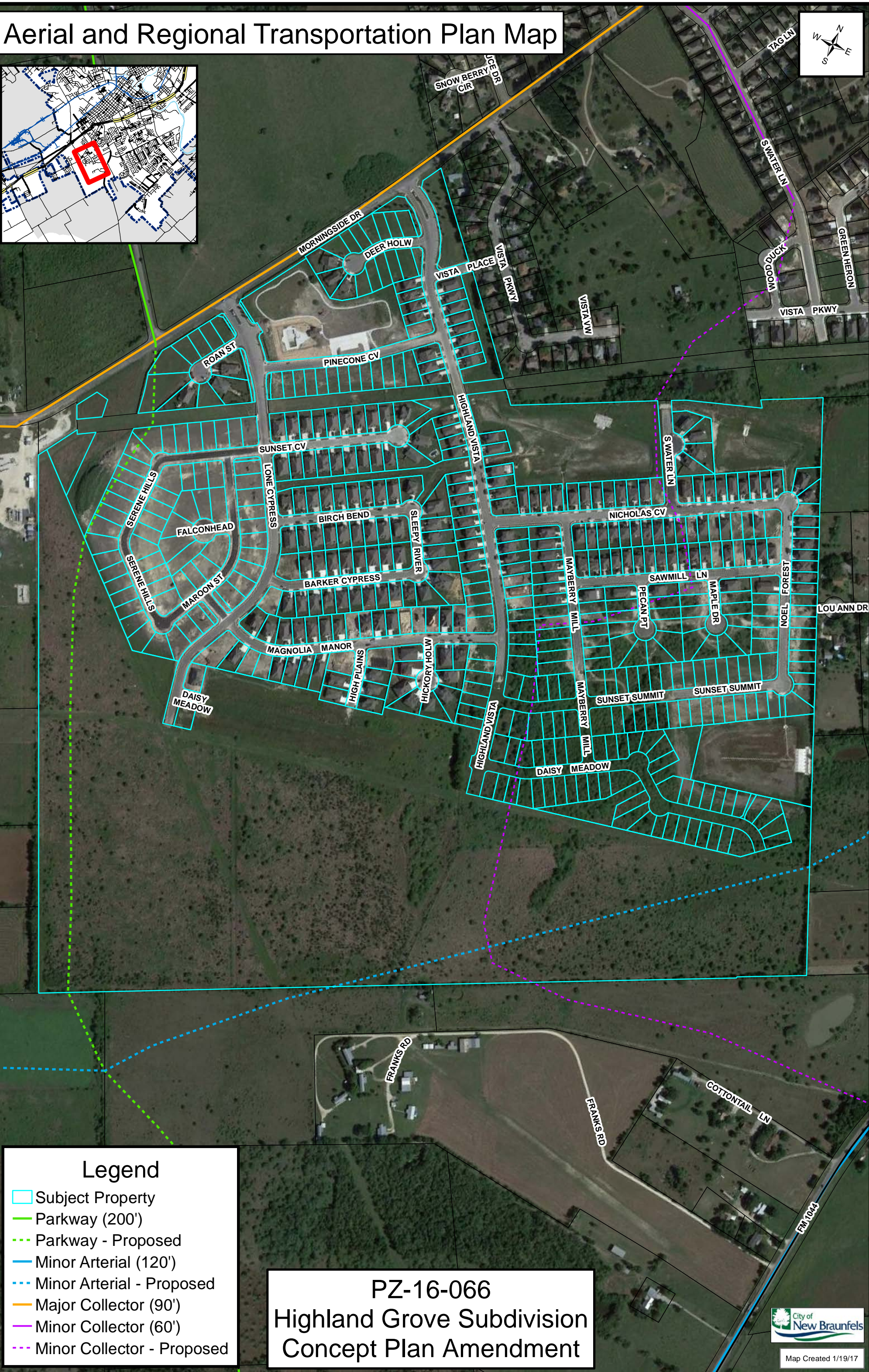
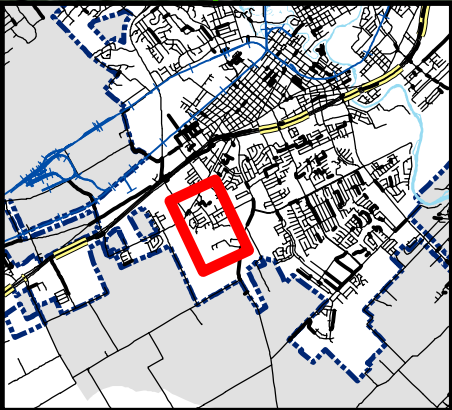
Public hearing notices were sent to 250 owners of property within the subject area and within 200 feet of the subject area. The Planning & Community Development Department has received six

responses (#'s 104, 173, 183, 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 7, 2017
8. Sec. 3.5 Planned Development Districts
9. Ordinance

Aerial and Regional Transportation Plan Map



Legend

- Subject Property
- Parkway (200')
- Parkway - Proposed
- Minor Arterial (120')
- Minor Arterial - Proposed
- Major Collector (90')
- Minor Collector (60')
- Minor Collector - Proposed

PZ-16-066
Highland Grove Subdivision
Concept Plan Amendment



Map Created 1/19/17



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, PresidentMailing Address 1202 Bitters. Bldg 1. Suite 1200, San Antonio, TX 78216Telephone: 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: MattAmount 12.00 Receipt No.: 233229Date Received: 12/22/16

Zoning signs issued: Date: _____ No. _____

Cash/Check Number: 3401Case 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

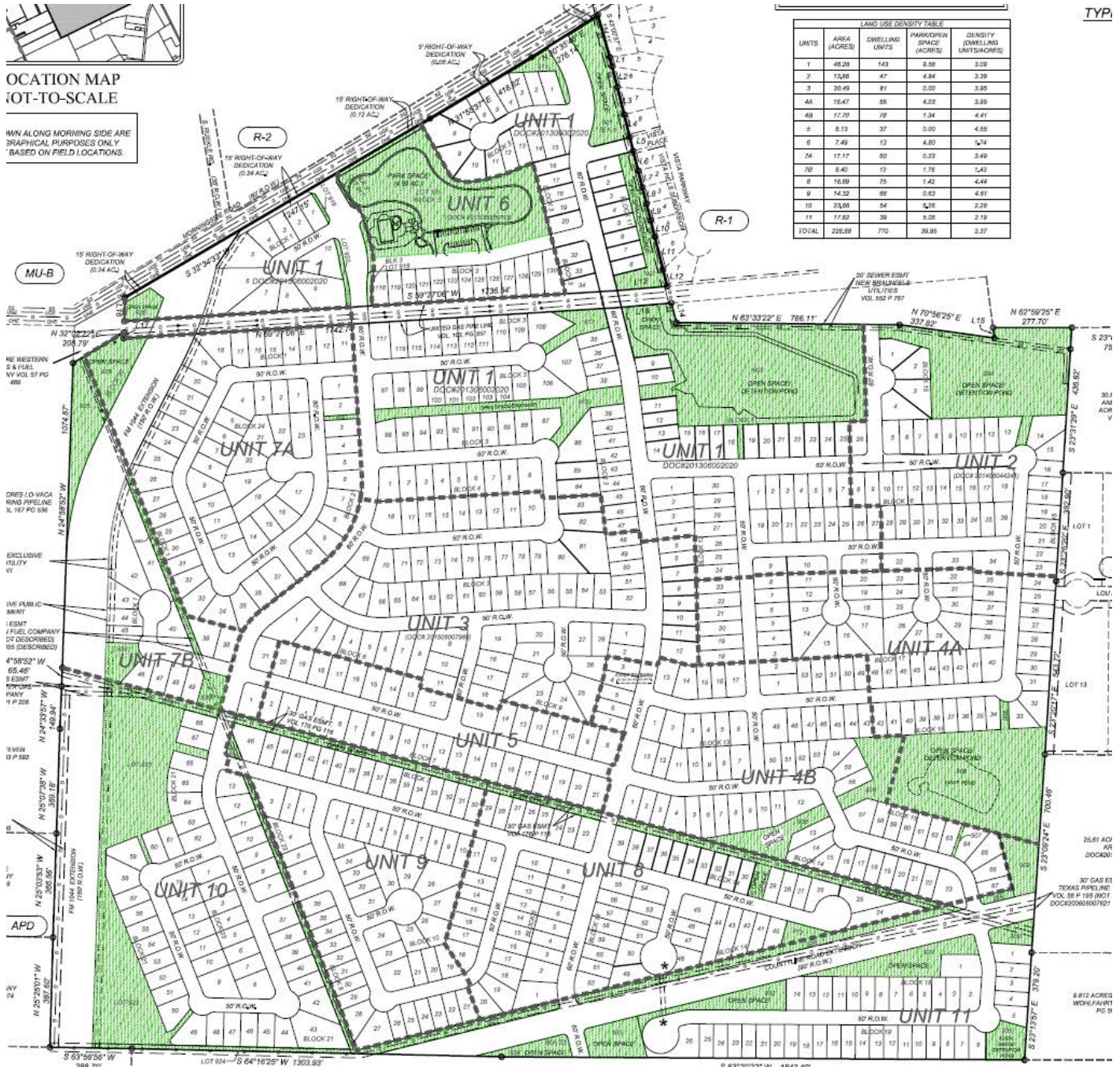
A handwritten signature in blue ink that reads 'Clayton Linney'.

Clayton Linney, P.E.
Project Manager

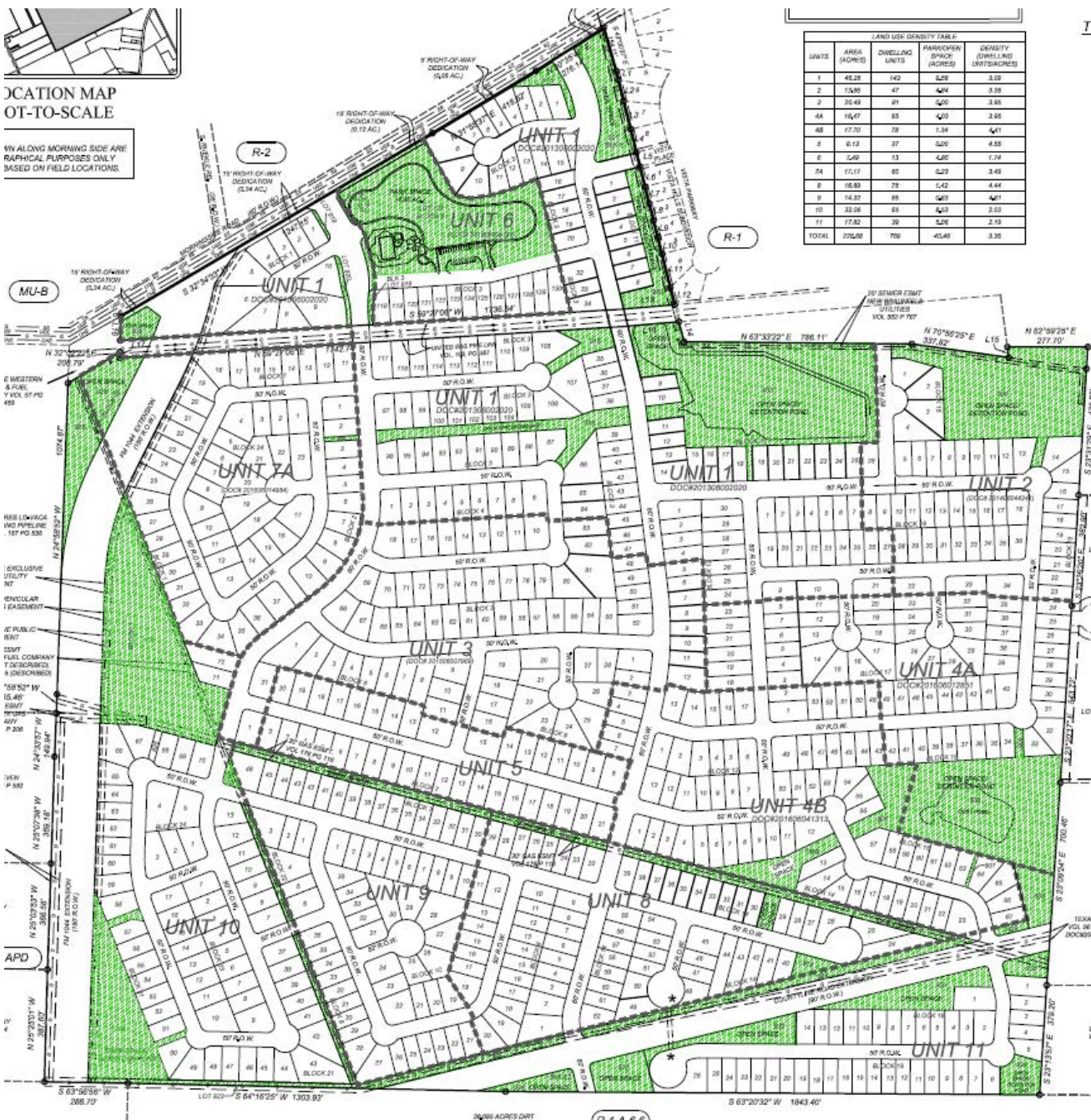


LOCATION MAP NOT-TO-SCALE

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



Current Highland Grove Planned Development District Concept Plan



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.

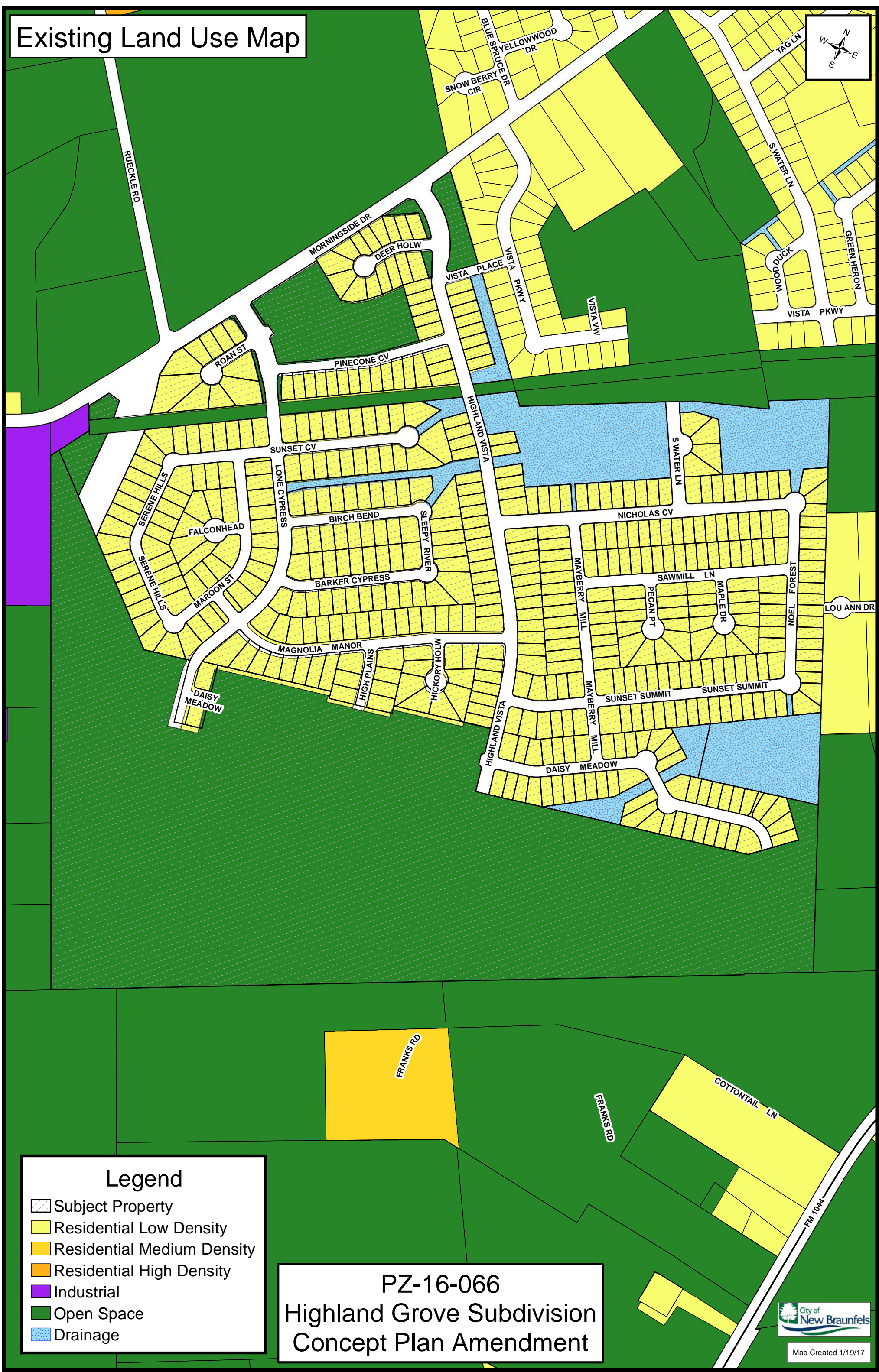
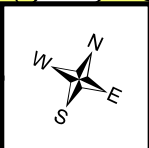
8. In the event that Applicant fails to rectify the specified problems in the drainage improvements for the Drainage Area in question within the ninety (90)-day period, subject to force majeure or City action causing delay, under either Paragraph "6" or "7" above, the City shall have the right to utilize 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.

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Zoning Map



Existing Land Use Map



Legend

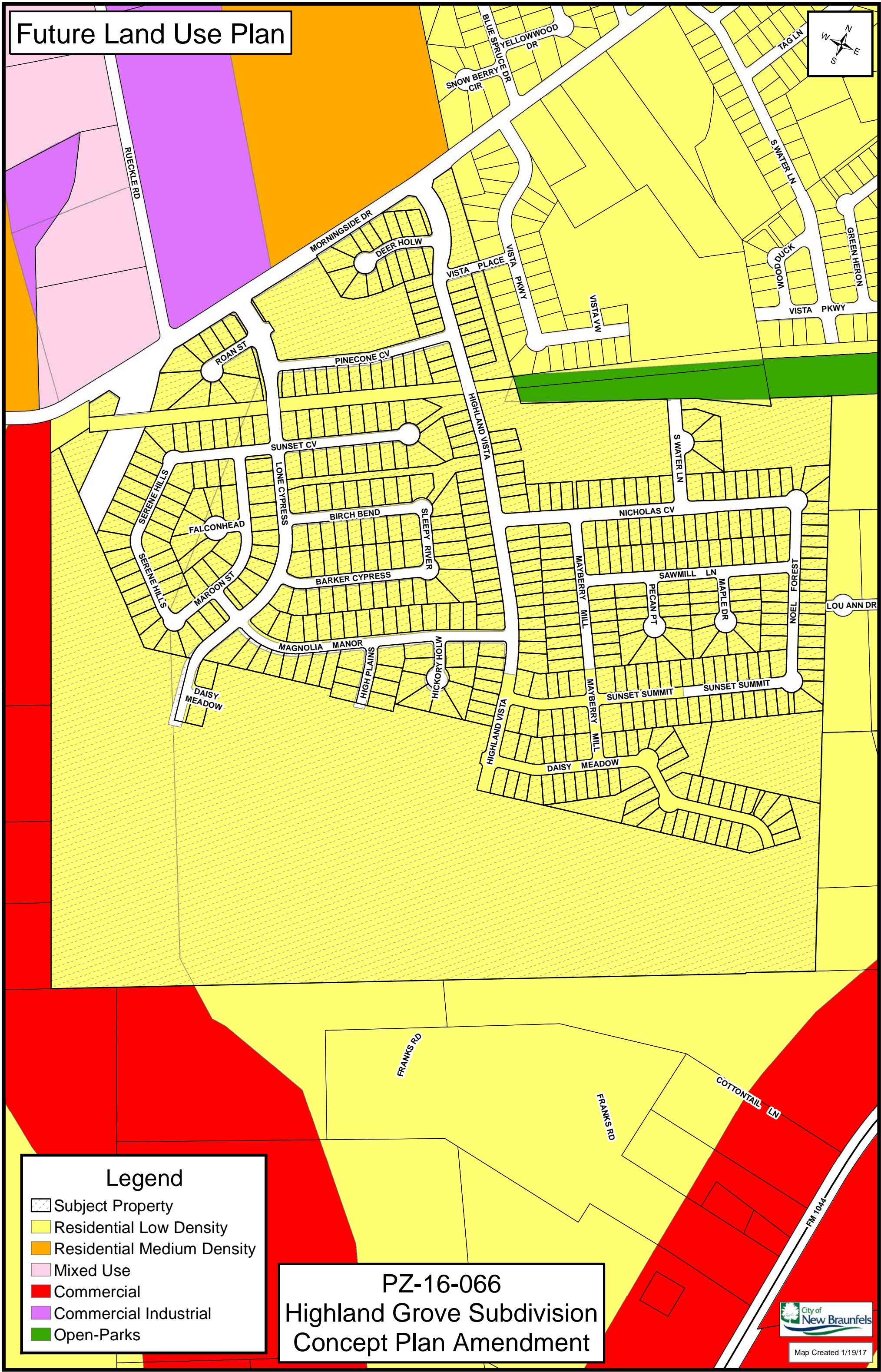
- Subject Property
- Residential Low Density
- Residential Medium Density
- Residential High Density
- Industrial
- Open Space
- Drainage

PZ-16-066
Highland Grove Subdivision
Concept Plan Amendment



Map Created 1/19/17

Future Land Use Plan



Legend

- Subject Property
- Residential Low Density
- Residential Medium Density
- Mixed Use
- Commercial
- Commercial Industrial
- Open-Parks

PZ-16-066
Highland Grove Subdivision
Concept Plan Amendment



Map Created 1/19/17

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 Hodel Hans J & Deanna L
14 Avila Salomon Jr & Deah D	52 Stanley Steven L & Sang S
15 Alspach Robert D & Jennifer B	53 Moczygamba 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	Rieffle 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

⁷⁸
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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YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-16-066 (Velma Development LLC) ms
Date notice sent: 1/20/2017

Name: PAUL JOHNSON
Address: 3155 MAGNOLIA MAJOR
Circled number on large 11 x 17 map: 183
Comments: (Use additional sheets if necessary)

I favor: ✓
I object: _____

Signature: Paul Johnson



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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 Heimen

Address: 130 S. Seguin, Suite 100

Circled number on large 11 x 17 map: 538

Comments: (Use additional sheets if necessary)

I favor: ☒

I object: ☐



Signature: [Signature]

\\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2016 cases\PZ-16-066 Highland Grove PD Amendment\PZ-16-066 nph.docx



Highland Vista entrance into the subdivision



Streetscape along Birch Bend

Draft Minutes for the February 7th 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

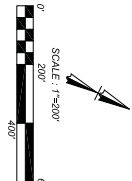
BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



OWNER/DEVELOPER:
VELMA DEVELOPMENT, LLC
1202 W. BITTERS RD.
BLDG. 1 SUITE 1200
SAN ANTONIO, TX 78216
PHONE: (727) 734-8700
FAX: (727) 734-8772

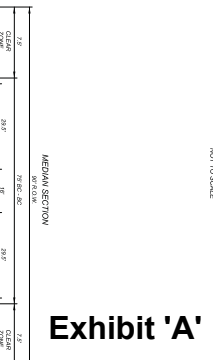
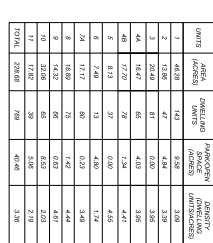
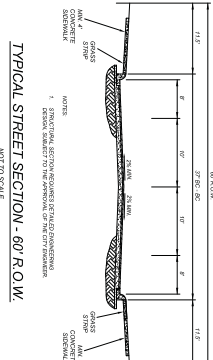
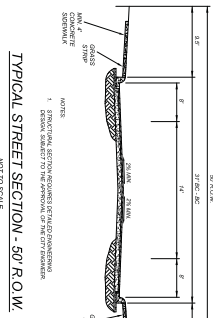
ENGINEER:
KPM ENGINEERS
3421 PAGESANOS PKWY, SUITE 200
SAN ANTONIO, TX 78231
PHONE: (210) 979-8444
FAX: (210) 979-8441

LEGEND

- BOUNDARY
- ▬ PHYSICAL LIMITS
- COUNTURNS
- RIVER
- URBAN SPACE
- SURROUNDING ZONING

0 1 MILE

EAST LOS ANGELES RIVER VALLEY



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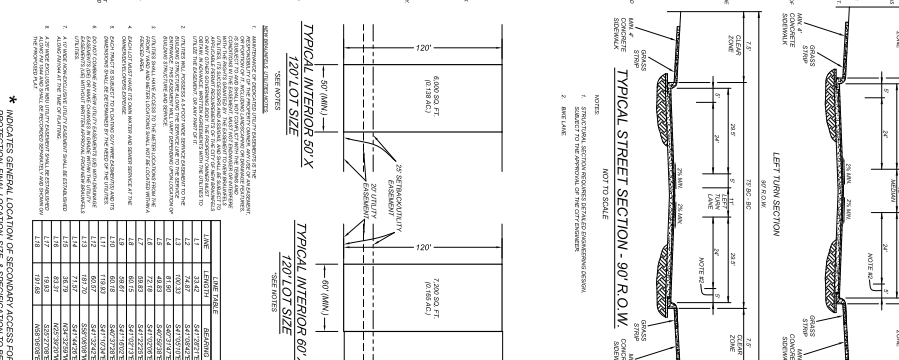


Exhibit 'A'

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 with 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.

\\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2016 cases\PZ-16-066 Highland Grove PD Amendment\170124_Development standards - Final.docx



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

3/13/2017

Agenda Item No. A)

Presenter/Contact

Patrick Aten, City Secretary
(830) 221-4010 - 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:

At the regular City Council meeting on February 27, 2016, the City Council did not reach a majority vote regarding the appointment of one individual to the Library Advisory Board. Therefore, at the motion of Councilmember Meadows, the item was postponed to the regular City Council meeting of March 13, 2017.

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.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

3/13/2017

Agenda Item No. B)

Presenter/Contact
Garry Ford, City Engineer
(830) 221-4020 - 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 B.

BACKGROUND / RATIONALE:

Council District: 5

The property owner at 590 Cross River Street has requested that her property be removed from Parking by Permit Area B. The area consists of single-family homes.

The proposed amendment to Parking by Permit Area B is at the end of Cross River Street and will not affect the contiguous nature of the existing parking by permit restrictions.

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 B on January 12, 2017.

STAFF RECOMMENDATION:

Staff recommends approval of the amendment to Parking by Permit Area B to remove the property at 590 Cross River 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 AREA B.**

WHEREAS, the City Council has determined that Section 126-354 (c)(2) Parking by Permit Only, Designated Permit Areas, Area B 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:

- (2) Area B, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
 - a. On both sides of E. Mather Street from the intersection of S. Union Avenue to S. Central Avenue.
 - b. On both sides of E. Basel Street from the intersection of S. Union Avenue to S. Central Avenue.
 - c. On both sides of E. Dittlinger Street from the intersection of S. Washington Avenue to S. Central Avenue.
 - d. On both sides of Heinen Lane from the intersection of S. Union Avenue to S. Washington Avenue.
 - e. On both sides of W. South Street from the intersection of Union Avenue to S. Central Avenue.
 - f. On both sides of Central Avenue from the intersection of E. Common Street to E. Mather Street.
 - g. On both sides of S. Houston Avenue from the intersection of E. Common Street to E. South Street and from E. Dittlinger Street to E. Mather Street.
 - h. On both sides of S. Washington Avenue from the intersection of E. Common Street to E. Mather Street.
 - i. On east side of S. Union Avenue from the intersection of E. Based Street to E. Mather Street.
 - j. On east side of S. Liberty Avenue from the intersection of W. Common Street to E. San Antonio Street.
 - k. On the north side of E. San Antonio Street from the intersection of S. Liberty Avenue to S. Union Avenue.
 - l. On the north side of E. Mather Street from S. Central Avenue to Labor Avenue.
 - m. On the west side of S. Grant Avenue From E. Basel Street to Cross River Street.

- n. On the east side of S. Grant Avenue from 333 S. Grant Avenue to E. Mather Street.
- o. On the east side of S. Veramendi Avenue from E. Mather Street to Cross River.
- p. On the north side of Cross River from S. Veramendi Avenue to S. Grant Avenue.
- q. On the south side of Cross River Street from 490 to 550 Cross River Street (inclusive).

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 13th day of March, 2017.

PASSED AND APPROVED: Second reading this the 27th day of March, 2017.

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, MAYOR

ATTEST:

PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

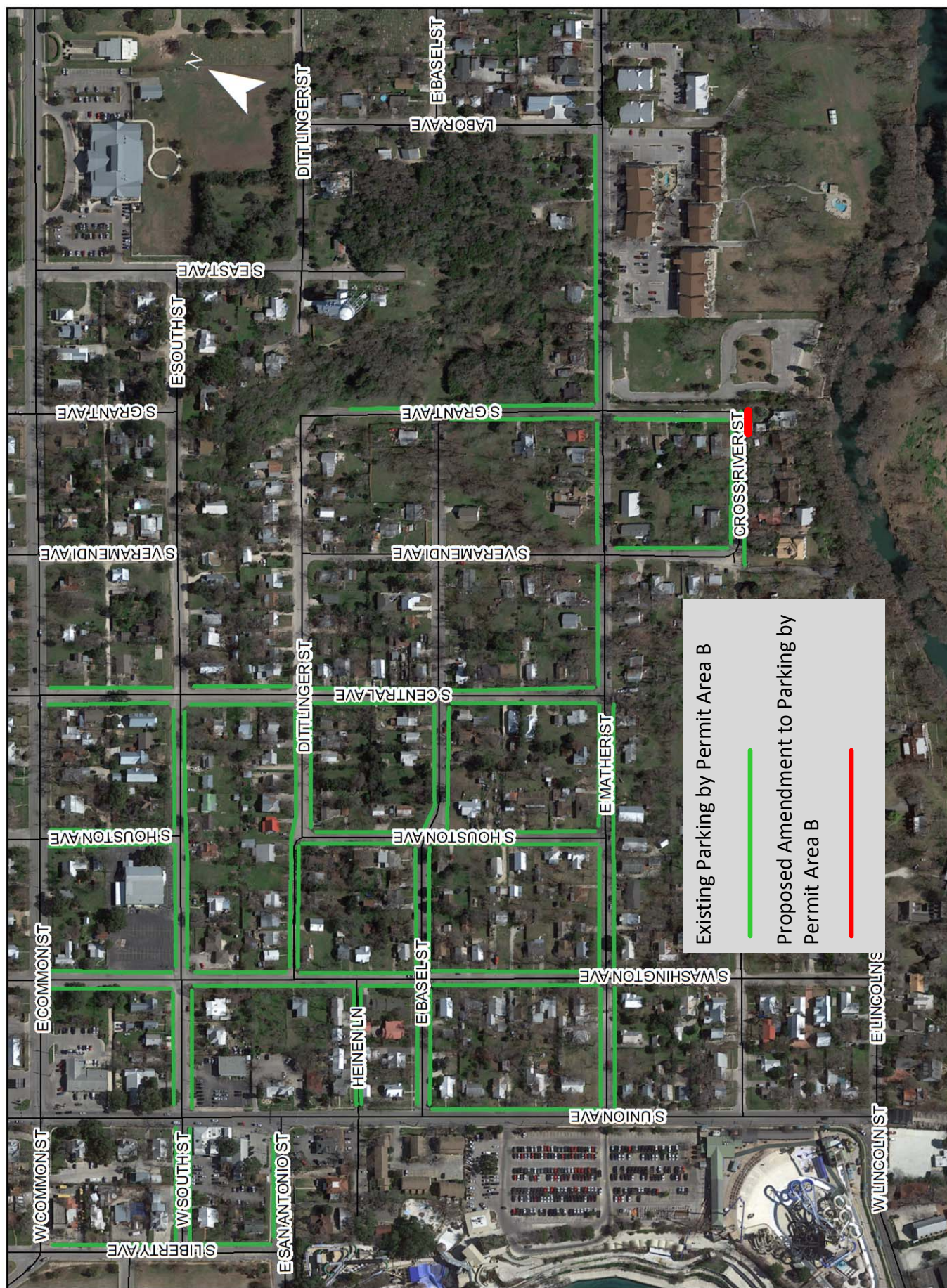
VALERIA M. ACEVEDO, CITY ATTORNEY

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:

- (2) Area B, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
- a. On both sides of E. Mather Street from the intersection of S. Union Avenue to S. Central Avenue.
 - b. On both sides of E. Basel Street from the intersection of S. Union Avenue to S. Central Avenue.
 - c. On both sides of E. Dittlinger Street from the intersection of S. Washington Avenue to S. Central Avenue.
 - d. On both sides of Heinen Lane from the intersection of S. Union Avenue to S. Washington Avenue.
 - e. On both sides of W. South Street from the intersection of Union Avenue to S. Central Avenue.
 - f. On both sides of Central Avenue from the intersection of E. Common Street to E. Mather Street.
 - g. On both sides of S. Houston Avenue from the intersection of E. Common Street to E. South Street and from E. Dittlinger Street to E. Mather Street.
 - h. On both sides of S. Washington Avenue from the intersection of E. Common Street to E. Mather Street.
 - i. On east side of S. Union Avenue from the intersection of E. Based Street to E. Mather Street.
 - j. On east side of S. Liberty Avenue from the intersection of W. Common Street to E. San Antonio Street.
 - k. On the north side of E. San Antonio Street from the intersection of S. Liberty Avenue to S. Union Avenue.
 - l. On the north side of E. Mather Street from S. Central Avenue to Labor Avenue.
 - m. On the west side of S. Grant Avenue From E. Basel Street to Cross River Street.
 - n. On the east side of S. Grant Avenue from 333 S. Grant Avenue to E. Mather Street.
 - o. On the east side of S. Veramendi Avenue from E. Mather Street to Cross River.
 - p. On the north side of Cross River from S. Veramendi Avenue to S. Grant Avenue.
 - q. On the south side of Cross River Street from 490 to ~~590-550~~ Cross River Street (inclusive).

Comment [mkh1]: Removing 590 Cross River Street at the request of the property owner.



Proposed Amendment to Parking by Permit Area B



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

3/13/2017

Agenda Item No. C)

Presenter/Contact

Valeria Acevedo, City Attorney
(830) 221-4281 - vacevedo@nbtexas.org

SUBJECT:

Discuss and consider approval of the second and final 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 five (5) feet of entrances, exits, operable windows and ventilation systems of places where smoking is prohibited.

BACKGROUND / RATIONALE:

The first reading of this ordinance was approved on February 27, 2017, during which public comment was received. There was an amendment passed to eliminate the prohibition on smoking at drive-in movie theaters and the ten feet distance requirement for outdoor smoking was reduced to five feet.

In advance of the first reading, there was a presentation to the City Council on the proposed amendments at the February 13th meeting. 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. City Council unanimously agreed that a stakeholder workgroup should be assembled to develop recommendations to the Council. 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 18th at which the public was allowed to participate. Another public meeting was held on January 31st 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, as amended on February 27, 2017:

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. *As amended, the definition of movie theaters will not include drive-in theaters.*

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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. *As amended on February 27th, it prohibits outdoor smoking within five (5) feet (instead of the originally proposed 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.

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 FIVE (5) 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. This term does not include 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 five (5) 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

Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

3/13/2017

Agenda Item No. 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

