



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



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

MONDAY, SEPTEMBER 25, 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.**

PROCLAMATIONS:

- A) Gruene Music & Wine Fest
[proclamation](#)
- B) Living Legends
[proclamation](#)

PRESENTATIONS:

- A) 2017 River Season Report.
Amy Niles, River Operations Manager
- B) Presentation and possible action on new Recreation Center facility
naming and branding.
Kristi Aday, Assistant City Manager
- C) Presentation on proposed amendments to the Code of Ordinances,
Chapter 144, Zoning.
Christopher Looney, Planning & Community Development Director

[Crematoriums](#)
[Special Events](#)
[C-2 setbacks](#)
[Off-site Parking](#)

1. MINUTES

- A) Discuss and consider approval of the minutes of the special City Council meeting of September 5, 2017, and the regular City Council meeting of September 11, 2017.

Patrick Aten, City Secretary

[Sept 5 minutes](#)
[Sept 11 minutes](#)

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 grant contract for the Routine Airport Maintenance Program through the Texas Department of Transportation in the amount of up to \$50,000 for eligible maintenance expenses and authorizing the City Manager to accept funds and to execute all contract documents associated with grant.
Robert Lee, Airport Director
- B) Approval of an annual contract with Life Account, LLC d/b/a Compass Professional Health Services for healthcare consulting services for City employees.
Jennifer Gates, Buyer
- C) Approval of the renewal of an annual contract with Aetna Life Insurance Company for the provision of administrative services for the City's medical insurance.
Jennifer Gates, Buyer
- D) Approval of a resolution adopting the investment policy for the City of

New Braunfels including the broker/dealer list.

Martie Simpson, Finance Director

[New Braunfels 2017 Investment Policy DRAFT.docx](#)

[Resolution adopting investment policy 2017](#)

- E) Approval of a resolution designating the investment officers for the City of New Braunfels.

Martie Simpson, Director of Finance

[resolution](#)

- F) Approval of an annual contract with Aetna Life Insurance Company for the provision of stop loss insurance for the City of New Braunfels.

Jennifer Gates, Buyer

- G) Approval of a purchase from Bluebonnet Motors, Inc. of two vehicles for the New Braunfels Police Department.

Jennifer Gates, Buyer

Ordinances

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

- H) Approval of the first reading of an ordinance amending Ordinance 2011-93, Section IV, by changing assignment pay for Criminal Investigator-Detective assignment within the Police Department.

Jared Werner, Director of Human Resources

[ordinance](#)

- I) Approval of the second and final reading of an ordinance authorizing the number of positions in each classification in the New Braunfels Fire Department and New Braunfels Police Department pursuant to Local Government Code Chapter 143 as part of the annual budget process.

Jared Werner, Director of Human Resources

[ORD Strength of Force 2017-18](#)

- J) Approval of the second and final reading of an ordinance granting the extension of rehabilitation tax relief for a second five year period to the property addressed as 193 W. San Antonio Street, a Local Historic Landmark known as the Jacob Schmidt Building.

Christopher J. Looney, Planning and Community Development Director

[Application](#)

[Location Map](#)

[Before Photos](#)

[After Photos](#)

[Ordinance 97-1](#)

[Ordinance 2010-54](#)

[Excerpt from Historic Landmark Commission Minutes](#)

[Ordinance](#)

- K) Approval of the second and final reading of an ordinance amending Chapter 126-104 to conform to House Bill 62 adopted by the Texas Legislature in the 85th regular session that allows an operator of a motor vehicle to read, write, or send an electronic message on a wireless communication device while stopped, and provides affirmative defenses to prosecution.

Valeria Acevedo, City Attorney

[Hands free ordinance amendments](#)

- L) Approval of the second and final reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking on both sides of Loop 337 from State Highway 46 to 1,320 feet east of the intersection with Oakwood Boulevard.

Garry Ford, City Engineer

[2017-09-11 Ordinance - Loop 337 NPZ](#)

[Loop 337 NPZ map](#)

- M) Approval of the second and final reading of an ordinance amending Section 114-92 of the City of New Braunfels Code of Ordinances to provide requirements for access near public highway-rail grade crossings.

Garry Ford, City Engineer

[2017-09-11 Ordinance - RR QZ Chapter 114](#)

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the second and final reading of an ordinance amending portions of the Code of Ordinances, Section 126-354 Parking by Permit Only, regarding the administration of parking permits.

Patrick Aten, City Secretary

[map](#)

[Parking by Permit Ordinance](#)

[ParkingByPermit Ord language RED](#)

- B) Discuss and consider approval of the second and final reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking on Golf Course Road.

Garry Ford, City Engineer

[2017-09-11 Ordinance - Golf Course NPZ](#)

[Golf Course Rd NPZ Map](#)

- C) Discuss and consider a request for a conditional sign permit for a pole sign along the IH 35 Access Road at the future Long Motors at 116 IH 35 South.

Christopher Looney, Planning & Community Development Director

[Aerial Map](#)

[Application](#)

[Approved Sign](#)

[Proposed Sign](#)

[Existing Site Plan](#)

[Contour Map](#)

[Comparison Chart](#)

[Excerpt from Sign Ordinance](#)

- D) Discuss and consider authorizing the City Manager to execute a requested license agreement between West 209 Investments, LLC and the City of New Braunfels for sidewalk vault lights in the right-of-way adjacent to property addressed at 209 W. San Antonio Street.

Christopher J. Looney, Planning and Community Development Director

[Location Map](#)

[Draft License Agreement](#)

[Material Specification Minimums](#)

[Vault Light Samples](#)

- E) Discuss and consider approval of additional expenditures for acquisition funds for the purchase of necessary properties on the Solms/Morningside Rueckle Road Reconstruction Project and Klein Road Reconstruction Project.

Matthew Eckmann, Real Estate Manager

- F) Discuss and consider possible direction to staff regarding the placement of brown street signs in the Gruene Historic District.

Chris Monceballez, Councilmember District 4

- G) Discuss and consider possible action on the creation of a Bond Advisory Committee.

Robert Camareno, City Manager

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 pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:
- Stop the Ordinances Please, et. al. v. City of New Braunfels.
- B) Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Attorney in accordance with Section 551.074 of the Texas Government Code.

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 September 20, 2017, at 11:30 a.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.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/25/2017

Agenda Item No. A)

City of New Braunfels



Proclamation

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

WHEREAS, the Gruene Music & Wine Fest is a four-day event which began in 1987 in the Gruene Historic District located on the northern end of New Braunfels as a means of providing funds for United Way of Comal County and to help celebrate Texas Wine Month; and

WHEREAS, the festival features the best in live Texas & Americana music and brings together a wide selection of wine, food & beer producers from across the state for sampling by event patrons, alongside a handmade artisan market; and

WHEREAS, the Gruene Music & Wine Fest promotes the beautiful and National Register designated historic district of Gruene, and the businesses therein; and

WHEREAS, the 31st Annual Gruene Music & Wine Fest will be held Thursday, October 5th through Sunday, October 8th of 2017 at Gruene Hall and The Grapevine grounds in Gruene, and will again benefit United Way of Comal County; and

WHEREAS, the festival will feature music by Ray Benson and Asleep At The Wheel, Jack Ingram, Walt Wilkins & The Mystiqueros, Beat Root Revival, Charlie and The Regrets, The Powell Brothers, Zac Wilkerson, Seth James, and more, a catered dinner by Gristmill River Restaurant & Bar, a silent auction, the "Great Guitar Auction", wine & food samplings, festival food, a craft market, beer tastings, prize drawings, and a New World wine tasting at The Grapevine to kick off the event; and

WHEREAS, the local community is welcome to attend the festival and participate in all the fun that the event has to offer.

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, Texas, do hereby proclaim Thursday October 5th through Sunday October 8th of 2017 as

"GRUENE MUSIC & WINE FEST WEEKEND"

in New Braunfels and I urge all citizens to participate in and enjoy the fun activities planned for the occasion, and extend our appreciation to all who have worked so hard to make this festival one of the highlights of Texas Wine Month and the United Way Campaign of Comal County which supports health & human services in our county.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 25th day of September, 2017.

CITY OF NEW BRAUNFELS, TEXAS

BY: _____
BARRON CASTEEL, Mayor



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/25/2017

Agenda Item No. B)

City of New Braunfels



Proclamation

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

WHEREAS, Marian Benson, Doug Miller, and Bette Spain have been named Living Legends of New Braunfels by the Braunfels Foundation Trust; and

WHEREAS, Marian Benson was born in Salt Lake City, graduated from McCallum High School in Austin, and attended Trinity University. Marian moved to Dallas as a flight attendant with Braniff Airlines, and soon met her husband, Howard, and had two children, Debbie and Chris. Marian was very involved with her church and she volunteered as a reader for Recording for the Blind at the University of Georgia. With experience gained at the Dallas Apparel Mart, she opened a ladies' clothing boutique and her 30 year love affair with downtown New Braunfels began. She owned and operated "The Collection" for 28 years and was active with the New Braunfels Downtown Association, the New Braunfels Main Street Association, and helped with events such as the Downtown Tree Lighting and Wassailfest. Marian co-chaired the City's Bandstand Restoration Project, served on the Civic Center Renovation Advisory Committee, is the past chair of the Downtown Implementation Plan Committee, and chair of the Texas Retailers Association who named her "Downtowner of the Year" in 1989. She earned her Bluecoat and a life membership with Greater New Braunfels Chamber of Commerce, served as Chair of the Board of the Chamber of Commerce, received the Chair of the Board Award for Economic Development and the Besserung Award, and was named "Small Business Person of the Year" and recognized as the Princess of the City of New Braunfels. Marian is past president of the New Braunfels Rotary Club, past board member of the Sophienburg Museum and Archives, and the Christus Santa Rosa Foundation, a volunteer with the SOS Food Bank, serves on the Chamber of Commerce's Texas Legislative Conference Arrangements Committee, a volunteer driver for Family Promise, is co-chair of the Sophienburg's Weihnachtsmarkt Vendor Committee, has been a member of her church choir and served as an elder of the New Braunfels Presbyterian Church.

WHEREAS, Doug Miller was born in Gonzales, and moved to New Braunfels and attended kindergarten at First Protestant Church and Goodwin Elementary. He graduated from Canyon High School and from Southwest Texas State University. While attending college, he started a band named "The Sounds of Country Music" which later became "Doug Miller and the Rhythm Riders," and served as a reserve police officer for the New Braunfels Police Department. After graduation he was hired full time as a patrolman, married Anne Louise Mund, and they had two children, Douglas and Amanda. Doug began his insurance career and furthered his civic activities by joining the New Braunfels Jaycees and was recognized as the Outstanding Young New Braunfelser, Jaycee of the Year, and served as President of the New Braunfels Jaycees. He became a member of Wurstfest, was elected to City Council and also as Mayor. He served on the Board of the Edwards Aquifer Authority, was elected to the Texas House of Representatives for four terms, and has been recognized by the Greater New Braunfels Chamber of Commerce with The Besserung Award as well as inducted into the Hall of Honor. Doug was named the New Braunfels Herald-Zeitung's Citizen of the Year, received the

NBISD Silver Unicorn Award and, as owner of Miller & Miller Insurance Agency, he and his wife Anne were honored by the Chamber of Commerce as Small Business of the Year. Doug has served as President of the Comal County Fair Association, Wurstfest Association, Comal County United Way, the NBISD Education Foundation, and the Chair of the Board of the Greater New Braunfels Chamber of Commerce. Doug is a Major in the Texas State Guard and was awarded the Outstanding Service Medal; he is a member of the Downtown Rotary Club, and a Baron in the Braunfels Foundation Trust, a member of Oakwood Baptist Church, current Chair of the Texas Legislative Conference, and Finance Chair of the 175th Anniversary Celebration of New Braunfels.

WHEREAS, Bette Spain was born in Harlingen, but lived in many places, including Bermuda, Pittsburg, Los Angeles, and Sembach Air Force Base in Germany. After high school she received her Bachelor of Science degree in Special Education, Elementary Education, and Physical Education. She taught Special Education in the Dallas Independent School District while earning her Masters of Science as an Educational Diagnostician. She married her husband Michael and they have one daughter, Cate. Bette began volunteering for the Any Baby Can organization and at Santa Rosa’s Children’s Hospital serving as a member and President of their Auxiliary Board. She volunteered in her daughter’s classroom and tutored in the Lone Star and Seele Elementary Schools. She organized and chartered the first National Junior Honor Society at New Braunfels Middle School and was recognized with a PTA Honorary Life Membership. She still volunteers weekly at her granddaughter’s school and hosts an annual gingerbread decorating party. She served three terms on the New Braunfels Independent School District School Board and held all officer positions including President during her tenure. Bette is a Master Trustee from the Texas Association of School Boards Leadership Program, she established the NBISD Education Foundation and served on its board, and she received the NBISD Silver Unicorn Award. Bette also volunteers with the Cross Cares program with Gruene United Methodist Church’s homeless project. She has volunteered as event chair of the Sophienburg Museum’s Weihnachtsmarkt Committee, chair of the Sophienburg Museum’s gift shop, and she delivers home cooked lunches to volunteers during Wurstfest and Weihnachtsmarkt. Bette served on the McKenna System Board and was a member of the McKenna Foundation Board for several years, and she received the New Braunfels Herald-Zeitung Unsung Hero Award. She graduated from the Chamber of Commerce’s Leadership Class and helped create the New Braunfels Youth Leadership Program.

WHEREAS, the Braunfels Foundation Trust will honor these Living Legends at their festive event at the New Braunfels McKenna Events Center on October 2, 2017.

NOW, THEREFORE, I, BARRON CASTEEL, by virtue of the authority vested in me as Mayor of the City of New Braunfels, do hereby proclaim Marian Benson, Doug Miller, and Bette Spain as

LIVING LEGENDS OF NEW BRAUNFELS

and urge all citizens to join the Braunfels Foundation Trust in honoring New Braunfels’ Living Legends.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 25th day of September, 2017.

CITY OF NEW BRAUNFELS

BY: _____
BARRON CASTEEL, Mayor



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/25/2017

Agenda Item No. A)

Presenter/Contact

Amy Niles, River Operations Manager
ANiles@nbtexas.org

SUBJECT:

2017 River Season Report.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/25/2017

Agenda Item No. B)

Presenter/Contact

*Kristi Aday, Assistant City Manager
(830) 221-4350 - kaday@nbtexas.org*

SUBJECT:

Presentation and possible action on new Recreation Center facility naming and branding.

9/25/2017

Agenda Item No. C)

Presenter

*Christopher Looney, Planning & Community Development Director
clooney@nbtexas.org*

SUBJECT:

Presentation on proposed amendments to the Code of Ordinances, Chapter 144, Zoning.

BACKGROUND / RATIONALE:

City Council directed staff to bring forward Code amendments as issues arise to improve processes or clarify confusing or frequently misinterpreted regulations.

Crematoriums

Crematoriums are not currently allowed by right in any of New Braunfels' zoning districts. An applicant recently sought a Special Use Permit (SUP) to construct a crematorium in conjunction with an existing funeral home in a C-3 Commercial District. At that time, it became apparent that the City needed to identify appropriate zoning districts for this use.

All funeral homes in Texas are annually inspected and licensed by the Texas Funeral Service Commission (TFSC). The Texas Commission on Environmental Quality (TCEQ) also regulates air quality for crematoriums. Additionally, the local Fire Marshal reviews for International Fire Code compliance.

Due to the potential impacts of this use, and in consideration of the State-level regulations, the proposal is to allow crematoriums in all industrial zoning districts: "M-1" Light Industrial District, "M-2" Heavy Industrial District, "M-1A" Light Industrial District, and "M-2A" Heavy Industrial District. Crematoriums accessory to a funeral home in a less intense zoning district would still require an SUP.

Special Events

Businesses, not-for-profits and other groups periodically hold events for a variety of reasons. These events sometimes include activities that may require adjustments to be compatible with surrounding uses. It recently came to the City's attention that New Braunfels has few if any procedures for allowing these types of activities. In order to appropriately accommodate them, staff is proposing a process to allow special events and ensure applicants address any impacts.

C-2 District

The C-2 General Business District is one of the pre-1987 zoning districts. In 1987, new zoning districts were created, but all existing zoning at the time remained in place, with the stipulation that these old districts were no longer available for new requests.

The C-2 District was intended to be the "Downtown" zoning district. Areas in the Downtown core,

along West San Antonio Street, and Gruene are the only properties zoned C-2. The C-2 District includes building envelope requirements, such as maximum heights, minimum lot widths and lot area based on the use.

Since downtowns often develop with higher densities, cities often adopt downtown zoning districts with zero setback requirements, different height limitations, etc. New Braunfels' C-2 District includes zero front and side setbacks for commercial uses, but includes a 20-foot rear setback. Rear yard areas can be useful for fire lanes, garbage collection, utility easements and other access. However, if such rear yard space is necessary, other codes (Fire, Solid Waste, etc.) require what is needed without an additional layer of a "zoning setback". Therefore, in order to alleviate unnecessary rules, additional plan review steps, as well as provide development flexibility, elimination of the 20-foot commercial rear setback in the C-2 District is proposed.

Off-site Parking

Pursuant to Council direction, staff has been developing an overall update to the City's parking requirements. In the mean time, some issues have surfaced that require more immediate attention. For example, earlier this year staff brought forward improvements to event center and nightclub parking. Another parking tool that would benefit from more immediate attention is off-site parking.

Presently, the Zoning Ordinance includes objective criteria for off-site parking. The code requires off-site parking requests to be considered by the Zoning Board of Adjustment. Generally, if requests include objective criteria, they are best approved administratively. Whereas, discretionary decisions should be taken to Boards or Commissions.

In the case of off-site parking, administrative approval would eliminate unnecessary additional time spent scheduling an item for the Zoning Board of Adjustment, thereby streamlining the process. If an applicant requests off-site parking, but does not meet the objective criteria, those could still be heard by the Zoning Board of Adjustment.

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

X	Yes	2006 Comprehensive Plan - Land Use and Zoning Element	Pros: Goal 6: Refine or add zoning requirements to be compatible with the community's overall intentions and the best interests of the community as a whole. Objective A: Review existing zoning ordinance and subdivision regulations and make appropriate and timely recommendations Goal 16: Update and streamline regulations to reduce regulatory complexity, to encourage both economic development and quality of life, and to control administrative and development costs. Cons: None
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FISCAL IMPACT:

None

COMMITTEE RECOMMENDATION:

N/A - Presentation

STAFF RECOMMENDATION:

N/A - Presentation

ATTACHMENTS:

Draft code amendment language

Proposed Changes to Chapter 144, Zoning

Section 1.3 Definitions

Cemetery means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbariums, ~~crematoriums~~, mausoleums, and funeral establishments, when operated in conjunction with and within the boundary of such cemetery.

Crematorium (also known as a crematory) means a facility used for the purification and reduction of bodies by fire.

Add "Crematorium" as an allowable use to the following districts:

- Section 3.3-11, "M-1" Light Industrial District;
- Section 3.3-12, "M-2" Heavy Industrial District;
- Section 3.4-18, "M-1A" Light Industrial District;
- Section 3.4-19, "M-2A" Heavy Industrial District;

Include in Section 4.2, Land Use Matrix, for the above districts.

Proposed Changes to Chapter 144, Zoning

Section 1.3 Definitions

Special Event means a festival, celebration, or gathering that involves the reservation and temporary use of a portion of a private property that includes one or more of the following: entertainment; dancing; music; dramatic productions; art or cultural exhibitions; the sale of merchandise, food, or beverages. The term does not pertain to buildings or properties that are available to the general public and/or that host events on a regular basis, such as: the Wurstfest grounds, the Comal County Fairgrounds, the New Braunfels Civic/Convention Center, Heritage Village, Conservation Plaza, school grounds, private event centers, home owners' association amenity centers/property, and any other similar facility or property.

Section 5.10, Temporary Uses:

5.10 Temporary Uses

(c) Special Events.

- (1) Purpose. Standards for controlling special events are set forth to minimize adverse affects to the public health, safety, or convenience; to ensure compatibility with nearby uses; to avoid creating traffic hazards or congestion; and to curtail any interruptions or interferences with the normal conduct of uses and activities in the vicinity; while providing opportunities for hosting limited events.
- (2) Criteria for Approval.
 - a. Location.
 - i. There can be no activity on vacant, unimproved property.
 - ii. All Special Event activities must occur on private property. No activity, parking, or signage may be located on public property or street right-of-way or within 25 feet of a street intersection, measured at the right-of-way line, as to create a visual distraction.
 - b. Hours of Operation. The hours of operation for the Special Event shall be between 8:00 a.m. and 9:00 p.m. This does not include set up or tear down.
 - c. Length of Special Event. The Special Event cannot exceed 25 days in a calendar year and cannot be held for more than 4 days consecutively. One permit can include multiple occurrences of the same event utilizing the same site plan within a one year period.
 - d. Parking. Required parking for the host business may not be occupied by Special Event activities during the host business's hours of operation.
 - e. Allowable Uses. The Special Event activities must be uses allowed in the applicable zoning district.

f. Music and Sound.

- i. The Special Event may not have music (amplified or otherwise) closer than 200 feet to a property zoned or used for single- or two-family residences. While the property hosting the Special Event and the event space itself can be within 200 feet of a property zoned or used for single- or two-family residences, any music (amplified or otherwise) must be separated by 200 feet.
- ii. All speakers or other sound amplification devices must be directed and oriented away from nearby residences (single-family, two-family and multifamily).
- iii. All noise/sound must comply with Chapter 82, Offenses and Miscellaneous Provisions, Sec. 82-9, Noise Regulations.

g. Lighting.

- i. All lighting must comply with the requirements in Chapter 144, Zoning.
- ii. All lighting must be directed away from nearby residences (single-family, two-family and multifamily) and away from public right-of-way.

h. Signage. All signage must comply with Chapter 106, Signs.

i. Structures. No permanent structures may be erected as part of the Special Event. The Special Event must comply with all City ordinances.

j. Restrooms.

- i. The Special Event organizer must provide a minimum number of restrooms per number of attendees. Restrooms in the host business can count towards this requirement. The below chart shall serve to determine the minimum number of restrooms:

<u>Number of Attendees</u>	<u>50</u>	<u>100</u>	<u>250</u>	<u>500</u>	<u>1000</u>	<u>2000</u>	<u>3000</u>	<u>4000</u>	<u>5000</u>	<u>6000</u>	<u>7000</u>	<u>8000</u>	<u>10000</u>
<u>Number of Restrooms</u>	<u>2</u>	<u>4</u>	<u>8</u>	<u>10</u>	<u>12</u>	<u>20</u>	<u>30</u>	<u>38</u>	<u>48</u>	<u>60</u>	<u>66</u>	<u>78</u>	<u>100</u>

- ii. Portable restrooms may not be located within 200 feet of any residential (single-family, two-family or multifamily) property.

k. Refuse. A sufficient quantity of garbage receptacles shall be provided and maintained so that permitted sites are kept clean of all debris, trash, and litter at all times.

(3) The application must provide the following:

- a. The application must be submitted no less than 15 business days prior to the proposed Special Event.
- b. Name, address and appropriate contact information for the Special Event.
- c. List of contacts and phone numbers during the Special Event.

- d. Anticipated/estimated attendance.
 - e. A detailed diagram/site plan of the property. This should include all buildings, tents, temporary structures, speakers and amplifiers, restrooms, barricades, fences, and parking spaces. Neighboring uses should be documented on the diagram/site plan. Distances and dimensions are required.
 - f. A detailed parking and traffic control plan.
 - g. A detailed description of the Special Event/activity to occur (this should include any programs/schedules/agendas/promotional material).
 - h. A description of any goods/food to be sold/vended.
 - i. Any other additional information required by the Planning and Community Development Department in order to facilitate analysis of the Special Event.
 - j. All relevant permits must be obtained from the Police Department, Fire Department, Environmental Services Division, Building Division, Engineering Division and Solid Waste Division.
 - k. Applicable fee. See Article VII - Fees.
- (4) Consideration of Application. The Planning and Community Development Department shall approve or deny any completed application based on the above criteria and any additional information deemed necessary for a thorough review. Any application that is missing information will be considered incomplete and will not be processed. If approved, a permit containing the relevant Special Event information will be issued.

Section 5.23-18, Special Events

~~5.23-18 Special Events. Special events may operate for a maximum of 10 days, at which time the Temporary Vending Operations must be removed. The event may recur a maximum of once per month. All temporary facilities (booths, utilities) must be removed between events. A minimum of 10 vendors must be present to be considered a special event. Portable restrooms are permitted with special events. No additional parking is required. For the purposes of this section, Special events do not include the following:~~

- ~~(a) Those events occurring on premises designed for events, such as Wurstfest or the Comal County Fair and Rodeo~~
- ~~(b) Those events held at facilities designed for public assembly, such as the Civic/Convention Center~~

Section 7.1, Fee Schedule

Special Event Permit - \$150

Proposed Changes to Chapter 144, Zoning

Sec. 144-3.3. - Zoning districts and regulations for property zoned prior to June 22, 1987.

3.3-8. "C-2" *general business district*. The following regulations shall apply in all "C-2" districts:

(b) *Maximum height, minimum area and setback requirements.*

(1) *Non-residential uses.*

(i) *Height.* 75 feet.

(ii) *Front building setback.* No building setback required.

(iii) *Width of lot.* 60 feet. Where a lot has less width than required and such lot was in separate ownership prior to February 4, 1984, this requirement will not prohibit the construction of a use enumerated in this district.

(iv) *Corner lots.* No setback from a street is required.

(v) *Side building setback.* No side building setback is required except that where a side lot line of a lot in this district abuts upon the side line of a lot in a "R" or "B-1" zone, a side building setback of not less than six feet shall be provided.

(vi) *Rear building setback.* ~~20 feet~~ No building setback is required.

(vii) *Residential setback.* Effective November 8, 2006, where a non-residential building abuts a one- or two-family use or zoning district, the setback from the one- or two-family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.

(viii) *Lot depth.* 100 feet.

(ix) *Parking.* See section 144-5.1 for other permitted uses' parking.

Proposed Changes to Chapter 144, Zoning

Sec. 144-2.2. - Zoning board of adjustment (ZBA).

2.2-4. *Special exceptions.*

- ~~(b) Off-site parking. The ZBA may grant a special exception to requiring that all required parking must be on the same lot or parcel as the structures they are intended to serve if it finds all of the following:~~
- ~~(1) The applicant has submitted an access plan which shows that the off-site parking spaces area is reasonably and safely accessible by the public by foot;~~
 - ~~(2) The nearest edge of the first parking space of the off-site parking area is no further than 400 feet from the lot or parcel of the premise using the off-site parking;~~
 - ~~(3) The off-site parking spaces are not shared with any other off premise use and are not required parking for any other premise;~~
 - ~~(4) The off-site parking spaces shall be paved and striped to city code prior to a certificate of occupancy being granted to the premise using the off-site parking, unless a variance is granted by the ZBA;~~
 - ~~(5) An off-site parking agreement between the off-site parking property owner and the property owner of the premise using the off-site parking, on a form approved by the city attorney, is approved by the board. The term of the agreement shall be no less than ten years. The agreement shall bind future owners or assigns. The agreement shall state that, if for any reason the agreement is not followed, the owner of the premise using the off-site parking shall acknowledge that the premise is in violation of this chapter and that the certificate of occupancy may be voided by the city. The agreement shall state that it cannot be done away with unless by written agreement from the city, is replaced with on-site parking to code, or is replaced with another off-site parking agreement.
— If the ZBA approves the off-site parking agreement, the city shall cause such agreement to be recorded in the appropriate county deed records.
— If any of the above conditions or other conditions of the special exception approved by the ZBA are not followed, the special exception shall become void; and~~
 - ~~(6) Directional signage shall be provided as follows:~~
 - ~~(a) At the entrance to the off-site parking. There shall be no more than one such directional sign, it shall be no larger than four square feet per face, and state parking for the establishment using the off-site parking.~~
 - ~~(b) In the on-site parking area of the establishment using the off-site parking, stating and/or showing where the off-site parking is located. There shall be no more than one such sign that shall be no larger than four square feet per face.~~

5.1. *Parking, Loading, Stacking and Vehicular Circulation.*

5.1-1. *General provisions:*

- (c) *Location.* The off-street parking facilities required for the uses mentioned in this regulation and for other similar uses shall be on the same lot or parcel of land as the structures they are intended to serve, unless ~~a special exception is granted by the Zoning Board of Adjustment (ZBA)~~ an off-site parking application is approved, in accordance with this Chapter.

- (g) *Shared parking.*

- (3) Shared parking must be on the same parking lot, unless ~~a special exception to on-site parking is granted~~ an off-site parking application is approved.

- (i) Off-site parking. As a means of satisfying off-street parking requirements, off-site parking shall be permitted with the approval of an application for off-site parking. Off-site parking is subject to the following:

- (1) The applicant has submitted an application for off-site parking that includes an access plan demonstrating that access to the off-site parking is reasonably and safely accessible by the public by foot;
- (2) The nearest edge of the closest parking space of the off-site parking is no further than 800 feet from the lot or parcel of the premise using the off-site parking (subject property);
- (3) The maximum number of required parking spaces that may be permitted off-site shall be forty (40) percent of the total required spaces of all uses of the subject property.
- (4) The off-site parking spaces are not shared with any other off-premise use and are not required parking for any other premise, unless a variance is approved by the Zoning Board of Adjustment in accordance with this chapter;
- (5) The off-site parking spaces shall be paved and striped to city code prior to a certificate of occupancy being granted to the premise using the off-site parking;
- (6) An off-site parking agreement between the off-site parking area property owner and the property owner of the subject property on a form approved by the City Attorney. The term of the agreement shall be no less than 10 years. The agreement shall bind future owners or assigns. The agreement shall state that, if for any reason the agreement is not followed, the owner of the subject property shall acknowledge that the property is in violation of this chapter and that the certificate of occupancy may be voided by the city. The agreement shall state that it cannot be cancelled unless by written agreement from the city, is replaced with on-site parking in accordance with code, or is replaced with another off-site parking agreement, and;

(7) Directional signage shall be provided as follows:

(a) At the entrance to the off-site parking. There shall be no more than one such directional sign, it shall be no larger than four square feet per face, and state parking is allowed for the establishment using the off-site parking.

(b) In the on-site parking area of the subject property, stating and/or showing where the off-site parking is located. There shall be no more than one such sign that shall be no larger than four square feet per face.

(8) Consideration of Application. The Planning and Community Development Department shall approve or deny any completed application based on the above criteria and any additional information deemed necessary for a thorough review. Any application that is missing information will be considered incomplete and will not be processed. If approved, the off-site parking agreement shall be recorded in the appropriate county deed records and a copy shall be provided to the Planning and Community Development Department. If denied, the applicant may appeal to the Zoning Board of Adjustment in accordance with this chapter.

~~(i)~~ Valet parking.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/25/2017

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the minutes of the special City Council meeting of September 5, 2017, and the regular City Council meeting of September 11, 2017.

**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF TUESDAY, SEPTEMBER 5, 2017**

The City Council of the City of New Braunfels, Texas, convened in a special session in City Hall Council Chambers on September 5, 2017, at 6:00 p.m.

City Councilmembers present were:

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

City Staff present were: City Manager Robert Camareno, City Attorney Valeria Acevedo, Assistant City Manager Kristi Aday, City Secretary Patrick Aten, and Finance Director Martie Simpson.

The meeting was called to order by Mayor Casteel at 6:01 p.m. in City Hall Council Chambers. Councilmember Garcia gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

1. WORKSHOP

- A) Second public hearing on the FY 2017-18 Operating Budget and Plan of Municipal Services.

Mayor Casteel read the aforementioned caption. Robert Camareno presented the item. No one spoke during the public hearing. No action was taken.

- B) Second public hearing on the proposed tax rate for the City of New Braunfels for the 2017 tax year and announce the meeting date and time of adoption.

Mayor Casteel read the aforementioned caption. Robert Camareno presented the item. No one spoke during the public hearing.

Mayor Casteel announced that the FY 2017-18 Proposed Budget along with the 2017 tax rate will be adopted on September 11, 2017, at a meeting beginning at 6:00 p.m. in Council Chambers located at 550 Landa Street, New Braunfels, Texas.

No action was taken.

- C) Discuss and consider approval of the first reading of an ordinance of the City of New Braunfels adopting the FY 2017-18 Operating Budget and Plan of Municipal Services.

Mayor Casteel read the aforementioned caption. Robert Camareno presented the item.

Mayor Pro Tem Peters moved to approve the item. Councilmember Garcia seconded the motion which passed unanimously via roll call vote.

- D) Discuss and consider approval of the first reading of an ordinance of the City of New Braunfels adopting the 2017 ad valorem tax rates.

Mayor Casteel read the aforementioned caption. Robert Camareno presented the item.

Councilmember Garcia moved to approve the item. Councilmember Monceballez seconded the motion which passed unanimously via roll call vote.

- E) Discuss and consider approval of the first reading of an ordinance authorizing the number of positions in each classification in the New Braunfels Fire Department and New Braunfels Police Department pursuant to Local Government Code Chapter 143 as part of the annual budget process.

No action was taken on this item.

The special meeting adjourned at 6:18 p.m.

Date Approved: September 25, 2017

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, SEPTEMBER 11, 2017**

The City Council of the City of New Braunfels, Texas, convened in Regular Session on September 11, 2017, at 6:00 p.m.

City Councilmembers present were:

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

City Staff present were: City Manager Robert Camareno, City Attorney Valeria Acevedo, Assistant City Manager Kristi Aday, Assistant City Manager Bryan Woods, City Secretary Patrick Aten, City Engineer Garry Ford, Finance Director Martie Simpson, Economic Development Manager Jeff Jewell, Human Resources Director Jared Werner, and River Operations Manager Amy Niles

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:08 p.m. Mayor Casteel gave the invocation and led the Pledge of Allegiance and the Salute to the Texas Flag.

PROCLAMATIONS:

Mayor Casteel proclaimed September as National Preparedness Month in New Braunfels.

PRESENTATIONS:

- A) Update on the New Braunfels Industrial Development Corporation's strategic priorities.

Mayor Casteel read the aforementioned caption.

Jeff Jewell presented the item.

Robert Camareno recognized Jeff Jewell for his years of service to the city. Michael Meek, Neal Linnartz, and Brian Cox also spoke in praise of Jeff Jewell.

1. MINUTES

- A) Discuss and consider approval of the minutes of the special City Council meetings of August 21, 22, and 24, and the regular City Council meeting of August 28, 2017.

Mayor Casteel read the aforementioned caption.

Councilmember Garcia moved to approve the item. Councilmember Green seconded the motion which passed unanimously.

2. CITIZENS' COMMUNICATIONS

No one spoke during Citizens' Communications.

3. CONSENT AGENDA

- A) Approval of the appointment of one individual to the Building Standards Commission for a term ending October 26, 2019.
- B) Approval of acquisition funds for purchasing right of way from Veramendi Partners, L.P., Parcel 91 on the Solms/Morningside/Reuckle Road Improvements Project.
- C) Approval of the City of New Braunfels FY 2016-17 third quarter investment report.
- D) Approval of a resolution recommended by the New Braunfels Industrial Development Corporation to provide up to \$114,661 to the Center for Entrepreneurship for operation of the Small Business Development Center in 2017-2018.
- E) Approval to authorize the City Manager to execute a Utility Cooperative Agreement with Green Valley Special Utility District (GVSUD) for the reimbursement water utility relocation costs necessitated by the Klein Road Reconstruction Project.
- F) Approval to authorize the City Manager to execute a Utility Cooperative Agreement with Guadalupe Valley Electric Cooperative (GVEC) for the reimbursement of utility relocation costs necessitated by the Klein Road Reconstruction Project.
- G) Approval of acquisition funds for purchasing Right of Way from Parcels 1, 2A, 2B, 35, 90 and 110 on the Solms/Morningside/Reuckle Road Improvements Project.

- H) Approval of the issuances of invitations for competitive sealed proposals on the Post Road, Klein Road, Solms Road/Morningside Drive, and Rueckle Road Projects since the City Council finds that this delivery method will provide the best value to the City.
- I) Approval of a resolution for the realignment of Watson Lane West, identified as a minor arterial in the City of New Braunfels Regional Transportation Plan, between FM 1102 and IH 35.
- J) Approval of the submission of the Humanities Texas Major Grants Community Project to Humanities Texas in the amount of \$10,000 to fund the New Braunfels Cemetery Adelsverein Unmarked Graves Memorial Project and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.
- K) Approval of a contract with e-merge EMS to support the City's Emergency Medical Services Program with medical direction and pre-hospital provider services.
- L) Approval of the first reading of an ordinance amending Chapter 126-104 of the Code of Ordinances to conform to House Bill 62 adopted by the Texas Legislature in the 85th regular session that allows an operator of a motor vehicle to read, write, or send an electronic message on a wireless communication device while stopped, and provides affirmative defenses to prosecution.
- M) Approval of the first reading of an ordinance amending Section 114-92 of the City of New Braunfels Code of Ordinances to provide requirements for access near public highway-rail grade crossings.
- N) Approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking on Golf Course Road.
- O) Approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking on both sides of Loop 337 from State Highway 46 to 1,320 feet east of the intersection with Oakwood Boulevard.
- P) Approval of the second and final reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 118, Platting, Article IV, Design Standards, Section 118-46 Streets.

- Q) Approval of the second and final reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 118, Platting, Article III, General Platting Procedures.
- R) Approval of the second and final reading of an ordinance regarding a proposed amendment to Section 2.2 of Ordinance No. 2016-77, a Type 1 Special Use Permit allowing a commercial tuber entrance and takeout in the "C-4" Resort Commercial District, being 0.2289 acres addressed at 444 East San Antonio Street, to allow the business a postponement of the requirement to comply with the Americans with Disabilities Act for its public/commercial river access point, until December 31, 2018, or until postponement is revoked by the Texas Department of Licensing and Regulation based on a formal complaint being filed, whichever occurs first.

Mayor Casteel read the aforementioned captions.

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

4. INDIVIDUAL ITEMS FOR CONSIDERATION

A motion was made by Mayor Pro Tem Peters to move agenda item 4F ahead on the agenda. Councilmember Monceballez seconded the motion, which passed unanimously.

- F) Discuss and consider approval of the installation of speed humps on Gruene Road between Glenbrook Drive and Post Road.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Kevin Robles and Martin Robles spoke in favor of the item.

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

In Favor:

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

Opposed:

Councilmember Reaves

- A) Discuss and consider approval of the second and final reading of an ordinance of the City of New Braunfels adopting the FY 2017-18 Operating Budget and Plan of Municipal Services.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Mayor Pro Tem Peters moved to adopt the FY 2017-18 Operating Budget and Plan of Municipal Services including the Budget Order and attachments included in that order. Councilmember Garcia seconded the motion which passed unanimously via roll call vote.

- B) Discuss and consider approval of a resolution of the City of New Braunfels ratifying the increase in revenue generated by the 2017 property tax rate included in the FY 2017-18 Annual Budget.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Councilmember Garcia moved to ratify the property tax revenue increase reflected in the FY 2017-18 Operating Budget and Plan of Municipal Services. Councilmember Meadows seconded the motion which passed unanimously via roll call vote.

- C) Discuss and consider approval of the second and final reading of an ordinance of the City of New Braunfels adopting the 2017 ad valorem tax rates.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Councilmember Garcia moved that the property tax rate for 2017 be reduced by the adoption of a total ad valorem property tax rate of \$.48822 which is effectively a 6.47 percent increase in the tax rate, with \$.19985 for debt service and \$.28837 for operations and maintenance. Mayor Pro Tem Peters seconded the motion which

passed unanimously via roll call vote.

- D) Discuss and consider approval of the first reading of an ordinance authorizing the number of positions in each classification in the New Braunfels Fire Department and New Braunfels Police Department pursuant to Local Government Code Chapter 143 as part of the annual budget process.

Mayor Casteel read the aforementioned caption.

Jared Werner presented the item.

Mayor Pro Tem Peters moved to approve the item. Councilmember Monceballez seconded the motion which passed unanimously.

- E) Discuss and consider providing direction to the City Manager on a plan to implement rules related to the disposable container and cooler size ordinance.

Mayor Casteel read the aforementioned caption.

Kristi Aday, Amy Niles, and Judy Young presented the item.

City Council directed staff to implement rules related to the disposable container and cooler size ordinance by November 1, 2017.

- G) Discuss and consider approval of the first reading of an ordinance amending portions of the Code of Ordinances, Section 126-354 Parking by Permit Only, regarding the administration of parking permits.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Meadows moved to approve the item with the addition of an appeal to the City Secretary for additional temporary permits. Mayor Pro Tem Peters seconded the motion which passed as follows:

In Favor:

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

Opposed:

Councilmember Green

<City Council took a break.>

- H) Discuss and consider possible action on the creation of a Bond Advisory Committee.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

No action was taken, however the item will be further discussed during the September 25 City Council meeting.

- I) Discuss and consider approval of a resolution authorizing the use of Eminent Domain Proceedings under Chapter 251 of the Texas Local Government Code and Section 2.03 of the City of New Braunfels Municipal Charter, on the following parcels as part of the Solms/Morningside/Rueckle Road Reconstruction Project:
- Parcel 7 described as 0.007 acres and 0.061 acres along with 10,044 Sq. Ft. of Temporary Construction Easement, being a portion of Lot 1A, Block 1, The Meadows of Morningside, Unit One, as recorded in Volume 14, Page 88 of the Map and Plat Records of Comal County, Texas owned by Morningside (New Braunfels) Homeowner's Association, Inc., a Texas not-for-profit corporation.
- Parcel 8 described as 0.007 acres and 1,892 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 2, The Meadows of Morningside, Unit One, as recorded in Volume 14, Page 88 and 0.010 acres and 2,934 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 2, The Meadows of Morningside, Unit Two, as recorded in Volume 14, Page 117 of the Map and Plat Records of Comal County, Texas owned by Morningside (New Braunfels) Homeowner's Association, Inc., a Texas not-for-profit corporation.
- Parcel 13 described as 0.007 acres and 823 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 12, The

Meadows of Morningside, Unit Five, as recorded in Volume 14, Page 130 of the Map and Plat Records of Comal County, Texas owned by Morningside (New Braunfels) Homeowner's Association, Inc., a Texas not-for-profit corporation.

Parcel 24 described as 0.007 acres and 353 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 15, The Meadows of Morningside, Unit Five, as recorded in Volume 14, Page 130 of the Map and Plat Records of Comal County, Texas owned by Morningside (New Braunfels) Homeowner's Association, Inc., a Texas not-for-profit corporation.

Parcel 25 described as 0.050 acres, being a portion of Lot 1A, Block 15, The Meadows of Morningside, Unit Six, as recorded in Volume 14, Page 206 of the Map and Plat Records of Comal County, Texas owned by Morningside (New Braunfels) Homeowner's Association, Inc., a Texas not-for-profit corporation.

Parcel 41 described as 0.025 acres, being a portion of Lot 915, Block 3, Highland Grove, Unit One, as recorded in Document Number 201306002020 of the Map and Plat Records of Comal County, Texas owned by Highland Grove Homeowners Association, Inc.

Mayor Casteel read the aforementioned caption.

Matt Eckmann presented the item.

Councilmember Monceballez moved that the City of New Braunfels approve the resolution authorizing the use of the power of eminent domain to acquire:

- Parcel 7 described as 0.007 acres and 0.061 acres along with 10,044 Sq. Ft. of Temporary Construction Easement, being a portion of Lot 1A, Block 1, The Meadows of Morningside, Unit One, as recorded in Volume 14, Page 88 of the Map and Plat Records of Comal County, Texas.**
- Parcel 8 described as 0.007 acres and 1,892 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 2, The Meadows of Morningside, Unit One, as recorded in Volume 14, Page 88 and 0.010 acres and 2,934 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 2, The Meadows of Morningside, Unit Two, as recorded in Volume 14, Page 117 of the Map and Plat Records of Comal County, Texas.**
- Parcel 13 described as 0.007 acres and 823 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 12, The Meadows of Morningside, Unit Five, as recorded in Volume 14, Page**

130 of the Map and Plat Records of Comal County, Texas.

- Parcel 24 described as 0.007 acres and 353 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 15, The Meadows of Morningside, Unit Five, as recorded in Volume 14, Page 130 of the Map and Plat Records of Comal County, Texas.

- Parcel 25 described as 0.050 acres, being a portion of Lot 1A, Block 15, The Meadows of Morningside, Unit Six, as recorded in Volume 14, Page 206 of the Map and Plat Records of Comal County, Texas. And all 5 parcels being owned by Morningside (New Braunfels) Homeowners Association, Inc. a Texas not-for-profit corporation.

To be acquired for the public uses of improving pedestrian safety and ADA accessibility by providing sidewalks on both side of the road; providing connectivity to multiple residential and commercial areas; and building road improvements to alleviate traffic congestion, as part of the Solms/Morningside/Rueckle Road Reconstruction Project.

The motion was seconded by Mayor Pro Tem Peters which passed via roll call vote:

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

Opposed: Councilmember Green

Councilmember Meadows moved that the City of New Braunfels approve the resolution authorizing the use of the power of eminent domain to acquire:

- Parcel 41 described as 0.025 acres, being a portion of Lot 915, Block 3, Highland Grove, Unit One, as recorded in Document Number 201306002020 of the Map and Plat Records of Comal County, Texas owned by Highland Grove Homeowners Association, Inc.

To be acquired for the public uses of improving pedestrian safety and ADA accessibility by providing sidewalks on both side of the road; providing connectivity to multiple residential and commercial areas; and building road improvements to alleviate traffic congestion, as part of the Solms/Morningside/Rueckle Road Reconstruction Project.

The motion was seconded by Councilmember Reaves which passed via roll call vote:

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

Opposed: Councilmember Green

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
 - public right-of-way
- B) Deliberate the appointment, evaluation, duties, or removal of the Municipal Court Judge in accordance with Section 551.074 of the Texas Government Code.

Mayor Casteel read the aforementioned captions.

City Council recessed into Executive Session from 8:59 p.m. - 9:54 p.m.

No vote or action was taken.

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

City Council reconvened into Open Session at 9:54 p.m.

Mayor Pro Tem Peters moved extend the Municipal Court Judge's contract and increase her salary to \$98,940 effective October 1, 2017. The motion was seconded by Councilmember Garcia which passed unanimously.

The meeting adjourned at 9:56 p.m.

Date Approved: September 25, 2017

Baron Casteel, Mayor

Attest:

Patrick Aten, City Secretary

9/25/2017

Agenda Item No. A)

Presenter/Contact

Robert Lee, Airport Director
(830) 221-4295 - RLee@nbtexas.org

SUBJECT:

Approval of the grant contract for the Routine Airport Maintenance Program through the Texas Department of Transportation in the amount of up to \$50,000 for eligible maintenance expenses and authorizing the City Manager to accept funds and to execute all contract documents associated with grant.

BACKGROUND / RATIONALE:

The City Council's strategic priorities include using a variety of funding sources for operational and capital needs.

The Texas Department of Transportation (TxDOT) administers the Routine Airport Maintenance Program (RAMP), which matches local government grants up to \$50,000 for maintenance expenditures incurred for parking lots, fencing, and other airside and landside needs.

The Routine Airport Maintenance Program (RAMP) through TxDOT will reimburse the City up to fifty percent of the eligible project costs for this project or \$50,000.00, whichever is less, per fiscal year and subject to availability of state appropriations.

In accordance with the contract, all work must be accomplished by August 31, 2018.

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

X	Yes	City Plan/Council Priority:	Strategic Priorities: Infrastructure Objective 1a - Use a variety of funding sources for operational and capital needs.
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FISCAL IMPACT:

There is a fifty percent match requirement under this grant program for up to \$100,000 in routine airport maintenance expenses. The match requirement of up to \$50,000 will be absorbed into the Airport budget for FY17-18.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the grant contract for the Routine Airport Maintenance Program through the Texas Department of Transportation in the amount of up to \$50,000 for eligible

maintenance expenses and authorizing the City Manager to accept funds and to execute all contract documents associated with grant.

9/25/2017

Agenda Item No. B)

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

SUBJECT:

Approval of an annual contract with Life Account, LLC d/b/a Compass Professional Health Services for healthcare consulting services for City employees.

BACKGROUND / RATIONALE:

The City of New Braunfels currently offers medical, dental, and vision insurance to its employees. At the request of the City's Human Resources department, the City's benefits consultant, Holmes Murphy & Associates, Inc., gathered quotes from 5 companies to provide healthcare consulting services for the City's employees.

After review by the City's Human Resources department and the City's consultant, the highest-ranked company is Life Account, LLC d/b/a Compass Professional Health Services (hereafter "Compass") based upon a broad range of services offered and competitive pricing.

City employees may request services from Compass that include, but are not limited to, assistance in understanding their selected health benefits, securing and coordinating cost-effective care, reviewing medical bills, and scheduling medical appointments. The services offered by Compass assist employees in making informed decisions and become better consumers of health care as well as ease the standard administrative burden associated with healthcare.

The City is seeking to enter into a three-year contract with Compass for a base contract term of October 1, 2017 through September 30, 2020. Additionally, the contract will allow for automatic 1-year renewals with mutual consent between the City and the contractor.

The cost of the services is \$5.00, per Beneficiary per month. Therefore, the total anticipated cost for FY 2017-18, is approximately \$32,100. A conservative projection for the return on investment is 200 percent in the first year. Therefore, the new service is projected to save at least \$65,000 in claim expenditures throughout FY 2017-18.

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

<input checked="" type="checkbox"/>	Yes	Strategic Priorities:	9. Maintain fiscal stability of City operations
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FISCAL IMPACT:

Funding for the contract described above has been incorporated into the adopted FY 2017-18 Self Insurance Fund budget. Therefore, sufficient funds are available for the referenced annual contract.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the approval of an annual contract with Life Account, LLC d/b/a Compass Professional Health Services for healthcare consulting services for City employees.

9/25/2017

Agenda Item No. C)

Presenter/Contact

Jennifer Gates, Buyer

(830) 221-4383 - JGates@nbtexas.org

SUBJECT:

Approval of the renewal of an annual contract with Aetna Life Insurance Company for the provision of administrative services for the City's medical insurance.

BACKGROUND / RATIONALE:

A Request for Proposals (RFP) was released June 14, 2013 to obtain an administrator to process, review, and pay claims on behalf of the City's self-funded medical, prescription, dental, and vision employee benefit plans. In addition, it was the City's intent to utilize the carrier's network and associated discounts. Effective September 2017, the City no longer utilizes Aetna for dental and vision administrative services as those products have been removed from the plan and established as stand alone, voluntary products.

The City entered into an annual contract for these services with Aetna Life Insurance Company on August 12, 2013.

This contract has an option to renew, in one year increments, for a combined total of five years. The City is exercising the final year renewal option which will expire September 30, 2018.

The awarded contractor has agreed to renew the contract for a cost of \$36.76 per employee, per month. This amount fluctuates monthly throughout the year as attrition and new hires occur. Therefore the annual cost will range between \$230,000 and \$260,000 in FY 2017-18.

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

<input checked="" type="checkbox"/>	Yes	Strategic Priorities:	9. Maintain fiscal stability of City operations
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FISCAL IMPACT:

Funding for the contract described above has been incorporated into the adopted FY 2017-18 Self Insurance Fund budget. Therefore, sufficient funds are available for the referenced annual contract.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the renewal of an annual contract with Aetna Life Insurance Company for the provision of administrative services for the City's medical insurance.

9/25/2017

Agenda Item No. D)

Presenter/Contact

Martie Simpson, Finance Director
(830) 221-4385 - msimpson@nbtexas.org

SUBJECT:

Approval of a resolution adopting the investment policy for the City of New Braunfels including the broker/dealer list

BACKGROUND / RATIONALE:

This agenda item requests approval of the City's current investment policy and broker/dealer list. State of Texas statutes require cities to have investment policies and to review and approve those policies annually. Attached for City Council consideration is the Investment Policy to meet these statutory requirements. The City last amended its policy in June, 2016. The current policy meets all the statutory requirements for a city's policy.

City Council approved a contract with First Southwest Asset Management for investment advisory services on March 28, 2016. First Southwest has reviewed the City's current investment policy and has updated the policy as follows:

1. Added a diversification limit for Commercial Paper.
2. Updated the Broker/Dealer list

A copy of the redlined policy is attached for your review.

Also included in the policy is the list of the broker/dealers that the City is authorized to use for investments. City Council must adopt this list as part of the statutory requirements. The list has been updated to include Texas TERM Local Government Investment Pool.

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority	Strategic Priorities: 8-Maintain fiscal stability of City Operations
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FISCAL IMPACT:

None

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the resolution adopting the attached Investment Policy for the City of New Braunfels and the current broker/dealer list.



INVESTMENT POLICY

1.0 POLICY

It is the policy of the City of New Braunfels to invest public funds in a manner which will provide the highest reasonable investment return with the maximum security while meeting the daily cash flow demands of the City and conforming to all state and local statutes governing the investment of public funds. The Policy complies with and incorporates the Public Funds Investment Act, (the “Act”), Chapter 2256, Texas Government Code and the Public Funds Collateral Act, Chapter 2257, Texas Government Code.

2.0 SCOPE

This Investment Policy applies to all financial assets of the City of New Braunfels. These funds are accounted for in the City’s Comprehensive Annual Financial Report and include:

Funds

- General Fund
- Special Revenue Funds
- Debt Service Funds
- Capital Project Funds
- Enterprise Funds
- Trust and Agency Funds
- Internal Service Funds

Any new funds created by the City will be incorporated under this Policy unless specifically exempted by Council action.

3.0 PRUDENCE

The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. The standard states:

Investments shall be made with judgment and care – under circumstances then prevailing – which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal liability for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

In determining whether the investment officers have exercised prudence with respect to an investment decision, the determination shall be made taking into consideration the investment of all funds over which the officer had responsibility rather than a consideration as to the prudence of a single investment, and whether the investment decision was consistent with the written investment policy.

4.0 OBJECTIVES

The primary objectives, in priority order, of the City of New Braunfels' investment activities shall be:

4.1 Safety

Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio. The City shall seek to control the risk of loss due to the failure of a security issuer or guarantor by investing in high credit quality securities, by qualifying and monitoring financial counter-parties, through adequate collateralization, through diversification, and by establishing maximum maturities and weighted average maturities.

4.2 Liquidity

The City of New Braunfels' investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated.

4.3 Diversification

Whenever practical, assets held in the portfolio(s) shall be diversified to minimize the risk of loss resulting from the concentration of assets in a specific maturity, a specific issuer, or a specific market sector.

4.4 Return on Investments

The City of New Braunfels' investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio.

5.0 INVESTMENT STRATEGY

The City maintains one commingled portfolio for investment purposes which incorporates the specific investment strategy considerations and the unique characteristics of the fund groups represented in the portfolio:

- A. The investment strategy for operating, enterprise and special revenue funds has as its primary objective assurance that anticipated liabilities are matched and adequate investment liquidity provided. The secondary objective is to create a portfolio structure which will experience minimal volatility. This may be accomplished by purchasing high quality, short- to medium-term maturity securities which will complement each other in a laddered maturity structure permitting some extension for yield enhancement.
- B. The investment strategy for debt service funds shall have as its primary objective the assurance of available funds adequate to fund the debt service obligations on a timely basis. Successive debt service dates will be fully funded before extension.
- C. The investment strategy for debt service reserve funds shall have as its primary objective the ability to generate a revenue stream to the debt service funds from high quality securities with a low degree of volatility. Securities should be high credit quality and, except as may be required by the bond ordinance specific to an individual issue, be limited to short to intermediate-term maturities.
- D. The investment strategy for capital projects or capital project funds will have as its primary objective assurance that anticipated cash flows are match funded and that adequate liquidity is provided for unanticipated draws. The stated final maturity dates of securities held may not exceed the estimated project completion date.

The City shall pursue an active versus a passive portfolio management strategy. That is, securities may be sold before they mature if market conditions present an opportunity for the City to benefit from the trade.

6.0 DELEGATION OF AUTHORITY AND RESPONSIBILITIES

Management responsibility for the investment program has been delegated by City Council primarily to the City Manager, the Chief Financial Officer, and the Assistant Finance Director, who are designated by resolution as investment officers.

The Investment Officers shall establish written procedures for the operation of the investment program consistent with this Investment Policy. Procedures should include safekeeping controls, documentation, internal controls, repurchase agreements, wire transfers, banking service contracts and collateral/depository agreements. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Chief Financial Officer. The Chief Financial Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

Each Investment Officer shall attend 10 hours of training in the responsibilities of the position within 12 months of assuming those duties. In addition, Investment Officers shall attend an investment training session not less than once in a two-year period that begins on the first day of the fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than eight hours of instruction relating to investment responsibilities from an independent source approved by the City.

The City may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control. A contract may not be for a term longer than two years. A renewal or extension of the contract must be made by the City Council by order, ordinance, or resolution.

7.0 ETHICS AND CONFLICT OF INTEREST

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the City Manager any material financial interests in financial institutions that conduct business within their jurisdiction, and they shall further disclose any personal financial/investment relationships that could impact the performance of the City of New Braunfels' investment portfolio. If an Investment Officer has a personal relationship as defined in the Act with a business organization engaging in investment transactions with the City, the Investment Officer must disclose the relationship and file a disclosure with the City Secretary and the Texas Ethics Commission.

8.0 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

The Investment Officer(s) or adviser will maintain a list of authorized broker/dealers, financial institutions, money market mutual funds and local government investment pools offering to engage in an investment transaction with the City. An annual review of the services provided, financial condition and registrations of these firms will be conducted by the Chief Financial Officer and a list of firms submitted to Council for approval at least once a year. [2256.005]

Broker/dealers may include "primary" dealers as defined by the New York Federal Reserve or regional dealers. Financial institutions shall be qualified public depositories as designated by state law.

All firms desiring to transact investment transactions with the City must complete the City's internal questionnaire and execute a Policy Certification (Appendix A) before any transaction. A current audited financial statement is required to be on file for each firm. Should the City contract with an external investment advisor to execute the City's investment strategy, including the negotiation and execution of investment transactions, the advisor shall be responsible for conducting appropriate due diligence and providing a list of its approved broker/dealers not less than annually. In addition, a managing officer of the investment advisory firm shall sign the City's written certification, which shall be included as part of the investment advisory contract.

9.0 AUTHORIZED INVESTMENTS

Authorized investments shall be limited to the following, as further defined by the Act:

- 9.1** Obligations of the United States or its agencies and instrumentalities excluding mortgage backed securities;
- 9.2** Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities;
- 9.3** Fully insured or collateralized certificates of deposit issued by banks doing business in Texas that are guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor; or, secured by obligations as described by the Policy;
- 9.4** Fully collateralized repurchase agreements having a defined termination date, placed through a primary government securities dealer or a bank doing business in Texas, and secured in accordance with this Policy, purchased under a master repurchase agreement which specifies the rights and obligations of both parties and requires that the securities involved in the transaction be held in a safekeeping account subject to the control of the City with a stated final maturity of one year, except flex repurchase agreements used for bond funds which may extend to match the expenditure plan of the bond proceeds.
- 9.5** AAA-rated SEC-registered money market mutual funds with a dollar-weighted average portfolio maturity of 60 days or fewer whose investment objectives include seeking to maintain a stable net asset value of \$1 per share.
- 9.6** Constant-dollar, AAA-rated Texas local government investment pools as defined by the Act.
- 9.7** Collateralized or insured demand deposit accounts in approved depositories approved by City Council under an executed depository agreement.
- 9.8** An SEC registered, no-load mutual fund with a weighted average maturity of less than two years, invested exclusively in obligations approved by the Policy, and continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent.
- 9.9** Obligations of any US state or political subdivision rated AA or better by a nationally recognized rating agency not to exceed two years to maturity.
- 9.10** A certificate of deposit (CD) or share certificate is an authorized investment if the certificate is issued by a depository institution that has its main office or a branch office in Texas and is 1) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor; (2) secured by any combination of cash and obligations in 9.1 through 9.3 above, including

pass-through mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, or with an FHLB letter of credit.

In addition, an investment in CDs made in accordance with the following conditions is an authorized investment: (1) the funds are invested through: a broker that has its main office or a branch office in Texas and selected from a list adopted by the City, or a depository institution that has its main office or a branch office in Texas and is selected by the City; (2) the selected broker or the depository institution arranges for the deposit of the funds in CDs in one or more federally insured depository institutions, wherever located, for the account of the City; (3) the full amount of the principal and accrued interest of each CD is insured by the United States or an instrumentality of the United States; and the City appoints the selected depository, any institution described in Section 2257.041(d) of the Public Funds Collateral Act or a clearing broker-dealer registered with the SEC and operating pursuant to SEC Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian with respect to the CDs issued for the account of the City.

- 9.11** Commercial paper that has a stated maturity of 270 days or less from the date of issuance and is rated A-1 or P-1 or an equivalent rating by at least two nationally recognized rating agencies.

Competitive Bidding Requirement

It is the policy of the City to require competitive bidding for all individual security purchases except for those transactions with money market mutual funds and local government investment pools which are deemed to be made at prevailing market rates. At least three bids/offers must be obtained. Bids may be solicited in any manner provided by law. For those situations where it may be impractical or unreasonable to receive three bids for a transaction due to a rapidly changing market environment or to secondary market availability, documentation of a competitive market survey of comparable securities or an explanation of the specific circumstance must be included with the bid document and retained for auditing purposes.

Delivery versus Payment

Transactions must be settled on a delivery versus payment (DVP) basis to a City approved depository except for transactions involving mutual funds, investment pool or collateralized bank CDs. This assures City control of all its funds and assets. No securities shall be held by the transaction counterparty.

Change of Authorization or Rating

The City will not be required to liquidate investments that were authorized investments at the time of purchase. The Investment Officer or investment adviser shall monitor, on no less than a weekly basis, the credit rating on all authorized investments in the portfolio based upon independent information from a nationally recognized rating agency. If any security falls below the minimum rating required by Policy, the Investment Officer or adviser shall notify the City Manager of ratings change, conditions affecting the rating and possible loss of principal with liquidation options available, within two weeks after the ratings change.

Monitoring FDIC Status

The Investment Officer or Investment Adviser shall regularly monitor the status and ownership of all banks issuing brokered CDs owned by the City based upon information from the FDIC. If any bank has been acquired or merged with another bank in which brokered CDs are held, the Investment Officer or Adviser shall immediately liquidate any brokered CD which places the City above the FDIC insurance level.

10.0 COLLATERALIZATION

10.1 Pledged Collateral

The City of New Braunfels requires all time and demand deposits to be insured or collateralized at a minimum of 102%. City depositories will be required to execute tri-party depository agreements to include safekeeping agents. If the Federal Reserve acts as custodian, the Pledge Agreement of Circular 7 will be executed in lieu of the tri-party FRB signature. The agreement shall define the City's rights to collateral and shall establish a perfected security interest in compliance with federal and state regulations, including:

- A. The agreement shall be in writing;
- B. The agreement shall be executed by the Depository and the City contemporaneously with the acquisition of the asset;
- C. The agreement will include no listing of pledged collateral.
- D. The agreement must be approved by the Board of Directors or the Loan Committee of the Depository and a copy of the meeting minutes must be delivered to the City.

If the City's depository offers a collateral pooling program as defined by State Law (Local Government Code 2257) the investment officers will evaluate the program for cost efficiencies and risk before participation. Participation in a collateral pool will require Council approval.

10.2 Owned Repurchase Agreement Collateral

Each counterparty to a repurchase transaction is required to execute the Securities Industry and Financial Markets Association (SIFMA) Master Repurchase Agreement. An executed copy of this Agreement must be on file before any transaction is initiated. Collateral will be evidenced by safekeeping receipts clearly denoting City ownership from the safekeeping agent.

10.3 Authorized Collateral

A. Time and Demand Deposits

Deposits must be secured by an FHLB Letter of Credit or any combination of cash and obligations in section 9.1 through 9.3 above, including pass-through mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than 102% of the principal amount of the CDs.

B. Repurchase Agreements

Securities bought and sold as part of a repurchase agreement are limited to:

- U.S. Government, Agencies and Instrumentalities obligations including mortgage backed securities

The eligibility of specific issues may at times be restricted or prohibited by the City because of current market conditions.

10.4 Collateral Substitution or Reduction

Pledged collateral for deposits and repurchase agreements may be substituted or reduced at any time provided that the total market value of the collateral, plus FDIC insurance, remains equal to or greater than 102% of the deposit amount. The custodian, who shall be independent of the pledging bank, will be liable for monitoring and maintaining the collateral and collateral margins at all times.

10.5 Monitoring Collateral Adequacy for Certain Investments

Monthly reports of the pledged securities with the full descriptions and market values are required to be sent directly to the City from the custodian for all time and demand deposits. The Investment Officers will review the adequacy of the collateral.

The Investment Officers will monitor the adequacy of all collateral underlying repurchase agreements on at least a weekly basis.

10.6 Margin Calls

If any collateral falls below 102%, the counterparty will be required to pledge additional securities no later than the end of the next business day.

11.0 DELIVERY VERSUS PAYMENT

All security transactions, including collateral for repurchase agreements, shall be conducted on a delivery-versus-payment (DVP) basis. Securities shall be held by a third-party custodian approved by the Chief Financial Officer and evidenced by original safekeeping receipts.

12.0 DIVERSIFICATION

The City of New Braunfels shall diversify its portfolio by security type and institution.. Risk of principal loss in the portfolio as a whole shall be minimized by diversifying investment types according to the following limitations.

<u>Investment Type</u>	<u>% of Portfolio</u>
U.S. Treasury Notes/Bonds/Bills	90%
U.S. Government Agencies	80%
Certificates of Deposit	50%
Limit per financial institution	10%
Repurchase Agreements	20%
Flex repurchase agreements by bond issue	100%
Money Market Mutual Funds	25%
Local Government Investment Pools	100%
Commercial Paper	20%
Limit per issuer	5%

13.0 MAXIMUM MATURITIES

To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not invest in securities maturing more than two (2) years from the date of purchase.

14.0 PERFORMANCE STANDARDS

The investment portfolio shall be designed with the objective of obtaining a reasonable yield throughout budgetary and economic cycles, commensurate with the investment risk constraint and the cash flow requirements. The benchmarks established for the portfolio in keeping with the cash flow requirements of the City shall be the six month U.S. Treasury bill.

15.0 REPORTING

The Investment Officers shall provide a report on investment activity and returns to the City Council on a quarterly basis. Investment performance will be monitored and evaluated by the Investment Officers on a monthly basis. This investment report shall be signed and in compliance with the Act and include, at a minimum:

- 1) detail on each investment position of the portfolio,
- 2) the beginning and ending amortized book and market value,
- 3) the change to market value during the period for each portfolio,

- 4) the beginning and ending amortized book and market value for each investment security by asset type and fund type,
- 5) the final stated maturity date of each investment security,
- 6) the dollar weighted average maturity of the portfolio and its comparison to an accepted benchmark, and
- 7) a statement of compliance of the investment portfolio with the Authority's Investment Policy and Strategy and the Act.

Prices used for the calculation of market values will be obtained from independent sources.

16.0 INVESTMENT POLICY ADOPTION

The Investment Policy shall be adopted by resolution of the City Council on no less than an annual basis. Any changes to the Policy shall be reflected in the approving resolution of Council.

APPENDIX A:

CITY OF NEW BRAUNFELS

INVESTMENT POLICY CERTIFICATION

Firm: _____
Account Representative: _____
Date of Completion: _____

This certification is executed on behalf of the City of New Braunfels (the "City") and the "Firm" pursuant to the Public Funds Investment Act, Chapter 2256, Texas Government Code in relation to investment transactions conducted between the City and the Firm.

As the authorized representative of the Firm, I hereby acknowledge that I have received and reviewed the attached Investment Policy of the City of New Braunfels.

I hereby further acknowledge that the Firm has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the Firm not authorized by the Investment Policy, except to the extent that this authorization is dependent on analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards.

Firm Name: _____

Address: _____

Representative's Telephone (____) _____

Representative's FAX (____) _____

Representative's Email: _____

Signature _____

Printed Name _____

APPENDIX B:

AUTHORIZED BROKER/DEALERS AND COUNTERPARTIES

In accordance with the Texas Public Funds Investment Act, 2256.025 Selection of Authorized Brokers,

The governing body of an entity subject to this subchapter or the designated investment committee of the entity shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the entity.

The authorized list of counterparties is:

Bank of America Merrill Lynch
BOK Financial

Cantor Fitzgerald & Co
Citigroup Global Markets

D.A. Davidson

Daiwa Capital Markets

FTN Financial

Goldman, Sachs & Co

INTL FCStone

JP Morgan Securities

KeyBanc Capital Markets

*Loop Capital Markets ***

Mesirow Financial

Mizuho Securities

Morgan Stanley & Co

Piper Jaffray & Co.

Raymond James

RBC Capital Markets

*Rice Financial ***

SunTrust Robinson Humphrey

Stifel, Nicolaus & Co.

TD Securities

UBS Securities

Vining Sparks

Wells Fargo Securities

*Williams Capital Group ***

*** Bold face font indicates firm is a Primary Dealer.**

*** Dark blue italics font indicates firm is an Historically Underutilized Business (HUB) or Minority/Women Owned Business (MWOB).*

Texpool Local Government Pool

TexStar Local Government Pool

MBIA Class Local Government Pool

JPMorgan Chase Money Market Mutual Fund – Government and Agency

APPENDIX C:

GLOSSARY

We suggest replacing this Glossary with an updated version

Glossary of Cash Management Terms

Accretion – common investment accounting entry in which the book value of securities purchased at a discount are gradually written up to the par value. The process has the effect of recording the discount as income over time.

Accrued Interest – Interest earned, but not yet paid, on a bond.

Agency – See Federal Agency

Amortization – common investment accounting entry in which the book value of securities purchased at a premium are gradually written down to the par value.

Basis Point - A unit of measurement used in the valuation of fixed-income securities equal to 1/100 of 1 percent of yield, e.g., "1/4" of 1 percent is equal to 25 basis points.

Benchmark – Index used to compare risk and performance to a managed portfolio.

Bid - The indicated price at which a buyer is willing to purchase a security or commodity.

Book Value – The original acquisition cost of an investment plus or minus the accrued amortization or accretion.

Broker – A financial firm that brings securities buyers and sellers together in return for a fee. The term “broker” is often used interchangeably with “dealer” to refer to a seller of investment securities.

Callable Bond - A bond issue in which all or part of its outstanding principal amount may be redeemed before maturity by the issuer under specified conditions.

Cash Settlement - A transaction which calls for delivery and payment of securities on the same day that the transaction is initiated.

Collateralization - Process by which a borrower pledges securities, property, or other deposits for the purpose of securing the repayment of a loan and/or security.

Collateralized Mortgage Obligation (CMO) – A derivative mortgage-backed security (MBS) created from pools of home mortgage loans. A single MBS is divided into multiple classes, each class containing a unique risk profile and security characteristics. A number of CMO classes are expressly prohibited by Texas State law.

Commercial Paper - An unsecured short-term promissory note issued by corporations, with maturities ranging from 1 to 270 days. Commercial paper must carry a minimum rating of A1P1 in order to be eligible under the Texas Public Funds Investment Act.

Constant Maturity Treasury (CMT) – A calculated average released by the Federal Reserve of all Treasury yields along a specific maturity point. This calculation is frequently used as a benchmark for conservative government portfolios.

Coupon Rate - The annual rate of interest received by an investor from the issuer of certain types of fixed-income securities. Also known as the "interest rate."

Credit Risk - The risk to an investor that an issuer will default in the payment of interest and/or principal on a security.

Derivative – Financial instruments whose value is derived from the movement of an underlying index or security.

Dealer – A dealer, as opposed to a broker, acts as a principal in all securities transactions, buying and selling for their own account. Often times, the terms “broker” and “dealer” are used interchangeably to refer to a seller of investment securities.

Delivery Versus Payment (DVP) - A type of securities transaction in which the purchaser pays for securities at the time of delivery either to the purchaser or his/her custodian.

Derivative Security - Financial instrument created from, or whose value depends upon, one or more underlying assets or indexes of asset values.

Discount - The amount by which the par value of a security exceeds the price paid for the security.

Diversification - A process of investing assets among a range of security types by sector, maturity, and quality rating.

Dollar Weighted Average Maturity (WAM) - The average maturity of all the securities that comprise a portfolio.

Fair Market Rate – A documented and verifiable rate of interest which approximates the average rate which could have been earned on similar investments at the time of the transaction.

Federal Agency – A debt instrument, either fully guaranteed or sponsored by the U.S. government. The typical definition of agency includes the government sponsored enterprises of Fannie Mae, Freddie Mac, the Federal Farm Credit Bank (FFCB) and the Federal Home Loan Bank (FHLB).

Federal Deposit Insurance Corporation (FDIC) - A federal agency that insures bank deposits, currently up to \$250,000 per account (thru December 31, 2013). Public deposits that exceed this amount must be properly collateralized with investment securities or insured through a surety bond.

Interest Rate - See "Coupon Rate."

Internal Controls - An internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure is designed to provide reasonable assurance that these objectives are met.

Interlocal Cooperation Act –Law permitting joint participation by local governments providing one or more government functions within the State. This law (Section 791.001 et seq. of the Texas Government Code ("the Act")) has allowed for the creation of investment pools in Texas.

Investment Advisors Act of 1940- Law which requires all Investment Advisors to be registered with the SEC in order to protect the public from fraud.

Investment Policy - A concise and clear statement of the objectives and parameters formulated by an investor or investment manager for a portfolio of investment securities. The Texas Public Funds Investment Act requires that public entities have a written and approved investment policy.

Investment Pool – An entity created under the Interlocal Cooperation Act to invest public funds jointly on behalf of the entities that participate in the pool.

Liquidity – A liquid investment is one that can be easily and quickly converted to cash without substantial loss of value. Investment pools and money market funds, which allow for same day withdrawal of cash, are considered extremely liquid.

Local Government Investment Pool (LGIP) - An investment by local governments in which their money is pooled as a method for managing local funds.

Market Risk - The risk that the value of a security will rise or decline as a result of changes in market conditions.

Market Value - A security's par amount multiplied by its market price.

Master Repurchase Agreement – A written contract covering all future transactions between the two parties to a repurchase agreement.

Maturity - The date on which payment of a financial obligation is due. The final stated maturity is the date on which the issuer must retire a bond and pay the face value to the bondholder. See "Weighted Average Maturity."

Money Market Mutual Fund - Mutual funds that invest solely in money market instruments (short-term debt instruments, such as Treasury bills, commercial paper, bankers' acceptances, repos and federal funds).

Mortgage-Backed Security (MBS) – Security backed by pools of home loan mortgages.

Financial Industry Regulatory Authority (FINRA) - formerly the National Association of Securities Dealers (NASD) - A self-regulatory organization (SRO) of brokers and dealers in the over-the-counter securities business. Its regulatory mandate includes authority over firms that distribute mutual fund shares as well as other securities.

Net Asset Value (NAV) – The value of a mutual fund or investment pool at the end of the business day. NAV is calculated by adding the market value of all securities in a fund or pool, deducting expenses, and dividing by the number of shares in the fund or pool.

Offer - An indicated price at which market participants are willing to sell a security. Also referred to as the "Ask price."

Par - Face value or principal value of a bond, typically \$1,000 per bond. A security's par value is multiplied by its coupon rate to determine coupon payment amount.

Premium - The amount by which the price paid for a security exceeds the security's par value.

Primary Government Securities Dealer (Primary Dealer) – One of 21 (as of 12/2011) large government securities dealers who are required to submit daily reports of market activity and monthly financial statements to the New York Federal Reserve Bank. Primary Dealers are required to continually "make a market" in Treasury securities, buying or selling when asked, thereby creating a liquid secondary market for US debt obligations.

Principal - The face value or par value of a debt instrument. Also may refer to the amount of capital invested in a given security.

Prudent Person Rule - An investment standard outlining the fiduciary responsibilities of public funds investors relating to investment practices.

Regular Way Delivery - Securities settlement that calls for delivery and payment on the third business day following the trade date (T+3); payment on a T+1 basis is currently under consideration. Mutual funds are settled on a same day basis; government securities are settled on the next business day.

Repurchase Agreement (repo or RP) - An agreement by one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price or at a specified later date.

Reverse Repurchase Agreement (Reverse Repo) - An agreement of one party to purchase securities at a specified price from a second party and a simultaneous agreement by the first party to resell the securities at a specified price to the second party on demand or at a specified date.

Safekeeping - Holding of assets (e.g., securities) by a financial institution.

Swap - Trading one asset for another.

Total Return - The sum of all investment income plus changes in the capital value of the portfolio. For mutual funds, return on an investment is composed of share price appreciation plus any realized dividends or capital gains. This is calculated by taking the following components during a certain time period. (Price Appreciation) + (Dividends paid) + (Capital gains) = Total Return

Treasury Bills - Short-term U.S. government non-interest bearing debt securities with maturities of no longer than one year and issued in minimum denominations of \$10,000. Auctions of three-

and six-month bills are weekly, while auctions of one-year bills are monthly. The yields on these bills are monitored closely in the money markets for signs of interest rate trends.

Treasury Notes - Intermediate U.S. government debt securities with maturities of two- to 10-years and issued in denominations ranging from \$1,000 to \$1 million or more.

Uniform Net Capital Rule - SEC Rule 15C3-1 outlining capital requirements for broker/dealers.

Volatility - A degree of fluctuation in the price and valuation of securities.

Yield - The current rate of return on an investment security generally expressed as a percentage of the security's current price.

Yield-to-call (YTC) - The rate of return an investor earns from a bond assuming the bond is redeemed (called) prior to its nominal maturity date.

Yield Curve - A graphic representation that depicts the relationship at a given point in time between yields and maturity for bonds that are identical in every way except maturity. A normal yield curve may be alternatively referred to as a positive yield curve.

Yield-to-maturity - The rate of return yielded by a debt security held to maturity when both interest payments and the investor's potential capital gain or loss are included in the calculation of return.

Zero-coupon Securities – Securities issued at a discount which make no periodic interest payment. The rate of return consists of a gradual accretion of the principal of the security and is payable at par upon maturity.

RESOLUTION NO. 2017-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, ADOPTING THE INVESTMENT POLICY FOR
THE CITY OF NEW BRAUNFELS.**

WHEREAS, the Public Funds Investment Act codified in Government Code Chapter 2256 governs local government investment; and

WHEREAS, the Public Funds Investment Act (Section 2256.005(a)) requires the City to adopt an investment policy and investment strategies by rule, order, ordinance or resolution governing the investment of funds under its control; and

WHEREAS, the City Council has chosen to make certain changes to the Policy as included in the attached Exhibit (Investment Policy) and summarized below:

- a) Added a diversification limit for Commercial Paper
- b) Updated the Broker/Dealer list

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

THAT, the City has complied with the requirements of the Public Funds Investment Act and the Investment Policy and Strategy, as amended, attached hereto as Exhibit A, is hereby adopted as the Investment Policy of the City.

PASSED, APPROVED AND ADOPTED this 25th day of September, 2017.

CITY OF NEW BRAUNFELS, TEXAS

BY: _____
BARRON CASTEEL, Mayor

ATTEST:

PATRICK ATEN, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/25/2017

Agenda Item No. E)

Presenter/Contact

Martie Simpson, Director of Finance
(830) 221-4385- msimpson@nbtexas.org

SUBJECT:

Approval of a resolution designating the investment officers for the City of New Braunfels.

BACKGROUND / RATIONALE:

The Public Funds Investment Act and the City of New Braunfels Investment Policy require that the City designate investment officer's by resolution. Since recent changes in staff have occurred, this action is necessary to bring the City into compliance. The resolution designates the following individuals to serve as investment officers for the City:

Robert Camareno, City Manager
Martie Simpson, Director of Finance

These individuals will be authorized to deposit, withdraw, transfer, open accounts and manage the funds of the City while exercising the judgment and care that a prudent person would exercise in the management of the person's own affairs and to perform all the requirements of the Public Funds Investment Act.

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority:	Strategic Priorities: 8-Maintain fiscal stability of City operations
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FISCAL IMPACT:

None

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the resolution designating the investment officers for the City of New Braunfels.

RESOLUTION NO. 2017-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS,
TEXAS, DESIGNATING THE INVESTMENT OFFICERS FOR THE CITY OF NEW
BRAUNFELS.**

WHEREAS, the Public Funds Investment Act codified in Government Code Chapter 2256 governs local government investment; and

WHEREAS, the Public Funds Investment Act (Section 2256.005(f)) and the City's Investment Policy, require the City to designate one or more investment officer(s) by rule, order, ordinance or resolution; and

WHEREAS, the Public Funds Investment Act and the City's Investment Policy require the investment officer(s) to perform certain duties and report regularly to the City Council on the investment program.

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

THAT, the City has complied with the requirements of the Public Funds Investment Act and the City's Investment Policy and designates the following individual to serve as Investment Officers of the City:

Robert Camareno, City Manager
Martie Simpson, CPA, Director of Finance

To be responsible for the investment of its funds consistent with the City's policy. The Investment Officer(s) is authorized deposit, withdraw, transfer, open investment accounts, and manage the funds while exercising the judgment and care, under circumstances then prevailing, that a prudent person would exercise in the management of the person's own affairs and to perform all the requirements of the Act.

AND, the Council recognizes that the Council retains the ultimate responsibility as fiduciaries of the assets of the City (Section 2256.005(f)).

PASSED, APPROVED AND ADOPTED this 25th day of September, 2017.

CITY OF NEW BRAUNFELS, TEXAS

BY: _____
BARRON CASTEEL, Mayor

ATTEST:

PATRICK ATEN, City Secretary

9/25/2017

Agenda Item No. F)

Presenter/Contact

Jennifer Gates, Buyer

(830) 221-4383 - JGates@nbtexas.org

SUBJECT:

Approval of an annual contract with Aetna Life Insurance Company for the provision of stop loss insurance for the City of New Braunfels.

BACKGROUND / RATIONALE:

The City of New Braunfels solicited a bid in August 2017 seeking a qualified company to provide stop loss insurance coverage for the City. As the City's medical and pharmacy services are provided through a self funded plan, stop loss insurance allows for reimbursement when individual or aggregate claims exceed a specified limit, thus protecting the City from the financial impact of large claims. The current specified limit is \$125,000 per individual claim.

A Competitive Sealed Proposal solicitation was issued on August 3, 2017, to obtain proposals from companies capable of providing stop loss insurance. As healthcare costs are increasing nationwide, the solicitation offered the City the opportunity to obtain pricing based upon several different scenarios, such as referenced-based pricing and a range of deductible levels, to allow for a proactive evaluation of options when the City's current contract with Aetna Life Insurance Company for medical and pharmacy services expires on September 30, 2018.

Sealed proposals were opened on August 21, 2017, and two (2) responses were received. The proposals were evaluated based upon the company's financial stability, experience, cost of services, and adherence to the requested scenarios submitted by each proposer.

After extensive review and discussion, the highest ranking vendor is Aetna Life Insurance Company.

The base term of the contract is October 1, 2017 through September 30, 2018. Additionally, there are four, one-year options to renew for a combined total of five years at City-negotiated rates.

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

<input checked="" type="checkbox"/>	Yes	Strategic Priorities:	9. Maintain fiscal stability of City operations
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FISCAL IMPACT:

Funding for the contract described above has been incorporated into the adopted FY 2017-18 budgets. Therefore, sufficient funds are available for the referenced annual contract.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the approval of an annual contract with Aetna Life Insurance Company for the provision of stop loss insurance for the City of New Braunfels.

9/25/2017

Agenda Item No. G)

Presenter/Contact

Jennifer Gates, Buyer

(830) 221-4383 - JGates@nbtexas.org

SUBJECT:

Approval of a purchase from Bluebonnet Motors, Inc. of two vehicles for the New Braunfels Police Department.

BACKGROUND / RATIONALE:

Two New Braunfels Police Department vehicles were totaled due to extensive water damage caused by flooding on April 11, 2017.

The 2008 Ford Crown Victoria vehicles were both insured by the City's vehicle coverage provided by Texas Municipal League (TML). The City has received a total insurance payment of \$6,550 towards the cost of the replacement vehicles.

Staff is requesting approval to purchase two 2017 Ford Taurus vehicles for a total price of \$48,558. The vehicles are available at Bluebonnet Motors, Inc. and will be purchased utilizing a City contract that was awarded to the vendor by Council on February 13, 2017.

The replacement vehicles will not be pursuit-rated; therefore the cost of any ancillary equipment that is required prior to being operated in the field is not anticipated to exceed \$25,000. If required, those costs will be brought for City Council consideration at a later time.

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

Yes	Strategic Priorities 4: Continue to ensure the protection of citizen's lives and property.
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FISCAL IMPACT:

The vehicles that are being purchased are replacements for the City's fleet so the Equipment Replacement Fund will provide the necessary funds for the pending purchase. Therefore, sufficient funds are available to purchase the above-referenced vehicles.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the approval of a purchase from Bluebonnet Motors, Inc. of two vehicles for the New Braunfels Police Department.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/25/2017

Agenda Item No. H)

Presenter/Contact

Jared Werner, Director of Human Resources
(830) 221-4387 - jwerner@nbtexas.org

SUBJECT:

Approval of the first reading of an ordinance amending Ordinance 2011-93, Section IV, by changing assignment pay for Criminal Investigator-Detective assignment within the Police Department.

BACKGROUND / RATIONALE:

In 2007, criminal investigation-detective (CID) assignment pay was established as a result of combining the existing ranks of detective and corporal. The Detective position had traditionally been a rank that existed between Corporal and Sergeant. Once all the detectives were consolidated into the Corporal rank, a criminal investigations division assignment pay was established to ensure that existing detectives did not see a decrease in take home pay.

Over the past ten years, as new step plans have been introduced and implemented, the CID assignment pay has resulted in several unintended consequences, such as difficulty in promotional interest for the rank of sergeant (the rank above corporal). This is mainly due to the fact that a corporal at the highest step in the range (max base salary plus assignment pay) earns more than the entry level salary or step for a sergeant.

During the FY 2017-18 Budget Development process, the City Manager's Office, Finance and Human Resources staff worked with the Police Department on developing a step plan that would allow for the CID assignment pay to be removed, ensuring that the existing employees that receive the assignment pay wouldn't see a decrease in pay and that there was a true increase in take home pay for Corporals that promote to Sergeant.

The updated step plans developed accomplish the objectives described above. In the FY 2017-18 Adopted Budget, 50 percent of the costs to implement the updates plans are included. Therefore, staff recommends that the ordinance that authorized assignment pay in the Police Department be amended to consistently decrease the current CID assignment pay by 50 percent.

Police Department Rank	Existing Assn. Pay	Updated Assn. Pay
Police Officer and Corporal	\$5,800 annually	\$2,900 annually
Sergeant and Lieutenant	\$4,800 annually	\$2,400 annually

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

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FISCAL IMPACT:

The funding to support the updated step plans and decreased assignment pay has been incorporated into the FY 2017-18 Adopted Budget. Therefore, sufficient funds are available to support the financial impact from amending the attached ordinance.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the amendment to the ordinance.

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE 2011-93 BY CHANGING THE AMOUNT OF ASSIGNMENT PAY FOR CRIMINAL INVESTIGATOR-DETECTIVE WITHIN THE POLICE DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels adopted Chapter 143 of the Texas Local Government Code for its police and fire departments;

WHEREAS, there are specialized assignments within the Police Departments that certain police officers perform that are not performed by every police officer;

WHEREAS, § 143.042 of the Texas Local Government Code states that the governing body of a municipality may authorize assignment pay for fire fighters or police officers who perform specialized functions in the Fire or Police Department;

WHEREAS, § 143.042 (c) of the Texas Local Government Code requires that the governing body must set forth in an ordinance the amount of assignment pay and the conditions under which it is to be payable to members of the Fire and Police Department;

WHEREAS, this amendment ensures that the existing employees that receive this assignment pay will not see a decrease in pay and that there will be an increase in take home pay for Corporals that promote to Sergeant.

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

I.

That the matters and facts set forth in the preamble are hereby found to be true.

II.

That Section IV of Ordinance 2011-93 establishing the assignment pay for the assignment of “Criminal Investigator-Detective” be amended as indicated below in underlined font, with all other sections of that ordinance remaining the same:

That the assignment of “Criminal Investigator-Detective” is a specialized function within the New Braunfels Police Department and that assignment involves investigating higher grade misdemeanors and felonies for prosecution in County and District Court. When a member is designated by the Police Chief or his designee to serve as “Criminal Investigator—Detective” for the Department, that member is entitled to receive \$2,900 per year as assignment pay if the member holds the rank of Police Officer or Corporal; or, \$2,400 per year as assignment pay if the member holds the rank of Sergeant or Lieutenant. That member must be “actively engaged” in performing the assignment of “Criminal Investigator—Detective” to be entitled to this Assignment Pay. “Actively engaged,” for the purposes of this ordinance, means that the employee has actually been at work and performed these duties. An employee does not

earn this Criminal Investigator—Detective” Assignment Pay if he or she is absent from work for an extended period of time.

III.

That the terms of this ordinance and/or any payment of “assignment pay” do not apply to a member who is performing any of these duties on a “step-up” “acting” or any other temporary basis.

IV.

Assignment pay may be reduced or eliminated in future fiscal years, as deemed necessary by the City Council.

V.

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

VI.

Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision, or regulation.

VII.

Repealer: That all other ordinances, section, or parts of ordinances heretofore adopted by the City of New Braunfels in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

VIII.

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

IX.

This Ordinance shall take effect upon the second and final reading of the same.

PASSED AND APPROVED: First reading this ____ day of September, 2017.

PASSED AND APPROVED: Second reading this ____ day of September , 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

9/25/2017

Agenda Item No. I)

Presenter/Contact

*Jared Werner, Director of Human Resources
(830) 221-4395 - jwerner@nbtexas.org*

SUBJECT:

Approval of the second and final reading of an ordinance authorizing the number of positions in each classification in the New Braunfels Fire Department and New Braunfels Police Department pursuant to Local Government Code Chapter 143 as part of the annual budget process.

BACKGROUND / RATIONALE:

State civil service law requires that the City adopt an ordinance that prescribes the number of positions in each classification. This ordinance includes an additional two Police Corporals and one Fire Lieutenant that will be effective later in the fiscal year 2017-18, rather than effective on October 1, 2017. In the FY 2017-18 Budget, the EMS lieutenant was funded for six months. However, to take advantage of the existing promotional list for this position and avoid direct and indirect costs associated with re-testing for the rank of Fire Lieutenant, the attached ordinance authorizes the additional Lieutenant on January 1, 2018 (as opposed to April 1, 2018). Staff will generate savings both from not holding the additional test as well as savings from a vacant firefighter position that will occur due to our testing schedule. Here is a look at the three most recent fiscal years:

- FY 2014-15, 5 Police Officer positions were added.
- FY 2015-16, 3 Police Officer positions and 1 Police Corporal position were added.
- FY 2016-17, 4 Police Officers and 3 Fire Lieutenants were added. In December 2016, that ordinance was amended to abolish 1 Fire Captain position and add 1 Fire Battalion Chief position.

The staffing ordinance will be presented and adopted each fiscal year as part of the budget process.

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

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FISCAL IMPACT:

Funding has been allocated in the FY 2017-18 Budget to account for these positions. Therefore, sufficient funds are available to support the staffing levels as described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance.

ORDINANCE 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ESTABLISHING THE CLASSIFICATION OF EMPLOYEES WITHIN THE NEW BRAUNFELS POLICE AND FIRE DEPARTMENTS AND AUTHORIZING THE NUMBER OF EMPLOYEES IN EACH CLASSIFICATION; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES AND PROVISIONS IN CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels has adopted Civil Service, Chapter 143 of the Texas Local Government Code for its Police and Fire Department employees; and

WHEREAS, pursuant to Chapter 143, the City Council shall establish the classifications of employees and prescribe the number of positions in each classification pursuant to Section 143.021(a) of the Texas Local Government Code; and

WHEREAS, the City Council has approved the number of employees listed below in the appropriate classifications in the Police and Fire Department as a part of the annual budget process;

WHEREAS, this ordinance adds two additional Police Corporal positions in the Police Department, and one Fire Lieutenant position in the Fire Department, effective on the dates specified below.

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

I.

The Civil Service classifications and number of positions in each classification in the Fire Department shall be approved and effective as indicated below:

Classification	Effective Oct. 1, 2017	Effective Jan 1, 2018
1. Assistant Fire Chief	1	
2. Battalion Chief	5	
3. Captain	5	
4. Lieutenant	21	1
5. Engineer	41	
6. Firefighter	57	

Total positions as of 10/1/17 is 130.

Total positions as of 1/1/18 is 131.

The classification of Assistant Fire Chief is the rank/classification immediately below the Department Head. As such, that position is both established by the City Council and will remain a position to which the Department Head may appoint the occupant, in accordance with §143.014 of the Texas Local Government Code.

II.

The Civil Service classifications and number of positions in each classification in the Police Department shall be approved as follows:

<u>Classification</u>	<u>Effective Oct. 1, 2017</u>	<u>Effective Jan. 1, 2018</u>
1. Assistant Police Chief	1	
2. Captain	3	
3. Lieutenant	5	
4. Sergeant	11	
5. Corporal	20	2
6. Police Officer	80	

Total positions as of 10/1/17 is 120.

Total positions as of 1/1/18 is 122.

The classification of Assistant Police Chief is the rank/classification immediately below the Department Head. As such, that position is both established by the City Council and will remain a position to which the Department Head may appoint the occupant, in accordance with §143.014 of the Texas Local Government Code.

III.

Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor or Mayor Pro Tem in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision, or regulation.

IV.

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

V.

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

VI.

This amended Ordinance shall take effect on October 1st, 2017, unless otherwise noted.

PASSED AND APPROVED: First reading this ____ day of September, 2017.

PASSED AND APPROVED: Second reading this ____ day of September, 2017.

CITY OF NEW BRAUNFELS, TEXAS

Barron Casteel, Mayor

ATTEST:

Patrick D. Aten, City Secretary

APPROVED AS TO LEGAL FORM:

Valeria M. Acevedo, City Attorney

9/25/2017

Agenda Item No. J)

Presenter

*Christopher J. Looney, Planning and Community Development Director
clooney@nbtexas.org*

SUBJECT:

Approval of the second and final reading of an ordinance granting the extension of rehabilitation tax relief for a second five year period to the property addressed as 193 W. San Antonio Street, a Local Historic Landmark known as the Jacob Schmidt Building.

BACKGROUND / RATIONALE:

Case No.: HLC-17-014

Council District: 5

Owner/Applicant: Ross Fortune
193 W. San Antonio Street
New Braunfels, TX 78130
(830) 660-6002

Staff Contact: Amy McWhorter, Historic Preservation Officer
(830) 221-4057
amcwhorter@nbtexas.org

City Council held a public hearing on August 28, 2017 and voted unanimously (7-0-0) to approve the first reading of this requested ordinance.

The subject property is located at the northeast corner of Castell Avenue and San Antonio Street on Original Town Lot 3. The deed records reflect that Town Lot 3 was first deeded to Peter Gerlack on April 13 1847. The property was subsequently deeded/divided eight times between 1847 and 1900. A December 1, 1871 Zeitung Newspaper article stated that John Sippel completed his new two-story business building. He lived on the second floor and leased the first floor and basement.

In 1882 John Sippel built a bowling alley behind the saloon (confirmed on the 1885 Sanborn map). In May 1887 the Knights of Honor Lodge was established on the second floor above Ludwig's Saloon. It served as headquarters for the anti-prohibition movement of 1887.

This building was the site of the locally well known Phoenix Saloon where Willie Gebhardt ran a restaurant and served his first bowl of chili. He produced the first chili powder in 1896, and in 1908 canned the first chili con carne. He later moved to San Antonio to build his Tex-Mex food empire. On June 26, 1918, Phoenix Saloon was closed due to prohibition.

Originally this was a two-story building with a second floor balcony and stepped parapet. One-bay wide, the front façade had central doors flanked on either side by one window for both the first and second story. The building was remodeled in 1922, resulting in a structure three bays wide and three stories high with a brick veneer on the front façade, full width canopy located just below transom windows and provided shade to store front windows.

In 1997, City Council designated the subject property a Local Historic Landmark. After the building was rehabilitated, City Council granted tax relief for the property for an initial five year period. The applicant is requesting an extension of that tax relief for a second five-year period, as allowed per City Code.

Determination Factors:

In making a determination on rehabilitation tax relief, the following factors are to be considered:

- Whether the subject property has been designated as a local historic landmark (*City Council approved the designation of the subject property in 1997*).
- Whether the improvement(s), renovation(s) or restoration(s) to the structure total at least ten percent of the property value reflected on the appraisal district tax rolls. *The original renovation exceeded the 10 percent requirement and is in compliance with an approved Certificate of Alteration.*

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

	Yes	City Plan/Council Priority: 2006 Comprehensive Plan Pros and Cons Based on Policies Plan	Pros: Goal 64D Adopt historic preservation policies that encourage the responsible rehabilitation of substandard homes and the revitalization of existing neighborhoods. The proposed tax relief is offered to encourage the rehabilitation of historic landmark properties. The applicant has completed substantial rehabilitation of the property and successfully applied to have the property designated as a local landmark. Cons: None
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FISCAL IMPACT:

Approval would extend the appraised value “freeze” for City ad valorem tax collection for an additional five years. Therefore, exact value of the fiscal impact is contingent upon future, undetermined appraised values.

COMMITTEE RECOMMENDATION:

The Historic Landmark Commission held a public hearing on July 11, 2017 and recommended approval of the request (6-0-0, Commissioners Gonzalez, Davis and Poss were absent).

STAFF RECOMMENDATION:

Staff recommends approval of the request as the subject property meets all requirements for rehabilitation tax relief as specified in the City’s Code of Ordinances, Article III, Section 66-57.1. This tax relief tool continues to provide an incentive for property owners to designate, rehabilitate and protect historic structures, which maintains the heritage of our community.

Attachments:

1. Application
2. Location Map
3. Before Photos
4. After Photos
5. Ordinance 97-1
6. Ordinance 2010-54
7. Excerpt from the July 11, 2017 Historic Landmark Commission minutes
8. Ordinance



* Hold for July 11
HLC mtg.
HLC-17-013

APPLICATION FOR Tax Relief - Renewal

City of New Braunfels, Planning and Environmental Department
550 Landa Street, New Braunfels TX 78130 (830) 221-4057

1. Name of Landmark: PHOENIX SALOON
2. Address of Landmark: 193 W. SAN ANTONIO ST, NEW BRAUNFELS TX 78130
3. Legal Description: CITY BLOCK 1004, LOT W 50 LOT 3 (A), ACRES 0.11
4. Owner Name: ROSS FORTUNE
5. Owner Address: 193 W. SAN ANTONIO ST, NEW BRAUNFELS TX 78130
6. Contact information: (830) 660-6002 ross@thephoenixsaloon.com
7. Current photos required showing all facades of building.

I hereby request consideration for tax relief of the City of New Braunfels taxes on the above landmark for an additional five years. The Landmark continues to meet the requirements set forth in Article III, Section 66-57. This application shall be considered my written permission as owner of the above described property for continued tax relief by the New Braunfels City Council.

R. Fortune
Owner Signature

5/30/2017
Date

FOR OFFICE USE ONLY

Application received by: 5/30/2017 ALM

Date: 5/30/2017

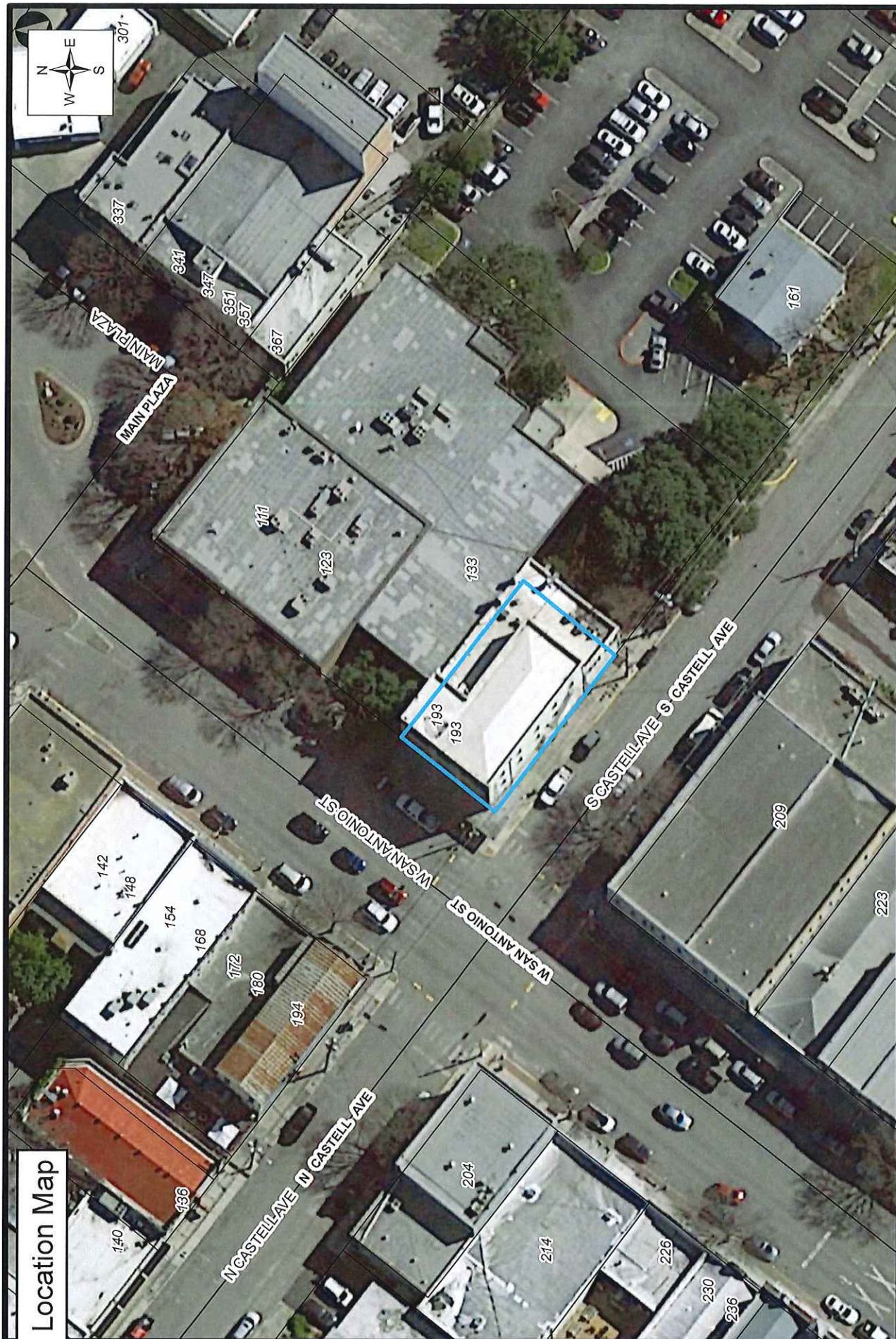
City Council ordinance approving Tax Relief: 2010-54

First year Tax Relief initiated by County: 2013

RECOMMENDATIONS FOR APPROVAL

STAFF RECOMMENDATION: Approval

HISTORIC LANDMARK COMMISSION: Date: July 11, 2017



Map created 7/2017

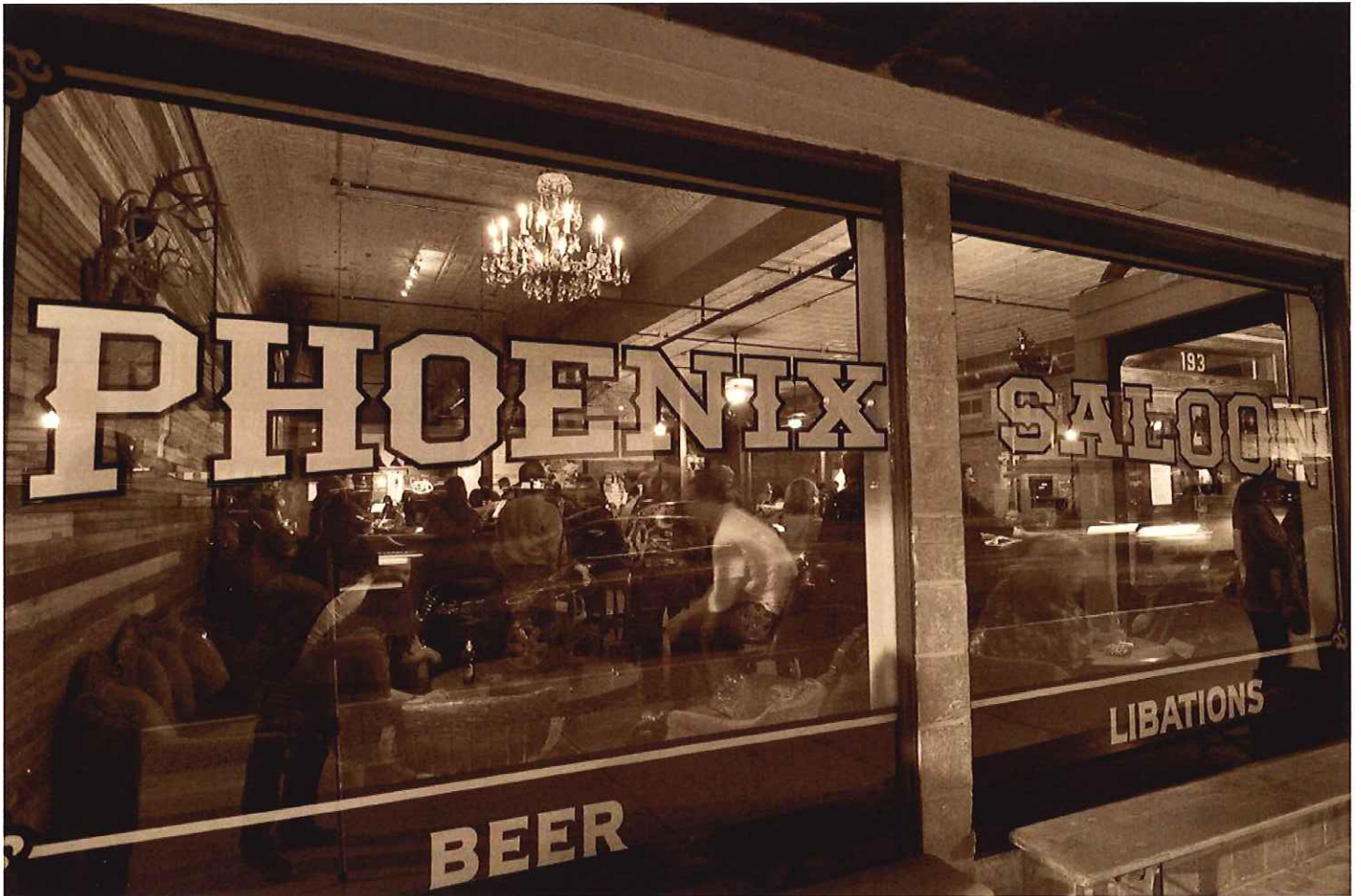
HLC-17-013
193 W. San Antonio Street





Schmidt Building / Phoenix Saloon
193 W. San Antonio St, New Braunfels TX 78130











THE GROOVY GRINGA
ANNETTE CRAWFORD

ORIGINALLY

est.

1871

BADGER FIGHTS

Gebhardt's
EAGLE

CHILI POWDER



TRADE MARK

REGISTERED



PHOENIX SALOON

BUILT IN 1871, THE ORIGINAL PHOENIX SALOON BUILDING WAS A TWO-STORY BRICK, ROCK, AND STUCCO BUILDING BUILT BY JOHN SIPPEL LOCATED ON THE CORNER OF WEST SAN ANTONIO STREET AND CASTELL AVENUE. A SALOON OPERATED ON THE FIRST FLOOR UNDER VARIOUS NAMES BEFORE IT FINALLY BECAME THE PHOENIX SALOON IN 1895. THE BUILDING NOT ONLY HOUSED A POPULAR SALOON BUT ALSO A BACK ROOM CAFÉ WHERE PROPRIETOR WILLIAM GEBHARDT SERVED A STEW SPICED WITH TAMPICO DUST, HIS OWN SPECIAL CONCOCTION OF HERBS AND DRIED CHILI PEPPERS. HIS TAMPICO DUST IS OFTEN REGARDED AS THE FIRST CHILI POWDER. IN 1896 GEBHARDT MOVED TO SAN ANTONIO TO MANUFACTURE HIS EAGLE BRAND CHILI POWDER.

ANOTHER ATTRACTION OF THE SALOON WAS THE BEER GARDEN FACING SAN ANTONIO STREET BETWEEN THE SALOON AND THE OLD COMAL COUNTY COURTHOUSE. UNUSUAL FOR THE TIMES, LADIES WERE WELCOME HERE. JOHN SIPPEL BUILT A SMALL POOL WITH A FOUNTAIN THAT CONTAINED FISH AND ALLIGATORS. SOME LEGENDS ABOUT THE SALOON CLAIM IT HELD BADGER FIGHTS AND FEATURED A PARROT INSIDE THE FRONT DOOR THAT WAS TAUGHT TO SAY, "HAVE YOU PAID YOUR BILL?" IN GERMAN. THE LIVELY NATURE OF THE PHOENIX SALOON WAS TEMPORARILY CLOSED DOWN WHEN PROHIBITION WAS INSTITUTED IN 1918, EVEN THOUGH COMAL COUNTY VOTED 100% AGAINST PROHIBITION. IN 1922 ALBERT LUDWIG OWNED THE BUILDING AND EXPANDED IT BY ADDING THE THIRD FLOOR FOR THE LOCAL MASONIC LODGE. IN 1927 JACOB SCHMIDT BOUGHT THE BUILDING AND CHANGED THE NAME DISPLAYED NEAR THE TOP OF THE FRONT FAÇADE FROM LUDWIG TO SCHMIDT. THE SCHMIDTS OPERATED A CLOTHING STORE IN THE BUILDING FROM 1935-1995. IN 2010 THE FIRST FLOOR WAS ONCE AGAIN OPERATING AS THE PHOENIX SALOON.

MARKER IS PROPERTY OF THE STATE OF TEXAS

(2015)

ORDINANCE NO. 97- 1

AN ORDINANCE DESIGNATING THE STRUCTURE AT 193 WEST SAN ANTONIO STREET, KNOWN AS THE JACOB SCHMIDT BUILDING, AS A HISTORIC LANDMARK ACCORDING TO SECTION 66-56, ARTICLE III, CHAPTER 66, AND AMENDING SECTIONS 4.1 AND 4.2, APPENDIX "A" OF THE CODE OF ORDINANCES, CITY OF NEW BRAUNFELS, TEXAS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING 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 Historic Preservation and Zoning Ordinances of the City of New Braunfels; and

WHEREAS, this structure has been recommended for historic designation by the owner, the Historic Landmark Commission, and the Planning Commission; and

WHEREAS, the City Council wishes to protect this structure as apart of the heritage of New Braunfels for future generations; and

WHEREAS, the City Council desires to amend the Zoning Map by designating the suffix "H" in addition to the conventional zoning designation established by the zoning ordinance; now, therefore,

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

I

That the following described structure is hereby designated as a "Historic Landmark" in accord with the provisions of Section 66-56, Article III, Chapter 66, of the Code of Ordinances of the City of New Braunfels, Texas:

"The structure located on the property at 193 W. San Antonio Street, lot A, NCB 1004, and known as the Jacob Schmidt building".

II

That the above described structure is hereby restricted as to the amount or method of change, construction, or demolition that can take place in accord with Section 66-55, Article III, Chapter 66, of the Code of Ordinances of the City of New Braunfels.

III

That the above described structure is hereby entitled to all rights and privileges that are accorded historic designated structures or sites, or which may be accorded those structures or sites in the future.

IV

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

V

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.

VI

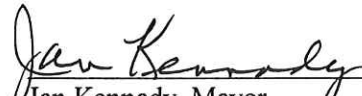
This ordinance will take effect upon the third and final reading of same.

PASSED AND APPROVED: First Reading this the 9th day of DECEMBER, 1996.

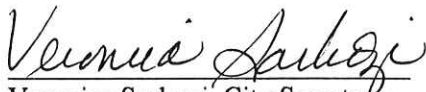
PASSED AND APPROVED: Second Reading this the 13th day of JANUARY, 1997.

PASSED AND APPROVED: Third and Final Reading this the 27th day of JANUARY, 1997.

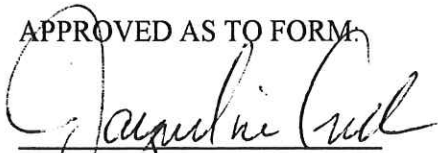
CITY OF NEW BRAUNFELS


Jan Kennady, Mayor

ATTEST:


Veronica Sarkozi, City Secretary

APPROVED AS TO FORM:


Jacqueline Cullom, City Attorney

ORDINANCE NO. 2010- 54

AN ORDINANCE GRANTING A TAX RELIEF TO THE OWNER OF THE DESIGNATED HISTORIC LANDMARK LOCATED AT 193 W. SAN ANTONIO STREET, KNOWN AS THE SCHMIDT STORE, FOR A PERIOD OF FIVE YEARS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, the City Council approved the initial tax relief per Ordinance 2003-11 on February 24, 2003,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS:

SECTION 1

THAT the property owner of the designated historic structure located at 193 W. San Antonio Street, and known as the Schmidt Store, be granted the tax relief as outlined in Section 66-57.1, Historic Preservation, of the New Braunfels Code of Ordinances, City of New Braunfels, Texas.

SECTION 2

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

SECTION 3

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

SECTION 4

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

PASSED AND APPROVED: First reading this the 9th day of August, 2010.

PASSED AND APPROVED: Second reading this the 23rd day of August, 2010.



ATTEST:


Ann Smith, Interim City Secretary

CITY OF NEW BRAUNFELS

BY:


R. BRUCE BOYER, Mayor

APPROVED AS TO FORM:


ALAN WAYLAND, City Attorney

U:\Planning\Ordinances\HistoricLandmarkComm\193 San Antonio tax ord

Excerpt from the July 11, 2017 Historic Landmark Commission Meeting Minutes

HLC-17-013: Discuss and consider a recommendation to City Council on an extension of Rehabilitation Tax Relief for the property addresses at 193 W. San Antonio Street, a local historic landmark known as the Jacob Schmidt Building for a second five years.

Mrs. McWhorter presented the staff report, displaying the before and after photos of the subject property. Mrs. McWhorter said Staff recommends approval of the extension of Rehabilitation Tax Relief, as it meets the criteria for approval.

Chair Nichols inquired about the changes in the Tax Relief processes since Mrs. McWhorter became the Historic Preservation Officer.

Mrs. McWhorter responded there had been changes, stating that an audit done to the County's tax office had revealed that there had been issues with the 20% benefit for being in the Historic District and the Rehabilitation Tax credit. She stated the accounting is stricter regarding these items now.

Mrs. McWhorter stated a letter is provided to the applicant following approval of the Rehabilitation Tax Relief stating the applicant is responsible for filing it with the County Tax Office. She explained the previous Historic Preservation Office had been filing it for the applicant, but the City no longer files the paperwork since signatures from the applicant are required.

Discussion followed regarding the improvements to the process to provide clarity and ease to the applicant.

Motion by Commissioner Warnecke, seconded by Commissioner Hoffmann, to recommend approval to City Council on an extension of Rehabilitation Tax Relief for the property addresses at 193 W. San Antonio Street, a local historic landmark known as the Jacob Schmidt Building for a second five years Motion carried. (6-0-0)

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, GRANTING AN EXTENSION OF TAX RELIEF FOR A SECOND FIVE YEAR PERIOD TO THE OWNER OF THE DESIGNATED HISTORIC LANDMARK LOCATED AT 193 W. SAN ANTONIO STREET ALSO BEING CITY BLOCK 1004, LOT W 50 LOT 3 (A), KNOWN AS THE JACOB SCHMIDT BUILDING, FOR A PERIOD OF FIVE YEARS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE

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

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

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

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

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

SECTION 1

THAT the property owner of the designated historic landmark located at 193 W. San Antonio Street also being City Block 1004, Lot W 50 Lot 3 (A), known as the Jacob Schmidt Building, be granted the five year extension of tax relief as outlined in Section 66-57.1, Incentives, Historic Landmark Preservation, of the New Braunfels Code of

Ordinances, City of New Braunfels, Texas.

SECTION 2

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

SECTION 3

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

SECTION 4

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

PASSED AND APPROVED: First reading this the 28th day of August, 2017.

PASSED AND APPROVED: Second reading this the 25th day of September 2017.

CITY OF NEW BRAUNFELS

BY: _____
Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney

\\chfs-1\Departments\Planning\Ordinances\HistoricLandmarks\193 San Antonio Extension _tax relief.doc



9/25/2017

Agenda Item No. K)

Presenter/Contact

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

SUBJECT:

Approval of the second and final reading of an ordinance amending Chapter 126-104 to conform to House Bill 62 adopted by the Texas Legislature in the 85th regular session that allows an operator of a motor vehicle to read, write, or send an electronic message on a wireless communication device while stopped, and provides affirmative defenses to prosecution.

BACKGROUND / RATIONALE:

During the 85th legislative session, the Legislature adopted House Bill 62 which prohibits texting while driving a motor vehicle unless the vehicle is stopped. Stopped includes stopped in traffic, stopped at a red light, or stopped at a stop sign. This conflicts with the city's hands-free ordinance that City Council adopted in 2015. In the city's current ordinance, texting while driving a motor vehicle, even if the vehicle is stopped, is illegal. A driver may only text while legally parked or on private property. In addition, the city's ordinance has only three affirmative defenses for any violation of the ordinance, whereas, HB 62 provides six affirmative defenses for this offense, only two of which overlap defenses adopted by City Council in 2015. In order to be congruent with this new state law, this ordinance should be amended as reflected in the attached ordinance.

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

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FISCAL IMPACT:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATION:

Staff recommends approval of the adoption of this ordinance that will amend Chapter 126-104 to conform to House Bill 62 adopted by the Texas Legislature in the 85th regular session that allows an operator of a motor vehicle to read, write, or send an electronic message on a wireless communication device while stopped, and provides affirmative defenses to prosecution.

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING CHAPTER 126, ARTICLE IV-OPERATION OF VEHICLES, DIVISION 1-GENERALLY, SECTION 126-104, TO REPEAL ONLY THAT PORTION OF THE ORDINANCE THAT PROHIBITS DRIVERS FROM USING HAND-HELD WIRELESS COMMUNICATION DEVICES TO READ, WRITE, OR SEND A TEXT MESSAGE WHILE THE VEHICLE IS STOPPED AND ADDITIONAL AFFIRMATIVE DEFENSES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council finds it inherently distracting and dangerous when a person operates a motor vehicle while using a hand-held wireless communication device; and

WHEREAS, in 2015, the City of New Braunfels City Council adopted reasonable restrictions on the use of hand-held wireless communication devices while driving, which included a bar against texting while at a stop unless the vehicle was legally parked; and

WHEREAS, the Texas Legislature adopted House Bill 62 during the 85th regular session, that allows drivers to read, write, and send text messages on hand-held wireless communication devices such as cell phones, while the vehicle is stopped; and

WHEREAS, House Bill 62 preempts all local ordinances relating to the use of a portable wireless communication device by the operator of a motor vehicle to read, write, or send electronic message and further provides specific affirmative defenses for violations of this new state law; and

WHEREAS, the city's hands-free ordinance prohibiting driver texting while stopped should be amended to reflect House Bill 62.

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

SECTION 1. Findings.

The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2: That Chapter 126, Article IV, Division 1, of the New Braunfels Code of Ordinances shall be amended to read as follows, with new language indicated below by use of underlined font:

Sec. 126-104. - Regulating the use of hand-held wireless communication devices while driving.

- (a) Definitions. ~~In this section:~~ The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them below, except where the context clearly indicates a different meaning:

- (1) Electronic message means data that is read from or entered into a wireless communication device for the purpose of communicating with another person.
- (42) *Engaging in a call* means talking, dialing, or listening on a hand-held wireless communication device, including holding a wireless communication device to activate or deactivate the device.
- (23) *Hand-held wireless communication device* means a text-messaging device or other electronic, two-way communication device that uses a commercial mobile service, as defined by 47 United States Code §332, that is designed to receive and transmit voice communication, text message, or pictorial communication, ~~or both~~, whether by internet or other electronic means. The term ~~also~~ includes devices such as mobile telephones, personal digital assistants (PDA), MP3 or other portable music players, electronic reading devices, laptop computers or tablets, portable computing devices, portable global positioning or navigation systems, pagers, electronic game devices and broadband personal communication devices.
- (34) *Hands-free wireless communication device* means a mobile telephone, a device with speakerphone capability, a telephone attachment, or another function or other piece of equipment, regardless of whether or not permanently installed in a motor vehicle, that allows use of the wireless communication device without use of either of the operator's hands, (or prosthetic device or aid in the case of a physically disabled person).
- (45) *Operating a motor vehicle* includes motor vehicle that is moving, stopped or standing on a public street, highway or right-of-way, unless it is lawfully parked as that term is defined herein.
- (56) *Park or parked* shall mean for the operator to completely cease movement of a motor vehicle in a lawful manner and location. For the purposes of this section, "parked" does not mean a vehicle stopped in a lane of traffic due to either a lawful traffic control device, or the conditions on the roadway, or traffic congestion patterns then existing.
- (7) Stop or stopped shall mean for the operator to completely cease movement of a motor vehicle while in traffic due to a traffic control device, conditions on the roadway, or traffic congestion patterns then existing.
- (68) *Text message* means a two-way communication (whether real-time or asynchronous) in which data (composed in whole or in part of text, numbers, images, or symbols) is sent, entered, or received by a method other than by voice and transmitted through either a short message service (SMS) or a computer network. This term includes instant messaging and e-mail. The term does not include a communication transmitted through a global positioning or navigation system.
- (b) It is an offense if the person uses a hand-held wireless communication device while operating a motor vehicle to:
- (1) Engage in a call;
 - (2) Send, read or write an electronic message on a wireless communication device, unless the vehicle is stopped. To be prosecuted, the behavior must be committed in the

presence of or within view of a peace officer or established by other evidence. The state law definitions of *electronic message* and *wireless communication device* will apply to this subparagraph (b)(2) and the reference to *electronic messages* in (b)(3), and (e);

- (3) Take or view pictures or written text, excluding electronic messages referenced in subparagraph (b)(2) above, whether transmitted by internet or other electronic means, or access or view an internet web site or software application;
 - (4) Engage in gaming; or
 - (5) Engage in any other use of the device while operating a motor vehicle. This includes holding the hand-held wireless communication device.
- (c) Sections (b)(1),(3),(4) and (5) do not apply to an operator of a motor vehicle using a hand-held wireless communication device:
- (1) While the vehicle is legally parked as that term is defined herein, or is being driven on private property;
 - (2) That is used with a hands-free wireless communication device;
 - (3) If the operator is a law enforcement officer, firefighter, member of a governmental emergency medical services function, or member of a governmental emergency management function, and the operator is using the device to conduct official business related to the position; or
 - (4) Who is licensed by the Federal Communications Commission while operating a radio frequency device, other than a hand held wireless communication device; or an operator using a two-way radio communication.
- (d) It shall be an affirmative defense to prosecution under ~~this~~ sections (b)(1),(3),(4) and (5), that the person was using a hand-held wireless communication device for the purpose of:
- (1) Reporting illegal activity to a law enforcement agency;
 - (2) Communicating with an emergency response operator, a fire department, a law enforcement agency, a hospital, a physician's office, or a health clinic regarding a medical or other emergency situation; or
 - (3) In the reasonable belief that a person's life or safety is in immediate danger.
- (e) Affirmative defenses applicable to prosecution under paragraph (b)(2) are limited to those provided in the *Texas Transportation Code*, Chapter 545.4251(c), and are listed below, however if state law amends this provision, then this paragraph is so amended. It is an affirmative defense to prosecution under this section that the operator used the wireless communication device:
- (1) in conjunction with a hands-free device as defined by *Transportation Code*, Section 545.425;
 - (3) to navigate a global positioning system or navigation system;
 - (4) to report illegal activity, summon emergency help, or enter information into a software application that provides information relating to traffic and road conditions to users of the application;

(5) to read an electronic message that the person reasonably believed concerned an emergency;

(6) that was permanently or temporarily affixed to the vehicle to relay information in the course of the operator's occupational duties between the operator and:

(A) a dispatcher; or

(B) a digital network or software application service; or

(7) to activate a function that plays music.

SECTION 3:

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:

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 5:

All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6:

In accordance with the provisions of Section 3.10 of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

SECTION 7:

This Ordinance shall become adopted and effective upon its final reading and must 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 on the _____ day of _____, 2017.

PASSED AND APPROVED: Second Reading on the _____ day of _____, 2017.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney

9/25/2017

Agenda Item No. L)

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 restrict parking on both sides of Loop 337 from State Highway 46 to 1,320 feet east of the intersection with Oakwood Boulevard.

BACKGROUND / RATIONALE:

Council Districts: 3 and 4

City Council unanimously approved the first reading of the ordinance amending Section 126-346 of the Code of Ordinances to restrict parking on both sides of Loop 337 from State Highway 46 to 1,320 feet east of the intersection with Oakwood Boulevard.

Engineering staff received a request from the Texas Department of Transportation (TxDOT) to restrict parking along Loop 337 in the area of New Braunfels High School and Oakwood Baptist Church. This request is due to the upcoming widening project on Loop 337 and these are known areas where the public parks in the right of way.

TxDOT is requesting these signs for safety reasons and to keep the public out of the construction areas. The TxDOT contractor will erect the No Parking signs in these areas during the construction project.

Staff recommends that a notice be placed on the New Braunfels ISD website with the sports schedules so that visiting teams are aware of the new parking restrictions along Loop 337 and parking options.

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:

N/A

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously approved the recommendation to City Council to amend Section 126-346 of the City of New Braunfels Code of Ordinances to restrict parking along a portion of Loop 337 to prepare for the upcoming widening project at their meeting on

August 10, 2017.

STAFF RECOMMENDATION:

Staff recommends approval of restricting parking along both sides of Loop 337 from 1,320 feet east of the intersection with Oakwood Boulevard west to the intersection of Loop 337 and State Highway 46.

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-346 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO RESTRICT PARKING ALONG BOTH SIDES OF A PORTION OF LOOP 337.

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:

- (109) On both sides of Loop 337 from 1,320 feet east of the intersection with Oakwood Boulevard west to the intersection of Loop 337 and State Highway 46. 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 _____ day of _____, 2017.

PASSED AND APPROVED: Second reading this the _____ day of _____, 2017.

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, MAYOR

ATTEST:

PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY



Proposed No Parking Zones on Loop 337

9/25/2017

Agenda Item No. M)

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 114-92 of the City of New Braunfels Code of Ordinances to provide requirements for access near public highway-rail grade crossings.

BACKGROUND / RATIONALE:

City Council unanimously approved the first reading of the ordinance amending Section 114-92 of the City of New Braunfels Code of Ordinances to provide requirements for access near public highway-rail grade crossings.

City staff is proposing an amendment to Section 114-92 of the Code of Ordinances to provide requirements for access near public highway-rail grade crossings. This amendment is necessary for compliance with the federal standards for the quiet zone crossings that have implemented supplementary safety measures throughout the city. The amendment also provides requirements for new access near crossings in order to plan for future supplemental safety measures and quiet zone crossings. Supplementary safety measures are required by federal law to be utilized at any established quiet zone in the city.

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:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendment to Section 114-92 of the City of New Braunfels Code of Ordinances to provide guidance for access near public highway-rail grade crossings.

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 114-94 OF THE NEW BRAUNFELS CODE OF ORDINANCES TO PROVIDE GUIDANCE FOR ACCESS NEAR PUBLIC HIGHWAY-RAIL GRADE CROSSINGS.

WHEREAS, railroad quiet zone crossing locations in the city require supplementary safety measures;

WHEREAS, future development near public highway-rail grade crossings needs to meet the railroad quiet zone standards;

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:

I.

THAT the City of New Braunfels Code of Ordinances Section 114-94 is hereby amended as follows:

Sec. 114-94. – Permit required; application.

- d. Railroad quiet zones are established throughout the city at designated public highway-rail grade crossings per Title 49 of the Code of Federal Regulations. Supplementary safety measures, including “Gates with Medians or Channelization Devices” were installed for public highway-rail grade crossings in the established quiet zones in the city and should be referenced with all development permits within 100 feet of the gate arm of a crossing. No permit shall be issued that will alter the supplementary safety measures or risk removal of an established quiet zone crossing. New access shall not be granted within 100 feet of an existing or future railroad gate arm in order to maintain and plan for future quiet zones.

II.

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.

III.

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

IV.

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

PASSED AND APPROVED: First reading this the _____ day of _____, 2017.

PASSED AND APPROVED: Second reading this the _____ day of _____, 2017.

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, MAYOR

ATTEST:

PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY

9/25/2017

Agenda Item No. A)

Presenter/Contact

Patrick Aten, City Secretary
(830) 221-4006 - paten@nbtexas.org

SUBJECT:

Discuss and consider approval of the second and final reading of an ordinance amending portions of the Code of Ordinances, Section 126-354 Parking by Permit Only, regarding the administration of parking permits.

BACKGROUND / RATIONALE:

City Council approved the first reading of the ordinance (6-1) on September 11, 2017, with the addition of an appeal process to the City Secretary for the possibility of additional temporary permits.

Parking by Permit areas began in 2001 near the Last Tubers Exit. They have since expanded to a dozen areas (see attached map) near the Comal and Guadalupe Rivers. Since this type of permitting began, the administration of the permits has changed allowing for faster delivery of permits (so residents do not have to return to City Hall for more permits) including no longer differentiating between regular permits and visitor permits, staff not capturing vehicle information per permit, and other efforts to streamline the process. 2017 saw a record number of parking permits distributed.

Temporary permits are similar; however they are valid for only one day for those hosting an event. Currently, temporary permits require a \$3 deposit and there is no limit on the number to be distributed. This ordinance increases the deposit to \$5 and provides a limit of 20 permits per address or event so as to alleviate parking congestion in a parking by permit area.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

As this ordinance does not affect the traffic regulations or signage in the parking by permit areas, but mainly the administration of visitor permits and temporary permits, this proposed ordinance did not go to the Transportation and Traffic Advisory Board.

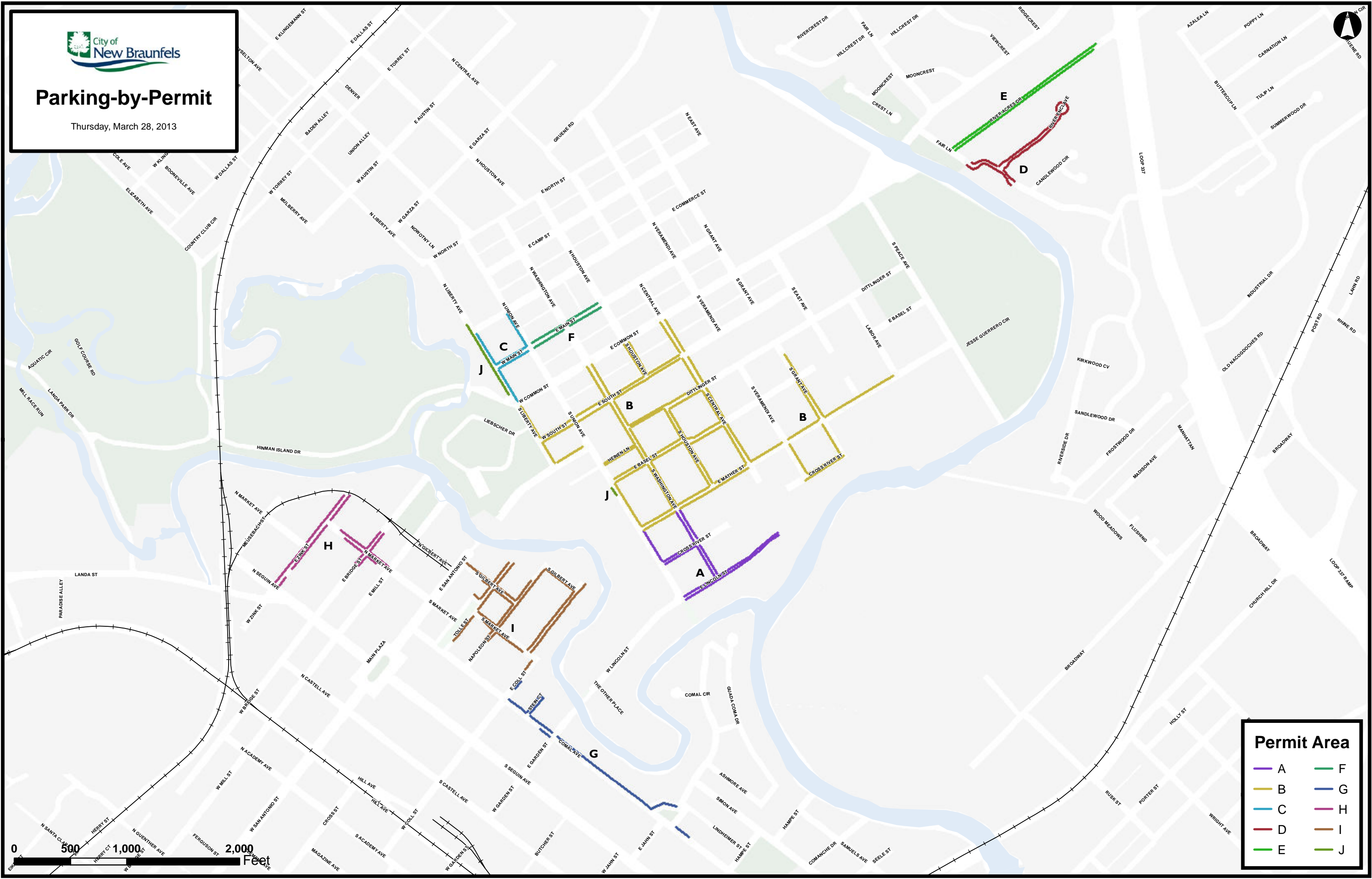
STAFF RECOMMENDATION:

Staff recommends approval of the ordinance.



Parking-by-Permit

Thursday, March 28, 2013



Permit Area

A	F
B	G
C	H
D	I
E	J

ORDINANCE NO. 2017 - ____

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING PORTIONS OF THE CODE OF ORDINANCES SECTION 126-354, "PARKING BY PERMIT ONLY," REGARDING THE ADMINISTRATION OF PARKING PERMITS; PROVIDING A SAVINGS CLAUSE AND SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Parking by permit areas were first established in 2001; and

WHEREAS, Parking by permit areas have expanded through several different neighborhoods; and

WHEREAS, The administration and issuance of the permits has changed over time; and

WHEREAS, It is the intention of the City to maintain uniformity in the administration of permits for all parking by permit areas and residents within parking by permit areas.

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

SECTION 1: The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2: That Section 126-354 of the New Braunfels Code of Ordinances shall be amended to hereinafter read as displayed in Attachment A.

SECTION 3: 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 4: 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 5: In accordance with the provisions of Section 3.10 of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

SECTION 6: This ordinance shall become adopted and effective upon January 1, 2017, signature required by City Charter, and filing by the City Secretary. 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 D. Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney

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

- (a) *Definitions.* As used in this policy, the following terms shall have the meanings ascribed in this section, unless the context of their usage clearly indicates another meaning:

Block means both sides of a street between two intersecting streets.

Designated permit area means a contiguous area of a single family residential or commercial use containing not less than ten commercial or single-family residential lots, upon which the city council imposes a parking permit per this policy. Except, where there are less than ten commercial or single family residential lots on the entire length of the street, then the entire length of the street may be considered.

Non-permitted vehicle means a vehicle parked or left standing in a designated permit area without having displayed thereon a parking permit for such area issued by the city pursuant to this policy, regardless of whether such vehicle parked or left standing is owned or being used by a resident and/or property owner of the designated permit area.

Parking permit means a permit issued by the city pursuant to this policy to a resident and/or property owner within a designated permit area for display on a vehicle owned or used by such resident and/or property owner or his or her visitors which is parked or left standing within the designated permit area.

Resident means a person whose place of residence is as located in the city as to render him or her eligible for procurement of a parking permit under this policy.

Temporary permit means a permit issued with by the city pursuant to this policy to property owner or resident within a designated permit area for display on a vehicle used by visitors which is parked or left standing within the designated permit area. Temporary permits shall be valid for time specified upon issuance not to exceed one 24-hour period.

- (a) *Parking permit exemptions.* The display of some sign or marking which identifies a non-resident commercial or service vehicle being used while the operator is conducting commercial or service related activities shall be deemed a parking permit and such vehicle shall be exempt from any parking restriction as established by this policy for any designated permit area.

- (b) *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.

Deleted: *Visitor permit* means a permit issued by the city pursuant to this policy to a resident and/or property owner within a designated permit area for display on a vehicle owned or used by such resident and/or property owner or his or her visitors which is parked or left standing within the designated permit area. ¶

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- 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 east side of S. Union Avenue from the intersection of E. Mather Street to Cross River Street.
- (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 Cross River Street (inclusive).
- (3) Area C, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
- a. On east side of N. Liberty Avenue from the intersection of E. Commerce Street to W. Common Street.
 - b. On both sides of W. Main Street from the intersection of N. Union Avenue to the intersection of N. Liberty Avenue.
 - c. On west side of North Union Avenue from the intersection of W. Main Street to the intersection of W. Commerce Street.
- (4) Area D, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
- a. On both sides of River Enclave from the intersection of Fair Lane to the dead end.
 - b. On both sides of Fair Lane within the subdivision of River Enclave.
- (5) Area E, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
- a. On the north side of River Acres Drive from its intersection with Fair Lane northeasterly for a distance of 1570 feet.
 - b. On the south side of River Acres Drive from its intersection with Fair Lane northeasterly for a distance of 1510 feet.
- (6) Area B, between the hours of 8:00 a.m. and 6:00 p.m. from May 1st through September 30th.
- a. On both sides of E. South Street from the intersection of Liberty Avenue to S. Union Avenue.
- (7) Area F, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
- a. On both sides of Main Street from its intersection with Union Avenue northeasterly to its intersection with Houston Avenue.
- (8) Area G, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
- a. On both sides of Stein Court.
 - b. On the north side of Comal Avenue from 417 Comal Avenue to 637 Comal Avenue.
 - c. On the north side of Comal Avenue from 311 Comal Avenue to 393 Comal Avenue and 388 Comal Avenue on the south side.

- (9) Area H, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
- a. On both sides of East Zink Street from Seguin Avenue excluding 146 East Zink Street.
 - b. On both sides of N. Market Avenue from 341 and 342 through to 290 and 218 N. Market Avenue.
 - c. On both sides of E. Bridge Street from 352 and 353 through to 274 and 283 E. Bridge Street.
 - d. On the northeast side of N. Market Avenue in front of 360 N. Market Avenue.
- (10) Area I, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
- a. On the east side of S. Gilbert Avenue from 185 feet south of E. San Antonio Street to 285 S. Gilbert Avenue.
 - b. On the south side of S. Gilbert Avenue from 393 Tolle Street to 292 S. Gilbert Avenue.
 - c. On both sides of Tolle Street from 393 and 360 to 454 Tolle Street.
 - d. On the northwest side of Napoleon Street from 325 S. Market Street Avenue to 451 Napoleon Street.
 - e. On both sides of S. Market Avenue the intersection with Tolle Street to the intersection with E. Coll Street.
 - f. On the southeast side of Tolle Street from 234 to 294 Tolle Street.
 - g. On both sides of Napoleon St. between 286 Napoleon Street and 286 S. Market Avenue.
 - h. On the southwest side of S. Gilbert Avenue from Napoleon St. to E. Coll Street.
 - i. On both sides of E. Coll St. between S. Market Avenue and S. Gilbert Avenue.
 - j. On the southeast side of Napoleon Street from S. Market Avenue to S. Gilbert Avenue.
 - k. On the south side of E. Coll St. between S. Market Avenue and Comal Avenue.
 - l. On the north side of E. Coll St. between S. Market Avenue and 281 E. Coll Street.
- (11) Area J, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
- a. On the west side of S. Union Avenue from 410 to 418 S. Union Avenue, inclusive.

- b. On the west side of N. Liberty Avenue from 201 to 285 N. Liberty Avenue, inclusive.
 - c. On the west side of N. Liberty Avenue in front of 161 N. Liberty Avenue.
- (12) Area K, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
- a. On the south side of E. Nacogdoches Street from Kuehler Avenue to Karbach Avenue.
 - b. On both sides of Beaty Street from Sanger Avenue to Karbach Avenue.
 - c. On both sides of E. Faust Street from Kuehler Avenue to Sanger Avenue.
 - d. On the north side of Kessler Street from Kuehler Avenue to Sanger Avenue.
 - e. On both sides of Sanger Avenue from Kessler Street to E. Nacogdoches Street.
 - f. On both sides of Karbach Avenue from 981 Karbach Avenue to E. Nacogdoches Street.
- (13) Area L, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
- a. On the west side of Fair Lane from Hillcrest Drive to East Common Street.
 - b. On both sides of Mooncrest from Crest Lane to Fair Lane.
 - c. On both sides of Crest Lane from Mooncrest west to the end of the street.
- (d) *Establishment of a designated permit area.*
- (1) A neighborhood desiring to create a designated permit area may submit an application for consideration to the city engineer containing the following information:
- a. Description or a map showing the proposed blocks of the designated permit area.
 - b. The address of each residential lot within the proposed designated permit area and to the extent such information is available to the applicants, the name(s) of the occupant(s) of each single family residential home;
 - c. An identification of any non-residential properties located within the proposed designated permit area, such as churches, schools, public facilities, or commercial establishments;
 - d. A statement of the proposed parking restrictions desired by the applicants, including days of the week, times of the day, and the length of time for the parking restriction; and
 - e. A petition to include the following statement signed by two-thirds of all single family homes located within the designated permit area to determine if the area qualifies as a designated permit parking area:

"We the undersigned are residents and/or property owners of the proposed designated permit area described in this application. We understand that: (i) if this area is designated, certain restrictions will be placed upon on-street parking within the area; (ii) residents and/or residential property owners of the area will be entitled to obtain a limited number of parking permits exempting their vehicles from such parking restrictions, but if a resident and/or property owner owns a vehicle without having a permit displayed, that vehicle will be subject to the parking restrictions; (iii) parking permits will be issued for a term of one year and require replacement each year; (iv) the cost of issuing the annual parking permits will be paid by the residents and/or property owners."

(2) The city engineer will review all applications submitted for a proposed designated parking permit area and determine the following:

- a. No less than 75 percent of all available on-street parking spaces within the designated area are occupied and remain occupied for a minimum of two hours;
- b. No less than 25 percent of all available on-street parking spaces within the designated area are occupied and remain occupied by non-neighborhood vehicles; and
- c. The proposed designated parking area is a contiguous commercial or residential use and consists of a minimum of ten commercial or residential lots, except where there are less than ten commercial or single family lots on the entire length of the street, then the entire length of the street may be considered.

(3) A public hearing on the application shall be conducted by city council. Notice of the public hearing shall be mailed not less than ten days prior the scheduled date of the hearing to all persons listed in the petition as being an occupant of each of the single family homes within the permit area 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 proposed designated permit area. The council may approve, reject, or modify the proposed designated permit area in any manner the council deems appropriate, except that the area shall not be expanded but may be reduced by excluding certain properties as long as the remaining properties remain contiguous to each other. Council will approve the designated parking by permit area by adopting an ordinance, which shall describe each street within the area and the specific restrictions applicable to the area.

(e) *Modification of a designated permit area.* In response to a request submitted any person or upon its own initiative, the city council may modify a designated permit area or any parking restriction applicable to such area, or council may abolish the entire area or rescind any of such restrictions by ordinance. No action shall be taken until council has conducted a public hearing on the proposed change with notice given in the same manner as required to establish the designated permit area.

(f) *Issuance of parking permits.*

- (1) An occupant for each commercial or single family home residing within the designated permit area may submit an application to the city secretary for two free parking permits, which will be granted upon proof of residency. The application shall be made on a form prepared by the city and shall include the name of the owner or operator of the vehicle, his or her address, and the owners drivers license number.
- (2) An occupant for each commercial or single family home residing within the designated permit area may obtain up to two additional parking permits at any one time for \$3.00 each. The permits are subject to the same requirements and restrictions of a parking permit.
- (3) Upon showing of special circumstances or unavoidable hardship, the city secretary shall have the authority to issue a greater number of residential parking permits to occupants residing within the designated area. An appeal of the city secretary's decision to deny a request for additional parking permits or a request for temporary permits may be made to the city council.

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- (g) *Term, form, and fee of permit.* Residents shall reapply for permits annually. Parking permits shall be valid from May 1st to September 30th of the year in which the permit was issued. Each permit shall display a control number, the designated permit area, and an expiration date. There shall be no fee for the first two residential parking permits. Additional residential parking permits shall be \$3.00 each. Each temporary daily permit will require a \$5.00 deposit (refundable upon returning the temporary daily permit) and they are limited to no more than 20 per address or event. If an applicant requests more than 20 temporary permits, they may appeal for more to the discretion of the City Secretary.

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- (h) *Parking permits.* A parking permit is valid only for its designated area and only when it is displayed visibly on the windshield or on the rearview mirror of a vehicle parked along one of the residential streets subject to this policy. A parking permit shall not guarantee or reserve to the holder a parking space. A parking permit is non-transferable and shall not be re-sold. A parking permit shall not authorize the holder to cause to stand or park a vehicle at such places where parking is prohibited or during such times as when the stopping, standing, or parking of vehicles is set aside for specified types of vehicles, nor exempt the holder from observance of any traffic regulation other than the specified parking restrictions. A parking permit confers a privilege only, subject to revocation consistent with this policy at any time.

(Ord. No. 01-25, § II, 4-9-01; Ord. No. 2005-42, § I, 5-2-05; Ord. No. 2005-54, § I, 6-27-05; Ord. No. 2005-71, § I, 9-26-05; Ord. No. 2006-45, § I, 5-22-06; Ord. No. 2006-52, § I, 6-26-06; Ord. No. 2006-73, § I, 7-24-06; Ord. No. 2006-80, § I, 8-28-06; Ord. No. 2009-24, § I, 4-27-09; Ord. No. 2009-33, § I, 6-8-09; Ord. No. 2009-40, § I, 6-22-09; Ord. No. 2009-45, § I, 7-27-09; Ord. No. 2009-54, § I, 8-10-09; Ord. No. 2009-59, § I, 9-14-09; Ord. No. 2010-25, § I, 4-26-10; Ord. No. 2010-36, § I, 6-14-10; Ord. No. 2011-40, § I, 5-23-11; Ord. No. 2011-51, § I, 6-13-11; Ord. No. 2011-102, § I, 11-28-11; Ord. No. 2013-11, § I, 3-25-13; Ord. No. 2013-37, § I, 6-24-13; Ord. No. 2014-34, § I, 5-12-14; Ord. No. 2016-44, § I, 8-16-16; Ord. No. 2017-04, § I, 1-9-17; Ord. No. 2017-17, § I, 3-13-17; Ord. No. 2017-24, § I, 2-27-17)

9/25/2017

Agenda Item No. B)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the second and final reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking on Golf Course Road.

BACKGROUND / RATIONALE:

Council District: 3

City Council unanimously approved the first reading of the ordinance amending Section 126-346 of the Code of Ordinances to restrict parking on Golf Course Road.

Engineering staff received a request from the Parks and Recreation Department to restrict parking along Golf Course Road in Landa Park. This request is due to concerns about lack of space for safe passage of vehicles trying to access the golf course parking lot, including concerns about the accessibility for emergency vehicles.

Golf Course Road is approximately 23 feet wide and has a speed limit of 20 mph. This request is to restrict parking along both sides of the road, which would allow for the free flow of traffic in both directions.

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 \$150 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 amend Section 126-346 of the City of New Braunfels Code of Ordinances to restrict parking on Golf Course Road at their meeting on August 10, 2017.

STAFF RECOMMENDATION:

Staff recommends approval of establishing a no parking zone on both sides of Golf Course Road from the intersection with Landa Park Drive to the end at the golf course parking lot.

ORDINANCE NO. 2017-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, AMENDING SECTION 126-346 OF THE CITY OF
NEW BRAUNFELS CODE OF ORDINANCES TO RESTRICT PARKING
ALONG BOTH SIDES OF GOLF COURSE ROAD.**

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:

- (108) On both sides of Golf Course Road from the intersection with Landa Park Drive to the end at the golf course parking lot. 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 _____ day of _____, 2017.

PASSED AND APPROVED: Second reading this the _____ day of _____, 2017.

CITY OF NEW BRAUNFELS, TEXAS

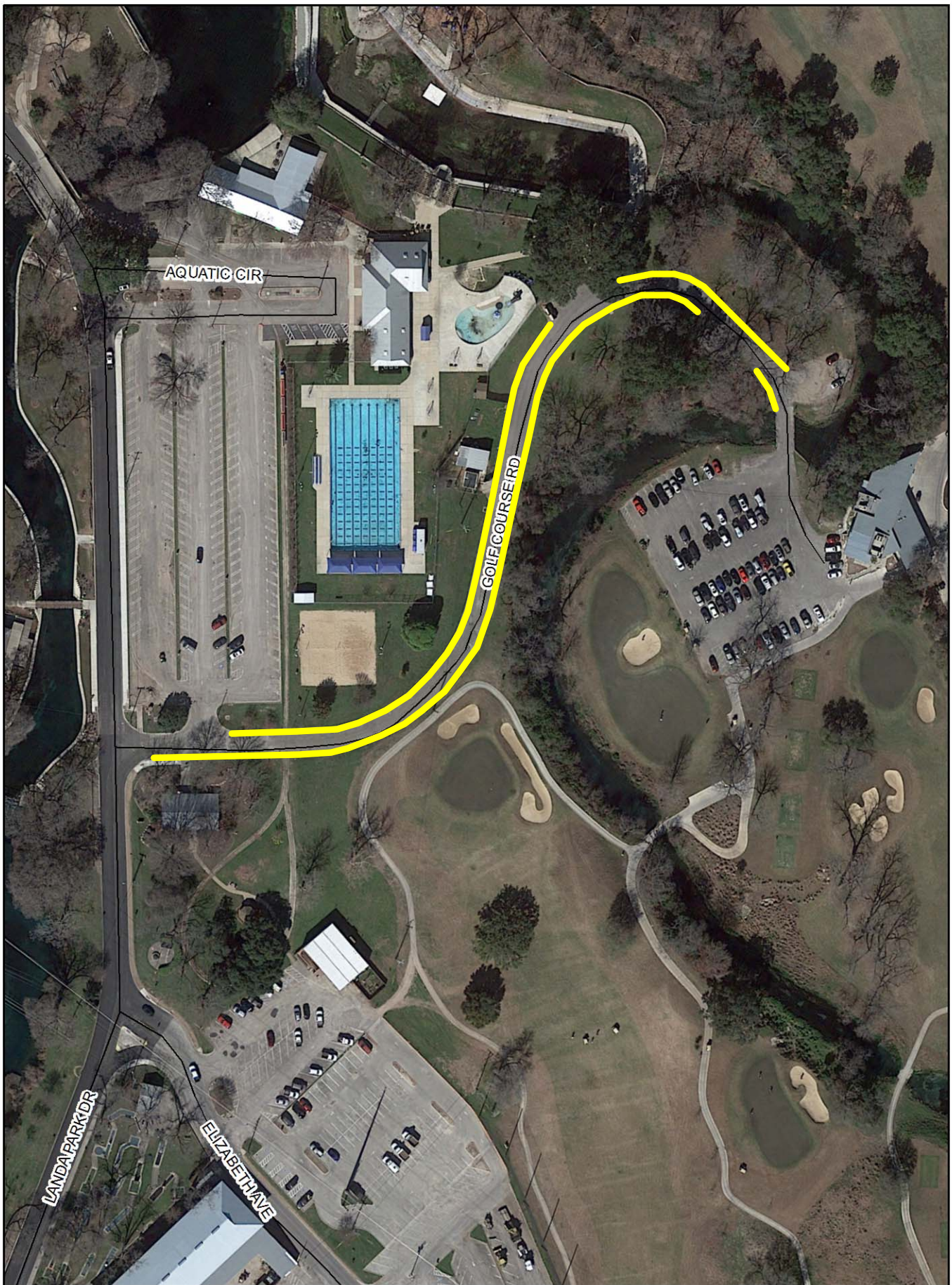
BARRON CASTEEL, MAYOR

ATTEST:

PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY



Proposed No Parking Zone on Golf Course Road

9/25/2017

Agenda Item No. C)

Presenter

*Christopher Looney, Planning & Community Development Director
clooney@nbtexas.org*

SUBJECT:

Discuss and consider a request for a conditional sign permit for a pole sign along the IH 35 Access Road at the future Long Motors at 116 IH 35 South.

BACKGROUND / RATIONALE:

Case No.: CS-17-019

Council District: 6

Owner/Applicant: Long Real Estate Holding, LLC
Paul Long
6900 IH 35 South
Austin, TX 78745
(512) 587-1161

Agent: Custom Sign Creations
Maggie Star
1703 Dungan Lane
Austin, TX 78754
(512) 374-9300

Staff Contact: Benjamin Campbell
(830) 221-4056
bcampbell@nbtexas.org

Background:

The subject property is located on the IH 35 South Access Road just west of the new Valero Corner Store at the corner of S. Seguin Avenue. The property consists of three parcels with frontage on both the Access Road and E. Merriweather Street; 210 feet along the access road, and 150 feet along E. Merriweather Street. The applicant indicated the property is intended for use as an automobile dealership.

The property is zoned "M-1" Light Industrial District. While the Sign Ordinance includes requirements for signs based on zoning, it also includes limitations and allowances based on the adjacent thoroughfare classifications. Signs on property along main thoroughfares, including IH 35, are granted additional size and heights.

One of subject parcels is currently improved with a former Enterprise Rent-A-Car building and parking lot fronting the access road. The other two subject lots fronting E. Merriweather Street are occupied by single-family houses. The applicant has not indicated any plans for the houses along E. Merriweather Street, nor has a future site plan been submitted (Attachment 5 is an existing site plan).

The previous sign cabinet for Enterprise Rent-A-Car was removed from the existing pole, which is all that presently remains. This remaining pole is 51 feet, 7 inches tall exceeding the maximum allowable height by 5 feet, 7 inches. New Braunfels' Sign Ordinance currently allows pole signs along the Interstate to be 40 feet tall plus the difference between the elevation of the location of the sign and the elevation of the nearest main travel lanes of IH 35 (6 feet) for an allowable height of 46 feet.

Per the Sign Ordinance, allowed signage for this entire site consists of a maximum total of 4 freestanding signs, 2 for each street frontage, as identified in the tables in Attachment 8.

Proposal:

The applicant is requesting to reuse the existing pole and place an elliptical/oval cabinet at the top of the pole with the top of the cabinet flush with the top of the pole (51 feet, 7 inches). The applicant indicated that the sign will be 270 square feet (25 feet wide by 10 feet, 10 1/8 inches tall), but the sign will actually be smaller in area when accounting for the curves of the ellipse. In either event, 270 square feet is less than the maximum allowed by the Sign Ordinance.

The applicant has not indicated the setback for the pole or the sign cabinet. Staff calculated that the pole is setback approximately 20 feet, deducing that the cabinet will be approximately 7.5 feet from the property line if oriented perpendicular to the right-of-way. The minimum setback required is 5 feet.

The applicant has not indicated whether or not additional signs are intended for the property, either presently or in the future.

Existing Signs in the Vicinity:

A Conditional Sign Permit was denied for the neighboring Valero property on November 14, 2016 (CS-16-031), which requested a pole sign height of 75 feet. Accounting for the additional height granted by the elevated highway, the allowable height for that site is 54 feet. Valero's existing pole sign complies with the height requirements.

A Conditional Sign Permit was approved for the nearby Hyundai dealership at 485 N. Business 35 on July 28, 2014 (CS-14-033), which allowed a monument sign to be larger and/or taller than the Sign Ordinance allows. The monument sign is 39 feet tall and 429 square feet.

Additional signs in the area include:

Burger King	83 feet
Drive Time	70 feet
River Hoffbrau	60 feet
Jack in the Box	50 feet
CVS Pharmacy	65 feet

Lot Size:

115 IH 35 South (Access Road): 0.4970 acres

110 E. Merriweather Street: 0.3099 acres

116 E. Merriweather Street: 0.2066 acres

Surrounding Zoning & Land Use:

North - across Merriweather, "C-3" Commercial District / Bluebonnet Motors

East - "M-1" Light Industrial District / Valero gas station and convenience store

South - IH 35 Right-of-Way

West - "M-1" Light Industrial District / Chiropractor's office and single-family home

Comprehensive Plan/Future Land Use Designation:
Commercial

Improvement(s):

1,581 square-foot commercial building, and two residential structures each smaller than 800 square feet

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

While the subject property is along the Interstate Highway where taller signs are allowed, a residential neighborhood does exist immediately to the west that deserves protection. Conditional sign permits provide opportunities for trade-offs and alternatives that can often achieve a balance that benefits a business while protecting neighbors.

Therefore, staff recommends approval of the conditional sign permit, but only with the following condition:

- That no additional monument or pole signs be allowed on the subject property, including all 3 lots.

The existing pole is less than 6 feet taller than the maximum allowable height. This difference in height should have minimal impact to passing motorists in comparison to existing signs in the immediate vicinity and the previous height of the Enterprise sign. Being shorter than some of the other nearby signs creates a tapering effect as distance from the major roadway intersection increases. And limiting any additional signage on the site will also be a benefit to the nearby residents.

Attachments:

1. Aerial Map
2. Application
3. Approved Sign
4. Proposed Sign
5. Existing Site Plan
6. Contour Map
7. Comparison Table Showing Allowable Signs vs. Requested Sign
8. Excerpt from Sign Ordinance



Map Created 9/5/17

CS-17-019
Long Motors
116 IH 35 South





PLANNING

APPLICATION FOR CONDITIONAL SIGN PERMIT

Planning and Community Development
550 Landa Street, New Braunfels, TX 78130
Phone: (830) 221-4050
Case No. CS-17-019

1. Applicant - If business owner or coordinator of special event, so state. If agent or other relationship, a letter of authorization must be furnished from owner when application is submitted.

Name: Maggie Star with Custom Sign Creations

Mailing Address: 1703 Dungan Ln Austin TX 78754

Email Address: maggies@cscsign.com

Telephone: 512-374-9300 x:2817

Mobile: 512-779-6366



2. Property Address/Location: 5/ 116 N IH 35 New Braunfels, TX 78130

3. Existing signs on property: one pole from previous sign

4. Number of requested signs one to be installed onto existing pole
—

5. Dimension & height of sign(s): Sign Cabinet: 10' 10" x 25' 0" / Pole: 51' 7"

6. Business or event to be advertised: Long Motors

7. Reason for request (please explain in detail and attach additional pages if needed): Request to maintain the height of the existing pole for a new sign. New Braunfels sign ordinance is allowing a height of 46', however, the existing pipe is 51' 7" and we would like to maintain the overall height.

8. ATTACHMENTS: (The following items must be submitted with the application)

- ✓ A \$300.00 application fee.
- ✓ A scaled site plan showing the proposed location of the sign(s) on the property.
- W/A ✓ A map showing the distance from sign(s) to business or event if signs are off-premise.
- ✓ A sketch showing the contents, dimensions and construction materials of the sign(s).
- ✓ Photographs of the property where the sign(s) will be located.
- ✓ Agent letter (if applicable).

The undersigned hereby requests a conditional sign permit for the location(s) described above.

Signature of Owner(s)/Agent

Date

Maggie Star

8-18-17



EXISTING



CHOP EXISTING POLE TO ALLOW
FOR MAX OAH OF 46'

CITY
OFFICE
COPY

PAINT POLE PMS 2945

PROPOSED

A

ELEVATION

SCALE: 1/8" = 1' 0"

PROPOSED SQ FT: 270
MAX ALLOWANCE: 400

P1

PANTONE
2945 C

CSC SIGN

1703 DUNGAN LANE
AUSTIN, TX 78754
512-374-9300
INFO@CSCSIGN.COM
WWW.CSCSIGN.COM

LONG MOTORS

116 N IH 35
NEW BRAUNFELS, TX 78130

JOB INFORMATION

NUMBER: 21599-SPEC2-A
SALES REP.: MAGGIE
DESIGNER: SARA

CLIENT APPROVAL

DATE:
X _____
INSTALL DATE:

UL LISTED



EXISTING



PROPOSED

A ELEVATION
SCALE: 1/8" = 1' 0"

PROPOSED SQ FT: 270
MAX ALLOWANCE: 400

1703 DUNGAN LANE
AUSTIN, TX 78754
512-374-9300
INFO@CSCSIGN.COM
WWW.CSCSIGN.COM

LOVE MOTORS
116 IH 35
NEW BRAUNFELS, TX 78130

JOB INFORMATION
NUMBER: 21599-SPEC3-A
SALES REP.: MAGGIE
DESIGNER: SARF

CLIENT APPROVAL
DATE: _____
X _____
INSTALL DATE: _____



RECEIVED

AUG 18 2017

BY: _____



- 1: INTERNALLY ILLUMINATED FLEX FACE CABINET PAINTED (P1) WITH WHITE FLEX FACE MATERIAL AND 1ST SURFACE VINYL GRAPHICS TO MATCH (V1),(V2), AND (V3)
- 2: PAINTED EXISTING POLE TO MATCH (P1)

3M 3630-167 SULTAN BLUE	3M 3630-93 FIRE	ORACAL 651 070 BLACK	PANTONE 2945 C

A D/F INTERNALLY ILLUMINATED CABINET WITH FLEX FACE **QTY = 1**
 SCALE: 3/8" = 1' 0"
 PROPOSED SQ. FT.: 270
 MAX ALLOWANCE: 400



LONG MOTORS 116 N IH 35 NEW BRAUNFELS, TX 78130	CLIENT APPROVAL DATE: _____ X _____ INSTALL DATE: _____	
	JOB INFORMATION NUMBER: 21599-SPEC3-A SALES REP.: MAGGIE DESIGNER: SARA	

1703 DUNGAN LANE
AUSTIN, TX 78754
512-374-8300
INFO@CSCSIGN.COM
WWW.CSCSIGN.COM

[illegible]

SETBACKS OF 2	1992-1993			
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[illegible]


www.exacta365.com
 P. 281.763.7766
 F. 281.763.7767

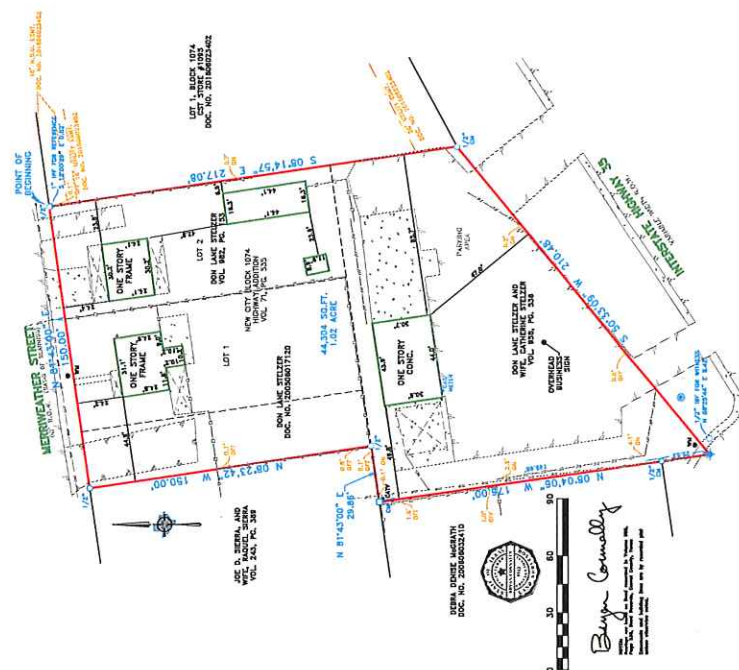
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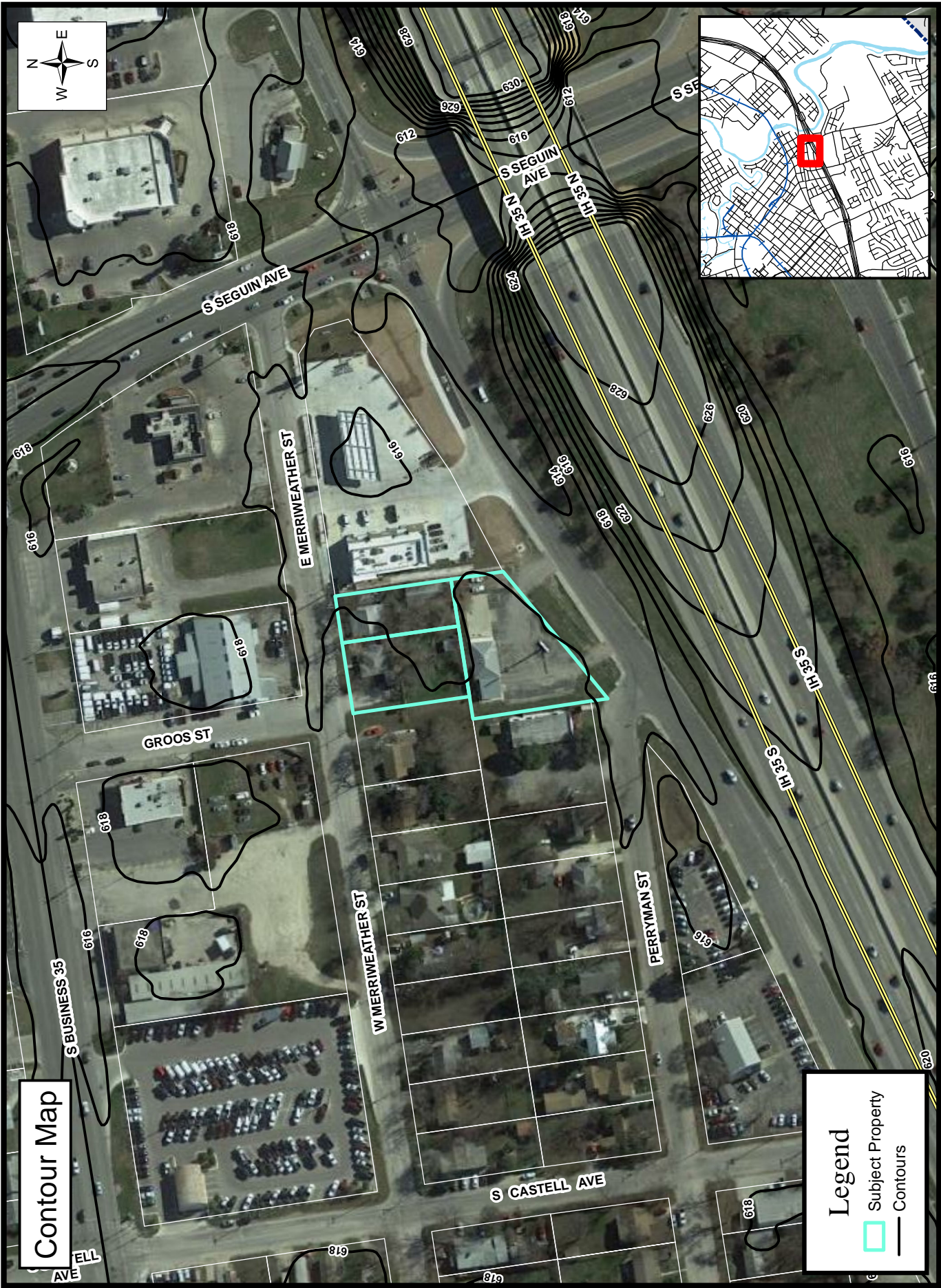
7416 Canal Drive, Lake Worth, FL 33467.

ACTA
SURVEYOR ATTACHMENT

IENT 5



RECEIVED
AUG 18 2017
BY: _____



Map Created 9/5/17

CS-17-019
Long Motors
116 IH 35 South



	Allowed on IH-35 (Total of 2)			Conditional Sign Permit (Total of 1)
SIGN TYPE	Monument	Low Profile Pole	Pole Sign	Pole Sign
DISTRICT	M-1 1/300' for site		IH 35	
AREA	48 sq. ft.	20 sq. ft.	400 sq. ft.	Less than 270 sq. ft.
HEIGHT	10 ft.	10 ft.	~ 46 ft. (40 ft. + IH 35 elevation)	51 ft. 7 in.
SETBACK	10 ft.	10 ft.	5 ft.	At least 7.5 ft.
NUMBER	1		1	1

	Allowed on E. Merriweather Street (Total of 2 – under current configuration)		Conditional Sign Permit (Total of 0)
SIGN TYPE	Low Profile Monument	Low Profile Pole	
DISTRICT	M-1 1/300' for site		None
AREA	48 sq. ft.	20 sq. ft.	None
HEIGHT	10 ft.	10 ft.	None
SETBACK	10 ft.	10 ft.	None
NUMBER	2 (1 per property)		None

CHAPTER 106 SIGNS

106-14.2 Design Requirements.

c. *Pole Signs on Properties with IH 35 Frontage.*

Pole signs are permitted on properties with IH 35 frontage, and which have commercial or industrial zoning provided they meet the following requirements:

1. Height limit shall be 40 feet. For signs on properties with IH 35 frontage, additional height may be allowed.
 - a) This additional allowance will be determined by measuring the difference between the elevation of the property at the proposed location of the sign and the elevation of IH 35 main travel lanes.
 - b) Determination of the elevational difference shall be measured by projecting a perpendicular line from the center line of the proposed location of the sign to the IH 35 main travel lanes section nearest the sign.
 - c) The allowance will only apply for properties and sign locations that are determined to be lower in elevation than the IH 35 main travel lanes, as measured by b. above.
2. Maximum area shall be 400 square feet per face.
3. Pole sign shall have only two sign faces.
4. Properties with IH 35 frontage may have only one pole sign for each 400 feet of frontage. Poles signs shall be spaced a minimum of 300 feet apart.
5. All signs shall maintain a minimum clearance from electric power lines of ten feet horizontally and 15 feet vertically or as otherwise may be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner. Such signs are allowed in addition to permitted signage on the tract.

9/25/2017

Agenda Item No. D)

Presenter

*Christopher J. Looney, Planning and Community Development Director
clooney@nbtexas.org*

SUBJECT:

Discuss and consider authorizing the City Manager to execute a requested license agreement between West 209 Investments, LLC and the City of New Braunfels for sidewalk vault lights in the right-of-way adjacent to property addressed at 209 W. San Antonio Street.

BACKGROUND / RATIONALE:

Council District: 5

Applicant: West 209 Investments, LLC
Fred Heimer
130 South Seguin Avenue, Ste. 100
New Braunfels, TX 78130

Staff Contact: Amy McWhorter, Downtown Development Coordinator
(830) 221-4057
amcwhorter@nbtexas.org

The subject property is located at the corner of West San Antonio Street and South Castell Avenue. It consists of a circa 1900 commercial building currently occupied by the Downtown Antique Mall, and adjoining right-of-way. The building is a two-story structure with a basement. As was common around the turn of the century, the basement had a secondary access door via the adjacent street/sidewalk that led to a vault area beneath the sidewalk. Daylight was provided to the basement via vault lights, which were refractive glass bullets inset in concrete or iron panels upon which pedestrians could walk. The vault area remains along Castell Avenue beneath the existing sidewalk. The doors and vault lights were covered with wire and asphaltic coating at some point.

West 209 Investments, LLC has requested a license agreement with the City of New Braunfels to restore the historic vault lighting in the sidewalk where it previously existed; as well as to convert the aforementioned access door opening into an additional light panel.

If this request is approved, the applicant proposes to prepare engineered plans for the improvements, which would have to be approved by the City Engineer. Additionally, the applicant proposes to construct the improvements so as not to interfere with the Downtown Sidewalk Improvement Project; or he will coordinate the installation with the City's sidewalk contractor at his cost.

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: Goal HP1: <i>Increase Historic Preservation efforts in New Braunfels.</i> Goal HP3: <i>Preserve the unique character of downtown and historic New Braunfels.</i> Goal HP4: <i>Improve the level of understanding regarding historic preservation, resulting in a climate more respectful of New Braunfels' heritage.</i> Cons: None.
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the requested agreement. Replacement of this historic element of our Downtown will meet several goals of the Comprehensive Plan, will improve the aesthetics of Downtown, and will draw public attention to unique historic character and architectural elements.

Attachments:

1. Aerial Map
2. Draft License Agreement
3. Material Specifications
4. Examples of sidewalk lights

Location Map



License Agreement

This License Agreement is entered into on this the ____ day of _____, 2017 by and between West 209 Investments, LLC, (“Licensee”) 130 S. Seguin, Ave., Suite 100, New Braunfels, Texas 78130 and the City of New Braunfels (“Licensor”) acting herein through its duly authorized City Manager, 550 Landa Street, New Braunfels, Texas 78130.

Recitals

WHEREAS, the City is the owner of the public right of way described as the sidewalk along “Castell Avenue near its southeast corner intersection with W. San Antonio Street” as is more fully shown on the attached Exhibit “A”; and

WHEREAS, Licensee is the owner of the commercial structure existing at 209 West San Antonio Street in New Braunfels, Texas. Historically, there was light access to a basement of the structure through three sections of vault lights located in the sidewalk and physical access through steel basement access doors. Currently, the steel access doors remain in place, but the sections of vault lights have been covered with wire and asphalt over the years; and

WHEREAS, Licensee, in conjunction with City’s reconstruction of the downtown sidewalk project, desires to improve, maintain and rehabilitate the above described sidewalk lights and doors at its own expense by incorporating new vault lighting sections in the sidewalk and replacing the steel access doors with additional vault lights that allow natural light into the basement; and

WHEREAS, the Licensor, is agreeable to Licensee’s improvements, maintenance, and rehabilitation of these discrete segments of the sidewalk along Casteel Avenue and adjacent to, or above the basement of the structure existing at 209 West San Antonio Street, with the understanding that; (a) the City incurs no liability or maintenance obligations from such improvements, (b) the City is not required to pay any money for the purchase or the removal of such improvements; and (c) the improvements do not interfere with previously established easements.

NOW, THEREFORE, in consideration of the promises contained herein, Licensor does hereby grant a license to Licensee for the purpose of rehabilitating, improving, and maintaining the sidewalk vault lights and steel doors in the City sidewalk adjacent to Licensee’s structure. The foregoing recitals are hereby incorporated into the body of this Agreement and shall be

considered part of the mutual covenants, consideration and promises that bind the parties.

A. Licensee shall abide by the following terms:

1. Licensee at its expense shall prepare plans for said sidewalk improvements and said plans must be approved by the City of New Braunfels' City Engineer. Notwithstanding the foregoing, Licensor acknowledges and agrees that Licensee's improvements will be constructed of standard cast iron framework with sealed, solid glass, bullet inserts that meet typical load capacity for standard public sidewalk use (100lb/sf live load capacity).
2. Licensee shall timely construct pursuant to approved plans so as not to interfere with the City's current downtown sidewalk construction project. Said improvements shall be constructed on or before _____. However, if it is agreed that the City's contractor for the downtown sidewalk project shall install Licensee's improvements, then Licensee shall prepay the estimated cost of the installation of the improvements and provide the improvements on or before _____. Failure to make such estimated payment shall constitute an immediate breach of this agreement and the City is not obligated to install any such improvements and may remove current improvements at its sole discretion.
3. Licensee agrees that it will not construct or cause to be constructed or erected any other structure or improvement upon the sidewalk, without the express, written approval of the City Manager of Licensor;
4. Licensor grants this License solely to the extent of its right, title and interest in the sidewalk property without express or implied warranties;
5. The improvements installed by Licensee will not interfere with any established drainage and must comply with requisite safety regulations for the sidewalk and Castell street including but not limited to any accessibility requirements under state or federal law;
6. Licensor will incur no liability or maintenance obligations from such improvements;
7. Licensor reserves the right to enter Licensee's property to inspect same at any

time;

8. Licensee shall be responsible for maintenance of Property and Licensee shall have the right to access Property for maintenance purposes. However, Licenser retains the right to perform maintenance in the event Licensee does not perform such maintenance and charge same to Licensee;
9. The improvements shall be fully constructed by Licensee or their agents and Licensee releases Licenser from any and all liability associated with such improvements. Licensee agrees to comply with all federal, state and local laws, construction and safety codes, and other regulations in the construction and maintenance of the improvements;
10. Sole ownership of the improvements and their maintenance shall remain with Licensee, its successors or assigns unless otherwise agreed to in writing;
11. For an initial period of ten years, Licenser shall have the right to terminate this agreement and request removal of the improvements only in the event that the improvements cause an unanticipated conflict with the Licenser's construction of city infrastructure. Further, during the initial ten year period, if Licenser needs to construct improvements or modifications in the public right of way including the subject sidewalk area herein described, then Licensee shall be solely responsible for repairing and replacing any such sidewalk improvements damaged during such construction. After this initial ten year period, Licenser shall have the right, at the sole discretion of the Licenser to terminate this agreement with or without cause and require removal of the improvements at Licensee's sole expense upon sixty (60) days written notice to Licensee. The Licenser, in lieu of termination, may request that Licensee perform certain alterations, modifications or improvements to the improvements, at the sole expense of Licensee. However, if such alternations, modifications or improvements are not performed to the satisfaction of the Licenser, Licenser shall be entitled to exercise its right to terminate this agreement; and
12. This Agreement until its revocation, shall bind each party's successors and

assigns. Licensee and its successors and assigns, much notify Licensor of any change of Licensee or address to the Licensor within thirty (30) days of any such change.

B. Indemnification: In consideration of the permission extended to the Licensee by the City of New Braunfels, its officers, agents, employees, servants, successors or assigns, to use the City's Property identified in this Agreement for any or all of the purposes listed in this Agreement. Licensee does hereby agree to INDEMNIFY, REIMBURSE, DISCHARGE, and RELEASE the City and its officers, agents, employees, servants, successors, and assigns and HOLD THEM HARMLESS from and against any and costs, expenses, reasonable attorney fees, claims, suits, losses or liability for injuries including death, to persons and from any other costs, expenses, reasonable attorney fees, claims, suits, losses or liabilities or any and every nature whatsoever arising in any manner, directly or indirectly, out of or in connection with the Licensee's presence or activities on the City's Property identified herein by the Licensee, his agents, employees, servants, successors, assigns, contractors or subcontractors.

C. Liability Insurance: Licensee shall, at its own expense, purchase, maintain and keep in force liability insurance and shall protect Licensee and Licensor from claims which may arise out of or in connection with any operations at the Premises, whether the operations be by the Licensee or by anyone directly or indirectly employed or contracted by the Licensee, guest, invitee, volunteer, agent, or by anyone for whose acts Licensee may be liable. The minimum amounts of liability insurance required are as follows:

Bodily Injury:

Per Person	\$300,000.00
Per Accident	\$500,000.00

Property Damage Liability.

Per Accident	\$100,000.00
Aggregate	\$100,000.00

Insurance required by this section shall be written so that the Licensee will be notified in writing in the event of cancellation, restrictive amendment or non-renewal at least thirty (30) days prior to the action. Certificates of Insurance shall be filed with the Licensor's Risk Manager.

1. All insurance required under this section shall be written with the City as an additional insured. In any event, Licensee is solely responsible for all losses arising out of, resulting from or connected with operations under this agreement whether or not the losses are covered by insurance. The City's acceptance of Certificates of Insurance that in any respect do not comply with the city's requirement does not release the Licensee from compliance within.
 2. All insurance required under this section shall be primary over any other insurance coverage the City may hold.
 3. The parties intend that the Licensee maintain liability insurance coverage not less than amounts prescribed in Section 101.023 of the Texas Civil Practice and Remedies Code as it may be amended from time to time. In the event such amounts increase beyond the limits set forth herein, the Licensee shall obtain such increased coverage and provide the City with certificate therefore. The burden of maintaining proper insurance coverage and compliance with this subsection lies solely with the Licensee. Failure to maintain such insurance coverage is a breach of this Agreement.
- D. This license constitutes the entire agreement between Licensor and Licensee on this subject, and it may be amended only by written instrument executed by both parties. The license runs with ownership of the property and structure located at 209 W. San Antonio Street, New Braunfels, Texas, currently owned by Licensee.
- E. The Licensor may terminate this license immediately upon Licensee's breach of any term in this agreement.

All notices, requests and other communications dealing directly or indirectly with this license shall be in writing and shall be hand delivered by messenger or carrier service, telecommunicated or mailed by registered or certified mail (postage prepaid, return receipt

requested, addressed to:

As to Licensor: City Manager
City of New Braunfels Texas
550 Landa Street
New Braunfels, Texas 78130

Copy to: City Attorney
City of New Braunfels Texas
550 Landa Street
New Braunfels, Texas 78130

As to Licensee: West 209 Investments, LLC
130 S. Seguin Ave, Suite 100
New Braunfels, Texas 78130

IN WITNESS WHEREOF, the parties hereto execute this agreement in duplicate originals on this ____ day of _____, 2017.

City of New Braunfels Texas
550 Landa Street
New Braunfels, Texas 78130

BY: _____
Robert Camareno, City Manager

STATE OF TEXAS §
 §
COUNTY OF COMAL §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas on this day personally appeared Robert Camareno, City Manager., known to me to be the person whose name is subscribed to the foregoing contract and acknowledged that he has the authority and consent to bind the City of New Braunfels, Texas to this Agreement that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2017.

Notary Public, In and For
The State of Texas.

ATTEST:

Patrick D. Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney

West 209 Investments, LLC.
130 South Seguin Ave
New Braunfels, Texas 78130

By: _____
Name: Frederick C. Heimer
Title: Authorized Manager

STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas on this day personally appeared Frederick C. Heimer, the authorized Manager of West 209 Investments, LLC., known to me to be the person whose name is subscribed to the foregoing contract and acknowledged that he has the authority and consent to bind West 209 Investments, LLC to this Agreement that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day
of _____, 2017.

Notary Public, In and For
The State of Texas.



EBA Engineering Inc.
1625 Union Avenue
Baltimore, MD 21211

o 410.662.8088
f 410.662.8111
w www.ebaengineering.com

1. Check capacity of glass

Maximum glass span is across a diameter of 1-1/8". Minimum glass thickness is approximately 3/4".
Glass is acceptable by inspection.

2. Panel A

Material Properties:

Grey cast iron, ASTM A40

FY = 18 ksi E = 18,000 ksi

FV = 0.4 * FY = 7.2 ksi

FB = 0.65 * FY = 11.7 ksi

100 PSF Live Load

38 PSF Dead Load (self weight)

Typical cast iron panel measuring 31" by 54".

Assume the panel acts as a one-way slab for analysis.

Assume simplified section for iron rib: 0.41" x 1.31" rectangle spaced at 2-1/8" on centers.

Section Properties:

$$A = bd = 0.54 \text{ in}^2$$

$$S_x = b d^2 / 6 = 0.117 \text{ in}^3$$

$$I_x = b d^3 / 12 = 0.077 \text{ in}^4$$

Loading:

$$L = 2.58'$$

$$W = (100+38) \times 2.125' / 12" = 24.4 \text{ PLF}$$

A. Check Bending

$$M = w L^2 / 8 = 0.25 \text{ k-in}$$

$$f_b = M / S_x = 2.14 \text{ KSI} < 11.7 \text{ KSI allowable}$$

OK

B. Check Shear

$$V = w \times L / 2 = 31.9 \#$$

Design Reaction = 180 PLF

$$F_v = V / A = 59 \text{ PSI} < F_{\text{allowable-shear}} = 7.2 \text{ ksi}$$

OK

C. Check Deflection under Live Load

$$\Delta = 5WL^3 / 384EI = 0.017"$$

$$\Delta < L / 360 = 0.086"$$

OK

Vault Light History

Cast-iron vault lights were originally patented by Thaddeus Hyatt in 1845. As envisioned by Hyatt, the system incorporated small glass lenses set into cast-iron panels. The panels were modular, allowing for installation over large areas. Vault lights, sometimes referred to as "Hyatt Patent Lights," became widespread through the second half of the nineteenth century, paralleling the rapid development of cast-iron architecture (see figures a and b). As detailed in numerous historical trade catalogues of the time, vault lights were marketed to building owners and architects as a safe, inexpensive daylighting system that allowed for the conversion of previously "unusable" basements into "rent-earning, productive work space." Prismatic pendant (or "saw-tooth") lenses were often used in place of the basic lenses because the angled projections on the underside of the prism bent light rays, directing them to the inner reaches of the lower levels (see figure c).

Vault lights were also widely employed in the early 1900s construction of New York City's first

subway system (see figure d).

Purposefully employed by the designers of the Interborough Rapid Transit Company's (IRT) subway, vault lights were constructed in the ceilings above the platforms to create an inviting underground space for a public unaccustomed to subterranean travel. Along with decorative amenities and the promise of rapid transit, the subway depended largely on pure, natural light to attract its riders.

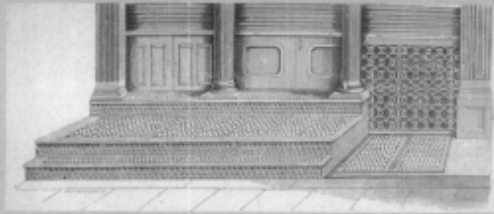


Figure a.



Figure b.

With the emergence of Portland cement as a new building material at the end of the nineteenth century, vault lights were increasingly constructed with round, translucent glass lenses set into reinforced concrete. The new concrete-and-glass version improved durability, waterproofing and slip-resistance while producing the same illuminating effect.

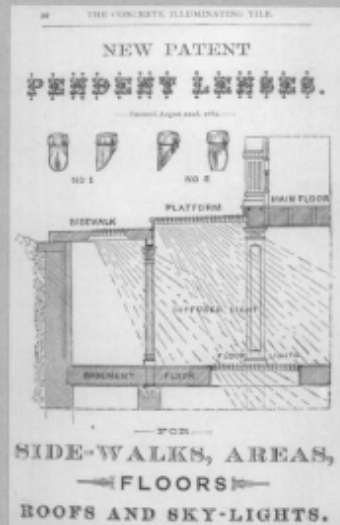


Figure c.



Figure d.





9/25/2017

Agenda Item No. E)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of additional expenditures for acquisition funds for the purchase of necessary properties on the Solms/Morningside Rueckle Road Reconstruction Project and Klein Road Reconstruction Project.

BACKGROUND / RATIONALE:

On February 13, 2017, City Council approved acquisition funds in the amount of \$750,000.00 to acquire the necessary parcels for the Solms/Morningside/Rueckle Road Reconstruction Project. Due to rising real estate costs in the area, additional funds in the amount of \$400,000.00 are requested.

On March 27, 2017, City Council approved acquisition funds in the amount of \$300,000.00 to acquire the necessary parcels for the Klein Road Reconstruction Project. Due to rising real estate costs in the area, additional funds in the amount of \$550,000.00 are requested.

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority:	Strategic Priorities: Continue an ongoing program of infrastructure construction and maintenance.
-------------------------------------	-----	------------------------------------	--

FISCAL IMPACT:

Expenditures associated with right-of-way acquisition are a component of the Solms/Morningside/Rueckle Road Reconstruction Project and the Klein Road Reconstruction Project. Therefore, sufficient funds are available to approve the acquisition funds as described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of acquisition funds for the Solms/Morningside/Rueckle Road Reconstruction Project and Klein Road Reconstruction project.

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/25/2017

Agenda Item No. F)

Presenter/Contact

*Chris Monceballez, Councilmember District 4
chrism@nbtexas.org*

SUBJECT:

Discuss and consider possible direction to staff regarding the placement of brown street signs in the Gruene Historic District.

BACKGROUND / RATIONALE:

This item has been placed on the agenda by Councilmember Monceballez.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/25/2017

Agenda Item No. G)

Presenter/Contact

Robert Camareno, City Manager
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SUBJECT:

Discuss and consider possible action on the creation of a Bond Advisory Committee.

BACKGROUND / RATIONALE:

This item was initially discussed at the September 11 City Council meeting with further discussion and possible action postponed until the September 25 City Council meeting.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/25/2017

Agenda Item No. A)

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

- Stop the Ordinances Please, et. al. v. City of New Braunfels.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

9/25/2017

Agenda Item No. B)

Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Attorney in accordance with Section 551.074 of the Texas Government Code.