



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



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

MONDAY, APRIL 9, 2018 at 6:00 PM

Barron Casteel, Mayor	Chris Monceballez, Councilmember (District 4)
Shane Hines, 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 Shane Hines

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PROCLAMATIONS:

- A) Crime Victims' Rights Week
- B) Child Abuse Awareness and Prevention Month
- C) Sexual Assault Awareness Month

PRESENTATIONS:

- A) 2017 Achievement of Excellence in Libraries Award
Gretchen Pruett, Library Director

1. MINUTES

- A) Discuss and consider approval of the minutes of the special City Council meeting of March 20, 2018, and the regular City Council meeting of March 26, 2018.
Patrick Aten, City Secretary

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 an Aerial Electric Line Easement between the City of New Braunfels and LCRA Transmission Services Corporation for upgrades to an existing electric line easement on a property identified as a 1.02 acre tract out of Landa Park Highlands No. 2, Block 5, City of New Braunfels, Comal County, Texas.
Matthew Eckmann, Real Estate Manager
- B) Approval of an Amendment to Electric Line Easement between the City of New Braunfels and LCRA Transmission Services Corporation for upgrades to an existing electric line easement on properties identified as 99.07 acres called Tract No. 2 “Landa Park” tract out of the Juan Martin Veramendi Survey, Abstract No. 2 and Lot 12, Block 8 Landa Park Highlands No. 2 in the City of New Braunfels, Comal County, Texas.
Matthew Eckmann, Real Estate Manager
- C) Approval of a resolution authorizing a project expenditure recommendation by the New Braunfels Industrial Development Corporation of up to \$260,000 to the City of New Braunfels for additional sidewalk improvements on San Antonio Street from Hill Avenue to Academy Avenue as part of the current Downtown Sidewalk Improvements Project.
Jennifer Cain, Capital Programs Manager
- D) Approval of a Change Order to the contract with Meyers Concrete for construction of the Downtown Sidewalk Improvements Project for \$405,000 to include the Additive Alternate segment between Hill Avenue and Academy Avenue.
Jennifer Cain, Capital Programs Manager
- E) Approval of the City of New Braunfels FY2017-18 first quarter investment report.
Martie Simpson, Finance Director

- F) Approval of a contract with Sullivan Contracting Services for pre-construction services for the repairs and upgrades at the Police Department.

Jennifer Cain, Capital Projects Manager

- G) Approval of a service agreement with Westnet, Inc. for onsite maintenance, repair, and technical support for the City's fire station alerting systems.

James Sellers, Fire Department Quartermaster

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 second and final reading of an ordinance amending Section 86-7 to include \$10 paid parking at certain city-owned parking lots located on Elizabeth Street.

Kristi Aday, Assistant City Manager, and Amy Niles, River Operations Manager

- I) Approval of the second and final reading of an ordinance regarding the proposed rezoning request to apply a Type 1 Special Use Permit to allow the short term rental of a single family dwelling in the "M-1" Light Industrial District, on Lot 7, City Block 1022, addressed at 564 South Castell Avenue.

Christopher Looney, Planning and Community Development Director

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the first reading of an ordinance amending the Code of Ordinances Chapter 118, Article V, Parkland.

Stacey Dicke, Parks and Recreation Director

- B) Discuss and consider a request for a conditional sign permit for a monument sign for Lakeview Villa Apartments, located at 2090 Sundance Parkway.

Christopher J. Looney, Planning and Community Development Director

- C) Discuss and consider approval of the final roadway improvement selections for the 2013 Bond Citywide Streets Program.

Jennifer Cain, Capital Programs Manager

- D) Discuss and consider approval of the installation of speed humps on Fair Lane between Summerwood Drive and Common Street.

Garry Ford, City Engineer

- E) Public hearing and first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise

Parking by Permit Area D.

Garry Ford, City Engineer

- F) Public hearing and first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to create a new Parking by Permit Area M.

Garry Ford, City Engineer

- G) Discuss and consider possible direction regarding possible amendments to Chapter 126, Traffic and Vehicles, to prohibit through truck traffic, designate Ferguson Street as a one-way street and restrict parking on Ferguson Street between West Mill Street and West San Antonio Street.

Garry Ford, City Engineer

- H) Discuss and consider approval of the installation of speed humps on Lakeview Boulevard between California Boulevard and Eden Hill Communities.

Garry Ford, City Engineer

- I) Discuss and consider approval of a resolution recommended by the New Braunfels Industrial Development Corporation for proposed changes to its bylaws to include renaming the corporation to the New Braunfels Economic Development Corporation, revising the duties of the secretary, and additional proposed changes.

Victor Garza, Economic Development 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 issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:
- Project Season
- B) Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:
- Personnel.
- C) 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:

- Property related to downtown development.

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.**

7. **ADJOURNMENT**

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall on April 4, 2018, at 5:00 p.m.

Patrick Aten, City Secretary

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

City of New Braunfels



Proclamation

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

WHEREAS, Americans are the victims of 20 million crimes each year, affecting individuals and communities; and

WHEREAS, years of investment in crime victims' rights and services have developed a system of victim response that can help victims recover from crime; and

WHEREAS, reaching and serving all victims of crime is essential to supporting thriving communities, because those who receive holistic services and support are more likely to remain invested in their communities; and

WHEREAS, dedicated victim service providers are working every day to meet the needs of crime victims, yet there are still too many victims without meaningful access to rights and services; and

WHEREAS, many victims face barriers – such as isolation, distrust of authorities, language limitations, lack of transportation, or cultural barriers – that keep them from accessing the services and criminal justice systems that can help them recover from crime; and

WHEREAS, we must make a dedicated effort to expand the circle of those prepared to respond to victims and link them to the resources that can help them recover; and

WHEREAS, engaging a broader array of healthcare providers, community leaders, faith organization educators, and businesses can provide new links between victims and services that improve their safety, healing and access to justice; and

WHEREAS, National Crime Victims' Rights Week provides an opportunity to recommit to ensure that all victims of crime – especially those who are challenging to reach or serve – are afforded their rights and receive a trauma-informed response; and

WHEREAS, The City of New Braunfels Police Department is hereby dedicated to strengthening victims and survivors in the aftermath of crime, building resilience in our communities and our victim responders, and working for justice for all victims and survivors.

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, Texas, do hereby proclaim the week of April 8-14, 2018 as

CRIME VICTIMS' RIGHTS WEEK

and reaffirm that The City of New Braunfels is committed to creating a victim service and criminal justice response that assists all victims of crime during Crime Victims' Rights Week and throughout the year; and to express our sincere gratitude and appreciation for those community members, victim service providers, and criminal justice professionals who are committed to improving our response to all victims of crime that they may find relevant assistance, support, justice, and peace.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 9th day of April 2018.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

City of New Braunfels



Proclamation

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

WHEREAS, there were more than 63,500 confirmed victims of child abuse and neglect in Texas during 2017; and

WHEREAS, more than 450 children in Comal County are confirmed victims of child abuse each year; and

WHEREAS, child abuse prevention is a community responsibility and finding solutions depends on involvement among all people; and

WHEREAS, communities must make every effort to promote programs that benefit children and their families; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships among agencies, schools, religious organizations, law enforcement agencies and the business community; and

WHEREAS, everyone in the community should become more aware of child abuse prevention and encourage parents to raise their children in a safe, nurturing environment; and

WHEREAS, community organizations such as Big Brothers and Big Sisters of Comal County, Comal County Child Welfare Board, Court Appointed Special Advocates (CASA), Children's Advocacy Center of Comal County, Connections Individual and Family Services, Inc., Early Childhood Intervention, Comal County District Attorney's Office, The Crisis Center of Comal County, Texas Department of Family and Protective Services, Comal County Sheriff's Office, New Braunfels, Bulverde, Garden Ridge and Schertz Police Departments, Communities in Schools, Sexual Assault Response Team of Comal County, New Braunfels Independent School District, Comal Independent School District, St. Jude's Ranch for Children – Bulverde Campus, St. Jude's Ranch for Children - Emergency Shelter, Hill Country Mental Health and Mental Retardation Center, Comal County Public Health Office McKenna Health System, Kid's Club and Upstarts assist in stopping child abuse and neglect.

NOW THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, Texas, do hereby proclaim the month of April 2018 as

CHILD ABUSE PREVENTION AND AWARENESS MONTH

in New Braunfels, Texas and I urge all citizens to work together and take action to stop child abuse and neglect.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 9th day of April 2018.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

City of New Braunfels



Proclamation

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

WHEREAS, Sexual Assault Awareness Month is intended to draw attention to the fact that sexual violence is widespread and has public health implications for every community member of Comal County; and

WHEREAS, rape, sexual assault, and sexual harassment impact our community as seen by statistics indicating that one in five women will have experienced sexual assault by the time they complete college; and

WHEREAS, we must work together to educate our community about what can be done to prevent sexual assault and how to support survivors; and

WHEREAS, staff and volunteers of The Crisis Center of Comal County and other prevention related programs in the county encourage every person to speak out when witnessing acts of violence however small and speak up when they hear others making light of sexual violence, stereotypes or gender biases; and

WHEREAS, with leadership, dedication, and encouragement, there is compelling evidence that we can be successful in reducing sexual violence in our county through prevention education, increased awareness, and holding perpetrators who commit acts of sexual violence responsible for their actions; and

WHEREAS, we strongly support the efforts of national, state, and local partners, and of every citizen to actively engage in public and private efforts, including conversations about what sexual violence is, how to prevent it, how to help survivors connect with services, and how every segment of our society can work together to better address sexual violence.

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, Texas, do hereby proclaim the month of April 2018 as

SEXUAL ASSAULT AWARENESS MONTH

and urge citizens to join The Crisis Center of Comal County, anti-sexual assault violence advocates, and support service programs in the belief that all community members must be part of the solution to end sexual violence.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed the 9th day of April 2018.

CITY OF NEW BRAUNFELS, TEXAS

BY: _____
BARRON CASTEEL, Mayor



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/9/2018

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 March 20, 2018, and the regular City Council meeting of March 26, 2018.

**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF TUESDAY, MARCH 20, 2018**

The City Council of the City of New Braunfels, Texas, met in a Special Session on March 20, 2018, at 5:30 p.m.

City Councilmembers present were:

Present 6 - Mayor Barron Casteel, Councilmember Justin Meadows, Councilmember Ron Reaves, Mayor Pro Tem Wayne Peters, Councilmember Leah García, and Councilmember Shane Hines

Absent 1 - Councilmember Chris Monceballez

City Staff members present were: City Manager Robert Camareno, City Attorney Valeria Acevedo, Assistant City Manager Kristi Aday, Assistant City Manager Bryan Woods, and City Secretary Patrick Aten.

The meeting was called to order by Mayor Casteel in City Hall Council Chambers at 5:35 p.m. Councilmember Garcia gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

1. WORKSHOP

A) Presentation and discussion on the results from Public Meeting #6 for the South Castell Avenue Project.

Mayor Casteel read the aforementioned caption.

Robert Camareno introduced the item. Andrew Douglas presented the item.

Tom Jones, Wayne Rudolph, Charlie Duke, and Thor Thornhill spoke on the item.

No action was taken.

The meeting adjourned at 6:08 p.m.

Approved: April 9, 2018

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, MARCH 26, 2018**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on March 26, 2018, at 6:00 p.m.

City Councilmembers present were:

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

City Staff present were: City Manager Robert Camareno, City Attorney Valeria Acevedo, Assistant City Manager Kristi Aday, City Secretary Patrick Aten, Assistant City Secretary Drew Lyons, Parks and Recreation Director Stacey Dicke, Das Rec Manager Kelsey Heiden, Planning and Community Development Director Chris Looney, Capital Programs Manager Jennifer Cain, River Manager Amy Niles, and City Engineer Garry Ford.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:03 p.m. Mayor Casteel gave the invocation and led the Pledge of Allegiance and Salute to the Texas Flag.

PRESENTATIONS:

- A) Presentation of the 2018 Texas Recreation and Park Society Statewide Jerry Garret Young Professional Award to Kelsey Heiden, Das Rec Manager.

Mayor Casteel read the aforementioned caption.

Stacey Dicke presented the item and award to Kelsey Heiden.

- B) Presentation of the 2018 Texas Recreation and Park Society Park Design Excellence Award for Fischer Park.

Mayor Casteel read the aforementioned caption.

Stacey Dicke presented the item.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of March 12, 2018.

Mayor Casteel read the aforementioned caption.

Councilmember Garcia moved to approve the minutes. Councilmember Monceballez seconded the motion, which passed unanimously.

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.

Mayor Casteel read the aforementioned caption.

Jane Toleno spoke about the intersection of Common Street and Gruene Road.

3. CONSENT AGENDA

All items listed below are considered to be routine and non-controversial by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business.

Resolutions & Action Items

- A) Approval of the appointment of one individual as an alternate to the Construction Board of Appeals for a term ending February 24, 2023.
- B) Approval of the appointment of one individual to the Library Advisory Board for a term ending September 26, 2020.
- C) Approval of the appointment of one individual to the at large position of the Watershed Advisory Committee for a term ending April 18, 2021.
- D) Approval of the appointment of three individuals to the Central Texas Technology Center Board for terms ending April 26, 2021.
- E) Approval of the appointment of one individual to the Airport Advisory Board for a term ending May 12, 2018.

- F) Approval of a resolution adopting an order cancelling the May 5, 2018 Regular Election for City Council District Three; and declaring the candidate for City Council District Three Elected.
- G) Approval of the issuance of invitations for competitive sealed proposals on the Live Oak Avenue/Katy Street Improvements and Panther Canyon Erosion Control projects since the City Council finds that this delivery method will provide the best value to the City.

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 second and final reading of an ordinance modifying Chapter 86-7 "Operation of Vehicles in Parks", Subsection (d) (2) "Exceptions" regarding resident tennis pass to include disc golf and basketball.

Mayor Casteel read the aforementioned captions.

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

4. INDIVIDUAL ITEMS FOR CONSIDERATION

Councilmember Meadows moved to move Item 4C to the beginning of the Regular Agenda. Councilmember Garcia seconded the motion, which passed unanimously.

- C) Discuss and consider approval of the first reading of an ordinance amending the Code of Ordinances Chapter 118, Article V, Parkland.

Mayor Casteel read the aforementioned caption.

Robert Camareno requested for the item to be postponed.

Councilmember Garcia moved to postpone the item to the April 9 City Council meeting. Councilmember Hines seconded the motion, which passed unanimously.

- A) Presentation and action on the recommendation of the Bond Advisory Committee.

Mayor Casteel read the aforementioned caption.

Robert Camareno and Jennifer Cain presented the item.

City Council's direction was to move forward with the Bond Advisory Committee recommended projects and add more streets projects, the North-South Connector, and the Guadalupe River properties master plan.

No action was taken.

- B) Public hearing and consideration of the second and final reading of an ordinance regarding proposed amendments to the Code of Ordinances regarding development-related fees.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the public hearing

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

<City Council took a break.>

- D) Discuss and consider approval of the first reading of an ordinance amending Section 86-7 to include \$10 paid parking at certain city-owned parking lots located on Elizabeth Street.

Mayor Casteel read the aforementioned caption.

Kristi Aday and Amy Niles presented the item.

Councilmember Reaves moved to approve the item with the revenues from the parking going to the River Activities Fund. Mayor Pro Tem Peters seconded the motion, which passed unanimously.

- E) Discuss and consider approval of the final roadway improvement selections for the 2013 Bond Citywide Streets Program.

Mayor Casteel read the aforementioned caption.

Jennifer Cain presented the item.

Councilmember Monceballez moved to approve the staff recommended portion of West San Antonio Street, and staff will return on April 9 with more information on Common Street and Union Avenue. Councilmember Hines seconded the motion, which passed unanimously.

- F) Discuss and consider approval of a resolution for the determination of right-of-way of W. County Line Road, identified as a minor arterial in the City of New Braunfels Regional Transportation Plan, between FM 1044 and FM 725.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Councilmember Monceballez moved to approve the item. Councilmember Meadows seconded the motion, which passed unanimously.

- G) Public hearing and first reading of an ordinance regarding the proposed rezoning request to apply a Special Use Permit to allow the short term rental of a single family dwelling in the "M-1" Light Industrial District, on Lot 7, City Block 1022, addressed at 564 South Castell Avenue.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the public hearing.

Councilmember Hines moved to approve the item with staff recommendations. Councilmember Meadows seconded the motion. Mayor Pro Tem Peters moved to amend the motion with the maximum occupancy of the short term rental limited to six guests, and signage must be posted to observe a quiet time after 10:00 p.m. The motion to amend was seconded by Councilmember Garcia, which passed unanimously. The amended main motion passed unanimously.

- H) Discuss and consider a waiver from the requirement to construct sidewalks along Ferryboat Lane for the proposed J&J Properties Subdivision.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

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

- I) Discuss and consider a waiver from the requirement to construct sidewalks along a portion of the private streets in the proposed Riedel Subdivision.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

James Ingalls spoke in favor of the item.

Councilmember Monceballez moved to approve the item with the requirement to construct the sidewalk along one side of the street. Councilmember Hines seconded the motion, which passed unanimously.

- J) Discuss and consider two appeals to an off-site parking agreement for a planned business addressed at 1263 Gruene Road:
 A) Appeal from Gruene Mansion Inn (Cecil Eager)
 B) Appeal from Gruene Texas 90, LLC (Mary Jane Nalley)

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Mary Jane Nalley, Cecil Eager, Alfred Leos, Tim Herman, Rick Reitz, Pat Molak, Gordon Hughes, Kyle Mylius, Chris Rue, LaFawn Thompson, Monty Hooper, Pam Reitz, Allie Ackerman, and Lucien Banton spoke on the item.

Councilmember Hines moved to postpone the item to the April 9 City

Council meeting. Mayor Pro Tem Peters seconded the motion, which failed 2 to 4 to 1, with Councilmembers Meadows, Reaves, Mayor Pro tem Peters, and Mayor Casteel opposed, and Councilmember Monceballez abstaining.

Mayor Casteel read the following: 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).

The City Council recessed into Executive Session from 9:25 p.m. until 9:41 p.m. No vote or action was taken.

After the Executive Session, the City Council reconvened in Open Session at 9:41 p.m.

Councilmember Monceballez moved to approve the appeal that the parking agreement is more than 800 feet outside of what is allowed. Councilmember Garcia seconded the motion, which passed unanimously via roll call vote.

- K) Discuss and consider a request from a resident to pursue applying for a grant to elevate a home at 326 Fair Lane, New Braunfels, Texas.

Mayor Casteel read the aforementioned caption.

Matt Eckmann presented the item.

Councilmember Meadows moved to deny the item. Councilmember Garcia seconded the motion, which passed 6 to 1, with Councilmember Monceballez opposed.

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

Mayor Casteel read the aforementioned caption.

City Council recessed into Executive Session from 10:23 p.m. until 11:11 p.m.

No vote or action was taken.

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.

City Council reconvened into Open Session at 11:11 p.m.

No vote or action was taken.

7. ADJOURNMENT

The meeting adjourned at 11:12 p.m.

Date Approved: April 9, 2018

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary

**City Council Agenda Item Report**550 Landa Street
New Braunfels, TX**4/9/2018**

Agenda Item No. A)

Presenter/Contact*Matthew Eckmann, Real Estate Manager
(830) 221-4089 - meckmann@nbtexas.org***SUBJECT:**

Approval of an Aerial Electric Line Easement between the City of New Braunfels and LCRA Transmission Services Corporation for upgrades to an existing electric line easement on a property identified as a 1.02 acre tract out of Landa Park Highlands No. 2, Block 5, City of New Braunfels, Comal County, Texas.

BACKGROUND / RATIONALE:

The City of New Braunfels is the owner of a 1.02 acre property located on Texas Drive in Landa Park Highlands. Currently, LCRA has an existing easement to operate their transmission line across the property. LCRA is in the process of replacing their lattice type structures with monopole structures and as part of this process desires to obtain an aerial electric line easement to accommodate for the new structures.

The property is currently occupied by an NBU Water Tower which is located outside of the current or proposed easement area. LCRA has offered to purchase this aerial electric line easement for \$55,118.70.

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

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FISCAL IMPACT:

Funds will be received from LCRA for this easement acquisition.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of this easement agreement.

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE NUMBER.

**AERIAL ELECTRIC LINE EASEMENT
(FULL)**

STATE OF TEXAS

§

§

COUNTY OF COMAL

§

Transmission Line No. T-234

Easement No. A072

DATE: _____, 2018

GRANTOR: CIY OF NEW BRAUNFELS, TEXAS

GRANTOR'S MAILING ADDRESS: 550 Landa St.
New Braunfels, Texas 78130

**GRANTEE: LCRA TRANSMISSION SERVICES CORPORATION,
a Texas non-profit corporation**

GRANTEE'S MAILING ADDRESS: P. O. Box 220
Austin, Texas 78767

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

EXISTING EASEMENT: That certain easement dated August 17, 1925 and recorded in Vol. 51, Page 389 of the Deed Records of Comal County, Texas

EASEMENT PROPERTY: A tract of land consisting of 0.182 acres, more or less, more particularly described in the attached Exhibit A, which includes field note description and plat, incorporated herein for all purposes.

PROJECT: Electric transmission line or lines, consisting of a variable number and sizes of wires and circuits, but not including any towers, poles, guys, or other ground-based support structures.

GRANTOR, for the CONSIDERATION paid to GRANTOR, hereby grants, sells, and conveys to GRANTEE an aerial easement in, upon, and across the EASEMENT PROPERTY, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to GRANTEE and GRANTEE'S successors and assigns forever. In addition to the aerial easement rights, GRANTEE may physically enter the EASEMENT PROPERTY for the purposes of constructing, placing, operating, maintaining, reconstructing, replacing, rebuilding, upgrading, removing, inspecting, patrolling, or repairing the PROJECT, or any part of the PROJECT, and making connections therewith; provided, however, that all poles, towers, guys or other ground-based support structures associated with the PROJECT are situated on the EXISTING EASEMENT, and GRANTEE shall not be permitted to construct any such structures on the EASEMENT PROPERTY.

GRANTEE shall have the right of ingress and egress at all times upon and across the EASEMENT PROPERTY for the above stated purposes. In the event that immediate access to the EASEMENT PROPERTY is not reasonably available over the EASEMENT PROPERTY, and only in that event, then GRANTEE shall have the right of ingress and egress over existing roads across the adjacent or remainder property of GRANTOR for the purpose of obtaining such access. In the event that such access is not reasonably available over the EASEMENT PROPERTY and not available over existing roads, and only in that event, GRANTEE shall have the right of reasonable ingress and egress over the adjacent property of GRANTOR along any route that is reasonable and appropriate under the circumstances then existing in order to obtain such access. GRANTEE shall have the right to install and maintain appropriate gates along and in any fence, as necessary or appropriate for the exercise of GRANTEE'S right of ingress and egress on the EASEMENT PROPERTY or adjacent property of GRANTOR.

In no event shall GRANTOR place or construct any temporary or permanent structure, equipment, or other object within the EASEMENT PROPERTY. GRANTEE shall have the right to remove from the EASEMENT PROPERTY any structure, equipment, or other object placed or constructed in the EASEMENT PROPERTY. GRANTEE shall have the right to trim, chemically treat, and/or remove from the EASEMENT PROPERTY all trees, shrubs, and parts thereof. GRANTEE shall not be liable for damages caused by the removal of structures, equipment, trees, shrubs or other objects as permitted herein.

GRANTOR expressly reserves all oil, gas, and other minerals owned by GRANTOR, in, on, and under the EASEMENT PROPERTY, provided that GRANTOR shall not be permitted to drill or excavate for minerals on the surface of the EASEMENT PROPERTY, but GRANTOR may extract oil, gas, or other minerals from and under the EASEMENT PROPERTY by directional drilling or other means which do not interfere with or disturb GRANTEE'S use of the EASEMENT PROPERTY.

GRANTEE shall not assign the rights granted in this Easement in whole or in part without first obtaining GRANTOR'S written consent which shall not be unreasonably withheld

or delayed. This instrument, and the terms and conditions contained herein, shall inure to the benefit of and be binding upon GRANTEE and GRANTOR, and their respective heirs, personal representatives, successors, and assigns.

GRANTOR warrants and shall forever defend the Easement to GRANTEE against anyone lawfully claiming or to claim the EASEMENT PROPERTY or any part thereof.

When the context requires, singular nouns and pronouns include the plural. When appropriate, the term "GRANTEE" includes the employees and authorized agents of GRANTEE.

GRANTOR:

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF TEXAS §

§

COUNTY OF _____ §

This instrument was acknowledged before me on _____, 2018, by _____, in his or her capacity as _____ on behalf of the City of New Braunfels, Texas, GRANTOR.

Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Lower Colorado River Authority
Attn: Charlotte Dotson – BTC 151
P. O. Box 220
Austin, Texas 78767-0220

EXHIBIT " _ "

DESCRIPTION FOR A 0.182 ACRE EASEMENT SHOWN AS TWO TRACTS, A 0.091 ACRE EASEMENT (TRACT 1) AND A 0.091 ACRE EASEMENT (TRACT 2), SITUATED IN THE J.M. VERAMENDI SURVEY NUMBER 1, ABSTRACT NUMBER 2, COMAL COUNTY, TEXAS, BEING A PORTION OF THE CITY RESERVOIR TRACT, LANDA PARK HIGHLANDS NO. 2, A SUBDIVISION RECORDED IN VOLUME 71, PAGE 107 OF THE DEED RECORDS OF COMAL COUNTY, TEXAS. THE PERIMETER OF SAID 0.182 ACRE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1: 0.091 ACRE

BEGINNING at a point (Grid Coordinates = N9867449.78 US ft. E2993210.05 US ft.) for the southwesterly corner of this tract, being on the southerly boundary line of said City Reservoir Tract, being on the northerly boundary line of the Southwest 100 feet of Lot 8, Block 5, said Landa Park Highlands No. 2, from which a 1/2 inch iron rod found in concrete for the southwesterly corner of said City Reservoir Tract, and being the northwesterly corner of said Southwest 100' of Lot 8, bears S61°38'14"W, a distance of 88.84 feet;

THENCE N09°51'59"W, leaving the southerly boundary line of said City Reservoir Tract, being the northerly boundary line of said Southwest 100 feet of Lot 8, through the interior of said City Reservoir Tract, a distance of 157.83 feet to a point for the northwesterly corner of this tract, being on the northerly boundary line of said City Reservoir Tract, and the southerly right-of-way line of Texas Avenue (50' R.O.W. width), from which a 1/2 inch iron rod in concrete found for the northwesterly corner of said City Reservoir Tract, and the northeasterly corner of the the Remainder of Lot 7, Block 5, of said Landa Park Highlands No. 2, bears S61°42'58"W, a distance of 138.64 feet;

THENCE N61°42'58"E, with the northerly boundary line of said City Reservoir Tract, being the southerly right-of-way line of said Texas Avenue, a distance of 26.35 feet to a point for the northeasterly corner of this tract, being on the westerly easement line of a 30 foot wide transmission line easement dated January 27, 1972, from the City of San Antonio, John Gatti, Mayor to the Lower Colorado River Authority recorded in Volume 192, Page 957 of the Deed Records of Comal County, Texas;

THENCE S09°51'59"E, leaving the northerly boundary line of said City Reservoir Tract, being the southerly right-of-way line of said Texas Avenue, and with the westerly easement line of a 30 foot wide transmission line easement, through the interior of said City Reservoir Tract, a distance of 157.79 feet to a point for the southeasterly corner of this tract, being on the southerly boundary line of said City Reservoir Tract, being the northerly boundary line of said Lot 8, Block 5, said Landa Park Highlands No. 2;

THENCE S61°38'14"W, with the southerly boundary line of said City Reservoir Tract, being the northerly boundary line of said Lot 8, leaving the westerly easement line of a 30 foot wide transmission line easement, a distance of 15.20 feet passing a 1/2 inch iron rod with plastic cap found for the northerly common corner of said Lot 8, and said Southwest 100' of Lot 8, and continuing for a total distance of 26.36 feet to the **POINT OF BEGINNING** hereof, and containing 0.091 acre of land within the bearing and distance calls contained herein.

TRACT 2: 0.091 ACRE

BEGINNING at a point (Grid Coordinates = N9867489.86 USft E2993284.29 USft) for the southeasterly corner of this tract, being on the southerly boundary line of said City Reservoir Tract, and the northerly boundary line of said Lot 8, from which a 1/2 inch iron rod with plastic cap stamped "RPLS 4069" found for the common southerly corner of said City Reservoir Tract, and Lot 1, Block 5, said Landa Park Highlands No. 2, bears, N61°38'14"E, a distance of 129.63 feet;

THENCE S61°38'14"W, with the southerly boundary line of said City Reservoir Tract, being the northerly boundary line of said Lot 8, a distance of 26.36 feet to a point for the southwesterly corner of this tract, being on the westerly easement line of a 30 foot wide transmission line easement;

THENCE N09°51'59"W, leaving the southerly boundary line of said City Reservoir Tract, and the northerly boundary line of said Lot 8, with the easterly easement line of a 30 foot wide transmission line easement, and through the interior of said City Reservoir Tract a distance of 157.75 feet to a point for the northwesterly corner of this tract, being on the northerly boundary line of said City Reservoir Tract, and the southerly right-of-way line of said Texas Avenue;


THENCE N61°42'58"E, with the northerly boundary line of said City Reservoir Tract, and the southerly right-of-way line of said Texas Avenue, leaving the westerly easement line of a 30 foot wide transmission line easement, a distance of 26.35 feet to a point for the northeasterly corner of this tract, from which the common northerly corner of said City Reservoir Tract, and said Lot 1, bears N61°42'58"E, a distance of 79.54 feet;

THENCE S09°51'59"E, leaving the northerly boundary line of said City Reservoir Tract, and the southerly right-of-way line of said Texas Avenue, and through the interior of said City Reservoir Tract, a distance of 157.71 feet to the **POINT OF BEGINNING** hereof, and containing 0.091 acre of land within the bearing and distance calls contained herein.

This description and plat attached hereto represent an on-the-ground survey made under my direct supervision during the month of July 2007 and October 2017.

Bearing Basis: Texas Lambert Grid, Central Zone, NAD 83/HARN/CORS.

All distances are surface values, for grid values multiply surface distances by a Combined Scale Factor of 1.00009673



Christopher Ross Holland
Registered Professional Land Surveyor No. 5575
Lower Colorado River Authority
3700 Lake Austin Boulevard
Austin, Texas 78703
(512) 473-3200



October 24, 2017

Date

WORD FILE: T235004A-0044A.DOC
ACAD FILE: T235004A-0044A.DWG

COMAL COUNTY, TEXAS

J.M. VERAMENDI SURVEY NO. 1, ABSTRACT NO. 2



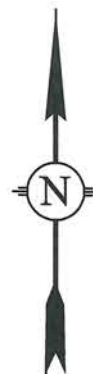
TRACT A072

(A)
LANDA PARK
HIGHLANDS No. 2
VOL. 71, PG. 107
DEED RECORDS OF
COMAL COUNTY, TX

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD w/PLAS. CAP FOUND
- △ CALCULATED POINT
- () RECORD INFORMATION

(A)
LOT 1
BLOCK 5



MAMIE STEEL JARRATT
& HUSBAND, J.E. JARRATT
TO
CITY OF NEW
BRAUNFELS, TEXAS
TRACT 1
(PARCEL OF LAND
150' X 303')
VOL. 66, PG. 363
JUNE 30th, 1936
DEED RECORDS OF
COMAL COUNTY, TEXAS

"RPLS
#4069"

TEXAS AVENUE
(50' R.O.W. WIDTH)

(A)
CITY OF NEW
BRAUNFELS, TEXAS
TRACT 1
(CITY RESERVOIR TRACT)

(A)
REMAINDER OF
LOT 7, BLOCK 5

(A)
A PORTION OF
LOT 7
BLOCK 5

(B)
CITY OF SAN ANTONIO,
JOHN GATTI, MAYOR
TO
LOWER COLORADO
RIVER AUTHORITY
VOL. 192, PG. 957
JANUARY 27th, 1972
DEED RECORDS OF
COMAL COUNTY, TEXAS

LCRA EASEMENT
RECORD# E00001865-1

HORIZONTAL DATUM: NAD83/HARN/CORS
VERTICAL DATUM: NAVD 88
COMBINED SCALE FACTOR: 1.00009673
BEARING BASIS: TX. LAMBERT GRID CENTRAL ZONE
DISTANCES SHOWN ARE SURFACE VALUES

**P.O.B.-TRACT 1
0.091 ACRE**

Texas Central Zone
NAD 83/HARN/CORS
Lat.: 29°42'58.93871"
Lon.: 98°08'20.56016"
State Plane Grid Coords
N(Y): 9867449.78 USft
E(X): 2993210.05 USft

(A)
SOUTHWEST
100' OF
LOT 8
BLOCK 5

**P.O.B.-TRACT 2
0.091 ACRE**

Texas Central Zone
NAD 83/HARN/CORS
Lat.: 29°42'59.32082"
Lon.: 98°08'19.70958"
State Plane Grid Coords
N(Y): 9867489.86 USft
E(X): 2993284.29 USft

LINE TABLE**TRACT 1:**

L1 N 09°51'59" W - 157.83'
L2 N 61°42'58" E - 26.35'
L3 S 09°51'59" E - 157.79'
L4 S 61°38'14" W - 26.36'
Acre: 0.091

TRACT 2:

L5 S 61°38'14" W - 26.36'
L6 N 09°51'59" W - 157.75'
L7 N 61°42'58" E - 26.35'
L8 S 09°51'59" E - 157.71'
Acre: 0.091

L9 S 61°38'14" W - 88.84'
L10 N 61°42'58" E - 31.62'
L11 N 61°42'58" E - 79.54'
L12 S 61°38'14" W - 31.63'
L13 S 61°42'58" W - 138.64'
L14 S 61°38'14" W - 15.20'

TOTAL EASEMENT ACREAGE= 0.291 AC
EXISTING EASEMENT ACREAGE= 0.109 AC
NEW EASEMENT ACREAGE= 0.182 AC

ACAD FILE: T235004A-0044A.dwg
WORD FILE: T235004A-0044A.doc
REVISION: PR
SCALE: 1"=40'
DATE: 10/24/2017
WO NO.: 3459984
FIELD BOOK: 2007-06 PG. 01
DRAWN BY: cLw

PLAT SHOWING A 0.091 ACRE
EASEMENT (TRACT 1) & A 0.091
ACRE EASEMENT (TRACT 2)
SITUATED IN THE J.M. VERAMENDI
SURVEY NO. 1, ABSTRACT NO. 2
COMAL COUNTY, TEXAS

LCRA
ENERGY • WATER • COMMUNITY SERVICES
3700 LAKE AUSTIN BLVD. AUSTIN, TX 78703
(512)473-3200 www.lcra.org

**City Council Agenda Item Report**550 Landa Street
New Braunfels, TX**4/9/2018**

Agenda Item No. B)

Presenter/Contact*Matthew Eckmann, Real Estate Manager
(830) 221-4089 - meckmann@nbtexas.org***SUBJECT:**

Approval of an Amendment to Electric Line Easement between the City of New Braunfels and LCRA Transmission Services Corporation for upgrades to an existing electric line easement on properties identified as 99.07 acres called Tract No. 2 "Landa Park" tract out of the Juan Martin Veramendi Survey, Abstract No. 2 and Lot 12, Block 8 Landa Park Highlands No. 2 in the City of New Braunfels, Comal County, Texas.

BACKGROUND / RATIONALE:

The City of New Braunfels is the owner of properties located within Landa Park and a portion of Panther Canyon. Currently, LCRA has an existing easement to operate their transmission line across the properties. LCRA is in the process of replacing their lattice type structures with monopole structures and as part of this process desires to amend their current electric line easement to accommodate for the new structures.

The properties are currently being utilized as park land and the proposed easement amendment does not have an effect on current usage. LCRA has offered \$571,800.00 for this easement amendment.

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

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FISCAL IMPACT:

Funds will be received from LCRA for this easement acquisition.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of this easement agreement.

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE NUMBER.

AMENDMENT TO ELECTRIC LINE EASEMENT

STATE OF TEXAS §
 §
 COUNTY OF COMAL §

DATE: _____, 2018

GRANTOR: City of New Braunfels

GRANTOR'S MAILING ADDRESS: _____

GRANTEE: LCRA TRANSMISSION SERVICES CORPORATION,
 a Texas non-profit corporation

GRANTEE'S MAILING ADDRESS: P. O. Box 220
 Austin, Texas 78767

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

EXISTING EASEMENT: That certain easement dated August 17, 1925 and recorded in Vol. 51, Page 389 of the Deed Records of Comal County, Texas.

EASEMENT PROPERTY: A tract of land consisting of 1.78 acres, more or less, more particularly described as Tract 4 in the attached **Exhibit A**, which includes field note description and plat, incorporated herein for all purposes.

AERIAL EASEMENT PROPERTY: Being three tracts of land consisting of (i) 0.71 acre, (ii) 1.47 acres, and (iii) 0.50 acre, more or less, as more particularly described as Tract 1, Tract 2, and Tract 3 respectively in the attached **Exhibit A**, which includes field note description and plat, incorporated herein for all purposes.

GRANTOR'S PROPERTY: (i) a 99.07-acre tract of land, called Tract No. 2 "Landa Park" described by deed dated June 25, 1936, from Gage Investment Company to City of New Braunfels and recorded in Volume 66, Page 419 of the Deed Records of Comal County, Texas, and (ii) a portion of Block No. 4 and Tract No. 12 of Block No. 8 of Landa Park Highlands No. 2, being the

same land described by deed from B.N. Nuhn, trustee to the City of New Braunfels dated July 27, 1945 and recorded in Volume 82, Page 13, Deed Records of Comal County, Texas.

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, GRANTOR and GRANTEE hereby agree that the EXISTING EASEMENT, as it applies to GRANTOR'S PROPERTY only, is hereby amended as follows:

1. The description of the easement property in the EXISTING EASEMENT is amended to include the EASEMENT PROPERTY and the AERIAL EASEMENT PROPERTY both as described in Exhibit A, and GRANTEE shall have all of the rights within the EASEMENT PROPERTY and the AERIAL EASEMENT PROPERTY as were granted in the EXISTING EASEMENT, subject to the limitations set out below.

2. In no event shall GRANTOR have the right to place poles, towers, guys or other ground-based support structures within the AERIAL EASEMENT PROPERTY.

All terms of the EXISTING EASEMENT not expressly amended herein, including without limitation all rights of ingress and egress, are hereby ratified and shall continue in effect for the benefit of GRANTEE.

GRANTOR warrants and shall forever defend the Easement to GRANTEE against anyone lawfully claiming or to claim the EASEMENT PROPERTY and the AERIAL EASEMENT PROPERTY or any part thereof.

GRANTOR:

City of New Braunfels

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF TEXAS

§

§

COUNTY OF COMAL

§

This instrument was acknowledged before me on _____, 2018,
by _____, _____, on behalf of
the City of New Braunfels, GRANTOR.

Notary Public, State of Texas

GRANTEE:**LCRA Transmission Services Corporation**

a Texas non-profit corporation

By: _____

Steven Brown

Authorized Agent

ACKNOWLEDGMENT**STATE OF TEXAS**

§

§

COUNTY OF TRAVIS

§

This instrument was acknowledged before me on this ____ day of _____, 2018,
by Steven Brown, Authorized Agent of LCRA Transmission Services Corporation, a Texas non-
profit corporation, on behalf of said corporation.

Notary Public, State of Texas**AFTER RECORDING RETURN TO:**

Lower Colorado River Authority
Attn: Charlotte Dotson – SC D140
P. O. Box 220
Austin, Texas 78767-0220

4.46 ACRES OF LAND
JUAN MARTIN VERAMENDI SURVEY
ABSTRACT No. 2
COMAL COUNTY, TEXAS

PAGE 1 OF 7

EXHIBIT " A "

DESCRIPTION FOR 4.46 ACRES OF LAND COMPRISED OF FOUR TRACTS: 0.71 ACRE TRACT (TRACT 1), 1.47 ACRE TRACT (TRACT 2), 0.50 ACRE TRACT (TRACT 3), AND 1.78 ACRE TRACT (TRACT 4), ALL SITUATED IN THE JUAN MARTIN VERAMENDI SURVEY, ABSTRACT No. 2, COMAL COUNTY, TEXAS, SAID 4.46 ACRES BEING A PORTION OF A 99.07 ACRE TRACT OF LAND, CALLED TRACT NO. 2 "LANDA PARK" DESCRIBED BY DEED DATED JUNE 25, 1936, FROM GAGE INVESTMENT COMPANY TO CITY OF NEW BRAUNFELS AND RECORDED IN VOLUME 66, PAGE 419, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS (D.R.C.C.), ALSO A PORTION OF BLOCK NO. 4 AND TRACT NO. 12 OF BLOCK NO. 8 OF LANDA PARK HIGHLANDS NO. 2 (BEING THE SAME LAND DESCRIBED BY DEED FROM B.N. NUHN, TRUSTEE TO THE CITY OF NEW BRAUNFELS DATED JULY 27, 1945 AND RECORDED IN VOLUME 82, PAGE 13, D.R.C.C.), THE PERIMETER OF SAID TRACTS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1

BEGINNING at a 5/8" iron rod with aluminum cap stamped "LCRA" set (Grid Coordinates: N 9,867,030.56 U.S. ft., E 2,993,283.04 U.S. ft.) on the northerly boundary line of said Block 4, same being the southerly boundary line of Lot 7, Block 5, Landa Park Highlands No. 2, recorded in Volume 71, Page 107 of the Plat Records of Comal County, Texas, for the northwest corner hereof, from which a 1/2 inch iron rod found bears N 73°07'09" W, a distance of 246.32 feet;

THENCE S 73°07'09" E with the northerly boundary line of said Block 4 and the southerly boundary line of said Lot 7, Block 5, a distance of 27.99 feet to a point for the northeast corner hereof;

THENCE through the interior of said Block 4 and said Tract 12 the following two (2) courses and distances:

- 1) S 09°51'14" E, a distance of 19.39 feet to a point,
- 2) S 19°10'23" E, a distance of 1171.38 feet to a 5/8" iron rod with aluminum cap stamped "LCRA" set on the easterly right-of-way line of Fredericksburg Road, same being the southerly boundary line of said Tract 12, for the southeast corner hereof;

THENCE S 71°47'47" W with the common line of said Tract 12 and said Fredericksburg Road right-of-way line, a distance of 26.30 feet to a 5/8" iron rod with aluminum cap stamped "LCRA" set for the southwest corner hereof;

THENCE through the interior of said Block 4 and said Tract 12 the following two (2) courses and distances:

- 1) N 19°06'33" W, a distance of 1172.98 feet to a point,
- 2) N 09°51'14" W, a distance of 34.00 feet to the **POINT OF BEGINNING** hereof, and containing 0.71 of an acre of land, more or less, within the metes and bounds described herein.

TRACT 2

BEGINNING at a 5/8" iron rod with aluminum cap stamped "LCRA" set (Grid Coordinates: N 9,864,566.49 U.S. ft., E 2,994,262.73 U.S. ft.) on the southerly boundary line of said 99.07 Acre Tract, same being the northerly boundary line of Block 1, Lot 5, described in deed from Lower Colorado River Authority to City of New Braunfels, dated May 24, 2006 and recorded in Document No. 200606021373 of the Official Public Records of Comal County, Texas, for the southeast corner hereof, from which a 1/2 inch iron rod found bears N 67°50'01" E, a distance of 883.74 feet;

4.46 ACRES OF LAND
JUAN MARTIN VERAMENDI SURVEY
ABSTRACT No. 2
COMAL COUNTY, TEXAS

PAGE 2 OF 7

THENCE S 67°50'01" W, with the southerly boundary line of said 99.07 Acre Tract and the northerly boundary line of said Block 1, Lot 5 a distance of 25.26 feet to a point for the southwest corner hereof;

THENCE through the interior of said Block 4, said Tract 12 and said 99.07 Acre Tract the following two (2) courses and distances:

- 1) N 30°24'37" W, a distance of 225.95 feet to a point,
- 2) N 19°06'33" W, a distance of 2392.57 feet to a point on the northerly boundary line of said Block 4, same being the southerly boundary line of said Lot 7, Block 5;

THENCE S 73°07'09" E, with the northerly boundary line of said Block 4 and the southerly boundary line of said Lot 7, Block 5, a distance of 3.73 feet to a point for the east corner of said Lot 7, Block 5, same being the westerly boundary line of Lot 6, Block 5 of said Landa Park Highlands No. 2;

THENCE S 28°24'02" E, with the westerly boundary line of said Lot 6, Block 5 and the northerly boundary line of said Block 4, a distance of 136.11 feet to a 5/8" iron rod with aluminum cap stamped "LCRA" set for the northeast corner hereof, from which a 1/2 inch iron rod found bears S 28°24'02" E, a distance of 312.96 feet;

THENCE through the interior of said Block 4, said Tract 12 and said 99.07 Acre Tract the following two (2) courses and distances:

- 1) S 19°06'33" E, a distance of 2253.57 feet to a point,
- 2) S 30°24'37" E, a distance of 227.10 feet to the **POINT OF BEGINNING** hereof, and containing 1.47 acres of land, more or less, within the metes and bounds described herein.

TRACT 3

BEGINNING at a 5/8" iron rod with aluminum cap stamped "LCRA" set (Grid Coordinates: N 9,864,535.99 U.S. ft., E 2,994,187.86 U.S. ft.) on the southerly boundary line of said 99.07 Acre Tract, same being the northerly boundary line of said Block 1, Lot 5 for the southwest corner hereof;

THENCE N 30°24'37" W through the interior of said 99.07 Acre Tract, a distance of 184.01 feet to a point on the westerly boundary line of said 99.07 Acre Tract, same being the easterly right-of-way line of Fredericksburg Road for a corner hereof;

THENCE with the common line of said 99.07 Acre Tract and the said Fredericksburg Road right-of-way the following four (4) courses and distances:

- 1) N 18°49'13" W, a distance of 286.46 feet to a point,
- 2) N 18°50'13" W, a distance of 739.00 feet to a point,
- 3) N 14°38'13" W, a distance of 76.47 feet to a point,
- 4) N 16°26'13" W, a distance of 164.16 feet to a 5/8" iron rod with aluminum cap stamped "LCRA" set on the southerly boundary line of said Tract 12, for the north corner hereof;

THENCE through the interior of said 99.07 Acre Tract the following two (2) courses and distances:

- 1) S 19°02'54" E, a distance of 1224.55 feet to a point,
- 2) S 30°24'37" E, a distance of 224.58 feet to a point on the southerly boundary line of said 99.07 Acre Tract, same being the northerly boundary line of said Block 1, Lot 5 for the southeast corner hereof;

THENCE S 67°50'01" W with the common line of said 99.07 Acre Tract and said Block 1, Lot 5, a distance of 25.26 feet to the **POINT OF BEGINNING** hereof, and containing 0.50 of an acre of land, more or less, within the metes and bounds described herein.

4.46 ACRES OF LAND
JUAN MARTIN VERAMENDI SURVEY
ABSTRACT No. 2
COMAL COUNTY, TEXAS

PAGE 3 OF 7

TRACT 4

BEGINNING at a point (Grid Coordinates: N 9,867,012.79 U.S. ft., E 2,993,341.61 U.S. ft.) on the northerly boundary line of said Block 4, same being the southerly boundary line of said Lot 7, Block 5, Landa Park Highlands No. 2, and for the northeast corner hereof, from which a 5/8" iron rod with aluminum cap stamped "LCRA" set bears N 73°07'09" W at a distance of 61.21 feet;

THENCE through the interior of said Block 4, said Tract 12, and said 99.07 Acre Tract the following two (2) courses and distances:


- 1) S 19°06'33" E, a distance of 2392.57 feet to a point, and
- 2) S 30°24'37" E, a distance of 225.95 feet to a point on the southerly boundary line of said 99.07 Acre Tract, same being the northerly boundary line of said Block 1, Lot 5 for the southeast corner hereof;

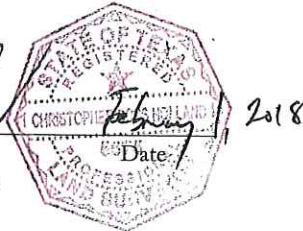
THENCE S 67°50'01" W, with the southerly boundary line of said 99.07 Acre Tract and the northerly boundary line of said Block 1, Lot 5 a distance of 30.31 feet to a point for the southwest corner hereof;

THENCE through the interior of said 99.07 Acre Tract, said Tract 12, and said Block 4 the following four (4) courses and distances:

- 1) N 30°24'37" W, a distance of 224.58 feet to a point,
- 2) N 19°02'54" W, a distance of 1224.55 feet to a 5/8" iron rod with aluminum cap stamped "LCRA" set on the easterly right-of-way line of Fredericksburg Road, same being the southerly boundary line of said Tract 12, and also for a corner hereof,
- 3) N 19°10'23" W, a distance of 1171.38 feet to a point, and
- 5) N 09°51'14" W, a distance of 19.39 feet to a point on the northerly boundary line of said Block 4 and the southerly boundary line of said Lot 7, Block 5 for the northwest corner hereof;

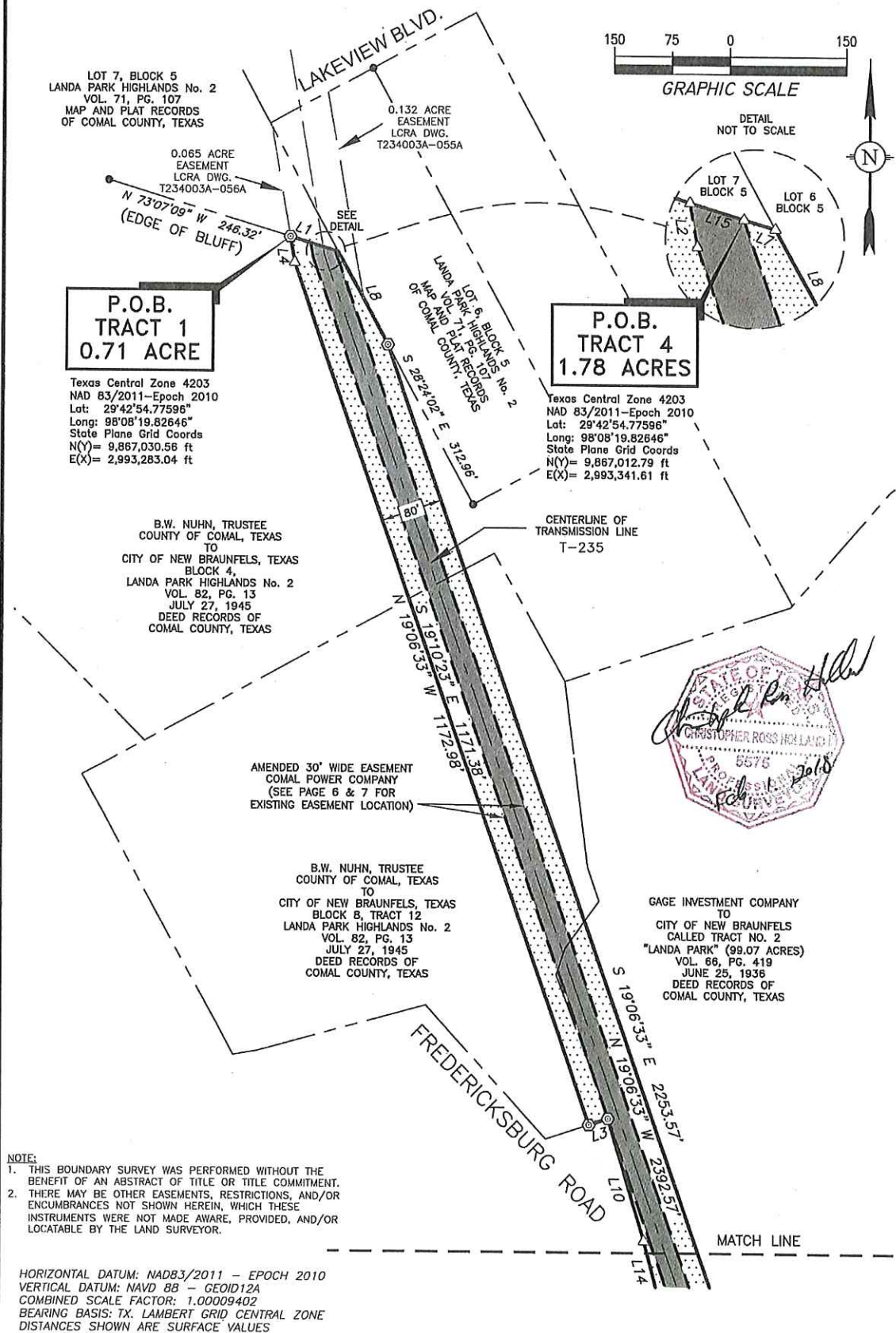
THENCE S 73°07'09" E with the northerly boundary line of said Block 4 and the southerly boundary line of said Lot 7, Block 5, a distance of 33.22 feet to the **POINT OF BEGINNING** hereof, and containing 1.78 acres of land, more or less, within the metes and bounds described herein.

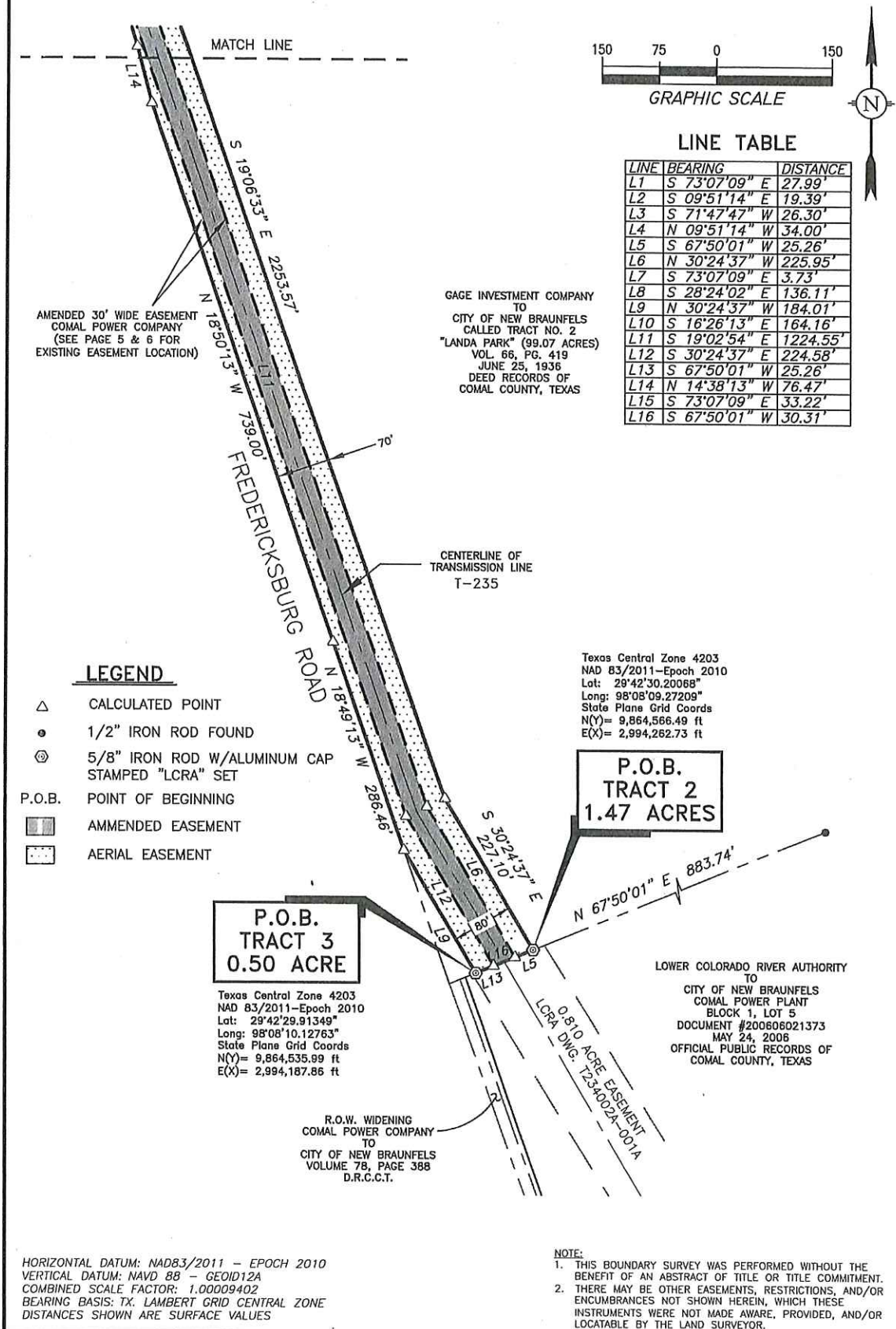

Christopher Ross Holland
Registered Professional Land Surveyor No. 5575, State of Texas
Lower Colorado River Authority
3700 Lake Austin, Blvd., Austin, Texas 78703
(512) 473-3200 www.lcra.org
TBPLS Firm# 10152700



BEARING BASIS: Texas Lambert Grid, Central Zone, NAD 83/2011 – Epoch 2010
Combined Scale Factor: 1.00009402 - All distances are surface values

WORD File: T235002B-0004B.DOCX
ACAD File: T235002B-0004B.DWG





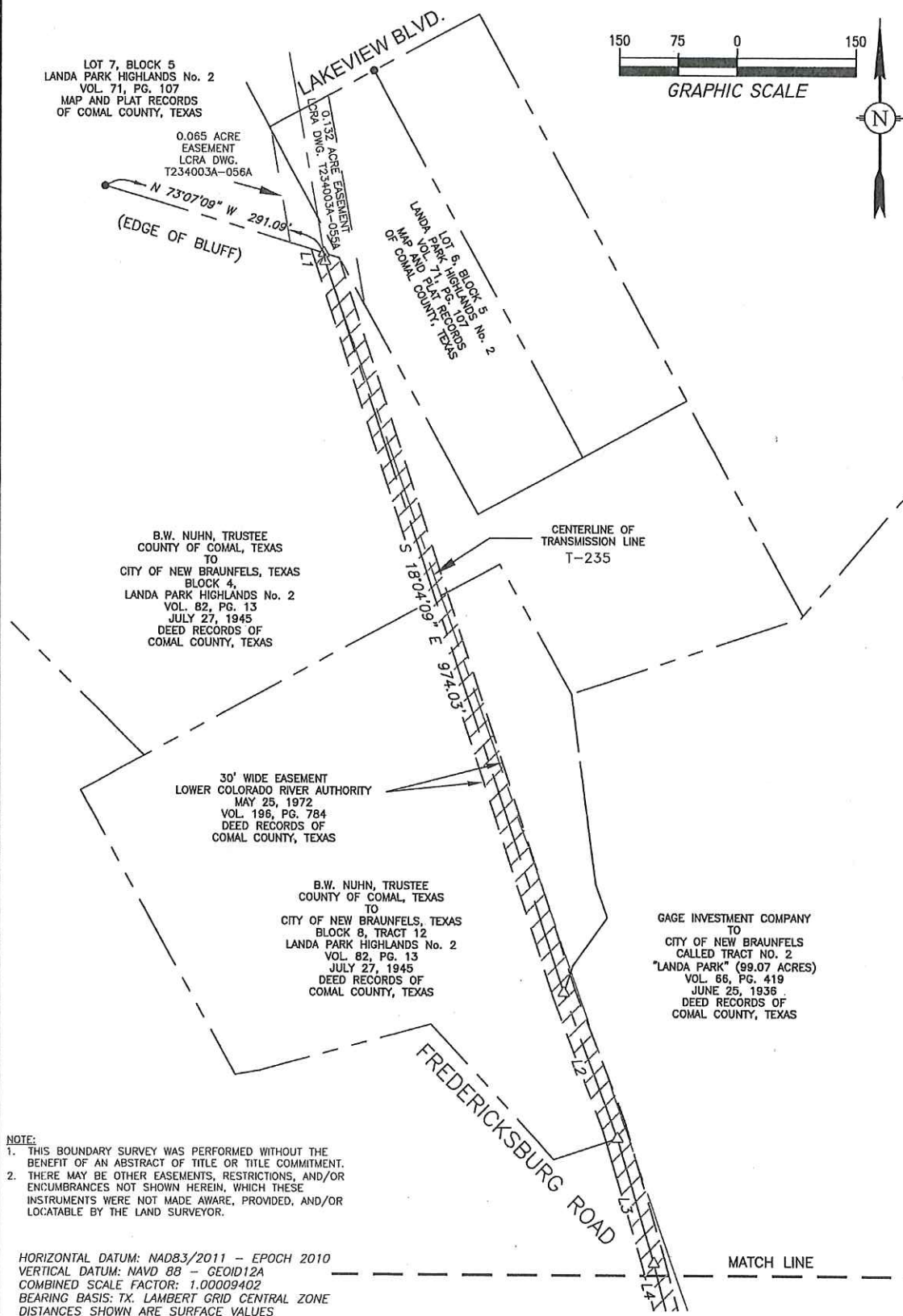
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 VERTICAL DATUM: NAVD 88 - GEOID12A
 COMBINED SCALE FACTOR: 1.00009402
 BEARING BASIS: TX, LAMBERT GRID CENTRAL ZONE
 DISTANCES SHOWN ARE SURFACE VALUES

ACAD FILE: T235002B-0004B.dwg
 WORD FILE: T235002B-0004B.doc
 REVISION: ---
 SCALE: 1"=150'
 DATE: 1/30/2018
 WO NO.: 4150774
 FIELD BOOK:
 DRAWN BY: BRC

PLAT ACCOMPANYING DESCRIPTION OF
 4.46 ACRES OF LAND COMPRISED OF
 TWO TRACTS LOCATED IN THE
 JUAN MARTIN VERAMENDI SURVEY,
 ABSTRACT No. 2
 COMAL COUNTY, TEXAS

LCRA
 ENERGY-WATER-COMMUNITY SERVICES
 3700 LAKE AUSTIN BLVD. AUSTIN, TX 78703
 (512)473-3200 www.lcra.org
 TBPLS FIRM# 10152700

EXISTING LOCATION OF 30' WIDE EASEMENT

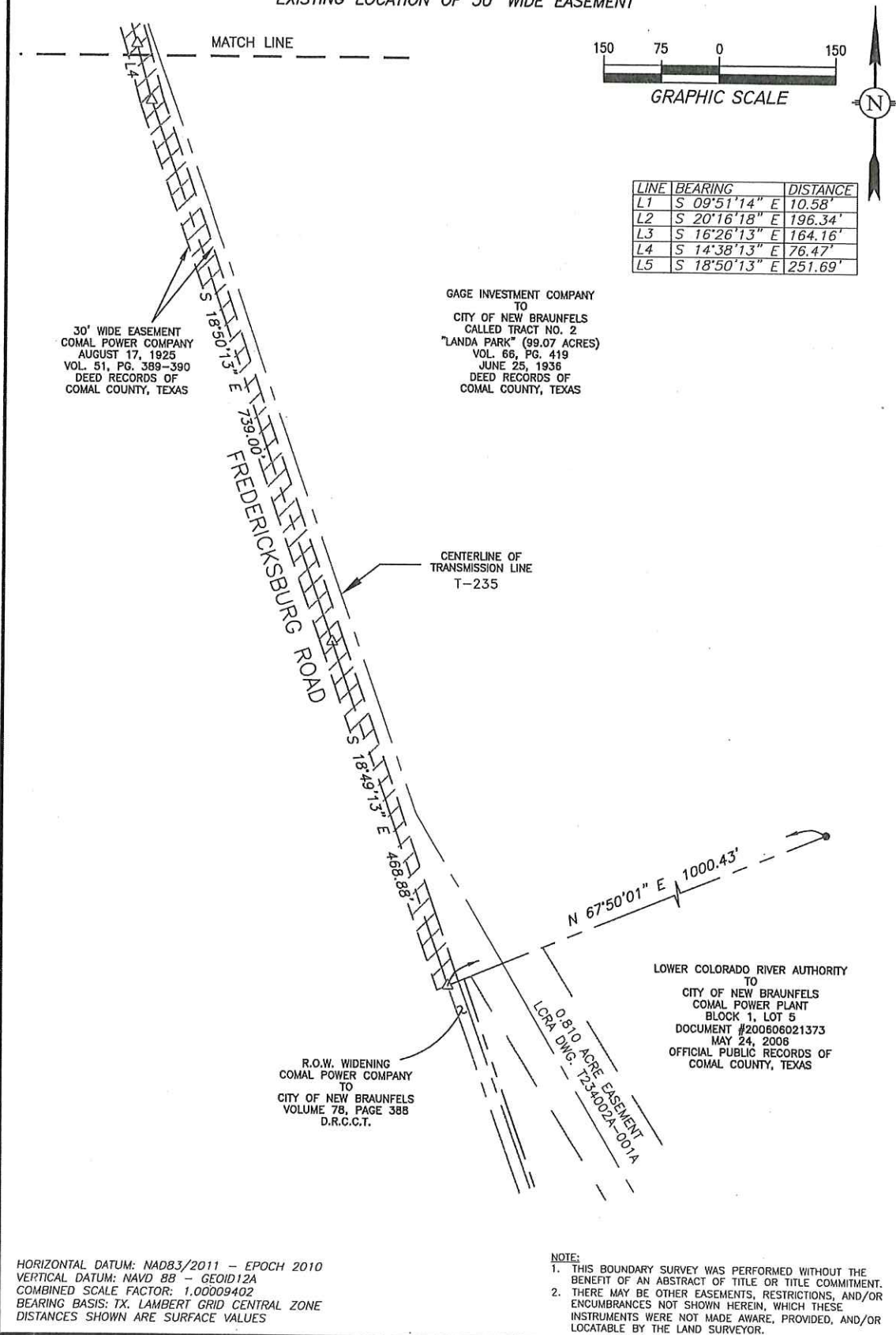


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WORD FILE: T235002B-0004B.doc
REVISION: --
SCALE: 1"=150'
DATE: 1/30/2018
WO NO.: 4150774
FIELD BOOK:
DRAWN BY: BRC

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4.46 ACRES OF LAND COMPRISED OF
TWO TRACTS LOCATED IN THE
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COMAL COUNTY, TEXAS

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ENERGY • WATER • COMMUNITY SERVICES
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EXISTING LOCATION OF 30' WIDE EASEMENT



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TBPLS FIRM# 10152700

City Council Agenda Item Report**4/9/2018**

Agenda Item No. C)

Presenter/Contact*Jennifer Cain, Capital Programs Manager
(830) 221-4646 - jcain@nbtexas.org***SUBJECT:**

Approval of a resolution authorizing a project expenditure recommendation by the New Braunfels Industrial Development Corporation of up to \$260,000 to the City of New Braunfels for additional sidewalk improvements on San Antonio Street from Hill Avenue to Academy Avenue as part of the current Downtown Sidewalk Improvements Project.

BACKGROUND / RATIONALE:

This resolution authorizes the NBIDC to make a project expenditure to the City of up to \$260,000 for construction services to make additional sidewalk improvements from Hill Ave. to Academy Ave. as part of the current Downtown Sidewalk Improvements Project.

In 2012 the NBIDC contributed \$286,000 for design and City Council approved \$2.2 Million in certificates of Obligation for construction of the Downtown Sidewalk Improvements. The project includes improvements to circulation, walkability, aesthetics and pedestrian infrastructure all of which were identified as critical factors essential to the future economic success of downtown in The Downtown Implementation Plan of 2010. Phase One of the Downtown Sidewalk Improvements Project is currently under construction. The project includes ADA paths, antique street lighting, and pedestrian signal improvements to the Main Plaza along San Antonio St. extending from Gilbert Ave. to Hill Ave.

The segment between Hill Ave. and Academy Ave. was held out from the current project and considered an additive alternate to ensure project budget would be available to address unknown conditions while working in the historic part of town. In addition to the sidewalk improvements, the add alternate segment includes extending the antique lighting within the block as well as the installation of pedestrian signals at Academy Ave. Completion of this segment will also fill the gap between the current Downtown Sidewalk Improvements and the adjacent MPO project which picks up sidewalk improvements at Academy and extends to Walnut Ave.

Approval of this resolution would provide up to \$260,000 in funding by the NBIDC (4B) for the City to execute a change order with Meyers Concrete for the additional sidewalk improvements from Hill Ave. to Academy Ave. as part of the Downtown Sidewalk Improvements Project.

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

X	Yes	City Plan/Council Priority:	Strategic Priorities: (Infrastructure) - Continue an ongoing program of infrastructure construction and maintenance.
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FISCAL IMPACT:

Funding up to \$260,000 is available from the NBIDC. The NBIDC has adequate funds for the projected expenditure.

COMMITTEE RECOMMENDATION:

The NBIDC met on March 29, 2018 and voted to approve this project expenditure.

STAFF RECOMMENDATION:

Staff recommends approval of the resolution.

RESOLUTION NO. 2018-R _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPROVING A RECOMMENDATION OF THE NEW BRAUNFELS INDUSTRIAL DEVELOPMENT CORPORATION TO APPROVE AN EXPENDITURE OF UP TO \$260,000 TO THE CITY OF NEW BRAUNFELS FOR SIDEWALK IMPROVEMENTS ON SAN ANTONIO STREET FROM HILL AVE. TO ACADEMY AVE. AS PART OF THE DOWNTOWN SIDEWALK IMPROVEMENTS PROJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels Industrial Development Corporation (“IDC”) Board of Directors met on March 29, 2018, to consider a request from the City of New Braunfels for an expenditure of up to \$260,000 for additional sidewalk improvements on San Antonio Street from Hill Ave. to Academy Ave. as part of the current Downtown Sidewalk Improvements Project; and

WHEREAS, the project includes improvements to “circulation, walkability and aesthetics”, and “pedestrian infrastructure” all of which were identified as critical factors essential to the future economic success of downtown in The Downtown Implementation Plan of 2010; and

WHEREAS, the IDC is an economic development corporation formed by the City of New Braunfels pursuant to the Local Government Code, Chapters 501-505 that is authorized by Chapter 505.152 to undertake related improvements that enhance entertainment, tourist and convention purposes and facilities; and

WHEREAS, the estimated total cost of the financial expenditure by the NBIDC for this project is \$260,000; and

WHEREAS, the IDC Board of Directors held a public hearing on March 29, 2018, to solicit public comment with regard to the City’s funding request; and

WHEREAS, the IDC Board of Directors, after discussing the request, voted to approve a grant in an amount of up to \$260,000 to the City of New Braunfels for additional sidewalk improvements from Hill Ave. to Academy Ave. as part of the current Downtown Sidewalk Improvements Project.

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

SECTION 1: That the recommendation of the New Braunfels Industrial Development Corporation for an expenditure of up to \$260,000 to the City of New Braunfels for additional sidewalk improvements on San Antonio Street from Hill Ave. to Academy Ave. as part of the current Downtown Sidewalk Improvements Project is hereby approved.

SECTION 2: That a contract between the IDC and the City of New Braunfels will be executed to fulfill the terms and conditions of the grant.

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

PASSED, ADOPTED AND APPROVED this 9th day of April, 2018.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Barron Casteel, Mayor

ATTEST:

Patrick D. Aten, City Secretary

City Council Agenda Item Report550 Landa Street
New Braunfels, TX**4/9/2018**

Agenda Item No. D)

Presenter/Contact*Jennifer Cain, Capital Programs Manager
(830) 221-4646 - jcain@nbtexas.org***SUBJECT:**

Approval of a Change Order to the contract with Meyers Concrete for construction of the Downtown Sidewalk Improvements Project for \$405,000 to include the Additive Alternate segment between Hill Avenue and Academy Avenue.

BACKGROUND / RATIONALE:

The 2009 Downtown Implementation Plan (Plan) is intended to guide policy and funding decision making for the City, development community and other stakeholders in order to spur economic development projects in downtown New Braunfels. The Plan recommends improving accessibility and continuity in the sidewalk system by repairing or constructing broken or missing sidewalks segments, improving crosswalks around Main Plaza, and retrofitting sidewalks to adhere to ADA standards.

The Downtown Sidewalk Improvements project creates a cohesive aesthetic within the downtown corridor and improves pedestrian mobility by providing an ADA accessible route throughout the project limits. On February 13, 2017 City Council approved the contract with Myers Concrete to construct Phases 1A, 1B, & 1C of this project. Phases 1A & 1B include the Main Plaza. Phase 1C included San Antonio Street from Clemens Avenue to Gilbert Avenue. In effort to maintain the current project budget City staff as Myers Concrete negotiated a scope modification which limits Phase 1C of the project to San Antonio St. from Gilbert Avenue to Hill Avenue. Additionally, the segment between Academy Avenue and Hill Avenue was included as additive alternate pending availability of the contract contingency.

The additive alternate segment includes new sidewalks with pavers adjacent to the curb, new antique lighting street lighting, and pedestrian signal improvements at Academy Ave. at a cost of \$405,000. With the current project nearing completion, the estimated remaining contingency is \$220,000. On March 29, 2018 the New Braunfels Industrial Development Corporation (NBIDC) approved an additional \$260,000 to fund construction of the additive alternate segment including a 15% contingency and additional professional services for the work. The project was originally scheduled to be substantially complete in May 2018, however with the added work the contractor will need approximately 3 additional months to complete the project.

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

<input checked="" type="checkbox"/>	Yes	Strategic Priorities: (Infrastructure) - Continue an ongoing program of infrastructure construction and maintenance.
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FISCAL IMPACT:

With up to \$260,000 from the NBIDC there are sufficient funds for this change order.

COMMITTEE RECOMMENDATION:

The NBIDC met on March 29, 2018 and voted to approve up to \$260,000 of the project expenditure. The approval for that expenditure is on the Council's agenda for consideration.

STAFF RECOMMENDATION:

Should the City Council approve the 4B expenditure for this project, then staff recommends the approval of a Change Order to the contract with Meyers Concrete for construction of the Downtown Sidewalk Improvements Project for \$405,000 to include the Additive Alternate segment between Hill Avenue and Academy Avenue.

City Council Agenda Item Report**4/9/2018**

Agenda Item No. E)

Presenter/Contact*Martie Simpson, Finance Director*
(830) 221-4385 - msimpson@nbtexas.org**SUBJECT:**

Approval of the City of New Braunfels FY2017-18 first quarter investment report.

BACKGROUND / RATIONALE:

State of Texas statutes require quarterly investment reports to be presented to the governing body of a municipality. In addition, the Investment Policy adopted annually by the City Council requires quarterly reporting to the City Council. Attached for Council consideration is the FY 2017-18 first quarter investment report to meet these statutory requirements. As of December 31, 2017, the City had \$89,351,465 (market value) invested in different investment instruments, including cash, as shown below. The portfolio decreased by \$2,470,994 due to budgeted expenditures, including capital expenditures relating to the 2013 Bond Program.

Investment Type		Amount Invested (Dollars in millions)
Federal Agency Coupon	Securities	\$6
Treasury		\$5
Money Market/Cash		\$19
Pools		\$60
Weighted Average Maturity of Portfolio		22 days
Weighted Average Yield of Portfolio		0.948%
Earned Income – Qtr		\$208,300
Earned Income – YTD		\$208,300

For this quarter, the weighted average yield on the City's investments is .95 percent, which is an increase of .07 percent in comparison to the fourth quarter of FY 2016-17 earnings of .88 percent. This increase is due to a higher yield being earned on the T-Note security, and TexPool investments. The weighted average maturity of the City's portfolio increased in comparison to the fourth quarter of FY 2016-17. This increase is due to the investment in a 12-month T-Note that will mature in November 2018. Every effort continues to be made to maintain the City's liquidity for payment of expenditures while maximizing interest earnings in this continued low, but rising interest rate market.

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

Yes	Strategic Priorities: 8 - Maintain fiscal stability of City operations
------------	---

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the attached investment report.



Quarterly Investment Report

For the Period Ended

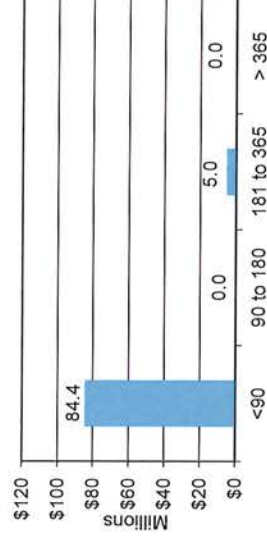
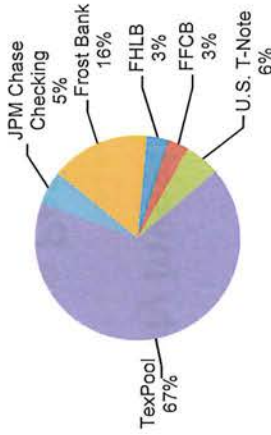
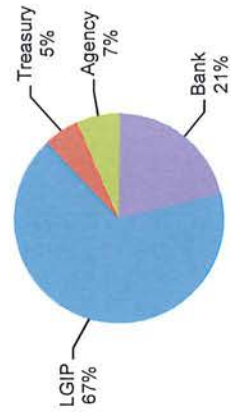
December 31, 2017





Total Portfolio Summary			
	Current Period 12/31/2017	Prior Period 9/30/2017	Change From Prior
Par Value	\$89,386,052	\$91,853,819	(\$2,467,766)
Book Value	\$89,363,013	\$91,822,035	(\$2,459,022)
Market Value	\$89,351,465	\$91,822,460	(\$2,470,994)
Market Value%	99.99%	100.00%	-0.01%
Weighted Average Maturity - Days	22 days	12 days	10
Weighted Average Yield	0.95%	0.88%	0.07%
Earned Income	\$208,300	\$202,348	\$5,952
Earned Income - Year-to-Date	\$208,300	\$576,706	\$208,300

Portfolio Composition



This quarterly investment report is in compliance with the investment policy and strategy as established by the City and the Public Funds Investment Act (Chapter 2256, Texas Government Code).

Prepared by:
Martie Simpson
City of New Braunfels
Martie Simpson, Finance Director

Robert Camarena
City of New Braunfels
Robert Camarena, City Manager



City of New Braunfels
Portfolio Summary
As of 12/31/2017

Investments By Type	Par Value	Market Value	Book Value	% of Portfolio	Days to Maturity	Yield to Maturity
Federal Agency Bank	\$6,000,000.00	\$5,988,378.00	\$5,989,878.33	6.7%	54	1.139%
LGIP	\$18,729,046.34	\$18,729,046.34	\$18,729,046.34	21.0%	1	0.000%
	\$59,657,005.78	\$59,657,005.78	\$59,657,005.78	66.8%	1	1.176%
US Treasury	\$5,000,000.00	\$4,977,035.00	\$4,987,082.90	5.6%	319	1.550%
Grand Total	\$89,386,052.12	\$89,351,465.12	\$89,363,013.35	100.0%	22	0.948%

Investments By Issuer	Par Value	Market Value	Book Value	% of Portfolio	Days to Maturity	Yield to Maturity
FFCB	\$3,000,000.00	\$2,991,789.00	\$2,992,785.00	3.3%	75	1.181%
FHLB	\$3,000,000.00	\$2,996,589.00	\$2,997,093.33	3.4%	33	1.098%
JPM Chase Checking	\$4,847,204.45	\$4,847,204.45	\$4,847,204.45	5.4%	1	0.000%
Frost Bank	\$13,881,841.89	\$13,881,841.89	\$13,881,841.89	15.5%	1	0.000%
TexPool	\$59,657,005.78	\$59,657,005.78	\$59,657,005.78	66.8%	1	1.176%
US Treasury	\$5,000,000.00	\$4,977,035.00	\$4,987,082.90	5.6%	319	1.550%
Grand Total	\$89,386,052.12	\$89,351,465.12	\$89,363,013.35	100.0%	22	0.948%

City Council Agenda Item Report**4/9/2018**

Agenda Item No. F)

Presenter/Contact*Jennifer Cain, Capital Projects Manager
(830) 221-4646 - Jcain@nbtexas.org***SUBJECT:**

Approval of a contract with Sullivan Contracting Services for pre-construction services for the repairs and upgrades at the Police Department.

BACKGROUND / RATIONALE:

In August 2017 the City Police Department and other city facilities sustained damage as a result from Hurricane Harvey. The City had a facility assessment performed on the Police Department by Facility Engineering Associates. The City has filed property claims with FEMA and its insurance carrier, TML. The claims process is lengthy due to the many Texas claims resulting from Hurricane Harvey.

March 2, 2018, Staff requested qualifications and cost proposals for construction managers for the repairs and upgrades at the Police Department - exterior and interior work including the modifications at the former municipal court area and the necessary HVAC upgrades. The City received 3 responses from Construction Managers. The qualifications and proposals were evaluated based on cost, relevant experience and project team qualifications.

Staff recommends Sullivan Contracting Services for this project. Sullivan's pre-construction phase fee is \$7,500.

The estimated timeline for construction is approximately 4 months. The Guaranteed Maximum Price for construction will be brought back to City Council for approval which will include the following from Sullivan:

General Conditions: \$48,538

Construction Phase Fee: \$18,583

Pre-Construction and construction tasks can be performed concurrently with the FEMA/TML claims process. If the City receives Claim funds from the FEMA and/or its property insurance, they will supplant the City fund balance expended.

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:

The City can support the reconstruction costs for the New Braunfels Police Department by utilizing

funds designated for municipal court renovations budgeted in FY 2017/18 and fund balance for the remaining costs.

If the City receives Claim funds from the FEMA and/or its property insurance, they will supplant the City fund balance.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a contract with Sullivan Contracting Services for pre-construction services for the repairs and upgrades at the Police Department.

City Council Agenda Item Report**4/9/2018**

Agenda Item No. G)

Presenter/Contact

*James Sellers, Fire Department Quartermaster
(830) 221-4201 - JSellers@nbtexas.org*

SUBJECT:

Approval of a service agreement with Westnet, Inc. for onsite maintenance, repair, and technical support for the City's fire station alerting systems.

BACKGROUND / RATIONALE:

The City of New Braunfels' Fire Department (NBFD) currently utilizes a First-In® fire station alerting system to receive notifications of fire and emergency medical services (EMS) calls. The alerting system is specifically designed to reduce response time; thereby allowing the City's highly trained emergency first responders to more quickly provide emergency service and care to the City's residents, visitors, and surrounding community.

The initial purchase of the fire station alerting system, provided by Westnet, Inc., included the cost of maintenance and technical support for several years. The requested service agreement is for the continuation of the services which include, but are not limited to, scheduled and as-needed onsite maintenance for each fire station and the dispatch center, continuous remote system maintenance and monitoring, and parts and labor necessary for repairs as needed.

The term will begin upon receipt of City Council approval through March 31, 2019 for \$35,000. The cost for additional years of service will be included in the department's proposed budget(s) and will be presented to City Council for approval as required.

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.
------------	---

FISCAL IMPACT:

Funding for the service agreement described above has been incorporated into the Fire Department's adopted FY 2017-18 budget. Therefore, sufficient funds are available for the referenced agreement.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the approval of a service agreement with Westnet, Inc. for onsite maintenance, repair, and technical support for the City's fire station alerting systems.

City Council Agenda Item Report**4/9/2018**

Agenda Item No. H)

Presenter/Contact

Kristi Aday, Assistant City Manager, and Amy Niles, River Operations Manager
(830) 221-4285 - kaday@nbtexas.org
(830) 221-4628 - aniles@nbtexas.org

SUBJECT:

Approval of the second and final reading of an ordinance amending Section 86-7 to include \$10 paid parking at certain city-owned parking lots located on Elizabeth Street.

BACKGROUND / RATIONALE:

The City Council unanimously approved this ordinance on first reading at its March 26, 2018 meeting with an amendment that all revenues should be deposited in the River Activities Fund and that an update be provided during the summer.

The River Advisory Committee has been reviewing the adjustment of various river- related fees, working towards making the River Activities Fund revenue neutral and passing the cost of river management onto the users/customers of the service. Per the City Council's direction, City staff reviewed adding a \$10 parking fee at the parking lots on Elizabeth Street and makes the following recommendation:

- Charge \$10 per space on the 155 spaces across from Circle Arts Theater, every day May 1- Labor Day from 8AM-7PM, leaving the 43 spaces in front of the Park Operations building reserved for staff parking.
 - Half of the revenue collected will go to the River Activities Fund, while the other half will go to the general fund and be ear-marked for Landa Park parking lot maintenance.
- Utilize the ParkMobile system and install Pay-by-Phone parking signs throughout the parking lot. The lot will need some additional attention by the Park Rangers as we implement the new system. (More about the Park Mobile System is provide in the Council presentation.)
- Reserve additional staff parking at Landa Recreation Center for staff parking overflow.
 - Create a "Staff" window hangers as a parking control mechanism.
 - Landa Recreation Center guests will still park at the LRC for events.
 -



Signage and monitoring will be needed.

Circle Arts Theater

Staff has been meeting with representatives from the Circle Arts Theater. The City and Circle Arts have a lease agreement which allows the Theater to use the parking lot in between the Theater and Parks Maintenance Building. Customers also use the parking lot across the street (the proposed paid parking lot.) The Theater staff is concerned about the impact paid parking will have on their attendance. Therefore, we have worked with Theater representatives on the following:

- During the river season, close off the lot between the theater and the Park Maintenance Barn, for use by theater staff, rehearsals and guests.
- Ask the Circle Arts Theater to create a theater parking pass system for the paid parking lot across the street for overflow parking on the Sunday 2PM shows. This is the show that they believe will be negatively impacted. This would exempt the patrons from the \$10.00 fee.

Wurstfest

Staff has been in contact with Wurstfest officials about the change in parking. Mrs. Herbelin has noted that the Wurstfest facilities have been rented for four events this summer. We have been provided those dates and will accommodate parking for each of them. Mrs. Herbelin has indicated for future events, she will notify the guests of the parking situation and the \$10.00 parking fee.

Mini Golf

We will reserve five mini-golf parking spaces in the Park Operations staff parking lot. These spaces would be appropriately signed and painted. We will monitor the parking throughout the year and should we need to add more, we can do so.

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

N/A

FISCAL IMPACT:

There are 155 spaces in this particular parking lot. Using the \$10.00 fee, multiplied by the 120 days of the season, gives a conservative estimate of \$186,000. Of course, this does not count for any turnover, which will occur. As stated, the revenue is proposed to be split between the River Fund and the General Fund, earmarked for Landa Park parking maintenance.

COMMITTEE RECOMMENDATION:

Both the River Advisory Committee and the Parks and Recreation Board considered this proposal at

a joint meeting of the Committees and then again in separate meetings. They have the following recommendations:

River Activities Committee

The River Activities Committee unanimously recommends that the City Council charge a \$10 parking fee at the Landa Park Parking lots on Elizabeth Street from a period of May 1 to Labor Day. The recommendation also includes the following:

- That the City have the ability to institute “variable pricing.” That means that the City has the authority to raise or lower the price of parking based on demand.
- The Parks and Recreation Department having appropriate staff to control the parking lot.

Parks and Recreation Advisory Board

The Parks and Recreation Advisory Board voted 5-2 on the recommendation to implement a \$10 parking fee on the Elizabeth street lot with the following additions:

- The recommendation from the River Activities Committee to institute variable pricing.
- The recommendation from the River Activities Committee that the department be allowed to staff appropriately for additional need to control the parking lot.
- That the City Manager (or designee) be given the authority to exempt certain special events from paid parking. Specifically, the discussion centered on swim meets during the summer.
- A program review at the end of the summer (Labor Day) to evaluate the impacts and changes of the new program.
- Adopt the paid parking at the Elizabeth Street lots as a pilot program for the first year, and that a report be made monthly to the Parks and Recreation Advisory Board.
- A statement to the City Council about the Board’s concern about the impact paid parking will have on Landa Park.

STAFF RECOMMENDATION:

Staff recommends the following:

1. Implementation of a \$10.00 parking fee for the 155-space parking lot on Elizabeth Street, starting May 1 of each year, through Labor Day from 8AM-7PM.
2. The City Manager be given the authority to waive fees when it is in the best interest of the City. This will assist us in any conflicts we may have with Circle Arts or Mini-golf parking complications.
3. Staff provide a review of the program in July and after the first season. The River Manager shall include this in her yearly end-of-season Council report.
4. Staff does not recommend implementation of variable pricing at this time. While we understand the proposal and the possible benefits, the recommendation needs more details worked out.
5. Revenues from this will go to the River Activities Fund.



Paid Parking Proposal Elizabeth St.

Kristi Aday
Assistant City Manager
March 26, 2018

Background



January 8, 2018 – City Council adopted an increase in the parking fee at Prince Solms Park from \$10 to \$20 starting May 1st through Labor Day

City Council also directed staff to review possible parking fees at the City-owned Elizabeth Street parking lot.

City Council previously considered this proposal in 2015 and ultimately did not act.

Proposal



Reserve Lot 1 (43 spaces) for staff parking and 5 spaces for Mini Golf.

Use Lot 2 for \$10 paid parking, 7 days per week, May 1-Labor Day.

Half the revenue goes to River Activities Fund and half goes to Landa Park parking lot maintenance.

Estimated Revenue: = \$186,000



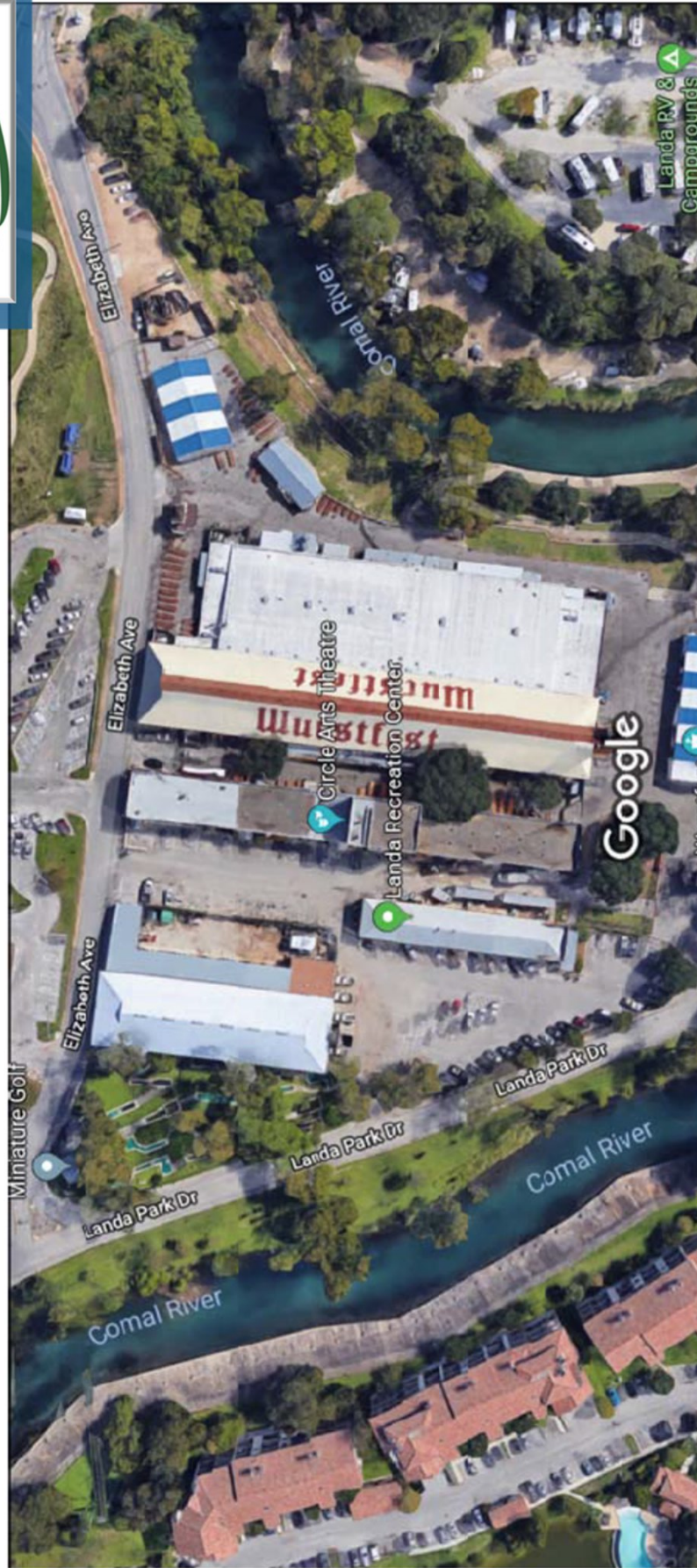
Landa Park Rec Center



Reserve the Landa Park Recreation Center parking lot for overflow City staff parking and Landa Park Recreation Center events.

Signage would be needed and window hangers for staff would be distributed.

Landa Park Rec Center



Circle Arts and Wurstfest



Block off the lot between the theater and the Park Maintenance Barn, for the use of Circle Arts, Wurstfest, and Parks and Recreation Staff.

Circle Arts Theater will create a theater parking pass for overflow parking in the paid parking lot for Sunday Matinee.

Wurstfest will create a parking pass for the existing rental events for overflow parking in the paid parking lot.

ParkMobile



HOW IT WORKS

- 1 Look for the Parkmobile sign or sticker.
- 2 Once registered, use the Parkmobile app to enter in the zone number listed on the sign to start a parking session.
- 3 ***That's it!*** And just to make life easier, you can opt-in to receive a notification prior to your parking session expiring.

- ParkMobile has no start up fee or signage fee for Municipalities.
- Enforcement will be by license plate number.
- The App user will be charged a \$0.35 fee per transaction.

ParkMobile

- Park Mobile is used in several surrounding cities, including Houston, Austin and Dallas
- Rangers and cashiers will be trained to assist with the app and payments
- Will advertise on www.tubeinnewbraunfels.com website for trip planning



Shop, Dine and Enjoy
the Ease of
Parking by Phone

Parking Made Simple

Register account
& Download
the Parkmobile App

Look for the
Parkmobile logo
when parking

Start your
Cash Free
Parking Session

www.parkmobile.com

The graphic includes a smartphone displaying the ParkMobile app, a QR code, a physical parking tag with the number 0000, and a smartphone with the ParkMobile logo on its home screen.

River Advisory Committee



The River Advisory Committee unanimously recommended the proposal with the following additions:

- Implementation of variable pricing
- Adequate Park Ranger staffing for monitoring the parking lot

Parks and Rec Advisory Board



With a vote of 5-2, the Parks and Recreation Advisory Board made the same recommendation as the River Advisory Committee, with the additions of:

- City Manager to have the ability to exempt certain special events from paid parking.
- Adopt paid parking at this lot only as a pilot program
- A review after Labor Day to evaluate the impacts and changes
- A monthly report to the Park Board

Staff Recommendation



- Implementation of a \$10.00 parking fee for the 155 space parking lot on Elizabeth Street, starting May 1 of each year, through Labor Day from 8AM-7PM.
- The City Manager be given the authority to waive fees when it is in the best interest of the City.
- Staff provide a review of the program after the first year.
- Defer the implementation of variable pricing at this time.
- Any other recommendations or direction provided by the City Council.



Questions?

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 86 OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS, ARTICLE 1, SECTION 86-7 BY CHARGING A FEE FOR PARKING IN THE PARKING LOTS IN LANDA PARK LOCATED ON ELIZABETH STREET; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that there is a public benefit to the collection of fees for parking; and

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that certain parking areas have value that should be recognized; and

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that parking in Landa Park parking lots located on Elizabeth Street, near the Comal river during the period of May 1 to Labor Day represents an opportunity to collect revenue that supports the funding for management of river operations and parking lot maintenance; and

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that charging a parking fee at Landa Park parking lots located on Elizabeth Street during this time period would be born primarily by visitors to the community and would remove some of the burden of funding river operations from the residents of the City of New Braunfels, Texas; and

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. AMENDMENTS.

That Chapter 86, Article I, Section 86-7 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. 86-7. - Operation of vehicles in parks.

- (a) *Landa Park.* It shall be unlawful for any person to operate a motor vehicle of any kind on that portion of Landa Park Drive as designated by signage and/or barricades between the hours of 7:00 a.m. and 8:00 p.m. on Saturdays, Sundays, and legal holidays from the Saturday prior to Easter Sunday through Labor Day. Notwithstanding the above provision, such prohibition shall apply on Easter Sunday of each year between the hours of 6:00 a.m. and 8:00 p.m. The location of such signage and/or barricades indicating the portion of Landa

Park Drive that shall be subject to this section may be changed from time to time upon order of the city manager.

- (b) *Hinman Island.* It shall be unlawful for any person to operate a motor vehicle of any kind on that portion of Hinman Island Drive from its west side intersection with Liberty Avenue in a westerly direction to its east side intersection with Elizabeth Avenue between the hours of 7:00 a.m. and 8:00 p.m. on Saturdays, Sundays and legal holidays from the Saturday prior to Easter Sunday through Labor Day when the barricades on Hinman Island Drive are closed, unless determined by the parks and recreation director or designee allows for authorized shuttle traffic. Notwithstanding the above provision, such prohibition shall apply on Easter Sunday of each year between the hours of 6:00 a.m. and 8:00 p.m. when the barricades on Hinman Island Drive are closed.
- (c) *Barricades authorized.* The director of parks and recreation is hereby authorized and directed to install barricades at the locations designated in this section in order to prohibit vehicular traffic on designated streets.
- (d) (1) *Parking fees in Prince Solms Park.* There shall be a parking fee charged for all parking spaces in Prince Solms Park between the hours of 8:00 a.m. and 7:00 p.m. daily from May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged \$20.00 for every parking space utilized by a vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional \$20.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new \$20.00 fee will be charged to park in one space.
- (2) *Exceptions.*
 - a. A resident tennis player-parking pass shall be made available for users of the Prince Solms Park tennis courts. For the purpose of this section, the term "resident" applies to persons who reside within the city limits. The term of the resident tennis player-parking pass is Memorial Day weekend through Labor Day in the same year the pass was purchased. The annual fee for the resident tennis player-parking pass shall be \$20.00. All holders of a resident tennis player parking pass shall be entitled entry into Prince Solms Park parking area at no additional charge, seven days a week, excluding holidays, from Memorial Day weekend through Labor Day for the purpose of parking their vehicles to utilize the tennis courts in the park.
 - b. Vehicles with disabled veteran license plates will be exempt from parking fees.
 - c. When it has been determined by the city manager or his designated representative that weather or other conditions do not warrant charging such a fee, it may be temporarily suspended.
- (e) (1) *Parking fees at the Landa Park parking lots located off Elizabeth Street.* There shall be a parking fee charged for the 155 parking spaces located in Landa Park parking lots located off Elizabeth St. between the hours of 8:00 a.m. and 7:00 p.m. daily from May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged \$10.00 for every parking space utilized by a

vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional \$10.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new \$10.00 fee will be charged to park in one space

(2) Exceptions.

- a. The Landa Park parking lot with 43 spaces located directly in front of the Park and Recreation Department Operations buildings will be reserved for staff use from May 1 through Labor Day and will not be available for paid parking. There will be reserved parking spots in this parking lot for mini-golf patrons that will be clearly marked and signed.
- b. Vehicles with disabled veteran license plates will be exempt from parking fees.
- c. When it has been determined by the city manager or his designated representative that weather or other conditions do not warrant charging such a fee, it may be temporarily suspended.
- (3) a. Penalties. Any person who shall violate any provision of this section or fail to comply with any of the provisions herein, shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding \$200.00. Each day any violation of this section continues shall constitute a separate and distinct offense.
- b. Towing of vehicles. In addition to being cited for violations of this section, such vehicles can be towed at the discretion of the city manager, the chief of police, or the parks and recreation director, or their designated representatives. All towing costs incurred shall be the responsibility of the vehicle owner or operator. The installation and erection of appropriate signs is hereby authorized.
- (e) No through truck traffic. It shall be unlawful for any person to operate a truck upon the roads or streets entering, within, or immediately adjacent to Landa Park or Hinman Island Park, specifically including Landa Park Drive; Hinman Island Drive; Golf Course Drive; Aquatic Circle; Paddle Boat Lane; Gazebo Circle; Playground Drive; Monument Drive; E.P. Nowotny Drive; Mill Race Road; that portion of Elizabeth Avenue that lies within and immediately adjacent to Landa Park; and all other unmarked streets within Landa Park and Hinman Island Park, all such streets being within the city limits of New Braunfels, Texas. "Trucks," for purposes of this subsection, means every motor vehicle designed, used or maintained primarily for the transportation of property.

Exception to the provisions of this subsection shall be:

- (1) Light trucks including any truck with a manufacturer's rated carrying capacity not to exceed 2,000 pounds and including those trucks commonly known as pickup trucks, panel delivery trucks, vans and carryall trucks shall be excluded from the provisions of this section.
- (2) Recreational vehicles and passenger buses shall be excluded from the provisions of this subsection.

- (3) Any truck which has a destination point, for commercial purposes, within Landa Park or Hinman Island Park shall be permitted to proceed by the shortest route through such parks to its destination, and shall exit by the same route.

None of the exceptions created under this subsection (e) shall be construed so as to permit any violation by any vehicles of the maximum weight limit restrictions for bridges created in subsection (f) of this section.

- (f) *Maximum weight limits for bridges in Landa Park.* It shall be unlawful for any person to operate a motor vehicle of any kind upon the bridges that are in or near the entrance to Landa Park, within the city limits, which vehicle's and/or loaded vehicle's weight exceeds the maximum safe load limit posted upon or near such bridge:
- (1) Bridge on Landa Park Drive at the Comal River and Landa Railroad Train Depot, TxDOT location number 15-046-8403-15-004, shall have a maximum safe load limit of 12,500 pounds, axle or tandem;
 - (2) Bridge in Landa Park at the main spring flow from Panther Canyon area nearest the wading pool, TxDOT location number 15-046-8403-15-003, shall have a maximum safe load limit of 24,000 pounds tandem;
 - (3) Arched bridge on Landa Park Drive at the Comal River Springs closest to California Street, TxDOT location number 15-046-8403-15-002, shall have a maximum safe load limit of 24,000 pounds tandem.

(Code 1961, § 14A-7; Ord. No. 98-7, § I, 2-9-98; Ord. No. 01-18, § I, 3-12-01; Ord. No. 01-63, § I, 12-10-01; Ord. No. 2003-51, § I(3.), 8-11-03; Ord. No. 2004-25, § I, 4-12-04; Ord. No. 2008-41, § 1, 6-9-08; Ord. No. 2014-17, § 2, 2-24-14; Ord. No. 2014-31, § 2, 4-28-14)

SECTION 3: All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 4: If any provisions of this Ordinance shall be held void, illegal, or unconstitutional, it is hereby provided that all other parts of the same which are not held void, illegal or unconstitutional shall remain in full force and effect.

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 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 26 day of March, 2018.

PASSED AND APPROVED: Second Reading on the _____ day of _____, 2018.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney

City Council Agenda Item Report

4/9/2018

Agenda Item No. I)

Presenter

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

SUBJECT:

Approval of the second and final reading of an ordinance regarding the proposed rezoning request to apply a Type 1 Special Use Permit to allow the short term rental of a single family dwelling in the "M-1" Light Industrial District, on Lot 7, City Block 1022, addressed at 564 South Castell Avenue.

BACKGROUND / RATIONALE:

Case No.: PZ-18-001

Council District: 6

Owner/Applicant SKP Properties (Roy and Kay Phillips)
P.O. Box 1540
Lampasas, TX 76550
(830) 515-9050

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

City Council held a public hearing on March 26, 2018, and unanimously (7-0-0) approved the first reading of the requested rezoning to apply an SUP, with the following conditions:

1. The residential appearance of the house must be maintained.
2. The maximum occupancy of the short-term rental is limited to 6 guests.
3. Signage must be posted on premise instructing guests to observe a quiet time which will begin at 10PM.

The subject property is located on the south side of South Castell Avenue, between Jahn and Butcher Streets in the "M-1" Light Industrial District. The lot comprises 6,548 square feet with a 1,112 square-foot single family residence constructed in 1925.

The "M-1" Light Industrial zoning district allows rental or occupancy for less than one month. However, since the subject structure is a single-family dwelling a Special Use Permit (SUP) must be approved before it can be used as a short-term rental. If the SUP is approved, an administrative Short-Term Rental Permit will also be required along with associated annual fire inspections.

The applicant indicates the one-story dwelling has three sleeping areas (3 bedrooms). Minimum required off-street parking for a short-term rental is one space per sleeping area with a maximum quantity equal to the number of sleeping areas plus one. The subject property requires a minimum of three paved, off-street parking spaces with a maximum of four.

The applicant's submitted site plan illustrates a continuous paved driveway extending the depth of the property, approximately 124 feet, between South Castell Avenue and Colvin Street. Typically, parking spaces for short-term rentals are side by side and not stacked behind one another in a linear fashion. Though the length of the drive suggests 6 vehicles could be accommodated bumper to bumper, in the short term rental environment drivers will likely leave more room between cars to allow better access around and into the individual vehicles. Therefore, Staff believes the existing driveway will function with a maximum of 4 vehicles without alteration.

The subject property is eligible for Historic Designation and Staff encourages the applicants to pursue Historic Designation of the dwelling to preserve the character of the area and appeal of the existing home.

General Information:

Size: = 6,548 square feet

Surrounding Zoning and Land Use:

North - Across Castell Avenue, C-2 / Single-family residence

South - Across Colvin Street / Plumbing shop

East - M-1 / Single-family residence

West - M-1 / Office

Comprehensive Plan / Future Land Use Designation:

Commercial Industrial

Floodplain:

No portion of the property is located within a Special Flood Hazard Area Zone A.

Regional Transportation Plan:

South Castell Avenue is identified as a 65-foot wide Major Collector on the 2012 Regional Transportation Plan. The current right-of-way width of South Castell Avenue meets or exceeds 65 feet and no additional right-of-way dedication will be required with platting.

Improvement(s):

Single-family residence

Determination Factors:

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

- Whether the permitted uses will be appropriate in the immediate area and their relationship to the area and to the City as a whole *(The subject property is located in the M-1 District within an area of mixed-uses that is one block southwest from the redevelopment area included within the draft Castell Avenue Visioning Plan.);*
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area *(There do not appear to be any conflicts with these elements.);*
- How other areas designated for similar development will be affected *(There should be no negative effects on other properties within the general vicinity as many of the surrounding properties have converted to non-residential uses within recent years.);*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. *(The use of this property as a short-term rental will be subject to the supplemental standards as required in Section 5.17 of the Zoning Ordinance. These standards help to ensure that proper measures are in place to protect public health and to encourage appropriate use of the property.);* and
- Whether the request is consistent with the Comprehensive Plan. *(The proposed short-term rental is consistent with the Future Land Use designation of the subject site as Commercial Industrial and supports the tourism of Downtown promoted in the Downtown Implementation Plan.)*

Supplemental standards for short term rentals are attached, and include:

- An administrative Short-Term Rental Permit and annual inspections are required, in addition to the SUP zoning;
- A maximum of two (2) adults per sleeping area plus an additional four (4) adults per residence **(three (3) sleeping areas plus four (4) additional adults allows for a maximum total of 10 adults)** ;
- Display of a short-term rental decal;
- A minimum of one (1) off-street parking space per sleeping area, not including a garage, and not to exceed the number of sleeping areas plus one (1) **(minimum of three (3) spaces and a maximum of four (4) spaces)** ;
- Adherence to the City's adopted building codes regarding life safety issues;
- Compliance with City codes related to conduct on premises;
- Signage in compliance with the current Sign Ordinance; and
- Required tenant information posted indoors and attached to the rental agreement.

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: <i>Goal 1 Promote manageable growth to achieve a proper balance of economic expansion and environmental quality while maintaining the community's unique qualities.</i> Authorized short-term rentals contribute to economic expansion through the collection of occupancy tax and visitor dollars spent within the community. Impacts and safety are managed through the SUP, Short Term Rental Permit process, and annual fire inspections. The subject property is located within an area transforming into mixed use. Goal 10: Objective D. <i>Respond to changing market trends, consumer preferences, economic realities, and design technology relating to housing types and densities.</i> The approval of this SUP would be in keeping with the approval of other short-term rentals in the downtown area that support and contribute to the tourism in Downtown. Goal 63: Objective B. <i>Special zoning regulations and incentives should be created to promote retail, eating and drinking establishments, bed and breakfast, lodging and entertainment.</i> Approval of the SUP would provide lodging in close proximity to dining, drinking and entertainment businesses downtown. Cons: None.
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FISCAL IMPACT:

If approved, the property will be subject to hotel occupancy tax (HOT).

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on March 6, 2018, and unanimously recommended approval of the Type 1 Special Use Permit with Staff's recommendation (7-0-0).

STAFF RECOMMENDATION:

Staff recommends approval of the applicant's requested rezoning with the following condition:

- The residential appearance of the building must be maintained.

Staff also concurs with City Council's additional conditions made at the first reading.

The proposed use of the property will complement the mixed uses in the area and the continued redevelopment of South Castell Avenue, while maintaining a residential appearance consistent with the other non-residential uses in the vicinity. The proposal also meets community objectives in the Comprehensive Plan.

Notification:

Public hearing notices were sent to 14 owners of property within 200 feet of the request. The Planning Division has received three responses in favor from numbers 4, 5 and 14 and one opposed from number 6.

ATTACHMENTS:

1. Aerial, Regional Transportation Plan Map
2. Application
3. Zoning and Land Use Maps
4. Notification List, Notification Map and Notification Responses
5. Site Plan
6. Photographs of Subject Property
7. Sec. 3.3-11 "M-1" Light Industrial District
8. Sec. 3.6 Special Use Permits
9. Sec. 5.17 Short Term Rentals
10. Excerpt from the March 6, 2018 Planning Commission Regular Meeting
11. Ordinance



Map Created 2/14/17

PZ-18-001
564 S. Castell Ave.
SUP for Short Term Rental in the M-1 District





PZ-18-001

APPLICATION FOR
SPECIAL USE PERMIT
550 LANDA STREET
NEW BRAUNFELS TX 78130
E-MAIL: planning@nbtexas.org
PHONE: (830) 221-4050

PLANNING

1. Applicant - If owner(s), so state; If agent or other type of relationship, a letter of authorization must be furnished from owner(s) at the time submitted.
 Name: SKP Properties LLC (Roy and Kay Phillips)
 Mailing Address: P.O. Box 1540 Lampasas, Tx 76550
 Telephone: 830.515.9050 Fax: _____ Mobile: _____
 Email: skayphillips@gmail.com
2. Property Address/Location: 564 S Castell Ave New Braunfels, Tx
3. Legal Description: CBD-CASTELL, COMAL, UNION
 Name of Subdivision: _____
 Lot(s): LOT 7 Block(s): CITY BLOCK 1022 Acreage: 0.1463
4. Existing Use of Property: Residential
5. Current Zoning: M-1 LIGHT INDUSTRIAL DISTRICT
6. Check if Proposed Special Use Permit is: Type 1 _____ OR Type 2 X
7. Proposed Use of Property and/or Reason for request (attach additional or supporting information if necessary): Desired use of property is Short Term Rental. Many surrounding properties are businesses so the usage will provide no disruption to single family dwelling residents. Additionally, the drive way extends the length of the lot and can easily have 5 vehicles parked on it, not disrupting street traffic.
8. ATTACHMENTS:
 - X Metes and bounds description and survey if property is not platted.
 - X Map of property in relation to City limits/major roadways or surrounding area.
 - X If requesting a Type 2 Special Use Permit, applicant must attach a development/site plan as described on pages 2 and 3 of this application.
 - X Copy of deed showing current ownership.
 - _____ Mailed notification _____ x 2.15 each = _____ Notification signs 2 x \$15 each = 30
 - _____ Newspaper Notice 115.00 each

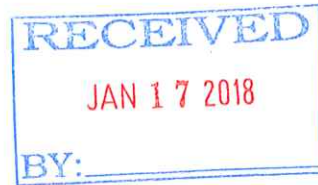
The undersigned hereby requests rezoning of the above described property as indicated.

Kay Phillips
Signature of Owner(s)/Agent

1-11-18
Date

SKP Properties (Roy and Kay Phillips)
Print Name & Title

For Office Use Only			
Fee Received By: <u>MG</u>	Amount: <u>\$500.00</u>	Receipt No.: <u>237931</u>	
Date Received: <u>1-17-18</u>	Zoning signs issued: _____	Date: _____	No.: <u>2</u>



Good Day,

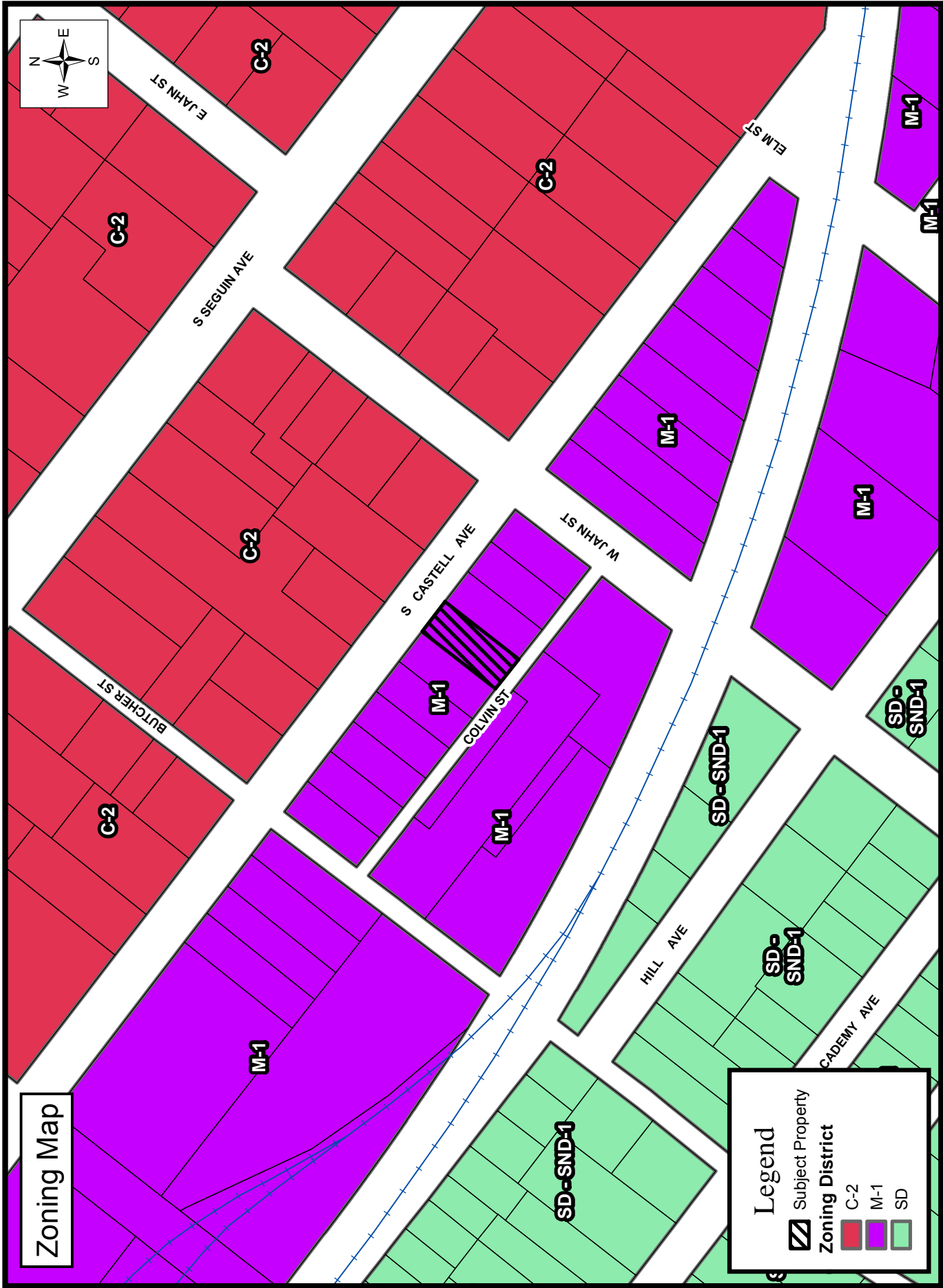
564 S Castell Ave New Braunfels, Tx was purchased by my husband and I in 2011. After completing extensive repairs, we have enjoyed this property as a second home for the past six years.

During the repairs, we ensured that measures were taken to complete the changes to the letter of the law, working with the city to pull a large amount of permits. Also, we maintained a large portion of the original charm while also including updates that only accentuate the charm of the home. We believe that after the completion of this remodel, we helped drive the economy and property values of surrounding areas up.

Our goal is to partner with the city to use this property as a short-term rental property as the location of the home is ideal for vacationers looking for restaurants, recreation and the overall enjoyment of New Braunfels. We will ensure that all prospective guests recognize and observe a quiet time(10:00 PM) and that there are never any more than six guests as the home is a three bedroom.

Regards,

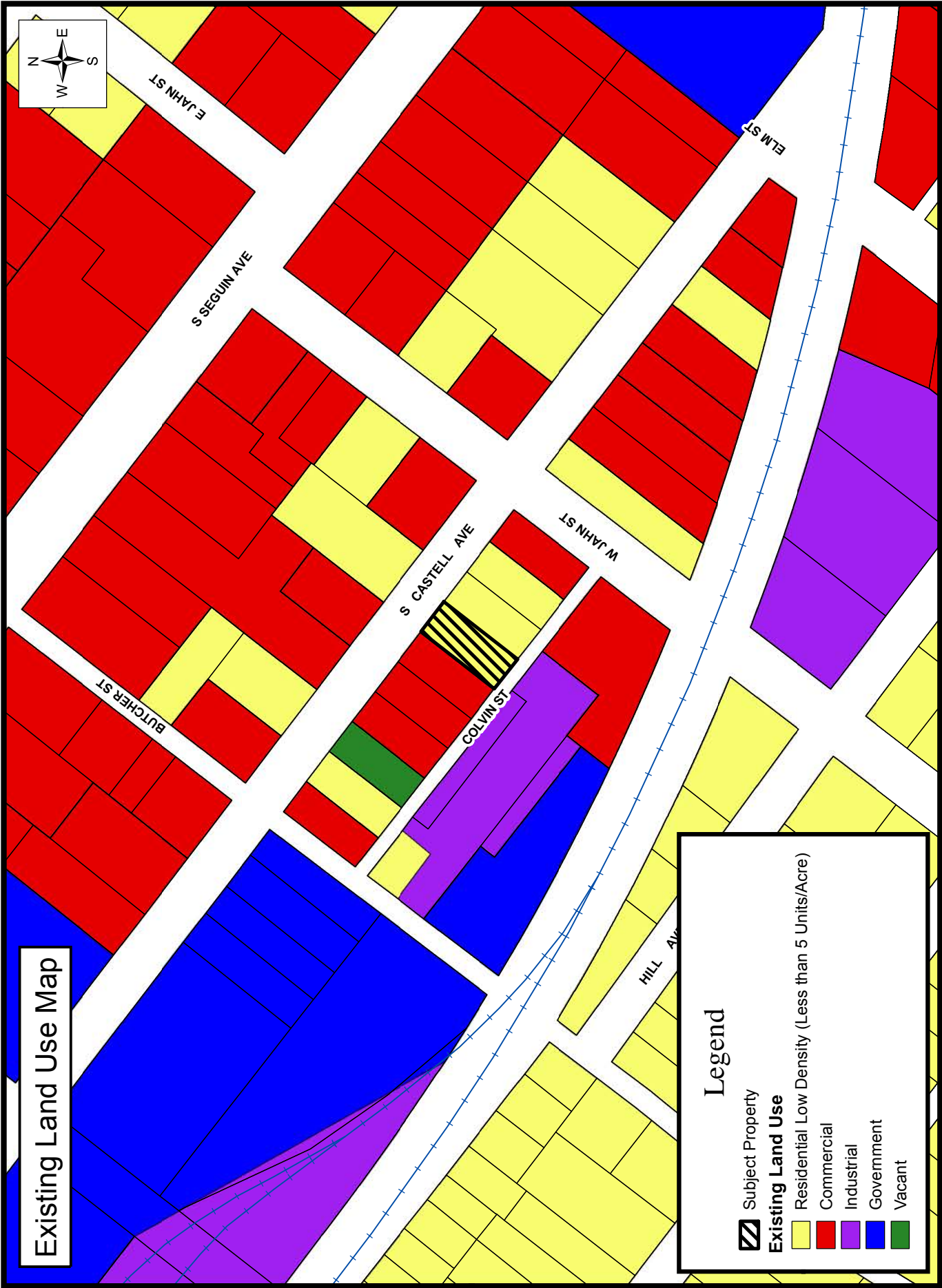
Roy and Kay Phillips
Roy and Kay Phillips

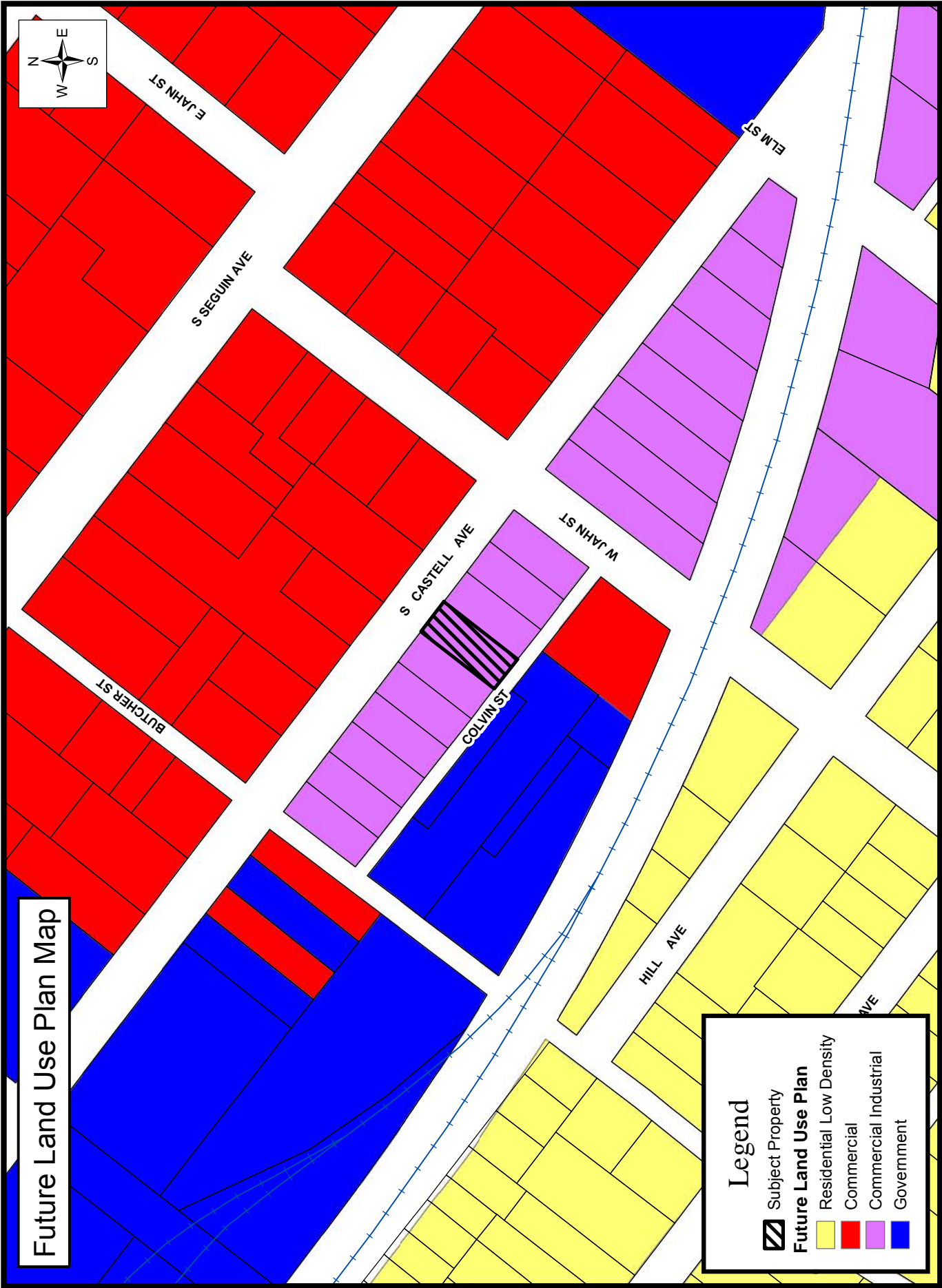


Map Created 2/14/17

PZ-18-001
564 S. Castell Ave.
SUP for Short Term Rental in the M-1 District









PLANNING COMMISSION – March 6, 2018 – 6:00PM

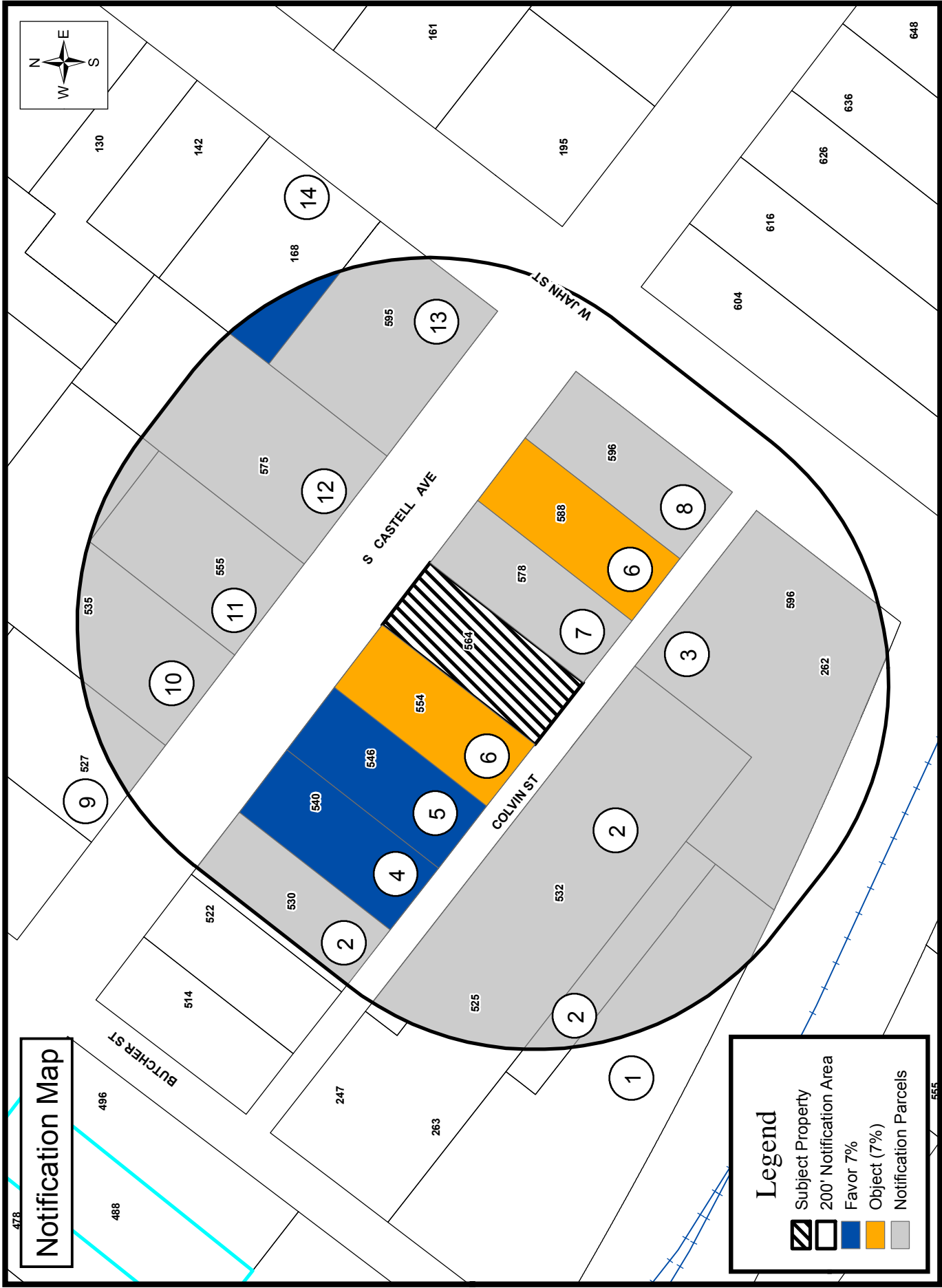
New Braunfels Municipal Building, Council Chambers

Applicant: SKP Properties LLC (Roy & Kay Phillips)**Property Location:** 264 S. Castell Avenue**PROPOSED REZONING – CASE #PZ18-001**

The circled numbers on the map correspond to the property owners listed below. All information is from the Comal Appraisal District Records. The property under consideration is marked as "SUBJECT".

1. City of New Braunfels
2. M A Anderson Real Estate LLC
3. Jahn Street Properties LLC
4. Childs's Play Games & Geekery
5. Witting Insurance Agency LLC
6. XV Properties LTD
7. Hill Country Investment Group LLC
8. Truesdell, Katherine
9. Martinez, Amelia
10. D'Ann Harper Dev Corp.
11. River City Storage, Inc.
12. Bormann, John
13. My Little Girl LLC
14. Yawn Group LLC

SEE MAP



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-001 (SKP Properties) (MG)
Date Sent: 2/15/18

89

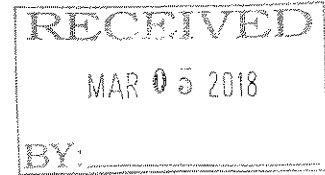
Name: Frank Witting
Address: 546 S. Castell Ave
Property number on map: 4 & 5

I favor: X

I object: _____
(State reason for objection)

Comments: (Use additional sheets if necessary)

I also own the property at 540 S. Castell Ave, #4.



Signature: [Signature]

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-001 (SKP Properties) (MG)
Date Sent: 2/15/18

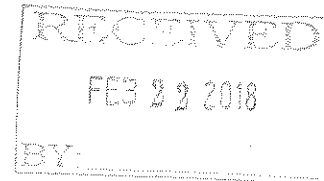
Name: The Yawn Group Inc
Stephanie Blason member
Address: 168 E. Tahn St
Property number on map: 14

I favor: [Signature]

I object: _____
(State reason for objection)

Comments: (Use additional sheets if necessary)

We favor the zoning change.



Signature: [Signature]
The Yawn Group

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ18-001 (SKP Properties) (MG)
Date Sent: 2/15/18

Name: Vol Farrest McGlothlin, CPA
Address: 554 S. Castell, 588 Castell
Property number on map: 6

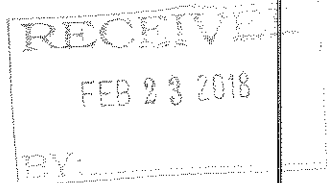
I favor: _____

I object: ✓
(State reason for objection)

Comments: (Use additional sheets if necessary)

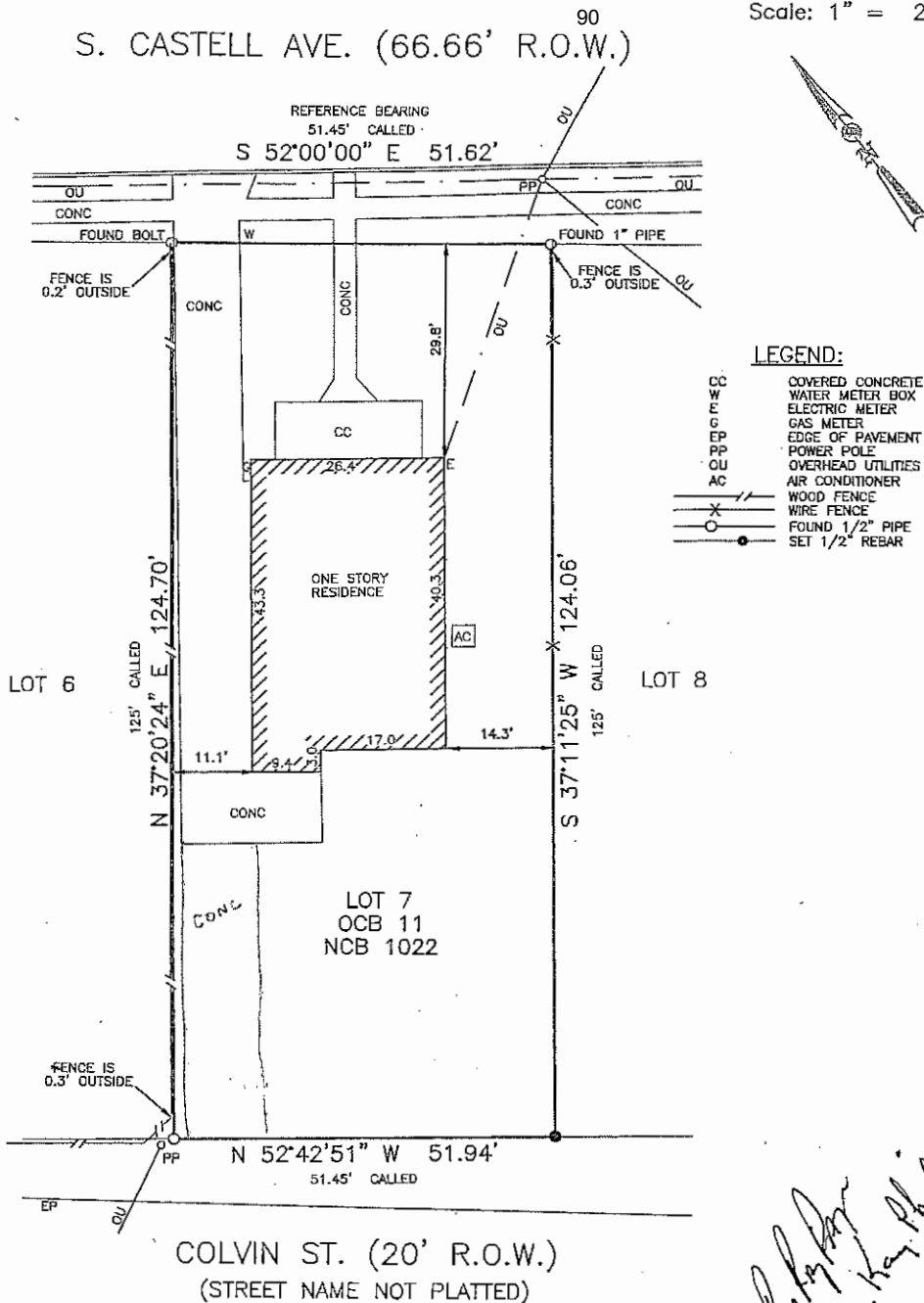
554 Castell does not comply with Commercial Code. The Property does not have at least 3 off street parking spaces. It only has a narrow driveway. The Property does not have a handicapped entrance. It does not have metal handrails on either the front or rear entrance.

Signature: [Signature]



S. CASTELL AVE. (66.66' R.O.W.)

Scale: 1" = 20'



COLVIN ST. (20' R.O.W.)
(STREET NAME NOT PLATTED)

ADDRESS: 564 S. CASTELL AVE.

REFERENCE BEARING: OBTAINED FROM PLAT OF REVISED
JAHN ADDITION (VOL. 52, PG. 351)

REFERENCES: VOL. 47, PG. 448
VOL. 52, PG. 351

SURVEY PLAT SHOWING LOT 7, OLD CITY BLOCK
11, NEW CITY BLOCK 1022, JAHN ADDITION,
CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS,
AS RECORDED IN VOLUME 2, PAGES 366-368,
DEED RECORDS OF COMAL COUNTY, TEXAS, AND
IN VOLUME 1, PAGE 14, MAP AND PLAT RECORDS
OF COMAL COUNTY, TEXAS AND REPLATTED IN
THE RE-SUBDIVISION OF BLOCKS 11 AND 11-1/2
OF JAN ADDITION RECORDED IN VOLUME 47, PAGE
448, DEED RECORDS OF COMAL COUNTY, TEXAS.

LAMBERTS & ASSOCIATES
SURVEYING, INC.
618 COMAL STREET
NEW BRAUNFELS, TEXAS 78130
PHONE: (830) 625-0337

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RECEIVED
JAN 17 2018
BY:



THIS PLAT SHOWS THE LOCATION
OF EASEMENTS, RESTRICTIONS, AND
BUILDING SETBACK LINES AS SET
FORTH IN SCHEDULE B OF
TITLE CO.: NEW BRAUNFELS TITLE
G.F. # 021219NBT
DATED: 02-11-13
THE SURVEYOR HAS NOT ABSTRACTED
THE SUBJECT PROPERTY.

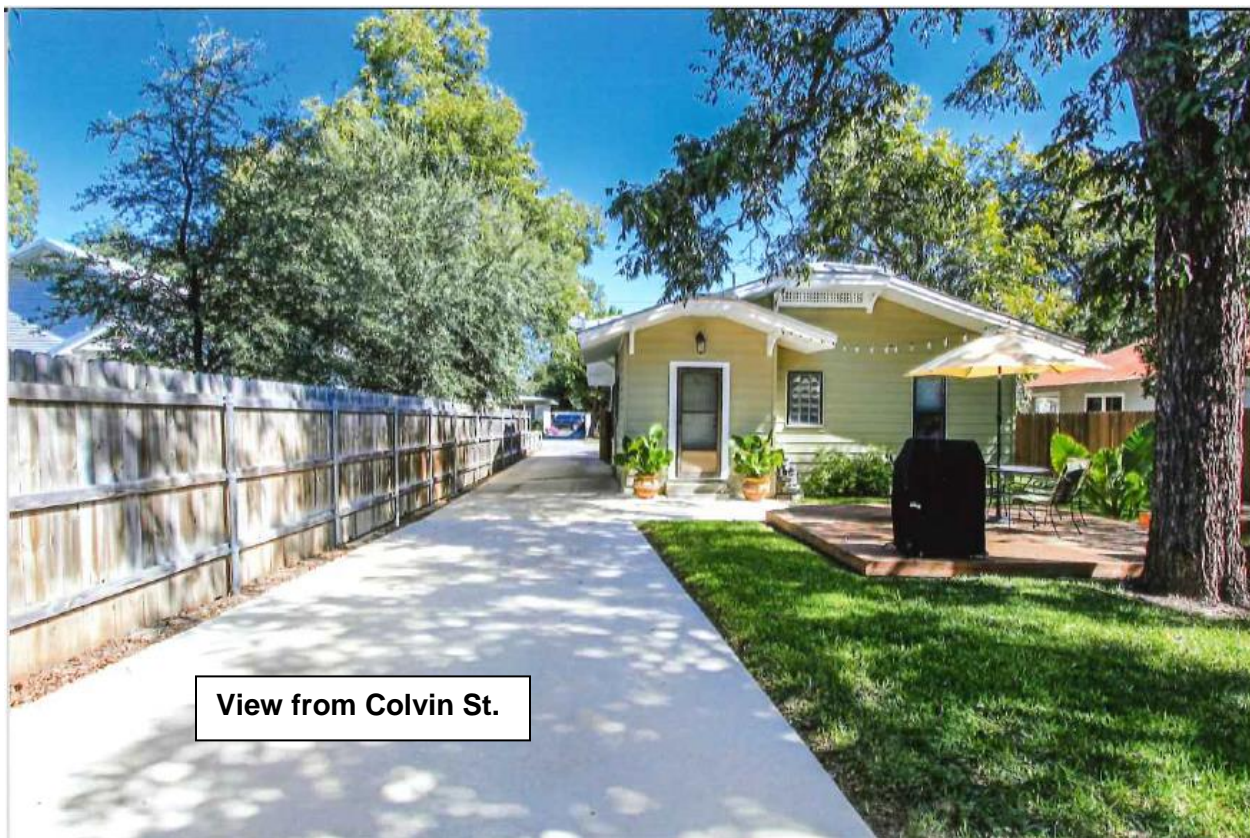
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE
GROUND, AND THAT TO THE BEST OF MY KNOWLEDGE AND
BELIEF, THIS PLAT CORRECTLY REPRESENTS THE FACTS
FOUND AT THE TIME OF THIS SURVEY AND THAT THERE ARE
NO VISIBLE EASEMENTS OR ENCROACHMENTS OF BUILDINGS
ON ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE
WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN
ABOVE.

DAVID A. LAMBERTS
REGISTERED PROFESSIONAL LAND SURVEYOR

4907

TEXAS REGISTRATION NO.
SURVEY NOT VALID UNLESS ORIGINAL
SIGNATURE IS IN RED INK
JOB # 13-0067
DATE: 02-22-13

ATTACHMENT 5



3.3-11. "*M-1*" *light industrial district*. The following uses are permitted by right in all "M-1" districts:

Residential uses:

Accessory building/structure
 Accessory dwelling (one per lot, no kitchen)
 Bed and breakfast inn
 Boardinghouse/lodging house
 Cabin or cottage (rental for more than 30 days)
 Community home (see definition)
 Dormitory (in which individual rooms are for rental)
 Duplex / two-family / duplex condominiums
 Home Occupation (See Sec. 5.5)

Multifamily (apartments/condominiums)
 One family dwelling, detached
 Rental or occupancy for less than one month—(see Sec. 5.17)
 Residential use in buildings with the following non-residential uses
 Single family industrialized home (see Sec. 5.8)
 Townhouse (attached)

Non-residential uses:

Accounting, auditing, bookkeeping, and tax preparations
 Adult day care (no overnight stay)
 Adult day care (with overnight stay)
 Aircraft support and related services
 Airport
 All terrain vehicle (ATV) dealer / sales
 Ambulance service (private)
 Amphitheater
 Amusement devices/arcade (four or more devices)
 Amusement services or venues (indoors) (see Sec. 5.13)
 Amusement services or venues (outdoors)
 Animal grooming shop
 Answering and message services
 Antique shop
 Appliance repair
 Archery range
 Armed services recruiting center
 Art dealer / gallery
 Artist or artisan's studio
 Assembly/exhibition hall or areas
 Athletic fields
 Auction sales (non-vehicle)
 Auto body repair, garages (see Sec. 5.11)
 Auto glass repair/tinting (see Sec. 5.11)
 Auto interior shop / upholstery (see Sec. 5.11)
 Auto leasing
 Auto muffler shop
 Auto or trailer sales rooms or yards (see Sec. 5.12)
 Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)
 Auto paint shop (see Sec. 5.11)
 Auto repair as an accessory use to retail sales (see Sec. 5.11)
 Auto repair garage (general) (see Sec. 5.11)
 Auto supply store for new and factory rebuilt parts
 Auto tire repair /sales (indoor)
 Automobile driving school (including defensive driving)
 Bakery (retail)
 Bank, savings and loan, or credit union

Bar/Tavern
 Barber/beauty college
 Barber/beauty shop, haircutting (non-college)
 Barns and farm equipment storage (related to agricultural uses)
 Battery charging station
 Bicycle sales and/or repair
 Billiard / pool facility
 Bingo facility
 Bio-medical facilities
 Blacksmith or wagon shops
 Book binding
 Book store
 Bottling or distribution plants (milk)
 Bottling works
 Bowling alley/center (see Sec. 5.13)
 Broadcast station (with tower) (see Sec. 5.7)
 Bus barns or lots
 Bus passenger stations
 Cafeteria / café / delicatessen
 Campers' supplies
 Car wash (self service; automated)
 Car wash, full service (detail shop)
 Carpenter, cabinet, or pattern shops
 Carpet cleaning establishments
 Caterer
 Cemetery and/or mausoleum
 Check cashing service
 Chemical laboratories (not producing noxious fumes or odors)
 Child day care/children's nursery (business)
 Church/place of religious assembly
 Civic/conference center and facilities
 Cleaning, pressing and dyeing (non-explosive fluids used)
 Clinic (dental)
 Clinic (emergency care)
 Clinic (medical)
 Club (private)
 Coffee shop
 Cold storage plant
 Commercial amusement concessions and facilities

Communication equipment (installation or repair)	Grain elevator
Community building (associated with residential uses)	Greenhouse (commercial)
Computer and electronic sales	Handicraft shop
Computer repair	Hardware store
Confectionery store (retail)	Health club (physical fitness; indoors only)
Consignment shop	Heating and air-conditioning sales / services
Contractor's office/sales, with outside storage including vehicles	Heavy load farm vehicle sales/repair (Sec. 5.14)
Contractor's temporary on-site construction office (with permit; see Sec. 5.10)	Heliport
Convenience store with or without fuel sales	Home repair/yard equipment retail/rental outlets
Country club (private)	Hospital, general (acute care/chronic care)
Credit agency	Hospital, rehabilitation
Curio shops	Hotel/motel
Custom work shops	Hotels/motels - extended stay (residence hotels)
Dance hall / dancing facility	Ice delivery stations (for storage and retail sale)
Day camp	Ice plants
Department store	Industrial laundries
Drapery shop / blind shop	Kiosk (providing a retail service)
Driving range	Laboratory equipment manufacturing
Drug sales/pharmacy	Laundromat and laundry pickup stations
Electrical repair shop	Laundry, commercial (w/o self serve)
Electrical substation	Laundry/dry cleaning (drop off/pick up)
Electronic assembly/high tech manufacturing	Laundry/washateria (self serve)
Electroplating works	Lawnmower sales and/or repair
Engine repair/motor manufacturing re-manufacturing and/or repair	Leather products manufacturing
Exterminator service (with outside storage)	Light manufacturing
Fair ground	Limousine / taxi service
Farmers market (produce market - wholesale)	Locksmith
Farms, general (crops) (see Chapter 6, Municipal Code)	Lumberyard (see Sec. 5.15)
Farms, general (livestock/ranch) (see Chapter 6, Municipal Code)	Lumberyard / building material sales (Sec. 5.15)
Feed and grain store	Machine shop
Filling station (tanks must be below the ground)	Maintenance/janitorial service
Florist	Major appliance sales (indoor)
Flour mills, feed mills, and grain processing	Manufactured home sales
Food or grocery store with or without fuel sales	Manufacturing and processes
Food processing (no outside public consumption)	Market (public, flea)
Forge (hand)	Martial arts school
Forge (power)	Medical supplies and equipment
Fraternal organization/civic club (private club)	Metal fabrication shop
Freight terminal, rail/truck (when any storage of freight is wholly outside an enclosed building)	Micro brewery (onsite manufacturing or sales)
Freight terminal, truck (all storage of freight in an enclosed building)	Mini-warehouse/self storage units (no outside boat and RV storage permitted)
Frozen food storage for individual or family use	Mini-warehouse/self-storage units (with outside boat and RV storage permitted)
Funeral home/mortuary	Motion picture studio, commercial film
Furniture manufacture	Motion picture theater (indoors)
Furniture sales (indoor)	Motion picture theater (outdoors, drive-in)
Galvanizing works	Motorcycle dealer (primarily new / repair)
Garden shops and greenhouses	Moving storage company
Golf course (miniature)	Moving, transfer, or storage plant
Golf course, public or private	Museum
	Needlework shop
	Non-bulk storage of fuel, petroleum products, LP
	Nursing/convalescent home/sanitarium
	Offices, brokerage services
	Offices, business or professional
	Offices, computer programming and data processing

Offices, consulting	School, vocational (business/commercial trade)
Offices, engineering, architecture, surveying or similar	Security monitoring company (no outside storage or installation)
Offices, health services	Security systems installation company (with outside storage)
Offices, insurance agency	Sheet metal shop
Offices, legal services - including court reporting	Shoe repair shops
Offices, medical offices	Shooting gallery - indoor (see Sec. 5.13)
Offices, real estate	Sign manufacturing/painting plant
Offices, security/commodity brokers, dealers, exchanges and financial services	Stone/clay/glass manufacturing
Outside storage (as primary use)	Storage - exterior storage for boats and RVs
Park and/or playground (public or private)	Storage in bulk
Parking lots (for passenger car only) (not as incidental to the main use)	Studio for radio or television (with tower) (Sec. 5.7)
Parking structure/public garage	Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)
Pawn shop	Tailor shop
Personal watercraft sales (primarily new / repair)	Tattoo or body piercing studio
Pet shop / supplies (10,000 sq. ft. or less)	Taxidermist
Pet store (more than 10,000 sq. ft.)	Telemarketing agency
Photo engraving plant	Telephone exchange buildings (office only)
Photographic printing/duplicating/copy shop or printing shop	Tennis court (commercial)
Photographic studio (no sale of cameras or supplies)	Theater (non-motion picture; live drama)
Photographic supply	Tire sales (outdoors)
Plant nursery (no retail sales on site)	Tool rental
Plant nursery (growing for commercial purposes with retail sales on site)	Transfer station (refuse/pick-up)
Plastic products molding/reshaping	Travel agency
Plumbing shop	Truck or transit terminal
Portable building sales	Truck Stop
Poultry killing or dressing for commercial purposes	University or college (public or private)
Propane sales (retail)	Upholstery shop (non-auto)
Public recreation/services building for public park/playground areas	Used or second hand merchandise/furniture store
Publishing/printing company (e.g., newspaper)	Vacuum cleaner sales and repair
Quick lube/oil change/minor inspection	Veterinary hospital (with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential
Radio/television, electronics, computer repair	Video rental / sales
Recreation buildings (public or private)	Warehouse/office and storage/distribution center
Recycling kiosk	Waterfront amusement facilities - berthing facilities sales and rentals
Refreshment/beverage stand	Waterfront amusement facilities - boat fuel storage/dispensing; landing piers/launching ramps; swimming pools/bathhouses
Research lab (non-hazardous)	Water storage, water wells and pumping stations that are part of a public or municipal system
Restaurant with drive through service	Welding shop
Restaurant/prepared food sales	Wholesale sales offices and sample rooms
Retail store and shopping center	Woodworking shop (ornamental)
Retirement home/home for the aged - public	
Rodeo grounds	
RV park	
RV/Travel Trailer Sales	
School, K-12 (public or private)	

Any comparable business or use not included in or excluded from any other district described herein, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

3.6. *Special Use Permits.*

- 3.6-1. *Compatible and orderly development.* A special use permit may be granted to allow compatible and orderly development which may be suitable only in certain locations and zoning districts if developed in a specific way or only for a limited period of time.
- 3.6-2. *Application processing.* Application for a Special Use Permit shall be processed in accordance with Section 2.1 of this Chapter and shall include the pertinent information as determined by the type of Special Use Permit and additional information as determined by the Planning Director, the Planning Commission or the City Council.

Types of Special Use Permit:

Type 1. Regulates land use only; does not require specific site plan or schedule. Construction within a Type 1 Special Use Permit will comply with all of the standard construction requirements for the approved use at the time of construction permit, including drainage plans, TIA, driveway location, and landscaping.

Type 2. Requires a site plan drawn to scale and shall show the arrangement of the project in detail, including parking facilities, locations of buildings, uses to be permitted, landscaping, and means of egress and ingress.

- 3.6-3. *Standards.* When considering applications for a special use permit, the Planning Commission in making its recommendation and the City Council in rendering its decision on the application shall, on the basis of the site plan, if a Type 2, and other information submitted, evaluate the impact of the special use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Planning Commission and the City Council shall specifically consider the extent to which:
- (a) *Comprehensive plan consistency.* The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted Comprehensive Plan;
 - (b) *Zoning district consistency.* The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
 - (c) *Supplemental Standards.* The proposed use meets all supplemental standards specifically applicable to the use as set forth in this Chapter;
 - (d) *Character and integrity.* The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances.

A Type 2 Special Use Permit may include improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:

- (1) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
- (2) Off-street parking and loading areas;
- (3) Refuse and service areas;
- (4) Utilities with reference to location, availability, and compatibility;

- (5) Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
 - (6) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - (7) Required yards and open space;
 - (8) Height and bulk of structures;
 - (9) Hours of operation;
 - (10) Paving of streets, alleys, and sidewalks,
 - (11) Provisions for drainage,
 - (12) Exterior construction material and building design; and
 - (13) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
- (e) *Public health, safety, convenience and welfare.* The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
- 3.6-4. *Procedures for special use permit (SUP).* Granting of an SUP is considered zoning and as such, all the procedures for changing a zoning district apply to an application for an SUP. After a public hearing and upon the recommendation of the Planning Commission, the City Council may approve, deny or modify the site plan and issue a special use permit containing such requirements and safeguards as necessary to protect adjoining property, including conditions addressing the standards in Section 3.6-3(d).
- 3.6-5. *Revocation.* The SUP for a Type 1 permit may be considered for revocation if a use other than the use approved in the SUP or in the underlying zoning district is developed or other stated requirements are not met. The SUP for a Type 2 permit may be considered for revocation for the following reasons:
- (a) Construction is not begun within five years of the date of approval of the permit.
 - (b) Progress toward completion is not being made. Progress toward completion includes the following:
 - (1) An application for a final plat is submitted;
 - (2) A good faith effort is made to file with a regulatory agency an application for a permit necessary to begin or continue completion of the project;
 - (3) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of 5% of the most recent appraised market value of the real property on which the project is located;
 - (4) Security is posted with the city to ensure performance of an obligation required by the city; or

- (5) Utility connection fees or impact fees for the project have been paid to the City or New Braunfels Utilities.
 - (c) *Abandonment of the project.* Abandonment includes development of the property in a way other than provided for by the SUP.
 - (d) Failure to satisfy the conditions of the SUP or follow the site plan made part of the SUP.
 - (e) *Code violations.* Revocation may be considered if there are three or more code violations in a 720 day period.
 - (1) *Notice to property owner.* If the Planning Director finds no less than three violations of any code of ordinances on the property within a 360 day period, he shall advise the applicant of a revocation hearing. The Planning Director shall notify the property owner in writing of the violations and that an administrative hearing will be held concerning the violations. Such notice shall be given at least 10 days prior to the hearing. The Planning Director shall take evidence and conduct an administrative hearing to determine if a revocation procedure should be initiated. Such a determination is not subject to appeal to the Zoning Board of Adjustment.
 - (2) If the Planning Director finds that there is credible evidence that the code of ordinances has been violated, or there have been convictions or guilty pleas in any court of competent jurisdiction, on at least three separate occasions within a 720 day period, and after the administrative hearing, he shall initiate a SUP revocation process.
 - (3) *Appeal to Municipal Court.* Any code violation may be appealed to, or considered by, the Municipal Court Judge. The parties at interest in this appeal may cross examine witnesses.
 - (f) *Revocation process.* The revocation process shall be the same as for a zoning district change, with notice to property owners within 200 feet, public hearing and recommendation by the Planning Commission, and public hearing and ordinance consideration by the City Council.
 - (g) The City Council may deny the SUP revocation, approve the revocation, deny the revocation and add additional restrictions to the SUP, suspend the SUP for a period the Council determines, or amend the SUP with probationary requirements and terms the Council determines.
 - (h) Upon revocation of a special use permit the property subject to the special use permit may be used for any permitted use within the applicable base zoning district.
- 3.6-6. *Compliance with conditions.* Conditions which may have been imposed by the City Council in granting such permit shall be complied with by the grantee before a Certificate of Occupancy may be issued by the Building Official for the use of the building on such property.
- 3.6-7. *Telecommunication towers and/or antennas.* See Sec. 5.7
- 3.6-8. *Deviation from Code.* The City Council may approve a special use permit with deviations to any provision of the Code of Ordinances. Such deviations shall be listed or shown in or as part of the Ordinance approving the special use permit.

5.17. Short term rental or occupancy.

5.17-1 Purpose This section is intended to provide a procedure to allow the rental of private residences to visitors on a short-term basis, while ensuring that such rental use does not create adverse impacts to residential neighborhoods due to excessive traffic, noise, and density. Additionally, this section is intended to ensure that the number of occupants within such rental units does not exceed the design capacity of the structure to cause health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions.

5.17-2 Definitions:

“Adult” means an individual 17 years of age or older.

“Bedroom” means a room designated and used primarily for sleeping and rest on a bed.

“Floodway” means the channel for a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

“Non-Residential District” means the following zoning districts: R-3, R-3L, R-3H, MU-A, MU-B, C-1, C-1A, C-1B, C-2, C-2A, C-3, C-4, C-4A, C-4B, C-O, M-1, M-1A, and M-2A. This includes all subsequently approved Special Districts identified as Non-Residential unless otherwise specified within the Special District.

“Occupant” means the person or persons who have rented the Short Term Rental and their guest(s).

“Operator” means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit who is the proprietor of a Short Term Rental, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, license or any capacity. Where the operator performs his or her functions through a managing agent of any type of character, other than an employee, or where the operator performs his or her functions through a rental agent, the managing agent or the rental agent shall have the same duties as his or her principal.

“Owner” means the person or entity that holds legal and/or equitable title to the private property.

“Residential District” means the following zoning districts: R-1, R-1A-43.5, R-1A-12, R-1A-8, R-1A-6.6, R-2, R-2A, B-1, B-1A, B-1B, TH, TH-A, ZH, ZH-A and SND-1. This includes all Special and Planned Development Districts identified as Residential unless otherwise specified within the Special District.

“Resort Condominiums” means a form of housing tenure and other real property where a specified part of a piece of real estate (usually of an apartment house) is individually owned and rented out for use of persons for less than 30 days while use of and access to common facilities in the piece such as hallways, heating system, elevators, exterior areas is executed under legal rights associated with the individual ownership and controlled by the association of owners that jointly represent ownership of the whole piece.

“Resort Property” means a compound of buildings and facilities located together that provides lodging, entertainment and a relaxing environment to people on vacation. This includes 24 hour security and 24 hour front desk personnel. These units comply with all commercial building code standards.

“Short Term Rental” means the rental for compensation of one- or two -family dwellings, as defined in the IRC (International Residential Code), for the purpose of overnight lodging for a period of not less than one (1) night and not more than thirty (30) days other than ongoing month-to-month tenancy granted to the same renter for the same unit. This is not applicable to hotels, motels, bed and breakfasts, resort properties as defined in this ordinance or resort condominiums.

“Short Term Rental Decal” means the decal issued by the City as part of a Short Term Rental permit that identifies the subject property as a Short Term Rental, the Short Term Rental permit number, the owner or rental agent’s name and 24-hour emergency contact phone number of either the owner or the rental agent.

“Sleeping Area” means a room or other space within a Dwelling designed or used for sleeping, including a Bedroom. Tents and Recreational Vehicles shall not be considered a Sleeping Area.

5.17-3 Applicability.

- (a) Short Term Rental within Residential Districts is prohibited.
- (b) Short Term Rental is prohibited in any floodway located within the city limits, regardless of zoning district.
- (c) A Short Term Rental Permit is required prior to the use of a one family or two family dwelling as a Short Term Rental located within a Non-Residential District. Subject to Subsection (d), Standards, of this Section, an Owner shall obtain and maintain a current permit whenever a dwelling is used as a Short Term Rental. Annual inspection is required as specified in Subsection (f), Inspections, of this Chapter. A Special Use Permit is required in all zoning districts except C-4, C-4A and C-4B.
- (d) Within one hundred and eighty (180) days of the effective date of this Ordinance, the Owner or Operator of each existing legally established short term rental shall apply for and pay the permit fee for a Short Term Rental Permit. Within forty-five (45) days of receipt of a completed application, the permit fee and compliance with Subsection (e), Short Term Rental Permit, of this Section, a permit shall be issued to the Owner or Operator that will be good for one (1) year from the date issued and subject to the annual renewal inspection by the Fire Marshal. Ability to approve said permit is predicated on verification that the short term rental is in compliance with Section 2.3(b, c, d), Nonconforming Use.

5.17-4 Standards. All Short Term Rentals permitted pursuant to this Chapter are subject to the following standard requirements:

- (a) **Occupancy.** The maximum number of persons allowed to reside in a Short Term Rental is two (2) adults per Sleeping Area plus an additional four (4) adults per residence.
- (b) **Short Term Rental Decal Display.** As part of a Short Term Rental Permit, the City issued Short Term Rental Decal shall be posted on the front of each Short Term Rental in a location that is accessible and legible to an individual at the entry of the Short Term Rental.
- (c) **Parking.** A minimum of one (1) off-street parking space, not including the garage, per Sleeping Area shall be provided with a minimum of two (2) and a maximum not to exceed the number of Sleeping Areas plus one (1). No required parking shall be permitted within public right-of-way or access easements as defined by City and State regulations regarding parking.
- (d) **Life Safety.**
 - (1) All building and fire related construction shall conform to the City’s adopted IRC (International Residential Code) building code.
 - (2) A 2A:10B:C type fire extinguisher (a standard 5 lb. extinguisher) shall be properly mounted within 75 feet of all portions of the structure on each floor.
 - (3) Every sleeping room shall have at least one operable emergency escape and rescue opening.
 - (4) An evacuation plan posted conspicuously in each Sleeping Area.
 - (5) Every bedroom / sleeping area in a Short Term Rental that does not comply with Subsection (d)(4), Life Safety, of this Section shall not be used as a Sleeping Area and where equipped with a door, shall remain locked at all times when the Dwelling is being

used as a Short Term Rental. Such a non-compliant sleeping area shall not be included in the maximum occupancy calculation for the Short Term Rental. The owner / operator shall notify every Occupant, in writing, that the non-compliant Sleeping Area may not be used for sleeping.

(e) *Conduct on premises.*

- (1) Each occupant and visitor to a Short Term Rental shall comply with all applicable provisions of the City's Code, including, without limitation: noise and disorderly conduct restrictions from Chapter 82, Offenses and Miscellaneous Provisions; litter prohibition from Chapter 50, Environment; and others such as parking, and trespassing provisions. No occupant of or visitor to a Short Term Rental shall cause or permit a public nuisance to be maintained on such property. This information shall be included in the rental agreement and inside the Short Term Rental as specified in Subsection (7), Tenant Indoor Notification, below.
- (2) All Occupants shall be informed in writing of relevant City ordinance including, but not limited to, the City's nuisance and water conservation ordinances by the Owner/Operator of the Short Term Rental.
- (3) Excessive noise or other disturbance outside the Short Term Rental is prohibited between the hours of 10:00 p.m. and 8:00 a.m. This includes, but is not limited to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas.
- (4) No sleeping outdoors.

(f) *Signage.* Signage shall be in compliance with the City's current Sign Code.

(g) *Tenant Indoor Notification.* The Operator shall post in a conspicuous location of the Dwelling the following minimum information:

- (1) Maximum number of occupants.
- (2) Location of required off-street parking, other available parking and prohibition of parking on landscaped areas.
- (3) Quiet hours and noise restrictions.
- (4) Restrictions of outdoor facilities.
- (5) 24 hour contact person and phone number.
- (6) Property cleanliness requirements.
- (7) Trash pick-up requirements, including location of trash cans.
- (8) Flooding hazards and evacuation routes. Including information on the emergency siren system.
- (9) Emergency numbers.
- (10) Notice that failure to conform to the occupancy and parking requirements is a violation of the City's Municipal Code and occupant or visitor can be cited.
- (11) Other useful information about the community.

(h) *Rental Agreement Notification.* The rental agreement between the owner/operator of the Short Term Rental and the occupant shall include by attachment, all of the information provided on the Tenant Indoor Notification signage.

5.17-5 Short Term Rental Permit.

(a) *Application.* Application for a Short Term Rental Permit shall be in writing on an application form available in the Planning Director's office, shall be accompanied by a one-time payment of the fee of \$50 and shall include the following information, at a minimum:

- (1) A list of all Owners of the short term rental including names, address and telephone numbers.
- (2) A sketch or narrative describing the location of the available parking spaces as required by Subsection d(3), Parking, of this Section.
- (3) A sketch of the floor plan.
- (4) The name, address and 24 hour telephone numbers of a contact person who shall be responsible and authorized to respond to complaints concerning the use of the Short Term Rental.
- (5) Proof of Hotel Occupancy Tax compliance with Chapter 351 of the Tax Code, before permit is granted.

- (6) A statement that the Owner of the Short Term Rental has met and will continue to comply with the standards and other requirements of this Ordinance.
- (7) Provide current email address of Owner/Operator, if applicable.
- (8) If Owner/Operator has a property management or agent, Owner/Operator shall provide property management or agent phone number, mailing address and email address.
- (b) *Completeness of Application.* If the application is incomplete or the full fee has not been paid, the Planning Director shall notify the applicant in writing, within 10 business days of the date of the application, that the application is incomplete and will not be considered by the City until the application is complete and/or the full fee is paid. If the full fee is not paid or the application is not complete within 45 days of the date of the application, the application shall expire.
- (c) *Annual Renewal.* A Short Term Rental Permit will be renewed annually through an inspection conducted by the Fire Marshal to verify continued compliance with Subsection 17-4, Standards, of this Section.
- (d) *Transferability.* A Short Term Rental Permit is transferable to a new property owner, if the new property owner submits a Short Term Rental Permit application and agrees in writing to comply with the requirements of this Ordinance. A new Owner must apply for a Short Term Rental Permit within ninety (90) days from the closing date of the purchase. The new Owner must provide a copy of the closing statement with the Short Term Rental Permit application form. Failure of the new property owner to apply for permit within ninety (90) days from the closing date will revoke the Short Term Rental Permit. Short Term Rentals existing prior to the effective date of this ordinance that are non-conforming to the zoning for which property is located, but obtained a permit in compliance with Subsection 17-3(d), Applicability, shall become null and void if the new Owner fails to apply for the Short Term Rental Permit within ninety (90) days from the date of the deed of the new Owner's purchase.
- (e) *Appeal.* If an application for a Short Term Rental Permit or renewal is denied, the Owner or Operator may appeal to the Planning and Zoning Commission by written notice delivered within thirty (30) days of denial or revocation.

5.17-6 Inspections. To ensure continued compliance with the requirements of this Section a Short Term Rental shall be inspected in the following methods:

- (a) *Transfer Inspection.* As part of the transfer of a Short Term Rental Permit to a new Owner, in accordance with Subsection (e)(4), Transferability, and the issuance of a new Short Term Rental Permit the City's Fire Marshal shall conduct an inspection to verify compliance with this Ordinance.
- (b) *Fire Extinguishers.* The Owner/Operator is responsible for obtaining annual independent inspections of the fire extinguishers in compliance with the City's current Fire Code.
- (c) *Immediate Inspection.* The City will perform inspections immediately when a violation is suspected.
- (d) *Annual Fire Inspection.* The City's Fire Marshal's Office will perform annual inspections for compliance with this Ordinance.

5.17-7 Enforcement/Penalty.

- (a) *Emergency Contact.* The Owner/Operator of the Short Term Rental shall provide the City with a twenty-four (24) hour contact number. Should a law enforcement officer respond to the Short Term Rental and issue a citation for any violation of City Ordinances, the Owner/Operator shall be called by the officer. The Owner/Operator shall attempt to contact the occupants within one hour of the call to address the occupants about the complaints. Should a second complaint be filed and citation issued to any part of the occupants or guests, the Owner/Operator must take appropriate step, in accordance with the individual rental agreement, to assure future complaints do not occur. Should three (3) separate citations be issued to an occupant or their guest(s), involving separate occupants under separate rental agreements within a six (6) month period, the Short Term Rental Permit may be revoked in accordance with the revocation process specified in Subsection (h), Revocation.
- (b) Violations of any Subsection of this Section may revoke the Short Term Rental Permit in accordance with Subsection (h), Revocation.

- (c) Failure to pay Hotel Occupancy Tax timely is considered a violation of this Section and may result in revocation of the Short Term Rental Permit in accordance with Subsection (h), Revocation. Owner shall have 30 days from the date the City or State issue a notice of delinquency to submit delinquent Hotel Occupancy Tax to City and State before revocation of the Short Term Rental Permit begins.
- (d) Failure to successfully complete the renewal process of a Short Term Rental Permit is considered a violation of this Section. Owner shall have 45 days from the date City issues notice of denial to gain compliance of noncompliant items before the revocation of the Short Term Rental Permit begins.
- (e) The provisions of this Subsection are in addition to and not in lieu of any criminal prosecution or penalties as provided by City Ordinances or County or State Law.
- (f) *Proof.* Prima facie proof of occupancy of a Dwelling is established in any prosecution for violation of this Section if it is shown that vehicles with registrations to persons having different surnames and addresses were parked overnight at the Dwelling. Establishment of a prima facie level of proof in this Subsection does not preclude a showing of illegal "occupancy" of a Dwelling by a person in any other manner.
- (g) *Offense.* It is an offense for the property owner, any agent of the property owner, or the occupant(s) to directly occupy or indirectly allow, permit, cause, or fail to prohibit an occupancy in violation of this Ordinance 144-5.17. Each day that a unit is occupied in violation of this ordinance shall be considered a separate offense, and, upon conviction, shall be subject to a minimum fine of \$500.00 to a maximum fine of \$2,000.00 per violation.
- (h) Each day of violation of said Standards and provisions of this Section constitutes a separate offense and is separately punishable, but may be joined in a single prosecution.

5.17-8 *Revocation.* If any violations stated in Subsection (g), Enforcement/Penalty, of this Section have been committed and not corrected within the time specified the Planning Director shall begin the procedures to revoke the Short Term Rental Permit in accordance with the following:

- (a) The City shall give thirty (30) day written notice to the Owner/Operator regarding the public hearing date and recommendation by the Planning Commission, and public hearing and decision by the City Council.
- (b) The City shall provide written notice to property owners within 200 feet of the subject property at least 15 days prior to the hearing.
- (c) If a Short Term Rental Permit is revoked, the Owner/Operator may not reapply for the same property for a period of twelve (12) months.

5.17-9 *Abrogation and Greater Restrictions.* This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Draft Minutes for the March 6, 2018 Planning Commission Regular Meeting

PZ-18-001: Public hearing and recommendation to City Council regarding the proposed rezoning request to apply a Special Use Permit to allow the short term rental of a single-family residence in the "M-1" Light Industrial District, addressed at 564 South Castell Avenue.

(Applicant: SKP (Roy & Kay Phillips); Case Manager: M. Greene)

Mr. Greene presented the Staff report and recommended approval, with the following requirement:

1. The residential appearance of the building must be maintained.

Chair Elrod invited the applicant to speak.

Andrew Phillips, 564 S. Castell Avenue, provided a brief history of the property and described their intents to operate the short term rental to abide by all code requirements.

Discussion followed regarding the code requirements for short term rentals.

Commissioner Bearden requested a description of the clientele that would be renting at the subject property.

Discussion followed regarding the occupancy capacity limits.

Chair Elrod asked if anyone wished to speak in favor.

No one spoke.

Chair Elrod asked if anyone wished to speak in opposition.

Marcia McGlothlin, 260 Lakeview, expressed concerns regarding parking.

Discussion followed regarding parking.

Motion by Vice Chair Edwards, seconded by Commissioner Bearden, to close the public hearing. The motion carried (7-0-0).

Discussion followed regarding hotel occupancy taxes and parking.

Motion by Vice Chair Edwards, seconded by Commissioner Bearden, to recommend approval to City Council regarding the proposed rezoning request to apply a Special Use Permit to allow the short term rental of a single-family residence in the "M-1" Light Industrial District, addressed at 564 South Castell Avenue, with Staff recommendations. Motion carried (7-0-0).

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 1 SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A SINGLE FAMILY DWELLING IN THE "M-1" LIGHT INDUSTRIAL DISTRICT, ON LOT 7, CITY BLOCK 1022, ADDRESSED AT 564 SOUTH CASTELL AVENUE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City also recognizes that granting such a permit is possible while promoting the health, safety, and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatibility and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144, of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for short term rentals; and

WHEREAS, the City Council desires to grant a Type 1 Special Use Permit for Lot 7, City Block 1022, addressed at 564 South Castell Avenue, to allow the short term rental of a single family dwelling in the "M-1" Light Industrial District; **now therefore**,

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following described tract of land as a "Special Use Permit" for the uses and conditions herein described:

"Being Lot G, City Block 1022, addressed at 564 South Castell Avenue, as delineated in the attached Exhibit 'A', to allow the short term rental of a single family dwelling in the "M-1" Light Industrial District."

SECTION 2

THAT the Special Use Permit be subject to the following additional restriction:

1. The residential appearance of the building must be maintained.
2. The maximum occupancy of the short term rental is limited to 6 guests.
3. Signage must be posted on premise instructing guests to observe a quiet time which will begin at 10 PM.

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First Reading this the 26th day of March, 2018.

PASSED AND APPROVED: Second Reading this the 9th day of April, 2018.

CITY OF NEW BRAUNFELS

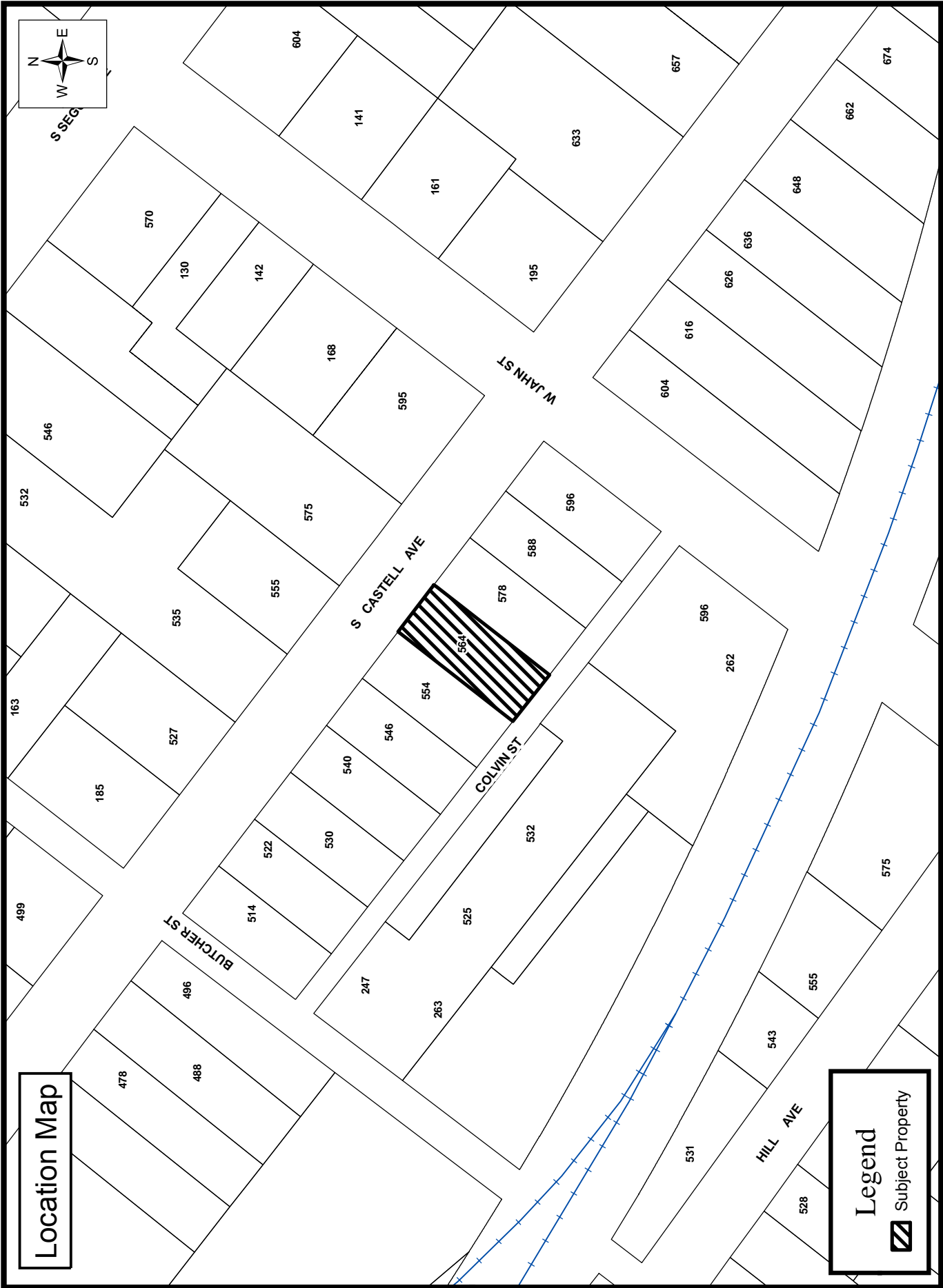
BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



PZ-18-001
564 S. Castell Ave.
Type 1 Special Use Permit for Short Term Rental
of a single family dwelling in the M-1 District



City Council Agenda Item Report**4/9/2018**

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the first reading of an ordinance amending the Code of Ordinances Chapter 118, Article V, Parkland.

BACKGROUND / RATIONALE:

During the March 12 City Council meeting, the City Council postponed this item to the March 26 City Council meeting. The Council ad-hoc committee met on March 22. During the March 26 City Council meeting, the City Manager asked that the item be postponed until the April 9 City Council meeting to give staff and the ad-hoc committee additional time to make final edits to the proposed ordinance.

The City's first Park Land Dedication and Development Ordinance was passed in 2006. Since that time, population, land values, and other costs associated with park development have increased; therefore, it is incumbent on the City to periodically review the ordinance for accuracy.

Staff has worked with Dr. John Crompton of Texas A&M University, to update the ordinance. An overview of the ordinance was presented on the following dates:

- | | |
|----------------------|--|
| • January 11, 2016 | City Council Presentation |
| • April 10, 2016 | Development Community Workshop (Dr. Crompton) |
| • April 11, 2016 | City Council Workshop (Dr. Crompton) |
| • May 3, 2016 | Planning Commission (Dr. Crompton) |
| • September 29, 2016 | Development Community Workshop (Dr. Crompton) |
| • May 11, 2017 | Development Community Workshop |
| • June 6, 2017 | Joint Park Board/Planning Commission Meeting |
| • June 13, 2017 | Development Community Workshop |
| • June 20, 2017 | Parks & Recreation Advisory Board Presentation |
| • July 5, 2017 | Planning Commission |
| • October 16, 2017 | City Council Presentation |
| • March 6, 2018 | Planning Commission |
| • March 12, 2018 | City Council Presentation |
| • March 26, 2018 | City Council Presentation |

Fees in-lieu-of land dedication and park development fees are one tool the City uses to acquire and develop new park land. This new Ordinance will help to fiscally sustain the City's need to acquire and develop new parks as population increases. The Parks and Recreation Strategic Master Plan will

guide the identification of service levels needed for park land acquisition and construction.

The table below summarizes the major proposed recommendations:

	Current	Staff Proposed	Park & Rec Board	Planning Commissions	Ad Hoc Committee
Use of park funds	Previously 10 years	Funds must be spent within 7 years	Same as proposed	Same as proposed	Previously 10 years
Review and update Park Development Fee	No review	Every 3 years	Every 3 years	Every 3 years	Every 3 years, possibly with annual reporting
Fee in-lieu-of Neighborhood/Community	\$100	\$208	\$208	\$200	\$208
Park Development Fee Neighborhood/Community	\$500	\$2,038	\$2,038	\$1,000	\$1,325; 3 year phase-in 65% / 80% / 100%
Fee in-lieu-of Regional Park	No regional park fee	\$142	\$142	\$0	NA
Park Development Fee Regional Park	No regional park fee	\$1,387	\$1,387	\$0	NA
Private Park Credit	Fee in-lieu-of and park development fee 100% eligible for credit for private parks; No manual or standards; 2-acre minimum	Fee in-lieu-of park land dedication 50% eligible for credit; No credit for park development fee; New guidance manual provides park standards for private park credit process 2-acre minimum	Same as proposed.	A 100% credit policy for fee in-lieu-of and park development fees; 120-day implementation upon approval date to grandfather master plans, fiscal surety through bond or letter of credit.	A credit policy for private parks to be set at 75% of the park development fee if private parks meet procedures, requirements and PARD standards set forth in the code and manual.

Additional changes to the ordinance include:

- A Park Land Dedication and Development Ordinance Manual has been developed to accompany the ordinance providing details on ordinance application.
- Park Quadrants will be referred to as Park Districts.
- Codification of the cities right to reimburse itself for the purchase of park land from the park development fund.
- Requirement for close out procedure to submit affidavit and receipts for private park development are codified.
- Warranty required for public park improvements is clarified.
- The formula to calculate fees is equivalent to the current level of service vs. Master Plan goals.

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

X	Yes	City Plan/Council Priority	Maintain fiscal stability of City operations, update user fees
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FISCAL IMPACT:

In recent history, 1,000 dwelling units per year have been assessed the park land dedication fee. Therefore, if this trend were to continue with half being of the dwelling units being from new master plans and the proposed fee *fully implemented*, total fee collection would increase from approximately \$600,000 to \$2,246,000. There are 9,315 lots that will not be impacted by the new ordinance and fees.

COMMITTEE RECOMMENDATION:

On March 12, 2018, the City Council approved the formula for the fee in-lieu-of park land and park development fees. On March 12, 2018, the City Council approved the formula for the fee in-lieu-of park land and park development fees. The City Council then appointed an ad-hoc committee to work with staff on a proposal to offer the City Council for consideration. Based on two meetings of the Ad-Hoc Committee, the following is recommended:

Neighborhood/Community Parks

- A fee in-lieu-of park land dedication to remain be set at \$208 with no rebate provided.
- A fee phase-in over the next three (3) years at 65%, 85%, and 100%, each year respectively.

	YEAR 1	YEAR 2	YEAR 3
Phase In %	65%	85%	100%
Neighborhood/community park			
Fee in-lieu-of	\$ 208	\$ 208	\$ 208
Fee for park development	\$ 1,325	\$ 1,732	\$ 2,038
Combined fee per dwelling unit	\$ 1,533	\$ 1,940	\$ 2,246

- A rebate policy for private parks to be set at 75% of the park development fee if private parks meet procedures, requirements and PARD standards set forth in the code.

Proposed New Fees with 75% Rebate for Private Pa			
	YEAR 1	YEAR 2	YEAR 3
Neighborhood/community park			
Fee in-lieu-of	\$ 208	\$ 208	\$ 208
Fee for park development	\$ 331	\$ 433	\$ 510
Combined fee per dwelling unit	\$ 539	\$ 641	\$ 718

At its March 6, 2018 meeting, the Planning Commission voted 5-2 to recommend a \$1,000 Neighborhood/Community Park Development Fee, a \$200 Cash In-Lieu-Of Neighborhood/Community Park Land Dedication, \$0 Regional Park Development Fee, \$0 Cash In-Lieu-Of Regional Park Land Dedication, 100% credit eligibility for fee in-lieu-of-and park development fee for private parks, implementation of 120 days upon approval date to grandfather Master Plans submitted to the Planning Division, and to allow funding to be provided in a trust bond or letter of credit. Commissioners Bowers and Laskowski voted in opposition, and Commissioners Sonier and Tubb were absent.

The Parks and Recreation Advisory Board recommended approval of the revised ordinance and

associated fees at their meeting on June 20, 2017.

STAFF RECOMMENDATION:

In order to provide the City Council a sound methodology to maintain the community's investment in parks for New Braunfels, staff recommends full implementation of the original recommended formula. However, staff recognizes the discussion and that this is a policy decision of the City Council.

Neighborhood/Community Parks

Population	Neigh/Comm Park LOS	Residents per Acre
91,611	190.95	480

Land Requirement

Acre per Residents	Residents Per Household	DU per Acre
480	2.85	168

2016 estimates US Census ESRI, 2017 Parks
Strategic Master Plan

Fee in Lieu of Land

Cost of Acre	DU per Acre	Fee per DU
\$ 35,000	168	\$ 208

\$ per acre from 2015 Appraisal Study

Park Development Fee

Development Cost per Acre	DU per Acre	Fee
\$ 342,500	168	\$ 2,038

15 acre neighborhood park rate
Development Costs per 2016 actual project costs

Total Fee

Fee in Lieu	Park Development	Total
\$ 208	\$ 2,038	\$ 2,246

Regional Parks

Population	Regional LOS	Residents per Acre
91,611	130	705

Land Requirement

Acre per Residents	Residents Per Household	DU per Acre
705	2.85	247

Fee in Lieu of Land

Cost of Acre	DU per Acre	Fee per DU
\$ 35,000	247	\$ 142

Park Development Fee

Development Cost per Acre	DU per Acre	Fee
\$ 342,500	247	\$ 1,387

Total Fee

Fee in Lieu	Park Development	Total
\$ 142	\$ 1,387	\$ 1,528

Combined Fee	\$ 3,774
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Neighborhood Park (3-5ac)				
Item	Unit	Qty	Unit Cost	Total Amount
Professional Service				
Arch/Eng/Survey Design Services	Percentage		14%	\$ 172,621.93
Project Management	Percentage		5%	\$ 61,650.69
Geotech/Construction Testing	Percentage		2%	\$ 18,495.21
				\$ 252,767.83
Mobilization				
Mobilization	Percentage		5%	\$ 44,796.08
Bond and Insurance	Percentage		3%	\$ 26,877.65
General Conditions	Percentage		2%	\$ 17,918.43
				\$ 89,592.16
Sitework				
				\$ 145,600.00
Parking/Roadway				
				\$ 100,975.00
Utilities				
				\$ 120,821.64
Typical Park Amenities				
				\$ 515,225.00
Miscellaneous				
				\$ 13,300.00
Landscape/Irrigation				
				\$ 247,500.00
Construction Cost				
				\$ 1,233,013.80
Contingency (10%)				
				\$ 123,301.38
Total Project Cost				
				\$ 1,609,083.01
			cost per acre	\$ 321,816.60

Community Park (10-15ac)				
Item	Unit	Qty	Unit Cost	Total Amount
Professional Service				
				\$ 756,846.48
Mobilization				
				\$ 296,502.50
Sitework				
				\$ 504,375.00
Parking/Roadway				
				\$ 364,200.00
Utilities				
				\$ 418,500.00
Typical Park Amenities				
				\$ 1,656,350.00
Miscellaneous				
				\$ 21,600.00
Landscape/Irrigation				
				\$ 721,875.00
Construction Cost				
				\$ 3,983,402.50
Contingency (10%)				
				\$ 398,340.25
Total Project Cost				
				\$ 5,138,589.23
			cost per acre	\$ 342,572.62

Park Acreage Comparisons

City	2015 Population Estimates	Total Park Acres	Acres Per 1,000
San Marcos	58,892	2,233.00	37.92
Grapevine	51,404	1,600.00	31.13
Buda	13,705	355.00	25.90
Missouri City	47,139	1,086.00	23.04
Austin	931,830	18,950.00	20.34
Round Rock	115,997	2,035.00	17.54
Kyle	35,733	611.00	17.10
Baytown	76,335	1,286.00	16.85
Rowlett	60,236	994.00	16.50
Mansfield	64,274	950.00	14.78
College Station	107,889	1,448.35	13.42
Leander	37,899	505.00	13.32
Cedar Park	65,945	860.00	13.04
Allen	98,143	1,185.00	12.07
North Richland Hills	69,204	835.00	12.07
Schertz	37,938	395.00	10.41
San Antonio	1,469,845	14,423.40	9.81
Flower Mound	71,253	693.73	9.74
Seguin	27,864	267.00	9.58
Frisco	154,407	1,449.00	9.38
Denton	131,044	1,210.00	9.23
Richardson	110,815	1,000.00	9.02
Pflugerville	57,122	504.20	8.83
Bryan	82,118	690.07	8.40
Hutto	22,722	185.00	8.14
Waco	132,356	1,050.50	7.94
Georgetown	63,716	478.00	7.50
League City	98,312	608.66	6.19
New Braunfels	70,534	429.25	6.09
Conroe	68,602	392.00	5.71
Cibolo	26,637	85.00	3.19
Universal City	19,986	63.40	3.17

does not include golf courses (1074.5998)

does not include golf course (170 acres)

includes cemeteries, does not include golf course

NPRA reports a typical PARD has 9.5 acres of park land per 1,000 residents
 The average from Texas peer cities is 13.7 acres per 1,000
 NB is below both averages and falling behind

ORDINANCE No. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS; PROVIDING FOR DEVELOPER FUNDED RECREATIONAL AREAS IN THE FORM OF NEIGHBORHOOD/COMMUNITY AND REGIONAL PARKS; PROVIDING FOR APPLICABILITY; PROVIDING FOR REQUIREMENTS AND GUIDELINES FOR PARK LAND DEDICATION AND FEES; PROVIDING FOR PARK DEDICATION FEES; PROVIDING FOR PRIVATE PARK CREDIT; PROVIDING FOR REGULAR REVIEW; PROVIDING FOR PENALTY FOR THE VIOLATION HEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

- WHEREAS, the City of New Braunfels is a home rule municipality given broad discretionary powers under the Texas Constitution to regulate for the public health, safety and general welfare of its citizens;
- WHEREAS, the City Council of the City of New Braunfels finds that parks and recreational areas are a vital and integral part of a municipality's health and general welfare;
- WHEREAS, the City Council of the City of New Braunfels finds that providing its citizens parks and recreational areas serves a legitimate public goal;
- WHEREAS, urban development imposes increased demands based upon a City's parks and recreational system;
- WHEREAS, the City of New Braunfels is experiencing a high rate of urban growth and based on predictions through 2031 the population is projected to approximately increase by 41%;
- WHEREAS, the City Council of the City of New Braunfels finds this ordinance necessary to maintain current level of service for parks for its rapidly growing population;
- WHEREAS, the City Council of the City of New Braunfels has a Parks and Recreation Strategic Master Plan which provides for acquisition and development of parks to serve the recreational needs of the City and provide for its citizens health and general welfare;
- WHEREAS, the following park land requirements are based the accurate values including population, level of service for neighborhood/community and regional parks, and the cost of land and construction;
- WHEREAS, the City Council hereby finds and determined that the average cost of park development is Three Hundred Forty-Two Thousand Five Hundred Dollars (\$342,500) per acre and the average cost of park land acquisition is Thirty-Five Thousand (\$35,000);
- WHEREAS, in accordance with this formula, the park land dedication requirements for neighborhood/community parks is set at One Hundred Sixty-Eight (168) dwelling units per one (1) acre of park land and regional parks is set at Two Hundred Forty-Seven (247) dwelling units per one (1) acre of park land.
- WHEREAS, in accordance with this formula, the fees in lieu of neighborhood/community parks is set at Two Hundred Eight Dollars (\$208) and for regional parks is set at One Hundred Forty-Two Dollars (\$142);
- WHEREAS, in accordance with this formula, the park development fees for neighborhood/community parks is set at Two Thousand and Thirty-Eight Dollars (\$2,038) and for regional parks is set at One Thousand Three Hundred Eighty-Seven Dollars (\$1,387); and
- WHEREAS, the City of New Braunfels Parks Advisory Board and the Planning Commission has reviewed and recommended this proposed ordinance;
- WHEREAS, the City Council of the City of New Braunfels finds that this ordinance is not arbitrary and imposes reasonable regulations on development.

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

Chapter 118 of the City Code of Ordinances for the City of New Braunfels, Texas, hereby is amended to provide for a neighborhood park dedication ordinance, to read as follows:

ARTICLE V: PARK LAND

Section 118-57 Purpose.

This Article is adopted to provide public recreational areas in the form of neighborhood/community and regional park facilities as a function of subdivision and site development in the City of New Braunfels and its Extra-Territorial Jurisdiction (ETJ). This Article is enacted in accordance with the home rule powers of the City of New Braunfels granted under the Texas Constitution, and the statutes of the State of Texas, including, but not by way of limitation, Texas Local Government Code Chapter 212 as may be amended from time to time.

It is hereby declared by the City Council that public recreational areas in the form of neighborhood/community and regional parks are necessary and in the public welfare, and that the only adequate procedure to provide neighborhood/community and regional parks is to integrate such requirements into the procedure for planning and developing property or subdivisions in the City and its ETJ.

Neighborhood/community parks are those parks providing for a variety of outdoor recreational opportunities. Neighborhood parks are generally between five (5) to 10 acres, are located within half-mile to one-mile from a majority of the residences to be served and can be linear in nature. Community parks are generally 10 to 75 acres, are located within one-mile to three-mile of the majority of the residences to be served and can be linear in nature.

Regional parks are those parks that provide outdoor recreational opportunities for all city residents, rather than only those residents who reside proximate to them. The acquisition and development of the "basic" infrastructure and facilities for the usage of these parks should be based upon the demand from the area residents they are intended to serve. The primary cost of regional parks should be borne by all city residents.

The City has adopted by council action the Comprehensive Plan and the Parks and Recreation Strategic Master Plan, as well as other master plans which serve as planning policy and guidance for the development of a municipal park and recreation system for the city. The plans assess the needs for park land and park improvements.

The park districts established by the New Braunfels City Council are shown in Appendix A to this ordinance and shall be prima facie proof that any park located therein is within such a convenient distance from any residence located therein. The primary cost of neighborhood/community parks should be borne by the landowners of residential property who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities.

Section 118-58 Applicability.

- (a) This Article applies to a landowner who develops land for residential use located within the City or within its ETJ. Typically, the landowner of a proposed residential development is the developer.

- (b) Non-residential use is exempt.
- (c) This Article does not apply to activities involving the remodeling, rehabilitation or other improvements to an existing residential structure, or to the rebuilding of a damaged structure.
- (d) If a dedication requirement arose prior to enactment or amendment of this Article, subsequent development for the subject tract to which the dedication requirement applies may be subject to vesting as set forth in Chapter 245 Texas Local Government Code. Additional dedication may be required if there is an increase in the number of dwelling units from what was originally proposed.

Section 118-60 General Requirements.

- (a) The City Manager or his/her designee shall administer this Article, with certain review, recommendation and approval authorities being assigned to the Planning Commission, the Parks and Recreation Advisory Board and various city departments as specified herein.
- (b) As a condition of subdivision development, a developer of residential property shall be required to dedicate land for neighborhood/community and regional parks, pay of a fee in lieu thereof or an sanctioned alternative or a combination of both. In addition to the land dedication a developer of residential property shall park development fees for neighborhood/community and regional parks.
- (c) Requirements herein are based on actual dwelling units for an entire development. Increases or decreases in final unit count may require an adjustment in fees paid or land dedicated.
- (d) The required land dedications and schedules of fees are attached hereto as Appendix B and incorporated and made a part of this Article for all purposes.
- (e) Implementation process, minimum design and construction standards are set forth by the Parks and Recreation Department in the Park Land Dedication Manual and the minimum drainage standards set forth by the City's Drainage Manual, as may be amended from time to time, referenced herein and incorporated by reference.
- (f) The total amount of land dedicated for the development, public or private, shall be dedicated:
 1. In fee simple by filed deed, if dedicated to the city; and
 2. Prior to the issuance of any site development building permits for multi-family development,
 3. Prior to recordation of the final plat for a single family, duplex, or townhouse development, or
 4. For a phased development the entire park shall be either platted concurrently with the plat of the first phase of the development.

Section 118-61 Park Land Dedication Procedures

Any land dedicated under this Article must be suitable for park and recreation uses and meet requirements in this Article. The following guidelines and requirements shall be used in the dedication and design of park land in conjunction with the Park Land Dedication Manual.

When considering park land dedication, the developer should meet with the Parks and Recreation Department (PARD) before a development application is submitted to evaluate the suitability of the land.

Additionally, PARD may request a site visit as a part of its determination. The following information may be required as a part of the process for prior to accepting public park dedication:

1. Lot dimensions or metes and bounds acreage of park land to be dedicated;
2. Total acreage of floodplain, as well as land located outside floodplain;
3. A tree survey;
4. A slope analysis; and
5. An environmental survey identifying critical environmental features, such as but not limited to species, habitat, and water features.

Section 118-62 Park Land Acceptance Criteria

General Guidelines.

Any park land dedicated to the City pursuant to the terms, conditions and requirements under this Article must be suitable for park and recreation uses and shall be:

- (a) **Encumbrances.** Free and clear of any and all liens and encumbrances that interfere with its use for park purposes and permit the City's representatives to make onsite inspections of the property for the purposes of determining site suitability and identification of any visual hazards or impediments to park development and use.
- (b) **Environmental Assessment.** If the property owner or developer has any form of environmental assessment on the tract, a copy of that assessment shall be provided to the City. The City may initiate and/or require the developer to initiate specific environmental studies or assessments if the visual inspection of the site gives rise to the belief that an environmental problem may exist on the site. The Director of Parks and Recreation may require the employment of consultants necessary to evaluate any environmental issues relating to the site providing that the City makes such determination in good faith. If an environmental hazard is identified on the site, the developer must remove the hazard prior to its acceptance into the park and recreation system of the City. The City will not accept park land dedication sites encumbered by hazardous and or waste materials or dump sites.
- (c) **Utilities.** Require the developer to be responsible for certain minimum utilities as listed below. The Director of Parks and Recreation or designee will be required to approve such location prior to final approval and release of fiscal requirements of said subdivision.
 - i.* A metered water supply located 12 feet behind the curb in accordance with the size of the park; and
 - ii.* A six-inch sewer stub, or in accordance with the size of the park, ten feet behind the curb
- (d) **Soils.** If disturbed, be restored, and the soil stabilized by vegetative cover by the developer prior to dedication to the city.
- (e) **Parks** should be easy to access and open to public view to benefit area development, enhance the visual character of the City, protect public safety and minimize conflict with adjacent land use.

- (f) Park land may provide a connection to existing or future City park land; the land available for dedication provides an opportunity to expand an existing or future city park or trail; and
- (g) Park land should support the goals of the Parks Strategic Master Plan and the City's Comprehensive Plan.
- (h) A current title report must be provided with the land dedication.
- (i) The property owner shall pay all taxes or assessments owed on the property up to the date of acceptance of the dedication by the City. A tax certificate from the Comal County Tax Assessor shall be submitted with the dedication or plat.

Land Requirements.

- (a) Park land requirements will be no less than two (2) acres of contiguous land or the total park land required by Appendix B.
- (b) Land parcels that are unsuitable for development are typically unsuitable for a neighborhood park, and therefore should be selected prior to a subdivision being platted and acquired as a part of the development process.
- (c) Park sites should be adjacent to residential areas in a manner that serves the greatest number of users and should be located to minimize users having to cross arterial roadways to access them.
- (d) Must be located within ¼ mile from all residences and the distance should be uninterrupted by non-residential roads or free from physical barriers that would prohibit walkable access to the park.
- (e) Where feasible, park sites should be located adjacent to schools to encourage shared facilities and joint development of new sites, access ways may be required to facilitate access to the park.
- (f) Sites should not be severely sloping or have unusual topography which would render the land unusable for recreational activities.
- (g) Must not exceed a 20% grade on more than 50% of the land.
- (h) Park must be centrally located with connectivity to looped trails and if feasible citywide hike and bike trail.
- (i) At least twenty-five percent (25%), or proportionate to the size of the park, of the perimeter of a park abut a public street.
- (j) Park must be adjacent to a street for ease of pedestrian, bike or parking accommodations.
- (k) No more than two (2) sides of the park may abut the rear of homes.
- (l) Park must include at least visible, attractive and suitable means of ingress and egress proportionate to the size and amenities in the park.

- (m) The site should not be encumbered by overhead utility lines or easements of any type which might limit the opportunity for park and recreation development.
- (n) Where appropriate, sites with existing trees or other scenic elements are preferred and may be reviewed by the City's Urban Forester to make recommendations.
- (o) Rare, unique, endangered, historic or other significant natural areas will be given a high priority for dedication pursuant to this article. Areas that provide an opportunity for linkages between parks or that preserve the natural character of the surrounding environment may be required by the city to be included in the park land dedication. Park should have well-drained and suitable soils and level topography.
- (p) Consideration will be given to land that is in the floodplain or may be considered "floodable" even though not in a federally regulated floodplain if, due to its elevation, it is suitable for park improvements. At the discretion of the City, land in floodplains may be considered as part of a dedication requirement on a three for one (3:1) basis. That is, three (3) acres of floodplain will be equal to one (1) acre of park land or not more than 50% shall be allowed in a floodplain.
- (q) Detention/retention areas may not be used to meet dedication requirements but may be accepted in addition to the required dedication. If accepted as part of the park, the detention/retention area design must meet specific specifications in the City's Drainage Manual.

Section 118-63 Fee in Lieu of Park Land.

The City may, from time to time, require that a fee be submitted in lieu of land dedication in amounts as set forth in Appendix B for, either, both, some or all of neighborhood/community and regional park land dedications. Likewise, the City may, from time to time, require that land be dedicated in amounts as set forth in Appendix B that no fee in lieu of land will be accepted. Such fees shall be due at the same time as fees are due for final platting.

Section 118-64 Park Development Fee.

In addition to the park land dedication requirements, park development fees are established herein, sufficient to develop neighborhood/community and regional public parks in ways that meet the City of New Braunfels' standards.

The amount of development fees assessed to a development and the basis for the calculation is as shown in Appendix B. The process for the approval and collection of development fees shall be the same as for the park land dedication requirements as specified in Section 118-60.1 and 118-60.3. The park development fees shall be processed simultaneously with the park land dedication requirements.

Section 118-65 Public Park Improvement In lieu of Park Development Fees

With approval of the City, a developer may elect to construct required park improvements in lieu of paying the associated development fee as set forth herein.

In such event:

- (a) Facilities and improvements provided by a developer shall be constructed on lands dedicated as public park land and shall be designed and installed to meet the terms, conditions and requirements under this Article, or as otherwise approved by the Director of Parks and

Recreation, in accordance with related federal, national, state or local codes including but not limited to the following:

1. International Play Equipment Manufacturer's Association (IPEMA);
2. Consumer Product Safety Commission (CPSC) Handbook for Public Safety;
3. American Society for Testing and Materials (ASTM and ASTM F08);
4. Accessibility Standards for Play Areas through the ADA Accessibility Guidelines (ADAAG);
5. Illuminating Engineering Society of North American (IESNA RP-6-01); and
6. Sports Turf Management Association (STMA).

General Requirements for Public Park Improvements

- (a) A park site plan, developed in cooperation with the Parks and Recreation Department staff, is submitted and approved by the Director of the Parks and Recreation Department or his/her designee prior to submission of final plat or upon application for a site building permit, whichever is applicable.
- (b) Any public park improvements must be shown on the site plan or construction plan, unless the Director of Parks and Recreation authorizes another method of approval, and requires review and approval of the City Engineer.
- (c) Detailed plans and specifications for park improvements hereunder shall be due and processed in accordance with the procedures and requirements pertaining to public improvements for final plats and for building permit issuance, whichever is applicable.
- (d) All plans and specifications shall meet or exceed the City's standards in effect at the time of the submission.
- (e) If the improvements are constructed on land that has already been dedicated to and/or is owned by the City, then the developer must post payment and performance bonds equal to park development fees or value of the park agreed upon, whichever is greater to guarantee the payment to subcontractors and suppliers and to guarantee the developer completes the work in accordance with the approved plans, specifications, ordinances, and other applicable laws. This includes guaranteeing performance in lieu of completing the park improvements prior to final plat recordation.
- (f) Park improvements may be constructed on park land dedicated to the city that satisfies requirements of Section 118-62; or, if approved by the Director of Parks and Recreation, improvements may be made in an existing or proposed City park that is located in the appropriated park district, within a half-mile to one-mile walking or biking distance to the residents it will serve.
- (g) For a public park, the developer shall be required to provide a two-year maintenance bond that is equal in amount to the twenty percent (20%) of the construction cost of said park improvements and a manufacturer's letter stating any play structure, equipment, and safety surfaces were installed in accordance with the manufacturers' installation requirement.
- (h) For a public park, the developer shall provide a copy of the application and subsequent inspection report prepared by the State Department of Licensing and Regulation of their contracted reviewer for compliance with the Architectural Barriers Act, codified as Vernon's Ann. Civ. St. art 9102.

- (i) For a public park, all manufacturers' warranties shall be provided for any equipment installed in the park as part of these improvements.
- (j) For a public park, upon issuance of a Certificate of Completion and Acceptance, the developer shall warrant the improvements for a period of two (2) years.
- (k) For a public park, the developer shall be liable for any costs required to complete park development if:
 - 1. Developer fails to complete the improvements in accordance with the approved plans; or
 - 2. Developer fails to complete any warranty work.
- (l) All public park improvements shall be inspected by the City while construction is in progress and when complete to verify park requirements have been satisfied.
- (m) Once the park improvements are constructed, and after the Director of Parks and Recreation has accepted such improvements, the developer shall convey such improvements to the city free and clear of any lien or other encumbrances.
- (n) The public park improvements will be considered complete with a Letter of Completion and Acceptance from the City and will be issued after the following requirements are met:
 - 1. Improvements have been constructed in accordance with the approved plans;
 - 2. Improvements have been inspected and reviewed by PARD staff for satisfying park ordinance pursuant to the terms, conditions and requirements under this Article.

Section 118-67 Credit for Private Parks

- (a) The fee in-lieu-of land dedication is not eligible for reimbursement and shall be paid at the amount calculated in Appendix B and Section 118-63.
- (b) Seventy-five percent (75%) of the park development fees paid by a developer may be eligible for reimbursement toward the construction of private park facilities pursuant to the terms, conditions and requirements under this Article and in the Park Land Dedication Manual. The amount retained for deposit in the city's park land dedication fund are for purposes of defraying the financial burden private subdivisions impose on the existing public park system in New Braunfels.

Private Park Improvements Requirements & Standards.

- (a) Yards, court areas, setbacks and other open areas required to be maintained by the zoning and subdivision rules and regulation ordinances shall not be included in the computation privately-owned and maintained by the future residents of the subdivision or by the owner of the rental facility.
- (b) Private ownership and maintenance of the private park and open space is adequately provided for by recorded agreement, covenants or restrictions.
- (c) Use of the private park is restricted for park and recreation purposes by recorded covenant, which runs with the land in favor of future owners of the property and which cannot be defeated or eliminated without the written consent of the city or its successors.

- (d) Facilities must be similar or comparable to what would be required to meet public park standards and recreational needs as set forth in Section 118-62 and 118-65 and the Park Land Dedication Manual, City Drainage Manual, and other national, federal, state and local laws.
- (e) Eligible private park improvements include various active and passive outdoor amenities.
- (f) Private park design must be reviewed and approved by the Director of Parks and Recreation prior to the platting of the first unit, if a multi-phased development.
- (g) Private park must include at least three (3) signature elements(s), two (2) complementary park elements and include the standard park improvements requirements set forth in the Park Dedication Manual.
- (h) The cost of construction for private parks must meet or exceed the full park development fee per dwelling unit from Appendix B.
- (i) Before a reimbursement is approved, the City shall make written findings that the certain conditions are met, pursuant to this Article and the Park Land Dedication Manual, including the following, but not limited to:
 - i. Developer is required to submit all invoices and checks paid toward the construction of the private park.
 - ii. Developer must allow PARD staff to conduct a site visit to verify private park improvements.
 - iii. Developer must provide an affidavit stating the cost of private park improvements meet or exceed the required full park development per dwelling unit from Appendix B
- (j) All private parks should be constructed concurrently with the first unit, or a specified unit, or prior to the application of the final unit. Fees for in-lieu-of land and park development are due at the time of recordation.
- (k) Required documentation. In order to receive the reimbursement for private parks, the developer shall submit the required documentation in Section 118-60 to the city at the time of final plat filing sufficient to establish that the requirements of above have been satisfactorily met. The Parks and Recreation Director shall evaluate and approve the documentation submitted prior to any credit being given.

Section 118-68 Reimbursement for City Acquired Park Land.

The City may from time to time acquire land for parks in advance of actual or potential development. If the City does acquire park land in a park quadrant for a neighborhood/community or regional park, the City may require subsequent dedications to be in fee in lieu of land only. This will be to reimburse the City for the cost(s) of acquisition.

Section 118-69 Application Review Process.

With each subdivision application, planned development application, mixed-use and multifamily site development permit, the developer shall submit to Planning and the Parks Departments a completed park

land dedication worksheet, identified in Appendix D and a letter indicating the developer's intent to meet the park land dedication requirements pursuant to this Article.

Section 118-70 Appeal Process.

Any decision under this Article made by the Director of Parks and Recreation may only be appealed to the City Parks and Recreation Advisory Board and must be appealed within ten working days of the City's decision.

The Director of Parks and Recreation may refer approval of park land dedication or park development fees to the City Parks and Recreation Advisory Board for any reason.

Within ten working days, any decision made by the City Parks and Recreation Advisory Board may only be appealed in writing through the City Manager to the City Council.

Section 118-71 Submitting Park Fees.

Any fees required to be paid in cash pursuant to this article shall be remitted:

- a. Prior to the issuance of any site development building permits for multi-family development, or mixed-development; or
- b. Prior to recordation of each final plat for single family, duplex or townhouse development.

Section 118-72 Use of Park Fees.

All park land dedication and park development fees for neighborhood/community parks will be deposited in a fund referenced to the park district to which they relate. Regional park land dedication fees will be deposited in a fund referenced to regional parks. Funds shall be used solely for the acquisition or leasing of park land and the development, improvement, or upgrades of new and existing parks. All expenditures shall be administered in accordance with the current purchasing requirements of the city. Funds shall not be used for the operation and maintenance of parks.

Section 118-73 Ordinance Review & Reporting

The City shall review the fees established and the amount of park land dedication required in this Article at least once every three (3) years. Failure to review by the City Council shall not invalidate this ordinance.

Section 118-74 Right to Refund.

The City shall account for all fees in lieu of land and all development fees paid under this Article with reference to the individual plat(s) involved. Any fees paid for such purposes must be expended by the City within seven (7) years from the date received by the City for acquisition and/or development of a park as required herein. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the landowners of the property on the expiration of such period shall be entitled to a prorated refund of such sum, computed on a square footage of area basis. The owners of such property must request such refund within one (1) year of entitlement, in writing, or such right shall be barred.

Section 118-75 Effective Date and Publication. This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing by the City Secretary.

PASSED AND APPROVED: First Reading on the _____ day of _____, 2018.

PASSED AND APPROVED: Second Reading on the _____ day of _____, 2018.

CITY OF NEW BRAUNFELS, TEXAS

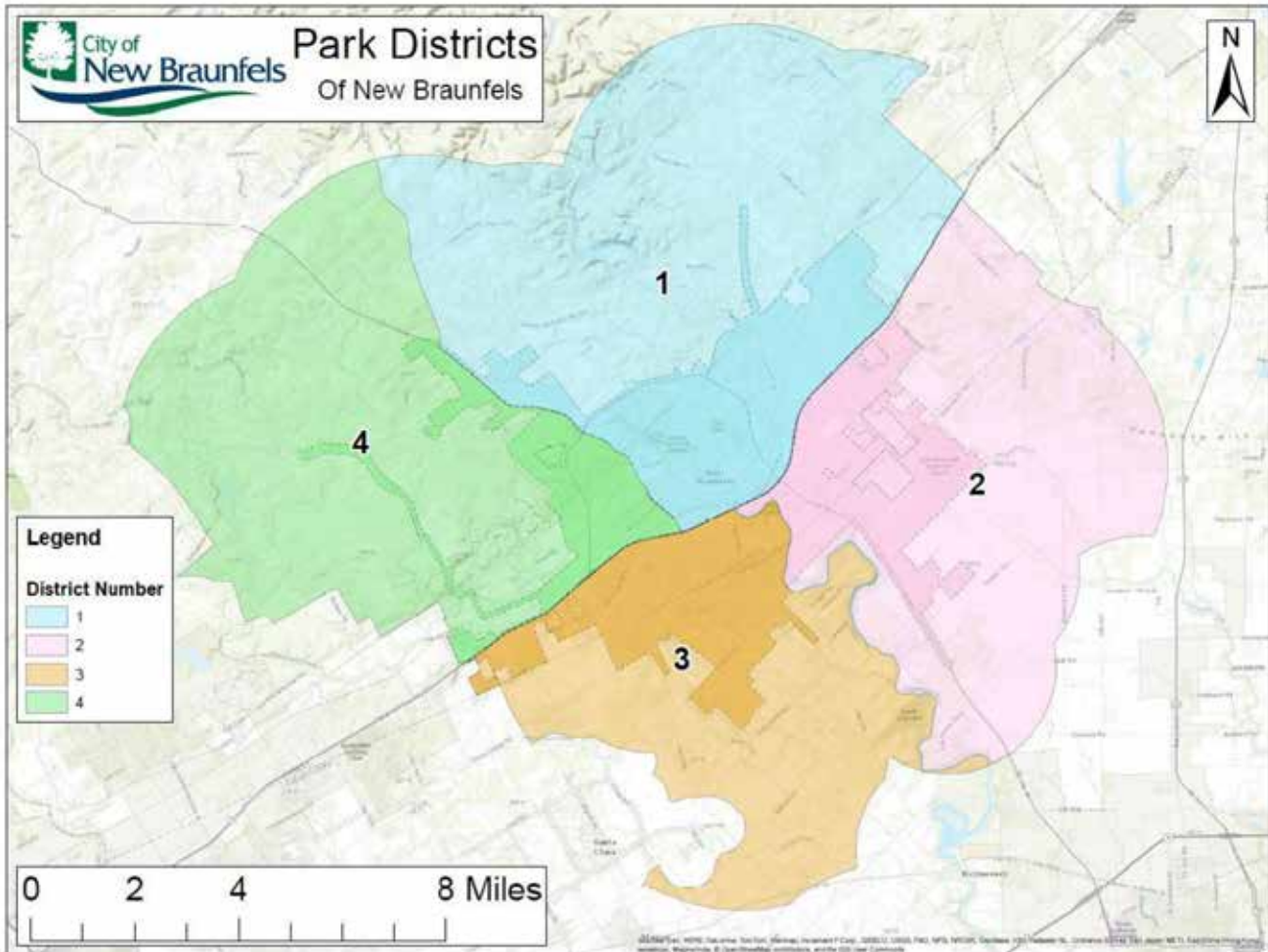
By: _____
Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney

Appendix A**Map of New Braunfels Park Districts**

Appendix B

Park Land Dedication Requirements & Calculations

Starting Values:

City/ETJ Population: 91,611 per U.S. Census and ESRI data from 2017 Parks Strategic Master Plan

City/ETJ Residents per Household (HH): 2.85 per U.S. Census and ESRI data from 2017 Parks Strategic Master Plan

Current Level of Service (LOS):

- Community/Neighborhood Parks: 190.95 acres
- Regional Parks: 130 acres

Cost of Land per Acre in New Braunfels: \$35,000

Cost of Construction per Acre: \$342,500 (based on construction costs of most recent city parks)

Neighborhood/Community Park Land Requirements:

Part 1 – LAND REQUIREMENT

1a. Land Requirement

To determine park land requirements, first take the population and divide by the current level of service for neighborhood/community parks to establish the number of residents per acre. Then take the number of residents per acre and divide by the residents per household for the maximum number of dwelling units per 1 acre of neighborhood/community park land.

$$91,611 \div 190.95 = 480 \text{ residents per park acre}$$

$$480 \div 2.85 = \mathbf{168 \text{ dwelling units per park acre}}$$

1b. Fee In-Lieu-of Land Requirement

To determine the fee in lieu of land, use the \$35,000 per acre of land and divided by the number of dwelling units.

$$\$35,000 \div 168 = \mathbf{\$208 \text{ fee per dwelling units}}$$

Part 2 – PARK DEVELOPMENT COST (to determine fee for development)

To determine the maximum fee the cost of construction is divided by the dwelling units per acre.

$$\$342,500 \div 168 = \mathbf{\$2,038 \text{ fee per dwelling unit}}$$

Combined Maximum Fee for Neighborhood/Community Parks: \$2,246 per dwelling unit

Fees are set by City Council implemented based on the following schedule:

	YEAR 1		YEAR 2		YEAR 3	
Phase In %	65%		85%		100%	
Neighborhood/community park						
Fee in-lieu-of	\$	208	\$	208	\$	208
Fee for park development	\$	1,325	\$	1,732	\$	2,038
Combined fee per dwelling unit	\$	1,533	\$	1,940	\$	2,246

Regional Park Land Requirements:

Part 1 – LAND REQUIREMENT

1a. Land Requirement

To determine park land requirements, first take the population and divide by the current level of service for regional parks to establish the number of residents per acre. Then take the number of residents per acre and divide by the residents per household for the maximum number of dwelling units per 1 acre of regional park land. To set the residents per acre, divide 1,000 by the number of residents per acre.

$$91,611 \div 130 = 705 \text{ residents per acre}$$

$$705 \text{ residents} \div 2.85 \text{ HH} = 247 \text{ dwelling units per 1 acre}$$

1b. Fee In-Lieu-Of

To determine the fee in lieu of land, use the \$35,000 per acre of land and divided by the number of dwelling units.

$$\$35,000 \div 247 \text{ DU}$$

$$\$35,000 \div 247 = \textbf{\$142 fee per dwelling unit}$$

Part 2 – PARK DEVELOPMENT COST (to determine fee for development)

To determine the maximum fee the cost of construction is divided by the dwelling units per acre.

$$\$342,500 \div 247 \text{ DU} = \textbf{\$1,387 fee per dwelling unit}$$

Combined Maximum Fee for Regional Parks: \$1,528 per dwelling unit

Fees are set by City Council; the Regional fee is set at \$0.00.

Appendix C

Development Costs for City of New Braunfels Neighborhood/Community Parks (3-15 acres)

Average Cost per one acre of land: \$35,000

Development cost per acre \$342,500

Neighborhood Park (3-5 ac)	
<u>Item</u>	
Professional Service	\$252,767.83
Mobilization	\$89,592.16
Sitework	\$145,600.00
Parking/Roadway	\$100,975.00
Utilities	\$120,821.64
Typical Park Amenities	\$515,225.00
Miscellaneous	\$13,300.00
Landscape/Irrigation	\$247,500.00
Construction Costs	\$1,233,013.80
Contingency (10%)	\$123,301.38
Total Project Cost*	\$1,609,083.01

Community Park (10-15 ac)	
<u>Item</u>	
Professional Service	\$756,846.48
Mobilization	\$296,502.50
Sitework	\$504,375.00
Parking/Roadway	\$364,200.00
Utilities	\$418,500.00
Typical Park Amenities	\$1,656,350.00
Miscellaneous	\$21,600.00
Landscape/Irrigation	\$721,875.00
Construction Costs	\$3,983,402.50
Contingency (10%)	\$398,340.25
Total Project Cost*	\$5,138,589.23

*Does not include the cost of land.

Appendix D

Park Land Dedication Worksheet

Project Name: _____

Location: _____

Applicant: _____

Email: _____

Phone: _____

What type of development is this? Select all that apply.

- ☐ Residential (detached single family)
- ☐ Residential (2-family)
- ☐ Residential (commercial)
- ☐ Residential (multi-family)
- ☐ Other, please describe: _____

Does this subdivision have 5 or more acres for public park land dedication? If yes, please describe the terrain and the location of the public park land.

Does this subdivision have 2 or more acres for a private park? If yes, please describe the terrain and the location of the private park and potential amenities and who will maintain the private park.

Please list number of dwelling units.

Master Plan: _____
 Unit 1: _____
 Unit 2: _____
 Unit 3: _____
 TOTAL: _____

City Council Agenda Item Report**4/9/2018**

Agenda Item No. B)

Presenter

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

SUBJECT:

Discuss and consider a request for a conditional sign permit for a monument sign for Lakeview Villa Apartments, located at 2090 Sundance Parkway.

BACKGROUND / RATIONALE:

Case No.: CS-18-006

Council District: 4

Applicant/Owner: CSKC Lakeview Associates, LLC (David Pfeuffer, Agent)
903 Basse Road
San Antonio, TX 78212

Staff Contact: Katherine Crowe, Planning Technician
(830) 221-4086
kcrowe@nbtexas.org

Location and Current Code Requirements

The subject property is 14.59 acres located on Sundance Parkway, between Old FM 306 and East Common Street, zoned M-1, Light Industrial District. The street frontage on Sundance Parkway is approximately 520 feet, and the frontage along Old FM 306 is approximately 1,385 feet; therefore, the total street frontage is approximately 1,905 feet. The property is currently being developed with apartment buildings. A sign face on the wall near the entrance, facing south down Sundance Parkway was approved earlier this year, as it is not considered a free-standing sign.

Sign types and sizes are allowed based on zoning:

- The M-1 zoning district is allowed one free standing monument sign or one low-profile pole sign per 300 feet of frontage, or one electronic message sign. Monument signs are limited to 10 feet in height and 48 square feet. Low profile pole signs are limited to 10 feet in height and 20 square feet. Both sign types require a minimum 10-foot setback. The property is permitted up to 6 monument or pole signs, due to the amount of street frontage. Electronic message signs are limited to 10 feet in height and 100 square feet overall, including a maximum 50 square foot electronic message sign face. A 15-foot setback is required. The property is permitted one electronic message sign, with the stipulation that no other freestanding signs be permitted.

Additional design standards for monument signs specify that the sign face shall not exceed 50 percent of the overall sign structure.

To summarize, the subject property is allowed by the current Sign Ordinance to have: **up to six monument or low profile pole signs, OR one electronic message sign.**

Proposal:

The applicant is proposing to construct a freestanding monument sign. The proposed monument is to be located near the entrance to the multifamily development, to be visible to south bound traffic on Sundance Parkway. The applicant has stated that the proposed monument sign is necessary to provide way-finding to the public, and that visibility of the sign is made difficult due to the curvature of Sundance Parkway. The applicant stated the proposed sign would not block travel visibility or neighboring property. Staff has verified that the intended location of the proposed sign is outside of the required sight triangle/clear vision area, as required for all freestanding signs.

The monument sign would be 5 feet 6 inches in height and 14 feet 2 inches in width at the base. The actual sign is narrower than the base, so subtracting 1.875 square-feet on either side of the sign to accommodate for this, the proposed monument sign would have a total sign area of 74.17 square feet. The current Sign Ordinance stipulates that monument signs cannot have a sign area greater than 48 square feet. Therefore, the proposed sign would exceed the maximum sign area by 26.17 square feet, or approximately 54% larger than what is permitted. The proposed sign does not exceed the maximum height of 10 feet, nor the average height of the single tenant monument signs in the vicinity of approximately 5.8 feet.

Existing Signs in the Vicinity:

Sign Location	Sign Type	Approximate Height
Augusta at Gruene Apartments	Monument	7 feet
Augusta at Gruene Apartments	Monument	7.5 feet
Broadway Bank	Pole	30 feet
Rio Terra Independent Living	Monument (x2)	5 feet
Rio Terra Cottages	Monument	4 feet
Rio Terra Cottages	Pole	3 feet
New Braunfels Rehabilitation	Monument	6 feet
Villas at Sundance	Monument	5 feet
Gruene United Methodist Church	Monument	5 feet
Prosperity Bank	Pole	31 feet
Allstate/Comal Dental	Monument (Multitenant)	8 feet
Valero	Pole (x2)	14.5 feet/30 feet
Valero	Billboard	34 feet
Cross Lutheran	Monument	10 feet
Beltone Hearing Care Center	Monument (Multitenant)	5.5 feet
Beltone Hearing Care Center	Billboard	30 feet
Sundance Parkway Entrance	Monument (x2)	4.5 feet
Vacant Lot	Billboard (x3)	30 feet

Lot Size:

14.59 acres

Surrounding Zoning and Land Use:

North - M-1/Commercial, industrial and high density residential
 South - M-1 and R-1A-6.6/ high density residential and low density residential
 East - Across the railroad tracks, M-1/ Commercial, industrial and high density residential
 West - Across Sundance Parkway, M-1/Open

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 12: Protect and enhance the visual environment of the City. Objective A: <i>Maintain fair and reasonable regulations for signs so that signs harmonize with the special qualities and appearance of New Braunfels (specifying size, height, locations).</i>
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

The conditional sign permit process is intended to allow an applicant flexibility to create alternative signage designs to complement a development's unique characteristics or to accommodate for physical or other constraints. City Council considers such designs in the context of a specific location. The subject property could construct up to six separate monuments or low-profile pole signs. Limiting the number of signs along the street frontage would prevent sign clutter; should the subject property be limited to the one monument sign.

Staff recommends **approval** of the increased sign area for the proposed monument sign, with the following conditions:

1. That no additional freestanding signs be allowed on the subject property.
2. Correct the address on the sign to reflect the address of the property, 2090.

Attachments:

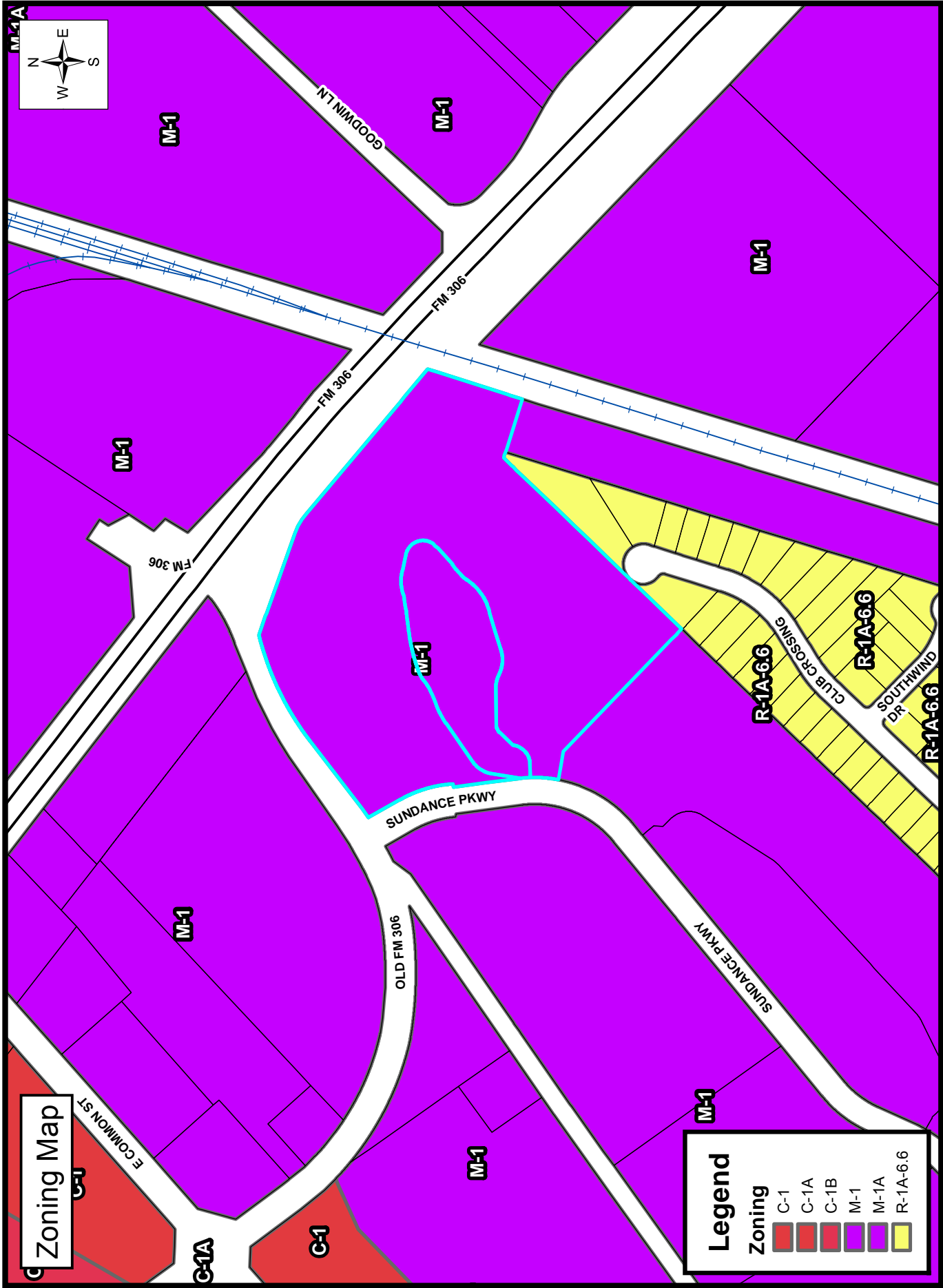
1. Aerial Map
2. Land Use Maps (Zoning; Existing Land Use)
3. Application
4. Proposed Site Plan
5. Proposed Sign Elevation Plan
6. Comparison Table Showing Allowable Signs Vs. Requested Signs
7. Map of Existing Signs in the Vicinity
8. Photos of Site and Surrounding Area
9. Excerpt from the Sign Ordinance



Map Created: 3/15/2018

CS-18-006
Lakeview Villa Apartments
2090 Sundance Parkway

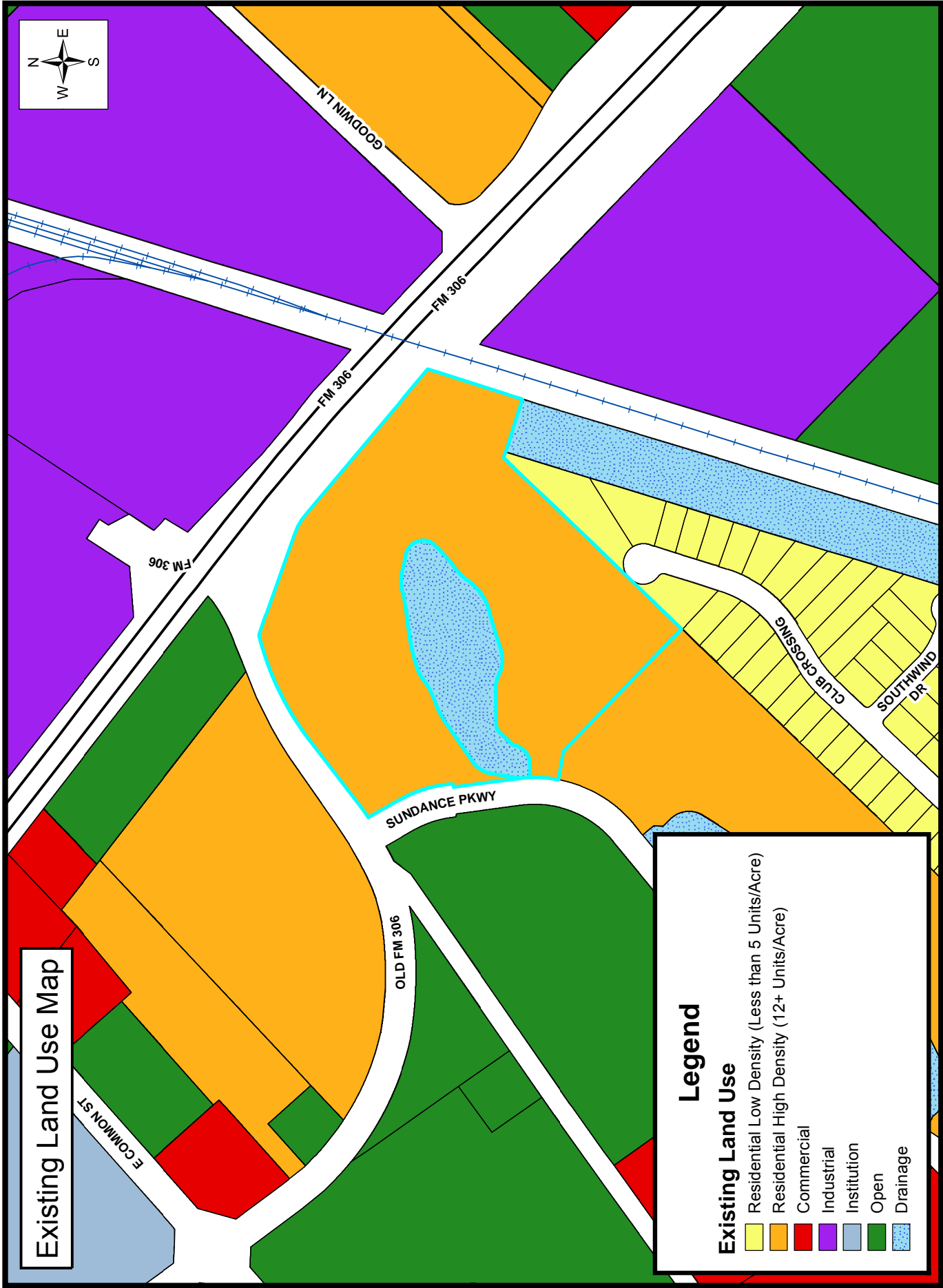




Map Created: 3/15/2018

CS-18-006
Lakeview Villa Apartments
2090 Sundance Parkway





Map Created: 3/15/2018

CS-18-006
Lakeview Villa Apartments
2090 Sundance Parkway





PLANNING

APPLICATION FOR CONDITIONAL SIGN PERMIT

Planning and Community Development
550 Landa Street, New Braunfels, TX 78130

Phone: (830) 221-4050

Case No. CS-18-006

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: CSKC Lakeview Associates, LLC, a Texas limited liability company

Mailing Address: 903 Basse Road, San Antonio, TX 78212

Email Address: twells@koontzcorp.com - dpfeuffer@NBlawyers.net

Telephone: (210) 841-9232 Agent Mobile: 830-629-8008

2. Property Address/Location: 2090 Sundance Parkway, New Braunfels, TX 78130

3. Existing signs on property: _____

4. Number of requested signs: Two (2) - one free standing

5. Dimension & height of sign(s): See attached

6. Business or event to be advertised: Lakeview Villas Apartment Community

7. Reason for request (please explain in detail and attach additional pages if needed): _____

See attached

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.
- ☒ 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

2-22-18

Date

For Office Use Only

Fee Received By: K. Crowe Amount: \$ 300 Receipt No.: 237993

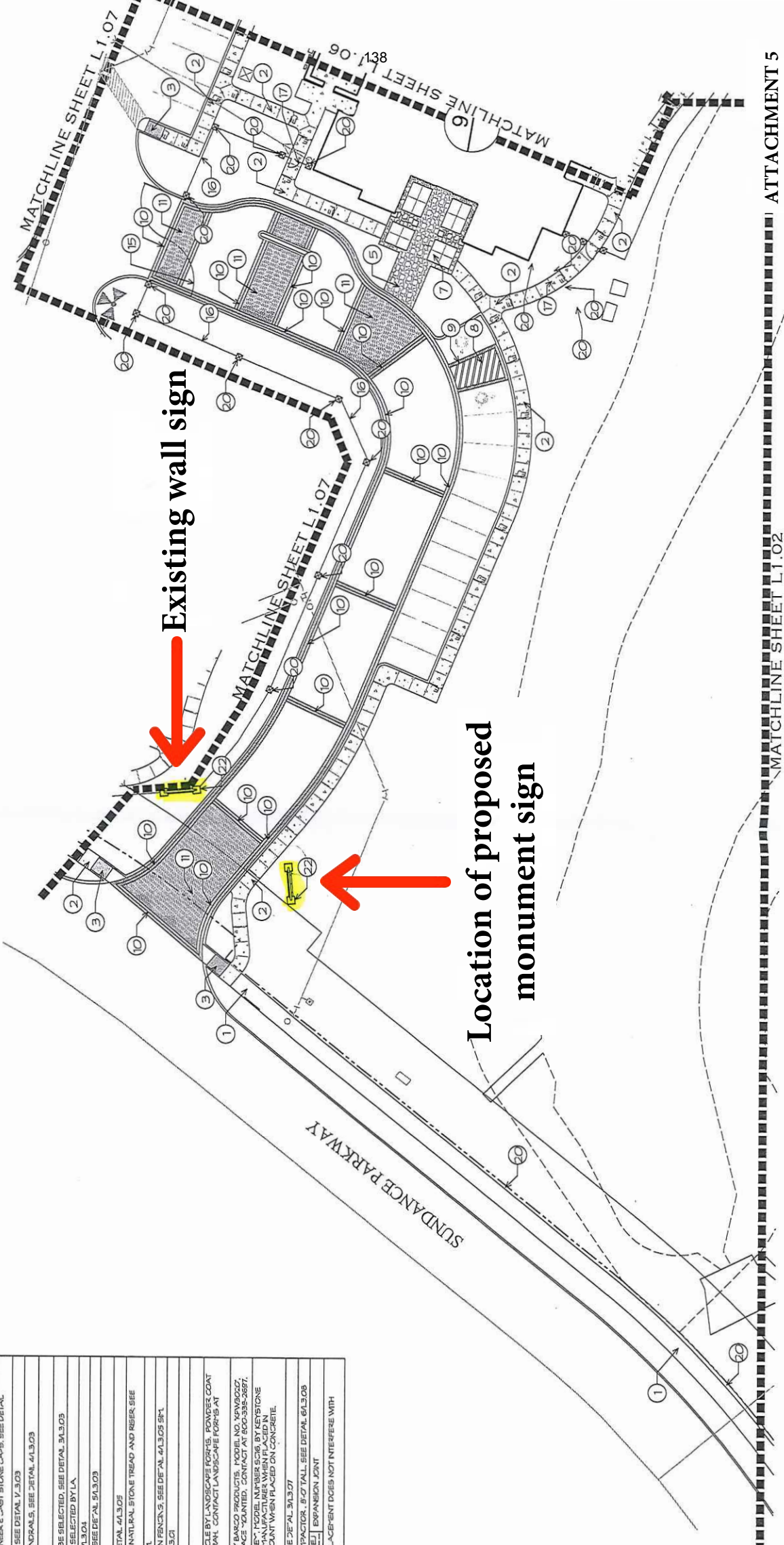
Date Received: 2/22/18 Cash/Check Number: check # 018487

Council Meeting Date: 4/9/18

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IN SELF-CLOSING HINGE & LOCK. SEE DETAIL 4/1.3.01.
SEE DETAIL 4/1.3.02.
SEE DETAIL 4/1.3.03.
SEE DETAIL 4/1.3.04.
SEE DETAIL 4/1.3.05.
SEE DETAIL 4/1.3.06.
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NEW BRAUNFELS, TEXAS

DATE/ISSUE

08 SEP 2016 ISSUE FOR PERMIT

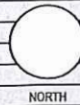


LANDSCAPE ARCHITECTURE
SITE PLANNING
URBAN DESIGN

1000 CENTRAL PARKWAY NORTH
SUITE 268
SAN ANTONIO, TEXAS 78232
210-349-3500
210-349-3508 FAX
WWW.KWTEXAS.COM

PROJECT NUMBER
KMG - 651

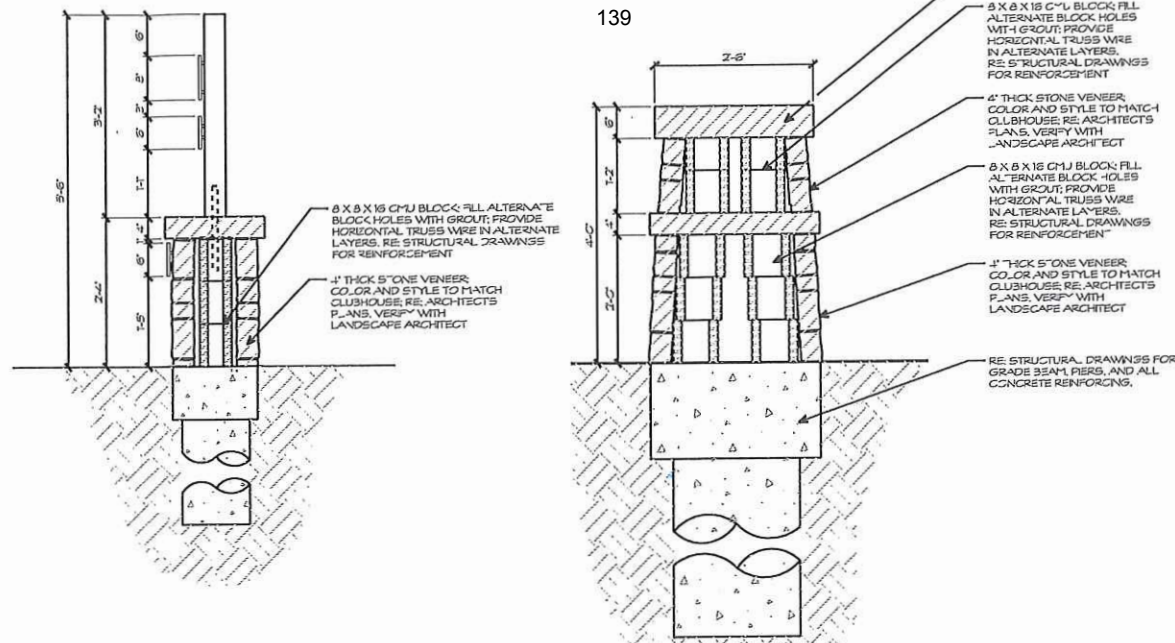
SCALE:



SHEET TITLE

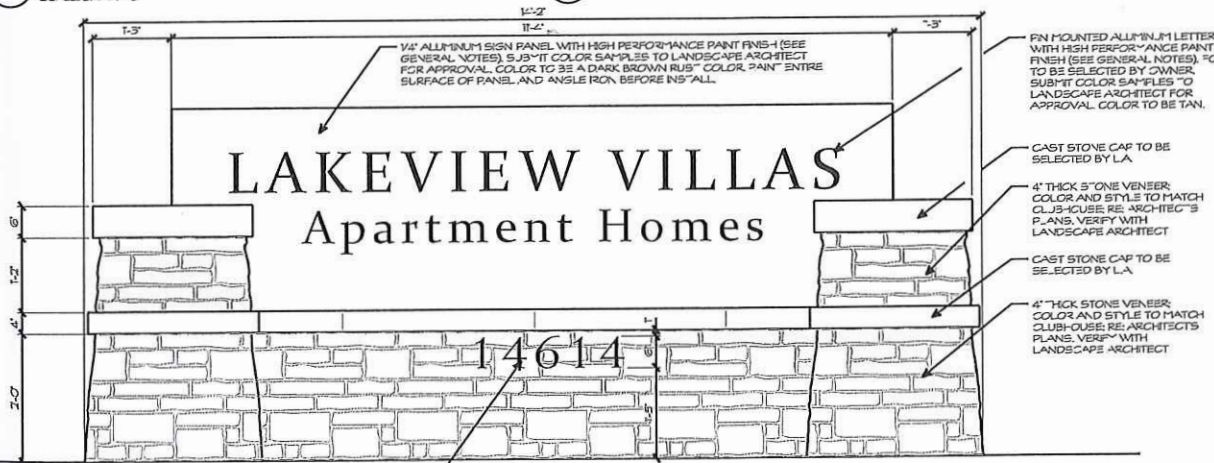
CONSTRUCTION
DETAILS

139

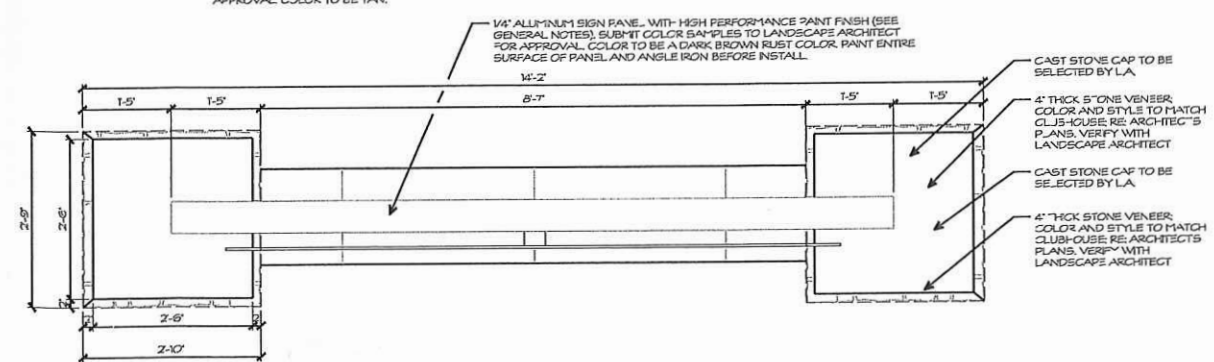


④ MONUMENT SIGN WALL
SCALE: 3/4" = 1'-0"

③ MONUMENT SIGN WALL
SCALE: 3/4" = 1'-0"



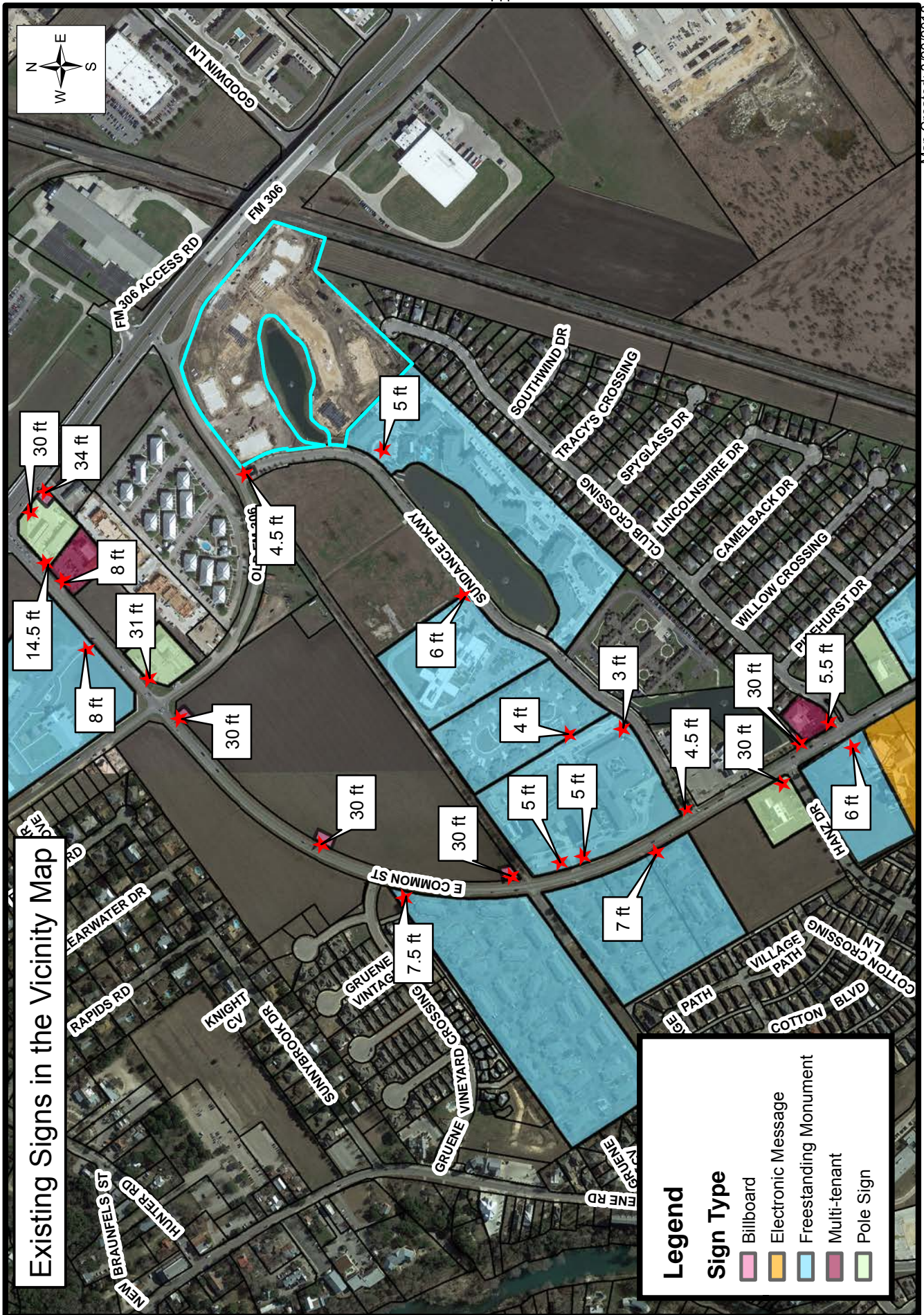
② MONUMENT SIGN WALL
SCALE: 3/4" = 1'-0"



① MONUMENT SIGN WALL
SCALE: 3/4" = 1'-0"

COMPARISON CHART OF ALLOWED AND PROPOSED SIGNAGE

Allowed per Sign Ordinance (Up to 6)				Conditional Sign Permit
SIGN TYPE	Electronic Message	Monument	Low Profile Pole	Monument
DISTRICT	M-1			
AREA	50 sf (sign face) 100 sf (overall)	48 sf	20 sf	77.92 sf
HEIGHT	10 ft	10 ft	10 ft	5 ft 6 in
SETBACK	15 ft	10 ft	10 ft	20 ft
NUMBER	1 (with no other freestanding signs)	1 per 300' of frontage		1



Map Created: 3/20/2018

**CS-18-006
Lakeview Villa Apartments
2090 Sundance Parkway**

Please note: The height measurements are approximate.



Sundance Parkway



Sundance Parkway



Sundance Parkway





CHAPTER 106

SIGNS

Section 106-14 -- Permanent On-premise Sign Regulations

(b) *Design requirements.*

- (1) *Monument signs and low-profile pole signs.* Monument signs or low-profile pole signs are the only permanent on-premise freestanding sign allowed, except on properties with IH 35 where pole signs are also permitted.
 - a. Monument signs.
 1. Monument signs shall have only two sign faces.
 2. The structure of monument signs shall be constructed of materials and colors compatible with those utilized on the primary building's facade.
 3. Monument signs located on the same property must be spaced a minimum of 100 feet apart from other freestanding signs for which a permit is required.
 4. A shared monument sign is encouraged. Such a monument sign must be located on one of the properties included in the sign text.

Section 106-15 -- Principles of Sign Area Computation.

The following principles shall control the computation of sign area and sign height.

- (1) *Computation of area of individual signs.*
 - a. The area of a sign shall be computed as the entire advertising area of the sign, including any framing or trim, contained within the respective sign cabinet. For the purposes of this computation the sign cabinet shall be defined as the structure or border used to differentiate a sign face from the structure against which a sign face is placed.
 - b. Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning or wall and all such elements are located in the same plane; the sign area shall be the area of the smallest geometrical shape that completely encompasses all such letters, words or symbols. Where such sign includes multiple words, each word located in the same plane shall be computed separately.
 - c. Embellishments that do not exceed 15 percent of the sign face area are allowed and are not counted toward the area of a sign.
 - d. The permitted area for all monument signs, pursuant to table 106.14.1, shall be inclusive of the sign structure. In no case shall the overall sign structure, exceed the maximum allowed height nor the maximum allowed sign area. In no case shall the sign face of a monument sign exceed 50 percent of the overall sign structure and the sign base shall not be more than 50 percent wider than the sign structure.

City Council Agenda Item Report**4/9/2018**

Agenda Item No. C)

Presenter/Contact*Jennifer Cain, Capital Programs Manager
(830) 221-4646 - jcain@nbtexas.org***SUBJECT:**

Discuss and consider approval of the final roadway improvement selections for the 2013 Bond Citywide Streets Program.

BACKGROUND / RATIONALE:

The Citywide Street Program was approved in the 2013 Bond election. Projects in this program could include: Asphalt excavation and replacement, base repairs, curb repair/replacement, sidewalk repairs/replacement, and concrete diamonds around meter boxes and manholes.

At the March 26, 2018 meeting, Council approved moving forward with San Antonio Street from Walnut Avenue to Academy Avenue and provided direction for staff to reduce limits on Common Street and add Union Avenue from Austin Street to Common Street as potential options for the Citywide Streets Program. Staff assessed both potential projects to determine project costs and scope which are outlined below. (Note: Sidewalks are only included on one side of the roadway, and pedestrian work, ie ADA ramps and crosswalks, at Gruene and Common are only included in the improvement options with sidewalks).

Project	Project Limits	w/Sidewalks	w/o Sidewalks
Common Street	Gruene Rd. to Hanz Dr.	\$525,000	\$290,000
Union Avenue	Common St. to Austin St.	\$500,000	\$350,000

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

X	Yes	City of New Braunfels Strategic Priorities	Infrastructure -Continue an ongoing program of infrastructure construction and maintenance.
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FISCAL IMPACT:

The 2013 bond program includes \$10 million for citywide street improvement projects that will provide funding for engineering services, construction and testing on these projects. To date approximately \$8.5 million has been expensed and/or committed including the streets that are currently in construction. Of the \$1.5 million remaining in the Bond Program, \$750,000 has been allocated for the San Antonio Street Project that was approved at the March 26th Council Meeting. Funds remaining and potential savings from Citywide Streets Projects currently under construction could support both projects with sidewalks.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of Common Street from Gruene Road to Hanz Drive with sidewalks and Union Avenue from Austin Street to Common Street with sidewalks as the final projects in the 2013 Bond Citywide Streets Program.

City Council Agenda Item Report**4/9/2018**

Agenda Item No. D)

Presenter/Contact*Garry Ford, City Engineer*
(830) 221-4020 - gford@nbtexas.org**SUBJECT:**

Discuss and consider approval of the installation of speed humps on Fair Lane between Summerwood Drive and Common Street.

BACKGROUND / RATIONALE:**Council District: 4**

Citizens submitted a request for the installation of speed humps on Fair Lane between Summerwood Drive and Common Street. Fair Lane is classified as a minor collector on the 2012 approved thoroughfare plan and provides direct access to residential properties.

The request was evaluated based on petition, operational and geometric requirements established in the City of New Braunfels Speed Hump Policy approved in 1999. These requirements are listed in the attachment to this report.

The request for speed humps on Fair Lane between Summerwood Drive and Common Street does not meet the following eligibility requirements:

- The petition was not signed by two-thirds of the property owners/residents along the requested roadway length. The requested street segment contains 27 total properties including 16 city-owned properties. Four signatures were received from the 11 private properties and seven are required to meet the two-thirds requirement.
- The 85th percentile speed is not at least 5 mph over the regulator speed limit of 30 mph. The measured 85th percentile speed conducted in January 2018 was 33 mph. The primary concern is during the river recreation season and it is expected that 85th percentile speed will stay the same or be lower with increased parking and traffic activity on Fair Lane.
- The 24-hour traffic volume is not at least 800 vehicles as the measured 24-hour traffic volume of 737 vehicles. It is expected that the 24-hour traffic volume will meet or exceed the traffic volume criteria during the river recreation season.

If the request is approved, the street will be placed on the list of streets eligible for speed hump installation for up to three years. Speed hump projects will be prioritized according to the criteria established in the Speed Hump Policy. The Speed Hump Policy also states that the alteration or removal of speed humps requires the same petition process as the installation request, with at least two-thirds of all adjacent households and businesses in favor of speed hump removal. The city will not provide any funding for the removal of speed humps if it is requested.

Funding

The City has specific funding for the installation of speed humps. This is the sixth speed hump request for the FY 2017-2018 budget and there is not adequate funding for the speed hump request. The installation of the proposed speed humps will be considered in the FY2018-2019 budget.

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:

Speed hump installation cost including speed cushions and signing for one set of speed humps costs approximately \$14,000 to \$18,000 depending on location.

COMMITTEE RECOMMENDATION:

This item was considered and not recommended by a vote of five against the installation of speed humps and one in favor by the Transportation and Traffic Advisory Board at their meeting on March 8, 2018.

STAFF RECOMMENDATION:

Staff does not recommend approval of speed humps on Fair Lane as it does not meet the criteria established in the Speed Hump Policy.

Petition

Requirement		Satisfied?
1.	A petition from the residents and business owners documenting that at least two-thirds support the installation of speed humps.	No
2.	Verification statement from contact person confirming signatures are valid and represent at least two-thirds support.	Yes
3.	A statement from the neighborhood association endorsing speed hump installation.	Yes

Operational and Geometric Characteristics of the Street

Requirement		Satisfied?
1.	The street shall provide access to abutting residential and/or commercial properties.	Yes
2.	The street shall not have more than one lane of traffic in each direction.	Yes
3.	The street shall have a regulatory speed limit of 30 mph or less as determined in accordance with State Law.	Yes: 30 mph
4.	The 85 th percentile speed on the street must be at least 35 mph or 5 mph over the regulatory speed limit.	No: 33 mph
5.	The speed humps should not be located on a horizontal curve, on vertical curves where visibility of the hump is restricted, or on approaches to these curves.	Yes
6.	The street should have curb and gutter. Considerations may be given to street without curb and gutter to accommodate drainage and prevent vehicle run-arounds.	Yes
7.	The street must be approved by the emergency services departments.	Yes ^a
8.	The street must have a 24-hour traffic volume of at least 800 vehicles.	No: 737 vpd average

^a Parking may be restricted at speed hump locations to maintain emergency response.

Project Prioritization Criteria

Criteria		Points Assigned
1. Accident	2 reported crashes over a period of 3 consecutive years	0
2. Speed	3 mph difference between 85 th percentile speed and regulatory speed limit	0
3. Traffic Volume	Two-way peak hour volume of 64 vph	1
4. Type of Neighborhood	Special pedestrian generators within a 1,000 foot radius of the project street.	1
	Absence of sidewalks on the project street.	1
Total:		3

City Council Agenda Item Report**4/9/2018**

Agenda Item No. E)

Presenter/Contact

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

SUBJECT:

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

BACKGROUND / RATIONALE:

Council District: 4

Staff has received a request from property owners along Fair Lane to be included in the existing Parking by Permit Area D. The requested area consists of single-family homes.

A signed petition has been received from the property owners and residents requesting parking by permit on both sides of Fair Lane from the existing Parking by Permit Area D to 311 Fair Lane and 312 Fair Lane between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th, which is consistent with the existing Parking by Permit Area D ordinance. The petition was signed by two of the five private property owners or residents in the requested area. Four of the five property owners are required to meet the two-third requirement specified by ordinance. Five of the properties in the requested area are owned by the City of New Braunfels.

The proposed designated parking by permit area is a contiguous residential area and matches the schedule of existing parking by permit areas. Less than two-thirds of the affected residents have submitted a signed statement of the following for the initial requested 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.

Prior to the March 8, 2018 Transportation and Traffic Advisory Board meeting, staff attempted to contact the property owners of the remaining properties that did not sign the petition (two additional property owners) in January 2018 by phone and mail. One responded in favor of the addition to the existing Parking by Permit Area D, and one did not respond. Staff currently shows three of the five

property owners in support of the requested modified permit area which is less than the two-third requirement specified by ordinance.

A public hearing on the application shall be conducted by City Council. Notices of the public hearing were mailed to all property owners (as shown on the latest tax roll) and residents within the designated permit area.

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

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

FISCAL IMPACT:

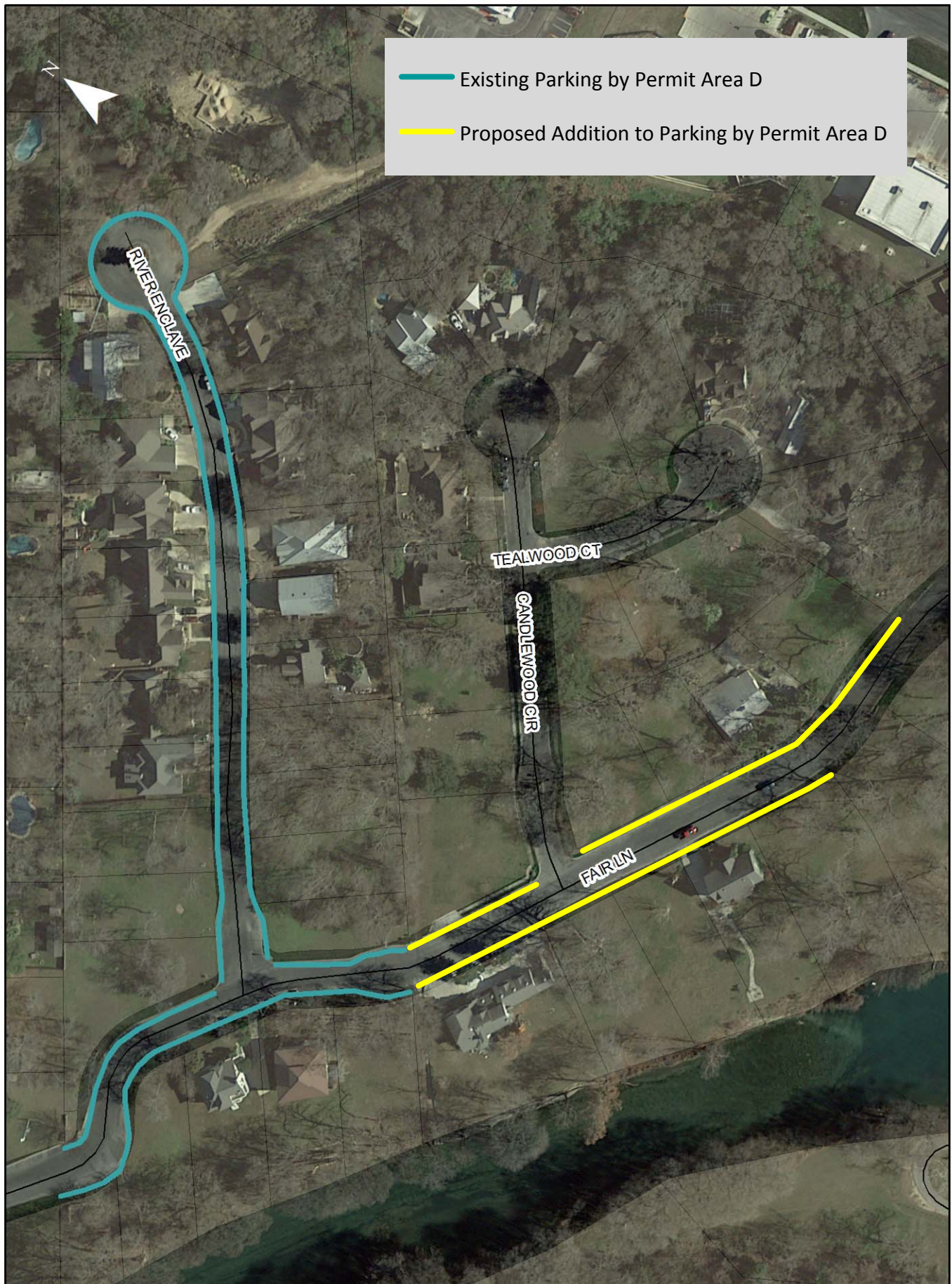
Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY17-18 approved streets and drainage budget.

COMMITTEE RECOMMENDATION:

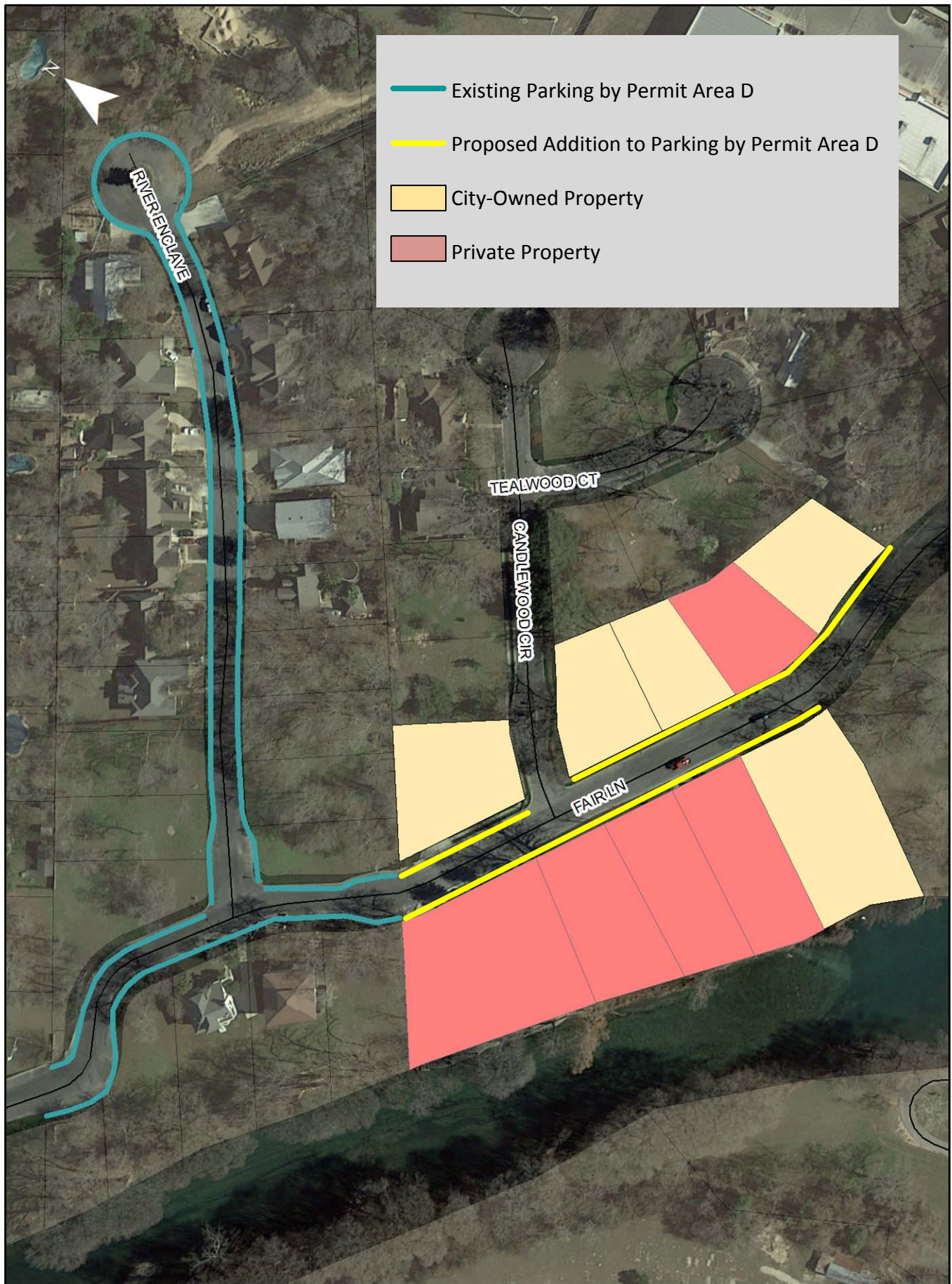
The Transportation and Traffic Advisory Board unanimously approved a recommendation to City Council to amend Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area D to the areas requested by citizens, provided that the property owner at 326 Fair Lane provides their approval of the request to extend Parking by Permit Area D to the front of their property, at their meeting on March 8, 2018. If the property owner at 326 Fair Lane does not respond or provide approval of the extension of Parking by Permit Area D in front of his property, the recommendation to staff was to extend Area D, but only to 338 Fair Lane on the north side of Fair Lane (the south side would remain the same as the original request).

STAFF RECOMMENDATION:

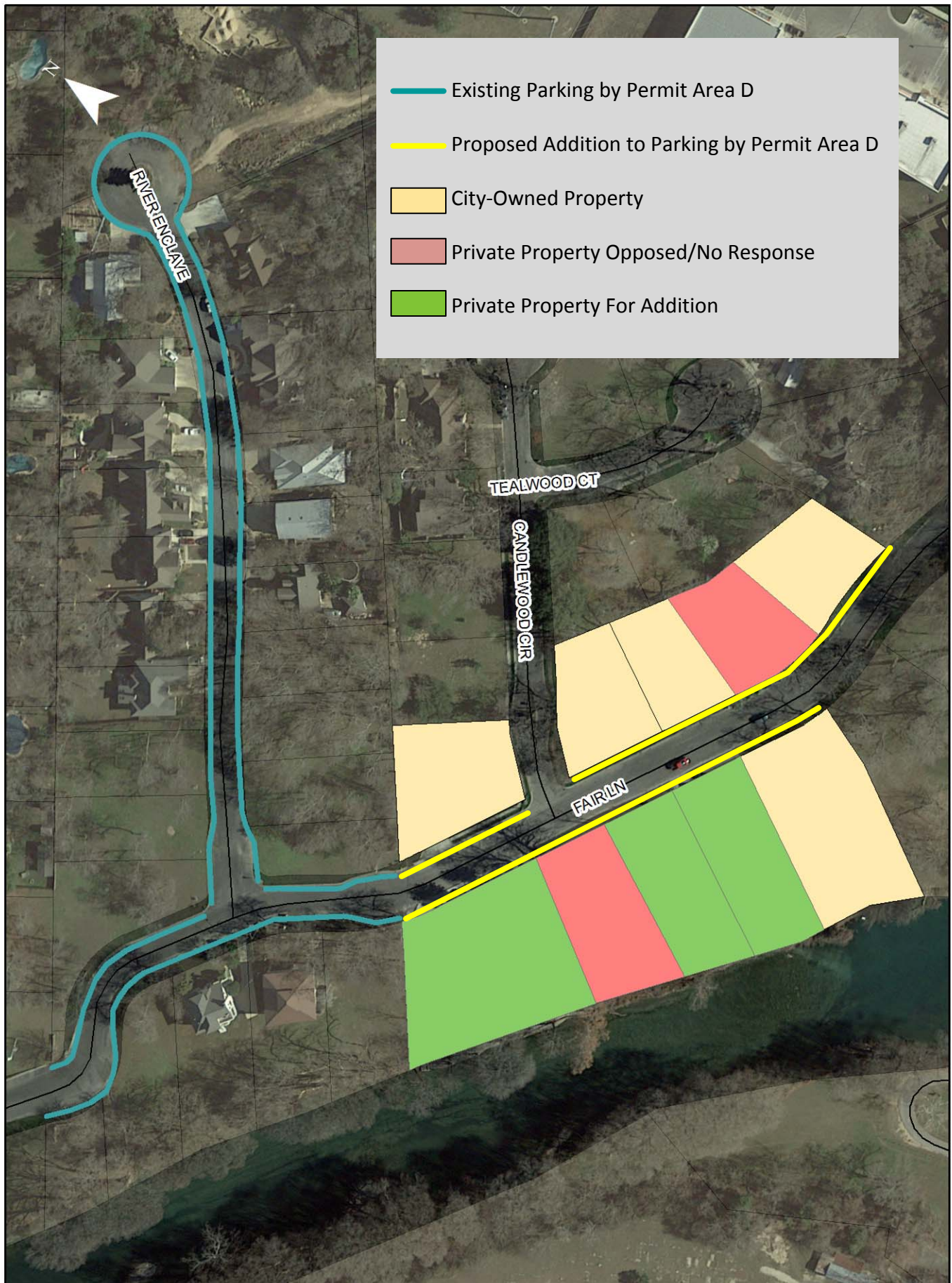
Staff does not recommend approval of the request amending Parking by Permit Area D to include both sides of Fair Lane from the existing Parking by Permit Area D to 311 Fair Lane and 312 Fair Lane because the request does not meet the petition signature requirements in the ordinance.



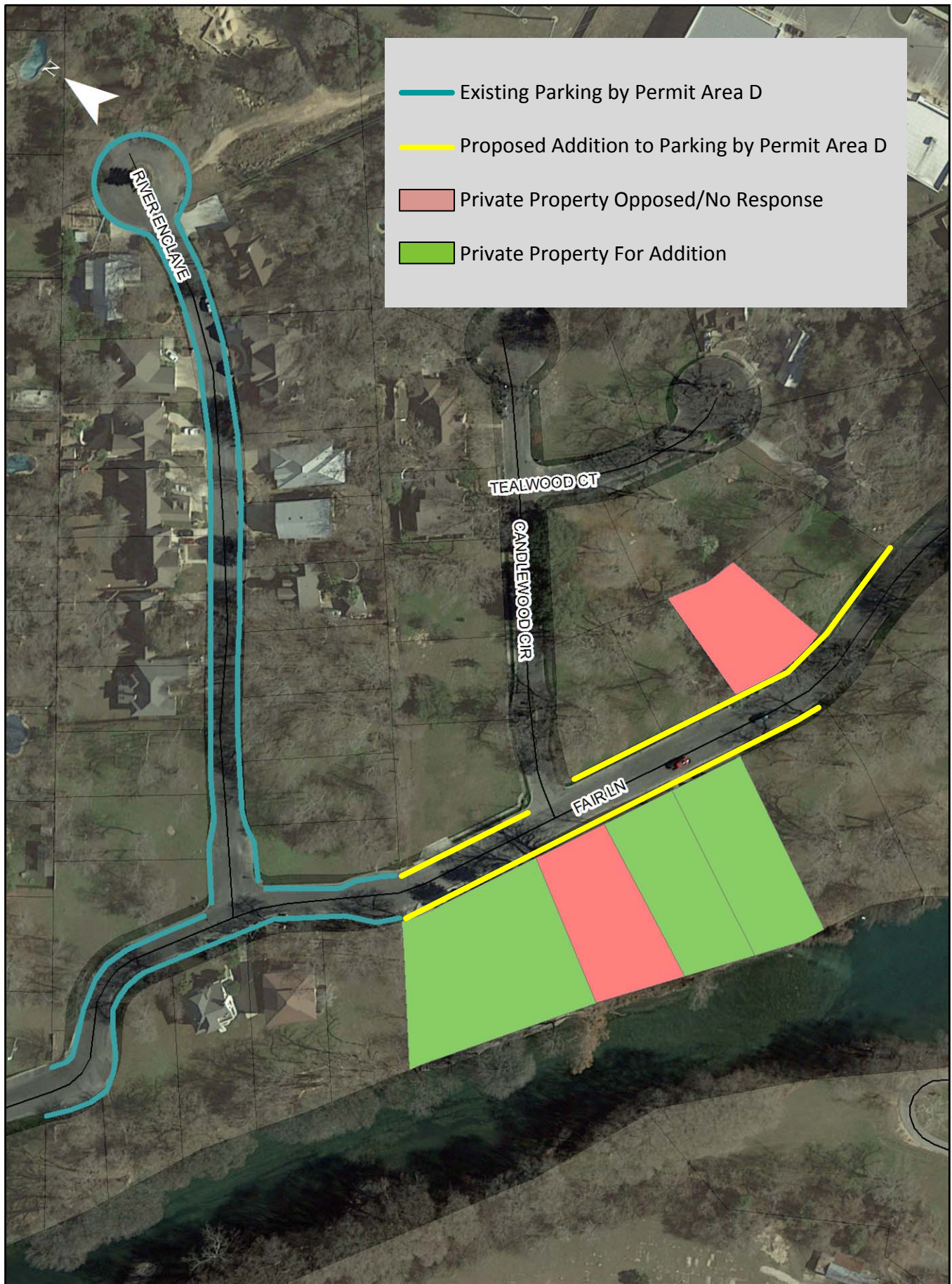
Proposed Addition to Parking by Permit Area D



Proposed Addition to Parking by Permit Area D



Proposed Addition to Parking by Permit Area D



Proposed Addition to Parking by Permit Area D

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

- (c) *Designated permit areas.* No person shall park and leave standing any vehicle whether attended or unattended between the times listed and locations designated below without first having obtained a valid parking permit for the designated permit area from the city. Said designated permit area shall be designated as a tow-away zone:
- (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~~from River Enclave 1, Lot 30 to 312 Fair Lane and River Enclave 1, Lot 29 to 311 Fair Lane.

ORDINANCE NO. 2018-_____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-354 (c) TO AMEND PARKING BY PERMIT AREA D.**

WHEREAS, the City Council has determined that Section 126-354 (c)(4) Parking by Permit Only, Designated Permit Areas, Area D be amended in order to protect the health, safety and welfare of the citizens.

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

I.

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

- (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 from River Enclave 1, Lot 30 to 312 Fair Lane and River Enclave 1, Lot 29 to 311 Fair Lane.

II.

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

III.

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

IV.

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

PASSED AND APPROVED: First reading this the _____ day of _____, 2018.

PASSED AND APPROVED: Second reading this the _____ day of _____, 2018.

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

4/9/2018

Agenda Item No. F)

Presenter/Contact

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

SUBJECT:

Public hearing and first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to create a new Parking by Permit Area M.

BACKGROUND / RATIONALE:

Council District: 4

Staff has received a request from multiple property owners along the north side of Sunnybrook Drive from Gruene Road to Knight Cove to create a new parking by permit area. The requested time for parking by permit is year-round, from Friday at 8:00 a.m. to Sunday at 9:00 p.m. The requested area consists of single-family homes.

A signed petition has been received from the property owners and residents requesting the creation of a new parking by permit area on the north side of Sunnybrook Drive from Gruene Road to Knight Cove between Friday at 8:00 a.m. to Sunday at 9:00 p.m., year-round.

The proposed designated parking by permit area is a contiguous residential area and matches the schedule of existing parking by permit areas. Over two-thirds of the affected residents have submitted a signed statement of the following:

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.

A parking study was completed during the weekend of Gruene Market Days in December 2017. The results of the study show that the occupancy requirements listed in Section 126-354 (d)(2) of the Code of Ordinances were not met during this weekend. No less than 75 percent of all available on-street parking spaces within the requested area are required to be occupied for a minimum of two hours, and the parking study had a maximum occupancy of 51 percent.

A public hearing on the application shall be conducted by City Council. Notices of the public hearing were mailed to all property owners (as shown on the latest tax roll) and residents within the designated permit area.

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

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

FISCAL IMPACT:

Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY17-18 approved streets and drainage budget.

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board approved the recommendation to City Council to not amend Section 126-354 of the City of New Braunfels Code of Ordinances to create a new Parking by Permit Area M by a vote of four in favor and one opposed at their meeting on March 8, 2018.

STAFF RECOMMENDATION:

Staff does not recommend approval of the creation of a new parking by permit area on the north side of Sunnybrook Drive between Gruene Road and Knight Cove because this area does not meet the parking occupancy requirements listed in the Code of Ordinances.

ORDINANCE NO. 2018-_____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-354 (c) TO CREATE PARKING BY PERMIT AREA M ON SUNNYBROOK DRIVE.**

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

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

I.

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

- (14) Area M, between the hours of 8:00 a.m., Friday, and 9:00 p.m., Sunday, year-round.
 - a. On the north side of Sunnybrook Drive between Gruene Road and Knight Cove.

II.

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

III.

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

IV.

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

PASSED AND APPROVED: First reading this the _____ day of _____, 2018.

PASSED AND APPROVED: Second reading this the _____ day of _____, 2018.

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, MAYOR

ATTEST:

PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY



Requested new Parking by Permit Area on Sunnybrook Drive

City Council Agenda Item Report

4/9/2018

Agenda Item No. G)

Presenter/Contact

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

SUBJECT:

Discuss and consider possible direction regarding possible amendments to Chapter 126, Traffic and Vehicles, to prohibit through truck traffic, designate Ferguson Street as a one-way street and restrict parking on Ferguson Street between West Mill Street and West San Antonio Street.

BACKGROUND / RATIONALE:**Council District: 6**

The Engineering Division received a request from citizens on West Mill Street to establish a No Through Truck restriction on Ferguson Street due to concerns related to truck traffic on a narrow road. The concerns are with large trucks not being able to turn off Ferguson Street onto West Mill Street without driving over the curb or into the right of way on the opposite side of West Mill Street. Specific concerns about trucks driving to and from New Braunfels Smokehouse were raised. Ferguson Street is an 18-foot wide residential street with a speed limit of 30 mph that extends between West San Antonio Street and West Mill Street.

Through truck restrictions apply to any truck that is traveling on these roadways not bound for a destination along Ferguson Street. Delivery or service trucks driving to a destination along this route are not prohibited from these roads because they are not through traffic.

Traffic counts were conducted for over one week in early December. During that week, there were a total of 1,136 vehicles that travelled on Ferguson Street. Of that total, 34 vehicles (3% of total vehicles) were classified as 2-axle, 6-tire vehicles, which would be indicative of a large truck or trailer that the requestors are concerned about.

Large trucks should not be driving in residential areas; however, city staff did not observe issues when conducting site visits or using traffic counts that would be addressed with the proposed truck restriction. Additionally, city staff contacted New Braunfels Smokehouse management about the route their trucks use and were told that the trucks they control are not allowed to use Ferguson Street, but that other trucking companies are outside of their control. Because of the lack of observed through truck traffic by city staff, staff does not recommend the creation of a through truck traffic restriction on Ferguson Street at this time.

This request was presented at the Transportation and Traffic Advisory Board meeting on March 8, 2018. The Board recommended approval of the through truck restriction and that staff evaluate one-way traffic on Ferguson Street from West Mill Street to West San Antonio Street and/or the possibility of restricting parking on Ferguson Street.

Staff does not recommend making Ferguson Street a one-way roadway because of the equal traffic volumes in both directions, block length between North Santa Clara Avenue and North Academy Avenue, and the potential for drivers to use the parking lot of the First Methodist Church as a cut-through in the opposite direction of the one-way traffic on Ferguson Street.

Due to the narrow roadway width (18 feet) on Ferguson Street and based on an initial assessment, restricting parking on both sides of the road for the length of Ferguson Street will allow for two-way traffic. A 9-foot travel lane is the minimum lane width for low-volume, residential streets. Staff plans to further evaluate the potential parking restrictions and get input from property owners on Ferguson Street and emergency responders. Notification letters will be sent to property owners prior to City Council consideration of this request.

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 FY17-18 approved Public Works budget.

COMMITTEE RECOMMENDATION:

This item was presented to the Transportation and Traffic Advisory Board at their meeting on March 8, 2018. The board recommended approval of restricting through truck traffic on Ferguson Street between West San Antonio Street and West Mill Street and recommended that staff investigate making traffic on Ferguson Street one way from West Mill Street to West San Antonio Street and restricting parking on Ferguson Street on a motion that carried unanimously.

STAFF RECOMMENDATION:

Staff does not recommend restricting thru truck traffic on Ferguson Street at this time. Staff does not recommend making Ferguson Street a one-way street from West Mill Street to West San Antonio Street. Staff recommends evaluating parking restrictions along both sides of Ferguson Street for the entire length to allow for the entire 18' of the road to be clear for two-way traffic.



Ferguson Street Area Map

City Council Agenda Item Report**4/9/2018**

Agenda Item No. H)

Presenter/Contact*Garry Ford, City Engineer*
(830) 221-4020 - gford@nbtexas.org**SUBJECT:**

Discuss and consider approval of the installation of speed humps on Lakeview Boulevard between California Boulevard and Eden Hill Communities.

BACKGROUND / RATIONALE:**Council District: 4**

Citizens submitted a request for the installation of speed humps or other traffic calming devices on Lakeview Boulevard between California Boulevard and Eden Hill Communities. Lakeview Boulevard is classified as a minor collector on the 2012 approved thoroughfare plan and provides direct access to residential properties.

The request was evaluated based on petition, operational and geometric requirements established in the City of New Braunfels Speed Hump Policy approved by City Council in 1999. Thirty-eight signatures were required to meet the two-thirds requirement, and 38 signatures were received. These requirements are listed in the attachment to this report.

If the request is approved, the street will be placed on the list of streets eligible for speed hump installation for up to three years. Speed hump projects will be prioritized according to the criteria established in the Speed Hump Policy. The Speed Hump Policy also states that the alteration or removal of speed humps requires the same petition process as the installation request, with at least two-thirds of all adjacent households and businesses in favor of speed hump removal. The city will not provide any funding for the removal of speed humps if it is requested.

Lakeview Boulevard does not have standard street curbs and additional curbing is required to be installed at the speed hump locations to minimize vehicles driving off the roadway to avoid the speed humps. The additional curbing will increase the cost of the speed hump installation by approximately \$2,000 to 4,000 depending on location.

Funding

The City has specific funding for the installation of speed humps. This is the fifth speed hump request for the FY 2017-2018 budget and there is not adequate funding for the speed hump request. The installation of the proposed speed humps will be considered in the FY2018-2019 budget.

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:

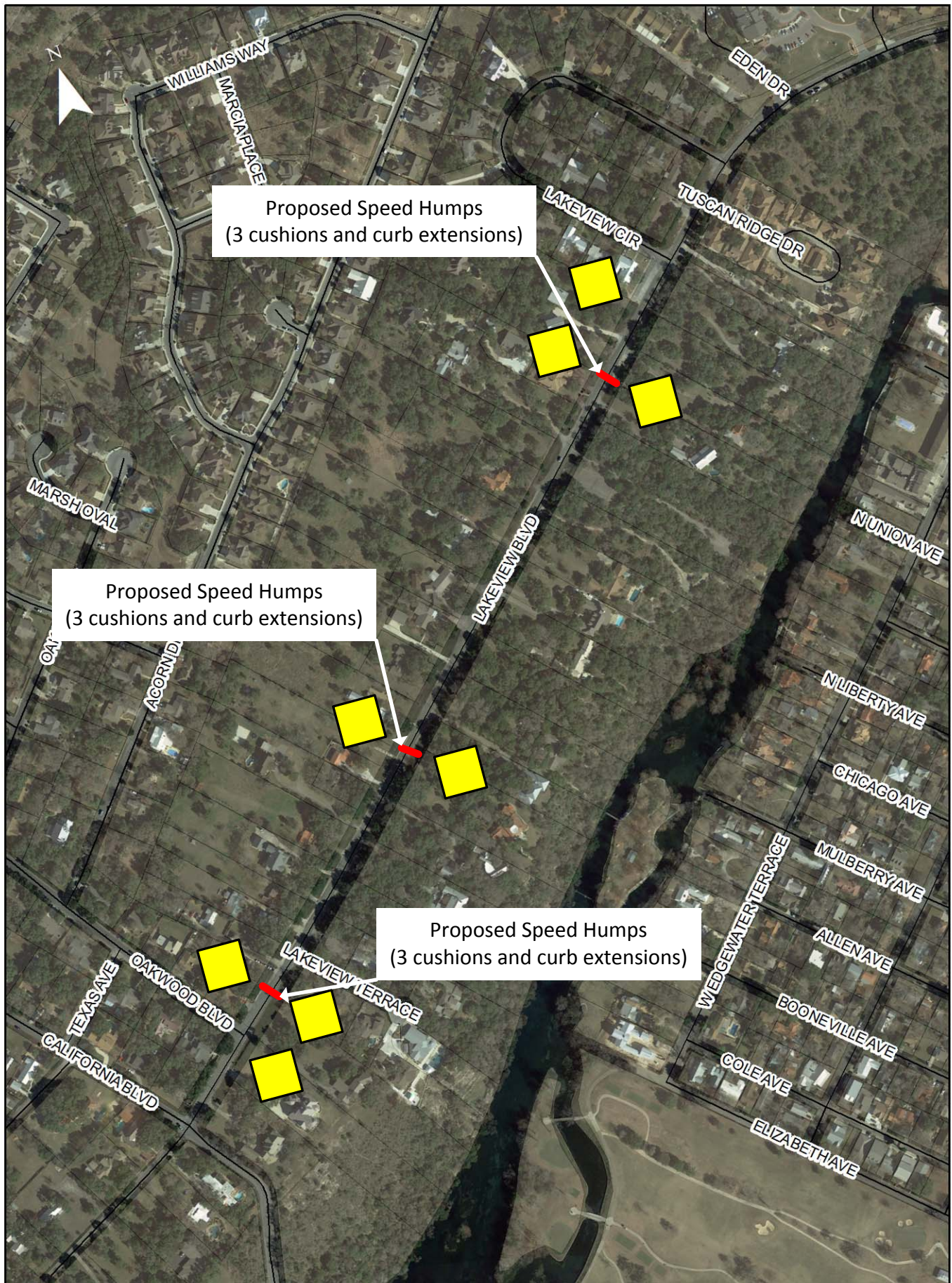
Speed hump installation cost including speed cushions and signing for one set of speed humps costs approximately \$14,000 to \$18,000 depending on location.

COMMITTEE RECOMMENDATION:

This item was considered and unanimously approved by the Transportation and Traffic Advisory Board at their meeting on March 8, 2018.

STAFF RECOMMENDATION:

Staff recommends approval of speed humps on Lakeview Boulevard as it meets the criteria established in the Speed Hump Policy.



Proposed Speed Hump and Sign Locations on Lakeview Boulevard

Petition

Requirement		Satisfied?
1.	A petition from the residents and business owners documenting that at least two-thirds support the installation of speed humps.	Yes
2.	Verification statement from contact person confirming signatures are valid and represent at least two-thirds support.	Yes
3.	A statement from the neighborhood association endorsing speed hump installation.	Yes

Operational and Geometric Characteristics of the Street

Requirement		Satisfied?
1.	The street shall provide access to abutting residential and/or commercial properties.	Yes
2.	The street shall not have more than one lane of traffic in each direction.	Yes
3.	The street shall have a regulatory speed limit of 30 mph or less as determined in accordance with State Law.	Yes: 30 mph
4.	The 85 th percentile speed on the street must be at least 35 mph or 5 mph over the regulatory speed limit.	Yes: 38 mph
5.	The speed humps should not be located on a horizontal curve, on vertical curves where visibility of the hump is restricted, or on approaches to these curves.	Yes
6.	The street should have curb and gutter. Considerations may be given to street without curb and gutter to accommodate drainage and prevent vehicle run-arounds.	No
7.	The street must be approved by the emergency services departments.	Yes ^a
8.	The street must have a 24-hour traffic volume of at least 800 vehicles.	Yes: 1,943 vpd average

^a Parking may be restricted at speed hump locations to maintain emergency response.

Project Prioritization Criteria

Criteria		Points Assigned
1. Accident	0 reported crashes over a period of 3 consecutive years	0
2. Speed	8 mph difference between 85 th percentile speed and regulatory speed limit	6
3. Traffic Volume	Two-way peak hour volume of 166 vph	1
4. Type of Neighborhood	Special pedestrian generators within a 1,000 foot radius of the project street. Absence of sidewalks on the project street.	1 1
Total:		9

City Council Agenda Item Report

4/9/2018

Agenda Item No. I)

Presenter/Contact

Victor Garza, Economic Development Manager
(830) 221-4621 - vgarza@nbtexas.org

SUBJECT:

Discuss and consider approval of a resolution recommended by the New Braunfels Industrial Development Corporation for proposed changes to its bylaws to include renaming the corporation to the New Braunfels Economic Development Corporation, revising the duties of the secretary, and additional proposed changes.

BACKGROUND / RATIONALE:

There are currently a total of 736 Type A (221) and Type B (515) corporations in the state of Texas collecting sales tax for some form of economic development. Of those, only 32 Type A (14.5%) and 10 Type B (1.9%) have the word "Industrial" in their legal name and most are in very small towns. The name change will allow for greater ease and name recognition in marketing efforts of the city and for search engine optimization. The Chamber of Commerce requested the name change.

Additional changes include correction of minor grammatical errors, update of addresses, and to clarification of the duties of the corporate secretary. The changes are provided in a red line version for Council's review.

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

N/A

FISCAL IMPACT:

None

COMMITTEE RECOMMENDATION:

The NBIDC approved the changes 7-0 on March 29, 2018.

STAFF RECOMMENDATION:

Staff recommends approval of the resolution.

BYLAWS
OF
NEW BRAUNFELS ECONOMIC DEVELOPMENT CORPORATION

SECTION ONE

OFFICES

Principal Office

1.01 The principal office of the New Braunfels Economic Development Corporation (hereinafter referred to as “Corporation”) within the State of Texas shall be located at 550 Landa Street, New Braunfels, Texas.

Registered Office and Registered Agent

1.02 The Corporation shall comply with the requirements of the Texas Non-Profit Corporation Act and the Development Corporation Act and shall have a registered agent whose office address is identical to such registered office. The registered office may be, but need not be, identical to the Corporation’s principal office in Texas. The registered agent shall be a resident of the State of Texas. The Board of Directors may change the registered office and the registered agent, as provided by law. The registered office of the Corporation is located at 550 Landa Street, New Braunfels, Texas 78130, and the registered agent at such address shall be the City Secretary for the City of New Braunfels.

SECTION TWO

PURPOSE

2.01 The Corporation is a non-profit corporation specifically governed by Article 5190.6, Vernon’s Texas Civil Statutes, Section 4B, the Development Corporation Act of 1979, (hereinafter, “the Act”).

2.02 The purpose of the Corporation is to use economic development resources as provided by law, to encourage and promote the general economic welfare of the City and its residents and businesses using the ways and means authorized by the state legislature, by the Act and its amendments, and the Charter and ordinances of the City of New Braunfels. The Corporation may expend resources and/or offer approved incentives for various business facilities, and for the enhancement of the community through the development and/or expansion of public improvements, such as, but not limited to, athletics, parks, tourism, and entertainment facilities. The Corporation may also assist in certain public facilities, transportation and infrastructure improvements, or other business-related improvements relating to existing or anticipated business entities.

SECTION THREE

MEMBERS

The Corporation shall have no members.

SECTION FOUR

BOARD OF DIRECTORS

Management of the Corporation

4.01 The affairs of the Corporation shall be managed by its Board of Directors.

Number, Qualifications, and Tenure of Directors

4.02 Seven (7) directors shall be appointed by the New Braunfels City Council for two-year terms of office. A director may be removed by the City Council at any time with or without cause. Each director shall be a resident of the City of New Braunfels.

Vacancies

4.03 Any vacancy occurring on the Board of Directors, due to death, resignation, disqualification, removal, or otherwise, shall be filled by appointment by the City Council. A director appointed to fill a vacancy shall be appointed for the unexpired term of his or her predecessor in office.

Ex Officio Members of the Board

4.04 The Mayor and the City Manager shall serve as ex officio members of the Board and may attend all executive, private or public meetings; however, they shall not have the power to vote.

General Duties of the Board

4.05 The Board is hereby required to perform the following duties:

1. The Board shall recommend to City Council expenditures of the tax funds it receives in accordance with State law, with the Articles of Incorporation, these bylaws, the City Charter, and ordinances of the City of New Braunfels.
2. The Corporation may, with approval of the City Council, contract with other entities for professional and or administrative services. The Board may plan and direct its work through these contractual entities, who may be charged with the responsibility of carrying out the Corporation plans, programs, and projects as adopted by the Board.

3. The Corporation shall make reports to the City Council. The Corporation shall discharge this requirement by reporting to the City Council in the following manner.

The Corporation shall make a detailed report to the City Council once each year, no later than sixty (60) days after the end of the fiscal year. Such report shall include, but shall not be limited to, the following:

- (a) A review of all expenditures made by the Corporation relating to its activities involving direct improvements as defined in this article, together with a report of all other expenditures made by the Corporation.
 - (b) A review of the accomplishments of the Corporation in the area of economic development.
 - (c) The policies and strategy followed by the Corporation in relation to direct expenditures together with any new or proposed changes in said policies and strategy.
 - (d) A review of the activities of the Corporation for the budget year addressed in an annual report, together with any proposed change in an activity or activities.
4. The Board may contract with the City of New Braunfels, or with another entity, for administrative services. The Board may plan and direct its work through a designated employee of the City of New Braunfels, or other contractual entity, who will be charged with the responsibility of carrying out the Corporation's plans and programs as adopted by the Board.
5. The Board shall have the authority to appoint standing committees to aid and assist the Board in its business undertaking or other matters incidental to the operation and functions of the Board.
6. The Board shall have the authority to appoint ad hoc committees that may address issues of a temporary nature or concern or that have a temporary affect on the business of the Board.

Implied Duties

4.06 The Corporation is authorized to do that which the Board deems desirable to accomplish any of the purposes or duties set out in Sections 2.02 and 4.05 of these Bylaws and in accordance with State law.

Meetings

4.07 The Board shall hold no fewer than four (4) regularly scheduled meetings per year, at times and dates to be decided by the Board. The President may call special meetings when, in his/her judgment, such meetings are necessary. Meetings of the Corporation shall be held at City Hall or

another facility within the City. If there is no business to discuss, the President shall notify the Board, not less than seventy-two (72) hours prior to the scheduled meeting, that the meeting has been canceled. Notice of any such cancellation shall be posted at City Hall not less than seventy-two (72) hours prior to the regularly scheduled meeting.

Notice of all meetings of the Corporation shall be given to the public in accordance with the requirements of the Texas Open Meetings Act, Chapter 551, *et seq.* of the Texas Government Code. The notice shall contain information regarding the time, date, and location of any such meeting and the agenda items to be considered. All meetings shall be conducted in accordance with the Texas Open Meetings Act.

No meetings of the Board of Directors shall be held outside the boundaries of the City.

Special Meetings

4.08 Special meetings of the Board of Directors may be called by the President on three (3) days notice to each director, in person, by mail, e-mail, or telephone, or upon written request of two (2) directors submitted to the President or Secretary. Any notice of a special meeting shall include the purpose of the meeting and the business to be addressed. Should a request for a special meeting be submitted, the President shall cause such meeting to be scheduled and notify all directors of the date, time and place of the special meeting to be held.

Attendance

4.09 Regular attendance at the Board meetings is required of all Board members. The following number of absences may constitute the need for replacement of a member: three (3) consecutive absences, or attendance reflecting unexcused absences constituting fifty percent (50%) of the regularly scheduled meetings over any twelve month period. In the event replacement is indicated, the Board member will be counseled by the President and, subsequently, the President shall submit, in writing to the City Secretary, a statement informing City Council of the need to replace the Board member in question.

Quorum

4.10 For the purposes of convening a meeting and transacting the business of the Corporation at any meeting, a majority of the entire membership of the Board shall constitute a quorum. If there is an insufficient number of Directors present to convene a meeting and transact business, the Directors present may delay the meeting for a reasonable period of time, not to exceed two (2) hours, without notice other than announced at the meeting, until a quorum shall be present.

Compensation

4.11 The duly appointed Board members shall serve without compensation, but shall be reimbursed, in accordance with State law, for actual or commensurate costs of travel, lodging, and/or incidental expenses incurred while performing official business of the Board.

Voting; Action of the Board of Directors

4.12 Directors must be present to vote at any meeting. Unless otherwise provided in these Bylaws or in the Articles of Incorporation or as required by law, the act of a majority of the Directors present at any meeting for which a quorum is present shall be the act of the Board of Directors. In the event that a Director is aware of a conflict of interest or potential conflict of interest, with regard to any particular vote, the Director shall bring the same to the attention of the meeting and shall abstain from discussion of the matter and the vote, unless the Board determines that no conflict of interest exists. Any Director may bring any apparent conflict of interest to the attention of the Board before any vote shall be taken regarding that particular matter. The Director who has had the question raised regarding a possible conflict of interest shall refrain from voting on any such matter, unless the Board determines that no conflict of interest exists.

Board's Relationship with City Council

4.13 In accordance with State law, the City Council shall require the Corporation to be responsible for the proper discharge of the duties assigned in this Section. All policies for the Corporation's economic development program administration shall be submitted for City Council approval, and the Board shall administer said programs accordingly. The Board shall determine its policies and direction within the limitations of the duties herein imposed by applicable laws, the Corporation's Articles of Incorporation, these Bylaws, contracts entered into with the City, the Charter and ordinances of the City of New Braunfels and budget and fiduciary responsibilities.

Board's Relationship with Administrative Departments of the City

4.14 Any request for services made to the administrative departments of the City shall be made by the Board or its designee in writing to the City Manager. The Board may take action to request such services at any lawfully scheduled meeting and the minutes of such meeting recording any such request may serve as the written request. The City Manager may approve such request for assistance when he finds such requested services are available within the administrative departments of the City, and that the Board has agreed to reimburse the administrative department's budget a reasonable amount for the costs of the services provided.

Any requests for legal assistance shall be made by the President or his/her designee to the City Attorney. The City Attorney may provide such assistance when such services are available, and the Board has agreed to reimburse the City a reasonable amount for the cost of providing such legal services.

SECTION FIVE

OFFICERS

Officers of the Corporation

5.01 The elected officers of the Corporation shall be President, Vice-President, Secretary, and Treasurer. The Board may resolve to elect one (1) or more Assistant Secretaries or one (1) or more Assistant Treasurers as it may consider desirable. Such officers shall have the authority and perform the duties of such offices as the Board may from time to time prescribe or as the Secretary or Treasurer may from time to time delegate to his or her respective Assistant. Any two (2) or more offices may be held by the same person, except that the President may not hold the office of Secretary.

Selection of Officers

5.02 The officers shall be elected by the Board and shall serve for a term of one (1) year. Each officer's term of office shall always be for a period of one (1) year; provided, however, each officer shall continue to serve until the election of his or her successor. Elections shall be held at the annual meeting of the Board.

Vacancies

5.03 A vacancy in any office, which occur due to death, resignation, disqualification, removal, or otherwise, may be filled by appointment by the Board of Directors for the unexpired portion of the term of that office, in the same manner as other officers are elected by the Board. Any officer elected by the Board may be removed at any time by the affirmative vote of two-thirds (2/3) of the members of the Board.

President

5.04 The President shall be the presiding officer of the Board with the following authority:

1. to preside over all meetings of the Board;
2. to vote on all matters coming before the Board;
3. to call a special meeting of the Board upon notice to all Board members when, in his/her judgment, such meeting is necessary; and
4. to cancel any regularly scheduled meeting of the Board when there is no business to discuss, provided he/she gives notice to Board members and to the public, of such cancellation, as provided in Section 4.07 hereof.

In addition to the above-mentioned duties and authority, the President shall sign, with the Secretary of the Board, any deeds, mortgages, bonds, contracts, or other instruments, which the Board of Directors has approved unless execution of said document has been expressly delegated to some other officer or agent of the Corporation by appropriate Board resolution, by a specific provision of these Bylaws, or by State statute subject to approval by the City Council. In general, the President shall perform all duties incident to the office, and such other duties as shall be prescribed from time to time by the Board of Directors.

Vice President

5.05 In the absence of the President, or in the event of his or her inability to act, the Vice President shall perform the duties of the President. When so acting, the Vice President shall have all power of and be subject to all the same restrictions as the President. The Vice President shall also perform other duties as from time to time may be assigned to him or her by the President.

Secretary

5.06 The Secretary shall keep, or cause to be kept, at the Corporation's registered office, a record of the minutes of all meetings of the Board and any committee of the Board. The Secretary shall also file a copy of all such minutes with the City Secretary. Minutes are to be kept in accordance with the provisions of these Bylaws, or as required by the Texas Open Meetings Act, the Texas Open Records Act, or other applicable law. The minutes shall be ratified by the Corporation and it may also amend the minutes if errors are found. The Secretary shall be the custodian of the records and seal of the Corporation, and shall keep a register of the current mailing address and street address of each Director.

In addition to the above-mentioned duties, the Secretary shall sign, along with the President of the Board, any deeds, mortgages, bonds, contracts, or other instruments, which the Board of Directors has approved unless execution of said document has been expressly delegated to some other officer or agent of the Corporation by appropriate Board resolution, by a specific provision of these Bylaws, or by State statute subject to approval by the City Council.

The Secretary will ensure that the Corporation has an effective website that is functional with all social media platforms.

Treasurer

5.07 The Treasurer shall keep, or cause to be kept, at the Corporation's registered office, a record of all receipts and expenditures of the funds of the Corporation. The Treasurer shall provide a written monthly financial report of income and expenditures, which report shall be mailed or delivered to all members of the Board. The Treasurer shall, in general, perform all the duties incident to that office, and such other duties as may be assigned to him/her from time to time by the President of the Board.

Assistant Secretaries and Assistant Treasurers

5.08 The Assistant Secretaries and Assistant Treasurers, if any, shall, in general, perform such duties as may be assigned to him/her by the President or the Board of Directors.

Employees

5.09 The Corporation may, with approval by the City Council, contract with the City of New Braunfels, or with another entity or individual, for such full or part-time employees as needed to carry out the programs of the Corporation. These employees shall perform those duties outlined in such contract and assigned to them by the Board.

Contracts for Service

5.10 The Corporation may, with approval by the City Council, contract with any qualified and appropriate person, association, corporation, or governmental entity to perform and discharge designated tasks, which will aid or assist the Board in the performance of its duties. However, no such contract shall ever be approved or entered into if such contract seeks or attempts to divest the Board of Directors of any of its discretion and policy-making functions in discharging the duties hereinabove set forth in this Section.

Bonds

5.11 If the Corporation contracts with any entity other than the City for financial services, the entity providing the financial service shall be required to give an official bond in the sum of not less than One Hundred Thousand and No/100 Dollars (\$100,000.00). The bond referred to in this Section shall be consideration for the faithful accounting of all monies and things of value coming into the hands of such entities. The bonds shall be procured from an accredited surety company authorized to do business in the State of Texas and a copy of such bond shall be filed with the Corporation and with the City Secretary.

If the Corporation does not elect to contract for financial services with the City of New Braunfels or an outside entity, the President, Vice President, and Treasurer of the Board shall each give an official bond in the sum of not less than One Hundred Thousand and No/100 Dollars (\$100,000.00). The bonds referred to in this Section shall be consideration for the faithful accounting of all monies and things of value coming into the hands of such officers. The bonds shall be procured from an accredited surety company authorized to do business in the State of Texas and the premiums therefore shall be paid by the Corporation. A copy of each officer's bond shall be filed with the Corporation and the City Secretary.

SECTION SIX

COMMITTEES

Qualifications for Committee Membership

6.01 Members of committees shall be appointed by the Board.

Standing Committees

6.02 The Board of Directors may create standing or special committees with such duties and powers as the Board deems appropriate.

Special Committees

6.03 No such committee shall have the independent authority to act for or in place of the Board of Directors with regard to the following manners: amending, altering, or repealing these Bylaws; electing, appointing, or removing any member of any such committee or any Director or Officer of the Corporation; amending the Corporation's Articles of Incorporation; adopting a plan of merger or adopting a plan of lease, exchange, or mortgage of all or substantially all of the property and assets of the Corporation; authorizing the voluntary dissolution of the Corporation or revoking any proceeding thereof; adopting a plan for the distribution of the assets of the Corporation; or amending, altering, or repealing any resolution of the Board of Directors, which by its terms provides that it shall not be amended, altered, or repealed by such committee.

The designation and appointment of any such committee and delegation to that committee of authority, shall not operate to relieve the Board of Directors, or any individual Director, of any responsibility imposed upon it or upon him/her by law.

Term of Office of Committee Members

6.04 Each member of a committee shall serve until the next annual appointment of the Board of Directors and until his or her successor is appointed, unless the committee is terminated sooner, or unless such member has ceased to serve on the Board of Directors, or is removed from such committee.

Any committee member may be removed from a committee by the Board whenever in its judgment the best interests of the Corporation would be served by such removal.

Vacancies on Committees

6.05 Vacancies in the membership of any committee may be filled in the same manner as provided with regard to the original appointments to such committee.

Ex Officio Members

6.06 Members of the Board of Directors, the City Manager or his/her designee, and the Mayor or his/her designee may attend any executive, private or public meeting of a committee. These representatives shall not have the power to vote in any meeting they attend. Their attendance shall be for the purpose of ensuring that information about such meeting is accurately communicated to the City Council and to satisfy the City Council's obligation to monitor the powers of the Corporation.

SECTION SEVEN

FINANCIAL ADMINISTRATION

The Corporation may employ the City to perform the Corporation's financial and accounting requirements, including an annual audited financial statement of all funds. The Corporation's financing and accounting records shall be maintained according to the following guidelines:

Fiscal Year

7.01 The fiscal year of the Corporation shall run concurrently with the City of New Braunfels beginning the first day of October and ending the last day of September in each year.

Budget

7.02 At least sixty (60) days prior to the commencement of each fiscal year of the Corporation, the Board of Directors shall adopt a proposed budget of expected revenues and proposed expenditures for the next ensuing fiscal year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the City Council. The budget shall not be effective until the same has been approved by the City Council.

Contracts

7.03 As provided in Section Five above, the President and Secretary shall execute any contracts or other instruments, which the Board has approved and authorized to be executed; provided, however, the Board may by appropriate resolution, authorize any other officer or officers or any other agent or agents, to enter into contracts or execute and deliver any instrument in the name and on behalf of the Corporation. Such authority may be confined to specific instances or defined in general terms. When appropriate, the Board may grant a specific or general power of attorney to carry out some action on behalf of the Board; provided, however, no such power of attorney may be granted unless an appropriate resolution of the Board authorizes the same to be performed, subject to approval by City Council.

Checks and Drafts

7.04 All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Corporation shall be approved by the Board and signed or bear the facsimile signature of the City Secretary, City Finance Director or City Manager as designated by the Board.

Deposits

7.05 All funds of the Corporation shall be deposited, on a regular basis, to the credit of the Corporation in a local bank, which shall be federally insured and shall be selected following the procedures and requirements for selecting a depository as set forth in Chapter 105 of the Texas Local Government Code.

Gifts

7.06 The Corporation may accept any contribution, gift, bequest, or device for the general purpose or for any special purpose of the Corporation.

Purchasing

7.07 All purchases made, and contracts executed by the Corporation shall be made in accordance with the requirements of the Texas Constitution and laws of the State of Texas.

Investments

7.08 Temporary and idle funds, which are not needed for immediate obligations of the Corporation, may be invested in any legal manner as provided in Chapter 2256 of the Texas Government Code, the Public Funds Investment Act.

Bonds

7.09 Any bonds issued by the Corporation shall be in accordance with the governing statute, but in any event, bonds shall not be issued without review and comment by the City's bond counsel and financial advisor and approval by the City Council.

Uncommitted Funds

7.10 Any funds of the Corporation that are uncommitted at the end of the fiscal year shall be considered a part of the Fund Balance of the Corporation.

The undesignated Fund Balance may be designated for any legal purpose, provided both the Corporation's Board of Directors and the City Council approve such commitment. This designation may include the establishment of a Permanent Reserve Fund, which shall be accumulated for the purpose of using the interest earnings of such Fund to finance operation of the Corporation.

Monthly Reports

7.11 The City Financial Officer shall provide to the Board of Directors a monthly report of all matters required, permitted, or performed, pursuant to Sections 7.03 through 7.08 above, or as provided by the terms of any contract.

Annual Audit

7.12 The City of New Braunfels, or any other contractual entity providing financial services to the Corporation, shall provide to the Board of Directors an annual audited financial statement of all funds. This audit shall be prepared by a competent independent audit firm as soon as practical following the end of each fiscal year. The Corporation's audit shall be submitted annually to the City Council of the City of New Braunfels, Texas inclusive with the City of New Braunfels' Comprehensive Annual Financial Report, as soon as practical following the end of the Corporation's and City's fiscal year.

Conflicts of Interest

7.13 Directors are required to comply with all applicable state and local conflict of interest laws.

SECTION EIGHT

BOOKS AND RECORDS

The Corporation shall keep correct and complete books and records of all actions of the Corporation, including books and records of accounts and the minutes of meetings of the Board of Directors and of any committee having any authority of the Board and to the City Council. All such books and records may be inspected by the City Council and the Directors of the Corporation, or his/her agents or attorneys, at any reasonable time; and any information that may be designated by law as public information shall be open to public inspection at any reasonable time. The Texas Open Records Act and the Texas Open Meetings Act shall apply to any disclosure of public information.

SECTION NINE

SEAL

The Board of Directors shall obtain a corporate seal which shall bear the words “Corporate Seal of New Braunfels Economic Development Corporation”; thereafter, the Board may use the corporate seal and may later alter said seal as necessary, without changing the corporate name; however, these Bylaws shall not be construed to require the use of the corporate seal.

SECTION TEN

PARLIAMENTARY AUTHORITY

Amendments to Bylaws

These Bylaws may be amended or repealed, and new Bylaws may be adopted, by an affirmative vote of not less than five (5) of the authorized Directors serving on the Board; provided, however, at least ten (10) days prior to the meeting at which such action is taken, written notice setting forth the proposed action shall have been given to all Directors, and to the public in accordance with the requirements of the Texas Open Meetings Act.

Notwithstanding the foregoing, no amendment or new Bylaw shall become effective until approved by the City Council.

SECTION ELEVEN

STANDARDS OF CONDUCT

Directors are required to comply with the City of New Braunfels’ Standards of Conduct Ordinance.

SECTION TWELVE

DISSOLUTION

On Petition of Voters

12.01 Upon a petition signed by ten percent (10%) or more of the registered voters of the City of New Braunfels requesting an election to dissolve the Corporation, the City Council shall order an election to be held on such issue, which election must be conducted according to the applicable provisions of the Texas Election Code. The ballot for said election shall be printed to provide for voting for or against the proposition as follows:

“Dissolution of the New Braunfels Economic Development Corporation”

If a majority of voters approve such dissolution, the Corporation shall continue operations only as long as is necessary to pay the principal and interest on its bonds, and to meet obligations incurred before the date of the election and, to the extent practicable, shall dispose of all of its assets and apply the proceeds thereof to satisfy those obligations. When the last of these obligations is satisfied, any remaining assets of the Corporation shall be transferred to the City, and the Corporation shall then be considered dissolved.

Voluntary Dissolution

12.02 The Corporation may cease its corporate activities and terminate its existence by voluntary dissolution as provided in the Act.

SECTION THIRTEEN

INDEMNITY

The Corporation hereby agrees to indemnify and hold harmless each current or future Director or Officer of the Corporation from and against any costs, expenses (including attorney’s fees), fines, settlements, judgments, liabilities, and other amounts, actually and reasonably incurred by such person in any action, suit, or proceeding to which he or she is made a party by reason of holding such position; provided, however, such Officer or Director shall not receive such indemnification if he/she is finally adjudicated to be liable for negligence or misconduct with respect to the matter for which indemnity is sought. The indemnification herein provided shall also extend to good faith expenditures incurred in anticipation of, or preparation for, threatened or proposed litigation. The Board of Directors may, in proper case, extend this indemnification to cover the good faith settlement of any such action, suit, or proceedings, whether formally instituted or not.

Furthermore, to the extent allowed by law, the Corporation agrees to indemnify and hold harmless and defend the City of New Braunfels, its officers, agents, and its employees, from and against liability for any and all claims, liens, suits, demands, and/or actions for damages, injuries to persons (including death), property damage (including loss of use), and expenses, including court costs and attorneys’ fees and other reasonable costs arising out of or resulting from the Corporation’s activities,

and from any liability arising out of or resulting from the intentional acts or negligence, including all such causes of action based upon common, constitutional, or statutory law, or based in whole or in part upon the negligent or intentional acts or omissions of the Corporation, including but not limited to its officers, agents, employees, licensees, invitees, and other persons.

It is further agreed that, with respect to the above indemnity, the City and the Corporation will provide each other with prompt and timely notice of any event covered that in any way, directly or indirectly, contingently or otherwise, affects or might affect the Corporation or the City, and the City shall have the right to compromise and defend the same to the extent of its own interests. It is further agreed that this indemnity clause shall be an additional remedy to the City and not an exclusive remedy.

SECTION FOURTEEN

MISCELLANEOUS

Relation to Articles of Incorporation

These Bylaws are subject to, and governed by, the Corporation's Articles of Incorporation, applicable State statutes under which the Corporation is organized, and the Charter and ordinances of the City of New Braunfels.

CERTIFICATE

This is to certify that the foregoing is a true and correct copy of the amended Bylaws of the Corporation and that such Bylaws were duly amended and adopted by the Board of Directors of the Corporation on the date set forth below.

Adopted, as amended, by the Board of Directors on _____, 2018.

ATTEST: (SEAL)

Secretary of the Corporation

These Bylaws were approved by Resolution No. _____, adopted by the City Council of the City of New Braunfels on the _____ day of _____, 2018.

ATTEST:

Patrick Aten
City Secretary

RESOLUTION NO. 2018-R _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPROVING A RECOMMENDATION OF THE NEW BRAUNFELS INDUSTRIAL DEVELOPMENT CORPORATION TO ADOPT CHANGES TO NBIDC BYLAWS TO INCLUDE POSSIBLE RENAMING OF THE NEW BRAUNFELS INDUSTRIAL DEVELOPMENT CORPORATION TO THE NEW BRAUNFELS ECONOMIC DEVELOPMENT CORPORATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels Industrial Development Corporation (“IDC”) Board of Directors met on March 29, 2018, to consider changes to the NBIDC bylaws including a possible renaming from the New Braunfels Industrial Development Corporation to the New Braunfels Economic Development Corporation.

WHEREAS, there are currently a total of 736 Type A (221) and Type B (515) corporations in the state of Texas collecting sales tax for some form of economic development. Of those, only 32 Type A (14.5%) and 10 Type B (1.9%) have the word “Industrial” in their legal name and most are in very small towns.; and

WHEREAS, the change in name will allow for easier name recognition and search engine optimization; and

WHEREAS, there was an opportunity to simultaneously provide updates, correct grammatical errors, and add clarity to the bylaws, the Board took action to do so; and;

WHEREAS, the IDC is an economic development corporation formed by the City of New Braunfels pursuant to the Local Government Code, Chapters 501-505 that is authorized by Chapter 501.064 to amend bylaws for the administration and regulation of the corporation's affairs; and

WHEREAS, the IDC Board of Directors, after discussing the issue, voted to approve renaming from the New Braunfels Industrial Development Corporation to the New Braunfels Economic Development Corporation and make other changes to the bylaws.

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

SECTION 1: That the recommendation of the New Braunfels Industrial Development Corporation to make changes to the NBIDC bylaws including a possible renaming from the New Braunfels Industrial Development Corporation to the New Braunfels Economic Development Corporation.

SECTION 2: That this Resolution shall become effective from and after the date of its passage.

PASSED, ADOPTED AND APPROVED this 9th day of April, 2018.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Barron Casteel, Mayor

ATTEST:

Patrick D. Aten, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/9/2018

Agenda Item No. A)

Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:

- Project Season

City Council Agenda Item Report550 Landa Street
New Braunfels, TX**4/9/2018**

Agenda Item No. B)

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

- Personnel.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

4/9/2018

Agenda Item No. C)

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:

- Property related to downtown development.

