



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



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

MONDAY, NOVEMBER 12, 2018 at 6:00 PM

Barron Casteel, Mayor

Matthew E. Hoyt, 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)

Harry Bowers, Councilmember (District 3)

Robert Camareno, City Manager

MISSION STATEMENT

***The City of New Braunfels will add value to our community
by planning for the future, providing quality services, encouraging
community involvement and being responsive to those we serve.***

AGENDA

CALL TO ORDER

CALL OF ROLL: City Secretary

INVOCATION: Mayor Barron Casteel

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PROCLAMATIONS:

- A) Nurse Practitioner Week

PRESENTATIONS:

- A) Planning Official Award
Christopher J. Looney, Planning and Community Development Director
- B) Presentation of the Texas Amateur Athletic Federation Regional Athlete of the Year Award to Aleah Minnix of the Landa Park Dolphins.
Geronimo Aguirre, Recreation Manager
- C) Presentation and possible direction to staff regarding proposed amendments to Article V of Chapter 126 of the Code of Ordinances regarding bicycles.
Garry Ford, City Engineer
- D) Presentation and possible direction to staff regarding proposed

amendments to Sections 114-98 and 118-46 of the Code of Ordinances regarding traffic impact analysis trip generation, turn lane requirements, access on collector or major thoroughfare streets, and removal of references to the sub-collector street section.

Garry Ford, City Engineer

- E) Presentation and discussion of the proposed 2019 Bond Program recommendations from the Bond Advisory Committee.

Robert Camareno, City Manager

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of October 22, 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 the purchase of a self-propelled chip spreader from ROMCO Equipment Co., a customized trailer containing equipment for the removal and installation of pavement markings from Centerline Supply, Inc., and a traffic sign printer and laminator from Sign It Right, LLC.

John Cox, Streets & Drainage Manager

- B) Approval of a contract with Cherokee Capturing Services in the amount of \$25,000 for management of non-native waterfowl in Landa Park.

Mark Enders, Watershed Program Manager

- C) Approval for the City Manager to enter into a professional services agreement with Cobb Fendley to provide engineering design, bid phase and construction phase services for San Antonio Street, from Academy Street to Walnut Avenue, as part of the 2013 Bond Program.

Jennifer Cain, Capital Programs Manager

- D) Approval of a design contract with Urban Civil for the Oak Run Sidewalk Project, utilizing a portion of the remaining funds from the tax note issued for the 2019 Bond Preliminary Engineering Reports/Design.
Jennifer Cain, Capital Programs Manager
- E) Approval of the purchase of a set of Mobile Column Lifts from College Station Auto Parts (NAPA Auto Parts) using BuyBoard contract #551-17.
Michael Mundell, Solid Waste Manager
- F) Approval of a resolution adopting the Chapter 380 Agreement between the City of New Braunfels and TaskUs, Inc.
Robert Camareno, City Manager

Ordinances

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

- G) Approval of the second and final reading of an ordinance amending Chapter 86, Article I, Section 86-7, and Chapter 126, Article IV, Division 6 of the Code of Ordinances for through trucks and hazardous cargo routes.
Garry Ford, City Engineer
- H) Approval of the second and final reading of an ordinance regarding amendments to the Code of Ordinances, Chapter 144, Zoning, Section 1.4 Definitions; and Section 5.3-2 Fences and Walls.
Christopher J. Looney, Planning and Community Development Director
- I) Approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking on a portion of East Faust Street.
Garry Ford, City Engineer
- J) Approval of the first reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 122-Taxation, Article II - Hotel Occupancy Tax, Section 122-36-Use of Proceeds, to allow use of hotel tax revenues to meet the Convention and Tourism Fund reserve balance of the Greater New Braunfels Chamber of Commerce.
Jared Werner, Chief Financial Officer
- K) Approval of the first reading of an amendment to ordinance 2018-63 establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government Code, Chapter 143.
Jared Werner, Chief Financial Officer

4. **INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Discuss and consider approval of the appointment of two individuals to the Community Development Advisory Committee for terms ending December 13, 2020, and December 13, 2021.
Patrick Aten, City Secretary
- B) Discussion and possible action regarding adoption of the South Castell Visioning Plan.
Robert Camareno, City Manager
- C) Discuss and consider approval of a Public Improvement District (PID) policy.
Robert Camareno, City Manager
- D) Public hearing and approval of the first reading of an ordinance amending Chapter 130, Article IV, Division 3, Section 130-167, Water Rates, of the Code of Ordinances relating to rates for the New Braunfels Utilities Water Service.
Ian Taylor, NBU CEO
- E) Discuss and consider approval of the first reading of an ordinance amending Chapter 86, Article 1, Section 86-14 of the Code of Ordinances increasing the cooler sizes allowed on the Comal and Guadalupe Rivers within the city limits.
Kristi Aday, Assistant City Manager
- F) Discuss and consider approval of the first reading of an ordinance amending Chapter 86, Article I, Section 86-14 of the Code of Ordinances to extend the boundaries of the cooler and disposable container ordinance on the Guadalupe River to the Business 35 overpass inside the City limits.
Kristi Aday, Assistant City Manager
- G) Discuss and consider approval of the installation of speed humps on River Acres Drive.
Garry Ford, City Engineer
- H) Discuss and consider approval of the first reading of an ordinance amending Section 126-186 of the Code of Ordinances to prohibit through truck traffic on Oak Run Parkway.
Garry Ford, City Engineer
- I) Discuss and consider approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking along Hudson Lane and Dexters Place.

Garry Ford, City Engineer

- J) Discuss and consider approval of the first reading of an ordinance amending Section 126-354 of the Code of Ordinances regarding Parking by Permit.

Garry Ford, City Engineer

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 Connect
 - Solms Landing
- B) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code
- Property for city facilities
- C) Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Attorney in accordance with Section 551.074 of the Texas Government Code.

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

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

7. ADJOURNMENT

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall on November 7, 2018, at 4:00 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, nurse practitioners serve as trusted frontline health care providers for patients; and

WHEREAS, nurse practitioners are highly skilled practitioners with advanced education and clinical training building upon their initial registered nurse preparation; and

WHEREAS, there are more than 248,000 licensed nurse practitioners in the United States, and 21,099 in Texas providing primary, acute and specialty care to patients of all ages and walks of life; and

WHEREAS, in addition to diagnosing and treating acute and chronic conditions, nurse practitioners focus on health promotion, disease prevention, health education and counseling, guiding patients to make smarter health and lifestyle choices; and

WHEREAS, the confidence that patients have in nurse practitioner-delivered health care is evidenced by the more than one billion annual patient visits made to nurse practitioners across the country; and

WHEREAS, more than five decades of research demonstrates the high quality of care provided by nurse practitioners; and

WHEREAS, better utilization of nurse practitioners through modernized state laws and improved system policies creates better health through a more accessible, efficient, cost-effective and higher quality health care system; and

WHEREAS, 22 states and the District of Columbia have implemented Full Practice Authority for nurse practitioners, granting patients full and direct access to the outstanding care offered by these health care providers; and

WHEREAS, leading governmental and policy entities including the National Academy of Medicine, National Council of State Boards of Nursing, National Governors Association and Federal Trade Commission have taken notice of the benefits of nurse practitioner Full Practice Authority and have endorsed such a regulatory model; and

WHEREAS, the City of New Braunfels is proud to recognize and honor the service of our nurse practitioners.

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, do hereby proclaim November 11 through 17, 2018 as

NURSE PRACTITIONER WEEK

in recognition of the countless contributions nurse practitioners have made over the past half century and will continue to make to the health and well-being of our citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 12th day of November 2018.

CITY OF NEW BRAUNFELS, TEXAS

BY: _____
BARRON CASTEEL, MAYOR



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Planning Official Award

BACKGROUND / RATIONALE:

The Texas Chapter of the American Planning Association (APATx) awarded Dr. Ron Reaves the Texas State Planning Official Award for 2018.

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

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FISCAL IMPACT:

[Enter Fiscal Impact Here]

COMMITTEE RECOMMENDATION:

[Enter Committee Recommendation Here]

STAFF RECOMMENDATION:

[Enter Staff Recommendation Here]



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. B)

Presenter/Contact

Geronimo Aguirre, Recreation Manager
(830) 221-4350 - gaguirre@nbtexas.org

SUBJECT:

Presentation of the Texas Amateur Athletic Federation Regional Athlete of the Year Award to Aleah Minnix of the Landa Park Dolphins.

BACKGROUND / RATIONALE:

Aleah Minnix is not your average 8-year-old. This past summer was her first year on swim team with the Landa Park Dolphins. Aleah showed up to learn and win every day.

She quickly moved up to an advanced skills group paying close attention to her coach's instructions. Aleah put in extra time and accepted hard workout sets with a quiet reserve. Within just a few weeks, she moved up to the second highest level group and kept pace with swimmers 4 or 5 years older.

Her coach, Josh Cunningham said of Aleah, "As a summer league coach, I rarely see fierce determination from an 8-year-old swimmer. Even though she is all business in the water, she has made a lot of friends on deck with her friendly smile and genuine encouragement."

Aleah's hard work resulted in outstanding rewards earning two medals at the State Games of Texas this year. Her 100 Freestyle Relay Team was seeded fourth, but won the gold medal. She also placed 3rd in the 100 Individual Medley, dropping 6 seconds off her time.

Congratulations to Aleah Minnix who represented our city well, and good luck to her going forward.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. C)

Presenter/Contact

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

SUBJECT:

Presentation and possible direction to staff regarding proposed amendments to Article V of Chapter 126 of the Code of Ordinances regarding bicycles.

BACKGROUND / RATIONALE:

City staff is proposing amendments to Article V of Chapter 126 of the Code of Ordinances regarding bicycles to clean up this ordinance and address the operation of bicycles on sidewalks. In addition, the definition of a “vulnerable road user” is proposed to be moved into the definitions section of Chapter 126. Changes to specific sections are detailed below:

Sec. 126-1. Definitions.

- Revising the diameter of a bicycle wheel from 14 to 10 inches in the definition of bicycle.
- Moving the definition of “vulnerable road user” from Sec. 126-103.

Sec. 126-103. Vulnerable road users.

- Moving the definition of “vulnerable road user” to Sec. 126-1.

Ch. 126, Art. V, Div. 2. Licenses, Tags, Registration and Fees.

- Removing this division for bicycle registration, issuance of bicycle licenses and metal tags, and bicycle inspections. The Police Department does not have a formal process for these procedures, and they are not commonly requested.

Sec. 126-251. Lamps and reflectors.

- Clean up of this section to make it more enforceable.

Sec. 126-266. Traffic regulations apply to persons riding bicycles; competitive racing.

- Removed definition of bicycle as it is already listed in Sec. 126-1.

Sec. 126-267. Obedience to traffic devices.

- Specifying that bicycles in the bike lanes must travel in the direction of adjacent motor vehicles unless the bike lane is designated otherwise.

Sec. 126-271. Manner of riding on roadways; use of bicycle paths.

- Clean up of the text to make more enforceable.

Sec. 126-272. Prohibited on sidewalks; posted areas.

- Renaming section to “Riding on sidewalks”.

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- Allowing for operation of bicycles on sidewalks with the exception of specified areas, including where the sidewalk abuts a building, when it would endanger pedestrians, or where operation of a bicycle on the sidewalk is prohibited by an official traffic control device.
 - Requiring cyclists on the sidewalk to yield right-of-way to pedestrians and give an audible signal before overtaking and passing a pedestrian.
 - Requiring cyclists to dismount and walk their bicycle across in pedestrian crosswalks when pedestrians are present.
 - Created exceptions for the riding on sidewalk prohibitions for people 12 years of age or under, an adult accompanying a person 12 years of age or under, and where there is an obstruction in the bike lane adjacent to the sidewalk.

Sec. 126-276. Bicycle turn signals.

- Created this section to require cyclists to give hand and arm signals.

All proposed amendments have been reviewed by the Police Department and City Attorney's Office.

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

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

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously voted to recommend the proposed amendments to Article V of Chapter 126 of the City of New Braunfels Code of Ordinances regarding bicycles at their meeting on October 18, 2018.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendments to Article V of Chapter 126 of the Code of Ordinances regarding bicycles.

Sec. 126-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bicycle means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than ~~14~~ten (10) inches in diameter.

Vulnerable road user means a pedestrian, including a runner, physically disabled person, child, skater, highway construction and maintenance worker, tow truck operator, utility worker, other worker with legitimate business in or near the road or right-of-way, or stranded motorist or passenger, a person on horseback, a person operating equipment other than a motor vehicle, including, but not limited to, a bicycle, handcycle, horse-driven conveyance, or unprotected farm equipment, or a person operating a motorcycle, moped, motor-driven cycle, or motor-assisted scooter.

(Code 1961, §§ 23-1, 23-69; Ord. No. 2005-06, § I, 1-24-05; Ord. No. 2011-59, § 1, 8-8-11)

Cross reference— Definitions generally, § 1-2.

State Law reference— Definitions, Vernon's Ann. Civ. St. art. 6701d, §§ 1 et seq., 20A.

Sec. 126-103. - Vulnerable road users.

(a) ~~In this section, a vulnerable road user means:~~

~~(1) A pedestrian, including a runner, physically disabled person, child, skater, highway construction and maintenance worker, tow truck operator, utility worker, other worker with legitimate business in or near the road or right-of-way, or stranded motorist or passenger;~~

~~(2) A person on horseback;~~

~~(3) A person operating equipment other than a motor vehicle, including, but not limited to, a bicycle, handcycle, horse-driven conveyance, or unprotected farm equipment; or~~

~~(4) A person operating a motorcycle, moped, motor-driven cycle, or motor-assisted scooter.~~

~~(b)~~ An operator of a motor vehicle passing a vulnerable road user operating on a highway or street shall:

(1) Vacate the lane in which the vulnerable road user is located if the highway or street has two or more marked lanes of traffic running in the same direction; or

(2) Pass the vulnerable road user at a safe distance.

~~(be)~~ For the purpose of subsection (b)(2), when road conditions allow, safe distance is at least:

(1) Three feet if the operator's vehicle is a passenger car or light truck; or

(2) Six feet if the operator's vehicle is a truck, other than a light truck, or a commercial motor vehicle as defined by V.T.C.A., Transportation Code § 552.003.

~~(dc)~~ An operator of a motor vehicle that is making a left turn at an intersection, including an intersection with an alley or private road or driveway, shall yield the right-of-way to a vulnerable road user who is approaching from the opposite direction and is in the intersection, or is in such proximity to the intersection as to be an immediate hazard.

~~(de)~~ An operator of a motor vehicle may not overtake a vulnerable road user traveling in the same direction and subsequently make a right-hand turn in front of the vulnerable road user unless the operator is safely clear of the vulnerable road user, taking into account the speed at which the

vulnerable road user is traveling and the braking requirements of the motor vehicle making the right-hand turn.

- (~~ef~~) An operator of a motor vehicle may not maneuver the vehicle in a manner that:
 - (1) Is intended to cause intimidation or harassment to a vulnerable road user; or
 - (2) Threatens a vulnerable road user.
- (~~gf~~) An operator of a motor vehicle shall exercise due care to avoid colliding with any vulnerable road user on a highway or street or in an intersection of highways or streets.
- (~~gh~~) It is an offense for an operator of a motor vehicle to violate subsections (b), (d), (e) (f) or (g).
- (~~hi~~) It is an affirmative defense to prosecution under this section that at the time of the offense the vulnerable road user was acting in violation of the law.

(Ord. No. 2010-23, § 1, 4-26-10)

ARTICLE V. - BICYCLES

DIVISION 1. - RESERVED⁽⁶⁾

Footnotes:

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Editor's note— Sections I and II of Ord. No. 99-62, adopted Sept. 13, 1999, repealed §§ 126-196 and 126-197 in their entirety. Formerly, §§ 126-196 and 126-197 pertained to bicycles generally and derived from §§ 23-52 and 23-64 of the 1961 Code.

Secs. 126-196—126-210. - Reserved.

DIVISION 2. - ~~LICENSES, TAGS, REGISTRATION AND FEES~~RESERVED

~~Sec. 126-211. — License — Voluntary.~~

~~Any person who operates a bicycle upon any of the streets of the City of New Braunfels may register the bicycle with the New Braunfels Police Department as provided in this article.~~

~~(Code 1961, § 23-53; Ord. No. 99-62, § VIII, 9-13-99)~~

~~Sec. 126-212. — Reserved.~~

Editor's note— Section II of Ord. No. 99-59, adopted Aug. 23, 1999, repealed § 126-212 in its entirety. Formerly, § 126-212 pertained to application for bicycle license, etc., and derived from § 23-54 of the 1961 Code.

~~Sec. 126-213. — Issuance — Duration.~~

~~The police department upon receiving proper application therefor is authorized and directed to issue a bicycle license. The license shall be perpetual in duration and may be transferred in a manner consistent with this article.~~

~~(Code 1961, § 23-55; Ord. No. 99-62, § IX, 9-13-99)~~

~~Sec. 126-214. Same—Same—Prohibited under suspicious circumstances.~~

~~The police department shall not issue a license for any bicycle when it is known or there is reasonable grounds to believe that the applicant is not the owner of or entitled to the possession of such bicycle.~~

~~(Code 1961, § 23-56)~~

~~Sec. 126-215. Same—Same—Inspection; refusal if unsafe.~~

~~The chief of police or an officer assigned such responsibility shall, if it is deemed necessary, inspect each bicycle before licensing such bicycle, and if it is found that the bicycle is in unsafe mechanical condition, such license shall be refused.~~

~~(Code 1961, § 23-57)~~

~~Secs. 126-216. Reserved.~~

Editor's note— Section III of Ord. No. 99-62, adopted Sept. 13, 1999, repealed § 126-216 in its entirety. Formerly, § 126-216 pertained to renewal of license and derived from § 23-58 of the 1961 Code.

~~Sec. 126-217. Metal tags—Issuance.~~

~~Each year the police department shall:~~

- ~~(1) *Issuance of tags.* Provide metallic tags and seals having the registration number, the year issued, and the letters "NBBL" stamped thereon, suitable for attachment upon the rear of each bicycle.~~
- ~~(2) *Attachment to bicycle.* See that the metallic tag is attached to the rear of each bicycle where it is clearly visible at all times, and that at all times during the license year for which it is issued it remains so attached.~~
- ~~(3) *Registration card.* At the time of the issuance of the license, the police department shall also issue to the person obtaining the license a registration card, which card shall bear the license and registration number of such bicycle.~~
- ~~(4) *Records.* Keep a record of the date of the issuance of each license, the name of the person to whom issued, the number thereof, together with a description of the bicycle.~~

~~(Code 1961, § 23-59)~~

~~Sec. 126-218. Duplicate tags.~~

~~Any licensee who has lost his bicycle registration card or license tag may receive a duplicate at no cost.~~

~~(Code 1961, § 23-60; Ord. No. 99-62, § X, 9-13-99)~~

~~Sec. 126-219. — Transfer of ownership—Seller's report; purchaser's registration.~~

- ~~(a) — *Seller's report.* It shall be the duty of every person who sells or transfers ownership of any bicycle to report such sale or transfer by returning to the police department the registration card issued to such person as licensee thereof, together with the name and address of the person to whom such bicycle was sold or transferred. Such report shall be made within five days of the date of the sale or transfer.~~
- ~~(b) — *Purchaser's registration.* It shall be the duty of the purchaser or transferee of a bicycle to apply for a transfer of registration therefor within five days of the sale or transfer.~~

~~(Code 1961, § 23-61)~~

~~Sec. 126-220. — Reserved.~~

Editor's note— Section IV of Ord. No. 99-62, adopted Sept. 13, 1999, repealed § 126-220 in its entirety. Formerly, § 126-220 pertained to metal tag fees and derived from § 23-62 of the 1961 Code.

~~Sec. 126-221. — Removal or alteration of identifying numbers; provision for supplying numbers.~~

- ~~(a) — *Removal of factory numbers prohibited.* It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the serial number of any bicycle frame licensed pursuant to this article.~~
- ~~(b) — *Removal or destruction of license plate, seal or registration card prohibited.* It shall be unlawful for any person to remove, destroy, mutilate or alter the number of any bicycle license plate, seal or registration card during the time for which issued.~~
- ~~(c) — *Provision for supplying numbers.* Nothing in this article shall prohibit the police department from stamping numbers on the frames of bicycles on which no serial number can be found, or on which the serial number is illegible or insufficient for identification purposes.~~

~~(Code 1961, § 23-63)~~

~~Sec. 126-222. — Dismantling or taking out of operation.~~

~~Within ten days after any bicycle registered and licensed under this article shall have been dismantled and taken out of operation, such information shall be reported to the police department by the person in whose name the bicycle has been licensed and registered.~~

~~(Code 1961, § 23-68)~~

~~Secs. 126-223—126-235. — Reserved.~~

DIVISION 3. - RESERVED [\[7\]](#)

Footnotes:

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Editor's note— Sections V—VII of Ord. No. 99-62, adopted Sept. 13, 1999, repealed §§ 126-236—126-238 in their entirety. Formerly, §§ 126-236—126-238 pertained bicycle dealers and derived from §§ 23-65—23-67 of the 1961 Code.

Secs. 126-236—126-250. - Reserved.

DIVISION 4. - EQUIPMENT

Sec. 126-251. - Lamps and reflectors.

(a) ~~No person shall operate~~drive a bicycle between 9:00 p.m. and 7:00 a.m. unless the bicycle is equipped with either: (1) a red rear reflector mounted on the bicycle so located and of sufficient size and reflectivity to be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle; or (2) a lamp mounted to the rear of the bicycle emitting a red light visible from a distance of at least 500 feet from the rear of the bicycle.

(b) ~~No person shall operate~~ a bicycle between 9:00 p.m. and 7:00 a.m. unless it is equipped with a lamp mounted on the front of the bicycle that emits a white light visible from a distance of at least 500 feet from the front of the bicycle.

~~Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the department which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.~~

(Code 1961, § 23-69)

State Law reference— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 184(a).

Sec. 126-252. - Reserved.

Editor's note— Section I of Ord. No. 99-59, adopted Aug. 23, 1999, repealed § 126-252 in its entirety. Formerly, § 126-252 pertained to bells and derived from § 23-70 of the 1961 Code.

Sec. 126-253. - Brakes.

Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(Code 1961, § 23-71)

State Law reference— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 184(b).

Secs. 126-254—126-265. - Reserved.

DIVISION 5. - OPERATION

Sec. 126-266. - Traffic regulations apply to persons riding bicycles; competitive racing.

(a) Every person riding a bicycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this article and except as to those provisions of this chapter which by their nature can have no application.

- (b) However organized, competitive bicycle races may be held on public roads, provided that the sponsoring organization shall have obtained the approval of the appropriate local law enforcement agencies. The sponsoring organization and the local law enforcement agency may establish by agreement special regulations regarding the movement of bicycles during such races, or in training for races, including, but not limited to, permission to ride abreast and other regulations to facilitate the safe conduct of such races or training for races. ~~"Bicycle" as used in this section means a nonmotorized vehicle propelled by human power.~~

(Code 1961, § 23-72)

State Law reference— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 179.

Sec. 126-267. - Obedience to traffic devices.

- (a) *Signs, signals and other devices.* Any person operating a bicycle shall obey the instructions of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.
- (b) *Turning.* Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

(c) *Bike Lanes.* Unless a bike lane is specifically designated otherwise, a bicyclist riding in a bike lane may not travel in the opposite direction of adjacent motor vehicles in the roadway.

(Code 1961, § 23-73)

Sec. 126-268. - Riding on seat required.

- (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- (b) No bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped.

(Code 1961, § 23-74)

State Law reference— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 180.

Sec. 126-269. - Clinging to vehicles.

No person riding upon any bicycle shall attach such bicycle or himself to any vehicle upon a roadway.

(Code 1961, § 23-75)

State Law reference— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 181.

Sec. 126-270. - Carrying articles.

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handlebars.

(Code 1961, § 23-76)

State Law reference— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 183.

Sec. 126-271. - Manner of riding on roadways; use of bicycle paths.

- (a) Any person operating a bicycle upon a roadway at less than the normal and reasonable speed of traffic shall ride in the right-hand lane of the roadway subject to the following provisions:
 - (1) If the right-hand lane is wide enough to be safely shared with overtaking vehicles, a person operating a bicycle shall ride far enough to the right as judged safe by a reasonable bicyclist to facilitate the movement of such overtaking vehicles of the bicyclist unless other conditions make it unsafe to do so.
 - (2) A person operating a bicycle may use a lane other than the right-hand lane when:
 - a. Passing another vehicle;
 - b. Preparing for a left turn;
 - c. Avoiding fixed or moving hazardous or potentially hazardous conditions or objects;
 - d. Lanes are too narrow for a bicycle and vehicle to travel safely side by side;
 - e. Approaching an intersection where there is a designated right turn lane and the bicyclist does not intend to turn right, the cyclist may ride on the left-hand side of such designated lane;
 - f. Riding on a roadway designated for one-way traffic, when the bicyclist may ride as near to the left-hand curb or edge of such roadway as judged safe by the bicyclist; or
 - g. Riding on parts of roadways designated for bicycles.
- (b) A bicyclist shall not be expected or required to:
 - (1) Ride over or through any hazards or apparent hazards.
 - (2) Ride without a reasonable safety margin on the right-hand side of the roadway.
- (c) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable flow of traffic on the roadway. If persons are riding two abreast on a laned roadway, they must ride in a single lane.
- (d) A person operating a bicycle in compliance with this section and not violating any other section of law is not impeding traffic.~~(a) Except as provided by subsection (c) of this section, a person operating a bicycle upon a roadway at less than the speed of the other traffic on the roadway at that time shall ride as near as practicable to the right curb or edge of the roadway, except when:~~
 - ~~(1) The person is overtaking and passing another vehicle proceeding in the same direction;~~
 - ~~(2) The person is preparing for a left turn at an intersection or onto a private road or driveway; or~~
 - ~~(3) Conditions on the roadway, including fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes, make it unsafe to ride next to the right curb or edge of the roadway.~~
- ~~(b) For the purpose of subsection (a) of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a motor vehicle to travel in the lane safely side by side.~~

- ~~(c) A person operating a bicycle on a one-way roadway with two or more marked traffic lanes may ride as near as practicable to the left curb or edge of the roadway.~~
- ~~(d) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable flow of traffic on the roadway. If persons are riding two abreast on a laned roadway, they must ride in a single lane.~~
- ~~(e) Whenever a path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.~~

(Code 1961, § 23-77)

State Law reference— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 182.

Sec. 126-272. - ~~Prohibited on sidewalks; posted areas~~Riding on sidewalks.

- (a) No person shall operate a bicycle upon a sidewalk ~~where the sidewalk~~^{which} abuts a building, or when riding on the sidewalk would endanger pedestrians, or where operation of a bicycle on a sidewalk is prohibited by an official traffic control device.
- (b) Any individual operating a bicycle upon a sidewalk shall yield the right-of-way to pedestrians and shall give an audible signal before overtaking and passing a pedestrian.
- (c) Any individual operating a bicycle within a pedestrian crosswalk must yield the right-of-way to motor vehicle traffic and pedestrians. When pedestrians are present within a crosswalk, an individual must dismount, walk the bicycle and obey applicable traffic control devices.
- (d) If any traffic control device is in place alongside of or on a sidewalk or a path, no driver of a bicycle or pedestrian shall fail to obey the requirements of the device.
- (e) The chief of police or city engineer is authorized to designate areas and erect signs on any roadway prohibiting the riding of bicycles thereon by any person, and when such signs are in place no person shall disobey such signs.
- ~~(a) Sidewalks. No person shall ride a bicycle upon a sidewalk within the city.~~
- (f) The following exceptions apply to riding on sidewalk prohibitions:
 - (1) Any person 12 years of age or under may ride or operate bicycles on sidewalks within a designated area
 - (2) Any adult accompanying a person 12 years of age or under riding a bicycle or transporting a person 12 years of age or under, may ride or operate a bicycle on sidewalks within a designated area.
 - (3) Any person may ride or operate a bicycle on those portions of sidewalks within a designated area where there is an obstruction in the bike lane adjacent to the sidewalk.
- ~~(b) Places posted. The police department is authorized to erect signs on any roadway prohibiting the riding of bicycles thereon by any person, and when such signs are in place no person shall disobey such signs.~~

(Code 1961, § 23-78)

Sec. 126-273. - Emerging from alley, driveway or building.

The operator of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk area, yield the right-of-way to all pedestrians approaching on such sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.

(Code 1961, § 23-79)

Sec. 126-274. - Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Code 1961, § 23-80)

Sec. 126-275. - Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle, or against a building, or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.

(Code 1961, § 23-81)

Sec. 126-276. – Bicycle turn signals.

The driver of a bicycle is excepted from giving the hand and arm signal continuously if the hand is needed in the control or operation of the bicycle, but it shall be given for a substantial period while stopped waiting to turn. The driver of a bicycle may signal a right turn by extending the right hand and arm horizontally.

Secs. 126-27~~6~~—126-295. - Reserved.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. D)

Presenter/Contact

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

SUBJECT:

Presentation and possible direction to staff regarding proposed amendments to Sections 114-98 and 118-46 of the Code of Ordinances regarding traffic impact analysis trip generation, turn lane requirements, access on collector or major thoroughfare streets, and removal of references to the sub-collector street section.

BACKGROUND / RATIONALE:

City staff is proposing amendments to *Chapter 114 - Streets Sidewalks and Other Public Places, Article IV - Right-of-way Access and Management, Section 114-98 - General specifications for all roadways*, and *Chapter 118 - Platting, Article IV - Design Standards, Section 118-46 - Streets* of the Code of Ordinances. The proposed amendments will specify that traffic impact analysis (TIA) trip generation shall consider potential land use based on future land use and/or zoning when specific land use is unknown; add deceleration lane requirements; add provisions for residential lot access on collector and major thoroughfare streets; and remove references to the sub-collector street section.

Traffic Impact Analysis Trip Generation

The Code of Ordinances specifies that no master plan, plat, building permit or driveway access shall be approved unless a traffic impact analysis (TIA) is completed by the developer and approved by the city engineer. Furthermore, a TIA may also be required by the planning director, planning commission or the city council as part of a zoning change application. A TIA is intended to determine the development's traffic impact and need for any improvements to the internal and adjacent transportation system to maintain satisfactory level of service, acceptable level of safety and appropriate access provisions. A TIA should be submitted at several stages in the development process including:

- Zoning and rezoning;
- Master plan;
- Preliminary and final plat;
- Site plan review;
- Access permits; and
- Building permits.

Separate studies are not needed at each development stage; however, studies need to be updated to include more detail as site plans and development become more specific. It is critical that a TIA is submitted during the master plan and plat process to determine right-of-way needs, address community concerns, and legally specify mitigation requirements as part of city approval.

City staff received recent requests to not require a TIA at master plan or plat due the specific land use being unknown or receive TIA worksheets that are not compatible with the site and just under the peak hour threshold that requires a TIA report. The city also receives requests to conduct the TIA at building permit which often results in piecemeal TIA worksheets that do not address the impact of the overall development. Staff responds requiring that the TIA be based on the future land use and/or zoning with consideration to existing topography, comparable properties and updated as development progresses. Furthermore, an experienced transportation professional who has specific training and experience in preparing TIA can forecast and analyze proposed developments early in the development process. The amendment will codify the specific language to address future requests.

Turn Lane Requirements

Turn lanes are exclusive deceleration and storage lanes that allow for vehicles to turn left and right at intersections and driveways outside the through lane. Turn movements at intersections, especially movements that are made from lanes that are shared with through traffic, cause delays and adversely impact safety. Turn lanes are one strategy to improve operations and safety on the city's transportation system. The Code of Ordinances Section 114-98 (f) provides limited guidance on turn lanes and engineers use various guidelines or only one factor to warrant and recommend them through the TIA process. The proposed amendment will provide standard criteria with the consideration of other factors.

The guiding document for street design is the American Association of State Highway and Transportation Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets*. AASHTO states that warrants for turn lanes cannot be definitely stated and many factors should be considered, including speeds, traffic volumes, frequency of intersections and site conditions. Guidance for left turn lanes is provided based on opposing and advancing traffic volumes, with additional considerations for local conditions, functional classification and character of traffic.

The Texas Department of Transportation (TxDOT) guidance for right turn lanes is provided in the *Access Management Manual*. It specifies that right turn lanes should be considered when speeds are greater than 45 miles per hour and turn volume is greater than 50 vehicles per hour, and when speeds are equal to or less than 45 miles per hour and turn volume is greater than 60 vehicles per hour. The manual also specifies other conditions that may warrant the need for a right turn lane when volumes are less than provided including high crash experience, heavy peak hour flow, truck traffic and limited sight distance.

TxDOT guidance for left turn lanes is provided in the *Roadway Design Manual*. Like AASHTO, guidance for left turn lanes is provided based on opposing and advancing traffic volumes, with additional considerations for local conditions and character of traffic. In some cases, engineers use TxDOT right turn volume guidance to warrant left turn lanes.

The most recent left turn lane design guidance is provided by the National Cooperative Highway Research Program (NCHRP) sponsored by AASHTO and the Federal Highway Administration. The design guidance is based on benefit-cost approach considering delay savings, crash costs, crash reduction and construction costs. The guidelines are based on the peak hour volumes and intersection configuration. The left turn peak hour volume for a left turn lane for various scenarios, including urban/suburban streets, is 50 vehicles per hour. Additionally, the City of San Antonio's

threshold for left and right turn lanes is 50 vehicles per hour, and 500 vehicles per day.

Staff recommends establishing turn lane requirements at 50 vehicles per hour following the NCHRP and City of San Antonio guidelines including review of other factors. Additional amendments are proposed to the requirements including design and construction requirements.

Access on Collector or Major Thoroughfare Streets

The existing Code of Ordinances does not permit driveway access on arterial roads that require backing maneuvers in a public street right-of-way. The proposed amendment will add other thoroughfare streets (expressway, parkway and collector streets) to the list of roadway classifications where backing maneuvers from driveways is not permitted. These types of streets are designed to provide a higher level of mobility with limited access.

This amendment also addresses the operational and safety issues on collector streets in residential subdivisions. Collector streets can carry up to 5,000 vehicles per day, and it is common and best practice to restrict standard one and two-family lots fronting and driveway access on collector streets. Homes fronting collectors is a common neighborhood issue and city staff and the Transportation and Traffic Advisory Board have reviewed many traffic concerns on collector streets in New Braunfels including Sungate Drive, Dove Crossing Drive, Divine Way, Pahmeyer Road, Oak Run Parkway and Stone Gate Drive. Engineering and Police Department staff received complaints from residents when daily traffic volumes are as little as 500 vehicles per day. Furthermore, the city continues to receive new subdivision plans with residential lots fronting collectors and with planned driveway access that requires backing onto the street.

Good examples of design collectors without homes fronting and having driveway access include Southbank Boulevard, Avery Parkway, Pahmeyer Road within the Voss Farms subdivision, and the collector network in Veramendi.

The proposed amendment will revise Chapters 114 and 118 to not allow residential lot access to collector or major thoroughfare streets that require backing onto street. Residential lots having direct access on collector roadway may be platted only if: (1) all lots are greater than one acre, have a minimum lot frontage of 100 feet and provide a permanent vehicular turnaround on the lot preventing backing onto the street; or (2) permit access to lots less than one acre if a marginal access street or easement is constructed and access is spaced a minimum of 200 feet apart and from an existing driveway or street. The marginal access street shall be designed for emergency access, on-street parking, sidewalk connection and solid waste operations that do not require backing within the marginal access street or easement.

Remove References to the Sub-Collector Street Section

The proposed amendment removes the sub-collector classification as it is not used in practice and was removed from the platting ordinance in a recent update.

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

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

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously voted to recommend the proposed amendments to Section 114-98 of the City of New Braunfels Code of Ordinances regarding driveway access and deceleration lane requirements at their meeting on October 18, 2018.

STAFF RECOMMENDATION:

Staff will be preparing revised ordinance language based on input from Planning Commission and City Council for action at a future meeting. Staff recommends approval of the proposed amendments to Sections 114-98 and 118-46 traffic impact analysis trip generation, turn lane requirements, access on collector or major thoroughfare streets, and remove references to the sub-collector street section.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. E)

Presenter/Contact

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

SUBJECT:

Presentation and discussion of the proposed 2019 Bond Program recommendations from the Bond Advisory Committee.

BACKGROUND / RATIONALE:

N/A

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

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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A

BAC Ranking of Proposed 2019 Bond Projects	
Rank	Projects
1	City-Wide Streets & Sidewalks Improvements
2	Klein Road Phase 2
3	Fire Station No. 2 Replacement
4	Fire Station No. 3 Replacement
5	Comal Cemetery Wall Stabilization
6	Goodwin Lane/Conrads Lane
7	Sports Fields Complex (PH 1)
8	Police Department Facility
9	North South Collector (PH 1)
10	Westside Community Center Expansion
11	Kohlenberg Road
12	Transportation Matching Funds
13	Public Works Municipal Service Center (PH 1)
14	Barbarosa Road
15	Southeast Library Branch
16	Callen's Castle All Abilities Park (PH 1)
17	Dry Comal Hike and Bike Trail
18	Veteran's Memorial
19	Guadalupe River Properties Park (PH 1)
20	Mission Hill Park (PH 1)
21	Kerlick Park



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

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 regular City Council meeting of October 22, 2018.

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, OCTOBER 22, 2018**

The City Council of the City of New Braunfels, Texas, met in a regular session on October 22, 2018, at 6:00 p.m.

City Councilmembers present were:

Present: 7 - Mayor Barron Casteel, Councilmember Shane Hines, Councilmember Justin Meadows, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

PROCLAMATIONS:

A) Municipal Courts Week

Mayor Casteel proclaimed November 5-9, 2018, as Municipal Courts Week.

B) Wurstfest

Mayor Casteel proclaimed November 2-11, 2018, as Wurstfest.

PRESENTATIONS:

A) Wurstfest

Eric Couch and Michael Meek presented information about Wurstfest.

B) Certificate of Achievement for Planning Excellence

Chris Looney presented the Certificate of Achievement for Planning Excellence to the City of New Braunfels.

C) Comprehensive Plan Award

Chance Sparks presented the Comprehensive Award to the City of New Braunfels.

D) 1998 Flood Commemoration

Robert Camareno presented a commemoration of the 1998 Flood.

1. MINUTES

A) Discuss and consider approval of the minutes of the special City Council meeting of October 1, 2018, and the regular City Council meeting of October 8, 2018.

Mayor Casteel read the aforementioned caption.

Councilmember Hines moved to approve the item. Councilmember Garcia 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.

No one spoke.

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 four individuals to the Building Standards Commission for terms ending October 26, 2020.
- B) Approval of a contract with Arcadis U.S., Inc for professional services associated with implementation of the Dry Comal Creek and Comal River Watershed Protection Plan.
- C) Approval of a License Agreement with the Union Pacific Railroad to construct storm drain improvements within the Union Pacific Right of Way for the Live Oak/Katy Street Drainage Improvements Project as part of the 2013 Bond Program.
- D) Approval of the purchase of five rear load, two side load, and one grapple garbage collection vehicles from Chastang's Bayou City Autocar and Freightliner of Austin, through the Buyboard contracts.
- E) Approval of budget transfers in the FY 2017-18 General Fund, Golf Fund, and Solid Waste Fund.
- F) Approval of annual routine recurring expenditures for FY 2018-19 in

accordance with City Charter Section 9.17.

- G) Approval of the renewal of annual contracts for ambulance billing and related professional services, and litter and floating vegetation removal services.
- H) Approval of a contract with C-3 Environmental Specialties, Inc. for the construction of rain garden filtration systems and approval authority for the City Manager to approve any changes up the contingency amount for project expenditures as part of the Panther Canyon Erosion Control Improvements included in the 2013 Bond Program.
- I) Approval of annual contracts with Flasher Equipment Company and Roadway Striping Inc. for pavement marking services on an as-needed basis for the city.
- J) Approval of a contract modification to HMT Engineering for the proposed 2019 Bond Citywide Street projects on Lakeview Blvd. and California Blvd.
- K) Approval to authorize the City Manager to enter into a development agreement between the City of New Braunfels and August Fields, LP for drainage modifications and roadway connection as part of the Alves Lane Improvements Project.
- L) Approval of an annual contract with Paula Harper d/b/a Community Solutions TX to provide grant management and administration services for the City's Community Development Block Grant program.
- M) Approval of a resolution approving a recommendation of the New Braunfels Economic Development Corporation to approve an authorized project expenditure and to enter into a professional services agreement with the Greater New Braunfels Chamber of Commerce, Inc. for a two-year period beginning October 1, 2018.
- N) Approval of the temporary road closure for portions of Liberty Avenue, East and West San Antonio Street, North and South Seguin Avenue, and the entirety of Main Plaza on December 1, 2018.

Ordinances

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

- O) Approval of the second and final reading of an ordinance designating

0.124 acres out of City Block 4062, Lot 3, addressed as 546 South Academy Avenue, as a Historic Landmark to be known as the Bartels-Kelly House.

- P) Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow the short term rental of a single family residence in the "C-1" Local Business District addressed at 132 East North Street.
- Q) Approval of the second and final reading of an ordinance amending Chapter 138, Article VI-Water Recreation Shuttle Services, Sections 138-167 to 138-170, to clarify the need of a certificate of occupancy to utilize public river entrances and exits, remove the requirement of a shuttle poster, and create a limit to the number of Comal and Guadalupe River Shuttle Permits that are available.
- R) Approval of the second and final reading of an ordinance amending Chapter 126, Section 126-368(m), Water Recreation Zones; Time Limits, to expand the no loading or unloading of water-oriented recreation equipment zone to E. Mather Street and S. Washington Avenue.

Mayor Casteel read the aforementioned captions.

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

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Public hearing and first reading of an ordinance regarding amendments to the Code of Ordinances, Chapter 144, Zoning, Section 1.4 Definitions; and Section 5.3-2 Fences and Walls.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the public hearing.

Councilmember Garcia moved to approve the item with staff recommendations. Councilmember Bowers seconded the motion which passed unanimously.

- B) Discuss and consider an appeal of the Non-Residential and Multifamily Design Standards, Articulation and Exterior Building Material requirements for a proposed office/warehouse development in the "C-1B" General Business District at 1913 Post Road.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Stuart Hansmann spoke in favor of the item.

Councilmember Garcia moved to approve the item with staff recommendations. Councilmember Meadows seconded the motion which passed unanimously.

- C) Discuss and consider approval of an amendment to the contract between the City of New Braunfels and the Greater New Braunfels Chamber of Commerce Inc. concerning the use of Hotel Occupancy Tax.

Mayor Casteel read the aforementioned caption.

Jared Werner presented the item.

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

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 purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code
- Property for city facilities
- B) Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager in accordance with Section 551.074 of the Texas Government Code.

Mayor Casteel read the aforementioned captions.

City Council recessed into Executive Session from 7:05 p.m. - 8:22 p.m.

No vote or action was taken.

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

City Council reconvened into Open Session at 8:22 p.m.

Mayor Pro Tem Peters moved to give a vote of confidence to the city manager, continue his contract for another year, and increase his salary to \$232,000 effective November 15, 2018. Councilmember Hines seconded the motion which passed unanimously.

7. ADJOURNMENT

The meeting adjourned at 8:23 p.m.

Date Approved: November 12, 2018

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. A)

Presenter/Contact

*John Cox, Streets & Drainage Manager
(830) 221-4032 - JCox@nbtexas.org*

SUBJECT:

Approval of the purchase of a self-propelled chip spreader from ROMCO Equipment Co., a customized trailer containing equipment for the removal and installation of pavement markings from Centerline Supply, Inc., and a traffic sign printer and laminator from Sign It Right, LLC.

BACKGROUND / RATIONALE:

The Streets and Drainage division of the Public Works department is requesting the purchase of the several pieces of equipment to support various aspects within the standard operations of their division.

Utilizing two awarded BuyBoard cooperative contracts, the department is requesting approval for the purchase of a BearCat self-propelled chip spreader from ROMCO Equipment Co. for a total cost of \$258,668; and a customized trailer containing a thermoplastic walk-behind striping machine with heater, and a walk-behind pavement marker and grinder, for the removal and installation of pavement markings from Centerline Supply, Inc. for a total cost of \$71,974.

After obtaining and comparing multiple quotes from various companies, the department is requesting approval for the purchase of a traffic sign printer and laminator from Sign It Right, LLC for a total cost of \$36,167. Sign It Right, LLC is offering the best value to the City based upon factors such as an extended warranty period which includes parts and labor for repairs if needed. Additionally, if repairs are unable to be completed within 48 hours, the vendor will support the City by printing our signs themselves, utilizing their personnel and equipment at their location in San Antonio.

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

Yes	Priority 3: Continue an ongoing program of infrastructure construction and maintenance.
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FISCAL IMPACT:

Funding for the equipment described above has been incorporated into the adopted FY 2018-19 budget. Therefore, sufficient funds are available for the purchases as described.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval for the purchase of a self-propelled chip spreader from ROMCO Equipment Co., a customized trailer for the removal and installation of pavement markings from Centerline Supply, Inc., and a traffic sign printer and laminator from Sign It Right, LLC.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. B)

Presenter/Contact

*Mark Enders, Watershed Program Manager
(830) 221-4639 - menders@nbtexas.org*

SUBJECT:

Approval of a contract with Cherokee Capturing Services in the amount of \$25,000 for management of non-native waterfowl in Landa Park.

BACKGROUND / RATIONALE:

The Watershed Protection Plan for the Dry Comal Creek and the Comal River includes the removal of overabundant non-native waterfowl from Landa Park to mitigate bacteria loading to Landa Lake and the Comal River. Staff has worked with Texas Parks and Wildlife Department (TPWD) to identify contractors best suited to perform this work.

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

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FISCAL IMPACT:

\$30,000 has been included in FY18/19 budget for this work.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a contract with Cherokee Capturing Services in the amount of \$25,000 for management of non-native waterfowl in Landa Park.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. C)

Presenter/Contact

*Jennifer Cain, Capital Programs Manager
(830) 221-4646 - jcain@nbtexas.org*

SUBJECT:

Approval for the City Manager to enter into a professional services agreement with Cobb Fendley to provide engineering design, bid phase and construction phase services for San Antonio Street, from Academy Street to Walnut Avenue, as part of the 2013 Bond Program.

BACKGROUND / RATIONALE:

The City-wide street program was approved by the citizens in the 2013 Bond Election. Projects in this program could include: mill & overlay, curb repair/replacement, sidewalk repairs, and ADA improvements.

On March 26, 2018 Council approved to move forward with San Antonio Street rehabilitation from Academy Street to Walnut Avenue. On June 12, 2018 the City released an Request for Qualifications (RFQ) for the Alamo Area Metropolitan Planning Organization (AAMPO) funded City-wide Pedestrian Improvement project which includes the removal and/or replacement of City sidewalks in various locations. One location chosen as part of the Pedestrian Improvements project parallels the same "footprint" as the San Antonio Street project, Academy to Walnut Ave. It is recommended by staff to utilize Cobb Fendley for the roadways improvements as well to improve coordination between the two projects and to benefit from this turn-key opportunity. Cobb Fendley has the experience and resources available to take-on both projects simultaneously.

As of October 16, 2018, NBU has initiated their construction contract for the replacement of the existing sewer and water utility in this location and is contracted to run through June 2019 which will allow time for the proposed design of the roadway improvements.

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

X	Yes	City Plan/Council Priority	Strategic Priorities: 3 - Continue an ongoing program of infrastructure construction and maintenance
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FISCAL IMPACT:

The total costs for professional services to complete the engineering design and all subsidiary tasks, which will include plans, specifications and cost estimates will be \$79,806.50. There are sufficient funds remaining in the 2013 Bond Program for this work.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the professional services agreement with Cobb Fendley to provide a comprehensive design, bid and construction phase package in the amount of \$79,806.50 for San Antonio Street, from Academy Street to Walnut Ave, as part of the 2013 Bond Program.

**W. San Antonio Street Rehabilitation Project
Design, Bid, and Construction Phase Scope of Services**

Cobb, Fendley & Associates (CF) is pleased to present this scope of services for design, bid, and construction phase services for the San Antonio Street Rehabilitation project. This project will rehabilitate approximately 3,000 linear feet of West San Antonio Street from North Walnut Avenue to South Academy Avenue. CF will perform an on-site street condition survey with a geotechnical engineering firm to assess the conditions of the street for design. The street rehabilitation options (which can include full depth reclamation, spot repairs, mill/overlay) will be evaluated during the on-site condition survey.

Below is a detailed description of the scope of services.

I. Preliminary Engineering. Perform street condition survey with Geotech Engineer and City Staff.

II. Design Phase

A. Plan Production. CF will submit plans for review at the 30%, 90% and 100% stages. The plans will include the following plan sheets:

1. Cover Sheet (1 sheet)
2. General Notes (1 sheet)
3. Typical Sections (1 sheet)
4. Detour Plan(s) (1-2 sheets)
5. Overall Layout Sheet (1 sheet)
6. Existing Utility Layout. Existing utilities will be identified using survey information and record drawings as available, and will be shown on the roadway design sheets.
7. Roadway Sheet (8 sheets) and include E&S, Striping and Tree Protection. CF will evaluate grading of the existing roadway and include grading improvements on these sheets, when necessary, to improve stormwater conveyance to the existing drainage structures.
8. Standard Details (16 sheets) and include traffic control details, to be provided at 90% and 100% submittals.

B. Project Manual/Technical Specification. CF will prepare the project manual and contract documents. Front end documents will be provided by the City of New Braunfels. CF will use City of New Braunfels standard specifications where applicable and supplement with City of San Antonio and or TxDOT Standard Specifications where required. A list of relevant specifications will be included with the 90% submittal. A full project manual will be included with 100% submittal.

C. Quantity Take Off / Cost Estimate. CF will provide a quantity take off and cost estimate at each design submittal with decreasing levels of contingency as design progresses.

D. QA/QC. CF will engage senior design personnel to perform outside quality control reviews at each submittal. A Quality Assurance Manager will oversee the QA/QC program for the project.

E. Coordination / Review Meetings.

- a. This scope assumes that a coordination/review meeting will be attended at the conclusion of the 30% and 60% design submittal, to review progress and comments. (2 meetings).
- b. This scope assumes that one (1) community meeting (public involvement) meeting will be attended during the design phase. The City will perform all coordination and advertising for the meeting, and CF effort will be limited to attendance and providing exhibits.

F. Public Meeting (Open House).

- G. Prepare submittals.** CF will deliver three (3) sets of 11"x17" plans and 3 project manuals for each submittal as well as an electronic copy in PDF format.

III. Bid Phase

- A. Attend Pre-Bid Meeting.** CF will prepare agenda and attend a pre-bid meeting. This scope includes preparation of agenda and minutes for this meeting.
- B. Respond to Contractor Questions.** CF will respond to Contractor questions regarding clarifications to the plans.
- C. Addenda.** CF will prepare addenda resulting in clarification questions from Contractors. This scope assumes up to two (2) addenda. These will be distributed by the bidding assistance center.
- D. Reference Check.** CF will check references and verify qualifications of the apparent low bidder.
- E. Bid Tabulation/Evaluation and Letter of Recommendation.** CF will assemble all bids into a Bid Tabulation to check the accuracy of the bids, and assist the City in determining the lowest, responsible bidder. CF will prepare a Letter of Recommendation for use by the City in awarding the construction contract.
- F. Prepare Conformed Documents.** Upon completion of bid phase and execution of contracts, CobbFendley will prepare a conformed set of documents incorporating any addendum that were issued during bid phase and contract documents
- G. Exclusions from Bid Phase Services.**
 - 1. Assistance with advertisement.
 - 2. Assistance with execution of bid documents.

This scope assumes that a bidding assistance center will be used for bid phase and the City will be responsible for uploading plans, project manual, and addenda onto the bidding assistance center and will retain a hard copy at City offices. CF will not be responsible for plan distribution.

IV. Construction Phase.

- A. Pre-Construction Meeting.** CF will prepare agenda and conduct the pre-construction meeting. This scope includes preparation of agenda and minutes for this meeting.

- B. Attend Progress Meeting.** CF will attend progress meetings with City Staff and Contractor. Scope assumes four (4) meetings. CF assumes construction will be 3-4 months.
- C. Site Visits.** CF will attend monthly site visits / construction meetings. This scope assumes four (4) months for construction. CF is not performing construction inspection and will be visiting the site to observe general conformance with contract documents and evaluate issues should they arise.
- D. Review Shop Drawings.** CF will review Contractor submittals. This scope assumes that the Contractor's submittals will be in accordance with the contract documents, and that the contract documents will include the provision that submittals will only be reviewed twice. Subsequent reviews will be conducted at the expense of the Contractor. Scope assumes eight (8) submittals. CF will maintain the submittal log.
- E. Requests for Information.** CF will respond to Contractor requests for information. This scope assumes eight (8) requests for information. CF will issue drawing revisions as required. Drawing revisions resulting from change of scope of project will be prepared as an additional service.
- F. Change Orders.** CF will assist the City in evaluating and preparing change order documentation to address construction / quantity changes. Scope assumes two (2) change orders.
- G. Review Contractor pay app.** CF will review four (4) contractors pay apps. CF assumes construction will be 6 months.
- H. Final Walkthrough.** CF will attend the final walkthrough and review the final punch list prepared by the City Inspector.
- I. Record Drawings.** CF will prepare record drawings based on Contractor redlines as verified by the City Inspector.

V. Assumptions

- a. No detailed drainage designs. At the City's request, CF will not include surveys or designs of any additional drainage structures. However, CF will evaluate grading of the existing roadway and include grading improvements in the Construction Plans, when necessary, to improve stormwater conveyance to the existing drainage structures.
- b. No Environmental
- c. SW3P will be included as a bid item for Contractor to prepare
- d. Standard Details will be provided in 90% and 100% submittals
- e. List of Specifications to be provided at 90%
- f. Full specifications book to be provided at 100%
- g. No assistance with advertisement.
- h. No assistance with execution of bid documents.
- i. No Subsurface Utility Engineering (SUE)
- j. Construction Phase Services will be "Hourly, Not to Exceed"

Task	\$235.00 per hour	\$185.00 per hour	\$115.00 per hour	\$135.00 per hour	\$95.00 per hour	\$75.00 per hour	\$0.560 per mile	\$15.00 per delivery	\$2.00 per sq Repro (full-size)	\$0.15 Copies	Total Hours	Total Fee Budget	Expenses	Total Budget
Preliminary Engineering														
Geotechnical Street/Pavement Evaluation (Arias)														
Walk thru with City	2	2 4	4 4	4							6 10	\$830.00 \$1,670.00	\$2,225.00 \$0.00	
Subtotal Preliminary Engineering	2	6	8	0	0	0	220				16	\$2,500.00	\$2,225.00	\$4,725.00
Design Phase (30%, 90% and 100%)														
Plan Production														
Cover Sheet		1	2	1	4						8	\$930.00		\$0.00
General Notes		1	4	4							9	\$1,025.00	\$0.00	\$0.00
Typical Sections (1)		2	4	2	24						32	\$3,380.00	\$0.00	\$0.00
Overall Layout Sheet		1	2	1	6						10	\$1,120.00	\$0.00	\$0.00
Roadway Plans (including E&S, Grading, Striping and Tree Protection) (8 sheets@ 1'-=20' on 11x17)		8	32	8	64						112	\$12,320.00	\$0.00	\$0.00
Detour Plans		2	4		8						23	\$2,485.00	\$0.00	\$0.00
Standard Details(TCP) (16 sheets)		2	4	1	16						20	\$2,580.00	\$0.00	\$0.00
Project Manual / Technical Specifications		4	16								36	\$4,260.00	\$0.00	\$0.00
Quantity Take Off / Cost Estimate (30%, 90% and 100%)		4	24		8						20	\$3,900.00	\$0.00	\$0.00
QA/QC	4	16					440				12	\$1,660.00	\$246.40	\$0.00
Coordination / Review Meetings (Assume 2)		4	8				220				8	\$1,680.00	\$123.20	\$0.00
Open House (Public meeting/involvement, 1 meeting)	4	4												
Assemble 30%, 90% and 100% Submittals (3 sets per phase) (assume 11x17 submittals)		8	16		12	8		3		1206	28	\$3,220.00	\$225.90	\$0.00
Utility Coordination (UEG) (5% markup)												\$250.00	\$5,000.00	\$0.00
Subtotal Design Phase	8	57	100	13	146	8	660	3	0	1206	332	\$38,810.00	\$595.50	\$39,405.50
Bid Phase														
Attend Pre-Bid Meeting		2	4				120				6	\$830.00	\$67.20	\$0.00
Respond to Contractor questions		4	8								12	\$1,660.00	\$0.00	\$0.00
Prepare addenda (assume 2) for distribution		2	8		8	2					20	\$2,200.00	\$0.00	\$0.00
Reference Check/Bid Tabulation/Letter of Recommendation	1	4	4								9	\$1,435.00	\$0.00	\$0.00
Prepare Confirmed Documents		1	16								17	\$2,025.00	\$0.00	\$0.00
Subtotal Bid Phase	1	13	40	0	8	2	120	0	0	0	64	\$8,150.00	\$67.20	\$8,217.20
Construction Phase														
Attend preconstruction meeting		2	2				120					\$1,070.00	\$67.20	\$1,137.20
Attend progress meetings (4)	2	12	12				920					\$3,600.00	\$515.20	\$4,115.20
Attend site visits (4)		12	12				920					\$3,600.00	\$515.20	\$4,115.20
Review submittals (8)		8	16									\$3,320.00	\$0.00	\$3,320.00
Respond to RFIs (8)		8	16									\$3,320.00	\$0.00	\$3,320.00
Change orders (2)		4		8								\$1,820.00	\$0.00	\$1,820.00
Review Contractors Pay App (4)		4	8									\$1,660.00	\$0.00	\$1,660.00
Final walk-through		4	4				120					\$1,200.00	\$67.20	\$1,267.20
Project close-out		4	8									\$1,660.00	\$0.00	\$1,660.00
Record drawings		4	8	24					72			\$4,900.00	\$144.00	\$5,044.00
RAS Inspections												\$0.00	\$0.00	\$0.00
Subtotal Construction Phase												\$26,150.00	\$1,308.80	\$27,458.80
San Antonio Street Rehab Project														
Design, Bid and Construction Phase Services														
Cobb Fendley														
Design		\$36,905.50												
Survey		\$0.00												
Bid		\$8,217.20												
Construction		\$27,458.80												
Arias		\$2,225.00												
Utility Coordination (UEG) (5% markup)		\$5,000.00												
Total		\$79,806.50												



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. D)

Presenter/Contact

*Jennifer Cain, Capital Programs Manager
(830) 221-4646 - jcain@nbtexas.org*

SUBJECT:

Approval of a design contract with Urban Civil for the Oak Run Sidewalk Project, utilizing a portion of the remaining funds from the tax note issued for the 2019 Bond Preliminary Engineering Reports/Design.

BACKGROUND / RATIONALE:

The proposed 2019 Bond Citywide Street and Sidewalks Program could include: Asphalt excavation and replacement, base repairs, curb repair/replacement, **sidewalk repairs/replacement**, mill and overlay, and concrete diamonds around meter boxes and manholes.

On September 10, 2018, City Council voted to include the Oak Run Sidewalk project in year one as part of the proposed 2019 Bond Citywide Streets and Sidewalks Program.

Urban Civil provided a proposal in the amount of \$58,365 for design engineering and surveying services.

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

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

Utilization of the remaining funds from the tax note issued for the 2019 Bond Preliminary Engineering Reports/Design.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval a design contract for the Oak Run Sidewalk project as part of the proposed 2019 Bond Citywide Street and Sidewalks Program.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. E)

Presenter/Contact

*Michael Mundell, Solid Waste Manager
(830) 221-4040 - mmundell@nbtexas.org*

SUBJECT:

Approval of the purchase of a set of Mobile Column Lifts from College Station Auto Parts (NAPA Auto Parts) using BuyBoard contract #551-17.

BACKGROUND / RATIONALE:

Occupational vehicles are classified by numbers with class seven and eight being heavy-duty vehicles with multiple axels that require column lifts in order to service such vehicles. The Fleet Services Division performs scheduled and unscheduled services on forty-nine vehicles that are rated a class seven or higher. Current facilities and equipment limit the technicians to only lifting one set of wheels at a time. However, the technicians are required to perform numerous repairs that require the lifting of both axels at least 24 inches off the ground. Mobile column lifts can be used in unison to lift a complete axel at the same time. Once the axel is supported with jack stands, the lifts can be utilized to lift another axel. This provides a safer, simpler, and more efficient way to lift and work on these larger heavy-duty vehicles.

The set of columns lifts will cost \$37,450. This purchase utilized a BuyBoard contract.

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority:	Strategic Priorities: Effective Management
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FISCAL IMPACT:

This purchase of this equipment was included in the FY2018-19 Adopted Budget within the Solid Waste Fund. Therefore, sufficient funds are available.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the purchase of a set of Mobile Column Lifts from College Station Auto Parts (NAPA Auto Parts) using BuyBoard contract #551-17.


AUTO PARTS

STORE

800005153
College Station Auto Parts
Napa Auto Parts
2790 Osborn Lane
Bryan, TX 77803
(979) 703-8747

Time: 07:52 Date: 10/26/2018 Page: 1/1

Employee: 6 , 153 - Neil
Sales Rep: 6 , 153 - Neil
Accounting Day: 26

SOLD TO

2849
Buyboard Contract #551-17
PO Box 400
Austin, TX 78767

Anticipated Time:
Attention:
Tax Exemption:
PO#: Buyboard Transaction
Terms: NET 10 w/ svc charge

Part Number	Line	Description	Quantity	Price	Net	Total
CLHM1404	CL	MOBILE COLUMN LIFTS College Station Auto Parts will pay the Buyboard fee of \$400.00 for this transaction.	1.00	83,457.00	37450.0000	37,450.00

Subtotal 37,450.00
SALES TAX 8.2500% 0.00

Customer Signature

ALL GOODS RETURNED MUST BE ACCOMPANIED BY THIS INVOICE

Remit to: 2790 Osborn Ln
Bryan, Tx. 77803

Total 37,450.00

Charge Sale 37,450.00

STORE COPY

Y
OCR
8000051536091520

609152

Invoice Number


AUTO PARTS

STORE

800005153
College Station Auto Parts
Napa Auto Parts
2790 Osborn Lane
Bryan, TX 77803
(979) 703-8747

Time: 07:52 Date: 10/26/2018 Page: 1/1

Employee: 6 , 153 - Neil
Sales Rep: 6 , 153 - Neil
Accounting Day: 26

SOLD TO

2849
Buyboard Contract #551-17
PO Box 400
Austin, TX 78767

Anticipated Time:
Attention:
Tax Exemption:
PO#: Buyboard Transaction
Terms: NET 10 w/ svc charge

Part Number	Line	Description	Quantity	Price	Net	Total
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SALES TAX 8.2500% 0.00

Customer Signature

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Remit to: 2790 Osborn Ln
Bryan, Tx. 77803

Total 37,450.00

Charge Sale 37,450.00

CUSTOMER COPY

Y
OCR
8000051536091520

609152

Invoice Number



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. F)

Presenter/Contact

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

SUBJECT:

Approval of a resolution adopting the Chapter 380 Agreement between the City of New Braunfels and TaskUs, Inc.

BACKGROUND / RATIONALE:

TaskUs, Inc. is a business solutions company targeting innovative start-up companies. They offer customer support and back office operations for technology companies. The City Council approved the Chapter 380 agreement, in concept, on March 12, 2018, as well as a New Braunfels Economic Development Corporation (NBEDC) expenditure of up to \$183,000. The company has operated a technical operations and customer experience center in New Braunfels since those approvals and after signing a lease at the Heritage Business Center in April 2018. Staff has worked with the business' representatives to draft a Chapter 380 agreement per the specific deal terms outlined during the initial project approval.

The attached agreement details the specific performance requirements of both parties, which are identical to those presented at City Council in March 2018. Similar to previous Chapter 380 agreements, the City Council will typically approve the final language of the agreement if one was not available during the initial consideration and approval. Additionally, the City's Chapter 380 policy, Section II, 1, (a)-(d) states that the project will meet certain minimum requirements to be fulfilled from an increase in taxable value, sales tax contribution, or specific employment opportunities for City residents. Alternatively, subparagraph (e) provides that the City Council may determine by resolution that the project will provide a benefit to the City consistent with the General Statement of Purpose and Policy. The General Statement provides "Insofar as the enhancement and expansion of the local economy generally serve these objectives, the City of New Braunfels will, on a case-by-case basis, give consideration of economic incentives to applicants in accordance with these Policies and Procedures as authorized by Chapter 380 of the Texas Local Government Code, as amended from time to time." In reviewing the key deal terms as presented and as included in the final agreement between the parties, the project will not meet the policy's minimum requirements in subparagraphs (a)-(d), so the City Council must adopt this resolution under (e) that includes language that the City Council determines that project will bring benefit to the City consistent with the policy's general statement of purpose. The resolution adopting the agreement includes this determination by City Council.

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

The Chapter 380 policy requires that projects should result in taxable property increases, sales tax production, employment opportunities at a certain wage rates, or that the project will bring contributions to the City consistent with the general purpose of the Chapter 380 policy. The project

brings a significant amount of employment opportunities utilizing a formally vacant office space.

FISCAL IMPACT:

The first property tax rebate under the Chapter 380 agreement is a prorated amount for the duration of its occupation of the ad valorem property during 2018. This amount, which is estimated at approximately \$15,000 in 2019, will be delivered after Taskus verifies it fulfilled the employment conditions after January 1, 2019. The company anticipates spending up to \$10,400,000 in leasehold improvements and business personal property expenditures in 2018. The estimated present value of the property tax rebate over an 8-year period is ~\$162,000.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff believes the Chapter 380 Agreement is consistent with the overall intent of the 380 policy and recommends approval of the Resolution and Agreement.

Attachments:

Resolution

Chapter 380 Agreement

Original term sheet

Ch. 380 Economic Development Policy

CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM

POLICIES AND PROCEDURES

I. General statement of Purpose and Policy

The City of New Braunfels is committed to the promotion of high quality development in all parts of the City and to an ongoing improvement in the quality of life for its citizens. These Policies and Procedures are established in an effort to develop and expand the local economy by promoting and encouraging development and redevelopment projects that enhance the City's economic base and a higher quality of life, diversify and expand job opportunities, or encourage projects that create additional revenue for the city without substantially increasing the demand on City services or infrastructure. The ultimate goal and public purpose of programs established hereunder is to protect and enhance the City's fiscal ability to provide high quality municipal services for the safety, comfort and enjoyment of New Braunfels residents. Insofar as the enhancement and expansion of the local economy generally serve these objectives, the City of New Braunfels will, on a case-by-case basis, give consideration of economic incentives to applicants in accordance with these Policies and Procedures as authorized by Chapter 380 of the Texas Local Government Code, as amended from time to time.

The Chapter 380 Program is intended as an incentive for developers and businesses to address revenue gaps in development projects, defined as having insufficient revenues to support the project's debt service under a standard financing scenario. The program can also apply to projects that have a development margin or rate of return that is below market. Any sources of public financing are not intended to substitute conventional debt and equity financing, and a project should generally be able to deliver the terms of most of its financing. In order for a project to be approved, it will undergo an analysis of the development budgets, projected revenues and expenses and sources and uses of funds for the project. These figures will be compared to industry standard measures. The City Council will give preference to proposals that contribute public infrastructure investments and seek reimbursement through enhanced sales and property taxes generated from the project.

Nothing in this document is intended to imply or suggest that the City of New Braunfels is under any obligation to provide economic incentives to any applicant. The decision to approve or deny economic incentives shall be at the discretion of the City Council. Each applicant granted economic incentives as a Chapter 380 Economic Development Program (also referred to as "Program") under these Policies and Procedures must enter into an agreement with the City of New Braunfels containing all terms required by these Policies and Procedures and by state law to protect the public interest of receiving a public benefit in exchange for public funds, assets and services.

II. Program Requirements

To be considered for incentives as a Chapter 380 Economic Development Program under these Policies and Procedures, a project must at least fulfill one of the following minimum requirements:

1. The project will:
 - a. Result in a minimum increased taxable value for the City of Ten Million Dollars (\$10,000,000.00) in real and/or business personal property (excluding inventory and supplies); or
 - b. Result in a minimum increased taxable value to the City of \$420,000 in real and business personal property (excluding inventory and supplies) in the area defined as the Downtown in the Downtown Implementation Plan; or
 - c. Generate an amount of municipal sales tax with a single location that, on an annual basis, ranks the facility in the top quartile of the top 100 sales tax generators in the City as determined by the most recently available sales tax report (2014, Q3: \$143,000); or
 - d. Provide employment opportunities for City residents where a majority of the available positions are offered at an average hourly wage that is at least 10% greater than the MSA's average wage as determined by the Bureau of Labor Statistic's most recently available Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates for the San Antonio-New Braunfels MSA; or
 - e. Is specifically determined by resolution of the City Council to bring benefit to the City consistent with the General Statement of Purpose and Policy as stated in Paragraph I above.
2. In addition, the City Council shall determine in the Resolution adopting the Agreement that the project:
 - a. Will make a unique or unequalled contribution to development or redevelopment efforts in the City of New Braunfels, due to its magnitude, significance to the community or aesthetic quality; or
 - b. Makes a significant contribution to the City of New Braunfels 2020 Vision principles and/or its Strategic Priorities as identified in the annual municipal budget document; or
 - c. Will enhance the City's fiscal ability to provide high quality municipal services for the safety, comfort and enjoyment of New Braunfels residents.
3. A project shall not be eligible for incentives under these Policies and Procedures if a building permit has been issued for the project prior to making application in accordance with these Policies and Procedures.
4. Incentives provided in accordance with these Policies and Procedures will be provided only to the extent that the revenue realized by the City and attributable to a project exceeds a minimum amount established by the Agreement. The public benefit or amount of revenue realized by the City and attributable to the project must be commensurate with the value of any incentives granted under this program.

III. Additional Considerations

Additional factors that can be considered by the City Council in determining whether to authorize an Agreement for incentives as a Chapter 380 Economic Development Program are:

1. The existence and size of the financing gap;
2. The number and types of jobs to be created or retained;
3. The financial capacity of the applicant to undertake and complete the proposed project;
4. The extent to which the project constructs public infrastructure and if the applicant seeks funding for the infrastructure through a reimbursement from increased sales and/or property taxes.
5. Other incentives programs for which the applicant has applied or is qualified;
6. The market conditions and growth potential for the business activity;
7. The Project's contribution of a service or good that will decrease the likelihood that citizens will travel to other communities to purchase that service or good;
8. Whether the project makes a financial contribution beyond minimally established requirements that fulfills a strategic priority as determined by the City Council;
9. Any other factors the City Council finds helpful or relevant to accomplishing the City's economic development objectives.

IV. Application Process

1. An application for consideration as a Program shall be made on forms supplied by the City. An applicant may be required to provide additional information to show compliance with minimum Program requirements. If City staff determines minimum Program requirements have been met, City staff shall prepare and present a proposed Agreement with the applicant to the City Council.
2. The City Council may consider the proposed Agreement and may take action on the proposal as it deems appropriate. Nothing in these Policies and Procedures and nothing in the application form and process shall create any property, contract or other legal right in any person to have the City Council consider or grant incentives.

V. Agreement Terms

An Agreement established for a program must include:

1. A timetable and list of the kind of improvements or development that the Program will include and conditions to assure that the Program meets or exceeds the City's requirements pertaining to property values and revenues, which in no event shall be less than the minimum Program requirements established in Paragraph II above;
2. A complete description of the location of the proposed Program or projects included in the Program;
3. A timetable and list of the kind and amount of property values, revenues, incomes or other public benefits that the proposed Program will provide;
4. If public funds are delivered to a project in advance of the City realizing revenue increases from the project (property and sales tax, fees, etc.), the City will require credit enhancement mechanisms to protect the City in the event of a default in an amount and for a term to be determined and approved by the City Council. Such security may include collateral security, Letter of Credit, or a Third-party guarantee in forms approved by the City Attorney;
5. A provision establishing the duration of the Agreement;

6. A provision detailing a limit on the value of any rebates and/or grants of funds for the duration of the Agreement;
7. A provision identifying the method for calculating and sourcing the funding for any grant, loan or other incentives provided in the Agreement;
8. A provision providing a tangible means for measuring whether the applicant and other responsible parties have met their obligations under the Agreement;
9. A provision providing for access to and authorizing inspection of the property and applicant's pertinent business records by municipal employees in order to determine compliance with the Agreement;
10. A provision detailing monitoring and reporting requirements of the Owner;
11. A provision for cancellation of the Agreement and/or nonpayment of incentives if the Program is determined to not be in compliance with the Agreement;
12. A provision for recapturing City funds granted or loaned, or for recapturing the value of other public assets granted or loaned, if the applicant does not meet its duties and obligations under the terms of the Agreement;
13. A provision that allows assignment of the Agreement with prior written approval of the City Council, or without the prior written approval of the City Council provided that:
14. A provision that allows assignment of the Agreement with prior written approval of the City Council, or without the prior written approval of the City Council provided that:
 - i. All rights, duties, obligations and liabilities under the Agreement are assigned from the assignor to the assignee; and
 - ii. The assignment is made subject and subordinate to the Agreement and the Chapter 380 Economic Development Program Policies and Procedures; and
 - iii. The assignment document is in a form and contains content acceptable to the City Attorney's Office.
15. Provisions relating to administration, delinquent taxes and indemnification; and
16. A provision that the Agreement may be amended by the parties to the Agreement by using the same procedure for approval as is required for entering into the Agreement; and
17. Such other provisions as the City Council shall deem appropriate.



**Proposed Terms Sheet Draft
TASKUS Inc.**

This term sheet sets forth the principal terms for the proposed agreement between TaskUs (“the Company”) and the City of New Braunfels (“City”) and the New Braunfels Industrial Development Corporation (“NBIDC”). No legally binding obligations will be created by this Term Sheet until written definitive agreements are executed and delivered by all parties. This Term Sheet is not inclusive of all possible provisions, conditions, and requirements of any party to the agreement, and does not represent binding final commitments of any party. This is not a commitment to invest any public funds and is conditioned on the final approvals of New Braunfels Industrial Development Corporation (“NBIDC”) and the City Council of the City of New Braunfels (“City”).

Overview

Proposed Project:

TASKUS (“the Company”) is considering a technical operations and customer experience center in New Braunfels. The company will spend \$5.4 million for leasehold improvements and \$5.0 million for computer and telecommunications equipment. The facility expects to create 450 jobs with an average wage of \$31,000 calculated with benefits.

Required Investment:

TASKUS will make expenditures for its project in certain phases and at certain points in time as set forth below. These capital investments in its facility, furniture, fixtures and equipment are completed for the purposes of beginning operations as part of the proposed project. It is proposed that for the purpose of qualifying for tax rebates, the Company shall meet or exceed these established minimums for Total Taxable Assessed Value. Company will receive a rebate for the difference between the value of the property acquired in the year prior to purchase by Company (2017 or 2018) and the tax year following Company’s investment. (2018 or 2019)

Total Taxable Assessed Value shall mean the Comal Appraisal District’s assessed value on any ad valorem improvements or business personal property. Business Personal Property shall mean to include machinery, furniture, fixtures and equipment. For the purposes of commencing a new Rebate Phase, the Total Taxable Assessed Value shall not include the capital investment necessary for the replacement of machinery and equipment on already established real property. Nor shall the



replacement of machinery and equipment restart the rebate period for that particular Rebate Phase.

TASKUS intends to commence operation in New Braunfels according to the following schedule:

First Year Taxable	Total Taxable Assessed Value (2018 dollars)	Rebate Year	Rebate Percentage	Taxes Owed	Rebate Amount
2018	\$6,321,000	2019	70%	\$ 30,859.12	\$ 21,601.39
2019	\$6,738,000	2020	70%	\$ 32,894.92	\$ 23,026.44
2020	\$7,004,160	2021	70%	\$ 34,194.31	\$ 23,936.02
2021	\$8,037,523	2022	55%	\$ 39,239.19	\$ 21,581.55
2022	\$8,461,134	2023	55%	\$ 41,307.26	\$ 22,718.99
2023	\$8,734,036	2024	55%	\$ 42,639.56	\$ 23,451.76
2024	\$9,774,277	2025	30%	\$ 47,718.02	\$ 14,315.41
2025	\$10,204,903	2026	30%	\$ 49,820.34	\$ 14,946.10
2026	\$10,484,961	2027	0%	\$ 51,187.58	\$ -
2027	\$11,532,500	2028	0%	\$ 56,301.67	\$ -
Total:				\$ 426,161.96	\$ 165,577.65

TASKUS shall submit to the City a written certification along with supporting documentation by an authorized officer of TASKUS confirming that the investment required to satisfy the Total Taxable Assessed Value has occurred.

TASKUS's Total Taxable Assessed Value shall meet the amounts detailed above.



Proposed Incentives

Summary of Incentives:

Entity	Form of Incentive	Value of Incentive
New Braunfels Industrial Development Cash Grant	Capital Investment Grant	\$183,000
City of New Braunfels	Annual Performance Based Real Property Tax Rebate	\$175,928
	Total:	\$358,928

Property Tax Rebates from City:

The City agrees to rebate a percentage of the City's share of property taxes collected on year to the project according to the following schedule through a Chapter 380 Agreement:

Property Tax Rebate Schedule and Percentages	
Year 1	70%
Year 2	70%
Year 3	70%
Year 4	55%
Year 5	55%
Year 6	55%
Year 7	30%
Year 8	30%
Year 9	0%
Year 10	0%



Per Job Grant From NBIDC:

NBIDC, through its own separate agreement, will consider delivering up to an additional \$183,000 in per job grants for the leasehold improvements on the Taskus New Braunfels facility. The grant will be performance based, meaning Company will have to show the minimum Total Taxable Assessed Value outlined above at an agreed upon time in order to receive the grant. The numbers will need to be maintained throughout the lifetime of the agreement.

Security:

The purpose of the NBIDC incentive is to facilitate the opening of Company's New Braunfels location that will ultimately create up to 450 full-time primary jobs of which 225 have an average wage of \$15.30. The breakdown of per job grants will be in the amount of \$666 per job for the 225 higher pay jobs and \$146 per job for the remaining 450 jobs at the lower salary. The NBIDC will deliver up to \$183,000 to Company to reduce Company's leasehold improvement and equipment acquisition costs. Company can receive these funds upon a showing of having met its Total Taxable Assessed Value and Employment Numbers. The numbers must be maintained for the life of the agreement. To insure compliance an appropriate security instrument will be provided to the NBIDC in the form of a letter of credit equal to the value of the grant (\$183,000). The lien will be released upon fulfillment of the performance condition detailed above (Total Taxable Assessed Value).

Indemnification:

TASKUS will indemnify the City and NBIDC.

Undocumented Workers:

Chapter 2264 of the Texas Government Code requires TASKUS to certify that TASKUS will agree not to knowingly employ any undocumented workers during the term of the Agreement. If TASKUS is convicted of a violation under 8 U.S.C. Section 1324a(f), the business shall repay the amount of the property tax rebate with six percent (6%) interest, at the rate and according to the other terms provided by an agreement under Section [2264.053](#), not later than the 120th day after the date the public agency, state or local taxing jurisdiction, or economic development corporation notifies the business of the violation. If convicted, TASKUS shall repay the amount of all property tax rebates for the year(s) in which the violation occurred.

**Reporting:**

The Company will be required to annually certify that the conditions above are being fulfilled. TASKUS shall provide a certified copy of property taxes paid to the Comal Appraisal District

Assignment:

This Terms Sheet and any subsequent written agreements are non-assignable without the written consent of all parties.

Place of Contract:

New Braunfels, Comal County, Texas

Governing Law:

This Terms Sheet and any subsequent written agreements shall be governed by and subject to the laws of the State of Texas.

No Third Party Rights:

No Third Party Rights are created or arise under this Terms Sheet or any subsequent written agreements.

Authorizing Statute

The City is authorized to undertake this project under Chapter 380 of Texas Local Government Code. The NBIDC is permitted to undertake this project under Texas Local Government Code Chapter 501.101.

Agreed and Accepted:

By: **TASKUS**

By: _____

_____, _____

Date: February ____, 2018

**ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF NEW BRAUNFELS AND TASKUS INC.**

This Economic Development Agreement (this “**Agreement**”) is entered into as of the Effective Date (defined below) by and among the City of New Braunfels, Texas, a home rule municipality (the “**City**”) and TaskUs Inc., a Delaware for-profit corporation (“**TaskUs**”). The City and TaskUs are individually sometimes called a “**Party**” and are together called the “**Parties.**”

Recitals

- A.** TaskUs desires to invest approximately \$10,400,000.00 cumulatively in (i) an office facility of approximately 40,000 gross square-feet (the “**Facility**”), (ii) machinery and equipment, and (iii) furniture, fixtures and equipment (collectively, the “**Project**”), all to be located on a certain approximately ____-acre tract of land located within the city limits of New Braunfels at the ____ block of ____ and depicted on **Exhibit “A”** attached hereto (the “**Property**”);
- B.** Development of the Project is estimated to result in an increase in ad valorem tax base for the City, as described in **Exhibit “B”**;
- C.** TaskUs anticipates that it will employ, on a full-time basis, at least 450 persons by December 31, 2019;
- D.** The City is authorized by chapter 380 of the Texas Local Government Code to make grants of public money, which are measured by a percentage of the property tax paid to the City by the entity receiving such grant;
- E.** The City has determined that by making such grants to TaskUs, the City is promoting state and local economic development and stimulating business and commercial activity to the City;
- F.** This Agreement has been submitted to the Parties for consideration and approval, and the Parties have taken all actions required to be taken prior to the execution of this Agreement to make the same binding upon the Parties according to the terms hereof; and
- G.** The Parties wish to set forth their respective rights and obligations with respect to the Project;

NOW, THEREFORE, in consideration of the promises and agreements herein set forth, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties contract and agree as follows:

- 1. TaskUs Performance Conditions.** In order for TaskUs to receive the Grant Payments, as hereinafter defined, TaskUs must satisfy the following conditions (collectively, the “**Performance Conditions**”):

- a. TaskUs or an Affiliate, as hereinafter defined, shall make certain qualifying expenditures to the Project within the time frames set forth below (“**Investment Conditions**”).
 - i. Required Investment. TaskUs or its Affiliate shall make qualifying expenditures in the Project that result in an increase of Total Taxable Assessed Value of up to Ten Million Four Hundred Thousand Dollars (\$10,400,000) as of January 1, 2019.

The term “**Total Taxable Assessed Value**” for a particular tax year means the “assessed value” (within the meaning of chapter 26 of the Texas Tax Code) for property tax purposes, of the land, improvements and Machinery and Equipment on the Property for such tax year. The term “**Machinery and Equipment**” includes machinery, furniture, fixtures, equipment and capitalized cost relevant to the equipment (but not inventory for sale. TaskUs agrees to timely render annually to the Comal Appraisal District the values of New Machinery and Equipment.

- b. Any Investment Condition that has been met will continue to be met throughout the term of Grant Payments for such Investment Condition for so long as the Total Taxable Assessed Value of the Project does not decrease to less than fifteen percent (15%) of its Total Taxable Assessed Value after the initial satisfaction of the 2019 Investment Condition, which (notwithstanding any provision in this Agreement to the contrary) Total Taxable Assessed Value for any year may include the increases in the “assessed value” for such year the capital investment necessary for the replacement of Machinery and Equipment.
- c. To receive Grant Payments, TaskUs shall satisfy the following employment requirements at the Facility, according to the following schedule (collectively, the “**Employment Condition**”):
 - i. to receive the Grant Payment for the year 2018, TaskUs or its Affiliate must employ and maintain a workforce having no less than (A) Three Hundred and Seven (307) Full-Time Employees on the Property, (B) Two-hundred and twenty five (225) of which are paid an overall average of \$15.30 per hour, and (C) a total annualized Payroll for Full-Time Employees on the Property of at least Nine Million, Three Hundred Fifty-five thousand Dollars (\$9,355,000), in each case by December 31, 2018;
 - ii. to receive Grant Payments for the 2019 year and through the end of the Term (defined below), TaskUs or its Affiliate must employ and maintain a workforce having no less than (A) Four Hundred Fifty (450) Full-Time Employees on the Property, (B) 225 of which must be paid an average of \$15.30 per hour inclusive of benefits and two-hundred and twenty-five (225) of which must be paid an average of \$14.90 per hour inclusive of benefits, and (C) a total

annualized Payroll for Full-Time Employees on the Property of at least Fourteen Million, One Hundred Seventeen Thousand Dollars (\$14,117,000) in each case by December 31 of the subject year.

- iii. Variances on a daily or weekly basis from the above are not a breach of the Employment Condition so long as TaskUs meets the Employment Condition for each of 2018 and later calendar years during the Term.

For purposes of this Agreement, a “**Full-Time Employee**” shall mean an employee of TaskUs or an Affiliate, or Temp for Hire (defined below) of TaskUs or an Affiliate who works a minimum of thirty (30) hours per week at the New Braunfels Facility (i.e., annualized scheduled hours of at least 1500), and who receives benefits commonly associated with full time employment, including but not limited to healthcare, paid and unpaid leave benefits, and the right to participate in TaskUs’ qualified retirement plan. Following the opening of the Facility, TaskUs shall provide a certification of its Full-Time Employees and payroll at the Facility on December 15 of each year. The required certification shall be in a form reasonably acceptable to both parties, and shall include information pertaining to TaskUs’ achievement of the Employment Condition. Notwithstanding the foregoing, TaskUs shall not be required to disclose confidential personnel information regarding individual employees. For purposes of this Agreement, “**Payroll**” means the total amount of compensation paid to all Full-Time Employees, including, but not limited to, salaries and wages, bonuses, healthcare, amounts paid under TaskUs’ corporate matching plan, and payroll taxes. For purposes of this Agreement, “**Affiliate**” means (1) any entity 50% or more owned or controlled by TaskUs, or any of its principal shareholders or any trust created for their benefit, (2) any entity taking over TaskUs’ interest in this Agreement as a result of a merger or consolidation, (3) any entity acquiring all or substantially all of the assets of TaskUs, or (4) any entity which has acquired a majority of the outstanding stock or equity of TaskUs. The term “**Temp for Hire**” means an individual that is employed by a temporary employee agency (or similar business) who is working at the Facility pursuant to a contract between TaskUs or its Affiliate and such temporary employee agency (or other similar business).

- d. TaskUs shall be required to meet all full-time job creation thresholds, annual employment ramp-up, payroll and minimum hourly wage rates set forth in this agreement for the Term to be entitled to all Grant Payments set forth in this Agreement through 2025. In the event TaskUs fails to meet the Employment Condition in any property tax year during the Term, then TaskUs shall not be entitled to any Grant Payments for such property tax year; however, the failure to meet the Employment Condition for any one property tax year will not preclude TaskUs from receiving Grant Payments for any later property tax year assuming the Employment Condition is met in such later property tax year.
- e. There is not a separate Employment Condition for each Line; rather, all Full-Time Employees, irrespective of the Line they are working on, for a particular property

tax year count for purposes of meeting the Employment Condition for such particular property tax year.

- f. In accordance with Chapter 2264 of the Texas Government Code, TaskUs agrees not to knowingly employ any undocumented workers at the Project during the Term of this Agreement. If TaskUs is convicted of a violation under 8 U.S.C. Section 1324a (f), then such violation shall be an event of default and TaskUs shall immediately notify the City in writing and repay the City the amounts granted to TaskUs by this Agreement for the period covered under this Agreement during which such violation occurred. Such payment shall be made within 120 business days after the date TaskUs is notified by the City of such violation. The City, in its sole discretion, may extend the period for repayment herein. Additionally, TaskUs shall pay interest on the amounts due to City at the rate periodically announced by the Wall Street Journal as the prime or base commercial lending rate, or if the Wall Street Journal shall ever cease to exist or cease to announce a prime or base lending rate, then at the annual rate of interest from time to time announced by Bank of America, N.A.-(or by any other New York money center bank selected by the City) as its prime or base commercial lending rate, from the date of such violation notice until paid.
- g. In the performance of this Agreement, TaskUs shall not discriminate against any employee or applicant for employment or with any customer with respect to his hire, tenure, terms, conditions or privileges because of his race, color, religion, national origin, sex, disability or ancestry. Proven breach of this covenant may be regarded as a material breach of this Agreement causing its termination.
- h. TaskUs agrees that the City reserves the right to audit its records onsite pertaining to the Employment Condition at any time upon two (2) business days' notice. The City or its representatives shall not be permitted to remove any records or duplicates from the location where such records are kept.
- i. TaskUs shall remain current and paid on all property taxes for portions of the Property owned by TaskUs or its Affiliates, subject to rights of appeal in accordance with law and subject to a right to cure any tax payment delinquency. If TaskUs becomes delinquent with the Comal Appraisal District, then the City's obligation to make Grant Payments is suspended until TaskUs cures the delinquency. The City's obligation to make a Grant Payment will be cancelled if the delinquency is not cured within sixty (60) days following receipt of notice of default. Notwithstanding Section 5.b., the ninety (90) day Cure Period set forth in section 5.b. shall not apply to this specific event of default. In no event should the City's agreement to make a Grant Payment under this Agreement be construed as a tax abatement by the City under chapter 312 of the Tax Code.

2. Grant Payments. Subject to TaskUs meeting the terms of this Agreement, the City agrees to take the following actions:

- a. Subject to TaskUs' satisfaction of its Performance Conditions, the City will issue to TaskUs grants of cash for TaskUs will make expenditures for its project in certain phases and at certain points in time as set forth below. These capital investments in its facility, furniture, fixtures and equipment are completed for the purposes of beginning operations as part of the proposed project. It is proposed that for the purpose of qualifying for tax rebates, the Company shall meet or exceed these established minimums for Total Taxable Assessed Value. Company will receive a rebate for the difference between the value of the property acquired in the year prior to purchase by Company (2017) and the tax year following Company's investment. (2018 or 2019).

Total Taxable Assessed Value shall mean the Comal Appraisal District's assessed value on any ad valorem improvements or business personal property. Business Personal Property shall mean to include machinery, furniture, fixtures and equipment. For the purposes of commencing a new Rebate Phase, the Total Taxable Assessed Value shall not include the capital investment necessary for the replacement of machinery and equipment on already established real property. Nor shall the replacement of machinery and equipment restart the rebate period for that particular Rebate Phase.

City will rebate the Ad Valorem Tax Revenues for eight years in accordance with the following schedule:

Chapter 380 Payment Schedule	
Year(s) Of Rebate	Chapter 380 Payment Amount
1-3	Seventy percent (70%) of the Ad Valorem Tax Revenues
4-6	Fifty-five percent (55%) of the Ad Valorem Tax Revenues
7-8	Thirty percent (30%) of the Ad Valorem Tax Revenues

- b. TaskUs shall submit to the City a written certification along with supporting documentation by an authorized officer of TaskUs confirming that the investment required to satisfy the Total Taxable Assessed Value has occurred.

TaskUs' Total Taxable Assessed Value shall meet the amounts detailed above along with the employment requirements prior to receiving the incentives set forth below.

- c. Subject to the terms and conditions of this Agreement, the payments under the Grant Payments (the "**Grant Payments**") will be issued by the City to TaskUs for

each relevant tax year beginning January 1, 2018 (“**Commencement Date**”). Each Grant Payment will be issued to TaskUs on or before the thirtieth (30th) day following the day the City receives written notice from TaskUs that such property taxes have been paid in full. Prior to issuance of a Grant Payment, the City shall annually verify the Employment Conditions above. The written notice from TaskUs to the City that the relevant property taxes have been paid in full shall include a copy of the paid tax receipt or other proof such taxes have been paid.

- d. City will monitor Employment Requirements on Behalf of the New Braunfels Industrial Development Corporation (NBIDC) for their Per Job Grant Expenditure.

3. Term. This Agreement shall be effective as of the Effective Date, and shall continue until the date (the “**Term**”) that the last Grant Payment is made under the last Grant Payment to which TaskUs is entitled. However, and notwithstanding any provision in this Agreement to the contrary, no Investment Condition may have a Grant Payment that relates to a property tax year after December 31, 2025.

4. Representations and Covenants

TaskUs hereby represents and covenants as follows:

- a. TaskUs is a duly authorized and existing for-profit corporation , created and operating in good standing under the laws of the State of Delaware; and is authorized and in good standing to transact business in the State of Texas during the Term of this Agreement.
- b. TaskUs has taken all necessary corporate action to authorize its execution and delivery of this Agreement and its performance of its obligations hereunder.
- c. TaskUs has available to it, without restriction, all funds required to be expended by it for the completion of the Project.
- d. TaskUs will use its reasonable efforts to complete all of its obligations under this Agreement when and as set forth herein.
- e. TaskUs has not entered into, and will not enter into, any agreement (written or otherwise) with any person or entity that would prohibit or limit TaskUs from performing all of its obligations under this Agreement.
- f. As of the date of this Agreement, there is no litigation, claim, or proceeding pending of which TaskUs has received written notice, nor to the actual knowledge of TaskUs is there any litigation, claim or proceeding threatened that would prohibit or limits TaskUs from performing all of its obligations under this Agreement.
- g. No bankruptcy proceedings or other proceedings are currently pending or contemplated, and TaskUs has not been informed of any potential involuntary bankruptcy proceedings.

- h. TaskUs will not dissolve or take any action in furtherance thereof so long as it has not performed all of its obligations under this Agreement.

5. **Events of Default, Delay and Termination.**

- a. Each of the following shall constitute an event of default under this Agreement:
 - i. Any Party's failure to comply with and adhere to their respective performance conditions or obligations hereunder, or under the terms of the Agreement.
 - ii. Conviction of TaskUs for employing undocumented workers, pursuant to the terms of Section 1(g).
- b. Before any failure of any Party to perform its obligations under this Agreement shall be deemed to be a breach of this Agreement such that another Party's remedies are available, the Party claiming such failure shall notify, in writing, the Party alleged to have failed to perform of the alleged failure and shall demand performance. No breach of this Agreement may be found to have occurred if such breach has been cured within sixty (60) days following the receipt of such notice; provided, however, if such breach is not reasonably curable within such 60-day period, and TaskUs or its Affiliate have commenced and are pursuing such remedies as shall be reasonably necessary to cure such breach, then TaskUs shall have an additional ninety (90) days to cure such breach (the "***Cure Period***").
- c. In the event of a breach of this Agreement by TaskUs beyond the applicable notice and Cure Period, the City may (i) terminate this Agreement by the delivery of written notice to TaskUs; or (ii) suspend payment of the Grant Payment otherwise due to TaskUs following the date of termination; and (iii) seek to recover from TaskUs any legal expenses incurred by City to enforce TaskUs' compliance with its obligations under the terms of this Agreement. Notwithstanding the foregoing, in no event may the City terminate this Agreement solely for TaskUs' failure to satisfy one or more of the Investment Conditions or for its failure to satisfy the Employment Condition in any given year.
- d. In the event of a breach of this Agreement by the City beyond the applicable notice and Cure Period, TaskUs, as its sole and exclusive remedies, may (i) seek to exercise its rights to enforce City's obligations hereunder in order to receive Grant Payments due to TaskUs; (ii) seek to recover from City any legal expenses incurred by TaskUs to enforce City's payment of monetary obligations under this Agreement; and/or (iii) terminate this Agreement by the delivery of written notice to the City.
- e. Time is of the essence in this Agreement. Notwithstanding the foregoing, any deadlines provided in this Agreement shall be subject to any event of Force Majeure. For purposes of this Agreement, "Force Majeure" shall mean any contingency or cause beyond the reasonable control of any Company Entity,

including without limitation, acts of God or the public enemy, war, riot, terrorism, civil commotion, insurrection, governmental or de facto governmental action or inaction including, but not limited to, government actions pertaining to the determination of flood zones or FEMA actions, fire, earthquake, tornado, hurricane, explosions, floods, epidemics, strikes, slowdowns, work stoppages, unusually severe weather or adverse economic conditions; provided, however, that in no event shall any event of Force Majeure extend any deadline in this Agreement by more than twelve months.

6. Authority.

- a. The City hereby represents and warrants that the City has full constitutional and lawful right, power and authority, under currently applicable law, to execute and deliver and perform the terms and obligations of this Agreement, and all of the foregoing have been or will be duly and validly authorized and approved by all necessary City proceedings, findings and actions. Accordingly, this Agreement constitutes the legal, valid and binding obligation of the City, is enforceable in accordance with its terms and provisions and does not require the consent of any other governmental authority.
- b. TaskUs hereby represents and warrants that it has full lawful right, power, and authority to execute and deliver and perform the terms and obligations of this Agreement and all of the foregoing have been or will be duly and validly authorized and approved by all necessary actions.

7. Miscellaneous Provisions. The following miscellaneous provisions are a part of this Agreement:

- a. Amendments. This Agreement constitutes the entire understanding and agreement of the Parties as to the matters set forth in this Agreement. No alteration or amendment to this Agreement shall be effective unless given in writing and signed by all of the Parties hereto.
- b. Assignment. This Agreement cannot be assigned by TaskUs without the prior written consent of the City, which consent may not be unreasonably denied, delayed, conditioned or withheld (it being understood that reasonable reasons for the City to deny such consent include, without limitation, the lack of financial viability of the assignee, the business reputation of the assignee, the assignee's engaging in a type of business that would reflect poorly on the City, the assignee's lack of compliance with City ordinances and laws, etc.). Notwithstanding the foregoing, TaskUs may assign this Agreement (in whole or in part), without the prior written consent of the City to any Affiliate (currently existing or later formed), provided that such assignee assumes the obligations and liabilities of TaskUs in writing in a form reasonably approved by the City.
- c. Applicable Law and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the Parties

created hereunder are performable in Comal County, Texas. Venue for any action arising under this Agreement shall lie in the state district courts of Comal County, Texas.

- d. Binding Obligation. This Agreement shall become a binding obligation on the signatories upon execution by all signatories hereto. Each Party warrants and represents that the individual executing this Agreement on behalf of that individual's represented Party has full authority to execute this Agreement and bind the represented Party to the same.
- e. Severability. In the event any provision in this Agreement shall be determined by any court of competent jurisdiction to be invalid or unenforceable, the Agreement shall, to the extent reasonably possible, remain in force as to the balance of its provisions as if such invalid provision were not a part hereof.
- f. Notices. All notices required to be given under this Agreement shall be given in writing and shall be effective when actually delivered or when deposited in the United States mail, first class, postage prepaid, addressed to the Party to whom the notice is to be given at the addresses shown below. Any Party may change its address for notices under the Agreement by giving formal written notice to the other Parties, specifying that the purpose of the notice is to change the Party's address. For notice purposes, each Party agrees to keep the other informed at all times of its current address. The addresses of the Parties are:

If to City: City of New Braunfels
 550 Landa St.
 New Braunfels, Texas 78130
 Attn: City Manager

with copy to: City Attorney
 550 Landa St.
 New Braunfels, Texas 78130

If to TaskUs: TaskUs

and copy to:

Notices, approvals and other communications provided for herein shall be deemed delivered upon actual delivery.

- g. Effective Date and Expiration. The Effective Date of this Agreement shall be the last date indicated below reflecting the execution of this Agreement by each Party.

This Agreement shall automatically be null and void if it has not been executed by all of the Parties on or prior to December 1, 2018.

- h. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same document. TaskUs shall execute this Agreement prior to the City of New Braunfels.
- i. Personal liability of Public Officials. To the extent permitted by State law, no public official or employee shall be personally responsible for any liability arising under or growing out of this Agreement.
- j. No Joint Venture; No Third Party Beneficiaries. It is acknowledged and agreed to by the parties to this Agreement that the terms hereof are not intended to, and shall not constitute a partnership or joint venture between the parties. Further, this Agreement does not establish rights in any third parties. The City, and its respective officials, officers and agents, do not assume any responsibility or liability to any third parties in connection with the development of the Project.
- k. If any date or any period provided in this Agreement ends on a Saturday, Sunday, or legal holiday, the applicable period for calculating the notice shall be extended to the first business day following such Saturday, Sunday, or legal holiday.
- l. Indemnity. TaskUs agrees to indemnify the City, and its officials and officers (in their capacities as officials and officers), from and against any claims, losses, damages, causes of action, suits and liabilities arising out of any negligence of TaskUs in its operation of the Facility; provided that TaskUs shall not be obligated to indemnify the City for claims arising out of the willful misconduct or gross negligence of the City or its agents.
- m. No waiver of immunity. No provision of this agreement shall affect or waive any sovereign or governmental immunity available to the City and/or its elected officials, officers, employees and agents under Federal or Texas law nor waive any defenses or remedies at law available to the City and/or its elected officials, officers, employees and agents under Federal or Texas law.

8. **Exhibits to Agreement**

[Signatures on Following Page]

This Agreement to be effective on the last date executed by the respective Parties, below
(the “*Effective Date*”)

TaskUs

a _____

By: _____

Name:

Title:

Date: _____

**CITY OF NEW BRAUNFELS, Texas,
a home rule municipality**

By: _____
Robert Camareno, City Manager

Date: _____

ATTEST:

APPROVED AS TO FORM:

Patrick D. Aten, City Secretary

Valeria M. Acevedo, City Attorney

Exhibit A – Property

[to be included upon recordation of plat]

Exhibit B – Estimated Schedule and Value of Improvements

RESOLUTION NO. 2018-R _____**A RESOLUTION APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH TASKUS INC. CONSISTENT WITH THE GENERAL STATEMENT OF PURPOSE OF THE CITY'S CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM POLICIES AND PROCEDURES.**

WHEREAS, the City of New Braunfels Chapter 380 Economic Development Program (the "Policy") was adopted in an effort to develop and expand the local economy by promoting and encouraging development and redevelopment projects that enhance the City's economic base and a higher quality of life, diversify and expand job opportunities, or encourage projects that create additional revenue for the City without substantially increasing the demand on City services or infrastructure; and

WHEREAS, the Policy sets minimum investment requirements for an applicant and also provides that the City Council may make a determination on a case-by-case basis as to the merits of a project that provides the City benefits in conformance with the Policy's General Statement of Purpose and Policy; and

WHEREAS, TaskUs has brought a significant amount of employment opportunities to the City and is utilizing an office space, the Heritage Business Center, that was formerly vacant; and

WHEREAS, TaskUs will make up to \$10,400,00 in leasehold improvements and business personal property expenditures in 2018, which will materialize in 2019 tax values; and

WHEREAS, the City Council finds that this agreement will bring benefits to the City as it remains consistent with the Policy's General Purpose of promoting high quality development in the City thereby improving the quality of life for its residents.

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

That the City Council authorize the city manager to execute the attached Chapter 380 Economic Development Agreement with TaskUs, Inc. for the investment in improvements, personal property, and the creation of at least 307 new jobs consistent with the General Statement of Purpose and Policy of the New Braunfels Chapter 380 Economic Development Program.

PASSED, ADOPTED AND APPROVED this 12th day of November, 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

11/12/2018

Agenda Item No. G)

Presenter/Contact

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

SUBJECT:

Approval of the second and final reading of an ordinance amending Chapter 86, Article I, Section 86-7, and Chapter 126, Article IV, Division 6 of the Code of Ordinances for through trucks and hazardous cargo routes.

BACKGROUND / RATIONALE:

City Council unanimously approved the first reading of an ordinance amending Chapter 86, Article I, Section 86-7, and Chapter 126, Article IV, Division 6 of the Code of Ordinances for through trucks and hazardous cargo routes on October 10, 2018.

City staff is proposing amendments to Chapter 86, Article I, Section 86-7 - Operation of Vehicles in Parks, and Chapter 126, Article IV, Division 6 - Through Trucks and Hazardous Cargo Routes of the Code of Ordinances to codify all the existing through truck restrictions in New Braunfels. In addition, the hazardous cargo routes section was cleaned up and a definition of "truck" was moved from Section 86-7 to the definitions section of Chapter 126. No changes to the intent of existing ordinances are proposed with these revisions and clean up. Changes to specific sections are detailed below:

Sec. 86-7. Operation of vehicles in parks.

- Removal of reference to Paddle Boat Lane, as it no longer exists.
- Moving the definition of 'truck' to Chapter 126 and referencing that definition here.

Sec. 126-1. Definitions.

- Adding the definition of "truck."

Sec. 126-100. Maximum weight limits for bridges.

- Referencing the weight limits for bridges in parks that are listed in Sec. 86-7(f).

Sec. 126-185. Hazardous cargo routes.

- Clean up of items that were never intended to be codified with the original creation of this section.

Sec. 126-186. Through trucks prohibited.

- Compilation of all existing through truck restrictions in one location.
- Minor changes to the wording of existing through truck restrictions to not appear directional.

All proposed amendments have been reviewed by the Parks and Recreation Department and the Legal Department.

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

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

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board recommended approval of the proposed updates to the existing Through Trucks and Hazardous Cargo Routes ordinance (Article IV, Division 6 of Chapter 126) on a motion that carried unanimously at their meeting on September 13, 2018.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed ordinance amendments.

Sec. 86-7. - Operation of vehicles in parks.

- (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 is defined in section 126-1, means every motor vehicle designed, used or maintained primarily for the transportation of property.

Commented [MKH1]: This isn't a road any more.

~~An~~ Exception to the provisions of this subsection (e) shall be granted to:

~~(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 that~~ which has a destination point, for commercial purposes, within Landa Park or Hinman Island Park, which 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)~~ This exception shall not 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.

Sec. 126-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Truck means any every motor vehicle designed, used or maintained primarily for the transportation of property. For purposes of this section, the following are not included within the definition of a truck: Exceptions to the definition of truck are:

- (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.

Cross reference— Definitions generally, § 1-2.

State Law reference— Definitions, Vernon's Ann. Civ. St. art. 6701d, §§ 1 et seq., 20A.

Sec. 126-100. - Maximum weight limits for bridges.

It shall be unlawful for any person to operate a motor vehicle of any kind upon the bridges that are described below, 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 Garden Street at Comal River, TxDOT location number 15-045-8410-15-001, shall have a maximum safe load limit of 24,000 pounds gross and 15,000 pounds axle or tandem;
- (2) Bridge on East San Antonio Street at Comal River, TxDOT location number 15-046-8408-15-001, shall have a maximum safe load limit of 14,000 pounds gross and 7,500 pounds axle or tandem.

(3) The bridges in parks listed in section 86-7(f).

(Ord. No. 98-7, § II, 2-9-98)

DIVISION 6. - THROUGH TRUCKS AND HAZARDOUS CARGO ROUTES

Sec. 126-185. - ~~Interstate Highway 35 and North West Loop 337~~ Hazardous cargo routes.

- (a) Interstate Highway 35 (IH 35), ~~and North West Loop 337 (LP 337).~~ State Highway 46 (SH 46) east of IH 35, and SH 46 west of LP 337 are designated as through truck routes and hazardous cargo routes through the city limits.
- (b) ~~"Thru truck route IH 35 or LP 337" [R14-1 a or b (SPL)] and "Thru hazardous cargo must follow routes IH 35 or LP 337" [R14-4 (SPL)]~~ Signs are hereby authorized to be installed within the city limits on the portion or portions of roadways set out in subsection (a) of this section at the following locations:
 - (1) ~~To be read by north bound traffic on IH 35 at STA. 521+100 IH 35 N'BD. M.L.~~
 - (2) ~~To be read by south bound traffic on IH 35 at STA 890+40 IH 35 S'BD. M.L.~~
 - (3) ~~To be read by west bound traffic on State ighway 46, at approximately 2,500 feet east of the east right-of-way line of IH 35 on SH 46.~~
 - (4) ~~To be read by east bound traffic on State Highway 46 at approximately 2,640 feet west to the center line of the existing LP 337 bridge on SH 46.~~
- (c) Signage Signs will be installed by DOT as per agreement, conditional to this section.
- (d) Enforcement of this section ~~shall become~~ is effective ~~upon the posting of~~ when said traffic control signs ~~have been installed.~~
- (e) The refusal of any person, to carry out the orders and provisions of this section shall be deemed a misdemeanor, punishable by a fine of not more than \$200.00.

(Ord. No. 93-7, 1-8-93)

Editor's note— Ord. No. 93-7, adopted Jan. 8, 1993, did not specifically amend this Code; hence, codification of substantive provisions of said ordinance as § 126-185 herein was at the editor's discretion.

Sec. 126-186. - Through trucks prohibited.

Through trucks are prohibited on the following roads:

- (1) Oak Sprawl ~~from-between~~ State Highway 46 ~~to-and~~ Oak Glen.
- (2) Oak Glen ~~from-between~~ Oak Run Parkway ~~to-and~~ Oak Forest Drive.
- (3) Oak Forest Drive ~~from-between~~ Oak Run Parkway ~~to-and~~ Oak Glen.
- (4) Oak Brook Drive ~~from-between~~ Oak Run Parkway ~~to-and~~ Oak Forest Drive.
- (5) Oak Run Parkway ~~from-between~~ State Highway 46 ~~to-and~~ Oak Brook Drive.
- (6) Oakwood Boulevard ~~from-between~~ Loop 337 ~~to-and~~ Lakeview Boulevard.
- (7) Old FM 306 between East Common Street and Hunter Road.
- (8) Roads in Landa Park and Hinman Island Park listed in section 86-7.

(9) Ron Road between Green Valley Road and Morningside Drive.

(10) Schmidt Avenue between FM 1044 and Morningside Drive.

(11) Rusch Lane between South IH 35 Frontage Road and the city limits.

(12) South Academy Avenue between West San Antonio Street and West Nacogdoches Street.

(13) Hunter Road between FM 306 and Gruene Road.

(14) Gruene Road between Hanz Drive and New Braunfels Avenue.

(15) Solms Road between North IH 35 Frontage Road and Morningside Drive.

(16) Rueckle Road between North IH 35 Frontage Road and Morningside Drive.

(17) Schmidt Avenue between North IH 35 Frontage Road and Morningside Drive.

(18) Hill Avenue between West Jahn Street and West Garden Street.

(19) Live Oak Avenue between Landa Street and Michigan Street.

(20) Mission Valley Road between State Highway 46 the New Braunfels city limits.

(21) Fredericksburg Road between Landa Street and Ohio Avenue.

(22) Ohio Avenue between Fredericksburg Road and North Walnut Avenue.

(23) South Water Lane between IH 35 and Morningside Drive.

Commented [MKH2]: 1-6 are revised to not appear to be directional.

Commented [MKH3]: 2008-24

Commented [MKH4]: Revised to be only what is in the city limits. The original version included almost 200' of county roadway.

Commented [MKH5]: 2009-36

Commented [MKH6]: 2009-75

Commented [MKH7]: 2010-50

Commented [MKH8]: 2011-26

Commented [MKH9]: 2012-46

Commented [MKH10]: 2014-79

Commented [MKH11]: 2015-17

(24) Loma Vista Street between IH 35 and Morningside Drive.

Commented [MKH12]: 2015-71

(25) Encino Drive between Kerlick Lane and Laurel Lane.

(26) Laurel Lane between Encino Drive and Wood Road.

Commented [MKH13]: 2015-72

(27) Marigold Way between IH 35 and FM 482.

Commented [MKH14]: 2017-01

(28) California Boulevard between Loop 337 and Lakeview Boulevard.

(29) Lakeview Boulevard between California Boulevard and East Klingemann Street.

Commented [MKH15]: 2017-62

(Ord. No. 2016-20, §§ I, II, 4-25-2016; Ord. No. 2017-85, § I, 10-23-17)

Secs. 126-187—126-195. - Reserved.

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTIONS OF CHAPTER 126 "TRAFFIC AND VEHICLES" OF THE NEW BRAUNFELS CODE OF ORDINANCES TO UPDATE THE THROUGH TRUCKS AND HAZARDOUS CARGO ROUTES ORDINANCE.

WHEREAS, to include all the through truck restrictions in the City of New Braunfels in one list; and

WHEREAS, to update the Traffic and Vehicles ordinance to include a definition of a truck; and

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

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

I.

THAT Section 86-7 of the City of New Braunfels Code of Ordinances is hereby amended as follows:

Sec. 86-7. – Operation of vehicles in parks.

- (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; 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 is defined in section 126-1., means every motor vehicle designed, used or maintained primarily for the transportation of property.

An exception to the provisions of this subsection (e) shall be granted to any truck that has a destination point, for commercial purposes, within Landa Park or Hinman Island Park, which shall be permitted to proceed by the shortest route through such parks to its destination, and shall exit by the same route.

This exception shall not 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.

II.

THAT Chapter 126 of the City of New Braunfels Code of Ordinances is hereby amended as follows:

Sec. 126-1. – Definitions.

Truck means any motor vehicle designed, used or maintained primarily for the transport of property. For purposes of this section, the following are not included within the definition of a truck:

- (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.
- (2) Recreational vehicles and passenger buses.

Sec. 126-100. – Maximum weight limits for bridges.

It shall be unlawful for any person to operate a motor vehicle of any kind upon the bridges that are described below, 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 Garden Street at Comal River, TxDOT location number 15-045-8410-15-001, shall have a maximum safe load limit of 24,000 pounds gross and 15,000 pounds axle or tandem;
- (2) Bridge on East San Antonio Street at Comal River, TxDOT location number 15-046-8408-15-001, shall have a maximum safe load limit of 14,000 pounds gross and 7,500 pounds axle or tandem.
- (3) The bridges in parks listed in section 86-7(f).

Sec. 126-185. – Hazardous cargo routes.

- (a) Interstate Highway 35 (IH 35), North West Loop 337 (LP 337), State Highway 46 (SH 46) east of IH 35, and SH 46 west of LP 337 are designated as through truck routes and hazardous cargo routes through the city limits.
- (b) Signs are authorized to be installed within the city limits on the portion or portions of roadways set out in subsection (a) of this section
- (c) Signs will be installed by DOT as per agreement, conditional to this section.

- (d) Enforcement of this section is effective upon the posting of said traffic control signs.
- (e) The refusal of any person, to carry out the orders and provisions of this section shall be deemed a misdemeanor, punishable by a fine of not more than \$200.00.

Sec. 126-186. – Through trucks prohibited.

Through trucks are prohibited on the following roads:

- (1) Oak Sprawl between State Highway 46 and Oak Glen.
- (2) Oak Glen between Oak Run Parkway and Oak Forest Drive.
- (3) Oak Forest Drive between Oak Run Parkway and Oak Glen.
- (4) Oak Brook Drive between Oak Run Parkway and Oak Forest Drive.
- (5) Oak Run Parkway between State Highway 46 and Oak Brook Drive.
- (6) Oakwood Boulevard between Loop 337 and Lakeview Boulevard.
- (7) Old FM 306 between East Common Street and Hunter Road.
- (8) Roads in Landa Park and Hinman Island Park listed in section 86-7.
- (9) Ron Road between Green Valley Road and Morningside Drive.
- (10) Schmidt Avenue between FM 1044 and Morningside Drive.
- (11) Rusch Lane between South IH 35 Frontage Road and the city limits.
- (12) South Academy Avenue between West San Antonio Street and West Nacogdoches Street.
- (13) Hunter Road between FM 306 and Gruene Road.
- (14) Gruene Road between Hanz Drive and New Braunfels Avenue.
- (15) Solms Road between North IH 35 Frontage Road and Morningside Drive.
- (16) Rueckle Road between North IH 35 Frontage Road and Morningside Drive.
- (17) Schmidt Avenue between North IH 35 Frontage Road and Morningside Drive.

- (18) Hill Avenue between West Jahn Street and West Garden Street.
- (19) Live Oak Avenue between Landa Street and Michigan Street.
- (20) Mission Valley Road between State Highway 46 the New Braunfels city limits.
- (21) Fredericksburg Road between Landa Street and Ohio Avenue.
- (22) Ohio Avenue between Fredericksburg Road and North Walnut Avenue.
- (23) South Water Lane between IH 35 and Morningside Drive.
- (24) Loma Vista Street between IH 35 and Morningside Drive.
- (25) Encino Drive between Kerlick Lane and Laurel Lane.
- (26) Laurel Lane between Encino Drive and Wood Road.
- (27) Marigold Way between IH 35 and FM 482.
- (28) California Boulevard between Loop 337 and Lakeview Boulevard.
- (29) Lakeview Boulevard between California Boulevard and East Klingemann Street.

III.

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

IV.

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

V.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This

Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

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

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. H)

Presenter

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

SUBJECT:

Approval of the second and final reading of an ordinance regarding amendments to the Code of Ordinances, Chapter 144, Zoning, Section 1.4 Definitions; and Section 5.3-2 Fences and Walls.

BACKGROUND / RATIONALE:

Case No.: CS-18-030

Council District: All

Applicant: City of New Braunfels

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

Background:

City Council held a public hearing to consider the first reading on October 22, 2018, and unanimously approved (7-0) the proposed ordinance amendments.

New Braunfels' Zoning Ordinance currently includes the following provision:

- Where a multifamily or non-residential development is adjacent to land used or zoned only for single-family or two-family development, a six-foot tall (minimum) to eight-foot tall (maximum) masonry wall must be installed and maintained by the commercial/multifamily property owner/developer as a buffer between the properties and must be consistent with any pre-existing masonry wall.

In 2012, the Zoning Ordinance was modified to require that a buffer between residential and either multi-family or non-residential uses be provided to include shade trees and a wall constructed of masonry materials. This was required for all parts of town with an intent to protect the residential use from potential negative impacts of the non-residential/multi-family uses.

At the time of adoption, fiber cement was considered an accepted "masonry" product. This was due to the fact that a separate section of the Zoning Ordinance that addresses non-residential design standards allowed it as a masonry material. Therefore, fiber cement has been considered an accepted finish material for residential buffer walls (fences) and some commercial projects have built residential buffer walls with fiber cement board and/or panel finish over the years.

Concern has since arisen from residential property owners who do not feel fiber cement provides the quality and durability that was originally intended with the residential buffer wall regulations. Their concerns include appearance, sound transmission, overall durability, and quality of construction. In light of these concerns, City Council directed staff to bring forward clarifying amendments. The subject proposal is to provide a specified list of construction materials that may be used for a residential buffer wall, excluding fiber cement.

In 2015, this section of the Zoning Ordinance was amended to provide an “opt-out” option for abutting residential property owners who preferred to not have a buffer wall. The opt-out option is simple when there are single abutting lots. However, when there are multiple residential lots abutting a single linear commercial/multi-family property line, the ordinance allows a simple majority of abutting residential lots to exercise the opt-out on the single line. The subject proposal would increase that to a two-thirds (2/3) majority.

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

City Plan/Council Priority: Envision New Braunfels	Action 2.8: <i>Establish or expand architectural standards for quality of design across the city.</i> The proposed ordinance seeks to improve the quality and aesthetics of new construction within the City while maintaining standards that protect the health and safety of the citizenry, and flexibility for a variety of types and costs of materials. Action 3.6: <i>Pro-actively provide a regulatory environment that remains business and resident friendly.</i> The proposed amendments to the current regulations also include corrections and clarification that will improve administration of the code.
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on October 3, 2018 and recommended approval of the proposed amendments (9-0-0).

STAFF RECOMMENDATION:

Staff recommends approval. The proposed changes will set a higher standard for residential buffers in the City, improve clarity of intent, fairness of the process, and will help staff process permits more efficiently.

ATTACHMENTS:

1. Draft amendments to Sections 1.4 Definitions, and 5.3-2 Fences and Walls with strikeouts (deletions) and underlines (additions).
2. Chapter 144, Section 1.4
3. Chapter 144, Section 5.3-2
4. Ordinance

Sec. 144-1.4. - Definitions.

For the purpose of this chapter, certain words and terms as used herein are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and vice versa; the word "building" includes the word "structure;" the word "shall" is mandatory and not directory; the term "used for" includes the meaning "designed for" or "intended for."

[Fence. A tangible enclosure or barrier generally erected to provide a boundary or separation of properties.](#)

[Wall. A solid vertical structure of building material allowed by this chapter or other chapters of the city code as applicable that forms the exterior of buildings, separates portions of buildings or separates properties.](#)

Sec. 144-5.3. - Landscaping, tree preservation, public trees, screening, fences, buffering and lighting.

5.3-2. *Fences and walls.*

(a) Maximum height of fence or wall:

- (1) *Non-residential, multifamily and park:* Eight feet.
- (2) *One- or two-family:* Eight feet.

Ornamental features may be placed on top of the screening fence or wall so long as the features obstruct less than 50 percent of the opening on top of the fence or wall.

- (b) No fence or wall shall be constructed in any required front yard, except fences and walls no taller than 36 inches unless the fence is at least 50 percent open, in which case the fence may be four and one-half feet tall.

- (c) If an existing, legally non-conforming building has less than the required setback, the front yard shall be measured from the front building line.
- (d) A fence from the front or rear corners of a building may extend through the side yard at the maximum height allowed.
- (e) Permit required. All fences and walls require building permits and must comply with all permit/plan review submittal requirements including engineered foundation when necessary.
- (f) Public easement. Fences within public easements. Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement. The entity responsible for the public easement must approve the fence.
- (g) Fences are prohibited within drainage easements.
- (h) Residential buffer wall

Where a multifamily or non-residential development is adjacent to land used or zoned only for single-family or two-family development, a six foot tall (minimum) to eight foot tall (maximum) ~~masonry-solid screen residential buffer~~ wall must be installed and maintained by the commercial/multifamily property owner/developer as a buffer between the properties. The wall must be constructed of any of the following materials: and must be consistent with any pre-existing masonry wall.

- Brick.
- Stone.
- Cast stone.
- Rock.
- Marble.
- Granite.
- Split-face concrete block.
- Poured-in place concrete, or
- Precast concrete.

In no instance shall any residential buffer wall be constructed of fiber cement, such as James Hardie brand products or equivalent.

Any new buffer wall must be consistent with any pre-existing wall so long as it meets the materials requirements above.

(1) Exemption.

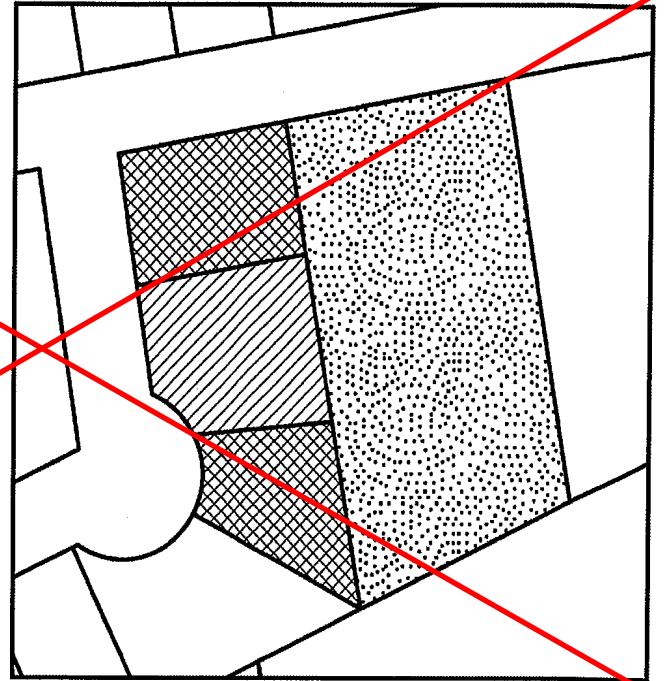
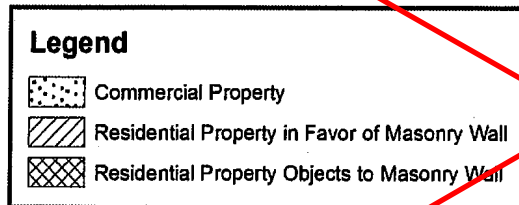
~~(4)~~(i) In the event that the owner(s) of the adjacent residential property intended to be protected object to the ~~masonry-residential buffer~~ wall, they may submit their objection in writing to the planning and community development department. Upon receipt of the written objection, the planning and community development department will authorize an exemption from the requirement that a ~~masonry-residential buffer~~ wall be erected for that single property line.

~~(2)~~(ii) In order to maintain ~~fence~~wall design consistency in the event that multiple single- or two-family residential properties abut the multifamily or non-residential development along a single linear property line:

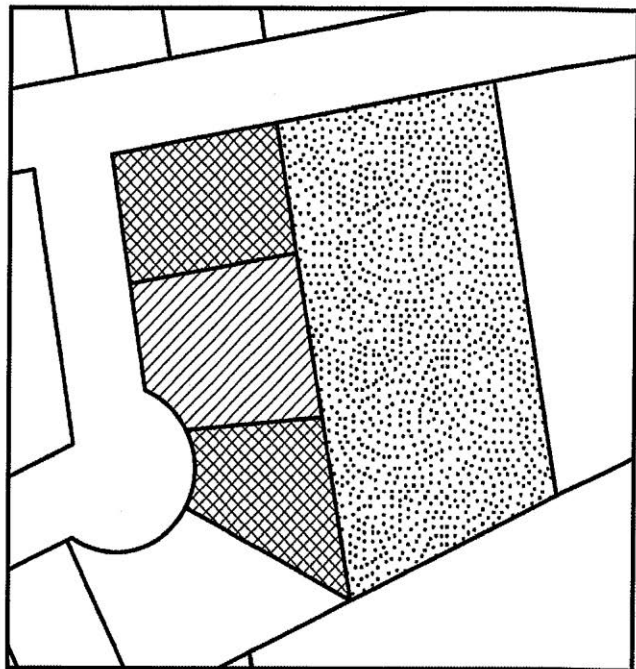
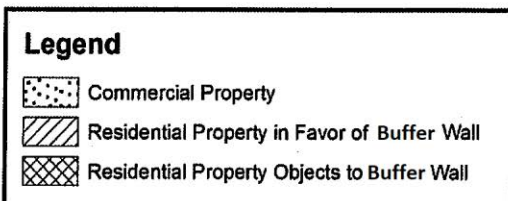
- All owners of property adjoining a single linear property line of the exemption request shall be notified.

- A [two-thirds \(2/3\)](#) majority of the adjoining property line (measured in length of shared property line) must be represented by written opposition from the adjoining property owners in order for the ~~masonry~~ [residential buffer](#) wall exemption to be administratively authorized along that linear property line.

Example of Majority Objection



Example of Majority Objection



(3)(iii) Before a certificate of occupancy (C of O) can be issued for any subsequent commercial/multi-family development, any previous exemption from the ~~masonry~~residential buffer wall requirement is voided and must be re-evaluated.

Maintenance. Any fence or wall erected by the commercial or multi-family development, regardless of material used, must be maintained by the commercial or multi-family property owner/developer.

1.4 Definitions.

For the purpose of this Chapter, certain words and terms as used herein are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and vice versa; the word "building" includes the word "structure;" the word "shall" is mandatory and not directory; the term "used for" includes the meaning "designed for" or "intended for."

Accessory Dwelling means a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure.

Accessory Structure or use means a subordinate building having a use customarily incident to and located on the lot occupied by the main building; or a use customarily incident to the main use of the property.

Alley means a minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting a street.

Alternative tower structure shall mean clock towers, bell steeples, light poles, and similar alternative -design mounting structures.

Amusement devices/arcade (also video arcade) means any building, room, place or establishment of any nature or kind, and by whatever name called, where more than ten percent (10%) of the public floor area is devoted to four (4) or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such Amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar Amusement devices. However, the term "amusement device", as used herein, shall not include musical devices, billiard tables which are not coin-operated, machines that are designed exclusively for small children, and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.

Amusement services (indoors) means an amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball or handball club, indoor tennis courts or club, indoor swimming pool or scuba diving facility, and other similar types of uses.

Amusement services (outdoors) means a n amusement enterprise offering entertainment or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.

Antenna shall mean any exterior apparatus designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves.

Apartment means a room or a suite of rooms within an apartment house arranged, intended, or designed for a place of residence of a single family, individual, or group of individuals.

Apartment house means same as "Multifamily dwelling."

Artist studio means a work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft.

Assembly Hall means a building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes.

Attic means the area between roof framing and the ceiling of the rooms below that is not habitable, but may be reached by ladder and used for storage or mechanical equipment. Improvement to habitable status shall make it a story.

Auto Supply Store for New and Factory Rebuilt Parts means the use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

Bar or Tavern means a commercial establishment, under license from the Texas Alcohol and Beverage commission (TABC), which is principally engaged in the retail sale of alcoholic beverages, with food only incidental to the sale of alcohol.

Base zoning district zoning district means the zoning district, or combination of zoning districts, which will be applied to the subject property contained in a PD. Except as specifically altered through changes or modifications agreed to in the PD land use plan and development standards, the regulations applicable to the base zoning district will apply.

Basement means a story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story where more than one-half of its height is above the average level of the adjoining ground.

Battery charging station means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth.

Bed and Breakfast Inn or Facility(s) means a dwelling or grouping of dwellings at which breakfast is served and sleeping accommodations are provided/offered in rooms or unattached units (e.g., cabins) for transient guests for compensation.

Block means a piece or parcel of land entirely surrounded by public highways or streets, other than Alleys. In cases where the platting is incomplete or disconnected, the Planning Director shall determine the outline of the block.

Boardinghouse means a building other than a hotel, where lodging or meals are provided for five or fewer persons for compensation, pursuant to previous arrangements, but not with rental or lease periods less than one month.

Building means a structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property.

Bulk storage. Bulk storage of fuel and flammable liquids (except liquefied petroleum gas) shall be any aboveground tank for storage of subject liquids which exceeds 500 gallons water capacity, or any facility for which the total aggregate capacity of belowground storage tanks shall exceed 50,000 gallons. Bulk storage of liquefied petroleum gas shall be any facility for which the total aggregate capacity of storage tanks (including truck and/or trailer tanks) exceeds 2,000 gallons water capacity.

Cabin means a small one story house built and designed for temporary use.

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

Child day care (business) means a commercial children's nursery business or place designed for the care or training of unrelated children for less than 24 hours a day.

Church/place of worship means a building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises, that is tax exempt as defined by State law. For the purposes of this Chapter, Bible study and other similar activities which occur in a person's primary residence shall not apply to this definition.

Civic organization is a civic organization is a group of people who hold regular meetings and work towards a common goal. Examples of such civic organizations include, but are not limited to, women's and men's clubs, Kiwanis (and other philanthropic groups), and business associations.

Clinic means a facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. The term "clinic" includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

Club Private means Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily done as a business.

Common open space is private property under common ownership, designated as recreation area, private park (for use of property owners within the subdivision), play lot area, or ornamental areas open to general view.

Community home means a place where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Human Resources Code - Community homes for Disabled persons Location Act). The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.

Condominium means a form of real property with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of the portions. Real property is a condominium only if one or more of the common elements are directly owned in undivided interests by the unit owners. Real property is not a condominium if all of the common elements are owned by a legal entity separate from the unit owners, such as a corporation, even if the separate legal entity is owned by the unit owners.

Conforming means in compliance with the regulations of the pertinent zoning district.

Contractor's office/sales (with outside storage) means a building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.

Contractor's Shop means an establishment used for the indoor repair, maintenance, or storage of a contractor's vehicles, equipment, or materials, and may include the contractor's business office.

Contractor's Storage Yard means an unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. Designation of the lot or parcel as a contractor's storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor. If permitted to be used in this manner, the entire lot or parcel would then be classified as a "contractor's storage yard" and will be required to conform to all applicable zoning district standards and other legislative regulations.

Convenience Store With (or Without) Fuel Sales means a retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries, including possibly fuel, if pumps are provided. Does not include or offer any automobile repair services.

Corporation includes any officer, employee or agent of a corporation.

Country Club means land area and buildings containing golf courses, recreational facilities, a clubhouse, and other customary accessory uses, which is open only to members and their guests.

Court means an open, unoccupied space, other than a yard, on the same lot with the building or group of buildings and which is bounded on two or more sides by such building or buildings.

Coverage, building. Building coverage means the lot area that is covered by all buildings located thereon, including the area covered by all overhanging roofs and canopies.

Coverage, lot. Lot coverage means the combined area of all yards on a given lot.

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

Curb level means the elevation of the established curb in front of a building measured at the center of such front.

Deck means a roofless platform, either freestanding or attached to a building that is supported by pillars or posts.

Density means the number of dwelling units per gross acre of subdivision, excluding any areas that are nonresidential in use.

Department means the department, division or personnel otherwise designated by the city manager to administer or enforce any or all of the provisions of this Chapter.

Depth of rear yard means the horizontal distance between the rear line of the main building and the rear lot line.

Developer means an individual, partnership, corporation or governmental entity undertaking the subdivision or improvement of land and other activities covered by this Chapter, including the preparation of a subdivision plat showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider", even though personnel in successive stages of a project may vary.

Development means the construction of one or more new buildings or structures on one or more building lots, the moving of an existing building to another lot, or the use of open land for a new use. "To develop" shall mean to create development.

Distance Between Buildings means the shortest horizontal distance between the vertical walls of two structures.

Drip-line means a vertical line extending from the outermost portion of the tree canopy to the ground.

Drive-through means an establishment that dispenses products or services to patrons who remain in vehicles.

Duplex means a building designed as a single structure, containing two separate living units, each of which is designed to be occupied as a separate permanent residence for one family or in two separate structures on one lot.

Dwelling means a building or structure or portion thereof designed for occupancy by one family for residential purposes as a single housekeeping unit. In no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling.

FAA shall mean the Federal Aviation Administration.

Facade means a side of a building or accessory structure which consists of a separate architectural elevation as viewed horizontally from the ground, street or other nearby location. The area of a facade is defined by the outer limits of all of its visible exterior elements. Separate faces of a building oriented in the same direction or within 45 degrees of each other are considered part of the same facade.

Family. Two or more persons who are related by blood, marriage, adoption or guardianship, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five persons living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit, cost-sharing basis.

Family home (adult care in place of residence). A facility that regularly provides care in the caretaker's own residence for not more than six adults at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.

Family home (child care in place of residence). A facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed 12 at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.

FCC, shall mean the Federal Communications Commission.

Floodplain. An area of land that is subject to a one percent or greater chance of flooding in any given year, based on developed conditions existing as of the date a development application is accepted for filing, and not based on projected or anticipated future build-out for a watershed.

Food or Grocery Store. A store having 10,000 square feet or more of floor area devoted principally to the sale of food and household goods which usually includes a bakery and meat market.

Frontage. Lineal distance measured along all abutting street rights-of-way.

Garage, detached. A private garage wholly separated and independent of the principal building.

Garage, public. A building or portion thereof, designed or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.

Governing authority. shall mean the City Council of the City of New Braunfels, Texas.

Governmental agency means any department, agent, or employee of the City of New Braunfels, County of Comal, State of Texas, United States Government as well as any public utility, school district or other political subdivision of the State of Texas.

Gross floor area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Group home. A group home means a place that provides care for children in accordance with chapter 42 of the Texas Human Resources Code. For city regulatory purposes, the following definitions from chapter 42 of the Texas Human Resources Code will be considered a group home.

Agency foster group home. An agency foster group home means a facility that provides care for seven to 12 children for 24 hours a day, is used only by a licensed child-placing agency, and meets department standards.

Foster group home. A foster group home means a child-care facility that provides care for seven to 12 children for 24 hours a day.

Health Care Facility. Any facility, place, or building maintained and operated to provide medical care. Health care facilities include but are not limited to hospitals, nursing homes, intermediate care facilities, clinics, and home health agencies, all of which are licensed by the state department of health services and defined in the Texas Health and Safety Code.

Heavy load vehicle. A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 16,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "heavy load vehicle" unless specifically stated otherwise.

Heavy machinery sales and storage. A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.

Height. The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

Height, tower, shall mean, when referring to a tower or other structure, the distance measured from the natural ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Heliport. An area of land or water or a structural surface that is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas that are used, or intended for use, for heliport buildings and other heliport facilities.

Helistop. The same as a "Heliport", except that no fueling, defueling, maintenance, repairs, or storage of helicopters is permitted.

Helistop, Hospital. A helistop limited to serving helicopters engaged in air ambulance.

Heritage tree means any tree attaining a circumference of one-half of the state record for that tree species as defined by the Texas Forest Service or having a trunk circumference of 75 inches or more (about 24 inches in diameter) measured four and one half feet (4 ½') above the ground.

Home Occupation. An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes.

Hospital, general. An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

Hospital, rehabilitation. An establishment that offers services, facilities, and beds for more than 24 hours for two or more unrelated individuals who are regularly admitted, treated, and discharged and who require services more intensive than room, board, personal services, and general nursing care; has clinical laboratory facilities, diagnostic x-ray facilities, treatment facilities, or other definitive medical treatment; has a medical staff in regular attendance; and maintains records of the clinical work performed for each patient.

Hotel. A facility offering transient lodging accommodations to the general public.

Household. Five or fewer people not a family or a family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit. See also the definition of *Family*.

Industrial Use. The manufacture, fabrication, processing, or reduction of any article, substance, or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof. In addition, it shall include trucking facilities, warehousing, storage facilities, businesses serving primarily industry, and similar enterprises. Industrial Use shall not include mini-warehouse/self storage.

Industry, heavy. Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. "Heavy industry" shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, truck terminals, public works yards, and container storage.

Industry, light. A use that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair, or packaging of finished products, predominantly from previously prepared or refined materials (or from raw materials that do not need refining). Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use.

Industry, medium. Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Medium industry produces moderate external effects such as smoke, noise, soot, dirt, vibration, odor, etc.

Junkyard or Automotive wrecking and salvage yard. An outdoor place where a person stores three or more vehicles for the purpose of dismantling or wrecking the vehicles to remove parts for sale or for use in automotive repair or rebuilding.

Kennel. The boarding, breeding, raising, grooming, or training of two or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

Kiosk (Providing a Service). A small, free-standing, one-story accessory structure having a maximum floor area of one hundred (100) square feet and used for retail purposes, such as automatic teller machines or the posting of temporary information or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 50 square feet.

Kitchen. Any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

Laboratory, support. A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

Landscaped area means the area of a lot which is devoted to and consists of plant material adaptable to this region, including but not limited to trees, shrubs, grass, vines, ground cover, and other plant materials, along with planters, brick, stone walkways, natural forms, water forms, and other landscape features, but not including any paved area of smooth concrete or asphalt

Lot. A parcel of land occupied or to be occupied by one building, or group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this Chapter.

Lot, corner. A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension.

Lot coverage. See *Coverage, Lot*.

Lot depth. The length of a line connecting the midpoints of the front and rear lot lines.

Lot, double frontage. Any lot, not a corner lot, with frontage on two streets that are parallel to each other or within 45 degrees of being parallel to each other.

Lot frontage. The length of street frontage between property lines.

Lot, interior. A lot whose side lines do not abut upon any street.

Lot lines. The lines bounding a lot as defined herein.

Lot line, front. The boundary between a lot and the street on which it fronts.

Lot line, rear. The boundary line which is opposite and most distant from front street line; except that in the case of uncertainty the Planning Director shall determine the rear line.

Lot line, side. Any lot boundary line not a front or rear line thereof. A side line may be a part lot line, a line bordering on an alley or place or a side street line.

Lot, through. An interior lot having frontage on two streets.

Lot width. The horizontal distance between side lines, measured at the front building line, as established by the minimum front yard requirement of this Chapter.

Figure 1 – Types of Lots

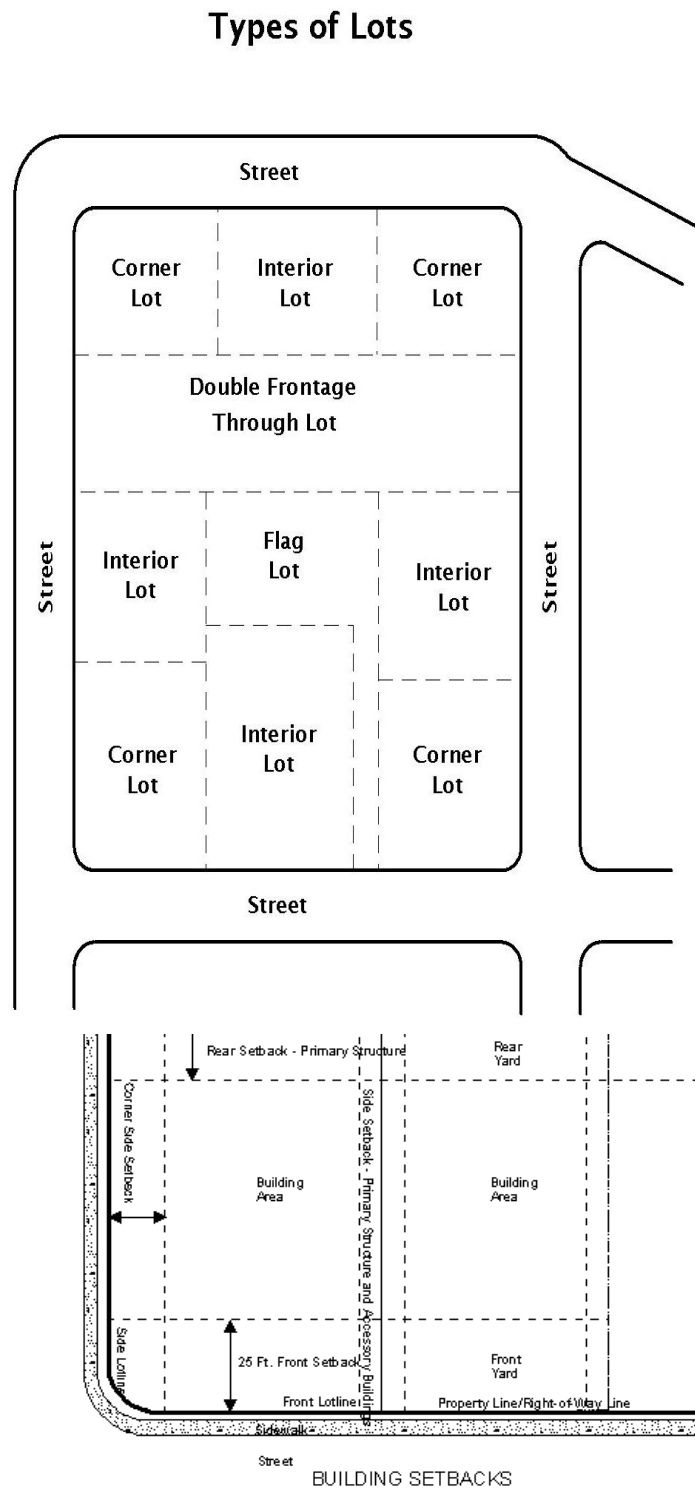


Figure 2 – Lot width, area and depth, and building setbacks

Manufacture home community. A unified development of home spaces restricted to HUD-code manufactured home use, with community facilities and permitted permanent buildings; this development being located on a single tract of land under one ownership and meeting the requirements of all applicable Chapters.

Manufactured home HUD-code. A structure constructed on or after June 15, 1976 according to the rules of the United States Department of Housing and Urban development, transportable in one or more sections, which, in traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a single dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

Manufactured home subdivision. Any parcel of land changed, resubdivided or rearranged into two or more parts, for the purpose of accommodating the location of HUD-code manufactured homes thereon.

Manufacturing, light. The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

Medical facilities:

Medical clinic or office. A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.

Dental office or doctor's office. Same as medical clinic.

Hospital. (see definitions of Hospital, general and Hospital, rehabilitation.

Sanitarium. An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.

Mini-warehouse/self-storage. Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

Mobile home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site is 320 or more square feet, and which is built on a permanent chassis designed to be used as a single dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

Microbrewery. A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

Multifamily dwelling. A building or portion thereof, arranged, intended, or designed for occupancy by three or more families, being separate quarters and living independently of each other. Multifamily also means three or more dwelling units on a single lot or parcel, whether attached or detached.

Nonconforming use. A use, building or yard which does not, by reason of design, use, or dimensions conform to the regulations of the district in which it is situated. It is a legal nonconforming use if established prior to passage of this Chapter, and an illegal nonconforming use if established after the passage of this Chapter and not otherwise approved as provided herein.

Oak wilt means a disease caused by the fungus *Ophiostoma fagacearum* (*Ceratocystis fagacearum*).

One family dwelling. A detached building arranged, intended, or designed for occupancy by one family.

Owner is the person or entity having legal title to the property or a lessee, agent, employee or other person acting on behalf of the title holder with authorization to do so.

Parking lot means a paved surface designed and ordinarily used for parking of employee and customer passenger vehicles. The term does not include parking garages or any area used for the sale, display or storage of motor vehicles or areas where vehicle dealerships park their inventory.

Parking space. Space for the parking or temporary storage of one motor vehicle, not on a public street or alley, having a driveway connecting the parking space with a street or alley permitting free ingress and egress without encroachment on the street or alley.

Pavement, permeable. A pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. A permeable pavement system utilizes either porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open graded coarse aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water which allow for passage of runoff and air.

Pawn shop. An establishment where money is loaned on the security of personal property pledged in the keeping of the owners. The retail sale of primarily used items is also allowed, provided that the sale of such items complies with local, State and Federal regulations.

Person. The word "person" when used in this Chapter shall, for the purpose of this Chapter, mean every natural person, firm, partnership, association, corporation or society, and the term "person" shall include both singular and plural, and the masculine shall embrace the feminine gender.

Place. An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

Planning Director means the Director of Planning and Community Development or his/her designee.

Porch A one-story, usually covered entrance to a building, with or without a separate roof, that is not used for livable space and extends along the building.

Premises. A parcel or tract of land or one or more platted lots under the same ownership and use, together with the buildings and structures located thereon.

Private club. An establishment providing social or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

Protected tree is any tree, on the Approved Plant List (Appendix A), having a trunk circumference of 25 inches or more (about eight inches in diameter) measured four and one half feet (4 1/2') above the ground. As used in the text of this Chapter, the term "protected tree" includes all heritage trees.

Public property means all parks, esplanades, traffic islands, municipal and utility easements and rights-of-way, and miscellaneous property owned by the city.

Public trees means all trees and shrubs having 50% or more of its diameter, measured at existing grade, resting on public property.

Reconstruction. The rehabilitation or replacement of a structure which either has been damaged, altered or removed or which is proposed to be altered or removed to an extent exceeding 50% of the replacement cost of the structure at the time of the damage, alteration or removal.

Recreational vehicle. Any travel trailer, pickup camper, motor home, camping trailer, tent trailer, or similar vehicle which is designed for human habitation.

Removal as applied to trees means uprooting, severing the main trunk of the tree or any act which causes, or may reasonably be expected to cause the tree to die, including but not limited to, damage inflicted upon the root system by machinery, storage of materials, or soil compaction: substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.

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, TH, TH-A, ZH, ZH-A, SND-1, ADSD and WNSD. This includes all Special and Planned Development Districts identified as Residential unless otherwise specified within the Special District.

Restaurant. An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which may include a drive-through window(s).

Roof Pitch. The amount of slope of the roof in terms of angle or other numerical measure; one unit of horizontal rise for three units of horizontal shelter is expressed as "1 in 3" or "4:12."

Screening. A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.

Setback line. See Figure 2 (page 19).

Single-family industrialized home (also called modular prefabricated structure or modular home). A structure or building module, as defined under the jurisdiction and control of the Texas Department of Labor and Standards, that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a fixed residence on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. The term does not include mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.), nor does it include a recreational vehicle as that term is defined by this code. Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.

Site. A tract of property that is the subject of a development application.

Site plan. A detailed plan showing the roads, parking, footprints of all buildings, existing trees, proposed landscaping, parkland, open space, grading and drainage, and similar features needed to verify compliance with the approved land use plan and development standards.

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

Stable, private. An accessory building for the keeping of horses, ponies, or mules owned by occupants of the premises, and not kept for remuneration, hire or sale.

Stable, riding. A structure in which horses, ponies, or mules, used exclusively for pleasure riding or driving, are housed, boarded, or kept for hire.

Storage, Outdoor. The storage, collection or display for more than three consecutive days, or any part of a day for three consecutive days, of any products, materials, equipment, appliances, vehicles not in service, or personal property of any kind on an unenclosed, uncovered area.

Story. That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the wall plates is not above the middle of the interior height of such story. A basement that is no more than four feet above average grade shall not be considered a story.

Street. A public maintained thoroughfare or privately maintained public access easement which affords principal means of access to property abutting thereon, and normally consists of the road surface, ditch or curbs, and sidewalk or parking areas.

Street line. The dividing line between the street right -of-way and the abutting property, normally to the lot property line.

Street yard is the area of a lot that lies between the street right-of-way line and the actual front wall line of a building, as such building wall line extends from the outward corners of the building, parallel to the street, until such imaginary extensions of such front building wall intersect the side property lines.

Structure. Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground; including, but not limited to, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary or retaining walls.

Structural alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Subdivider. Any person or any agent of the person dividing or proposing to divide land so as to constitute a subdivision, as that term is defined in this section. In any event, the term "subdivider" is restricted to include only the owner, equitable owner or authorized agent of the owner or equitable owner of land to be subdivided.

Temporary field office or construction yard or office. A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

Temporary outdoor retail sales. The display and sales of products outside of a building or structure which is not an accessory use to the retail store on the tract on which the temporary sales will be located.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more Antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like.

Townhouse. A "townhouse" is a single-family dwelling unit on an individual lot which is one of a series of dwelling units having one or two common side walls with the other units in the series.

Tree is a woody plant having a well defined stem, trunk, or multi-trunk and a more or less definitely formed crown, usually attaining a mature height of at least eight feet. For purposes of this article, the following publications may be used as a reference in defining which plants may be classified as trees:

- (1) *Texas Trees, A Friendly Guide*, by Paul W. Cox and Patty Leslie, Corona Publishing.
- (2) *A Field Guide to Texas Trees*, by Benny J. Simpson, Texas Monthly Press.
- (3) *Trees of Central Texas*, by Robert A. Vines, University of Texas Press, Austin, 1984.
- (4) *Landa Park Arboretum*, Harry Landa Self-Guiding Tree Trail and Growing Guide, published by Landa Park, New Braunfels, Texas.

Tree canopy coverage includes the percentage of the parking lot area covered by the tree canopy. The area of the tree canopy is the sum of the drip-line areas of all trees within the lot plus the portion of the drip-line area that lies within the lot for trees on the perimeter of the lot.

Truck Stop. An establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews. Truck stops may only be located outside a two mile radius of another truck stop.

Trunk circumference is the distance around the trunk of a tree measured six inches (6") above the ground for trees to be planted and four and one half feet (4 ½') above the ground for existing trees. In the case of multi-trunk trees, the trunk circumference of the tree as a whole is the sum of the circumferences of the two largest individual trunks.

Use. The classification of the purpose or activity for which land or buildings are designated, arranged, intended, occupied or maintained.

Vehicle Storage Facility (VSF). A garage, parking lot, or any facility owned or operated by a person, other than a governmental entity, for storing or parking 10 or more vehicles per year, without the consent of the owners of the vehicles. All VSFs must be licensed by the Texas Department of Transportation's Motor Carrier Division.

Vending. Any activity by any person involving the display, sale, offering for sale, offering to give away, or giving away of anything of value including any food, beverage, goods, wares, merchandise, or services.

Wrecking yard (junkyard or auto salvage). Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

Xeriscape is a set of garden design and landscape maintenance principles that promote good horticultural practices, efficient use of water, and means water-conserving drought-tolerant landscaping.

Yard. An open space between a building and the nearest lot line, unoccupied and unobstructed by any portion of a structure from the ground upward. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

Yard, front. A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, rear. A yard between the rear lot line and the rear line of the main building.

Yard, side. A yard between the main building and the adjacent side line of the lot, and extending entirely from the front yard to the rear yard thereof.

Zero lot line home. A single-family dwelling that is built adjacent to one side property line.

Chapter 144 Zoning

5.3. Landscaping, tree preservation, public trees, screening, fences, buffering and lighting.

5.3-2. *Fences and Walls.*

(a) Maximum height of fence or wall:

(1) Non-residential and multifamily: 8 feet.

(2) 1 or 2 family: 8 feet.

Ornamental features may be placed on top of the screening fence or wall so long as the features obstruct less than 50% of the opening on top of the fence or wall.

(b) No fence or wall shall be constructed in any required front yard, except fences and walls no taller than 36 inches unless the fence is at least 50% open, in which case the fence may be 4-½ feet tall.

(c) If an existing, legally non-conforming building has less than the required setback, the front yard shall be measured from the front building line.

(d) A fence from the front or rear corners of a building may extend through the side yard at the maximum height allowed.

(e) Permit required. All fences and walls require building permits.

(f) Public easement. Fences within public easements. Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement. The entity responsible for the public easement must approve the fence.

(g) Fences are prohibited within drainage easements.

(h) Where a multifamily or non-residential development is adjacent to land used or zoned only for single-family or two-family development, a six-foot tall (minimum) to eight-foot tall (maximum) masonry wall must be installed and maintained by the commercial/multifamily property owner/developer as a buffer between the properties and must be consistent with any pre-existing masonry wall.

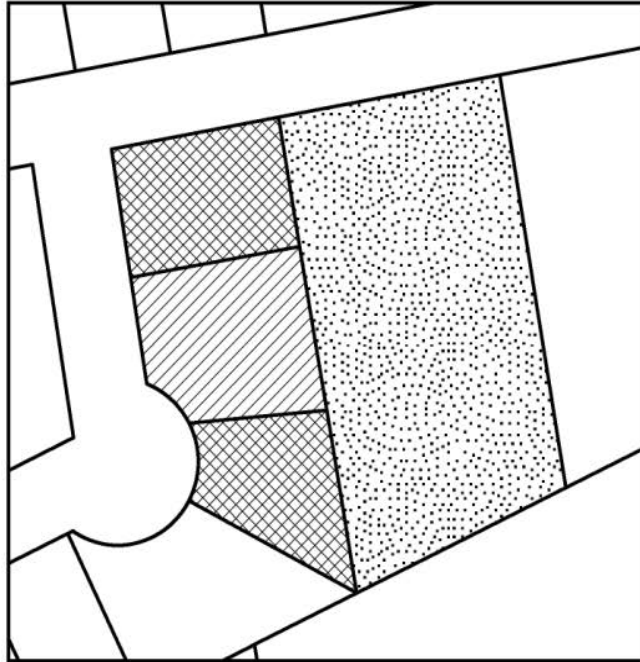
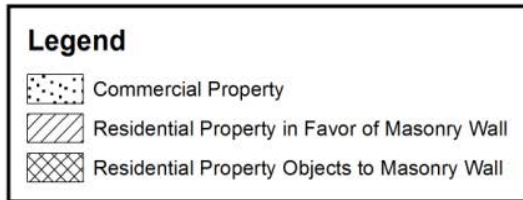
Exemption.

1) In the event that the owner(s) of the adjacent residential property intended to be protected object to the masonry wall, they may submit their objection in writing to the Planning and Community Development Department. Upon receipt of the written objection, the Planning and Community Development Department will authorize an exemption from the requirement that a masonry wall be erected for that single property line.

2) In order to maintain fence design consistency in the event that multiple single- or two-family residential properties abut the multifamily. or non-residential development along a single linear property line:

A majority of the adjoining property line (measured in length of shared property line) must be represented by written opposition from the adjoining property owners in order for the masonry wall exemption to be administratively authorized along that linear property line.

Illustration 16 Example of Majority Objection

Example of Majority Objection

(3) Before a certificate of occupancy (C of O) can be issued for any subsequent commercial/multi-family development, any previous exemption from the masonry wall requirement is voided and must be re-evaluated.

Maintenance. Any fence or wall erected by the commercial or multi-family development, regardless of material used, must be maintained by the commercial or multi-family property owner/developer.

- (i) The front, side or rear yard of a park may include a fence or wall no taller than 36 inches unless the fence or wall is at least 50 percent open. Solid walls in existence at the time of the adoption of this section (March 24, 2014) are allowed to be reconstructed within 12 months of damage or removal. This does not preclude the construction of a solid fence or wall along the shared property line of property used or zoned for single or two-family residences when the residential property is within 175 feet of an arterial roadway.

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL CITY OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144, ZONING, AMENDING SECTION 1.4. DEFINITIONS; AND AMENDING SECTION 5.3. LANDSCAPING, TREE PRESERVATION, PUBLIC TREES, SCREENING, FENCES, BUFFERING AND LIGHTING; 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, finds it necessary to establish rules and regulations governing the use of land in the city limits; and

WHEREAS, the City Council has directed that regulations dealing with the use and development of land be reviewed by the Planning Commission to make recommendations concerning improving those regulations; and

WHEREAS, the Planning Commission held a public hearing on October 3, 2018 and recommends approval of amendments to the definitions and residential buffer fencing requirements; and

WHEREAS, the City Council finds that adopting updated regulations for residential buffering enhances the quality of construction and development, and better protects residential properties, which is in the best interest of the citizens of New Braunfels; **now therefore**,

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

SECTION 1

THAT Chapter 144, Zoning, Section 1.4. Definitions, is hereby amended as shown below:

For the purpose of this chapter, certain words and terms as used herein are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and vice versa; the word "building" includes the word "structure;" the word "shall" is mandatory and not directory; the term "used for" includes the meaning "designed for" or "intended for."

[Fence. A tangible enclosure or barrier generally erected to provide a boundary or separation of properties.](#)

[Wall. A solid vertical structure of building material allowed by this chapter or other chapters of the city code as applicable that forms the exterior of buildings, separates portions of buildings or separates](#)

[properties.](#)

SECTION 2

THAT Chapter 144, Zoning, Section 5.3. Landscaping, tree preservation, public trees, screening, fences, buffering and lighting, is hereby amended as shown below:

5.3-2. *Fences and walls.*

(a) Maximum height of fence or wall:

- (1) *Non-residential, multifamily and park:* Eight feet.
- (2) *One- or two-family:* Eight feet.

Ornamental features may be placed on top of the screening fence or wall so long as the features obstruct less than 50 percent of the opening on top of the fence or wall.

- (b) No fence or wall shall be constructed in any required front yard, except fences and walls no taller than 36 inches unless the fence is at least 50 percent open, in which case the fence may be four and one-half feet tall.
- (c) If an existing, legally non-conforming building has less than the required setback, the front yard shall be measured from the front building line.
- (d) A fence from the front or rear corners of a building may extend through the side yard at the maximum height allowed.
- (e) Permit required. All fences and walls require building permits [and must comply with all permit/plan review submittal requirements including engineered foundation when necessary.](#)
- (f) Public easement. Fences within public easements. Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement. The entity responsible for the public easement must approve the fence.
- (g) Fences are prohibited within drainage easements.
- (h) [Residential buffer wall](#)

Where a multifamily or non-residential development is adjacent to land used or zoned only for single-family or two-family development, a six foot tall (minimum) to eight foot tall (maximum) ~~masonry-solid screen residential buffer~~ wall must be installed and maintained by the commercial/multifamily property owner/developer as a buffer between the properties. [The wall must be constructed of any of the following materials:](#) ~~and must be consistent with any pre-existing masonry wall.~~

- [Brick.](#)
- [Stone.](#)
- [Cast stone.](#)
- [Rock.](#)
- [Marble.](#)
- [Granite.](#)

- [Split-face concrete block,](#)
- [Poured-in place concrete, or](#)
- [Precast concrete.](#)

[In no instance shall any residential buffer wall be constructed of fiber cement, such as James Hardie brand products or equivalent.](#)

[Any new buffer wall must be consistent with any pre-existing wall so long as it meets the materials requirements above.](#)

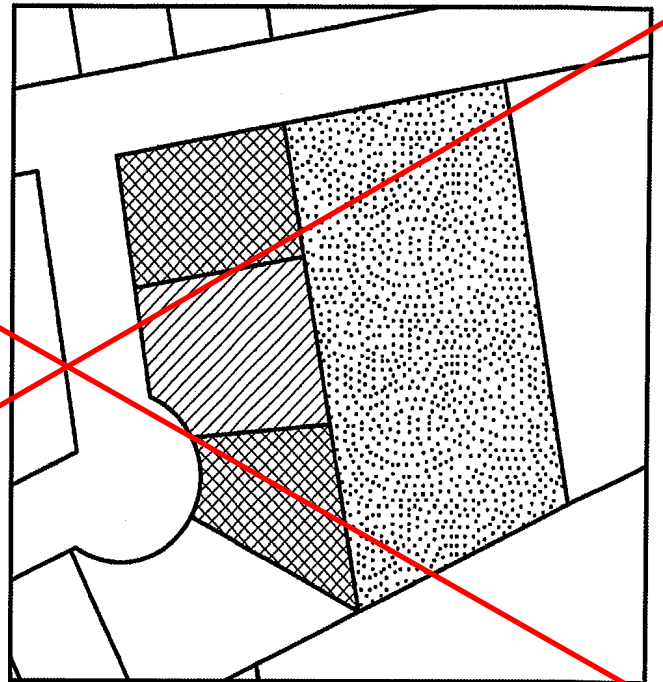
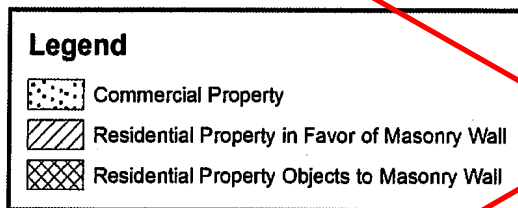
(1) Exemption.

~~(4)~~(i) In the event that the owner(s) of the adjacent residential property intended to be protected object to the ~~masonry~~[residential buffer](#) wall, they may submit their objection in writing to the planning and community development department. Upon receipt of the written objection, the planning and community development department will authorize an exemption from the requirement that a ~~masonry~~[residential buffer](#) wall be erected for that single property line.

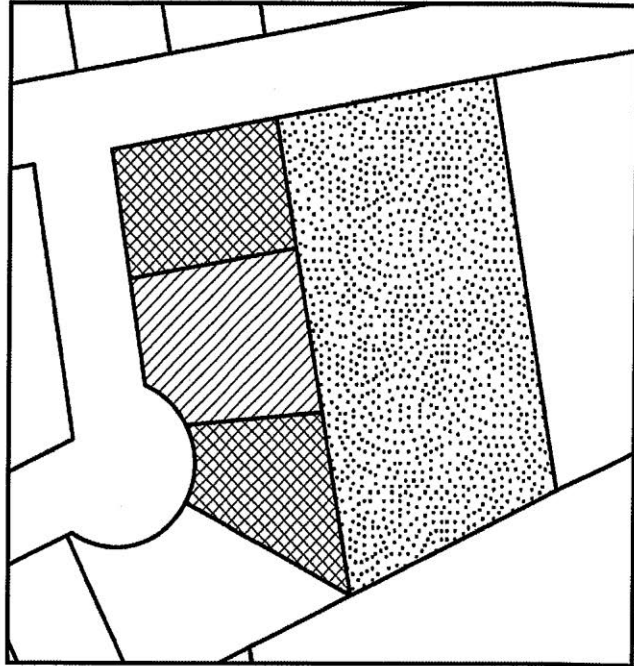
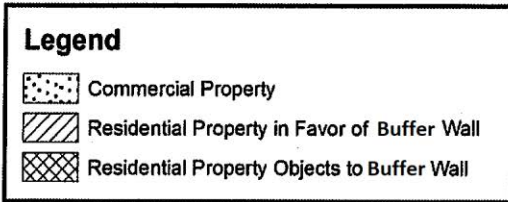
~~(2)~~(ii) In order to maintain ~~fence~~[wall](#) design consistency in the event that multiple single- or two-family residential properties abut the multifamily or non-residential development along a single linear property line:

- [All owners of property adjoining a single linear property line of the exemption request shall be notified.](#)
- A [two-thirds \(2/3\)](#) majority of the adjoining property line (measured in length of shared property line) must be represented by written opposition from the adjoining property owners in order for the ~~masonry~~[residential buffer](#) wall exemption to be administratively authorized along that linear property line.

Example of Majority Objection



Example of Majority Objection



~~(3)~~(iii) Before a certificate of occupancy (C of O) can be issued for any subsequent commercial/multi-family development, any previous exemption from the ~~masonry~~residential buffer wall requirement is voided and must be re-evaluated.

Maintenance. Any fence or wall erected by the commercial or multi-family development, regardless of material used, must be maintained by the commercial or multi-family property owner/developer.

SECTION 3

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

SECTION 4

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

SECTION 5

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the

extent of such conflict only.

SECTION 6

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

SECTION 7

THAT 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.

SECTION 8

THIS ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First Reading this the 22nd day of October, 2018.

PASSED AND APPROVED: Second and Final Reading this the 12th day of November, 2018.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. I)

Presenter/Contact

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

SUBJECT:

Approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking on a portion of East Faust Street.

BACKGROUND / RATIONALE:

Council District: 5

Engineering staff received a request from a citizen to restrict parking along the north side of East Faust Street between the intersection with Sanger Avenue and the Faust Street Bridge. This request is due to the lack of space for maneuvering when vehicles are parked in the marked spaces on the south side of East Faust Street in this area. No parking zone signs were authorized by Thomas Wibert, Chief of Police, on August 8, 2018.

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 was available in the FY17-18 approved streets and drainage budget.

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously approved a parking restriction along the north side of East Faust Street between the intersection with Sanger Avenue and the Faust Street Bridge at their meeting on October 18, 2018.

STAFF RECOMMENDATION:

Staff recommends approval of establishing a no parking zone along the north side of East Faust Street between the intersection with Sanger Avenue and the Faust Street Bridge.



No Parking Zone on East Faust Street

ORDINANCE NO. 2018-_____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-346 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO RESTRICT PARKING ON A PORTION OF EAST FAUST STREET.**

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

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

I.

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

- (119) On the north side of East Faust Street between the intersection with Sanger Avenue and the Faust Street Bridge. Such no parking zone shall be designated as a tow away zone.

II.

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

III.

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

IV.

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

V.

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

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

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. J)

Presenter/Contact

Jared Werner, Chief Financial Officer
(830) 221-4395 - jwerner@nbtexas.org

SUBJECT:

Approval of the first reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 122-Taxation, Article II - Hotel Occupancy Tax, Section 122-36-Use of Proceeds, to allow use of hotel tax revenues to meet the Convention and Tourism Fund reserve balance of the Greater New Braunfels Chamber of Commerce.

BACKGROUND / RATIONALE:

The City contracts with the Greater New Braunfels Chamber of Commerce for the provision of marketing, tourism support and convention activities. As part of this agreement, the Chamber receives 50 percent of the City's hotel/motel tax revenue (HOT) to support these activities. At the October 22nd regular meeting, City Council approved an amendment to the contract that incorporated a process in which the Chamber could exceed the 50 percent threshold via City Council approval. If the City Council chose not to approve an increase in the 50 percent threshold in any given year, the Chamber would have to reduce the following year budget by an amount to ensure that the cap is not exceeded cumulatively over the two-year period. Prior to that amendment being executed, the ordinance must be amended with similar language that allows for City Council approval of an allocation of occupancy taxes to the Chamber that could exceed 50 percent of annual collections. As the attached ordinance indicates, the additional allocation can only be approved when there are sufficient reserves available in the Hotel/Motel Tax fund.

For FY 2017-18 and FY 2018-19, there are sufficient reserves available to support the full implementation of the Convention and Tourism Fund budget(s).

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

N/A

FISCAL IMPACT:

While there is no direct fiscal impact from the amendment to the ordinance, the Hotel/Motel Tax Fund does have sufficient reserves available to support the convention and tourism fund budget(s) for FY 2017-18 and FY 2018-19.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 122-TAXATION, ARTICLE II- HOTEL OCCUPANCY TAX, SECTION 122-36-USE OF PROCEEDS, TO ALLOW USE OF HOTEL TAX REVENUES TO MEET THE CONVENTION AND TOURISM FUND RESERVE BALANCE OF THE GREATER NEW BRAUNFELS CHAMBER OF COMMERCE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Chapter 122 of the Code of Ordinances contains regulations regarding collection and use of hotel occupancy taxes, in accordance with applicable state Tax Code requirements; and

WHEREAS, the current ordinance requires that a minimum of 15% of these funds must be used for artistic/cultural programs, a minimum of 35% for civic center, historical preservation, and promotional programs solely city operated and controlled, and the remaining 50% towards contracts authorized by the Texas Tax Code governing hotel occupancy taxes, which includes the contract between the City and the Greater New Braunfels Chamber of Commerce; and

WHEREAS, the City Council contracts with the Greater New Braunfels Chamber of Commerce (the "Chamber") for services allowed by the Texas Tax Code, Chapter 351, related to use of hotel tax revenues; and

WHEREAS, the current ordinance does not have language that provides an opportunity or process by which the City Council could allocate more than 50 percent of occupancy taxes to the Chamber of Commerce in a given year; and

WHEREAS, this amendment will allow the City Council to allocate additional funds from the 35 percent portion currently held in the reserves of the Hotel/Motel Tax Fund.

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

SECTION 1: That Chapter 122-Taxation, Article II, Hotel Occupancy Tax, of the City Code of Ordinances, Section 122-36-Use of Proceeds, is hereby amended to read as follows:

Sec. 122-36. Use of Proceeds.

The proceeds of the hotel occupancy tax levied by this article shall be used by the city council for the purpose of advertising and encouraging the growth of tourist and convention activity in the city, including the financial support of the civic center, and those purposes set forth in the Texas Tax Code; provided, however that the city shall use a minimum of 15 percent of the total hotel occupancy tax revenue for the enhancement of the arts and cultural organizations and programs. Additionally, the city shall use a minimum of 35 percent of the total hotel occupancy tax revenue for the following: maintenance and improvement of the civic center; funding of historical

preservation of the historic downtown area and other buildings with historic significance; solely city operated and controlled promotional programs that are allowed by state law; and to meet the annual fund balance/reserve requirement of the Convention and Tourism Fund in accordance with the contract between the City and the Greater New Braunfels Chamber of Commerce for the use of hotel occupancy tax. The remaining proceeds (50 percent) of the hotel occupancy tax shall be allocated by contract in accordance with the provisions of the city charter and the Texas Tax Code, as amended. However, if there are sufficient reserves available in the Hotel/Motel Tax Fund, the City Council can approve additional funds up and above the 50 percent in any given year. Any contract may be for a period of time not to exceed five (5) years in duration. No later than 60 days after the end of each funding year of the contract, all recipients of any occupancy tax receipts under this article, other than the amounts deposited in city funds, shall submit an audited report to the city council, showing in detail the disbursement and use of all such amounts paid to each and the services or goods and/or merchandise received for the same. Thirty (30) days prior to the end of the contract period, each recipient shall forward to the city manager evidence of justification for the granting of a new contract by the city council for the future contract period. The receipt of any funds by any recipient shall not imply any right of automatic renewal of such contract for the ensuing years; such option under the charter of the city and the laws of the state shall rest exclusively with the city council.

SECTION 2: This Ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to a municipal hotel occupancy tax within the City limits, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this Ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

SECTION 3: That 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 4: This Ordinance shall take effect upon the second and final reading of the same.

PASSED AND APPROVED: First reading this 12th day of November, 2018.

PASSED AND APPROVED: Second reading this 26^h day of November, 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

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. K)

Presenter/Contact

Jared Werner, Chief Financial Officer
(830) 221-4295 - jwerner@nbtexas.org

SUBJECT:

Approval of the first reading of an amendment to ordinance 2018-63 establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government Code, Chapter 143.

BACKGROUND / RATIONALE:

Fire Department

Included in the proposed budget are several reclassifications for the Fire Department. Similar to the Police Department in FY 2017-18, the total number of positions will need to be temporarily increased to support the reclassification process. Therefore, while there were no additional positions included in the proposed budget for the Fire Department, the first step of processing the reclassifications includes adding four Captain positions. To avoid amending this ordinance multiple times throughout the fiscal year, the attached ordinance reflects how the authorized positions will fluctuate as the promotions and reclassifications are implemented. As the table in the ordinance indicates, the total number of positions on February 12, 2019 (134) reverts to the amount authorized on September 30, 2018 (134).

Police Department

When this ordinance was updated in September to adjust for the new positions authorized in the Adopted Budget, there was an additional officer that was not included in error. The attached ordinance now accurately reflects all existing and new positions authorized for FY 2018-19.

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

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FISCAL IMPACT:

Funding for all new positions and reclassifications has been incorporated into the FY 2018-19 Proposed Budget. Therefore, sufficient funds are available.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance.

ORDINANCE 2018-

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

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

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

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

WHEREAS, this ordinance modifies the authorized number of positions in each rank consistent with the FY 2018-19 Proposed Budget, including new positions and reclassifications.

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

I.

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

<u>Classification</u>	<u>Effective</u> <u>09/30/2018</u>	<u>Effective</u> <u>10/01/2018</u>	<u>Effective</u> <u>1/15/19</u>	<u>Effective</u> <u>2/12/19</u>
1. Assistant Fire Chief	1	1	1	1
2. Battalion Chief	5	5	5	5
3. Captain	5	9	9	9
4. Lieutenant	25	25	22	22
5. Engineer	41	41	41	40
6. Firefighter	57	57	57	57
Totals	134	138	135	134

The classification of Assistant Fire Chief is the rank/classification immediately below the Department Head. As such, that position is both established by the City

Council and will remain a position to which the Department Head may appoint the occupant, in accordance with §143.014 of the Texas Local Government Code.

II.

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

<u>Classification</u>	<u>Effective 6/1/18</u>	<u>Effective 9/25/18</u>	<u>Effective 10/1/18</u>	<u>Effective 1/1/19</u>	<u>Effective 4/1/19</u>
1. Assistant Police Chief	1	1	1	1	1
2. Captain	3	3	3	3	3
3. Lieutenant	5	5	5	5	5
4. Sergeant	17	17	18	18	18
5. Corporal/ Detective	22	16	16	16	16
6. Police Officer	80	80	80	84	89
<i>Totals</i>	128	122	123	127	131

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

III.

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

IV.

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

V.

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

VI.

This amended Ordinance shall take effect on September 25th, 2018, unless otherwise noted.

PASSED AND APPROVED: First reading this _10th day of September, 2018.

PASSED AND APPROVED: Second reading this _24th_ day of September, 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

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the appointment of two individuals to the Community Development Advisory Committee for terms ending December 13, 2020, and December 13, 2021.

BACKGROUND / RATIONALE:

The Community Development Advisory Committee has nine members serving three-year staggered terms. Notice of vacancy was advertised from August 16, 2018 to October 15, 2018.

Seven qualified applications were submitted for the two Community Development Advisory Committee City Resident position vacancies:

- Robert Blythin
- Susan Briner (incumbent)
- James Cox
- Chris Evers
- Tracey Gibbons
- Jeffrey Madison
- Lawrence Spradley

Applicants' current & prior service on Boards and Commissions

Robert Blythin has no previous experience on City boards or commissions. He is a graduate of City University.

Susan Briner has served on the Community Development Advisory Committee since November 2015.

James Cox has no previous experience on City boards or commissions.

Chris Evers has no previous experience on City boards or commissions.

Tracey Gibbons has no previous experience on City boards or commissions.

Jeffrey Madison has no previous experience on City boards or commissions.

Lawrence Spradley has served as an alternate on the Zoning Boards of Adjustment since June 2018.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the appointment of two individuals to the Community Development Advisory Committee for terms ending December 13, 2020, and December 13, 2021.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. B)

Presenter/Contact

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

SUBJECT:

Discussion and possible action regarding adoption of the South Castell Visioning Plan.

BACKGROUND / RATIONALE:

Through several public meetings and discussions, the public and the City Council have shaped the South Castell Visioning Plan into the options prepared for adoption.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. C)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of a Public Improvement District (PID) policy.



Public Improvement District (PID) Policy

I. OVERVIEW

Public Improvement Districts (“PIDs”), per the Texas Local Government Code Chapter 372 (“the code” or “PID Act”), provide the City of New Braunfels (“the City”) an economic development tool that permits the financing of qualified public improvement costs which confer a special benefit on a definable part of the City. Proceeds from bonds issued by a PID can finance capital costs and fund supplemental services to meet the community needs which could not otherwise be constructed or provided. The bonds issued by the PID to fund the costs of eligible capital improvements and/or supplemental services are paid entirely by property owners within the Public Improvement District (“PID”) who receive special benefits from the capital improvements or services. **A PID may only be used to pay for public improvements as defined in the code.**

A PID is comprised of properties, whose owners have petitioned the City to form a PID. The City Council establishes a PID by adoption of a resolution after a public hearing. Written notification of the public hearing is published and mailed to all property owners in the proposed PID. By petition, the owners pledge to pay an assessment in order to receive enhanced services and/or improvements within the District. The PID must demonstrate that it confers a benefit, not only to the properties within the district, but also to the “public” which includes the City.

The purpose of this PID policy is to outline the issues to be addressed by the owner of the taxable real property liable for assessment petitioning for creation of a PID (“Petitioner”) before the City Council can support the establishment of a PID. The PID policy outlines such things as petition requirements, qualified costs, financing criteria, information disclosures to property owners, and the determination of annual plans, budgets and assessments.

II. GENERAL

1. A PID may be created and utilized to construct qualified public improvements and/or reimburse a portion of the Developer’s actual and documented costs required for public improvements to serve the development. Such incremental costs shall be associated with the construction of qualified public improvements.
2. PIDs must be self-sufficient and not require the City to incur any costs associated with the formation of the PID, bond issuance costs, PID administration or the construction of PID improvements.

3. PID petition signatures should reflect that a reasonable attempt was made to obtain the full support of the PID by all the property owners located within the proposed PID. Priority will be given to PIDs with the support of 100% of the landowners within a PID.
4. PID petitions will be more likely to be approved if the project includes one or more aspects of the following types of improvements:
 - a. Which generate economic development benefits to the City beyond what normal development would and meeting the goals of the Economic Development Strategic Plan;
 - b. Which provide for improvements in the public right-of-way which create new or enhanced public roads and streets and which enhance and create opportunities to redevelop older or underutilized areas of the City); (e.g., entryways, gateways, landscaping, street trees, fountains, specialty lighting, art, decorative and landscaped streets and sidewalks, bike lanes, multi-use trails, signage, terminating vistas, decorative pedestrian lighting, pedestrian safety elements, ADA accessibility, underground utilities, etc.);
 - c. Which meet community needs (e.g., enhanced drainage improvements, land and infrastructure for re-irrigation of treated wastewater, off-street public parking facilities, pedestrian and trail connectivity, mobility enhancements and workforce housing)
 - d. Which exceed development requirements of the City; in particular enhanced architectural standards, enhanced landscaping, low impact development (LID) features, impervious cover limitations, parking lot shading, floorplan variety, and which provide for a superior design of lots or buildings including green building ratings systems for energy efficiency;
 - e. Which provide for increased recreation and open space opportunities for public use;
 - f. Which protect and preserve natural amenities and environmental assets such as the rivers, lakes, trees, creeks, ponds, floodplains, slopes, hills, viewsapes, aquifer recharge and/or contributing zones, and wildlife habitats;
 - g. Which protect and preserve existing historical buildings, structures, features or places and preserve the rural and community amenities or features that further the look and feel of the hill country or would otherwise be of special benefit to the property users or community; or which establish a unified architectural or design theme throughout the development that complements the community's character and heritage; and
 - h. Which are associated with property located within the city limits of the City of New Braunfels.

- i. Access to records that provides the City with the ability to perform due diligence on the Developer's ability and financial capacity to deliver the project as proposed.
5. A PID's budget shall include sufficient funds to pay for all costs, including the cost of establishing the PID, issuance of PID bonds, if any, as well as including funds for additional administrative and/or operational costs and management costs.
6. A Landowner's Agreement must be recorded in the Official Public Records of the County in which the PID is located which, among other things, will notify any prospective owner of the existence or proposal of special assessments on the property. All closing statements and sales contracts for lots must specify who is responsible for payment of any existing PID assessment or a *pro rata* share thereof until such time as the PID assessment is paid in full.
7. Any requested adjustments or deviations from the terms of this Policy for a PID shall be clearly requested and explained (including a detailed description of the basis for such a request under Chapter 372 of the Texas Local Government Code) in the PID petition, for that PID. Any adjustments or deviations granted are at the sole discretion of the City Council.
8. A PID must be identified as a PID with use of signage along the main entry/exits located at the boundaries of the PID. All signage shall be clearly visible to all motorists entering and exiting the PID.
9. Property owned by the City of New Braunfels or that is intended to be conveyed or dedicated to the City and that is located in the boundaries of the PID shall not be subject to any assessment by the PID.
10. No PIDs will be allowed to be created that overlap the boundaries of another PID.
11. Annual Service and Assessment Plan updates, as required by Chapter 372 of the PID Act, shall be provided for if a PID is created in response to a petition.

III. PETITION REQUIREMENTS

1. In addition to the requirements of Texas Local Government Code §372.005(a) the petition must include the following: PID petitions shall include this additional note: "With respect to community property, the City may accept the signature of a spouse as a representation of both spouses that they support the creation or renewal of the PID absent a separate property agreement. *However, if City staff is made aware of any disagreement among owners of community property, those petitions will not be counted.*
2. Signatures for PID petitions must be gathered not more than six months preceding submittal of the PID Application.

3. For a district to be established, a petition shall include the following:
 - a. Evidence that the petition's signatures meet the state law requirements, or the petition must be accompanied by a reasonable fee to cover the City's costs of signature verification. If the proposed district is an expansion of an existing district, a petition for the new portion of the district must identify each subdivision, or portion thereof, within the proposed boundaries of the new district, and each subdivision or portion thereof that is not currently in an existing PID shall individually satisfy the requirements for a petition under Section 372.005 of the Texas Local Government Code. Subdivision has the meaning assigned by Section 232.021 of the Texas Local Government Code.
 - b. Map of the area, a legal description of the boundaries of the district for the legal notices and a "commonly known" description of the area to be included in the district.
 - c. A narrative description of the project and how it meets or exceeds the types of public improvements discussed in General (4).
 - d. Acknowledgement that the party that submits the petition has read and understands the City's PID policy and will adhere to all language therein.

IV. DOCUMENTS AND INFORMATION REQUIRED IN CONJUNCTION WITH THE PETITION

The following issues must be addressed before the City Council will act on a petition.

A non-refundable application fee of \$15,000 will be required with the filing of a petition to create a PID. This fee is regulatory in character and approximates the costs of evaluating the PID petition. In addition to the application fee, any other related City-required cost, limited to actual costs as are documented by the City, is the responsibility of the Developer.

1. A current tax roll, or other acceptable evidence of ownership, with notations indicating the owners registering support for the petition.
2. A copy of the Preliminary PID Finance Plan shall be submitted with the petition. This Finance Plan shall include at a minimum:
 - a. Targeted gross bond amount;
 - b. Estimated *ad valorem* revenue generated;
 - c. Annual installment per unit;
 - d. Estimated number of bond issuances;
 - e. Proposed maturity dates for PID Bonds; and

- f. Proposed timetable of the development
 - g. Any other such supporting information related to the success of the PID.
3. A copy of a Project Feasibility Report which demonstrates the economic feasibility of the project and includes the following information:
- a. An Assessment Revenue Pro forma for the proposed Project;
 - b. A financial review of the development projections and absorption schedule;
 - c. Analysis of above describing the timing and amount of Public Improvement District Assessment Revenue which will be generated based upon varying levels of assessments; and
 - d. Comparison of the Project with other similar projects in the area that will not have an assessment.

V. DOCUMENTS AND INFORMATION REQUIRED PRIOR TO THE PUBLIC HEARING FOR THE CREATION OF THE PID

In addition to the requirements of Section 372.009 of the Texas Local Government Code the following information shall be submitted for review by the City prior to the public hearing:

- 1. Proof that any liens on the Properties to be included in the District will be subordinated to creation of the PID;
- 2. Consent Agreement to Dissolution of the PID if Project is not developed.
- 3. Any additional information required by the City to evaluate the Feasibility Report.

VI. ASSESSMENT CAP

- 1. The City Council may consider an assessment amount, not to be in excess of the maximum requested in the Petition, at the time a PID is created. The annual installments for the approved Assessments, at the time of the levy of the Assessments, should not exceed \$0.50 cents equivalent ad valorem tax rate.

VII. PID ADMINISTRATION

- 1. The City may contract with a qualified third-party company to manage and administer the

PID, subject to appropriate oversight by City staff.

2. The City's contract with a qualified third party to manage and administer the PID for the City shall provide authority for the contractor to:
 - a. Prepare and submit a Budget and Five-Year Service and Assessment Plan to the City Council for consideration and adoption. The budget shall provide for sufficient funding to pay for all costs above and beyond the City's ordinary costs, including additional administrative and/or operational costs as well as additional maintenance costs resulting from the PID.
 - b. Provide for the calculation of the assessment and allocation to the respective parcels in the PID and shall provide for the billing of the assessments to the property owners or provide information to the appropriate County Tax Office. The contractor and developer will coordinate to ensure that the billing/assessment information provided to the tax office includes all pertinent properties.
 - c. Prepare annual updates and reports for the Service and Assessment Plan as required by Chapter 372 of the Texas Local Government Code and submit an annual Service and Assessment Plan in a form appropriate for consideration and adoption by the City Council each year and assist the City Council and staff in adopted the annual Service and Assessment Plan updates.
 - d. Prepare annual reports reflecting the expenditure of Bond Proceeds or the reimbursement of Developer expenditures as appropriate.
 - e. Prepare annual reports reflecting the imposition and collection of the assessments and the balances in the various accounts related to the PID to be provided to City Council on a monthly or other periodic basis as may be required by the City.
 - f. Prepare and provide any other reports or information required of the City or the Project under Chapter 372 of the Texas Local Government Code.
3. The contract with a third party to manage the PID shall not preclude the City from entering into a contract with another taxing unit for the collection of the assessments levied for the PID.
4. The City may alternatively provide for the administration of the PID through in-house resources.
5. Provision for the costs associated with the provision of the administrative services, whether the services are provided by third parties or the City, shall be included in any budget proposed by the Developer and may include but is not limited to allocation of interest on the assessment to the extent authorized under Chapter 372 of the Texas Local Government Code.
6. Any management firm for a PID shall be required to submit quarterly reports of all activities and expenditures to the City until the project is 80% built out.

7. The City may request an independent audit at any time.
8. If the City elects to hire a qualified third party PID administrator to administer the PID, the costs for such administration shall be paid for with PID funds.

VIII. ADDITIONAL PROJECT CRITERIA

In agreeing to form a PID for which debt will be issued to fund the costs of constructing qualified public improvements, the City will require the following:

1. The property owner must demonstrate to the City that it has the expertise to complete the new development that the PID will support.
2. The property owner must provide the City with its sources of funding the public improvements not being funded by the PID unless such improvements have already been constructed by the property owner prior to the PID funding.
3. No more than 80% of the costs of public improvements for the project may be funded by the PID.
4. The proposed development must be consistent with the entitlements on the property. All required zoning must be in place for the development of the portion or phase of the Property to be assessed by the PID Bond issue prior to the issuance of any PID bonds for that portion of the property.
5. The property owner must provide evidence to the City that the utility service provider has or will have sufficient capacity to provide all necessary utility services for the development of the portion of phase of the property to be assessed by the PID Bond issue prior to the issuance of any PID bonds for that portion of property.
6. All reasonable estimated costs must be identified before a decision is reached on a request to issue bonds for a PID. Costs to be identified include costs related to establishing the district, costs for construction and/or the acquisition of improvements, the maintenance and operation of improvements (if any) and PID administrative costs.
7. The Developer will submit a PID Financing agreement to be reviewed by City Staff and outside consultants. The PID Financing Agreement shall contain a section which clearly identifies the benefit of the PID to the affected property owners and to the City as a whole (i.e., public purpose).
 - a. All PID Agreements shall include Indemnification language for construction of public improvements as follows:

DEVELOPER COVENANTS AND AGREES TO FULLY INDEMNIFY AND HOLD HARMLESS, CITY (AND THEIR ELECTED OFFICIALS,

EMPLOYEES, OFFICERS, DIRECTORS, AND REPRESENTATIVES), INDIVIDUALLY AND COLLECTIVELY, FROM AND AGAINST ANY AND ALL COSTS, CLAIMS, LIENS, DAMAGES, LOSSES, EXPENSES, FEES, FINES, PENALTIES, PROCEEDINGS, ACTIONS, DEMANDS, CAUSES OF ACTION, LIABILITY AND SUITS OF ANY KIND AND NATURE BROUGHT BY ANY THIRD PARTY AND RELATING TO DEVELOPER'S CONSTRUCTION OF THE PUBLIC IMPROVEMENTS INCLUDING BUT NOT LIMITED TO, PERSONAL INJURY OR DEATH AND PROPERTY DAMAGE, MADE UPON CITY OR DIRECTLY OR INDIRECTLY ARISING OUT OF, RESULTING FROM OR RELATED TO DEVELOPER OR DEVELOPER'S CONTRACTORS' NEGLIGENCE, WILLFUL MISCONDUCT OR CRIMINAL CONDUCT IN ITS ACTIVITIES, INCLUDING ANY SUCH ACTS OR OMISSIONS OF DEVELOPER OR DEVELOPER'S CONTRACTORS, ANY AGENT, OFFICER, DIRECTOR, REPRESENTATIVE, EMPLOYEE, CONSULTANT OR SUBCONSULTANTS OF DEVELOPER OR DEVELOPER'S CONTRACTORS AND THEIR RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, DIRECTORS AND REPRESENTATIVES, ALL WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO CITY, UNDER TEXAS LAW AND WITHOUT WAIVING ANY DEFENSES OF THE PARTIES UNDER TEXAS LAW. THE PROVISIONS OF THIS INDEMNIFICATION ARE SOLELY FOR THE BENEFIT OF THE CITY AND ARE NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY. DEVELOPER SHALL PROMPTLY ADVISE CITY IN WRITING OF ANY CLAIM OR DEMAND AGAINST CITY, RELATED TO OR ARISING OUT OF DEVELOPER OR DEVELOPER'S CONTRACTORS ACTIVITIES UNDER THIS AGREEMENT AND SHALL SEE TO THE INVESTIGATION AND DEFENSE OF SUCH CLAIM OR DEMAND AT THE DEVELOPER'S COST TO THE EXTENT REQUIRED UNDER THE INDEMNITY IN THIS PARAGRAPH. CITY SHALL HAVE THE RIGHT, AT THEIR OPTION AND AT THEIR OWN EXPENSE, TO PARTICIPATE IN SUCH DEFENSE WITHOUT RELIEVING DEVELOPER OF ANY OF ITS OBLIGATIONS UNDER THIS PARAGRAPH.

IT IS THE EXPRESS INTENT OF THIS SECTION THAT THE INDEMNITY PROVIDED TO THE CITY AND THE DEVELOPER SHALL SURVIVE THE TERMINATION AND / OR EXPIRATION OF THIS AGREEMENT AND SHALL BE BROADLY INTERPRETED AT ALL TIMES TO PROVIDE THE MAXIMUM INDEMNIFICATION OF THE CITY AND / OR THEIR OFFICERS, EMPLOYEES, REPRESENTATIVES AND ELECTED OFFICIALS PERMITTED BY LAW.

IX. BOND SIZE LIMITATIONS

The following limitations and performance standards shall apply to a PID debt issue approved by the City:

1. Minimum appraised value (subject to a qualified appraiser to be selected by the City) lien ratio at date of each bond issue - 3:1
2. Level annual debt service requirements
3. Maximum maturity for each series of bonds (to extent allowed by law) - 30 years

The aggregate principal amount of bonds required to be issued shall not exceed an amount sufficient to fund: (i) the actual costs of the qualified public improvements; (ii) required Reserve Fund and (iii) capitalized interest during the period of construction and not more than 12 months after the completion of construction and in no event for a period greater than three (3) years from the date of the initial delivery of the bonds; and (iv) any costs of issuance. Provided, however that to the extent the law(s) which limit the period of capitalized interest to 12 months after completion of construction change, the foregoing limitation may be adjusted to reflect the law(s) in effect at the time of future bond issuances. Additional terms may be considered by the City if the public improvements are constructed in phases or multiple bond sales are contemplated for the project.

XI. FINANCING CRITERIA

1. The PID may seek bond issues in advance of construction of an individual phase of a project subject to compliance with these standards.
2. Other than the assessments levied within the PID, no City financial or moral obligations will be pledged to fund or support the PID bonds.
3. All proposed subsequent PID bond issues for a project, if any, will be subject to approval by the City Council.
4. Special assessments on any given portion of the property may be adjusted in connection with subsequent bond issues as long as an agreed-upon maximum annual assessment rate is not exceeded for a project or phase, and the special assessments are determined in accordance with the Service and Assessment Plan and the PID Act. Special assessments on any portion of the property will bear a direct proportionate relationship to the special benefit of the public improvements to that improvement area. In no case will assessments be increased for any parcel unless the property owner of the parcel consents to the increased assessment.
5. The City shall not be obligated but may choose to do so at its sole discretion, to provide funds for construction of any improvement except from the proceeds of the PID bonds and PID assessments.
6. Each PID Bond Indenture will contain language precluding the City from making any debt service payments for the PID bonds other than from available special assessment revenues.
7. A PID will be responsible for payment of all the City's reasonable and customary costs and

expenses including the cost of any appraisal

8. Any PID bond issued will include a Reserve Fund in an amount equal to the lesser of: (i) the maximum annual debt service on the bonds; (ii) 10 percent of the Bond Par Amount; or (iii) 125 percent of the average annual debt service and that such Reserve Fund will be funded from bond proceeds at the time bonds are issued.
9. All public infrastructure within the PID that is to be funded by PID assessments must include a minimum of three (3) bidders approved by the City and the Developer.
10. All Developers and significant landowners will provide any required continuing disclosure obligations associated with the issuance of PID bonds as required under the Indenture or any other regulatory agreement or regulatory agency.
11. All construction of improvements is subject to City review and provision shall be made for dedication to City or to another appropriate entity.

XII. MISCELLANEOUS

1. Severability: If any section, subsection, sentence, clause, phrase, or word of this policy is declared unconstitutional or invalid for any purpose, the remainder of this policy shall not be affected.
2. No Liability of City or Public Officials. Neither the City, a public official, employee or representative shall be responsible for any liability arising under or growing out of any approved PID. Any obligation or liability of the Developer whatsoever that may arise at any time under the approved PID or any obligation or liability which may be incurred by the Developer pursuant to any other instrument transaction or undertaking as a result of the PID shall be satisfied out of the assets of the developer only and the City shall have no liability.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. D)

Presenter/Contact

Ian Taylor, NBU CEO

(830) 629-8400 - dschriewer@nbutexas.com

SUBJECT:

Public hearing and approval of the first reading of an ordinance amending Chapter 130, Article IV, Division 3, Section 130-167, Water Rates, of the Code of Ordinances relating to rates for the New Braunfels Utilities Water Service.

BACKGROUND / RATIONALE:

NBU staff is proposing water rate changes designed to recover a six percent increase in rates to customers receiving water service from NBU. In June 2018, the NBU Board of Trustees approved the NBU Budget for FY 2019 which provides the basis and rationale for a six percent overall water rate adjustment effective December 1, 2018. The NBU Board approved the rate increase and structure at its August 30, 2018 meeting.

New Braunfels is experiencing sustained high growth which is creating the need for additional water purchases. This was indicated in the Five Year Operating Plan that was shared with the Council on September 17, 2018. In addition, NBU's Water Supply Resource Plan included lowering NBU's gallons per capita per day (gpcd) from 168 to 120 as a supply source. The proposed water purchases were included in the recently adopted five-year budget and financial operating plan. The water supply and the infrastructure required to distribute it indicated a need for a 6% water rate increase.

At the September 17th meeting, NBU presented and recommend proposed rates for each rate class for implementation in FY 2019. The presentation included all of the detail of the rate design and is attached. The rate proposal includes an overall six percent increase but shifts some of the costs from variable to fixed. The proposed rates also reflect a continuing trend to align rates with higher usage primarily associated with landscape irrigation. This will allow dual objectives to be met by still encouraging conservation while protecting revenue recovery. One additional goal was to decrease the differential between inside and outside city limit rates. Also, the allocation of costs and rates to the appropriate classes which are driving the need for the new water supply is incorporated, which is one of the goals of the rate design.

NBU staff has prepared a water cost of service and rate distribution which determines how the overall 6% increase for FY 2019 will be spread among the various water rate classes.

Proposed Water Rates:

For FY 2019, the following adjustments to NBU water rate classes are proposed based upon the objectives listed above:

Summary of Rate Changes by Class		
Rate Class		FY 2019
Residential Inside City Limits		6.0%
Residential Outside City Limits		-5.9%
Irrigation Inside City Limits		15.1%
Irrigation Outside City Limits		5.3%
Multi Unit Inside City Limits		1.5%
Multi Unit Outside City Limits		-12.9%
General Service Inside City Limits		5.7%
General Service Outside City Limits		-6.8%
Monthly Unit Charge Inside City Limits		6.0%
Monthly Unit Charge Outside City Limits		-12.2%
Total All Rate Classes		6.0%

The presentations, proposed rates, updated ordinance, and board resolution are attached.

For customers inside the city limits:

- Increase residential by 6%
- Increase irrigation by 15.1%
- Increase multi-use by 1.5%
- Increase general service water rates by 5.7%
- Increase multi-unit and general service additional unit charge by 6.0%

For customers outside the city limits:

- Decrease residential by 5.9%
- Increase irrigation by 5.3%
- Decrease multi-use by 12.9%
- Decrease general service water rates by 6.8%
- Decrease multi-unit and general service additional unit charge by 12.2%

FY 2019 rates to individual customers may vary from the target increases by rate class due to usage variations or inside/outside city limits differentials.

The second reading of the proposed ordinance is scheduled for November 26, 2018, and, if approved, the proposed rates become effective on December 1, 2018.

RESIDENTIAL MONTHLY BILL IMPACT

The monthly bill impact to an average residential customer (8900 gallons), for customers inside the

City limits, of the proposed rate plan is as follows:

	Current	FY2019	%
8900 Gallons	Monthly Bill	Monthly Bill	Increase
NBU Monthly Water Bill	29.25	29.52	1%
Dollar Increase		0.27	

As usage increases, so does the impact of the rate increase. This is to achieve the objective of aligning rates with higher usage primarily associated with landscape irrigation which is the primary driver of the need for additional water supply. The following chart shows the impact for a residential customer at 25,000 gallons:

	Current	FY2019	%
25,000 Gallons	Monthly Bill	Monthly Bill	Increase
NBU Monthly Water Bill	77.27	94.37	22%
Dollar Increase		17.10	

PROPOSED CODE OF ORDINANCE CHANGES

NBU staff has included in the City Council backup materials a redline version of City of New Braunfels Code of Ordinances Chapter 130-167 - Water Rates, presenting the proposed water rates for FY 2019.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The New Braunfels Utilities Board of Trustees adopted a resolution on August 30, 2018 recommending the proposed amendments to the water rate Ordinance.

STAFF RECOMMENDATION:

Recommendation is from NBU Board of Trustees.



FY 2019 Water Rate Recommendations

Ian Taylor, CEO

11/12/18

FY 2019 Budget Approval

Proposed Rate Increases

	Per FY 2018 FOP		
	FY19	FY20	FY21
Electric*	0.0%	0.0%	1.6%
Water	2.5%	2.5%	5.0%
Wastewater	0.0%	0.0%	5.0%

Proposed Rate Increases for FY 2019 FOP			
	FY19	FY20	FY21
Electric*	0.0%	0.0%	1.0%
Water	6.0%	6.0%	6.0%
Wastewater	0.0%	0.0%	6.0%

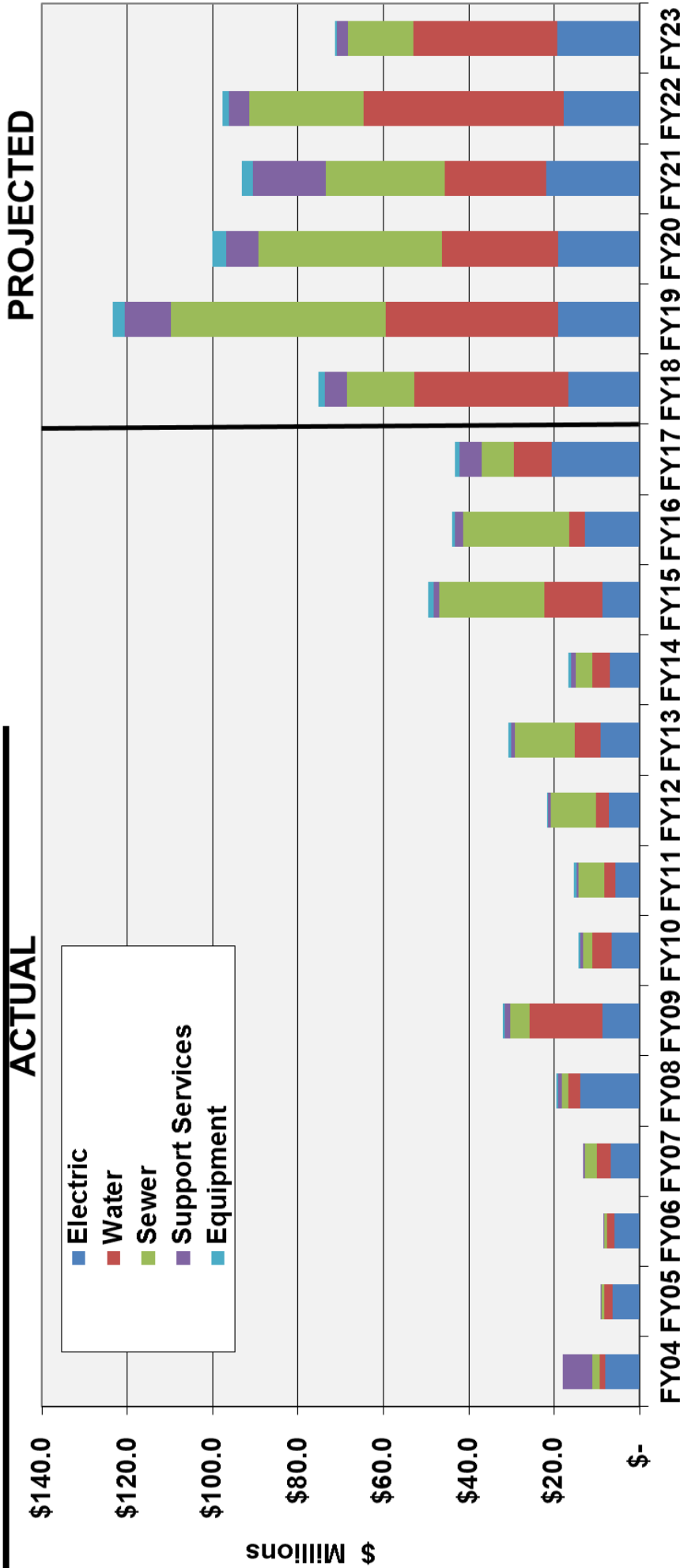
**Electric rate increases are only applied to the Distribution and Customer Charge, which results in the corresponding percentage increases.*



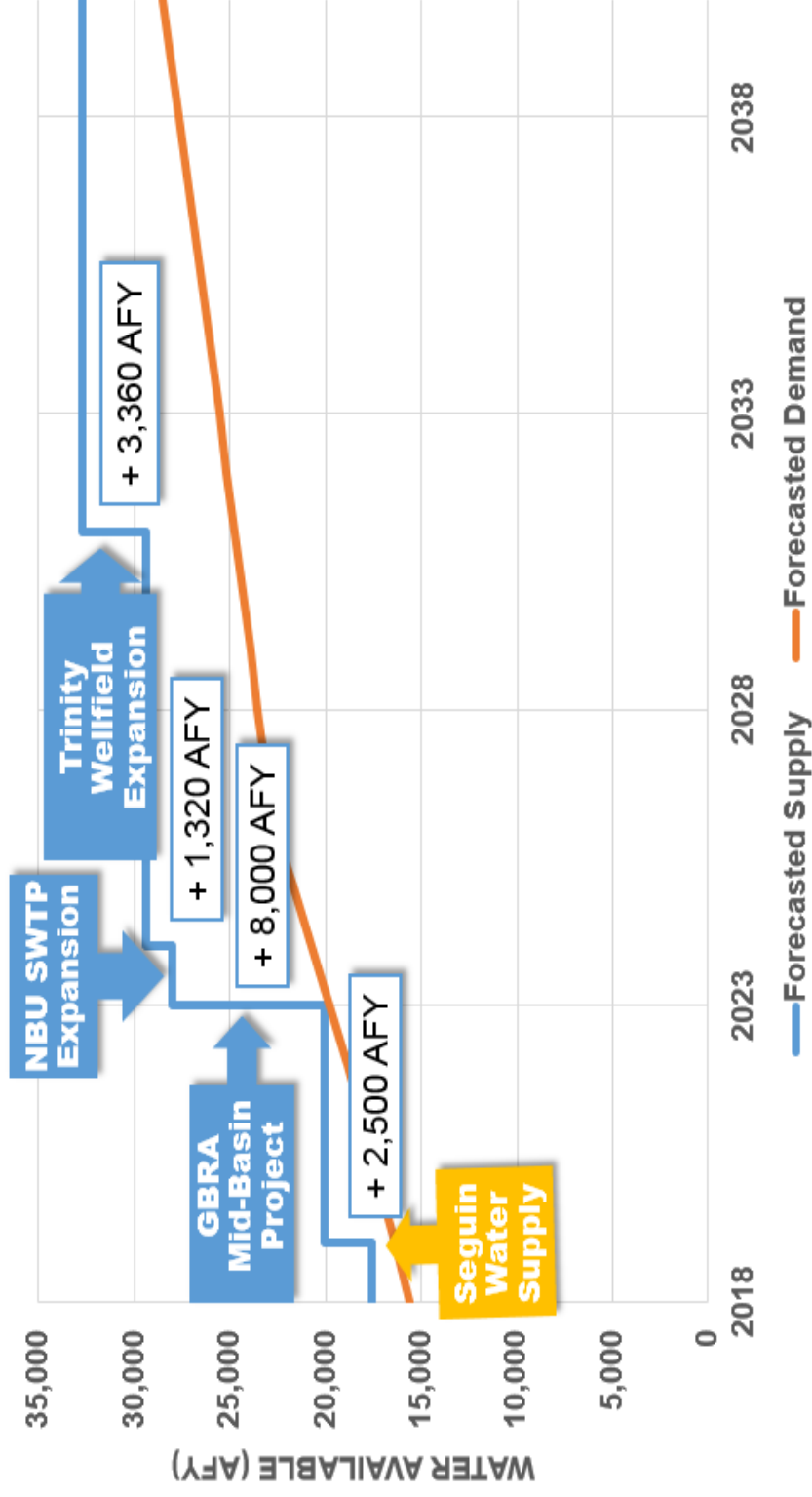
Goals for Rate Design Development

- Allocate costs and rates to appropriate classes driving need for new water supply
- Assure revenue recovery by assuring an appropriate balance between fixed and variable rates
- Evaluate revenue distribution and rate design for rating agency attributes
- Continue reducing inside vs outside City limit differentials

Historical and Projected Capital



Water Supply & Infrastructure



Ratio of Peak Month to Average Month

Rate Class	Average Monthly Demand FY 2017	Ratio July 2017		Ratio August 2016	
		Demand to Average		Demand to Average	
Residential	164,707,903	1.38		1.41	
Irrigation	53,582,675	1.65		1.61	
Multi Unit	20,093,188	1.11		1.00	
General Service	62,268,170	1.24		1.24	

Summary of Rate Changes by Class

Summary of Rate Changes by Class		
Rate Class		FY 2019
Residential Inside City Limits		6.0%
Residential Outside City Limits		-5.9%
Irrigation Inside City Limits		15.1%
Irrigation Outside City Limits		5.3%
Multi Unit Inside City Limits		1.5%
Multi Unit Outside City Limits		-12.9%
General Service Inside City Limits		5.7%
General Service Outside City Limits		-6.8%
Monthly Unit Charge Inside City Limits		6.0%
Monthly Unit Charge Outside City Limits		-12.2%
Total All Rate Classes		6.0%

153

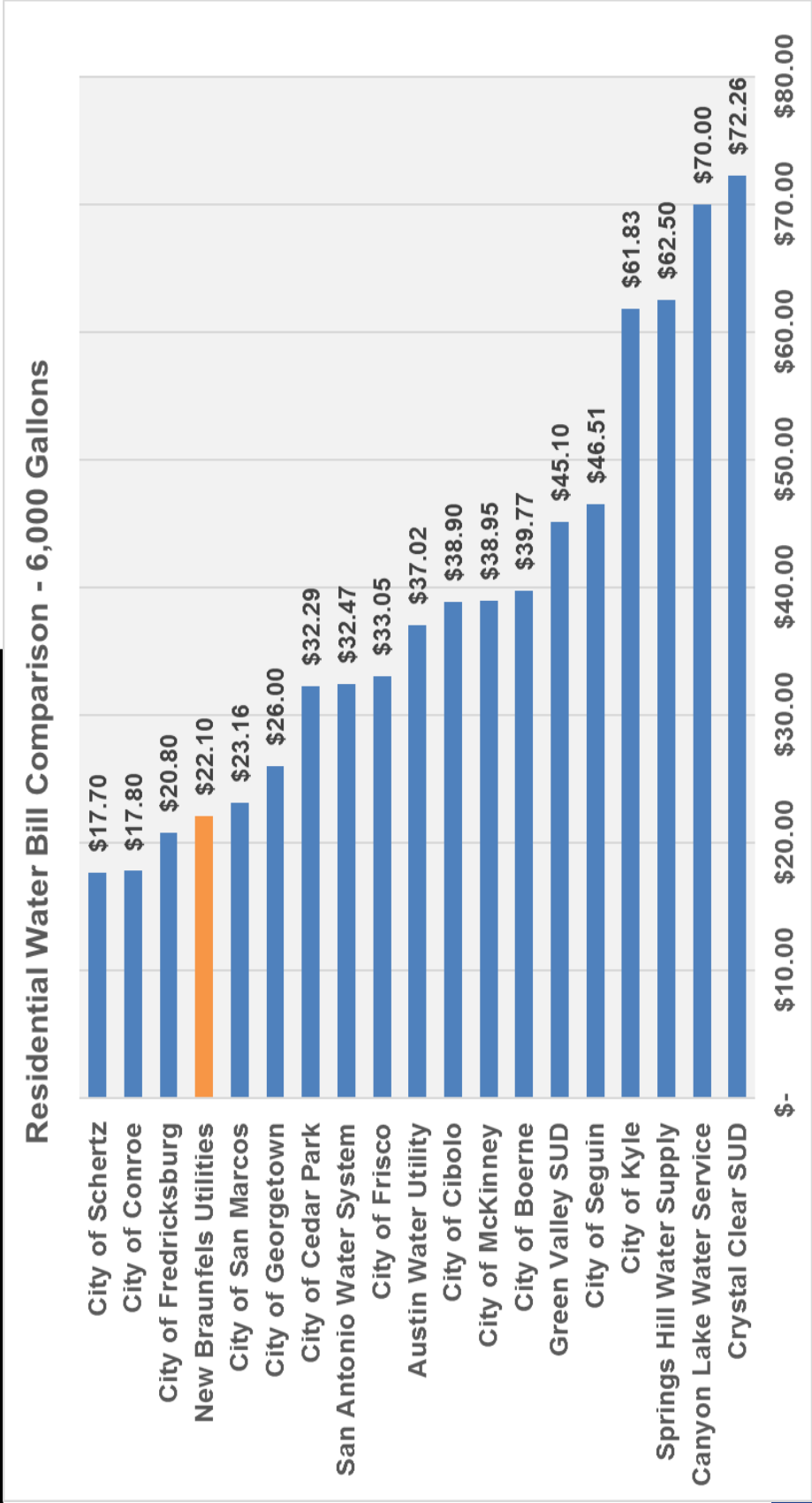
Proposed 2019 Residential Rates

Various Usage Scenarios

	Current	FY2019	%
6,000 Gallons	Monthly Bill	Monthly Bill	Increase
NBU Monthly Water Bill	22.74	22.10	-3%
Dollar Increase		-0.64	
	Current	FY2019	%
8,900 Gallons	Monthly Bill	Monthly Bill	Increase
NBU Monthly Water Bill	29.25	29.53	1%
Dollar Increase		0.28	
	Current	FY2019	%
25,000 Gallons	Monthly Bill	Monthly Bill	Increase
NBU Monthly Water Bill	77.27	94.38	22%
Dollar Increase		17.11	
	Current	FY2019	%
40,000 Gallons	Monthly Bill	Monthly Bill	Increase
NBU Monthly Water Bill	149.87	175.75	17%
Dollar Increase		25.88	

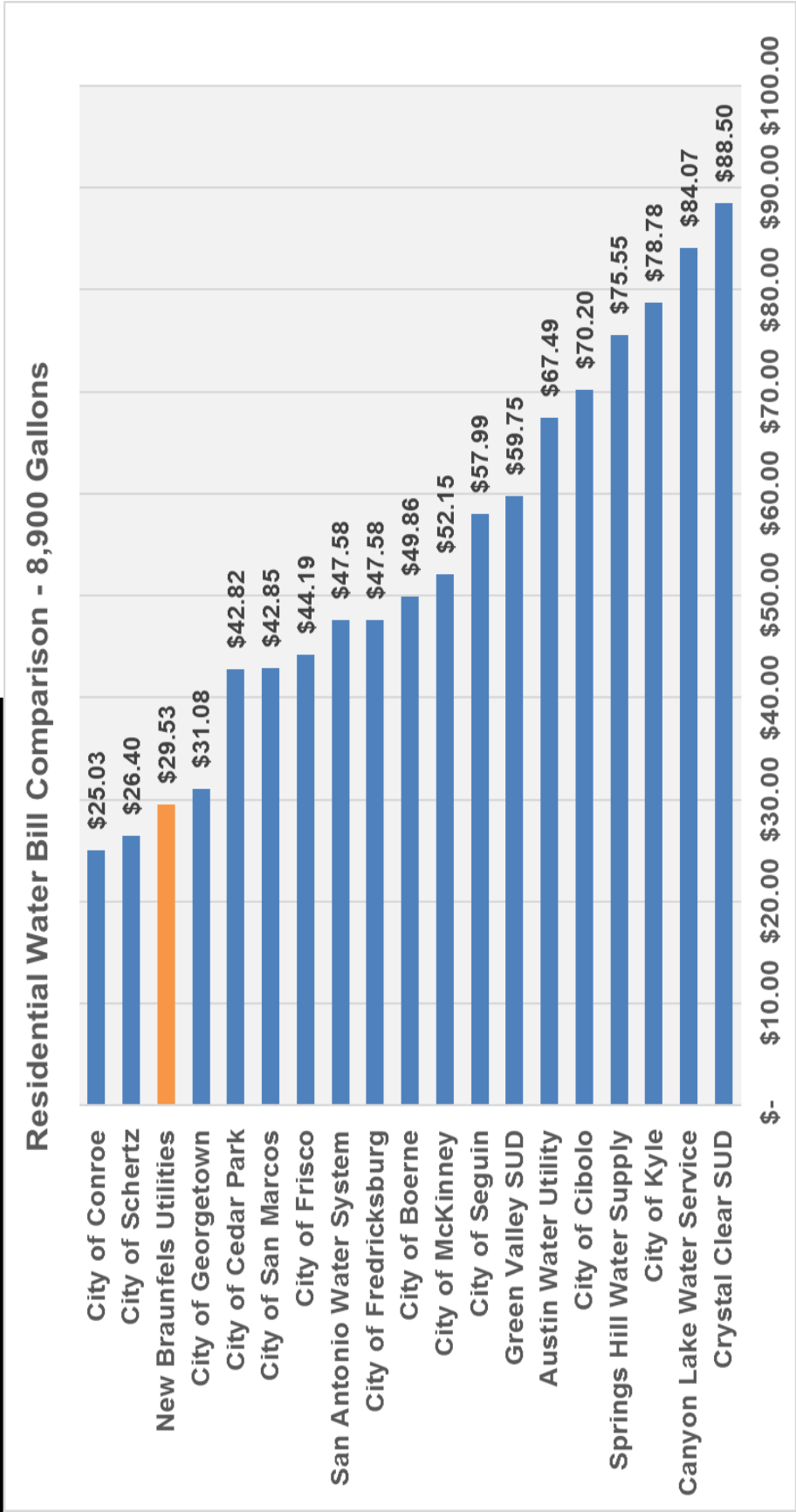
Residential Bill Comparisons

(6,000 gallons, domestic use)



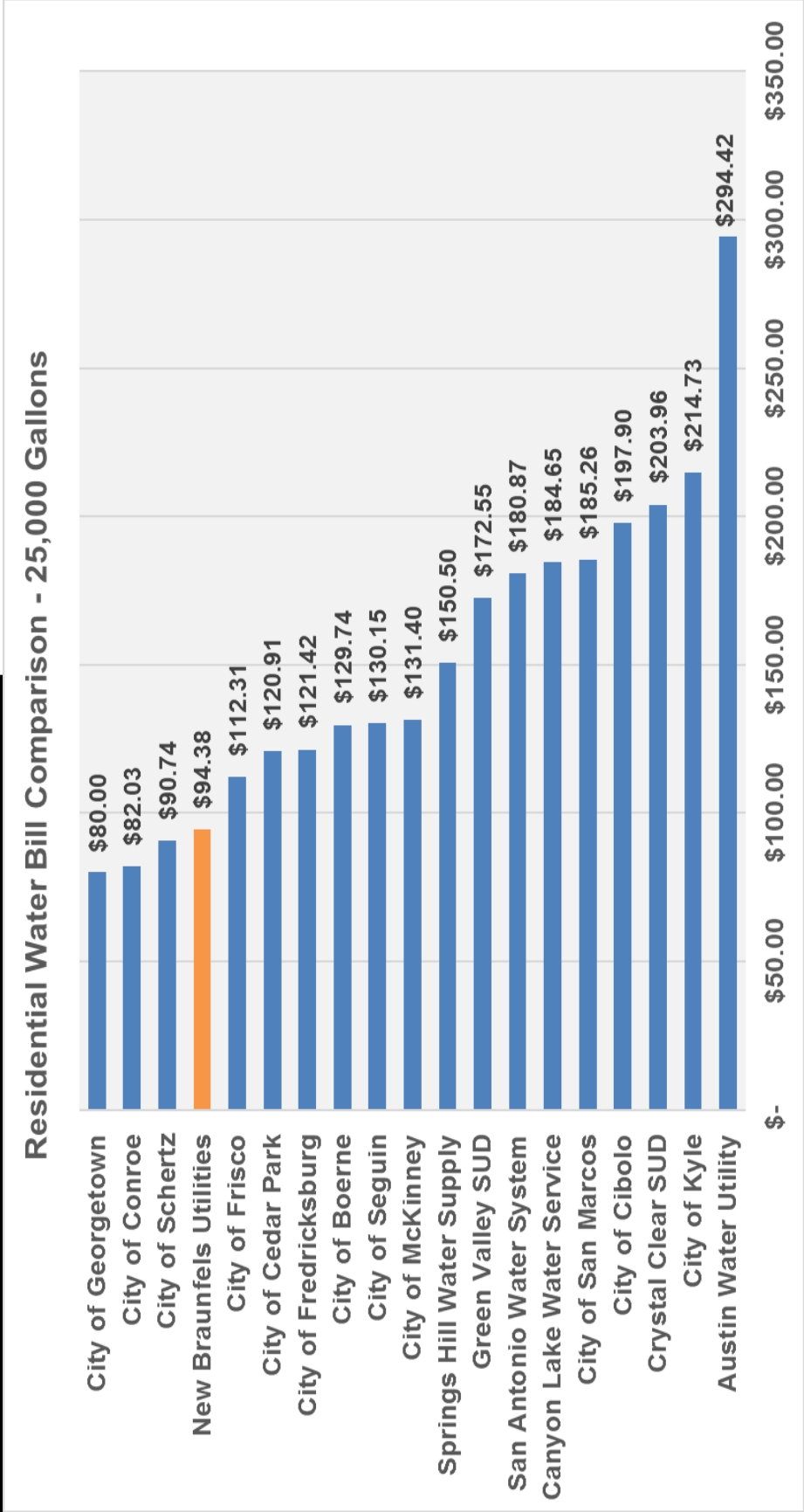
Residential Bill Comparisons

(8,900 gallons, average use)



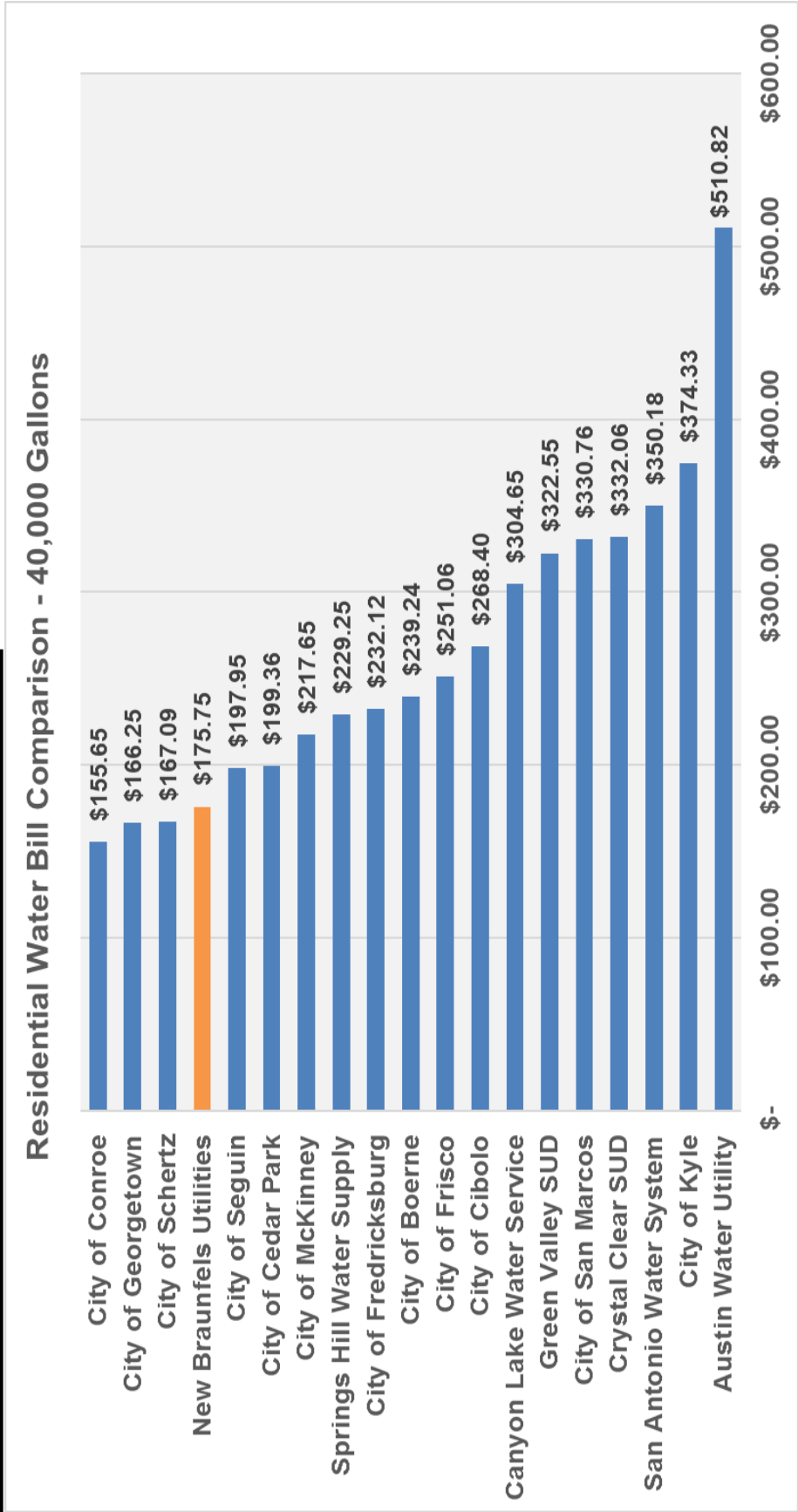
Residential Bill Comparisons

(25,000 gallons, moderate irrigation)



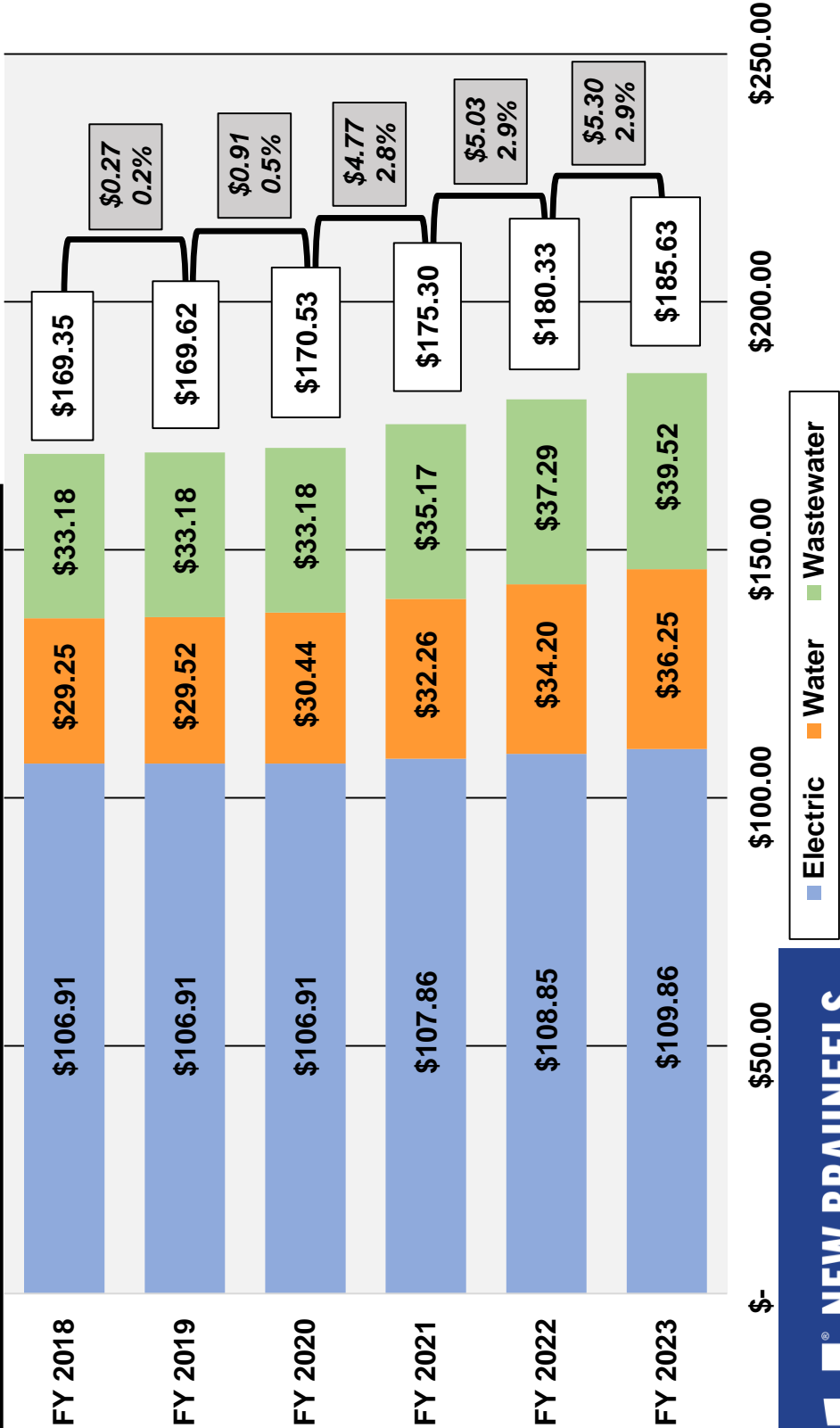
Residential Bill Comparisons

(40,000 gallons, high irrigation)



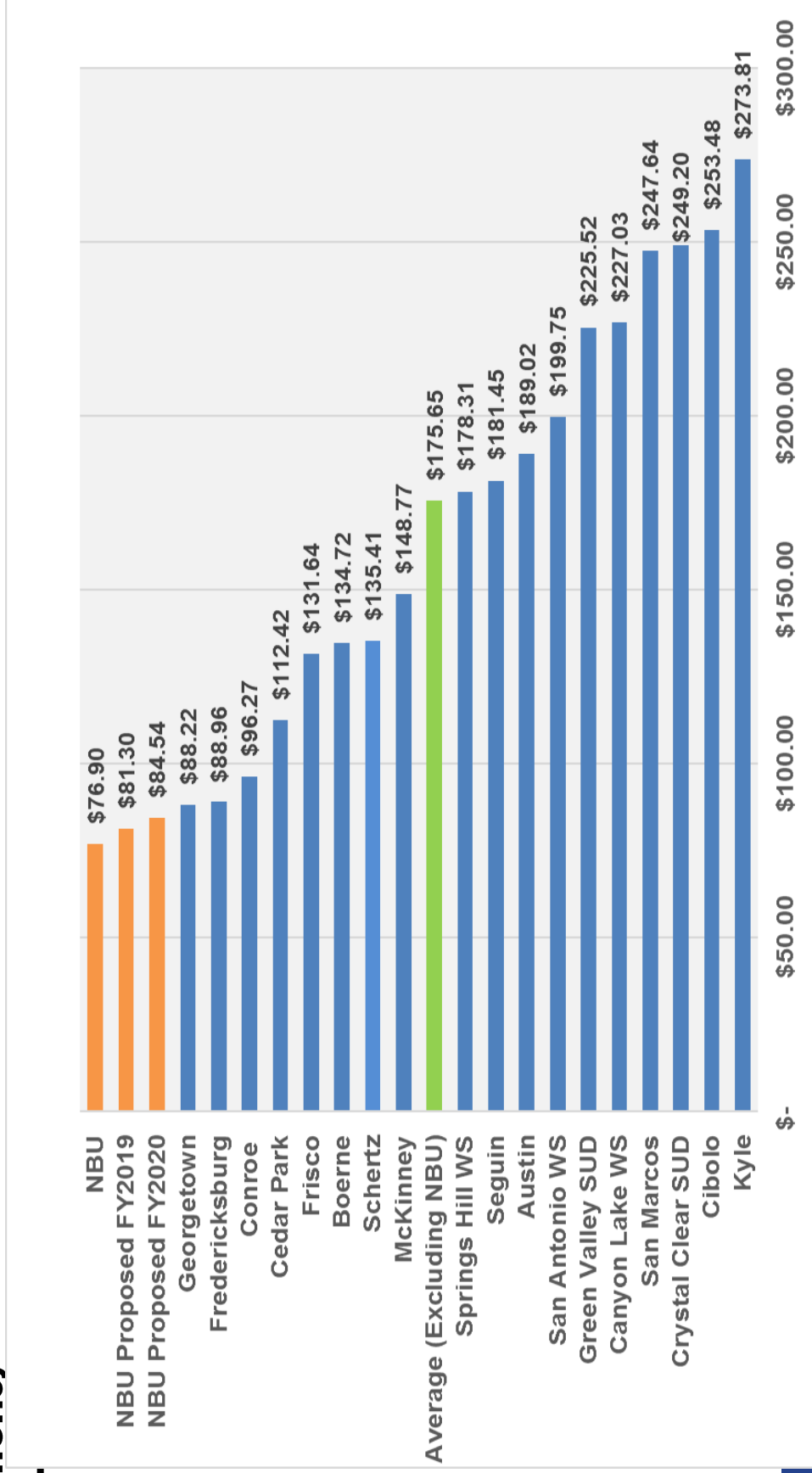
Residential Total Bill Impact

Average Use (8,900 gallons) Residential Rates - FY 2018-2023



Commercial Bill Comparisons

(30,300 gallons)



Summary

- Asking for approval of the 6% rate increase, effective December 1, 2018
- Costs have been assigned equitably to the appropriate rate classes
- Achieved a reasonable balance between fixed and variable rates to assure revenue recovery and alignment with rating agency attributes
- Have reduced inside/outside rate differential with rate design

Questions



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A RESOLUTION BY THE BOARD OF TRUSTEES OF THE NEW BRAUNFELS UTILITIES APPROVING PROPOSED AMENDMENTS TO THE WATER ORDINANCE, AND AUTHORIZING THE PRESENTATION OF SAME TO THE CITY COUNCIL OF NEW BRAUNFELS FOR ITS CONSIDERATION AND PASSAGE

WHEREAS, the Council of the City of New Braunfels has established an ordinance containing the rules, regulations, and policies and rate provisions affecting the New Braunfels Utilities water systems and its furnishing of services, fixing rates, deposits and providing for collection procedures and for the operations of said systems, and which ordinances have been codified in Chapter 130, Articles IV, Code of Ordinances of said City;

WHEREAS, the Board of Trustees of the New Braunfels Utilities is of the opinion that it is now necessary and advisable that certain sections of Chapter 130 of the Code of Ordinances be amended;


WHEREAS, the Board of Trustees has reviewed the proposed amendments, and is of the opinion that the same should be approved and submitted to the City Council of New Braunfels, for its consideration and passage;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES:

SECTION 1.: That the proposed amendments to Chapter 130, Article IV, Section 130-167 of the Code of Ordinances of the City of New Braunfels as set forth in attached "Exhibit A" are approved and should be approved by the City Council.

SECTION 2.: That the Chief Executive Officer of New Braunfels Utilities is hereby authorized and directed to present said proposed ordinance amendments in ordinance form to the City Council of New Braunfels for its consideration and passage as provided by law.

PASSED AND APPROVED this the 30th day of August, 2018.


 ATANACIO CAMPOS
 President, Board of Trustees
 New Braunfels Utilities

ATTEST:


 IAN TAYLOR
 Secretary to the Board
 New Braunfels Utilities

ORDINANCE NO. 2018-_____

AN ORDINANCE AMENDING CHAPTER 130, ARTICLE IV, SECTIONS 130-167, CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS RELATING TO WATER RATES; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of New Braunfels, Texas, owns and operates by and through New Braunfels Utilities its own water system in accordance with the laws of the State of Texas and the charter of said City; and

WHEREAS, the Council of the City of New Braunfels has heretofore established an ordinance providing for assessment and collection of water rates and which ordinance has been codified as Chapter 130, Article IV, Code of Ordinances of the City of New Braunfels; and

WHEREAS, Section 130-167 of the Code of Ordinances of the City requires an update when rates are changed; and

WHEREAS, the New Braunfels Utilities staff has recommended new water rates; and

WHEREAS, the New Braunfels Utilities staff has presented the updated rates and rate design to City Council in a workshop held on September 17, 2018; and

WHEREAS, in order to change the water rates, it is now necessary and advisable that Section 130-167, Article IV, Code of Ordinances, as heretofore established by ordinance, be amended.

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

SECTION 1.

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

SECTION 2.

THAT, Section 130-167 Chapter 130, Article IV, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and is hereby amended in the following section with deleted language signified by strikethrough font and new language signified by underlined font:

ARTICLE IV. - WATER SERVICE

DIVISION 3. – SERVICE REQUESTS; RATES

Sec. 130-167. - Water rates.

- (a) *Service rate classifications.* All water service supplied shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this section:

Residential service 1: Inside corporate limits of the city.

Residential service 2: Outside corporate limits of the city.

Multi-unit permanent residential water service 1: Inside corporate limits of the city.

Multi-unit permanent residential water service 2: Outside corporate limits of the city.

General service 1: Inside corporate limits of the city.

General service 2: Outside corporate limits of the city.

Large general service.

Fire hydrant service.

Irrigation service 1: Inside corporate limits of the city.

Irrigation service 2: Outside corporate limits of the city.

Tanker service.

Wholesale service.

Contractual water service.

Experimental service.

- (b) *Determination of classification.* Upon application for service, NBU shall make the initial determination of the customer's service rate classification. The classification is subject to change in accordance with the provisions of this article.

Rate schedule administration and assignment. Upon request for water service from a prospective customer, NBU shall assign the appropriate rate classification for water service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of water service requirements, then NBU shall, upon review of the information available pertaining to the revised water service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive water service under more than one of the NBU' rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for water service after consideration of the various service requirements, potential impact on NBU facilities, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing units due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing units.

(c) *Residential service 1 rate.*

- (1) *Availability.* The residential service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service 1 rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
- (3) *Excluded uses.* The residential service 1 rate shall not be applicable for service to a residence located outside the city limits or to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$12.80
1-inch	14.52
1½-inch	16.87
2-inch	20.60
3-inch	30.05
4-inch and greater	35.44

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—7,500	\$1.550
7,501—15,000	3.643
15,001—25,000	4.263
Excess of 25,000	5.425

(5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge; or
- b. The amount specified in any contract between the customer and NBU.

(d) *Residential service 2 rate.*

- (1) *Availability.* The residential service 2 rate is available outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service 2 rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
- (3) *Excluded uses.* The residential service 2 rate shall not be applicable for service to a residence also used for commercial purposes, including but not limited to boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$14.08

1-inch	15.97
1½-inch	18.56
2-inch	22.66
3-inch	33.06
4-inch and greater	38.98

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2089
0—7,500	\$1.705
7,501—15,000	4.007
15,001—25,000	4.689
Excess of 25,000	5.968

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge; or
 - The amount specified in any contract between the customer and NBU.
- (e) *Multi-unit permanent residential service 1 rate.*
- (1) *Availability.* The multi-unit permanent residential service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The multi-unit permanent residential service 1 rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings, or an individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.
 - (3) *Excluded uses.* The multi-unit permanent residential service 1 rate shall not be applicable for service to a multi-unit development located outside the city limits or to individually metered residential dwellings.

- (4) *Monthly rates.* The multi-unit permanent residential service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$12.80
1-inch	14.52
1½-inch	16.87
2-inch	20.60
3-inch	30.05
4-inch and greater	35.44

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Number of Units	Gallons of Water Usage	\$ per 1,000 gallons December 1, 2018
2—4	0—8,000	\$1.850
	8,001—20,000	2.450
	Excess of 20,000	3.000
5—10	0—20,000	1.850
	20,001—40,000	2.450
	Excess of 40,000	3.000

11—25	0—40,000	1.850
	40,001—100,000	2.450
	Excess of 100,000	3.000
26—50	0—100,000	1.850
	100,001—200,000	2.450
	Excess of 200,000	3.000
51—75	0—200,000	1.850
	200,001—300,000	2.450
	Excess of 300,000	3.000
76—100	0—300,000	1.850
	300,001—400,000	2.450
	Excess of 400,000	3.000
100 +	0—400,000	1.850
	400,001—800,000	2.450
	Excess of 800,000	3.000

Monthly unit charge. When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s) each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$5.76 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge; or
 - The amount specified in any contract between the customer and NBU.
- (f) *Multi-unit permanent residential service 2 rate.*
- (1) *Availability.* The multi-unit permanent residential service 2 rate is available in the water service area of NBU outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The multi-unit permanent residential service 2 rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings or individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.
 - (3) *Excluded uses.* The multi-unit permanent residential service 2 rate shall not be applicable for service to a multi-unit development located inside the corporate limits of the city or to individually metered residential dwellings.
 - (4) *Monthly rates.* The multi-unit permanent residential service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, as shown below.
- Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$13.44
1-inch	15.25
1½-inch	17.71
2-inch	21.63
3-inch	31.55
4-inch and greater	37.21

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Number of	Gallons of	\$ per 1,000 gallons Effective December 1,
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Units	Water Usage	2018
2—4	0—8,000	\$1.943
	8,001—20,000	2.573
	Excess of 20,000	3.150
5—10	0—20,000	1.943
	20,001—40,000	2.573
	Excess of 40,000	3.150
11—25	0—40,000	1.943
	40,001—100,000	2.573
	Excess of 100,000	3.150
26—50	0—100,000	1.943
	100,001—200,000	2.573
	Excess of 200,000	3.150
51—75	0—200,000	1.943
	200,001—300,000	2.573
	Excess of 300,000	3.150
76—100	0—300,000	1.943
	300,001—400,000	2.573
	Excess of 400,000	3.150
100 +	0—400,000	1.943

	400,001—800,000	2.573
	Excess of 800,000	3.150

Monthly unit charge. When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s) each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$6.04 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge; or
 - The amount specified in any contract between the customer and NBU.

(g) *General service 1 rate.*

- (1) *Availability.* The general service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The general service 1 rate is applicable to water service for any customer which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks, barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries and garden centers, retail businesses, and warehouses and other similar nonresidential customers.
- (3) *Monthly rates.* The general service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$13.39
1-inch	14.48
1½-inch	18.81

2-inch	23.90
3-inch	36.19
4-inch	55.03
6-inch and greater	95.56

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—5,000	\$2.171
5,001—50,000	2.255
50,001—200,000	2.329
Excess of 200,000	2.489

Monthly unit charge. When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$5.76 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

(4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
- b. The amount specified in any contract between the customer and NBU.

(h) *General service 2 rate.*

- (1) *Availability.* The general service 2 rate is available outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.

- (2) *Applicability.* The general service 2 rate is applicable to water service for any customer which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks, barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries and garden centers, retail businesses, and warehouses and other similar nonresidential customers, and where the customer is located within NBU service area but outside the corporate limits of the city except as specifically set forth in this article.
- (3) *Monthly rates.* The general service 2 rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$16.74
1-inch	18.10
1½-inch	23.52
2-inch	29.87
3-inch	45.24
4-inch	68.78
6-inch and greater	119.45

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—5,000	\$2.388
5,001—50,000	2.480

50,001—200,000	2.561
Excess of 200,000	2.738

Monthly unit charge. When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$6.33 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
 - b. The amount specified in any contract between the customer and NBU.

(i) *Large general service rate.*

- (1) *Availability.* The large general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The large general service rate is applicable to customers with water consumption exceeding 1,250,000 gallons per month for at least any six months of the immediately preceding 12-month billing period. Service shall only be provided under contract approved by the board of trustees of NBU due to the special capacity service requirements.
- (3) *Monthly rates.* The large general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge: \$1,437.53 effective December 1, 2018.

Monthly volume charge: \$1.922 per 1,000 gallons effective December 1, 2018.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge; or
 - b. The amount specified in any contract between the customer and NBU.

(j) *Fire hydrant service rate.*

- (1) *Availability.* The fire hydrant water service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The fire hydrant water service rate is applicable to water service provided through a fire hydrant, whether metered or estimated. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required. A service charge of \$100.00 will be assessed to set and remove the fire hydrant meter.
- (3) *Monthly rates.* The fire hydrant service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge: \$109.56 effective December 1, 2018.

Monthly volume charge: \$2.638 per 1,000 gallons effective December 1, 2018.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge; or
 - The amount specified in any contract between the customer and NBU.
- (5) *Deposit.* All customers using a fire hydrant meter shall furnish a deposit of \$300.00 or establish other means of credit acceptable to NBU.
- (k) *Landscape/irrigation service 1 rate.*
- (1) *Availability.* The landscape/irrigation service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The landscape/irrigation service 1 rate is applicable to water service for a residential 1 or general service 1 rate classification customer who has a sprinkler or irrigation system on a separate water meter:
 - Dedicated exclusively to such purpose, and
 - Which is in addition to one or more other water meters serving the same location.
 - (3) *Monthly rates.* The landscape/irrigation service 1 rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$4.73
1-inch	5.74
1½-inch	7.50
2-inch	8.00
3-inch	12.50
4-inch and greater	15.00

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—7,500	\$3.643
7,501—25,000	4.263
Excess of 25,000	5.425

(4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge; or
- b. The amount specified in any contract between the customer and NBU.

(l) *Landscape/irrigation service 2 rate.*

- (1) *Availability.* The landscape/irrigation service 2 rate is available outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The landscape/irrigation service 2 rate is applicable to water service for a residential 2 or general service 2 rate classification customer who has a sprinkler or irrigation system on a separate water meter:
 - a. Dedicated exclusively to such purpose, and
 - b. Which is in addition to one or more other water meters serving the same location.
- (3) *Monthly rates.* The landscape/irrigation service 2 rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$5.20
1-inch	6.31
1½-inch	8.25
2-inch	8.80
3-inch	13.75

4-inch and greater	16.50
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Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—7,500	\$4.007
7,501—25,000	4.689
Excess of 25,000	5.968

(4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge; or
- b. The amount specified in any contract between the customer and NBU.

(m) *Tanker service rate.*

- (1) *Availability.* The tanker service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The tanker water service rate is applicable to water service provided at locations approved by NBU, whether metered or estimated. Under this rate, a customer may acquire and purchase water through the use of water tanker trucks or other mobile water transport containers. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required.
- (3) *Rates.* The rate for each tanker or other mobile water transport containers acquiring water at locations approved by NBU shall be the sum of the tanker charge and the volume charge, as shown below.

Tanker charge	Effective December 1, 2007
Per month	\$13.82
Volume charge, per 1,000 gallons or any part thereof	2.009

- (4) *Minimum charge.* The minimum charge for each tanker truck connection shall be the larger of the following:
 - a. The tanker charge plus the volume charge; or
 - b. The amount specified in any contract between the customer and NBU.
- (n) *Wholesale water service.*
 - (1) *Availability.* Wholesale water service is available under the rules, regulations, and policies, as set by contract and approved by the NBU board of trustees. Contracts for wholesale service will be approved only when water supplies are sufficient to satisfy the requirements of the contract without jeopardizing the water needs of the citizens of the city and customers of NBU.
 - (2) *Applicability.* A wholesale service contract is applicable for water service to water systems created by the appropriate agency of the state as well as to other water systems and purveyors which resell water or water service.
 - (3) *Rates.* The rate set by contract shall not be less than the marginal cost to serve that customer.
- (o) *Experimental rate.*
 - (1) *Applicability.* The experimental rate shall be applicable to any and all rate class groups at times chosen by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
 - (2) *Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's sole discretion.
 - (3) *Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (p) *Residential and landscape irrigation drought surcharges.*
 - (1) As of June 2014 or any time thereafter, if stage III water restrictions are in effect NBU will implement a \$1.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.
 - (2) As of June 2014 or any time thereafter, if stage IV water restrictions are in effect NBU will implement a \$2.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.

SECTION 3.

THAT, this ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to water rates, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

SECTION 4.

THAT, if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or

application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5.

THAT, this ordinance shall be effective on December 1, 2018.

SECTION 6.

PASSED AND APPROVED: First Reading this 12th day of November, 2018.

PASSED AND APPROVED: Second Reading this 26th day of November, 2018.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA ACEVEDO, City Attorney

Sec. 130-167. - Water rates.

- (a) *Service rate classifications.* All water service supplied shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this section:

Residential service 1: Inside corporate limits of the city.

Residential service 2: Outside corporate limits of the city.

Multi-unit permanent residential water service 1: Inside corporate limits of the city.

Multi-unit permanent residential water service 2: Outside corporate limits of the city.

General service 1: Inside corporate limits of the city.

General service 2: Outside corporate limits of the city.

Large general service.

Fire hydrant service.

Irrigation service 1: Inside corporate limits of the city.

Irrigation service 2: Outside corporate limits of the city.

Tanker service.

Wholesale service.

Contractual water service.

Experimental service.

- (b) *Determination of classification.* Upon application for service, NBU shall make the initial determination of the customer's service rate classification. The classification is subject to change in accordance with the provisions of this article.

Rate schedule administration and assignment. Upon request for water service from a prospective customer, NBU shall assign the appropriate rate classification for water service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of water service requirements, then NBU shall, upon review of the information available pertaining to the revised water service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive water service under more than one of the NBU' rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for water service after consideration of the various service requirements, potential impact on NBU facilities, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing units due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing units.

- (c) *Residential service 1 rate.*

- (1) *Availability.* The residential service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.

- (2) *Applicability.* The residential service 1 rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
- (3) *Excluded uses.* The residential service 1 rate shall not be applicable for service to a residence located outside the city limits or to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$12.80
1-inch	14.52
1½-inch	16.87
2-inch	20.60
3-inch	30.05
4-inch and greater	35.44

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—7,500	\$1.550
7,501—15,000	3.643
15,001—25,000	4.263

Excess of 25,000	5.425
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- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge; or
 - The amount specified in any contract between the customer and NBU.
- (d) *Residential service 2 rate.*
- (1) *Availability.* The residential service 2 rate is available outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The residential service 2 rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
 - (3) *Excluded uses.* The residential service 2 rate shall not be applicable for service to a residence also used for commercial purposes, including but not limited to boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
 - (4) *Monthly rates.* The residential service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge, as shown below.
- Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$14.08
1-inch	15.97
1½-inch	18.56
2-inch	22.66
3-inch	33.06
4-inch and greater	38.98

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2089
0—7,500	\$1.705
7,501—15,000	4.007
15,001—25,000	4.689
Excess of 25,000	5.968

(5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge; or
- b. The amount specified in any contract between the customer and NBU.

(e) *Multi-unit permanent residential service 1 rate.*

- (1) *Availability.* The multi-unit permanent residential service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The multi-unit permanent residential service 1 rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings, or an individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.
- (3) *Excluded uses.* The multi-unit permanent residential service 1 rate shall not be applicable for service to a multi-unit development located outside the city limits or to individually metered residential dwellings.
- (4) *Monthly rates.* The multi-unit permanent residential service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$12.80
1-inch	14.52

1½-inch	16.87
2-inch	20.60
3-inch	30.05
4-inch and greater	35.44

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Number of Units	Gallons of Water Usage	\$ per 1,000 gallons December 1, 2018
2—4	0—8,000	\$1.850
	8,001—20,000	2.450
	Excess of 20,000	3.000
5—10	0—20,000	1.850
	20,001—40,000	2.450
	Excess of 40,000	3.000
11—25	0—40,000	1.850
	40,001—100,000	2.450
	Excess of 100,000	3.000
26—50	0—100,000	1.850
	100,001—200,000	2.450
	Excess of 200,000	3.000

51—75	0—200,000	1.850
	200,001—300,000	2.450
	Excess of 300,000	3.000
76—100	0—300,000	1.850
	300,001—400,000	2.450
	Excess of 400,000	3.000
100 +	0—400,000	1.850
	400,001—800,000	2.450
	Excess of 800,000	3.000

Monthly unit charge. When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s) each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$5.76 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

(5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus the monthly unit charge; or
- b. The amount specified in any contract between the customer and NBU.

(f) *Multi-unit permanent residential service 2 rate.*

(1) *Availability.* The multi-unit permanent residential service 2 rate is available in the water service area of NBU outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.

(2) *Applicability.* The multi-unit permanent residential service 2 rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings or individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.

- (3) *Excluded uses.* The multi-unit permanent residential service 2 rate shall not be applicable for service to a multi-unit development located inside the corporate limits of the city or to individually metered residential dwellings.
- (4) *Monthly rates.* The multi-unit permanent residential service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$13.44
1-inch	15.25
1½-inch	17.71
2-inch	21.63
3-inch	31.55
4-inch and greater	37.21

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Number of Units	Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
2—4	0—8,000	\$1.943
	8,001—20,000	2.573
	Excess of 20,000	3.150
5—10	0—20,000	1.943
	20,001—40,000	2.573

	Excess of 40,000	3.150
11—25	0—40,000	1.943
	40,001—100,000	2.573
	Excess of 100,000	3.150
26—50	0—100,000	1.943
	100,001—200,000	2.573
	Excess of 200,000	3.150
51—75	0—200,000	1.943
	200,001—300,000	2.573
	Excess of 300,000	3.150
76—100	0—300,000	1.943
	300,001—400,000	2.573
	Excess of 400,000	3.150
100 +	0—400,000	1.943
	400,001—800,000	2.573
	Excess of 800,000	3.150

Monthly unit charge. When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s) each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$6.04 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge; or
 - The amount specified in any contract between the customer and NBU.
- (g) *General service 1 rate.*
- Availability.* The general service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
 - Applicability.* The general service 1 rate is applicable to water service for any customer which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks, barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries and garden centers, retail businesses, and warehouses and other similar nonresidential customers.
 - Monthly rates.* The general service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$13.39
1-inch	14.48
1½-inch	18.81
2-inch	23.90
3-inch	36.19
4-inch	55.03
6-inch and greater	95.56

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—5,000	\$2.171
5,001—50,000	2.255
50,001—200,000	2.329
Excess of 200,000	2.489

Monthly unit charge. When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$5.76 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
 - b. The amount specified in any contract between the customer and NBU.
- (h) *General service 2 rate.*
 - (1) *Availability.* The general service 2 rate is available outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The general service 2 rate is applicable to water service for any customer which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks, barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries and garden centers, retail businesses, and warehouses and other similar nonresidential customers, and where the customer is located within NBU service area but outside the corporate limits of the city except as specifically set forth in this article.
 - (3) *Monthly rates.* The general service 2 rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$16.74
1-inch	18.10
1½-inch	23.52
2-inch	29.87
3-inch	45.24
4-inch	68.78
6-inch and greater	119.45

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—5,000	\$2.388
5,001—50,000	2.480
50,001—200,000	2.561
Excess of 200,000	2.738

Monthly unit charge. When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$6.33 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
 - b. The amount specified in any contract between the customer and NBU.
- (i) *Large general service rate.*
 - (1) *Availability.* The large general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The large general service rate is applicable to customers with water consumption exceeding 1,250,000 gallons per month for at least any six months of the immediately preceding 12-month billing period. Service shall only be provided under contract approved by the board of trustees of NBU due to the special capacity service requirements.
 - (3) *Monthly rates.* The large general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge: \$1,437.53 effective December 1, 2018.

Monthly volume charge: \$1.922 per 1,000 gallons effective December 1, 2018.
 - (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge; or
 - b. The amount specified in any contract between the customer and NBU.
- (j) *Fire hydrant service rate.*
 - (1) *Availability.* The fire hydrant water service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The fire hydrant water service rate is applicable to water service provided through a fire hydrant, whether metered or estimated. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required. A service charge of \$100.00 will be assessed to set and remove the fire hydrant meter.
 - (3) *Monthly rates.* The fire hydrant service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge: \$109.56 effective December 1, 2018.

Monthly volume charge: \$2.638 per 1,000 gallons effective December 1, 2018.
 - (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge; or
 - b. The amount specified in any contract between the customer and NBU.
 - (5) *Deposit.* All customers using a fire hydrant meter shall furnish a deposit of \$300.00 or establish other means of credit acceptable to NBU.
- (k) *Landscape/irrigation service 1 rate.*
 - (1) *Availability.* The landscape/irrigation service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.

- (2) *Applicability.* The landscape/irrigation service 1 rate is applicable to water service for a residential 1 or general service 1 rate classification customer who has a sprinkler or irrigation system on a separate water meter:
- Dedicated exclusively to such purpose, and
 - Which is in addition to one or more other water meters serving the same location.
- (3) *Monthly rates.* The landscape/irrigation service 1 rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$4.73
1-inch	5.74
1½-inch	7.50
2-inch	8.00
3-inch	12.50
4-inch and greater	15.00

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—7,500	\$3.643
7,501—25,000	4.263
Excess of 25,000	5.425

(4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge; or
- b. The amount specified in any contract between the customer and NBU.

(l) *Landscape/irrigation service 2 rate.*

(1) *Availability.* The landscape/irrigation service 2 rate is available outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.

(2) *Applicability.* The landscape/irrigation service 2 rate is applicable to water service for a residential 2 or general service 2 rate classification customer who has a sprinkler or irrigation system on a separate water meter:

- a. Dedicated exclusively to such purpose, and
- b. Which is in addition to one or more other water meters serving the same location.

(3) *Monthly rates.* The landscape/irrigation service 2 rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$5.20
1-inch	6.31
1½-inch	8.25
2-inch	8.80
3-inch	13.75
4-inch and greater	16.50

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—7,500	\$4.007

7,501—25,000	4.689
Excess of 25,000	5.968

(4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge; or
- b. The amount specified in any contract between the customer and NBU.

(m) *Tanker service rate.*

- (1) *Availability.* The tanker service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The tanker water service rate is applicable to water service provided at locations approved by NBU, whether metered or estimated. Under this rate, a customer may acquire and purchase water through the use of water tanker trucks or other mobile water transport containers. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required.
- (3) *Rates.* The rate for each tanker or other mobile water transport containers acquiring water at locations approved by NBU shall be the sum of the tanker charge and the volume charge, as shown below.

Tanker charge	Effective December 1, 2007
Per month	\$13.82
Volume charge, per 1,000 gallons or any part thereof	2.009

(4) *Minimum charge.* The minimum charge for each tanker truck connection shall be the larger of the following:

- a. The tanker charge plus the volume charge; or
- b. The amount specified in any contract between the customer and NBU.

(n) *Wholesale water service.*

- (1) *Availability.* Wholesale water service is available under the rules, regulations, and policies, as set by contract and approved by the NBU board of trustees. Contracts for wholesale service will be approved only when water supplies are sufficient to satisfy the requirements of the contract without jeopardizing the water needs of the citizens of the city and customers of NBU.
- (2) *Applicability.* A wholesale service contract is applicable for water service to water systems created by the appropriate agency of the state as well as to other water systems and purveyors which resell water or water service.
- (3) *Rates.* The rate set by contract shall not be less than the marginal cost to serve that customer.

(o) *Experimental rate.*

- (1) *Applicability.* The experimental rate shall be applicable to any and all rate class groups at times chosen by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
- (2) *Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's sole discretion.
- (3) *Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.

(p) *Residential and landscape irrigation drought surcharges.*

- (1) As of June 2014 or any time thereafter, if stage III water restrictions are in effect NBU will implement a \$1.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.
- (2) As of June 2014 or any time thereafter, if stage IV water restrictions are in effect NBU will implement a \$2.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.

(Ord. No. 2002-29, § 1(Att. A), 7-22-02; Ord. No. 2002-48, §§ I, II, 12-9-02; Ord. No. 2007-78, § 2, 10-22-07; Ord. No. 2014-16, § I(Exh. A), 2-24-14; Ord. No. 2015-62, § I(Exh. A), 11-9-15)

ORDINANCE NO. 2018-_____

AN ORDINANCE AMENDING CHAPTER 130, ARTICLE IV, SECTIONS 130-167, CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS RELATING TO WATER RATES; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of New Braunfels, Texas, owns and operates by and through New Braunfels Utilities its own water system in accordance with the laws of the State of Texas and the charter of said City; and

WHEREAS, the Council of the City of New Braunfels has heretofore established an ordinance providing for assessment and collection of water rates and which ordinance has been codified as Chapter 130, Article IV, Code of Ordinances of the City of New Braunfels; and

WHEREAS, Section 130-167 of the Code of Ordinances of the City requires an update when rates are changed; and

WHEREAS, the New Braunfels Utilities staff has recommended new water rates; and

WHEREAS, the New Braunfels Utilities staff has presented the updated rates and rate design to City Council in a workshop held on September 17, 2018; and

WHEREAS, in order to change the water rates, it is now necessary and advisable that Section 130-167, Article IV, Code of Ordinances, as heretofore established by ordinance, be amended.

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

SECTION 1.

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

SECTION 2.

THAT, Section 130-167 Chapter 130, Article IV, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and is hereby amended in the following section with deleted language signified by strikethrough font and new language signified by underlined font:

ARTICLE IV. - WATER SERVICE

DIVISION 3. – SERVICE REQUESTS; RATES

Sec. 130-167. - Water rates.

- (a) *Service rate classifications.* All water service supplied shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this section:

Residential service 1: Inside corporate limits of the city.

Residential service 2: Outside corporate limits of the city.

Multi-unit permanent residential water service 1: Inside corporate limits of the city.

Multi-unit permanent residential water service 2: Outside corporate limits of the city.

General service 1: Inside corporate limits of the city.

General service 2: Outside corporate limits of the city.

Large general service.

Fire hydrant service.

Irrigation service 1: Inside corporate limits of the city.

Irrigation service 2: Outside corporate limits of the city.

Tanker service.

Wholesale service.

Contractual water service.

Experimental service.

- (b) *Determination of classification.* Upon application for service, NBU shall make the initial determination of the customer's service rate classification. The classification is subject to change in accordance with the provisions of this article.

Rate schedule administration and assignment. Upon request for water service from a prospective customer, NBU shall assign the appropriate rate classification for water service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of water service requirements, then NBU shall, upon review of the information available pertaining to the revised water service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive water service under more than one of the NBU' rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for water service after consideration of the various service requirements, potential impact on NBU facilities, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing units due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing units.

(c) *Residential service 1 rate.*

- (1) *Availability.* The residential service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service 1 rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
- (3) *Excluded uses.* The residential service 1 rate shall not be applicable for service to a residence located outside the city limits or to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$12.80
1-inch	14.52
1½-inch	16.87
2-inch	20.60
3-inch	30.05
4-inch and greater	35.44

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—7,500	\$1.550
7,501—15,000	3.643
15,001—25,000	4.263
Excess of 25,000	5.425

(5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge; or
- b. The amount specified in any contract between the customer and NBU.

(d) *Residential service 2 rate.*

- (1) *Availability.* The residential service 2 rate is available outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service 2 rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
- (3) *Excluded uses.* The residential service 2 rate shall not be applicable for service to a residence also used for commercial purposes, including but not limited to boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$14.08

1-inch	15.97
1½-inch	18.56
2-inch	22.66
3-inch	33.06
4-inch and greater	38.98

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2089
0—7,500	\$1.705
7,501—15,000	4.007
15,001—25,000	4.689
Excess of 25,000	5.968

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge; or
 - The amount specified in any contract between the customer and NBU.
- (e) *Multi-unit permanent residential service 1 rate.*
- (1) *Availability.* The multi-unit permanent residential service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The multi-unit permanent residential service 1 rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings, or an individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.
 - (3) *Excluded uses.* The multi-unit permanent residential service 1 rate shall not be applicable for service to a multi-unit development located outside the city limits or to individually metered residential dwellings.

- (4) *Monthly rates.* The multi-unit permanent residential service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$12.80
1-inch	14.52
1½-inch	16.87
2-inch	20.60
3-inch	30.05
4-inch and greater	35.44

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Number of Units	Gallons of Water Usage	\$ per 1,000 gallons December 1, 2018
2—4	0—8,000	\$1.850
	8,001—20,000	2.450
	Excess of 20,000	3.000
5—10	0—20,000	1.850
	20,001—40,000	2.450
	Excess of 40,000	3.000

11—25	0—40,000	1.850
	40,001—100,000	2.450
	Excess of 100,000	3.000
26—50	0—100,000	1.850
	100,001—200,000	2.450
	Excess of 200,000	3.000
51—75	0—200,000	1.850
	200,001—300,000	2.450
	Excess of 300,000	3.000
76—100	0—300,000	1.850
	300,001—400,000	2.450
	Excess of 400,000	3.000
100 +	0—400,000	1.850
	400,001—800,000	2.450
	Excess of 800,000	3.000

Monthly unit charge. When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s) each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$5.76 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge; or
 - The amount specified in any contract between the customer and NBU.

(f) *Multi-unit permanent residential service 2 rate.*

- (1) *Availability.* The multi-unit permanent residential service 2 rate is available in the water service area of NBU outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The multi-unit permanent residential service 2 rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings or individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.
- (3) *Excluded uses.* The multi-unit permanent residential service 2 rate shall not be applicable for service to a multi-unit development located inside the corporate limits of the city or to individually metered residential dwellings.
- (4) *Monthly rates.* The multi-unit permanent residential service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$13.44
1-inch	15.25
1½-inch	17.71
2-inch	21.63
3-inch	31.55
4-inch and greater	37.21

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Number of	Gallons of	\$ per 1,000 gallons Effective December 1,
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Units	Water Usage	2018
2—4	0—8,000	\$1.943
	8,001—20,000	2.573
	Excess of 20,000	3.150
5—10	0—20,000	1.943
	20,001—40,000	2.573
	Excess of 40,000	3.150
11—25	0—40,000	1.943
	40,001—100,000	2.573
	Excess of 100,000	3.150
26—50	0—100,000	1.943
	100,001—200,000	2.573
	Excess of 200,000	3.150
51—75	0—200,000	1.943
	200,001—300,000	2.573
	Excess of 300,000	3.150
76—100	0—300,000	1.943
	300,001—400,000	2.573
	Excess of 400,000	3.150
100 +	0—400,000	1.943

	400,001—800,000	2.573
	Excess of 800,000	3.150

Monthly unit charge. When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s) each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$6.04 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge; or
 - The amount specified in any contract between the customer and NBU.

(g) *General service 1 rate.*

- (1) *Availability.* The general service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The general service 1 rate is applicable to water service for any customer which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks, barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries and garden centers, retail businesses, and warehouses and other similar nonresidential customers.
- (3) *Monthly rates.* The general service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$13.39
1-inch	14.48
1½-inch	18.81

2-inch	23.90
3-inch	36.19
4-inch	55.03
6-inch and greater	95.56

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—5,000	\$2.171
5,001—50,000	2.255
50,001—200,000	2.329
Excess of 200,000	2.489

Monthly unit charge. When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$5.76 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
 - b. The amount specified in any contract between the customer and NBU.
- (h) *General service 2 rate.*
 - (1) *Availability.* The general service 2 rate is available outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.

- (2) *Applicability.* The general service 2 rate is applicable to water service for any customer which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks, barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries and garden centers, retail businesses, and warehouses and other similar nonresidential customers, and where the customer is located within NBU service area but outside the corporate limits of the city except as specifically set forth in this article.
- (3) *Monthly rates.* The general service 2 rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$16.74
1-inch	18.10
1½-inch	23.52
2-inch	29.87
3-inch	45.24
4-inch	68.78
6-inch and greater	119.45

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—5,000	\$2.388
5,001—50,000	2.480

50,001—200,000	2.561
Excess of 200,000	2.738

Monthly unit charge. When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$6.33 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
 - b. The amount specified in any contract between the customer and NBU.

(i) *Large general service rate.*

- (1) *Availability.* The large general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The large general service rate is applicable to customers with water consumption exceeding 1,250,000 gallons per month for at least any six months of the immediately preceding 12-month billing period. Service shall only be provided under contract approved by the board of trustees of NBU due to the special capacity service requirements.
- (3) *Monthly rates.* The large general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge: \$1,437.53 effective December 1, 2018.

Monthly volume charge: \$1.922 per 1,000 gallons effective December 1, 2018.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge; or
 - b. The amount specified in any contract between the customer and NBU.

(j) *Fire hydrant service rate.*

- (1) *Availability.* The fire hydrant water service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The fire hydrant water service rate is applicable to water service provided through a fire hydrant, whether metered or estimated. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required. A service charge of \$100.00 will be assessed to set and remove the fire hydrant meter.
- (3) *Monthly rates.* The fire hydrant service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge: \$109.56 effective December 1, 2018.

Monthly volume charge: \$2.638 per 1,000 gallons effective December 1, 2018.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge; or
 - The amount specified in any contract between the customer and NBU.
- (5) *Deposit.* All customers using a fire hydrant meter shall furnish a deposit of \$300.00 or establish other means of credit acceptable to NBU.
- (k) *Landscape/irrigation service 1 rate.*
- (1) *Availability.* The landscape/irrigation service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The landscape/irrigation service 1 rate is applicable to water service for a residential 1 or general service 1 rate classification customer who has a sprinkler or irrigation system on a separate water meter:
 - Dedicated exclusively to such purpose, and
 - Which is in addition to one or more other water meters serving the same location.
 - (3) *Monthly rates.* The landscape/irrigation service 1 rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$4.73
1-inch	5.74
1½-inch	7.50
2-inch	8.00
3-inch	12.50
4-inch and greater	15.00

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—7,500	\$3.643
7,501—25,000	4.263
Excess of 25,000	5.425

(4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge; or
- b. The amount specified in any contract between the customer and NBU.

(l) *Landscape/irrigation service 2 rate.*

- (1) *Availability.* The landscape/irrigation service 2 rate is available outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The landscape/irrigation service 2 rate is applicable to water service for a residential 2 or general service 2 rate classification customer who has a sprinkler or irrigation system on a separate water meter:
 - a. Dedicated exclusively to such purpose, and
 - b. Which is in addition to one or more other water meters serving the same location.
- (3) *Monthly rates.* The landscape/irrigation service 2 rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$5.20
1-inch	6.31
1½-inch	8.25
2-inch	8.80
3-inch	13.75

4-inch and greater	16.50
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Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—7,500	\$4.007
7,501—25,000	4.689
Excess of 25,000	5.968

(4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge; or
- b. The amount specified in any contract between the customer and NBU.

(m) *Tanker service rate.*

- (1) *Availability.* The tanker service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The tanker water service rate is applicable to water service provided at locations approved by NBU, whether metered or estimated. Under this rate, a customer may acquire and purchase water through the use of water tanker trucks or other mobile water transport containers. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required.
- (3) *Rates.* The rate for each tanker or other mobile water transport containers acquiring water at locations approved by NBU shall be the sum of the tanker charge and the volume charge, as shown below.

Tanker charge	Effective December 1, 2007
Per month	\$13.82
Volume charge, per 1,000 gallons or any part thereof	2.009

- (4) *Minimum charge.* The minimum charge for each tanker truck connection shall be the larger of the following:
 - a. The tanker charge plus the volume charge; or
 - b. The amount specified in any contract between the customer and NBU.
- (n) *Wholesale water service.*
 - (1) *Availability.* Wholesale water service is available under the rules, regulations, and policies, as set by contract and approved by the NBU board of trustees. Contracts for wholesale service will be approved only when water supplies are sufficient to satisfy the requirements of the contract without jeopardizing the water needs of the citizens of the city and customers of NBU.
 - (2) *Applicability.* A wholesale service contract is applicable for water service to water systems created by the appropriate agency of the state as well as to other water systems and purveyors which resell water or water service.
 - (3) *Rates.* The rate set by contract shall not be less than the marginal cost to serve that customer.
- (o) *Experimental rate.*
 - (1) *Applicability.* The experimental rate shall be applicable to any and all rate class groups at times chosen by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
 - (2) *Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's sole discretion.
 - (3) *Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (p) *Residential and landscape irrigation drought surcharges.*
 - (1) As of June 2014 or any time thereafter, if stage III water restrictions are in effect NBU will implement a \$1.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.
 - (2) As of June 2014 or any time thereafter, if stage IV water restrictions are in effect NBU will implement a \$2.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.

ORDINANCE NO. 2018-_____

AN ORDINANCE AMENDING CHAPTER 130, ARTICLE IV, SECTIONS 130-167, CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS RELATING TO WATER RATES; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of New Braunfels, Texas, owns and operates by and through New Braunfels Utilities its own water system in accordance with the laws of the State of Texas and the charter of said City; and

WHEREAS, the Council of the City of New Braunfels has heretofore established an ordinance providing for assessment and collection of water rates and which ordinance has been codified as Chapter 130, Article IV, Code of Ordinances of the City of New Braunfels; and

WHEREAS, Section 130-167 of the Code of Ordinances of the City requires an update when rates are changed; and

WHEREAS, the New Braunfels Utilities staff has recommended new water rates; and

WHEREAS, the New Braunfels Utilities staff has presented the updated rates and rate design to City Council in a workshop held on September 17, 2018; and

WHEREAS, in order to change the water rates, it is now necessary and advisable that Section 130-167, Article IV, Code of Ordinances, as heretofore established by ordinance, be amended.

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

SECTION 1.

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

SECTION 2.

THAT, Section 130-167 Chapter 130, Article IV, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and is hereby amended in the following section with deleted language signified by strikethrough font and new language signified by underlined font:

ARTICLE IV. - WATER SERVICE

DIVISION 3. – SERVICE REQUESTS; RATES

Sec. 130-167. - Water rates.

- (a) *Service rate classifications.* All water service supplied shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this section:

Residential service 1: Inside corporate limits of the city.

Residential service 2: Outside corporate limits of the city.

Multi-unit permanent residential water service 1: Inside corporate limits of the city.

Multi-unit permanent residential water service 2: Outside corporate limits of the city.

General service 1: Inside corporate limits of the city.

General service 2: Outside corporate limits of the city.

Large general service.

Fire hydrant service.

Irrigation service 1: Inside corporate limits of the city.

Irrigation service 2: Outside corporate limits of the city.

Tanker service.

Wholesale service.

Contractual water service.

Experimental service.

- (b) *Determination of classification.* Upon application for service, NBU shall make the initial determination of the customer's service rate classification. The classification is subject to change in accordance with the provisions of this article.

Rate schedule administration and assignment. Upon request for water service from a prospective customer, NBU shall assign the appropriate rate classification for water service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of water service requirements, then NBU shall, upon review of the information available pertaining to the revised water service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive water service under more than one of the NBU' rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for water service after consideration of the various service requirements, potential impact on NBU facilities, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing units due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing units.

- (c) *Residential service 1 rate.*

- (1) *Availability.* The residential service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.

- (2) *Applicability.* The residential service 1 rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
- (3) *Excluded uses.* The residential service 1 rate shall not be applicable for service to a residence located outside the city limits or to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$12.80
1-inch	14.52
1½-inch	16.87
2-inch	20.60
3-inch	30.05
4-inch and greater	35.44

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—7,500	\$1.550
7,501—15,000	3.643
15,001—25,000	4.263

Excess of 25,000	5.425
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- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge; or
 - The amount specified in any contract between the customer and NBU.
- (d) *Residential service 2 rate.*
- (1) *Availability.* The residential service 2 rate is available outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The residential service 2 rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
 - (3) *Excluded uses.* The residential service 2 rate shall not be applicable for service to a residence also used for commercial purposes, including but not limited to boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
 - (4) *Monthly rates.* The residential service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge, as shown below.
- Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$14.08
1-inch	15.97
1½-inch	18.56
2-inch	22.66
3-inch	33.06
4-inch and greater	38.98

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2089
0—7,500	\$1.705
7,501—15,000	4.007
15,001—25,000	4.689
Excess of 25,000	5.968

(5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge; or
- b. The amount specified in any contract between the customer and NBU.

(e) *Multi-unit permanent residential service 1 rate.*

- (1) *Availability.* The multi-unit permanent residential service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The multi-unit permanent residential service 1 rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings, or an individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.
- (3) *Excluded uses.* The multi-unit permanent residential service 1 rate shall not be applicable for service to a multi-unit development located outside the city limits or to individually metered residential dwellings.
- (4) *Monthly rates.* The multi-unit permanent residential service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$12.80
1-inch	14.52

1½-inch	16.87
2-inch	20.60
3-inch	30.05
4-inch and greater	35.44

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Number of Units	Gallons of Water Usage	\$ per 1,000 gallons December 1, 2018
2—4	0—8,000	\$1.850
	8,001—20,000	2.450
	Excess of 20,000	3.000
5—10	0—20,000	1.850
	20,001—40,000	2.450
	Excess of 40,000	3.000
11—25	0—40,000	1.850
	40,001—100,000	2.450
	Excess of 100,000	3.000
26—50	0—100,000	1.850
	100,001—200,000	2.450
	Excess of 200,000	3.000

51—75	0—200,000	1.850
	200,001—300,000	2.450
	Excess of 300,000	3.000
76—100	0—300,000	1.850
	300,001—400,000	2.450
	Excess of 400,000	3.000
100 +	0—400,000	1.850
	400,001—800,000	2.450
	Excess of 800,000	3.000

Monthly unit charge. When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s) each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$5.76 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

(5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus the monthly unit charge; or
- b. The amount specified in any contract between the customer and NBU.

(f) *Multi-unit permanent residential service 2 rate.*

- (1) *Availability.* The multi-unit permanent residential service 2 rate is available in the water service area of NBU outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The multi-unit permanent residential service 2 rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings or individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.

- (3) *Excluded uses.* The multi-unit permanent residential service 2 rate shall not be applicable for service to a multi-unit development located inside the corporate limits of the city or to individually metered residential dwellings.
- (4) *Monthly rates.* The multi-unit permanent residential service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$13.44
1-inch	15.25
1½-inch	17.71
2-inch	21.63
3-inch	31.55
4-inch and greater	37.21

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Number of Units	Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
2—4	0—8,000	\$1.943
	8,001—20,000	2.573
	Excess of 20,000	3.150
5—10	0—20,000	1.943
	20,001—40,000	2.573

	Excess of 40,000	3.150
11—25	0—40,000	1.943
	40,001—100,000	2.573
	Excess of 100,000	3.150
26—50	0—100,000	1.943
	100,001—200,000	2.573
	Excess of 200,000	3.150
51—75	0—200,000	1.943
	200,001—300,000	2.573
	Excess of 300,000	3.150
76—100	0—300,000	1.943
	300,001—400,000	2.573
	Excess of 400,000	3.150
100 +	0—400,000	1.943
	400,001—800,000	2.573
	Excess of 800,000	3.150

Monthly unit charge. When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s) each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$6.04 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge; or
 - The amount specified in any contract between the customer and NBU.
- (g) *General service 1 rate.*
- Availability.* The general service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
 - Applicability.* The general service 1 rate is applicable to water service for any customer which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks, barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries and garden centers, retail businesses, and warehouses and other similar nonresidential customers.
 - Monthly rates.* The general service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$13.39
1-inch	14.48
1½-inch	18.81
2-inch	23.90
3-inch	36.19
4-inch	55.03
6-inch and greater	95.56

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—5,000	\$2.171
5,001—50,000	2.255
50,001—200,000	2.329
Excess of 200,000	2.489

Monthly unit charge. When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$5.76 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
 - b. The amount specified in any contract between the customer and NBU.
- (h) *General service 2 rate.*
 - (1) *Availability.* The general service 2 rate is available outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The general service 2 rate is applicable to water service for any customer which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks, barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries and garden centers, retail businesses, and warehouses and other similar nonresidential customers, and where the customer is located within NBU service area but outside the corporate limits of the city except as specifically set forth in this article.
 - (3) *Monthly rates.* The general service 2 rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$16.74
1-inch	18.10
1½-inch	23.52
2-inch	29.87
3-inch	45.24
4-inch	68.78
6-inch and greater	119.45

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—5,000	\$2.388
5,001—50,000	2.480
50,001—200,000	2.561
Excess of 200,000	2.738

Monthly unit charge. When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$6.33 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
 - b. The amount specified in any contract between the customer and NBU.
- (i) *Large general service rate.*
 - (1) *Availability.* The large general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The large general service rate is applicable to customers with water consumption exceeding 1,250,000 gallons per month for at least any six months of the immediately preceding 12-month billing period. Service shall only be provided under contract approved by the board of trustees of NBU due to the special capacity service requirements.
 - (3) *Monthly rates.* The large general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge: \$1,437.53 effective December 1, 2018.

Monthly volume charge: \$1.922 per 1,000 gallons effective December 1, 2018.
 - (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge; or
 - b. The amount specified in any contract between the customer and NBU.
- (j) *Fire hydrant service rate.*
 - (1) *Availability.* The fire hydrant water service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The fire hydrant water service rate is applicable to water service provided through a fire hydrant, whether metered or estimated. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required. A service charge of \$100.00 will be assessed to set and remove the fire hydrant meter.
 - (3) *Monthly rates.* The fire hydrant service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge: \$109.56 effective December 1, 2018.

Monthly volume charge: \$2.638 per 1,000 gallons effective December 1, 2018.
 - (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge; or
 - b. The amount specified in any contract between the customer and NBU.
 - (5) *Deposit.* All customers using a fire hydrant meter shall furnish a deposit of \$300.00 or establish other means of credit acceptable to NBU.
- (k) *Landscape/irrigation service 1 rate.*
 - (1) *Availability.* The landscape/irrigation service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.

- (2) *Applicability.* The landscape/irrigation service 1 rate is applicable to water service for a residential 1 or general service 1 rate classification customer who has a sprinkler or irrigation system on a separate water meter:
- Dedicated exclusively to such purpose, and
 - Which is in addition to one or more other water meters serving the same location.
- (3) *Monthly rates.* The landscape/irrigation service 1 rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$4.73
1-inch	5.74
1½-inch	7.50
2-inch	8.00
3-inch	12.50
4-inch and greater	15.00

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—7,500	\$3.643
7,501—25,000	4.263
Excess of 25,000	5.425

(4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge; or
- b. The amount specified in any contract between the customer and NBU.

(l) *Landscape/irrigation service 2 rate.*

(1) *Availability.* The landscape/irrigation service 2 rate is available outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.

(2) *Applicability.* The landscape/irrigation service 2 rate is applicable to water service for a residential 2 or general service 2 rate classification customer who has a sprinkler or irrigation system on a separate water meter:

- a. Dedicated exclusively to such purpose, and
- b. Which is in addition to one or more other water meters serving the same location.

(3) *Monthly rates.* The landscape/irrigation service 2 rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$5.20
1-inch	6.31
1½-inch	8.25
2-inch	8.80
3-inch	13.75
4-inch and greater	16.50

Monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—7,500	\$4.007

7,501—25,000	4.689
Excess of 25,000	5.968

(4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge; or
- b. The amount specified in any contract between the customer and NBU.

(m) *Tanker service rate.*

- (1) *Availability.* The tanker service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The tanker water service rate is applicable to water service provided at locations approved by NBU, whether metered or estimated. Under this rate, a customer may acquire and purchase water through the use of water tanker trucks or other mobile water transport containers. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required.
- (3) *Rates.* The rate for each tanker or other mobile water transport containers acquiring water at locations approved by NBU shall be the sum of the tanker charge and the volume charge, as shown below.

Tanker charge	Effective December 1, 2007
Per month	\$13.82
Volume charge, per 1,000 gallons or any part thereof	2.009

(4) *Minimum charge.* The minimum charge for each tanker truck connection shall be the larger of the following:

- a. The tanker charge plus the volume charge; or
- b. The amount specified in any contract between the customer and NBU.

(n) *Wholesale water service.*

- (1) *Availability.* Wholesale water service is available under the rules, regulations, and policies, as set by contract and approved by the NBU board of trustees. Contracts for wholesale service will be approved only when water supplies are sufficient to satisfy the requirements of the contract without jeopardizing the water needs of the citizens of the city and customers of NBU.
- (2) *Applicability.* A wholesale service contract is applicable for water service to water systems created by the appropriate agency of the state as well as to other water systems and purveyors which resell water or water service.
- (3) *Rates.* The rate set by contract shall not be less than the marginal cost to serve that customer.

(o) *Experimental rate.*

- (1) *Applicability.* The experimental rate shall be applicable to any and all rate class groups at times chosen by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
- (2) *Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's sole discretion.
- (3) *Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.

(p) *Residential and landscape irrigation drought surcharges.*

- (1) As of June 2014 or any time thereafter, if stage III water restrictions are in effect NBU will implement a \$1.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.
- (2) As of June 2014 or any time thereafter, if stage IV water restrictions are in effect NBU will implement a \$2.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.

(Ord. No. 2002-29, § 1(Att. A), 7-22-02; Ord. No. 2002-48, §§ I, II, 12-9-02; Ord. No. 2007-78, § 2, 10-22-07; Ord. No. 2014-16, § I(Exh. A), 2-24-14; Ord. No. 2015-62, § I(Exh. A), 11-9-15)

NEW BRAUNFELS UTILITIES
Existing and Proposed Water Rates
Effective December 1, 2018

Rate Class	FY 2019	
	Existing Rates	Proposed Rates Eff. 12/1/2018
Residential service		
Inside		
Customer Charge		
5/8"	\$ 11.12	\$ 12.80
1"	\$ 12.84	\$ 14.52
1.5"	\$ 15.19	\$ 16.87
2"	\$ 18.92	\$ 20.60
3"	\$ 28.37	\$ 30.05
4" and greater	\$ 33.76	\$ 35.44
Usage Charge		
0-7,500	\$ 1.936	\$ 1.550
7,501-15,000	\$ 2.581	\$ 3.643
15,001-25,000	\$ 3.227	\$ 4.263
Above 25,000	\$ 4.840	\$ 5.425
Residential service		
Outside		
Customer Charge		
5/8"	\$ 15.03	\$ 14.08
1"	\$ 17.33	\$ 15.97
1.5"	\$ 20.51	\$ 18.56
2"	\$ 25.54	\$ 22.66
3"	\$ 38.29	\$ 33.06
4" and greater	\$ 45.58	\$ 38.98
Usage Charge		
0-7,500	\$ 2.420	\$ 1.705
7,501-15,000	\$ 3.227	\$ 4.007
15,001-25,000	\$ 4.033	\$ 4.689
Above 25,000	\$ 6.051	\$ 5.968

Rate Class	FY 2019			
	Existing Rates		Proposed Rates Eff. 12/1/2018	
Multi-unit permanent residential service				
Inside				
Customer Charge				
5/8"	\$	11.12	\$	12.80
1"	\$	12.84	\$	14.52
1.5"	\$	15.19	\$	16.87
2"	\$	18.92	\$	20.60
3"	\$	28.37	\$	30.05
4" and greater	\$	33.76	\$	35.44
Units Usage				
2-4	0-8,000	\$	2.101	\$ 1.850
	8,001-20,000	\$	2.221	\$ 2.450
	Excess of 20,000	\$	2.625	\$ 3.000
5-10	0-20,000	\$	2.020	\$ 1.850
	20,001-40,000	\$	2.185	\$ 2.450
	Excess of 40,000	\$	2.227	\$ 3.000
11-25	0-40,000	\$	1.952	\$ 1.850
	40,001-100,000	\$	2.227	\$ 2.450
	Excess of 100,000	\$	2.291	\$ 3.000
26-50	0-100,000	\$	2.020	\$ 1.850
	100,001-200,000	\$	2.238	\$ 2.450
	Excess of 200,000	\$	2.259	\$ 3.000
51-75	0-200,000	\$	2.081	\$ 1.850
	200,001-300,000	\$	2.154	\$ 2.450
	Excess of 300,000	\$	2.280	\$ 3.000
76-100	0-300,000	\$	2.047	\$ 1.850
	300,001-400,000	\$	2.288	\$ 2.450
	Excess of 400,000	\$	2.291	\$ 3.000
100+	0-400,000	\$	2.059	\$ 1.850
	400,001-800,000	\$	2.356	\$ 2.450
	Excess of 800,000	\$	2.364	\$ 3.000
Monthly unit Charge	\$	5.43	\$	5.76

		FY 2019	
		Existing Rates	Proposed Rates
Rate Class			Eff. 12/1/2018
Multi-unit permanent residential service			
Outside			
Customer Charge			
5/8"		\$ 15.03	\$ 13.44
1"		\$ 17.33	\$ 15.25
1.5"		\$ 20.51	\$ 17.71
2"		\$ 25.54	\$ 21.63
3"		\$ 38.29	\$ 31.55
4" and greater		\$ 45.58	\$ 37.21
Units Usage			
2-4	0-8,000	\$ 2.627	\$ 1.943
	8,001-20,000	\$ 2.777	\$ 2.573
	Excess of 20,000	\$ 3.282	\$ 3.150
5-10	0-20,000	\$ 2.525	\$ 1.943
	20,001-40,000	\$ 2.732	\$ 2.573
	Excess of 40,000	\$ 2.784	\$ 3.150
11-25	0-40,000	\$ 2.441	\$ 1.943
	40,001-100,000	\$ 2.784	\$ 2.573
	Excess of 100,000	\$ 2.863	\$ 3.150
26-50	0-100,000	\$ 2.525	\$ 1.943
	100,001-200,000	\$ 2.798	\$ 2.573
	Excess of 200,000	\$ 2.824	\$ 3.150
51-75	0-200,000	\$ 2.600	\$ 1.943
	200,001-300,000	\$ 2.693	\$ 2.573
	Excess of 300,000	\$ 2.851	\$ 3.150
76-100	0-300,000	2.388	\$ 1.943
	300,001-400,000	2.669	\$ 2.573
	Excess of 400,000	2.984	\$ 3.150
100+	0-400,000	2.403	\$ 1.943
	400,001-800,000	2.749	\$ 2.573
	Excess of 800,000	2.984	\$ 3.150
Monthly unit charge		\$ 7.21	\$ 6.04

Rate Class	FY 2019	
	Existing Rates	Proposed Rates Eff. 12/1/2018
General service		
Inside		
Customer Charge		
5/8"	\$ 12.67	\$ 13.39
1"	\$ 13.70	\$ 14.48
1.5"	\$ 17.80	\$ 18.81
2"	\$ 22.61	\$ 23.90
3"	\$ 34.24	\$ 36.19
4"	\$ 52.06	\$ 55.03
6" and greater	\$ 90.41	\$ 95.56
Usage		
0-5,000	\$ 2.054	\$ 2.171
5,001-50,000	\$ 2.133	\$ 2.255
50,001-200,000	\$ 2.203	\$ 2.329
200,000 and greater	\$ 2.355	\$ 2.489
Monthly unit charge	\$ 5.43	\$ 5.76
General service		
Outside		
Customer Charge		
5/8"	\$ 17.73	\$ 16.74
1"	\$ 19.19	\$ 18.10
1.5"	\$ 24.93	\$ 23.52
2"	\$ 31.65	\$ 29.87
3"	\$ 47.94	\$ 45.24
4"	\$ 72.88	\$ 68.78
6" and greater	\$ 126.57	\$ 119.45
Usage		
0-5,000	\$ 2.568	\$ 2.388
5,001-50,000	\$ 2.666	\$ 2.480
50,001-200,000	\$ 2.754	\$ 2.561
200,000 and greater	\$ 2.945	\$ 2.738
Monthly unit charge	\$ 7.21	\$ 6.33

Rate Class	FY 2019	
	Existing Rates	Proposed Rates Eff. 12/1/2018
Landscape/irrigation service		
Inside		
Customer Charge		
5/8"	\$ 6.41	\$ 4.73
1"	\$ 7.42	\$ 5.74
1.5"	\$ 8.10	\$ 7.50
2"	\$ 9.77	\$ 8.00
3"	\$ 14.17	\$ 12.50
4" and greater	\$ 16.87	\$ 15.00
Usage		
0-7,500	\$ 2.581	\$ 3.643
7,501-25,000	\$ 3.227	\$ 4.263
Excess of 25,000	\$ 4.840	\$ 5.425
Landscape/irrigation service		
Outside		
Customer Charge		
5/8"	\$ 8.02	\$ 5.20
1"	\$ 9.28	\$ 6.31
1.5"	\$ 10.13	\$ 8.25
2"	\$ 12.22	\$ 8.80
3"	\$ 17.70	\$ 13.75
4" and greater	\$ 21.09	\$ 16.50
Usage		
0-7,500	\$ 3.227	\$ 4.007
7,501-25,000	\$ 4.033	\$ 4.689
Excess of 25,000	\$ 6.051	\$ 5.968
Fire hydrant service		
Monthly customer charge	\$ 109.56	\$ 109.56
Monthly volume charge	\$ 2.638	\$ 2.638



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. E)

Presenter/Contact

Kristi Aday, Assistant City Manager
(830) 221-4285 - kaday@nbtexas.org

SUBJECT:

Discuss and consider approval of the first reading of an ordinance amending Chapter 86, Article 1, Section 86-14 of the Code of Ordinances increasing the cooler sizes allowed on the Comal and Guadalupe Rivers within the city limits.

BACKGROUND / RATIONALE:

In 2007, Ordinance 2007-13 was adopted restricting the size of a cooler to 16 quarts or less on both the Comal and Guadalupe Rivers inside the City limits. That ordinance was challenged and ultimately combined with the disposable container ordinance lawsuit. The Texas Supreme Court recently ruled in the City's favor and therefore, the cooler-size ordinance will continue to be enforced.

One of the issues identified during the 2018 river season was the overly-restrictive size limits for coolers. Since the ordinance was passed in 2007, the non-disposable container industry has expanded and there are multiple varieties and sizes. Expanding the cooler size to 30 quarts will allow these disposable containers to be better packed and stored by river-goers. However, it is important that the cooler size remain manageable enough to be carried by one person up the stairs at the Last Tuber's Exit so as not to impede traffic.

Therefore, based on conversations with outfitters and with the recommendation of the River Manager, staff presented to the River Advisory Committee a proposal to increase the size to 30 quarts. The River Advisory Committee unanimously recommends that the cooler size be increased to 30 quarts.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The River Advisory Committee unanimously recommends that the cooler size be increased to 30 quarts.

STAFF RECOMMENDATION:

Staff believes this is a reasonable accommodation and recommends City Council approval.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 86 OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS, ARTICLE 1, SECTION 86-14 BY INCREASING THE ALLOWABLE COOLER SIZE FROM 16 QUARTS TO 30 QUARTS ON THE COMAL AND GUADALUPE RIVERS INSIDE THE CITY LIMITS; 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 previously determined that there is a public benefit to the restriction of cooler sizes on the Comal and Guadalupe Rivers within the City limits of New Braunfels; and

WHEREAS, the City Council of the City of New Braunfels, Texas has previously determined that restricting cooler sizes leads to fewer disposable containers being brought to and disposed of in the rivers; and

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that restricting cooler sizes improves tuber safety at the Last Tuber's Exit by improving traffic flow; and

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that there are now a variety of non-disposable containers available to the public; and

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that a slightly larger cooler size will better accommodate non-disposable containers and still protect safety; and

WHEREAS, the River Advisory Committee has unanimously recommended to the City Council on October 18, 2018 that the cooler size in Chapter 86, Article I, Section 86-14 be increased from 16 quarts to 30 quarts.

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 86-14 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. 86-14. - Coolers that are allowed on rivers, lakes and streams.

- (a) (1) It shall be unlawful for anyone to use, carry, possess or dispose of a cooler that has a capacity greater than **46 30 quarts** on or in the public waters of the portions of the Guadalupe River and Comal River that lie within the city limits and are defined herein. All coolers used, carried, and possessed on the Comal River and Guadalupe River shall be secured by a zipper, Velcro snap, mechanical latch, or bungee cord to prevent the contents of the cooler from falling out of the cooler.
- (2) It shall be unlawful for anyone to use, carry or possess food or beverages in a disposable container on or in the public waters of the Guadalupe River or Comal River and each person is limited to one cooler in accordance with subsection (a)(1). Disposable container means a receptacle designed to be used once, then thrown away. For purposes of this subsection, disposable containers include, but are not limited to, metal and aluminum cans, glass containers, Styrofoam cups and containers, cardboard containers, paper sacks, boxes, paper napkins and towels, and plastic containers and utensils.
- (3) It shall be unlawful for anyone to dispose of any container into the waters or banks of the Guadalupe River or Comal River unless it is disposed into a properly authorized and placed trash receptacle;
- (4) It shall be unlawful for anyone to use, carry, possess or dispose of an open container with a volume capacity of five fluid ounces or less on or in the public waters of the portions of the Guadalupe River, Lake Dunlap and Comal River that lie within the city limits; and
- (5) For purposes of this section, "container" means a bottle, can, or other receptacle; "open container" means a container that is open, that has been opened, that has a broken seal, or the contents of which are fully or partially removed; and "cooler" means a receptacle or apparatus capable of cooling or keeping cold food and drinks and which can carry more than one container.

The phrase "on or in the public waters" does not include being on a landing, dock, wharf, deck, or other structure that is attached to and is a part of private property that is adjacent to the Guadalupe River or Comal River.

The term "Comal River" means that portion of the Comal River or the diversion of the Comal River that starts at the confluence with Dry Comal Creek and ends at the confluence with the Guadalupe River.

The term "Guadalupe River" means that portion of the Guadalupe River that starts at the Gruene Bridge and ends at the Mill Dam.

- (b) Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not more than \$500.00.
- (c) It is an affirmative defense to prosecution if the individual was involved in the clean up or collection of trash and debris from the rivers.

(Ord. No. 2007-13, § I, 3-26-07; Ord. No. 2011-65, § 1, 8-22-11)

Editor's note— Subsection (a)(2) shall become effective January 1, 2012.

Ord. No. 2007-13, § I, adopted March 26, 2007, amended § 86-14 in its entirety to read as herein set out. Formerly, § 86-14 pertained to open containers of five fluid ounces or less prohibited on rivers, lakes and streams, and derived from Ord. No. 2006-78, § I, adopted August 14, 2006.

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 _____ 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



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. F)

Presenter/Contact

*Kristi Aday, Assistant City Manager
(830) 221-4285 - kaday@nbtexas.org*

SUBJECT:

Discuss and consider approval of the first reading of an ordinance amending Chapter 86, Article I, Section 86-14 of the Code of Ordinances to extend the boundaries of the cooler and disposable container ordinance on the Guadalupe River to the Business 35 overpass inside the City limits.

BACKGROUND / RATIONALE:

As created, the "Disposable Container and Cooler Size Ordinance" extends to the Mill Dam on the Guadalupe River. There is a desire to extend the boundary to the North Business Interstate 35 Overpass. Extension to this visual boundary will assist the City in managing the litter and trash at the areas around the Faust Street Bridge.

The Police Department and Park Rangers currently patrol this area; however, because the ordinance does not extend to this area, disposable container and cooler sizes cannot be controlled while in the river in this area.

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

N/A

FISCAL IMPACT:

Costs to install signage in the area is negligible and will come from the River Fund.

COMMITTEE RECOMMENDATION:

The River Advisory Committee voted unanimously to recommend this ordinance change to the City Council.

STAFF RECOMMENDATION:

Staff recommends approval of the first reading of the ordinance.



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 EXTENDING THE BOUNDARIES FROM THE MILL DAM TO THE NORTH BUSINESS INTERSTATE 35 OVERPASS; 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 trash in the Comal and Guadalupe Rivers negatively affects the health of the river and visitors' experience on the rivers; and

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that there is a public benefit to the restriction of disposable containers on the Comal and Guadalupe Rivers within the City limits of New Braunfels; and

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that the City expends thousands of dollars each year in collecting trash, disposable containers, plastic and such in the river; and

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that the areas below the Faust Street bridge are experiencing excess trash and litter during the river season ; and

WHEREAS, the City Council of the City of New Braunfels, Texas has determined that the ordinance should be extended from the Mill Dam to the North Business Interstate 35 Overpass in order to incorporate the areas below the Faust Street bridge; and

WHEREAS, the River Advisory Committee has unanimously recommended to the City Council on October 18, 2018 that the boundary contained in Chapter 86, Article I, Section 86-14 be extended from the Mill Dam to the North Business Interstate 35 Overpass.

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 86-14 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. 86-14. - Coolers that are allowed on rivers, lakes and streams.

- (a) (1) It shall be unlawful for anyone to use, carry, possess or dispose of a cooler that has a capacity greater than 16 quarts on or in the public waters of the portions of the Guadalupe River and Comal River that lie within the city limits and are defined herein. All coolers used, carried, and possessed on the Comal River and Guadalupe River shall be secured by a zipper, Velcro snap, mechanical latch, or bungee cord to prevent the contents of the cooler from falling out of the cooler.
- (2) It shall be unlawful for anyone to use, carry or possess food or beverages in a disposable container on or in the public waters of the Guadalupe River or Comal River and each person is limited to one cooler in accordance with subsection (a)(1). Disposable container means a receptacle designed to be used once, then thrown away. For purposes of this subsection, disposable containers include, but are not limited to, metal and aluminum cans, glass containers, Styrofoam cups and containers, cardboard containers, paper sacks, boxes, paper napkins and towels, and plastic containers and utensils.
- (3) It shall be unlawful for anyone to dispose of any container into the waters or banks of the Guadalupe River or Comal River unless it is disposed into a properly authorized and placed trash receptacle;
- (4) It shall be unlawful for anyone to use, carry, possess or dispose of an open container with a volume capacity of five fluid ounces or less on or in the public waters of the portions of the Guadalupe River, Lake Dunlap and Comal River that lie within the city limits; and
- (5) For purposes of this section, "container" means a bottle, can, or other receptacle; "open container" means a container that is open, that has been opened, that has a broken seal, or the contents of which are fully or partially removed; and "cooler" means a receptacle or apparatus capable of cooling or keeping cold food and drinks and which can carry more than one container.

The phrase "on or in the public waters" does not include being on a landing, dock, wharf, deck, or other structure that is attached to and is a part of private property that is adjacent to the Guadalupe River or Comal River.

The term "Comal River" means that portion of the Comal River or the diversion of the Comal River that starts at the confluence with Dry Comal Creek and ends at the confluence with the Guadalupe River.

The term "Guadalupe River" means that portion of the Guadalupe River that starts at the Gruene Bridge and ends at the ~~Mill Dam~~ North Business Interstate 35 Overpass.

- (b) Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not more than \$500.00.
- (c) It is an affirmative defense to prosecution if the individual was involved in the clean up or collection of trash and debris from the rivers.

(Ord. No. 2007-13, § I, 3-26-07; Ord. No. 2011-65, § 1, 8-22-11)

Editor's note— Subsection (a)(2) shall become effective January 1, 2012.

Ord. No. 2007-13, § I, adopted March 26, 2007, amended § 86-14 in its entirety to read as herein set out. Formerly, § 86-14 pertained to open containers of five fluid ounces or less prohibited on rivers, lakes and streams, and derived from Ord. No. 2006-78, § I, adopted August 14, 2006.

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 _____ 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



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. G)

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

SUBJECT:

Discuss and consider approval of the installation of speed humps on River Acres Drive.

BACKGROUND / RATIONALE:

Council District: 4

Citizens submitted a request for the installation of speed humps on River Acres Drive between Loop 337 and Gruene Road. River Acres Drive functions as a residential street 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. Sixteen signatures were required to meet the two-thirds requirement, and 19 signatures were received. An operational requirement in the policy is that the 85th percentile speed must be at least 5 miles per hour over the regulatory speed limit of 30 mph. Traffic data collected over a seven-day period showed the 85th percentile speed of 31 miles per hour. An additional operations requirement is that the street must have a 24-hour traffic volume of at least 800 vehicles per day. The average daily traffic volume was 446 vehicles per day. These requirements are listed in the attachment to this report.

The request for speed humps on River Acres Drive between Loop 337 and Gruene Road does not meet the speed or volume eligibility requirements. If 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.

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 first speed hump request for the FY 2018-2019 fiscal year.

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:

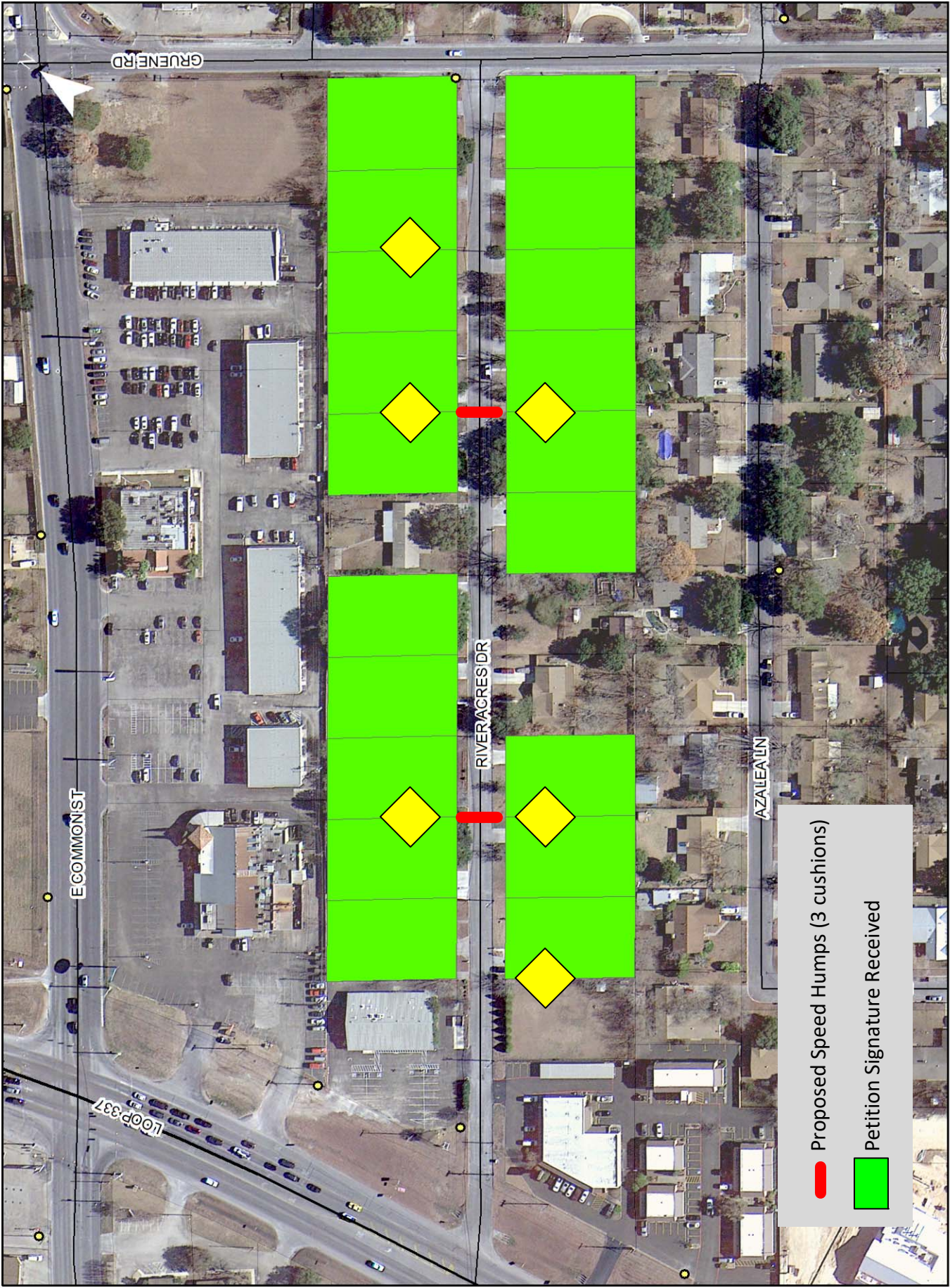
Speed hump installation cost including speed cushions, signing and pavement markings for one set of speed humps costs approximately \$7,000 to \$9,000, depending on location.

COMMITTEE RECOMMENDATION:

This item was considered and not recommended by the Transportation and Traffic Advisory Board at their meeting on October 18, 2018 by a vote of 5-1.

STAFF RECOMMENDATION:

Staff does not recommend approval of speed humps on River Acres Drive between Loop 337 and Gruene Road as it does not meet the speed or volume criteria established in the Speed Hump Policy.



Proposed River Acres Drive Speed Hump Location

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.	N/A

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: 31 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: 446 vpd average

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

Speed and Volume Data (Monday, August 27 to Monday, September 3, 2018)

	≤25 mph	26-30 mph	31-35 mph	36+ mph
Average vpd	209	145	68	24

Project Prioritization Criteria

Criteria		Points Assigned
1. Accident	1 reported crash over a period of 3 consecutive years	2
2. Speed	-6 mph difference between 85 th percentile speed and regulatory speed limit	0
3. Traffic Volume	Two-way peak hour volume of 26 vph	1
4. Type of Neighborhood	None	1
Total:		4



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. H)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the first reading of an ordinance amending Section 126-186 of the Code of Ordinances to prohibit through truck traffic on Oak Run Parkway.

BACKGROUND / RATIONALE:

Council District: 3

The Engineering Division received a request from citizens to establish a No Through Truck restriction on Oak Run Parkway between Loop 337 and SH 46 due to concerns related to through truck traffic in a residential area. This portion of Oak Run Parkway has a posted speed limit of 30 mph, is classified as a major collector in the adopted Thoroughfare Plan and has homes fronting the roadway, some of which require backing onto Oak Run Parkway. Additionally, Oak Run Parkway between SH 46 and the city limits has an existing through truck restriction.

Through truck restrictions apply to any truck that is traveling and not bound for a destination along the specified roadway. Delivery or service trucks driving to a destination along a route with through truck restrictions are not prohibited from these roads because they are not through traffic.

Traffic counts were conducted for over one week in May 2018. During that time, approximately 20% of the over 40,000 vehicles that travelled on this section of Oak Run Parkway were classified as large trucks. Through trucks between Loop 337 and SH 46 were also observed by city staff during field observations.

Staff recommends restricting through truck traffic on Oak Run Parkway between Loop 337 and SH 46 based on evidence of trucks bypassing the more appropriate route through the Loop 337 and SH 46 interchange. Other factors supporting the restriction include houses fronting Oak Run Parkway, truck travel through a residential area, and the existing through truck restriction on the other portion of Oak Run Parkway in the city limits. The proposed ordinance will not restrict access of truck traffic to commercial businesses along the route.

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 FY18-19

approved Public Works budget.

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously recommended the creation of a through truck restriction on Oak Run Parkway between Loop 337 and SH 46 at their meeting on September 13, 2018.

STAFF RECOMMENDATION:

Staff recommends creating a truck restriction on Oak Run Parkway between Loop 337 and SH 46.



Proposed Through Truck Restriction on Oak Run Parkway

Sec. 126-186. - Through trucks prohibited.

Through trucks are prohibited on the following roads:

- (1) Oak Sprawl between State Highway 46 and Oak Glen.
- (2) Oak Glen between Oak Run Parkway and Oak Forest Drive.
- (3) Oak Forest Drive between Oak Run Parkway and Oak Glen.
- (4) Oak Brook Drive between Oak Run Parkway and Oak Forest Drive.
- (5) Oak Run Parkway between State Highway 46 and ~~Oak Brook Drive~~Loop 337.
- (6) Oakwood Boulevard between Loop 337 and Lakeview Boulevard.
- (7) Old FM 306 between East Common Street and Hunter Road.
- (8) Roads in Landa Park and Hinman Island Park listed in section 86-7.
- (9) Ron Road between Green Valley Road and Morningside Drive.
- (10) Schmidt Avenue between FM 1044 and Morningside Drive.
- (11) Rusch Lane between South IH 35 Frontage Road and the city limits.
- (12) South Academy Avenue between West San Antonio Street and West Nacogdoches Street.
- (13) Hunter Road between FM 306 and Gruene Road.
- (14) Gruene Road between Hanz Drive and New Braunfels Avenue.
- (15) Solms Road between North IH 35 Frontage Road and Morningside Drive.
- (16) Rueckle Road between North IH 35 Frontage Road and Morningside Drive.
- (17) Schmidt Avenue between North IH 35 Frontage Road and Morningside Drive.
- (18) Hill Avenue between West Jahn Street and West Garden Street.
- (19) Live Oak Avenue between Landa Street and Michigan Street.
- (20) Mission Valley Road between State Highway 46 the New Braunfels city limits.
- (21) Fredericksburg Road between Landa Street and Ohio Avenue.
- (22) Ohio Avenue between Fredericksburg Road and North Walnut Avenue.
- (23) South Water Lane between IH 35 and Morningside Drive.
- (24) Loma Vista Street between IH 35 and Morningside Drive.
- (25) Encino Drive between Kerlick Lane and Laurel Lane.
- (26) Laurel Lane between Encino Drive and Wood Road.
- (27) Marigold Way between IH 35 and FM 482.
- (28) California Boulevard between Loop 337 and Lakeview Boulevard.
- (29) Lakeview Boulevard between California Boulevard and East Klingemann Street.

(Ord. No. 2016-20, §§ I, II, 4-25-2016; Ord. No. 2017-85, § I, 10-23-17)

Secs. 126-187—126-195. - Reserved.

ORDINANCE NO. 2018-_____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-186 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO RESTRICT THROUGH TRUCK TRAFFIC ON OAK RUN PARKWAY.**

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

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

I.

THAT, Section 126-186, Through trucks prohibited, is amended to read:

(a) Through trucks are prohibited on the following roads:

(5) Oak Run Parkway between State Highway 46 and Loop 337.

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.

This Ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to parking within the City of New Braunfels, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this Ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

IV.

That 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.

V.

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

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

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. I)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking along Hudson Lane and Dexters Place.

BACKGROUND / RATIONALE:

Council District: 4

Engineering staff received a request from the Fire Marshal to restrict parking along one side of Hudson Lane and Dexters Place. This request is because these roadways are narrow and there needs to be enough room for a fire apparatus to safely travel. Both Hudson Lane and Dexters Place are approximately 22 feet wide. A parked vehicle is approximately 8 feet wide. Vehicles parked on both sides of these roads do not allow for the 10 feet of travel room required for a fire apparatus.

Field observations were conducted to determine the most appropriate side of the road to restrict parking. Based on the result of these investigations, staff recommended restricting parking along the west side of Hudson Lane and the south side of Dexters Place. After public input at the Transportation & Traffic Advisory Board meeting and discussions with the Fire Marshal, the recommendation has been revised to restrict parking along the commercial property at 1368 Dexters Place. These locations were selected because that is where the fire hydrants are located; therefore, there is less available parking along the sides of the streets where the no parking zone is proposed.

Notices were mailed to property owners that are adjacent to the proposed parking restriction prior to this City Council meeting.

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:

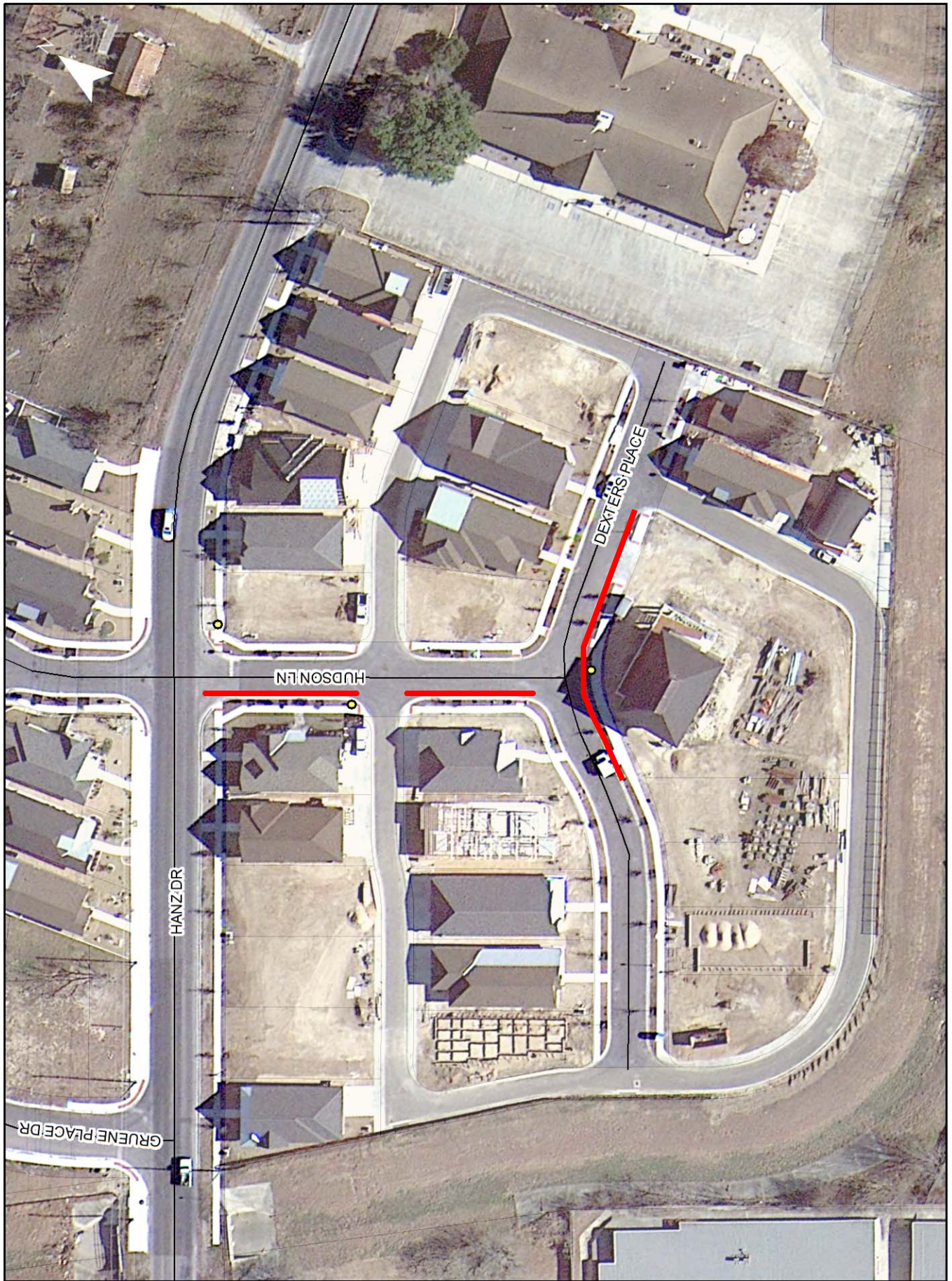
Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY18-19 approved streets and drainage budget.

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously approved a parking restriction along only the west side of Hudson Lane at their meeting on October 18, 2018.

STAFF RECOMMENDATION:

Staff recommends approval of establishing a no parking zone along the west side of Hudson Lane and the south side of Dexters Place at 1368 Dexters Place.



Proposed No Parking Zones on Hudson Lane and Dexters Place

ORDINANCE NO. 2018-_____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-346 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO RESTRICT PARKING ON A PORTION OF HUDSON LANE AND DEXTERS PLACE.**

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

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

I.

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

- (118) On the west side of Hudson Lane south of Hanz Drive and at 1368 Dexters Place. Such no parking zone shall be designated as a tow away zone.

II.

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

III.

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

IV.

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

V.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This

Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

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

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. J)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the first reading of an ordinance amending Section 126-354 of the Code of Ordinances regarding Parking by Permit.

BACKGROUND / RATIONALE:

City staff is proposing amendments to Section 126-354 Parking by Permit only of the Code of Ordinances to more efficiently and effectively address parking by permit requests.

The parking by permit ordinance was created in 2001 to address river-related parking concerns from residents around the Last Tubers Exit. Since that time, 13 more parking by permit areas have been established to address parking concerns from pedestrian generating attractions in New Braunfels. In addition to river-related pedestrian generators, parking by permit areas have now been created in residential areas near Gruene and Conway's Dance Hall.

Staff is proposing changes to the parking occupancy study and notification requirements to allow for faster response to requests for new parking by permit areas and better use of city resources.

A parking occupancy study is required by current code for any new parking by permit area requested via the required petition form. Due to the time that the parking study would need to be conducted, recent parking occupancy studies have been completed by consultants. The cost for a parking study that meets the requirements listed in the ordinance is approximately \$2,500. The results of the study are presented to City Council when the item is brought for the required public hearing but are not always consistent with the final action by City Council on the approval of the requested parking by permit area. Staff is proposing removing the requirement for a parking occupancy study for establishing a new parking by permit area. No changes would be made to the process for requesting the revision of an existing parking by permit area with this removal. Revising an existing area only requires receipt of a signed petition form and compliance with the contiguous commercial or residential requirement of the ordinance.

Current code requires notification letters be mailed out for all occupants listed on the petition received by city staff and to all property owners within the proposed parking by permit area for a request for a new parking by permit area. The current code limits the notification of the public hearing to only the requested area, which leads to potential multiple applications for expansion after a new area is established. Staff is proposing a revision to the current notification requirements for new parking by permit areas to mail letters to occupants on the petition and property owners within a minimum 300-foot radius of the proposed permit area. This revision will lead to a more efficient process as property owners are notified with the initial request instead of multiple follow-up requests that come in as signs

are posted.

Revisions to existing parking by permit areas currently require mailing notification letters to occupants listed on the petition and all property owners within the existing parking by permit area. Staff is proposing a revision to this requirement to mail notification letters to the occupants listed on the petition and property owners within a minimum 300-foot radius of the proposed revision to the existing permit area. The most common parking by permit revision request is to add a single property to an existing parking by permit area. The proposed revision will concentrate the notification letters to the affected area and will use less staff time and resources to complete.

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:

Approval of the ordinance amendment will allow Engineering staff to more efficiently and effectively address parking by permit requests.

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board recommended approval of the proposed amendments to Section 126-354 of the City of New Braunfels Code of Ordinances regarding Parking by Permit on a motion that carried unanimously at their meeting on October 18, 2018.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendments to Section 126-354 of the City of New Braunfels Code of Ordinances regarding Parking by Permit.

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

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

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

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

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

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

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

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

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

- (d) *Establishment of a designated permit area.*

- (1) A neighborhood desiring to create a designated permit area may submit an application for consideration to the city engineer containing the following information:
 - a. Description or a map showing the proposed blocks of the designated permit area.
 - b. The address of each residential lot within the proposed designated permit area and to the extent such information is available to the applicants, the name(s) of the occupant(s) of each single-family residential home;
 - c. An identification of any non-residential properties located within the proposed designated permit area, such as churches, schools, public facilities, or commercial establishments;
 - d. A statement of the proposed parking restrictions desired by the applicants, including days of the week, times of the day, and the length of time for the parking restriction; and
 - e. A petition to include the following statement signed by two-thirds of all single-family homes located within the designated permit area to determine if the area qualifies as a designated permit parking area:

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

year and require replacement each year; (iv) the cost of issuing the annual parking permits will be paid by the residents and/or property owners."

- (2) The city engineer will review all applications submitted for a proposed designated parking permit area and determine the following:
 - a. ~~No less than 75 percent of all available on-street parking spaces within the designated area are occupied and remain occupied for a minimum of two hours;~~
 - b. ~~No less than 25 percent of all available on-street parking spaces within the designated area are occupied and remain occupied by non-neighborhood vehicles; and~~
 - c. The proposed designated parking area is a contiguous commercial or residential use and consists of a minimum of ten commercial or residential lots, except where there are less than ten commercial or single-family lots on the entire length of the street, then the entire length of the street may be considered.
- (3) A public hearing on the application shall be conducted by city council. Notice of the public hearing shall be mailed not less than ten days prior the scheduled date of the hearing to all persons listed in the petition as being an occupant of each of the single-family homes within the permit area and to any other persons who may not be listed in the petition but are shown on the latest tax roll as owning property within a minimum 300 foot radius of the proposed designated permit area. The council may approve, reject, or modify the proposed designated permit area in any manner the council deems appropriate, except that the area shall not be expanded but may be reduced by excluding certain properties as long as the remaining properties remain contiguous to each other. Council will approve the designated parking by permit area by adopting an ordinance, which shall describe each street within the area and the specific restrictions applicable to the area.
- (e) *Modification of a designated permit area.* In response to a request submitted any person or upon its own initiative, the city council may modify a designated permit area or any parking restriction applicable to such area, or council may abolish the entire area or rescind any of such restrictions by ordinance. No action shall be taken until council has conducted a public hearing on the proposed change with notice given in the same manner as required to establish the designated permit area.

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-354 "PARKING BY PERMIT ONLY" OF THE NEW BRAUNFELS CODE OF ORDINANCES TO MORE EFFECTIVELY AND EFFICIENTLY ADDRESS PARKING BY PERMIT REQUESTS.

WHEREAS, to remove the requirement for a parking occupancy study for any new parking by permit area requests; and

WHEREAS, to update the notification requirements for new and existing parking by permit areas to reduce follow-up requests; and

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

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

I.

THAT Section 126-354 of the City of New Braunfels Code of Ordinances is hereby amended as follows:

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

(d) *Establishment of a designated permit area.*

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

a. The proposed designated parking area is a contiguous commercial or residential use and consists of a minimum of ten commercial or residential lots, except where there are less than ten commercial or single-family lots on the entire length of the street, then the entire length of the street may be considered.

(3) A public hearing on the application shall be conducted by city council. Notice of the public hearing shall be mailed not less than ten days prior the scheduled date of the hearing to all persons listed in the petition as being an occupant of each of the single-family homes within the permit area and to any other persons who may not be listed in the petition but are shown on the latest tax roll as owning property within a minimum 300 foot radius of the proposed designated permit area. The council may approve, reject, or modify the proposed designated permit area in any manner the council deems

appropriate, except that the area shall not be expanded but may be reduced by excluding certain properties as long as the remaining properties remain contiguous to each other. Council will approve the designated parking by permit area by adopting an ordinance, which shall describe each street within the area and the specific restrictions applicable to the area.

II.

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

III.

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

IV.

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

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

550 Landa Street
New Braunfels, TX

11/12/2018

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 Connect
- Solms Landing



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. B)

Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code

- Property for city facilities



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

11/12/2018

Agenda Item No. C)

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.

