



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



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

**MONDAY, NOVEMBER 26, 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: Councilmember Shane Hines**

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

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

**PRESENTATIONS:**

- A) Presentation and discussion regarding the 2018 International Building Codes  
*TJ Grossi, Building Official*
- B) Presentation and direction to staff on updates to the City of New Braunfels Wayfinding System  
*Garry Ford, City Engineer*

**1. MINUTES**

- A) Discuss and consider approval of the minutes of the regular City Council meeting of November 12, 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 a change order in the amount of \$30,000 for SCS Engineers to perform a new solid waste rate study as part of the Comprehensive Solid Waste Management Plan.  
*Michael Mundell, Solid Waste Manager*
- B) Approval of a resolution adopting the Investment Policy for the City of New Braunfels including the broker/dealer list.  
*Sandy Paulos, Assistant Finance Director*
- C) Approval of a contract with Pape-Dawson Engineers, Inc. to conduct signal timing services on Loop 337 for the Engineering Division.  
*Garry Ford, City Engineer*

#### *Ordinances*

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

- D) Approval of the first reading of an ordinance amending Article V of Chapter 126 of the Code of Ordinances regarding bicycles.  
*Garry Ford, City Engineer*
- E) Approval of the second and final 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*
- F) Approval of the second and final 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*
- G) Approval of the second and final 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*

- H) Approval of the second and final 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*
- I) Approval of the second and final reading of an ordinance amending Section 126-354 of the Code of Ordinances regarding Parking by Permit.  
*Garry Ford, City Engineer*
- J) Approval of the second and final 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 second and final 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 one individual to the Downtown Board for a term ending May 31, 2019.  
*Patrick Aten, City Secretary*
- B) Discuss and consider approval of the appointment of two individuals to the River Advisory Committee for terms ending December 8, 2021.  
*Patrick Aten, City Secretary*
- C) Discuss and consider approval of the appointment of one individual as an alternate to the Zoning Board of Adjustment for a term ending May 31, 2019.  
*Patrick Aten, City Secretary*
- D) Discuss and consider approval of the City of New Braunfels FY 2017-18 Fourth Quarter Investment Report.  
*Sandy Paulos, Assistant Director of Finance*
- E) Public hearing regarding the U.S. Department of Housing and Urban Development Community Development Block Grant Consolidated Annual Performance and Evaluation Report for Program Year 2017.

*Jennifer Gates, Grants Coordinator*

- F) Public hearing and first reading of an ordinance zoning approximately 151 acres out of the Sarah Dewitt Survey, Abstract 103, Guadalupe County, located on the southeast corner of FM 1044 and W. Klein Road, to "C-1B" General Business District.

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

- G) Public hearing and consideration of an exchange of extraterritorial jurisdiction (ETJ) between the City of New Braunfels, Texas and the City of Seguin, Texas.

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

- H) Discuss and consider an appeal of the Non-Residential and Multifamily Design Standards minimum exterior finish requirements for a proposed commercial building to be constructed at 2732 Big Oak.

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

- I) Discuss and consider approval of the second and final 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*

- J) Discuss and consider approval of the second and final 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*

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

- National Flight Services, Inc.

*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 21, 2018, at 1:00 p.m.

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Patrick Aten, City Secretary

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





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

11/26/2018

Agenda Item No. A)

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Presenter/Contact

*TJ Grossi, Building Official*  
(830) 221-4060 - [tgrossi@nbtexas.org](mailto:tgrossi@nbtexas.org)

**SUBJECT:**

Presentation and discussion regarding the 2018 International Building Codes

**BACKGROUND / RATIONALE:**

**Council District:** City-wide

**Staff Contact:** TJ Grossi, Building Official  
(830) 221-4062  
[tgrossi@nbtexas.org](mailto:tgrossi@nbtexas.org)

This presentation will provide an understanding of how and why building codes get changed, and what our role is in adopting these building codes. It will also provide an opportunity to discuss some of the updates from our currently adopted codes.

The City of New Braunfels has currently adopted the 2015 International Building Codes, with the exception of the 2014 National Electric Code and the 2012 International Energy Code. New codes are updated every three years through a transparent and democratic process administered by the International Code Council (ICC) and the National Fire Protection Agency (NFPA). In August of 2017 the ICC published the 2018 International Code set.

The Fire Marshal's Office and the Building Division have been reviewing the updates. Staff held a public meeting on October 5, 2018 with builders, developers, designers and the school districts to discuss some of the published changes.

Our residents benefit from having current Building Codes adopted. Their homeowners' insurance rate is based on a number of things including is how current the City's Building Codes are and how they are enforced.

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

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**City Plan/Council Priority:  
Envision New Braunfels**

**Action 3.6** Pro-actively provide a regulatory environment that remains business and resident friendly. **Action 6.12** Implement measures to maintain an ISO rating of 1 for Fire Protection to ensure the safety of all residents and to keep property insurance rates low. Building Codes provide a minimum standard for building regulation, which protects the health and safety of the residents of New Braunfels.

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

N/A



# Presentation and discussion regarding the 2018 International Building Codes

Presenter: TJ Grossi, CFM Building Official/Floodplain Manager

# Why Have Building Codes?



- To Protect the Health and Safety of Residents, Business Owners and the Public
- Property Value Retention
- Longevity of Structures



# Why Update the Building Codes?



- They affect our CRS Score from ISO, which determines homeowners/flood insurance premiums
- New Technologies and Engineering Practices
- Small changes are easier to make



# Publication Process



New Building Codes are published every three years.

All aspects of the ICC Code Development process are regulated by published procedures which are approved by the ICC Board of Directors.



The Process:

- Open
- Transparent
- Balance of Interest
- Due Process
- Consensus
- Appeals Process

# Who's Involved?

- Code officials
- Design professionals
- Code consultants
- Trade associations
- Builders/contractors
- Manufacturers/suppliers
- Government agencies
- Anyone with an interest



**The American  
Institute  
of Architects**

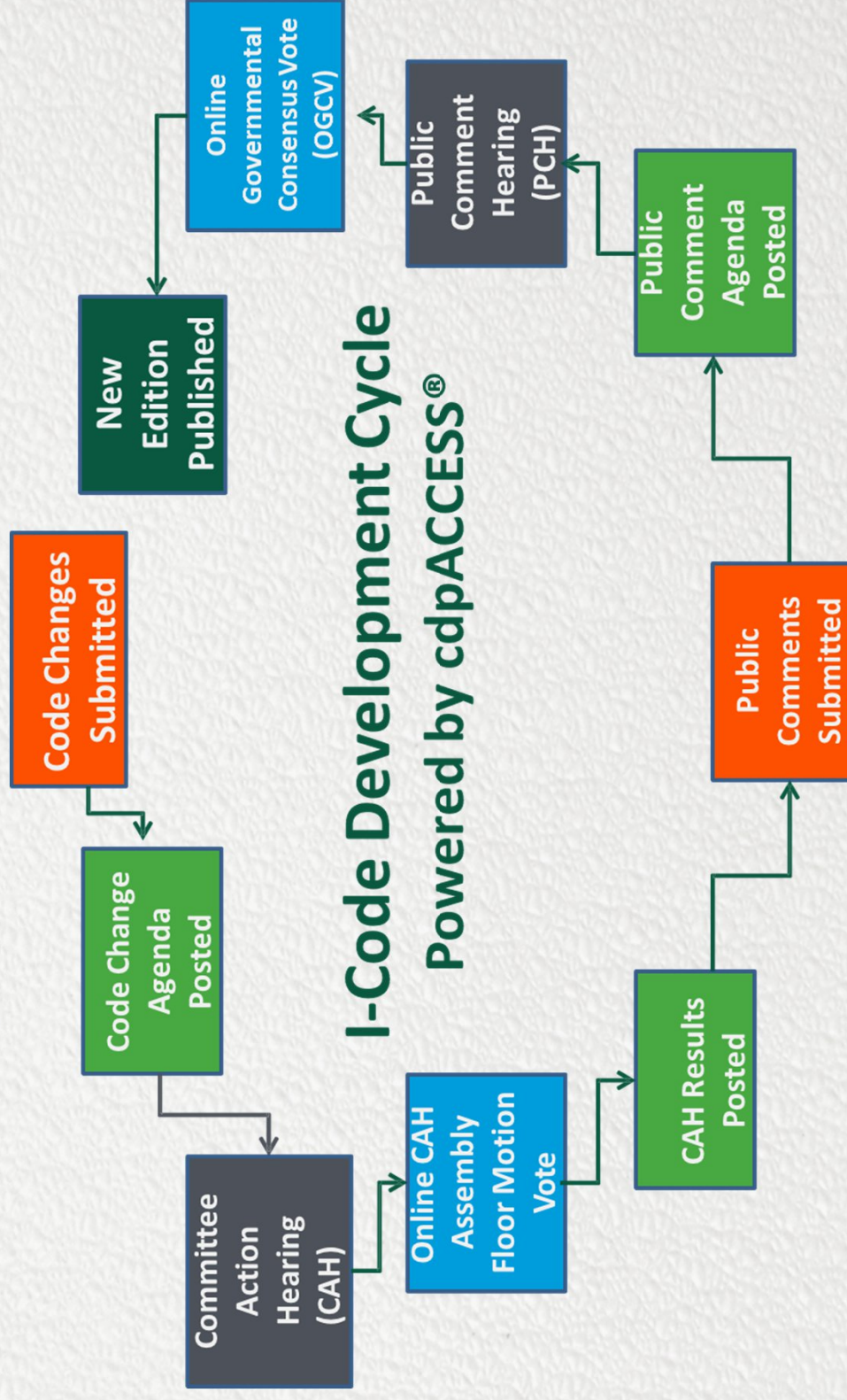


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# How Does a Code Get Changed?



# Current Building Codes



New Braunfels is currently under the 2015 International Building Codes with two exceptions:

- 2014 NEC
- 2012 Energy Code

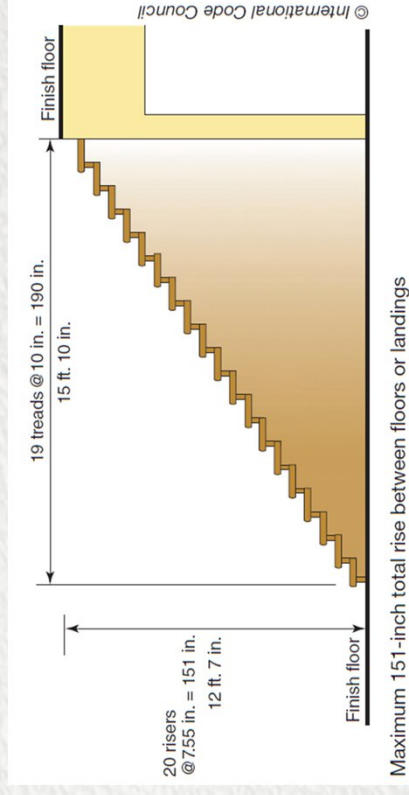
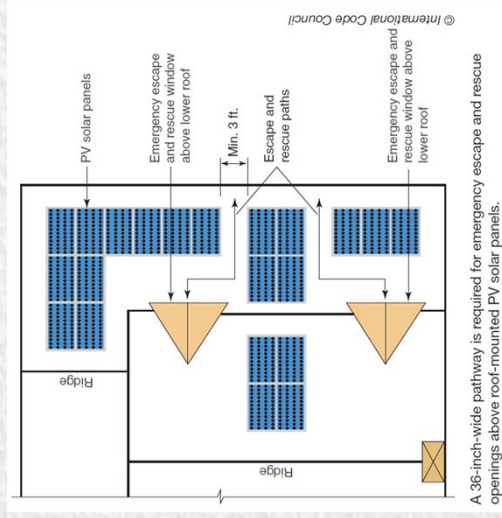


# 2018 International Codes



# What has changed in 2018?

The majority of the changes  
in the 2018 Building  
Codes are technical

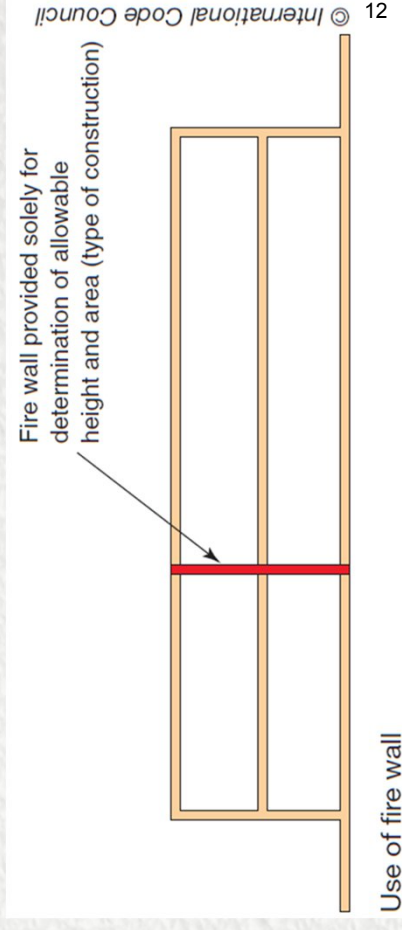
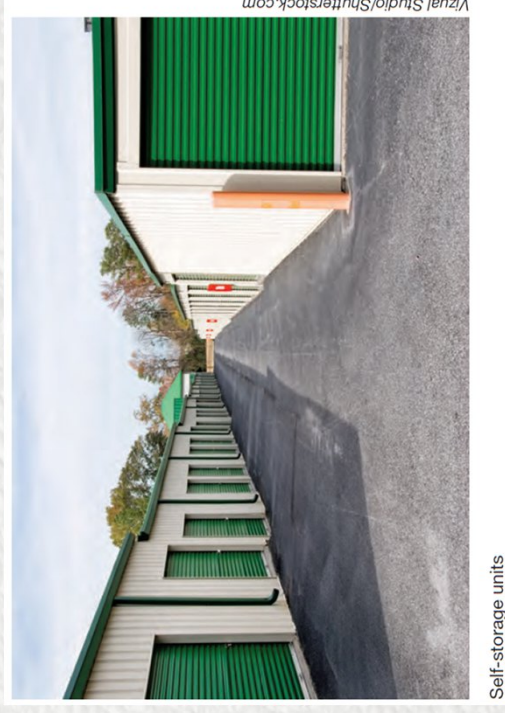
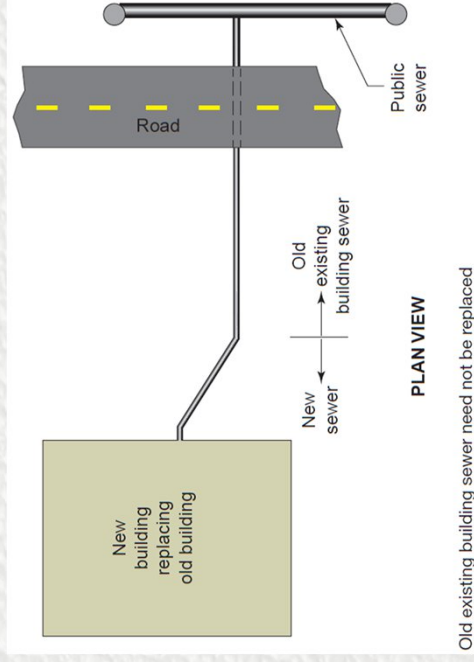


# What has changed in 2018?



## Significant Changes in the Building Codes are:

- The Use of Fire walls
- The Classification of Self Storage Facilities
- The reuse of Old Sewer Lines



# What has changed in 2018?

2018 International Fire Code Changes are a little more significant

- Apartment Attic Sprinkler system
- New section about radio coverage
- Crowd manager coverage
- Locking Arrangements in Educational Occupancy's
- The Permitting of Outdoor Events
- Requires Existing Group A-2 Uses to Install a Fire Sprinkler System



# What has changed in 2018?



## Group A-2 Occupancies Consist of :

- Restaurants
- Bars
- Casinos
- Banquet Halls

These Businesses will be affected by this Code change:

- Bonzai Japanese Steak House
- Comal County Fair Grounds
- Conway's
- Circus Bingo
- Eagles Hall
- Elks Lodge
- The Watering Hole
- Wurstfest



Existing Group A-2 occupancies will be required to install an automatic sprinkler system if the occupant load is 300 or more.

# 2018 International Building Codes



## Process Steps:

- ✓ Held Public Meeting..... October 5, 2018 at City Hall 8:30am
  - Contractors
  - Developers
  - Designers
  - School District
- ✓ Presentation to City Council..... November 26, 2018
  - Public Hearing and First Reading..... January 14, 2019
  - Second Reading..... January 28, 2019
  - Effective Date..... Council's Discretion



Questions?

*SIGNIFICANT CHANGES TO THE  
2018 BUILDING CODES*

*PRESENTED TO CONTRACTORS  
AND DEVELOPERS ON  
OCTOBER 5<sup>TH</sup> 2018*

*City of New Braunfels*

*Inform you about some of  
the significant changes to  
the International Building  
Codes*

*PURPOSE*

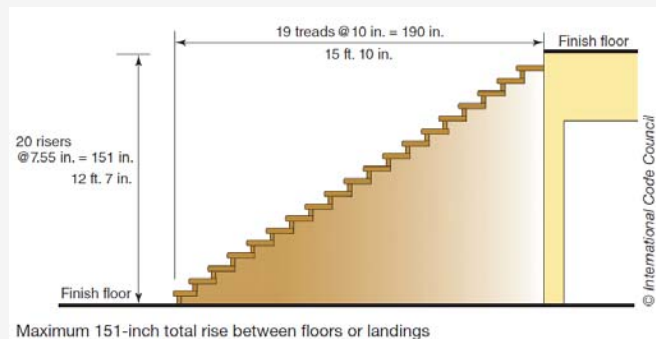


## *SIGNIFICANT CHANGES TO THE 2018 IRC*

### *R311.7.3 Maximum Stair Rise Between Landings*

**Change Summary:** The maximum rise of a flight of stairs has increased by 4 inches, from 147 to 151 inches.

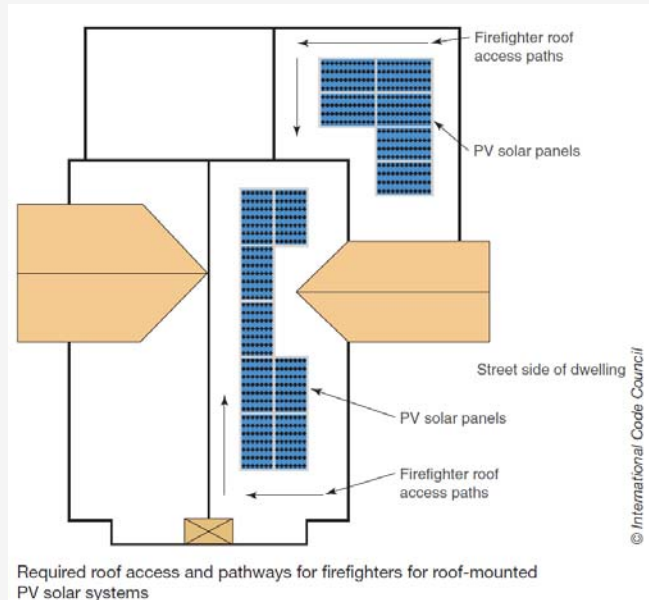
**2018 Code: R311.7.3 Vertical rise.** A flight of stairs shall not have a vertical rise larger than ~~147~~ 151 inches (3734 ~~3734~~ 3835 mm) between floor levels or landings.



## R324.6

### *Roof Access for Photovoltaic Solar Energy Systems*

*Change Summary: Requirements for roof access and pathways for firefighters have been introduced into the IRC provisions for rooftop mounted photovoltaic solar energy systems.*

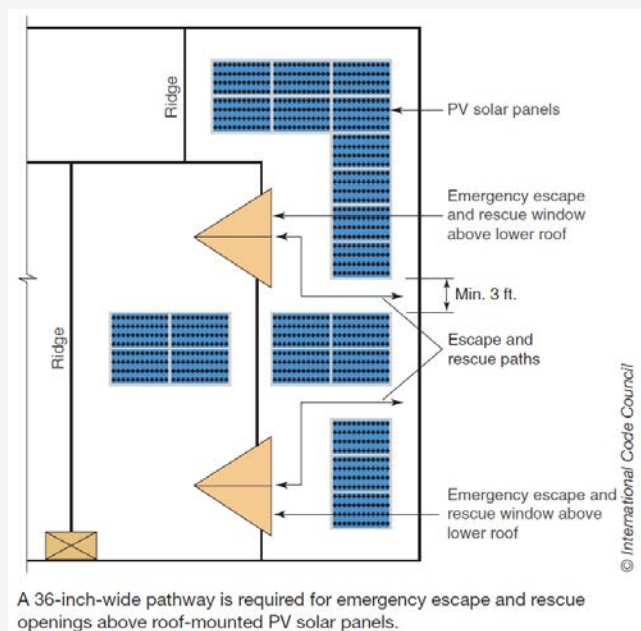


## R324.6.2.2

### *Solar Panels near Emergency Escape and Rescue Openings*

**Change Summary:** Rooftop-mounted photovoltaic solar energy panels and modules are not permitted to be installed directly below emergency escape and rescue openings.

**R324.6.2.2 Emergency escape and rescue opening.** Panels and modules installed on dwellings shall not be placed on the portion of a roof that is below an emergency escape and rescue opening. A pathway not less than 36-inches (914 mm) wide shall be provided to the emergency escape and rescue opening.



## R507 Decks

**Change Summary:** Section R507 is reorganized for ease of use and additional provisions are added to simplify prescriptive construction of a deck. Along with the addition and modification of Tables.

**TABLE S-1 Deck Section Reorganization**

2018 IRC Section Numbers		2015 IRC Section Numbers		2012 IRC Section Numbers	
Section	Topic	Section	Topic	Section	Topic
R507.1	Decks	R507.1	General	R507.1	Decks
R507.2	Materials	New			
R507.2.1	Wood materials				
R507.2.1.1	Engineered wood products				
R507.2.2	Plastic composite elements	R507.3	Plastic composite elements	R507.3	Wood/plastic composites
R507.2.2.1	Labeling	R507.3.1	Labeling	New	
R507.2.2.2	Flame spread	R507.3.2	Flame spread		
R507.2.2.3	Decay	R507.3.3	Decay		
R507.2.2.4	Termites	R507.3.4	Termites		
R507.2.2.5	Installation	R507.3.5	Installation	R507.3.1	Wood/plastic composites
R507.2.3	Fasteners and connectors	New			
R507.2.4	Flashing	New			
R507.2.5	Alternate materials	New			
R507.3	Footings	New			
R507.3.1	Minimum size				
R507.3.2	Minimum depth				
R507.4	Posts	R507.8	Posts	New	
R507.4.1	Post to footing	R507.8.1	Post to footing		
R507.5	Beams	R507.6	Beams	New	
R507.5.1	Beam bearing	R507.7	Beam bearing		
R507.5.2	Beam connection to supports	R507.7.1	Post to beam		
R507.6	Joists	R507.5	Joists	New	
R507.6.1	Joist bearing	R507.7	Joist bearing		
R507.6.2	Lateral restraint	R507.5.1	Lateral restraint		
R507.7	Decking	R507.4	Decking	New	
R507.8	Vertical and lateral supports	New			
R507.9	Vertical and lateral support at band joists	R507.1, R507.2	Decks, Deck ledger connection	R507.2	Ledger to connection
R507.9.1	Vertical support	New			
R507.9.1.1	Ledger	R507.2.1	Ledger details	New	
R507.9.1.2	Band joist	R507.2.2	Band joist	New	
R507.9.1.3	Ledger to band joist	R507.2.3	Ledger to band joist	R507.2, R507.2.1	Ledger - band joist conn., Placement of lag screws
R507.9.1.4	Alternate ledger details	R507.2	Deck ledger connection	R507.2.2	Alternate ledger connection
R507.9.2	Lateral connection	R507.2.4	Deck lateral load connection	R507.2.3	Deck lateral load connection

A last note on terminology within this section, a lateral load in Section R507 is described as a horizontal load.

## R507.3 Deck Footings

**Change Summary:** A new section on footing minimum size is added to help describe minimum prescriptive (non-engineered) requirements for an exterior deck footing based on snow load, soil quality and footing shape and size.

**TABLE R507.3.1 Minimum Footing Size for Decks**

Live or Ground Snow Load <sup>b</sup> (psf)		Load Bearing Value of Soils <sup>c,d,e</sup> (psf)					
		1500 <sup>f</sup>			2000 <sup>f</sup>		
		Tributary Area (sq. ft.)	Side of a square footing (inches)	Diameter of a round footing (inches)	Side of a square footing (inches)	Diameter of a round footing (inches)	Thickness (inches)
40	20	12	14	6	12	14	6
	40	14	16	6	12	14	6
	60	17	19	6	15	17	6
	80	20	22	7	17	19	6
	100	22	25	8	19	21	6
	120	24	27	9	21	23	7
	140	26	29	10	22	25	8
	160	28	31	11	24	27	9
50	20	12	14	6	12	14	6
	40	15	17	6	13	15	6
	60	19	21	6	16	18	6
	80	21	24	8	19	21	6
	100	24	27	9	21	23	7
	120	26	30	10	23	26	8
	140	28	32	11	25	28	9
	160	30	34	12	26	30	10
60	20	12	14	6	12	14	6
	40	16	19	6	14	16	6
	60	20	23	7	17	20	6
	80	23	26	9	20	23	7
	100	26	29	10	22	25	8
	120	28	32	11	25	28	9
	140	31	35	12	27	30	10
	160	33	37	13	28	32	11
70	20	12	14	6	12	14	6
	40	18	20	6	15	17	6
	60	21	24	8	19	21	6
	80	25	28	9	21	24	8
	100	28	31	11	24	27	9
	120	30	34	12	26	30	10
	140	33	37	13	28	32	11
	160	35	40	15	30	34	12

For SI: 1 inch = 25.4 mm, 1 square foot = 0.0929 m<sup>2</sup>, 1 pound per square foot = 0.0479 kPa

a. Interpolation permitted, extrapolation not permitted

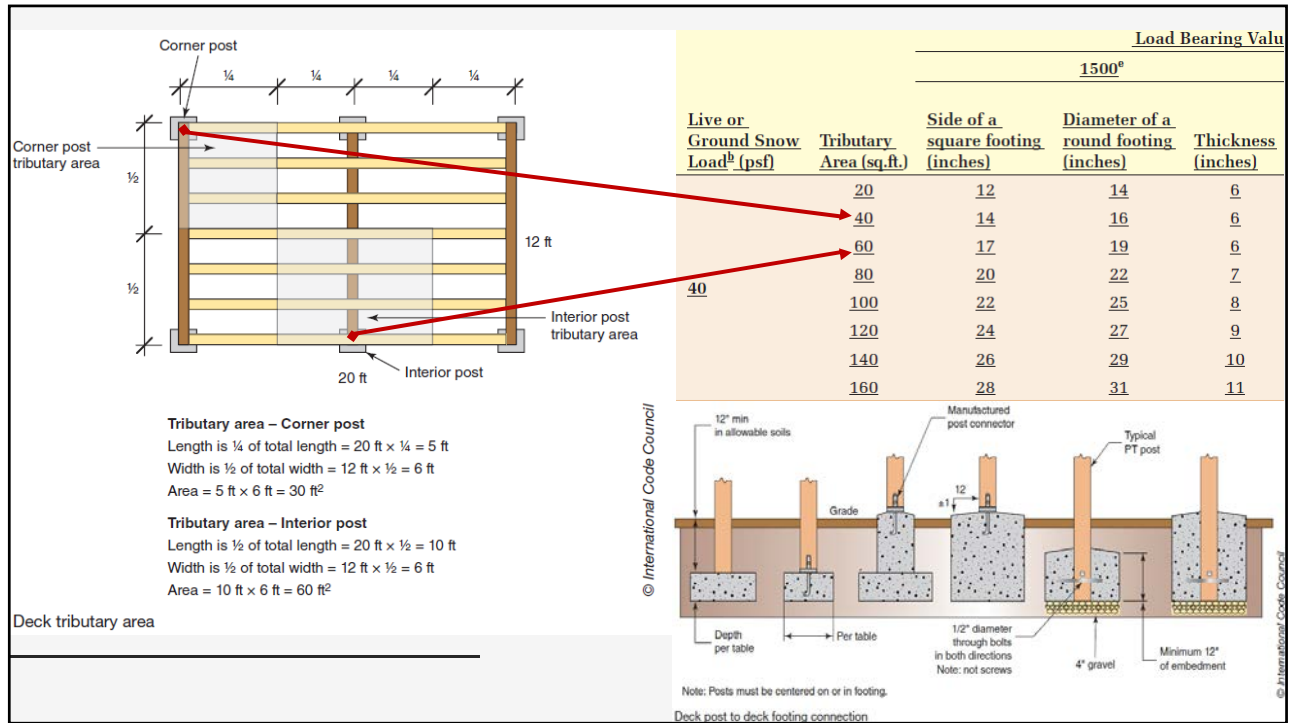
b. Based on highest load case: Dead + Live or Dead + Snow

c. Assumes minimum square footing to be 12 inches × 12 inches for 6 × 6 post

d. If the support is a brick or CMU pier, the footing shall have a minimum 2-inch projection on all sides

e. Area, in square feet, of deck surface supported by post and footings

(Only a portion of the table is shown for brevity and clarity.)

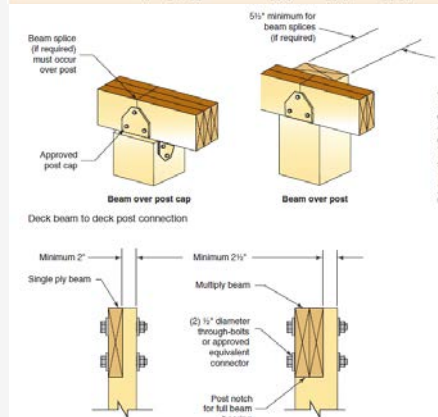


## R507.5 Deck Beams

**Change Summary:** The table on maximum beam span now includes single-ply beams. Beam bearing and connection to posts are clarified.

**TABLE R507.5 R507.5** Deck Beam Span Lengths<sup>a, b, c</sup> (feet-inches)

Species <sup>a</sup>	Size <sup>d</sup>	Deck Joist Span Less Than or Equal to (feet)							
		6	8	10	12	14	16	18	
Southern Pine	1-2 x 6	4-11	4-0	3-7	3-3	3-0	2-10	2-8	
	1-2 x 8	5-11	5-1	4-7	4-2	2-10	3-7	3-5	
	1-2 x 10	7-0	6-0	5-5	4-11	4-7	4-3	4-0	
	1-2 x 12	8-3	7-1	6-4	5-10	5-5	5-0	4-9	
	2-2 x 6	6-11	5-11	5-4	4-10	4-6	4-3	4-0	
	2-2 x 8	8-9	7-7	6-9	6-2	5-9	5-4	5-0	
	2-2 x 10	10-4	9-0	8-0	7-4	6-9	6-4	6-0	
	2-2 x 12	12-2	10-7	9-5	8-7	8-0	7-6	7-0	
	3-2 x 6	8-2	7-5	6-8	6-1	5-8	5-3	5-0	
	3-2 x 8	10-10	9-6	8-6	7-9	7-2	6-8	6-4	
	3-2 x 10	13-0	11-3	10-0	9-2	8-6	7-11	7-6	
	3-2 x 12	15-3	13-3	11-10	10-9	10-0	9-4	8-10	



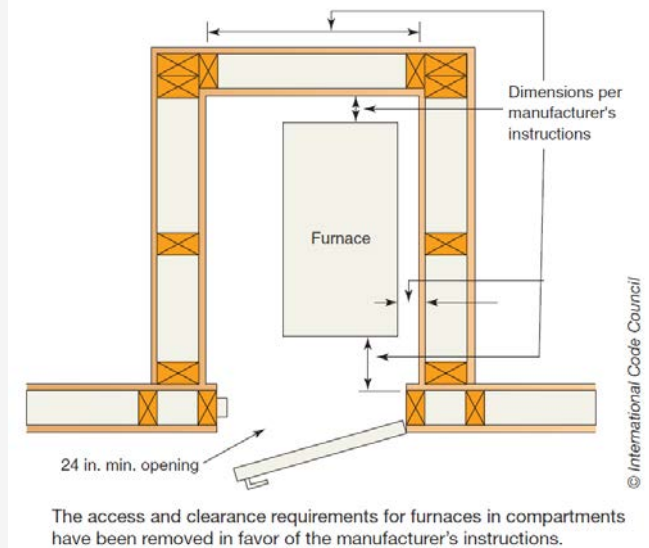
## *R703.2* *Water-Resistive Barrier*

Change Summary: Water-resistive barrier materials other than No. 15 asphalt felt must be installed following the manufacturer's installation instructions. The exemption for detached accessory buildings is deleted.



## *M1305.1.1* *Access to Furnaces within Compartments*

**Change Summary:** The appliance access and clearance requirements for furnaces in compartments have been removed from the code in favor of other code provisions and the manufacturer's instructions.

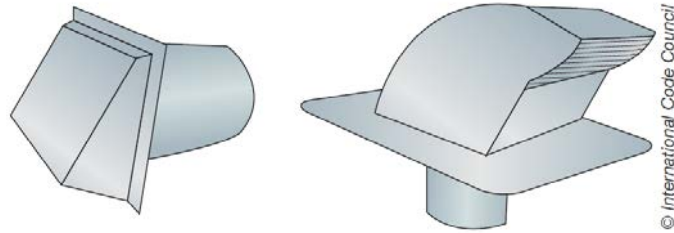


## M1502.3.1 Dryer Exhaust Duct Termination

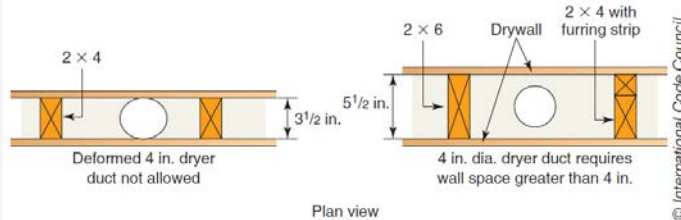
**Change Summary:** A minimum area of 12.5 square inches has been established for the terminal outlet of dryer duct exhaust.

## M1502.4.2 Concealed Dryer Exhaust Ducts

**Change Summary:** Wall and ceiling cavities enclosing dryer exhaust ducts must provide sufficient space that the 4-inch duct is not squeezed out of its round shape.



Wall and roof terminations for dryer exhaust must be undiminished in size and provide 12.5 square inches of area.



Dryer exhaust duct in concealed spaces

## Table M2101.9 Hanger Spacing for PEX Tubing

**Change Summary:** Support spacing requirements for PEX tubing 1 1/4 inches and greater in diameter have been added to Table M2101.9.

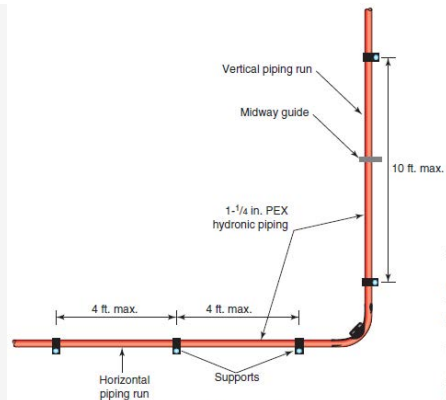
**TABLE M2101.9** Hanger Spacing Intervals

Piping Material	Maximum Horizontal Spacing (feet)	Maximum Vertical Spacing (feet)
PEX tubing $\leq 1$ inch	2.67	4
PEX tubing $\geq 1 \frac{1}{4}$ inches	4	10 <sup>a</sup>

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

a. For sizes 2 inches and smaller, a guide shall be installed midway between required vertical supports. Such guides shall prevent pipe movement in a direction perpendicular to the axis of the pipe.

(Portions of table not shown remain unchanged.)



Hanger spacing for PEX tubing 1-1/4 inch and larger

## *G2447.2 Commercial Cooking Appliances*

**Change Summary:** Commercial cooking appliances are now permitted in dwelling units when installed in accordance with an engineered design and the manufacturer's instructions.



Commercial cooking appliances are permitted with an engineered design

## *P2503.7 Air Testing of PEX Piping*

**Change Summary:** Compressed-air testing of PEX water-supply piping is now allowed when testing is in accordance with the manufacturer's instructions.



Air testing of PEX water piping is permitted

## *P2713.1 Bathtub Overflow*

**Change Summary:** Overflow outlets are no longer required for bathtubs.

**2018 Code: P2713.1 Bathtub waste outlets and overflows.**

Bathtubs shall be equipped with a waste outlet and an overflow outlet. The outlets shall be connected to waste tubing or piping that is not less than 1½ inches (38 mm) in diameter. The waste outlet shall be equipped with a water-tight stopper. Where an overflow is installed, the overflow shall be not less than 1½ inches (38 mm) in diameter.



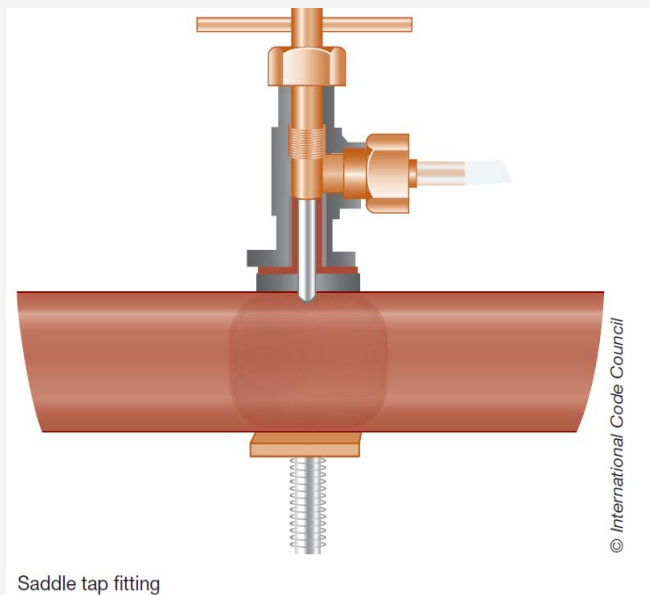
An overflow is not required for a bathtub

## *P2906.6.1 Saddle Tap Fittings on Water Distribution Piping*

**Change Summary:** Saddle tap fittings are no longer permitted on water distribution system piping.

**2018 Code: P2906.6.1 Saddle tap fittings.**

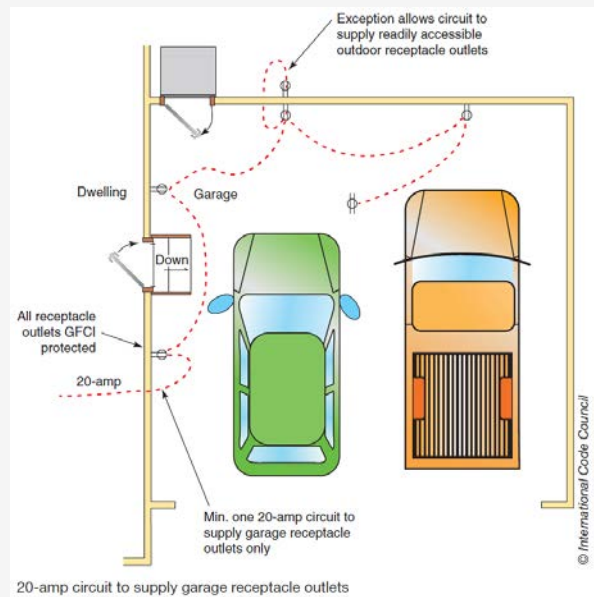
The use of saddle tap fittings and combination saddle tap and valve fittings shall be prohibited.



Saddle tap fitting

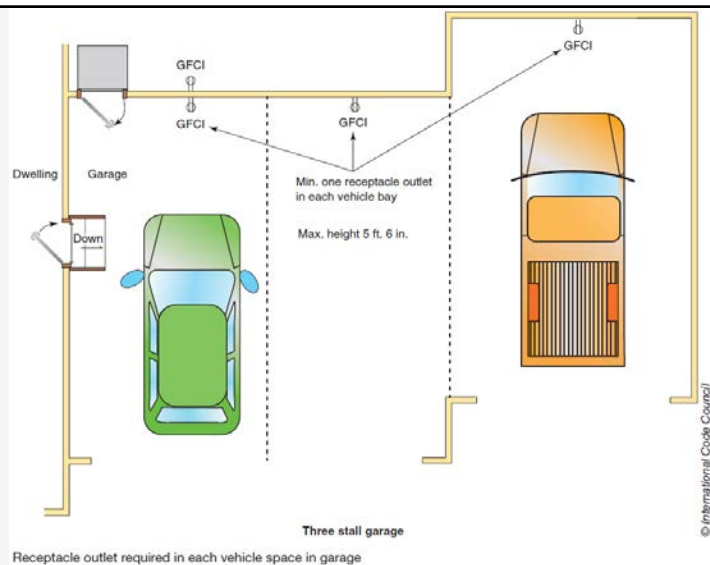
## *E3703.5* *Garage Branch Circuits*

**Change Summary:** A separate 20-ampere branch circuit is now required to serve receptacle outlets of attached garages and detached garages with electric power.



## *E3901.9* *Garage Receptacle Outlet Location*

**Change Summary:** A receptacle outlet must be located in each vehicle bay in a garage.



## E4101.3

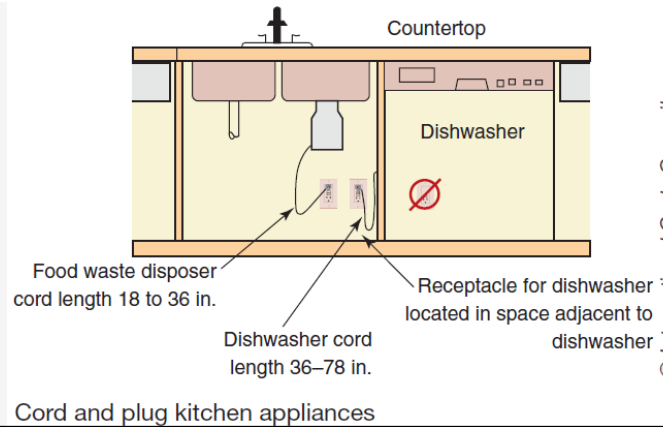
### Cord-and-Plug- Connected Appliances

**Change Summary:** The maximum cord lengths for range hoods and built-in dishwashers have increased, and the code clarifies that the receptacle outlet for the dishwasher has to be in the space adjacent to the appliance.

**TABLE E4101.3** Flexible Cord Length

Appliance	Minimum Cord Length (inches)	Maximum Cord Length (inches)
Electrically operated in-sink waste disposal	18	36
Built-in dishwasher	36	<del>48</del> 78
Trash compactor	36	48
Range hoods	18	<del>36</del> 48

For SI: 1 inch = 25.4 mm.



## Appendix Q

### Tiny Houses

**Change Summary:** A new Appendix Q covers provisions for tiny houses, defined as dwellings with a maximum floor area of 400 square feet.

**TABLE A-1**

Element	General requirement
Egress roof access window	A skylight or roof window for emergency escape from a loft
Loft	Open on one side with a ceiling height of less than 6 feet 8 inches
Tiny house	Maximum area 400 square feet excluding lofts
Ceiling heights	Generally 6 feet 8 inches or less
Minimum loft area	35 square feet with 5-foot minimum dimension
Stairway	Width: 17 to 25 inches Headroom: 6 feet 2 inches Risers: 7 to 12 inches Treads: Calculated based on riser height
Ladders	Width: 12 inches Rung spacing: 10 to 14 inches Incline 70 to 80 degrees
Loft guard height	One-half of the clear height to ceiling Not required to be over 36 inches





## *SIGNIFICANT CHANGES TO THE 2018 IBC*

### *311.1.1 Classification of Accessory Storage Spaces*

**Change Summary:** Regardless of size, storage rooms and storage spaces that are accessory to other uses are to be classified as part of the occupancy to which they are accessory.



Hospital storage room



Self-storage units

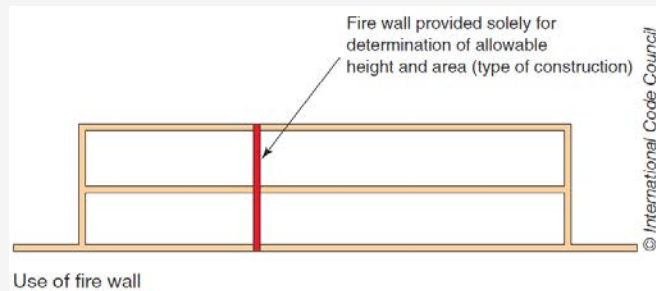
Vizual Studio/Shutterstock.com

### 311.2 Classification of Self-Service Storage Facilities

**Change Summary:** Due to the reasonable expectation that self-storage facilities will contain a considerable amount of combustible materials, such facilities are now specifically identified as Group S-1 occupancies.

### 503.1, 706.1 Scope of Fire Wall Use

**Change Summary:** The use of fire walls is now strictly limited to only the determination of permissible types of construction, based upon allowable building area and height.



## 904.12 Commercial Cooking Operations

**Change Summary:** The installation of fire-extinguishing systems as protection for commercial cooking operations must now also comply with NFPA 96. In addition, commercial cooking systems are now permitted to be protected with a water mist fire-extinguishing system complying with NFPA 750.



Automatic water mist system protecting commercial cooking operation

## Table 1004.5, 1004.8 Occupant Load Calculation in Maximum Floor Area Allowances Business Use Areas

**Change Summary:** The method of calculating occupant load in business areas has been revised, which will typically result in reduced design occupant loads. However, higher design occupant loads can now be assigned to concentrated business areas such as telephone call centers and similar uses.

**TABLE 1004.1-2 1004.5** Maximum Floor Area Allowances  
Per Occupant

Function of Space	Occupant Load Factor <sup>a</sup>
Business areas	400/150 gross
Concentrated business use areas	See Section 1004.8

(No changes to other portions of table.)

**1004.8 Concentrated business use areas.** The occupant load factor for concentrated business use shall be applied to telephone call centers, trading floors, electronic data processing centers and similar business use areas with a higher density of occupants than would normally be expected in a typical business occupancy environment. Where approved by the building official, the occupant load for concentrated business use areas shall be the actual occupant load, but not less than one occupant per 50 square feet (4.65 m<sup>2</sup>) of gross occupiable floor space.

### 308.10 *Thermal Expansion Tank Support*

**CHANGE SUMMARY:** A thermal expansion tank cannot be supported by the piping connected to the tank.

**2018 CODE: 308.10 Thermal expansion tanks.** A thermal expansion tank shall be supported in accordance with the manufacturer's instructions. Thermal expansion tanks shall not be supported by the piping that connects to such tanks.



One method of independent tank support

Photo courtesy of Holdrite-Hubbard Enterprises

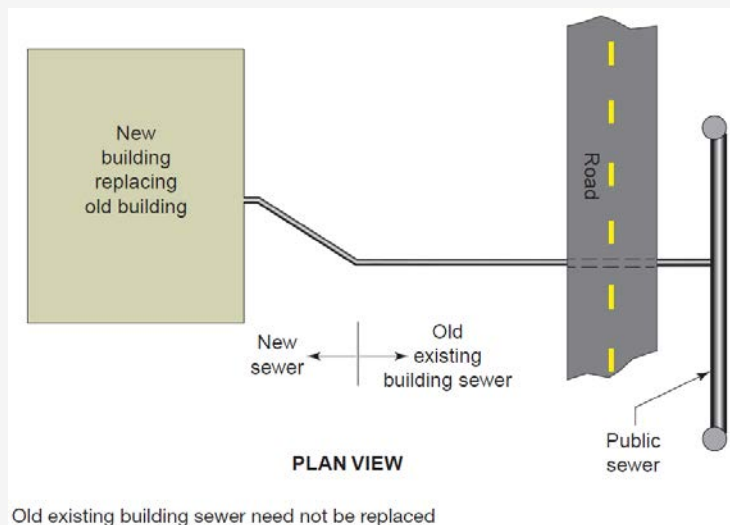


Unsupported thermal expansion tank

International Code Council®

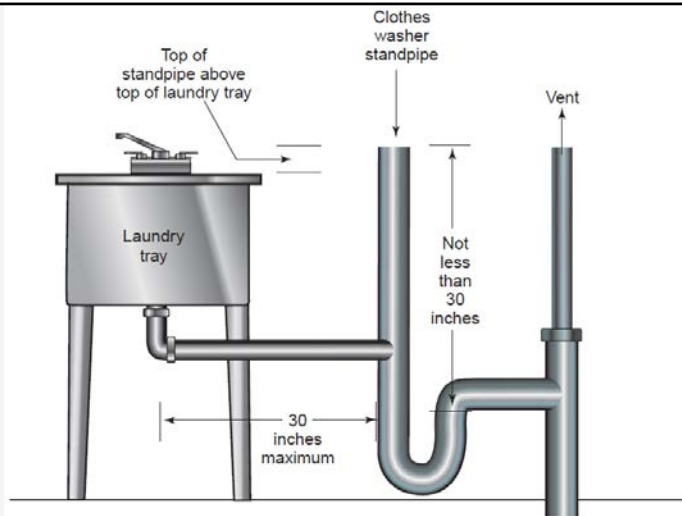
### 703.4 *Reuse of Buried Drain and Sewer Piping*

**CHANGE SUMMARY:** The use of existing building sewers and existing building drains for new building plumbing system is clarified.



### 802.4.3.1 Laundry Tub Connection to Clothes Washer Standpipe

**CHANGE SUMMARY:** An alternative method for connecting a laundry tub drain, without a fixture trap, to a clothes washer standpipe is added to the code.



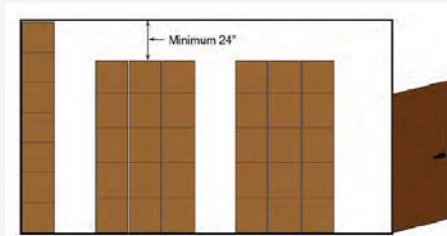
Laundry tray connected to clothes washer standpipe



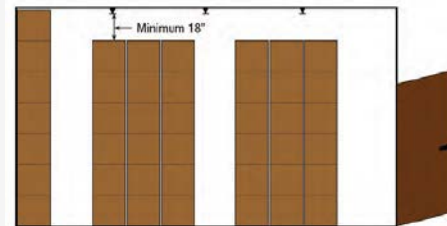
**SIGNIFICANT  
CHANGES TO  
THE 2018 IFC**

### ***315.3.1 Ceiling Clearance for Indoor Storage***

**CHANGE SUMMARY:** Exceptions have been added which allow an increase in the height of storage along walls in sprinklered and non-sprinklered buildings.



Storage in a nonsprinklered room can extend to the ceiling along the walls, but must maintain 24 inches clear to the ceiling in the remainder of the room.



Storage in a room with sprinklers can extend to the ceiling along the walls, but must maintain 18 inches clear below the fire sprinkler deflectors in the remainder of the room.

### ***403.12.3, 403.12.3.1 Crowd Managers***

**CHANGE SUMMARY:**

The threshold for crowd managers dropped from 1,000 to 500 people for certain events.



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Crowd managers are required to be trained. Training is available via the internet and a link is available through the ICC Preferred Provider Program at [www.crowdmanagers.com](http://www.crowdmanagers.com).

## **510** ***Emergency Responder Radio Coverage***

**CHANGE SUMMARY:** Requirements for emergency responder radio coverage have been revised to address industry and equipment enhancements with a new reference to NFPA 1221.

The new Section 510.4.2.5 requires that the system is monitored by a fire alarm control unit. The items monitored are:

1. Loss of normal AC power supply.
2. Failure of the battery charger.
3. Malfunction of the donor antennae.
4. Failure of active RF-emitting devices.
5. Battery capacity of standby power supply falling to 70 percent of operating capacity or less.
6. Failure of critical system components.
7. The communications link between the fire alarm system and the emergency responder radio enhancement system.

## **903.2.3** ***Sprinklers in Group E Occupancies***

**CHANGE SUMMARY:** Provides occupant load threshold for automatic sprinkler system requirements in Group E occupancies.

Group E occupancies now require an automatic sprinkler system when the occupant load in a fire area is 300 or more.



### ***903.3.1.2.3 Protection of Attics in Group R Occupancies***

**Change Summary:** Sprinkler protection or acceptable alternative methods for the protection of attics are now addressed for mid-rise buildings housing multi-family occupancies and equipped with an NFPA 13R sprinkler system.

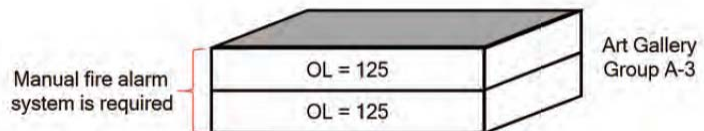


Construction of mid-rise residential building

© International Code Council

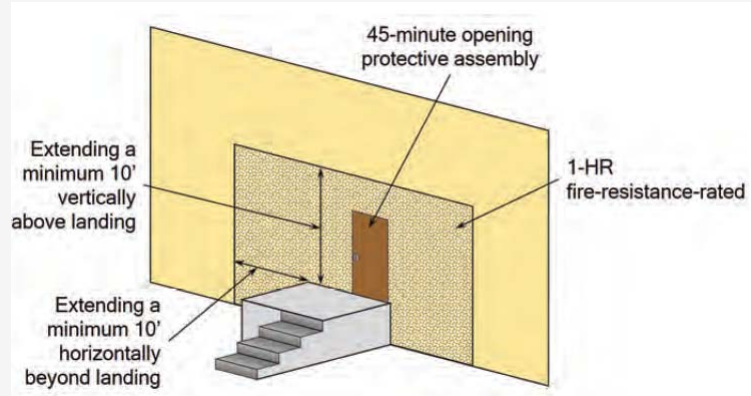
### ***907.2.1 Fire Alarms in Group A Occupancies***

**CHANGE SUMMARY:** A new fire alarm threshold has been added for Group A occupancies where an occupant load of 100 or more is located on a level other than the level of exit discharge.



## ***1009.7.2 Protection of Exterior Areas of Assisted Rescue***

**CHANGE SUMMARY:** The 1-hour fire-resistance-rated separation between an exterior of assisted rescue and the building is not required if the building is protected with an automatic sprinkler system designed to NFPA 13 or 13R.



## ***1010.1.4.4 Locking Arrangements in Educational Occupancies***

**CHANGE TYPE:** Addition

**CHANGE SUMMARY:** Guidance is provided to allow enhanced security measures yet still meet egress requirements for classroom doors.



This electrically operated lock is operable from outside the classroom by entering the proper pass code.

### ***1031.2.2 Locking Arrangements in Existing Educational Occupancies***

**CHANGE TYPE:** Addition

**CHANGE SUMMARY:** Guidance is provided to allow enhanced security measures yet still meet egress requirements on classroom doors.



Photo courtesy of ASSA ABLOY

A fob is used to operate this classroom security lock from inside the room.

### ***1103.5.1 Fire Sprinklers in Existing Group A-2 Occupancies***

**CHANGE TYPE:** Addition

**CHANGE SUMMARY:** A section has been added to Chapter 11 which requires the retrofit installation of a fire sprinkler system in existing Group A-2 occupancies where alcoholic beverages are consumed if the occupant load is 300 or more.



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Existing Group A-2 occupancies will be required to install an automatic sprinkler system if the occupant load is 300 or more.

## 3106 Outdoor Assembly Events

**CHANGE TYPE:** Addition

**CHANGE SUMMARY:** This section adds requirements specific to outdoor public gatherings and improves the correlation of requirements in the IBC and IFC.



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An outdoor event where vehicular access and access to fire protection equipment is impeded.

## 3314 Fire Watch During Construction

**Change Summary:** In order to protect adjacent properties from fire in a building of considerable height when under construction, new provisions have been established to give authority to the fire code official to require a fire watch during those hours where no construction work is being done.



Building under construction



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

11/26/2018

Agenda Item No. B)

---

Presenter/Contact

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

**SUBJECT:**

Presentation and direction to staff on updates to the City of New Braunfels Wayfinding System

**BACKGROUND / RATIONALE:**

The City of New Braunfels Wayfinding System was developed between 2006 and 2007. The system is based on the *Design Intent Documents* which include sign types, color palette, destinations and locations. The document was developed by Jacobs, formerly Carter Burgess, with input from a council-appointed wayfinding advisory committee. The drawings in the document were intended for illustrative design; final engineering, fabrication and materials were the responsibility of the fabricator. The system was funded through an agreement with the New Braunfels Economic Development Corporation (4B) and New Braunfels Convention & Visitors Bureau.

The City contracted with Executive Signs from San Antonio to install the vehicular signs on city streets and state highways between 2007 and 2009. The signs were shop-fabricated and included specialty welding and non-standard materials and anchors. The Public Works Department accepted maintenance responsibility of the signs after installation.

Since the implementation, the City has been experiencing many challenges with the wayfinding system including appearance, legibility, maintenance, and the ability to replace, update and change signs. Furthermore, it has been difficult to find a sign contractor to replace or install new signs without an established design standard. These issues prompted city staff to start the development of a design standard for vehicular signs.

City staff approached the development of a design standard with meeting the design intent and providing a design that is maintainable by the city, cost efficient and meet engineering standards as required by state law. The proposed design standard is for three vehicular direction signs: (1) vehicular citywide directional; (2) vehicular downtown directional; and (3) vehicular water venue trailblazer. The proposed design standard addresses the following key needs for vehicular signs:

1. Improved maintenance by the city and/or roadway sign contractor
2. Specialized sign crew or crane for installation or replacement not required
3. Allow for efficient changes or additions by the city and/or roadway sign contractor
4. Use standard traffic materials that are lightweight and readily available
5. Use standard anchors that meet breakaway and engineering requirements
6. Use standard sign sheeting where the sign is retroreflective and visible at night
7. Use standard font and that meet engineering requirements
8. Meet Texas Department of Transportation (TxDOT) standard requirements

It is also proposed that the vehicular water venue trailblazer be included with the citywide directional sign based on sign uniformity and cost savings. The vehicular downtown directional sign will also be utilized in low speed areas such as Gruene, Landa Park and other areas where the speed limit is less than 30 mph or where there are other size limitations. Specialty welding, scroll work, finials and foundations are proposed to be removed; however, the sign post will remain black.

The proposed design standard was developed based on the *Design Intent Documents* and the Public Works Department sign shop. The standard keeps the color palette standard sign panels that can be easily replaced and updated by the city and/or roadway sign contractor. The bottom panel includes the “river wave” and allows for the city’s logo or a specialty logo or customization. The typical cost of a sign is approximately \$400 whereas the previous signs cost up to \$1,500.

The next steps in the process include:

1. Obtain input on the proposed design standard
2. Develop a wayfinding system policy and criteria for vehicular signs
3. Review existing inventory, sign destinations and locations
4. Update sign destination, locations and message schedule
5. Develop implementation plan
6. Contract fabrication and installation

The process will include various city departments and key stakeholders identified by the City Manager’s Office. It will also include the TxDOT for signs to be placed on the state highway system.

Additional design and policy efforts are planned for large highway, pedestrian and parking signs after the implementation of the vehicular signs.

Mockups for the vehicular citywide directional and downtown directional will be presented at the meeting.

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

Envision New Braunfels, Strategy 7: Connect All

Action 7.35: Collaborate with local stakeholder groups and CVB on Downtown, Gruene, and area information directories, wayfinding, app/websites for tourists.

Envision New Braunfels, Strategy 7: Connect All

Action 7.58: Develop a survey/study to evaluate the signage of city streets, Downtown traffic circle, county roads and Interstate Highway 35, including wayfinding, street names, and regulatory signage. Within the next three years. Based on recommendations from the study, begin implementation of approved changes.

#### **FISCAL IMPACT:**

TBD

#### **COMMITTEE RECOMMENDATION:**

N/A

#### **STAFF RECOMMENDATION:**

---

N/A



# Wayfinding Sign Update

Garry Ford  
City Engineer

November 26, 2018

# Permanent Wayfinding System



Design Intent Documents developed in 2006-2007

- Wayfinding Committee
- Funding through 4B and CVB

Vehicular signs installed in 2007-2009

- Executive Signs, San Antonio
- Shop-fabricated, specialty welding

# Current Wayfinding System

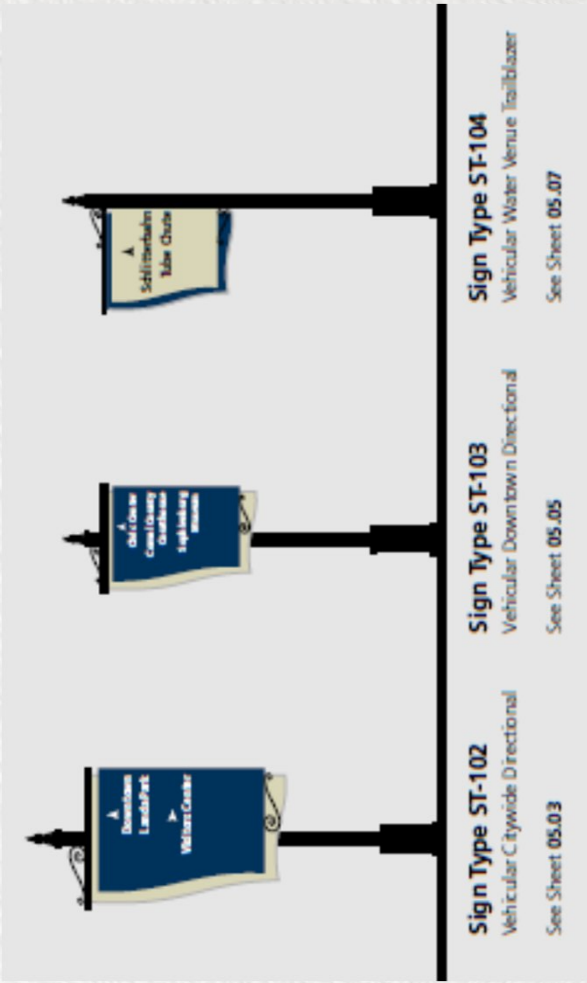


Maintained by Public Works

Original signs in place

## Challenges

- Difficult to maintain, update, and replace
- Faded and non-reflective
- No standard design



# Need for a Design Standard



## Maintainable

- In-house or roadway sign contractor
- No specialized sign crew installation (no crane)
- Allow for changes and additions

## Address standard roadway sign requirements

- Standard traffic materials
- Standard anchors
- Standard sign sheeting
- Standard font

# Design Standard Approach



## Meet design intent

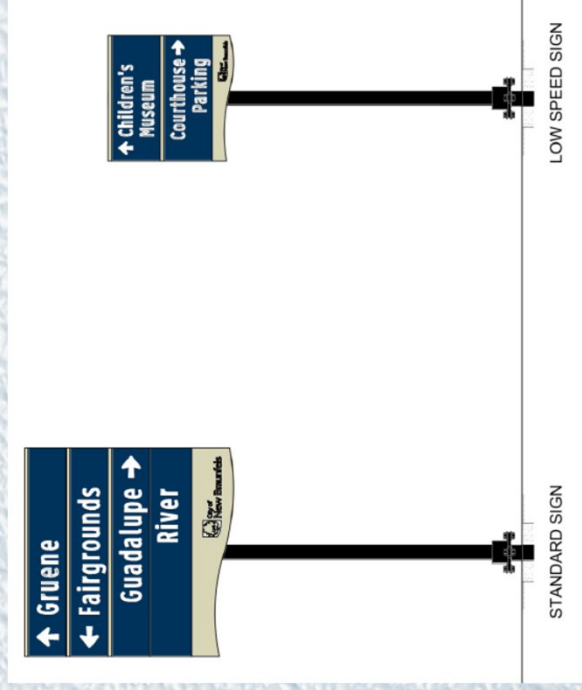
- Color palette
- Maintain river wave

## Address challenges

- Maintainable
- Cost efficient
- Meet engineering standards

# New Proposed Design Standards

## Vehicular citywide directional Vehicular downtown directional



# Lengthy Process

Involved Sign Shop

Review Standards

Colors

Sign sizes

Sign layout

- Font
- Arrow
- Spacing
- Logo opportunity

Cost (old \$1500, new \$400)



# Wayfinding Design Standards



**05-A**

**COLOR SPECIFICATIONS**  
CITY OF NEW BRAUNFELS  
JAN 2018

**Kimley-Horn**  
1710 East 71st, Suite 403  
Houston, TX 77030  
Tel: 281-480-0800

**REVISIONS**

NO.	DESCRIPTION	DATE
1	ISSUED	01/18/2018

**NOTES:**

1. Colors specified in this section are for use on all wayfinding signs.
2. Colors specified in this section are for use on all wayfinding signs.
3. Colors specified in this section are for use on all wayfinding signs.
4. Colors specified in this section are for use on all wayfinding signs.
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9. Colors specified in this section are for use on all wayfinding signs.
10. Colors specified in this section are for use on all wayfinding signs.

**FIGURE 5-A: SIGN SPECIFICATIONS**

**FIGURE 5-B: SIGN SPECIFICATIONS**

**06-B**

**SIGN SPECIFICATIONS**  
CITY OF NEW BRAUNFELS  
JAN 2018

**Kimley-Horn**  
1710 East 71st, Suite 403  
Houston, TX 77030  
Tel: 281-480-0800

**REVISIONS**

NO.	DESCRIPTION	DATE
1	ISSUED	01/18/2018

**NOTES:**

1. Signs shall be constructed of aluminum or steel, with a minimum thickness of 1/8 inch.
2. Signs shall be constructed of aluminum or steel, with a minimum thickness of 1/8 inch.
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10. Signs shall be constructed of aluminum or steel, with a minimum thickness of 1/8 inch.

**FIGURE 6-B: SIGN SPECIFICATIONS**

**07-A**

**SIGN SPECIFICATIONS**  
CITY OF NEW BRAUNFELS  
JAN 2018

**Kimley-Horn**  
1710 East 71st, Suite 403  
Houston, TX 77030  
Tel: 281-480-0800

**REVISIONS**

NO.	DESCRIPTION	DATE
1	ISSUED	01/18/2018

**NOTES:**

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10. Signs shall be constructed of aluminum or steel, with a minimum thickness of 1/8 inch.

**FIGURE 7-A: SIGN SPECIFICATIONS**

**08**

**BASE DETAIL**  
CITY OF NEW BRAUNFELS  
JAN 2018

**Kimley-Horn**  
1710 East 71st, Suite 403  
Houston, TX 77030  
Tel: 281-480-0800

**REVISIONS**

NO.	DESCRIPTION	DATE
1	ISSUED	01/18/2018

**NOTES:**

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9. Signs shall be constructed of aluminum or steel, with a minimum thickness of 1/8 inch.
10. Signs shall be constructed of aluminum or steel, with a minimum thickness of 1/8 inch.

**FIGURE 8: BASE DETAIL**

# Next Steps



## Proposed process

- Obtain input from City Council on proposed design standard
- Develop policy and criteria for vehicular signs
- Review and update sign destinations and locations
- Develop implementation plan
- Contract fabrication and installation

Include city departments and stakeholders

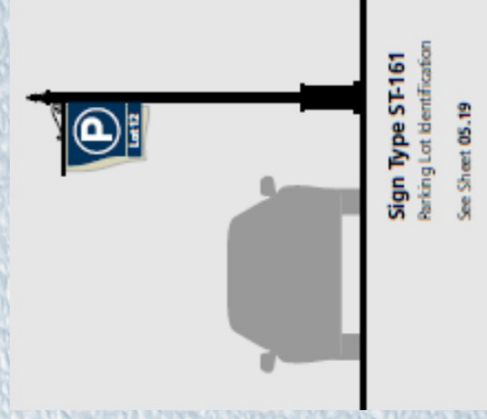
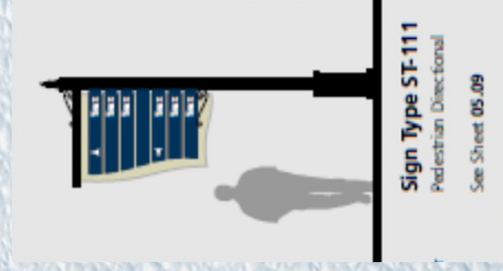
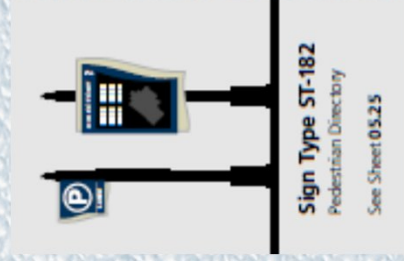
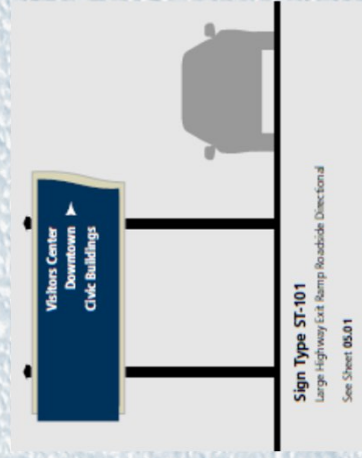
Continue with similar effort for other wayfinding signs

10

# Additional Design Efforts



Large highway exit ramp roadside directional  
Pedestrian directory  
Pedestrian directional  
Parking lot identification





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**11/26/2018**

Agenda Item No. A)

---

Presenter/Contact

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

**SUBJECT:**

Discuss and consider approval of the minutes of the regular City Council meeting of November 12, 2018.

**MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL  
REGULAR MEETING OF MONDAY, NOVEMBER 12, 2018**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on November 12, 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

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:04 p.m. Mayor Casteel gave the invocation and led the Pledge of Allegiance and Salute to the Texas Flag.

**PROCLAMATIONS:**

A) Nurse Practitioner Week

**Mayor Casteel proclaimed November 11-17, 2018, as Nurse Practitioner Week.**

**PRESENTATIONS:**

A) Planning Official Award

**Mayor Casteel read the aforementioned caption.**

**Chris Looney presented the award to Ron Reaves.**

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

**Mayor Casteel read the aforementioned caption.**

**Geronimo Aguirre presented the award to Aleah Minnix.**

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

**Mayor Casteel read the aforementioned caption.**

**Garry Ford presented the item.**

- 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.

**Mayor Casteel read the aforementioned caption.**

**Garry Ford presented the item.**

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

**Mayor Casteel read the aforementioned caption.**

**Robert Camareno presented the item.**

**Jennifer Silbaugh, Mike Meyer, Gene Challenner, Abram Hernandez, Laura Rosales, Ron Savage, Lauren Clawson, Colby Clawson, Lee Edwards, Nancy Pappas, Bob Wolf, Wayne Rudolph, and Joe Turner spoke on the item.**

<City Council took a break.>

## **1. MINUTES**

- A) Discuss and consider approval of the minutes of the regular City Council meeting of October 22, 2018.

**Mayor Casteel read the aforementioned caption.**

**Mayor Pro Tem Peters moved to approve the minutes. Councilmember Hoyt 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 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.
- B) Approval of a contract with Cherokee Capturing Services in the amount of \$25,000 for management of non-native waterfowl in Landa Park.
- 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.
- 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.
- 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.

#### *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.

- 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.
- 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.
- 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.
- 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.

**Mayor Casteel read the aforementioned captions, except item 3F which was pulled from Consent by a citizen.**

**Councilmember Garcia moved to approve the Consent Agenda. Councilmember Meadows seconded the motion which passed unanimously via roll call vote.**

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

**Mayor Casteel read the aforementioned caption.**

**Robert Camareno presented the item.**

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

#### **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.

**Mayor Casteel read the aforementioned caption.**

**Patrick Aten presented the item.**

**Councilmember Hoyt moved to appoint Susan Briner to a term ending December 13, 2021, and Lawrence Spradley to a term ending December 13, 2020. Councilmember Bowers seconded the motion which passed unanimously.**

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

**Mayor Casteel read the aforementioned caption.**

**Robert Camareno and Andrew Douglas presented the item.**

**David Warmke, Rusty Brockman, Wayne Rudolph, and Michael Meek spoke on the item.**

**Councilmember Meadows moved to approve the item. Councilmember Hines seconded the motion which passed unanimously.**

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

**Mayor Casteel read the aforementioned caption.**

**Jared Werner presented the item.**

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

- 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.

**Mayor Casteel read the aforementioned caption.**

**Ian Taylor and Dawn Schriewer presented the item.**

**Councilmember Meadows moved to approve the item. Councilmember Bowers seconded the motion which passed unanimously.**

- 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.

**Mayor Casteel read the aforementioned caption.**

**Kristi Aday presented the item.**

**Councilmember Hines moved to approve the item with a redefining and restriction of converted cooler or receptacle. Councilmember Bowers seconded the motion which passed unanimously.**

- 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.

**Mayor Casteel read the aforementioned caption.**

**Kristi Aday presented the item.**

**Mayor Pro Tem Peters moved to approve the item. Councilmember Meadows seconded the motion. Councilmember Hoyt moved to amend the motion to extend the boundary to the south end of the island located south of the Faust Street Bridge. Councilmember Hines seconded the motion to amend which passed 4-3 with Councilmembers Meadows, Bowers, and Mayor Pro Tem Peters opposed. The amended main motion passed 5-2 with Councilmember Meadows and Mayor Pro Tem Peters opposed.**

- G) Discuss and consider approval of the installation of speed humps on River Acres Drive.

**Mayor Casteel read the aforementioned caption.**

**Garry Ford presented the item.**

**Nancy Gillespie spoke on the item.**

**Councilmember Hoyt moved to approve the item. Mayor Casteel seconded the motion which failed 2-5 with Councilmembers Hines, Meadows, Bowers, Garcia, and Mayor Pro Tem Peters opposed.**

- 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.

**Mayor Casteel read the aforementioned caption.**

**Garry Ford presented the item.**

**Jacque Suhr spoke on the item.**

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

- 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.

**Mayor Casteel read the aforementioned caption.**

**Garry Ford presented the item.**

**Jay Johnson and Herb Owens spoke on the item.**

**Mayor Pro Tem Peters moved to approve the item with staff recommendations. Councilmember Hines seconded the motion which passed unanimously.**

- 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.

**Mayor Casteel read the aforementioned caption.**

**Garry Ford presented the item.**

**Mayor Pro Tem Peters moved to approve the item. Councilmember Hoyt 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 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.

**Mayor Casteel read the aforementioned captions.**

**City Council recessed into Executive Session from 10:04 p.m. - 10:37 p.m.**

**No vote or action was taken.**

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

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

City Council reconvened into Open Session at 10:37 p.m.

Mayor Pro Tem Peters moved to increase the City Attorney's salary to \$156,150 effective November 2, 2018. Councilmember Hines seconded the motion which passed unanimously.

**7. ADJOURNMENT**

The meeting adjourned at 10:38 p.m.

Date Approved: November 26, 2018

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Barron Casteel, Mayor

Attest:

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Patrick Aten, City Secretary



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

11/26/2018

Agenda Item No. A)

### Presenter/Contact

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

### **SUBJECT:**

Approval of a change order in the amount of \$30,000 for SCS Engineers to perform a new solid waste rate study as part of the Comprehensive Solid Waste Management Plan.

### **BACKGROUND / RATIONALE:**

The original Solid Waste Cost of Service and Rate Design Study was completed in 2008, the new rate model was approved by Council in 2010 and updated in 2013.

As part of the Comprehensive Solid Waste Management Plan (CSWMP) the SCS was asked to review and update the Rate Design. Based on the many changes to the Solid Waste and Recycling Division's operations and the additional detail from the CSWMP it has been determined by staff from both the Finance and Solid Waste division(s) an update to the rate model would be a great investment. Utilizing the data provided by the Solid Waste and Recycling Division and the detail developed in the CSWMP; SCS will develop a new rate model that will help us to realize our revenue requirements as well as develop rates that are equitable and reflect our desired level of service for our customers.

SCS will complete the new rate model for a fixed fee of \$30,000.

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

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

While the cost to conduct a rate study was not incorporated into the FY 2018-19 Adopted Budget, Finance staff is confident that it can be absorbed within the Solid Waste Operating Budget. If not, there are sufficient reserves up and above the target of 25 percent to support this initiative.

### **COMMITTEE RECOMMENDATION:**

N/A

### **STAFF RECOMMENDATION:**

Staff recommends approval of a change order in the amount of \$30,000 for SCS Engineers to perform a new solid waste rate study as part of the Comprehensive Solid Waste Plan.



**SCS ENGINEERS**

September 21, 2018

Mr. Mike Mundell  
Solid Waste Manager  
City of New Braunfels  
424 S. Castell Ave.  
New Braunfels, TX 78130

Subject: Solid Waste Rate Study Proposal

Dear Mr. Mundell,

The City of New Braunfels (City) has requested a cost of additional services to perform a comprehensive solid waste rate study for the City in conjunction with the Solid Waste Management Plan already in progress. SCS Engineers (SCS) is pleased to present our proposed scope of services and cost estimate.

Ensuring the City's long-term financial sustainability is an ongoing challenge. SCS will support you by offering our expertise in rate making for municipal government. Our capabilities in this regard will ensure that you realize your revenue requirements while developing rates that are equitable, comply with State law and statutes, and reflect your desired level of service for your residents.

We propose to complete this project for a fixed fee of \$30,000. The description of our proposed scope of services and detailed work plan and cost estimate are on the following pages.

We are submitting this proposal for your review and consideration. We look forward to the opportunity to serve you.

Sincerely,



Vita Quinn, MBA  
Financial/ Rate Expert  
SCS Engineers



Michelle Leonard  
Project Manager SCS Engineers



## Offices Nationwide

**City of New Braunfels, TX**  
**Comprehensive Solid Waste Rate Study**  
**Project Work Plan Labor Summary**

Tasks and Descriptions	Financial/ Expert Analyst	Financial Clerical	Secretarial/ Rate	Total
	\$220	\$95	\$78	
<b>Project Tasks</b>				
<b>Task 1 - Project Initiation</b>				
Prepare initial data request list and tentative project schedule. Establish project team and initiate project set up.	2	4	0	6
Attend kick-off meeting with City staff. Discuss overall study objectives and fiscal objectives. Identify key staff, discuss correspondence, and project schedule. Provide data request, describe format and detail required for requested data, and discuss protocol for file sharing.	--- Included in existing scope ---			0
<b>Task 1 Hours</b>	<b>2</b>	<b>4</b>	<b>0</b>	<b>6</b>
<b>Task 2 - Perform Revenue Sufficiency Analysis</b>				
Perform a detailed review of all data as it is received.	--- Included in existing scope ---			0
Review and compile historical and budgeted revenues, expenses, debt service, capital, and transfers. Evaluate budget vs actual performance to inform future assumptions.	--- Included in existing scope ---			0
Review historical billed tonnage and customer data to observe trends in usage/conservation and develop basis for projection.	--- Included in existing scope ---			0
Review budgeted CIP plan. Test additional capital scenarios and any capital and operations costs that may be associated with these projects.	--- Included in existing scope ---			0
Input all data into financial model along with City financial policies and borrowing assumptions and produce preliminary results.	--- Included in existing scope ---			0
Review results with Project Team and make adjustments as required.	--- Included in existing scope ---			0
Meet with City staff in an collaborative work session to review preliminary results. Test scenarios as required and develop a preliminary financial management plan.	--- Included in existing scope ---			0
Make adjustments based upon input from staff. Prepare workbooks of assumptions and preliminary results.	--- Included in existing scope ---			0
Meet with City staff in a second work session to review revised results, test SWMP scenarios, and finalize recommended financial management plan.	--- Included in existing scope ---			0
Make final adjustments based upon input from City staff and prepare revised workbook of assumptions and results.	--- Included in existing scope ---			0
<b>Task 2 Hours</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Task 3 - Complete Cost of Service Analysis</b>				
Identify test year revenue requirements and input into cost allocation models.	2	12	0	14
Establish cost allocation factors to be used in analysis.	2	6	0	8
Apply cost allocation factors to service types, fixed and variable costs, and customer classes as required for analysis.	2	12	0	14
Meet with City Staff to discuss costs allocated to services and functional classes and make recommendations.	8	8	0	16
Make adjustments based upon input from staff. Prepare workbooks of assumptions and preliminary results.	2	8	0	10
<b>Task 3 Hours</b>	<b>16</b>	<b>46</b>	<b>0</b>	<b>62</b>

**City of New Braunfels, TX**  
**Comprehensive Solid Waste Rate Study**  
**Project Work Plan Labor Summary**

<b>Tasks and Descriptions</b>	<b>Financial/ Expert Analyst</b>	<b>Financial Rate</b>	<b>Secretarial/ Clerical</b>	
<b>Project Tasks</b>	<b>\$220</b>	<b>\$95</b>	<b>\$78</b>	<b>Total</b>
<b>Task 4 - Rate Analysis</b>				
Review existing rates by service and class and compare to results of cost allocation.	2	6	0	8
Review billing data sets and perform billing data analysis.	4	32	0	36
Input results of billing data analyses and cost of service analyses into rate models.	1	12	0	13
Calibrate rate models to City's existing rate structure.	4	16	0	20
Test alternate rate structures to present to staff.	2	4	0	6
Conduct a meeting with City staff to discuss the findings and develop recommendations.	8	8	0	16
<b>Task 4 Hours</b>	<b>21</b>	<b>78</b>	<b>0</b>	<b>99</b>
<b>Task 5 - Rate Comparison</b>				
Identify entities to be surveyed and rates to compare.	--- Included in existing scope ---			0
Contact entities to discuss rates and input rates into rate comparison model.	--- Included in existing scope ---			0
Evaluate allocation of rate structure from cost allocation and compare to other benchmarked i	--- Included in existing scope ---			0
<b>Task 5 Hours</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Task 6 - Presentation of Results</b>				
Prepare Draft Report of results, and provide to City staff for review.	8	16	4	28
Adjust analysis per edits and comments submitted by staff. Issue Final Report.	4	8	4	16
Prepare presentations for Council.	4	1	2	7
Distribute presentations to City staff and adjust as required prior to Council meeting.	2	0	0	2
Attend Council meeting.	4	4	0	8
<b>Task 6 Hours</b>	<b>22</b>	<b>29</b>	<b>10</b>	<b>61</b>
<b>Total Estimated Labor Hours</b>	<b>61</b>	<b>157</b>	<b>10</b>	<b>228</b>
<b>Percentage</b>	<b>27%</b>	<b>69%</b>	<b>4%</b>	<b>100%</b>
<b>Total Estimated Labor Cost</b>	<b>\$13,420</b>	<b>\$14,915</b>	<b>\$780</b>	<b>\$29,115</b>
			<b>Estimated Expenses</b>	<b>\$885</b>
			<b>Total Project Cost</b>	<b>\$30,000</b>





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

11/26/2018

Agenda Item No. B)

### Presenter/Contact

*Sandy Paulos, Assistant Finance Director  
(830) 221-4387 - spaulos@nbtexas.org*

### **SUBJECT:**

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

### **BACKGROUND / RATIONALE:**

This agenda item requests approval of the City's current investment policy and broker/dealer list. State of Texas statutes require cities to have investment policies and to review and approve those policies annually. Attached for City Council consideration is the Investment Policy to meet these statutory requirements. The City last amended its policy in September, 2017. The current policy meets all the statutory requirements for a city's policy.

City Council approved a renewal of the contract with First Southwest Asset Management for investment advisory services on April 23, 2018. First Southwest has reviewed the City's current investment policy and has no recommendations for changes this year (letter is attached), however the updated approved broker/dealer list has been included, which reflects the addition of Invesco Government Money Market Funds as an investment option for a sweep account, the addition of TexasCLASS as an approved local government investment pool, and the removal of MBIA as an approved local government investment pool.

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

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

None

### **COMMITTEE RECOMMENDATION:**

N/A

### **STAFF RECOMMENDATION:**

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



## INVESTMENT POLICY

### 1.0 POLICY

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

### 2.0 SCOPE

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

#### **Funds**

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

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

### 3.0 PRUDENCE

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

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

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

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

## 4.0 OBJECTIVES

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

### 4.1 Safety

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

### 4.2 Liquidity

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

### 4.3 Diversification

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

### 4.4 Return on Investments

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

## 5.0 INVESTMENT STRATEGY

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

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

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

## **6.0 DELEGATION OF AUTHORITY AND RESPONSIBILITIES**

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

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

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

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

## **7.0 ETHICS AND CONFLICT OF INTEREST**

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

## **8.0 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS**

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

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

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

## **9.0 AUTHORIZED INVESTMENTS**

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

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

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

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

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

#### **Competitive Bidding Requirement**

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

#### **Delivery versus Payment**

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

#### **Change of Authorization or Rating**

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

#### **Monitoring FDIC Status**

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

## **10.0 COLLATERALIZATION**

### **10.1 Pledged Collateral**

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

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

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

### **10.2 Owned Repurchase Agreement Collateral**

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

### **10.3 Authorized Collateral**

#### **A. Time and Demand Deposits**

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

#### **B. Repurchase Agreements**

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

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

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

### **10.4 Collateral Substitution or Reduction**

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

### **10.5 Monitoring Collateral Adequacy for Certain Investments**

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

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

#### **10.6 Margin Calls**

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

#### **11.0 DELIVERY VERSUS PAYMENT**

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

#### **12.0 DIVERSIFICATION**

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

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

#### **13.0 MAXIMUM MATURITIES**

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

#### **14.0 PERFORMANCE STANDARDS**

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

#### **15.0 REPORTING**

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

- 1) detail on each investment position of the portfolio,
- 2) the beginning and ending amortized book and market value,
- 3) the change to market value during the period for each portfolio,
- 4) the beginning and ending amortized book and market value for each investment security by asset type and fund type,
- 5) the final stated maturity date of each investment security,

- 6) the dollar weighted average maturity of the portfolio and its comparison to an accepted benchmark, and
- 7) a statement of compliance of the investment portfolio with the Authority's Investment Policy and Strategy and the Act.

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

#### **16.0 INVESTMENT POLICY ADOPTION**

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

**APPENDIX A:****CITY OF NEW BRAUNFELS****INVESTMENT POLICY CERTIFICATION**

Firm: \_\_\_\_\_  
 Account Representative: \_\_\_\_\_  
 Date of Completion: \_\_\_\_\_

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

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

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

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_  
 \_\_\_\_\_

Representative's Telephone ( ) \_\_\_\_\_

Representative's FAX ( ) \_\_\_\_\_

Representative's Email: \_\_\_\_\_

*Signature* \_\_\_\_\_

*Printed Name* \_\_\_\_\_

**APPENDIX B:****AUTHORIZED BROKER/DEALERS AND COUNTERPARTIES**

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

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

The authorized list of counterparties is:

**Bank of America Merrill Lynch**

BOK Financial

**Cantor Fitzgerald & Co**

**Citigroup Global Markets**

D.A. Davidson

**Daiwa Capital Markets**

FTN Financial

**Goldman, Sachs & Co**

INTL FCStone

**JP Morgan Securities**

KeyBanc Capital Markets

*Loop Capital Markets \*\**

Mesirow Financial

**Mizuho Securities**

**Morgan Stanley & Co**

Piper Jaffray & Co.

Raymond James

**RBC Capital Markets**

*Rice Financial \*\**

SunTrust Robinson Humphrey

Stifel, Nicolaus & Co.

**TD Securities**

**UBS Securities**

Vining Sparks

**Wells Fargo Securities**

*Williams Capital Group \*\**

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

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

Texpool Local Government Pool  
TexStar Local Government Pool  
Texas CLASS Local Government Investment Pool

JPMorgan Chase Money Market Mutual Fund – Government and Agency

Invesco Government Money Market Funds

- Invesco Treasury Portfolio
- Invesco Government & Agency Portfolio
- Invesco Treasury Obligations Portfolio

## APPENDIX C:

### Glossary of Cash Management Terms

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

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

**Agency** – See Federal Agency

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Interest Rate** - See "Coupon Rate."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Primary Government Securities Dealer (Primary Dealer)** – a pre-approved bank, broker-dealer, or other financial institution that is able to make business deals with the U.S. Federal Reserve, such as underwriting new government debt. These dealers must meet certain liquidity and quality requirements as well as provide a valuable flow of information to the Fed about the state of the worldwide markets.

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

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

**Regular Settlement** – The date that ownership of a security changes from seller to buyer. It also refers to the date that the buyer must pay for and the seller must deliver the securities to the broker-dealer. For U.S. Government securities have a regular settlement one business day following the trade date (T+1). Mutual funds are settled on a same day basis.

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

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

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

**Swap** - Trading one asset for another.

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

**Treasury Bills** - Short-term U.S. government non-interest bearing debt securities with maturities of no longer than one year and issued in minimum denominations of \$10,000. Auctions of three- and six-month bills are weekly, while auctions of one-year bills are monthly. The yields on these bills are monitored closely in the money markets for signs of interest rate trends.

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

**Uniform Net Capital Rule** - SEC Rule 15C3-1- a rule created by the U.S. Securities and Exchange Commission ("SEC") in 1975 to regulate directly the ability of broker-dealers to meet their financial obligations to customers and other creditors.

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

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

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

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

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

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



300 W. 6th Street  
Suite 1940  
Austin, Texas 78701

512-481-2009 Direct  
800-575-3792 Toll Free  
512-481-2020 Fax

**Scott McIntyre, CFA**  
Managing Director

[scott.mcintyre@hilltopsecurities.com](mailto:scott.mcintyre@hilltopsecurities.com)

September 21, 2018

Ms. Sandy Paulos  
Assistant Director of Finance  
City of New Braunfels  
550 Landa St.  
New Braunfels, TX 78130

Dear Sandy:

As requested, First Southwest Asset Management, Inc. has performed a review of the City of New Braunfels ("the City")'s written investment policy to determine compliance with the Texas Public Funds Investment Act ("the Act"), Texas Government Code, Chapter 2256. Our review was limited in scope, with the primary purpose being to evaluate whether City policy conforms to guidelines of the Act. We did not seek to ensure that all City funds and procedures are addressed in the policy, nor have we reviewed compliance with the policy or internal controls of the City. Based upon our review, we have reached the following conclusion:

The Texas Legislature did not meet in 2018. All previously written requirements of the Act are included within the current policy. As a result, we do not recommend any changes to the City's investment policy this year.

Sincerely,

Scott McIntyre, CFA  
Senior Portfolio Manager

Cc: Mr. Jared Werner, City of New Braunfels

**RESOLUTION NO. 2018-\_\_\_\_\_****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ADOPTING THE INVESTMENT POLICY FOR THE CITY OF NEW BRAUNFELS.**  

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

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

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

- a) Updated the Broker/Dealer list
- b) Addition of Invesco Government Money Market Funds as an investment option
- c) Removal of MBIA Class as an approved local government investment pool
- d) Addition of TexasCLASS as an approved local government investment pool

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

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

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of November, 2018.

CITY OF NEW BRAUNFELS, TEXAS

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

ATTEST:

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





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

11/26/2018

Agenda Item No. C)

---

Presenter/Contact

Garry Ford, City Engineer  
(830) 221-4645 - [gford@nbtexas.org](mailto:gford@nbtexas.org)

**SUBJECT:**

Approval of a contract with Pape-Dawson Engineers, Inc. to conduct signal timing services on Loop 337 for the Engineering Division.

**BACKGROUND / RATIONALE:**

On January 29, 2018, the City of New Braunfels issued a Request for Proposals to qualified firms on the Indefinite Delivery-Indefinite Quantity (IDIQ) and Traffic Engineering professional services contracts for a qualified consultant to conduct a signal timing services for the Engineering Division. Proposals were opened on February 16, 2018, and three (3) responses were received. The proposals were evaluated based upon relevant experience and proposed personnel and timeline.

Based upon the responses, procurement requirements and scope of the signal timing services on Loop 337, Pape-Dawson has the project qualifications and is recommended for the work. The scope of the project includes reviewing, preparing and implementing signal timings for 10 new traffic signals associated with the Texas Department of Transportation's Loop 337 projects. The city maintains and operations all existing and proposed traffics signals on Loop 337.

Pape-Dawson meets the proposal requirements and is qualified to complete this project. Pape-Dawson Engineers are pre-qualified on the City's IDIQ for professional services and fulfills the procurement requirements. The total contract amount is \$51,040.00.

**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:**

The Engineering Division has sufficient funds within their operating allocation to fund the project as described above.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of a contract with Pape-Dawson Engineers, Inc. to conduct signal timing services on the Loop 337 for the Engineering Division.





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

11/26/2018

Agenda Item No. D)

### Presenter/Contact

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

### **SUBJECT:**

Approval of the first reading of an ordinance amending 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”.

- 
- 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 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 ~~44~~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 ~~(ba)~~(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 (~~ba~~), (~~dc~~), (~~ed~~), (~~fe~~) or (~~gf~~).

(~~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<sup>(6)</sup>

#### Footnotes:

--- (6) ---

**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:

--- (7) ---

**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 operatedrive 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~~<sup>which</sup> 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; or
  - (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.

**ORDINANCE NO. 2018-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW  
BRAUNFELS, TEXAS, AMENDING PORTIONS OF CHAPTER 126 OF  
THE NEW BRAUNFELS CODE OF ORDINANCES REGARDING  
BICYCLES.**

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WHEREAS, to move the definition of vulnerable road user to the definitions section; and

WHEREAS, to remove the voluntary license, tag, registration, and fees for bicycles in the city; and

WHEREAS, to update the requirements for bicycles in the city to provide clear guidance for safety requirements, including lights, travel direction, and hand signals; and

WHEREAS, to allow for riding bicycles on sidewalks in specified areas and for certain age groups within the city; 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 Chapter 126 of the City of New Braunfels Code of Ordinances is hereby amended as follows:

**Sec. 126-1. – Definitions.**

*Bicycle* means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 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.

Sec. 126-103. – Vulnerable road users.

- (a) 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.
- (b) For the purpose of subsection (a)(2), when road conditions allow, safe distance is at least:
  - (1) Three feet if the operator's vehicles 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) It is an offense for an operator of a motor vehicle to violate subsections (a), (c), (d), (e) or (f).

- (h) 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.

## ARTICLE V. – BICYCLES

### DIVISION 2. – RESERVED

Secs. 126-211 – 126-235. – Reserved.

### DIVISION 4 – EQUIPMENT

Sec. 126-251. – Lamps and reflectors.

- (a) No person shall operate 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.

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.

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.

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.

Sec. 126-272. – Riding on sidewalks.

- (a) No person shall operate a bicycle upon a sidewalk where the sidewalk 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.

(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; or
- (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.

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. 126-277 – 126-295. – Reserved.

## 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

11/26/2018

Agenda Item No. E)

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Presenter/Contact

*Ian Taylor, NBU CEO*

*(830) 629-8400 - itaylor@nbutexas.com*

**SUBJECT:**

Approval of the second and final 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 17<sup>th</sup> 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:

	<b>Current</b>	<b>FY2019</b>	<b>%</b>
<b>8900 Gallons</b>	<b>Monthly Bill</b>	<b>Monthly Bill</b>	<b>Increase</b>
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:

	<b>Current</b>	<b>FY2019</b>	<b>%</b>
<b>25,000 Gallons</b>	<b>Monthly Bill</b>	<b>Monthly Bill</b>	<b>Increase</b>
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

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## 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.*

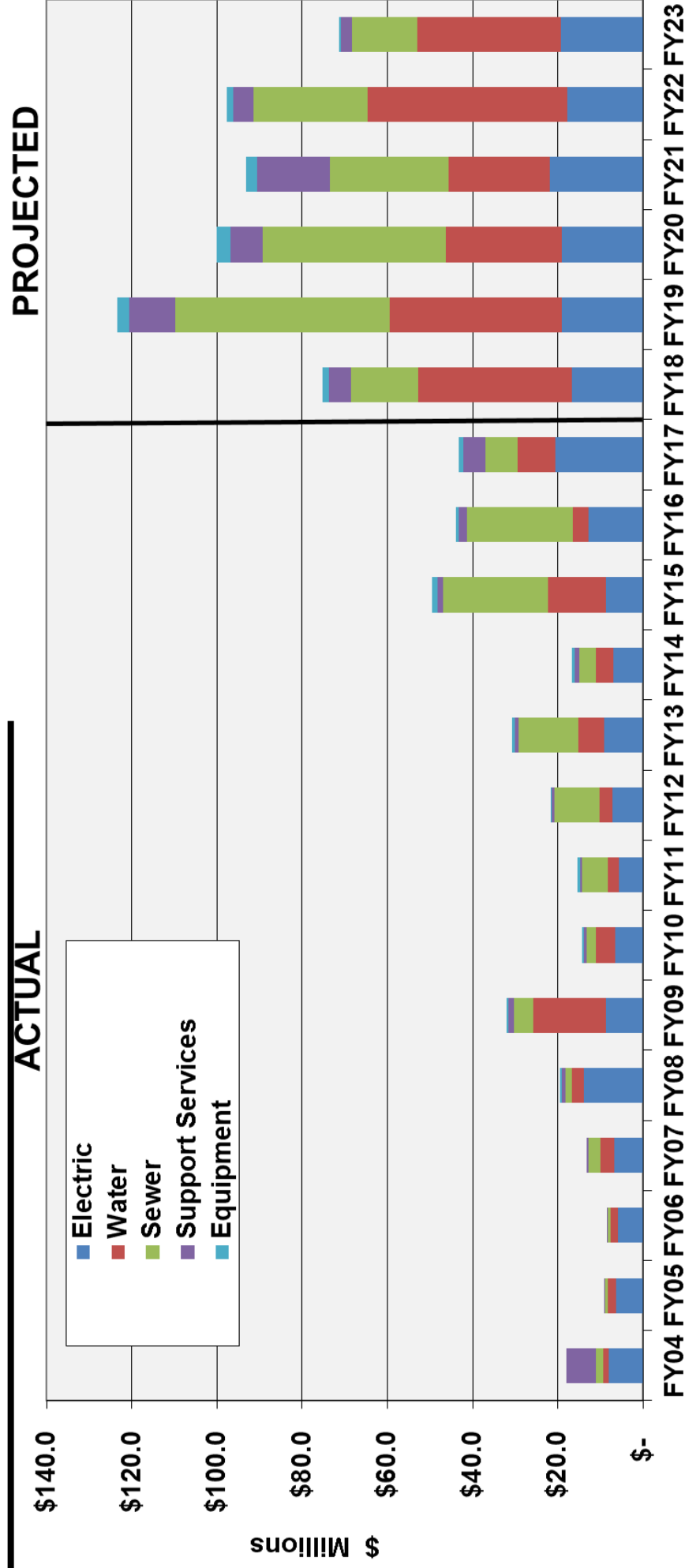


# Goals for Rate Design Development

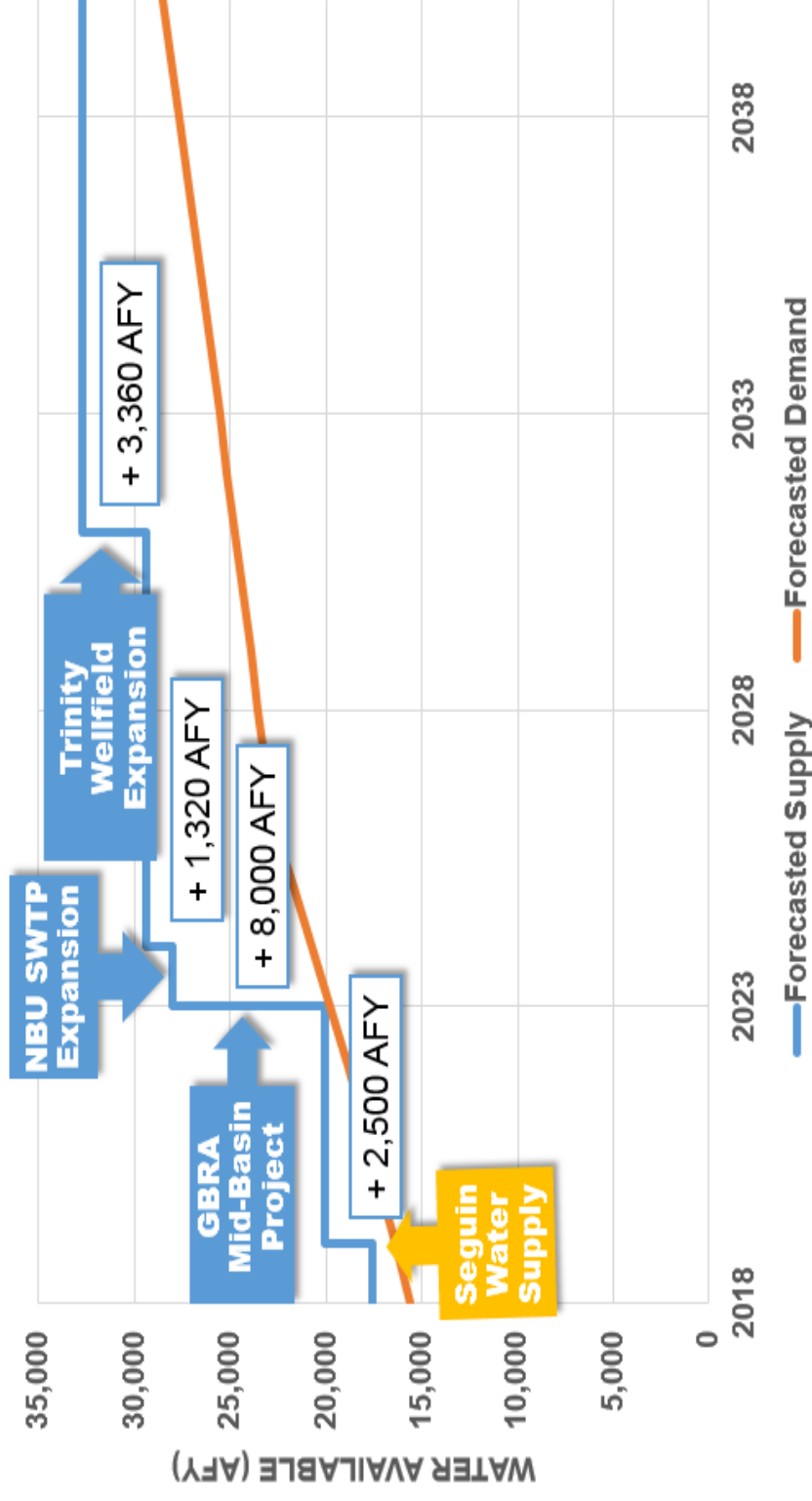
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- Allocate costs and rates to appropriate classes driving need for new water supply
- Assure revenue recovery by assuring an appropriate balance between fixed and variable rates
- Evaluate revenue distribution and rate design for rating agency attributes
- Continue reducing inside vs outside City limit differentials

# Historical and Projected Capital



# Water Supply & Infrastructure



# Ratio of Peak Month to Average Month

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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

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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%

# Proposed 2019 Residential Rates

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												%
Residential Bills				Current		Proposed		Difference				Inc
Customer Charge			\$	11.12	\$	12.80	\$	1.68			15%	
Usage Charge												
1st Block 0- 7500			\$	1.936	\$	1.550	\$	(0.39)			-20%	
2nd Block 7501-15,000			\$	2.581	\$	3.643	\$	1.06			41%	
3rd Block 15,001-25,000			\$	3.227	\$	4.263	\$	1.04			32%	
4th Block above 25,000			\$	4.840	\$	5.425	\$	0.59			12%	

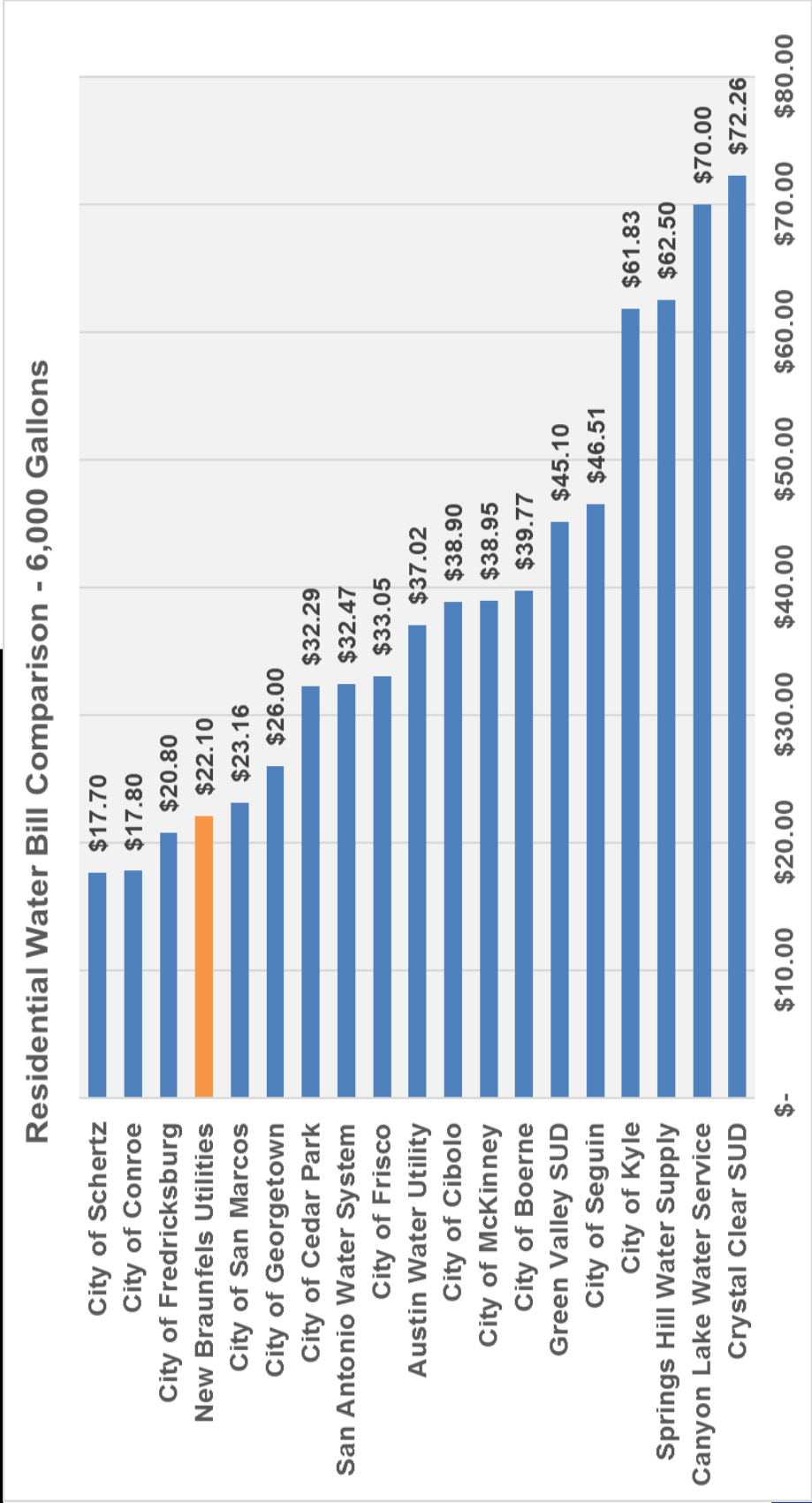
# Proposed 2019 Residential Rates

## Various Usage Scenarios

	Current	FY2019	%
<b>6,000 Gallons</b>	<b>Monthly Bill</b>	<b>Monthly Bill</b>	<b>Increase</b>
NBU Monthly Water Bill	22.74	22.10	-3%
Dollar Increase		-0.64	
	<b>Current</b>	<b>FY2019</b>	<b>%</b>
<b>8,900 Gallons</b>	<b>Monthly Bill</b>	<b>Monthly Bill</b>	<b>Increase</b>
NBU Monthly Water Bill	29.25	29.53	1%
Dollar Increase		0.28	
	<b>Current</b>	<b>FY2019</b>	<b>%</b>
<b>25,000 Gallons</b>	<b>Monthly Bill</b>	<b>Monthly Bill</b>	<b>Increase</b>
NBU Monthly Water Bill	77.27	94.38	22%
Dollar Increase		17.11	
	<b>Current</b>	<b>FY2019</b>	<b>%</b>
<b>40,000 Gallons</b>	<b>Monthly Bill</b>	<b>Monthly Bill</b>	<b>Increase</b>
NBU Monthly Water Bill	149.87	175.75	17%
Dollar Increase		25.88	

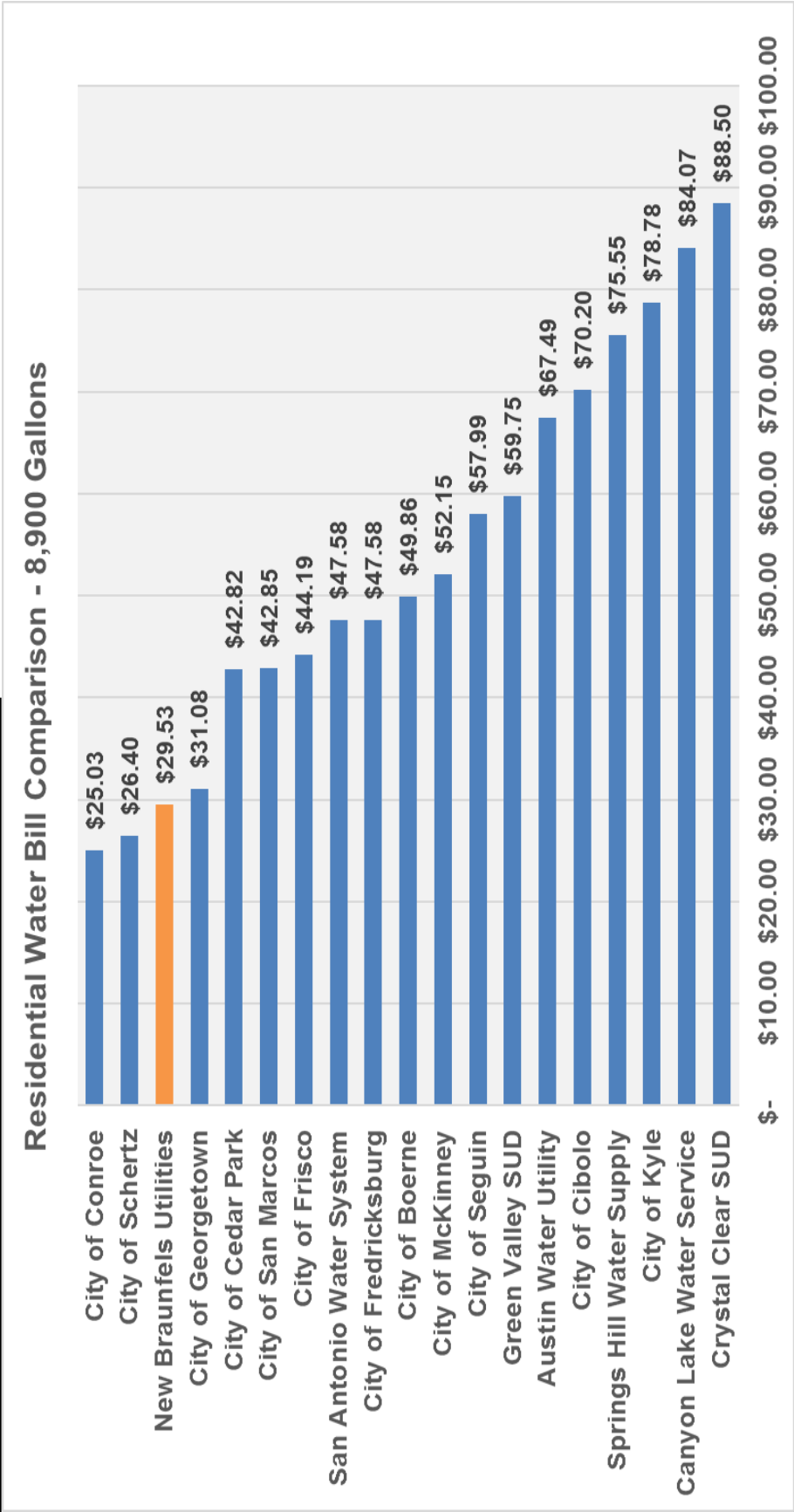
# Residential Bill Comparisons

(6,000 gallons, domestic use)



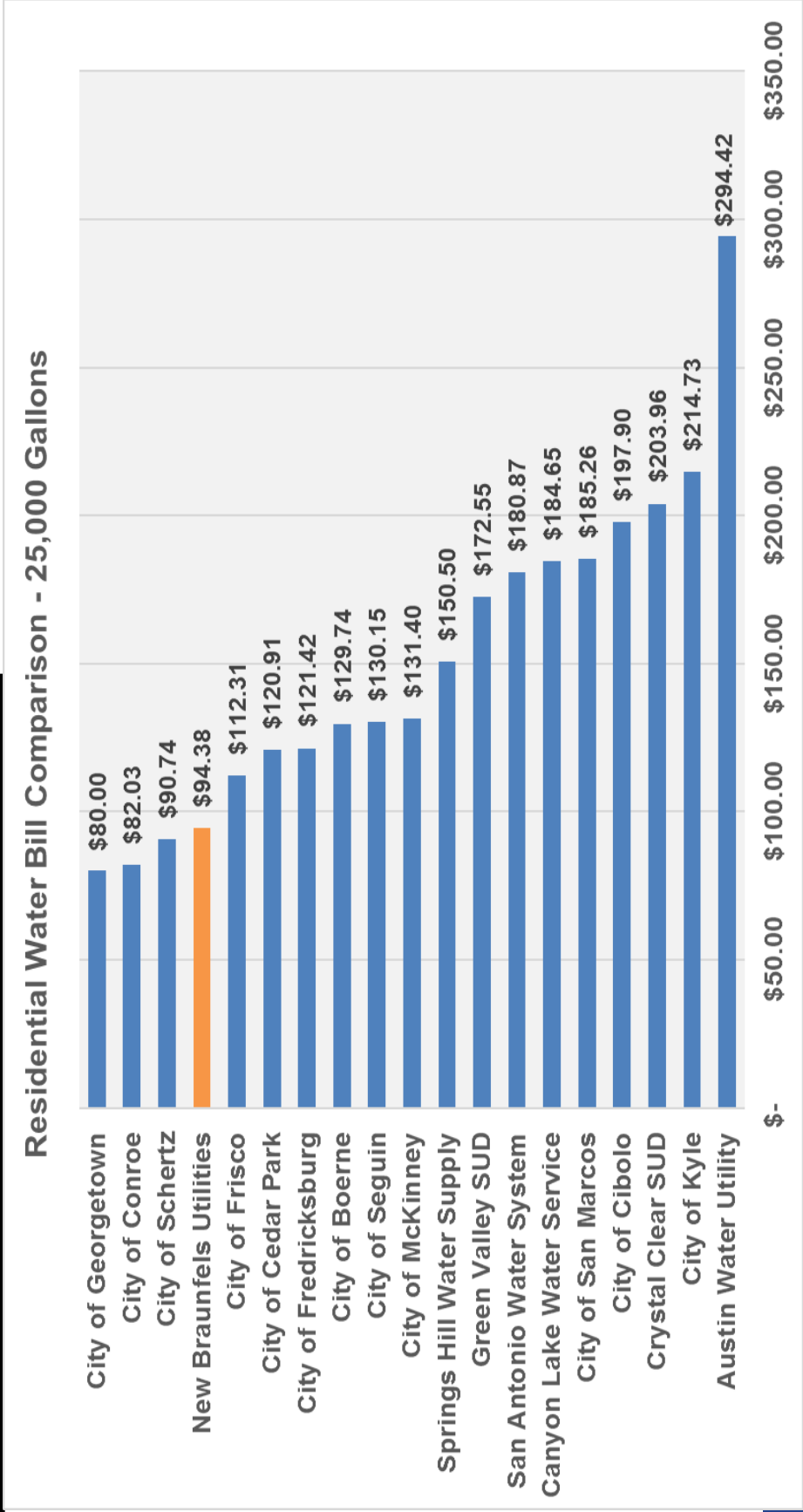
# Residential Bill Comparisons

(8,900 gallons, average use)



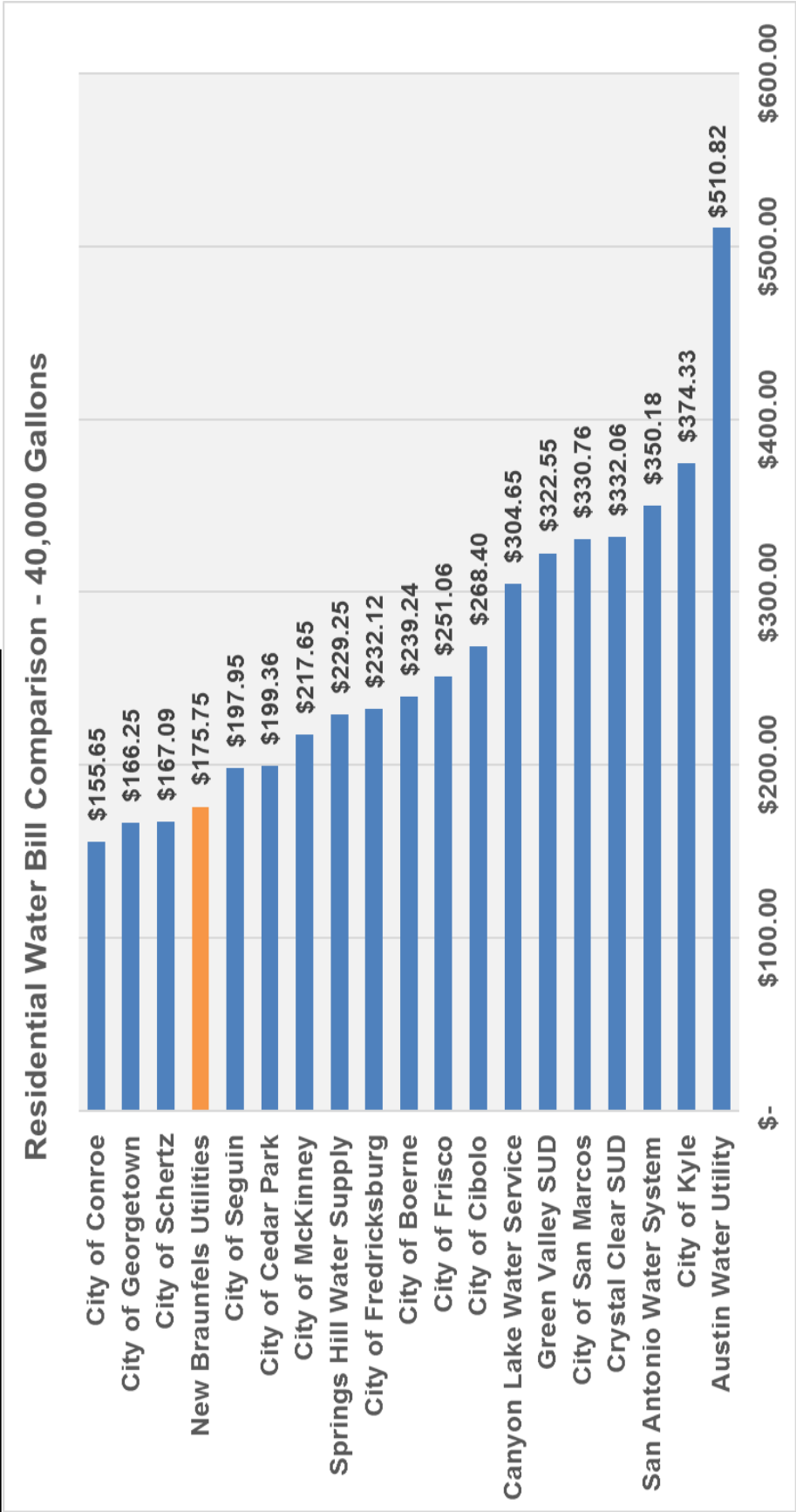
# Residential Bill Comparisons

(25,000 gallons, moderate irrigation)



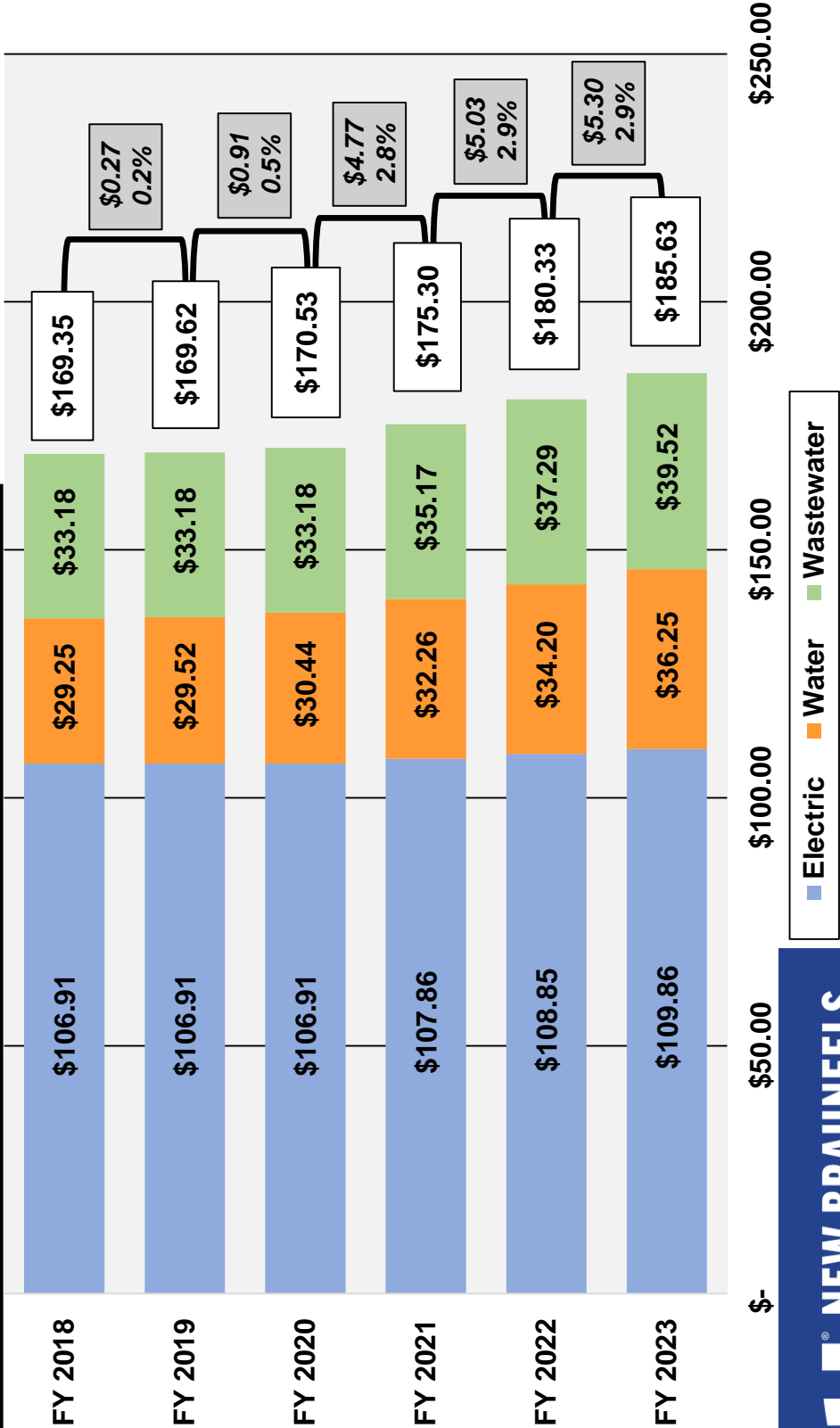
# Residential Bill Comparisons

(40,000 gallons, high irrigation)



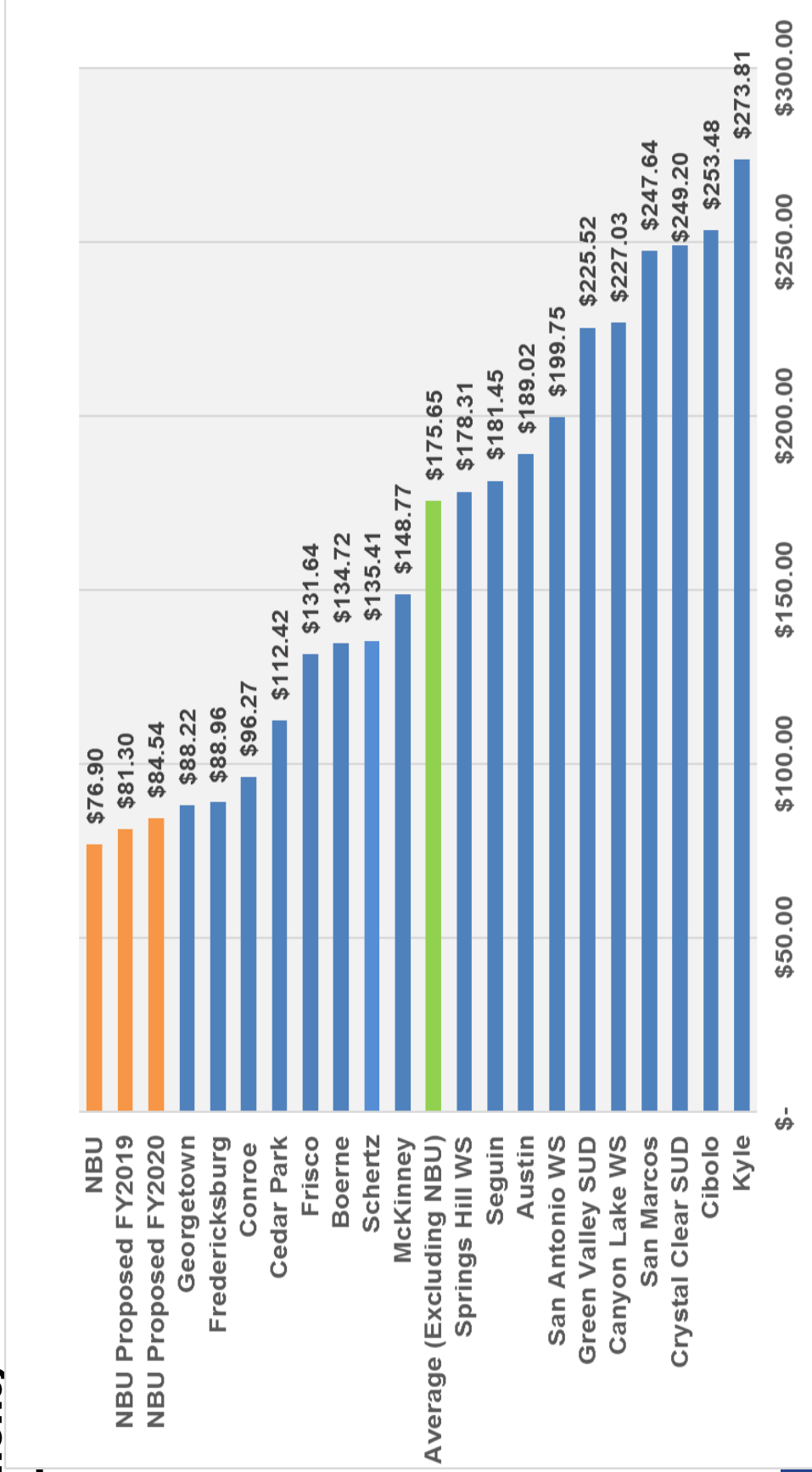
# Residential Total Bill Impact

Average Use (8,900 gallons) Residential Rates - FY 2018-2023



# Commercial Bill Comparisons

(30,300 gallons)



# Summary

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- 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 30<sup>th</sup> 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.**

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**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:
- The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
  - 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:
- The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
  - 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:
- The monthly customer charge plus the monthly volume charge; or
  - 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**

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**BARRON CASTEEL, Mayor**

**ATTEST:**

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**PATRICK ATEN, City Secretary**

**APPROVED AS TO FORM:**

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**VALERIA 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.**

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**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.**

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**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.*

- (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:
    - 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
<b>Residential service</b>		
<b>Inside</b>		
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
<b>Residential service</b>		
<b>Outside</b>		
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				
2-4	Usage			
	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
<b>Multi-unit permanent residential service</b>			
<b>Outside</b>			
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
<b>General service</b>		
<b>Inside</b>		
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
<b>General service</b>		
<b>Outside</b>		
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
<b>Landscape/irrigation service</b>		
<b>Inside</b>		
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
<b>Landscape/irrigation service</b>		
<b>Outside</b>		
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
<b>Fire hydrant service</b>		
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

11/26/2018

Agenda Item No. F)

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Presenter/Contact

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

**SUBJECT:**

Approval of the second and final reading of an ordinance amending Section 126-186 of the Code of Ordinances to prohibit through truck traffic on Oak Run Parkway.

**BACKGROUND / RATIONALE:**

**Council District: 3**

City Council unanimously approved the first reading of an ordinance amending Section 126-186 of the Code of Ordinances to prohibit through truck traffic on Oak Run Parkway on November 12, 2018.

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

11/26/2018

Agenda Item No. G)

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

### **SUBJECT:**

Approval of the second and final reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking along Hudson Lane and Dexters Place.

### **BACKGROUND / RATIONALE:**

**Council District: 4**

City Council unanimously approved the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking along Hudson Lane and Dexters Place on November 12, 2018.

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.

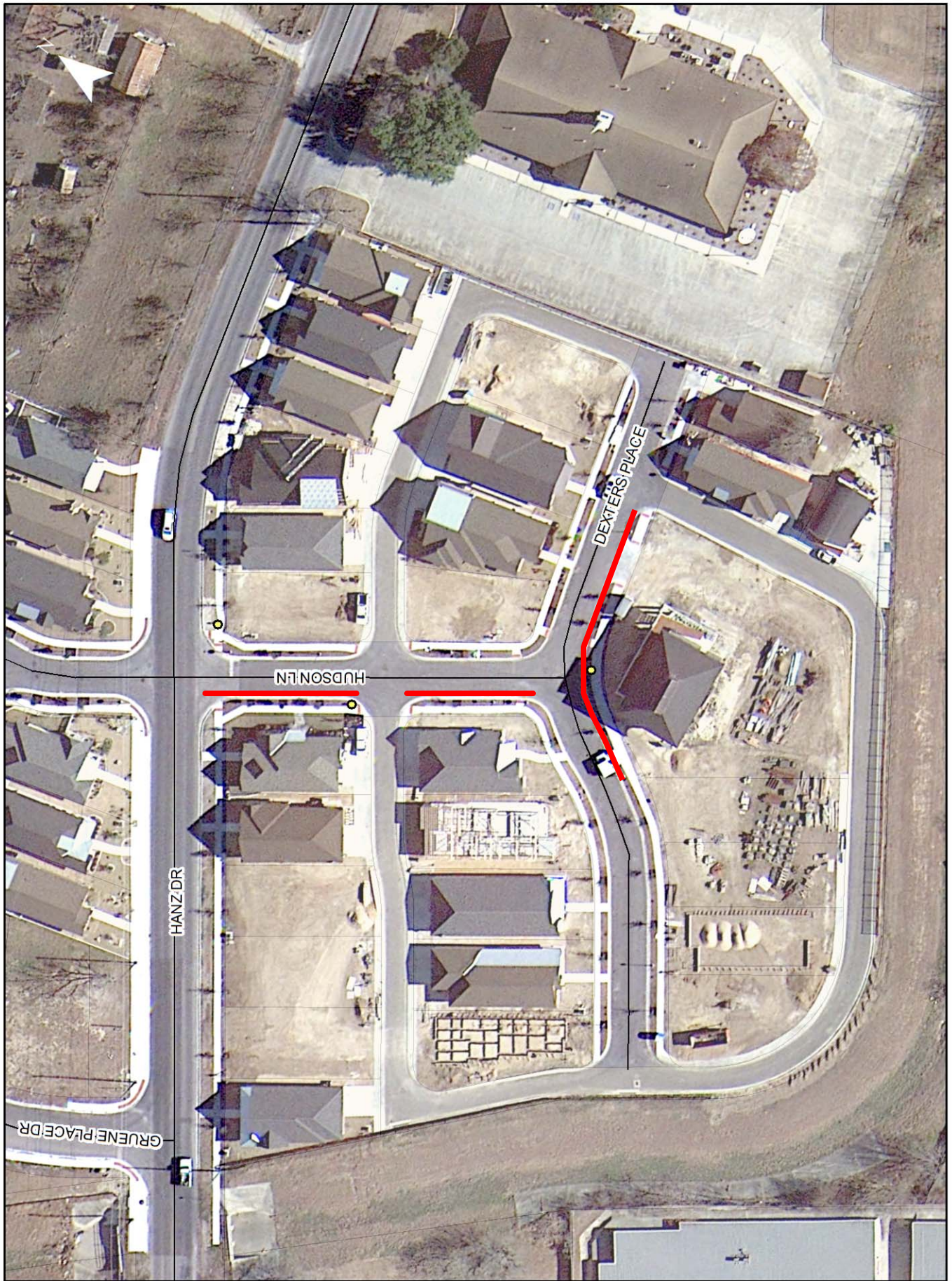
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**COMMITTEE RECOMMENDATION:**

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

11/26/2018

Agenda Item No. H)

---

Presenter/Contact

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

**SUBJECT:**

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

**BACKGROUND / RATIONALE:**

**Council District: 5**

City Council unanimously approved 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 on November 12, 2018.

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.**

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

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

**I.**

THAT 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

11/26/2018

Agenda Item No. I)

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Presenter/Contact

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

**SUBJECT:**

Approval of the second and final reading of an ordinance amending Section 126-354 of the Code of Ordinances regarding Parking by Permit.

**BACKGROUND / RATIONALE:**

City Council unanimously approved the first reading of an ordinance amending Section 126-354 of the Code of Ordinances regarding Parking by Permit on November 12, 2018.

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

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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.**

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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

11/26/2018

Agenda Item No. J)

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Presenter/Contact

*Jared Werner, Chief Financial Officer*  
(830) 221-4395 - [jwerner@nbtexas.org](mailto: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 22<sup>nd</sup> 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 12<sup>th</sup> day of November, 2018.

PASSED AND APPROVED: Second reading this 26<sup>h</sup> day of November, 2018.

CITY OF NEW BRAUNFELS, TEXAS

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Barron Casteel, Mayor

ATTEST:

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Patrick D. Aten, City Secretary

APPROVED AS TO FORM:

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Valeria M. Acevedo, City Attorney



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

11/26/2018

Agenda Item No. K)

### Presenter/Contact

*Jared Werner, Chief Financial Officer*  
(830) 221-4295 - [jwerner@nbtexas.org](mailto:jwerner@nbtexas.org)

### **SUBJECT:**

Approval of the second and final 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:

<b><u>Classification</u></b>	<b><u>Effective</u> <u>09/30/2018</u></b>	<b><u>Effective</u> <u>10/01/2018</u></b>	<b><u>Effective</u> <u>1/15/19</u></b>	<b><u>Effective</u> <u>2/12/19</u></b>
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
<b>Totals</b>	<b>134</b>	<b>138</b>	<b>135</b>	<b>134</b>

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:

<b><u>Classification</u></b>	<b><u>Effective 6/1/18</u></b>	<b><u>Effective 9/25/18</u></b>	<b><u>Effective 10/1/18</u></b>	<b><u>Effective 1/1/19</u></b>	<b><u>Effective 4/1/19</u></b>
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/ <b>Detective</b>	22	16	16	16	16
6. Police Officer	80	80	80	84	89
<i>Totals</i>	<b>128</b>	<b>122</b>	<b>123</b>	<b>127</b>	<b>131</b>

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 25<sup>th</sup>, 2018, unless otherwise noted.

PASSED AND APPROVED: First reading this \_10<sup>th</sup> day of September, 2018.

PASSED AND APPROVED: Second reading this \_24<sup>th</sup>\_ day of September, 2018.

CITY OF NEW BRAUNFELS, TEXAS

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Barron Casteel, Mayor

ATTEST:

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Patrick D. Aten, City Secretary

APPROVED AS TO FORM:

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Valeria M. Acevedo, City Attorney



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

11/26/2018

Agenda Item No. A)

### Presenter/Contact

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

### **SUBJECT:**

Discuss and consider approval of the appointment of one individual to the Downtown Board for a term ending May 31, 2019.

### **BACKGROUND / RATIONALE:**

The Downtown Board has eleven members serving three-year staggered terms. This vacancy is due to resignation of an at-large member. Notice of vacancy was advertised from October 16, 2018 to November 15, 2018.

Eight qualified applications were submitted for the one Downtown Board at-large vacancy:

- Caryn Benson
- Chase Cochran
- Vanessa Dean
- Wade Goodwin
- Dani Hensley
- Brenda Heulitt
- Robin Jeffers
- Judah Owens

### **Applicants' current & prior service on Boards and Commissions**

Caryn Benson has no previous experience on City boards or commissions.

Chase Cochran has no previous experience on City boards or commissions.

Vanessa Dean has no previous experience on City boards or commissions.

Wade Goodwin no previous experience on City boards or commissions.

Dani Hensley has no previous experience on City boards or commissions.

Brenda Heulitt has no previous experience on City boards or commissions.

Robin Jeffers has no previous experience on City boards or commissions.

Judah Owens has no previous experience on City boards or commissions.

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

N/A

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of the appointment of one individual to the Downtown Board for a term ending May 31, 2019.



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

11/26/2018

Agenda Item No. B)

### Presenter/Contact

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

### **SUBJECT:**

Discuss and consider approval of the appointment of two individuals to the River Advisory Committee for terms ending December 8, 2021.

### **BACKGROUND / RATIONALE:**

The River Advisory Committee has seven members serving three-year staggered terms. Notice of vacancy was advertised from October 16, 2018 to November 15, 2018.

Six qualified applications were submitted for the at-large vacancy (this position may not own, be employed by, or have financial interest in any river-related tourism business):

- Caryn Benson
- Mark Conlan
- Grady Frank
- Heather Harrison (incumbent)
- Colette Nies
- Sydney Sharp

Two qualified applications were submitted for the river/tourism professional vacancy (this position is for local river, attraction/destination, and tourism professional):

- James 'Colie' Reno
- Sarah Shea (incumbent)

### **Applicants' current & prior service on Boards and Commissions**

Caryn Benson has no previous experience on City boards or commissions.

Mark Conlan has no previous experience on City boards or commissions.

Grady Frank previously served on the Watershed Advisory Committee.

Heather Harrison has served on the River Advisory Committee since December 2015.

Colette Nies currently serves on the Heritage Commission and previously served on the Community Development Advisory Committee. She is a graduate of City University.

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Sydney Sharp has no previous experience on City boards or commissions.

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James 'Colie' Reno previously served on a river stakeholder committee.

Sarah Shea has served on the River Advisory Committee since November of 2014.

**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 River Advisory Committee for terms ending December 8, 2021.



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

11/26/2018

Agenda Item No. C)

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Presenter/Contact

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

**SUBJECT:**

Discuss and consider approval of the appointment of one individual as an alternate to the Zoning Board of Adjustment for a term ending May 31, 2019.

**BACKGROUND / RATIONALE:**

The Zoning Board of Adjustment has five regular members and four alternate members serving two-year staggered terms. This alternate position became vacant upon the appointment of an alternate member to a regular member (Brandon Mund). Notice of vacancy was advertised from August 16, 2018 to September 13, 2018.

Two qualified applications were submitted for the one alternate vacancy:

- Michael Fredrickson (alternate)
- Vincent Lape (alternate)

**Applicants' current & prior service on Boards and Commissions**

Michael Fredrickson has served as an alternate on the Zoning Board of Adjustments from September 2016 to June 2018.

Vincent Lape has no previous experience on City boards or commissions.

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

N/A

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of the appointment of one individual to the Zoning Board of Adjustment for a term ending May 31, 2019.





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**11/26/2018**

Agenda Item No. D)

### Presenter/Contact

*Sandy Paulos, Assistant Director of Finance  
(830) 221-4387 - spaulos@nbtexas.org*

### **SUBJECT:**

Discuss and consider approval of the City of New Braunfels FY 2017-18 Fourth Quarter Investment Report.

### **BACKGROUND / RATIONALE:**

State of Texas statutes require quarterly investment reports be presented to the governing body of a municipality. In addition, the Investment Policy adopted annually by the City Council requires quarterly reporting to the City Council. Attached for Council consideration is the FY 2017-18 Fourth Quarter Investment Report to meet these statutory requirements. As of September 30, 2018, the City had \$106,894,469 (market value) invested in different investment instruments including cash, as shown below. The portfolio increased by \$17,141,256 in the fourth fiscal quarter. This was due to the receipt in September of \$26,000,000 in GO bond and tax note proceeds.

### **Amount Invested (Dollars in millions)**

#### **Investment Type:**

US Treasury Note	\$5
Money Market/Cash	\$11
Pools	\$91

<b>Weighted Average Maturity of Portfolio</b>	<b>3 days</b>
<b>Weighted Average Yield for Portfolio</b>	<b>1.76%</b>
<b>Earned Income QTR</b>	<b>\$374,729</b>
<b>Earned Income YTD</b>	<b>\$1,201,603</b>

For the fourth quarter, the weighted average yield on the City's investments was 1.76 percent, an increase of .12 percent when compared to the third quarter of FY 2017-18 earnings of 1.64 percent. This improvement was due to an increase in average interest rates on TexPool investments.

The weighted average maturity of the City's portfolio decreased in comparison to the third quarter of FY 2017-18 due to the decrease in the remaining days to maturity of a Treasury Note that matures 11/15/18. Every effort continues to be made to maintain the City's liquidity for payment of expenditures while maximizing interest earnings in this rising interest rate market.

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

<b>X</b>	Yes	<b>City Plan/ Council Priority:</b>	Strategic Priorities: 8 - Maintain fiscal stability of City operations
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of the attached investment report.



## Investment Portfolio Summary

City of New Braunfels



For the Quarter Ended

September 30, 2018

Prepared by  
FirstSouthwest Asset Management



## Report Name

Certification Page
Executive Summary
Benchmark Comparison
Detail of Security Holdings
Change in Value
Earned Income
Investment Transactions
Amortization and Accretion
Projected Fixed Income Cash Flows

### MARKET RECAP - SEPTEMBER 2018:

As September began, the yield on the two-year Treasury note sat at 2.63%, right in the middle of a narrow range that had prevailed since mid-July. The 10-year T-note, meanwhile, was just 23 basis points higher at 2.86%. Within a few days, a string of strong data would spark a bond sell-off that would send yields sharply higher throughout the month. The ISM manufacturing index topped the most optimistic of forecasts, climbing above 61 for the first time since 2004 to 61.3. The prices paid index logged a second straight month in the stratosphere, dipping from 73.2 to 72.1. The ISM non-manufacturing index, which covers the much larger service sector that accounts for roughly 88% of the economy, surged from an 11-month low of 55.7 to 58.5 in August. While the ISM surveys are booming, the real fireworks came with the August employment report. Although the increase in non-farm payrolls was close to expectations at +201k and the unemployment rate held steady at 3.9%, average hourly earnings doubled forecasts with a +0.4% gain that took the year-over-year increase to +2.9% and the three month annualized pace above +3.0%. Taken together, the jobs data indicates a tight labor market where difficulty finding workers is restraining job growth and leading employers to respond with higher wages, stoking wage inflation fears. The overall strength seen in the early month indicators sent bond prices tumbling and would quickly push yields on the two-year and 10-year Treasury notes north of 2.80% and 3.00% respectively.

Contrary to the wage data, the producer and consumer price indexes both moderated in August. The headline producer price index fell -0.1% for the month and the year-over-year pace dropped from +3.2% to +2.8%, while core PPI retreated from +2.7% to +2.3% y-o-y. Consumer prices also eased as headline CPI was below forecast at +0.2%, taking the y-o-y rate down a tenth to +2.7%. Core CPI was even lower, up just +0.1% on the month with the y-o-y sliding from +2.4% to +2.2%. Consumer spending was weaker than expected in August but upward revisions to July kept the annual rate above 6% for a fourth straight month. Consumer confidence measures hover at or near recovery highs with Bloomberg's Consumer Comfort Index topping 60 for the first time since 2001, and the Conference Board's Consumer Confidence Index reaching a new 18-year high. Housing seems to be the one area exhibiting signs of weakness as higher prices and higher mortgage rates crimp affordability. Existing home sales were unchanged in August and are hovering at the lowest levels since early 2016.

By the time the Fed's FOMC met on September 26th, the third 25 basis point rate hike of 2018 was a foregone conclusion and the Fed obliged. Market fears of an overtly hawkish statement and more aggressive dot plot were not realized as the committee struck a balanced tone. The dot plot still indicates a hike in December, followed by three more in 2019 and one in 2020. Bond yields, having spent the month of September moving higher, were largely unchanged following the announcement. The two-year T-note closed the month at 2.82% while the 10-year settled at 3.06%. Stocks continued their trek higher with the Dow and the S&P 500 trading to record highs during the month.

## For the Quarter Ended September 30, 2018

This report is prepared for the **City of New Braunfels** (the "Entity") in accordance with Chapter 2256 of the Texas Public Funds Investment Act ("PFIA"). Section 2256.023(a) of the PFIA states that: "Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of the investment transactions for all funds covered by this chapter for the preceding reporting period." This report is signed by the Entity's investment officers and includes the disclosures required in the PFIA. To the extent possible, market prices have been obtained from independent pricing sources.

The investment portfolio complied with the PFIA and the Entity's approved Investment Policy and Strategy throughout the period. All investment transactions made in the portfolio during this period were made on behalf of the Entity and were made in full compliance with the PFIA and the approved Investment Policy.

### Officer Names and Titles:

Name: Robert Camarena

Title: City Manager

Name: Sandy Paulos

Title: Asst. Director of Finance

Name: Jared Werner

Title: Chief Financial Officer

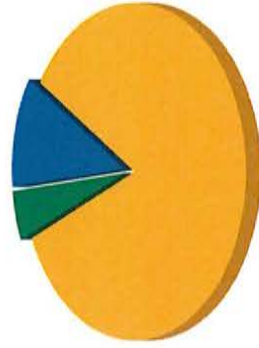


**FirstSouthwest**  
**AssetManagement**  
A Hilltop Holdings Company.

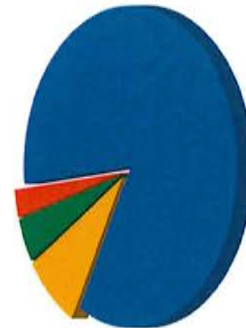
**City of New Braunfels**  
**Executive Summary**  
As of 09/30/18

## Account Summary

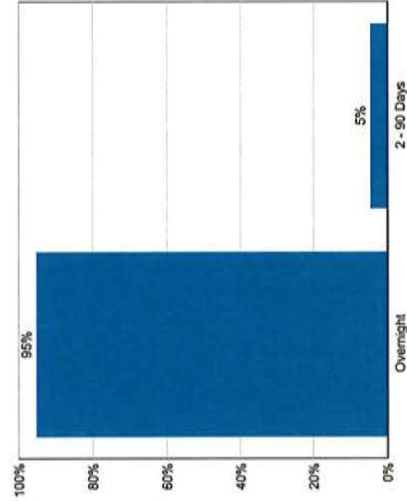
	Beginning Values as of 06/30/18	Ending Values as of 09/30/18
Par Value	89,767,667.54 ✓	106,899,719.01 ✓
Market Value	89,753,212.54 ✓	106,894,469.01 ✓
Book Value	89,762,123.09 ✓	106,897,897.86 ✓
Unrealized Gain/(Loss)	(8,910.55) ✓	(3,428.85) ✓
Market Value %	99.99% ✓	100.00% ✓
Weighted Avg. YTW	1.644% ✓	1.763% ✓
Weighted Avg. YTM	1.644% ✓	1.763% ✓



## Allocation by Issuer

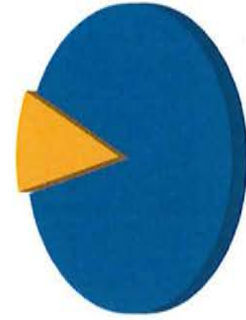


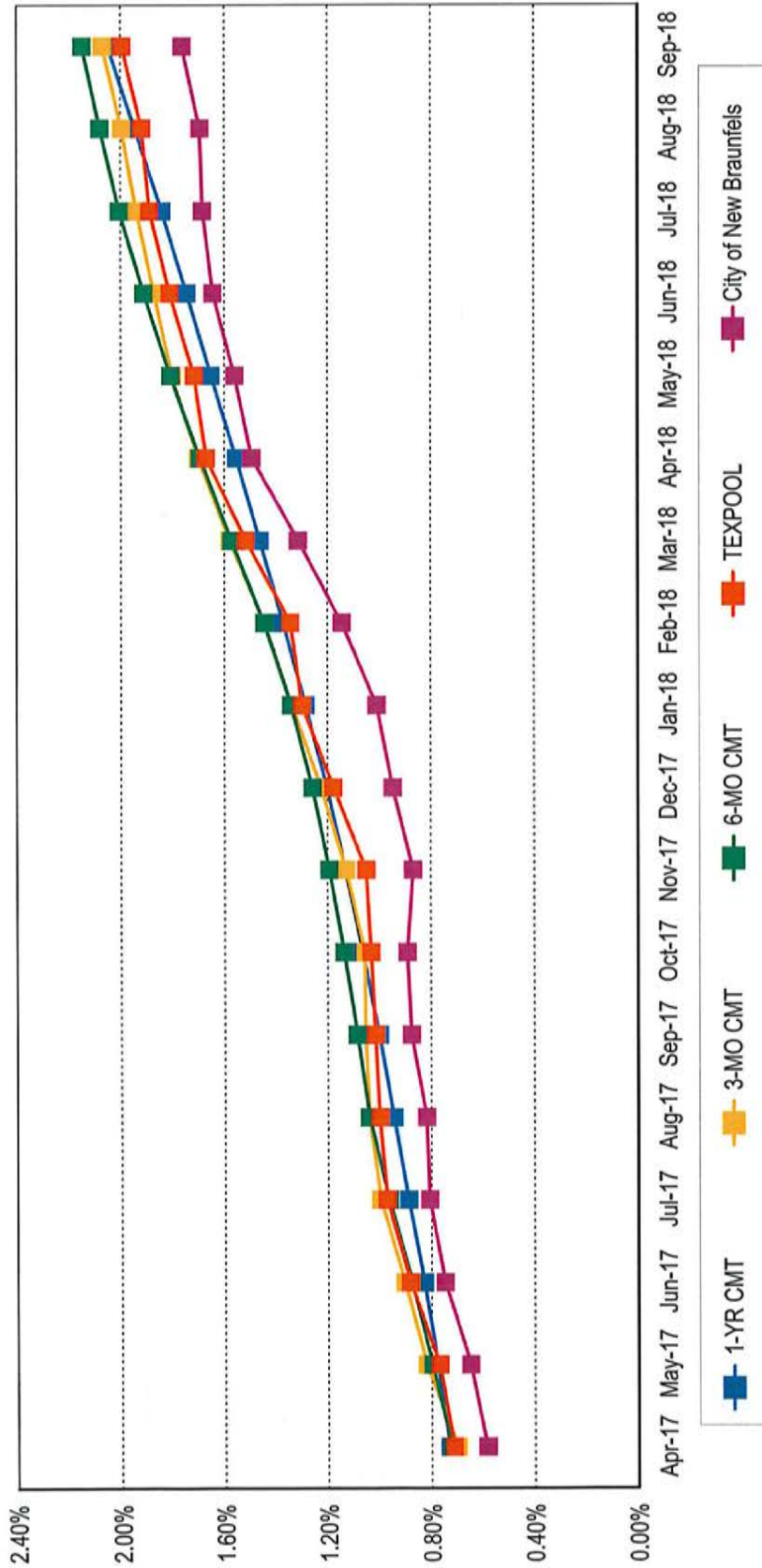
## Maturity Distribution %



Weighted Average Days to Maturity: 3

## Credit Quality





**Note 1:** CMT stands for Constant Maturity Treasury. This data is published in Federal Reserve Statistical Release H.15 and represents an average of all actively traded Treasury securities having that time remaining until maturity. This is a standard industry benchmark for Treasury securities. The CMT benchmarks are moving averages. The 3-month CMT is the daily average for the previous 3 months, the 6-month CMT is the daily average for the previous 6 months, and the 1-year and 2-year CMTs are the daily averages for the previous 12-months.

**Note 2:** Benchmark data for TexPool is the monthly average yield.



**FirstSouthwest**  
**AssetManagement**  
A Hilltop Holdings Company.

**City of New Braunfels**  
**Detail of Security Holdings**  
As of 09/30/2018

CUSIP	Settle Date	Sec. Type	Sec. Description	CPN	Mty Date	Next Call	Call Type	Par Value	Purch Price	Orig Cost	Book Value	Mkt Price	Market Value	Days to Mty	Days to Call	YTM	YTW
<b>101 - General Fund</b>																	
FROST-NBR		BANK DEP	Frost Bk					8,458,933.67	100.000	8,458,933.67	8,458,933.67	✓ 100.000	8,458,933.67	1		0.000	0.000
JPM-NBRE		BANK DEP	JPM Chase Bk					2,858,437.21	100.000	2,858,437.21	2,858,437.21	✓ 100.000	2,858,437.21	1		0.000	0.000
TEXPOOL		LGIP	TexPool					4,652,614.98	100.000	4,652,614.98	4,652,614.98	✓ 100.000	4,652,614.98	1		1.995	1.995
<b>Total for 101 - General Fund</b>									<b>15,969,985.86</b>	<b>15,969,985.86</b>	<b>15,969,985.86</b>	<b>100.000</b>	<b>15,969,985.86</b>	<b>1</b>		<b>0.581</b>	<b>0.581</b>
<b>212 - NB Industrial Dev Corp</b>																	
TEXPOOL		LGIP	TexPool					13,486,205.83	100.000	13,486,205.83	13,486,205.83	✓ 100.000	13,486,205.83	1		1.995	1.995
<b>Total for 212 - NB Industrial Dev Corp</b>									<b>13,486,205.83</b>	<b>13,486,205.83</b>	<b>13,486,205.83</b>	<b>100.000</b>	<b>13,486,205.83</b>	<b>1</b>		<b>1.995</b>	<b>1.995</b>
<b>350 - 2013 GO Bond Fund</b>																	
912828M64	11/10/17	TREAS NOTE	U.S. Treasury	1.250	11/15/18			5,000,000.00	99.699	4,984,960.94	4,998,178.85	99.895	4,994,750.00	✓ 46		1.550	1.550
<b>Total for 350 - 2013 GO Bond Fund</b>									<b>5,000,000.00</b>	<b>4,984,960.94</b>	<b>4,998,178.85</b>	<b>99.895</b>	<b>4,994,750.00</b>	<b>46</b>		<b>1.550</b>	<b>1.550</b>
<b>999 - Pooled Funds</b>																	
TEXPOOL		LGIP	TexPool					72,443,527.32	100.000	72,443,527.32	72,443,527.32	✓ 100.000	72,443,527.32	1		1.995	1.995
<b>Total for 999 - Pooled Funds</b>									<b>72,443,527.32</b>	<b>72,443,527.32</b>	<b>72,443,527.32</b>	<b>100.000</b>	<b>72,443,527.32</b>	<b>1</b>		<b>1.995</b>	<b>1.995</b>
<b>Total for City of New Braunfels</b>									<b>106,899,719.01</b>	<b>106,884,679.95</b>	<b>106,897,897.86</b>	<b>99.995</b>	<b>106,894,469.01</b>	<b>3</b>		<b>1.763</b>	<b>1.763</b>

CUSIP	Security Type	Security Description	06/30/18 Book Value	Cost of Purchases	Maturities / Calls / Sales	Amortization / Accretion	Realized Gain/(Loss)	09/30/18 Book Value	06/30/18 Market Value	09/30/18 Market Value	Change in Mkt Value
<b>101 - General Fund</b>											
FROST-NBR	BANK DEP	Frost Bk	4,681,677.02	3,850,635.99	(73,379.34)	0.00	0.00	8,458,933.67	4,681,677.02	8,458,933.67	3,777,256.65
JPM-NBRE	BANK DEP	JPM Chase Bk	2,859,023.20	0.00	(585.99)	0.00	0.00	2,858,437.21	2,859,023.20	2,858,437.21	(585.99)
JPM-NBRH	BANK DEP	JPM Chase Bk High Yield	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TEXPOOL	LGIP	TexPool	14,608,155.69	7,928.38	(9,963,469.09)	0.00	0.00	4,652,614.98	14,608,155.69	4,652,614.98	(9,955,540.71)
<b>Total for 101 - General Fund</b>			<b>22,148,855.91</b>	<b>3,858,564.37</b>	<b>(10,037,434.42)</b>	<b>0.00</b>	<b>0.00</b>	<b>15,969,985.86</b>	<b>22,148,855.91</b>	<b>15,969,985.86</b>	<b>(6,178,870.05)</b>
<b>212 - NB Industrial Dev Corp</b>											
TEXPOOL	LGIP	TexPool	13,420,756.67	65,449.16	0.00	0.00	0.00	13,486,205.83	13,420,756.67	13,486,205.83	65,449.16
<b>Total for 212 - NB Industrial Dev Corp</b>			<b>13,420,756.67</b>	<b>65,449.16</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>13,486,205.83</b>	<b>13,420,756.67</b>	<b>13,486,205.83</b>	<b>65,449.16</b>
<b>350 - 2013 GO Bond Fund</b>											
912828M64	TREAS NOTE	U.S. Treasury 1.250 11/15/18	4,994,455.55	0.00	0.00	3,723.30	0.00	4,999,178.85	4,985,545.00	4,994,750.00	9,205.00
<b>Total for 350 - 2013 GO Bond Fund</b>			<b>4,994,455.55</b>	<b>0.00</b>	<b>0.00</b>	<b>3,723.30</b>	<b>0.00</b>	<b>4,999,178.85</b>	<b>4,985,545.00</b>	<b>4,994,750.00</b>	<b>9,205.00</b>
<b>999 - Pooled Funds</b>											
TEXPOOL	LGIP	TexPool	49,198,054.96	23,245,472.36	0.00	0.00	0.00	72,443,527.32	49,198,054.96	72,443,527.32	23,245,472.36
<b>Total for 999 - Pooled Funds</b>			<b>49,198,054.96</b>	<b>23,245,472.36</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>72,443,527.32</b>	<b>49,198,054.96</b>	<b>72,443,527.32</b>	<b>23,245,472.36</b>
<b>Total for City of New Braunfels</b>			<b>89,762,123.09</b>	<b>27,169,485.89</b>	<b>(10,037,434.42)</b>	<b>3,723.30</b>	<b>0.00</b>	<b>106,897,897.86</b>	<b>89,753,212.54</b>	<b>106,894,469.01</b>	<b>17,141,256.47</b>



**FirstSouthwest**  
**AssetManagement**  
A Hilltop Holdings Company.

**City of New Braunfels**  
**Earned Income**  
From 06/30/2018 to 09/30/2018

CUSIP	Security Type	Security Description	Beg. Accrued	Interest Earned	Interest Rec'd / Sold / Matured	Interest Purchased	Ending Accrued	Disc Accr / Prem Amort	Net Income
<b>101 - General Fund</b>									
TEXPOOL	LGIP	TexPool	0.00	44,459.29	44,459.29	0.00	0.00	0.00	44,459.29
<b>Total for 101 - General Fund</b>			<b>0.00</b>	<b>44,459.29</b>	<b>44,459.29</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>44,459.29</b>
<b>212 - NB Industrial Dev Corp</b>									
TEXPOOL	LGIP	TexPool	0.00	65,449.16	65,449.16	0.00	0.00	0.00	65,449.16
<b>Total for 212 - NB Industrial Dev Corp</b>			<b>0.00</b>	<b>65,449.16</b>	<b>65,449.16</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>65,449.16</b>
<b>350 - 2013 GO Bond Fund</b>									
912828M64	TREAS NOTE	U.S. Treasury 1.250 11/15/18	7,982.34	15,625.00	0.00	0.00	23,607.34	3,723.30	19,348.30
<b>Total for 350 - 2013 GO Bond Fund</b>			<b>7,982.34</b>	<b>15,625.00</b>	<b>0.00</b>	<b>0.00</b>	<b>23,607.34</b>	<b>3,723.30</b>	<b>19,348.30</b>
<b>999 - Pooled Funds</b>									
TEXPOOL	LGIP	TexPool	0.00	245,472.36	245,472.36	0.00	0.00	0.00	245,472.36
<b>Total for 999 - Pooled Funds</b>			<b>0.00</b>	<b>245,472.36</b>	<b>245,472.36</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>245,472.36</b>
<b>Total for City of New Braunfels</b>			<b>7,982.34</b>	<b>371,005.81</b>	<b>355,380.81</b>	<b>0.00</b>	<b>23,607.34</b>	<b>3,723.30</b>	<b>374,729.11</b>



**FirstSouthwest**  
**AssetManagement**  
A Hilltop Holdings Company.

**City of New Braunfels**  
**Amortization and Accretion**  
*From 06/30/2018 to 09/30/2018*

CUSIP	Settle Date	Security Type	Security Description	Next Call Date	Purchase Qty	Orig Price	Original Cost	Amrt/Accr for Period	Total Amrt/Accr Since Purch	Remaining Disc / Prem	Book Value
<b>350 - 2013 GO Bond Fund</b>											
912828M64	11/10/17	TREAS NOTE	U.S. Treasury 1.250	11/15/18	5,000,000.00	99.699	4,984,960.94	3,723.30	13,217.91	1,821.15	4,998,178.85
<b>Total for 350 - 2013 GO Bond Fund</b>					<b>5,000,000.00</b>		<b>4,984,960.94</b>	<b>3,723.30</b>	<b>13,217.91</b>	<b>1,821.15</b>	<b>4,998,178.85</b>
<b>Total for City of New Braunfels</b>					<b>5,000,000.00</b>		<b>4,984,960.94</b>	<b>3,723.30</b>	<b>13,217.91</b>	<b>1,821.15</b>	<b>4,998,178.85</b>

CUSIP	Security Type	Security Description	Pay Date	Interest	Principal	Total Amount
<b>350 - 2013 GO Bond Fund</b>						
912828M64	TREAS NOTE	U.S. Treasury 1.250 11/15/18	11/15/18	31,250.00	5,000,000.00	5,031,250.00
<b>Total for 350 - 2013 GO Bond Fund</b>				<b>31,250.00</b>	<b>5,000,000.00</b>	<b>5,031,250.00</b>

CUSIP	Security Type	Security Description	Pay Date	Interest	Principal	Total Amount
<b>Total for All Portfolios</b>						
			November 2018	31,250.00	5,000,000.00	5,031,250.00
<b>Total Projected Cash Flows for City of New Braunfels</b>				<b>31,250.00</b>	<b>5,000,000.00</b>	<b>5,031,250.00</b>

# QUARTERLY INVESTMENT REPORT

Fourth Quarter FY 2017-18  
September 30, 2018





	12/31/2017	3/31/2018	6/30/2018	9/30/2018	Increase From Previous Qtr
Par Value	\$ 89,386,052	\$ 98,064,504	\$ 89,767,668	\$ 106,899,719	\$ 17,132,051
Market Value	\$ 89,363,013	\$ 98,040,869	\$ 89,753,213	\$ 106,894,469	\$ 17,141,256
Weighted Average YTM	0.95%	1.31%	1.64%	1.76%	0.12%
Interest Income	\$ 184,517	\$ 243,595	\$ 357,485	\$ 371,006	\$ 13,521

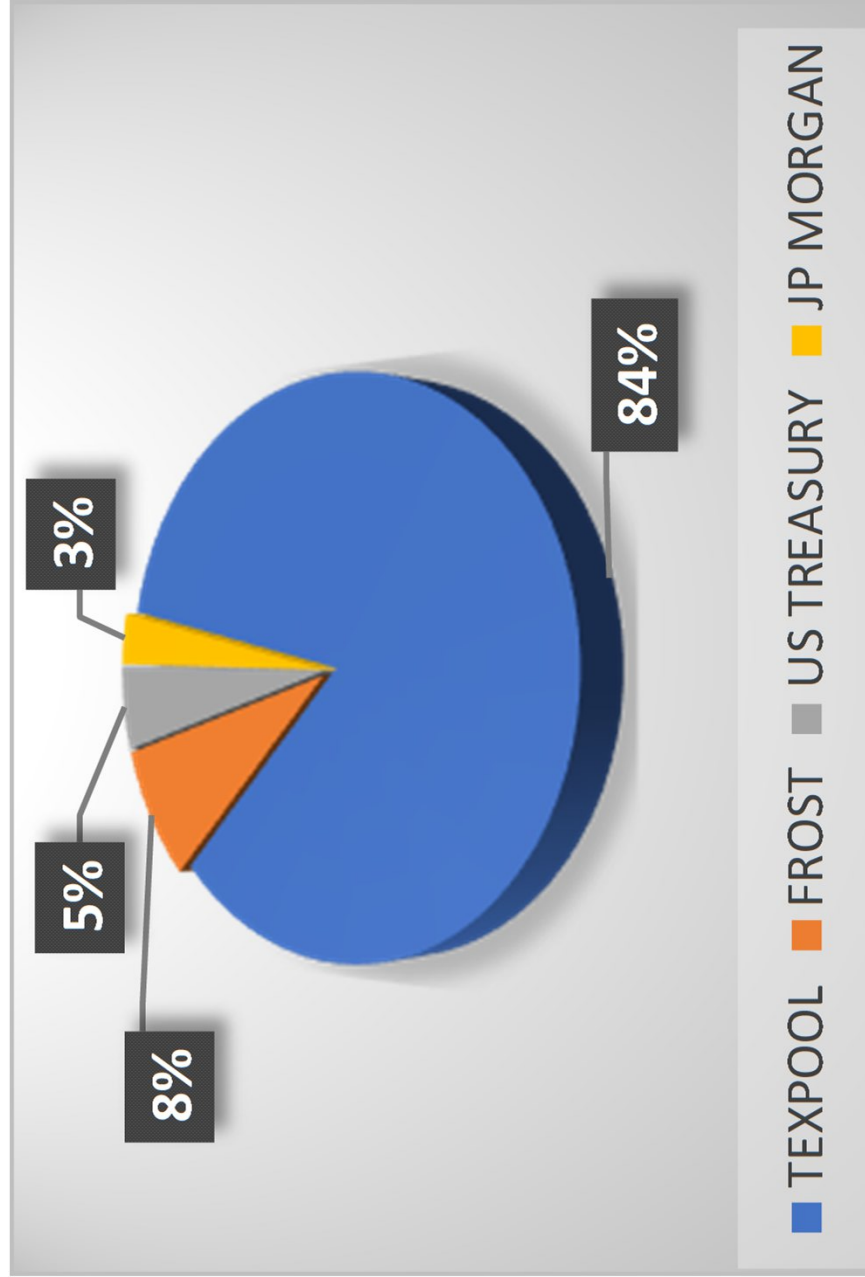
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# CHANGES IN PORTFOLIO VALUES & EARNINGS

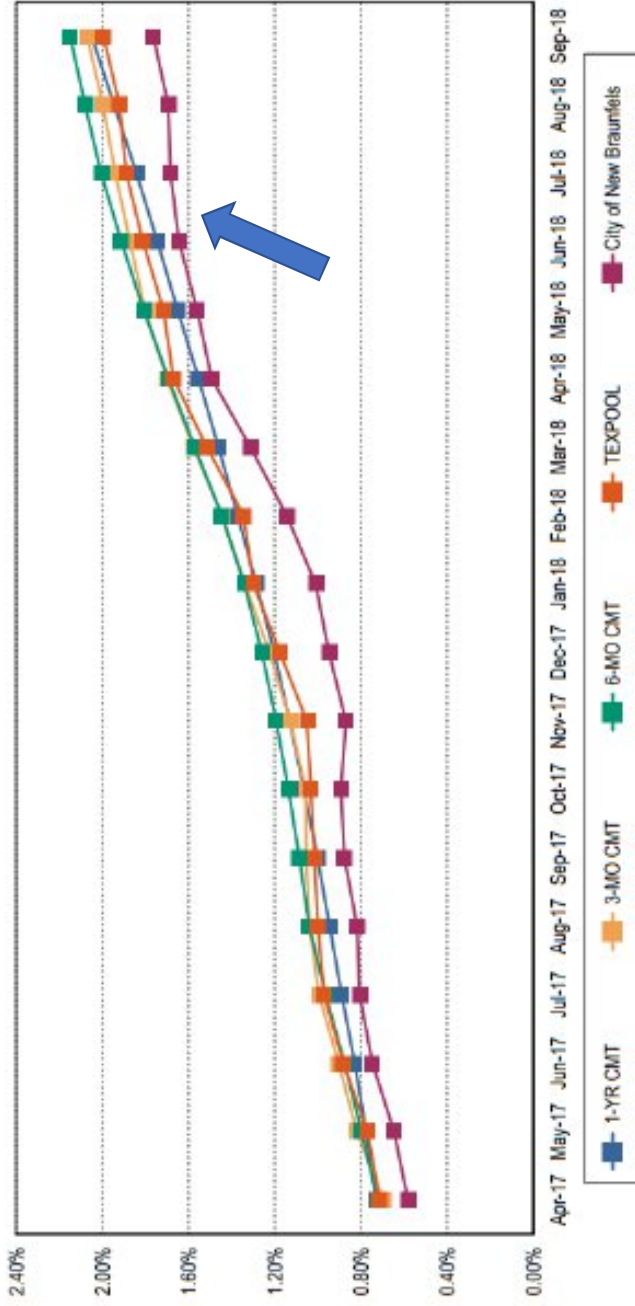
FY 2016-17 Total Interest Income Actual	FY 2017-18 Total Interest Income Budget	FY 2017-18 Total Interest Income Actual
\$ 611,178	\$ 359,541	\$ 1,156,602

# PORTFOLIO ALLOCATIONS

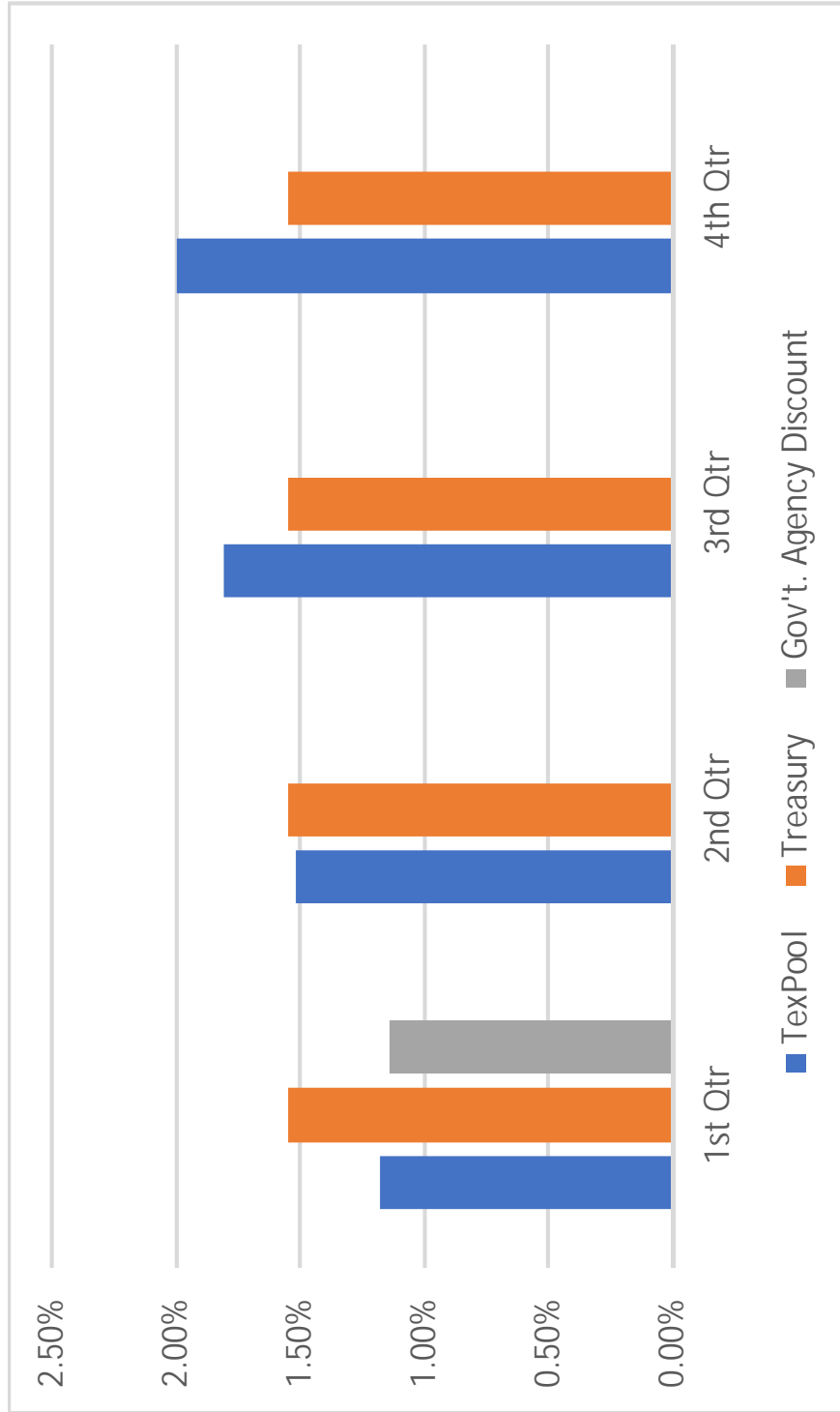
INVESTMENTS BY ISSUER  
9/30/18



## BENCHMARK COMPARISON 9/30/18



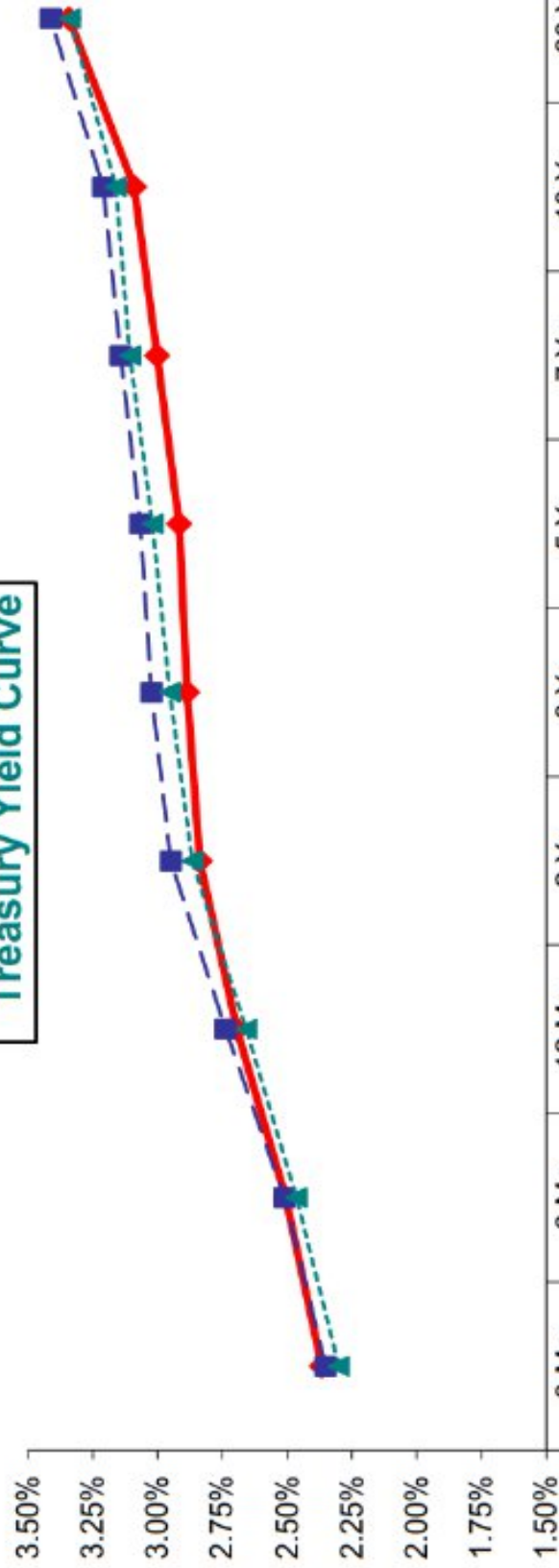
City of New Braunfels Portfolio  
Yield by Investment Type  
FY 2017-18



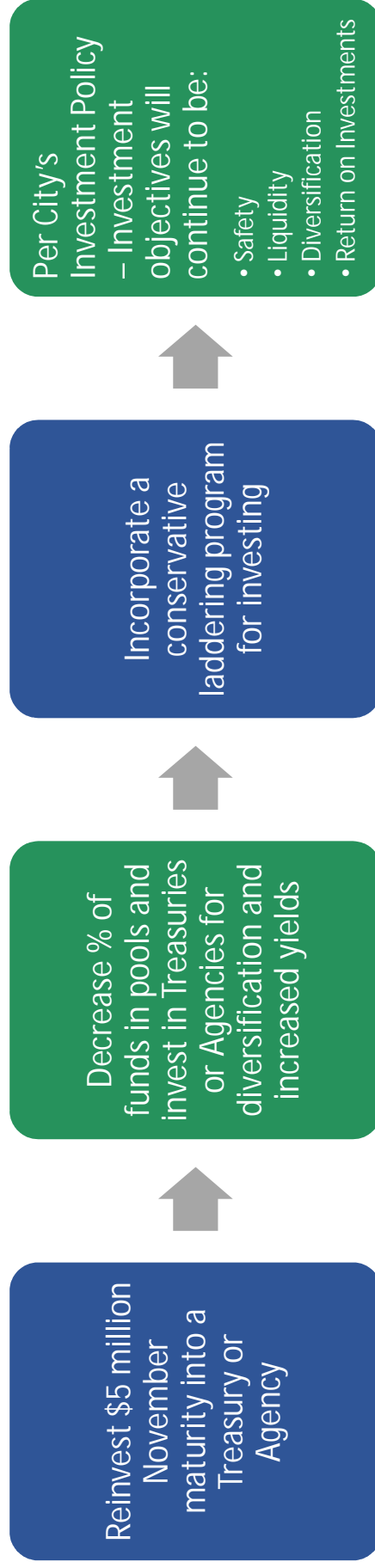
# FY 2017-18 4<sup>th</sup> QUARTER YIELDS

	6/29/2018	7/31/2018	8/31/2018	9/28/2018
TEXPOOL YIELDS	1.87%	1.90%	1.95%	2.10%
AGENCY DISCOUNT NOTE				
1 Month	1.85%	1.90%	1.94%	2.14%
12 Month	2.35%	2.25%	2.23%	2.63%
AGENCY BULLET				
1 Year	2.35%	2.43%	2.44%	2.60%
2 Year	2.60%	2.71%	2.68%	2.93%
TREASURY				
3 Month	1.92%	2.02%	2.10%	2.19%
6 Month	2.10%	2.19%	2.26%	2.36%
12 Month	2.31%	2.67%	2.44%	2.56%

**Treasury Yield Curve**



# FUTURE INVESTMENT STRATEGY



# QUESTIONS?





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

11/26/2018

Agenda Item No. E)

### Presenter/Contact

*Jennifer Gates, Grants Coordinator*  
(830) 221-4383 - [JGates@nbtexas.org](mailto:JGates@nbtexas.org)

### **SUBJECT:**

Public hearing regarding the U.S. Department of Housing and Urban Development Community Development Block Grant Consolidated Annual Performance and Evaluation Report for Program Year 2017.

### **BACKGROUND / RATIONALE:**

The Consolidated Annual Performance and Evaluation Report (CAPER) is an annual report required by the U.S. Department of Housing and Urban Development (HUD). The report for Program Year 2017 (PY17) identifies the level of progress and accomplishments during the past program year in meeting the priorities, goals and objectives of the Consolidated Plan. The Consolidated Plan is a five-year strategic planning document, and this CAPER completes PY17 of the 2014-2019 Consolidated Plan.

To receive HUD entitlement funds, the City annually submits a one-year Action Plan, including proposed projects and federal certifications. The Action Plan is developed in accordance with the City's Citizen Participation Plan. After submission, projects are implemented in accordance with the approved one-year budget and certifications.

The City received \$379,073 in housing and community development funding from the Community Development Block Grant (CDBG) Program for PY17; the CAPER also provides information regarding expenditures for the program year.

HUD requires a 15-day comment period, and a public hearing prior to submission, allowing for citizens to comment on the information provided in the CAPER. The comment period for PY17 is November 21 to December 7; the public hearing is on November 26 during the City Council meeting. A full draft of the report is available for review at the City Secretary's Office and the New Braunfels Public Library, and information is also available for review on the City's Community Development - CDBG Program website during this time. As required by the agency, the final CAPER will be delivered to HUD no later than December 29, 2018.

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

<input checked="" type="checkbox"/>	Yes	<b>Strategic Priorities:</b>	20. Protect the integrity of our neighborhoods.
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### **FISCAL IMPACT:**

No fiscal impact to the City.

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**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

This is a public hearing. No action is required.



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

11/26/2018

Agenda Item No. F)

### Presenter

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

### **SUBJECT:**

Public hearing and first reading of an ordinance zoning approximately 151 acres out of the Sarah Dewitt Survey, Abstract 103, Guadalupe County, located on the southeast corner of FM 1044 and W. Klein Road, to "C-1B" General Business District.

### **BACKGROUND / RATIONALE:**

**Case No.:** PZ-18-038

**Council District:** 2

**Owner/Applicant:** City of New Braunfels and New Braunfels Parks Foundation  
550 Landa Street  
New Braunfels, TX 78131

**Staff Contact:** Holly Mullins  
(830) 221-4054  
hmullins@nbtexas.org

### **Background/rationale:**

The subject property is a vacant, unplatted tract located at the southeast corner of the intersection of FM 1044 and W. Klein Road. Annexation of the property was approved by City Council on September 24, 2018.

The initial zoning of the property is being proposed as "C-1B" General Business District. C-1B is appropriate at the intersection of two arterials and allows for uses such as outdoor amusement services, athletic fields, retail and services. The Athletic Fields Master Plan and Sports Fields Feasibility Study identify the site as the location of a future sports complex.

Adjacent property to the east is owned by the New Braunfels Independent School District and is currently zoned C-1B. Other adjacent property is outside the city limits.

### **General Information:**

**Size:** 151.0 acres

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

North -	Across W. Klein Road, outside city limits/ Single-family residences
South -	Outside city limits/ Undeveloped
East -	C-1B / New Braunfels Middle School
West -	Across FM 1044, outside city limits/ Undeveloped

### **Floodplain:**

An area of approximately 5.55 acres along the northeast edge of the property is within the 1% annual chance flood zone (100-year floodplain).

Regional Transportation Plan:

W. Klein Road is designated as a Minor Arterial with a 120-foot wide right-of-way. A City widening project for Klein Road is currently underway. FM 1044 is designated as a Parkway with a right-of-way width up to 200 feet. The current right-of-way width of FM 1044 is 80 feet. The Regional Transportation Plan also indicates two proposed minor collectors on or adjacent to the subject property. Dedication of additional right-of-way in compliance with the Plan will be evaluated when the property is platted.

Improvement(s):

None

Determination Factors:

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

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (*C-1B zoning is intended for areas located along or at the intersection of major collectors or thoroughfares. The proposed zoning is appropriate for this location and is compatible with surrounding zoning.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The proposed zoning should not conflict with existing and proposed schools, street, or utilities in the area.*);
- How other areas designated for similar development will be affected (*The proposed zoning should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*There should be no other factors that will substantially affect the public health, safety, morals, or general welfare.*); and
- Whether the request is consistent with the Comprehensive Plan (*The request is consistent with the Comprehensive Plan. It is situated along a Transitional Mixed Use Corridor and is adjacent to an existing Educational Center. It is also within a Future Market Center and Future Civic Center.*)

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

<b>City Plan/Council Priority:</b> Envision New Braunfels	<b>Action 2.31</b> <i>Encourage youth amenities that keep families in town.</i> The proposed zoning would allow for the potential intended use which would meet the local community needs for baseball, softball, soccer, lacrosse, football and rugby for both youth and adults. <b>Action 4.3</b> <i>Ensure adequate facilities in number and in size for local citizen use, and to attract outside markets for tournaments and conventions.</i> C-1B would allow the intended use which would be a driver for the economy and complement the adjacent school use. <b>Action 3.3</b> <i>Balance commercial centers with stable neighborhoods.</i> C-1B at the subject location would maintain nodal commercial development patterns reserving areas in between for stable neighborhoods.
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on November 7, 2018 and voted to recommend approval of the zoning. (7-0-0 with Commissioners Nolte and Mathis absent)

**STAFF RECOMMENDATION:**

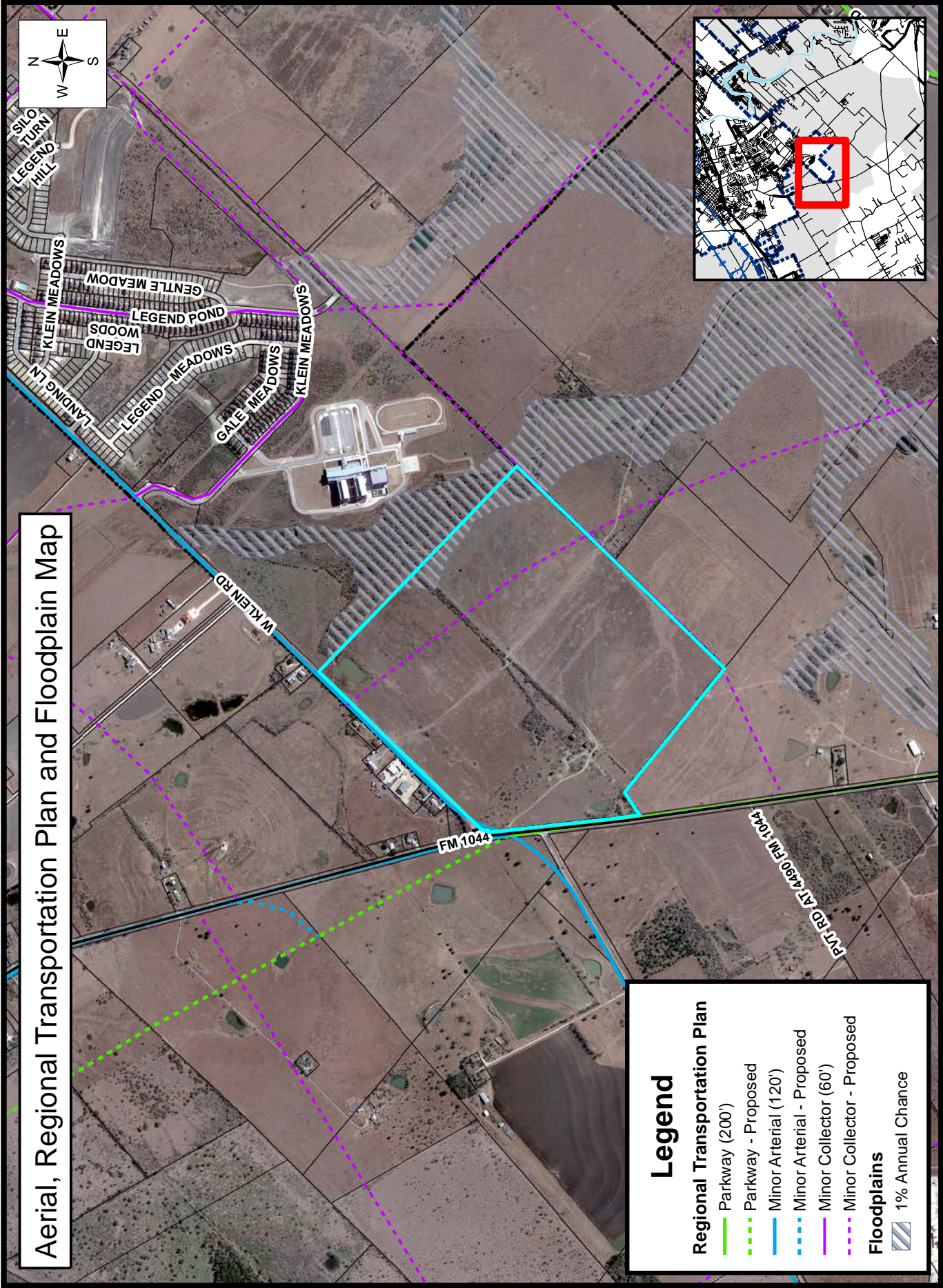
Staff recommends approval of the proposed zoning as it is consistent with zoning and existing development in the surrounding area, lies within a Future Market Center and Future Civic Center, is at the intersection of two arterials, and meets Strategies/Actions of Envision New Braunfels.

**Notification:**

Public hearing notices were sent to the owner of 1 property within 200 feet of the request. The Planning Division has not yet received a response.

**Attachments:**

1. Aerial Map
2. Application
3. Existing Centers Map
4. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
5. Notification Map and List
6. Sec. 3.4-13 C-1B
7. Photograph
8. Ordinance





**Planning & Community Development Department  
Planning Division**

550 Landa St. New Braunfels, TX 78130  
(830) 221-4050 www.nbtexas.org

CC/Cash/Check No.: \_\_\_\_\_ Case No.: **PZ-18-038**  
Amount Recd. \$ \_\_\_\_\_  
Receipt No.: \_\_\_\_\_

*Submittal date – office use only*

## Zone Change Application

**Any application that is missing information will be considered incomplete and will not be processed.**

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

**Name:** \_\_\_\_\_ City of New Braunfels and the New Braunfels Parks Foundation

**Mailing Address:** \_\_\_\_\_ 550 Landa Street, New Braunfels, TX 78130

**Telephone:** \_\_\_\_\_ 830-221-4054 **Fax:** \_\_\_\_\_ **Mobile:** \_\_\_\_\_

**Email:** \_\_\_\_\_ hnullins@nbtexas.org

2. **Property Address/Location:** \_\_\_\_\_ Southeast corner of FM 1044 and Klein Rd, Guadalupe County Property ID 62456

3. **Legal Description:**

**Name of Subdivision:** \_\_\_\_\_ 125.99 Acres and 25.00 Acres, Sarah Dewitt Survey A-103, Guadalupe County TX

**Lot(s):** \_\_\_\_\_ 1 **Block(s):** \_\_\_\_\_ **Acreage:** \_\_\_\_\_ 150.99

4. **County:** ☐ Comal ☒ Guadalupe **School District:** ☐ CISD ☒ NBISD ☐ OTHER: \_\_\_\_\_

5. **Is the property located in the floodway or floodplain:** ☒ YES ☐ NO

6. **Existing Use of Property:** \_\_\_\_\_ Vacant/Agricultural

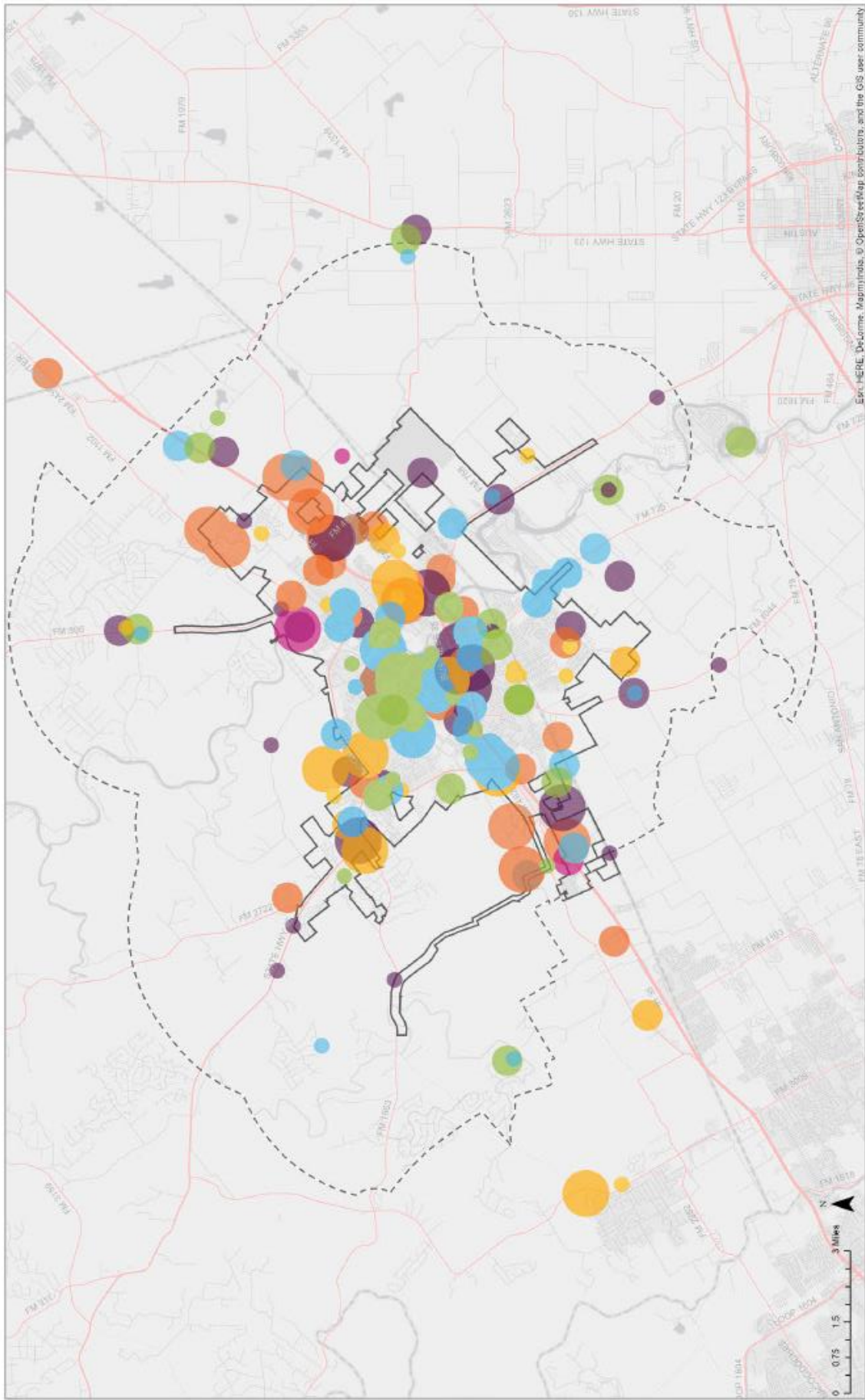
7. **Zoning Change Request:**

**Current Zoning:** \_\_\_\_\_ N/A

**Proposed Zoning:** \_\_\_\_\_ C-1B

8. **Proposed Use of Property and/or Reason for request (attach additional or supporting information if necessary):** \_\_\_\_\_

Property purchased to build a proposed regional sports complex and retail facilities. The City is requesting to \_\_\_\_\_  
designate an appropriate zoning district for the newly annexed property.



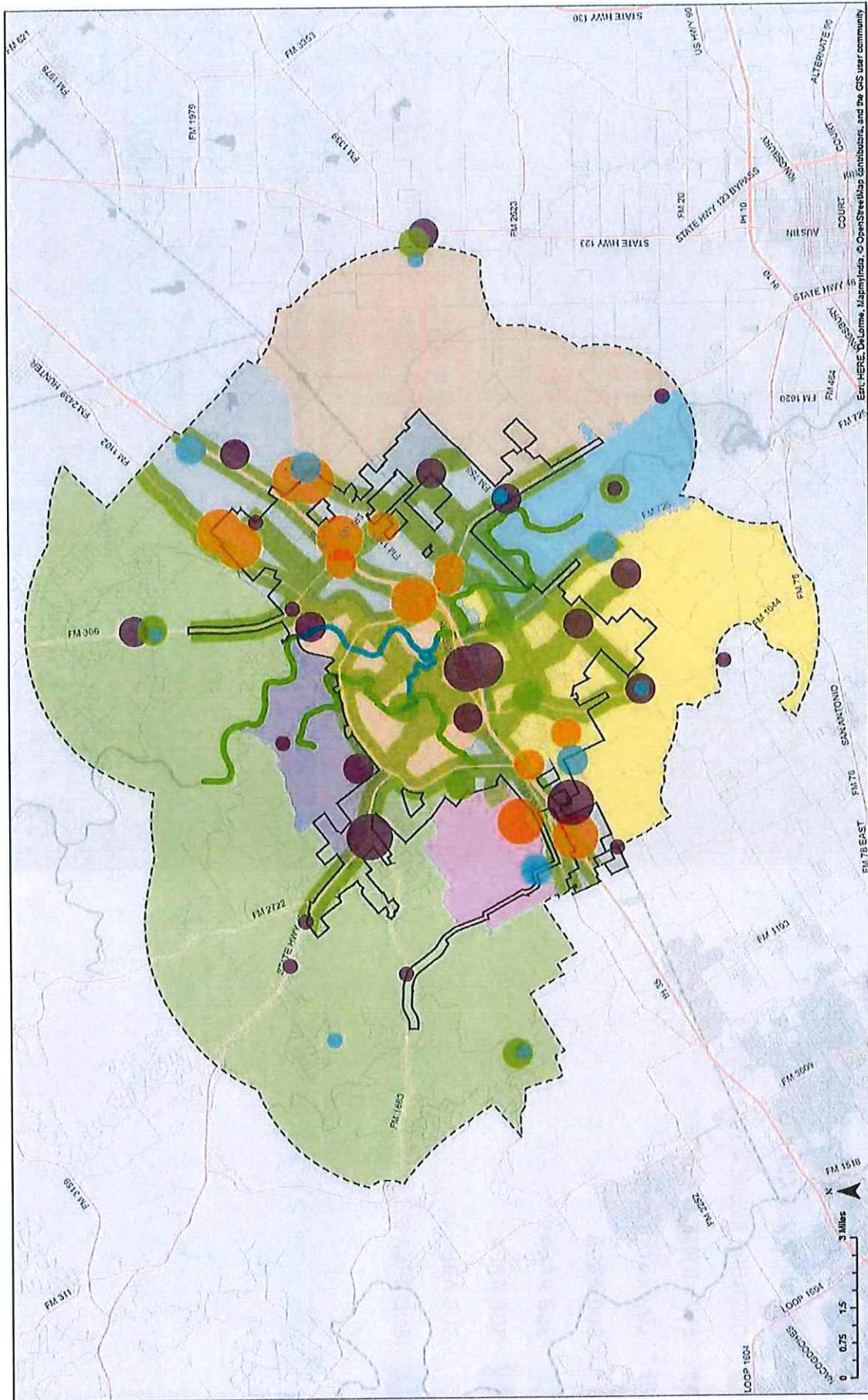


Map Created 10/11/18

**PZ-18-038**  
**Sports Complex Zoning Designation**  
**Initial Zoning to C-1B**







A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be [zoomed and viewed online](#).

**PLANNING COMMISSION – NOVEMBER 7, 2018 – 6:00PM**

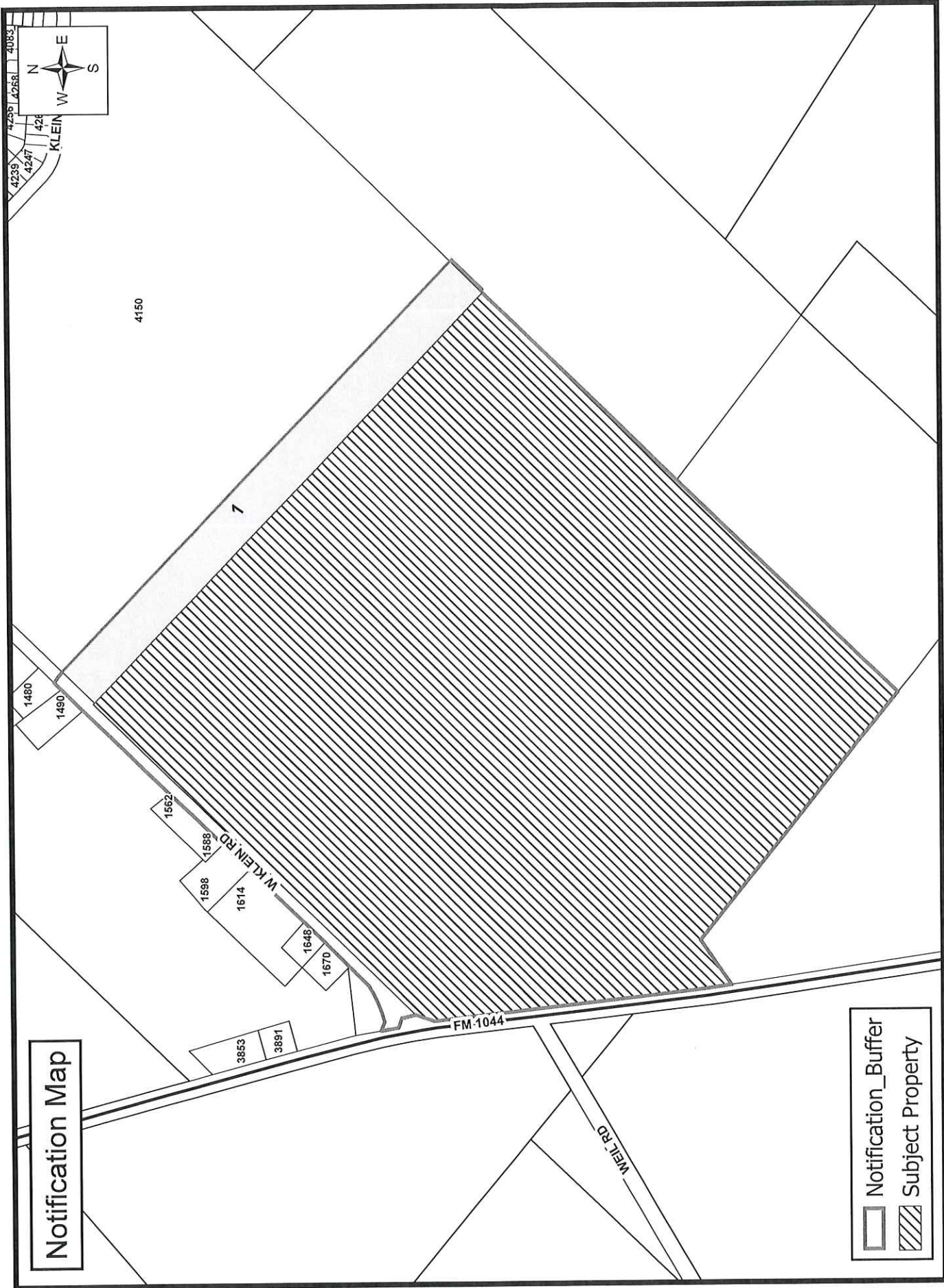
New Braunfels City Hall Council Chambers

**Applicant/Owner:** City of New Braunfels and New Braunfels Parks Foundation**Address/Location:** 151 acres out of the Sarah Dewitt Survey, Abstract 103, Guadalupe County, located in the Southeast corner of FM 1044 and Klein Road. (map attached)**PROPOSED ZONE CHANGE – CASE #PZ-18-038**

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

1 NEW BRAUNFELS ISD

**SEE MAP**



### 3.4-13. "C-1B" general business district.

*Purpose.* The general business district is established to provide areas for a broad range of office and retail uses. This district should generally consist of retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate high traffic volumes generated by general retail uses. The following regulations shall apply in all "C-1B" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows

(1) *Uses permitted by right:*

Residential uses:

- Accessory building/structure
- Assisted living facility/retirement home
- Bed and breakfast inn (see Sec. 5.6)
- Community home (see definition)
- Hospice

Non-residential uses:

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

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Barber/beauty college (barber or cosmetology school or college)  
Barber/beauty shop, haircutting (non-college)  
Barns and farm equipment storage (related to agricultural uses)  
Battery charging station  
Bicycle sales and/or repair  
Billiard / pool facility  
Bingo facility  
Bio-medical facilities  
Book binding  
Book store  
Bowling alley/center (see Sec. 5.13)  
Broadcast station (with tower) (see Sec. 5.7)  
Bus barns or lots  
Bus passenger stations  
Cafeteria / café / delicatessen  
Campers' supplies  
Car wash (self service; automated)  
Car wash, full service (detail shop)  
Carpenter, cabinet, or pattern shops  
Carpet cleaning establishments  
Caterer  
Cemetery and/or mausoleum  
Check cashing service  
Child day care/children's nursery (business)  
Church/place of religious Assembly  
Civic/conference center and facilities  
Cleaning, pressing and dyeing (non-explosive fluids used)  
Clinic (dental)  
Clinic (emergency care)  
Clinic (medical)  
Club (private)  
Coffee shop  
Commercial amusement concessions and facilities  
Communication equipment - installation and/or repair  
Computer and electronic sales  
Computer repair  
Confectionery store (retail)  
Consignment shop  
Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)  
Convenience store with or without fuel sales  
Country club (private)  
Credit agency  
Curio shops  
Custom work shops  
Dance hall / dancing facility (see Sec. 5.13)  
Day camp  
Department store  
Drapery shop / blind shop  
Driving range  
Drug sales/pharmacy  
Electrical repair shop  
Electrical substation  
Exterminator service  
Farmers market (produce market - wholesale)  
Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)

Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)  
Feed and grain store  
Filling station (fuel tanks must be below the ground)  
Florist  
Food or grocery store with or without fuel sales  
Fraternal organization/civic club (private club)  
Frozen food storage for individual or family use  
Funeral home/mortuary  
Furniture sales (indoor)  
Garden shops and greenhouses  
Golf course (public or private)  
Golf course (miniature)  
Greenhouse  
Handicraft shop  
Hardware store  
Health club (physical fitness; indoors only)  
Heavy load (farm) vehicle sales/repair (see Sec. 5.14)  
Home repair and yard equipment retail and rental outlets  
Hospital, general (acute care/chronic care)  
Hospital, rehabilitation  
Hotel/motel  
Hotels/motels - extended stay (residence hotels)  
Ice delivery stations (for storage and sale of ice at retail only)  
Kiosk (providing a retail service)  
Laundromat and laundry pickup stations  
Laundry, commercial (w/o self serve)  
Laundry/dry cleaning (drop off/pick up)  
Laundry/washateria (self serve)  
Lawnmower sales and/or repair  
Limousine / taxi service  
Locksmith  
Maintenance/janitorial service  
Major appliance sales (indoor)  
Martial arts school  
Medical supplies and equipment  
Micro brewery (onsite manufacturing and / or sales)  
Mini-warehouse/self storage units with outside boat and RV storage  
Mini-warehouse/self storage units (no outside boat and RV storage permitted)  
Motion picture studio, commercial film  
Motion picture theater (indoors)  
Motion picture theater (outdoors, drive-in)  
Motorcycle dealer (primarily new / repair)  
Moving storage company  
Museum  
Needlework shop  
Nursing/convalescent home/sanitarium  
Offices, brokerage services  
Offices, business or professional  
Offices, computer programming and data processing  
Offices, consulting  
Offices, engineering, architecture, surveying or similar  
Offices, health services  
Offices, insurance agency  
Offices, legal services - including court reporting  
Offices, medical offices  
Offices, real estate

Offices, security/commodity brokers, dealers, exchanges and financial services  
Park and/or playground (public or private)  
Parking lots (for passenger car only) (not as incidental to the main use)  
Parking structure / public garage  
Pawn shop  
Personal watercraft sales (primarily new / repair)  
Pet shop / supplies (10,000 sq. ft. or less)  
Pet store (more than 10,000 sq. ft.)  
Photographic printing/duplicating/copy shop or printing shop  
Photographic studio (no sale of cameras or supplies)  
Photographic supply  
Plant nursery  
Plant nursery (retail sales / outdoor storage)  
Plumbing shop  
Portable building sales  
Public recreation/services building for public park/playground areas  
Publishing/printing company (e.g., newspaper)  
Quick lube/oil change/minor inspection  
Radio/television shop, electronics, computer repair  
Recreation buildings (private)  
Recreation buildings (public)  
Recycling kiosk  
Refreshment/beverage stand  
Research lab (non-hazardous)  
Restaurant  
Restaurant/prepared food sales  
Retail store and shopping center  
Retirement home/home for the aged  
RV park  
RV/travel trailer sales  
School, K-12 (public or private)  
School, vocational (business/commercial trade)  
Security monitoring company  
Security systems installation company (with outside storage)  
Shoe repair shops  
Shooting gallery - indoor (see Sec. 5.13)  
Shopping center  
Sign manufacturing/painting plant  
Specialty shops in support of project guests and tourists  
Storage – exterior storage for boats and recreational vehicles  
Studio for radio or television (without tower)  
Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)  
Tailor shop  
Tattoo or body piercing studio  
Taxidermist  
Telemarketing agency  
Telephone exchange buildings (office only)  
Tennis court (commercial)  
Theater (non-motion picture; live drama)  
Tire sales (outdoors)  
Tool rental  
Travel agency  
University or college (public or private)  
Upholstery shop (non-auto)  
Used or second hand merchandise/furniture store  
Vacuum cleaner sales and repair

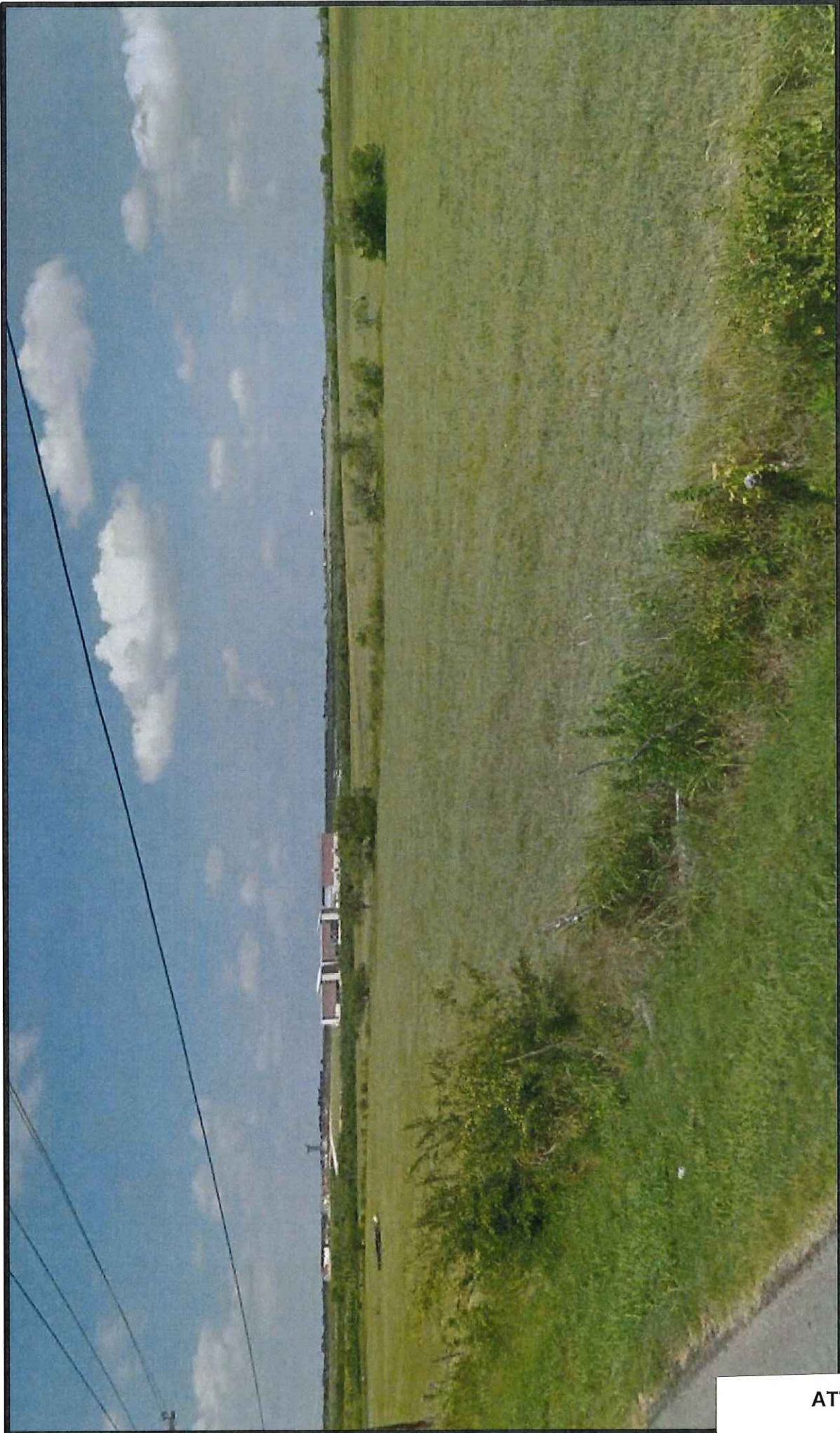
Vehicle storage facility  
 Veterinary hospital (no outside animal runs or kennels)  
 Video rental / sales  
 Waterfront amusement facilities – swimming / wading pools / bathhouses  
 Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system  
 Wholesale sales offices and sample rooms  
 Woodworking shop (ornamental)

Any comparable business or use not included in or excluded from any other district described herein.

- (2) *Conflict.* In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.

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

- (1) *Height.* 75 feet.
- (2) *Front building setback.* 25 feet.
- (3) *Side building setback.* No side building setback is required except that where a side line of a lot in this district abuts upon the side line of a lot in any residential zone, a side building setback of not less than six feet shall be provided.
- (4) *Corner lots.* Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots. Where a minimum 25-foot setback is required, a canopy at least eight feet in height, attached to the main building, may be built within 15 feet of the property line so long as such construction will not obstruct the vision of vehicular or pedestrian traffic.
- (5) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (6) *Residential setback.* Effective November 8, 2006, where any building abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
- (7) *Rear building setback.* 20 feet.
- (8) *Width of lot.* 60 feet.
- (9) *Lot depth.* 100 feet.
- (10) *Parking.* See Section 5.1 for permitted uses' parking.



Subject Property from W. Klein Road

**ORDINANCE NO. 2018-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS ZONING APPROXIMATELY 151 ACRES OUT OF THE SARAH DEWITT SURVEY, ABSTRACT 103, LOCATED ON THE SOUTHEAST CORNER OF FM 1044 AND W. KLEIN ROAD, TO “C-1B” GENERAL BUSINESS DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

---

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

**WHEREAS**, in keeping with the spirit and objectives of the “C-1B” General Business District, the City Council has given due consideration to all components of said district; and

**WHEREAS**, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

**WHEREAS**, the City Council desires to amend the Zoning Map by zoning approximately 151 acres out of the Sarah Dewitt Survey, Abstract 103, located on the southeast corner of FM 1044 and W. Klein Road, “C-1B” General Business District; **now, therefore;**

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

**SECTION 1**

**THAT** pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by zoning the following described tract of land as “C-1B” General Business District:

Approximately 151 acres out of the Sarah Dewitt Survey, Abstract 103, located on the southeast corner of FM 1044 and W. Klein Road, as delineated on Exhibit “A” and described in Exhibit “B” attached.

**SECTION 2**

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

### **SECTION 3**

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

### **SECTION 4**

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

### **SECTION 5**

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

**PASSED AND APPROVED:** First reading this 26th day of November, 2018.

**PASSED AND APPROVED:** Second reading this 10th day of December, 2018.

**CITY OF NEW BRAUNFELS**

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**BARRON CASTEEL**, Mayor

**ATTEST:**

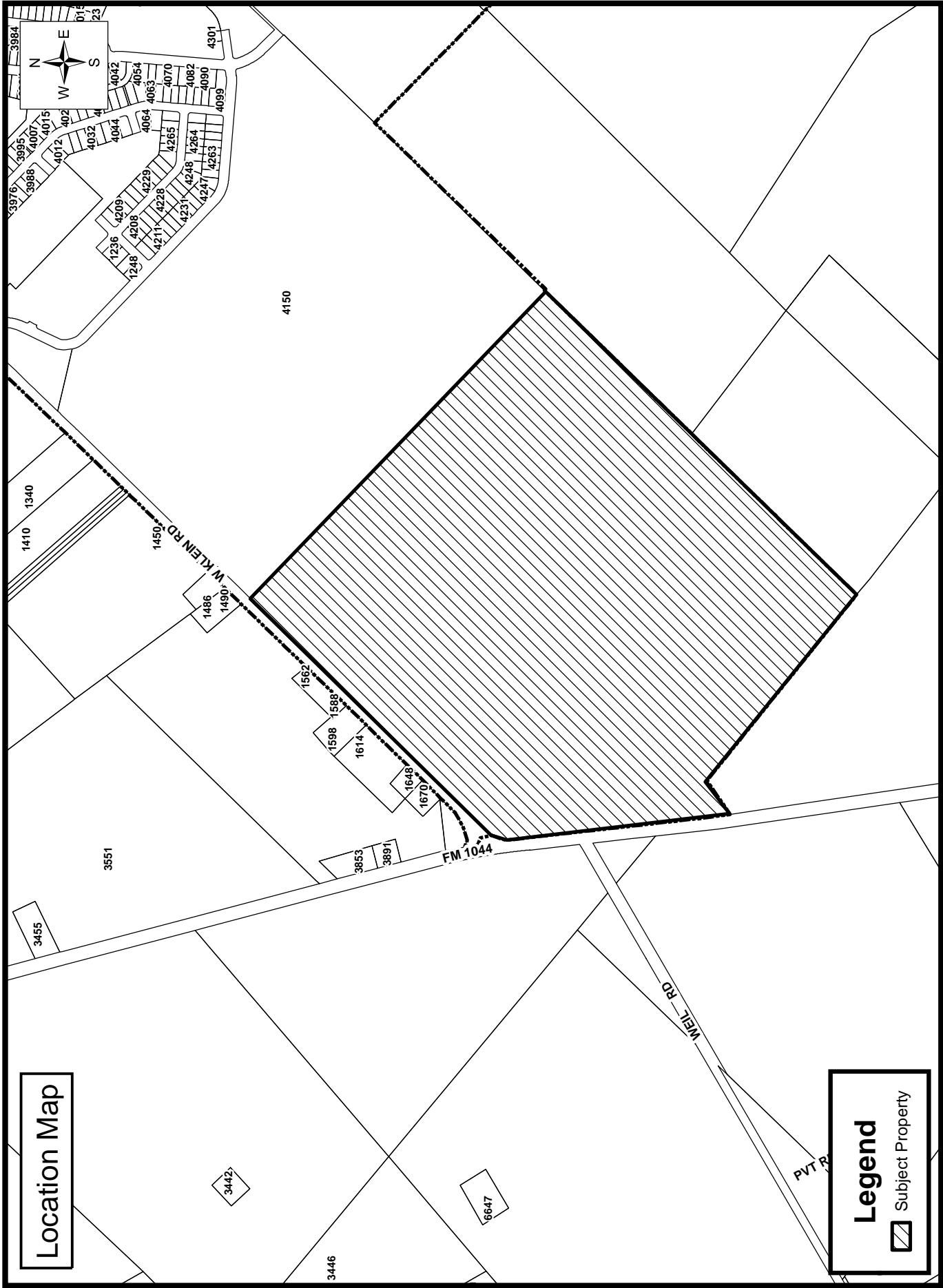
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**PATRICK D. ATEN**, City Secretary

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney



Map Created 10/11/18

**PZ-18-038**  
**Sports Complex Zoning Designation**  
**Initial Zoning to C-1B**





410 N. Seguin Ave.  
New Braunfels, TX 78130  
HMTND.COM  
830.625.8555 • FAX: 830.625.0556  
TDPLS FIRM 10139600

### METES AND BOUNDS DESCRIPTION FOR A 25.00 ACRE TRACT OF LAND

Being 25.00 acres of land located in the Sarah Dawitt Survey, A-108, Guadalupe County, Texas. Said tract being a part of that same land described as the residue of 152.82 acres in a deed to Karl Henry Zipp & Helen Elizabeth Kypefer Zipp, recorded in Volume 019, Page 224 of the Guadalupe County Deed Records. Said tract being more particularly described as follows:

COMMENCING at a 1/2" iron rod found in the East line of F.M. 1044 and the Southeast corner of Parcel A, Called 0.420 of an acre, R.O.W. recorded in Volume 270, Page of the Guadalupe County Deed Records, also lying at the present Northwest corner of said 152.82 acre tract and the North line of a tract conveyed in Volume 4255, Page 680 of the Guadalupe County Deed Records, thence with the West line of said 152.82 acre tract, North 55°31'40" East, 242.89 feet to a fence corner, and South 51°10'02" East, a distance of 468.48 feet to a 1/2" iron rod set for the Northwest corner herein described tract and a 125.99 acre tract being surveyed this same date also being the POINT OF BEGINNING;

THENCE into and across said 152.82 acre tract, with the common line of the herein described 25.00 acre tract and said 125.99 acre tract, the following two courses:

1. North 44°08'18" East, a distance of 1148.83 feet to a 1/2" iron rod with cap "HMT" set for the Northeast corner of the herein described tract;
2. South 51°10'02" East, a distance of 953.59 feet to a 1/2" iron rod with cap "HMT" set for the Southeast corner of the herein described tract, lying in the South line of said 152.82 acre tract, and the North line of said tract conveyed in Volume 4255, Page 680 of the Guadalupe County Deed Records;

THENCE with the South line of said 152.82 acre tract, South 44°16'48" West, a distance of 1149.16 feet to a fence corner post found for the Southwest corner of said 152.82 acre tract;

THENCE with the West line of said 152.82 acre tract, North 51°10'02" West, a distance of 950.07 feet to the POINT OF BEGINNING and containing 25.00 acres of land in Guadalupe County, Texas.

Bearings are based upon the Texas State Plane Coordinate System, South Central Zone (4204) NAD 1983.

Surveyed this the 26th day of February, 2018.

Reference survey of said 125.99 tract of land prepared this same date.

*Dorothy J. Taylor*  
Dorothy J. Taylor  
Registered Professional Land Surveyor No. 6295  
Job No. 040.024





410 N. Seguin Ave.  
New Braunfels, TX 78130  
HMYND.COM  
830.625.8555 • FAX: 830.625.8536  
TOLPS FIRM 10158600

### METES AND BOUNDS DESCRIPTION FOR A 128.99 ACRE TRACT OF LAND

Being 128.99 acres of land located in the Sarah Dewitt Survey, A-103, Guadalupe County, Texas. Said tract being a part of that same land described as the residue of 162.82 acres in a deed to Karl Henry Zipp & Helen Elizabeth Kyefer Zipp, recorded in Volume 919, Page 224 of the Guadalupe County Deed Records. Said tract being more particularly described as follows:

BEGINNING at a TxDOT concrete monument found at the intersection of Klein Road and F.M. 1044 for the Northeast corner of Parcel B, Called 0.022 of an acre, R.O.W. dedication recorded in Volume 279, Page 624 of the Guadalupe County Deed Records for a Northwest corner of the residue of said 162.82 acre tract, also being the South line of a called 0.95 of an acre tract, 20' wide strip dedicated to Guadalupe County for road widening in Volume 168, Page 288 of the Guadalupe County Deed Records.

THENCE with the South line of Klein Road and said 20' strip, North 44°16'18"East, a distance of 2008.79 feet to a PK nail found for the Northeast corner of the herein described tract, from which the Northeast corner of said 162.82 acre tract bears North 48°03'27"West, approximately 20 feet;

THENCE with the East line of said 162.82 acre tract, South 48°03'27"East, at a distance of 8.96 feet passing a ½" iron rod found for the Northwest corner of Lot 1, NBISD Legend Pond Subdivision, recorded in Volume 8, Page 6-8 of the Map Records of Guadalupe County, Texas, and continuing a total distance of 2541.32 feet to a 80d nail in a 8" fence corner post found for the Southeast corner of said 162.82 acre tract, lying in the North line of a called 54.75 acre tract, recorded in Volume 886, Page 244 of the Official Public Records of Guadalupe County, Texas;

THENCE with the South line of said 162.82 acre tract and the North line of said 54.75 acre tract and as well as a tract conveyed in Volume 4255, Page 880 of the Official Public Records of Guadalupe County, Texas, South 44°16'48"West, a distance of 1432.20 feet to a ½" iron rod with cap "HMT" set for a Southwest corner of the herein described tract, also being the Southeast corner of a 26.00 acre being surveyed this same date;

THENCE into and across said 162.82 acre tract, with the common line of the herein described tract and said 26.00 acre tract the following two courses:

1. North 51°10'02"West, a distance of 953.59 feet to a ½" iron rod with cap "HMT" set;
2. South 44°08'18"West, a distance of 1146.83 feet to a ½" iron rod with cap "HMT" set in the West line of said 162.82 acre tract and the East line of a tract conveyed in volume 4255, Page 880 of the Guadalupe County Deed Records;

THENCE with the West line of said 162.82 acre tract, North 51°10'02"West, a distance of 468.46 feet to a fence corner post for an interior ell corner of said 162.82 acre tract;

THENCE with a South line of said 162.82 acre tract, South 88°31'40"West, a distance of 242.99 feet to a ½" iron rod found in the East margin of F.M. 1044 and the East line of Parcel A, Called 0.420 of an acre, R.O.W. recorded in Volume 279, Page of the Guadalupe County Deed Records;

THENCE with the East line of F.M. 1044 and the East line of said 0.420 of an acre tract, the following four courses:

1. North 08°12'15"West, a distance of 37.44 feet to a TxDOT concrete monument found for PO Station 213+31.0;
2. With a curve to the right, with a radius of 5884.74 feet, arc length of 174.71 feet, and a chord bearing North 07°29'24"West, 174.71 feet to a TxDOT concrete monument found for PT Station 215+07.7;
3. North 06°24'03"West, a distance of 1122.56 feet to a TxDOT concrete monument found for PO Station 226+29.5, from which another TxDOT concrete monument bears North 06°10'27"East, 1.90 feet;
4. With a curve to the left, with a radius of 2805.10 feet, arc length of 10.00 feet, and a chord bearing North 06°29'58"West, a distance of 10.00 feet to a 1/2" iron rod with cap "HMT" set for Station 226+39.5 at the flare corner intersection of F.M. 1044 and Klein Road for the Southwest corner of said Parcel B;

THENCE with the flare corner of the road intersection and the South line of Parcel B, North 18°57'41"East, a distance of 89.66 feet to the POINT OF BEGINNING and containing 126.99 acres of land in Guadalupe County, Texas.

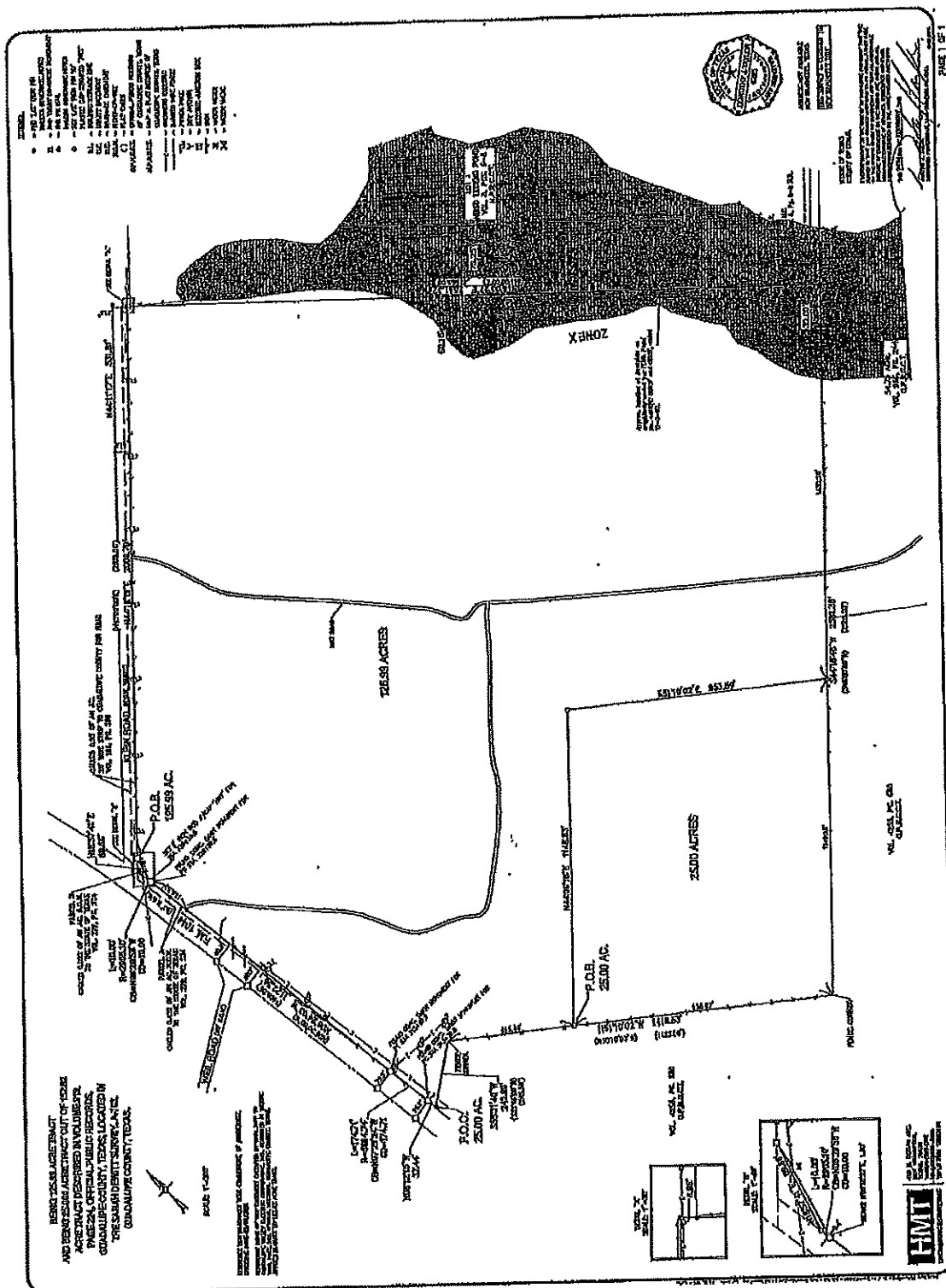
Bearings are based upon the Texas State Plane Coordinate System, South Central Zone (4204) NAD 1983.

Surveyed this the 26th day of February, 2018.

Reference survey of said 126.99 tract of land prepared this same date.

*Dorothy J. Taylor* 2-28-18  
Dorothy J. Taylor  
Registered Professional Land Surveyor No. 8295  
Job No. 040.024







## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

11/26/2018

Agenda Item No. G)

### Presenter/Contact

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

### **SUBJECT:**

Public hearing and consideration of an exchange of extraterritorial jurisdiction (ETJ) between the City of New Braunfels, Texas and the City of Seguin, Texas.

### **BACKGROUND / RATIONALE:**

**Case No.:** CS-18-013

**Council District:** Outside the City Limits

Established by Chapter 42 of the Texas Local Government Code, ETJ (Extraterritorial Jurisdiction) is that area just outside a municipality's city limits within which cities have some limited authority: subdivision platting, annexation, some sign standards, and other very limited regulations. There are no city taxes in the ETJ, and no zoning or building permitting (except in certain unique circumstances surrounding airports or military installations). State law provides for the ETJ to promote and protect the general health, safety and welfare of persons residing in and adjacent to municipalities.

In Texas, a city's ETJ distance/depth (extent) is based upon its population:

- Less than 5,000 = ½ mile
- 5,000 - 24,999 = 1 mile
- 25,000 - 49,999 = 2 miles
- 50,000 - 99,999 = 3.5 miles
- 100,000 or more = 5 miles

When cities annex territory into their city limits, their ETJ extends further automatically. ETJ cannot exceed the statutorily authorized extent unless a contiguous property owner requests to be within the City's ETJ. Once one city establishes ETJ, another city cannot annex into it, or claim it as their ETJ. This is why ETJ extent may vary in areas where municipalities lie in close proximity to one another. State law allows municipalities to exchange ETJ.

ETJ does not impact school district boundaries or school zones. ETJ lines also do not impact street or mailing addresses - mailing addresses/place names are decided by the United States Postal Service via their zip codes which are not affected by city limits or ETJ.

New Braunfels' ETJ extends 3.5 miles from its city limits (except where it meets another city's ETJ or city limits). As noted above, per state statute when New Braunfels grows to 100,000 in population, its ETJ will automatically extend to 5 miles.

### **Subject Item:**

New Braunfels and Seguin share an ETJ boundary line extending generally between Lake McQueeney, and the ETJ of San Marcos east of New Braunfels Airport. This ETJ boundary bisects properties and thoroughfares, crossing State Highway 46 South near its intersection with Cordova Road. The City of Seguin's current city limits abuts New Braunfels' ETJ in this area. Owners of several large agricultural tracts in this vicinity are seeking to be annexed by the City of Seguin, however the tracts lie within New Braunfels' ETJ. The property owners are seeking Seguin annexation because these tracts lie within the City of Seguin's sewer service area or CCN (Certificate of Convenience and Necessity). The property owners cannot obtain sewer connections unless they are within Seguin's city limits. Therefore, the City of Seguin has requested these tracts be released from New Braunfels' ETJ so that Seguin may place them in their ETJ, and consider annexation for service provision.

Both cities collaborated over the last year to identify potential equitable parcels for logical exchange. In examining the areas where both ETJs meet, it became apparent that many parcels are bisected by the ETJ of both cities, simply through the automatic extension of ETJ over the decades. While this is common with all Texas cities, the ETJ release request presented an opportunity to clarify jurisdictional oversight for property owners. Therefore, the subject proposal includes redrawing the ETJ lines more practically along parcel boundaries or roadways creating a beneficial situation for property owners in the event they plan future subdivision development, i.e. clarity of subdivision platting and other rules, rather than being bound by the rules and processes of two different jurisdictions.

It is anticipated that single-family residential neighborhoods will continue to develop on the large agricultural acreage in the vicinity, with commercial development at major roadway intersections. If any development applications are in process within the subject area, the receiving city will work with the releasing city to finalize reviews and approvals. While New Braunfels' and Seguin's subdivision platting standards are similar, staff between the two cities will collaborate on a seamless "hand-off" so that developers in process will see minimal impact.

### **Service Provision**

As is the case in most all Texas city ETJs, services are delivered by a variety of providers. Some of the providers within the subject areas include, but are not limited to:

- Water: Springs Hill Water Supply Corporation (WSC)  
Green Valley Special Utility District (SUD)  
Crystal Clear SUD
- Electricity: Guadalupe Valley Electric Cooperative (GVEC)
- Wastewater: City of Seguin  
Green Valley SUD  
Guadalupe-Blanco River Authority (GBRA)
- Fire protection: City of Seguin via a contract with Guadalupe County  
Geronimo Volunteer Fire Department (VFD)  
Lake Dunlap VFD  
City of New Braunfels and City of Seguin provide mutual aid
- EMS service: City of Seguin via a contract with Guadalupe County  
City of Schertz

- Police: Guadalupe County Sheriff
- Library: City of New Braunfels  
City of Seguin  
City of Schertz
- Animal Control: Guadalupe County

Regarding roadways, the proposal would clarify in whose jurisdiction key thoroughfares would fall. The new ETJ boundary would include all of Cordova Road in Seguin's ETJ, while FM 758 east of the airport would be included in New Braunfels' ETJ, as would more of FM 725 south towards McQueeney.

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

<b>City Plan/Council Priority:</b> Envision New Braunfels	<b>• Within or near the Freiheit Sub-Area • The intersection of FM 758 and SH 123 is identified as a future Market Center, Civic Center and Outdoor Recreation Center. <u>Action 3.6:</u> Pro actively provide a regulatory environment that remains business and resident friendly.</b> The proposal would result in a more streamlined development process for planned or future developments on properties presently split between the ETJs of two cities. It would also facilitate proper utility provision for developments presently going through the plan review process. <b><u>Action 8.16:</u> Promote regional cooperation and sharing of resources.</b> The proposal was developed through regional collaboration to address the goals of citizens of both communities.
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#### **FISCAL IMPACT:**

As there are no city taxes collected in the ETJ, and no adjustment to service provision, there is no fiscal impact.

#### **COMMITTEE RECOMMENDATION:**

A recommendation from the Planning Commission is not required for ETJ exchange. However, to provide adequate input opportunities for the public and to give our commissioners an opportunity to provide their review and input on this long-range planning issue, City staff scheduled a Planning Commission public hearing on this item for the Commission's regular November meeting. At this public hearing on November 7, 2018, New Braunfels' Planning Commission recommended denial (7-0, Commissioners Nolte and Mathis absent).

#### **SEGUIN CITY COUNCIL**

On November 20, 2018, Seguin's City Council unanimously approved the agreement.

#### **STAFF RECOMMENDATION:**

Staff recommends approval. The exchange and new boundary will facilitate wastewater service provision and will provide developers and future developers clarity of regulatory jurisdiction by eliminating split parcels. If not approved, the two cities will continue to coordinate with each other and

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with developers/property owners as tracts continue to develop.

*Notification:*

Notices to the public are also not required for ETJ exchange, like they are for rezoning requests. However, City staff wanted to ensure information was provided to the subject property owners, including a response form for them to share their opinions with the Commission and City Council. Therefore, public hearing notices were mailed to 227 owners of property within, or partially within, the proposed ETJ exchange area. Notices were mailed twice: once before the Planning Commission meeting, and again before the City Council meeting. As of November 16, 2018, the Planning and Community Development Department had received a variety of responses:

- 34 representing 23 properties **in opposition**
- 5 representing 5 properties **conditionally in favor** (dependent upon actions of the City of Seguin)
- 3 representing 1 property that sent two **in opposition** and one **conditionally in favor** (dependent upon actions of the City of Seguin)
- 1 representing 1 property **in favor**

Any additional notices received between packet publication and the City Council meeting date will be provided to City Council members ahead of the meeting. A map illustrating those in favor, opposition, etc. will also be provided.

**Attachments**

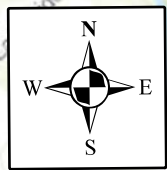
- Subject area maps
- Service provision maps\*
- Zip codes
- Ordinance comparison table
- Notification list
- Notice sent ahead of Planning Commission
- Responses
- Notice sent ahead of City Council
- Responses
- Seguin request letter
- Developer request letter
- Interlocal agreement

- \* Wastewater CCN map: Regarding the unidentified areas, GBRA is the sewer service provider to the southwest of the Guadalupe River; they have a request into the state for extension of service to the northeast side of the river.



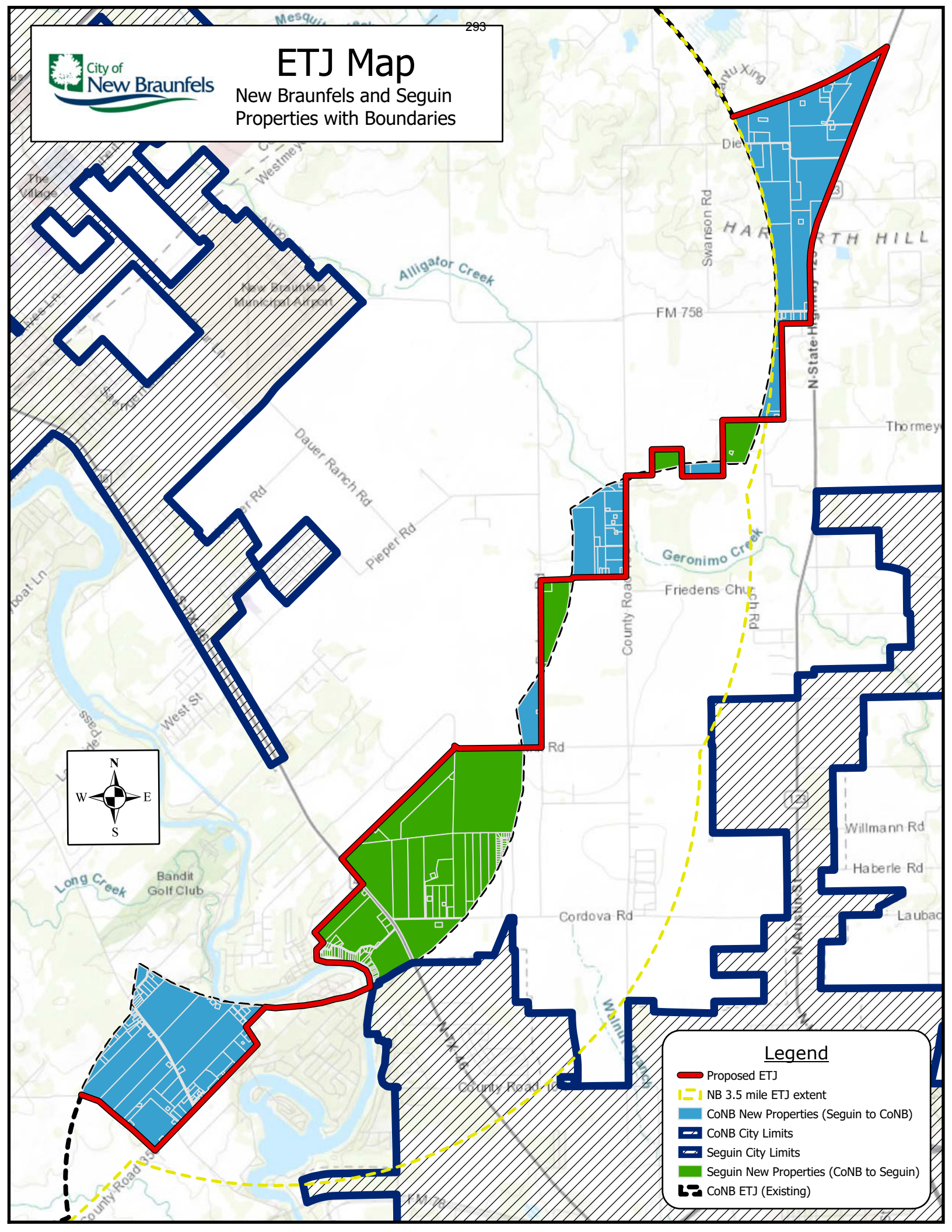
# ETJ Map

New Braunfels and Seguin Properties with Boundaries



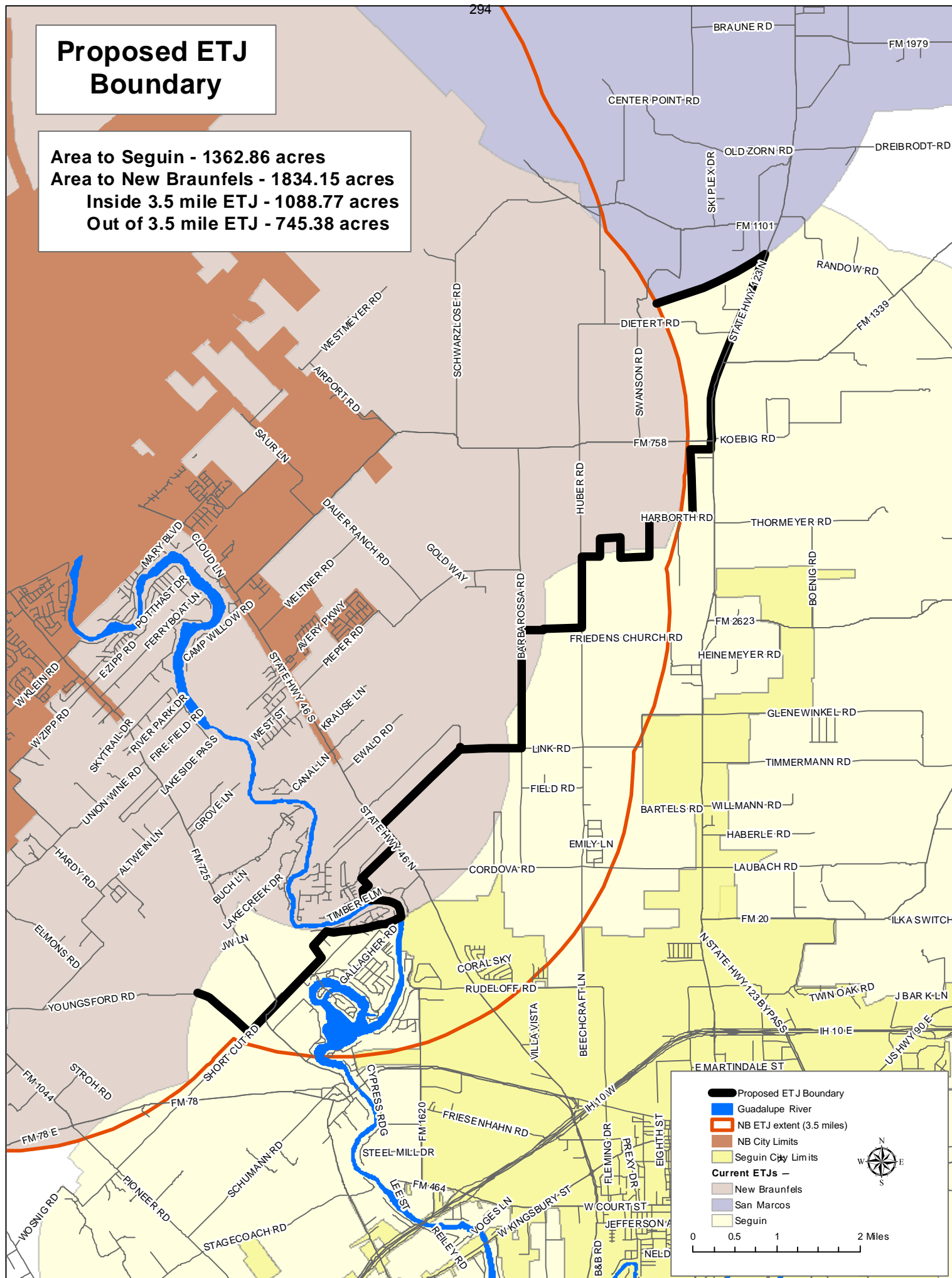
**Legend**

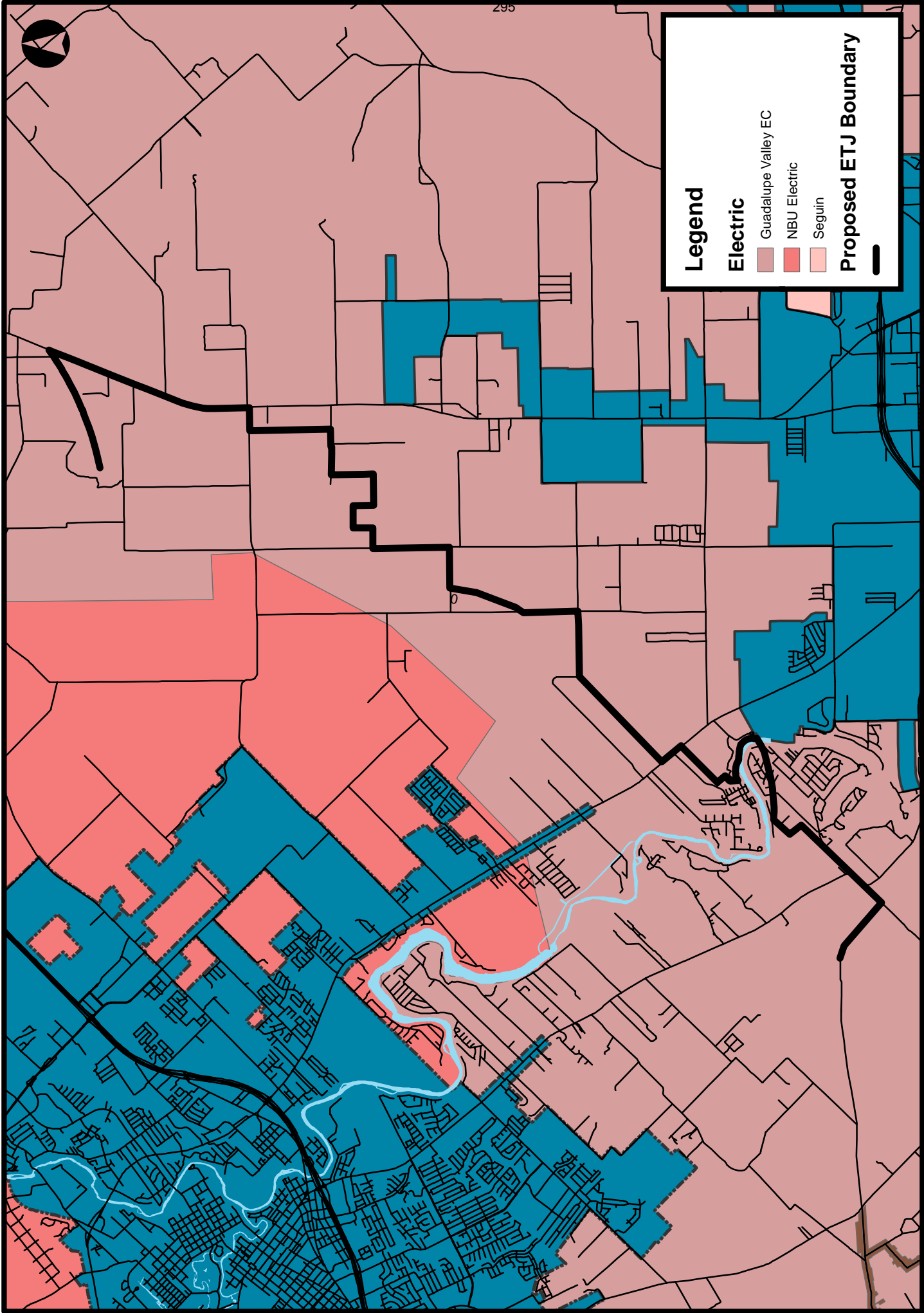
- Proposed ETJ
- NB 3.5 mile ETJ extent
- CoNB New Properties (Seguin to CoNB)
- CoNB City Limits
- Seguin City Limits
- Seguin New Properties (CoNB to Seguin)
- CoNB ETJ (Existing)

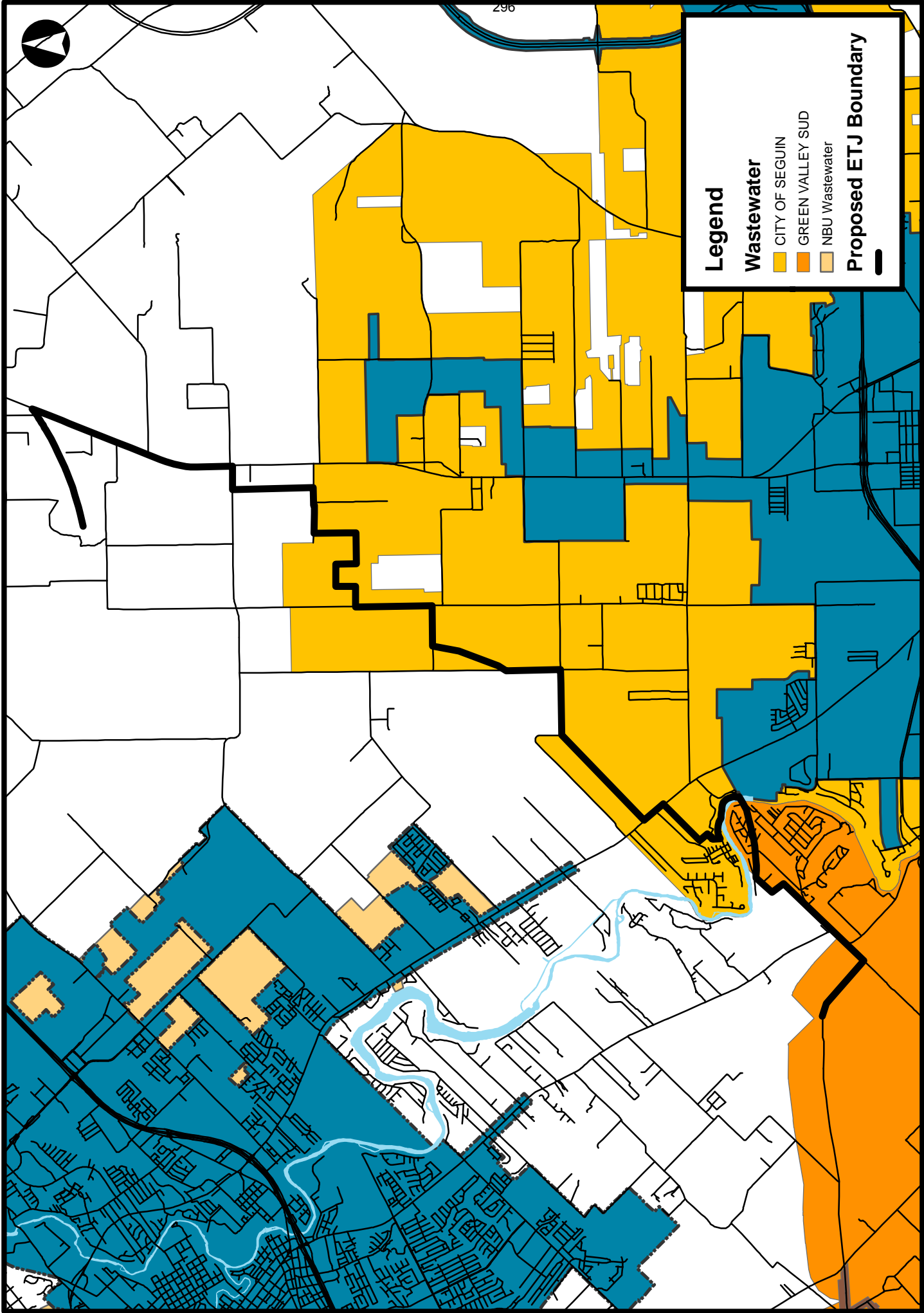


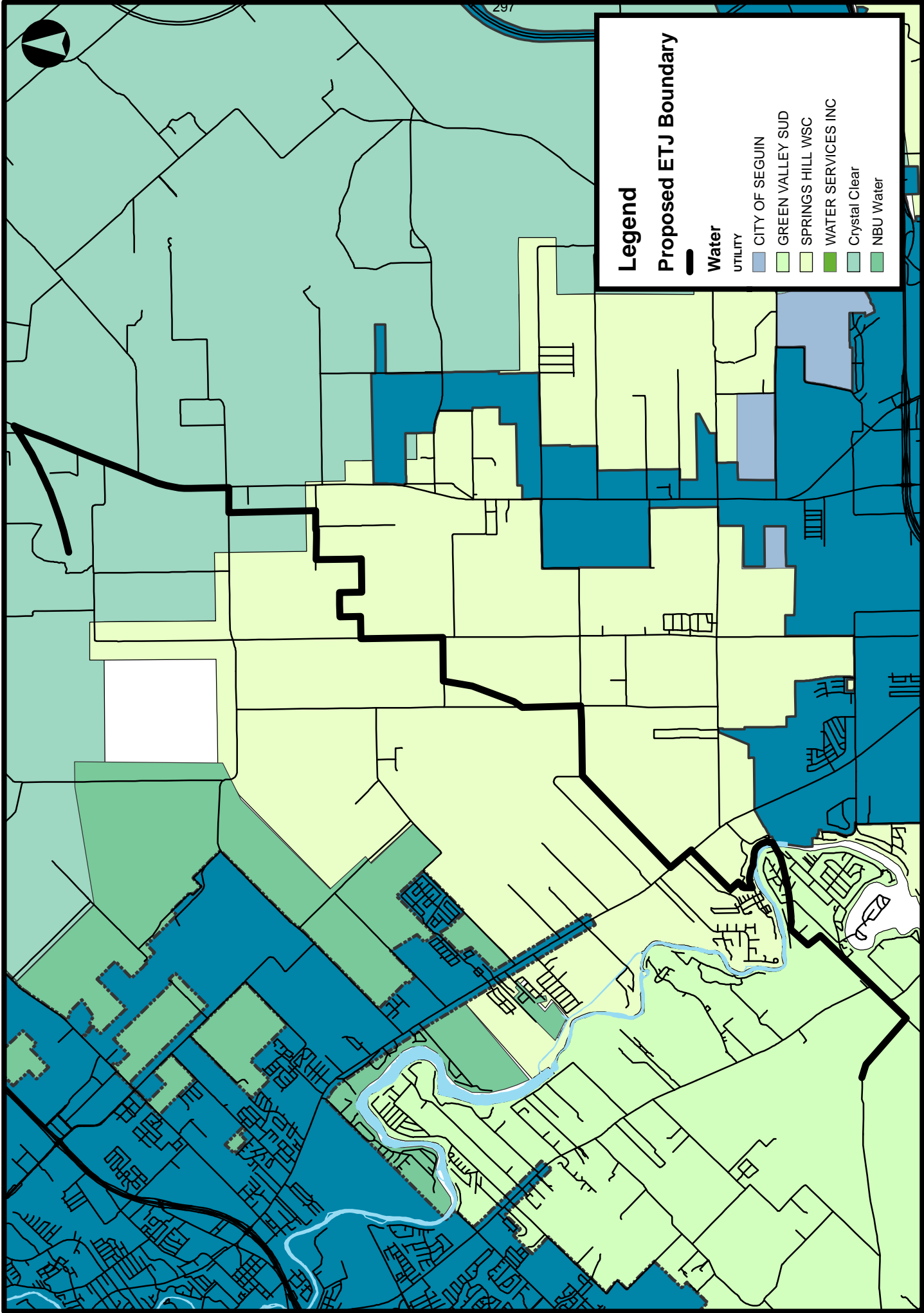
**Proposed ETJ  
Boundary**

**Area to Seguin - 1362.86 acres**  
**Area to New Braunfels - 1834.15 acres**  
**Inside 3.5 mile ETJ - 1088.77 acres**  
**Out of 3.5 mile ETJ - 745.38 acres**









# Zip Codes

+

-

Key Zip

Find Zipcode

or click on the map.

Clear

G-

78132

78130

New Braunfels

Northcliff

78124

78108

Cibolo

McQueeney

78155

Sequin

78638

Capote Road

35

10

16

A

Like zipmap.net?

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RadarNow!

This page shows a map with an overlay of Zip Codes for the US State of Texas. Users can easily view the boundaries of each Zip Code and the state as a whole.

[CONTACT US](#) [Instructions](#) [Privacy Policy](#) [Human Dog World \(Sci-Fi\)](#)

Texas Zip Code Boundary Map Version 4.0 Copyright © 1996-2018 USNaviguide LLC. All rights reserved.

# Zip Codes

[illegible]

# New Braunfels and Seguin Ordinance Comparison Table

	New Braunfels	Seguin	Guadalupe County
<b>General Platting</b>			
<b>Exempt from Platting</b>	A division of land in the ETJ for which all lots or tracts in the subdivision are at least 10 acres in size and have at least 60 feet of frontage on a public street. Development plat may be required.	Any subdivision plat that divides the property into tracts three acres and greater in size shall be subject solely to the subdivision regulations of Guadalupe County.	<a href="#">See Article IV: Exemptions to Plat Requirements item A - H</a>
<b>Jurisdiction</b>	The city shall enforce the more stringent subdivision regulations of the city and county when approving development in the ETJ.	County regulations enforced when exempt from City platting regulations.	
<b>General Application</b>	All subdivisions, plats, plans, and replats are to be approved by the planning commission in accordance with the requirements of V.T.C.A., Local Government Code ch. 212 as amended.	A subdivision plat inside the City or within the extraterritorial jurisdiction (ETJ) of the City of Seguin shall first be submitted to the Director of Planning for review and approved by the identified decider before being recorded with the County Clerk.	
<b>Construction Plans</b>	Construction plans required.	Construction plans required for Public Improvements.	
<b>Lots and Blocks</b>			
<b>Block Length</b>	Block lengths shall not exceed 1,200 feet except along arterial streets. Maximum block length along arterial shall be 1,600 feet.	Block lengths shall not exceed 1,200 feet or be less than 500 feet. The maximum block length along a railroad, body of water, or similar barrier shall be 2,400 feet.	

	New Braunfels	Seguin	Guadalupe County
Lot - Frontage Requirements	Single-family and two-family lots shall have a minimum of 36 feet of frontage and non-residential lots shall have a minimum of 60 feet of frontage along a dedicated, improved street.	No minimum frontage requirements; double-frontage lots highly discouraged.	
Lot - Extra Depth and Width	Additional depth may be required by planning commission if a one, two, or multifamily residential area backs up to a railroad ROW, high-pressure gasoline easement, oil or gas line easement, electric transmission lines easement, an arterial street, an industrial area, etc.	No requirements for additional lot depth or width.	
Lots - Common Areas (HOA)	Shall be shown on plat as extra lot.	No lot requirements regarding common areas.	
Common Lot Maintenance	The City has authority to take any appropriate action if the common area is not properly maintained. In addition, the City may complete such improvements or maintenance as determined by the city engineer.	Total responsibility for maintenance in perpetuity of such private improvements is borne by the association.	
Streets and ROW			

	New Braunfels	Seguin	Guadalupe County
	The subdivider shall dedicate right-of-way according to the Guadalupe County thoroughfare plan, if such right-of-way is greater than prescribed elsewhere in this chapter. (Sec. 118-53.)	All subdivision improvements shall be designed and installed in accordance with all applicable elements of the Comprehensive Master Plan and Thoroughfare Plan and shall meet the minimum requirements established by the UDC and City Standard Details and Specifications.	When a proposed subdivision is located within the ETJ of a municipality, the owner shall be required to dedicate ROW pursuant to the Guadalupe County Major Thoroughfare Plan.
<b>Thoroughfare Plan</b>			
<b>Right-of-Way Width</b>	Per City requirements, based on road classifications.	The City will require streets in the ETJ to meet the County's requirement of 60' of dedicated right-of-way. The standard details for streets, with the exception of right-of-way width, shall meet the City of Seguin's standards.	ROW 60' requirement plus public utility easements as required.
<b>Driveway Permit</b>	No driveway permit requirement.	If any proposed new roads for the proposed subdivision connect to an existing County Road, the City will require the developer to first obtain a Driveway Permit from the County prior to final plat approval.	
<b>Street Jogs</b>	Street jogs with centerline offsets of less than 150 feet shall be prohibited.	No street jogs restrictions.	
<b>Half Streets</b>	All subdivisions shall have access to an adequate perimeter street approach street.	Half streets may only be provided on divided streets.	

	New Braunfels	Seguin	Guadalupe County
<b>Temporary Turnarounds</b>	Temporary turnarounds shall be required if the stub street is longer than the depth of one lot or 250 feet whichever is less.	Dead-end streets and those which do not conform to adjacent established streets are to be avoided whenever possible.	Residential: turnarounds shall have an outside finished paved roadway diameter of 100 feet and a road ROW of 130 feet. Commercial: Developer must show analysis of how such roads are to be built to withstand the type and volume of traffic on said roads.
<b>Cul-de-Sacs</b>	Shall not be more than 1,000 feet in length unless (1) a turn around bubble is provided and (2) it is recommended by the City Engineer and approved by the planning commission for specific reasons of topography or engineering design.	Dead-end streets and those which do not conform to adjacent established streets are to be avoided whenever possible.	
<b>Boundary Street Construction Exemptions</b>	No boundary street construction exemption.	Developments adjacent to designated state or federal roadways, no financial contribution other than ROW dedication is required. Developments that create 4 lots or less; or developments which front on a street which is not identified in the Thoroughfare Plan	
<b>Sidewalks</b>			
<b>Sidewalk Exemptions</b>	No sidewalks are required along a local residential large-lot street section where there is no parking on the street and where each lot has at least 100 feet of frontage.	Subdivisions with four or fewer lots fronting on an existing street and not requiring the creation of a new street shall not be required to install sidewalks.	

	New Braunfels	Seguin	Guadalupe County
<b>Sidewalk Widths</b>	<p>4' along single- and two-family; 6' along multifamily and non-residential; 10' in front of a commercial or multifamily building where there is less than a 10' building setback.</p> <p>Sidewalk waivers considered by Planning Commission: if denied, then process stops. If recommended for approval, goes to City Council for final decision.</p>	<p>Sidewalks in residential developments shall be a minimum of four feet in width and ADA compliant. Sidewalks in nonresidential developments, sidewalks located within the right-of-way, sidewalks located along arterials, collector streets, and state rights-of-way shall be a minimum of five feet in width and ADA compliant.</p> <p>Optional fee-in-lieu of sidewalk installation where it is deemed impractical to construct sidewalks, as approved by the Planning Director or City Engineer. Sidewalk waiver is last resort.</p>	
<b>Sidewalk Waiver</b>			
<b>TIA requirements</b>			
<b>Minimum Requirement</b>	100 or less Peak Hour Trips Require TIA Worksheet - No TIA required.	100 or less Peak Hour Trips require a PHT Generation Form - No TIA required.	
<b>Easements</b>			
<b>Utility Easements</b>	The location and width of sanitary sewer system, water, electrical, communication or other such utility easements shall be determined by the utility provider.	The location and width of necessary public utility easement shall be determined by utilities staff, or, in the instance of private utilities, by the private utility company concerned.	

	New Braunfels	Seguin	Guadalupe County
<b>Bikeways/Trails</b>	The easement or right-of-way width and surface width of the bikeway or trail shall be determined by the planning commission at the time of plat approval.	Trails shall be placed in a right-of-way or pedestrian access easement. Pedestrian access easements shall be a minimum of fourteen (14) feet in width.	
<b>Drainage</b>	Subdivider is responsible for submitting a drainage study with construction plans to the city engineer. The study shall demonstrate to the city engineer's satisfaction that all ordinance and drainage and erosion control manual requirements are met.	Provide for the stormwater drainage needs of the development and the downstream areas impacted for a distance of 2,000 feet downstream from the proposed development; provided however, that if any appreciable adverse impact still exists at that distance, the City Engineer may require that additional drainage facilities be constructed to the point where any remaining adverse impacts are de minimus.	All drainage improvements shall be designed to intercept and transport runoff from 25 year flood event.
<b>Drainage Easements</b>	No structures, walls or other obstructions of any kind shall be placed within the limits of drainage easements shown on this plat. No landscaping, fences, or other type of modifications which alter the cross sections of the drainage easements or decreases the hydraulic capacity of the easement, as approved, shall be allowed without the approval of the City Engineer.	THE EASEMENT INDICATED SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, PLANTINGS, AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY, AND ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN INTO THE EASEMENT EXCEPT BY APPROVED METHODS	

	New Braunfels	Seguin	Guadalupe County
<b>Drainage Mitigation Requirements</b>	Mitigation through detention, retention, or some other technique must be designed, constructed, and maintained to reduce the post-development discharge rates to below that of pre-development/existing rates for the two (2), ten (10), twenty-five (25), and one-hundred (100) year design storms.	Provide detention (attenuation) for the five required storms: 2-yr, 10-yr, 25-yr, 50-yr, and 100-yr storms	
<b>Streetflow Containment</b>	All roadways and/or paved alleys must contain the 100-year flow within the right-of-way.	100-yr flows must be contained in the rights-of-way for all street classifications.	

	New Braunfels	Seguin	Guadalupe County
	<p>The city shall inspect all required improvements to ensure that construction is being accomplished in accordance with the plans and specifications approved by the city.</p> <p>The city engineer shall accept such improvements for the city, subject to the guaranty of material and workmanship provisions (Sec. 118-38).</p> <p>The applicant shall be responsible for guaranteeing that all materials and workmanship in connection with public improvements are free of defects for a period of two years after acceptance of the improvements by the city engineer.</p>	<p>The City Engineer shall inspect the required improvements to be in compliance with the approved engineering plans and specifications for said improvements.</p> <p>Once all requirements and obligations are met, the City Engineer, or his designee, shall issue a Letter of Acceptance for the improvements.</p> <p>The subdivider shall provide a one year warranty for all infrastructure accepted by the City.</p>	
<b>Public Infrastructure</b>			
<b>Sewage</b>			
	<p>Subdivisions requiring platting will be served by TCEQ approved public water supply and will utilize individual OSSF methods for sewage disposal, shall provide lots having surface areas of at least 1 acre and must follow County requirements.</p>	<p>OSSF permitting requirements decided by the County consistent with TCEQ's guidelines.</p>	<p>A representative sample of the proposed tracts or lots will be tested and results approved by the Guadalupe County Environmental Health Department. If the tests are not acceptable, corrective measures as specified are required.</p>
<b>On-Site Sewage Facilities</b>			

	New Braunfels	Seguin	Guadalupe County
	Connection with the sanitary sewer system shall be required except where the planning commission, upon the recommendation of the planning director, determines that such connection will require unreasonable expenditure, when compared with other methods of sewage disposal.	All wastewater systems shall be designed and constructed in accordance with the UDC Technical Manual and City of Seguin Standard Details. The use of on-site sewage facilities may be permitted on existing lots and minor plats where no main exists within 300 feet, with the approval of the city engineer and Planning Director.	
<b>Wastewater</b>			
<b>Signs</b>			
<b>Regulated Sign Types</b>	Regulates off-premise signs to City standards.	Regulates billboard signs to City standards.	
<b>Parks</b>			
<b>Parkland Dedication</b>	Subdivisions in the ETJ are subject to parkland dedication requirements.	Subdivisions in the ETJ are subject to the requirements of fee-in-lieu of land dedication and park development. Public parkland dedication and park development is not accepted in the ETJ.	

**CITY HALL – NOVEMBER 26, 2018 – 6:00PM**

New Braunfels City Hall Council Chambers

**Applicant/Owner:****Address/Location:****PROPOSED ETJ EXCHANGE – CASE #CS-18-013**

- |  |  |
|--|--|
| 1. SUTTER J DOUGLAS & KAREN S                      | 38. BRUINGTON STEVEN L & NANCY R         |
| 2. KLEPETKO RONALD & RAYLA-JEANNE                  | 39. CHASE SPENCER & VALERIE              |
| 3. SEGUIN FABRICATORS LTD                          | 40. HUMBLE LEONARD F                     |
| 4. MOYA RICHARD & JUDY                             | 41. MULLEN GUY R & KELLY S               |
| 5. HALBIRT WILLIAM D & KENNETH L & LORI A NAUGHTON | 42. MUELLER RALPH W & E                  |
| 6. STEVES SUSAN H                                  | 43. ANDERSON CHARLES J & YOLANDA P       |
| 7. CWBK RIVER SPRINGS LLC                          | 44. BEEMAN DIANE M                       |
| 8. GONZALES ANDRES A & R V                         | 45. PHRAMPUS ERNIE J                     |
| 9. MCDONALD WILLIAM M III                          | 46. CHASE MICHAEL & ELLA J               |
| 10. DURRETT RUSSELL                                | 47. GOSCH CHRIS P & LECEY T              |
| 11. DALTON MICHAEL J & ELIA B                      | 48. FREDERICK JOEL & TAMMY LIVING TRUST  |
| 12. REININGER EDWARD K & KAREN D                   | 49. CARRILLO JOSE L JR & VALERIE SANCHEZ |
| 13. OVERBERGEN TODD ALAN                           | 50. RUST TREY EARL                       |
| 14. NOLTE WILLIAM J & BRITTANY S                   | 51. HILDEBRAND TIMOTHY J                 |
| 15. WILLIAMS JIMMY L & CHERYL A                    | 52. ALEGRIA MONICA & BILLY JOE ALEGRIA   |
| 16. ALTWEIN RAYNO EARL & DENA FAYE                 | 53. MILLS DONALD R JR & BRANDIE E        |
| 17. DEATHERAGE JAMES L & LAURIE L                  | 54. SANCHEZ JOHNNY                       |
| 18. HERRERA ACKTOR                                 | 55. SCHOENHERR GLEN & TIFFANIE           |
| 19. HERNANDEZ SERGIO                               | 56. UNITED STATES OF AMERICA             |
| 20. KUYKENDALL FORREST LEE & ELIZABETH A           | 57. OLIVAS REYNALDO & MARIA I            |
| 21. SIMMONS KEITH PATRICK & EVELYN ANN             | 58. RABADAN VIRGINIA & JESSE             |
| 22. SCALES HOWARD N                                | 59. GARCIA JAVIER CHAVEZ                 |
| 23. GARCIA LEVI & AMY                              | 60. ARMER ABRAHAM B                      |
| 24. DIRST BRIAN K & SUSAN L                        | 61. CARRILLO JENNIFER M & ANDREW GAUNA   |
| 25. HUVELDT DONALD                                 | 62. MENDOZA ROBERT & DOLORES F           |
| 26. MOYA RICHARD                                   | 63. NICHOLS WILLIAM C JR & STEPHANIE H   |
| 27. BENAVIDEZ RACHELLE LEIGH & RONDA LYNN YOUNG    | 64. LEDEZMA CHRISTOPHER M & ABIGAIL A    |
| 28. GARZA PATRICIA                                 | 65. EVERETT CHRISTOPHER S                |
| 29. HENDRY GREGORY L                               | 66. PATINO JOSE ALFREDO                  |
| 30. CORDOVA LOOP 604 LAND TRUST                    | 67. BULLOCK KENNETH M & DEBRA E          |
| 31. WESSELS DOUGLAS H II & KRISTAL N               | 68. SALINAS RICHARD R                    |
| 32. RANGEL CONCEPTION D                            | 69. MALEIKA VOLKMAR W & MARTHA E         |
| 33. STARK RONALD J & ALTA M                        | 70. LARA RANDALL                         |
| 34. TRAUTMANN EILEEN                               | 71. LEAL JESSE & AURELIA                 |
| 35. WRAY BILLY GENE                                | 72. BISHOP RUSSELL W & STEPHANIE         |
| 36. NORRIS KEVIN & AMY & MORGAN & MICHELE L NORRIS | 73. WARHEIT JANINE                       |
| 37. NIEDORF RANDY B & KAREN JEAN                   | 74. WARHEIT JANINE R                     |

- |   |  |
|---|--|
| 75. KING ALLEN S & SUZANNE                          | 90. MCHALE PAULA JONES                         |
| 76. FRIEDENS UNITED CHURCH OF CHRIST                | 91. CASTRO REBECCA & BARNEY & LISA FADAL       |
| 77. HENZE CCS FARM LLC                              | 92. URBAN JOYCE M                              |
| 78. ZIPP HELEN K                                    | 93. BRYAN HERCHEL R & TINA M                   |
| 79. WILLIAMS KIMBERLY                               | 94. KRACKAU CHARLES R & LORI L & JERRY         |
| 80. NELSON FAMILY TRUST                             | 95. 625 RIVER SPRINGS DR LLC                   |
| 81. KRACKAU CLARENCE A FAMILY TRUST                 | 96. BILLINGS INVESTMENTS LTD                   |
| 82. TURNER JUDY                                     | 97. HAFLEY GLENNIE J                           |
| 83. HINSEY PATRICK B & WENDY G                      | 98. SAC N PAC STORES INC                       |
| 84. NEUMANN ELTON W & JEAN S LIFE ESTATE            | 99. FKSS LP                                    |
| 85. SILTMANN PATRICIA & ALVIN ET AL                 | 100. REIMERS DOROTHEA M                        |
| 86. EDMONDSON THRESSA L                             | 101. LASSIG CREDIT TRUST                       |
| 87. FOX ROBERT F & LORETTA B REVOCABLE LIVING TRUST | 102. BARTOSKEWITZ FARM FOUNDATION              |
| 88. HKEK LLC  | 103. SMITH JEREMY & CAMBRA SMITH & MASON SMITH |
| 89. CRIXELL CATHERINE WARD                          | 104. WILL DAVID E & ROBBIE DAVES               |

**CITY HALL – NOVEMBER 26, 2018 – 6:00PM**

New Braunfels City Hall Council Chambers

**Applicant/Owner:****Address/Location:****PROPOSED ETJ EXCHANGE – CASE #CS-18-013**

- |   |   |
|---|---|
| 1. GRIMM SHERRY KRAUSE                                | 40. BACKUS RANCHARD LAEL & KRESCHENDALYN MARIE    |
| 2. CARLISLE GEORGE E & SHERRY L                       | 41. NORMAN EDDIE MAE FULLER                       |
| 3. WILLIAMS NORMA J                                   | 42. HARBORTH DONALD                               |
| 4. SOUTHWESTERN BELL TELEPHONE CO                     | 43. FOSTER DONNA                                  |
| 5. GREEN VALLEY SPECIAL UTILITY DISTRICT              | 44. FOSTER CAROL A                                |
| 6. KRAUSE JEFFREY & CHERYL ROMANS                     | 45. ZORN BOWLING CLUB                             |
| 7. BISHOP DOUGLAS L & JUDITH                          | 46. JAHNSEN HENRY & SHIRLEY ETAL                  |
| 8. JAHNS ARON R & JERRIE L                            | 47. HERZOG JULIANE E                              |
| 9. MERCER JACKIE J                                    | 48. DIETERT PEARL K & KAREN A BEHREND'S GST TRUST |
| 10. KATCSMORAK LORI                                   | 49. BOENIG DANWOOD                                |
| 11. MILLER MICHAEL L & MARIA P                        | 50. WILSON CAROLYN J                              |
| 12. REHFELD TIMOTHY D                                 | 51. MICULKA CLIFTON J                             |
| 13. WUESTS INC  | 52. LEDBETTER STEPHANIE                           |
| 14. SCHUBERT LUCILE                                   | 53. LAXSON G W & A F                              |
| 15. KRAUSE WILTON & MYRTLE                            | 54. SAMMONS JEANNIE CONNORS                       |
| 16. MECKEL REBECCA M                                  | 55. DENN DAVID M                                  |
| 17. ZWICKE RITA & D                                   | 56. JDH ALLIANCE LLC                              |
| 18. ROHLF DENNIS                                      | 57. RICHARDSON KYLE R & CARLEEN E                 |
| 19. FRIESENHAHN DANIEL & KYLE                         | 58. RAMIREZ ENEDELIA                              |
| 20. FRIESENHAHN DANIEL J                              | 59. PEREZ MARIO S                                 |
| 21. KEMPF PATRICIA A                                  | 60. MECKEL REBECCA & RITA MECKEL ZWICKE           |
| 22. FRIESENHAHN ROBERT G & JOAN C                     | 61. SCOTT RIVERBEND FARM LTD                      |
| 23. ALVAREZ CHRISTOPHER L                             | 62. SCHRIEWER SHIRLEY                             |
| 24. TRIPP DAVID C & DONNA G                           | 63. SALKOWSKI JOHN T & PATRICIA A                 |
| 25. SCHEEL KERRY D & ROBERT D JR                      | 64. MARY C SHOOKIE SHELTER TRUST                  |
| 26. YBARRA MARY & RENE GARCIA                         | 65. SVOBODA JOHN F                                |
| 27. MINER DENVER E                                    | 66. MANNING WILLIAM                               |
| 28. MATTIX KENNETH R & REBA D                         | 67. SNIDER DAVID                                  |
| 29. WILLIAMS JOHN E & SUSAN K                         | 68. CARNEY RICHARD & MONICA V                     |
| 30. SCHRIEWER RONALD K & T J                          | 69. GERMER MARY H                                 |
| 31. STUBBS FAMILY LIVING TRUST DTD 12-11-1996         | 70. ROBERTS JAMES M & GLORIA J                    |
| 32. WILLIS BARBARA K                                  | 71. BUMP CHARLES R & TERRENCE F                   |
| 33. HARBORTH NORMAN B & MAXINE REVOCABLE LIVING TRUST | 72. CB4 HOLDINGS LLC                              |
| 34. KRAUSE JOHN W                                     | 73. PATTERSON BARDEN TODD                         |
| 35. BELL MARK H                                       | 74. DILLON MARCUS W & RACHEL A                    |
| 36. FRIESENHAHN GERTRUDE A ETAL                       | 75. KOWALD BRETT C                                |
| 37. BURMEISTER DANIEL & VICKY                         | 76. SPEED MARK L & JO ANN                         |
| 38. SKRZYCKI TARINNA                                  | 77. PRUETT KATHRYN L & JERRY D JR                 |
| 39. MERCER SHERMAN W & JACKIE J                       | 78. REHFELD MILTON H SR                           |

- |  |  |
|--|--|
| 79. CHESSHER JIMMY VERNON                              | 102. RODRIGUEZ EUSEBIO N & CARLOS G CASTILLO         |
| 80. FRIESENHAHN GERTRUDE E ETAL                        | 103. CASTILLO CARLOS & EUSEBIO NAVA & THOMAS NARVAIZ |
| 81. EVERS RANCH TRUST                                  | 104. CHILD UNLIMITED INC                             |
| 82. CARTER MARK C & BEVERLY P                          | 105. JAROSZEWSKI CHASE                               |
| 83. D DOUBLE M PROPERTIES LLC                          | 106. AT HOLDING-GRIMM LLC                            |
| 84. HUDSON JOSEPH & JERI                               | 107. VEITH DAVID R                                   |
| 85. LANDS END HOLDINGS LLC                             | 108. HANCOCK BARBARA                                 |
| 86. MARBACH TOD R                                      | 109. SCOTT THOMAS & AMANDA                           |
| 87. SHED NITA & DOUGLAS                                | 110. ALTENHOF JUDY MARIE WILLIAMS                    |
| 88. HILDEBRAND CHRIS C & CHERICE                       | 111. DAMMANN AARON RUSSELL                           |
| 89. OWENS DAVID & TINA                                 | 112. MCCAMPBELL DAVID                                |
| 90. MELSHA JAMES & LARA                                | 113. VAN BECK INTERESTS LLC                          |
| 91. FRIESENHAHN CLARENCE, INDV & FRIESENHAHN CREDIT TR | 114. WARREN CALEB BLAIN & JESSICA RAE                |
| 92. PAWLY TOMMY & LAURA                                | 115. FLORES GLORIA I & VICTOR A                      |
| 93. MAY TRACY V  | 116. ESCALANTE MANNY E & DONYA A                     |
| 94. GUADALUPE VALLEY CEMETARY                          | 117. SWANSON RONALD                                  |
| 95. FERGUSON PROPERTIES LP                             | 118. GARCIA TRACY R & KELLY C BUEHL                  |
| 96. WILEY SHANE & AMY                                  | 119. KELLY KIRK D & ANDREA L                         |
| 97. THOMAS WILLIE JOE & WANDA M                        | 120. NORDSTROM JACK                                  |
| 98. HILDEBRAND JAROLD & NORMA                          | 121. JAROSZEWSKI BARRY & JOAN                        |
| 99. HILDEBRAND JAROLD R & NORMA A                      | 122. HILDEBRAND JAROLD R & N A                       |
| 100. SMIDT RANDALL RAYMOND                             | 123. GRIMM GEORGE & SHERRY                           |
| 101. FRIESENHAHN JOYCE A                               |  |



## NOTICE OF PUBLIC HEARING

The Cities of Seguin and New Braunfels are considering an exchange of ETJ (extraterritorial jurisdiction) that includes/impacts your property. This notice is to inform you of public hearings New Braunfels will hold on the potential ETJ exchange.

ETJ is that area just outside the city limits. There are no city taxes in the ETJ, limited services are provided depending on specific areas and circumstances, and an ETJ does not dictate or impact one's street or mailing address. Properties within a city's ETJ typically only have to comply with the respective city's subdivision platting regulations if/when they develop their property.

The attached map illustrates the areas being considered to move from one city's ETJ to the other. There are presently many tracts bisected by the current ETJ lines. The proposed adjustments would help clarify whose jurisdiction is responsible for subdivision development review if/when the property owner were to develop in the future.

Public hearings for this request are scheduled before the New Braunfels' Planning Commission on **Wednesday November 7, 2018 at 6:00 pm**, and tentatively before New Braunfels' City Council on **Monday, November 26, 2018 at 6:00 pm**. Both meetings will be held in the **City Hall Council Chambers, 550 Landa Street**. (The Planning Commission is advisory and provides recommendations to City Council on such matters.) Please feel free to attend any and all public hearings to provide input. You may also submit written comments by completing the information below, including your signature, and return to:

Mail: City of New Braunfels  
Planning Commission  
550 Landa Street  
New Braunfels, TX 78130

Email: [planning@nbtexas.org](mailto:planning@nbtexas.org)

If you have any questions, please call 830.221.4050. Thank you.

---

### YOUR OPINION MATTERS – PLEASE DETACH AND RETURN

Seguin – New Braunfels ETJ

Name: \_\_\_\_\_

I favor: \_\_\_\_\_

Address: \_\_\_\_\_

I object: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

Signature: \_\_\_\_\_

314  
Name: JACK FERGUSON

I favor: \_\_\_\_\_

Address: 104 CANTERBURY Hill  
SAN ANTONIO, TX 78209

I object: ✓

Comments: (Use additional sheets if necessary)

NO ENVIRONMENTAL/PROTECTION PLAN.  
ENDLESS SPRAWL.

Signature: [Signature]

Name: Lynn Delgado

I favor: \_\_\_\_\_

Address: 556 Cordova Loop

I object: X

Comments: (Use additional sheets if necessary)

The City of N.B. CANNOT handle nor does it have the FUNDS IN the City Budget to propose INFRASTRUCTURE IN the AREA where N.B. plans to EMPOSE ON. The cost of living IN N.B. is already higher than SAN ANTONIO-which is the 7th Largest City IN the US by population- SO! NO! Don't want IT!

Signature: [Signature]

Thanks  
[Signature]

Name: JAMES AND Gloria ROBERTS Cat 99 Lake Creek Dr. I favor: \_\_\_\_\_

Address: 719 Mesquite Rd  
SEVERE, MD 21144

I object: X

Comments: (Use additional sheets if necessary)

Signature: [Signature]

[Signature]  
[Signature]

Name: Sheela Herndon  
Denze CCS farms LLC  
 Address: 4030 Village Park  
San Angelo, TX 76904  
 Comments: (Use additional sheets if necessary)

I favor: \_\_\_\_\_

I object: ✓

Signature: Sheela Herndon

Name: ELAINE MUELLER

I favor: \_\_\_\_\_

Address: 520 THREE OAKS  
SEGUN

I object: X

Comments: (Use additional sheets if necessary)

Signature: Elaine Mueller

Name: RALPH W Mueller

I favor: \_\_\_\_\_

Address: 520 THREE OAKS

I object: X

Comments: (Use additional sheets if necessary)

Signature: Ralph W. Mueller

Name: Steve Chase

I favor: \_\_\_\_\_

Address: 530 Three Oaks Rd.I object: X

Comments: (Use additional sheets if necessary)

Signature: Steve ChaseName: Nancy Chase

I favor: \_\_\_\_\_

Address: 530 Three Oaks Rd.I object: X

Comments: (Use additional sheets if necessary)

Signature: Nancy ChaseName: Guy R. Mullen

I favor: \_\_\_\_\_

Address: 540 (8 Three Oaks)I object: X

Comments: (Use additional sheets if necessary)

Signature: Guy R. Mullen

Name: Kelly Mullen

I favor: \_\_\_\_\_

Address: 540 Three OaksI object: ✓

Comments: (Use additional sheets if necessary)

Signature: Kelly Mullen

Seguin - New Drafts ETC

Name: Steven L. Brumpton

I favor: \_\_\_\_\_

Address: 560 Three Oaks RoadI object: ✓

Comments: (Use additional sheets if necessary)

Signature: Steven L. Brumpton

Seguin - New Drafts ETC

Name: NANCY BRUMPTON

I favor: \_\_\_\_\_

Address: 560 THREE OAKS RD  
SEGUIN, TX 78155I object: X

Comments: (Use additional sheets if necessary)

The boundary line could follow the same boundaries for the parcel of land that is being developed for Gordon Hartman leaving Three Oaks and River Springs out of the ETG Swap - simple!

Signature: Nancy Brumpton

318  
Name: Karen Niedorf

I favor: \_\_\_\_\_

Address: 610 Three Oaks

I object: X

Comments: (Use additional sheets if necessary)

Signature: Karen Niedorf

Name: Randy Niedorf RANDY Niedorf

I favor: \_\_\_\_\_

Address: 610 THREE OAKS

I object: ✓

Comments: (Use additional sheets if necessary)

Signature: Randy Niedorf

Name: Dawn Wray

I favor: \_\_\_\_\_

Address: 630 Three Oaks Dr

I object: ✓

Comments: (Use additional sheets if necessary)

Signature: Dawn A. Wray

Name: Jacob Wray

I favor: \_\_\_\_\_

Address: 630 Three Oaks DrI object: X

Comments: (Use additional sheets if necessary)

Signature: Name: ALTA M. STARK

I favor: \_\_\_\_\_

Address: 650 THREE OAKSI object: X

Comments: (Use additional sheets if necessary)

Signature: Name: Alta M. Stark

I favor: \_\_\_\_\_

Address: 650 Three Oaks Rd.I object: X

Comments: (Use additional sheets if necessary)

Signature: 

Name: Chris + Lacey Grant

I favor: \_\_\_\_\_

Address: 660 Three Oaks RdI object: X

Comments: (Use additional sheets if necessary)

We are opposed to the land swap of the ETJ between Seguin + the City of New Braunfels. The restrictions, services + support of the city of NB are important to us as part of the ETJ for NB. We do NOT wish to be part of a SEGWIN ETJ

Signature: [Signature]  
Chris

## Seguin - New Braunfels ETJ

Name: JoAnne Machaud

I favor: \_\_\_\_\_

Address: 670 Three Oaks RdI object: X

Comments: (Use additional sheets if necessary)

Signature: JoAnne Machaud

## Seguin - New Braunfels ETJ

Name: Mark W. Machaud

I favor: \_\_\_\_\_

Address: 670 Three Oaks Rd.I object: ✓

Comments: (Use additional sheets if necessary)

Signature: Mark W. Machaud

Name: Mike and Ella Chase<sup>321</sup>

I favor: \_\_\_\_\_

Address: 125 River Springs Dr  
Sequin, TX 78155

I object: ✓

Comments: (Use additional sheets if necessary)

Signature: Ella J Chase

Name: Josh Keenzel

I favor: \_\_\_\_\_

Address: 145 River Springs Drive

I object: ✓

Comments: (Use additional sheets if necessary)

Signature: [Signature]

Name: KRISTYN KEENZEL

I favor: \_\_\_\_\_

Address: 145 River Springs Dr Sequin

I object: ✓

Comments: (Use additional sheets if necessary)

Signature: Kristyn Keenzel

Name: Janine R. Warheit

I favor: \_\_\_\_\_

Address: 215 River Springs Dr.

I object: ✓

Comments: (Use additional sheets if necessary) Seguin, TX  
78155

Signature: Janine R. Warheit

Seguin - New Braunfels ETJ

Name: James Michael Voulgaris

I favor: \_\_\_\_\_

Address: 215 River Springs Drive

I object: ✓

Comments: (Use additional sheets if necessary)

Signature: [Signature]

Seguin - New Braunfels ETJ

Name: Janine Warheit

I favor: \_\_\_\_\_

Address: 215 River Springs Dr.

I object: ✓

Comments: (Use additional sheets if necessary)

Signature: Janine Warheit

Name: John R. McGee

I favor: \_\_\_\_\_

Address: 315 River Springs DrI object: ✓

Comments: (Use additional sheets if necessary)

Signature: Name: RAMONA V. GONZALES

I favor: \_\_\_\_\_

Address: 335 River Springs DrI object: ✓


Comments: (Use additional sheets if necessary)

Signature: Mrs Ramona V GonzalesName: MICHAEL DALTON

I favor: \_\_\_\_\_

Address: 535 RIVER SPRINGS DRI object: ✓

Comments: (Use additional sheets if necessary)

Signature: 

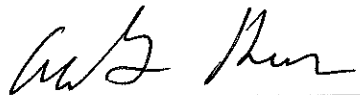
Name: ACKTOR HERRERA

I favor: \_\_\_\_\_

Address: 536 RIVERSPRINGS DR

I object: X

Comments: (Use additional sheets if necessary)

Signature: 

Name: Edward Reininger

I favor: \_\_\_\_\_

Address: 545 River Springs Dr.

I object: ✓

Comments: (Use additional sheets if necessary)

Signature: 

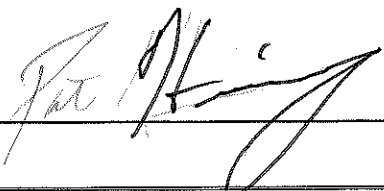
Name: PATRICK HINSEY

I favor: \_\_\_\_\_

Address: 606 RIVER SPRINGS DR.

I object: X

Comments: (Use additional sheets if necessary)

Signature: 

Name: \_\_\_\_\_

L. B. Rogers

Address: \_\_\_\_\_

616 River Springs

Comments: (Use additional sheets if necessary)

I favor: \_\_\_\_\_

I object: \_\_\_\_\_

X

Signature: \_\_\_\_\_

L. B. Rogers

Name: J. D. SUTTERI favor: ☒Address: 445 River Springs Dr.

only if  
I object: Seguin provides  
a Development  
Plan for the  
area.

Comments: (Use additional sheets if necessary)

Signature: 

RECEIVED

NOV 05 2018

BY: emailName: KEVIN & Amy Noras

I favor: \_\_\_\_\_

Address: 620 Three Oaks Road

I object: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

X CONDITIONALLY FAVOR

~~WE FAVOR IT~~ We will support IF the Seguin City Manager AND City Attorney will agree to enter into a Development Agreement under Texas local Gov't Code Section 212.172 in which the City agrees to ~~impose proper restrictions and requirements~~ impose proper restrictions and requirements for the proposed development at the corner of S.H. 46 AND Three Oaks Road.

Signature: Ken Noras

Seguin - New Braunfels ETC

Name: RONALD & RAYLA JENARO KLEBOTKO

I favor: \_\_\_\_\_

Address: 15310 E ARLOR BLVD

see comment

SAN ANTONIO TX 78232

I object: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

We will support the proposed swap ONLY if Seguin enters into a Development Agreement under the terms of the Texas Gov't. Code in which Seguin agrees to annex the land and to impose proper restrictions and requirements for the proposed development at the corner of S.H. 46 and Three Oaks Rd.

Signature: Ronald Klebotko

## YOUR OPINION MATTERS - PLEASE DETACH AND RETURN

Seguin - New Braunfels ETJ

Name: Jimmy & Cheryl WilliamsAddress: 435 RIVER SPRINGSSEGWIN, TX 78155

Comments: (Use additional sheets if necessary)

I favor: ✓with restrictionsI object:                     Signature:                     Jimmy Williams

Jimmy & Cheryl Williams

435 River Springs Dr.

Seguin, TX 78155

November 1, 2018

City of New Braunfels

Planning Commission

550 Landa Street

New Braunfels, TX 78130

This correspondence is in reference to the proposed exchange of ETJ between the cities of Seguin and New Braunfels that will impact our property.

We will support the proposed swap only if Seguin enters into a Development Agreement under the terms of the Texas Government Code in which Seguin agrees to annex the land and to impose proper restrictions on and requirements for the proposed development at the corner of S.H. 46 and Three Oaks Road.

Respectfully Submitted

*Jimmy Williams*

*Cheryl Williams*

Bill Wray  
603 Three Oaks  
Seguin, TX 78155

November 1, 2018

City of New Braunfels  
Planning Commission  
550 Landa Street  
New Braunfels, TX 78130

This correspondence is in reference to the proposed exchange of ETJ between the cities of Seguin and New Braunfels that will impact my property.

I will support the proposed swap only if Seguin enters into a Development Agreement under the terms of the Texas Government Code in which Seguin agrees to annex the land and to impose proper restrictions on and requirements for the proposed development at the corner of S.H. 46 and Three Oaks Road.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Bill Wray", written in a cursive style.

Name: Elena Joan FRANKS  
 Address: 452 River Springs Dr.  
 Comments: (Use additional sheets if necessary)

I favor: \_\_\_\_\_  
 I object: ☒

Signature: Elena Joan Franks

Name: R. Frank RONNIE FRANKS  
 Address: 452 RIVER SPRINGS  
 Comments: (Use additional sheets if necessary)

I favor: ☒  
 I object: ☒

Signature: R. Frank

Name: Ronnie + Elena Franks

I favor: ☒

Address: 452 River Springs Dr.  
Seguin, TX 78155

I object: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

We will support the proposed swap only if Seguin enters into Development Agreement under the terms of the Texas Gov't Code in which Seguin agrees to Annex the land and to impose proper restrictions on and requirements for the proposed ~~development~~ development at the corner of SH. 46 and Three Oaks Rd.

Signature: Elena Joan Franks

## YOUR OPINION MATTERS - PLEASE DETACH AND RETURN

Seguin - New Braunfels ETJ

Name: URBAN JOYCE M

310 FM 3351 S

Address: BOERNE TX, 78006

I favor: 

I object: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

Signature:





## NOTICE OF PUBLIC HEARING

The Cities of Seguin and New Braunfels are considering an exchange of ETJ (extraterritorial jurisdiction) **that includes/impacts your property**. If both cities approve the exchange it might result in a change in the city your property, or parts of your property, are associated with (from New Braunfels to Seguin, or vice-versa). This notice is to inform you of the next public hearing New Braunfels will hold on the potential ETJ exchange, and to invite your input.

ETJ is that area just outside the city limits. There are no city taxes in the ETJ, limited services are provided, there is no zoning, and an ETJ does not dictate or impact one's mailing address or school district boundaries. Properties within a city's ETJ typically only have to comply with the respective city's subdivision platting regulations if/when they develop their property.

The attached maps illustrate the areas being considered to move from one city's ETJ to the other. There are presently many tracts bisected by the current ETJ lines. The proposed adjustments would help clarify whose jurisdiction is responsible for subdivision development review if/when the property owner were to develop in the future.

On Wednesday November 7, 2018, New Braunfels' Planning Commission recommended denial of the ETJ exchange. (The Planning Commission is advisory and provides recommendations to City Council on such matters.) New Braunfels' City Council is scheduled to hold a public hearing on **Monday, November 26, 2018 at 6:00 pm**. City Council meets in the **City Hall Council Chambers, 550 Landa Street**. We invite you to attend New Braunfels' City Council meeting to share your opinion on this matter. Please know that the City of New Braunfels and our elected and appointed officials value your input. You may also submit written comments by completing the information below, including your signature, and return to:

Mail: City of New Braunfels  
Planning & Community Development Department  
550 Landa Street  
New Braunfels, TX 78130

Email: [planning@nbtexas.org](mailto:planning@nbtexas.org)

If you have any questions, please call 830.221.4050. Thank you.

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### YOUR OPINION MATTERS – PLEASE DETACH AND RETURN

Seguin – New Braunfels ETJ

Name: \_\_\_\_\_

I favor: \_\_\_\_\_

Address: \_\_\_\_\_

I object: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

Signature: \_\_\_\_\_

**MAYOR'S OFFICE****It's real.**

April 10, 2018

Honorable Barron Casteel  
Mayor, City of New Braunfels  
550 Landa Street  
New Braunfels, Texas 78130

Re: Request to Release and Exchange Land in the Extraterritorial Jurisdiction.

Dear Mayor Casteel:

In order to better control development our respective City staff have undertaken some discussion concerning possible release and swap of parcels of land within each city's respective extraterritorial jurisdiction ("ETJ"). This letter is a formal request for consideration of the release of seven parcels of land from the New Braunfels ETJ to be followed by a continued discussion and possible action to exchange lands in areas where each city might benefit.

This discussion was initially spurred by development requests near the north-western part of the intersection of Highway 46 and Cordova Road. This area is in the New Braunfels ETJ, but also in the City of Seguin's sewer CCN territory. It is in the interest of both Cities that the land be developed in a manner that benefits the entire region (as opposed to the "prairie developments" that are occurring elsewhere).

Seguin's corporate limits reach close to the south-west part of the Highway 46-Cordova intersection, where they end at the New Braunfels ETJ. The City of Seguin provides a number of services to these parcels, including:

1. The area is served by the City of Seguin Fire Department for fire protection;
2. The area is served by the City of Seguin emergency medical services;
3. The area is served by the Seguin Public Library; and
4. The area is within the City's Sewer CCN and the City has the capacity to serve development in the area.
5. Further, in this area water is provided by Springs Hill Water Supply Corporation and electricity's provided by GVEC.

Attached to this letter is a map that shows the area of immediate concern. I understand that Denton Communities submitted a letter requesting to be released from the New Braunfels ETJ.

I also understand that Denton Communities is considering the addition of the northerly 35-acres to their project. At the present time Seguin requires annexation in order to receive utility service, and Denton Communities has indicated that they will petition for voluntary annexation, when they are able to do so.

In order to accomplish annexation the land needs to be contiguous with Seguin's corporate limits. To do so an additional parcel, along with the section of Mr. Urban's parcel (which lies in both city's ETJ) will need to be added. The attached map shows the parcels for which Seguin requests release from the New Braunfels's ETJ.

I also understand that New Braunfels may be interested in land along Highway 123 at the northeast corner with FM 758 and northward to the San Marcos ETJ. Although I cannot speak for the rest of the council, I concur with the finding of our staff that such an exchange would be beneficial.

As a separate matter, in an effort to help address the unprecedented growth in our region the City of Seguin is currently negotiating an agreement to sell New Braunfels Utility ("NBU") surplus water that is available from Seguin. Both Cities benefit from the growth each are experiencing, and it is important that we continue our mutual cooperation in working through the challenges of this growth.

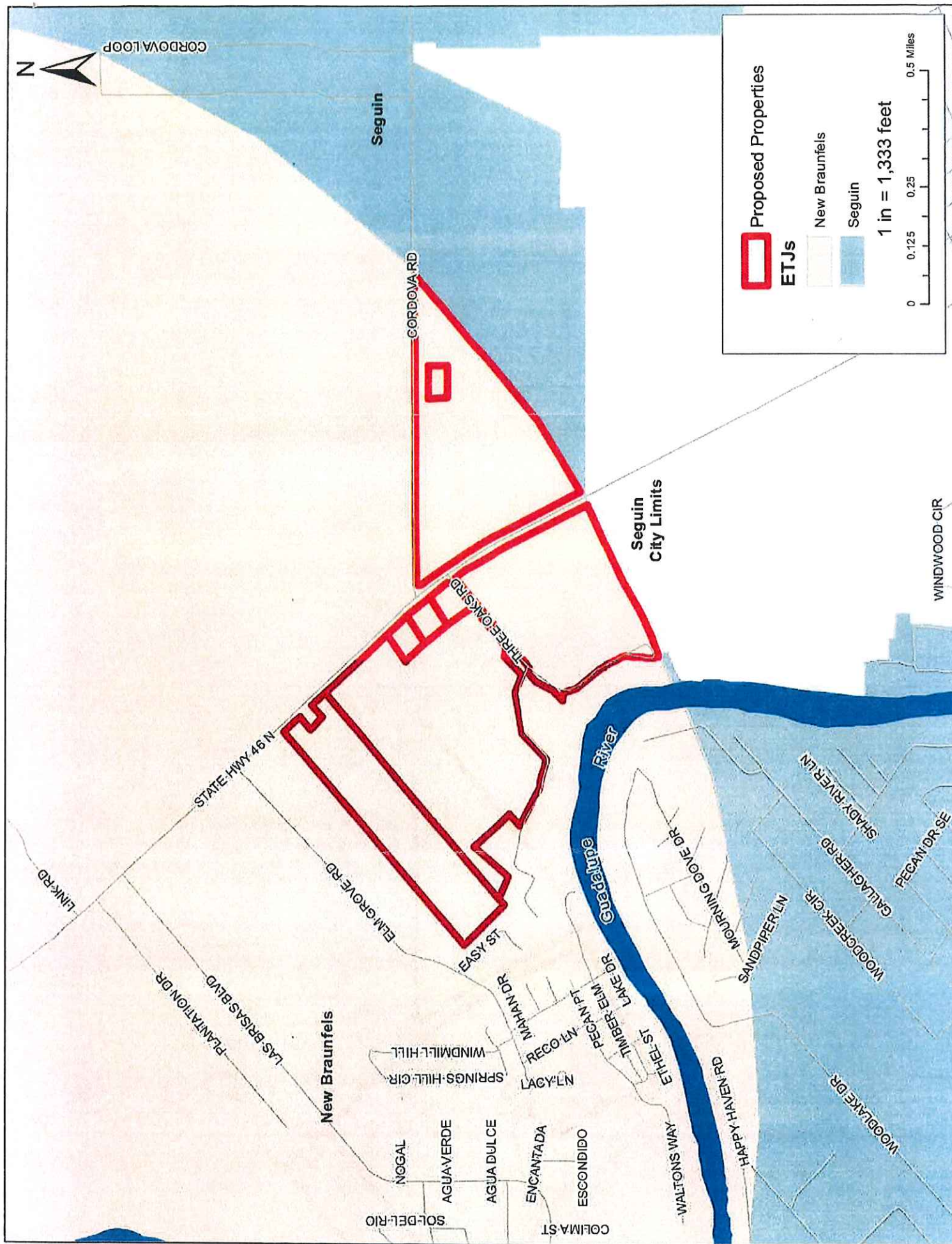
Thank you and your council for consideration of this request and please let me know if I can help address any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Don Keil", with a stylized flourish at the end.

Don Keil  
Mayor

Cc: Robert Camareno, New Braunfels City Manager  
Douglas Faseler, Seguin City Manager



April 3, 2018

Mr. Robert Camareno  
City Manager – City of New Braunfels  
550 Land Street  
New Braunfels, TX 78130

Re: Tract of land bounded by Cordova Road and Highway 46

Dear Mr. Camareno,

The above referenced Guadalupe County property is partially located in the ETJ of New Braunfels and partially in the ETJ of the City of Seguin. It would be in my best interest, and that of my eventual heirs, to have the property entirely within one city's ETJ. In that regard, please note:

- a. the property is within the City of Seguin's sewer service area;
- b. the property is served by Springs Hill Water Supply Corporation;
- c. fire protection is provided by the City of Seguin Fire Department;
- d. emergency medical services are provided by the City of Seguin Fire and EMS Department;
- e. by contract with Guadalupe County this property is served by the Seguin Public Library for library services; and,
- f. the property is served by Guadalupe Valley Electric Cooperative.

I have been made aware that you are in discussions with the City of Seguin regarding either releasing or exchanging property in the ETJ (particularly to align Seguin's sewer service area with its ETJ). In that regard, given the above, and my properties location south of Cordova Road, it would make better sense for my property to be in the City of Seguin's ETJ.

Please consider this a formal request to be removed from the New Braunfels ETJ, so that all of my contiguous property is in the ETJ of the City of Seguin.

Respectfully requested,

*Charles Urban*

Charles Urban

*Joyce Urban*

JOYCE AND CHARLES URBAN  
310 FM 3351 South  
Boerne, TX 78006

## Property Identification #: 55627

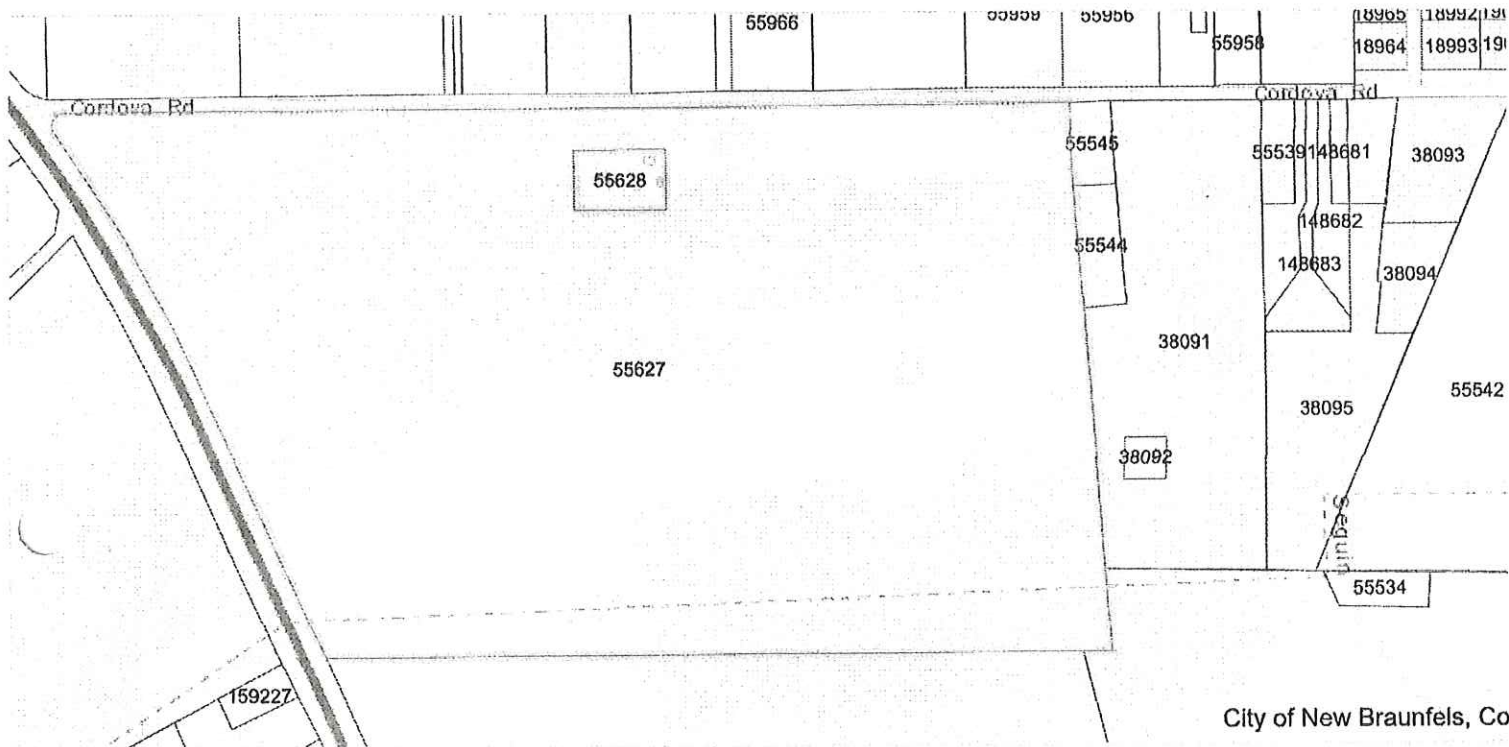
Geo ID: 2G0020-0000-46200-0-00  
 Situs Address: CORDOVA RD TX  
 Property Type: Real  
 State Code: E1

## Property Information: 2018

Legal: ABS: 20 SUR: A M ESNAURIZAR  
 Description: 138.1140 AC.  
 Abstract: G A0020  
 Neighborhood: CLA50  
 Appraised: N/A  
 Value:  
 Jurisdictions: GCO, LTR, NAS, CAD

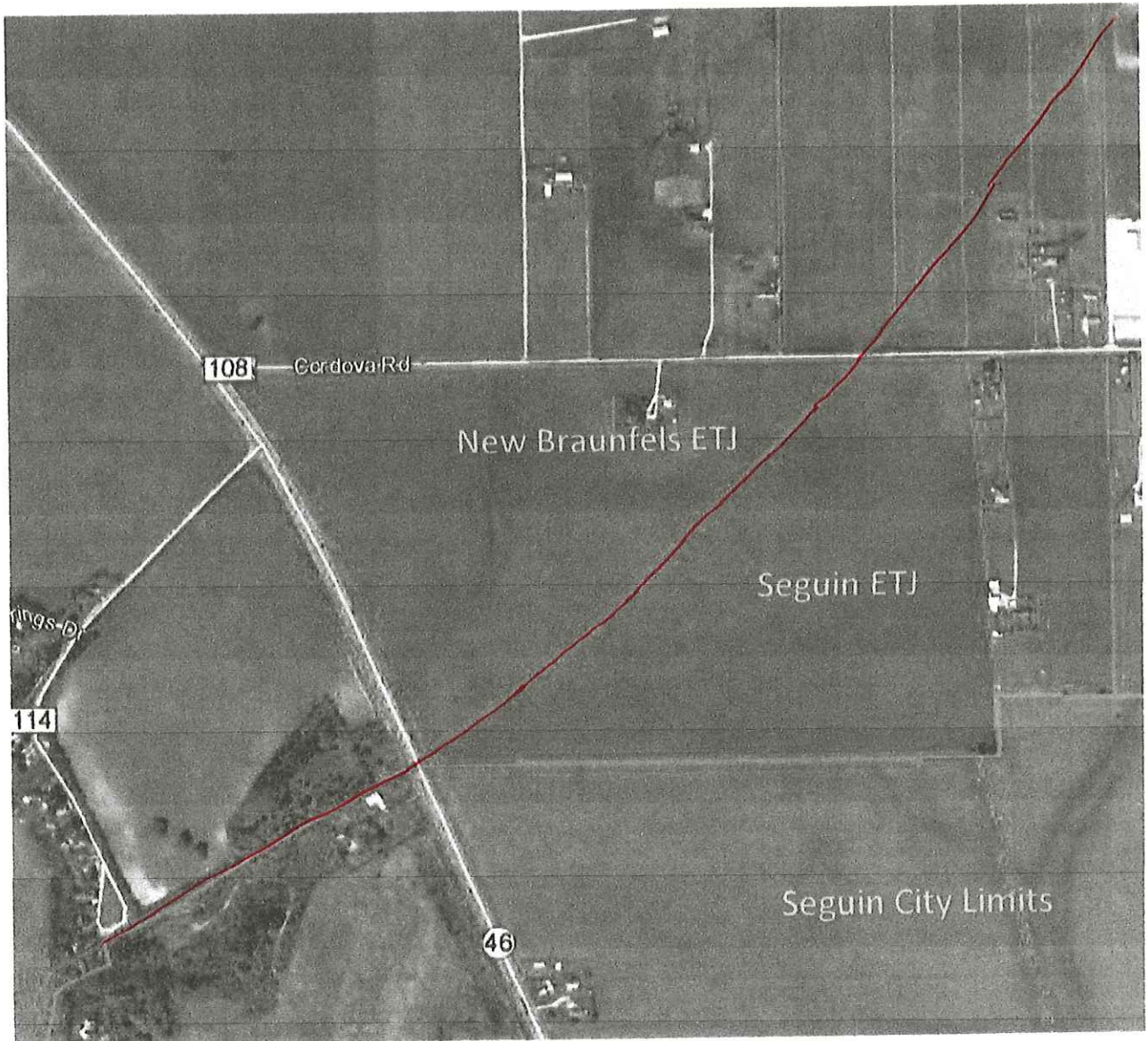
## Owner Identification #: 208889

Name: URBAN JOYCE MARIE & CHARLES  
 Exemptions:  
 DBA: Null



## Guadalupe CAD Map Search

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represent only the approximate relative location of property boundaries. The Guadalupe Appraisal District expressly disclaims any and all liability in connection herewith.



## **Interlocal Cooperation Agreement Setting Boundary and Extraterritorial Jurisdiction**

This Interlocal Cooperation Agreement Setting Boundary and Extraterritorial Jurisdiction with Exhibits A and B attached hereto (hereinafter "Agreement") is entered into by and between the City of New Braunfels Texas, a home rule municipality located in Comal, and Guadalupe Counties, Texas ("New Braunfels") and the City of Seguin, a home rule municipality located in Guadalupe County, Texas, ("Seguin") (collectively the "Cities") each acting through their duly authorized representatives.

**WHEREAS**, New Braunfels and Seguin recognize that both the public interest and good government are best served by long-term, mutual cooperative relationships between neighboring cities; and

**WHEREAS**, New Braunfels and Seguin are adjacent municipalities that share common boundaries, some of which split property under common ownership, and that are empowered by state law and the Constitution to establish their respective corporate boundaries; and

**WHEREAS**, agreements that establish boundaries within which specific duties are performed and standards applied in a convenient and cost effective manner to assure quality urban planning and development serve the best interest of all citizens; and

**WHEREAS**, an agreement regarding areas adjacent to the cities' respective extra-territorial jurisdiction, and potentially future corporate limits, will assist in the planning and development of those areas; and

**WHEREAS**, this Agreement will accomplish legitimate public purpose of both cities and will promote dependable urban planning that will benefit the environment and the public health, safety and welfare of our respective present and future citizens; and

**WHEREAS**, New Braunfels, through approval by its City Council's action on \_\_\_\_\_, has agreed to release approximately 1,362.86 acres identified in Exhibit "A" from the extraterritorial jurisdiction ("ETJ") of New Braunfels into the ETJ of Seguin ("New Braunfels Release Area") and

**WHEREAS**, Seguin, through approval by its City Council's action on \_\_\_\_\_, has agreed to release approximately 1,088.77 acres identified in Exhibit "A" from the ETJ of Seguin into the ETJ of New Braunfels ("Seguin Main Release Area") with an additional area comprising 745.38 acres (Seguin Secondary Release Area) to be held in trust and released to New Braunfels as New Braunfels increases its corporate limits such that their 3.5 mile ETJ encompasses the Secondary Release Area, or alternatively released when New Braunfels increases to 100,000 in population inside its city limits which

automatically increases its extraterritorial jurisdiction to 5 miles encompassing the Secondary Release Area or as otherwise authorized by state law

**NOW THEREFORE**, pursuant to Chapter 791 of the Texas Government Code and Chapter 42 of the Texas Local Government Code, as otherwise authorized and permitted by the City Charter of New Braunfels, the City Charter of Seguin and the laws of the State of Texas, for and in consideration of the covenants and conditions hereinafter described, and to the benefits to accrue to the citizens of the cities, and subject to each and every term and condition of this Agreement the parties contract, covenant and agree as follows:

## **SECTION 1 INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

## **SECTION 2 TERM AND NATURE OF AGREEMENT**

**2.1. Effective Date.** The effective date of this Agreement is the date when the fully executed Agreement is filed in the Official Records of Guadalupe County, Texas.

**2.2 Intent and Purpose.** The intent and purpose of this Agreement is to provide for effective and efficient urban planning and the exchange of ETJ as set out in this Agreement. The Cities further agree that this Agreement is not severable once the initial ETJ exchange is effective.

**2.3 Map.** References in this Agreement to any geographic areas refer to areas named and shown on the Map attached hereto as Exhibit "A" incorporated herein for all purposes.

## **SECTION 3 Release of ETJ**

**3.1. ETJ Exchange.** New Braunfels and Seguin agree to mutually release portions of their ETJ as identified on the attached Exhibit "A," with New Braunfels releasing the New Braunfels Release Area and Seguin releasing the Seguin Main Release area. The line set out in Exhibit "A" shall be the boundary between the New Braunfels and Seguin ETJ from and after adoption.

**3.2 Secondary Exchange.** The area denoted on Exhibit "A" designated as the Seguin Secondary Release Area shall remain in the Seguin

ETJ until such time that the New Braunfels ETJ reaches the Secondary Release Area. The Secondary Release Area shall be automatically released to New Braunfels as each property therein fall within the 3.5 mile New Braunfels ETJ, or alternatively automatically released when New Braunfels increases to 100,000 in population inside its city limits which increases its extraterritorial jurisdiction to 5 miles encompassing the Secondary Release Area pursuant to Chapter 42 of the Texas Local Government Code or as otherwise authorized by state law.

**3.3 Existing Development Agreement.** Exhibit B to this Agreement is a Development Agreement that Seguin entered into with Mark and Beverly Carter. This property is located within the Secondary Release Area. The City of Seguin will maintain the validity of the Agreement until said area becomes encompassed into the New Braunfels ETJ at which time Seguin shall assign the Agreement to New Braunfels.

## **SECTION 4 GENERAL PROVISIONS**

**4.1 Governmental Immunity.** Nothing in this Agreement shall be deemed to waive, modify or amend any legal defense available at law or in equity to either of the cities nor to create any legal rights or claims on behalf of any third party. Neither New Braunfels or Seguin waives, or alters to any extent whatsoever the availability of the defense of governmental immunity under the laws of the State of Texas.

**4.2. Third Party Beneficiaries.** Nothing in this Boundary Contract shall be construed to create any right in any third party not a signatory to this Boundary Contract and the parties do not intend to create any third party beneficiaries by entering into this Boundary Contract.

**4.3 Gender, Number and Headings.** Words of any gender used in this Agreement shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, unless the context requires otherwise. The heading and section numbers are for convenience only and shall not be considered in interpreting or construing this Agreement.

**4.4 Execution in Counterparts.** This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall be considered fully executed with all the parties have executed an identical counterpart.

**4.5 Recordation.** After execution this Agreement shall be filed of record in the Official Records of Guadalupe County and Comal County, Texas

**IN WITNESS WHEREOF**, the authorized representative of New Braunfels and Seguin have executed this Agreement.

**City of New Braunfels**

\_\_\_\_\_  
Robert Camareno, City Manager

**STATE OF TEXAS           §**  
  **§**  
**COUNTY OF COMAL       §**

**THIS INSTRUMENT** was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2018, by Robert Camareno, City Manager of the City of New Braunfels, Texas on behalf of said city.

\_\_\_\_\_  
Notary Public for and in the State of Texas

**City of Seguin**

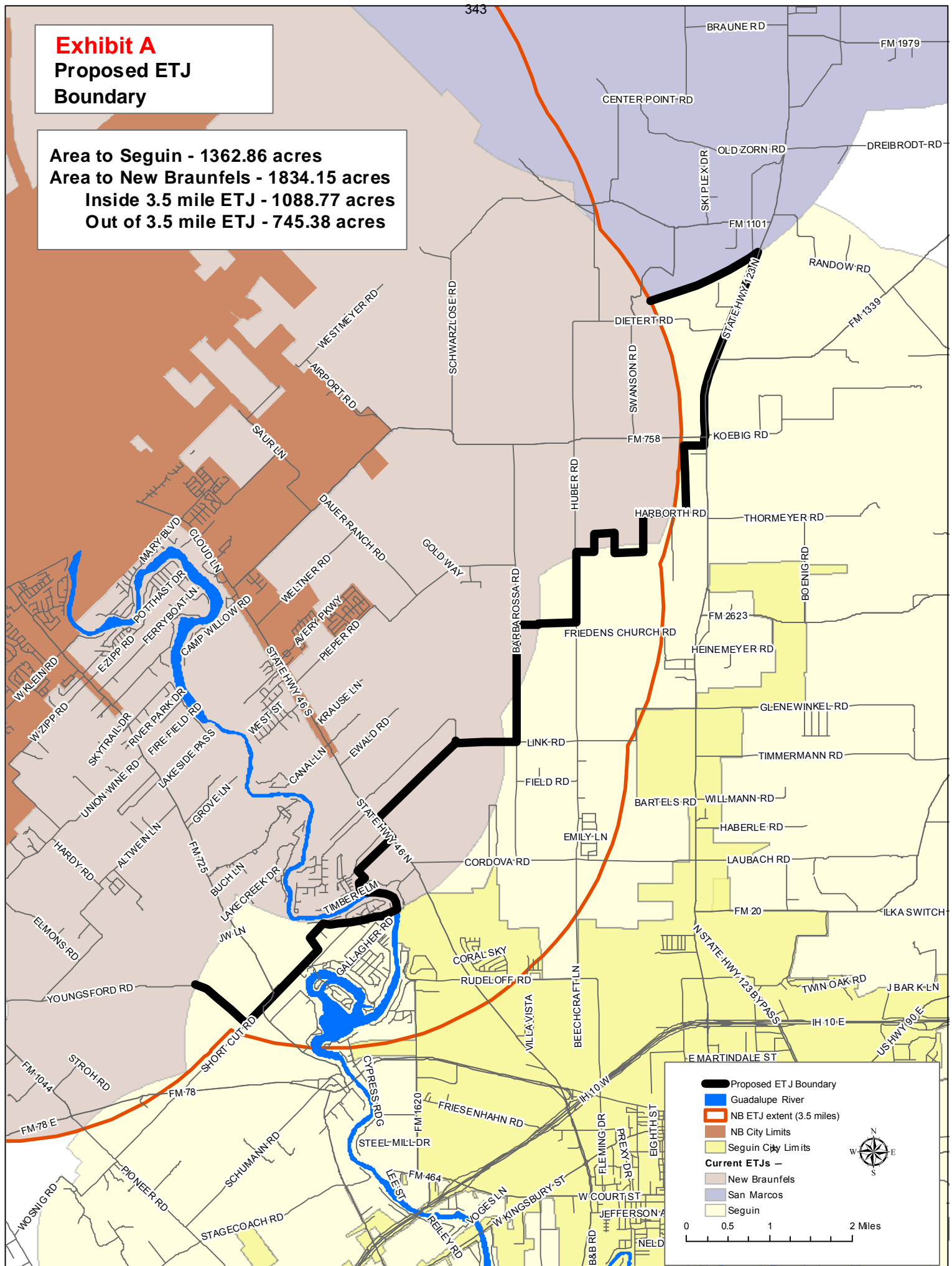
\_\_\_\_\_  
Douglas G. Faseler, City Manager

**STATE OF TEXAS           §**  
  **§**  
**COUNTY OF GUADALUPE   §**

**THIS INSTRUMENT** was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2018, by Douglas G. Faseler, City Manager of the City of Seguin, Texas on behalf of said city.

\_\_\_\_\_  
Notary Public for and in the State of Texas

**Area to Seguin - 1362.86 acres**  
**Area to New Braunfels - 1834.15 acres**  
**Inside 3.5 mile ETJ - 1088.77 acres**  
**Out of 3.5 mile ETJ - 745.38 acres**



6/C  
STATE OF TEXAS§  
§  
§

12 -020454

COUNTY OF GUADALUPE

**Exhibit B**

**CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE**  
**DEVELOPMENT AGREEMENT**

This Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code by and between the City of Seguin, Texas (the "City") and the undersigned property owner(s) (the "Owner"). The term "Owner" includes all owners of the Property.

**WHEREAS**, the Owner owns a parcel of real property (the "Property") in Guadalupe County, Texas, which is more particularly and separately described in the attached Exhibit "A"; and

**WHEREAS**, the Owner desires to have the Property remain in the City's extraterritorial jurisdiction, in consideration for which the Owner agrees to enter into this Agreement; and

**WHEREAS**, this Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code, in order to address the desires of the Owner and the procedures of the City; and

**WHEREAS**, the Owner and the City acknowledge that this Agreement is binding upon the City and the Owner and their respective successors and assigns for the term (defined below) of this Agreement; and

**WHEREAS**, this Development Agreement is to be recorded in the Real Property Records of Guadalupe County, Texas.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

**Section 1.** The City guarantees the continuation of the extraterritorial status of the Owner's Property, its immunity from annexation by the City, and its immunity from City property taxes, for the term of this Agreement, subject to the provisions of this Agreement. Except as provided in this Agreement, the City agrees not to annex the Property, agrees not to involuntarily institute proceedings to annex the Property, and further agrees not to include the Property in a statutory annexation plan for the Term of this Agreement.

**Section 2.** The Owner covenants and agrees not to use the Property for any use other than for agriculture, wildlife management, and/or timberland consistent with Chapter 23 of the Texas Tax Code, except for any now-existing single-family residential use of the property, without the prior written consent of the City.

The Owner covenants and agrees that the Owner will not file any type of subdivision plat or related development document for the Property with Guadalupe County or the City until the Property has been annexed into, and zoned by, the City.

During the duration of this Agreement, the Owner covenants and agrees not to construct, or allow to be constructed, any buildings on the Property that would require a building permit if the Property were in the city limits, subject to the exceptions set forth herein. The Owner reserves the right to construct, repair, or renovate buildings on the Property that are consistent with its agricultural use without obtaining a building permit or triggering annexation. Further, the Owner may construct an accessory structure to an existing single-family dwelling. Additionally, Owner reserves the right to construct a new residence on the Property, provided that Owner provides written notice of the construction to the City so that the parties can modify the description of the land subject to this Agreement.

The Owner acknowledges that each and every owner of the Property must sign this Agreement in order for the Agreement to take full effect, and the Owners who sign this Agreement covenants and agrees, jointly and severably, to indemnify, hold harmless, and defend the City against any and all legal claims, by any person claiming an ownership interest in the Property who has not signed the Agreement, arising in any way from the City's reliance on this Agreement.

**Section 3.** The Owner acknowledges that if any plat or related development document is filed in violation of this Agreement, or if the Owner commences development of the Property in violation of this Agreement, then in addition to the City's other remedies, such act will constitute a petition for voluntary annexation by the Owner, and the Property will be subject to annexation at the discretion of the City Council. The Owner agrees that such annexation shall be voluntary and the Owner hereby consents to such annexation as though a petition for such annexation had been tendered by the Owner.

If annexation proceedings begin pursuant to this Section, the Owner acknowledges that this Agreement serves as an exception to Local Government Code Section 43.052, requiring a municipality to use certain statutory procedures under an annexation plan. Furthermore, the Owner hereby waives any and all vested rights and claims that they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any actions Owner has taken in violation of Section 2 herein.

**Section 4.** Pursuant to Sections 43.035(b)(1)(B) of the Texas Local Government Code, the City is authorized to enforce all of the City's regulations and planning authority that do not materially interfere with the use of the Property for agriculture, wildlife management, or timber, in the same manner the regulations are enforced within the City's boundaries. The City states and specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government Code to exercise eminent domain over property that is subject to a Chapter 43 and/or Chapter 212 development agreement.

**Section 5.** In accordance with Texas Local Government Code 212.172(d), the initial term of this Agreement (the "Initial Term") is fifteen (15) years from the date that the City Manager's signature to this Agreement is acknowledged by a public notary. Unless each party agrees to a subsequent term, the City may commence the annexation of the Property at the end of the Initial Term. In connection with annexation pursuant to this section, the Owners hereby waive any vested rights they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any plat or construction any of the owners may initiate during the time between the expiration of this Agreement and the institution of annexation proceedings by the City.

VOL 3192 PG 0465

**Section 6.** Any person who sells or conveys any portion of the Property shall, prior to such sale or conveyance, give written notice of this Agreement to the prospective purchaser or grantee, and shall give written notice of the sale or conveyance to the City. Furthermore, the Owners and the Owners' heirs, successors, and assigns shall give the City written notice within 14 days of any change in the agricultural exemption status of the Property. A copy of either notice required by this section shall be forwarded to the City at the following address:

City of Seguin  
Attn: City Manager  
210 E. Gonzales St.  
Seguin, TX 78155

**Section 7.** This Agreement shall run with the Property and be recorded in the Real Property Records of Guadalupe County, Texas.

**Section 8.** If a court of competent jurisdiction determines that any covenant of this Agreement is void or unenforceable, including the covenants regarding involuntary annexation, then the remainder of this Agreement shall remain in full force and effect.

**Section 9.** This Agreement may be enforced by any Owner or the City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.

**Section 10.** No subsequent change in the law regarding annexation shall affect the enforceability of this Agreement or the City's ability to annex the properties covered herein pursuant to the terms of this Agreement.

**Section 11.** Venue for this Agreement shall be in Guadalupe County, Texas.

**Section 12.** This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

**Section 13.** This Agreement shall survive its termination to the extent necessary for the implementation of the provisions of Sections 3, 4 and 5 herein.

Entered into this 15 day of October, 2012.



Owner

Printed Name: MART C CARTER

Beverly Carter  
Owner

Printed Name: BEVERLY CARTER

Douglas G. Faseler  
Douglas G. Faseler, City Manager  
City of Seguin, Texas

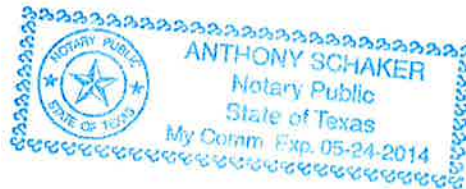
VOL3192 PG0467

THE STATE OF TEXAS       §  
                                       §  
 COUNTY OF Guadalupe   §

This instrument was acknowledged before me on the 15th day of October, 2012,

by MARY K. CARTER, Owner.

Anthony Schaker  
 Notary Public, State of Texas



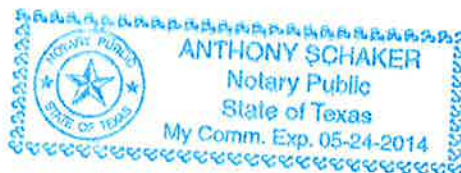
THE STATE OF TEXAS       §  
                                       §  
 COUNTY OF Guadalupe   §

**NOTARY SEAL  
 NOT REPRODUCIBLE**

This instrument was acknowledged before me on the 15th day of October, 2012

by Beverly Carter, Owner.

Anthony Schaker  
 Notary Public, State of Texas



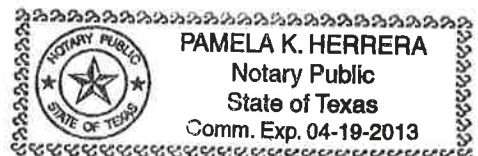
THE STATE OF TEXAS       §  
                                       §  
 COUNTY OF GUADALUPE   §

**NOTARY SEAL  
 NOT REPRODUCIBLE**

This instrument was acknowledged before me on the 19th day of October, 2012,

by Douglas G. Faseler, City Manager, City of Seguin, Texas.

Pamela K. Herrera  
 Notary Public, State of Texas




319  
**EXHIBIT "A"**

**VOL 3192 PG 0468**

Property ID- 68997

Legal Desc.- ABS: 268 SUR: W J RAGSDALE 81.5200 AC.



 This map is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The City of Seguin assumes no liability for errors on this map or use of this information.

VOL 3192 PG 0469



This page has been added by the Guadalupe County Clerk's office to comply with the statutory requirement that the clerk shall stamp the recording information at the foot of the last page of the document.

This page becomes a part of the document identified by Document Number 12-20454 affixed on the first page of this document.

→ City of Seguin

FILED FOR RECORD

12 OCT 24 AM 10:20

TERESA KIEL  
COUNTY CLERK GUADALUPE COUNTY

BY [Signature]

STATE OF TEXAS  
COUNTY OF GUADALUPE  
I certify this instrument was FILED on the  
date and at the time stamped thereon and  
was duly recorded in the Official Public  
Records of Guadalupe County, Texas.



Teresa Kiel  
TERESA KIEL  
Guadalupe County Clerk



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**11/26/2018**

Agenda Item No. H)

### Presenter

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

### **SUBJECT:**

Discuss and consider an appeal of the Non-Residential and Multifamily Design Standards minimum exterior finish requirements for a proposed commercial building to be constructed at 2732 Big Oak.

### **BACKGROUND / RATIONALE:**

Case No.: CS-18-031

Council District: 3

Owner/Applicant: Los Ninos Properties LP (Horacio Lucero)  
2732 Big Oak  
New Braunfels, TX 78132

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

The subject property is situated at the southwest corner of the intersection of State Highway 46 West and Big Oak. It is zoned C-1A (Neighborhood Business District) and is presently occupied by a single-story office building. The existing building was constructed in 2004 and the exterior facade is 100% stucco (not counting doors and windows).

The applicant is proposing to construct a second office building on the property that is intended to match the existing building and its façade. Although stucco is an allowed exterior primary material, Section 5.22-4(b) of the Zoning Ordinance requires the lower four feet of the vertical walls to be finished in one or more of the following materials: brick, stone, cast stone, rock, marble, granite, split-face block, poured-in-place concrete or tilt-wall concrete. The applicant is seeking City Council authorization for the building façade to be 100% stucco and not require the lower four feet finish materials.

*Lot Size:* 33,899 square feet

### *Surrounding Zoning & Land Use:*

North - Across SH 46, C-3 / Retail and fast food

South - "Gardens of Hunter's Creek" PD / Single family dwelling

East - Across Big Oak, "Gardens of Hunter's Creek" PD / Single family dwellings

West - C-1 / Convenience store with fuel sales

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

<b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan	<b>Action 2.8</b> <i>Establish or expand architectural standards for quality of design across the city.</i> The proposed building would not comply with the building materials requirement for the lower four feet of the vertical walls to be finished with one or more of the required materials. The proposed building would not be consistent with new non-residential and multifamily buildings developed throughout the City.
--	---

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

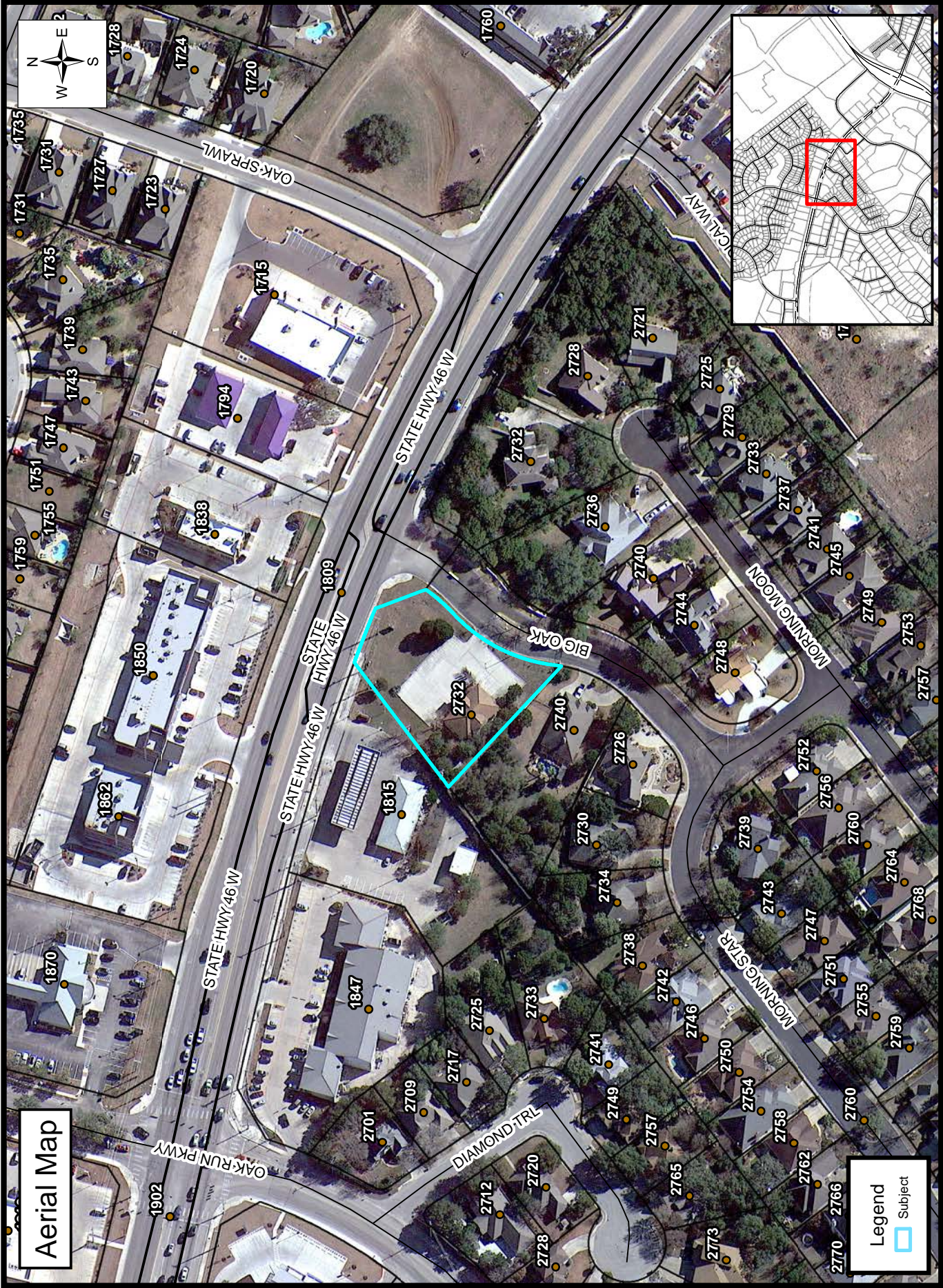
N/A

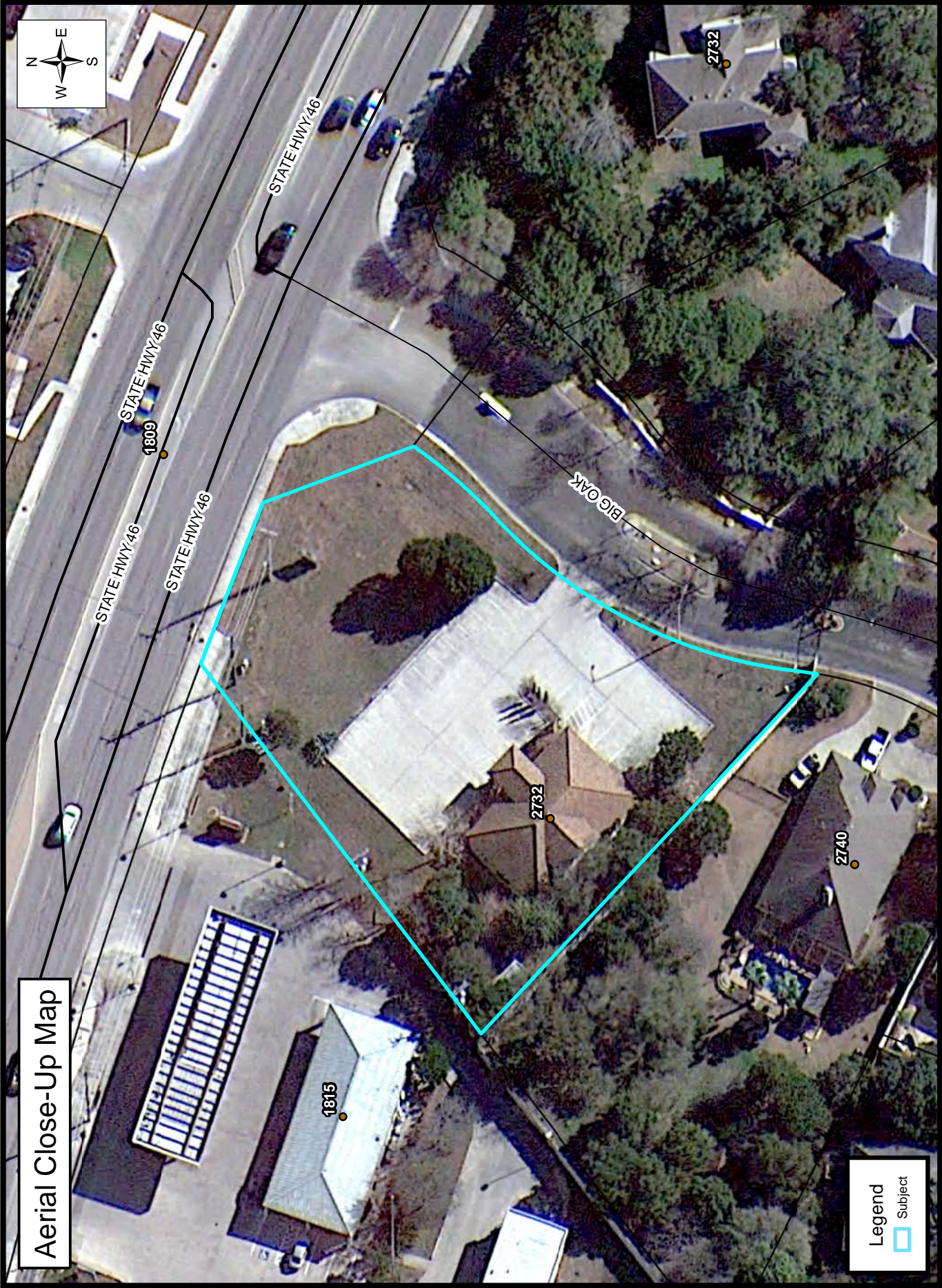
**STAFF RECOMMENDATION:**

The subject site is in a very visible location along a Transitional Mixed Use Corridor as identified in the Comprehensive Plan. Rather than approving a deviation from the City's development and design standards, City staff recommends that the new building be constructed to comply with the current regulations. If the applicant prefers the building façade materials of the two buildings be identical, staff suggests the existing building could be brought up to code to match the new building.

**Attachments:**

1. Aerial Maps
2. Application
3. Proposed Site Plan
4. Proposed Building Elevation Plans
5. Photographs of Subject Property
6. Section 5.22-4 Exterior Building Materials





Map Created 11/5/18

PL-18-031  
2732 Big Oak  
Appeal to Non-Residential & Multifamily Design Standards  
Minimum Masonry Requirements





# APPEAL OF BUILDING DESIGN STANDARDS

Planning and Community Development  
550 Landa Street, New Braunfels TX 78130  
Phone: (830) 221-4050  
Email: [planning@nbtexas.org](mailto:planning@nbtexas.org)

CS-18-031

RECEIVED

OCT 01 2018

BY: MO

Fee: \$515

(\$500 application fee + \$15 technology fee (3%))

## 1. Property Owner(s):

Name: Los Ninos Properties LP

Mailing Address: 2732 Big Oak, New Braunfels, TX 78132

Email: lucerodental@hotmail.com

Telephone: 830-221-8829 / 830-625-7322 Mobile: 830-221-8829

## 2. Agent: (If the applicant is not the owner, a letter of authorization must be furnished from the owner(s) at the time the application is submitted.)

Name: N/A

Mailing Address:

Email:

Telephone: Mobile:

## 3. Property Address/Location: 2732 Big Oak, New Braunfels, TX 78132

Property is located at the corner of Big Oak and W State Highway 46, New Braunfels, TX.

## 4. Detailed description of design standard(s) not in compliance with Sec. 5.22 Non-Residential and Multifamily Design Standards (use additional sheet if necessary): New building to be constructed will not meet the minimum masonry standard.

## 5. Reason for request (use additional sheet if necessary): To match the existing building on the property.

There is an existing building at this address that is 100% stucco and the new building is designed to match the exterior.

## 6. Attachments: The following items must be submitted with the application:

✓ Completed application.	✓ Site plan.
✓ Details of construction materials.	✓ \$515 fee (\$500 application fee + \$15 technology fee (3%)).
✓ Façade elevation drawing.	

The undersigned hereby requests City Council to consider an appeal to the Building Design Standards for the location(s) stated above.

Horacio Lucero

Print Name of Owner/Agent

Signature of Owner/Agent

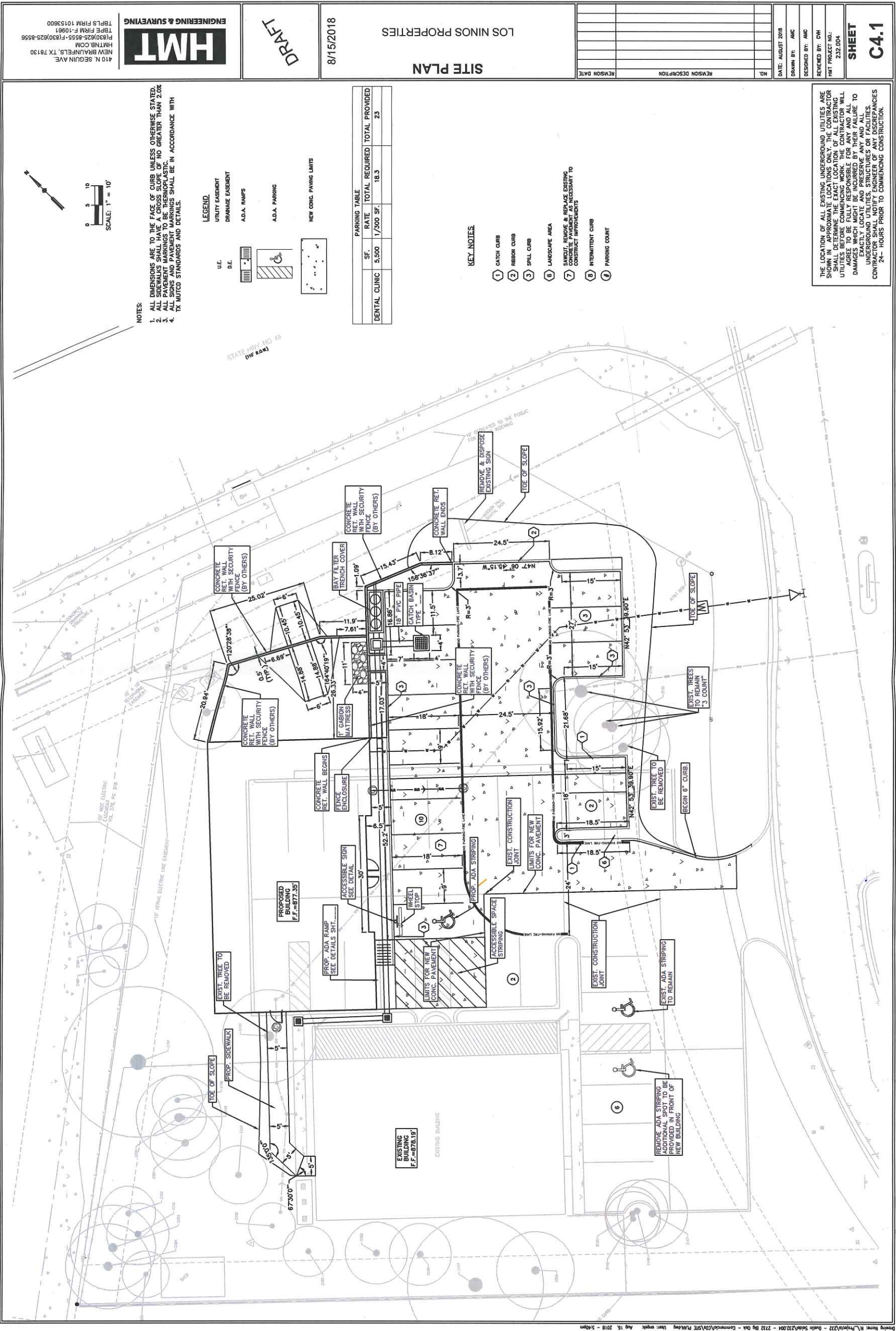
Date

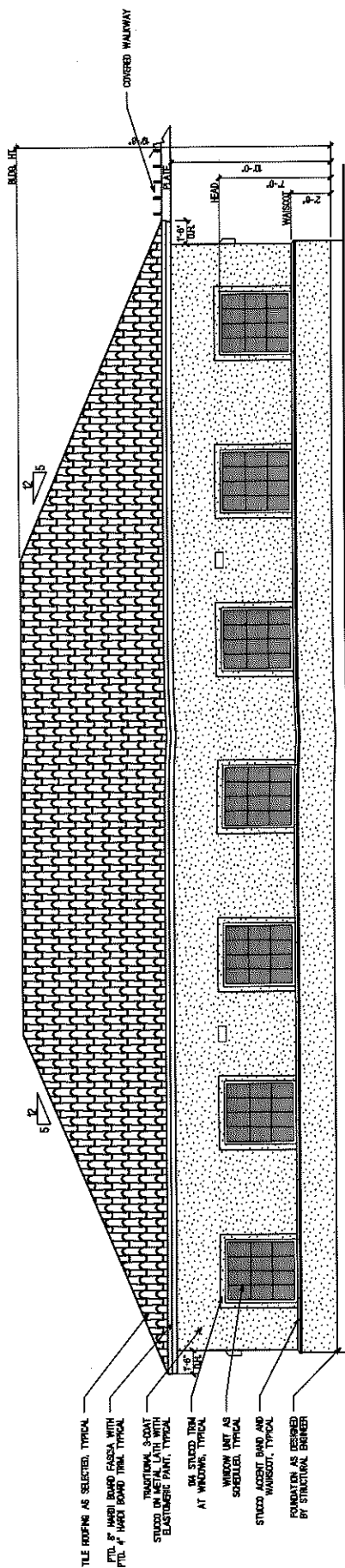
01 OCT 2018

## FOR OFFICE USE ONLY:

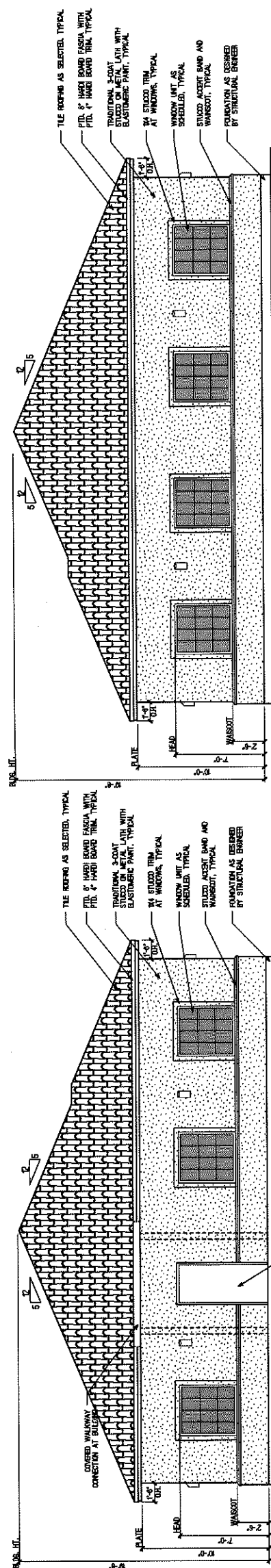
Received by: MO Date Received: 10/01/18 Receipt No.: 217891

Council Meeting Date: 11-26-18 Case No.: CS-18-031



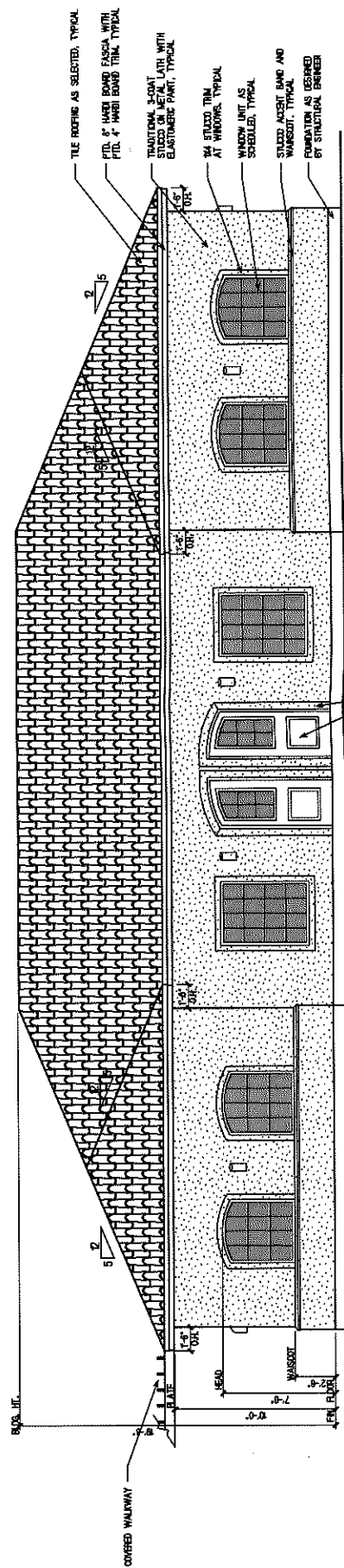


SCALE: 1/4" = 1'-0"



SCALE 1"=14' - 5"

**SCALE : 1/4" = 1'-0"**



**SCHEMATIC**



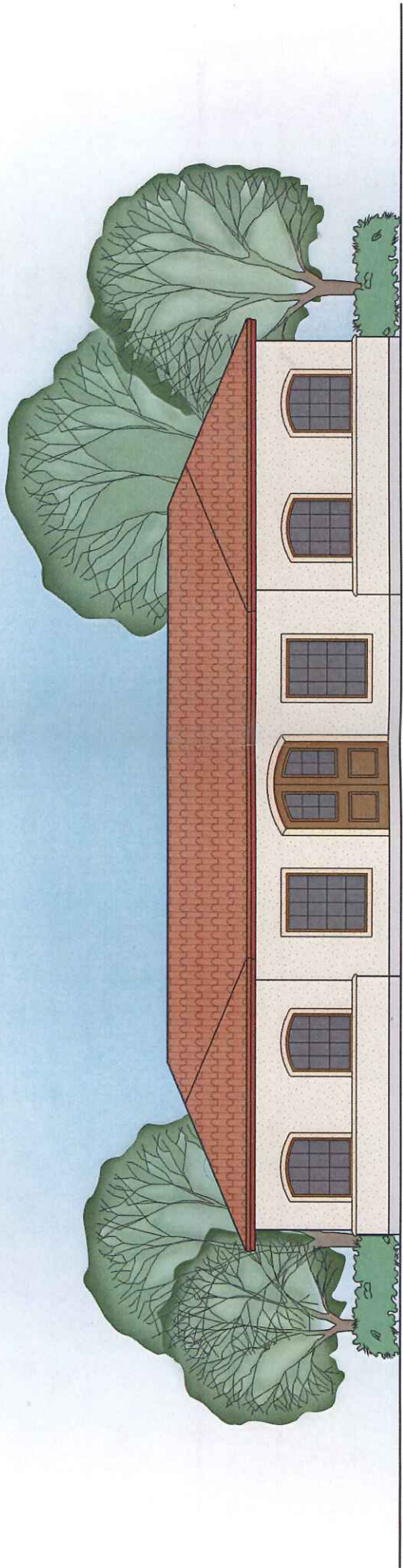
**Horacio Lucero**  
ARCHITECTURE  
DESIGN

4733 SHAWNO OAK DR #102 SAN ANTONIO, TX 78249 210-675-4000

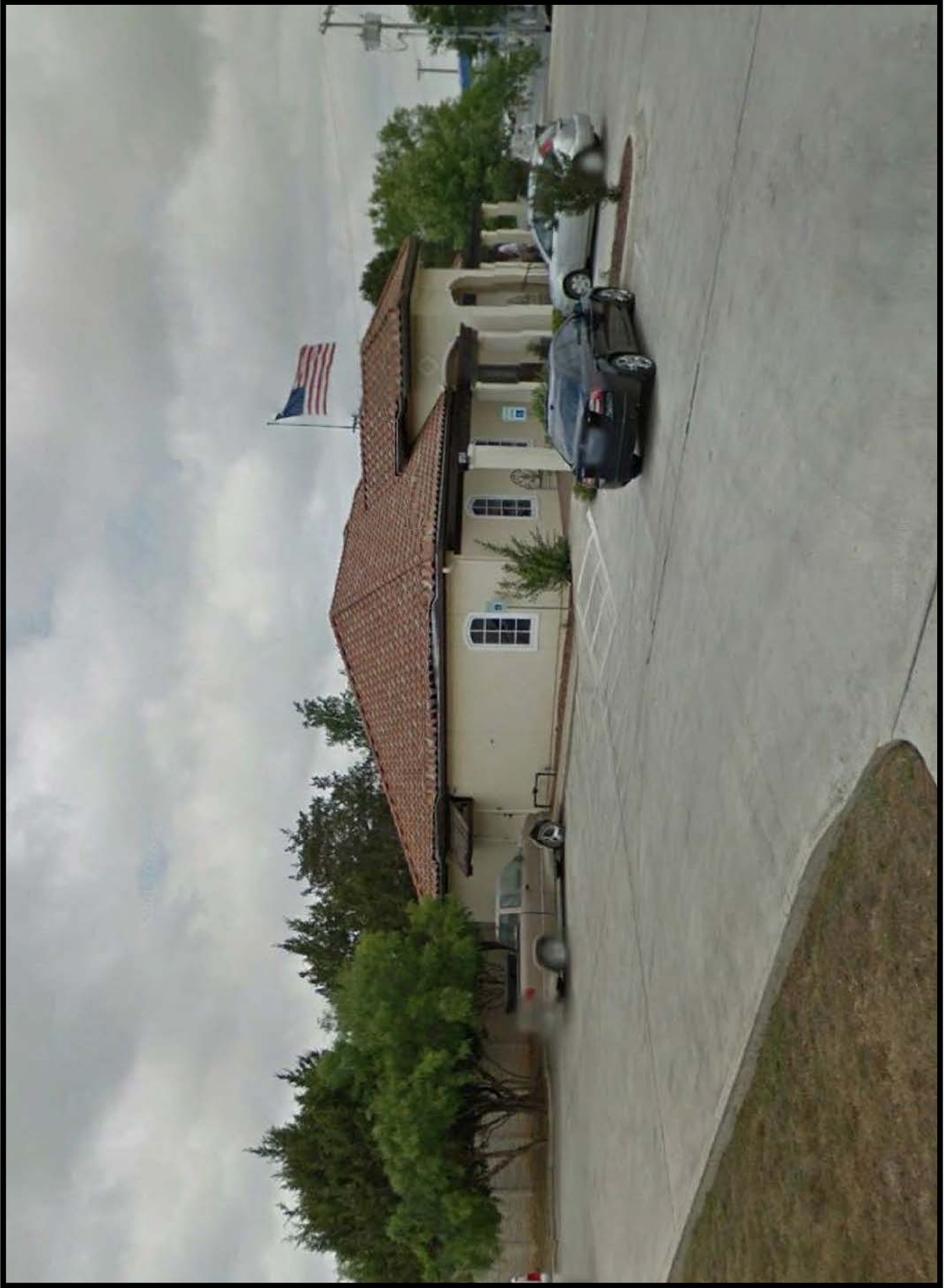
LUCERO OFFICE BUILDING  
HIGHWAY 46 WEST  
NEW BRAUNFELS, TX

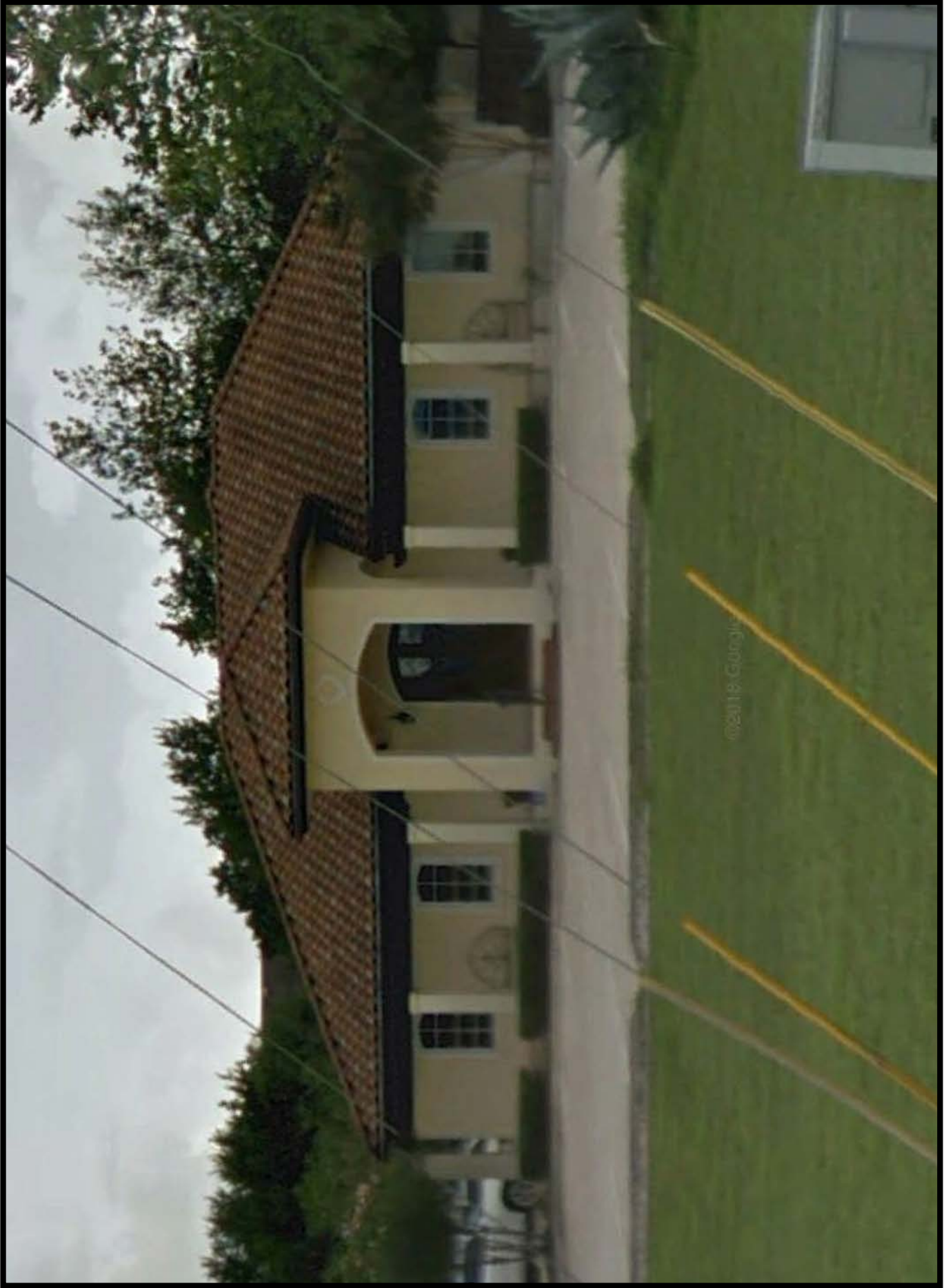
	JOB NO. : 1769	SHEET :  OF : 1
	SCALE : AS NOTED	
	DRAWN BY : SJK	
	DATE :	
	REVISIONS :	

DO NOT SCALE DRAWINGS



COMMERCIAL OFFICE BUILDING FOR HORACIO LUCERO  
SCALE : 1/4" = 1'-0"





#### 5.22-4 Exterior Building Materials.

*Exterior Finish Requirement.* At least 80 percent of the vertical walls of all buildings (excluding doors and windows) to which these standards apply, shall be finished in one or more primary materials. In every instance, the lower four feet of the vertical walls of all buildings must be finished in one or more of the primary materials.

(a) Primary Materials:

- (1) Brick, stone, cast stone, rock, marble, granite;
- (2) Glass block, tile;
- (3) Stucco or plaster;
- (4) Glass with less than 20 percent reflectance (however, only a maximum of 50 percent of a building may be constructed in glass);
- (5) Split-face concrete block, poured-in-place concrete, and tilt-wall concrete. Any use of concrete products shall have an integrated color and be textured or patterned. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics to enhance the façade on at least ten percent of each façade.
- (6) Fiber cement, such as James Hardie brand products or equivalent.

(b) Masonry. In every instance, the lower four feet of the vertical walls of all buildings must be finished in one or more of the primary materials noted in subsection (a)(1) or (a)(5) above.

(c) Secondary Materials. The remaining 20 percent of the exterior finish is discretionary and may include, but is not limited to, Exterior Insulation and Finish System (EIFS), wood, metal (including stamped, embossed, or coated panels) or other non-reflective materials.

(d) Additions to existing structures with vertical walls made of wood, including shingles and siding, may utilize wood in an amount consistent with the percentage of wood on the original structure.

#### 5.22-5. *Consistent Façade Standard.*

- (a) All façades or sides of a building shall be designed with architectural style and building materials consistent with the front facade.
- (b) Side or rear facing facades, not on a public roadway, are not required to meet the articulation standards in Section 5.22-3.





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

11/26/2018

Agenda Item No. I)

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### Presenter/Contact

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

### **SUBJECT:**

Discuss and consider approval of the second and final 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:**

**City Council unanimously passed the first reading of this ordinance, with revisions, on November 12, 2018.**

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.

At City Council's direction, "cooler" has been expanded to include any type of receptacle so that no cooler, container or receptacle can exceed 30 quarts.

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

N/A

### **FISCAL IMPACT:**

N/A

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**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 or other type of receptacle 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 or receptacles 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 or receptacle from falling out of the cooler or receptacle. Cooler is defined as an object used for cooling liquids. Receptacle is defined as an object used to contain or hold something.
- (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

11/26/2018

Agenda Item No. J)

### Presenter/Contact

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

### **SUBJECT:**

Discuss and consider approval of the second and final 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.

At the November 12, 2018 Council meeting, Council discussed moving the boundary from Business 35 Overpass to the island that exists just past the Faust Street Bridge. Staff has explored this option and finds the following:

- Staff has been in contact with the State General Land Office (GLO) to determine ownership of the island. There are actually two islands just south of the Faust Street bridge, and so we are inquiring about the southernmost island.
- Once we get a determination of ownership we will work with the GLO to install signage. This may require an easement.

Therefore, the City Council has two options at this time: approve staff's original recommendation to place the boundary at the Business I-35 overpass and have the ordinance go into effect upon passage. Alternatively, you may wish to postpone the item until we hear from the State GLO.

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

N/A

### **FISCAL IMPACT:**

Costs to install any necessary signage in the area is negligible and will come from the River Fund.

### **COMMITTEE RECOMMENDATION:**

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The River Advisory Committee voted unanimously to recommend this ordinance change to the City Council.

**STAFF RECOMMENDATION:**

Staff recommends the City Council set the boundary, as recommended by City staff and the River Advisory Committee, at the North I-35 Business Overpass bridge for the following reasons:

- The bridge is a fixed location that most people would be familiar with and is easily visible.
- The island could potentially be altered or be washed away in significant flood event.
- The signage on the island could also be washed away and/or damaged in a flood event.
- Boating upstream of the I-35 boat launch is negligible.

Staff also recommends that if the City Council proceeds with Business I-35 Bridge as the boundary, that we review the ordinance after one year to determine if changes to the ordinance and/or boundary are warranted.

**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

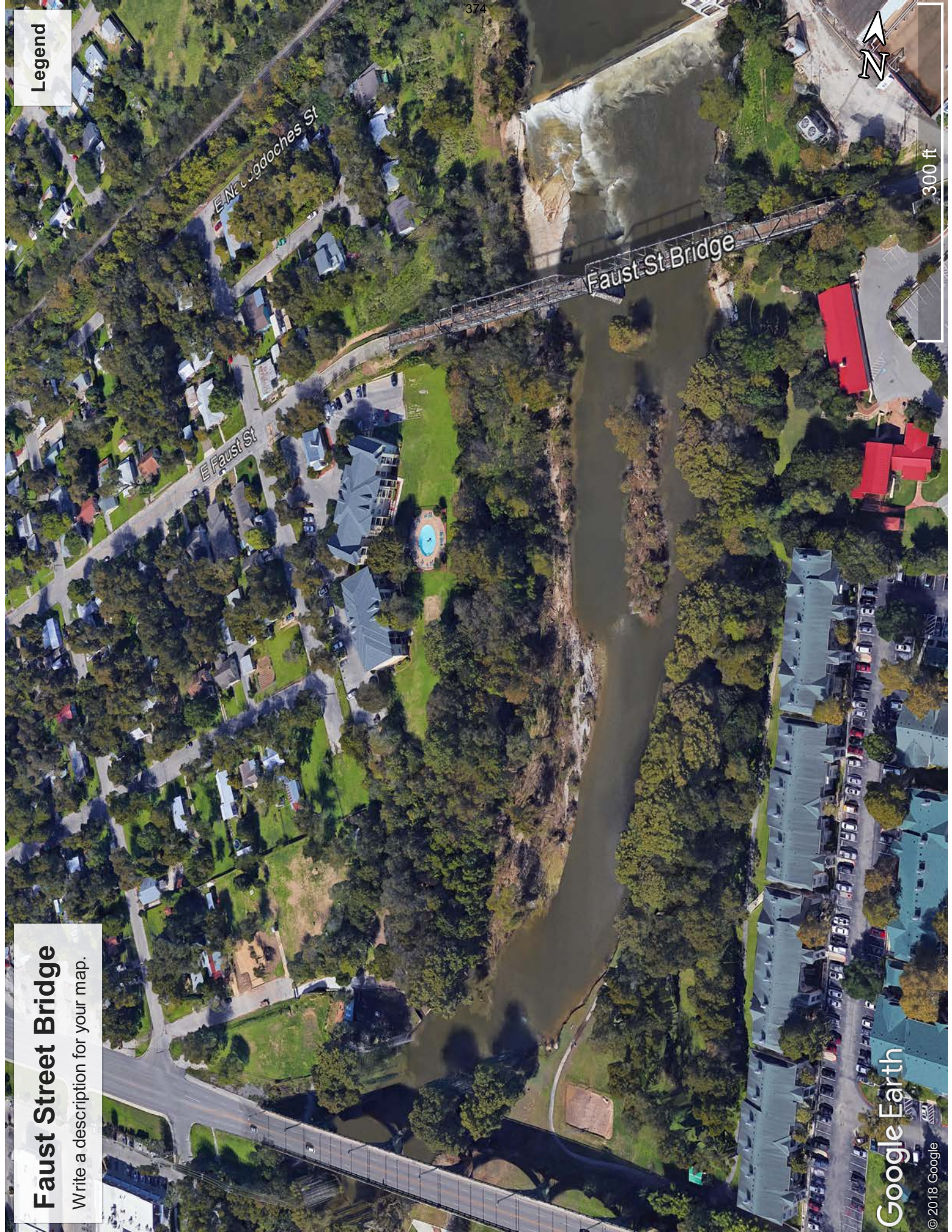
**APPROVED AS TO FORM:**

\_\_\_\_\_  
Valeria M. Acevedo, City Attorney

# Faust Street Bridge

Write a description for your map.

Legend



374



300 ft

Google Earth

© 2018 Google



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**11/26/2018**

Agenda Item No. A)

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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

**11/26/2018**

Agenda Item No. B)

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

- National Flight Services, Inc.

