



CITY OF NEW BRAUNFELS, TEXAS
CITY COUNCIL MEETING



CITY HALL - COUNCIL CHAMBERS
550 LANDA STREET

MONDAY, MAY 13, 2019 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 Harry Bowers

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PROCLAMATIONS:

- A) Small Business Week
- B) Drug Court Month
- C) Flood Awareness Week

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of April 22, 2019.
Patrick Aten, City Secretary

2. CITIZENS' COMMUNICATIONS

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. There will be no City Council action at this time.

3. CONSENT AGENDA

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

Resolutions & Action Items

- A) Approval of the Arts Commission recommendations for allocating grant awards from hotel occupancy tax to various arts organizations of the City and authorizing the City Manager to execute contracts with the aforementioned organizations for the purpose of disbursement and use of funding.
Patrick Aten, City Secretary
- B) Approval of the Heritage Commission recommendations for allocating grant awards from hotel occupancy tax to various heritage organizations of the City and authorizing the City Manager to execute contracts with the aforementioned organizations for the purpose of disbursement and use of funding.
Patrick Aten, City Secretary
- C) Approval of a budget amendment in the FY 2018-19 2013 General Obligation Bond Fund.
Jared Werner, Chief Financial Officer
- D) Approval of the City of New Braunfels FY 2018-19 Second Quarter Investment Report.
Sandy Paulos, Assistant Director of Finance
- E) Approval of a construction contract with D&M Owens for construction of additional parking at Das Rec, materials testing contract with Raba Kistner and approval for the City Manager to approve all other expenditures up to the contingency amount.
Jennifer Cain, Capital Programs Manager

Ordinances

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

- F) Approval of the first reading of an ordinance amending Appendix D-Fee Schedule in the City's Code of Ordinances to authorize the rounding down the total of fees owed to the nearest whole dollar amount.
TJ Grossi, Building Official
- G) Approval of the first reading of an ordinance amending the Code of Ordinances Section 86-97 Landa Park miniature golf and paddle boat

fees.

Stacey Dicke, Parks and Recreation Director

4. **INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Canvass returns of the regular and special elections of May 4, 2019.
Patrick Aten, City Secretary
- B) Discuss and consider approval of an ordinance declaring the canvass and result of the Regular election held on May 4, 2019, to elect one member of the New Braunfels City Council; containing a savings clause; declaring an effective date; and declaring an emergency.
Patrick Aten, City Secretary
- C) Discuss and consider approval of an ordinance declaring the canvass and result of an election held on May 4, 2019, to submit four (4) propositions to the registered voters of the City of New Braunfels, Texas, regarding the issuance of general obligation bonds by the city; containing a savings clause; declaring an effective date; and declaring an emergency.
Patrick Aten, City Secretary
- D) Discuss and consider approval of a resolution authorizing the Texas Housing Foundation to exercise its powers within the territorial boundaries of the City of New Braunfels to develop an affordable housing project; and authorizing the city manager to execute a cooperation agreement.
Robert Camareno, City Manager
- E) Discuss and consider the approval of the appointment of five individuals to the Downtown Board for a term ending May 31, 2022.
Patrick Aten, City Secretary
- F) Discuss and consider approval of a resolution authorizing the City Manager to enter into an Advance Funding Agreement with the Texas Department of Transportation to purchase Advanced Traffic Management System software for traffic signals in the City of New Braunfels.
Garry Ford, City Engineer
- G) Discuss and consider approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow short-term rental of a single-family residence in the "C-O" Commercial Office District on 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road.
Christopher J. Looney, Planning and Community Development Director

- H) Discuss and consider approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the “C-2” General Business District, addressed at 352 W. Mill Street.
Christopher J. Looney, Planning and Community Development Director
- I) Discuss and consider approval of the second and final reading of an ordinance regarding the proposed amendment to the “Cotton Cottages” Planned Development District (CCPD) Concept Plan, Detail Plan and related Development Standards, comprising 5.732 acres out of Lot 2A-1, F & M Hanz Estate Resubdivision, located on the south side of Hanz Drive between Loop 337 and Gruene Road.
Stacy Snell, Assistant Planning and Community Development Director
- J) Public hearing regarding the proposed amendment to Veramendi, Sector Plan 1A, within the Comal County Water Improvement District #1, encompassing 273.37 acres out of the Juan Martin de Veramendi Survey No.2, Abstract 3, including property adjacent to and east of the Oak Run Subdivision.
Stacy Snell, Assistant Director of Planning and Community Development
- K) Public hearing and approval of the first reading of an ordinance granting rehabilitation tax relief for a five-year period to the property addressed as 575 S. Hill Avenue, a contributing resource in the Sophienburg Hill Historic District.
Amy McWhorter, Historic Preservation Officer
- L) Public hearing and approval of the first reading of an ordinance granting rehabilitation tax relief for a five-year period to the property addressed as 564 S. Hill Avenue, a contributing resource in the Sophienburg Hill Historic District and a local Historic Landmark known as the Kopplin-Leitch House.
Amy McWhorter, Historic Preservation Officer
- M) Discuss and consider a request to consent to the creation of the Lone Oak Farm MUD (Municipal Utility District) within the City's ETJ within Guadalupe County.
Christopher J. Looney, Planning and Community Development Director
- N) Discussion and possible direction to staff to review ordinances related to traveling exotic animals within the city limits.
Matthew E. Hoyt, Councilmember District 4

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

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 May 8, 2019, at 12:00 p.m.

Patrick Aten, City Secretary

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

City of New Braunfels



Proclamation

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

WHEREAS, Small Businesses represent 99.7% of all employers in our Country; and

WHEREAS, Small Businesses account for the majority of new jobs; and

WHEREAS, Small Businesses are more flexible in responding to shifting markets and bring new products to market faster; and

WHEREAS, Small Businesses provide the first job for most entrants to the labor force; and

WHEREAS, the important role that Small Businesses play in building and maintaining a thriving economy is expected to remain constant throughout the Twenty-first century; and

WHEREAS, our Nation's economic health rests in the hands of Small Business men and women with bold ideas and the perseverance to keep the Small Business community growing, prospering, and looking toward the future.

NOW, THEREFORE, I, BARRON CASTEEL, by virtue of the authority vested in me as Mayor of the City of New Braunfels, Texas do hereby proclaim May 5 through May 11, 2019, in New Braunfels as

SMALL BUSINESS WEEK

and recognize

JP KESSELRING OF FARMERS INSURANCE JP KESSELRING AGENCY as "Small Business Person of the Year"

and urge all Citizens of New Braunfels to observe this week and recognize the Small Business men and women of New Braunfels for their achievement and contributions to the economy of New Braunfels as they lead America in the twenty-first century.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 13th day of May 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, MAYOR

City of New Braunfels



Proclamation

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

WHEREAS, this year marks the 30th anniversary of treatment courts, the cornerstone of justice reform sweeping the nation; and

WHEREAS, there are now more than 3,000 treatment courts nationwide, with 3 located in Comal County: The Challenge Court, a felony drug court led by the Honorable Dib Waldrip, with 81 graduates; The Accountability Court, a DWI 2nd court led by the Honorable Randy Gray with 127 graduates, and The Veterans Treatment Court for Justice Involved Veterans led by the Honorable Charles A. Stephens II with 23 graduates; and

WHEREAS, treatment courts have served 1.5 million individuals and are now recognized as the most successful justice system intervention in our nation's history; and

WHEREAS, treatment courts significantly improve substance use disorder treatment outcomes, reduce addiction and related crime, and do so at less expense than any other criminal justice strategy; and

WHEREAS, treatment courts improve education, employment, housing and financial stability, promote family reunification, reduce foster care placements and increase the rate of addicted mothers delivering babies who are fully drug free; and

WHEREAS, treatment courts facilitate community-wide partnerships, bringing together public safety and public health professionals, and save an average of \$6,000 for every individual they serve; and

WHEREAS, treatment courts demonstrate that when one person rises out of substance use and crime, we all rise.

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, do hereby proclaim the month of May 2019 as

DRUG COURT MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed on this the 13th day of May 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

City of New Braunfels



Proclamation

THE STATE OF TEXAS §

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, each Texas spring brings the potential for flooding and flash flooding; and

WHEREAS, flash flooding is the number one cause of weather-related damage to public and private property and the loss of human life; and

WHEREAS, floods and flash floods are possible throughout the year, they have a higher frequency during spring and summer storms (some of which are slow moving, track over the same area, and can cause a rapid rise of water) and a flash flood can develop in minutes; and

WHEREAS, the reduction of loss of life and damage to property can be achieved when appropriate flood preparedness and mitigation measures are taken before a flood; and

WHEREAS, the City of New Braunfels has joined together with the Texas Floodplain Managers Association and the State of Texas to urge the public to be prepared for floods and flash floods and to consider the purchase of flood insurance, to be aware of flood watches and warnings, to be mindful of signs and barriers warning them of flood dangers, and to always "Turn Around, Don't Drown".

NOW, THEREFORE, I Barron Casteel, on behalf of the City Council and the citizens of New Braunfels, Texas do proclaim the week of May 19-25, 2019, as

Flood Awareness Week

in the City of New Braunfels, in honor of the men and women whose diligence and professionalism keep our City and citizens safe.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this the 13th day of May 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, MAYOR



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the minutes of the regular City Council meeting of April 22, 2019.

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, APRIL 22, 2019**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on April 22, 2019, 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 6:02 p.m. Councilmember Meadows gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

A) Letter Carriers' Food Drive Day

Mayor Casteel proclaimed May 11 as Letter Carriers' Food Drive Day.

B) Child Abuse Prevention Month

Mayor Casteel proclaimed April 2019 as Child Abuse Prevention and Awareness Month.

C) Community Development Week

Mayor Casteel proclaimed April 22-26 as Community Development Week.

D) Sexual Assault Awareness Month

Mayor Casteel proclaimed April as Sexual Assault Awareness Month.

E) Cinco de Mayo

Mayor Casteel proclaimed May 5 as Cinco de Mayo.

PRESENTATIONS:

A) Presentation on activities for Bike Month celebrated during the month of May.

Mayor Casteel read the aforementioned caption.

Ylda Capriccioso presented the item.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of April 8, 2019.

Mayor Casteel read the aforementioned caption.

Councilmember Garcia moved to approve the item. Councilmember Bowers 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.

Wayne Rudolph, David Feltmann, and David Warmke 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 Mayoral appointment of three individuals to the Reinvestment Zone No. 1 (TIRZ) Board of Directors and the New Braunfels Development Authority for terms ending May 29, 2021.
- B) Approval of a resolution recommended by the New Braunfels Economic Development Corporation to enter into a Second Amendment with CBE Companies Inc. to extend its lease until 2021, reduce the grant payment to \$225,000, and reduce target employment for 2018 to 446 full-time positions.
- C) Approval of a contract with D&M Owens for the construction of parking lot improvements; materials testing; and authority for the City Manager to approve all expenditures up to the contingency amount for the

Bridge Street Parking Lot Project.

- D) Approval of a contract with GolfNow, LLC for management of a point of sale system, including marketing and support services for the Landa Park Golf Course.

Ordinances

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

- E) Approval of the second and final reading of an ordinance regarding Youth Programs Standards of Care for the Parks and Recreation Department.

Mayor Casteel read the aforementioned captions.

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

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of a resolution in support of proposed state legislation that creates an exception in the law that will allow the City of New Braunfels City Council to approve the creation of a cemetery within the corporate limits of the City; and requesting state legislators support such legislation.

Mayor Casteel read the aforementioned caption.

David Pfeuffer presented the item.

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

- B) Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow short-term rental of a single-family residence in the "C-O" Commercial Office District on 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the public hearing.

Councilmember Hines moved to approve the item with staff recommendations. Councilmember Meadows seconded the motion which passed 5-2 with Councilmembers Hoyt and Garcia opposed.

- C) Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "C-2" General Business District, addressed at 352 W. Mill Street.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Tom Tumlinson spoke in favor of the item during the public hearing.

Mayor Pro Tem Peters moved to approve the item with staff recommendations and with maximum occupancy be ten adults. Councilmember Garcia seconded the motion which passed 6-1 with Councilmember Hoyt opposed.

- D) Public hearing and first reading of an ordinance regarding the proposed amendment to the "Cotton Cottages" Planned Development District (CCPD) Concept Plan, Detail Plan and related Development Standards, comprising 5.732 acres out of Lot 2A-1, F & M Hanz Estate Resubdivision, located on the south side of Hanz Drive between Loop 337 and Gruene Road.

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

No one spoke during the public hearing.

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

- E) Discuss and consider approval of a resolution authorizing the City Manager to enter into an Advance Funding Agreement with the Texas

Department of Transportation for installing advanced traffic signal controllers, networking equipment, and other signal hardware for off-system traffic signals in the City of New Braunfels.

Mayor Casteel read the aforementioned caption.

Greg Malatek presented the item.

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

5. EXECUTIVE SESSIONS

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items; any final action or vote taken will be in public.

- A) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code
 - Property for city facilities
- B) Deliberate 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, and to deliberate the purchase of, exchange, lease or value of real property in accordance with Section 551.072, of the Texas Government Code, specifically:
 - Landa Park Miniature Railroad
- C) 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:
 - Billboards
- D) 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 7:40 p.m. - 8:22 p.m.

No vote or action was taken.

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

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

No vote or action was taken.

7. ADJOURNMENT

The meeting adjourned at 8:23 p.m.

Date Approved: May 13, 2019

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Approval of the Arts Commission recommendations for allocating grant awards from hotel occupancy tax to various arts organizations of the City and authorizing the City Manager to execute contracts with the aforementioned organizations for the purpose of disbursement and use of funding.

BACKGROUND / RATIONALE:

The City Secretary's Office posted notice of the application process for hotel occupancy tax (HOT) grants via the City's bulletin board, press release, the City website, and in the Herald-Zeitung; and made the application available for interested arts organizations beginning in January. The Arts Commission met on April 15, 2019, to review qualified applications and make recommendations to the City Council.

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

N/A

FISCAL IMPACT:

City ordinance requires that 15 percent of HOT collections be allocated to the "enhancement of arts and cultural organizations and programs". Customarily these proceeds are divided equally between the Arts and Heritage Commissions who then make recommendations to City Council on the disbursement of their respective halves of the funding. This year, \$310,350.00 was made available to the Arts Commission based on 2018 HOT collections.

COMMITTEE RECOMMENDATION:

The Arts Commission voted unanimously for the allocation as listed in this table:

Name of Organization	2018 Award	2019 Request	2019 Recommendation
Brauntex Performing Arts Theatre Association, Inc.	109,602.00	117,180.00	75,116.96
Christian Youth Theater San Antonio	0.00	56,250.00	22,713.53
Circle Arts Theatre	52,057.00	60,400.00	44,836.83
Greater New Braunfels Arts Council	20,000.00	14,000.00	9,904.33
Mid-Texas Symphony Society, Inc.	20,000.00	28,998.00	16,094.18
New Braunfels Art League	68,000.00	74,500.00	46,925.67
New Braunfels Community Chorale	5,400.00	6,500.00	4,249.17

New Braunfels Parks Foundation	10,000.00	10,000.00	3,992.87
New Braunfels Science Education Foundation	3,750.00	3,750.00	3,072.73
New Braunfels Theatre Company	25,276.00	38,800.00	9,442.50
Outdoor Gallery of Art of New Braunfels, Inc.	53,370.00	51,200.00	20,242.83
Performing Arts Academy of New Braunfels	80,000.00	80,000.00	33,317.37
Texas Concert Opera Collective	0.00	26,000.00	6,990.70
Texas Hill Country Opera & Arts	17,800.00	21,700.00	13,450.33
TOTAL	\$465,255.00	\$589,278.00	\$310,350.00

STAFF RECOMMENDATION:

Staff recommends approval of the recommended allocations for the arts organizations as listed in the above table.

**CITY OF NEW BRAUNFELS
ARTS COMMISSION**

A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$ 75,116.96 TO THE BRAUNTEX PERFORMING ARTS THEATRE ASSOCIATION FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Brauntex Performing Arts Theatre Association is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the Brauntex Performing Arts Theatre Association, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

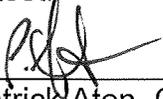
WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Brauntex Performing Arts Theatre Association and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the Brauntex Performing Arts Theatre Association \$ 75,116.96 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

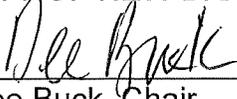
PASSED, ADOPTED AND APPROVED this 15th day of April 2019.

Attest:



Patrick Aten, City Secretary

CITY OF NEW BRAUNFELS, TEXAS



Dee Buck, Chair

**CITY OF NEW BRAUNFELS
ARTS COMMISSION**

A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$ 22,713.53 TO THE CHRISTIAN YOUTH THEATER SAN ANTONIO FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Christian Youth Theater San Antonio is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the Christian Youth Theater San Antonio, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Christian Youth Theater San Antonio and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the Christian Youth Theater San Antonio \$ 22,713.53 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 15th day of April 2019.

Attest:



Patrick Aten, City Secretary

CITY OF NEW BRAUNFELS, TEXAS



Dee Buck, Chair

**CITY OF NEW BRAUNFELS
ARTS COMMISSION**

A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$ 44,836.83 TO THE CIRCLE ARTS THEATRE FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Circle Arts Theatre is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the Circle Arts Theatre, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Circle Arts Theatre and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the Circle Arts Theatre \$ 44,836.83 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

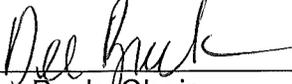
PASSED, ADOPTED AND APPROVED this 15th day of April 2019.

Attest:



Patrick Aten, City Secretary

CITY OF NEW BRAUNFELS, TEXAS



Dee Buck, Chair

**CITY OF NEW BRAUNFELS
ARTS COMMISSION**

A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$ 9,904.33 TO THE GREATER NEW BRAUNFELS ARTS COUNCIL FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Greater New Braunfels Arts Council is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the Greater New Braunfels Arts Council, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

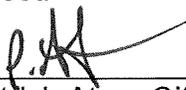
WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Greater New Braunfels Arts Council and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the Greater New Braunfels Arts Council \$ 9,904.33 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 15th day of April 2019.

Attest:



Patrick Aten, City Secretary

CITY OF NEW BRAUNFELS, TEXAS



Dee Buck, Chair

**CITY OF NEW BRAUNFELS
ARTS COMMISSION**

A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$ 16,094.¹⁸ TO THE MID-TEXAS SYMPHONY SOCIETY FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Mid-Texas Symphony Society is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the Mid-Texas Symphony Society, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Mid-Texas Symphony Society and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the Mid-Texas Symphony Society \$ 16,094.¹⁸ from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

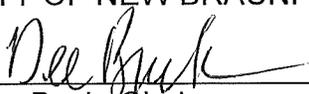
PASSED, ADOPTED AND APPROVED this 15th day of April 2019.

Attest:



Patrick Aten, City Secretary

CITY OF NEW BRAUNFELS, TEXAS



Dee Buck, Chair

**CITY OF NEW BRAUNFELS
ARTS COMMISSION**

A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$ 46,925.67 TO THE NEW BRAUNFELS ART LEAGUE FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the New Braunfels Art League is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the New Braunfels Art League, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the New Braunfels Art League and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the New Braunfels Art League \$ 46,925.67 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 15th day of April 2019.

Attest:



Patrick Aten, City Secretary

CITY OF NEW BRAUNFELS, TEXAS



Dee Buck, Chair

**CITY OF NEW BRAUNFELS
ARTS COMMISSION**

A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$ 4,249.17 TO THE NEW BRAUNFELS COMMUNITY CHORALE FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the New Braunfels Community Chorale is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the New Braunfels Community Chorale, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the New Braunfels Community Chorale and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the New Braunfels Community Chorale \$ 4,249.17 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 15th day of April 2019.

Attest:



Patrick Aten, City Secretary

CITY OF NEW BRAUNFELS, TEXAS



Dee Buck, Chair

**CITY OF NEW BRAUNFELS
ARTS COMMISSION**

A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$ 3,992.87 TO THE NEW BRAUNFELS PARKS FOUNDATION FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the New Braunfels Parks Foundation is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the New Braunfels Parks Foundation, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the New Braunfels Parks Foundation and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the New Braunfels Parks Foundation \$ 3,992.87 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

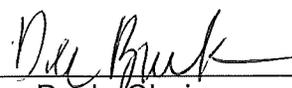
PASSED, ADOPTED AND APPROVED this 15th day of April 2019.

Attest:



Patrick Aten, City Secretary

CITY OF NEW BRAUNFELS, TEXAS



Dee Buck, Chair

**CITY OF NEW BRAUNFELS
ARTS COMMISSION**

A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$ 3,072.73 TO THE NEW BRAUNFELS SCIENCE EDUCATION FOUNDATION FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the New Braunfels Science Education Foundation is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the New Braunfels Science Education Foundation, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

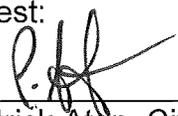
WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the New Braunfels Science Education Foundation and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the New Braunfels Science Education Foundation \$ 3,072.73 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

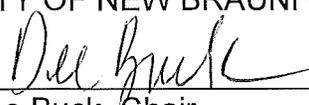
PASSED, ADOPTED AND APPROVED this 15th day of April 2019.

Attest:



Patrick Aten, City Secretary

CITY OF NEW BRAUNFELS, TEXAS



Dee Buck, Chair

**CITY OF NEW BRAUNFELS
ARTS COMMISSION**

A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$ 9,442.50 TO THE NEW BRAUNFELS THEATRE COMPANY FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the New Braunfels Theatre Company is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the New Braunfels Theatre Company, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the New Braunfels Theatre Company and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the New Braunfels Theatre Company \$ 9,442.50 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

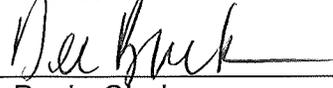
PASSED, ADOPTED AND APPROVED this 15th day of April 2019.

Attest:



Patrick Aten, City Secretary

CITY OF NEW BRAUNFELS, TEXAS



Dee Buck, Chair

**CITY OF NEW BRAUNFELS
ARTS COMMISSION**

A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$ 20,242.⁸³ TO THE OUTDOOR GALLERY OF ART OF NEW BRAUNFELS FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Outdoor Gallery of Art of New Braunfels is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the Outdoor Gallery of Art of New Braunfels, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Outdoor Gallery of Art of New Braunfels and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the Outdoor Gallery of Art of New Braunfels \$ 20,242.⁸³ from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 15th day of April 2019.

Attest:



Patrick Aten, City Secretary

CITY OF NEW BRAUNFELS, TEXAS



Dee Buck, Chair

**CITY OF NEW BRAUNFELS
ARTS COMMISSION**

A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$ 33,317.³⁷ TO THE PERFORMING ARTS ACADEMY OF NEW BRAUNFELS FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Performing Arts Academy of New Braunfels is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the Performing Arts Academy of New Braunfels, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Performing Arts Academy of New Braunfels and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the Performing Arts Academy of New Braunfels \$ 33,317.³⁷ from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

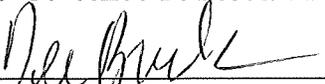
PASSED, ADOPTED AND APPROVED this 15th day of April 2019.

Attest:



Patrick Aten, City Secretary

CITY OF NEW BRAUNFELS, TEXAS



Dee Buck, Chair

**CITY OF NEW BRAUNFELS
ARTS COMMISSION**

A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$ 6,990.70 TO THE TEXAS CONCERT OPERA COLLECTIVE FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Texas Concert Opera Collective is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the Texas Concert Opera Collective, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Texas Concert Opera Collective and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the Texas Concert Opera Collective \$ 6,990.70 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

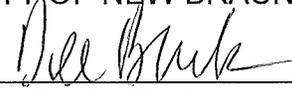
PASSED, ADOPTED AND APPROVED this 15th day of April 2019.

Attest:



Patrick Aten, City Secretary

CITY OF NEW BRAUNFELS, TEXAS



Dee Buck, Chair

**CITY OF NEW BRAUNFELS
ARTS COMMISSION**

A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$ 13,450.³³ TO THE TEXAS HILL COUNTRY OPERA & ARTS FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Texas Hill Country Opera & Arts is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the Texas Hill Country Opera & Arts, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Texas Hill Country Opera & Arts and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the Texas Hill Country Opera & Arts \$ 13,450.³³ from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 15th day of April 2019.

Attest:



Patrick Aten, City Secretary

CITY OF NEW BRAUNFELS, TEXAS



Dee Buck, Chair



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. B)

Presenter/Contact

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

SUBJECT:

Approval of the Heritage Commission recommendations for allocating grant awards from hotel occupancy tax to various heritage organizations of the City and authorizing the City Manager to execute contracts with the aforementioned organizations for the purpose of disbursement and use of funding.

BACKGROUND / RATIONALE:

The City Secretary's Office posted notice of the application process for hotel occupancy tax (HOT) grants via the City's bulletin board, press release, the City website, and in the Herald-Zeitung; and made the application available for interested heritage organizations beginning in January. The Heritage Commission met on April 15, 2019, to review qualified applications and make recommendations to the City Council.

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

N/A

FISCAL IMPACT:

City ordinance requires that 15 percent of Hotel Occupancy Tax (HOT) collections be allocated to the "enhancement of arts and cultural organizations and programs". Customarily these proceeds are divided equally between the Arts and Heritage Commissions, who then make recommendations to City Council on the disbursement of their respective halves of the funding. This year, \$324,227.43 was made available to the Heritage Commission based on 2018 HOT collections. This amount is slightly more than the Arts Commission had to recommend because of the refund given back to Heritage Commission by the now defunct Historic Museums Association.

COMMITTEE RECOMMENDATION:

The Heritage Commission voted unanimously for the allocation as listed in this table:

Name of Organization	2018 Award	2019 Request	2019 Recommendation
Heritage Society of New Braunfels	76,560.41	97,700.00	90,430.11
Historic Museums Association of New Braunfels	37,611.74	0.00	0.00
New Braunfels Conservation Society	57,831.94	75,000.00	69,419.22
New Braunfels Historic Railroad & Modelers Society, Inc.	53,983.32	79,475.00	73,561.24
Sophienburg Archives and Museum of History	65,315.09	98,117.84	90,816.86

TOTAL	\$291,302.50	\$350,292.84	\$324,227.43
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STAFF RECOMMENDATION:

Staff recommends approval of the recommended allocations for the heritage organizations as listed in the above table.

**CITY OF NEW BRAUNFELS
HERITAGE COMMISSION**

A RESOLUTION OF THE CITY OF NEW BRAUNFELS HERITAGE COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$ 90,430.11 TO THE HERITAGE SOCIETY OF NEW BRAUNFELS FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Heritage Society of New Braunfels is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the Heritage Society of New Braunfels, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Heritage Society of New Braunfels and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Heritage Commission of the City of New Braunfels hereby recommends that the City Council award the Heritage Society of New Braunfels \$ 90,430.11 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 15th day of April 2019.

Attest:



Patrick Aten, City Secretary

CITY OF NEW BRAUNFELS, TEXAS



Joanna Lewis, Chair

**CITY OF NEW BRAUNFELS
HERITAGE COMMISSION**

A RESOLUTION OF THE CITY OF NEW BRAUNFELS HERITAGE COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$69,419.22 TO THE NEW BRAUNFELS CONSERVATION SOCIETY FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the New Braunfels Conservation Society is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the New Braunfels Conservation Society, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the New Braunfels Conservation Society and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Heritage Commission of the City of New Braunfels hereby recommends that the City Council award the New Braunfels Conservation Society \$69,419.22 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 15th day of April 2019.

Attest:



Patrick Aten, City Secretary

CITY OF NEW BRAUNFELS, TEXAS


Joanna Lewis, Chair

**CITY OF NEW BRAUNFELS
HERITAGE COMMISSION**

A RESOLUTION OF THE CITY OF NEW BRAUNFELS HERITAGE COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$73,561.24 TO THE NEW BRAUNFELS HISTORIC RAILROAD & MODELERS SOCIETY, INC. FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the New Braunfels Historic Railroad & Modelers Society, Inc. is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the New Braunfels Historic Railroad & Modelers Society, Inc., when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the New Braunfels Historic Railroad & Modelers Society, Inc. and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Heritage Commission of the City of New Braunfels hereby recommends that the City Council award the New Braunfels Historic Railroad & Modelers Society, Inc. \$73,561.24 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 15th day of April 2019.

Attest:



Patrick Aten, City Secretary

CITY OF NEW BRAUNFELS, TEXAS



Joanna Lewis, Chair

**CITY OF NEW BRAUNFELS
HERITAGE COMMISSION**

A RESOLUTION OF THE CITY OF NEW BRAUNFELS HERITAGE COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$90,816.86 TO THE SOPHIENBURG ARCHIVES & MUSEUM OF HISTORY FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Sophienburg Archives & Museum of History is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the Sophienburg Archives & Museum of History, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Sophienburg Archives & Museum of History and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Heritage Commission of the City of New Braunfels hereby recommends that the City Council award the Sophienburg Archives & Museum of History \$90,816.86 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

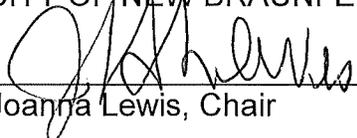
PASSED, ADOPTED AND APPROVED this 15th day of April 2019.

Attest:



Patrick Aten, City Secretary

CITY OF NEW BRAUNFELS, TEXAS



Joanna Lewis, Chair



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. C)

Presenter/Contact

Jared Werner, Chief Financial Officer
(830) 221-4385 - jwerner@nbtexas.org

SUBJECT:

Approval of a budget amendment in the FY 2018-19 2013 General Obligation Bond Fund.

BACKGROUND / RATIONALE:

The City Council has approved Advanced Funding Agreements with the Texas Department of Transportation (TxDOT) associated with two separate projects. Both projects were approved by the Alamo Area Metropolitan Planning Organization (AAMPO). A brief description of the two projects have been provided below.

Pedestrian Improvements - includes the development, design and construction of pedestrian improvements including sidewalks, ramps, crosswalks and signage in four project locations (McQueeney Road, Seele Elementary, W. San Antonio Street and South Walnut Avenue). Design, environmental and all other soft costs have been funded by the NBEDC. The City is responsible for 20 percent of the estimated construction costs.

Traffic Signal hardware/equipment - Includes advanced traffic signal controllers, networking equipment and other signal hardware for nine traffic signals.

Budget Amendment - While the City Council has approved the advanced funding agreements, we have yet to establish a budget for the full local commitment for both projects. As mentioned above, the NBEDC has funded the non-construction contribution to the pedestrian improvement project. The pedestrian improvement project also requires that the City budget the full cost of the construction and file for reimbursement for the 80 percent which is funded from federal funds, which is reflected in the budget amendment below. Staff recommends utilization of the interest earnings in the 2013 bond fund, which are currently unallocated.

From:

<i>Intergovernmental Revenue (80% of Ped Imp Construction)</i>	<i>\$1,280,000</i>
<i>Contingencies/Interest Earnings (Local Commitment - both projects)</i>	<i><u>375,000</u></i>
	<i>\$1,655,000</i>

To:

<i>AAMPO - Pedestrian Improvements (total estimated construction costs)</i>	<i>\$1,600,000</i>	
<i>AAMPO - Traffic Signal Hardware/Equipment</i>	<i><u>55,000</u></i>	
		<i>\$1,655,000</i>

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

<input checked="" type="checkbox"/>	Yes	Strategic Priorities:	Maintain fiscal stability of city operations
-------------------------------------	-----	------------------------------	--

FISCAL IMPACT:

As mentioned above, this budget amendment is a follow up to the previously approved advanced funding agreements. There are sufficient interest earnings available to support the local commitments for these two projects.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the budget amendment.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. D)

Presenter/Contact

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

SUBJECT:

Approval of the City of New Braunfels FY 2018-19 Second 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 2018-19 Second Quarter Investment Report to meet these statutory requirements. As of March 31, 2019, the City had \$130,196,085 (market value) invested in different investment instruments including cash, as shown below. The portfolio increased by \$17,291,356 in the second fiscal quarter. This was due primarily to the receipt of property taxes during the quarter.

Investment Type:	Amount Invested (\$ in Millions)
Money Market/Cash	\$ 7
Pools	123
Total Investments	\$ 130

Weighted Average Maturity of Portfolio	1 Day
Weighted Average Yield of Portfolio	2.36%
Earned Income - Qtr	\$ 708,910
Earned Income - YTD	\$ 1,266,336

For the second quarter, the weighted average yield on the City's investments was 2.36 percent, an increase of .19 percent when compared to the first quarter of FY 2018-19 earnings of 2.17 percent. This improvement was due to an increase in average interest rates on TexPool investments.

The weighted average maturity of the City's portfolio remained the same in comparison to the first quarter of FY 2018-19 due to all funds being held in fully liquid depository or money market accounts and local government investment pools. Due to the inversion of the treasury yield curve on the short end (meaning daily yields are higher than 2 year yields), and the goal of maintaining the City's liquidity for the payment of expenditures, it makes the most financial sense currently, to keep the

City's funds in local government investment pools and money market accounts. More specifically, liquidity will remain a high priority with the approval of the 2019 bond proposition(s) to maximize the opportunity to utilize reimbursement resolutions to progress projects in advance of bond issuances.

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

X	Yes	City Plan/ Council Priority:	Strategic Priorities: 8 - Maintain fiscal stability of City operations
---	-----	-------------------------------------	--

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the attached investment report.



HilltopSecurities

Asset Management.

Investment Portfolio Summary

City of New Braunfels



For the Quarter Ended

March 31, 2019

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 - MARCH 2019:

Fixed income investors and the Fed finally threw in the towel on rate hikes, succumbing to signs of a global economic slowdown, even as most domestic economic data continued to paint a mixed picture. The 35 day government shutdown earlier in the year has wreaked havoc on much of the data. In addition to delayed release schedules and problematic seasonal adjustments, it's apparent that the shutdown had a negative impact on economic activity in December and January, and that February and March are enjoying a bit of a snapback. The first release of Q4 2018 GDP showed the economy expanded at a +2.6% annualized pace. However, downward revisions to December retail sales pushed the final Q4 GDP measure down to +2.2%. February's headline retail sales fell by -0.2%, well below the expected +0.2% advance, although a positive revision to January eased the disappointment. The ISM manufacturing data also fell short of expectations as the February reading slid to 54.2, the weakest in two years. On the other hand, the ISM non-manufacturing (service sector) index jumped to 59.7 in February, within 1.6 points of an all-time high. The new orders component surged to 64.7, the highest reading in three decades of record keeping.

The February employment report only added to the confusion as nonfarm payrolls rose by a meager +20k, ridiculously short of the +180k median forecast. Meanwhile, January's gain was revised upward to +311k. So, February was really bad and January was really good. The two-month average is a solid +165k, while the five-month average is still a very strong +206k. The unemployment rate slipped back to 3.8%, just a tenth higher than the 49-year low point in September. Average hourly earnings advanced to +3.4% year-over-year pace, the fastest wage growth in a decade. In short, the job market remains quite healthy by most any measure. Housing data was mixed, an adjective that could be used to describe much of the economic data released during March. Importantly, inflation remains well contained and the upward trend seen through the first half of last year has been stymied. The headline consumer price index slipped to +1.5% year-over-year, the lowest since September 2016. Core CPI fell to +2.1%, while the Fed's preferred measure, core PCE, is running at a +1.8% pace.

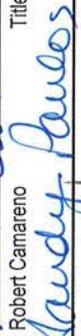
The Fed has taken notice of the moderating inflation trends with Chair Powell acknowledging the FOMC has failed to attain its inflation objectives. With economic growth sputtering and inflation trending lower, the Fed has made a complete about-face. Recall that in December, not only did the FOMC raise the overnight fed funds target rate by 25 basis points, but their dot plot also indicated they expected to hike three more times during 2019. Just three months later at the March FOMC meeting, those plans were thrown out the window with the dot plot calling for zero rate increases this year. Furthermore, the Fed will halt their balance sheet runoff, or quantitative tightening, in the coming months. The dovish shift by a now patient Fed sparked yet another bond market rally. At this point, not only have rate hikes been priced out of the market, but some investors now see rate cuts on the horizon and yield curve inversions have become even more pronounced. The 10-year Treasury note yield closed the month at 2.40%, just below the one-month T-bill. The two-year T-note yield fell to 2.26%, 71 basis points below last November's 2.97% high point, while the three-year dropped even further to 2.20%. Lower interest rates and an accommodative Fed provided a boost to equity markets, which extended their rally from December's swoon.

**For the Quarter Ended
March 31, 2019**

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.

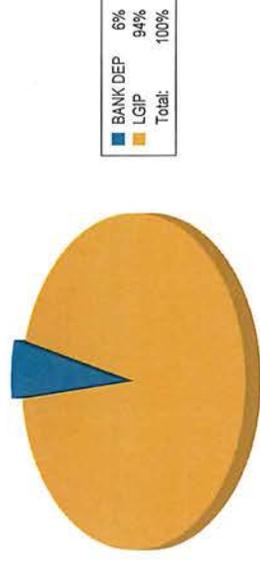
Officer Names and Titles:

	_____
Name: Robert Camareno	Title: City Manager
	_____
Name: Sandy Paulos	Title: Asst. Director of Finance
	_____
Name: Jared Werner	Title: Chief Financial Officer

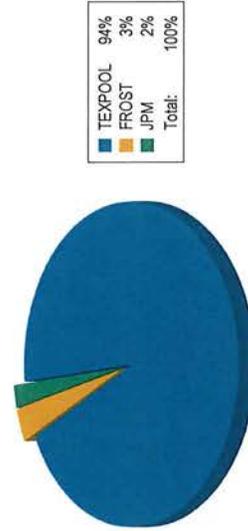
Account Summary

	Beginning Values as of 12/31/18	Ending Values as of 03/31/19
Par Value	112,904,729.19	130,196,085.14
Market Value	112,904,729.19 ✓	130,196,085.14
Book Value	112,904,729.19 ✓	130,196,085.14
Unrealized Gain/(Loss)	0.00	0.00
Market Value %	100.00%	100.00%
Weighted Avg. YTW	2.174%	2.362% ✓
Weighted Avg. YTM	2.174% ✓	2.362%

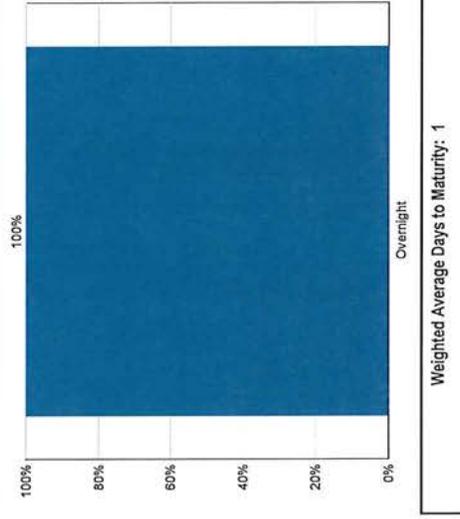
Allocation by Security Type



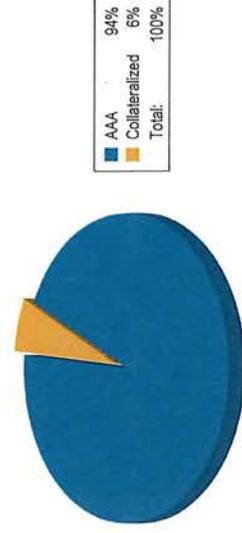
Allocation by Issuer

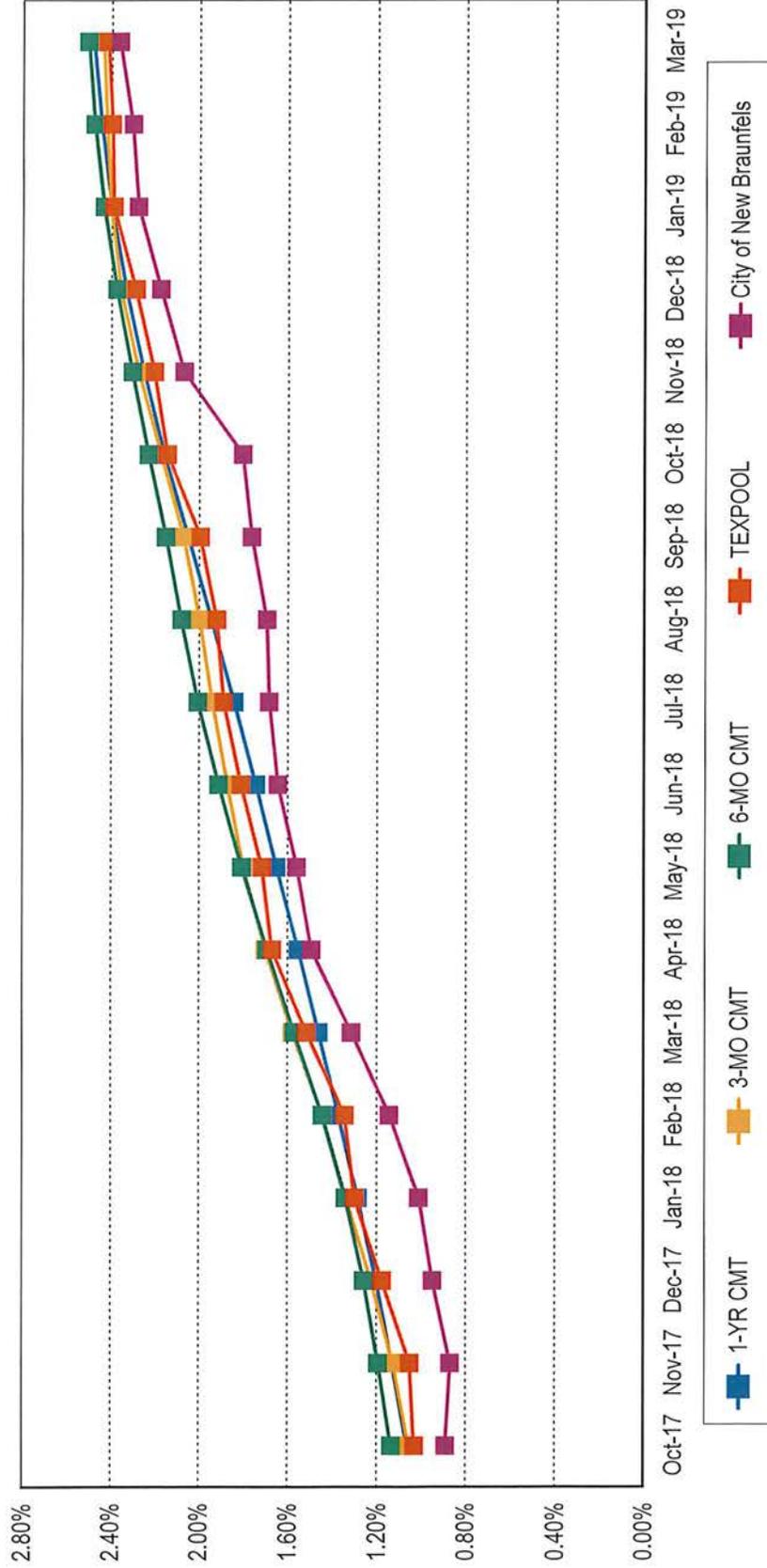


Maturity Distribution %



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 CMT's are the daily averages for the previous 12-months.

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

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
101 - General Fund																	
FROST-NBR		BANK DEP	Frost Bk					4,466,231.61	100,000	4,466,231.61	4,466,231.61	100,000	4,466,231.61	1		2.040	2.040
JPM-NBRE		BANK DEP	JPM Chase Bk					2,901,380.57	100,000	2,901,380.57	2,901,380.57	100,000	2,901,380.57	1		0.550	0.550
TEXPOOL		LGIP	TexPool					30,529,287.66	100,000	30,529,287.66	30,529,287.66	100,000	30,529,287.66	1		2.416	2.416
Total for 101 - General Fund									100,000	37,896,899.84	37,896,899.84	100,000	37,896,899.84	1		2.229	2.229
212 - NB Industrial Dev Corp																	
TEXPOOL		LGIP	TexPool					13,654,858.94	100,000	13,654,858.94	13,654,858.94	100,000	13,654,858.94	1		2.416	2.416
Total for 212 - NB Industrial Dev Corp									100,000	13,654,858.94	13,654,858.94	100,000	13,654,858.94	1		2.416	2.416
999 - Pooled Funds																	
TEXPOOL		LGIP	TexPool					78,644,326.36	100,000	78,644,326.36	78,644,326.36	100,000	78,644,326.36	1		2.416	2.416
Total for 999 - Pooled Funds									100,000	78,644,326.36	78,644,326.36	100,000	78,644,326.36	1		2.416	2.416
Total for City of New Braunfels									100,000	130,196,085.14	130,196,085.14	100,000	130,196,085.14	1		2.362	2.362

CUSIP	Security Type	Security Description	12/31/18 Book Value	Cost of Purchases	Maturities / Calls / Sales	Amortization / Accretion	Realized Gain/(Loss)	03/31/19 Book Value	12/31/18 Market Value	03/31/19 Market Value	Change in Mkt Value
101 - General Fund											
FROST-NBR	BANK DEP	Frost Bk	3,380,154.43	1,641,967.92	(555,890.72)	0.00	0.00	4,466,231.61	3,380,154.43	4,466,231.61	1,086,077.18
JPM-NBRE	BANK DEP	JPM Chase Bk	2,896,983.45	4,397.12	0.00	0.00	0.00	2,901,380.57	2,896,983.45	2,901,380.57	4,397.12
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	14,892,368.24	15,636,919.42	0.00	0.00	0.00	30,529,287.66	14,892,368.24	30,529,287.66	15,636,919.42
Total for 101 - General Fund			21,169,506.12	17,283,284.46	(555,890.72)	0.00	0.00	37,896,899.84	21,169,506.12	37,896,899.84	16,727,393.72
212 - NB Industrial Dev Corp											
TEXPOOL	LGIP	TexPool	13,566,399.00	88,459.94	0.00	0.00	0.00	13,654,858.94	13,566,399.00	13,654,858.94	88,459.94
Total for 212 - NB Industrial Dev Corp			13,566,399.00	88,459.94	0.00	0.00	0.00	13,654,858.94	13,566,399.00	13,654,858.94	88,459.94
999 - Pooled Funds											
TEXPOOL	LGIP	TexPool	78,168,824.07	475,502.29	0.00	0.00	0.00	78,644,326.36	78,168,824.07	78,644,326.36	475,502.29
Total for 999 - Pooled Funds			78,168,824.07	475,502.29	0.00	0.00	0.00	78,644,326.36	78,168,824.07	78,644,326.36	475,502.29
Total for City of New Braunfels			112,904,729.19	17,847,246.69	(555,890.72)	0.00	0.00	130,196,085.14	112,904,729.19	130,196,085.14	17,291,355.95

CUSIP	Security Type	Security Description	Beg. Accrued	Interest Earned	Interest Rec'd / Sold / Matured	Interest Purchased	Ending Accrued	Disc Accr / Prem Amort	Net Income
101 - General Fund									
FROST-NBR	BANK DEP	FrostBk	0.00	3,631.03	3,631.03	0.00	0.00	0.00	3,631.03
JPM-NBRE	BANK DEP	JPM Chase Bk	0.00	4,397.12	4,397.12	0.00	0.00	0.00	4,397.12
TEXPOOL	LGIP	TexPool	0.00	136,919.42	136,919.42	0.00	0.00	0.00	136,919.42
Total for 101 - General Fund			0.00	144,947.57	144,947.57	0.00	0.00	0.00	144,947.57
212 - NB Industrial Dev Corp									
TEXPOOL	LGIP	TexPool	0.00	88,459.94	88,459.94	0.00	0.00	0.00	88,459.94
Total for 212 - NB Industrial Dev Corp			0.00	88,459.94	88,459.94	0.00	0.00	0.00	88,459.94
999 - Pooled Funds									
TEXPOOL	LGIP	TexPool	0.00	475,502.29	475,502.29	0.00	0.00	0.00	475,502.29
Total for 999 - Pooled Funds			0.00	475,502.29	475,502.29	0.00	0.00	0.00	475,502.29
Total for City of New Braunfels			0.00	708,909.80	708,909.80	0.00	0.00	0.00	708,909.80



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. E)

Presenter/Contact

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

SUBJECT:

Approval of a construction contract with D&M Owens for construction of additional parking at Das Rec, materials testing contract with Raba Kistner and approval for the City Manager to approve all other expenditures up to the contingency amount.

BACKGROUND / RATIONALE:

As part of the 2013 Bond Program Das Rec was constructed and has been in operation since summer of 2018. Over the past months of operation, it has been identified that additional parking is needed to adequately serve the Das Rec members and users.

This work will include two new parking areas as well as additional lighting as required for safety purposes. Total added spaces is 76.

Below is a summary of the estimated costs:

D&M (parking lot work): \$150,000

D&M (electrical work): \$20,000

Contingency (15%): \$25,500

Materials Testing: \$20,000

Total: \$215,500

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

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

Utilization of the remaining contingency funds for Das Rec in Proposition 3 as part of the 2013 Bond Program.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a construction contract with D&M Owens for construction of additional parking at Das Rec, materials testing contract with Raba Kistner and approval for the City Manager to

approve all other expenditures up to the contingency amount.

NO.	REVISION DESCRIPTION	REVISION DATE

DATE: MARCH 2019
 DRAWN BY: DH
 DESIGNED BY: EP
 REVIEWED BY: CC
 HMT PROJECT NO.: 040.028

SHEET
C3.0

DAS REC PARKING EXPANSION

SITE PLAN



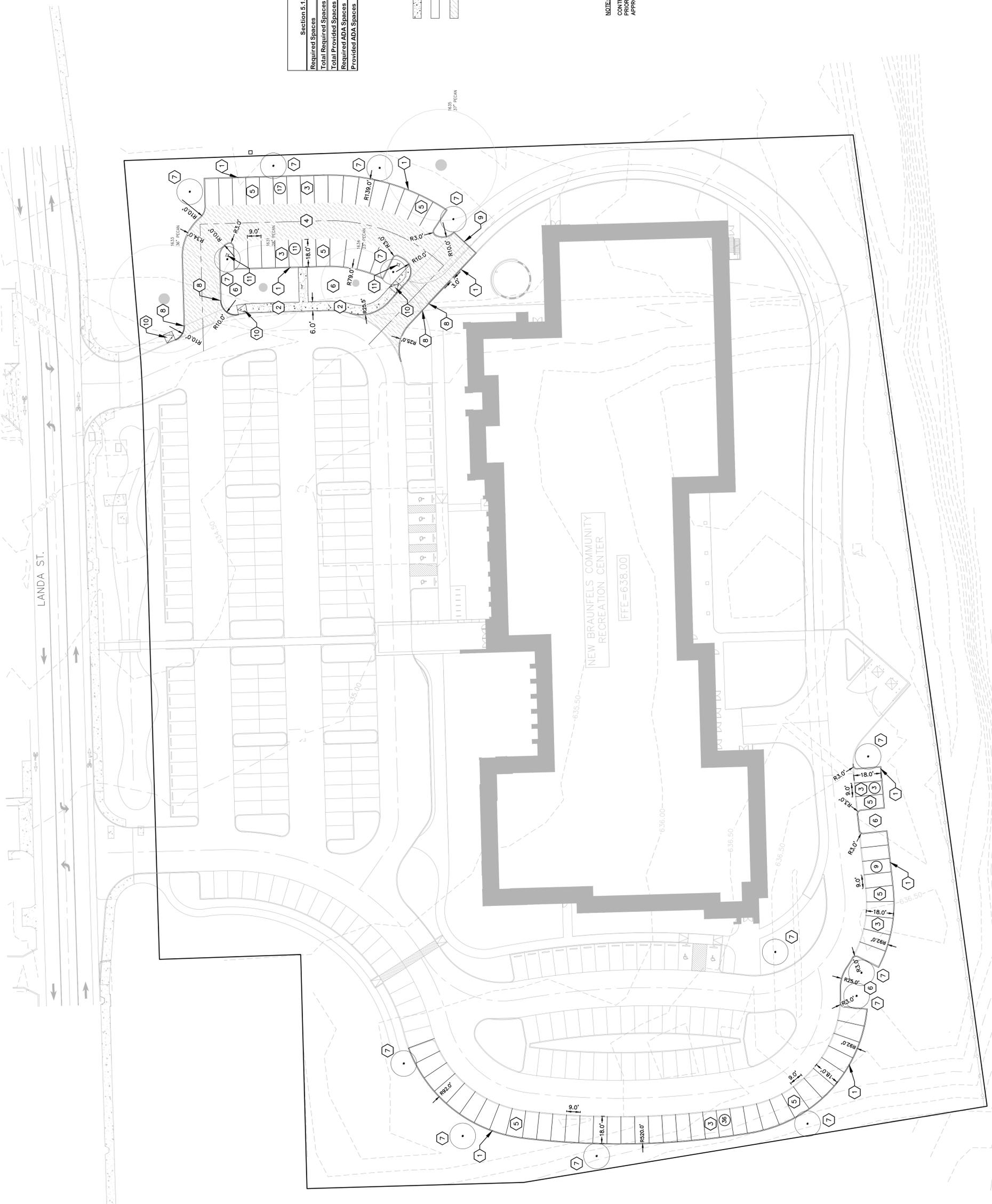
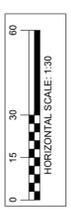
8200 W INTERSTATE 10
 SAN ANTONIO, TX 78253
 HMT@HMTB.COM
 P(210)562-3844 F(210)562-3238
 TPE FIRM F-10961
 TPLS FIRM 10153600

Parking Table	
Section 5.1.3 Chapter 144Zoning - City of New Braunfels	
Required Spaces	185
Total Required Spaces	185
Total Provided Spaces	294
Required ADA Spaces	7
Provided ADA Spaces	7

- KEY NOTES**
- CONCRETE HEADER CURB
 - CONCRETE SIDEWALK
 - LIGHT DUTY PAVEMENT
 - HEAVY DUTY PAVEMENT
 - STRIPING
 - LANDSCAPE AREA (COORDINATE WITH CITY)
 - 2' SHADE TREE
 - 1:1 TRANSITION TO RIBBON CURB
 - ROLLOVER CURB
 - A.D.A. RAMP
 - PROPOSED LIGHT POLE
 - PARKING COUNT

NOTE:
 CONTRACTOR TO HAVE SPECIES APPROVED BY OWNER
 FOR SHADE TREE PLANTING. (SEE SHEET C3.0 FOR
 APPROVED TREE LIST)

- LEGEND**
- UTILITY EASEMENT
 - DRAINAGE EASEMENT
 - A.D.A. RAMPS
 - A.D.A. PARKING





City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. F)

Presenter/Contact

TJ Grossi, Building Official
(830) 221-4062 - tgrossi@nbtexas.org

SUBJECT:

Approval of the first reading of an ordinance amending Appendix D-Fee Schedule in the City's Code of Ordinances to authorize the rounding down the total of fees owed to the nearest whole dollar amount.

BACKGROUND / RATIONALE:

In May of 2018 the City of New Braunfels adopted new development-related fees, some of which are based on percentages. Most of the fees are flat, however due to the aforementioned percentage calculations, some payments do not end in whole dollar amounts. This does not present an issue to larger developments or permits which are mostly paid by check or credit card. However, residents who apply for smaller permits, such as for fences, decks, water heaters, etc. often pay with cash due to the much smaller amounts. Additionally, many of those same customers who pay with cash do not routinely carry change.

If a permit fee totals something other than a whole dollar amount, for example: \$26.17, it requires the City to provide change back. The City's efforts overall are to speed up processes, particularly in the permitting and plan review function. Providing change is an additional step that decelerates the process both over the counter and when preparing daily cash reports. Removing change from the department's cash drawer and daily cash report would create more efficient, streamlined and speedy transactions with external customers, as well as with the Finance Department.

The City's permit software, CityWorks, generates the fees and invoices. It has the ability to round fees down to the nearest dollar.

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

<p>City Plan/Council Priority: Strategic Issues Envision New Braunfels Comprehensive Plan</p>	<p>Continuous evaluation of efficiencies: Create a more efficient process for costumers and City Staff who handle cash. Action 3.6: Pro-actively provide a regulatory environment that remains business and resident friendly.</p>
--	--

FISCAL IMPACT:

Staff calculated the fiscal impact for December 2018 and January 2019 (see Attachment 1). In December, the department processed approximately 2,500 fees, collecting \$609,739.48. Rounding down would have resulted in a net loss of \$104.48; January's numbers were similar: rounding down would have resulted in a loss of \$143.57. An estimated impact of less than \$2,000 per year. This is a small dollar impact to the overall budget but that would result in better efficiencies for external and

internal customers.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval.



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

Attachment 1

December 2018 Actual Fees Collected		Estimated Fee Rounding
		ROUNDDOWN
	<i>Variance:</i>	\$ -104.48
\$ 609,739.48		\$ 609,635.00

January 2019 Actual Fees Collected		Estimated Fee Rounding
		ROUNDDOWN
	<i>Variance:</i>	\$ -143.57
\$ 645,018.57		\$ 644,875.00

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, APPENDIX D, FEE SCHEDULE TO ALLOW THE ROUNDING DOWN OF DEVELOPMENT FEES TO THE NEAREST WHOLE DOLLAR; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels, Texas, provides as part of its municipal business to the public, development application processes and services pursuant to federal law, state statute and local ordinance; and

WHEREAS, the City Council of the City of New Braunfels, Texas, has established reasonable administrative fees in order to recoup the cost of conducting such processes and delivering such services on the public's behalf without unduly relying on taxes; and

WHEREAS, the City of New Braunfels seeks to provide efficient customer service throughout the development process; and

WHEREAS, the City of New Braunfels finds it necessary to establish processes and procedures that are fiscally prudent and responsible, including the costs associated with employee time; and

WHEREAS, the City of New Braunfels has identified that in consideration of the large volume of transactions at the Planning and Community Development Department, utilizing coin change for amounts smaller than \$1.00 for cash paying customers decelerates the process both over-the-counter and in the daily cash reporting procedures; **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 Appendix D "Fee Schedule" of the New Braunfels Code of Ordinances, is hereby amended as shown below:

Appendix D: Fee Schedule

(k) All fees associated with this Schedule of Fees will be rounded down to the nearest whole dollar amount after the total amount of fees owed is calculated.

SECTION 3

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

SECTION 4

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

SECTION 5

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

SECTION 6

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

SECTION 7

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

PASSED AND APPROVED: First Reading this the 13th day of May, 2019.

PASSED AND APPROVED: Second and Final Reading this the 28th day of May, 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. G)

Presenter/Contact

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

SUBJECT:

Approval of the first reading of an ordinance amending the Code of Ordinances Section 86-97 Landa Park miniature golf and paddle boat fees.

BACKGROUND / RATIONALE:

Two unique paddle boats have been purchased to add to the fleet of boats at the Landa Park Boat House. These new boats include a swan and a dragon. Photo examples are attached. Due to the special nature of the two boats, staff believes a slight upcharge is warranted.

Fees for paddle boats and miniature golf are set by ordinance. Currently, paddle boats rent for \$3 per person for a 30-minute ride. Staff is proposing to rent the two new boats for \$5 per person for a 30-minute ride.

Also proposed, is the adoption of a new range of fees for both the paddle boats and miniature golf so that some flexibility can be provided without the need to revise ordinances for these negligible usage fees. Any changes would be considered on a yearly basis and sufficient notice to the public will be given prior to any changes. Paddle boats and mini-golf are not a "cost recovery" operation; that is, fees are not set to fully recover the City's cost of operations. Instead, fees are considered and set based on demand for the service and to provide an affordable family outdoor entertainment option.

Sec. 86-97. - Landa Park miniature golf and paddle boat fees.

The following schedule of fees shall be paid by patrons of Landa Park in the city for miniature golf and paddle boats. The city manager is hereby authorized to set appropriate fees in writing, not to exceed the following limits:

- (1) Patrons of the miniature golf course in Landa Park shall be charged a "per round" fee of not less than ~~\$1.00~~ **\$3.00** nor more than ~~\$3.25~~ **\$10.00** per person.
- (2) Patrons of Landa Park shall be charged for paddle boat rentals as follows:
Not less than ~~\$1.00~~ **\$3.00** nor more than ~~\$3.25~~ **\$10.00** per person per one half-hour rental.

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

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FISCAL IMPACT:

Since this will be a new service, revenue generation projections would be speculative. However, the paddle boat operation is budgeted to generate \$50,000 in FY 2018-19 and the addition of these two new features, and the associated fee increase, will have a positive impact on the revenue.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance regarding fees for paddle boats and miniature golf at Landa Park.



ORDINANCE NO. 2019 - ____

AN ORDINANCE AMENDING CHAPTER 86 PARKS AND RECREATION SECTIONS 86-97 OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS REGARDING LANDA PARK MINIATURE GOLF AND PADDLE BOAT FEES; REPEALING ALL ORDINANCE IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the existing fees, charges, and rates for Landa Park miniature golf and paddle boats have not been adjusted since the 2006; and

WHEREAS, improvements have been made to both facilities;

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 are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2: That Section 86-97 “Landa Park miniature golf and paddle boat fees” shall be amended to hereinafter read as follows:

The following schedule of fees shall be paid by patrons of Landa Park in the city for miniature golf and paddle boats. The city manager is hereby authorized to set appropriate fees in writing, not to exceed the following limits:

(1) Patrons of the miniature golf course in Landa Park shall be charged a "per round" fee of not less than ***\$3.00 and not more than \$10.00*** per person.

(2) Patrons of Landa Park shall be charged for paddle boat rentals as follows:
Not less than ***\$3.00 nor more than \$10.00*** per person per one half-hour rental.

SECTION 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4: All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 5: All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6: In accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

SECTION 7: This Ordinance shall become adopted upon its second reading, signature required by City Charter, filing with the City Secretary’s Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this _____ day of _____, 2019.

PASSED AND APPROVED: Second reading this _____ day of _____, 2019.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
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

5/13/2019

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Canvass returns of the regular and special elections of May 4, 2019.

BACKGROUND / RATIONALE:

N/A

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 acceptance of the results by City Council.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. B)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of an ordinance declaring the canvass and result of the Regular election held on May 4, 2019, to elect one member of the New Braunfels City Council; containing a savings clause; declaring an effective date; and declaring an emergency.

BACKGROUND / RATIONALE:

N/A

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 ordinance.

ORDINANCE NO. 2019-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, DECLARING THE CANVASS AND RESULT OF AN ELECTION HELD ON MAY 4, 2019, TO ELECT ONE MEMBER OF THE NEW BRAUNFELS CITY COUNCIL; CONTAINING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

I

Came on this the 13th day of May, 2019, the 9th day after the called election to elect one member of the City Council of New Braunfels, Texas, to be canvassed in accordance with State law, the returns of the municipal election held on the 4th day of May, 2019, at which election there were submitted to the qualified voters of the City of New Braunfels, the names of candidates to be considered for the election of one member of the City Council, all as fully set out in the resolution ordering said election and approved on the 11th day of February, 2019, as set out in the Election Notice published in the New Braunfels Herald-Zeitung, a newspaper of general circulation in said city, as required by law, reference to said resolution being here made for all purposes, and the City Council of the City of New Braunfels has met to canvass the returns and to declare the result of said election in the manner provided by law, and after considering, determining and canvassing all matters of facts, including votes, appertaining, we, the Mayor and the City Council of the City of New Braunfels, after opening the returns of the election received from the election judges and delivered to the City Secretary, do hereby find and declare the result of said election to be as tabulated below:

FOR MEMBERS OF CITY COUNCIL

DISTRICT TWO

JUSTIN MEADOWS	473 VOTES
BRYAN MORTENSON	51 VOTES
KRYSTAL BOLDEN	133 VOTES

II

And it appearing to the City Council of the City of New Braunfels that the names of the candidates for a Councilmember for the City of New Braunfels from District Two

for a term which shall begin at the first regular meeting following this canvass (May 28, 2019) and shall expire when his/her successor is elected and qualified; were submitted at said election and that the election was held and conducted, and that the returns thereof were made, all as required by the Charter of the City of New Braunfels, Texas, and the laws of the State of Texas, the order of the City Council and the law for such cases made and provided, and that at said election, there were cast respectively for each of the said candidates for the office of Councilmember from District Two for a term beginning on May 28, 2019, and which shall expire in May 2022, the aggregate number of votes as shown on the above.

III

And the Mayor and City Council of the City of New Braunfels, having first canvassed said returns and having found the same in all things correct, the same was thereupon adopted by majority vote of the City Council; and it is further declared that as a result of said election; the Councilmember of the City of New Braunfels from District Two for the term beginning on May 28, 2019, is

DISTRICT TWO: Justin Meadows

and each was elected by receiving the majority of all votes cast for the office which he/she was a candidate, cast by the qualified voters of the City of New Braunfels voting at said election, and each is hereby declared to be the lawful and duly elected Councilmember for the City of New Braunfels for the district specified.

IV

If any part of this ordinance shall be held to be unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not affect the constitutionality or validity of the remaining parts of this Ordinance. The City Council hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts thereof would have been declared unconstitutional or invalid, and further declares that such remaining parts shall remain in full force and effect; and that the provisions hereof are severable.

V

It is further ordained that, in view of the fact that it is for the best interest of the citizens of the City of New Braunfels, and one which requires the immediate declaration and the canvass and result of said election thereby creating an imperative public necessity that the rule requiring ordinances to be read at two separate meetings of the City Council be suspended, the same is hereby suspended, and this ordinance shall take effect and be in full force from and after its passage as an emergency ordinance as made and provided by the Charter of the City of New Braunfels, Texas.

PASSED AND APPROVED: this the 13th day of May, 2019.

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

5/13/2019

Agenda Item No. C)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of an ordinance declaring the canvass and result of an election held on May 4, 2019, to submit four (4) propositions to the registered voters of the City of New Braunfels, Texas, regarding the issuance of general obligation bonds by the city; containing a savings clause; declaring an effective date; and declaring an emergency.

BACKGROUND / RATIONALE:

N/A

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 ordinance.

ORDINANCE NO. 2019-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, DECLARING THE CANVASS AND RESULTS OF AN ELECTION HELD ON THE MAY 4, 2019 TO SUBMIT FOUR (4) PROPOSITIONS TO THE REGISTERED VOTERS OF THE CITY OF NEW BRAUNFELS, TEXAS, REGARDING THE ISSUANCE OF GENERAL OBLIGATION BONDS BY THE CITY; CONTAINING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

I

Came on this the 13th day of May, 2019, the 9th day after the Special City Election, in compliance with the Texas Election Code, customary to be canvassed, the returns of the Special Election held on the 4th day of May, 2019, at which election there were submitted to the qualified voters of the City of New Braunfels, Texas, four (4) propositions regarding the issuance of general obligation bonds by the city, as set out in the election notices published in the New Braunfels Herald-Zeitung, a newspaper of general circulation in said City, as required by law, reference to said proposition being here made for all purposes, and the City Council of the City of New Braunfels, Texas, having met to canvass the returns and to declare the results of said election in the manner provided by law, and after considering, determining and canvassing all matters of facts, including votes, appertaining, we, the Mayor and Council Members of the City of New Braunfels, Texas, do hereby find and declare the results of said Special Election to be tabulated as follows:

Special Election

Proposition 1:

The issuance of \$44,512,490 of tax bonds by the City of New Braunfels, Texas, for the construction, acquisition, improvement, and upgrading of streets to include Klein Road, Goodwin Lane, Conrads Lane, the extensions of FM 306 and Business 81 and a citywide streets improvement program and levying the tax in payment thereof.

FOR 2,818 AGAINST 513

Proposition 2:

The issuance of \$16,547,420 of tax bonds for park and recreational facilities and projects to include the sports field complex, Comal Cemetery wall stabilization and improvements, and all abilities park amenities and

levying the tax in payment thereof.

FOR 2,330 **AGAINST** 985

Proposition 3:

The issuance of \$50,414,750 of tax bonds for public safety facilities and projects to include two new fire stations and a new police department and levying the tax in payment thereof.

FOR 2,754 **AGAINST** 578

Proposition 4:

The issuance of \$5,525,340 of tax bonds for city library facilities and projects to include the New Braunfels Public Library – Westside Community Center Branch and levying the tax in payment thereof.

FOR 2,470 **AGAINST** 857

II

And it appearing to the City Council of the City of New Braunfels, Texas, that the propositions regarding the issuance of general obligation bonds by the city, were submitted at said election and that the returns thereof were made, all as required by the Charter of the City of New Braunfels, Texas, and the laws of the State of Texas, by order of the City Council and the law for such cases made and provided, and that at said Special Election there were cast respectively for and against the said proposal the aggregate number of votes as shown by the above.

III

And the Mayor and the Councilmembers of the City of New Braunfels, Texas, having first canvassed said returns and having found the same in all things correct, the same was thereupon adopted by majority vote of the City Council.

IV

If any part or parts of this ordinance shall be held to be unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not affect the constitutionality or validity of the remaining parts of this ordinance. The City Council hereby declares that it would have passed the remaining parts of this ordinance, if it had known that

such part or parts, thereof, would have been declared unconstitutional or invalid, and further declares that such remaining parts shall remain in full force and effect; and, that the provisions hereof are severable.

V

It is further ordained that in view of the fact that it is for the best interest of the citizens of the City of New Braunfels, and one which requires immediate declaration and canvass and result of said Special Election thereby creating an imperative public necessity that the rule requiring ordinances to be read at two regular meetings of the City Council be suspended, the same is hereby suspended, and this ordinance shall take effect and be in full force from and after its passage as an emergency ordinance as made and provided by the Charter.

PASSED AND APPROVED this the 13th day of May, 2019.

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. D)

Presenter/Contact

Robert Camareno, City Manager
rcamareno@nbtexas.org

SUBJECT:

Discuss and consider approval of a resolution authorizing the Texas Housing Foundation to exercise its powers within the territorial boundaries of the City of New Braunfels to develop an affordable housing project; and authorizing the city manager to execute a cooperation agreement.

BACKGROUND / RATIONALE:

The Texas Housing Foundation (THF,) a private non-profit organization, creates, develops, administers, manages, and provides services to affordable housing projects for the residents and communities in which they are located. The Texas Housing Foundation is authorized to exercise its powers as a regional housing authority under the Texas Housing Authorities Law - Texas Local Government Code, Chapter 392. However, state law requires approval of both the New Braunfels Housing Authority (NBHA) and the City of New Braunfels. Specifically, Section 392.017 (d) of the Texas Local Government Code requires the governing body of a municipality and the NBHA adopt a resolution declaring a need for a regional housing authority to exercise its power within the municipality. Section 392.059 requires cooperation agreements between the Foundation and both the City and Housing Authority to operate within the jurisdictional boundaries of the Housing Authority of the City of New Braunfels.

The THF is governed by a six (6) member board of directors appointed by the County Commissioners of certain counties in which the THF operates, as well as an appointed Resident Commissioner. Currently, Bastrop, Blanco, Burnet, Llano and Williamson Counties participate within the organizational structure of the Texas Housing Foundation. THF has provided more than \$400M and more than 3600 units of affordable housing.

THF proposes, with this request, to develop one affordable housing project within the jurisdictional boundaries of the NBHA. The proposed project will be financed with Low Income Housing Tax Credits (LITHC), Private Activity Bonds (PAB) and private financing. THF will be the general partner in a development partnership and will act as the managing partner, asset manager, and compliance coordinator for the development. After the initial affordability and compliance measure are met, THF will be the owner of the development.

Contact: Mark A. Mayfield, President and Chief Executive Officer
Texas Housing Foundation
1110 Broadway
Marble Falls, Texas 78654

Staff has met with the leadership of THF, the NBHA, and others involved in the affordable housing discussion and believes the project will benefit the community's affordable housing needs.

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

N/A

FISCAL IMPACT:

The proposed project intends to be financed with Private Activity Bonds, 4% low income housing tax credits, and private financing. The project will be exempt from local property taxes.

COMMITTEE RECOMMENDATION:

The New Braunfels Housing Authority Board of Directors unanimously adopted a resolution of approval for this project on May 2, 2019.

STAFF RECOMMENDATION:

Staff recommends approval of the resolution.



Mission Provide opportunities for lower income residents of the State of Texas to live in decent and safe housing that they can afford located in communities of which they can be proud.

Creation The Texas Housing Foundation was created to provide a tool to create, develop, administer, manage, and provide services to affordable housing projects through related business entities and for the residents and communities in which they are located. Through 2018, over \$400 million financed to develop/acquire over 3600 units of affordable workforce and senior housing across the state of Texas.

Vision We envision communities in which families and individuals, senior citizens and children, independent and interdependent citizens, live and grow in homes and neighborhoods that are comfortable and valuable.

Brand *Raising the Standard of Living*

Leadership THF is governed by a 6-member board of directors appointed by the County Commissioners of each participating county; as well as an appointed Resident Commissioner. Currently Bastrop, Blanco, Burnet, Llano and Williamson Counties participate within the organizational structure of the Texas Housing Foundation.

Goals

CREATE OPPORTUNITIES
Single-family and multifamily residences that meet the needs of lower income residents for decent and affordable housing.

CREATE VALUE
Residential properties that are assets to our residents and our neighborhoods.

CREATE QUALITY
Residents are customers who have choices.
Their satisfaction is our business.

Attitude

Care for our customers.
Exceed others' expectations.
Challenge the commonplaces.
Beat the benchmarks.
Surpass our standards.
Create local accountability.

Community Resource Centers of Texas, Inc. The Texas Housing Foundation, through a wholly owned subsidiary, currently operates and fully underwrites a one-stop social service outreach serving Blanco, Burnet, Llano and Williamson Counties with participating non-profit and state agencies all housed under one roof.

Affiliated Businesses The Texas Housing Foundation also collaborates with other municipalities, foundations, service providers and through joint ventures with private developers to develop, finance, and manage affordable housing projects.

TEXAS

HOUSING FOUNDATION
RAISING THE STANDARD OF LIVING

Achievements, Properties Managed

1995	Developed 24 3BR duplex units in Marble Falls with a commercial bank loan, HOME, and AHP financing.
1997 – 2001	Built 24 3BR homes in an infill subdivision in Marble Falls with a HOME interim construction fund and private mortgages.
1998	Developed 54 townhouses with local bank tax-exempt financing
2000	Co-developed 76-unit seniors apartments in Kingsland with LIHTC.
2001	Co-developed 48-unit seniors project in Fredericksburg with LIHTC.
2003	Co-developed 76-unit seniors project in Marble Falls with LIHTC.
2004	Co-developed 124-unit family project in Marble Falls with PAB+LIHTC Co-developed 76-unit family project in Kingsland with LIHTC
2005	Co-developed 44-unit seniors project in Fredericksburg with LIHTC
2008	Co-developed 28-unit family project in Johnson City with HOME
2010	Co-developed 76-unit family project in Liberty Hill with LIHTC Co-developed 64-unit family project in Llano with LIHTC/HOME Co-developed 112-unit family project in Waco with LIHTC/HOME Acquired 64-unit family project in San Marcos developed with LIHTC
2011	Co-developed 80-unit family project in Marble Falls with LIHTC/HOME Co-developed 64-unit family project in Canadian with LIHTC/HOME
2012	Co-developed 20-unit Phase II family project in Johnson City w/HOME Co-developed 16-unit Phase III family project in Johnson City w/HOME
2013	Co-developed 48-unit family project in Blanco with 538/HOME Co-developed 180-unit family project in Georgetown with PAB/LIHTC
2014	Co-developed 264-unit family project in Midland with PAB/LIHTC
2016	Co-developed 72-unit family project in Brady with LIHTC
2017	Acquired 60-unit family project in Brady with LIHTC Acquired 372-unit portfolio in Lubbock with LIHTC Acquired 352-unit Catholic Charities portfolio with PAB/LIHTC
2018	Acquired 302-unit family units in Austin with PAB/LIHTC Acquiring 556-unit USDA portfolio across Texas with PAB/LIHTC Co-developing 50-unit family project in Rockport with GLO Co-developing 80-unit family project in Lamesa with LIHTC Co-developing 204-unit family project in Midland with PAB/LIHTC

Contact

Mark A. Mayfield, President and Chief Executive Officer
Texas Housing Foundation
1110 Broadway
Marble Falls, Texas 78654
Tel (830) 693-8100 Fax (830) 798-1036
Email mmayfield@txhf.org
www.txhf.org

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE TEXAS HOUSING FOUNDATION TO EXERCISE ITS POWERS WITHIN THE TERRITORIAL BOUNDARIES OF THE CITY OF NEW BRAUNFELS, TEXAS; AND AUTHORIZING A COOPERATION AGREEMENT.

WHEREAS, there exists in the City of New Braunfels a shortage of safe and sanitary housing available to lower income residents at rents they can afford; and

WHEREAS, the Texas Housing Foundation (“Foundation”) has significant experience and expertise in successfully providing, developing, financing and managing housing projects that are affordable to lower income residents and are assets to the community; and

WHEREAS, Texas Local Government Code, Section 392.017 (d) requires that the governing body of a municipality adopt a resolution declaring a need for a municipal housing authority to exercise its powers in another jurisdiction, and authorizing a cooperation agreement under Section 392.059;

NOW, THEREFORE

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

- Section 1. The City Council is the governing body of the City of New Braunfels.
- Section 2. Pursuant to Texas Local Government Code, Section 392.017(d)(1), the City Council declares that there is a need for the Foundation to exercise its powers in the territorial boundaries of the City of New Braunfels to provide decent, safe and sanitary housing that is affordable for lower income residents of New Braunfels. The Foundation is hereby authorized to exercise its powers in the territorial boundaries of the City of New Braunfels.
- Section 3. Pursuant to Texas Local Government Code, Section 392.017(d)(2) and the Cooperation Agreement attached hereto and incorporated herein between the Foundation and the City of New Braunfels, the Foundation is hereby authorized under Texas Local Government Code Section 392.059(a) to exercise its powers within the City of New Braunfels. The City of New Braunfels agrees to cooperate with the Foundation to allow the Foundation to provide housing for lower income residents in the territorial boundaries of the City of New Braunfels consistent with the terms of the Cooperation Agreement. The Foundation is authorized to exercise its powers under the Texas Housing Authorities Law, Texas Local Government Code Chapter

392, to finance, plan, undertake, construct, or operate housing projects in the City of New Braunfels, consistent with the terms of the Cooperation Agreement. The Cooperation Agreement only authorizes the Texas Housing Foundation to take action in connection with The Reserve at New Braunfels. The Mayor is hereby authorized to execute the Cooperation Agreement on behalf of the City of New Braunfels.

Section 4. The Mayor is authorized to take any reasonable and necessary action to effectuate the direction and intention of this resolution and the Cooperation Agreement.

Passed and Approved this _____ day of _____, 2019.

Mayor

Attest:

City Secretary

COOPERATION AGREEMENT
BETWEEN
THE CITY OF NEW BRAUNFELS, TEXAS
AND THE
TEXAS HOUSING FOUNDATION

EFFECTIVE _____, 2019

WHEREAS, on _____, 2019 under provisions of the Tex. Local Government Code, Section 392.017(d), the City of New Braunfels, declared that there is a need for the Texas Housing Foundation, to exercise its powers within the territorial boundaries of the City of New Braunfels, Texas (the "City") because there exists in City of New Braunfels a shortage of safe and sanitary housing available to lower income persons at rentals they can afford;

WHEREAS, Tex. Local Govt. Code, Section 392.017(d), requires that the City Council adopt a resolution authorizing the Texas Housing Foundation to exercise its powers in the city, and authorizing a cooperation agreement under Section 392.059(a);

WHEREAS, the Board of Commissioners of the Texas Housing Foundation also adopted a resolution to exercise its powers in the city and authorized a cooperation agreement under Section 392.059(a);

NOW, THEREFORE, the parties hereto, the City, and the Texas Housing Foundation agree as follows:

Section 1: Cooperation Agreement. The City and the Texas Housing Foundation agree to cooperate to allow the Texas Housing Foundation, to provide housing for lower income persons in the City, consistent with the provisions below.

Section 2: Housing Project Authorization. The Texas Housing Foundation, is authorized to exercise its powers under the Texas Housing Authorities Law, Tex. Local Govt. Code, Chapter 392, to finance, plan undertake, or operate a housing project in the City as provided in this Agreement.

Section 3: The Texas Housing Foundation is authorized to acquire land, develop site improvements, and construct buildings for housing development within the territorial boundaries of the City, and to operate and manage such project for the benefit of lower income residents of the City. This Cooperation Agreement only authorizes the Texas Housing Foundation to take action in connection with The Reserve at New Braunfels development and additional authority would be required for the Texas Housing Foundation to participate in any other development within the territorial boundaries of the City.

Section 4. Annual Reports. The Texas Housing Foundation shall submit within 120 days after the end of its fiscal year a report to the Mayor of the City describing the housing and services operation undertaken for the benefit of lower income residents of the City of New Braunfels and other activities of the Texas Housing Foundation in the City.

Section 5. Preservation of Authority. No applicable provision or intention in this cooperation agreement limits the authority or power of the City to exercise its powers under any law. No provision or intention in this cooperation agreement limits the authority or power of the Texas Housing Foundation to exercise its powers under the Texas Housing Authorities Law, Tex. Local Govt. Code, Chapter 392, to finance, plan, undertake, construct, or operate a housing project under this Cooperation Agreement or in the area of operation of the Texas Housing Foundation defined in Tex. Local Govt. Code 392.013.

Section 6. Implementation. The Mayor of the City and the President of the Texas Housing Foundation are authorized to take any reasonable and necessary action to effectuate and implement the direction and intention of this cooperation agreement and the authorizing resolutions.

Agreed this ____ day of _____, 2019.

City of New Braunfels

By: _____, Mayor

Texas Housing Foundation

By: Mark Mayfield, President

Attest:

City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. E)

Presenter/Contact

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

SUBJECT:

Discuss and consider the approval of the appointment of five individuals to the Downtown Board for a term ending May 31, 2022.

BACKGROUND / RATIONALE:

The Downtown Board has eleven regular members serving three-year staggered terms. Notice of vacancies were advertised from February 15, 2019 to March 15, 2019.

Four qualified applications were submitted for the one at-large vacancy:

- Robin Jeffers*
- Caryn Benson
- Chase Cochran
- Judah Owens

Applicant's current & prior service on Boards and Commissions

Robin Jeffers currently serves in the at-large position.

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

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

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

Two qualified applications were submitted for the one Downtown Business Owner/Resident vacancy:

- Kelly Broussard*
- Wade Goodwin

Applicant's current & prior service on Boards and Commissions

Kelly Broussard currently serves in the Downtown Business Owner position.

Wade Goodwin has no previous experience on City boards or commissions.

Three qualified applications were submitted for three position-specific vacancies:

- Cathy Talcott* (Comal County representative)
- Michael Agnese* (Schlitterbahn representative)

-
- Dani Hensley (Chamber of Commerce representative)

Applicant's current & prior service on Boards and Commissions

Cathy Talcott currently serves in the Comal County representative position.
Michael Agnese currently serves in the Schlitterbahn representative position.
Dani Hensley 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 five individuals to the Downtown Board for a term ending May 31, 2022.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. F)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of a resolution authorizing the City Manager to enter into an Advance Funding Agreement with the Texas Department of Transportation to purchase Advanced Traffic Management System software for traffic signals in the City of New Braunfels.

BACKGROUND / RATIONALE:

The City of New Braunfels, in coordination with the Texas Department of Transportation (TxDOT), prepared and applied for the City of New Braunfels Traffic Signal Upgrade Project to the Alamo Area Metropolitan Planning Organization (AAMPO) for FY 2019-2022 Transportation Improvement Program Surface Transportation Program - Metro Mobility Project Funding. The project includes the purchase of Advanced Traffic Management System (ATMS) software for traffic signals in the City of New Braunfels. This project is one of three projects with the two additional projects covering the installation of advanced traffic signal controllers, networking equipment and other signal hardware traffic signals on and off the state highway system in the City of New Braunfels.

The project was selected for funding by the AAMPO Transportation Policy Board in FY 2019 at \$211,780 which includes the software purchase and direct TxDOT costs. Indirect TxDOT costs will be covered by TxDOT. The City will purchase the software and reimbursement will be provided through TxDOT. The City's local match commitment is \$41,120 with \$1,120 due to TxDOT.

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

Envision New Braunfels: 2018 Comprehensive Plan

Strategy 6: Coordinate Community Investments

ACTION 6.8: Make roadways "smarter" and more efficient through emerging technologies such as traffic signal sensitivity, radar, signal light pre-emption for ambulances, innovations to accommodate driver-less automobiles, etc.

FISCAL IMPACT:

The estimated total payment by the City of New Braunfels to TxDOT due 30 days following the execution of the contract is \$1,120. The final amount of city participation will be based on actual costs. While there are currently no earmarked funds to support this commitment, there are two options to support this expenditure once it needs to be outlaid. First, absorb the costs into the General Fund or utilize interest earnings from the 2013 Bond Program. As we get closer to the point in which we must outlay these funds to TxDOT, a recommendation will be brought forward for City Council consideration.

STAFF RECOMMENDATION:

Staff recommends approval of the resolution.

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STATE OF TEXAS §

COUNTY OF TRAVIS §

**LOCAL TRANSPORTATION PROJECT
 NON-CONSTRUCTION ADVANCE FUNDING AGREEMENT
 for a
 MPO Selected STP-MM (Off-System): Traffic Signal Software**

THIS Local Project Advance Funding Agreement for Non-Construction (LPAFA) is made by and between the State of Texas, acting by and through the Texas Department of Transportation (State), and City of New Braunfels (Local Government).

BACKGROUND

A Master Agreement between the Local Government and the State has been adopted and states the general terms and conditions for transportation projects developed through this LPAFA. Federal law establishes federally funded programs for transportation improvements to implement its public purposes, including the STP-MM program. Federal and state laws require local governments to meet certain contract standards relating to the management and administration of federal and state funds. The Texas Transportation Commission passed Minute Order Number 115291, which provides for development of and funding for the Project identified in this LPAFA. The Governing Body of the Local Government has approved entering into this LPAFA by resolution or ordinance dated _____, 20__, which is attached to and made part of this LPAFA as Attachment A.

NOW THEREFORE, the State and the Local Government agree as follows:

AGREEMENT

1. Period of the Agreement

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed. This agreement shall remain in effect until the close of ordinary business on March 1, 2021.

2. Scope of Work

The scope of work is the Project as detailed in Attachment B, which is attached to and made part of this LPAFA.

3. Local Project Sources and Uses of Funds

A. The total estimated cost of the Project is shown in Attachment C, which is attached and made part of this LPAFA. The State will pay for only those Project costs that have been approved by the Texas Transportation Commission. The State and the Federal Government will not reimburse the Local Government for any work performed before the

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federal spending authority is formally obligated by the Federal Highway Administration (FHWA). After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for one hundred percent (100%) of the cost of any work performed under its direction or control before the Federal spending authority is formally obligated.

- B.** If the Local Government will perform any work under this contract for which reimbursement will be provided by or through the State, the Local Government must complete training before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled *Local Government Project Procedures and Qualification for the Texas Department of Transportation*. The Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not designated a qualified individual to oversee the Project.
- C.** The State will be responsible for securing the Federal and State share of the funding required for the Project. If the Local Government is due funds for expenses incurred, these funds will be reimbursed to the Local Government on a cost basis.
- D.** The Local Government will be responsible for all non-federal and non-state participation costs associated with the Project.
- E.** The State will not pay interest on any funds provided by the Local Government.
- F.** The Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice in a form and containing all items required by the State no more frequently than monthly, and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred, and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.
- G.** Whenever funds are paid by the Local Government to the State under this LPAFA, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation." The check or warrant shall be deposited by the State and managed by the State. These funds may only be applied to the Project. Upon completion of the Project, the State will perform an audit of the Project costs. Any funds due by the Local Government, the State, or the Federal government will be promptly paid by the owing party. After final Project accounting if excess funds remain, those funds may be applied by the State to the Local Government's contractual obligations to the State under another advance funding agreement with approval by appropriate personnel of the Local Government.
- H.** Attachment C will clearly state the approval funding structure under 43 TAC §15.52. If the Local government is an Economically Disadvantaged County and if the State has approved adjustments to the standard financing arrangement, Attachment C will reflect those adjustments.

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- I. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
- J. Payment under this contract beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this contract shall be terminated immediately with no liability to either party.

4. Notices

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

Local Government:	State:
City of New Braunfels ATTN: City Manager 550 Landa St. New Braunfels, TX 78130	Legal Documents: Texas Department of Transportation ATTN: Director of Contract Services 125 E. 11th Street Austin, TX 78701 Billing and Inquiries: Texas Department of Transportation ATTN: Director of Transportation Planning & Development 4615 NW Loop 410 San Antonio, TX 78229-5126

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

5. Termination

Termination of this LPAFA shall be under the conditions as stated in the Master Agreement. This LPAFA may be terminated by the State if the Project is inactive for thirty-six (36) months or longer and no expenditures have been charged against federal funds.

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6. Amendments

Amendments to this LPAFA shall be made as described in the Master Agreement, without exception.

7. Document and Information Exchange

The Local Government agrees to electronically deliver to the State all general notes, specifications, contract provision requirements, and related documentation in a Microsoft® Word or similar document. If requested by the State, the Local Government will use the State's document template. The Local Government shall also provide a detailed project time estimate including types of activities and month in which the activity will be completed in the format required by the State. This requirement applies whether the Local Government creates the documents with its own forces or by hiring a consultant or professional provider. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

8. Incorporation of Master Agreement Provisions

This LPAFA incorporates all of the governing provisions of the Master Agreement in effect on the date of final execution of this LPAFA, unless an exception has been made in this agreement.

9. Debarment Certification

The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this agreement, the Local Government certifies that it and its principals are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this contract shall require any party to a subcontract or purchase order awarded under this contract to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

10. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in 2 CFR 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

11. Civil Rights Compliance

- A. Compliance with Regulations:** The Local Government will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this agreement.

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- B. Nondiscrimination:** The Local Government, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the Local Government for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this contract and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
- D. Information and Reports:** The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local Government will so certify to the State or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
- E. Sanctions for Noncompliance:** In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this contract, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
- a. withholding of payments to the Local Government under the contract until the Local Government complies and/or
 - b. cancelling, terminating, or suspending of the contract, in whole or in part.
- F. Incorporation of Provisions:** The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or is threatened with, litigation with a subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

12. Disadvantaged Business Enterprise (DBE) Program Requirements

- A.** The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.

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- B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.
 - C. The Local Government shall set an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.
 - D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.
 - E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this LPAFA. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this LPAFA. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
 - F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.*
- 13. Federal Funding Accountability and Transparency Act Requirements**
- A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms: <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.
 - B. The Local Government agrees that it shall:
 1. Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than \$25,000 in Federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://www.sam.gov/portal/public/SAM/>

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2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet on-line registration website <http://fedgov.dnb.com/webform>; and
3. Report the total compensation and names of its top five (5) executives to the State if:
 - i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

14. Single Audit Report

- A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in 2 CFR 200.
- B. If threshold expenditures of \$750,000 or more are met during the fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division at singleaudits@txdot.gov.
- C. If expenditures are less than the threshold during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Compliance Division as follows: "We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

15. Pertinent Non-Discrimination Authorities

During the performance of this contract, the Local Government, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).

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- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, subrecipients and contractors, whether such programs or activities are Federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- I. The Federal Aviation Administration’s Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).
- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

16. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

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Each party is signing this agreement on the date stated under that party's signature.

THE LOCAL GOVERNMENT

Robert Camareno
City Manager
City of New Braunfels

Date

THE STATE OF TEXAS

Kenneth Stewart
Director of Contract Services
Texas Department of Transportation

Date

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**ATTACHMENT A
RESOLUTION OR ORDINANCE**

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ATTACHMENT B SCOPE OF WORK

The Local Government shall purchase Advanced Traffic Management System (ATMS) software to monitor, control, and synchronize the 49 traffic signals operated by the City. The software will be procured through the City's purchasing department, following federal and state requirements. The City has requested a proprietary purchase through a Letter of Public Interest Finding, and TxDOT has concurred with their request.

There are several benefits of implementing ATMS software as it relates to transportation objectives established by FHWA and TxDOT. It improves the ability to implement and maintain traffic signal synchronization. Studies have demonstrated that signal synchronization reduces vehicle stops and idling, creates fuel savings, reduces emissions, reduces overall travel time, and improves safety. It also enhances insight into the operations of the traffic signals through performance measures data analysis, allowing the agency to improve signal system efficiency.

The Local Government will be responsible for the maintenance of the software after it is installed by the State under 0915-17-069. All work outlined in the scope will be complete by March 1, 2021.

DELIVERABLES:

- The Local Government shall purchase the software by January 1, 2020.
- The Local Government shall provide to the State procurement and award documentation of the procurement of central and local software 90 days following award.
- The Local Government shall provide to the State a copy of the contract between the vendor and the Local Government including information on the warranty of the product, once the Local Government's vendor contract has been fully executed.
- The Local Government shall provide to the State documentation of the conversion of existing traffic signal timing plans to the new software by January 1, 2021.
- The Local Government shall provide to the State documentation of the integration of traffic control devices into the software by January 1, 2021.
- The Local Government shall provide to the State documentation of a maintenance plan and/or service contract by January 1, 2021.

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ATTACHMENT C PROJECT BUDGET

Costs will be allocated based on 80% Federal funding and 20% Local government funding until the federal funding reaches the maximum obligated amount. The Local government will then be responsible for 100% of the costs.

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
STP-MM							
Purchasing ITS Software (by Local Government)	\$200,000	80%	\$160,000	0%	\$0	20%	\$40,000
Direct State Costs (0.56%)	\$1,120	0%	\$0	0%	\$0	100%	\$1,120
Indirect State Costs (5.33%)	\$10,660	0%	\$0	100%	\$10,660	0%	\$0
TOTAL	\$211,780		\$160,000		\$10,660		\$41,120

Initial payment by the Local Government to the State: **\$1,120**

Estimated total payment by the Local Government to the State due 30 days following the execution of the contract.

This is an estimate. The final amount of Local Government participation will be based on actual costs.

RESOLUTION NO. 2019-____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR PURCHASING ADVANCED TRAFFIC MANAGEMENT SYSTEM SOFTWARE FOR TRAFFIC SIGNALS IN THE CITY OF NEW BRAUNFELS.**

WHEREAS, the Alamo Area Metropolitan Planning Organization issued a call for projects for the Surface Transportation Program – Metropolitan Mobility funded projects in support of the development of the FY 2019-2022 Transportation Improvement Program; and

WHEREAS, the City of New Braunfels and the Texas Department of Transportation (TxDOT) prepared and submitted the Traffic Signal Upgrade project to include purchasing advanced traffic management system software for traffic signals in the City of New Braunfels; and

WHEREAS, the Traffic Signal Upgrade project was selected for funding by the Alamo Area Metropolitan Planning Organization Transportation Policy Board in FY 2019 and the project is administered by the Texas Department of Transportation; and

WHEREAS, the City of New Braunfels is authorized to enter into an agreement with TxDOT and confirms the financial commitment including payment of overruns through the City's Capital Project Fund; and

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

THAT, the City Manager is authorized to enter into a Local Transportation Project Advance Funding agreement with the Texas Department of Transportation for the purchase of advanced traffic management system software and direct State costs for traffic signals in the City of New Braunfels.

PASSED, ADOPTED AND APPROVED this 13th day of May, 2019.

City of New Braunfels, Texas

BARRON CASTEEL, Mayor

Attest:

PATRICK D. ATEN, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. G)

Presenter

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

SUBJECT:

Discuss and consider approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow short-term rental of a single-family residence in the "C-O" Commercial Office District on 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road.

BACKGROUND / RATIONALE:

Case No.: PZ-19-005

Council District: 4

Applicant/Owner: T. M. Savell
23899 W. Highway 6
Alvin, TX 77511
281-723-5657
tbonehnr@yahoo.com

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

Background/rationale:

City Council held a public hearing on April 22, 2019 and approved the first reading of the requested rezoning.

The subject property is located on Gruene Road, across from the Vineyard at Gruene Subdivision. It has frontage along the Guadalupe River and a small portion of the property, but none of the structure, is within the 1% annual chance (100 -year) floodplain. The property was recently rezoned from R-2 to C-O Commercial Office and is occupied by a single-family home.

If the requested Special Use Permit (SUP) is approved, an administrative Short Term Rental Permit is required prior to the first rental, along with annual fire inspections and remittance of hotel occupancy tax.

The three level residence has three bedrooms and three bathrooms. One level consists of an open living area that will contain a sleeper sofa. This results in four sleeping areas which allow a maximum occupancy of 12 adults (two per sleeping area plus an additional four). Minimum required off-street parking is one space per sleeping area (4), with a maximum of 5 spaces. The applicant's site plan indicates a paved parking area for five vehicles.

Supplemental standards for short term rentals are listed in Section 144-5.17-4, and include:

- an administrative Short Term Rental Permit must be obtained, and annual inspections are required in addition to the SUP;
- a maximum of two adults per sleeping area plus an additional four adults per residence **(four sleeping areas plus four additional adults allows a maximum total of 12 adults);**

- display of a short term rental decal;
- a minimum of one off-street parking space per sleeping area, not including a garage, and not to exceed the number of sleeping areas plus one (**minimum of 4 spaces and maximum of 5 spaces**);
- adherence to the City's adopted building codes regarding life safety issues;
- compliance with City codes related to conduct on premises;
- signage in compliance with the current Sign Ordinance (no monument or freestanding pole signs; attached signage is not regulated); and
- required tenant information posted indoors and attached to the rental agreement including quiet hours, parking limitations, and emergency information.

General Information:

Surrounding Zoning and Land Use:

North - C-4A/ Hotel - bed & breakfast inn

South -

PD/ Multiple dwelling units, short-term rentals

East -

Across Gruene Road, C-1A/ Commercial

West -

Across Guadalupe River, R-1/ Residential

Request Due To Notice of Violation:

No

Determination Factors:

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

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (*The proposed use would be compatible with the existing mix of uses along Gruene Road, a main gateway to the tourist and economic hub of Gruene, a National Register Historic District.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*There do not appear to be any conflicts with these elements.*);
- How other areas designated for similar development will be affected (*The proposed use should not impact other areas designated for similar development - see attached short term rental map. Staff's recommendation includes maintaining the residential appearance of the structure.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*The use of this property as a short-term rental will be subject to the supplemental standards outlined in the Zoning Ordinance and noted above. These standards help to ensure that proper measures are in place to protect public health and to encourage appropriate use of the property.*); and
- Whether the request is consistent with the Comprehensive Plan (*The property is situated within the New Braunfels Sub-Area, along a Recreational River Corridor, and near the existing Tourist/Entertainment Center of Gruene.*)

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

<p>City Plan/Council Priority: Envision New Braunfels</p>	<p>Action 1.14 Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions. Action 3.3 Balance commercial centers with stable neighborhoods.</p>
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FISCAL IMPACT:

If approved, the property will be subject to local and state hotel occupancy tax (HOT). The property owner will be responsible for remitting the local portion to the City.

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on April 2, 2019 and recommended approval (8-0-0).

STAFF RECOMMENDATION:

Staff recommends approval. The proposed use of the property will complement the mixed uses in the Gruene area and provide an appropriate use intensity transition consistent with Envision New Braunfels. The location would allow easy access to main thoroughfares and visitor destinations without impacts to the interior of a neighborhood. Staff's recommendation includes the following conditions:

1. The residential character of the property must be maintained.

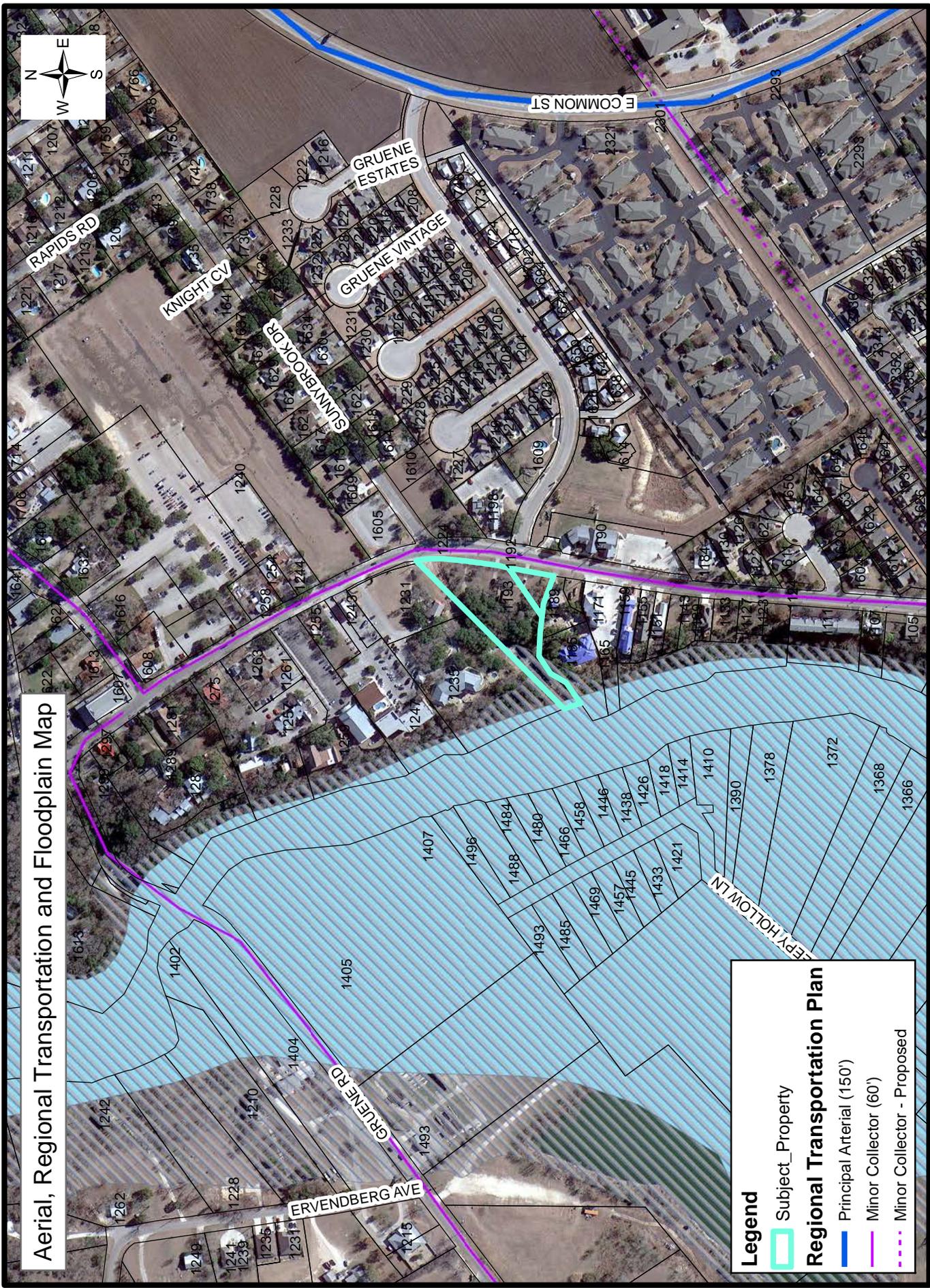
-
2. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.

Notification:

Public hearing notices were sent to 14 owners of property within 200 feet of the request. The City has received one response in favor (#12) and none in objection.

Attachments:

1. Aerial Map
2. Site Plan and Floor Plan
3. Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)
4. Short-term Rental Map
5. Photograph
6. Notification Map and List
7. Ordinances:
 - Sec. 3.6 Special Use Permits
 - Sec. 5.17 Short Term Rentals
8. Draft Minutes from Planning Commission
9. Ordinance



Aerial, Regional Transportation and Floodplain Map

Legend

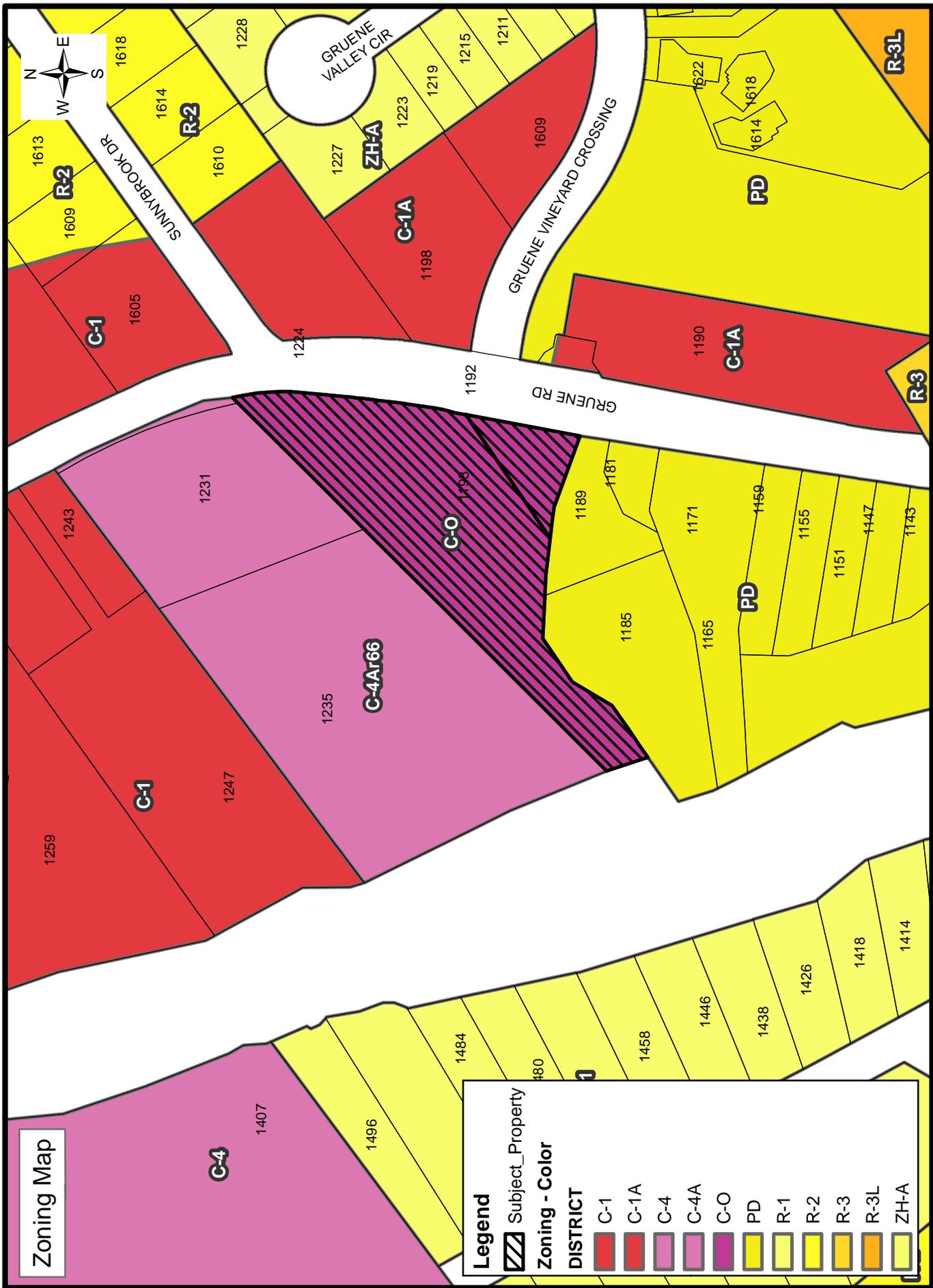
- Subject_Property

Regional Transportation Plan

- Principal Arterial (150')
- Minor Collector (60')
- Minor Collector - Proposed

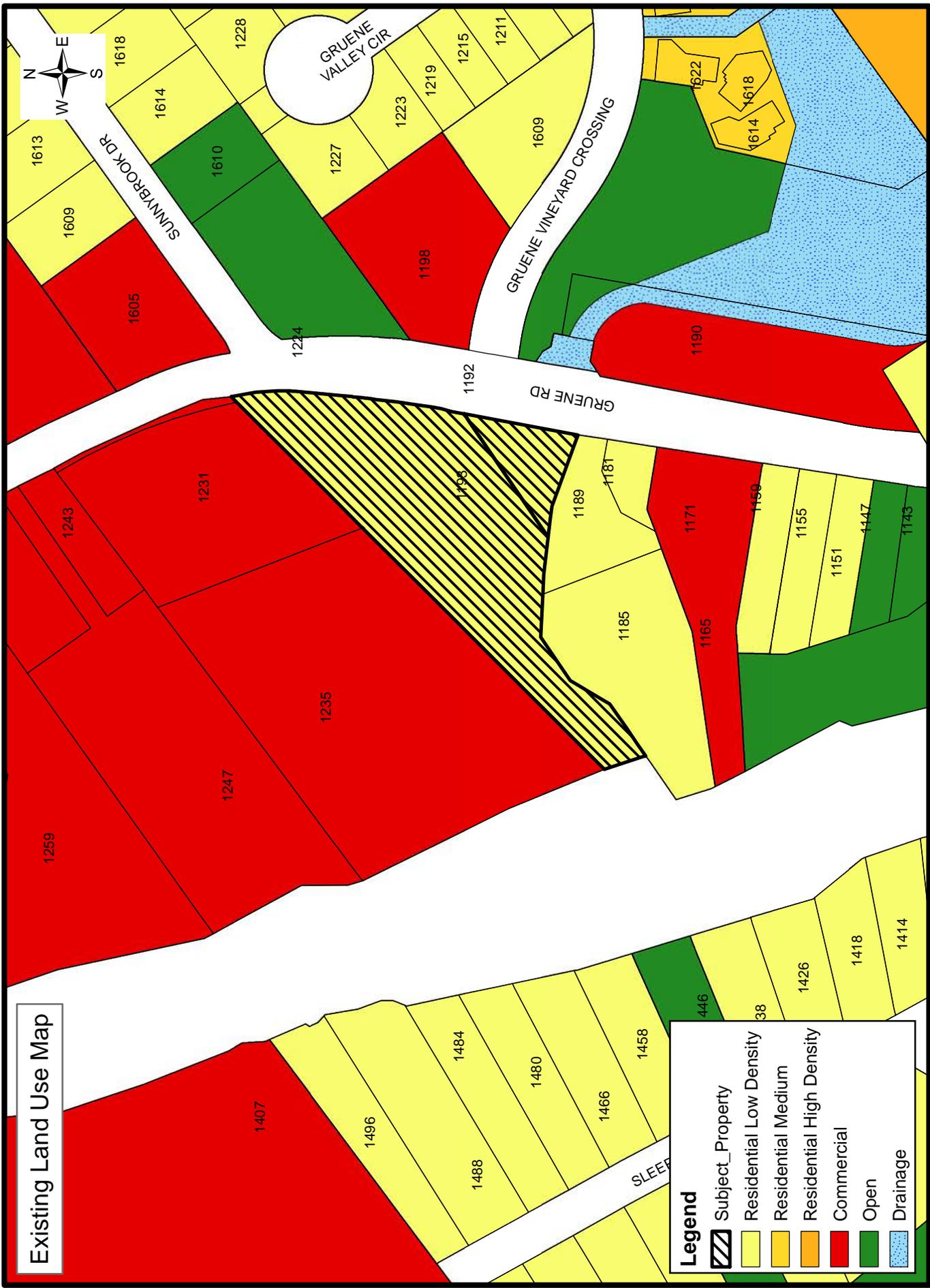
PZ-19-005
1193 Gruene Road
SUP for Short Term Rental





PZ-19-005
1193 Gruene Road
SUP for Short Term Rental





PZ-19-005
1193 Gruene Road
SUP for Short Term Rental



EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

● EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

● MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

● MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

● CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

● OUTDOOR RECREATION CENTER

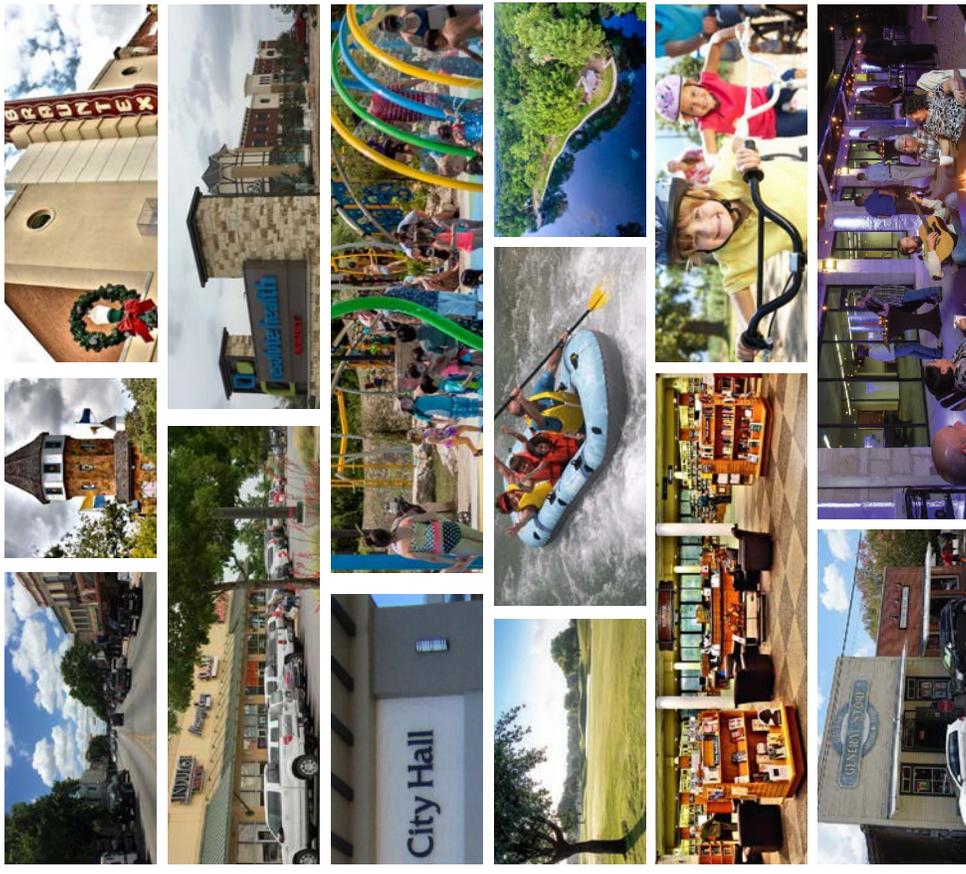
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

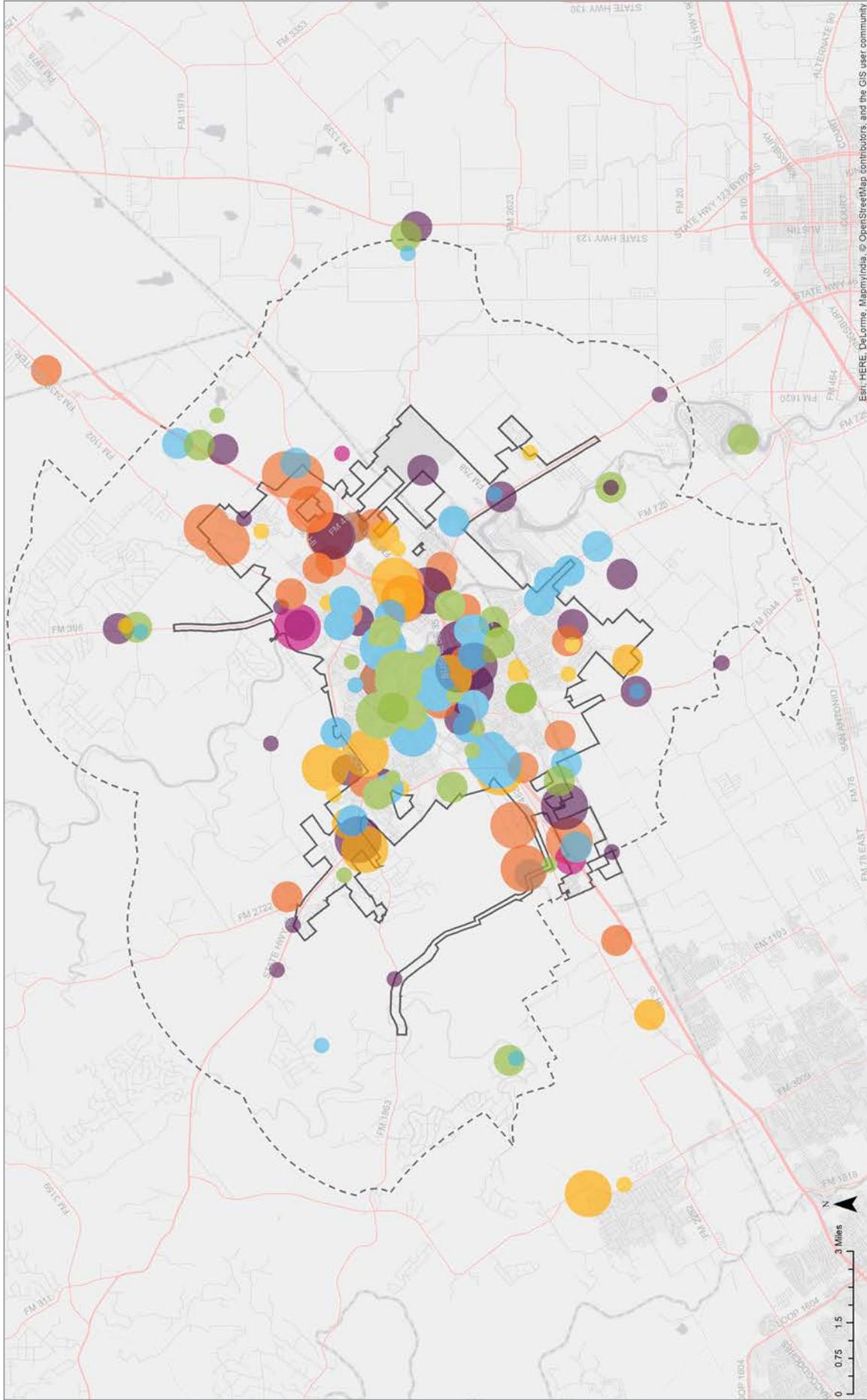
● EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

● TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.





The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

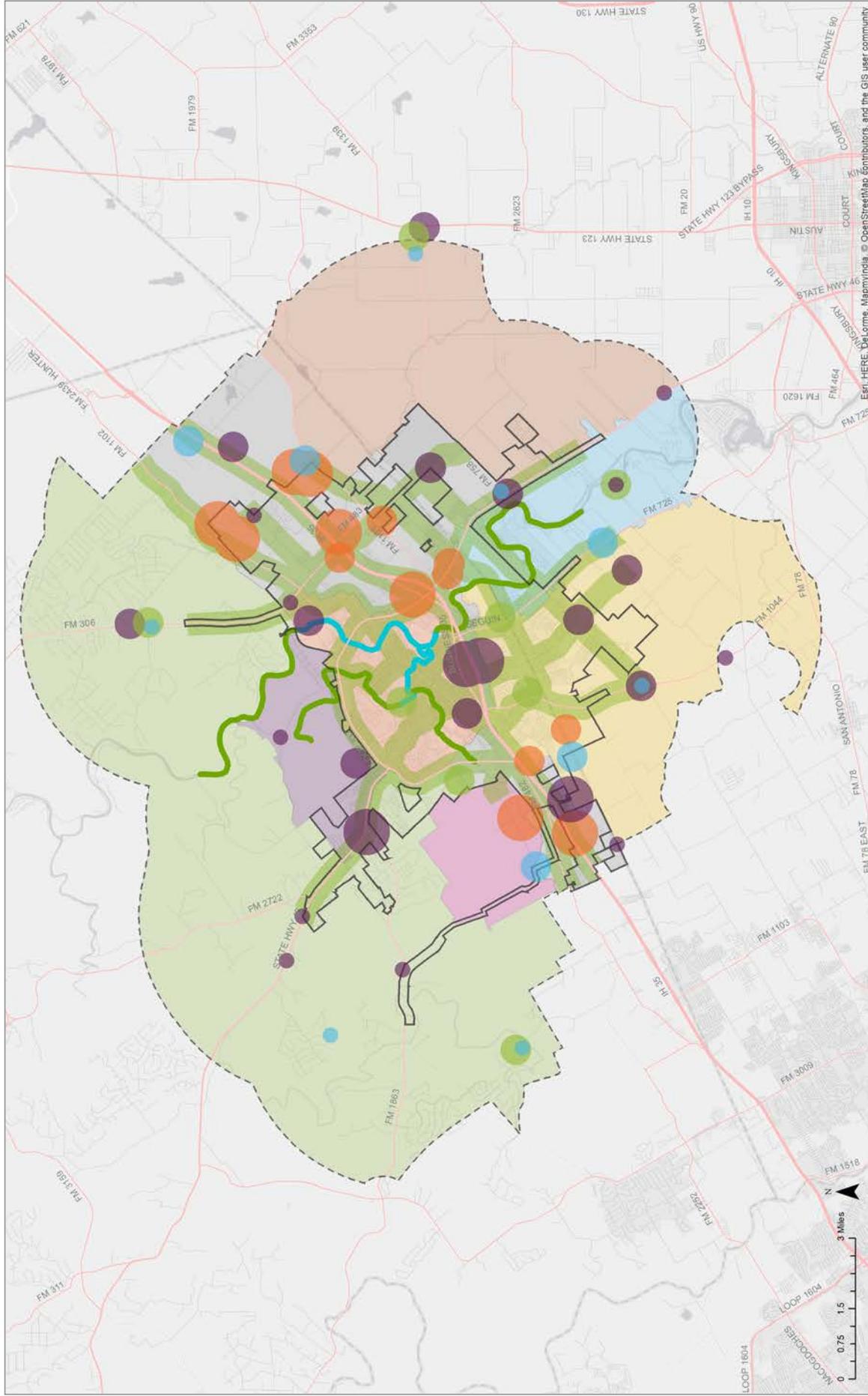
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.



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](#).



PZ-18-039
1193 Gruene Road
R-2 to C-O





Subject Property from Gruene Road

PLANNING COMMISSION – APRIL 2, 2019 – 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: Tracy Savell**Address/Location:** 1193 Gruene Road**PROPOSED SPECIAL USE PERMIT – CASE #PZ-19-005**

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 | GRUENE TEXAS 90 LLC | 8 | GRUENE COMMONS LTD |
| 2 | CEOSA INVESTMENTS LLC | 9 | RICH RUTH |
| 3 | WEST ROBERT L | 10 | FREDRICKSON TERRY LEE |
| 4 | GILLUM DEVELOPMENT LP | 11 | RIVER BLUFF AT GRUENE HOA |
| 5 | CEOSA GRUENE STONE LLC | 12 | GRUENE RIVER BLUFF LLC |
| 6 | NEW BRAUNFELS CITY OF | 13 | CARR WILLIAM M JR |
| 7 | VINEYARD AT GRUENE POA | 14 | MONROE CARR & ASSOCIATES INC |

SEE MAP

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-15-005 (1163 Oriens Road) (hm)

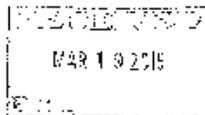
Name: Crowe River Bluff, LLCAddress: 1171 Oriens Rd #101, NBIX 78130Property number(s) on map: 12

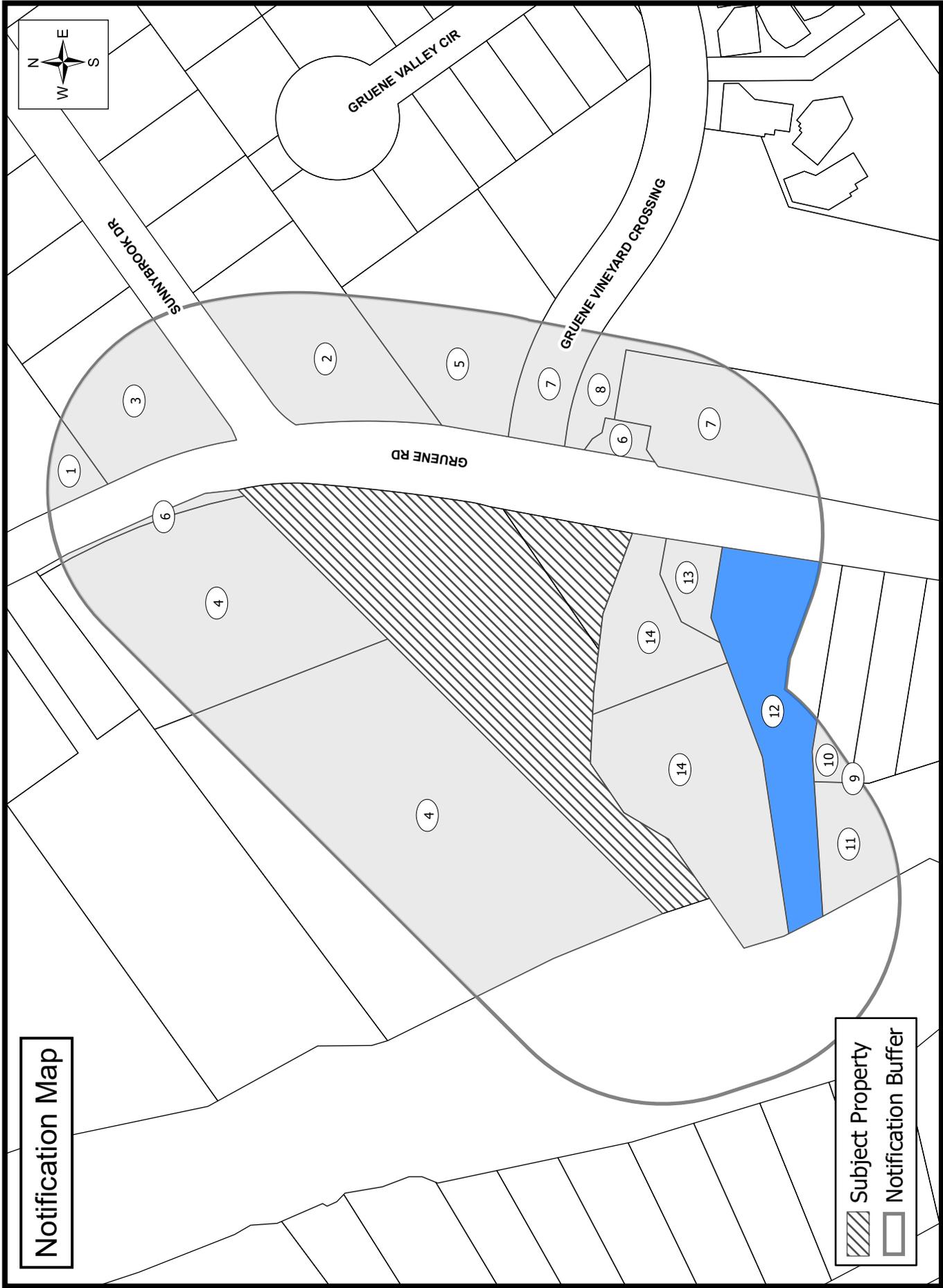
Comments: (Use additional sheets if necessary)

Signature: B. J. [Signature]Form:

I object: _____

(State reason for objection)





Notification Map

 Subject Property
 Notification Buffer

PZ-19-005
1193 Gruene Road
SUP for Short-term Rental



3.6. *Special Use Permits.*

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

Types of Special Use Permit:

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

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

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

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

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

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

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

5.17. *Short term rental or occupancy.*

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

5.17-2 *Definitions:*

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

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

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

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

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

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

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

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

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

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

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

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

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

5.17-3 Applicability.

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

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

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

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

- (e) *Conduct on premises.*
- (1) Each occupant and visitor to a Short Term Rental shall comply with all applicable provisions of the City's Code, including, without limitation: noise and disorderly conduct restrictions from Chapter 82, Offenses and Miscellaneous Provisions; litter prohibition from Chapter 50, Environment; and others such as parking, and trespassing provisions. No occupant of or visitor to a Short Term Rental shall cause or permit a public nuisance to be maintained on such property. This information shall be included in the rental agreement and inside the Short Term Rental as specified in Subsection (7), Tenant Indoor Notification, below.
 - (2) All Occupants shall be informed in writing of relevant City ordinance including, but not limited to, the City's nuisance and water conservation ordinances by the Owner/Operator of the Short Term Rental.
 - (3) Excessive noise or other disturbance outside the Short Term Rental is prohibited between the hours of 10:00 p.m. and 8:00 a.m. This includes, but is not limited to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas.
 - (4) No sleeping outdoors.
- (f) *Signage.* Signage shall be in compliance with the City's current Sign Code.
- (g) *Tenant Indoor Notification.* The Operator shall post in a conspicuous location of the Dwelling the following minimum information:
- (1) Maximum number of occupants.
 - (2) Location of required off-street parking, other available parking and prohibition of parking on landscaped areas.
 - (3) Quiet hours and noise restrictions.
 - (4) Restrictions of outdoor facilities.
 - (5) 24 hour contact person and phone number.
 - (6) Property cleanliness requirements.
 - (7) Trash pick-up requirements, including location of trash cans.
 - (8) Flooding hazards and evacuation routes. Including information on the emergency siren system.
 - (9) Emergency numbers.
 - (10) Notice that failure to conform to the occupancy and parking requirements is a violation of the City's Municipal Code and occupant or visitor can be cited.
 - (11) Other useful information about the community.
- (h) *Rental Agreement Notification.* The rental agreement between the owner/operator of the Short Term Rental and the occupant shall include by attachment, all of the information provided on the Tenant Indoor Notification signage.

5.17-5 *Short Term Rental Permit.*

- (a) *Application.* Application for a Short Term Rental Permit shall be in writing on an application form available in the Planning Director's office, shall be accompanied by a one-time payment of the fee of \$50 and shall include the following information, at a minimum:
- (1) A list of all Owners of the short term rental including names, address and telephone numbers.
 - (2) A sketch or narrative describing the location of the available parking spaces as required by Subsection d(3), Parking, of this Section.
 - (3) A sketch of the floor plan.
 - (4) The name, address and 24 hour telephone numbers of a contact person who shall be responsible and authorized to respond to complaints concerning the use of the Short Term Rental.
 - (5) Proof of Hotel Occupancy Tax compliance with Chapter 351 of the Tax Code, before permit is granted.

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

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

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

5.17-7 *Enforcement/Penalty.*

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

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

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

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

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

Draft Minutes for the April 2, 2019 Planning Commission Regular Meeting

PZ-19-005 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the “C-O” Commercial Office District on 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road.

(Applicant: T.M. Savell; Case Manager: H. Mullins)

Mrs. Mullins summarized the request and stated Staff recommended approval with the following conditions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
3. All Supplemental Standards of Section 144-5.17-4 will be met.

Chair Edwards invited the applicant to speak.

Mark Savell, 1193 Gruene Road, stated he was the applicant. Mr. Savell stated he believed a short-term rental would be appropriate for the property and neighborhood.

Chair Edwards asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Laskowski, seconded by Commissioner Gibson, to close the public hearing. Motion carried (8-0-0).

Motion by Commissioner Laskowski, seconded by Vice Chair Reaves, to recommend approval to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the “C-O” Commercial Office District on 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road, with Staff recommendations. Motion carried (8-0-0).

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A SINGLE FAMILY DWELLING IN THE “C-O” COMMERCIAL OFFICE DISTRICT ON 1.795 ACRES OUT OF THE AP FUQUAY SURVEY 35 A-15, ADDRESSED AT 1193 GRUENE ROAD; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

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

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit for 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road, to allow the short-term rental of a single-family dwelling in the “C-O” District; **now, therefore;**

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

SECTION 1

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

1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road, as described in Exhibit “A” and delineated on Exhibit “B” attached.

SECTION 2

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

1. The residential character of the building must be maintained.
2. The property will remain in compliance with the approved site plat attached as Exhibit 'C'. Any significant changes to the site plan will require a revision to the SUP.
3. All Supplemental Standards of Section 144-5.17-4 will be met.

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 22nd day of April, 2019.

PASSED AND APPROVED: Second reading this 13th day of May, 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

URBANCIVIL™

Job No. 1804.07.NB
May 16th, 2018

1.795 Acres

State of Texas
County of Comal

Fieldnotes, for a 1.795 Acre tract, situated in the A. P. Fuquay Survey Number 35, Abstract Number 155, Comal County, Texas, comprised of a 0.2435 Acre tract, described in a Deed from Van Horn Lodge at Gruene, Ltd., to Larry Anderson and wife, Mary Margaret Anderson, as recorded in Document Number 201206041725 of the Official Public Records of Comal County, Texas and the remainder of a 1.943 acre tract described in a Deed from Mary Margaret Anderson to Larry Anderson, as recorded in Document Number 9806004418, of the said Official Public Records; said 1.795 Acres being more fully described by metes and bounds as follows;

Beginning, at a ½ Inch Iron Rod with Illegible Yellow Plastic Cap found, on the West Right-of-Way line of Gruene Road, the Northeast corner of a Variable Width Access Easement, as shown on the Replat of Lot 12, River Bluff at Gruene, Unit 2, Establishing Lots 12R-1, 12R-2 and 12R-3, as recorded in Document Number 201606041337, of the Map and Plat Records of Comal County, Texas, for the Southeast corner of the said 0.2435 Acre tract and this tract;

Thence, with the North line of the said River Bluff at Gruene, Unit 2, for the South line of this tract as follows:

- North 72°46'17" West, 95.57 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "KSC 5960" found, for a corner of the said Unit 2 and this tract;
- North 85°52'39" West, 86.66 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "KSC 5960" found, for a corner of the said Unit 2 and this tract;
- South 89°56'15" West, 79.45 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "KSC 5960" found, for a corner of the said Unit 2 and this tract;
- South 53°58'13" West, 66.34 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "KSC 5960" found, for a corner of the said Unit 2 and this tract;
- South 29°35'12" West, 58.01 Feet, to a ½ Inch Iron Rod with Orange Plastic Cap stamped "Urban Civil" set, for a corner of the said Unit 2 and this tract;
- South 53°33'55" West, 142.34 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "KSC 5960" found, on the West line of the said 1.943 Acre tract, for the Northwest corner of the said Unit 2, the Southwest corner of this tract;

Thence, North 19°09'47" West, with the West line of the said 1.943 Acre tract, 39.85 Feet, to a ½ Inch Iron Rod found, for the Northwest corner of the said 1.943 Acre tract and this tract;

Thence, North 44°58'08" East, with the North line of the said 1.943 Acre tract, 720.16 Feet, to a ½ Inch Iron Rod with Illegible Orange Plastic Cap found, on the said West Right-of-Way, for the Northeast corner of the said 1.943 Acre tract and this tract;

Exhibit "A"

Page 1 of 2

2461 LOOP 337, NEW BRAUNFELS, TEXAS 78130

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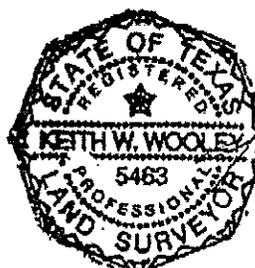
Thence, with the said West Right-of-Way line, for the East line of this tract as follows:

- South 02°26'27" East, 76.73 Feet, to a ½ Inch Iron Rod with Orange Plastic Cap stamped "Urban Civil" set, for a corner of this tract;
- South 06°34'33" West, 180.75 Feet, to a ½ Inch Iron Rod found, for the Northeast corner of the said 0.2435 Acre tract, the Southeast corner of the said 1.943 Acre tract, a corner of this tract;
- South 09°10'57" West, 153.34 Feet, to the **Point of Beginning**, containing 1.795 Acres (78,178 Square Feet) of Land, more or less.

Bearings are based on GPS, NAD83, State Plane Coordinates, Texas South Central Zone 4204.

Unless this fieldnote description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy.

Also reference accompanying Sketch of tract described herein.



URBAN CIVIL

Keith W. Wooley
Keith W. Wooley, R.P.L.S.
License No. 5463

Exhibit "A"

Page 2 of 2

2461 LOOP 337, NEW BRAUNFELS, TEXAS 78130

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1340 RELEASE TO PUBLIC BY TEXAS PUBLIC INFORMATION ACT

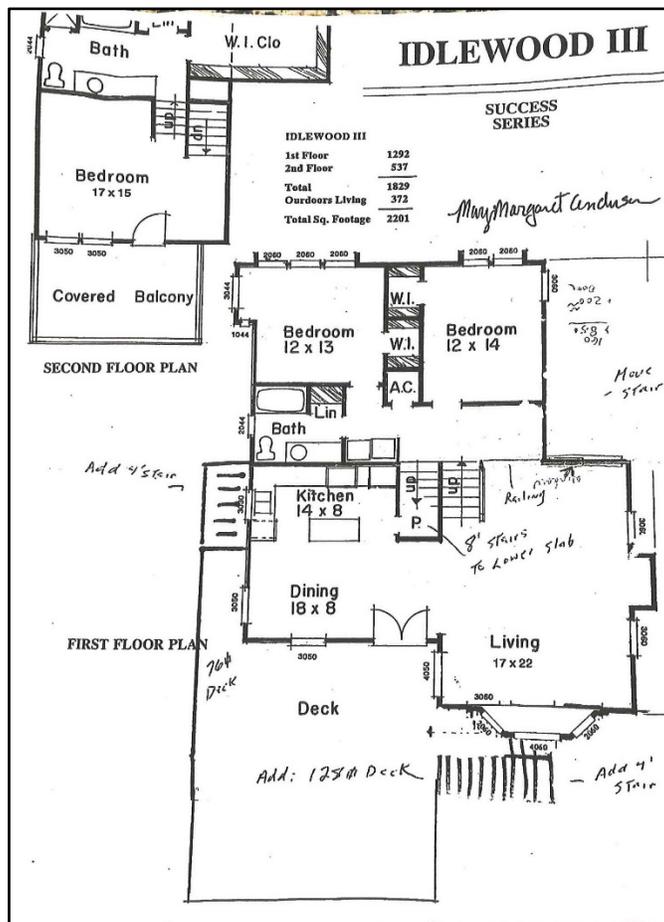


Location Map

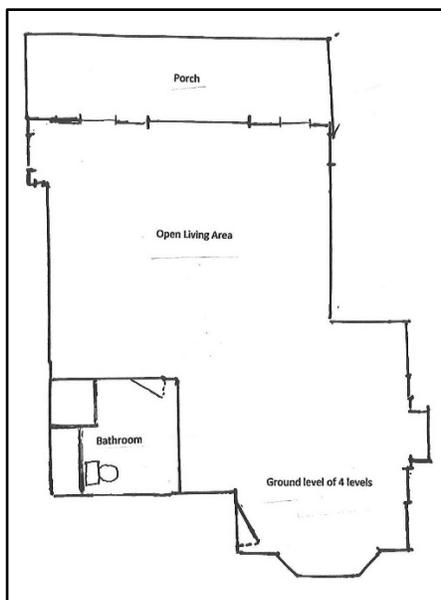
Legend
 Subject_Property



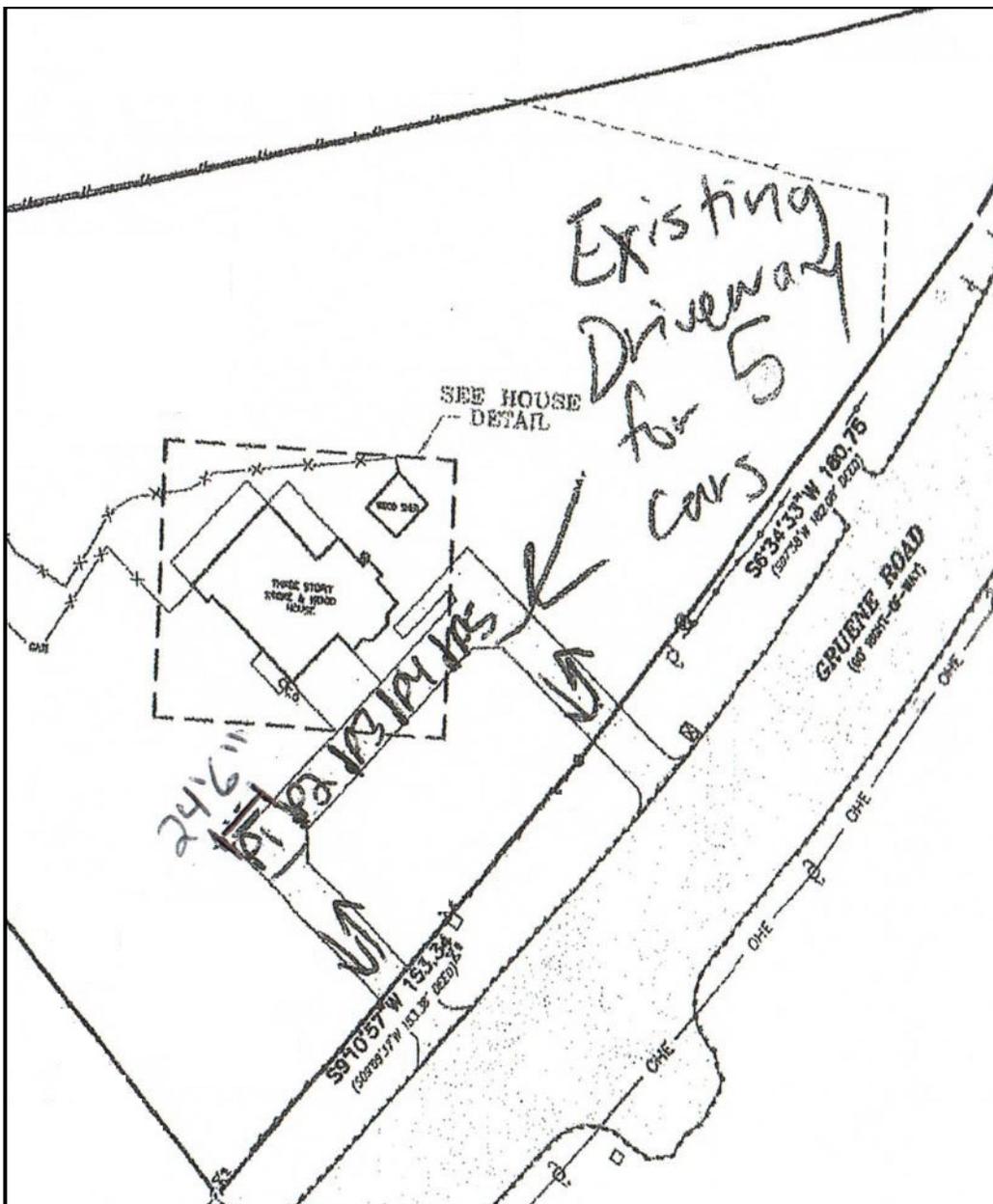
PZ-19-005
1193 Gruene Road
SUP for Short-Term Rental



Floor Plan



Ground Floor



Parking Plan



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. H)

Presenter

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

SUBJECT:

Discuss and consider approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "C-2" General Business District, addressed at 352 W. Mill Street.

BACKGROUND / RATIONALE:

Case No.: PZ-19-004

Council District: 1

Applicant/Owner: Leslie Lammers and Tom Tumlinson
480 W. Mill Street
New Braunfels, TX 78130
(830) 715-9300
ljlammers@yahoo.com

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

City Council held a public hearing on April 22, 2019 and approved the first reading of this requested rezoning with the recommended conditions, plus a condition that the maximum occupancy be limited to 10 adults.

The subject property is located on the west side of W. Mill Street, approximately 125 feet north of the intersection of W. Mill Street and N. Academy Avenue. The property is approximately 10,000 square feet in area and, according to the appraisal district, contains a 1,518 square foot house built in 1900.

The property is zoned "C-2" General Business District which allows rental or occupancy for less than one month. However, the structure is a single-family dwelling which requires a Special Use Permit (SUP) before it can be used as a short-term rental. If the SUP is approved, an administrative Short Term Rental Permit is also required prior to first rental, along with annual fire inspections.

The submitted floor plan indicates the existing structure is a four-bedroom, two-bath dwelling, with a kitchen and entry hall. This will allow a maximum occupancy of 12 adults (two per sleeping area plus an additional four). Minimum required off-street parking for a short-term rental is one space per sleeping area, and the maximum is the number of sleeping areas plus one. The proposed use on this

property will require a minimum of 4 with a maximum of 5 parking spaces. The applicant is proposing to utilize an area with 4 parking spaces that is to be paved with asphalt or asphalt with chip seal.

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

- an administrative Short Term Rental Permit and annual inspections are required, in addition to the SUP;
- a maximum of two (2) adults per sleeping area plus an additional four (4) adults per residence **(four (4) sleeping areas plus four (4) additional adults allows for a maximum total of 12 adults occupying this property)**;
- display of a short term rental decal;
- a minimum of one (1) off-street parking space per sleeping area, not including a garage, and not to exceed the number of sleeping areas plus one (1) **(minimum of four (4) spaces and a maximum of five (5) spaces)**;
- adherence to the City's adopted building codes regarding life safety issues;
- compliance with City codes related to conduct on premises;
- signage in compliance with the current Sign Ordinance (no monument or freestanding pole signs; attached signage is not regulated); and
- required tenant information posted indoors and attached to the rental agreement, including quiet hours, parking limitations and emergency information.

General Information:

Surrounding Zoning and Land Use:

North - C-2 / Single-Family Residence

South - C-2 / Single-Family Residence

East - Across W. Mill St., C-2 / Commercial

West - C-2 / Single-Family Residence

Request Due To Notice of Violation:

No

Floodplain:

No portion of the property is located within the 1% chance (100-year) floodplain.

Determination Factors:

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

- Whether the permitted uses will be appropriate in the immediate area and their relationship to the area and to the City as a whole *(The subject property is zoned C-2 in an area of mixed commercial and residential uses. The property is approximately three blocks from Main Plaza with immediate access to many downtown shops, restaurants, The Brauntex Theatre, Railroad Museum, Sts. Peter and Paul Catholic Church, and other venues and attractions. The Downtown Historic District is one block away, and the Mill Street Historic District begins at Academy Avenue)*;
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area *(There do not appear to be any conflicts with these elements.)*;
- How other areas designated for similar development will be affected *(There should be no negative effects on other areas designated for similar development - see attached short term rental map. Staff's recommendation includes maintaining the residential appearance of the*

structure.);

- Any other factors that will substantially affect the public health, safety, morals, or general welfare. (*The use of this property as a short-term rental will be subject to the supplemental standards outlined in the Zoning Ordinance and noted above. These standards help to ensure that proper measures are in place to protect public health and to encourage appropriate use of the property.*); and
- Whether the request is consistent with the Comprehensive Plan. (*The property is located within the New Braunfels Sub-Area and is near a Scenic River Corridor, Downtown, and existing Civic and Outdoor Recreation Centers.*)

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

<p>City Plan/Council Priority: Envision New Braunfels</p>	<p>Action 1.14 Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions. Action 3.3 Balance commercial centers with stable neighborhoods.</p>
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FISCAL IMPACT:

If approved, the property will be subject to local and state hotel occupancy tax (HOT). The property owner will be responsible for remitting the local portion to the City.

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on April 2, 2019 and recommended approval (6-2-0), Commissioners Laskowski and Gibson opposed.

STAFF RECOMMENDATION:

Staff recommends approval. The proposed use of the property will complement the mixed uses in the area while maintaining a residential appearance. The proposal would allow a flexible lodging option within walking distance of Downtown and nearby shops, venues and attractions. Staff's recommendation includes the following conditions:

1. The applicant will complete construction of the proposed paved driveway and parking areas.
2. The residential character of the property must be maintained.
3. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.

Notification:

Public hearing notices were sent to 16 owners of property within 200 feet of the request. The City has received three responses (#1, 3 & 5) in favor and none in objection.

Attachments:

1. Aerial Map
2. Site Plan and Floor Plan
3. Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)
4. Short-term Rental Vicinity Map
5. Notification List, Map and Responses
6. Photographs
7. Zoning Ordinance Sections:
 - a. Sec. 3.6 Special Use Permits

-
-
- b. Sec. 5.17 Short Term Rentals
 8. Planning Commission Meeting Draft Minutes
 9. Ordinance

Aerial and Floodplain Map



Legend

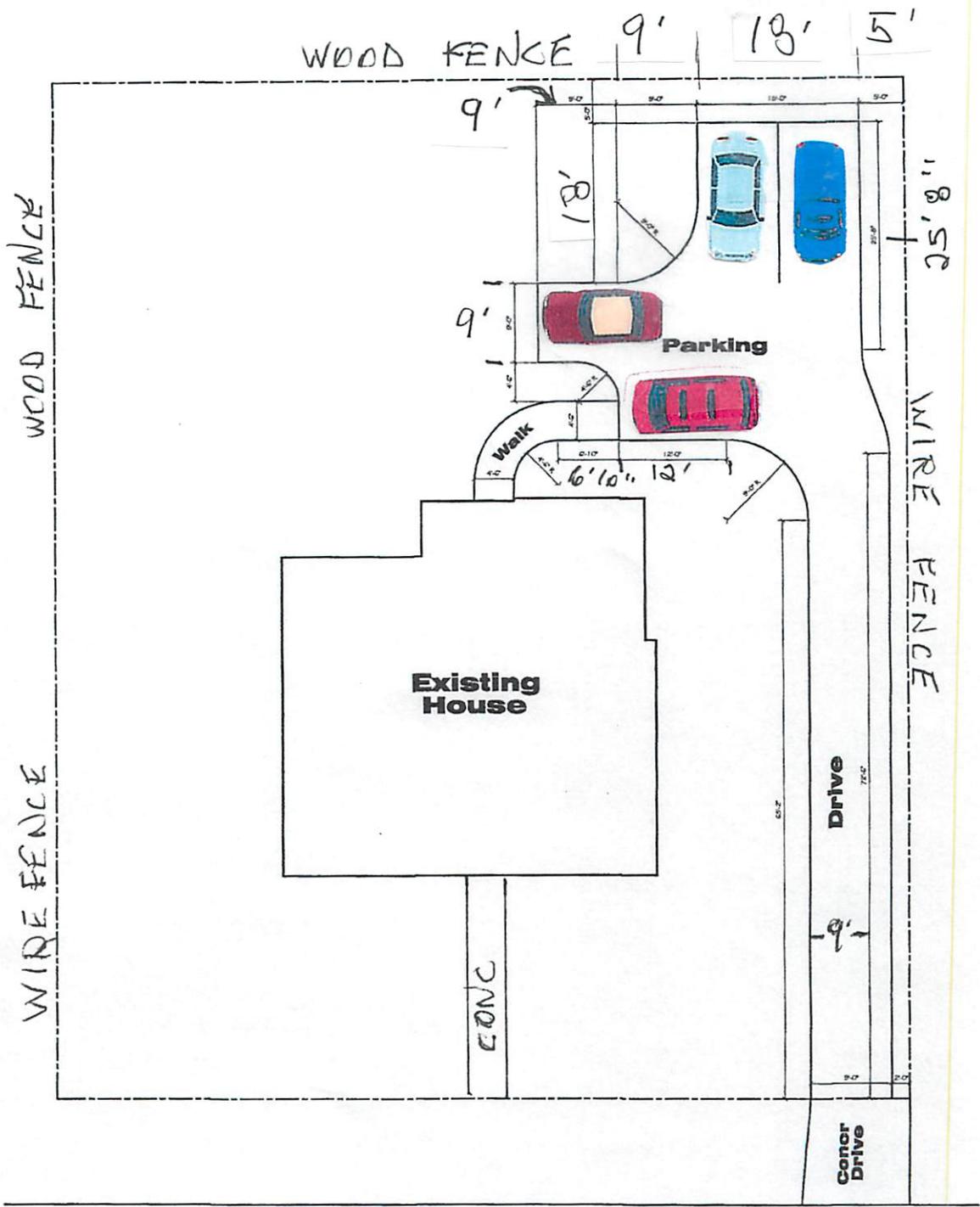
-  Subject
-  1% Annual Chance
-  Floodway

PZ-19-004
352 W. Mill St
SUP for Short Term Rentals in C-2



1" = 18'

909 sq ft of parking

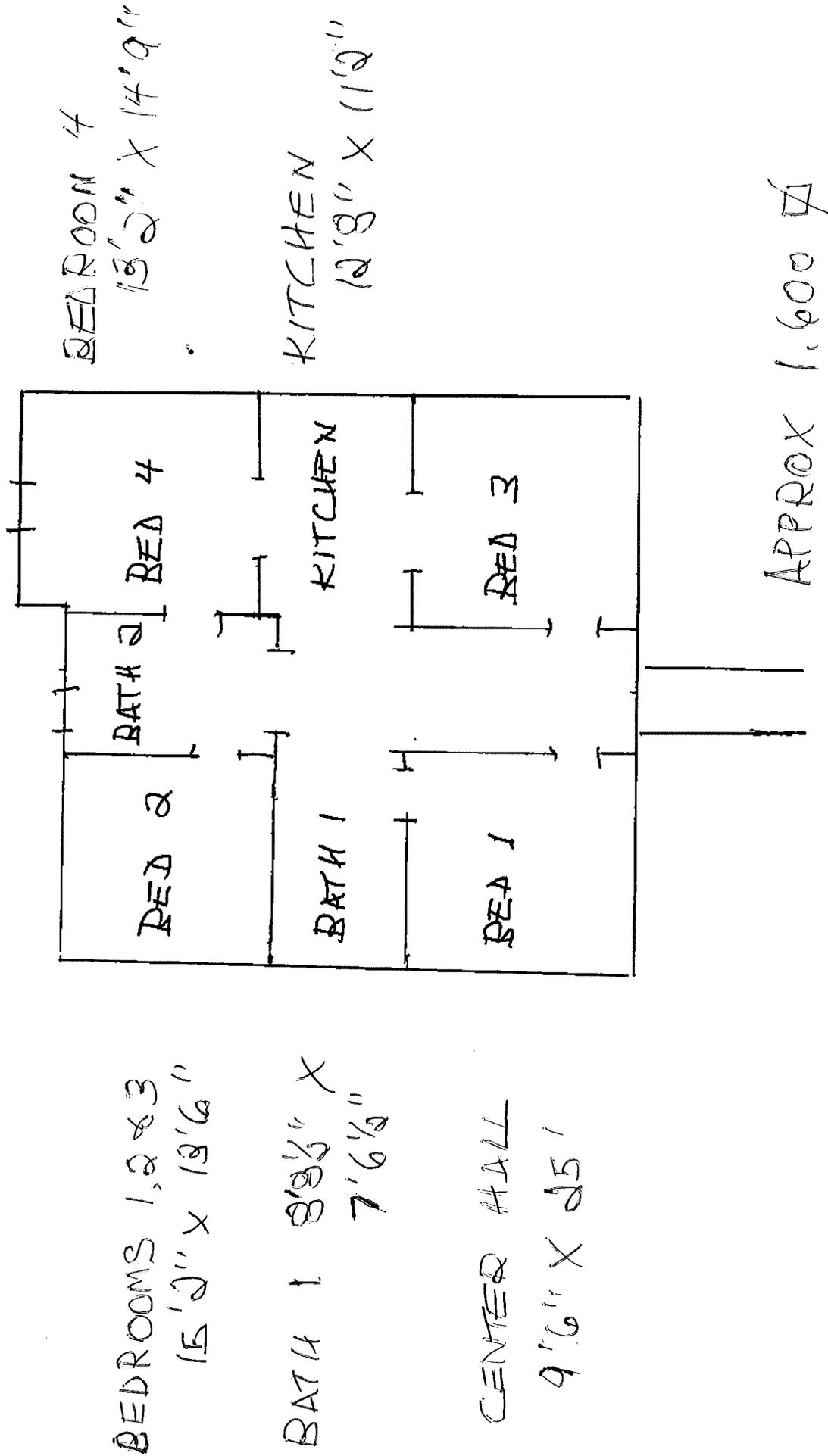


352 West Mill Street

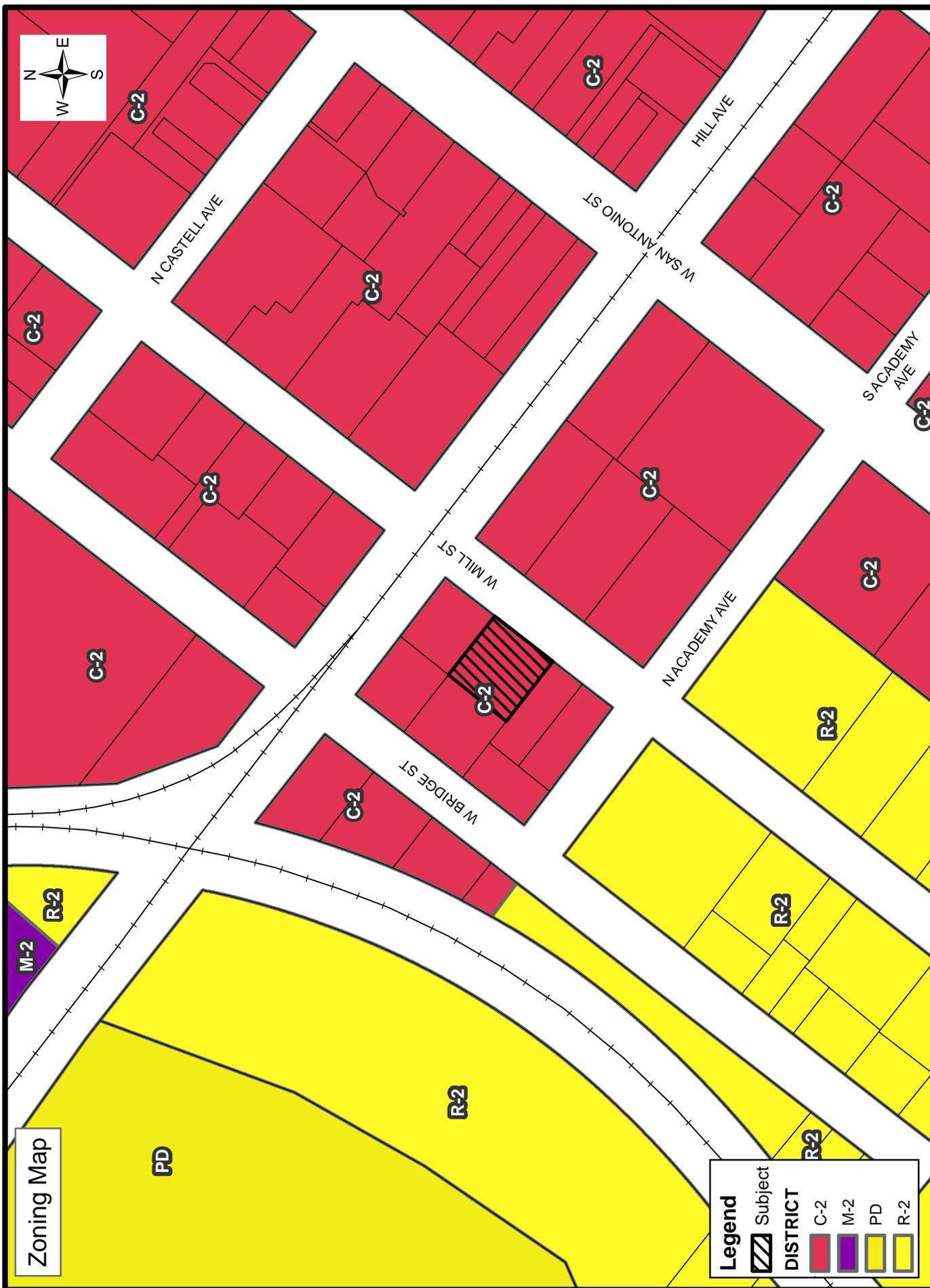
The driveway is currently broken up asphalt fading to dirt. Either asphalt or asphalt with chip seals will be poured. Chip seals are small stones embedded in asphalt.

352 W MILL ST

NOT TO SCALE

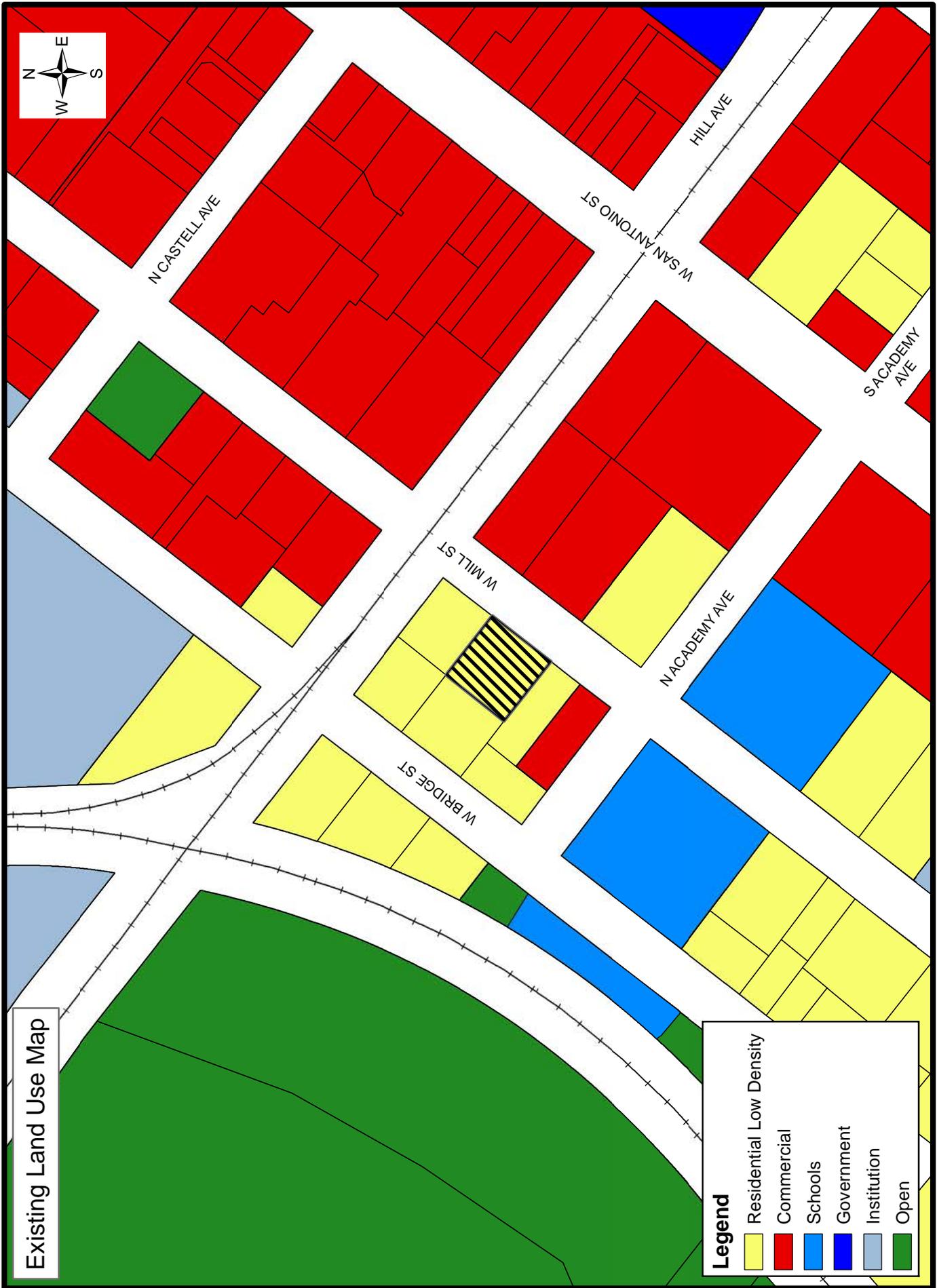


MILL STREET



PZ-19-004
352 W. Mill St
SUP for Short Term Rentals in C-2





Existing Land Use Map



Legend

- Residential Low Density
- Commercial
- Schools
- Government
- Institution
- Open

PZ-19-004
352 W. Mill St
SUP for Short Term Rentals in C-2



EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

● EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

● MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

● MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

● CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

● OUTDOOR RECREATION CENTER

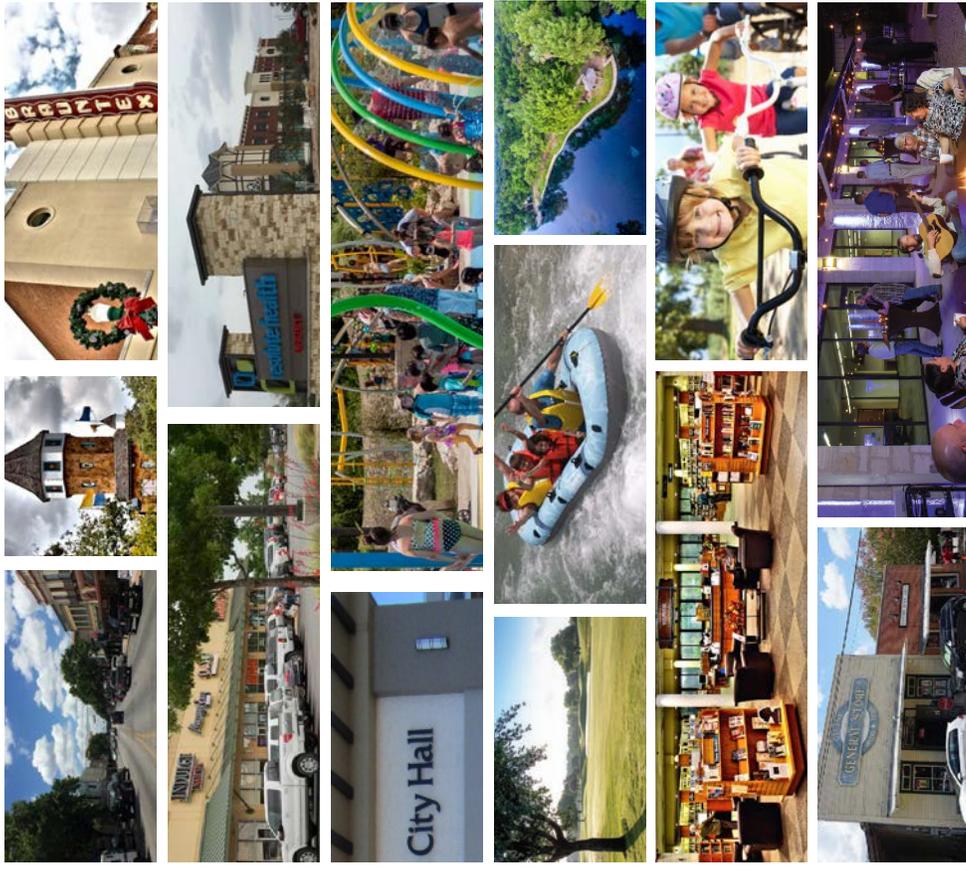
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

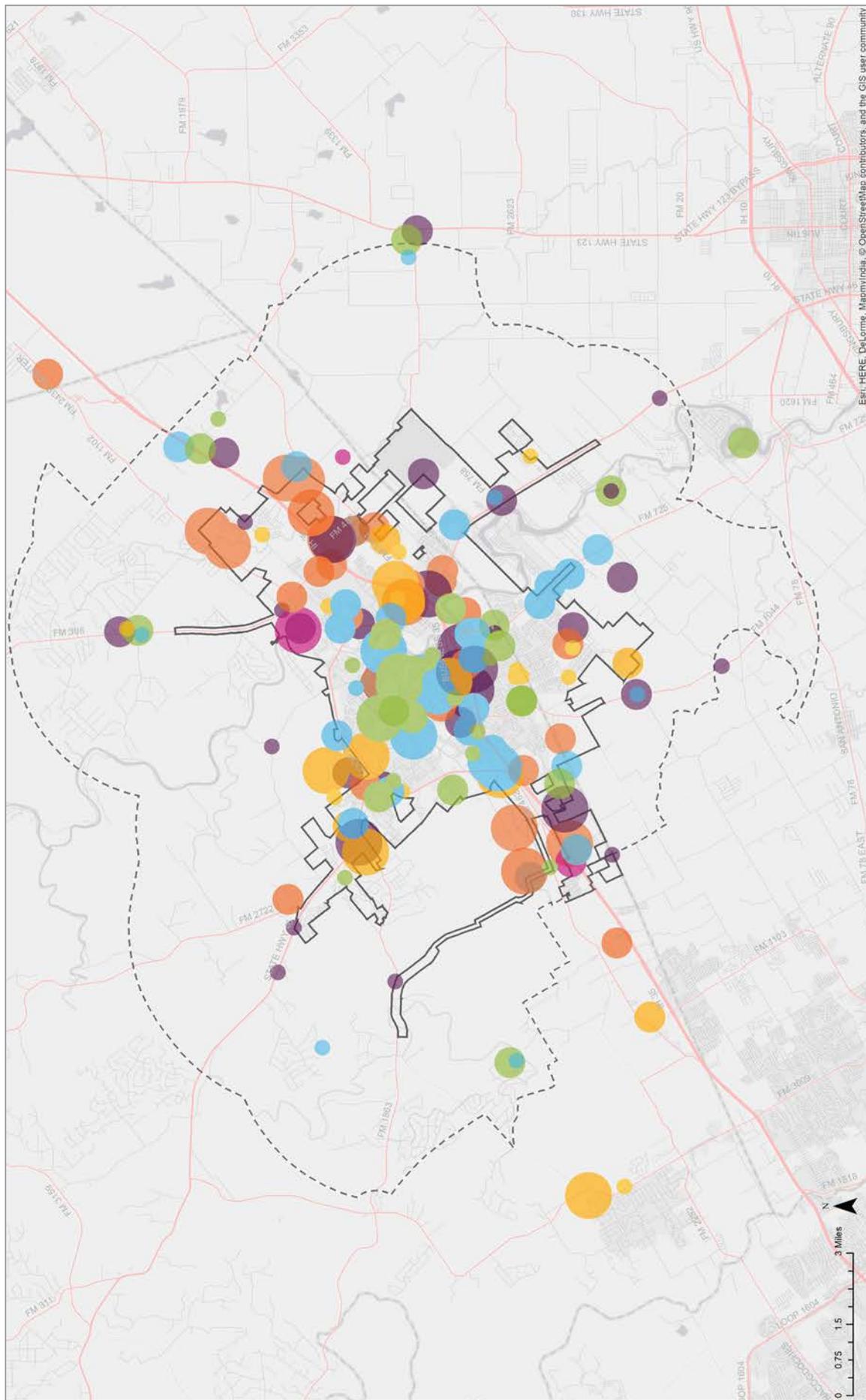
● EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

● TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.





The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

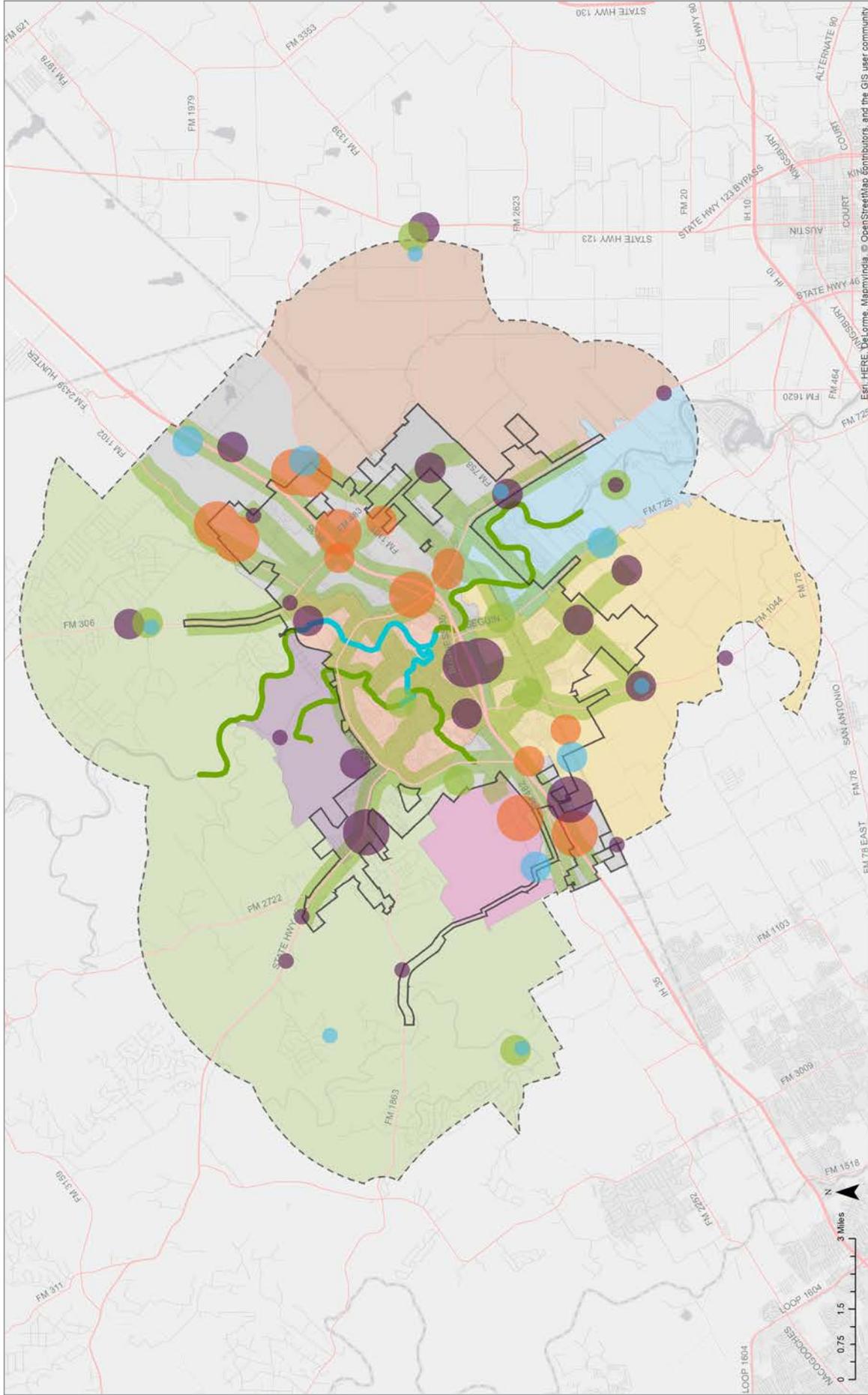
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

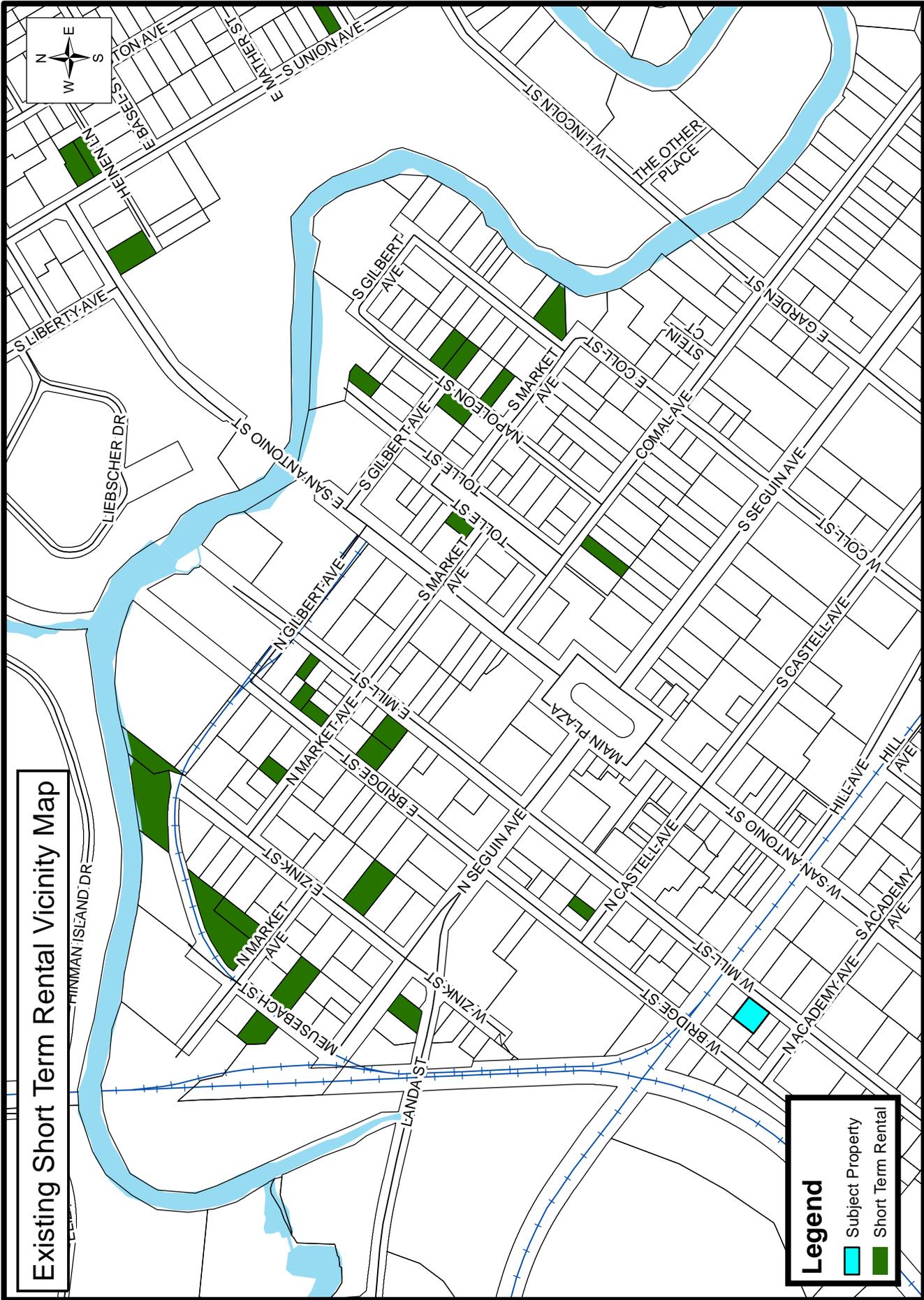
Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.



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](#).



Existing Short Term Rental Vicinity Map

Legend

- Subject Property
- Short Term Rental



PZ-19-004
 352 W. Mill St
 SUP for Short Term Rentals in C-2

Map Created: 3/20/2019

PLANNING COMMISSION – APRIL 2, 2019 – 6:00PM

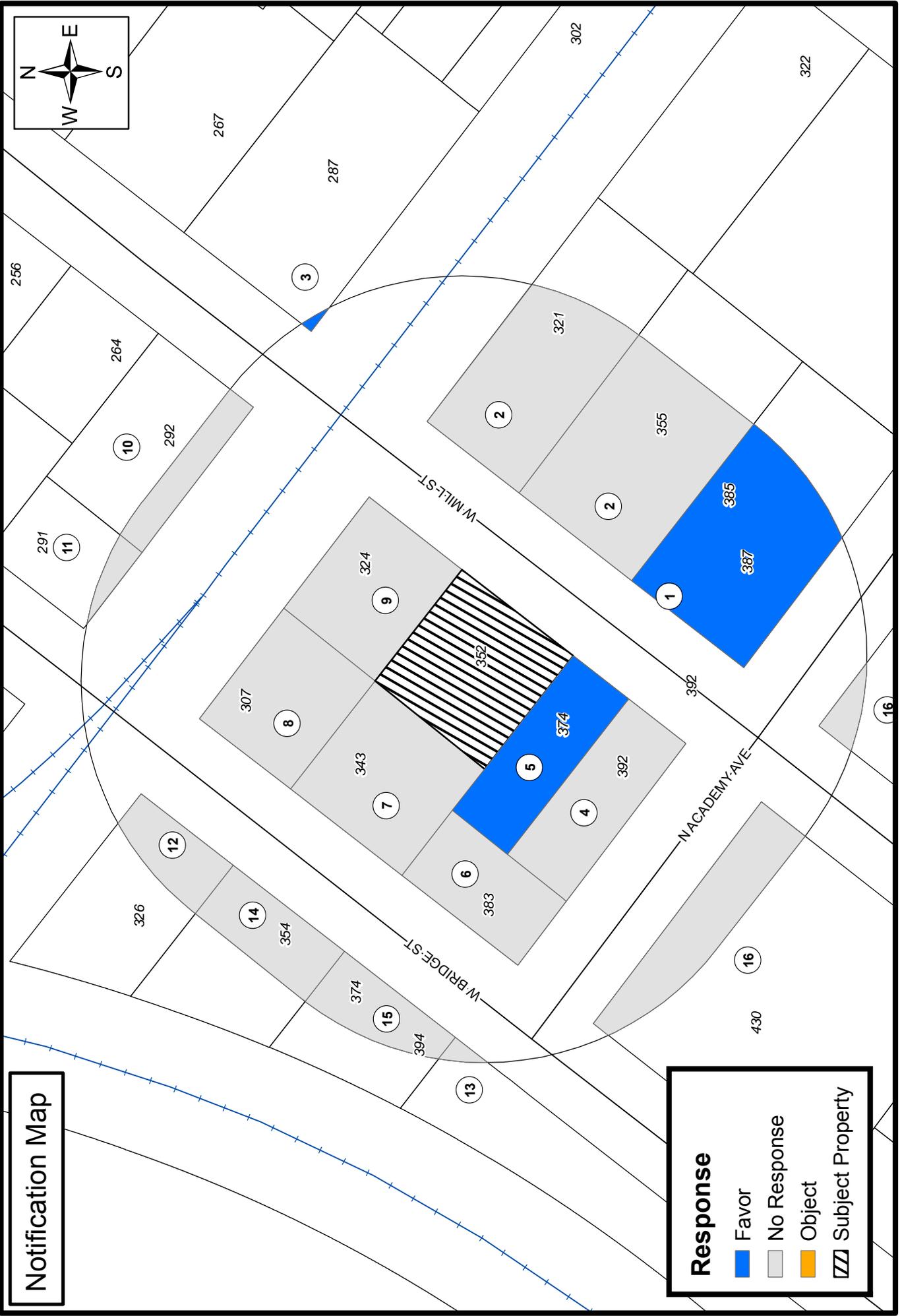
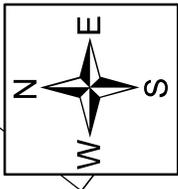
New Braunfels City Hall Council Chambers

Applicant/Owner: Leslie Lammers & Tom Tumlinson**Address/Location:** 352 W. Mill St.**PROPOSED SPECIAL USE PERMIT – CASE #PZ-19-004**

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. BOCK BENNIE W II & KATHARYN | 9. GOMEZ THERESA B & ROBERT |
| 2. DIRTY LAUNDRY LLC | 10. MUND JEFF A & DENISE E |
| 3. BRAUNTEX PERFORMING ARTS | 11. PROPERTY OWNER |
| 4. LONG MARK | 12. WEBER JAMES P & MARTHA |
| 5. RIMMELIN PAUL | 13. UNION PACIFIC RAILROAD CO |
| 6. MORGA MARY ANN | 14. PATTON ROBERT L |
| 7. ANGELLO CAROLYN | 15. WOOD RUTH L |
| 8. CT WELLNESS ENTERPRISES | 16. NEW BRAUNFELS I S D |

SEE MAP



Notification Map

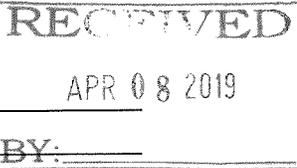
Map Created: 5/2/2019

PZ-19-004
352 W. Mill St.
Special Use Permit for Short Term Rental



151
YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-19-004 ms



Name: Bennie Book II

APR 08 2019

I favor:

Address: 387 W. Mill

BY: _____

Property number on map: 1

I object: _____

(State reason for objection)

Comments: (Use additional sheets if necessary)

The transformation of Residential Property to
less restrictive use is to be expected. It may
not be popular, but is to be expected.

Signature: Bennie Book II

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-19-004 ms

Name: Cheryl Fisher/Brauntex Theatre

I favor:

Address: 290 W San Antonio St

Property number on map: 287 #3

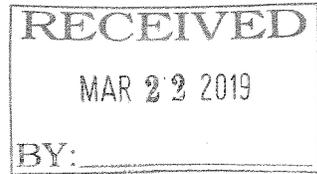
I object: _____

(State reason for objection)

Comments: (Use additional sheets if necessary)

Cheryl Fisher
Board President

Signature: Cheryl Fisher
Executive Director



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-19-004 ms

Name: PAUL RIMMELIN

I favor:

Address: 374 W. MILL ST. NB TR 28130

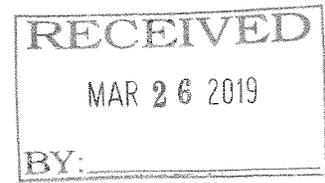
Property number on map: 5

I object: _____

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: PM



Case: #PZ-19-004 ms

Name: Robert L. Patton

Address: 354 W. Bridge St.

Property number on map: 14

Comments: (Use additional sheets if necessary)

I favor: _____

I object: _____

(State reason for objection)

Signature: Robert L. Patton

RECEIVED
APR 01 2019
BY: _____

Re:

PZ-19-004
352 W. Mill St.
Special Use Permit for Short Term Rental

Please change my opposition
response to the above SUP to
either no response or no opinion.

Thank you

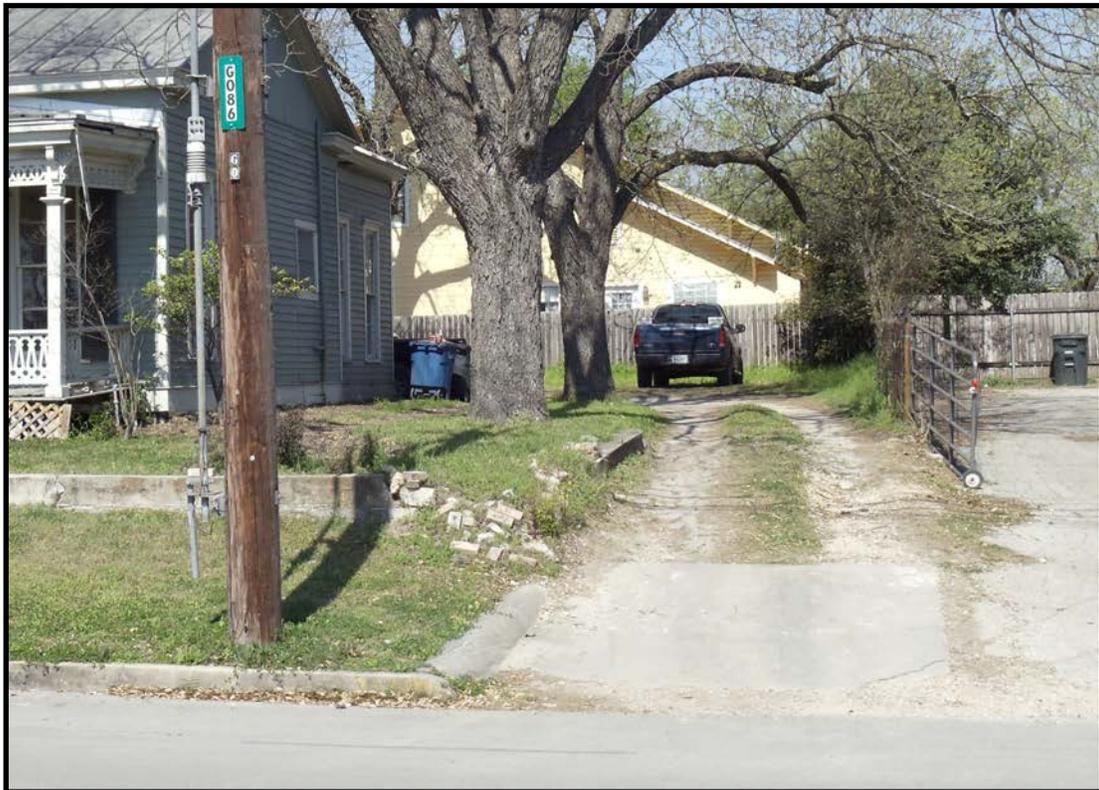
Robert L. Patton

Robert L. Patton
354 W. Bridge St
N. B TX 78130
830-625-9593
property owner # 14

RECEIVED
APR 29 2019
BY: _____



Subject Property from W. Mill St. facing northwest



Close-up of existing driveway

3.6. *Special Use Permits.*

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

Types of Special Use Permit:

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

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

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

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

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

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

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

5.17. *Short term rental or occupancy.*

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

5.17-2 *Definitions:*

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

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

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

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

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

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

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

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

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

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

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

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

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

5.17-3 Applicability.

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

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

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

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

- (e) *Conduct on premises.*
- (1) Each occupant and visitor to a Short Term Rental shall comply with all applicable provisions of the City's Code, including, without limitation: noise and disorderly conduct restrictions from Chapter 82, Offenses and Miscellaneous Provisions; litter prohibition from Chapter 50, Environment; and others such as parking, and trespassing provisions. No occupant of or visitor to a Short Term Rental shall cause or permit a public nuisance to be maintained on such property. This information shall be included in the rental agreement and inside the Short Term Rental as specified in Subsection (7), Tenant Indoor Notification, below.
 - (2) All Occupants shall be informed in writing of relevant City ordinance including, but not limited to, the City's nuisance and water conservation ordinances by the Owner/Operator of the Short Term Rental.
 - (3) Excessive noise or other disturbance outside the Short Term Rental is prohibited between the hours of 10:00 p.m. and 8:00 a.m. This includes, but is not limited to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas.
 - (4) No sleeping outdoors.
- (f) *Signage.* Signage shall be in compliance with the City's current Sign Code.
- (g) *Tenant Indoor Notification.* The Operator shall post in a conspicuous location of the Dwelling the following minimum information:
- (1) Maximum number of occupants.
 - (2) Location of required off-street parking, other available parking and prohibition of parking on landscaped areas.
 - (3) Quiet hours and noise restrictions.
 - (4) Restrictions of outdoor facilities.
 - (5) 24 hour contact person and phone number.
 - (6) Property cleanliness requirements.
 - (7) Trash pick-up requirements, including location of trash cans.
 - (8) Flooding hazards and evacuation routes. Including information on the emergency siren system.
 - (9) Emergency numbers.
 - (10) Notice that failure to conform to the occupancy and parking requirements is a violation of the City's Municipal Code and occupant or visitor can be cited.
 - (11) Other useful information about the community.
- (h) *Rental Agreement Notification.* The rental agreement between the owner/operator of the Short Term Rental and the occupant shall include by attachment, all of the information provided on the Tenant Indoor Notification signage.

5.17-5 *Short Term Rental Permit.*

- (a) *Application.* Application for a Short Term Rental Permit shall be in writing on an application form available in the Planning Director's office, shall be accompanied by a one-time payment of the fee of \$50 and shall include the following information, at a minimum:
- (1) A list of all Owners of the short term rental including names, address and telephone numbers.
 - (2) A sketch or narrative describing the location of the available parking spaces as required by Subsection d(3), Parking, of this Section.
 - (3) A sketch of the floor plan.
 - (4) The name, address and 24 hour telephone numbers of a contact person who shall be responsible and authorized to respond to complaints concerning the use of the Short Term Rental.
 - (5) Proof of Hotel Occupancy Tax compliance with Chapter 351 of the Tax Code, before permit is granted.

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

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

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

5.17-7 *Enforcement/Penalty.*

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

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

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

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

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

Draft Minutes for the April 2, 2019 Planning Commission Regular Meeting

PZ-19-004 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "C-2" General Business District, addressed at 352 W. Mill Street.

(Applicant: Leslie Lammers and Tom Tumlinson; Case Manager: M. Simmont)

Mr. Simmont summarized the request and stated Staff recommended approval with the following conditions:

1. The applicant will complete construction of the proposed paved driveway and parking areas.
2. The residential character of the property must be maintained.
3. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.

Chair Edwards invited the applicant to speak.

Leslie Lammers and Tom Tumlinson, 480 W. Mill Street, stated they were the applicants. Ms. Lammers stated they were currently operating two short-term rentals in New Braunfels and they lived close to the subject property which would allow oversight of the rental.

Commissioner Meyer asked the applicants if they would agree with reducing the maximum occupancy.

Discussion followed regarding the provided floor plan and occupancy standards.

Chair Edwards asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Laskowski, seconded by Commission Tubb, to close the public hearing. Motion carried (8-0-0).

Motion by Commissioner Sonier, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "C-2" General Business District, addressed at 352 W. Mill Street, with Staff recommendations.

Commissioner Laskowski expressed concerns regarding the maximum occupancy, citing the lack of common area in the home. He stated he believed the maximum occupancy should be limited to eight adults.

Commissioner Sonier amended his original motion to restrict the maximum occupancy to eight adults.

Discussion followed.

The motion failed (2-6-0) with Chair Edwards, Vice Chair Reaves, Commissioner Gibson, Commissioner Meyer, Commissioner Nolte, and Commissioner Tubb in opposition.

Motion by Commissioner Sonier, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "C-2" General Business District, addressed at 352 W. Mill Street, with Staff recommendations. Motion carried (6-2-0) with Commissioner Laskowski and Commissioner Gibson in opposition.

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A SINGLE FAMILY DWELLING IN THE "C-2" GENERAL BUSINESS DISTRICT, ON LOT 104, NEW CITY BLOCK 2010, ADDRESSED AT 352 W. MILL STREET; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

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

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit for Lot 104 New City Block 2010, addressed at 352 W. Mill Street, to allow the short term rental of a single family dwelling in the "C-2" 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 adding the following described tract of land as a "Special Use Permit" for the uses and conditions herein described:

"Being Lot 104, New City Block 2010, addressed at 352 W. Mill Street, as described in the attached Exhibit 'A' and delineated in the attached Exhibit 'B', to allow the short term rental of a single family dwelling in the "C-2" General Business District."

SECTION 2

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

1. The maximum occupancy of the short term rental use shall be limited to 10 adults.
2. The applicant will complete construction of the proposed paved driveway and parking area in compliance with the adopted site plan.
3. The existing residential character of the property must be maintained.
4. Exhibit 'C' shall be considered the adopted site plan. Parking on the property shall be restricted in accordance with the site plan. The property will remain in compliance with the adopted site plan. Any significant changes to the site plan will require a revision to the SUP.

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First Reading this the 22nd day of April, 2019.

PASSED AND APPROVED: Second Reading this the 13th day of May, 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. I)

Presenter

Stacy Snell, Assistant Planning and Community Development Director
ssnell@nbtexas.org

SUBJECT:

Discuss and consider approval of the second and final reading of an ordinance regarding the proposed amendment to the “Cotton Cottages” Planned Development District (CCPD) Concept Plan, Detail Plan and related Development Standards, comprising 5.732 acres out of Lot 2A-1, F & M Hanz Estate Resubdivision, located on the south side of Hanz Drive between Loop 337 and Gruene Road.

BACKGROUND / RATIONALE:

Case No.: PZ-19-003

Council District: 4

Owner/Applicant: Michael Flume
2348 Gruene Lake Dr.
New Braunfels, TX 78130
(830) 629-2496
mflume@yahoo.com

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

Background/Rationale:

City Council held a public hearing on April 22, 2019, and approved the first reading of the requested rezoning ordinance (7-0). City Council inquired about recently approved no parking designated areas: there are designated “no parking zones” along Dexter’s Place in front of the subject lot, and along the west side of Hudson Lane. This was approved by City Council via ordinance in November of 2018 at the request of the Fire Department following recommendations of approval by the Transportation and Traffic Advisory Board as well as the City Engineer.

The subject property is located on the south side of Hanz Drive between Loop 337 and Gruene Road and is zoned “Cotton Cottages” Planned Development District (CCPD). The CCPD, approved by City Council in 2015, consists of 27 garden home and Sunday house lots, and two commercial lots. It included an existing residential structure on Lot 1, Block 6 approved for certain commercial uses. An amendment to the CCPD was approved May 9, 2016, to add some additional uses to those allowed for Lot 1, Block 6 (see Attachment 6 for the current PD).

The applicant is requesting another amendment to the CCPD. The subject proposal is to eliminate the current uses and development standards adopted for Lot 1, Block 6, and allow the lot to be developed with single-family detached cottages (maximum of 6 units; an overall increase of two residential units from what is currently allowed) under a condominium regime (see Attachment 4).

According to the applicant, the cost of improving the previous structure that was on the lot was not feasible; therefore, the building was removed. He also believes the single-family cottage condominium project will be a better use for the property. The proposed amendment includes the following development standards for the lot (see Attachment 5):

- Minimum front, back and interior side setbacks = 10 feet
- Minimum side setback adjacent to the alley = 5 feet
- Minimum 10-foot setback plus one foot for each foot of building height over 20 feet where adjacent to a residential property line
- Minimum setback between buildings = 10 feet
- Maximum height = 35 feet/2-story
- Maximum building coverage = 70%
- Front porches and/or rear patios required on all units
- Balconies permitted on the front, rear or side
- Minimum parking = 1 car garage for each unit. One additional space in front of the garage.

General Information:

Size: Cotton Cottages PD = 5.732 acres

Lot 1, Block 6 = 0.442 acres

Surrounding Zoning and Land Use:

North - Across Hanz Drive, "Gruene River Place" (GRPPD) and "High Cotton Estates" (HCEPD) Planned Development Districts / Single family residential subdivisions

South - R-2 / Single family dwelling

East - R-2 / Church of Jesus Christ LDS

West - C-1 and R-2 with an SUP allowing outdoor storage of boats and RV's and two ministorage buildings / D&D Texas Outfitters and AMS1 Ministorage

Determination Factors:

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

- Whether the permitted uses will be appropriate in the immediate area and their relationship to the area and to the City as a whole (*The proposed PD amendment is compatible with the current PD and adjacent residential zoning and land uses.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*There do not appear to be significant conflicts with these elements.*);
- How other areas designated for similar development will be affected (*There should be no negative effects on other properties within the general vicinity.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. (*The elimination of commercial uses and addition of the single family detached condominium use to the development should not negatively affect the public health, safety, morals, or general welfare. The CCPD is already being developed with single family dwellings.*); and

- Whether the request is consistent with the Comprehensive Plan. *(The subject property is situated between two Transitional Mixed Use Corridors (Loop 337 and Common Street) within the New Braunfels Sub Area and is in close proximity to existing Market and Civic Centers.)*

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

<p>City Plan/Council Priority: Envision New Braunfels</p>	<p>Action 3.13: Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities and price points can be provided across the community as well as within individual developments.</p>
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on April 2, 2019 and unanimously recommended approval (8-0-0, with Commissioner Mathis absent).

STAFF RECOMMENDATION:

Staff recommends approval as the proposed use of Lot 1, Block 6 is compatible with the current PD and adjacent residential zoning and land uses. Inclusion of the single family detached condominium housing will allow development of an additional variety of single-family housing in the city.

Notification:

Public hearing notices were sent to 46 owners of property within the subject area and 200 feet of the request. The City has received 9 responses in favor (#s 17, 23, 27, 28, 34, 37, 40, 41 and 43), and one opposed (#35).

Attachments:

1. Aerial Maps
2. Land Use Maps (Zoning, Existing Land Use and Future Land Use Plan)
3. Notification List, Map and Notification Responses
4. Proposed "Cotton Cottages" PD Concept Plan and Detail Plan Amendments
5. Proposed Amendment to Lot 1, Block 6 "Cotton Cottages" PD Development Standards
6. Current "Cotton Cottages" Planned Development District Ordinance
7. Photographs
8. Sec. 3.5 "PDD" Planned Development District
9. Excerpt of Draft Minutes of the April 2, 2019 Planning Commission Regular Meeting
10. Ordinance



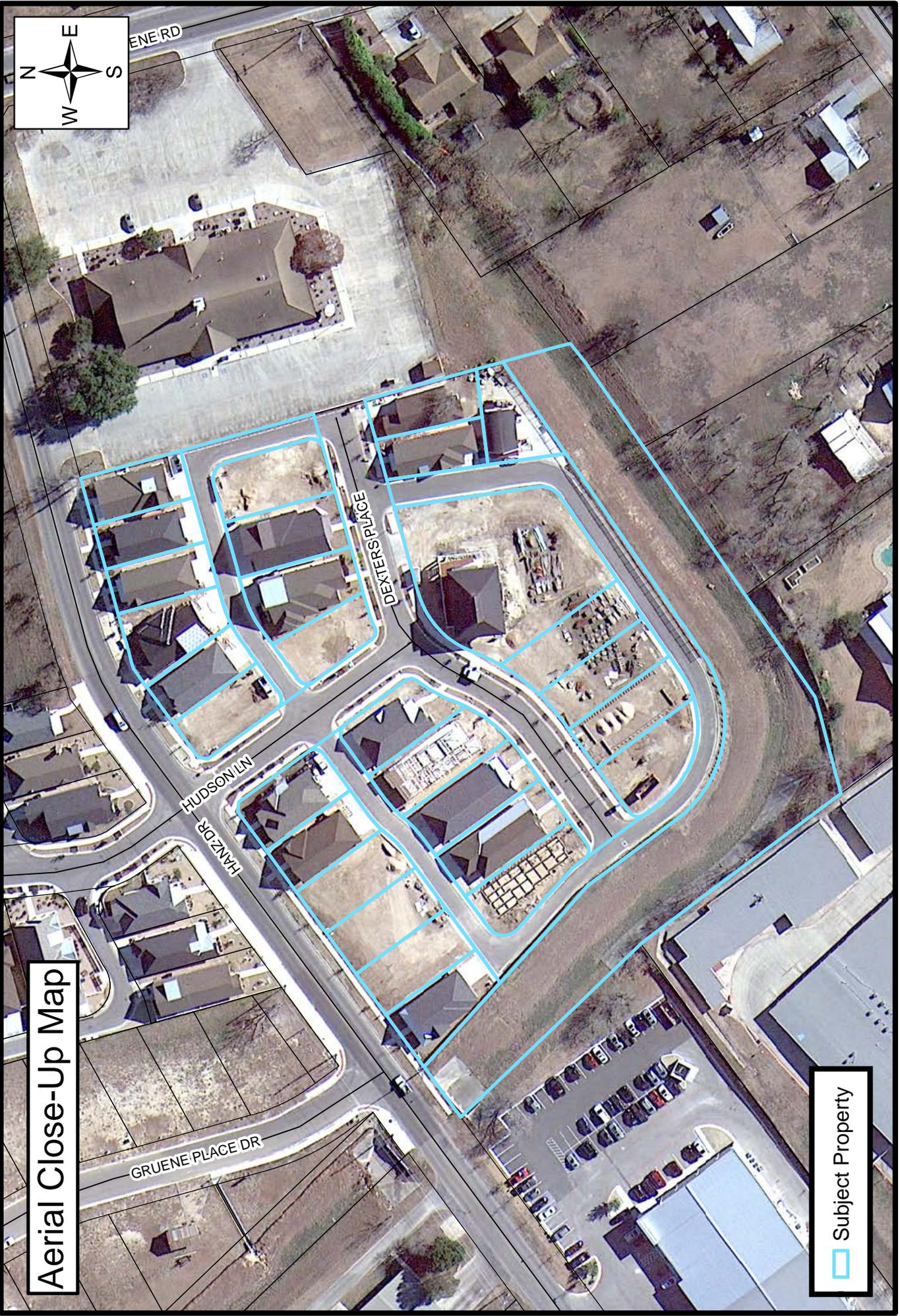
Aerial Map

 Subject Property

Map Created: 3/21/2019

PZ-19-003
"Cotton Cottages" Planned Development District
Amendment





Aerial Close-Up Map

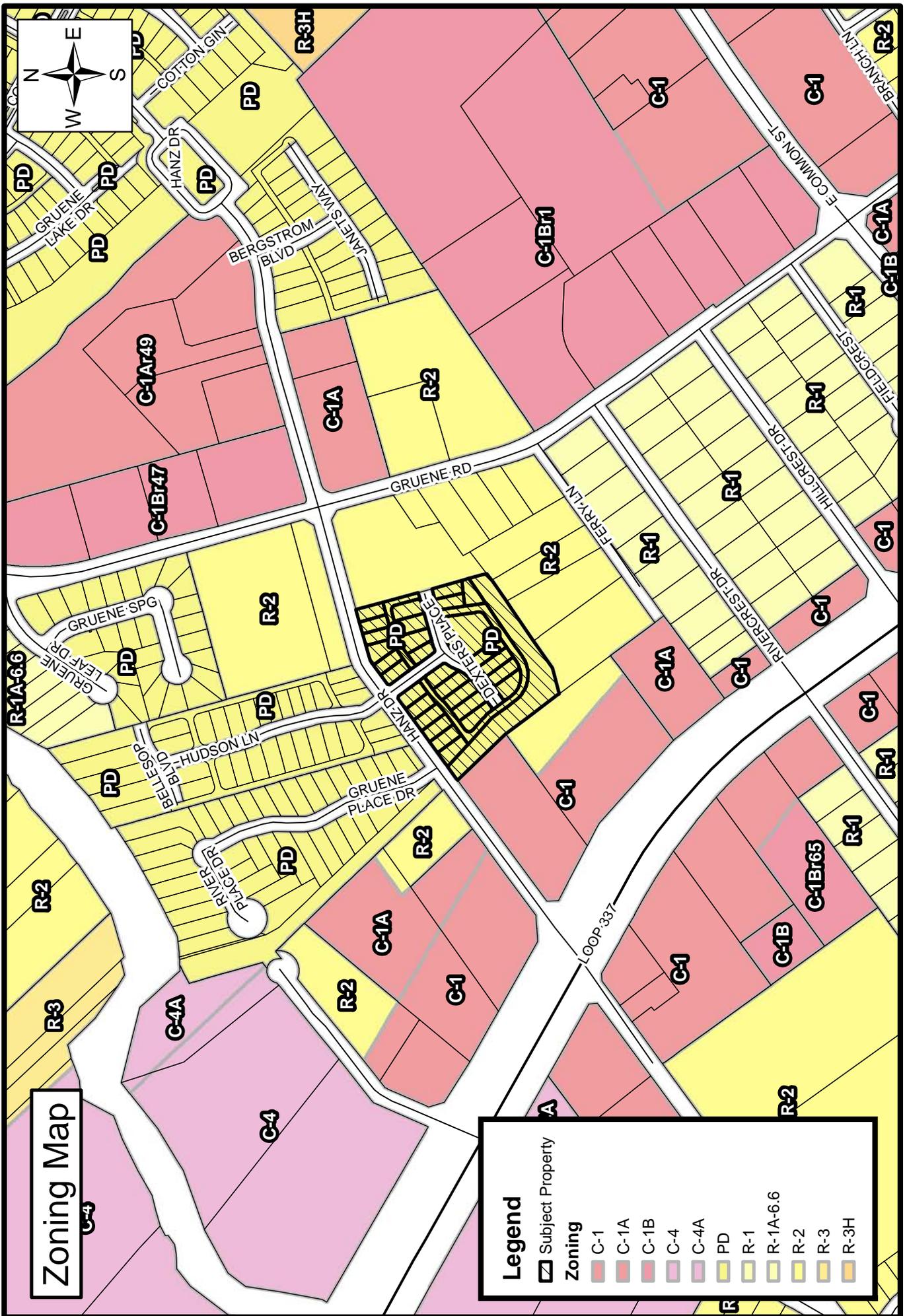


 Subject Property

Map Created: 3/21/2019

PZ-19-003
"Cotton Cottages" Planned Development District
Amendment

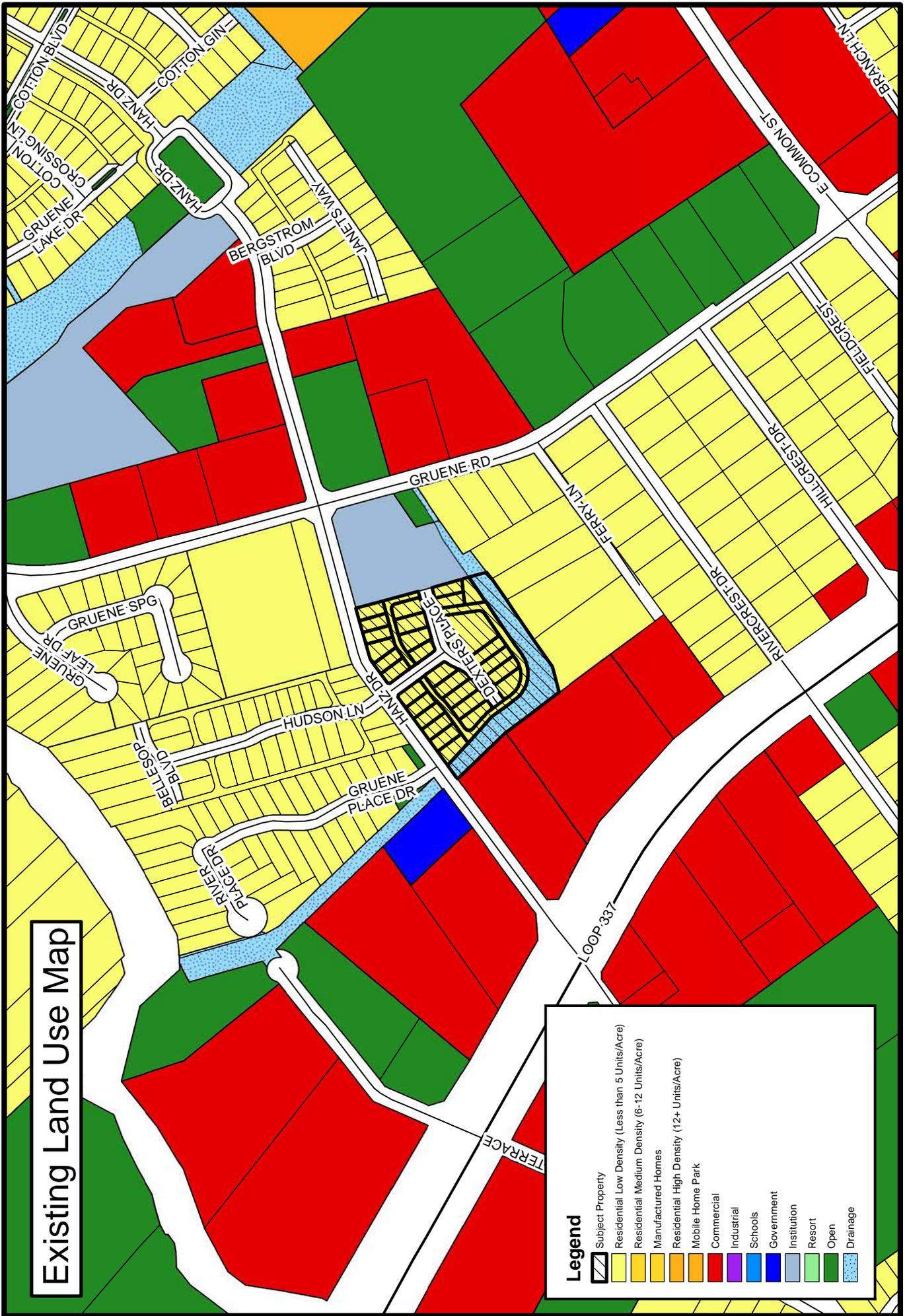




PZ-19-003
"Cotton Cottages" Planned Development District
Amendment



Existing Land Use Map



Legend

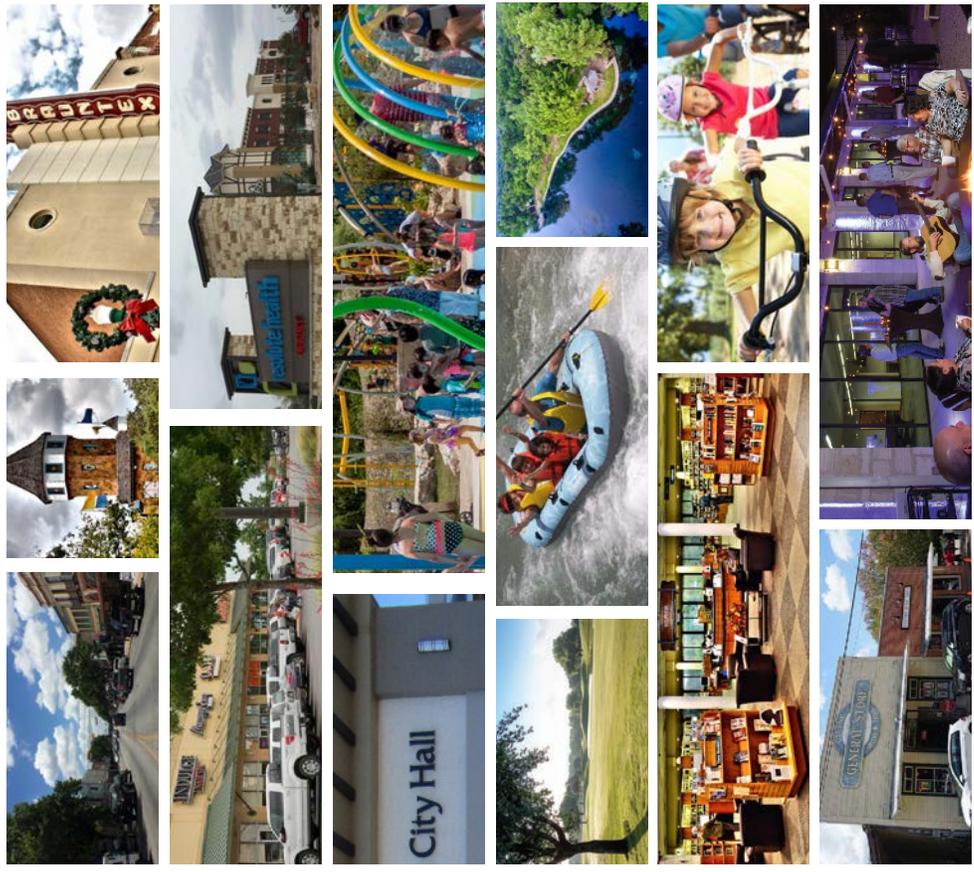
- Subject Property
- Residential Low Density (Less than 5 Units/Acre)
- Residential Medium Density (6-12 Units/Acre)
- Manufactured Homes
- Residential High Density (12+ Units/Acre)
- Mobile Home Park
- Commercial
- Industrial
- Schools
- Government
- Institution
- Resort
- Open
- Drainage

PZ-19-003 "Cotton Cottages" Planned Development District Amendment

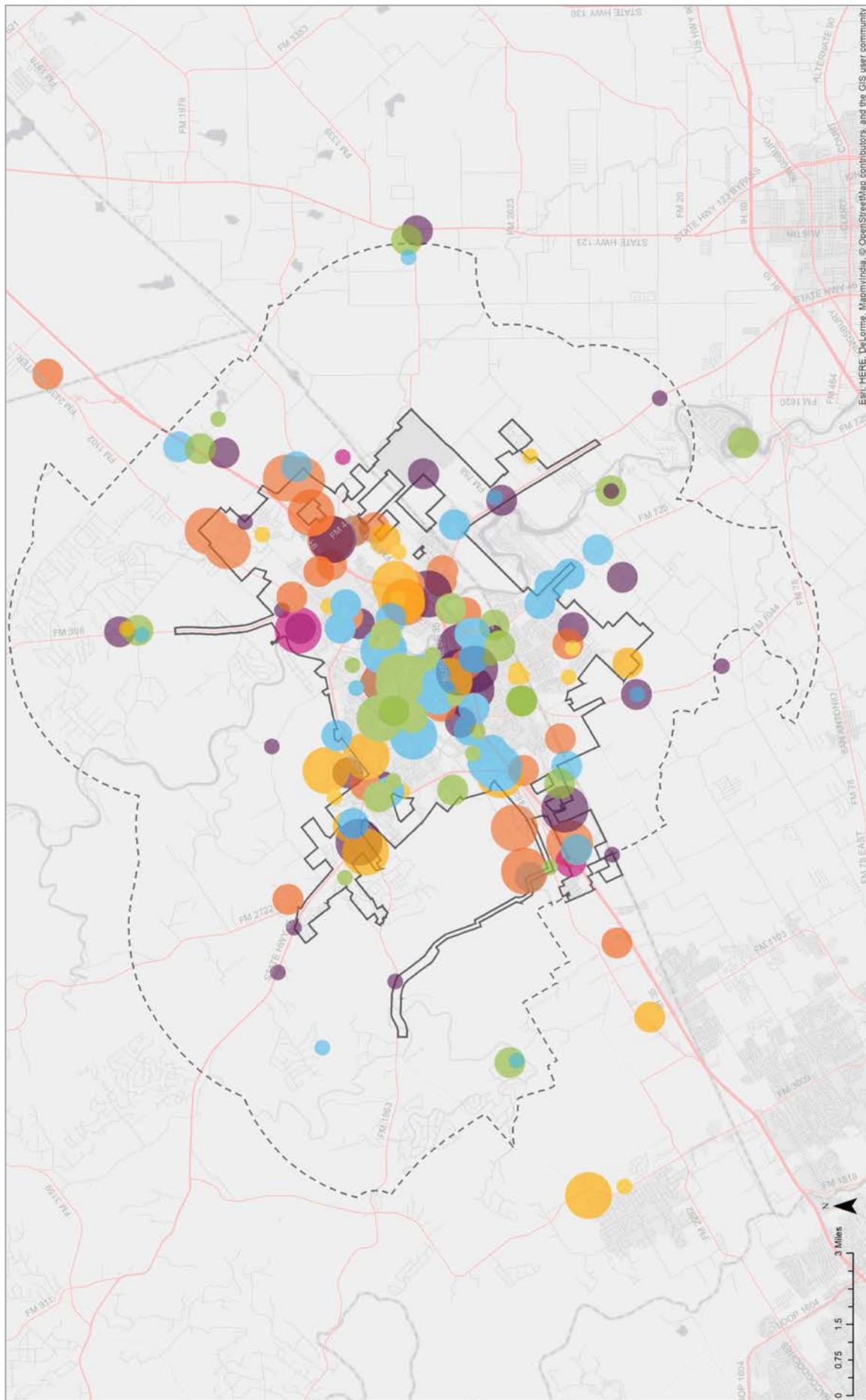


EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.



- EMPLOYMENT CENTER**
 Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.
- MARKET CENTER**
 Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.
- MEDICAL CENTER**
 Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.
- CIVIC CENTER**
 Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.
- OUTDOOR RECREATION CENTER**
 Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.
- EDUCATION CENTER**
 Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.
- TOURIST/ENTERTAINMENT CENTER**
 Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.



The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

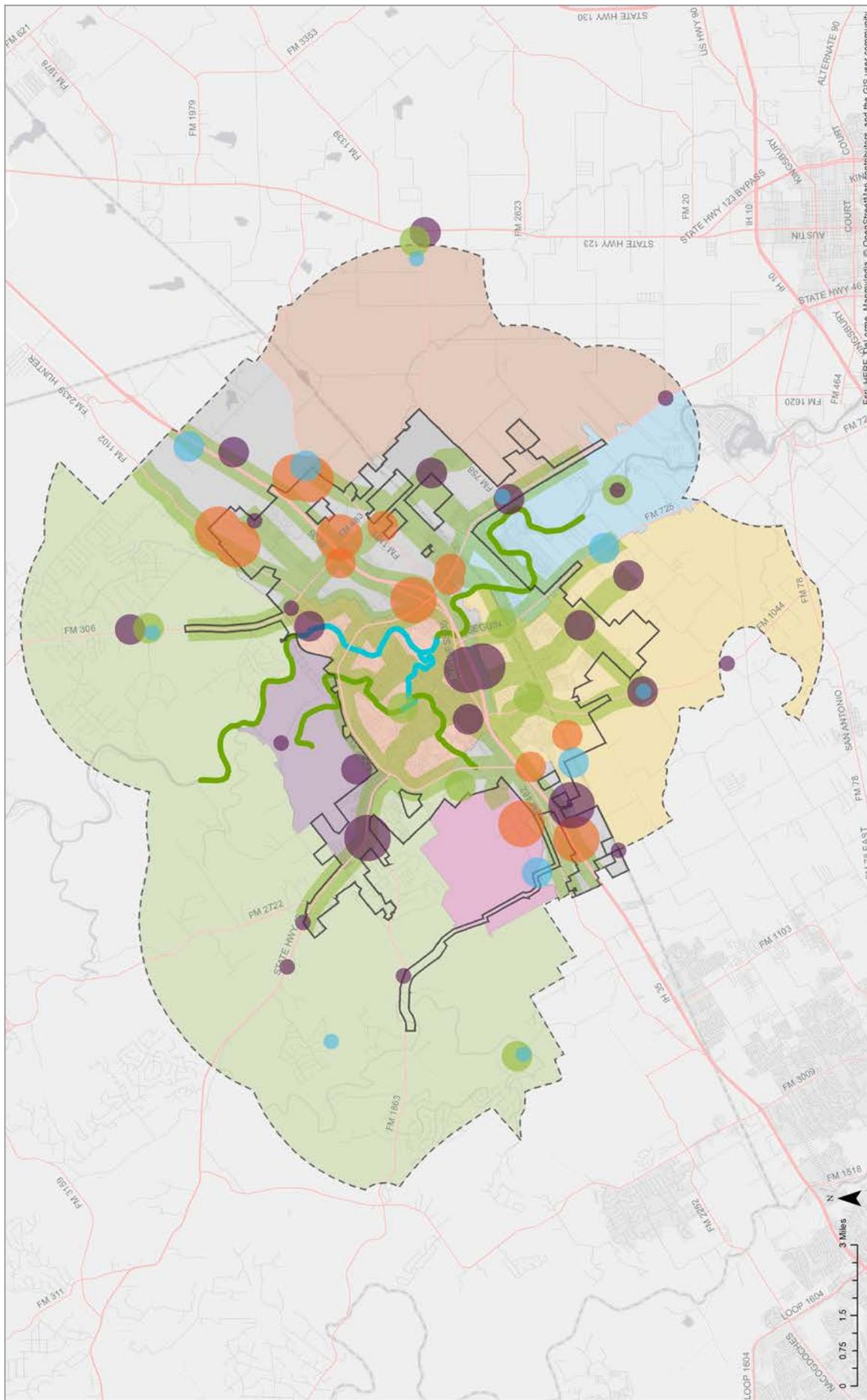
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.



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 – APRIL 2, 2019 – 6:00PM

New Braunfels City Hall Council Chambers

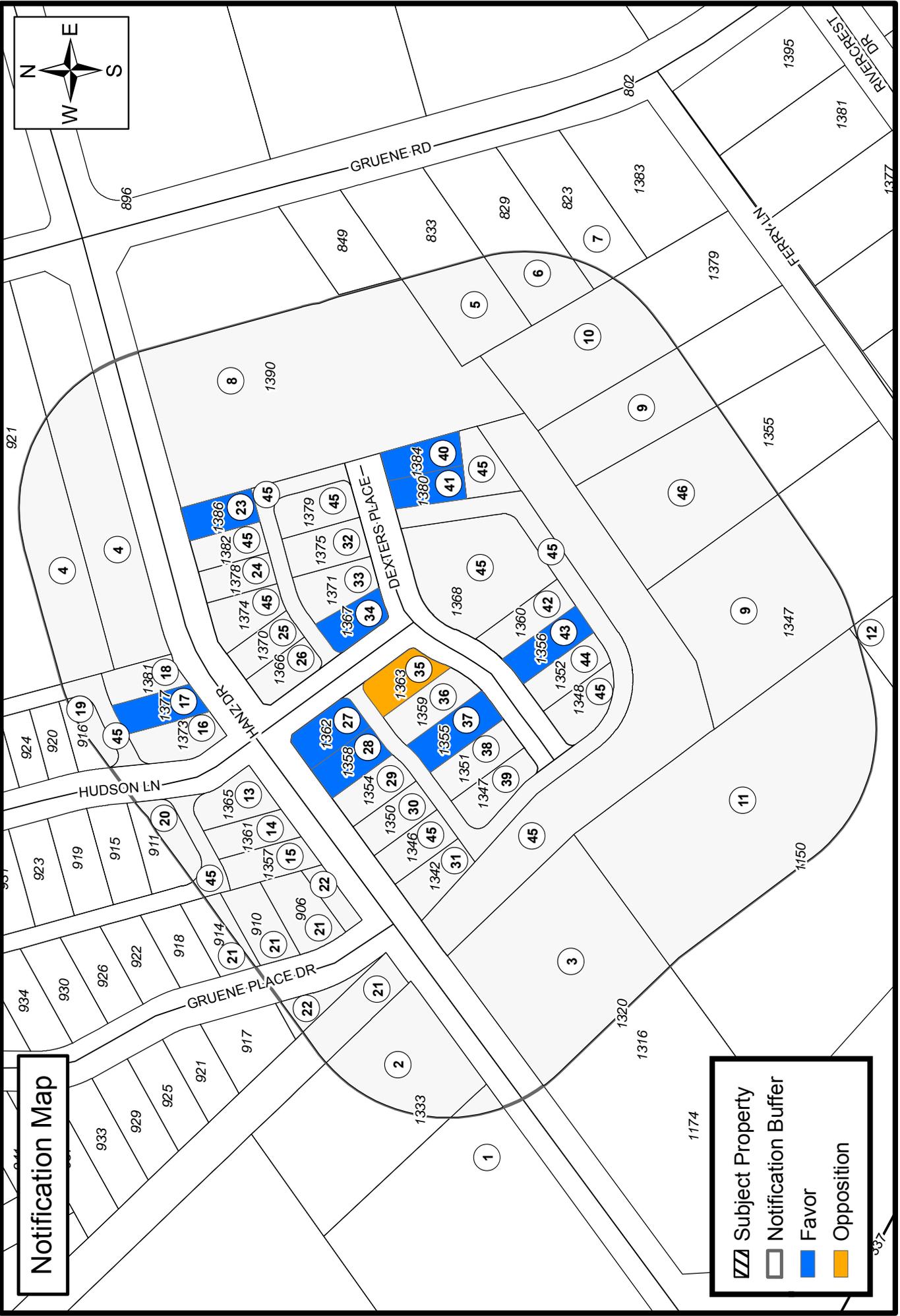
Applicant/Owner: Michael Flume**Address/Location:** Cotton Cottages Subdivision located on Hanz Drive**PROPOSED DETAIL PLAN AMENDMENT – CASE #PZ-19-003**

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 | HALNORTH LTD | 24 | RUDISILL PROPERTIES LLC |
| 2 | CITY OF NEW BRAUNFELS | 25 | FRITH JOHN E & LINDA L |
| 3 | DD LAND NB LLC | 26 | TWELVE A INC |
| 4 | M A ANDERSON REAL ESTATE LLC | 27 | WILKINS RONALD K & SANDRA F |
| 5 | MILES GEORGE | 28 | GOLIGHTLY GEORGE A & CAROLYN J |
| 6 | MILES EDGAR B | 29 | WALES BARBARA B |
| 7 | KENSING RACHEL E LIVING TRUST | 30 | MANGUM LANDON D & ROBIN E NISSEN |
| 8 | CHURCH OF JESUS CHRIST LDS | 31 | KLIMITCHEK KENDALL |
| 9 | JOHNSON CLAUGHTON & MAGGIE | 32 | PHILLIPS PAUL F & ROSEMARY |
| 10 | MENELEY HELEN I | 33 | MUENNINK JOHN M & RKARLA P |
| 11 | PRH X LLC | 34 | FLANAGAN JUDITH A |
| 12 | CRISIS PREGNANCY CENTER OF N B | 35 | STEWART KARA J |
| 13 | GUMP MARY CAROLYN | 36 | WEERS DAVID S & DEBRA K |
| 14 | COVER HEATH R & PATRICIA R | 37 | JOHNSON JAY A & KAREN R |
| 15 | HULL DIANE H | 38 | KEATTS ORTON G
GOODWIN BRENT G & CYNTHIA K ROSS- |
| 16 | DUBOSE KATHERINE L | 39 | GOODWIN |
| 17 | BULLOCK HOLLY CHRISTINE | 40 | KILMAN CINDY A |
| 18 | PHILLIPS SUSAN | 41 | STUTZMAN RIGMOR |
| 19 | SERDA MARK & EVANGELINA | 42 | JONES NATHAN C & JULIE E |
| 20 | LEVY CHRISTINE & GLENN | 43 | OWENS JAMES H III & JANET B |
| 21 | GRUENE RIVER HOMES LLC
GRUENE RIVER PLACE OWNERS | 44 | WOODCHICK MOLLY |
| 22 | ASSOCIATION | 45 | FLUME MICHAEL P |
| 23 | WRIGHT KEMANE & JAIME | 46 | BRENNAN PATRICK & KIMBERLY |

SEE MAP

ATTACHMENT 3



Notification Map

-  Subject Property
-  Notification Buffer
-  Favor
-  Opposition

Map Created: 4/2/2019

PZ-19-003
Cotton Cottages Detail Plan Amendment



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ19-003 (Cotton Cottages PD) (MG)

Date Sent: 3/15/19

Name: Holly Bullock

Address: 1377 Hanz Dr

Property number on map: 17

Comments: (Use additional sheets if necessary)

Signature: Holly Bullock

I favor: X

I object: _____
(State reason for objection)



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ19-003 (Cotton Cottages PD) (MG)

Date Sent: 3/15/19

Name: Sandy Wilkins

Address: 1362 Hanz Dr

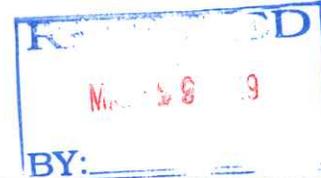
Property number on map: 27

Comments: (Use additional sheets if necessary)

Signature: Sandy Wilkins

I favor: ✓

I object: _____
(State reason for objection)



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ19-003 (Cotton Cottages PD) (MG)

Date Sent: 3/15/19

Name: George and Carolyn Jane Golightly

Address: 1358 Hanz Dr.

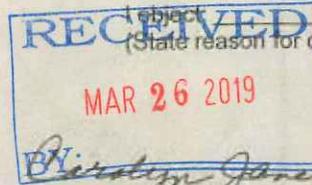
Property number on map: 28

Comments: (Use additional sheets if necessary)

Signature: George Golightly

I favor: ✓ if no short-term rentals

I object: _____
(State reason for objection)



Carolyn Jane Golightly

YOUR OPINION MATTERS⁹⁹ - DETACH AND RETURN

Case: #PZ19-003 (Cotton Cottages PD) (MG)
Date Sent: 3/15/19

Name: Judith Flanagan
Address: 1367 Dexter's Place
Property number on map: 34

Comments: (Use additional sheets if necessary)

Signature: Judith Flanagan

I favor:

I object: _____
(State reason for objection)



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ19-003 (Cotton Cottages PD) (MG)
Date Sent: 3/15/19

Name: JAY & KAREN JOHNSON
Address: 1355 DEXTERS PL
Property number on map: 37

Comments: (Use additional sheets if necessary)

Signature: Jay Johnson

I favor:

I object: _____
(State reason for objection)



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ19-003 (Cotton Cottages PD) (MG)
Date Sent: 3/15/19

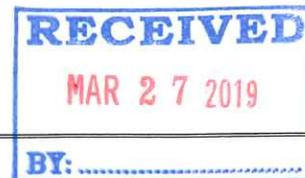
Name: OWENS, JAN + HERB
Address: 1356 DEXTERS PLACE
Property number on map: 43

Comments: (Use additional sheets if necessary)

Signature: J Owens

I favor:

I object: _____
(State reason for objection)



YOUR OPINION MATTERS - DETACH AND RETURN

(Cotton Cottages PD) (MG)

RECEIVED
MAR 25 2019
BY: _____

107 Stutzman
Westside Place
map: 41

I favor: if

I object: _____
(State reason for objection)

Additional sheets if necessary)

- 1) no short term rental
- 2) no investment
- 3) same HOA applies

Stutzman

From: [Cindy Kilman](#)
To: [Matt Greene](#)
Subject: Re: Cotton Cottages proposed amendment
Date: Tuesday, March 19, 2019 9:29:10 AM
Attachments: [EmailLogo-Small_c6d86cff-0062-47bb-89b0-351933562e2d.png](#)
[Facebook_small_aac7de18-83ac-45d3-9979-10a37b16c6a6.png](#)
[Twitter_small_5b6369c7-c8ee-47ef-82e0-52bd1d59e680.png](#)

Thank you for sending this. I am okay with it as long as not investment or short term rentals. Thanks

On Tue, Mar 19, 2019 at 9:03 AM Matt Greene <MGreene@nbtexas.org> wrote:

Good morning Cindy,

Attached you will find a blank notification response form and the proposed layout of the condominium cottages units, garages and parking (see the highlighted lot). Please let me know if you have any questions.

Thank you,



Matt Greene, CFM

Planner | Planning and Community Development

550 Landa St | New Braunfels, TX 78130

830-221-4053 | MGreene@nbtexas.org | www.nbtexas.org/planning

Please take a moment to complete the City of New Braunfels [Customer Satisfaction Survey](#).

Do you have a question about a permit? Check out the [Citizen Portal](#).

We encourage you to keep up with the progress on our new comprehensive plan by visiting www.envisionnewbraunfels.org and liking our [facebook page](#).

This email, plus any attachments, may constitute a public record of the City of New Braunfels and may be subject to public disclosure under the [Texas Public Information Act](#).

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182
YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ19-003 (Cotton Cottages PD) (MG)

Date Sent: 3/15/19

Name: Kenneth and Jamie Wright

Address: 1386 Heinz Dr.

Property number on map: 23

Comments: (Use additional sheets if necessary)

Signature: [Handwritten Signature]

I favor: X

I object: _____
(State reason for objection)

RECEIVED
APR 01 2019
BY: _____

Case: #PZ19-003 (Cotton Cottages PD) (MG)

Date Sent: 3/15/19

Name: Kara Stewart

Address: 1363 Dexters Pl

Property number on map: 35

Comments: (Use additional sheets if necessary)

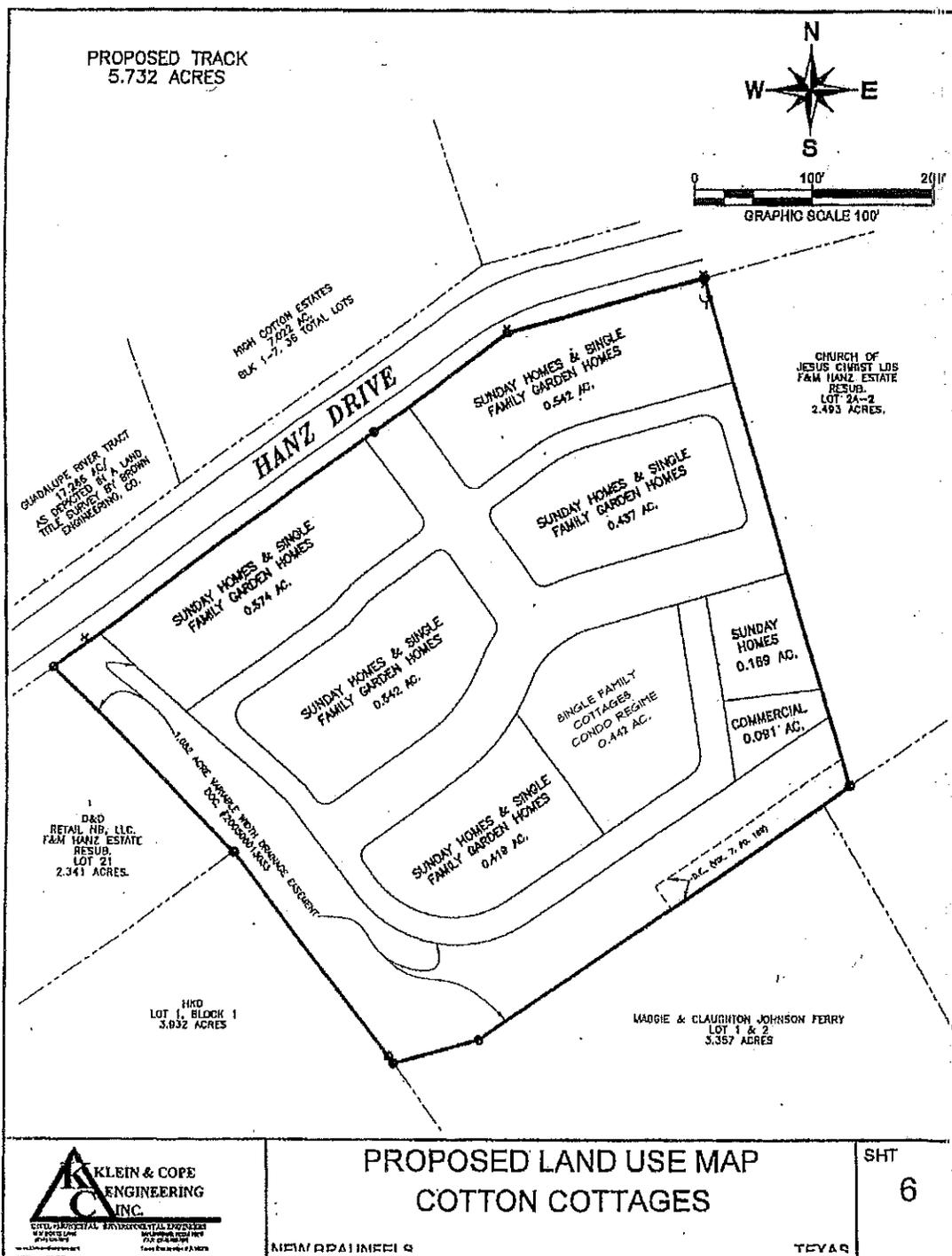
Signature: Kara Joy Stewart

RECEIVED
APR 01 2019
BY: _____

I favor: _____
I object: ✓
(State reason for objection)

WAY TOO MANY
VEHICLES ALREADY
in a small neighborhood

"COTTON COTTAGES" PD PROPOSED CONCEPT PLAN AMENDMENT



Map 7
Adjacent Land Use

Residential uses - Lot 1, Blk 6

TYPE OF RESIDENTIAL	MIN BLDG SET BACKS	MAX HEIGHT	MAX BLDGS COVERAGE	PARKING
SFA - C COTTAGES CONDO REGIME	15FT. FRONT 15 FT. REAR 10 FT. INTERIOR SIDE* 5FT. SIDE ADJACENT TO ALLEY 10 FT. BETWEEN BUILDINGS	35 FT. / TWO STORY	70%	1 - CAR GARAGE EACH UNIT

- NOTE: 1. FRONT PORCHES AND/OR SIDE OR REAR PATIOS REQUIRED ON ALL UNITS
 2. BALCONIES ALLOWED AT FRONT, REAR OR SIDE OF UNITS
 3. *NEW CONSTRUCTION ON LOT 1, BLOCK 6 WILL REQUIRE A MINIMUM SETBACK OF 10 FEET PLUS ONE-FOOT FOR EACH FOOT OF BUILDING HEIGHT OVER 20 FEET WHERE ADJACENT TO A SINGLE FAMILY RESIDENTIAL PROPERTY LINE

COPY

ORDINANCE NO. 2016- 23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING THE "COTTON COTTAGES" PLANNED DEVELOPMENT DISTRICT DETAIL PLAN AND RELATED DEVELOPMENT STANDARDS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

WHEREAS, in keeping with the spirit and objectives of the "PD" Planned Development District, the City Council has given due consideration to all components of said district; and

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

WHEREAS, the City Council desires to amend the "Cotton Cottages" Planned Development District Detail Plan and related Development Standards; **now, therefore,**

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

SECTION 1

THAT the Detail Plan and related Development Standards adopted June 8, 2015, Ordinance Number 2015-34, is hereby replaced with the following described Amended Detail Plan and Amended Development Standards:

"Known as 5.732 acres out of Lot 2A-1, F & M Hanz Estate Resubdivision, Comal County, Texas, addressed at 1372 Hanz Drive, as delineated on Exhibit 'A' attached and adopting the Amended Detail Plan as Depicted on Exhibits 'B-1, B-2 and B-3' attached and the Amended Development Standards as stated in Exhibit 'C' attached."

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First Reading this the 25th day of April, 2016.

PASSED AND APPROVED: Second and Final Reading this the 9th day of May, 2016.

CITY OF NEW BRAUNFELS



BARRON CASTEEL, Mayor

ATTEST:



PATRICK D. ATEN, City Secretary



APPROVED AS TO FORM:



VALERIA M. ACEVEDO, City Attorney

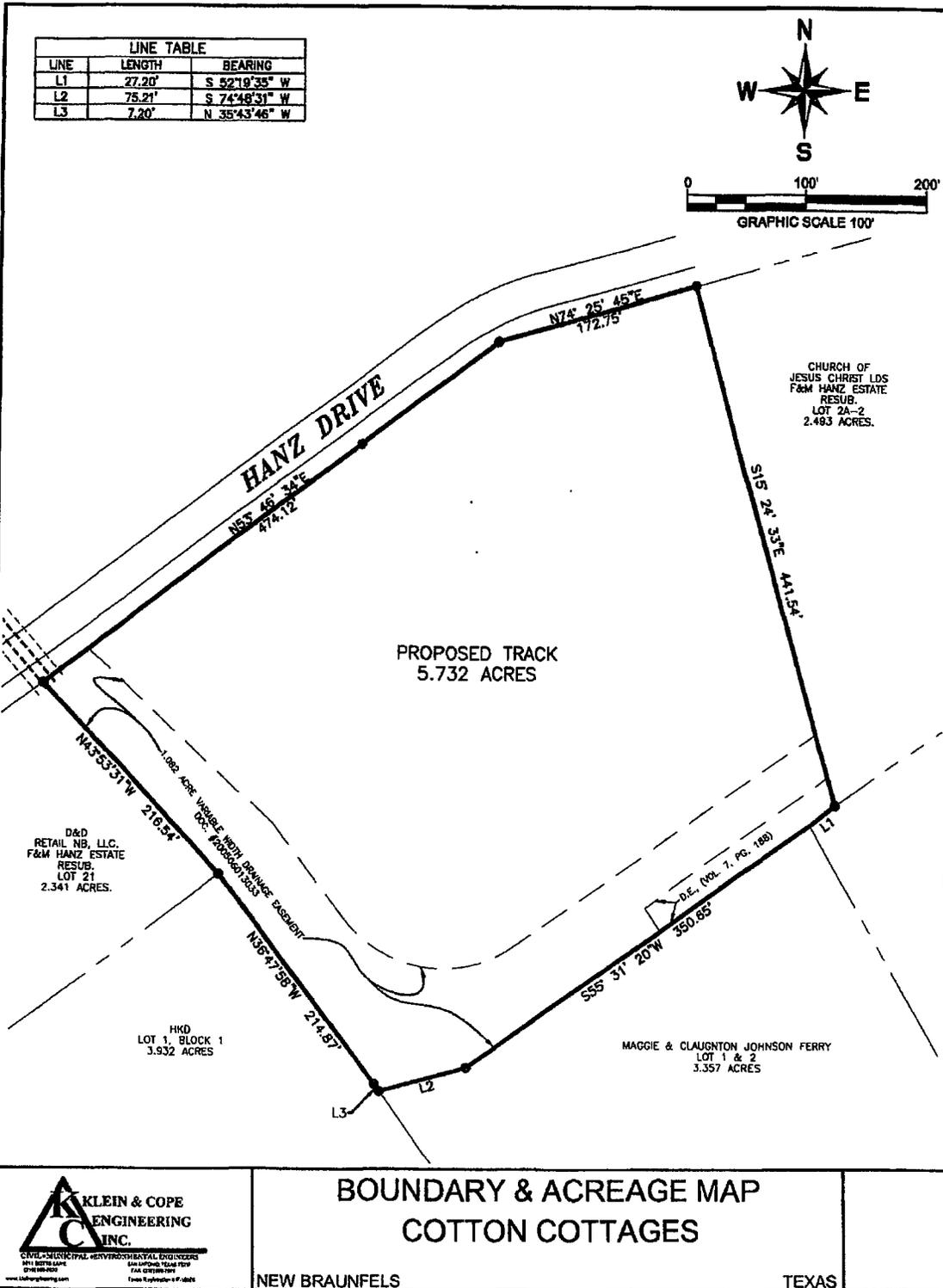


EXHIBIT "A"

Amended Detail Plan Lot 1, Block 6 Cotton Cottages

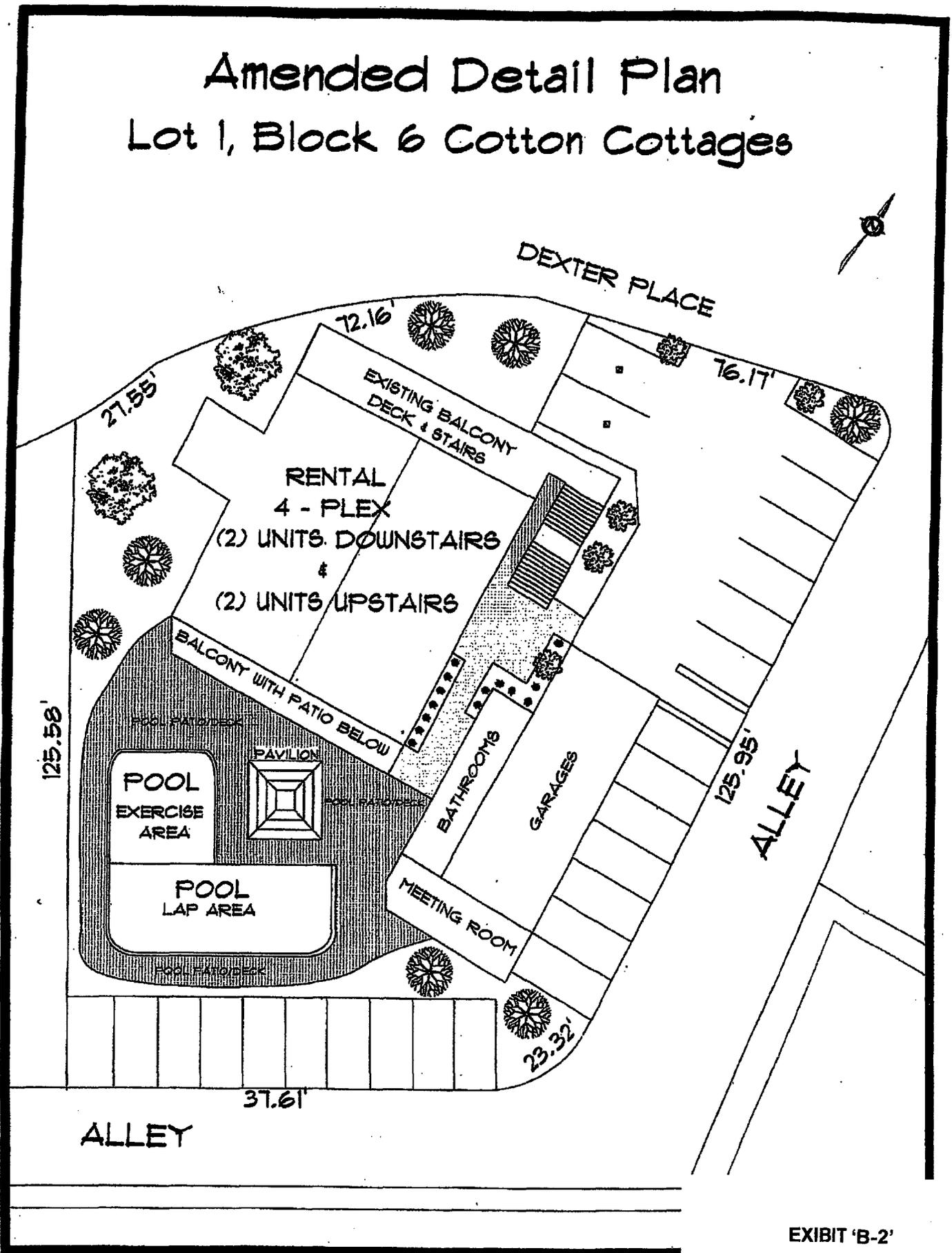
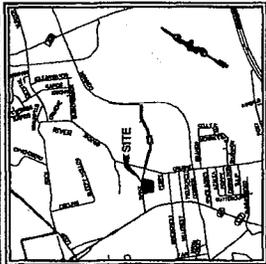


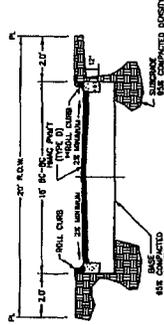
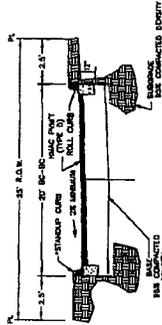
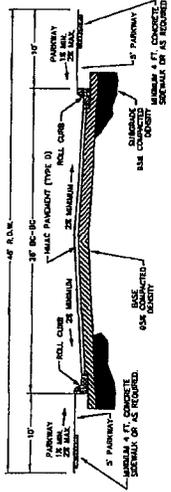
EXHIBIT 'B-2'

DETAIL PLAN
ESTABLISHING
COTTON COTTAGES



- NOTES:
1. REFERENCE THE "COTTON COTTAGES" PLANNED DEVELOPMENT DISTRICT DEVELOPMENT STANDARDS FOR THE COMPLETE REQUIREMENTS.
 2. MINIMUM SINGLE FAMILY GARDEN HOME LOT STANDARDS:
 A. LOT 1-6, LOTS 2-5 BLK 2, LOTS 1-3 BLK 3, LOTS 2-4 BLK 4, LOTS 2-4 BLK 6
 B. MINIMUM LOT AREA = 2,400 SQUARE FEET
 C. MINIMUM LOT WIDTH = 40 FEET
 D. MINIMUM LOT DEPTH = 30 FEET
 E. MINIMUM FRONT SETBACK = 15 FEET
 F. MINIMUM REAR, SIDE SETBACKS
 FRONT = 15 FEET
 REAR = 15 FEET
 SIDE = 4 FEET
 3. MINIMUM SUNDAY HOUSES LOT STANDARDS:
 A. LOT 1-3, 5-6 BLK 1, LOTS 1,2,6 BLK 2, LOT 4 BLK 3, LOTS 1, 5 BLK 4, LOTS 1-2, BLK 5
 B. MINIMUM LOT AREA = 2,400 SQUARE FEET
 C. MINIMUM LOT WIDTH = 30 FEET
 D. MINIMUM LOT DEPTH = 30 FEET
 E. MINIMUM FRONT SETBACK = 15 FEET
 F. MINIMUM REAR, SIDE SETBACKS
 FRONT = 15 FEET
 REAR = 15 FEET
 SIDE = 4 FEET
 4. FRONT PORCHES (MINIMUM OF 5 FT. DEEP, 80 SQUARE FEET TOTAL) MAY PROJECT INTO FRONT YARD AREA, EXTENDING TO MINIMUM 10 FT. OF THE PROPERTY LINE. FRONT PORCHES ARE TO BE CONSTRUCTED WITH SIDE LOADING. REAR ACCESS GARAGES WITH SIDE LOADING MAY BE 3 FT. FROM SIDE PROPERTY LINE AND 5 FEET FROM REAR PROPERTY LINE OR 15 FT. WITH GARAGE DOORS FACING ALLEY OR PRIVATE DRIVE.
 5. CORNER LOTS: ON STREET SIDE YARD MINIMUM IS 8 FT.

LOT SUMMARY	
TOTAL SITE ACREAGE	5.700
NO. OF UNITS	27
LAND USE	RESIDENTIAL/COMMERCIAL
RESIDENTIAL LOT ACREAGE	3.79
SINGLE FAMILY GARDEN HOME LOTS	151 UNITS
SUNDAE HOUSES LOTS	128 UNITS
COMMERCIAL LOT ACREAGE	0.31 ACRES



KLEIN & COPE
ENGINEERING
INC.

MUNICIPAL • ENVIRONMENTAL ENGINEERS
1000 AVENUE 1000, SUITE 1000
DALLAS, TEXAS 75217
TEL: 972-443-1100
FAX: 972-443-1101

**COTTON COTTAGES BASE ZONING DISTRICT – “R-A1-6.6” SINGLE-FAMILY DISTRICT
DEVELOPMENT STANDARDS**

Sunday Homes:	Square footage 800-1800 living area Garage 1 car minimum, 2 cars maximum
Single Family Garden Homes:	Square Footage 1200 – 3000 living area Garage 2 car minimum, 3 car maximum

The PDD development is set apart from others by following these guidelines making for a sought after community.

Front porches: Required on all homes.

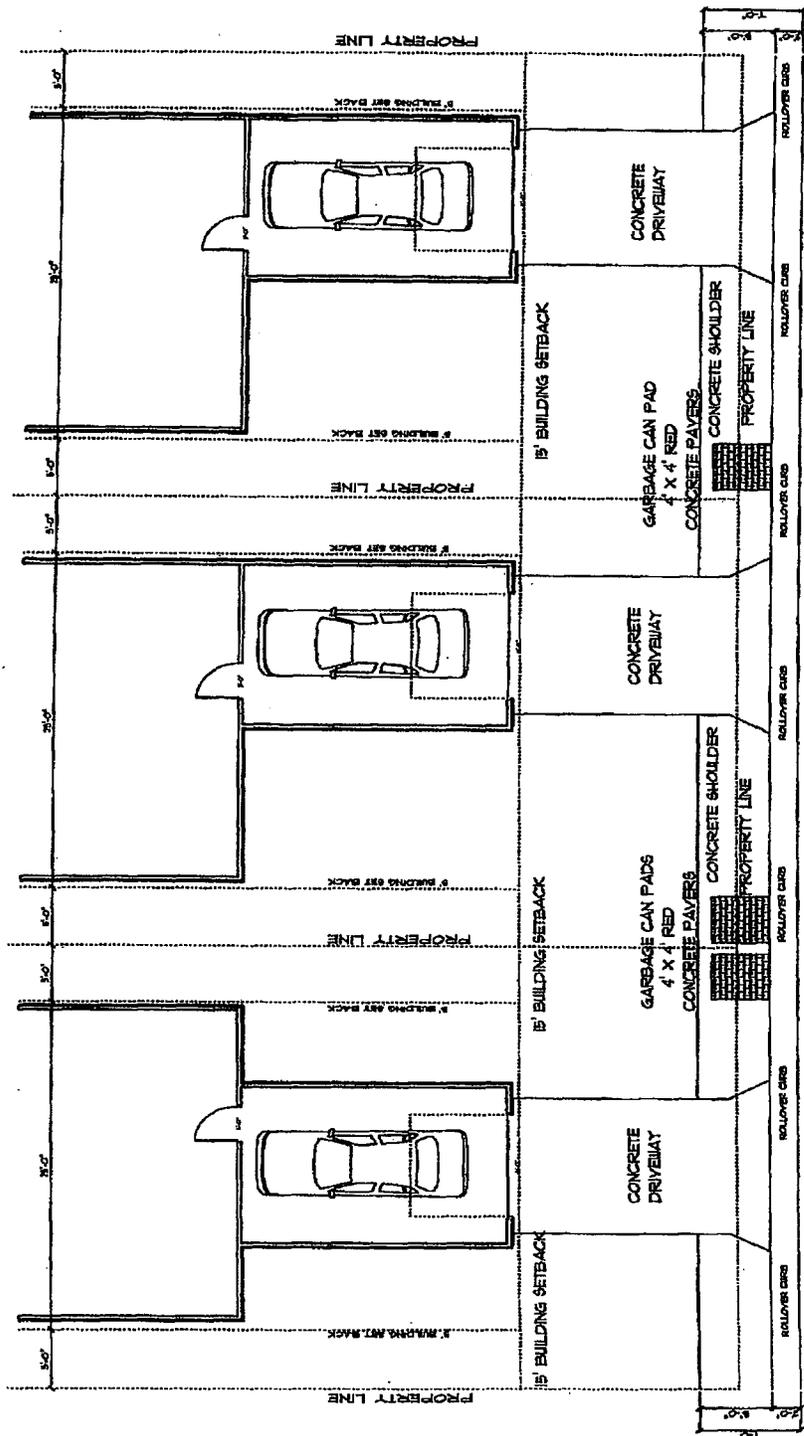
Garages: Must enter from alley.

Exception: Lot 1 Blk 5, garage must be set back 30' and face street.

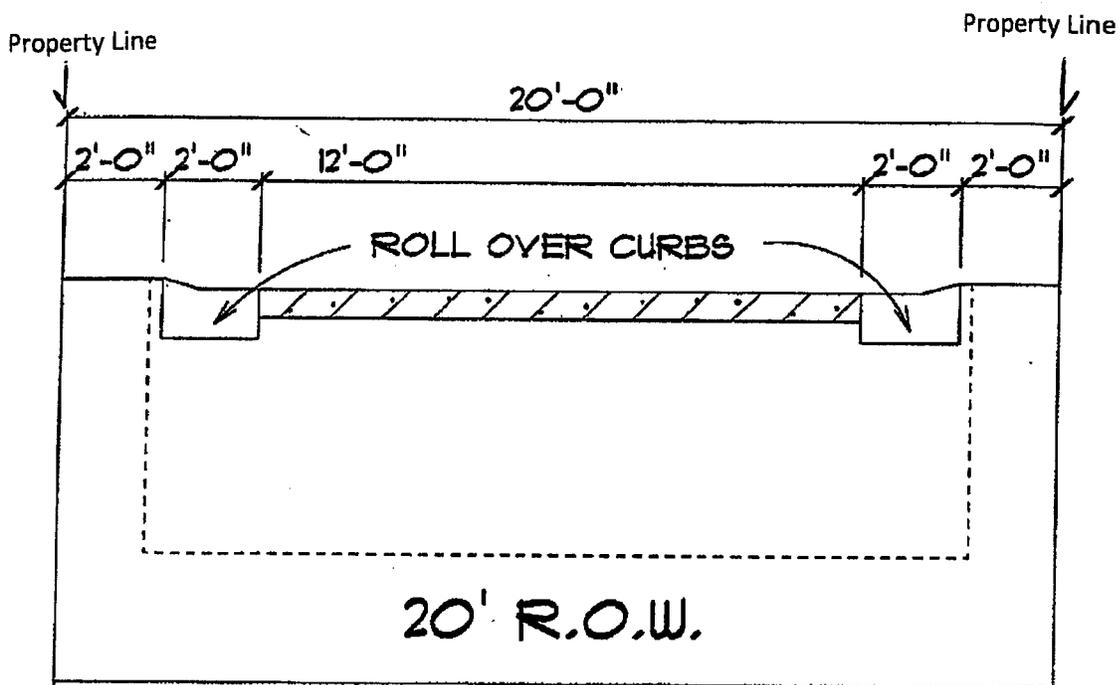
Alleys: Rear entry garages, 5' concrete shoulder and curbs. See Details.

EXHIBIT “C”

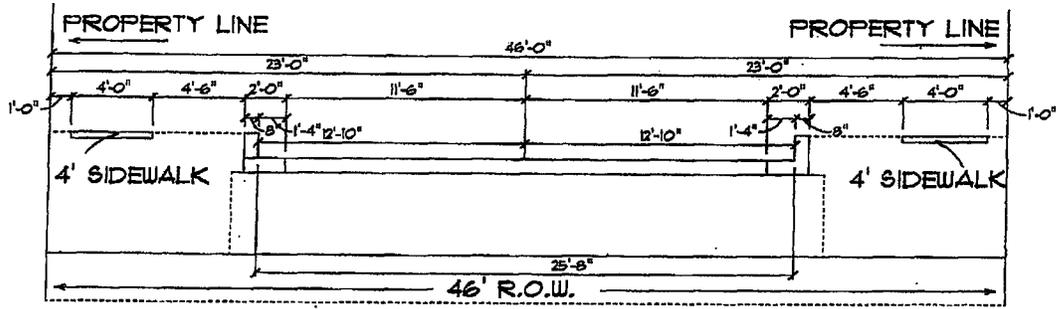
Alley with 5' concrete shoulder detail



Alley Detail



Road Detail



Residential Uses – Principal Buildings

Type of Residential	Minimum Lot Area	Minimum Lot Width & Depth	Principal Building Minimum Front, Side and Rear Yard Setbacks	Maximum Height	Maximum Building Coverage	Parking Minimum
SFD-G: Single Family Garden Homes	3600 SF	40FT./90FT.	FY: 15 FT. SY: 5 FT. RY: 15 FT.	35 FT. 2.5 Stories	60%	2 spaces/unit enclosed
SFA-C Cottages, Sunday Houses	2400 SF/single unit	30FT/80FT	FY: 15 FT. SY: 5 FT. RY: 15 FT.	25 FT. 2 Stories	60%	1 Space/Unit enclosed

Notes:

- 1.) Front porches (minimum of 5ft. deep, 80 square feet total) may project into front yard area, extending to within 10ft. of the property line. Front porches are required on all residential units.
- 2.) Rear access garages with side loading may be 3 ft. from side property line and 5 ft. from rear property line or 15ft. with garage doors facing alley or private rear access drive. Except: LOT 1 BLK 5, garage must face street with a minimum front setback of 30'
- 3.) Corner lots: On-street side yard minimum is 8 ft.
- 4.) Allowable yard projections: (Front porches – see above)
Horizontal- Roof overhangs, bay windows, canopies 12" Minimum, Balconies 5' (front or rear)
Vertical- (above maximum, height), chimneys; 6'; cupolas: 8'; observations towers: 8'

Commercial Uses – Principal Buildings

Principal Building Minimum Front, Side and Rear Yard Setbacks	Maximum Height	Maximum Building Coverage
FY: 15 FT. SY: 5 FT. RY: 5 FT.	40 FT. 2.5 Stories	60%

Outbuilding/ Storage Building	Maximum Height	Maximum Building Coverage
FY: 5 FT. SY: 5 FT. RY: 5 FT.	25 FT. 1 Story	60%

Notes:

- 1.) Front porches may project into front setback 5'.
- 2.) Balconies may project into front and rear set back 5'.
- 3.) New construction on Lot 1, Block 6 will require a minimum setback of 10 feet plus one foot for each foot of building height over 20 feet where adjacent a residential property line.

Authorized Uses for Commercial Lots

- Adult day care (no overnight stay).
- Adult day care (with overnight stay).
- Antique shop.
- Artist or artisan's studio.
- Barber/beauty shop, haircutting (non-college).
- Bed and breakfast establishments.
- Book store.
- Clinic (dental).
- Clinic (medical).
- Coffee Shop.
- Community building (associated with residential uses)
- Confectionery store (retail).
- Contractor's temporary on-site construction office (only with permit from building official; see section 144-5.10.
- Exercise and physical therapy
- Florist.
- Garden shops and greenhouses.
- Handicraft shop.
- Kiosk (providing retail service).
- Laundromat and laundry pickup stations.
- Needlework shop.
- Offices, business or professional.
- Photographic studio (no sale of cameras or supplies).
- Park and/or playground/pool (public or private).
- Refreshment/beverage stand.
- Restaurant/prepared foods.
- Specialty shops in support of project guests and tourists.
- Storage out building ("Restricted to enclosed private storage limited to use by the developer for storage of contractor's equipment, storage for the subdivision's Home Owner's Association and or storage for the tenants of the commercial building on Lot 1, Block 6".)
- Stores, shops and markets for neighborhood retail trade.
- Studios (art, dance, music, drama, reducing, exercise, photo, interior decorating, etc.).
- Water storage (surface, underground or overhead tanks).
- Water well ("Restricted to the existing on-site water well. No new water wells are permitted. The use of the existing water well will be limited to irrigation use by the two commercial lots (Lot 1, Block 6 and Lot 1, Block 7). Water well usage is restricted to New Braunfels Utilities water irrigation regulations.")

The following are additional uses permitted on Lot 1, Block 6.

- Maximum of 4 residential rental units (no short term rental; minimum 30 day lease).
- Patios and decks.
- Garages and storage buildings for tenants and or property maintenance.
- A pool, pool patio and pool pavilion for residents of the neighborhood - limited to use by residents of the subdivision.
- A meeting room - limited to use by residents of the subdivision.
- Bathrooms - limited to use by residents of the subdivision.

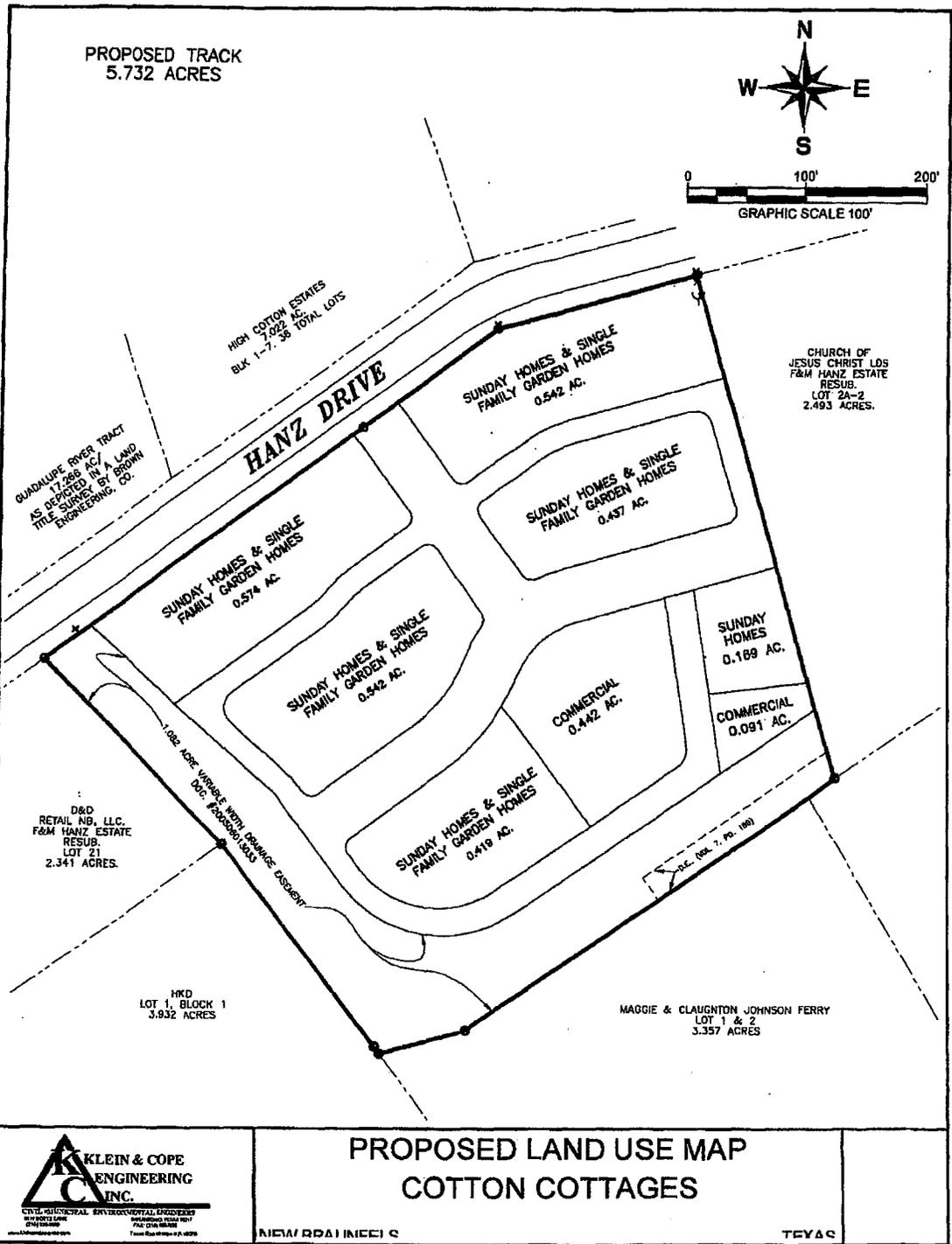
Proposed Street Standards

Street	Design Speed	Classification	ROW	Pavement Width	Curb Type Shoulder	On-Street Parking
Minor Internal	20 MPH	Residential Minor	46 Ft.	23 Ft.	City of New Braunfels Standard Curb	One Side Only
Alley or Private Rear Access Drive	15 MPH	Rear Garage Access way or shared drive	20 - 25 Ft.	16 - 20Ft.	Roll Over & City of New Braunfels Standard Curb	None

NOTES:

- 1.) Pavement (asphalt) widths include 24" wide concrete curb and gutter section.
- 2.) Design speed is not the actual speed limit.

Relationship of these PDD standards to other standards and regulations in the City ordinances.
 Unless specifically described in these regulations, or further described in the Detailed PDD Plan, the applicable provisions of the City's Zoning and Subdivisions Regulations shall apply to the PDD.







Dexters Place

Subject

Alley

Alley

Photograph taken 3/21/2019

PZ-19-003
"Cotton Cottages" Planned Development District
Amendment





Alley

Hudson Ln.

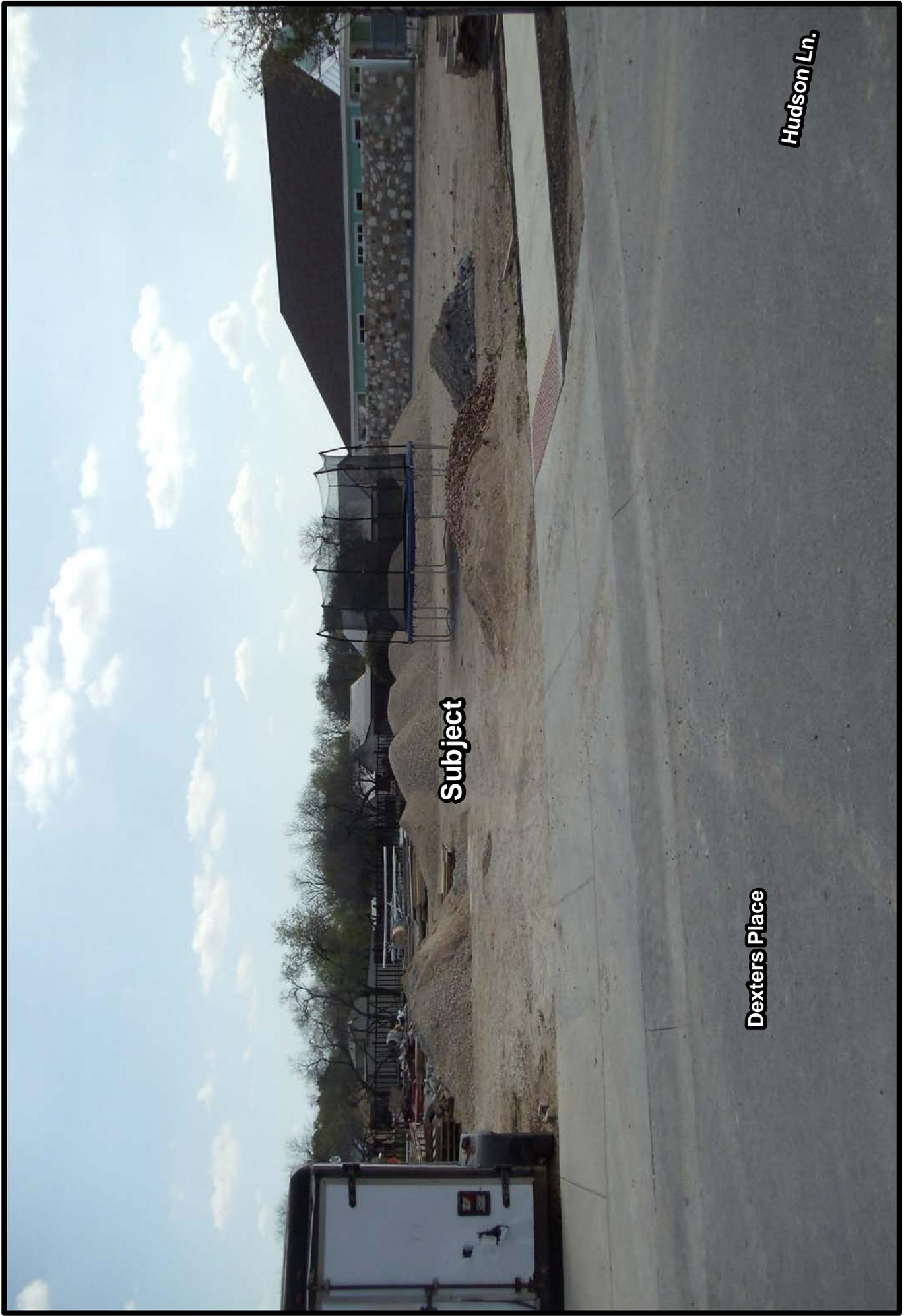
Dexters Place

Subject

Photograph taken 3/21/2019

PZ-19-003
"Cotton Cottages" Planned Development District
Amendment





Subject

Dexters Place

Hudson Ln.

Photograph taken 3/21/2019

PZ-19-003
"Cotton Cottages" Planned Development District
Amendment



3.5. *Planned Development Districts.*

3.5-1. *Purpose:* The planned development district is a free-standing district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a plan that may vary from the established regulations of other zoning districts. It is the intent in such a district to insure compliance with good zoning practices while allowing certain desirable departures from the strict provisions of specific zoning classifications.

3.5-2. *Application:* An application for a planned development district shall be processed in accordance with this Chapter. A pre-planning conference is required between the applicant and the Planning Director prior to the actual filing of the application.

3.5-3. *Base District.* A base zoning district shall be specified. The regulations in the base zoning district shall control unless specifically stated otherwise in the PD.

3.5-4. *District plans and requirements:* There are two types of plans that may be used in the planned development process. The general purpose and use of each plan is described as follows:

- (a) *Concept plan.* This plan is intended to be used as the first step in the planned development process. It establishes the most general guidelines for the district by identifying the land use types, development standards, approximate road locations and project boundaries and illustrates the integration of these elements into a master plan for the whole district.
- (b) *Detail plan.* The detail plan is the final step of the planned development process. It contains the details of development for the property. For smaller tracts or where final development plans are otherwise known, the detail plan may be used to establish the district and be the only required step in the planned development process.

3.5-5. *Concept plan requirements:* Said concept plan shall include the following:

- (a) *Relation to the comprehensive plan.* A general statement setting forth how the proposed district will relate to the city's comprehensive plan and the degree to which it is or is not consistent with that plan and the proposed base zoning district.
- (b) *Acreage.* The total acreage within the proposed district.
- (c) *Survey.* An accurate survey of the boundaries of the district.
- (d) *Land uses.* Proposed general land uses and the acreage for each use, including open space. For residential development, the total number of units and the number of units per acre.
- (e) *General thoroughfare layout.* Proposed streets, as a minimum to arterial street level. (Showing collector and local streets is optional.)
- (f) *Development standards.* Development standards, if different from the base zoning district, for each proposed land use, as follows:
 - (1) Minimum lot area.
 - (2) Minimum lot width and depth.
 - (3) Minimum front, side, and rear building setback areas.
 - (4) Maximum height of buildings.
 - (5) Maximum building coverage.
 - (6) Maximum floor to area ratios for nonresidential uses.
 - (7) Minimum parking standards for each general land use.
 - (8) Other standards as deemed appropriate.
- (g) *Existing conditions.* On a scaled map sufficient to determine detail, the following shall be shown for the area within the proposed district.
 - (1) Topographic contours of ten feet or less.

- (2) Existing streets.
- (3) Existing 100-year floodplain, floodway and major drainage ways.
- (4) City limits and E.T.J. boundaries.
- (5) Zoning districts within and adjacent to the proposed district.
- (6) Land use.
- (7) Utilities, including water, wastewater and electric lines.

3.5-6. *Detail plan requirements:* The application for a planned development district shall include a detail plan consistent with the concept plan. Said detail plan shall include the following:

- (a) *Acreage.* The acreage in the plan as shown by a survey, certified by a registered surveyor.
- (b) *Land uses.* Permitted uses, specified in detail, and the acreage for each use.
- (c) *Off-site information.* Adjacent or surrounding land uses, zoning, streets, drainage facilities and other existing or proposed off-site improvements, as specified by the department, sufficient to demonstrate the relationship and compatibility of the district to the surrounding properties, uses, and facilities.
- (d) *Traffic and transportation.* The location and size of all streets, alleys, parking lots and parking spaces, loading areas or other areas to be used for vehicular traffic; the proposed access and connection to existing or proposed streets adjacent to the district; and the traffic generated by the proposed uses.
- (e) *Buildings.* The locations, maximum height, maximum floor area and minimum setbacks for all nonresidential buildings.
- (f) *Residential development.* The numbers, location, and dimensions of the lots, the minimum setbacks, the number of dwelling units, and number of units per acre (density).
- (g) *Water and drainage.* The location of all creeks, ponds, lakes, floodplains or other water retention or major drainage facilities and improvements.
- (h) *Utilities.* The location and route of all major sewer, water, or electrical lines and facilities necessary to serve the district.
- (i) *Open space.* The approximate location and size of greenbelt, open, common, or recreation areas, the proposed use of such areas, and whether they are to be for public or private use.
- (j) *Sidewalks and bike paths.* Sidewalks or other improved ways for pedestrian or bicycle use.
- (k) If multifamily or non-residential development, a landscape plan.

A detailed plan, with all of the information required of a concept plan, may be submitted in lieu of a concept plan.

3.5-7. *Phasing schedule:* PD districts larger than 350 acres shall provide a phasing schedule depicting the different construction phases.

3.5-8. *Approval of district:* The City Council may, after receiving a recommendation from the Planning Commission, approve by Ordinance the creation of a district based upon a concept plan or a detail plan. The approved plan shall be made part of the ordinance establishing the district. Upon approval said change shall be indicated on the zoning maps of the city.

The development standards and requirements including, but not limited to, maximum height, lot width, lot depth, floor area, lot area, setbacks and maximum off-street parking and loading requirements for uses proposed shall be established for each planned development district based upon the particular merits of the development design and layout. Such standards and requirements shall comply with or

be more restrictive than the standards established in the base zoning district for the specific type uses allowed in the district, except that modifications in these regulations may be granted if it shall be found that such modifications are in the public interest, are in harmony with the purposes of this Chapter and will not adversely affect nearby properties.

3.5-9. *Planning Commission approval of detail plan:* The Planning Commission is authorized to approve a detail plan or the amendment of a detail plan for property for which a concept plan has been approved by the City Council. If the City Council initially approved a detail plan in establishing the district, the detail plan may only be amended by the City Council. The approved detail plan shall be permanently filed in the Planning Department. The Planning Commission shall approve the detail plan if it finds that:

- (a) *Compliance.* The plan complies with the concept plan approved for that property and the standards and conditions of the PD district;
- (b) *Compatibility.* The plan provides for a compatible arrangement of buildings and land uses and would not adversely affect adjoining neighborhood or properties outside the plan; and
- (c) *Circulation of vehicular traffic.* The plan provides for the adequate and safe circulation of vehicular traffic.

If no detail plan has been approved for the property within ten years of the date of approval of a concept plan, the detail plan must be approved by the City Council, after receiving a recommendation from the Planning Commission, after notice and hearing.

3.5-10. *Expiration of detail plan:* A detail plan shall be valid for five years from the date of its approval. If a building permit has not been issued or construction begun on the detail plan within the five years, the detail plan shall automatically expire and no longer be valid. The Planning Commission may, prior to expiration of the detail plan, for good cause shown, extend for up to 24 months the time for which the detail plan is valid.

3.5-11. *Appeals from Planning Commission action:* If the Planning Commission disapproves a detail plan over which it has final approval authority, or imposes conditions, or refuses to grant an extension of time for which a detail plan is valid, the applicant may appeal the decision to the City Council by filing a written request with the Planning Director within ten days of the decision.

3.5-12. *Changes in detail plan:* Changes in the detail plan shall be considered the same as changes in the zoning ordinance and shall be processed as required in Section 2.3. Those changes which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor area ratio, height, or coverage of the site, or which do not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site, as indicated on the approved detail plan, may be authorized by the Planning Director. Any applicant may appeal the decision of the Planning Director to the Planning Commission for review and decision as to whether an amendment to the Planned Development District ordinance shall be required.

3.5-13. *Minimum development size:* The total initial development of any Planned Development District shall not be less than two acres for nonresidential developments and five acres for residential developments.

3.5-14. *Deviation from code standards:* The City Council may approve a PD concept plan with deviations from any provision in the Code of Ordinances. Such deviations shall be listed or shown as part of the Ordinance that approves the concept plan.

Excerpt from Minutes of the April 2, 2019 Planning Commission Regular Meeting

PZ-19-003 Public hearing and recommendation to City Council regarding the proposed amendment to the “Cotton Cottages” Planned Development District (CCPD) Concept Plan, Detail Plan and related Development Standards, comprising 5.732 acres out of Lot 2A-1, F & M Hanz Estate Resubdivision, located on the south side of Hanz Drive between Loop 337 and Gruene Road.
(Applicant: Michael Flume; Case Manager: M. Greene)

Mr. Greene summarized the request and stated Staff recommended approval.

Commissioner Meyer asked if the amendments would continue to restrict short-term rentals on the property.

Mr. Greene stated that is correct.

Chair Edwards asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Laskowski, seconded by Vice Chair Reaves, to close the public hearing. Motion carried (8-0-0).

Motion by Commissioner Meyer, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed amendment to the “Cotton Cottages” Planned Development District (CCPD) Concept Plan, Detail Plan and related Development Standards, comprising 5.732 acres out of Lot 2A-1, F & M Hanz Estate Resubdivision, located on the south side of Hanz Drive between Loop 337 and Gruene Road. Motion carried (8-0-0).

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE "COTTON COTTAGES" PLANNED DEVELOPMENT DISTRICT (CCPD) CONCEPT PLAN, DETAIL PLAN AND RELATED DEVELOPMENT STANDARDS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

WHEREAS, in keeping with the spirit and objectives of the "PD" Planned Development District, the City Council has given due consideration to all components of said district; and

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

WHEREAS, the City Council desires to amend the "Cotton Cottages" Planned Development District Concept Plan, Detail Plan and Development Standards; **now, therefore;**

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

SECTION 1

THAT the "Cotton Cottages" Planned Development District Concept Plan, Detail Plan and Development Standards adopted by City Council May 9, 2016 are hereby amended by adopting the following described Amended Concept Plan, Amended Detail Plan and Amended Development Standards:

"Known as 5.732 acres out of Lot 2A-1, F & M Hanz Estate Resubdivision, Comal County, Texas, as delineated on Exhibit 'A', and adopting the Amended Concept Plan depicted on Exhibit 'B', the Amended Detail Plan as depicted on Exhibits 'C-1' and 'C-2' and the Amended Development Standards described in Exhibit 'D' 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 22nd day of April, 2019.

PASSED AND APPROVED: Second reading this 13th day of May, 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

\\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2019 Cases\IPZ-19-003 Ordinance.docx

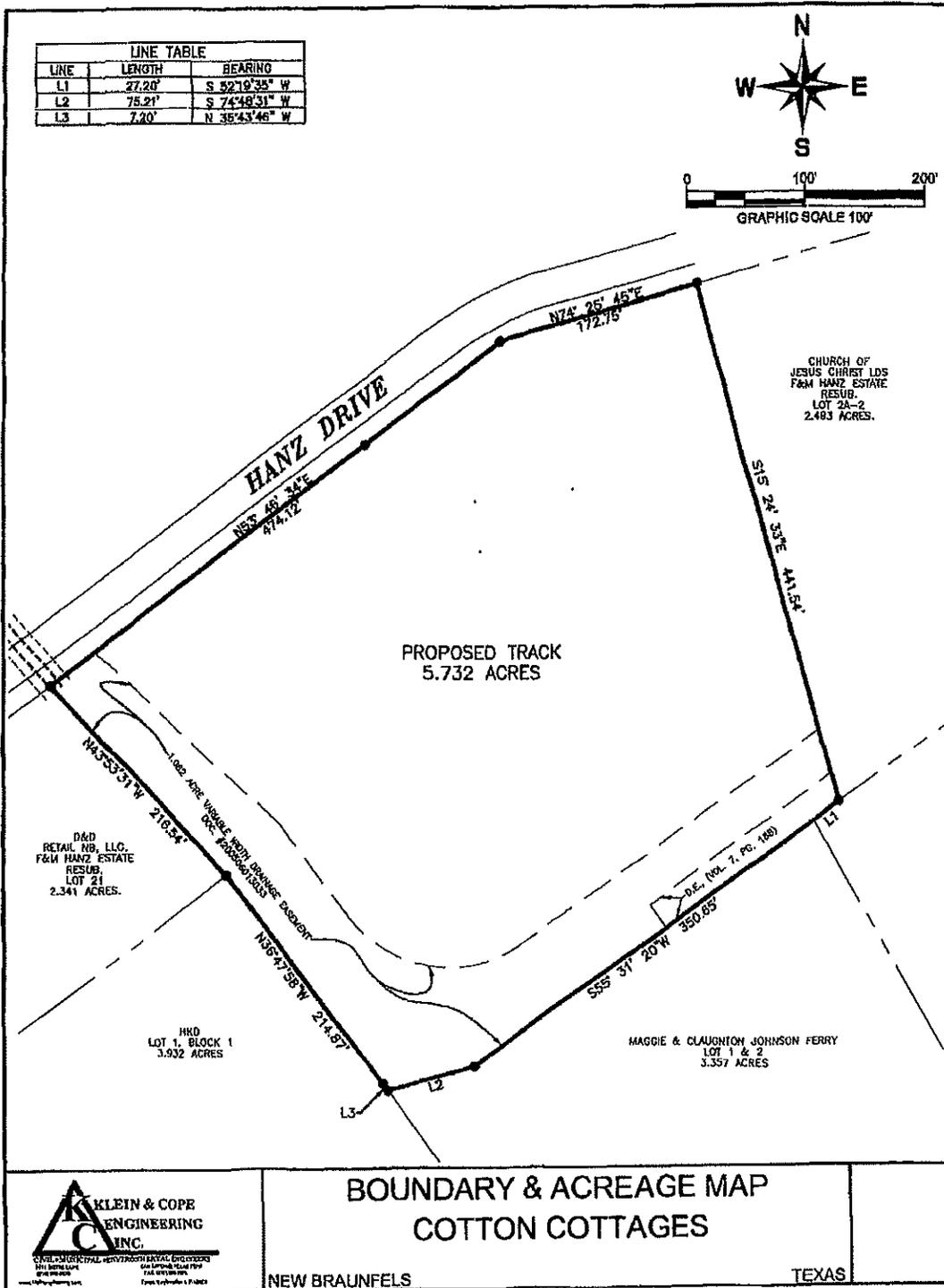
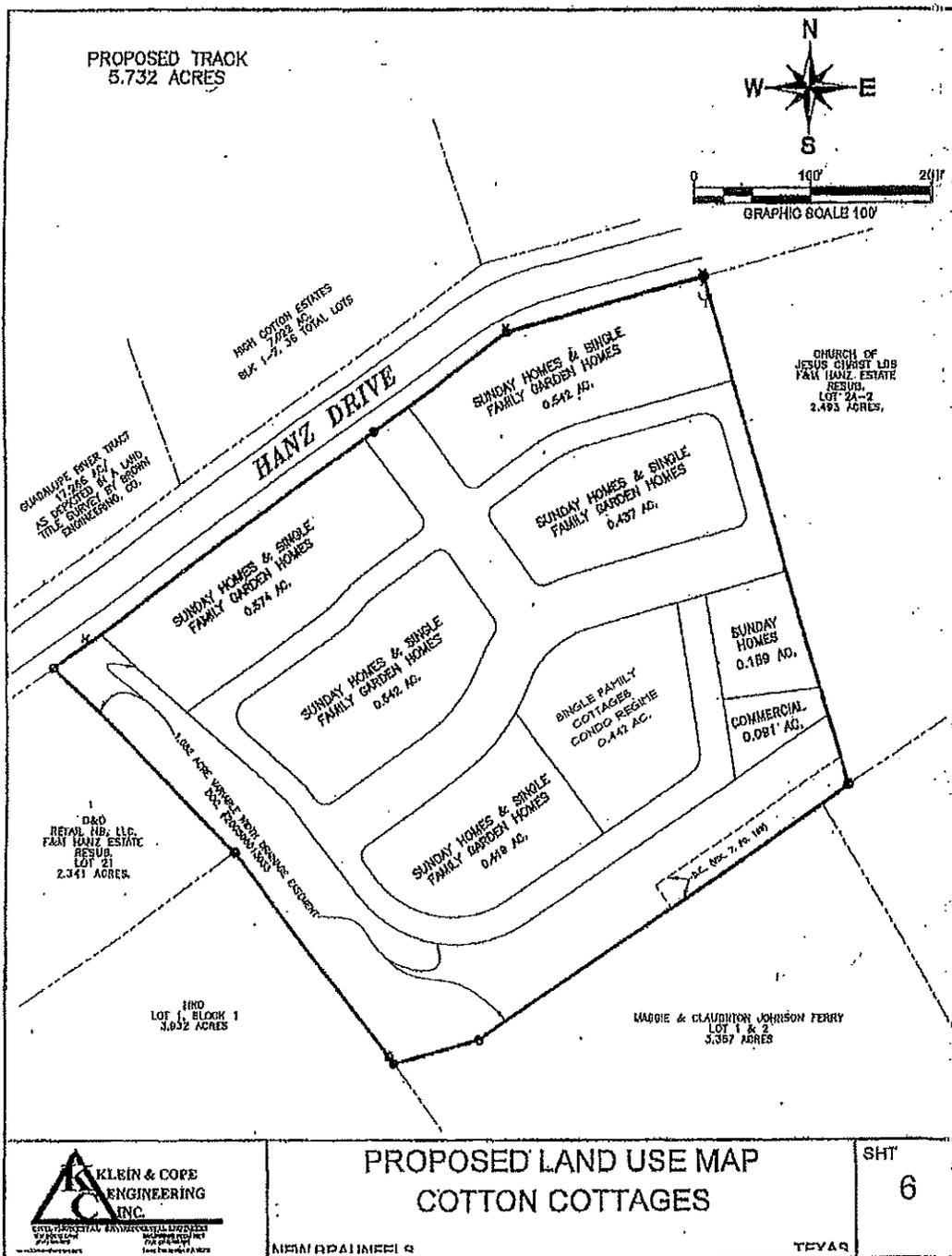


EXHIBIT 'A'

"COTTON COTTAGES" PLANNED DEVELOPMENT DISTRICT CONCEPT PLAN



"COTTON COTTAGES" PLANNED DEVELOPMENT DISTRICT DETAIL PLAN



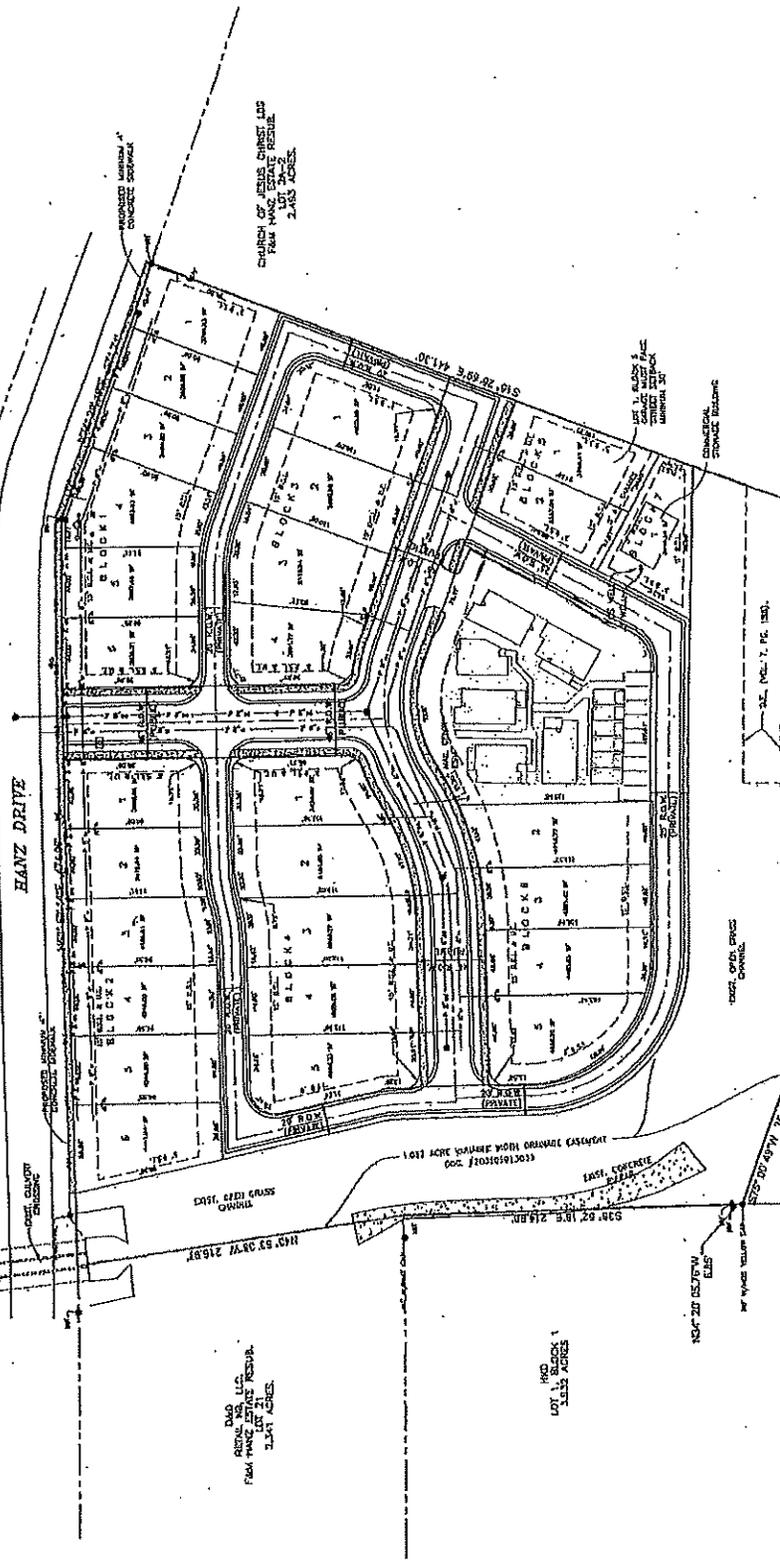
DETAIL PLAN
ESTABLISHING
COTTON COTTAGES



HIGH COTTON DEVICES
2,000 TOTAL LOTS
BLK 1-7, 26 TOTAL LOTS

CHUCKLE RIVER TRACT
17.246 AC.
AS DEPICTED IN A LANSING, MI
SUPPORT BY BROWN ENGINEERING, CO.

LOCATION MAP
AS SHOWN



DAO
RINE, INC. LLC
FROM PHASE 1 OF THE RESID.
3.141 ACRES

140
LOT 15, BLOCK 1
2.111 ACRES

KLEIN & COPE
ENGINEERING
INC.

CIVIL-MUNICIPAL-ENVIRONMENTAL ENGINEERS
4401 WOOD LAKE
ANN ARBOR, MICHIGAN 48107
734-769-0000
734-769-0001

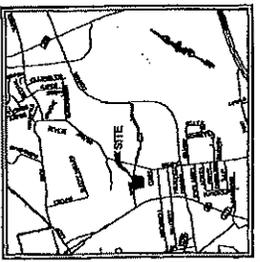
MARGIE & CLAUDEN JOHNSON FERRY
LOT 1
0.527 ACRES

SHT 1 OF 2

SHT 1 OF 2

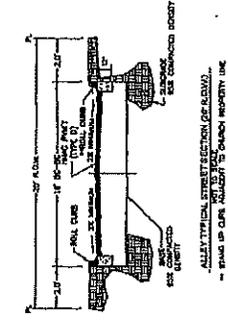
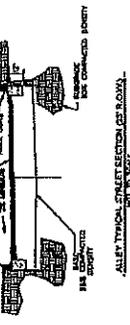
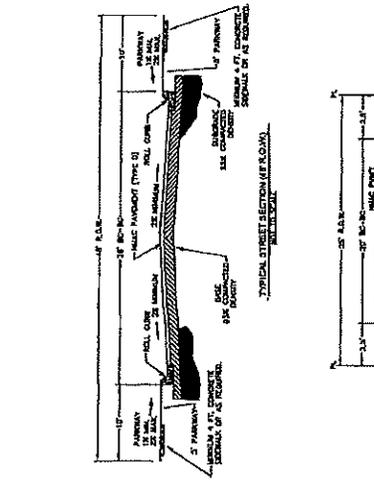
EXHIBIT 'C-1'

DETAIL PLAN
ESTABLISHING
COTTON COTTAGES



LOCATION MAP
NO SCALE

- NOTES:
1. REFERENCE THE "COTTON COTTAGES" PLANNED DEVELOPMENT DISTRICT DEVELOPMENT STANDARDS FOR THE COMPLETE REQUIREMENTS.
 2. MINIMUM SINGLE FAMILY GARDEN HOME LOT STANDARDS:
 A. MINIMUM LOT AREA = 3,500 SQUARE FEET
 B. MINIMUM LOT WIDTH = 40 FEET
 C. MINIMUM LOT DEPTH = 40 FEET
 D. MINIMUM LOT FRONT, REAR, SIDE SETBACKS
 FRONT = 15 FEET
 REAR = 15 FEET
 SIDE = 5 FEET
 3. MINIMUM "SINGLE" HOUSES LOT STANDARDS:
 A. LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.
 4. FRONT PORCHES (MINIMUM OF 5 FT. DEEP, 80 SQUARE FEET TOTAL) MAY PROJECT INTO FRONT YARD AREA, EXTENDING TO WITHIN 1 FT. OF THE PROPERTY LINE. FRONT PORCHES ARE TO BE CONSTRUCTED WITHIN THE FRONT YARD SETBACK.
 5. REAR ACCESS COTTAGES WITH SIDE LEANING MAY BE SET, FROM SIDE PROPERTY LINE AND 5 FEET FROM REAR PROPERTY LINE OR 15 FT. WITH GARAGE DOORS FACING ALLEY OR PRIVATE DRIVE.
 6. CORNER LOTS: ON STREET SIDE YARD MINIMUM IS SET.



LOT SUMMARY	
TOTAL SITE ACREAGE	8.7281
NO. OF LOTS	27
LAND USE	RESIDENTIAL/COMMERCIAL
MINIMUM LOT ACREAGE	0.379
SINGLE PARCELS PER LOT	151 LOTS
SINGLE HOUSE LOTS	158 HOUSES
COMMERCIAL LOT ACREAGE	0.311 ACRES

KLEIN & COPE
ENGINEERING
INC.

REGISTERED PROFESSIONAL ENGINEERS
STATE OF TEXAS
LICENSE NO. 11111

**COTTON COTTAGES BASE ZONING DISTRICT – “R-A1-6.6” SINGLE-FAMILY DISTRICT
DEVELOPMENT STANDARDS**

Sunday Homes:	Square footage 800-1800 living area Garage 1 car minimum, 2 cars maximum
Single Family Garden Homes:	Square Footage 1200 – 3000 living area Garage 2 car minimum, 3 car maximum

The PDD development is set apart from others by following these guidelines making for a sought after community.

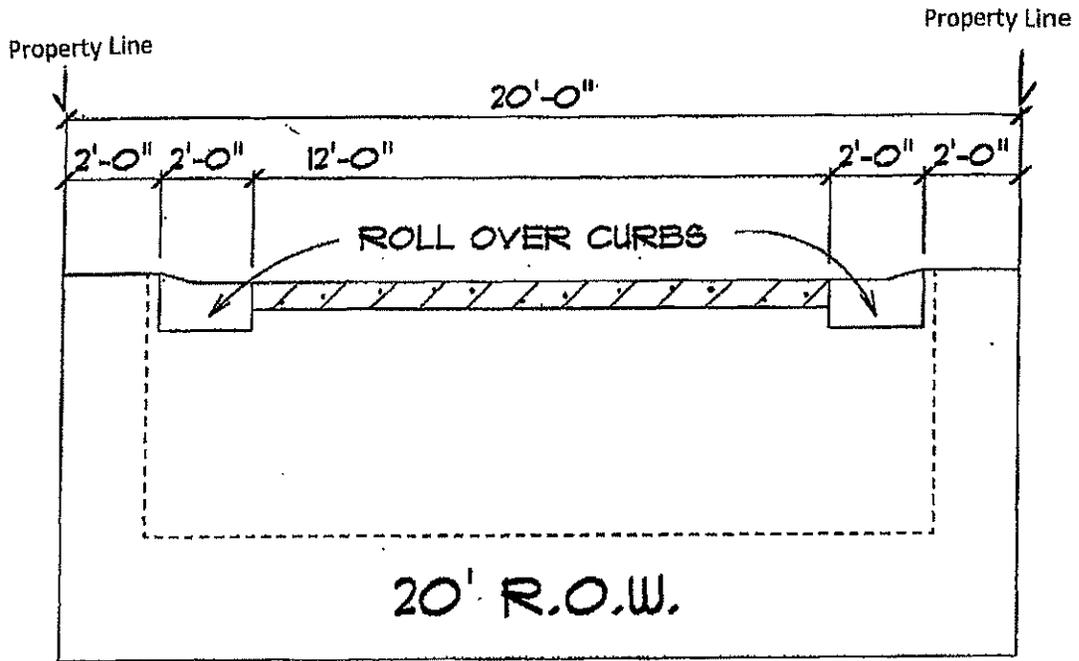
Front porches: Required on all homes.

Garages: Must enter from alley.

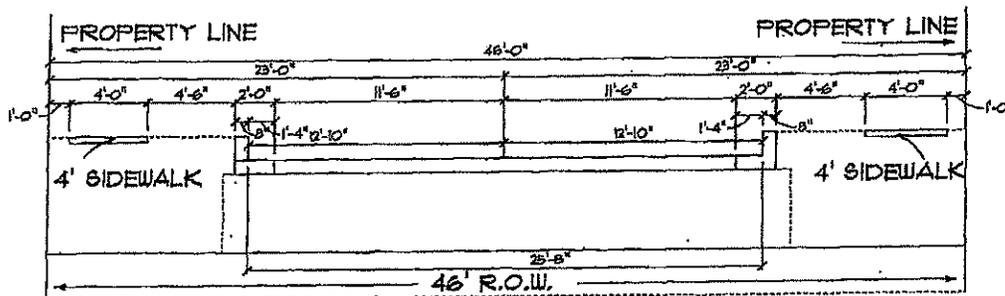
Exception: Lot 1 Blk 5, garage must be set back 30' and face street.

Alleys: Rear entry garages, 5' concrete shoulder and curbs. See Details.

Alley Detail



Road Detail



Residential Uses – Principal Building Development Standards

Type of Residential	Minimum Lot Area	Minimum Lot Width & Depth	Principal Building Minimum Front, Side and Rear Yard Setbacks	Maximum Height	Maximum Building Coverage	Parking Minimum
SFD-G: Single Family Garden Homes	3600 SF	40FT./ 90FT.	FY: 15 FT. SY: 5 FT. RY: 15 FT.	35 FT. 2.5 Stories	60%	2 spaces/unit enclosed
SFA-C Cottages, Sunday Houses	2400 SF/single unit	30FT/80FT	FY: 15 FT. SY: 5 FT. RY: 15 FT.	25 FT. 2 Stories	60%	1 Space/ Unit enclosed

Notes:

1.) Front porches (minimum of 5ft. deep, 80 square feet total) may project into front yard area, extending to within 10ft. of the property line. Front porches are required on all residential units.

2.) Rear access garages with side loading may be 3 ft. from side property line and 5 ft. from rear property line or 15ft. with garage doors facing alley or private rear access drive. Except: LOT 1 BLK 5, garage must face street with a minimum front setback of 30'

3.) Corner lots: On-street side yard minimum is 8 ft.

4.) Allowable yard projections: (Front porches – see above)

Horizontal- Roof overhangs, bay windows, canopies 12" Minimum, Balconies 5' (front or rear)

Vertical- (above maximum, height), chimneys; 6'; cupolas: 8'; observations towers: 8'

Residential uses - Lot 1, Blk 6, Development Standards

TYPE OF RESIDENTIAL	MIN BLDG SET BACKS	MAX HEIGHT	MAX BLDGS COVERAGE	PARKING
6FA - C COTTAGES CONDO REGIME	15FT. FRONT 15 FT. REAR 10 FT. INTERIOR SIDE* 5FT. SIDE ADJACENT TO ALLEY 10 FT. BETWEEN BUILDINGS	35 FT. / TWO STORY	70%	1 - CAR GARAGE EACH UNIT

- NOTE: 1. FRONT PORCHES AND/OR SIDE OR REAR PATIOS REQUIRED ON ALL UNITS
 2. BALCONIES ALLOWED AT FRONT, REAR OR SIDE OF UNITS
 3. *NEW CONSTRUCTION ON LOT 1, BLOCK 6 WILL REQUIRE A MINIMUM SETBACK OF 10 FEET PLUS ONE-FOOT FOR EACH FOOT OF BUILDING HEIGHT OVER 20 FEET WHERE ADJACENT TO A SINGLE FAMILY RESIDENTIAL PROPERTY LINE

Lot 1, Block 7 Development Standards

Outbuilding/ Storage Building	Maximum Height	Maximum Building Coverage
FY: 5 FT. SY: 5 FT. RY: 5 FT.	25 FT. 1 Story	60%

Notes:

- 1.) Front porches may project into front setback 5'.
- 2.) Balconies may project into front and rear set back 5'.

Proposed Street Standards

Street	Design Speed	Classification	ROW	Pavement Width	Curb Type Shoulder	On-Street Parking
Minor Internal	20 MPH	Residential Minor	46 Ft.	23 Ft.	City of New Braunfels Standard Curb	One Side Only
Alley or Private Rear Access Drive	15 MPH	Rear Garage Access way or shared drive	20 - 25 Ft.	16 - 20Ft.	Roll Over & City of New Braunfels Standard Curb	None

NOTES:

- 1.) Pavement (asphalt) widths include 24" wide concrete curb and gutter section.
- 2.) Design speed is not the actual speed limit.

Relationship of these PDD standards to other standards and regulations in the City ordinances.
 Unless specifically described in these regulations, or further described in the Detailed PDD Plan, the applicable provisions of the City's Zoning and Subdivisions Regulations shall apply to the PDD.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. J)

Presenter

*Stacy Snell, Assistant Director of Planning and Community Development
ssnell@nbtexas.org*

SUBJECT:

Public hearing regarding the proposed amendment to Veramendi, Sector Plan 1A, within the Comal County Water Improvement District #1, encompassing 273.37 acres out of the Juan Martin de Veramendi Survey No.2, Abstract 3, including property adjacent to and east of the Oak Run Subdivision.

BACKGROUND / RATIONALE:

Case No.: PL-19-007

Council District: Outside City Limits

Owner: Veramendi PE-Darwin LLC (Peter James)
P.O. Box 310699
New Braunfels, TX 78131
(830) 643-1338
peter.james@asaproperties.us.com

Engineer: Pape-Dawson Engineers (Todd Blackmon, PE)
1672 Independence Drive, Suite 102
New Braunfels, TX 78132
(830) 632-5633
TBlackmon@pape-dawson.com

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

This item was postponed from the City Council's March 25, 2019 meeting agenda at the applicant's request.

Veramendi is a 2,445-acre mixed-use development located in the ETJ and Comal County Water Improvement District #1. The project is generally located north of Loop 337, east of the Oak Run subdivision, south of Hueco Springs Road and west of the Guadalupe River. Veramendi is subject to a development agreement entered into between the City and Word-Borchers Ranch Joint Venture on February 25, 2013.

Pursuant to the development agreement, the implementation of development begins with the preparation of sector plans. Typically a minimum of 100 acres, Sector Plans outline neighborhood structure (“precincts”); land use and intensity; parks; and access, connectivity and movement. A sector plan is required to be in compliance with the Master Framework Plan.

Sector Plan 1A, approved in November of 2016, facilitates single family, multifamily and a school. The developer is proposing to modify the area of Sector Plan 1A labeled as Precinct 15B (see Attachment 1, page 2 and Attachment 4). The proposed modifications include:

- A revision to the internal street layout
The street revisions would reduce the lot layout and density for the purpose of preserving tree vegetation and increasing open space within Precinct 15B.
- Relocation of Park #1 within Precinct 15B
The park location revision matches the revised street and lot layout and would provide for a larger open space and preservation of trees (see Attachment 2 for applicant’s summary of proposed changes).

The proposed changes are in accordance with the Guiding Principles of the Development and Design Control Document (DDCD).

With this application, the developer is also seeking approval of a revision to the Alternate Development Standard pertaining to maximum fence height (see Attachment 5). The proposed revision would change the maximum permitted height for side yard and rear yard fences abutting a park, accessway, green ribbon or other street, that are 50% or greater transparency, from 54 inches (4.5 feet) to 72 inches (6 feet).

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

<p>City Plan/Council Priority: Word-Borchers Ranch Joint Venture Development Agreement Envision New Braunfels</p>	<p>Allow for advancement of the Veramendi project in accordance with the Development Agreement. Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 3.2: Consider multiple factors for guiding community growth, such as our downtown and the natural environment. Action 3.13: Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities and price points can be provided across the community as well as within individual developments. Action 4.1: Ensure parks and green spaces are within a one mile walk or bicycle ride for every household in New Braunfels. Action 5.17: Review and update Tree and Landscape ordinances to ensure New Braunfels remains a green city and expands its tree canopy. Action 7.14: Increase tree canopy for increased shade to encourage walking.</p>
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on March 5, 2019 and unanimously recommended approval (9-0-0).

STAFF RECOMMENDATION:

Staff recommends approval as the proposed Sector Plan revisions are in compliance with the Guiding Principles of the DDCCD, would result in a reduction in density over the Edwards Aquifer, and would preserve more trees. The proposed fence height revisions for predominately open fences would be more consistent with the backyard fences of the adjacent residential lots, which are allowed to be up to 96 inches (8 feet in height).

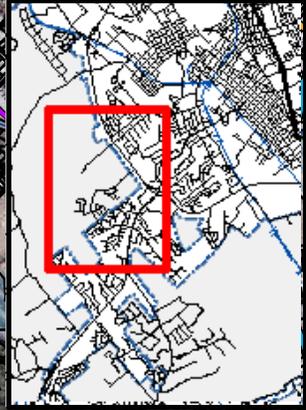
Notification:

Public hearing notices were sent to 99 owners of property within 200 feet of the Sector Plan 1A boundary. The City has received no responses.

Attachments:

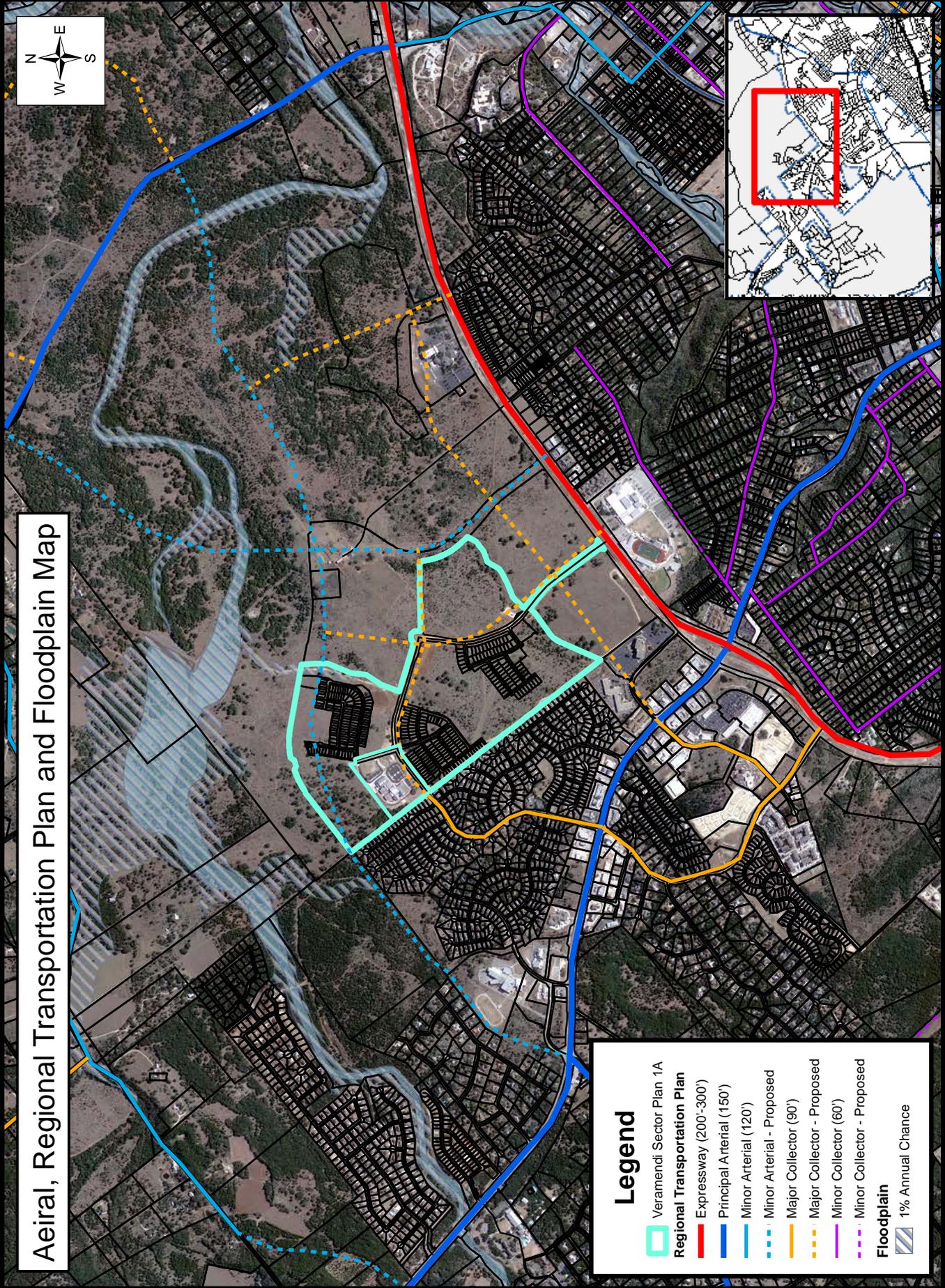
1. Aerial Maps
2. Applicant's Summary of Changes to the Sector Plan
3. Proposed Sector Plan 1A Major Amendment
4. Precinct 15B Comparison Exhibit
5. Requested Alternate Development Standard
6. Notification Map

Aerial, Regional Transportation Plan and Floodplain Map



Legend

- Veramendi Sector Plan 1A
- Regional Transportation Plan**
- Expressway (200'-300')
- Principal Arterial (150')
- Minor Arterial (120')
- Minor Arterial - Proposed
- Major Collector (90')
- Major Collector - Proposed
- Minor Collector (60')
- Minor Collector - Proposed
- Floodplain**
- 1% Annual Chance



Map Created 2/27/19

PL-19-007
Veramendi 1A
Sector Plan-Major Amendment





Memo

TO: City of New Braunfels **DATE:** November 29, 2018
FROM: Todd Blackmon, P.E. **PROJECT** 7620-76
 Managing Vice President - New Braunfels **NO.:**
CC: ASA Properties, LLC
RE: Veramendi Sector Plan 1A Modification 2

Relationship to Guiding Principles

The modifications to the Veramendi Sector Plan 1A outlined herein include a revision to internal street layout within Precinct 15B. These street revisions reduce lot layout and density for the purpose of preserving tree vegetation and increasing open space within Precinct 15B. These changes are in general accordance with the Guiding Principles of the Development and Design Control Document.

Development Standards

Precinct 15B is in general compliance with the applicable minimum development standard as detailed in the Sector Design Code.

- Water and sewer infrastructure will be designed in accordance with Utility Service Agreement requirements. 8" water mains will be constructed within the rights-of-way for internal roadways within Precinct 15B. The proposed mains will tin into the proposed 12" main in Geneva Street.
- Drainage infrastructure will be designed in accordance with the sector design code. Onsite water quality requirements will be met with construction of two batch detention basins. These water quality basins will be designed in accordance with TCEQ requirements as outlined in the TCEQ Technical Guidance Manual and will serve as the primary BMP for Precinct 15B as specified in the Veramendi DDCD. Runoff from Precinct 15 B will be conveyed to the north through a temporary earthen channel and discharge into the Blieders' Creek flood control basin. This basin will serve as the secondary BMP for Precinct 15B as specified in the Veramendi DDCD. Future development of areas north of Precinct 15B will likely include modification of the aforementioned earthen channel.

Code H is not applicable as no overlay codes are applicable to this Sector Plan.

Code I, Landscaping and Lighting Code, is applicable to Sector 1.

- Street trees will be provided within the right of way.
- Sight distance and visibility will be provided at all intersections.

TBPE Firm Registration #470 | TBPLS Firm Registration #10028800

San Antonio | Austin | Houston | Fort Worth | Dallas
 Transportation | Water Resources | Land Development | Surveying | Environmental
 2000 NW Loop 410, San Antonio, TX 78213 T: 210.375.9000 www.Pape-Dawson.com

- Street lights will be provided in accordance with this section.

Supporting Reports and Plans

A TIA worksheet has been completed and attached to this submittal.

A TIA update is not required with this amendment to Sector Plan 1A as its proposed uses are consistent with the approved TIA.

Summary of Revisions to Plan Sheets

The following is a summary of revisions to the Veramendi Sector Plan 1A plan sheets.

- Cover Sheet (Sheet 1 of 8)
 - Revise internal street, lot and block configuration within Precinct 15B
- Sector Plan 1A (Sheet 2 of 8)
 - Revise flow arrows to reflect new internal street configuration within Precinct 15B
 - Add temporary offsite earthen channel drainage outfall from Precinct 15B to the Blieder's Creek dam.
- Drainage (Sheet 3 of 8)
 - Adjust flow arrows to reflect aforementioned park/street revision
 - No other revisions
- Utilities (Sheet 4 of 8)
 - Update background to reflect aforementioned Precinct 15B layout
 - No revisions to major water and sewer infrastructure
- Utilities (Sheet 5 of 8)
 - No revisions
- Parkland (Sheet 6 of 8)
 - Revise location of Park #1 within Precinct 15B to match revised street and lot layout.
 - Shift 0.25-mile park radius for Park #1. This shift results in no change to the number of lots located within the radii.
 - Update background to reflect revised street layout in Precinct 15B.
 - No other revisions
- Preliminary Tree Survey (Sheet 7 of 8)

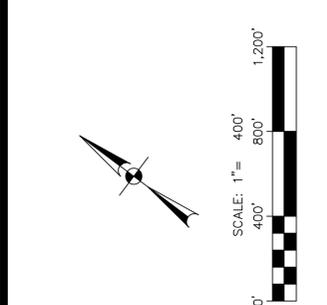
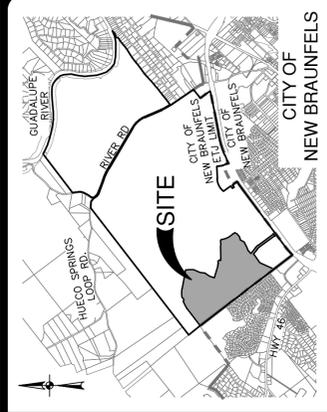
City of New Braunfels
Veramendi Sector Plan 1A Modification 2
November 29, 2018
Page 3 of 3

- Update background to reflect aforementioned revised Precinct 15B layout
 - This revision results in a significant increase in tree preservation
 - No other revisions
- Master Framework Plan Exhibit (Sheet 8 of 8)
 - No revisions
- Street Orientation Exhibit
 - Revise block layout to reflect aforementioned Precinct 15B layout revision
 - Revise calculation table
 - The Sector Plan is still compliant with Street Orientation requirements as 30% or more of blocks have one axis within plus or minus 15 degrees of geographical east/west and the east/west length of those blocks are at least as long as the north/south length of the block.

END OF MEMO

P:\76\20\76\Word\Memos\181129 Sector Plan Revision Memo.Docx

NO.	REVISION	DATE
1	REVISION PARK AND STREET LAYOUT TO SAVE TREES	09/04/18
2	REVISION 15B LAYOUT	11/15/18



NOTES:

- THE LOCATION AND WIDTH OF ANY PRIVATE UTILITY EASEMENT SHALL BE INDICATED BY THE APPLICABLE PRIVATE UTILITY ENTITY AND THE CITY ENGINEER.
- NO INDIVIDUAL OR ENTITY SHALL DEEPEN, WIDEN, FILL, RECLAIM, REROUTE OR RECONSTRUCT ANY EXISTING OR PROPOSED STREAM OR DRAINAGE WAY WITHOUT THE APPROVAL OF THE CITY OR IN ACCORDANCE WITH AN APPROVED ENGINEERING OR STORMWATER MANAGEMENT REPORT.
- EXISTING AND PROPOSED FLOOD ELEVATIONS AND ALL 100-YEAR FLOOD EVENT STATIONS SHALL BE SHOWN ON THE FINAL PLAT WITH A PLAT NOTE STATING THAT NO DEVELOPMENT, BUILDING OR STRUCTURE IS RESPONSIBLE FOR MAINTAINING THE EASEMENT, FLOOD AND STORM DRAINAGE FLOWS AND THE WIDTH OF SUCH EASEMENTS SHALL BE DETERMINED BY THE CITY ENGINEER IN THE SAME MANNER AS SIMILARLY SITUATED AREAS OF THE CITY.
- A PORTION OF THIS PROJECT LIES WITHIN AN INDICATED SPECIAL FLOOD ZONE AS SHOWN ON THE FEMA FIRM MAP NO. 48091C04-50F EFFECTIVE DATE 9/22/2009.
- NO PROTECTED SPECIES HABITAT BOUNDARIES ARE LOCATED WITHIN THE LIMITS OF THE SECTOR PLAN.
- WITH FUTURE SECTOR PLANS.

BLOCK	LAND USE	ACREAGE (AC)	MAXIMUM IMPERVIOUS COVER (AC)	MAXIMUM IMPERVIOUS COVER (%)
PRECINCT 12	HIGH DENSITY RESIDENTIAL	37.00	33.30	90%
PRECINCT 13	NEIGHBORHOOD RESIDENTIAL	98.06	59.84	60%
PRECINCT 15A	NEIGHBORHOOD CENTER	6.10	5.80	95%
PRECINCT 15B	NEIGHBORHOOD RESIDENTIAL	28.73	17.74	60%
RIGHT OF WAY	SCHOOL*	16.06	9.96	62%
OPEN SPACE/DRAINAGE AREA	-	16.52	14.87	90%
SECTOR TOTAL		273.37	164.44	65%

DEVELOPMENT STATISTICS	PROPOSED SECTOR PLAN
ACREAGE SUMMARY	273.37 AC*
SECTOR GROSS ACREAGE	
PLANNING AREA GROSS ACREAGE	
TOWN CENTER PLANNING AREA	0
LARGE FORMAT RETAIL PLANNING SUB AREA	0
MIXED USE EMPLOYMENT PLANNING SUB AREA	0
NEIGHBORHOOD CENTER PLANNING AREA	6.10
RESORT PLANNING AREA	0
HIGH DENSITY RESIDENTIAL PLANNING AREA	217.85
NEIGHBORHOOD (MIXED DENSITY) RESIDENTIAL PLANNING AREA	32.90
PARK PLANNING AREA	16.52
RIGHT OF WAY	273.37
TOTAL PLANNING AREA GROSS ACREAGE	
PLANNING AREA POD GROSS ACREAGE	
POD 7	159.14
POD 8	97.71

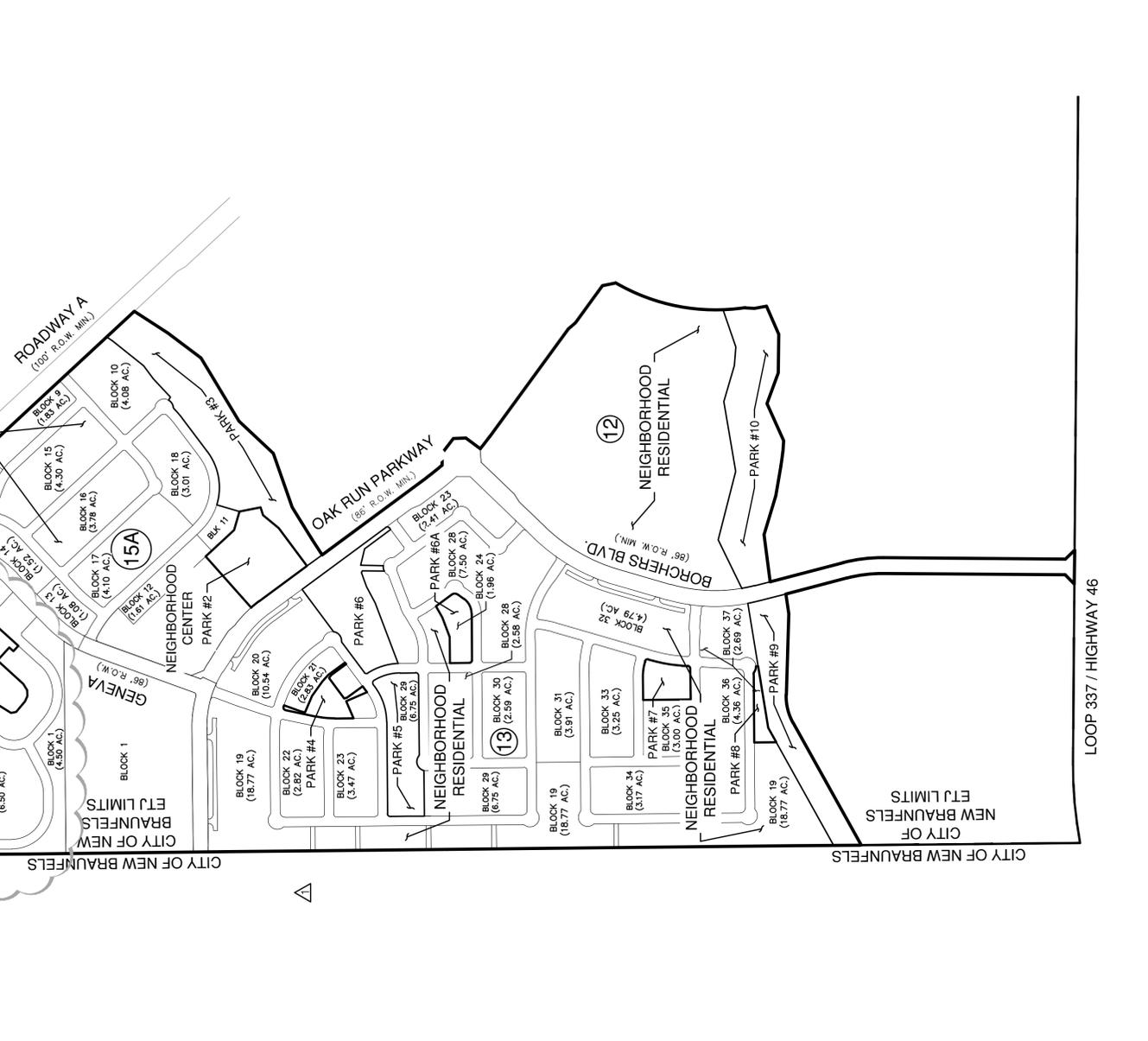
*SECTOR PLAN 1A IS A MAJOR AMENDMENT OF SECTOR PLAN 1 AND ALL CALCULATIONS INCLUDE THE APPROVED SECTOR PLAN 1 ACREAGE.

PRECINCT GROSS ACREAGE	ACREAGE (AC)
PRECINCT 12	45.47
PRECINCT 13	113.67
PRECINCT 15A	52.92
PRECINCT 15B	44.79
TOTAL PRECINCT ACREAGE	256.85

RESIDENTIAL DWELLING UNITS	NO. OF DWELLING UNITS
AVERAGE RESIDENTIAL DENSITY	545-991
PRECINCT 12	592-888
PRECINCT 13	6-25 DWELLINGS/AC
PRECINCT 15A	3.3-6 DWELLINGS/AC
PRECINCT 15B (EXCLUDING SCHOOL)	1.3-6 DWELLINGS/AC
TOTAL NO. OF DWELLING UNITS	545-991
NO. OF RESIDENTIAL LOTS	592-888
NO. OF MULTI-FAMILY DWELLING UNITS	

PRECINCT 15B (EXCLUDING SCHOOL)

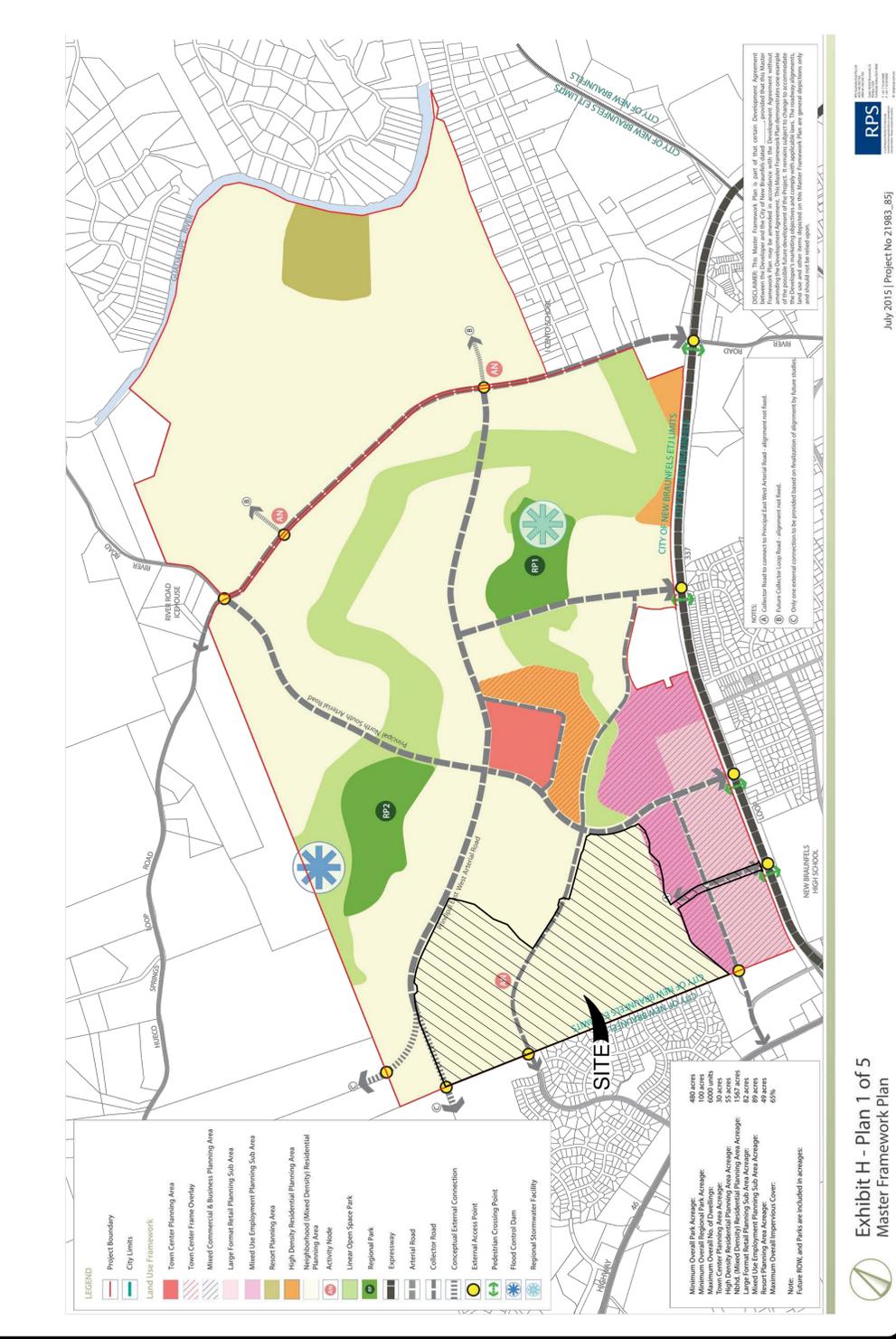
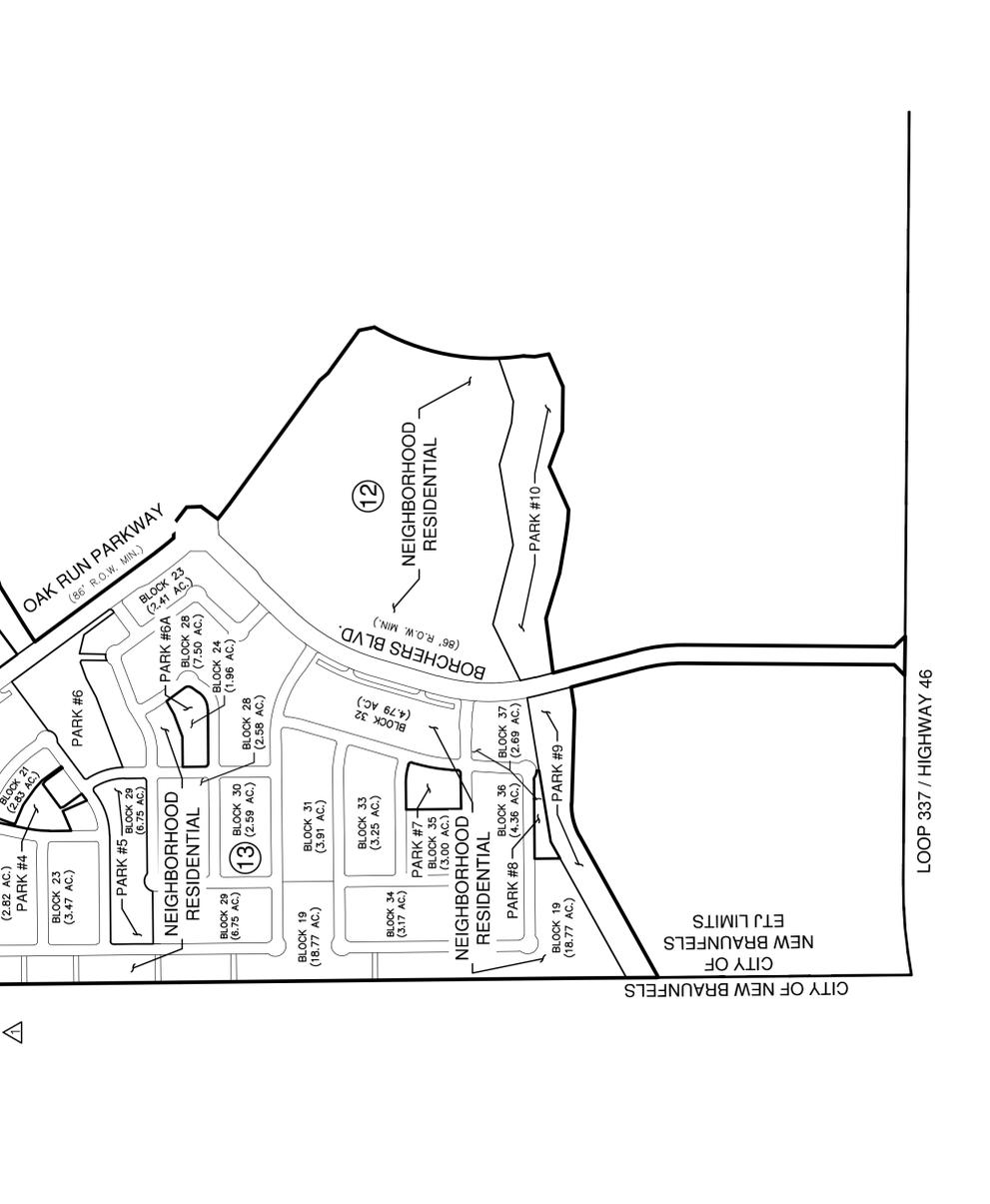
Pape-Dawson ENGINEERS
 2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
 SBM ANTONIO | AUSTIN | HOUSTON | DALLAS
 TBP# FIRM REGISTRATION #470 | TBP# FIRM REGISTRATION #10028800



PRECINCT GROSS ACREAGE	ACREAGE (AC)
PRECINCT 12	0
PRECINCT 13	0
PRECINCT 15A	38.07
TOTAL PARK ACREAGE	38.07

PRECINCT 15A

VERAMENDI
 NEW BRAUNFELS, TEXAS
 SECTOR PLAN 1A
 COVER SHEET

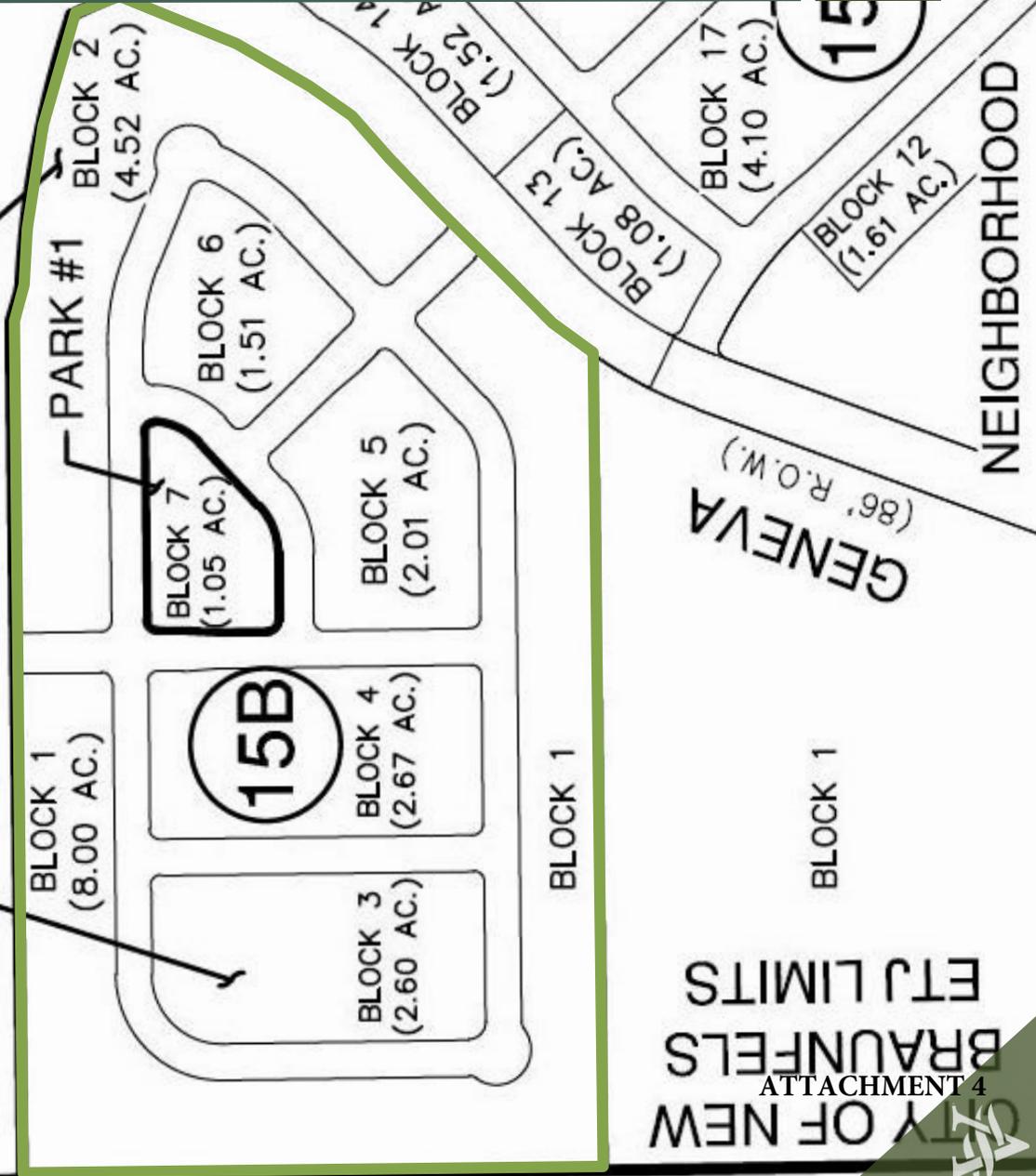


PRECINCT 15B (EXCLUDING SCHOOL)

VERAMENDI SECTOR PLAN 1A

PREVIOUSLY
APPROVED
- NOV. 28, 2016

STREET LAYOUT



VERAMENDI SECTOR

PLAN 1A



PROPOSED
AMENDMENT
- MARCH 5, 2019

Allows for more open space, tree preservation, and flow of traffic

STREET LAYOUT



CITY OF NEW
BRAUNFELS
ETJ LIMITS

GENEVA
(86' R.O.W.)

NEIGHBORHOOD

BLOCK 1

BLOCK 15
(4.10 AC.)

BLOCK 1
(4.50 AC.)

BLOCK 13
(1.08 AC.)

BLOCK 2
(4.77 AC.)

BLOCK 4
(7.46 AC.)

15B

BLOCK 3
(6.50 AC.)

PARK #1

BLOCK 18

VERAMENDI SECTOR

PLAN 1A

WATER
QUALITY
BASIN

WATER
QUALITY
BASIN

PARK

PRECINCT 15B

GENEVA

VERAMENDI 1-1

LOT 1
BLOCK 1

PREVIOUSLY
APPROVED
- NOV. 28, 2016

Proposed 115 lots of 50' x 120'

LOT LAYOUT & DENSITY



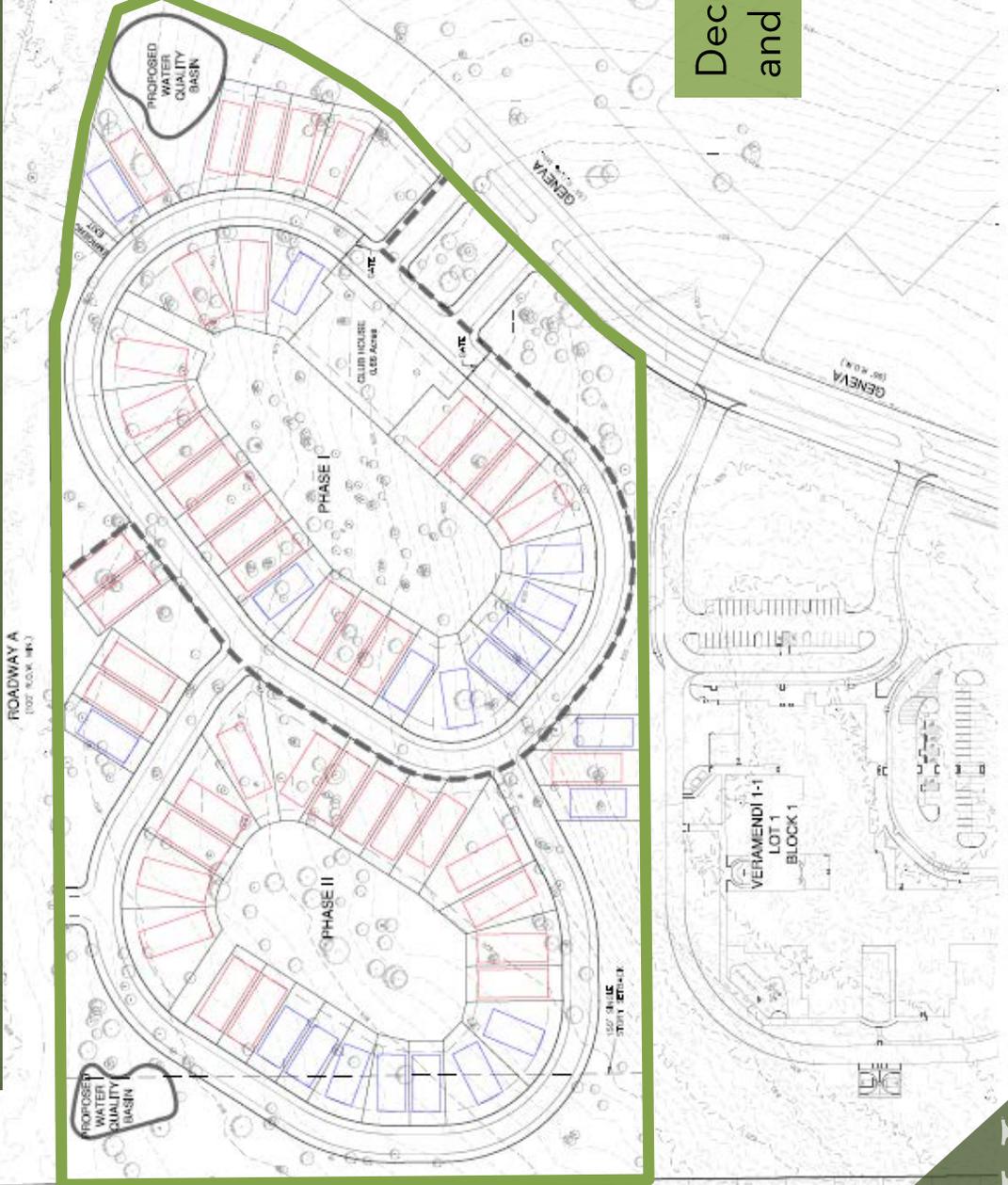
VERAMENDI SECTOR

PLAN 1A

PROPOSED AMENDMENT - MARCH 5, 2019

Decrease to 61 proposed lots
and decrease in density

LOT LAYOUT & DENSITY



VERAMENDI SECTOR PLAN 1A

PREVIOUSLY
APPROVED
- NOV. 28, 2016

202 Possible Retained Trees

TREE PRESERVATION
AND OPEN SPACE



VERAMENDI
PRECINCT 1 SB
ORIGINAL LAYOUT



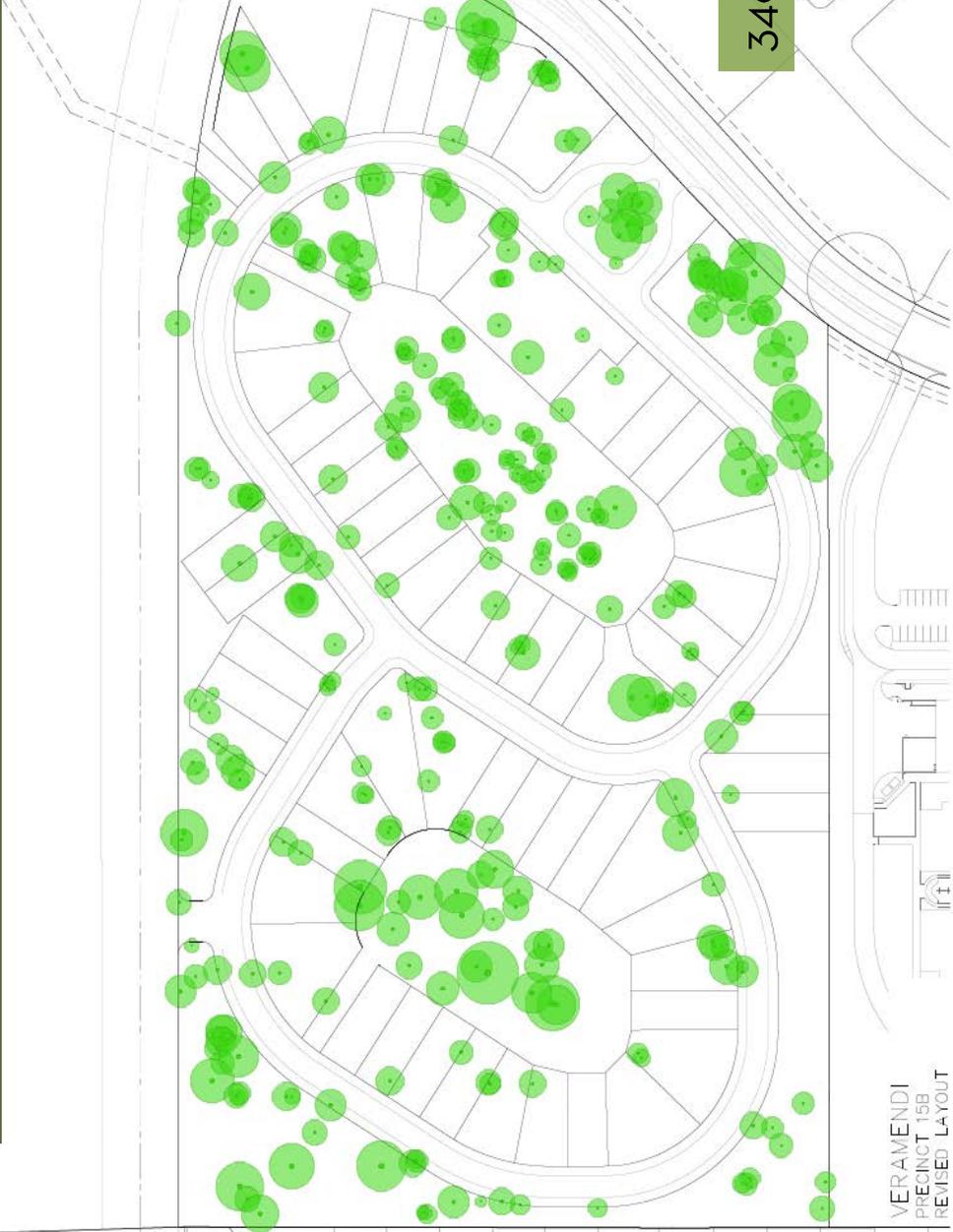
VERAMENDI SECTOR

PLAN 1A

PROPOSED AMENDMENT - MARCH 5, 2019

346 Possible Retained Trees

TREE PRESERVATION AND OPEN SPACE



SECTOR PLAN NO. 1A

REQUESTED ALTERNATE DEVELOPMENT STANDARD APPLICABLE TO PLAT AND SUBSEQUENT RELATED APPLICATIONS IN SECTOR PLAN 1A

PART I GENERAL CODES: SECTION 31 LANDSCAPE & LIGHTING CODE

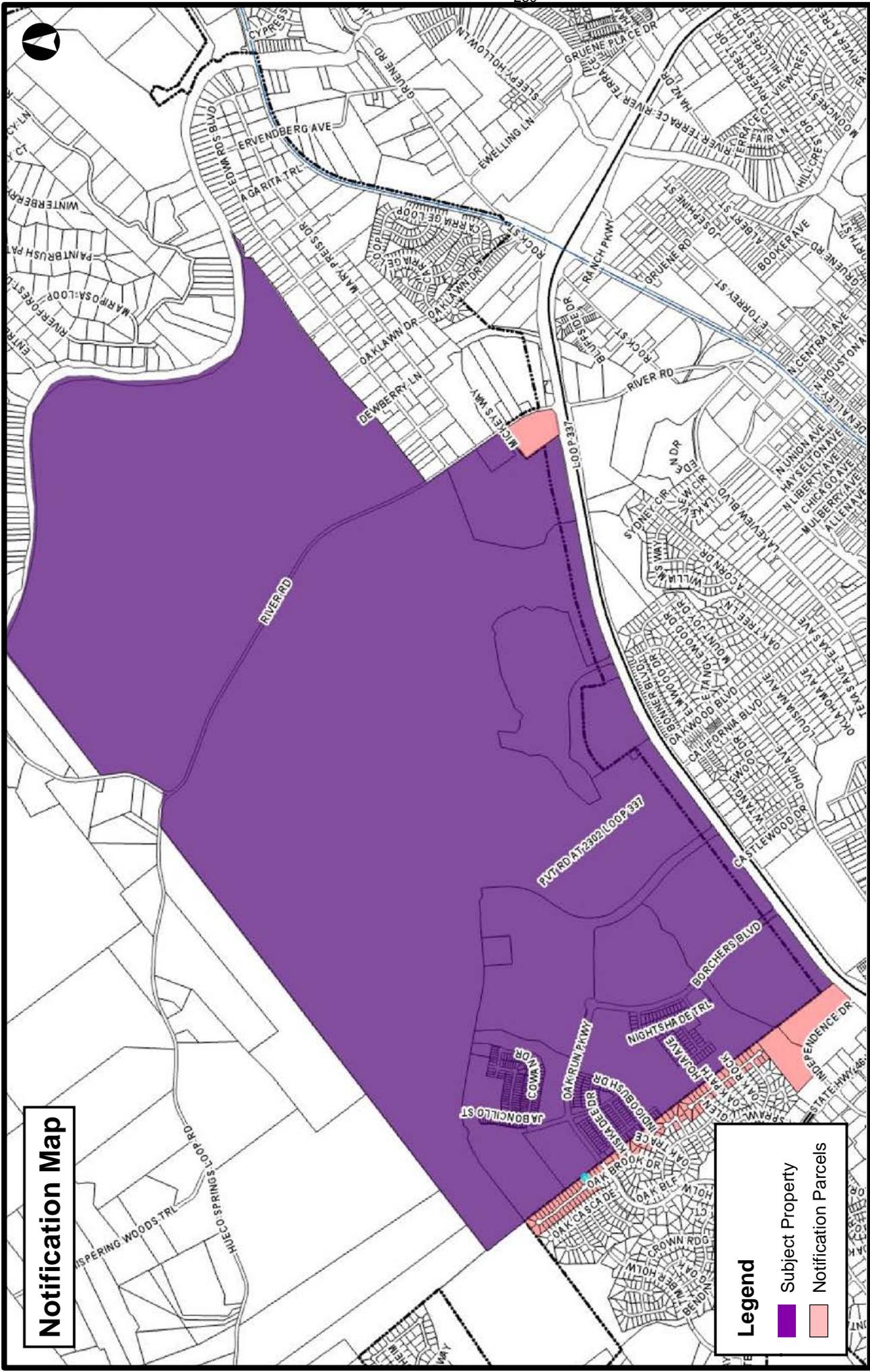
	MINIMUM DEVELOPMENT STANDARD	ALTERNATE DEVELOPMENT STANDARD
31.3.5 Fences		
Maximum height of a Fence or Wall	1.1 Front yard, side yard or rear yard abutting a park, accessway, green ribbon or other street: 36 in. where less than 50 percent transparency or 54 in. where 50 percent or greater transparency. Side yard or rear yard not abutting a park, accessway, green ribbon or other street: 8 ft.	Front yard side-yard-or-rear-yard abutting a park, accessway, green ribbon or other street: 36 in. maximum height where less than 50 percent transparency or 54 in. maximum height where 50 percent or greater transparency. Side yard or rear yard abutting a park, accessway, green ribbon or other street: 36 in. maximum height where less than 50 percent transparency or 72 in. maximum height where 50 percent or greater transparency. Side yard or rear yard not abutting a park, accessway, green ribbon or other street: 8 ft.

GUIDING PRINCIPLE OBJECTIVES 3.2 VI, IX; 4.2 III; 5.2 II.

- *Create a convenient and safe network of streets, bikeways and walkways.*
- *Create a community character and landscape that reflects the vernacular of the Texas Hill Country.*
- *Create a system of public and private landscapes that reflect the natural themes and images of the Texas Hill Country.*
- *Create an environment where residents enjoy the benefits of a balanced community with a distinct sense of place and identity, community cohesiveness and enviable lifestyle.*

RESPONSE:

The intent of this development standard is to create aesthetically pleasing, safe and functional environments for people to live, work, visit and invest and contribute to the legibility and character of the project. Given that the requirement of 50 percent or greater transparency is not being changed, the aesthetic and objective of the standard remains intact. This height will continue the height from adjacent fencing along the home's backyard and create a consistent vertical of fencing. The change in maximum height has no material affect on the homeowner or the park and its patrons.



Notification Map

Legend

- Subject Property
- Notification Parcels

**PL-19-007
Veramendi - 1A
Sector Plan-Major Revision**





City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. K)

Presenter

Amy McWhorter, Historic Preservation Officer
amcwhorter@nbtexas.org

SUBJECT:

Public hearing and approval of the first reading of an ordinance granting rehabilitation tax relief for a five-year period to the property addressed as 575 S. Hill Avenue, a contributing resource in the Sophienburg Hill Historic District.

BACKGROUND / RATIONALE:

Case No.: HLC-19-010

Council District: 5

Owner/Applicant: Daniel D. Santoni
575 S. Hill Avenue
New Braunfels, TX 78130
(210) 560-4148
dsantonijr@gmail.com

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

The property addressed at 575 South Hill Avenue includes a circa 1900 single-family dwelling that was likely constructed by the International and Great Northern Railroad. Although the dwelling is of vernacular design, it is a good representative example of a railroad section house and possesses historic significance for its association with Claudia Ayers, also known as Mother Mary Angelique, who co-founded Our Lady of the Lake University in San Antonio.

Deed records indicate that Eli Snow Ayers, a bridge engineer for the International and Great Northern Railroad purchased the subject property in 1899 and lived there until 1903. Although the family was not Catholic, his daughter Claudia had been educated in Catholic schools and wished to become a Catholic nun. Her father had objected to her wishes until the family moved to New Braunfels where nuns from the local parochial school nursed Ayers' son through a fatal course of polio. Claudia Ayers took her vows in 1904 with the Sisters of Divine Providence in San Antonio. In 1911, she and Mother Philothea Thiry established Our Lady of the Lake College, now Our Lady of the Lake University. She served as academic dean of the university until 1960.

Determination Factors:

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

- Whether the subject property has been designated as a local historic landmark or is located in a local historic district (*City Council approved the designation of the subject property as part of the Sophienburg Hill Historic district on August 10, 2009*).
- Whether the improvement(s), renovation(s) or restoration(s) to the structure total at least ten percent of the property value reflected on the appraisal district tax rolls. *The applicant has provided receipts for qualified expenditures totaling \$22,771, which is in excess of 10% of the current appraised value of the property.*

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Action 2.25 Increase resources for historic preservation. Action 8.8 Collaborate with property owners to preserve historic structures.
--	---

FISCAL IMPACT:

Approval would “freeze” the taxable value of the property to the current value for the calculation of ad valorem taxes. Therefore, exact value of the fiscal impact is contingent upon future, undetermined appraised values.

COMMITTEE RECOMMENDATION:

The Historic Landmark Commission held a public hearing on April 9, 2019 and recommended approval of the request (5-0-0, Commissioners Warnecke, Sonier and Totman were absent and Commissioner Santoni recused).

STAFF RECOMMENDATION:

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

Attachments:

1. Application
2. Location Map
3. Photographs
4. Ordinance 2009-52
5. Section 66-57-1
6. Excerpt from the April 9, 2019 Historic Landmark Commission minutes
7. Ordinance

Accela Case# HLC-19-010



Tax Incentive Application - Certification

City of New Braunfels Planning and Community Development Department
424 S. Castell Avenue, New Braunfels, TX 78130 (830) 221-4057

1. Property Address: 575 South Hill Ave New Braunfels TX
2. Legal Description: CITY BLOCK 1023, LOT B-W 82
3. Historic Designation: Sophienburg Hill Historic District
4. Owner's Name & Signature: Daniel D. Santoni Jr
5. Owner's Address: 575 South Hill Ave New Braunfels TX
6. Contact Information: 210 560 4148 dsantonijr@gmail.com
7. Applicant's Name: Daniel D. Santoni Jr.
8. Applicant's Contact Information: 210 560 4148 dsantonijr@gmail.com
9. Current County Appraised Value: \$185,340 + 199,700 4/5/19 AM
10. Cost of Improvement: \$22,772.27
11. The following items are considered Eligible Costs. Total \$22,772.27

Cost	Eligible Item	Cost	Eligible Item
	Structural walls		Roof and gutter
	Structural subfloors		Façade items
3095.95	Structural ceilings		Elevators
	Exterior doors	16,206	Foundation
	Exterior paint		Termite damage treatment
	Mechanical equipment		Security/fire systems
	Windows		Architectural/engineer services
	Exterior brick treatment		Plumbing & electric fixtures (historic)
750.00	Plumbing		Limited demolition
2719.57	Electrical wiring		

Note: Ineligible cost: Overhead, Taxes, Supervisor payroll, repairs of construction equipment, tools, and any other items not directly related to the exterior appearance or structural integrity or viability of the structure.

I hereby request consideration for Historic Tax Incentive on the above described structure/Site According to the provisions of the Tax Incentive Ordinance. I have read this ordinance and fully understand and its effect on my property. I understand that I or my representative must attend the Historic Landmark Commission meeting.

Owner's Signature

Date:

2.28.2019

Applicant's Signature

Date:

2.28.2019

HLC Meeting Date: _____



Location Map



Historic Rehabilitation Tax Relief
575 S. Hill Avenue



Subject property, camera facing west



Subject property, camera facing northwest

ORDINANCE NO. 2009- 52

AN ORDINANCE DESIGNATING THE 500 BLOCK OF HILL AVENUE AS AN EXPANSION OF THE SOPHIENBURG HILL HISTORIC DISTRICT, ACCORDING TO CHAPTER 66, ARTICLE III AND AMENDING THE ZONING MAP; 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 Historic Landmark Preservation Ordinance and Zoning Ordinance of the City of New Braunfels; and

WHEREAS, the City Council wishes to protect this area as a part of the heritage of New Braunfels for future generations; and

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

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

SECTION 1

THAT the following described area is hereby designated as a Historic District in accordance with the provisions of Chapter 66, Article III of the Code of Ordinances of the City of New Braunfels, Texas:

The 500 Block of S. Hill Avenue as an area to be known as part of The Sophienburg Hill Historic District", as shown on the attached map, marked as Exhibit A".

SECTION 2

THAT the above properties are hereby restricted as to the amount or method of change, construction, or demolition that can take place in accordance with Chapter 66, Article III of the Code of Ordinances of the City of New Braunfels.

The Secretary of Interior guidelines as defined in Article III. Historic Landmark Preservation. Sec. 66-58. will be the guidelines that apply to this District and amendment of any specific guidelines other than those identified at the adoption of this ordinance will require public hearings and approvals as currently outlined in Sec. 66-55. Designation of Historic Districts with the exception that the City would require 67% of the property owners instead of 51% to agree to change the design guidelines.

SECTION 3

THAT the above described properties are hereby entitled to all rights and privileges that are accorded to historically designated structures or sites, or which may be accorded those structures or sites in the future.

SECTION 4

THAT, the zoning map is amended by designating all tracts as defined in Exhibit A to add "HO".

SECTION 5

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

SECTION 6

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 7

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

PASSED AND APPROVED: First Reading this the 27th day of July, 2009.

PASSED AND APPROVED: Second Reading this the 10th day of August, 2009.

CITY OF NEW BRAUNFELS



R. BRUCE BOYER, Mayor

ATTEST:

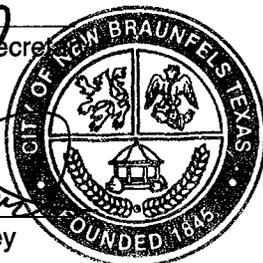


MICHAEL A. RESENDEZ, City Secretary

APPROVED AS TO FORM:



ALAN C. WAYLAND, City Attorney





HLC09-007
 500 Block of Hill Street
 Expansion of the Sophienburg Hill Historic District

LEGEND

-  Subject Properties
-  Sophienburg Hill Historic District

(b) Rehabilitation Tax relief. From the date of passage of this section, the owner of property (structure and land) having historic, architectural, and cultural significance, and so designated by the City's Historic Landmark Commission, Planning Commission, and City Council, as a historical landmark or located within a local historic district shall be eligible to apply for relief in property taxes for a period of five years. Said property, whether owned by the same individual or not, shall be eligible for such relief an additional five years. The total period of time that any one property shall be eligible to receive such tax relief shall be ten years, whether such relief is granted for two consecutive five-year periods or separate terms. For a property to be considered for a consecutive five-year period, an application shall be made during the fourth year of the original request. Whether the application is for consecutive or future periods each request shall be considered separately and must qualify as outlined below. Upon the expiration of a relief period, the property shall be placed on the tax rolls at the new appraised value and taxed accordingly. Provided, however, that should an application be received and approved during the fourth year of the first request no new appraised value will be assessed or taxed.

An application for tax relief pursuant to this section shall be made prior to the first of July of the tax year in which the relief would be granted. Application shall be made to the City's Historic Landmark Commission with a recommendation to the New Braunfels City Council for final action. If requested, the historic preservation officer may assist the owner in filing for such relief. A structure must be designated as a historic landmark as provided for in section 66-54 or located within a local historic district as provided for in section 66-55 in the New Braunfels Code of Ordinances.

1. Qualification for tax relief. The owner of a property, applying for tax relief, shall be entitled to such, provided that the improvement(s), renovation(s), or restoration(s) to the structure is at least ten percent of the value of the property value reflected on the tax rolls of the Comal or Guadalupe Appraisal District office. The tax relief shall commence after the first of January in the tax year immediately following the year in which the work is completed.

The tax relief shall be determined in the following manner. The Comal or Guadalupe Appraisal District shall cause said improvement(s), renovation(s), or restoration(s) to the structure to be appraised on or before December 31 the year the work was completed. This new appraised value less the present property value shall be shown on the tax rolls of the Comal or Guadalupe Appraisal District as the new property value. However, said improvement(s), renovation(s), or restoration(s) shall not cause the value of the property to be less than the present value prior to completion of the work.

2. Eligible costs. Eligible costs shall include exterior and interior improvements to the frame, walls, floor, ceiling, plumbing, electrical wiring and mechanical items, such as heating and air conditioning systems. Fixtures, decorative items, and/or fencing shall not be eligible for consideration unless such items were original fixtures and/or decorative items of the structure. Materials and labor for repairing, replacing or adding any of the following shall be eligible:

(1) Structural walls;

(2) Structural subfloors;

- (3) Structural ceilings;
- (4) Exterior doors;
- (5) Exterior paint (consistent with those colors available during the time period the structure was built);
- (6) Mechanical equipment;
- (7) Windows;
- (8) Exterior brick veneers or treatments;
- (9) Plumbing;
- (10) Electrical wiring;
- (11) Roof and gutter where necessary for structural integrity;
- (12) Facade items;
- (13) Elevators;
- (14) Foundations;
- (15) Termite damage and treatment;
- (16) Security and/or fire protection systems;
- (17) Architectural and engineering services if directly related to the eligible costs described above;
- (18) Plumbing and electrical fixtures documented as historic fixtures; and
- (19) Limited demolition, not more than 15 percent of the original structure, and cleanup related to the eligible costs described above.

3. Ineligible costs. Ineligible costs include the following:

- (1) Overhead;
- (2) Taxes;
- (3) Supervisor payroll;
- (4) Repairs of construction equipment;
- (5) Tools; and
- (6) Any other items not directly related to the exterior appearance or the structural integrity or viability of the structure.

(c) Tax exemption for historic districts. For properties located within a city designated historic district, property owners in the historic district will qualify for an ad valorem tax exemption of 20 percent of the assessed city ad valorem property tax. This tax exemption shall begin on the first day of the first tax year after designation of the historic district.

(d) Building Permit Fees waived. Upon approval of a Certificate of Alteration, the property owner will present said certificate to the Building Department and all building permit fees will be waived.

(Ord. No. 98-25, § 1, 9-14-98; Ord. No. 2007-24, § 1, 3-26-07, Ord. No. 2010-64)

Excerpt from the April 9, 2019 Historic Landmark Commission Draft Minutes

Discuss and consider case HLC-19-010, an application for Rehabilitation Tax Relief for the property currently addressed as 575 S. Hill Avenue, which is a contributing property in the Sophienburg Hill Historic District.

Mrs. McWhorter presented the Staff report and recommended approval.

Discussion followed regarding the previous orientation of the structure, the history of the neighborhood, and the Commission's appreciation for the preservation of the structure.

Motion by Commissioner Hoffman, seconded by Commissioner Feingold, to recommend approval to City Council regarding the application for Rehabilitation Tax Relief for the property currently addressed as 575 S. Hill Avenue, which is a contributing property in the Sophienburg Hill Historic District. Motion carried (5-0-0).

Commissioner Santoni returned at 9:14 a.m.

Chair Davis stated the property may be eligible for a Texas historical marker.

Discussion followed.

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, GRANTING A TAX RELIEF TO THE OWNER OF THE DESIGNATED HISTORIC PROPERTY LOCATED AT 575 SOUTH HILL AVENUE ALSO BEING CITY BLOCK 1023, LOT B - W 82, FOR A PERIOD OF FIVE YEARS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE

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

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

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

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

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

SECTION 1

THAT the property owner of the designated historic property located at 575 S. Hill Avenue, City Block 1023, Lot B - W 82, be granted the five year tax relief as outlined in Section 66-57.1, Incentives, Historic Landmark Preservation, of the New Braunfels Code of Ordinances, City of New Braunfels, Texas.

SECTION 2

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

SECTION 3

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

SECTION 4

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

PASSED AND APPROVED: First reading this the 13th day of May, 2019.

PASSED AND APPROVED: Second reading this the 10^h day of June 2019.

CITY OF NEW BRAUNFELS

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

5/13/2019

Agenda Item No. L)

Presenter

Amy McWhorter, Historic Preservation Officer
amcwhorter@nbtexas.org

SUBJECT:

Public hearing and approval of the first reading of an ordinance granting rehabilitation tax relief for a five-year period to the property addressed as 564 S. Hill Avenue, a contributing resource in the Sophienburg Hill Historic District and a local Historic Landmark known as the Kopplin-Leitch House.

BACKGROUND / RATIONALE:

Case No.: HLC-19-008

Council District: 5

Owner/Applicant: Bonnie Leitch
564 S. Hill Avenue
New Braunfels, TX 78130
(830) 660-2335
bkleitch@gmail.com

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

The property at 564 Hill Avenue includes a circa 1890 single-family dwelling and associated accessory structure. In 1891, Albert Kopplin purchased Lots 13, 14, 15, and 16, of Block 2 of the Jahn Addition from Emma Jahn. The deed records specify Lots 13 and 15 fronted onto the "extension of Academy Street" and Lots 14 and 16 fronted onto Grand Avenue (now known as Hill Avenue.) The subject structure is located on Lots 14 and 16 and fronts onto Hill Avenue.

According to his obituary published in 1929, Albert Kopplin came to New Braunfels in 1892. Prior to that he resided in the Bulverde and Schoenthal areas where he was a successful rancher and stock farmer. According to the 1900 Census, Kopplin lived on "Union Hill" (also known as Hill Avenue) with his wife Marie, daughter Emma Pfeuffer and grand-daughter Etekla Pfeuffer. This document lists his occupation as capitalist, which referred to someone living off of income from stocks, land, or other similar investments. The year prior to his death, Kopplin sold the property to his daughter Emma, who deeded it to her children 1929. It appears that the property was used as a rental property or part-time home following Kopplin's death as census records and anecdotal details provided by descendants show that it was not a homestead property during the period from

1930-1945. In 1945 Pfeuffer's children sold the property to Tom C. Adare, whose heirs sold it to Ernesto and Christina Solis in 1971.

The dwelling is a t-plan dwelling with a cross-gabled roof clad in corrugated metal with a shed-roof entry porch. The exterior is clad in wooden siding and the original 4/4 wooden windows are intact. The front gable projection has a mansard roof canopy with saw-tooth millwork. The front porch is supported by chamfered wooden porch posts and has an intricately carved wooden gingerbread frieze and balustrade. The primary entry is located at the junction of the front gable and wing and consists of a single, hinged door with a fixed stained-glass transom. Secondary entrances on the rear façade also have transom windows. There is one internal brick chimney. The accessory structure was constructed circa 1925.

The structure is an excellent local example of Folk Victorian architecture which was a popular residential building style in New Braunfels from circa 1885-1900. During this period, the advent of the railroad and advances in steam engine technology made the use of decorative wooden elements less expensive and more common. Character-defining features of the style include the gable front and wing form, exuberant wooden decorative elements borrowed from the Italianate and Queen Anne styles, and un-textured, simply clad exterior walls.

Determination Factors:

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

- Whether the subject property has been designated as a local historic landmark or is located in a local historic district (*City Council approved the designation of the subject property as part of the Sophienburg Hill Historic district on August 10, 2009*). In addition, *City Council approved the individual Historic Landmark designation for the property on July 10, 2017*.
- Whether the improvement(s), renovation(s) or restoration(s) to the structure total at least ten percent of the property value reflected on the appraisal district tax rolls. *The applicant has provided receipts for qualified expenditures totaling \$27,251, which is in excess of 10% of the current appraised value of the property.*

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Action 2.25 Increase resources for historic preservation. Action 8.8 Collaborate with property owners to preserve historic structures.
--	--

FISCAL IMPACT:

Approval would "freeze" the taxable value of the property to the current value for the calculation of ad valorem taxes. Therefore, exact value of the fiscal impact is contingent upon future, undetermined appraised values.

COMMITTEE RECOMMENDATION:

The Historic Landmark Commission held a public hearing on April 9, 2019 and recommended approval of the request (5-0-0, Commissioners Warnecke, Sonier and Totman were absent and Commissioner Leitch recused).

STAFF RECOMMENDATION:

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

Attachments:

1. Application
2. Location Map
3. Photographs
4. Ordinance 2009-52
5. Ordinance 2017-46
6. Section 66-57-1
7. Excerpt from the April 9, 2019 Historic Landmark Commission minutes
8. Ordinance

ACELLA: HLC 19-008

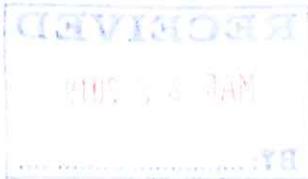


Tax Incentive Application - Certification

City of New Braunfels Planning and Community Development Department
 424 S. Castell Avenue, New Braunfels, TX 78130 (830) 221-4057

1. Property Address: 564 HILL AVENUE
2. Legal Description: LOTS 14 & 16, BLOCK 1024
3. Historic Designation: SOPHIEBURG Hill HIST DIST
4. Owner's Name & Signature: BRUCK BLOMBERG, Brock Blomberg
5. Owner's Address: 564 Hill Ave, NB, TX 78130
6. Contact Information: SBROCKBLOMBERG@GMAIL.COM
7. Applicant's Name: BONNIE LEITCH
8. Applicant's Contact Information: bkleitch@gmail.com 830.660.2325
9. Current County Appraised Value: \$225,380
10. Cost of Improvement: \$27,251
11. The following items are considered Eligible Costs. Total \$27,251

Cost	Eligible Item	Cost	Eligible Item
1250	Structural walls		Roof and gutter
	Structural subfloors		Facade items
544	Structural ceilings		Elevators
	Exterior doors	20,817	Foundation
300	Exterior paint		Termite damage treatment
	Mechanical equipment		Security/fire systems
	Windows		Architectural/engineer services
	Exterior brick treatment		Plumbing & electric fixtures (historic)
4	Plumbing		Limited demolition
4340	Electrical wiring	27,251	TOTAL



Note: Ineligible cost: Overhead, Taxes, Supervisor payroll, repairs of construction equipment, tools, and any other items not directly related to the exterior appearance or structural integrity or viability of the structure.

I hereby request consideration for Historic Tax Incentive on the above described structure/Site According to the provisions of the Tax Incentive Ordinance. I have read this ordinance and fully understand and its effect on my property. I understand that I or my representative must attend the Historic Landmark Commission meeting.

Burt H
Owner's Signature

23 March, 2019
Date:

Bonnie Leticia
Applicant's Signature

3/25/19
Date:

HLC Meeting Date: _____



Location Map



Historic Rehabilitation Tax Relief
575 S. Hill Avenue





ORDINANCE NO. 2009- 52

AN ORDINANCE DESIGNATING THE 500 BLOCK OF HILL AVENUE AS AN EXPANSION OF THE SOPHIENBURG HILL HISTORIC DISTRICT, ACCORDING TO CHAPTER 66, ARTICLE III AND AMENDING THE ZONING MAP; 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 Historic Landmark Preservation Ordinance and Zoning Ordinance of the City of New Braunfels; and

WHEREAS, the City Council wishes to protect this area as a part of the heritage of New Braunfels for future generations; and

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

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

SECTION 1

THAT the following described area is hereby designated as a Historic District in accordance with the provisions of Chapter 66, Article III of the Code of Ordinances of the City of New Braunfels, Texas:

The 500 Block of S. Hill Avenue as an area to be known as part of The Sophienburg Hill Historic District", as shown on the attached map, marked as Exhibit A".

SECTION 2

THAT the above properties are hereby restricted as to the amount or method of change, construction, or demolition that can take place in accordance with Chapter 66, Article III of the Code of Ordinances of the City of New Braunfels.

The Secretary of Interior guidelines as defined in Article III. Historic Landmark Preservation. Sec. 66-58. will be the guidelines that apply to this District and amendment of any specific guidelines other than those identified at the adoption of this ordinance will require public hearings and approvals as currently outlined in Sec. 66-55. Designation of Historic Districts with the exception that the City would require 67% of the property owners instead of 51% to agree to change the design guidelines.

SECTION 3

THAT the above described properties are hereby entitled to all rights and privileges that are accorded to historically designated structures or sites, or which may be accorded those structures or sites in the future.

SECTION 4

THAT, the zoning map is amended by designating all tracts as defined in Exhibit A to add "HO".

SECTION 5

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

SECTION 6

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 7

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

PASSED AND APPROVED: First Reading this the 27th day of July, 2009.

PASSED AND APPROVED: Second Reading this the 10th day of August, 2009.

CITY OF NEW BRAUNFELS



R. BRUCE BOYER, Mayor

ATTEST:

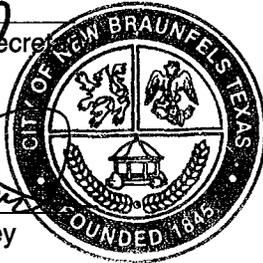


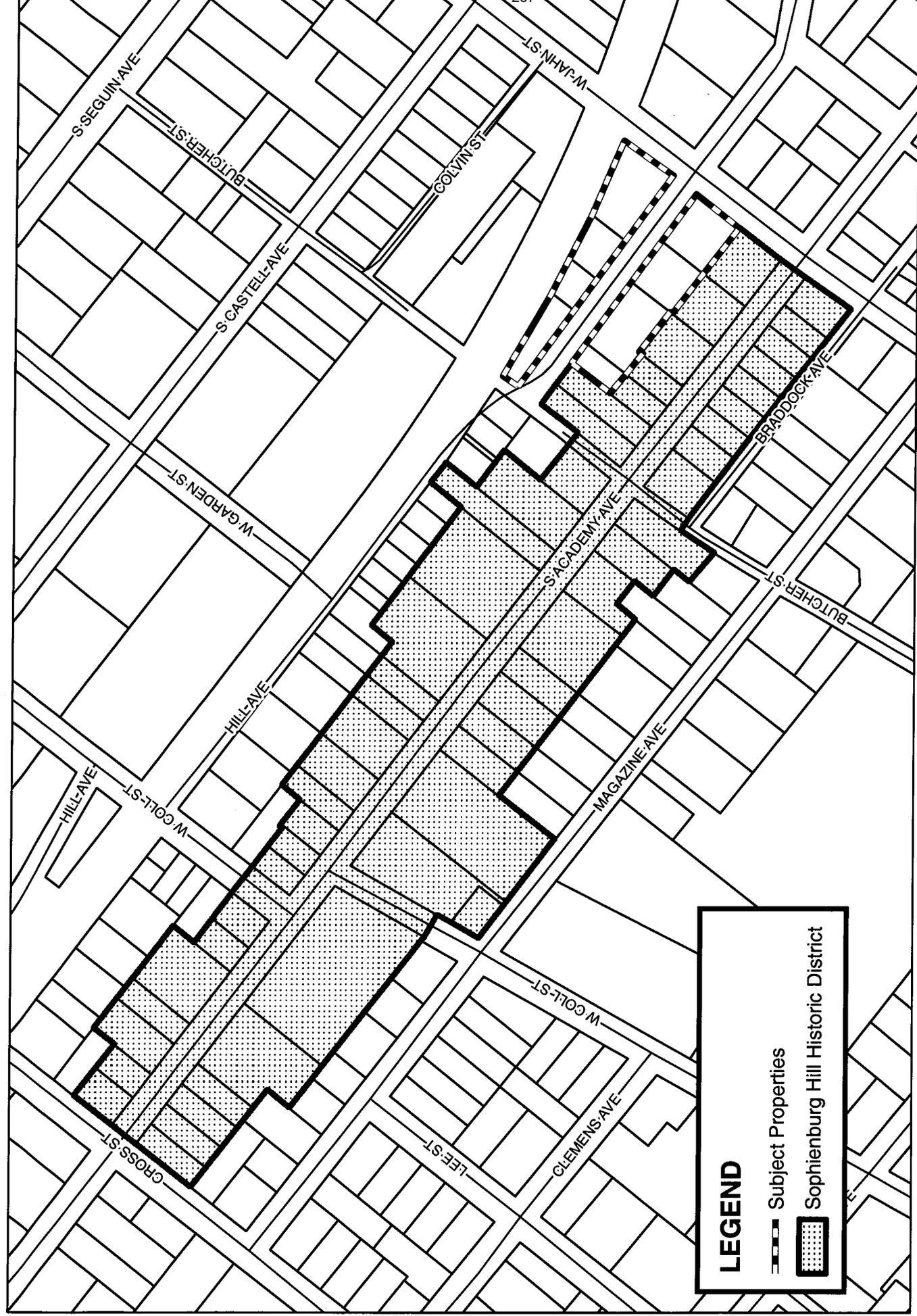
MICHAEL A. RESENDEZ, City Secretary

APPROVED AS TO FORM:



ALAN C. WAYLAND, City Attorney





HLC09-007
 500 Block of Hill Street
 Expansion of the Sophienburg Hill Historic District

LEGEND

-  Subject Properties
-  Sophienburg Hill Historic District

ORDINANCE NO. 2017- 46

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, DESIGNATING 0.241 ACRE, IOTS 14 AND 16 OF CITY BLOCK 1024, ADDRESSED AS 564 HILL AVENUE AS A HISTORIC LANDMARK TO BE KNOWN AS THE KOPPLIN-LEITCH HOUSE ACCORDING TO CHAPTER 66, ARTICLE III, AND AMENDING THE ZONING MAP; 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, this property has been recommended for historic designation by the Historic Landmark Commission; and

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

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

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

SECTION 1

THAT the following described property is hereby designated as a Historic Landmark to be known as the Kopplin-Leitch House in accord with the provisions of Chapter 66, Article III of the Code of Ordinances of the City of New Braunfels, Texas:

"Approximately 0.241 acre, Lots 14 and 16 of City Block 1024, addressed as 564 Hill Avenue, as shown on the attached map, marked as Exhibit A".

SECTION 7

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

PASSED AND APPROVED: First Reading this the 26th day of June, 2017.

PASSED AND APPROVED: Second Reading this the 10th day of July,
2017.

CITY OF NEW BRAUNFELS

Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary



APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney



Exhibit "A"

Legend
Subject Property



HLC-17-007
Historic Landmark Designation
564 Hill Avenue

Map Created 5/26/17

(b) Rehabilitation Tax relief. From the date of passage of this section, the owner of property (structure and land) having historic, architectural, and cultural significance, and so designated by the City's Historic Landmark Commission, Planning Commission, and City Council, as a historical landmark or located within a local historic district shall be eligible to apply for relief in property taxes for a period of five years. Said property, whether owned by the same individual or not, shall be eligible for such relief an additional five years. The total period of time that any one property shall be eligible to receive such tax relief shall be ten years, whether such relief is granted for two consecutive five-year periods or separate terms. For a property to be considered for a consecutive five-year period, an application shall be made during the fourth year of the original request. Whether the application is for consecutive or future periods each request shall be considered separately and must qualify as outlined below. Upon the expiration of a relief period, the property shall be placed on the tax rolls at the new appraised value and taxed accordingly. Provided, however, that should an application be received and approved during the fourth year of the first request no new appraised value will be assessed or taxed.

An application for tax relief pursuant to this section shall be made prior to the first of July of the tax year in which the relief would be granted. Application shall be made to the City's Historic Landmark Commission with a recommendation to the New Braunfels City Council for final action. If requested, the historic preservation officer may assist the owner in filing for such relief. A structure must be designated as a historic landmark as provided for in section 66-54 or located within a local historic district as provided for in section 66-55 in the New Braunfels Code of Ordinances.

1. Qualification for tax relief. The owner of a property, applying for tax relief, shall be entitled to such, provided that the improvement(s), renovation(s), or restoration(s) to the structure is at least ten percent of the value of the property value reflected on the tax rolls of the Comal or Guadalupe Appraisal District office. The tax relief shall commence after the first of January in the tax year immediately following the year in which the work is completed.

The tax relief shall be determined in the following manner. The Comal or Guadalupe Appraisal District shall cause said improvement(s), renovation(s), or restoration(s) to the structure to be appraised on or before December 31 the year the work was completed. This new appraised value less the present property value shall be shown on the tax rolls of the Comal or Guadalupe Appraisal District as the new property value. However, said improvement(s), renovation(s), or restoration(s) shall not cause the value of the property to be less than the present value prior to completion of the work.

2. Eligible costs. Eligible costs shall include exterior and interior improvements to the frame, walls, floor, ceiling, plumbing, electrical wiring and mechanical items, such as heating and air conditioning systems. Fixtures, decorative items, and/or fencing shall not be eligible for consideration unless such items were original fixtures and/or decorative items of the structure. Materials and labor for repairing, replacing or adding any of the following shall be eligible:

(1) Structural walls;

(2) Structural subfloors;

- (3) Structural ceilings;
- (4) Exterior doors;
- (5) Exterior paint (consistent with those colors available during the time period the structure was built);
- (6) Mechanical equipment;
- (7) Windows;
- (8) Exterior brick veneers or treatments;
- (9) Plumbing;
- (10) Electrical wiring;
- (11) Roof and gutter where necessary for structural integrity;
- (12) Facade items;
- (13) Elevators;
- (14) Foundations;
- (15) Termite damage and treatment;
- (16) Security and/or fire protection systems;
- (17) Architectural and engineering services if directly related to the eligible costs described above;
- (18) Plumbing and electrical fixtures documented as historic fixtures; and
- (19) Limited demolition, not more than 15 percent of the original structure, and cleanup related to the eligible costs described above.

3. Ineligible costs. Ineligible costs include the following:

- (1) Overhead;
- (2) Taxes;
- (3) Supervisor payroll;
- (4) Repairs of construction equipment;
- (5) Tools; and
- (6) Any other items not directly related to the exterior appearance or the structural integrity or viability of the structure.

(c) Tax exemption for historic districts. For properties located within a city designated historic district, property owners in the historic district will qualify for an ad valorem tax exemption of 20 percent of the assessed city ad valorem property tax. This tax exemption shall begin on the first day of the first tax year after designation of the historic district.

(d) Building Permit Fees waived. Upon approval of a Certificate of Alteration, the property owner will present said certificate to the Building Department and all building permit fees will be waived.

(Ord. No. 98-25, § 1, 9-14-98; Ord. No. 2007-24, § 1, 3-26-07, Ord. No. 2010-64)

Excerpt from the April 9, 2019 Historic Landmark Commission Draft Minutes

Discuss and consider case HLC-19-008, an application for Rehabilitation Tax Relief for the property currently addressed as 564 S. Hill Avenue, a local historic landmark known as the Kopplin-Leitch House located in the Sophienburg Hill Historic District.

Mrs. McWhorter presented the Staff report and recommended approval.

Discussion followed regarding the Commission's appreciation for the preservation of the structure.

Motion by Commissioner Hoffman, seconded by Commissioner Feingold, to recommend approval to City Council regarding the application for Rehabilitation Tax Relief for the property currently addressed as 564 S. Hill Avenue, a local historic landmark known as the Kopplin-Leitch House located in the Sophienburg Hill Historic District. Motion carried (5-0-0).

Vice Chair Leitch returned at 9:09 a.m.

Commissioner Santoni recused herself at 9:09 a.m.

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, GRANTING A TAX RELIEF TO THE OWNER OF THE DESIGNATED HISTORIC PROPERTY LOCATED AT 564 SOUTH HILL AVENUE ALSO BEING CITY BLOCK 1024, LOT 14 & 16, FOR A PERIOD OF FIVE YEARS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE

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

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

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

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

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

SECTION 1

THAT the property owner of the designated historic property located at 564 S. Hill Avenue, City Block 1024, Lot 14 & 16, be granted the five year tax relief as outlined in Section 66-57.1, Incentives, Historic Landmark Preservation, of the New Braunfels Code of Ordinances, City of New Braunfels, Texas.

SECTION 2

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

SECTION 3

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

SECTION 4

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

PASSED AND APPROVED: First reading this the 13th day of May, 2019.

PASSED AND APPROVED: Second reading this the 10^h day of June 2019.

CITY OF NEW BRAUNFELS

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

5/13/2019

Agenda Item No. M)

Presenter

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

SUBJECT:

Discuss and consider a request to consent to the creation of the Lone Oak Farm MUD (Municipal Utility District) within the City's ETJ within Guadalupe County.

BACKGROUND / RATIONALE:

Council District: Outside the City Limits

Applicant/Contact: Tony Corbett
McLean & Howard, LLP
901 South MoPac Expressway
Austin, TX 78746
(512) 328-2008 office
(512) 799-6405 mobile
tcorbett@mcleanhowardlaw.com

Owner/Developer: Kelly Leach
Gram Vikas Partners, Inc.
1141 Loop 1604 West, #s105-114
San Antonio, TX 78232
(210) 827-7918
kelly.welovedirt@gmail.com

The Texas Water Code (Chapter 54) and Texas Local Government Code (Chapter 42, Section 42.042), see attached, outline the procedures for the creation of Municipal Utility Districts (MUDs). A MUD is a political subdivision of the State, outside a city limits. They are generally desired by developers when the subject properties lie beyond the physical reach of utility providers and/or outside utility company Certificates of Convenience or Necessity (CCNs). They are a tool authorized by the Texas Legislature to allow developers to raise funds through the sale of bonds to pay for provision of water, sewage, drainage, and/or roadways. The MUD can then levy its own taxes and fees on the future property owners within the development as approved by a publicly elected board of directors.

When a proposed MUD lies within the boundaries of a city's Extraterritorial Jurisdiction (ETJ), the respective city must give its consent before the MUD may be established. Consent by the municipality allows the developer to initiate proceedings to create the MUD through the Texas Commission on Environmental Quality (TCEQ). If a city does not consent, or does not provide a timely consent, state statute allows the property owners to pursue city consent through other means.

The subject proposed MUD lies within New Braunfels' ETJ along the south side of FM 758, east of the Airport, and west of State Highway 123 (see attached maps). The MUD comprises the western portion of a larger future Master Plan submittal for a residential neighborhood the developers are planning to name Navarro Farms Subdivision.

The applicant has indicated they anticipate a water service agreement with Crystal Clear Special Utility District (SUD) will be approved for their development in June, 2019. And they anticipate Seguin will approve an agreement in May, 2019, to provide sewer service as an alternative to the developer building a packaged treatment plant.

While the developer has indicated they would have these utilities in place, he notes they are requesting the MUD for the project to be financially feasible:

- a. The receipt of water and sewer service from the third party providers requires extensive offsite capital infrastructure improvements.
- b. In the absence of the MUD, the cost of utilities would have to be recovered in the lot sales price. The MUD allows the utility costs to be repaid from bond proceeds rather than from the lot sales price.
- c. If the cost of utilities were included in the lot sales price, the lot prices would not be competitive, and the project would no longer be viable.
- d. The MUD allows the cost of infrastructure to be financed over time rather than upfront in the lot sales price. The MUD will issue bonds under which the residents will repay the infrastructure costs over 20 to 25 years rather than upfront in their lot sales price.

The applicant has indicated their intent is for the MUD to remain in existence only as necessary for infrastructure financing. After financing, the District would serve no purpose and would cease to exist through either the board of directors dissolving it, or if the City of New Braunfels elects to annex it.

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

<p>City Plan/Council Priority Envision New Braunfels Comprehensive Plan</p>	<p>Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 6.5: Utilize public/private partnerships to guide growth and investment. Regional Planning: • Balance resources in an equitable manner that does not lead to disinvestment in existing New Braunfels. • Assure the long-term fiscal health of New Braunfels and that policy decisions do not create an undue fiscal burden on the City or others. • Ensure that the policy provides guidance for decisions made by utility providers, so they can aid in achieving Envision New Braunfels.</p>
--	--

FISCAL IMPACT:

If the City were to annex before expiration of the MUD, the City would assume any remaining debt of the MUD. Otherwise, annexation should wait until the MUD no longer exists.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff has reviewed the location of this proposed MUD against policy guidance in Envision New Braunfels, as well as other plans including the Regional Transportation Plan. The site is within New Braunfels' ETJ and, therefore, will have to comply with New Braunfels subdivision, drainage, parkland dedication, roadway design, right-of-way dedication, etc. ordinances. Additionally, the developer has indicated they will not be building a packaged treatment plant as they will receive wastewater services from a utility provider. Therefore, staff recommends consent with the following conditions as authorized by state statute:

- That all facilities to serve the land be in accordance with plans and specifications approved by the City of New Braunfels, including inspections, as applicable;
- The district may only issue bonds for the purposes as outlined in Chapter 54 Section (e) of the Texas Water Code; and
- For any territory either presently within this MUD's boundaries, or in any future expansion, that lies within an area of Seguin's ETJ that is pending movement to New Braunfels' ETJ pursuant to the 2018 Interlocal Agreement between New Braunfels and Seguin regarding ETJ exchange, that the MUD board of directors voluntarily request said area be placed in New Braunfels' ETJ.

Attachments:

1. Reference Map
2. Aerial Map
3. Applicant's boundary map
4. Applicant's legal description
5. Applicant's draft resolution
6. Chapter 54 of the Texas Water Code
7. Chapter 42 of the Texas Local Government Code



State Highway 123 N

FM 758

Area Reference Map

Legend

-  Guadalupe River
-  City Limits
-  New Braunfels ETJ

Southeast ETJ





HARBOR

KOEBIG RD

STATE HWY 123 N

DENNIS DR

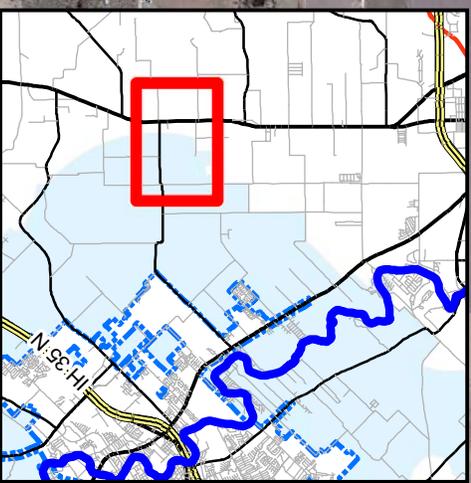
HARBORTH RD

NEUMANN RD

SWANSON RD

FM 758

HUBER RD



Aerial Map

Legend

— Subject Property

Lone Oak Farm MUD



A.M. ESNAURIZAR SURVEY
ABSTRACT NUMBER 20
GUADALUPE COUNTY, TEXAS

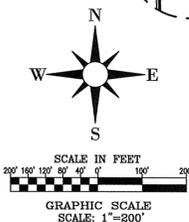
Symbol Legend:

- 1/2 Inch Iron Rod Set with Orange Plastic Cap "URBAN CIVIL"
- 1/2 Inch Iron Rod Found
- ⊕ 1/2 Inch Iron Rod Found with Orange Plastic Cap "4089"
- ⊕ 1/2 Inch Iron Rod Found with Orange Plastic Cap "2024"
- ⊕ 1/2 Inch Iron Rod Found with Yellow Plastic Cap "B&A"
- ⊕ 1 Inch Iron Pipe Found
- ⊕ Spindle Found in Post
- ⊕ Fence Post
- ⊕ Telephone Pedestal Box
- ⊕ Electric Pedestal Box
- ⊕ Power Pole
- ⊕ Anchor Guy Wire
- ⊕ Water Valve
- ⊕ Fire Hydrant
- ⊕ Marker Sign
- ⊕ Transmission Tower

Key Legend:

- OHE — Overhead Utility Line
- X — X — Fence
- — — Edge of Asphalt
- — — Edge of Concrete
- ▨ Asphalt
- ▨ Concrete
- ▨ Dry Wash

M.&P.R.G.C.T.Map & Plat Records of Guadalupe County, Texas
O.P.R.G.C.T.Official Public Records of Guadalupe County, Texas
D.R.G.C.T.Deed Records of Guadalupe County, Texas



TOTAL ACREAGE
204.889 ACRES
8,924,975 SQ. FT.

P.O.B.
GRID N=13,804,317.11
GRID E=2,294,513.63

LOT 1
5.000 ACRES
KARENS PARK
SUBDIVISION
VOL. 7, PG. 16
M.&P.G.C.T.

DAVID LEHMBERG
and wife,
LORI GAYLE LEHMBERG
46.7252 AC.
VOL. 2785, PG. 109
O.P.R.G.C.T.

LOUIS C. HEINEMEYER
AND WIFE
ANNIE HEINEMEYER
SECOND TRACT
80.6 ACRES
VOL. 234, PG. 559
D.R.G.C.T.

LOUIS C. HEINEMEYER
AND WIFE
ANNIE HEINEMEYER
FIRST TRACT
125.3 ACRES
VOL. 234, PG. 559
D.R.G.C.T.

IRMA RANDOW
TRACT "A"
VOL. 950, PG. 754
38.8986 ACRES
O.P.R.G.C.T.

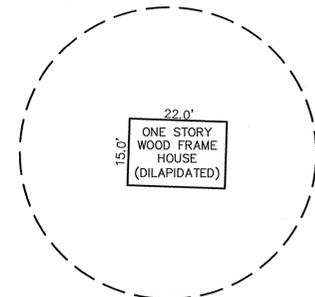
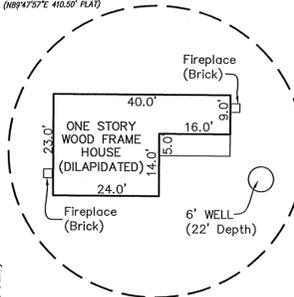
DEBORAH ANN JACKSON
LYNDA LOUISE URBAN
MICHAEL RAY KOHLBERT
PATRICIA SUE LAUDERDALE
37.256 ACRES
VOL. 1328, PG. 436
O.P.R.G.C.T. REFERENCE
VOL. 938, PG. 791
O.P.R.G.C.T.

LINE	BEARING	LENGTH
L1	N88°55'41"E	210.08'
L2	S0°27'06"E	210.54'
L3	S89°41'12"W	208.41'
L4	N0°38'05"W	208.40'

NORMAN HARBORTH
1.00 ACRE
VOL. 308, PG. 150
D.R.G.C.T.

THE NORMAN B. HARBORTH
AND MAXINE HARBORTH
REVOCABLE LIVING TRUST
36.8145 ACRES
VOL. 2464, PG. 457
O.P.R.G.C.T.

ELTON W. NEUMANN, RICHARD A. NEUMANN
TRACT ONE
231 ACRES
VOL. 2017, PG. 149
O.P.R.G.C.T.



RANDALL RAYMOND SMIDT
94.50 ACRES
VOL. 2934, PG. 159
O.P.R.G.C.T. REFERENCE
VOL. 757, PG. 508
O.P.R.G.C.T.

NOTES:

- BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATES SYSTEM, NAD83 (93) HARN, SOUTH-CENTRAL ZONE (ZONE 4204). ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES. A SURFACE ADJUSTMENT SCALE FACTOR OF 1.00014 WAS USED FOR ALL SURFACE DISTANCES.
- FIELD SURVEY AND PROPERTY CORNERS ON REFERENCED SITE WERE SURVEYED AND LOCATED BY URBAN CIVIL ON JULY 24-26, 2018 AND AUGUST 6, 2018.
- A LEGAL DESCRIPTION WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY EXHIBIT PREPARED IN OUR OFFICE ON AUGUST 9, 2018, PROJECT NO. 1806.07 NB.

Title Commitment:

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
OF. NO. 5948NB
EFFECTIVE DATE: JUNE 28, 2018
ISSUED DATE: JULY 17, 2018

This Survey was prepared in reference to the above Title Commitment and is Certified hereon for this transaction only and not intended for any subsequent transactions or parties. It does not constitute a title search by the surveyor. All information regarding record easements, adjoiners, and other documents that might affect the quality of a title to the tract shown hereon was gained from the Title Commitment.

- 10b. Water Pipeline easement recorded in Volume 748, Page 959, Official Public Records, Guadalupe County, Texas. **DOES NOT AFFECT.**
- 10c. Pipeline easement recorded in Volume 897, Page 704, Official Public Records, Guadalupe County, Texas. **DOES AFFECT, AS SHOWN HEREON.**
- 10d. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
- 10e. Visible and apparent easements over and across subject property.
- 10f. Any portion of subject property lying within the boundaries of a public or private roadway or highway.

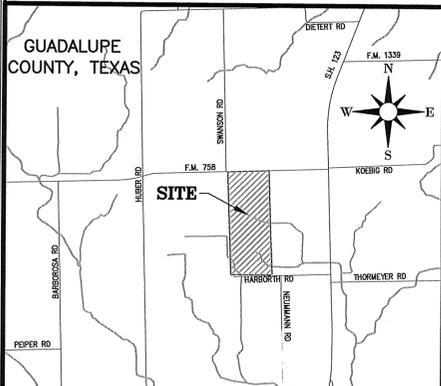
FLOOD NOTE:

THIS PROPERTY IS IN ZONE "X", DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, BASED ON THE FIRM AS DEFINED BY F.E.M.A. FLOOD INSURANCE RATE MAP, GUADALUPE COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 48167C0130F DATED NOVEMBER 2, 2007.

RANDALL RAYMOND SMIDT
94.50 ACRES
VOL. 2934, PG. 159
O.P.R.G.C.T. REFERENCE
VOL. 757, PG. 508
O.P.R.G.C.T.

LORI KATCSMORAK
6.088 ACRES
VOL. 4178, PG. 816
O.P.R.G.C.T.

LOCATION MAP
SCALE: 1"=4000'



STATE OF TEXAS
COUNTY OF GUADALUPE
I, the undersigned, KEITH W. WOOLEY, a Registered Professional Land Surveyor in the State of Texas, have made on the ground field survey, under my direction and supervision, of the property legally described herein; improvements situated on the premises have been shown. This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Land Title Survey.



This 10th Day of August, 2018 A.D.
KEITH W. WOOLEY, R.P.S.
Texas License No. 5463

STREET ADDRESS:
0 F.M. 758
SEGUIN, TEXAS 78155

CATEGORY 1A, CONDITION II
LAND TITLE SURVEY
FOR

204.889 Acres, situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, being a portion of a 125.3 Acres, called First Tract and 80.7 Acres, called Second Tract, described in a Deed to Louis C. Heinemeyer and wife, Annie Heinemeyer, as recorded in Volume 234, Page 559 of the Official Public Records of Guadalupe County, Texas.

URBAN CIVIL

2461 LOOP 337 NEW BRAUNFELS, TEXAS 78130
PHONE (830) 606-3913 FAX (830) 625-2204
TBPE FIRM# 17233 TBPLS FIRM# 10005900

REVISIONS

DATE	DESCRIPTION

DRAWN BY: M.H.
CHECKED BY: K.W.W.

DATE: AUGUST 2018
JOB NO.: 1806.07 NB

SHEET 1 OF 1

Job No. 1806.07.NB
August 9th, 2018

204.889 Acres

State of Texas County of Guadalupe

Fieldnotes, for 204.889 Acres, situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, being a portion of a 125.3 Acres, called First Tract and 80.7 Acres, called Second Tract, described in a Deed to Louis C. Heinemeyer and wife, Annie Heinemeyer, as recorded in Volume 234, Page 559 of the Official Public Records of Guadalupe County, Texas; said 204.889 Acres being more fully described by metes and bounds as follows;

Beginning, at a ½ Inch Iron Rod found, on the South Right-of-Way line of Texas F M 758, the Northwest corner of Lot 1, Karens Park Subdivision, as recorded in Volume 7, Page 16 of the Map and Plat Records of Guadalupe County, Texas, the East line of the said 125.3 Acre tract, for the Northeast corner of this tract;

Thence, South 0°36'52" East, departing the said South Right-of-Way, with the East line of the said 125.3 Acre tract, at 1601.04 Feet, pass a 1 Inch Iron Pipe Found, 0.68 feet Right of line, in all 4780.09 Feet, to a ½ Inch Iron Rod, with Orange Plastic Cap stamped "Urban Civil" set, on the apparent North Right-of-Way of Harborth Road (also known as Guadalupe County Road Number 125), for the Southeast corner of this tract, from whence a ½ Inch Iron Rod found, for the Southwest corner of a 6.088 acre tract, described in a Deed from Vicki S. Hartwick to Lori Katsmorak, as recorded in Volume 4178, Page 816 of the said Official Public Records, bears North 89°38'09" East, 669.57 Feet;

Thence, North 89°06'52" West, with the said apparent North Right-of-Way, 1138.89 Feet, to a ½ Inch Iron Rod, with Orange Plastic Cap stamped "Urban Civil" set, on the East line of the said 80.7 Acre tract, the West line of the said 125.3 Acre tract, for a corner of this tract;

Thence, North 88°47'14" West, continuing with the said apparent North Right-of-Way, at 179.26 feet, pass a ½ Inch Iron Rod found, 39.85 feet, Left of line, for a Northeast corner of a 36.8145 Acre tract, described in a Deed from Norman B. Harborth and Maxine Harborth to The Norman B. Harborth and Maxine Harborth Revocable Living Trust, as recorded in Volume 2464, Page 457 of the said Official Public Records, in all 736.07 Feet, to a ½ Inch Iron Rod, with Orange Plastic Cap stamped "Urban Civil" set, in the West line of the said 80.7 acre tract, for the Southwest corner of this tract, from whence, a ½ Inch Iron Rod found on the South Right-of-Way line of the said Harborth Rd. bears South 1°30'29" West, 39.74 Feet;

Thence, North 00°40'10" West, with the West line of the said 80.7 Acre tract, at 122.19 Feet, pass a ½ Inch Iron Rod found, 25.26 Feet, Left of line, for the Northeast corner of a 1.00 Acre tract, described in a deed from Walter Harborth and wife, Martha Harborth to Norman Harborth, as recorded in Volume 308, Page 150 of the said Official Public Records, in all 1821.25 Feet, to a 3 Inch Steel Pipe Fence Corner Post found, for the Southeast corner of a 46.7252 Acre tract, described in a Deed from Roger Lee Bormann, Brenda K. Varna and Audrey Diane Bormann to David Lehmborg and wife, Lori Gayle Lehmborg, as recorded in Volume 2785, Page 109 of the said Official Public Records, a corner of this tract;

Page 1 of 2

URBANCIVIL™

Thence, North 00°46'04" West, with the East line of the said 46.7252 Acre tract, the West line of the said 80.7 Acre tract, 2901.00 Feet, to a ½ Inch Iron Rod, with Orange Plastic Cap stamped "Urban Civil" set, on the South Right-of-Way of the said Texas F M 758, for the Northwest corner of this tract, from whence, a ½ Inch Iron Rod found for the Northwest corner of a 42.0449 Acre tract, described in a Deed from Nelson Bormann to Bartoskewitz Farm Foundation, as recorded in Volume 2803, Page 363 of the said Official Public Records, bears South 89°14'45" West, 1333.00 Feet;

Thence, North 89°14'45" East, with the said South Right-of-Way, 1883.74 Feet, to the **Point of Beginning**, containing 204.889 Acres (8,924,975 Square Feet) of Land, more or less.

Bearings are based on GPS, NAD83, State Plane Coordinates, Texas South Central Zone 4204.

Unless this fieldnote description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy.

Also reference accompanying Sketch of tract described herein.



URBAN CIVIL

Keith W. Wooley
 Keith W. Wooley, R.P.L.S.
 License No. 5463

Page 2 of 2

RESOLUTION NO. 2019-_____

A RESOLUTION OF THE CITY OF NEW BRAUNFELS, TEXAS CONSENTING
TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT

WHEREAS, the City of New Braunfels, Texas (the "City") has received a request for its consent to the inclusion of land within, and creation of, a municipal utility district (the "District") in the extraterritorial jurisdiction of the City pursuant to Section 54.016, Texas Water Code and Section 42.042, Texas Local Government Code, a copy of which request is attached hereto as Exhibit "A" (the "Petition"); and

WHEREAS, the land proposed to be included within the District, as more particularly described in the Petition (the "Property"), is located within the extraterritorial jurisdiction of the City; and,

WHEREAS, the City Council of the City of New Braunfels desires to grant its written consent to the creation of, and inclusion of the Property within, the District.

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

Section 1. The City of New Braunfels, Texas hereby consents to the creation of the District, and the inclusion of the Property within said District, in accordance with Section 54.016, Texas Water Code, and Section 42.042 of the Texas Local Government Code.

Section 2. This Resolution shall become effective from and after the date of its passage .

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2019.

Mayor

ATTEST:

City Secretary
(SEAL)

Exhibit "A"

Request for Consent to Creation of Municipal Utility District

WATER CODE

TITLE 4. GENERAL LAW DISTRICTS

CHAPTER 54. MUNICIPAL UTILITY DISTRICTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 54.001. DEFINITIONS. In this chapter:

(1) "District" means a municipal utility district operating under this chapter.

(2) "Board" means the board of directors of a district.

(3) "Director" means a member of the board of directors of a district.

(4) "Commission" means the Texas Natural Resource Conservation Commission.

(5) "Executive director" means the executive director of the Texas Natural Resource Conservation Commission.

(6) "Public agency" means any city, the United States, the State of Texas, and any district or authority created under Article XVI, Section 59, or Article III, Section 52, of the Texas Constitution, including any river authority, or any other political subdivision or governmental agency of the United States or the State of Texas.

(7) "City" means any incorporated city, town, or village of the State of Texas whether operating under general law or under its home-rule charter.

(8) "Extraterritorial jurisdiction" means the extraterritorial jurisdiction of a city as defined in Article I, Chapter 160, Acts of the 58th Legislature, 1963, as amended (Article 970a, Vernon's Texas Civil Statutes).

(9) "Sole expense" means the actual cost of the relocation, raising, rerouting, or changing grade or alteration of construction and providing comparable replacement without enhancing the facilities after deducting from it the net salvage value derived from the old facility.

Added by Acts 1971, 62nd Leg., p. 774, ch. 84, Sec. 1. Amended by Acts 1981, 67th Leg., p. 961, ch. 367, Sec. 1, eff. June 10, 1981; Acts 1985, 69th Leg., ch. 795, Sec. 1.140, eff. Sept. 1, 1985; Acts 1991, 72nd Leg., 1st C.S., ch. 3, Sec. 1.077, eff. Aug. 12, 1991.

SUBCHAPTER B. CREATION OR EXPANSION OF DISTRICT; CONVERSION OF DISTRICT

Sec. 54.011. CREATION OF DISTRICT. A municipal utility district may be created under and subject to the authority, conditions, and restrictions of Article XVI, Section 59, of the Texas Constitution.

Added by Acts 1971, 62nd Leg., p. 774, ch. 84, Sec. 1.

Sec. 54.012. PURPOSES OF A DISTRICT. A district shall be created for the following purposes:

- (1) the control, storage, preservation, and distribution of its storm water and floodwater, the water of its rivers and streams for irrigation, power, and all other useful purposes;
- (2) the reclamation and irrigation of its arid, semiarid, and other land needing irrigation;
- (3) the reclamation and drainage of its overflowed land and other land needing drainage;
- (4) the conservation and development of its forests, water, and hydroelectric power;
- (5) the navigation of its inland and coastal water;
- (6) the control, abatement, and change of any shortage or harmful excess of water;
- (7) the protection, preservation, and restoration of the purity and sanitary condition of water within the state; and
- (8) the preservation of all natural resources of the state.

Added by Acts 1971, 62nd Leg., p. 775, ch. 84, Sec. 1.

Sec. 54.013. COMPOSITION OF DISTRICT. (a) A district may include the area in all or part of any county or counties including all or part of any cities and other public agencies.

(b) The land composing a district need not be in one body, but may consist of separate bodies of land separated by land which is not included in the district.

Added by Acts 1971, 62nd Leg., p. 775, ch. 84, Sec. 1.

Sec. 54.014. PETITION. When it is proposed to create a district, a petition requesting creation shall be filed with the commission. The petition shall be signed by a majority in value of the holders of title of

the land within the proposed district, as indicated by the tax rolls of the central appraisal district.

Added by Acts 1971, 62nd Leg., p. 775, ch. 84, Sec. 1. Amended by Acts 2001, 77th Leg., ch. 1423, Sec. 29, eff. June 17, 2001.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 761 (S.B. 1987), Sec. 5, eff. June 12, 2017.

Acts 2017, 85th Leg., R.S., Ch. 965 (S.B. 2014), Sec. 4, eff. September 1, 2017.

Sec. 54.015. CONTENTS OF PETITION. The petition shall:

(1) describe the boundaries of the proposed district by metes and bounds or by lot and block number, if there is a recorded map or plat and survey of the area;

(2) state the general nature of the work proposed to be done, the necessity for the work, and the cost of the project as then estimated by those filing the petition; and

(3) include a name of the district which shall be generally descriptive of the locale of the district followed by the words Municipal Utility District, or if a district is located within one county, it may be designated "_____ County Municipal Utility District No. _____." (Insert the name of the county and proper consecutive number.) The proposed district shall not have the same name as any other district in the same county.

Added by Acts 1971, 62nd Leg., p. 775, ch. 84, Sec. 1.

Sec. 54.016. CONSENT OF CITY.

Text of subsection as amended by Acts 2017, 85th Leg., R.S., Ch. 761 (S.B. 1987), Sec. 6

(a) No land within the corporate limits of a city or within the extraterritorial jurisdiction of a city, shall be included in a district unless the city grants its written consent, by resolution or ordinance, to the inclusion of the land within the district in accordance with Section 42.042, Local Government Code, and this section. The request to a city for its written consent to the creation of a district, shall be signed by a majority in value of the holders of title of the land within the proposed

district as indicated by the county tax rolls. A petition for the written consent of a city to the inclusion of land within a district shall describe the boundaries of the land to be included in the district by metes and bounds or by lot and block number, if there is a recorded map or plat and survey of the area, and state the general nature of the work proposed to be done, the necessity for the work, and the cost of the project as then estimated by those filing the petition. If, at the time a petition is filed with a city for creation of a district, the district proposes to connect to a city's water or sewer system or proposes to contract with a regional water and wastewater provider which has been designated as such by the commission as of the date such petition is filed, to which the city has made a capital contribution for the water and wastewater facilities serving the area, the proposed district shall be designated as a "city service district." If such proposed district does not meet the criteria for a city service district at the time the petition seeking creation is filed, such district shall be designated as a "noncity service district." The city's consent shall not place any restrictions or conditions on the creation of a noncity service district as defined by Chapter 54 of the Texas Water Code other than those expressly provided in Subsection (e) of this section and shall specifically not limit the amounts of the district's bonds. A city may not require annexation as a consent to creation of any district. A city shall not refuse to approve a district bond issue for any reason except that the district is not in compliance with valid consent requirements applicable to the district. If a city grants its written consent without the concurrence of the applicant to the creation of a noncity service district containing conditions or restrictions that the petitioning land owner or owners reasonably believe exceed the city's powers, such land owner or owners may petition the commission to create the district and to modify the conditions and restrictions of the city's consent. The commission may declare any provision of the consent to be null and void.

Text of subsection as amended by Acts 2017, 85th Leg., R.S., Ch. 965 (S.B. 2014), Sec. 5

(a) No land within the corporate limits of a city or within the extraterritorial jurisdiction of a city, shall be included in a district unless the city grants its written consent, by resolution or ordinance, to the inclusion of the land within the district in accordance with Section 42.042, Local Government Code, and this section. The request to a city for

its written consent to the creation of a district, shall be signed by a majority in value of the holders of title of the land within the proposed district as indicated by the county tax rolls. A petition for the written consent of a city to the inclusion of land within a district shall describe the boundaries of the land to be included in the district by metes and bounds or by lot and block number, if there is a recorded map or plat and survey of the area, and state the general nature of the work proposed to be done, the necessity for the work, and the cost of the project as then estimated by those filing the petition. If, at the time a petition is filed with a city for creation of a district, the district proposes to connect to a city's water or sewer system or proposes to contract with a regional water and wastewater provider which has been designated as such by the commission as of the date such petition is filed, to which the city has made a capital contribution for the water and wastewater facilities serving the area, the proposed district shall be designated as a "city service district." If such proposed district does not meet the criteria for a city service district at the time the petition seeking creation is filed, such district shall be designated as a "noncity service district." The city's consent shall not place any restrictions or conditions on the creation of a noncity service district as defined by this chapter other than those expressly provided in Subsection (e) of this section and shall specifically not limit the amounts of the district's bonds. A city may not require annexation as a consent to creation of any district. A city shall not refuse to approve a district bond issue for any reason except that the district is not in compliance with valid consent requirements applicable to the district. If a city grants its written consent without the concurrence of the applicant to the creation of a noncity service district containing conditions or restrictions that the petitioning land owner or owners reasonably believe exceed the city's powers, such land owner or owners may petition the commission to create the district and to modify the conditions and restrictions of the city's consent. The commission may declare any provision of the consent to be null and void. The commission may approve the creation of a district that includes any portion of the land covered by the city's consent to creation of the district. The legislature may create and may validate the creation of a district that includes any portion of the land covered by the city's consent to the creation of the district.

(b) If the governing body of a city fails or refuses to grant permission for the inclusion of land within its extraterritorial jurisdiction in a district, including a district created by a special act of the legislature, within 90 days after receipt of a written request, a

majority of the electors in the area proposed to be included in the district or the owner or owners of 50 percent or more of the land to be included may petition the governing body of the city and request the city to make available to the land the water or sanitary sewer service contemplated to be provided by the district.

(c) If the governing body of the city and a majority of the electors or the owner or owners of 50 percent or more of the land to be included in the district fail to execute a mutually agreeable contract providing for the water or sanitary sewer service requested within 120 days after receipt of the petition, the failure shall constitute authorization for the inclusion of the land in the district under the provisions of this section. Authorization for the inclusion of such land within the district under the provisions of this section shall mean only authorization to initiate proceedings to include the land within the district as otherwise provided by this Act.

(d) The provisions of this section relating to the method of including land in a district without securing the written consent of a city applies only to land within the extraterritorial jurisdiction of a city and does not apply to land within the corporate limits of a city. If the city fails or refuses to grant permission for the inclusion of land in a district or to execute a mutually agreeable contract providing for the water or sanitary sewer service requested within the time limits contained within Subsection (b) or (c) of this section, the applicant may petition the commission for creation of the district or inclusion of the land in a district. The commission shall allow creation or inclusion of the land in a proposed district upon a finding that the city either does not have the reasonable ability to serve or has failed to make a legally binding commitment with sufficient funds available to provide water and wastewater service adequate to serve the proposed development at a reasonable cost to the landowner. The commitment shall provide that construction of the facilities necessary to serve the land shall be commenced within two years, and shall be substantially complete within four and one-half years from the date the petition was filed with the city. Upon any appeal taken to the district court from the commission ruling, all parties to the commission hearing shall be made parties to the appeal. The court shall hear the case within 120 days from the date the appeal is filed. If the case is continued or appealed to a higher court beyond such 120-day period, the court shall require the appealing party in the case of appeal to a higher court or party requesting such continuance to post a bond or other adequate security in the amount of damages that may be incurred by any party as a

result of such appeal or delay from the commission action. The amount of the bond or other security shall be determined by the court after notice and hearing. Upon final disposition, a court may award damages, including any damages for delays, attorney's fees, and costs of court to the prevailing party. Under no circumstances shall land within the corporate limits of a city be included in a district without the written consent, by ordinance or resolution, of the city. The provisions of this section shall apply whether the land is proposed to be included in the district at the time of creation of a district or to be included by annexation to a district. A district shall not allow the owner of a tract to connect to the district's water or wastewater system unless such tract is a legally subdivided lot which is part of a recorded subdivision plat or is otherwise legally exempt from the subdivision requirements of the applicable governmental authority.

(e) A city may provide in its written consent to the inclusion of land in a district, that the district construct all facilities to serve the land in accordance with plans and specifications which have been approved by the city. The city may also provide in its written consent that the city shall have the right to inspect all facilities being constructed by a district. The city's consent to the inclusion of land in the district may also contain restrictions on the terms and provisions of the district's bonds and notes issued to provide service to the land and conditions on the sale of the district's bonds and notes if the restrictions and conditions do not generally render the bonds and notes of districts in the city's extraterritorial jurisdiction unmarketable. The city's consent to the inclusion of land in a district may restrict the purposes for which a district may issue bonds to the purposes of the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

(1) provide a water supply for municipal uses, domestic uses and commercial purposes;

(2) collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state; and

(3) gather, conduct, divert and control local storm water or other local harmful excesses of water in the district and the payment of organization expenses, operation expenses during construction and interest during construction.

(f) A city may provide in its written consent for the inclusion of land in a district that is initially located wholly or partly outside the

corporate limits of the city that a contract ("allocation agreement") between the district and the city be entered into prior to the first issue of bonds, notes, warrants, or other obligations of the district. The allocation agreement shall contain the following provisions:

- (1) a method by which the district shall continue to exist following the annexation of all territory within the district by the city, if the district is located outside the corporate limits of the city at the time the creation of the district is approved by the district's voters;
- (2) an allocation of the taxes or revenues of the district or the city which will assure that, following the date of the inclusion of all the district's territory within the corporate limits of the city, the total annual ad valorem taxes collected by the city and the district from taxable property within the district does not exceed an amount greater than the city's ad valorem tax upon such property;
- (3) an allocation of governmental services to be provided by the city or the district following the date of the inclusion of all of the district's territory within the corporate limits of the city; and
- (4) such other terms and conditions as may be deemed appropriate by the city.

(g) In addition to all the rights and remedies provided by the laws of the state in the event a district violates the terms and provisions of a city's written consent, the city shall be entitled to injunctive relief or a writ of mandamus issued by a court of competent jurisdiction restraining, compelling or requiring the district and its officials to observe and comply with the terms and provisions prescribed in the city's written consent to the inclusion of land within the district.

(h) A city, other than a city with a population of more than one million that is located primarily in a county with a population of two million or more, may provide in its written consent for the inclusion of land in a district that after annexation the city may set rates for water and/or sewer services for property that was within the territorial boundary of such district at the time of annexation, which rates may vary from those for other properties within the city for the purpose of wholly or partially compensating the city for the assumption of obligation under this code providing that:

- (1) such written consent contains a contract entered into by the city and the persons petitioning for creation of the district setting forth the time and/or the conditions of annexation by the city which annexation shall not occur prior to the installation of 90 percent of the facilities for which district bonds were authorized in the written consent; and that

(2) the contract sets forth the basis on which rates are to be charged for water and/or sewer services following annexation and the length of time they may vary from those rates charged elsewhere in the city; and that

(3) the contract may set forth the time, conditions, or lands to be annexed by the district; and that

(4) (A) Each purchaser of land within a district which has entered into a contract with a city concerning water and/or sewer rates as set forth herein shall be furnished by the seller at or prior to the final closing of the sale and purchase with a separate written notice, executed and acknowledged by the seller, which shall contain the following information:

(i) the basis on which the monthly water and/or sewer rate is to be charged under the contract stated as a percentage of the water and/or sewer rates of the city;

(ii) the length of time such rates will be in effect;

(iii) the time and/or conditions of annexation by the city implementing such rates.

The provisions of Sections 49.452(g)-(p) and (s), Water Code, are herein incorporated by reference thereto, and are applicable to the separate written notice required by Section 54.016(h) (4).

A suit for damages under the provisions of these referenced sections must be brought within 90 days after the purchaser receives his or her first water and/or sewer service charge following annexation, or the purchaser loses his or her right to seek damages under this referenced section.

(B) The governing board of any district covered by the provisions of this subsection shall file with the county clerk in each of the counties in which all or part of the district is located a duly affirmed and acknowledged statement which includes the information required in Section 54.016(h) (4) (A) and a complete and accurate map or plat showing the boundaries of the district.

The provisions of Sections 49.455(c)-(j), Water Code, are herein incorporated by reference thereto.

(i) This subsection applies only to a city with a population of 500,000 or more located in a county with a population of 1.4 million or more in which two or more cities or towns with a population of 300,000 or more are predominately located. A city may provide in its written consent to the inclusion of land in a district that a district water facility that

serves land developed and subdivided into lots of less than one acre must meet the fire flow requirements to which the city is subject.

(j) A city may supplement its written consent in settlement of a water rate dispute with a district, and the terms of the supplement remain in effect after expiration of the written consent unless the city and the district agree otherwise.

Added by Acts 1971, 62nd Leg., p. 775, ch. 84, Sec. 1. Amended by Acts 1975, 64th Leg., p. 247, ch. 98, Sec. 1, eff. Sept. 1, 1975; Acts 1979, 66th Leg., p. 2026, ch. 796, Sec. 1, 4, eff. Aug. 27, 1979; Acts 1987, 70th Leg., ch. 1077, Sec. 9, eff. Sept. 1, 1987; Acts 1989, 71st Leg., ch. 1, Sec. 3(m), eff. Aug. 28, 1989; Acts 1995, 74th Leg., ch. 76, Sec. 11.326, eff. Sept. 1, 1995; Acts 2001, 77th Leg., ch. 669, Sec. 147, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1098 (H.B. 3378), Sec. 2, eff. June 15, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1163 (H.B. 2702), Sec. 183, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 105 (S.B. 902), Sec. 28, eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 761 (S.B. 1987), Sec. 6, eff. June 12, 2017.

Acts 2017, 85th Leg., R.S., Ch. 965 (S.B. 2014), Sec. 5, eff. September 1, 2017.

Sec. 54.0161. REVIEW OF CREATION BY COUNTY. (a) This section applies only to a proposed district all of which is to be located outside the corporate limits of a municipality.

(a-1) Promptly after a petition is filed with the commission to create a district to which this section applies, the commission shall notify the commissioners court of any county in which the proposed district is to be located.

(a-2) The commissioners court of a county in which the district is to be located may review the petition for creation and other evidence and information relating to the proposed district that the commissioners consider necessary. Petitioners for the creation of a district shall submit to the county commissioners court any relevant information requested by the commissioners court.

(b) In the event the county commissioners court votes to submit information to the commission or to make a recommendation regarding the creation of the proposed district, the commissioners court shall submit to the commission, at least 10 days before the date set for action on the petition, a written opinion stating:

(1) whether the commissioners court recommends the creation of the proposed district; and

(2) any findings, conclusions, and other information that the commissioners court thinks would assist the commission in making a final determination on the petition.

(c) In passing on a petition subject to this section, the commission shall consider the written opinion submitted by the county commissioners court.

Added by Acts 1975, 64th Leg., p. 1293, ch. 485, Sec. 1, eff. Sept. 1, 1975.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 645 (H.B. 738), Sec. 1, eff. September 1, 2013.

Sec. 54.0162. OPTION OF SELECTION BY DISTRICT COMPOSED OF NONCONTIGUOUS AREAS LOCATED IN THE EXTRATERRITORIAL JURISDICTION OF TWO MUNICIPALITIES. (a) A municipal utility district composed of noncontiguous areas that on January 1, 1995, are contained in the extraterritorial jurisdiction of two municipalities may choose, by a resolution of the governing body of the district, to be wholly contained in the extraterritorial jurisdiction of one municipality selected by the governing body of the district if:

(1) both the municipality selected by the district and all parts of the district are located in the same county;

(2) a majority of the area of the municipality not selected by the district is in a county other than the county in which the district is located, and neither county has a population greater than 3.3 million;

(3) the boundary of the municipality selected by the district is located not more than two miles from any part of the district;

(4) the noncontiguous areas of the district are not, at their closest point, more than two miles apart;

(5) the district is within a water control and improvement district; and

(6) a certified copy of the resolution of the governing body of the district is filed with both municipalities before the effective date specified in the resolution.

(b) If a municipal utility district selects a municipality under Subsection (a), another municipal utility district that has a boundary contiguous to the district that has selected a municipality under Subsection (a) and has a boundary contiguous to the selected municipality may choose by resolution of the governing body of the municipal utility district to be contained wholly in the extraterritorial jurisdiction of the selected municipality. A copy of the resolution must be filed in the same manner as required by Subsection (a)(6).

(c) The governing body of a municipality not selected under the provisions of Subsection (a) or (b) shall release the area of the municipal utility district from the municipality's extraterritorial jurisdiction on the effective date of the resolution presented to the governing body of the municipality under Subsection (a) or (b). The released area becomes part of the extraterritorial jurisdiction of the selected municipality. The released area is not subject to any ordinance of the municipality not selected by the district.

(d) This section controls over any other law relating to the creation, application, or operation of the extraterritorial jurisdiction of a municipality.

(e) The provisions of this section also apply to a municipal utility district that:

- (1) was created before 1980;
- (2) has an area of 700 acres or less; and
- (3) is located, in part, within the extraterritorial jurisdiction of two or more municipalities and, in part, outside municipal extraterritorial jurisdiction in the unincorporated area of a county.

(f) A municipal utility district acting under Subsection (e) shall comply with the notification and selection requirements of this section. A municipality affected by the decision of a municipal utility district acting under Subsection (e) shall comply with the requirements of Subsections (b) and (c).

(g) A municipal utility district described by Subsection (e) shall notify the affected municipality within 30 calendar days of notice of intent to annex by that municipality.

Added by Acts 1995, 74th Leg., ch. 784, Sec. 1, eff. June 16, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1163 (H.B. 2702), Sec. 184, eff. September 1, 2011.

Sec. 54.0163. OPTION OF SELECTION OF EXTRATERRITORIAL JURISDICTION FOR CERTAIN DISTRICTS. (a) The board of a district that is located in the extraterritorial jurisdictions of more than one municipality by resolution may select the municipality that may exercise authority within the district as a whole. The resolution must state the effective date.

(b) As soon as practicable, the board shall file with each affected municipality and in the real property records of each county in which the district is located a certified copy of the resolution.

(c) On the effective date of the resolution, the district is contained wholly in the extraterritorial jurisdiction of the municipality selected by the resolution for all purposes. No action or approval by a municipality not selected is required.

(d) A board that has made a selection of extraterritorial jurisdiction under Section 54.0162 may confirm the selection by the adoption of a resolution under this section. If the selection under Section 54.0162 is confirmed under this subsection, the selection is effective from the date of the original selection.

(e) Repealed by Acts 2003, 78th Leg., ch. 248, Sec. 57.

Added by Acts 1997, 75th Leg., ch. 1188, Sec. 1, eff. June 20, 1997.

Amended by Acts 2003, 78th Leg., ch. 248, Sec. 57(1), eff. June 18, 2003.

Sec. 54.0165. ADDITION TO DISTRICT OF LAND IN EXTRATERRITORIAL JURISDICTION OF MUNICIPALITY. (a) A district may not add land that is located in the extraterritorial jurisdiction of a municipality unless the governing body of the municipality gives its written consent by ordinance or resolution in accordance with this subsection and Section 54.016. In giving its consent, the municipality may not place any conditions or other restrictions on the expansion of the political subdivision other than those expressly permitted by Section 54.016(e).

(b) The procedures under Section 54.016 governing a municipality's refusal to consent to the creation of a district apply to a municipality that refuses to consent to the addition of land to a district under this section.

(c) An owner of land in the area proposed to be added to the district may not unreasonably refuse to enter into a contract for water or sanitary sewer services with the municipality under Section 54.016(c).

Added by Acts 2007, 80th Leg., R.S., Ch. 703 (H.B. 2091), Sec. 4, eff. June 15, 2007.

Sec. 54.018. NOTICE AND HEARING ON DISTRICT CREATION. If a petition is filed under Section 54.014, the commission shall give notice of an application as required by Section 49.011 and may conduct a hearing on the application if the commission determines that a hearing is necessary under Section 49.011.

Added by Acts 1971, 62nd Leg., p. 777, ch. 84, Sec. 1. Amended by Acts 1997, 75th Leg., ch. 1070, Sec. 27, eff. Sept. 1, 1997.

Sec. 54.020. HEARING. (a) If the commission determines that a hearing is necessary under Section 49.011, the commission shall conduct a hearing and accept evidence on the sufficiency of the petition and whether the project is feasible and practicable and is necessary and would be a benefit to all or any part of the land proposed to be included in the district.

(b) The commission shall have jurisdiction to determine all issues on the sufficiency of the petition and creation of the district.

(c) The hearing may be adjourned from day to day, and the commission shall have power to make all incidental orders necessary with respect to the matters before it.

Added by Acts 1971, 62nd Leg., p. 778, ch. 84, Sec. 1. Amended by Acts 1997, 75th Leg., ch. 1070, Sec. 28, eff. Sept. 1, 1997.

Sec. 54.021. GRANTING OR REFUSING PETITION. (a) If the commission finds that the petition conforms to the requirements of Section 54.015 and that the project is feasible and practicable and is necessary and would be a benefit to the land to be included in the district, the commission shall so find by its order and grant the petition.

(b) In determining if the project is feasible and practicable and if it is necessary and would be a benefit to the land included in the district, the commission shall consider:

(1) the availability of comparable service from other systems, including but not limited to water districts, municipalities, and regional authorities;

(2) the reasonableness of projected construction costs, tax rates, and water and sewer rates; and

(3) whether or not the district and its system and subsequent development within the district will have an unreasonable effect on the following:

- (A) land elevation;
- (B) subsidence;
- (C) groundwater level within the region;
- (D) recharge capability of a groundwater source;
- (E) natural run-off rates and drainage;
- (F) water quality; and
- (G) total tax assessments on all land located within a

district.

(c) If the commission finds that not all of the land proposed to be included in the district will be benefited by the creation of the district, the commission shall so find and exclude all land which is not benefited from the proposed district and shall redefine the proposed district's boundaries accordingly.

(d) If the commission finds that the petition does not conform to the requirements of Section 54.015 of this code or that the project is not feasible, practicable, necessary, or a benefit to the land in the district, the commission shall so find by its order and deny the petition.

(e) A copy of the order of the commission granting or denying a petition shall be mailed to each city having extraterritorial jurisdiction in the county or counties in which the district is located who requested a hearing under Section 49.011.

Added by Acts 1971, 62nd Leg., p. 778, ch. 84, Sec. 1. Amended by Acts 1975, 64th Leg., p. 1292, ch. 484, Sec. 1, eff. Sept. 1, 1975; Acts 1997, 75th Leg., ch. 1070, Sec. 29, eff. Sept. 1, 1997.

Sec. 54.022. TEMPORARY DIRECTORS. If the commission grants the petition, it shall appoint five temporary directors to serve until permanent directors are elected.

Added by Acts 1971, 62nd Leg., p. 778, ch. 84, Sec. 1.

Sec. 54.023. APPEAL FROM THE ORDER OF THE COMMISSION. Any person who signed the petition, any city, or any person who appeared in person or by attorney or agent and offered testimony for or against the creation of the district, may appeal from the order of the commission granting or refusing the petition within 30 days after the entry of the order.

Added by Acts 1971, 62nd Leg., p. 778, ch. 84, Sec. 1.

Sec. 54.024. SUPERVISION BY COMMISSION. The rights, powers, privileges, authority, and functions conferred on a district by granting of a petition for creation shall be subject to the continuing right of supervision of the state to be exercised by and through the commission.

Added by Acts 1971, 62nd Leg., p. 778, ch. 84, Sec. 1. Amended by Acts 1981, 67th Leg., p. 961, ch. 367, Sec. 1, eff. June 10, 1981; Acts 1985, 69th Leg., ch. 795, Sec. 1.142, eff. Sept. 1, 1985; Acts 1995, 74th Leg., ch. 76, Sec. 11.328, eff. Sept. 1, 1995.

Sec. 54.025. QUALIFICATION OF TEMPORARY DIRECTORS. After a district has been organized, each temporary director shall execute a bond in accordance with the provisions of Section 49.055 and shall take the oath of office, and the board shall meet and organize.

Added by Acts 1971, 62nd Leg., p. 778, ch. 84, Sec. 1. Amended by Acts 1995, 74th Leg., ch. 715, Sec. 16, eff. Sept. 1, 1995.

Sec. 54.030. CONVERSION OF CERTAIN DISTRICTS INTO DISTRICTS OPERATING UNDER THIS CHAPTER. (a) Any water improvement district, water control and improvement district, fresh water supply district, levee improvement district, irrigation district, or any other conservation and reclamation district created under Article XVI, Section 59, of the Texas Constitution, may be converted to a district operating under this chapter.

(b) The governing body of a district which desires to convert into a district operating under this chapter shall adopt and enter in the minutes of the governing body a resolution declaring that in its judgment, conversion into a municipal utility district operating under this chapter and under Article XVI, Section 59, of the Texas Constitution, would serve the best interest of the district and would be a benefit to the land and property included in the district. The resolution shall also request the commission to hold a hearing on the question of the conversion of the district.

(c) A copy of the resolution shall be filed with the commission.

Added by Acts 1971, 62nd Leg., p. 779, ch. 84, Sec. 1. Amended by Acts 1983, 68th Leg., p. 368, ch. 81, Sec. 9(e), eff. Sept. 1, 1983; Acts 1987, 70th Leg., ch. 399, Sec. 3, eff. Sept. 1, 1987.

Sec. 54.031. ESTABLISHING DATE FOR HEARING. When the resolution requesting conversion is filed, the commission, or someone authorized by the commission, shall fix a date, time, and place when the conversion hearing will be held.

Added by Acts 1971, 62nd Leg., p. 780, ch. 84, Sec. 1.

Sec. 54.032. CONVERSION OF DISTRICT: NOTICE. (a) Notice of the conversion hearing shall be given by publishing notice in a newspaper with general circulation in the county or counties in which the district is located.

(b) The notice shall be published once a week for two consecutive weeks with the first publication to be made not less than 14 full days before the time set for the hearing.

(c) The notice shall:

- (1) state the time and place of the hearing;
- (2) set out the resolution adopted by the district in full; and
- (3) notify all interested persons to appear and offer testimony for or against the proposal contained in the resolution.

Added by Acts 1971, 62nd Leg., p. 780, ch. 84, Sec. 1.

Sec. 54.033. CONVERSION OF DISTRICT; FINDINGS. (a) After a hearing, if the commission finds that conversion of the district into one operating under this chapter would serve the best interest of the district and would be a benefit to the land and property included in the district, it shall enter an order making this finding and the district shall become a district operating under this chapter and no confirmation election shall be required.

(b) If the commission finds that the conversion of the district would not serve the best interest of the district and would not be a benefit to the land and property included in the district, it shall enter an order against conversion of the district into one operating under this chapter.

(c) The findings of the commission entered under this section shall be subject to appeal or review within 30 days after entry of the order of the commission granting or denying the conversion.

(d) A copy of the commission order converting a district shall be filed in the deed records of the county or counties in which the district is located.

Added by Acts 1971, 62nd Leg., p. 780, ch. 84, Sec. 1. Amended by Acts 1981, 67th Leg., p. 981, ch. 367, Sec. 23, eff. June 10, 1981.

Sec. 54.034. EFFECT OF CONVERSION. A district which is converted into a district operating under this chapter shall:

(1) be constituted a municipal utility district operating under and governed by this chapter;

(2) be a conservation and reclamation district under the provisions of Article XVI, Section 59, of the Texas Constitution; and

(3) have and may exercise all the powers, authority, functions, duties, and privileges provided in this chapter in the same manner and to the same extent as if the district had been created under this chapter.

Added by Acts 1971, 62nd Leg., p. 780, ch. 84, Sec. 1.

Sec. 54.035. RESERVATION OF CERTAIN POWERS FOR CONVERTED DISTRICTS.

(a) Any district after converting into a municipal utility district may continue to exercise all necessary specific powers under any specific conditions provided by the chapter of this code under which the district was operating before conversion and may retain its original name.

(b) Any district converted into a municipal utility district shall continue to have the power to issue bonds voted before the conversion but yet unissued and levy and collect maintenance taxes, bond taxes, or other taxes which were voted before the conversion.

(c) At the time of making the order of conversion, the commission shall specify in the order the specific provisions of this code under which the district had been operating which are to be preserved and made applicable to the operations of the district after conversion into a district operating under this chapter and whether a new name will be assigned to the district or the old name retained.

(d) A reservation of a former power under Subsection (a) of this section may be made only if this chapter does not make specific provision concerning a matter necessary to the effectual operation of the converted district.

(e) In all cases in which this chapter does make specific provision, this chapter shall, after conversion, control the operations and procedure of the converted district.

Added by Acts 1971, 62nd Leg., p. 781, ch. 84, Sec. 1.

Sec. 54.036. DIRECTORS TO CONTINUE SERVING. The existing board of a district converted to a municipal utility district under the provisions of this chapter shall continue to serve as the board of the converted district.

Added by Acts 1971, 62nd Leg., p. 781, ch. 84, Sec. 1. Amended by Acts 1981, 67th Leg., p. 961, ch. 367, Sec. 1, eff. June 10, 1981; Acts 1983, 68th Leg., p. 1105, ch. 250, Sec. 1, eff. Aug. 29, 1983; Acts 1983, 68th Leg., p. 5214, ch. 951, Sec. 6, eff. Jan. 1, 1984; Acts 1995, 74th Leg., ch. 715, Sec. 17, eff. Sept. 1, 1995.

Sec. 54.037. REGIONAL PLAN IMPLEMENTATION AGENCIES. (a) This section applies only to regional plan implementation agencies, referred to in this section as agency, created as provided below. An agency may only be created in connection with regional planning efforts, and only then when requested by a city. The purpose of this section is to encourage and promote regional planning by cities and to facilitate the implementation of areawide, systematic solutions to water, waste disposal, drainage, and other problems.

(b) The creation of an agency requires that a special petition be filed with the commission. The special petition shall:

(1) describe the boundaries of the proposed agency by metes and bounds or by lot and block number, if there is a recorded map or plat and survey of the area;

(2) describe the regional planning efforts which are in progress or completed as of the date of the petition and the anticipated role of the proposed agency in connection with the implementation of the regional plan;

(3) include a name of the proposed agency, which must be generally descriptive of the locale followed by the words "regional plan implementation agency" and must be different from the name of any other agency in the same county;

(4) be signed by or on behalf of the owner or owners of the fee simple title to 50 percent or more of the surface of the land within the boundaries of the proposed agency, as of the date of the petition, as indicated by the county tax rolls or other title data acceptable to the commission;

(5) be approved by the governing body of each city having extraterritorial jurisdiction over land within the boundaries of the proposed agency as of the date of the petition, by motion, resolution, or ordinance which certifies that:

(A) the regional planning efforts described in the petition are approved by the city;

(B) in the opinion of the governing body, the creation of the proposed agency would assist in the implementation of such regional plan; and

(C) the city requests and consents to the creation of the proposed agency; and

(6) be endorsed by an officer of each such city to indicate that the petition has been so approved by the governing body.

(c) The application fee for such a special petition is the same as for any ordinary district. After the petition is filed, the standards and procedures for commission review and action are the same as for any ordinary district, except that:

(1) the commission must consider the scope of the regional plan in connection with its findings; and

(2) the requirements for the special petition, above, shall apply in lieu of the requirements for ordinary districts set out in Section 54.014, 54.015, 54.016, or other sections of this code.

(d) The application of an agency for approval of a bond issue must include an agreement between the agency and each city having extraterritorial jurisdiction over land within the agency as of the date of the application. The agreement must identify those facilities which are proposed to be financed from the proceeds of the bond issue in question. It must also identify which of those facilities are part of the regional plan and which are not part of the plan. Those which are part of the regional plan:

(1) may be larger than would otherwise be necessary to serve just the needs of the agency; and

(2) may be constructed by, conveyed to, or otherwise acquired by the city, subject to the terms of such agreement. Those facilities which are not part of the regional plan and are to be financed by the agency must be agreed upon by the city and the agency as being consistent with the regional plan.

(e) An agency may acquire any land, easements, or other property, real or personal, within or without the agency, for any purpose or function permitted to a district and may elect to condemn either the fee simple title or an easement only. Section 54.212(a) of this code does not apply to an agency. If the mode and manner for condemnation of any type of property is not otherwise prescribed by law, the Texas Water Development Board may prescribe the same by rule.

(f) An agency is a district subject to all provisions of this chapter and other laws relating to districts, except that the special provisions of this section shall take precedence over differing or conflicting provisions elsewhere.

(g) Nothing in this Act waives the requirements of this chapter or other applicable laws relating to voter approval of bond issues.

Added by Acts 1985, 69th Leg., ch. 939, Sec. 1, eff. Aug. 26, 1985.

Amended by Acts 1987, 70th Leg., ch. 399, Sec. 4, eff. Sept. 1, 1987.

SUBCHAPTER C. ADMINISTRATIVE PROVISIONS

Sec. 54.101. BOARD OF DIRECTORS. A district shall be governed by a board of five directors.

Added by Acts 1971, 62nd Leg., p. 781, ch. 84, Sec. 1.

Sec. 54.102. QUALIFICATIONS FOR DIRECTORS. To be qualified to serve as a director, a person shall be at least 18 years old, a resident citizen of the State of Texas, and either own land subject to taxation in the district or be a qualified voter within the district.

Added by Acts 1971, 62nd Leg., p. 781, ch. 84, Sec. 1. Amended by Acts 1997, 75th Leg., ch. 1070, Sec. 30, eff. Sept. 1, 1997.

Sec. 54.103. LIMITATION ON FILLING VACANCIES. A board may not appoint a person to fill a vacancy on the board if the person:

(1) resigned from the board:

(A) in the two years preceding the vacancy date; or

(B) on or after the vacancy date but before the vacancy is filled; or

(2) was defeated in a directors election held by the district in the two years preceding the vacancy date.

Added by Acts 2005, 79th Leg., Ch. 33 (S.B. 693), Sec. 1, eff. May 9, 2005.

SUBCHAPTER D. POWERS AND DUTIES

Sec. 54.201. POWERS. (a) A district shall have the functions, powers, authority, rights, and duties which will permit accomplishment of the purposes for which it was created.

(b) A district is authorized to purchase, construct, acquire, own, operate, maintain, repair, improve, or extend inside and outside its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary to accomplish the purposes of the district authorized by the constitution, this code, or other law, including all works, improvements, facilities, plants, equipment, and appliances incident, helpful, or necessary to:

(1) supply water for municipal uses, domestic uses, power, and commercial purposes and all other beneficial uses or controls;

(2) collect, transport, process, dispose of, and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state;

(3) gather, conduct, divert, and control local storm water or other local harmful excesses of water in a district;

(4) irrigate the land in a district;

(5) alter land elevation in a district where it is needed;

(6) navigate coastal and inland waters of the district; and

(7) provide parks and recreational facilities for the inhabitants in the district, subject to the provisions of Chapter 49.

Added by Acts 1971, 62nd Leg., p. 786, ch. 84, Sec. 1. Amended by Acts 1985, 69th Leg., ch. 100, Sec. 2, eff. Sept. 1, 1985; Acts 2003, 78th Leg., ch. 248, Sec. 27, eff. June 18, 2003.

Sec. 54.203. MUNICIPAL SOLID WASTE. A district is authorized to purchase, construct, acquire, own, operate, maintain, repair, improve, extend, or establish a municipal solid waste collection and disposal system, including recycling, inside and outside the district and make proper charges for it. A district may require use of such services as a condition for receiving other district services. A district may enter into an exclusive contract with a private entity to provide such services to all land and persons within its boundaries.

Added by Acts 1971, 62nd Leg., p. 787, ch. 84, Sec. 1. Amended by Acts 1991, 72nd Leg., ch. 820, Sec. 1, eff. Aug. 26, 1991; Acts 1995, 74th Leg., ch. 715, Sec. 18, eff. Sept. 1, 1995.

Sec. 54.205. ADOPTING RULES AND REGULATIONS. A district may adopt and enforce reasonable rules and regulations to:

(1) secure and maintain safe, sanitary, and adequate plumbing installations, connections, and appurtenances as subsidiary parts of its

sanitary sewer system;

(2) preserve the sanitary condition of all water controlled by the district;

(3) prevent waste or the unauthorized use of water controlled by the district;

(4) regulate privileges on any land or any easement owned or controlled by the district; and

(5) provide and regulate a safe and adequate freshwater distribution system.

Added by Acts 1971, 62nd Leg., p. 787, ch. 84, Sec. 1. Amended by Acts 1981, 67th Leg., p. 3150, ch. 828, Sec. 1, eff. June 17, 1981.

Sec. 54.2051. SERVICE CONNECTIONS TO CERTAIN DWELLING UNITS. (a) If the tenant of an individually metered dwelling unit applies to a district for utility service for that unit, the district may not require that the service be connected in the name of the landlord or owner of the unit.

(b) This section does not apply to a dwelling unit that is located in a building that:

(1) contains two or more dwelling units; and

(2) is served by a master meter or demand meter.

(c) In this section, "individually metered dwelling unit" means one or more rooms:

(1) rented for use as a permanent residence under a single verbal or written rental agreement; and

(2) served by a utility meter that belongs to the district and measures service only for that unit.

Added by Acts 1997, 75th Leg., ch. 166, Sec. 8, eff. Sept. 1, 1997.

Sec. 54.2052. PLUMBING CODE. Notwithstanding any other law, a district is not required to adopt a plumbing code. A district may adopt and enforce one or more plumbing codes meeting the standards and requirements of the rules and laws of this state and may amend any code adopted to conform to local concerns if the amendment does not substantially vary from rules or laws of this state. If a municipal regulation conflicts with a district regulation, the municipal regulation prevails.

Added by Acts 2003, 78th Leg., ch. 248, Sec. 28, eff. June 18, 2003.

Sec. 54.206. EFFECT OF RULES. After the required publication, rules adopted by the district under Section 54.205 of this code shall be recognized by the courts as if they were penal ordinances of a city.

Added by Acts 1971, 62nd Leg., p. 787, ch. 84, Sec. 1.

Sec. 54.207. PUBLICATION OF RULES. (a) The board shall publish once a week for two consecutive weeks a substantive statement of the rules and the penalty for their violation in one or more newspapers with general circulation in the area in which the district is located.

(b) The substantive statement shall be condensed as far as possible to intelligently explain the purpose to be accomplished or the act forbidden by the rules.

(c) The notice must advise that breach of the rules will subject the violator to a penalty and that the full text of the rules are on file in the principal office of the district where they may be read by any interested person.

(d) Any number of rules may be included in one notice.

Added by Acts 1971, 62nd Leg., p. 787, ch. 84, Sec. 1.

Sec. 54.208. EFFECTIVE DATE OF RULES. The penalty for violation of a rule is not effective and enforceable until five days after the publication of the notice. Five days after the publication, the published rule shall be in effect and ignorance of it is not a defense to a prosecution for the enforcement of the penalty.

Added by Acts 1971, 62nd Leg., p. 788, ch. 84, Sec. 1.

Sec. 54.209. LIMITATION ON USE OF EMINENT DOMAIN. A district may not exercise the power of eminent domain outside the district boundaries to acquire:

- (1) a site for a water treatment plant, water storage facility, wastewater treatment plant, or wastewater disposal plant;
- (2) a site for a park, swimming pool, or other recreational facility, as defined by Section 49.462;
- (3) an exclusive easement through a county regional park; or
- (4) a site or easement for a road project.

Added by Acts 2005, 79th Leg., Ch. 271 (H.B. 1208), Sec. 1, eff. June 9, 2005.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 81 (S.B. 18), Sec. 21, eff. September 1, 2011.

Sec. 54.234. ACQUIRING ROAD POWERS. (a) Any district or any petitioner seeking the creation of a district may petition the commission to acquire the power under the authority of Article III, Section 52, Texas Constitution, to design, acquire, construct, finance, issue bonds for, and convey to this state, a county, or a municipality for operation and maintenance, a road described by Subsection (b) or any improvement in aid of the road.

(b) The road must meet the criteria for a thoroughfare, arterial, or collector road of:

(1) a county in whose jurisdiction the proposed road project is located; or

(2) a municipality in whose corporate limits or extraterritorial jurisdiction the proposed road project is located.

(c) As soon as practicable after such petition has been filed with the commission, the commission shall issue an order either approving or denying such petition.

(d) If the commission issues an order approving the petition, the district may undertake a road project if:

(1) the municipality or county that will operate and maintain the road has approved the plans and specifications of the road project; or

(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state is to operate and maintain the road.

(e) Except as provided by Subsection (d), a district is not required to obtain approval from the Texas Transportation Commission to acquire, construct, convey, or finance the road project.

Added by Acts 1985, 69th Leg., ch. 951, Sec. 7, eff. Sept. 1, 1985.

Amended by Acts 1995, 74th Leg., ch. 165, Sec. 22(77), eff. Sept. 1, 1995;

Acts 2003, 78th Leg., ch. 248, Sec. 29, eff. June 18, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 777 (H.B. 3770), Sec. 1, eff. June 15, 2007.

Sec. 54.235. AUTHORITY TO CONTRACT. Any district created by general law or special act of the legislature in existence for at least 10 years

which lies within a county that borders on the Gulf of Mexico and that has a population of 190,000 and which has the powers of this chapter and which also has or is authorized to acquire road utility district powers pursuant to Section 54.234, of this code, may contract with the county within which it is located with respect to the ownership, maintenance, and operation of any facilities or improvements which such district is authorized or may be authorized to acquire by purchase, gift, lease, or otherwise, except by condemnation, any and all property or interests in property, whether real, personal, or mixed, tangible or intangible, located inside or outside such county, that are found to be necessary for such improvements or facilities. Such county may enter into contracts with such districts as permitted by this section for any term of years not exceeding 40 for the management and operation of any or all of such property and interests in property on such terms as the commissioners court of such county deems appropriate.

Added by Acts 1985, 69th Leg., ch. 951, Sec. 8(a), eff. Sept. 1, 1985.

Sec. 54.2351. CONTRACTS WITH OTHER DISTRICTS OR WATER SUPPLY CORPORATIONS. (a) In this section, "authorized water district" means a district created under Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution.

(b) A district may enter into a contract with an authorized water district or a water supply corporation that authorizes the district to acquire, through the issuance of debt or other means, and convey to the authorized water district or water supply corporation all or part of a water supply, treatment, or distribution system, a sanitary sewage collection or treatment system, or works or improvements necessary for drainage of land in the district. The contract may:

(1) permit the district to rehabilitate, repair, maintain, improve, enlarge, or extend any existing facilities to be conveyed to the authorized water district or water supply corporation; or

(2) require the district to pay impact fees or other fees to the authorized water district or water supply corporation for capacity or service in facilities of the authorized water district or water supply corporation.

(c) The contract entered into under Subsection (b) may authorize the authorized water district or water supply corporation to purchase the water, sewer, or drainage system from the district through periodic payments to the district in amounts that, combined with the net income of the district, are sufficient for the district to pay the principal of and

interest on any bonds of the district. The contract may provide that the payments due under this subsection:

- (1) are payable from and secured by a pledge of all or part of the revenues of the water, sewer, or drainage system;
- (2) are payable from taxes to be imposed by the authorized water district; or
- (3) are payable from a combination of the revenues and taxes described by Subdivisions (1) and (2).

(d) The contract may authorize the authorized water district or water supply corporation to operate the water, sewer, or drainage system conveyed by the district under Subsection (b).

(e) The contract may require the district to make available to the authorized water district or water supply corporation all or part of the raw or treated water to be used for the provision of services within the district.

(f) If the contract provides for the water, sewer, or drainage system to be conveyed to the authorized water district or water supply corporation on or after the completion of construction, the authorized water district or water supply corporation may pay the district to provide water, sewer, or drainage services to residents of the authorized water district or customers of the water supply corporation.

(g) The contract may authorize the district to convey to the authorized water district or water supply corporation at no cost a water, sewer, or drainage system and require the authorized water district or water supply corporation to use all or part of those systems to provide retail service to customers within the district in accordance with the laws of this state and any certificate of convenience and necessity of the authorized water district or water supply corporation.

(h) A contract under this section must be approved by a majority vote of the governing bodies of the district and the authorized water district or water supply corporation. If Section 52, Article III, or Section 59, Article XVI, Texas Constitution, requires that qualified voters of the district approve the imposition of a tax by the district or the authorized water district, the district or the authorized water district shall call an election for that purpose.

Added by Acts 2005, 79th Leg., Ch. 962 (H.B. 1644), Sec. 4, eff. June 18, 2005.

Sec. 54.236. STREET OR SECURITY LIGHTING. (a) Subject to the provisions of this section, a district may purchase, install, operate, and maintain street lighting or security lighting within public utility easements or public rights-of-way or property owned by the district.

(b) A district may not issue bonds supported by ad valorem taxes to pay for the purchase, installation, and maintenance of street or security lighting, except as authorized by Section 54.234 or Subchapter N, Chapter 49.

Added by Acts 1991, 72nd Leg., ch. 820, Sec. 2, eff. Aug. 26, 1991.

Amended by Acts 2001, 77th Leg., ch. 1423, Sec. 30, eff. June 17, 2001.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 105 (S.B. 902), Sec. 29, eff. September 1, 2013.

Sec. 54.237. ENFORCEMENT OF REAL PROPERTY RESTRICTIONS. (a) As used in this section, "restriction" means a limitation on the use of real property that is established or incorporated in properly recorded covenants, property restrictions, plats, plans, deeds, or other instruments affecting real property in a district and that has not been abandoned, waived, or properly rescinded.

(b) A district may take all actions necessary to enforce a restriction, including the initiation, defense, or intervention in litigation or an administrative proceeding to enjoin or abate the violation of a restriction when, in the reasonable judgment of the board of directors of the district, enforcement of the restriction is necessary to sustain taxable property values in the district.

(c) In addition to damages which a district is entitled to recover, a district shall be entitled to recover its costs and reasonable attorney's fees when a district is the prevailing party in litigation or an administrative proceeding to enforce a restriction.

Added by Acts 1991, 72nd Leg., ch. 820, Sec. 3, eff. Aug. 26, 1991.

Sec. 54.238. DEFINITIONS. In this subchapter:

(1) "Developer" means a person who owns a tract of land within a district and who has divided or proposes to divide the tract into two or more parts to lay out a subdivision of the tract, including an addition to a municipality, or to lay out suburban, building, or other lots, and to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of

lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

(2) "Facilities" means improvements constructed by a developer for a district.

Added by Acts 1993, 73rd Leg., ch. 1036, Sec. 1, eff. Sept. 1, 1993.

Sec. 54.239. APPEAL TO THE COMMISSION OF DECISION OF BOARD REGARDING FACILITIES. A person aggrieved by a decision of a board involving the cost, purchase, or use of facilities may appeal the decision to the commission by filing a petition with the commission seeking appropriate relief within 30 days after the date of the decision. The commission may require a petitioner to include with a petition under this subchapter a deposit in an amount estimated to be sufficient to pay the costs of notice under V.T.C.A., Water Code Sec. 54.240 and to hold the hearing on the dispute.

Added by Acts 1993, 73rd Leg., ch. 1036, Sec. 1, eff. Sept. 1, 1993.

Sec. 54.240. NOTICE. The commission shall give notice of the petition to persons who the commission determines may be affected by the petition, including:

- (1) the board;
- (2) the owners of land within the district; and
- (3) the ratepayers of the district who are served by the facilities that are the subject of the petition.

Added by Acts 1993, 73rd Leg., ch. 1036, Sec. 1, eff. Sept. 1, 1993.

Sec. 54.241. ACTION ON THE PETITION. (a) After notice and hearing, the commission shall render a written decision granting or denying the petition, in whole or in part.

- (b) In rendering its decision, the commission shall consider:
- (1) the suitability of and necessity for the facilities;
 - (2) the reasonableness of the cost of the facilities;
 - (3) the economic viability of the district; and
 - (4) any other relevant evidence.

Added by Acts 1993, 73rd Leg., ch. 1036, Sec. 1, eff. Sept. 1, 1993.

Sec. 54.242. STREET REPAIR OR MAINTENANCE. A district created by general law or special act of the legislature in existence for at least 10 years may repair or maintain a street within the district as provided by Section 54.522.

Added by Acts 1997, 75th Leg., ch. 520, Sec. 1, eff. Sept. 1, 1997.

Sec. 54.243. DISPOSITION OF IMPACT FEES. A district that charges a fee that is an impact fee as described in Section 395.001(4), Local Government Code, shall use the fees collected and any interest accrued on the fees collected only for:

(1) payment of principal and interest on bonds, notes, or other obligations issued by or on behalf of the district to finance the capital improvements or facility expansions identified in the capital improvement plan required by Section 395.012(d), Local Government Code; or

(2) cash payment of the costs of capital improvements or facility expansions identified in the capital improvement plan required by Section 395.012(d), Local Government Code.

Added by Acts 1999, 76th Leg., ch. 1269, Sec. 1, eff. Sept. 1, 1999.

Amended by Acts 2001, 77th Leg., ch. 1313, Sec. 1, eff. Sept. 1, 2001.

SUBCHAPTER F. ISSUANCE OF BONDS

Sec. 54.501. ISSUANCE OF BONDS. The district may issue its bonds for any purpose authorized by this chapter, Chapter 49, or other applicable laws, including the purpose of purchasing, constructing, acquiring, owning, operating, repairing, improving, or extending any district works, improvements, facilities, plants, equipment, and appliances needed to accomplish the purposes set forth in Section 54.012 for which a district shall be created, including works, improvements, facilities, plants, equipment, and appliances needed to provide a waterworks system, sanitary sewer system, storm sewer system, and solid waste disposal system.

Added by Acts 1971, 62nd Leg., p. 795, ch. 84, Sec. 1. Amended by Acts 1985, 69th Leg., ch. 100, Sec. 3, eff. Sept. 1, 1985.

Amended by:

Acts 2005, 79th Leg., Ch. 962 (H.B. 1644), Sec. 5, eff. June 18, 2005.

Sec. 54.502. FORM OF BONDS. (a) A district may issue its bonds in various series or issues.

(b) Bonds shall mature serially or otherwise not more than 40 years from their date and shall bear interest at any rate permitted by the Constitution and laws of the state, all as shall be determined by the board.

(c) A district's bonds and interest coupons, if any, shall be investment securities under the terms of Chapter 8 of the Business & Commerce Code and may be issued registrable as to principal or as to both principal and interest and shall or may be made redeemable before maturity, at the option of the district or may contain a mandatory redemption provision all as may be provided by the board. A district's bonds may be issued in the form, denominations, and manner and under the terms, conditions, and details, and shall be signed and executed, as provided by the board in the resolution or order authorizing their issuance.

Added by Acts 1971, 62nd Leg., p. 795, ch. 84, Sec. 1.

Sec. 54.503. MANNER OF REPAYMENT OF BONDS. The board may provide for the payment of principal of and interest and redemption price on the bonds in any one of the following manners:

(1) from the levy and collection of ad valorem taxes on all taxable property within the district;

(2) by pledging all or any part of the designated revenues to result from the ownership or operation of the district's works, improvements, facilities, plants, equipment, and appliances or under specific contracts for the period of time the board determines;

(3) by pledging all or part of any funds or revenues available to the district; or

(4) a combination of the sources set forth in Subdivisions (1), (2), and (3) of this section.

Added by Acts 1971, 62nd Leg., p. 795, ch. 84, Sec. 1. Amended by Acts 2003, 78th Leg., ch. 248, Sec. 30, eff. June 18, 2003.

Sec. 54.504. ADDITIONAL SECURITY FOR BONDS. (a) The bonds, within the discretion of the board, may be additionally secured by a deed of trust or mortgage lien on part or all of the physical properties of the district, and franchises, easements, water rights, and appropriation permits, leases, and contracts and all rights appurtenant to such properties, vesting in the trustee power to sell the properties for payment of the indebtedness, power to operate the properties, and all other powers and authority necessary for the further security of the bonds.

(b) The trust indenture, regardless of the existence of the deed of trust or mortgage lien on the properties, may contain provisions prescribed by the board for the security of the bonds and the preservation of the trust estate, and may make provisions for amendment or modification, and may condition the right to spend district money or sell district property on approval of a registered professional engineer selected as provided in the trust indenture and may make provisions for investment of funds of the district.

(c) Any purchaser under a sale under the deed of trust or mortgage lien, where one is given, shall be absolute owner of the properties, facilities, and rights purchased and shall have the right to maintain and operate them.

Added by Acts 1971, 62nd Leg., p. 796, ch. 84, Sec. 1.

Sec. 54.505. ELECTION ON TAX BONDS. Bonds payable solely from revenues may be issued by resolution or order of the board without an election, but no bonds, except refunding bonds, payable wholly or partially from ad valorem taxes shall be issued until authorized by a majority vote of the resident electors of the district voting in an election called and held for that purpose. An election is not required to pledge revenues to the payment of bonds.

Added by Acts 1971, 62nd Leg., p. 796, ch. 84, Sec. 1. Amended by Acts 2003, 78th Leg., ch. 248, Sec. 31, eff. June 18, 2003.

Sec. 54.507. NOTICE OF BOND ELECTION. (a) Repealed by Acts 1995, 74th Leg., ch. 715, Sec. 43, eff. Sept. 1, 1995.

(b) All or any part of any facilities or improvements which may be acquired by a district by the issuance of its bonds may be included in one single proposition to be voted on at the election or the bonds may be submitted in several propositions. A bond election may also be held on the same day as the confirmation election. The bond election may be called by a separate election order or as a part of the order calling the confirmation election.

(c) If a majority of the votes cast at the election are in favor of the issuance of the bonds, the bonds may be issued by the board if the confirmation election results favorably to the confirmation of the district.

Added by Acts 1971, 62nd Leg., p. 796, ch. 84, Sec. 1. Amended by Acts 1995, 74th Leg., ch. 715, Sec. 43, eff. Sept. 1, 1995.

Sec. 54.510. PROVISIONS OF BONDS. (a) In the orders or resolutions authorizing the issuance of bonds, including refunding bonds, the board may provide for the flow of funds, the establishment and maintenance of the interest and sinking fund, the reserve fund, and other funds, and may make additional covenants with respect to the bonds and the pledged revenues and the operation and maintenance of those works, improvements, plants, facilities, equipment, and appliances the revenue of which is pledged, including provisions for the operation or for the leasing of all or any part of the improvements and the use or pledge of money derived from the operation contracts and leases, as the board may consider appropriate.

(b) The orders or resolutions of the board authorizing the issuance of bonds may also prohibit the further issuance of bonds or other obligations payable from the pledged revenue or may reserve the right to issue additional bonds to be secured by a pledge of and payable from the revenue on a parity with or subordinate to the lien and pledge in support of the bonds being issued, subject to the conditions which may be set forth in the orders or resolutions.

(c) The orders or resolutions of the board issuing bonds may contain other provisions and covenants as the board may determine, not prohibited by the Constitution or by this chapter.

(d) The board may adopt and cause to be executed any other proceedings or instruments necessary and convenient in the issuance of bonds.

Added by Acts 1971, 62nd Leg., p. 797, ch. 84, Sec. 1.

Sec. 54.512. SALE OR EXCHANGE OF BONDS. (a) The board shall sell the bonds on the best terms and for the best possible price but none of the bonds may be sold for less than 95 percent of face value.

(b) The district may exchange bonds for property acquired by purchase or in payment of the contract price of work done or services performed for the use and benefit of the district.

Added by Acts 1971, 62nd Leg., p. 797, ch. 84, Sec. 1.

Sec. 54.514. REFUNDING BONDS. (a) A district may issue bonds to refund all or any part of its outstanding bonds, notes, or other

obligations including matured but unpaid interest coupons.

(b) Refunding bonds shall mature serially or otherwise not more than 40 years from their date and shall bear interest at any rate or rates permitted by the Constitution and laws of the state.

(c) Refunding bonds may be payable from the same source as the bonds, notes, or other obligations being refunded or from other additional sources.

(d) The refunding bonds shall be approved by the attorney general as in the case of other bonds and shall be registered by the comptroller on the surrender and cancellation of the bonds being refunded.

(e) The orders or resolutions authorizing the issuance of the refunding bonds may provide that they shall be sold and the proceeds deposited in the place or places where the bonds being refunded are payable, in which case the refunding bonds may be issued before the cancellation of the bonds being refunded provided an amount sufficient to pay the interest on and principal of the bonds being refunded to their maturity dates, or to their option dates if the bonds have been duly called for payment prior to maturity according to their terms, has been deposited in the place or places where the bonds being refunded are payable. The comptroller shall register them without the surrender and cancellation of bonds being refunded.

(f) A refunding may be accomplished in one or in several installment deliveries. Refunding bonds and their interest coupons shall be investment securities under the provisions of Article 8 of the Business & Commerce Code.

(g) In lieu of the method set forth in Section 54.514(a)-(f) of this code, a district may refund bonds, notes, or other obligations as provided by the general laws of the state.

Added by Acts 1971, 62nd Leg., p. 798, ch. 84, Sec. 1.

Sec. 54.5161. REVIEW OF BOND PROJECTS BY COUNTIES. (a) Before the commission gives final approval on any bond issue for the purpose of financing a project of a district located wholly or partly outside the extraterritorial jurisdiction of a city, the commission shall notify the county commissioners of the county in which the district is located that an application has been filed and give the county an opportunity within 30 days after notification to examine all information on file and submit a written opinion from the commissioners court stating any findings,

conclusions, or other information that the commissioners court considers important to the commission's final determination.

(b) In passing on the approval of a bond issue under this section, if a written opinion is submitted by the commissioners court, the commission shall consider the written opinion before taking final action.

Added by Acts 1975, 64th Leg., p. 1294, ch. 485, Sec. 3, eff. Sept. 1, 1975.

Sec. 54.518. MANDAMUS BY BONDHOLDERS. In addition to all other rights and remedies provided by the laws of the state, in the event the district defaults in the payment of principal, interest, or redemption price on its bonds when due, or in the event it fails to make payments into any fund or funds created in the order or resolution authorizing the issuance of the bonds, or defaults in the observation or performance of any other covenants, conditions, or obligations set forth in the resolution or order authorizing the issuance of its bonds, the owners of any of the bonds shall be entitled to a writ of mandamus issued by a court of competent jurisdiction compelling and requiring the district and its officials to observe and perform the covenants, obligations, or conditions prescribed in the order or resolution authorizing the issuance of the district's bonds.

Added by Acts 1971, 62nd Leg., p. 799, ch. 84, Sec. 1.

Sec. 54.520. CANCELLATION OF UNSOLD BONDS. (a) The board, by order or resolution, may provide for the cancellation of all or any part of any bonds which have been submitted to and approved by the attorney general and registered by the comptroller, but not yet sold, and provide for the issuance of new bonds in lieu of the old bonds in the manner as provided by law for the issuance of the original bonds including their approval by the attorney general and their registration by the comptroller.

(b) The order or resolution of the board shall describe the bonds to be cancelled, and shall also describe the new bonds to be issued in lieu of the old bonds.

(c) A certified copy of the order or resolution of the board providing for the cancellation of the old bonds, together with the old bonds, shall be delivered to the comptroller, who shall cancel and destroy the old bonds and make a record of the cancellation.

Added by Acts 1971, 62nd Leg., p. 800, ch. 84, Sec. 1.

Sec. 54.521. USE OF BOND PROCEEDS TO PAY CERTAIN INTEREST. The district may use bond proceeds to pay or to establish a reasonable reserve to pay not more than three years' interest on the notes and bonds of the district as provided in the bond orders or resolutions.

Added by Acts 1979, 66th Leg., p. 882, ch. 402, Sec. 1, eff. Aug. 27, 1979.

Sec. 54.522. BONDS FOR STREET REPAIR OR MAINTENANCE. (a) The legislature finds that the condition of streets affects:

- (1) the control, storage, preservation, and distribution of the state's storm and flood waters;
- (2) the control, abatement, or change of any shortage or harmful excess of water; and
- (3) a municipal utility district's ability to accomplish its purposes.

(b) It is the policy of the state to authorize a municipal utility district in certain circumstances to take action that is necessary to prevent the condition of a street within the district from adversely affecting the control, storage, preservation, and distribution of the state's storm and flood waters, adversely affecting the control, abatement, or change of any shortage or harmful excess of water, or otherwise impeding a district's ability to accomplish its purposes.

(c) A district created by general law or special act of the legislature in existence for at least 10 years may issue bonds for the purpose of repairing or maintaining streets within the district if the bonds are authorized by a majority vote of the resident electors of the district voting in an election called and held for that purpose.

(d) An election required by this section must be held on the uniform election date in November authorized by Section 41.001, Election Code. Notwithstanding Section 41.003, Election Code, an election under this section may be held on the date of the general election for state and county officers.

Added by Acts 1997, 75th Leg., ch. 520, Sec. 2, eff. Sept. 1, 1997.

SUBCHAPTER G. TAXES

Sec. 54.601. TAX LEVY FOR BONDS. At the time bonds payable in whole or in part from taxes are issued, the board shall levy a continuing direct annual ad valorem tax for each year while all or part of the bonds are outstanding on all taxable property within the district in sufficient

amount to pay the interest on the bonds as it becomes due and to create a sinking fund for the payment of the principal of the bonds when due or the redemption price at any earlier required redemption date and to pay the expenses of assessing and collecting the taxes.

Added by Acts 1971, 62nd Leg., p. 801, ch. 84, Sec. 1.

Sec. 54.602. ESTABLISHMENT OF TAX RATE IN EACH YEAR. (a) Repealed by Acts 1979, 66th Leg., p. 2330, ch. 841, Sec. 6(a)(3), eff. Jan. 1, 1982.

(b) In determining the actual rate to be levied in each year, the board shall consider among other things:

(1) the amount which should be levied for maintenance and operation purposes, if a maintenance tax has been authorized;

(2) the amount which should be levied for the payment of principal, interest, and redemption price of each series of bonds or notes payable in whole or in part from taxes;

(3) the amount which should be levied for the purpose of paying all other contractual obligations of the district payable in whole or in part from taxes; and

(4) the percentage of anticipated tax collections and the cost of collecting the taxes.

(c) In determining the amount of taxes which should be levied each year, the board may consider whether proceeds from the sale of bonds have been placed in escrow to pay interest during construction and whether the board reasonably expects to have revenue or receipts available from other sources which are legally available to pay principal of or interest or redemption price on the bonds. The board shall levy a tax in the first full year after issuance of its first series of bonds.

Added by Acts 1971, 62nd Leg., p. 801, ch. 84, Sec. 1. Amended by Acts 1979, 66th Leg., p. 2330, ch. 841, Sec. 6(a)(3), eff. Jan. 1, 1982.

Sec. 54.603. MANDAMUS BY BONDHOLDERS. In the event the board fails or refuses to levy a sufficient tax in each year which, together with other revenues or receipts which may be legally used for these purposes, will be sufficient to pay the required principal of or interest or redemption price on the bonds, notes, or other contractual obligations when due, or to pay the district's other contractual obligations payable from taxes in addition to all other remedies which may be available, the owner of the district's bonds, notes, or other contractual obligations shall be entitled to a writ of mandamus issued by a court of competent jurisdiction to compel the board

to levy a sufficient tax to meet the district's obligations to the owners of its bonds, notes, or other contractual obligations.

Added by Acts 1971, 62nd Leg., p. 801, ch. 84, Sec. 1.

Sec. 54.604. ASSESSMENT AND COLLECTION OF DISTRICT TAXES. The assessor and collector shall assess and collect taxes for the district.

Added by Acts 1971, 62nd Leg., p. 801, ch. 84, Sec. 1. Amended by Acts 1979, 66th Leg., p. 2321, ch. 841, Sec. 4(r), eff. Jan. 1, 1982.

SUBCHAPTER H. ADDING AND EXCLUDING TERRITORY; CONSOLIDATING AND DISSOLVING DISTRICTS

Sec. 54.728. CONSOLIDATION OF DISTRICTS. Two or more districts governed by the provisions of this chapter may consolidate into one district as provided by Sections 54.729-54.733 of this code.

Added by Acts 1971, 62nd Leg., p. 810, ch. 84, Sec. 1.

Sec. 54.729. ELECTIONS TO APPROVE CONSOLIDATION. (a) After the board of each district has agreed on the terms and conditions of consolidation, which may include the assumption by each district of the bonds, notes, or other obligations and voted but unissued bonds of the other consolidating districts payable in whole or in part from taxation, the levy of taxes to pay for the bonds, and adoption of a name for the consolidated district, the board shall order an election in each district to determine whether the districts should be consolidated.

(b) The directors of each district shall order the election to be held on the same day in each district and shall give notice of the election for the time and in the manner provided by law for bond elections.

(c) The districts may be consolidated only if the electors in each district vote in favor of the consolidation.

Added by Acts 1971, 62nd Leg., p. 810, ch. 84, Sec. 1. Amended by Acts 1995, 74th Leg., ch. 715, Sec. 19, eff. Sept. 1, 1995.

Sec. 54.730. GOVERNING CONSOLIDATED DISTRICTS. (a) After two or more districts are consolidated, they become one district and are governed as one district, except for the payment of debts created before consolidation if the conditions of consolidation do not provide for the

assumption by each district of the bonds, notes, or other obligations and voted but unissued bonds of the other consolidating districts.

(b) During a period of 90 days after the date of the election to approve consolidation, the officers of each district shall continue to act jointly as officers of the original districts to settle the affairs of their respective districts.

(c) The consolidation agreement may provide that the officers of the original districts shall continue to act jointly as officers of the consolidated district until the next general election or name persons to serve as officers of the consolidated district until the next general election if all officers of the original districts agree to resign. At the next general election, directors will be elected for the consolidated district in the same manner and for the same term as directors elected at a confirmation election.

(d) New officers of the consolidated district must qualify as officers of the district within the period of 90 days after the election and shall assume their offices at the expiration of the 90-day period.

(e) The current board shall approve the bond of each new officer.

Added by Acts 1971, 62nd Leg., p. 810, ch. 84, Sec. 1. Amended by Acts 1995, 74th Leg., ch. 715, Sec. 20, eff. Sept. 1, 1995.

Sec. 54.731. DEBTS OF ORIGINAL DISTRICTS. (a) After two or more districts are consolidated, the debts of the original districts shall be protected and may not be impaired. These debts may be paid by taxes levied on the land in the original districts as if they had not consolidated or from contributions from the consolidated district on terms stated in the consolidation agreement.

(b) If each district assumed the other's bonds, notes, and other obligations, taxes may be levied uniformly on all taxable property within the consolidated district in payment of the debts.

Added by Acts 1971, 62nd Leg., p. 811, ch. 84, Sec. 1.

Sec. 54.732. ASSESSMENT AND COLLECTION OF TAXES. After consolidation, the district shall assess and collect taxes on property in the original districts to pay debts created by the original districts unless each district has assumed the bonds, notes, or other indebtedness payable in whole or in part from taxation of the other consolidating districts.

Added by Acts 1971, 62nd Leg., p. 811, ch. 84, Sec. 1. Amended by Acts 1995, 74th Leg., ch. 715, Sec. 21, eff. Sept. 1, 1995.

Sec. 54.733. VOTED BUT UNISSUED BONDS. In the event any consolidating district has voted but unissued bonds payable in whole or in part from taxation and the consolidated district assumed the voted but unissued bonds and the consolidated district was authorized to levy taxes to pay for the bonds, then the consolidated district shall be authorized to issue the voted but unissued bonds in the name of the consolidated district and levy a uniform tax on all taxable property in the consolidated district to pay for the bonds.

Added by Acts 1971, 62nd Leg., p. 811, ch. 84, Sec. 1. Amended by Acts 1995, 74th Leg., ch. 715, Sec. 22, eff. Sept. 1, 1995.

Sec. 54.734. DISSOLUTION OF DISTRICT PRIOR TO ISSUANCE OF BONDS. (a) If the board considers it advisable before the issuance of any bonds, notes, or other indebtedness, the board may dissolve the district and liquidate the affairs of the district as provided in Sections 54.734-54.738 of this code.

(b) If a majority of the board finds at any time before the authorization of bonds, notes, or other obligations or the final lending of its credit in another form that the proposed undertaking for any reason is impracticable or apparently cannot be successfully and beneficially accomplished, the board may issue notice of a hearing on a proposal to dissolve the district.

Added by Acts 1971, 62nd Leg., p. 811, ch. 84, Sec. 1.

Sec. 54.735. NOTICE OF HEARING. The board shall post notice of the hearing on the bulletin board at the courthouse door of each county in which the district is located and at three or more other public places within the boundaries of the district and shall publish notice of the hearing two times in a newspaper with general circulation in the district. The notice must be posted and published at least 14 days before the hearing on the proposed dissolution of the district.

Added by Acts 1971, 62nd Leg., p. 811, ch. 84, Sec. 1.

Sec. 54.736. HEARING. The board shall hear all interested persons and shall consider their evidence at the time and place stated in the notice.

Added by Acts 1971, 62nd Leg., p. 812, ch. 84, Sec. 1.

Sec. 54.737. BOARD'S ORDER TO DISSOLVE DISTRICT. If the board unanimously determines from the evidence that the best interests of the persons and property in the district will be served by dissolving the district, the board shall enter the appropriate findings and order in its records dissolving the district. Otherwise the board shall enter its order providing that the district has not been dissolved.

Added by Acts 1971, 62nd Leg., p. 812, ch. 84, Sec. 1.

Sec. 54.738. JUDICIAL REVIEW OF BOARD'S ORDER. The board's decree to dissolve the district may be judicially reviewed in the manner set forth in Sections 54.708-54.710 of this code for the review of an order excluding land from the district.

Added by Acts 1971, 62nd Leg., p. 812, ch. 84, Sec. 1.

Sec. 54.739. SUBSTITUTING LAND OF EQUAL VALUE. After the district is organized and has obtained voter approval for the issuance of, or has sold, bonds payable wholly or partly from ad valorem taxes, land within the district boundaries subject to taxation that does not need or utilize the services of the district may be excluded and other land not within the boundaries of the district may be included within the boundaries of the district without impairment of the security for payment of the bonds or invalidation of any prior bond election, as provided by this section and Sections [54.740](#) through [54.747](#).

Added by Acts 1995, 74th Leg., ch. 715, Sec. 23, eff. Sept. 1, 1995.

Amended by Acts 2003, 78th Leg., ch. 248, Sec. 32, eff. June 18, 2003.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 105 (S.B. [902](#)), Sec. 30, eff. May 18, 2013.

Sec. 54.740. REQUISITES FOR APPLICATION FOR EXCLUSION. An owner of land in the district not receiving services from the district may apply for its exclusion from the district boundaries if all taxes levied and assessed

by the district on the land to be excluded have been fully paid. The application shall set forth facts concerning the land proposed for exclusion, including evidence of the reasonable market value of the land, and state that the other requisites for the exclusion of the land and substitution of other land have been fulfilled or will be fulfilled at the hearing on the application. The application shall be verified and acknowledged in a recordable form as conveyances of real property.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 23, eff. Sept. 1, 1995.

Sec. 54.741. INCLUSION OF SUBSTITUTE LAND REQUIRED. An application for exclusion can only be considered by the board if an application is filed by an owner of other land lying outside the boundaries of the district seeking inclusion of land that can be served in a practical manner by the district of at least equal value to the land proposed for exclusion. Such land must be included within the district boundaries and taxing jurisdiction of the district simultaneously with the exclusion of the land proposed for exclusion. Such included land must be of sufficient acreage to avoid an impairment of the security for payment of voted and issued bonds and any other contract obligations payable or secured, in whole or in part, from ad valorem taxes or revenues of the district.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 23, eff. Sept. 1, 1995.

Sec. 54.742. APPLICATION FOR INCLUSION. The application submitted by an owner of land proposed for inclusion shall set forth that the owner of the new land assumes the payment of all taxes, assessments, and fees levied on the land and assessed by the district after the date the land is included in the district. The application shall also set forth an agreement by the owner of the land proposed for inclusion that the land will be subject to future taxes for bond tax and other assessments and fees levied and assessed by the district and be subject to the same liens and provisions and statutes governing all other lands in the district as though the land had been incorporated originally in the district. The application for inclusion shall be verified and acknowledged in a recordable form as conveyances of real property.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 23, eff. Sept. 1, 1995.

Sec. 54.743. NOTICE OF HEARING AND HEARING PROCEDURES. The board shall give notice of the hearing on the applications for exclusion and

inclusion in conformity with the notice and hearing requirements otherwise applicable to exclusions or additions of land. The board at such hearing shall hear all interested parties and all evidence in connection with the applications.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 23, eff. Sept. 1, 1995.

Sec. 54.744. IMPAIRMENT OF SECURITY. (a) For purposes of the board's consideration of the applications, the lands proposed for inclusion shall be deemed to be sufficient to avoid an impairment of the security for payment of obligations of the district if:

(1) according to the most recent tax roll of the district or the most recently certified estimates of taxable value from the chief appraiser of the appropriate appraisal district, the taxable value of such included lands equals or exceeds the taxable value of the excluded lands; and

(2) either the estimated costs of providing district facilities and services to such included lands is equal to or less than the estimated costs of providing district facilities and services to the excluded lands or any increased estimated costs of providing district facilities and services to the included land, as determined by the district's engineer, can be amortized at prevailing bond interest rates and maturity schedules and the prevailing debt service tax rate of the district, as determined by the district's professional financial advisor, when applied to the increase in taxable value of the included land over the taxable value of the excluded land.

(b) If the district has any outstanding bonds or contract obligations payable in whole or in part by a pledge of net revenues from the ownership or operation of the district's facilities at the time the board considers an application, the lands proposed for inclusion shall be deemed to be sufficient to avoid an impairment of the security for payment of obligations of the district if the projected net revenues to be derived from the lands to be included during the succeeding 12-month period, as determined by the district's engineer, equals or exceeds the projected net revenues that would otherwise have been derived from the lands to be excluded during the same period.

(c) In this section, the taxable value of included land means the market value of the land if, before or contemporaneously with the inclusion of the land in the district, the owner of the land waives the right to special appraisal of the land as to the district under Section 23.20, Tax Code.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 23, eff. Sept. 1, 1995.

Amended by Acts 2003, 78th Leg., ch. 248, Sec. 32, eff. June 18, 2003.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 105 (S.B. 902), Sec. 31, eff. May 18, 2013.

Sec. 54.745. BOARD'S RESOLUTION TO SUBSTITUTE. If the board finds that all the conditions provided for the exclusion of land and inclusion of other land in the district exist and that it is in the best interest of the district to grant such applications, it may adopt and enter in its minutes a resolution and order excluding all or part of the land proposed for exclusion and including all or part of the land proposed for inclusion. Prior to the effective date of the exclusion and inclusion of lands, the district shall have received payment of all fees, charges, assessments, taxes, together with any associated penalties and interest due or overdue in respect to the lands excluded, and if no ad valorem taxes or fees have yet been established by the district for the current year, an amount determined by the district to equal the estimated ad valorem taxes and standby fees to be established by the district for the current year, prorated to the date of exclusion with respect to such excluded lands, shall also be paid.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 23, eff. Sept. 1, 1995.

Sec. 54.746. LIABILITY OF EXCLUDED AND INCLUDED LAND. The land excluded from the district is free from any lien or liability created on the excluded land by reason of its having been included in the district. Land included in the district is subject to all laws, liens, and provisions governing the district and the land in the district.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 23, eff. Sept. 1, 1995.

Sec. 54.747. SERVICE TO INCLUDED LAND. The district has the same right and obligation to furnish services to the included land that it previously had to furnish to the excluded land.

Added by Acts 1995, 74th Leg., ch. 715, Sec. 23, eff. Sept. 1, 1995.

Sec. 54.748. EXCLUSION OF LAND FOR FAILURE TO PROVIDE SUFFICIENT SERVICES; BONDS OUTSTANDING. (a) This section applies only to a district

that has a total area of more than 5,000 acres.

(b) The board shall call a hearing on the exclusion of land from the district on a written petition filed with the secretary of the board by a landowner whose land has been included in and taxable by the district for more than 28 years if any bonds issued by the district payable in whole or in part from taxes of the district are outstanding and the petition:

(1) includes a signed petition evidencing the consent of the owners of a majority of the acreage proposed to be excluded, as reflected by the most recent certified tax roll of the district;

(2) includes a claim that the district has not provided the land with utility services;

(3) describes the property to be excluded;

(4) provides, at the petitioner's expense, facts necessary for the board to make the findings required by Subsection (c); and

(5) is filed before August 31, 2005.

(c) The board may exclude land under this section only on finding that:

(1) the district has never provided utility services to the land described by the petition;

(2) the district has imposed a tax on the land for more than 28 years;

(3) all taxes the district has levied and assessed against the land and all fees and assessments the district has imposed against the land or the owner that are due and payable on or before the date of the petition are fully paid; and

(4) the executive director has reviewed the economic impact of the proposed exclusion of land and does not oppose the exclusion.

(d) If evidence presented at the hearing conclusively demonstrates that the requirements and grounds for exclusion described by Subsections (b) and (c) have been met, the board may enter an order excluding the land from the district. If the board enters an order excluding the land, the board shall redefine in the order the boundaries of the district to embrace all land not excluded.

(e) A copy of an order excluding land and redefining the boundaries of the district shall be filed in the deed records of the county in which the district is located.

(f) The exclusion of land under this section does not impair the rights of holders of any outstanding bonds, warrants, or other certificates of indebtedness of the district.

(g) After any land is excluded under this section, the district may issue any unissued additional debt approved by the voters of the district before exclusion of the land under this section without holding a new election. Additional debt issued after land is excluded from the district may not be payable from and does not create a lien against the taxable value of the excluded land.

(h) For purposes of this section and Section 54.749, "land" includes any improvements to the land, and when used in the context of property taxes, "land" has the meaning assigned to "real property" by Section 1.04, Tax Code.

Added by Acts 2003, 78th Leg., ch. 248, Sec. 33, eff. June 18, 2003.

Sec. 54.749. TAX LIABILITY OF EXCLUDED LAND; BONDS OUTSTANDING. (a) Land excluded from the district under Section 54.748 that is pledged as security for any outstanding debt of the district remains pledged for its pro rata share of the debt until final payment is made. The district shall continue to levy and collect taxes on the excluded land at the same rate levied on land remaining in the district until the amount of taxes collected from the excluded land equals the land's pro rata share of the district's debt outstanding at the time the land was excluded from the district.

(b) The district shall apply the taxes collected on the excluded land only to the payment of the excluded land's pro rata share of the debt.

Added by Acts 2003, 78th Leg., ch. 248, Sec. 33, eff. June 18, 2003.

SUBCHAPTER J. SERVICES FOR CERTAIN DEFINED AREAS AND DESIGNATED PROPERTY

Sec. 54.801. AUTHORITY TO ESTABLISH DEFINED AREAS OR DESIGNATED PROPERTY. (a) A district that is composed of at least 1,500 acres may define areas or designate certain property of the district to pay for improvements, facilities, or services that primarily benefit that area or property and do not generally and directly benefit the district as a whole.

(b) The board shall state in its designation the physical and economic reasons, the particular diverse local needs, or the comparative potential benefits of the defined areas or designated property in the district that make it necessary or equitable to levy all or part of the tax on a defined area or designated property of the district.

Added by Acts 1987, 70th Leg., ch. 600, Sec. 1, eff. Aug. 31, 1987.

Sec. 54.802. DEFINING AREA AND DESIGNATING PROPERTY TO BE BENEFITED BY IMPROVEMENTS. (a) The board shall adopt a proposed plan that defines the particular area to be taxed by metes and bounds or designates the property to be served, affected, and taxed.

(b) The board shall adopt a proposed plan for improvements in the defined area or to serve the designated property in the manner provided by Section 49.106.

(c) The board shall adopt a proposed plan of taxation to apply to the defined area or designated property that may or may not be in addition to other taxes imposed by the district on the same area or property.

Added by Acts 1987, 70th, Leg., ch. 600, Sec. 1, eff. Aug. 31, 1987.

Amended by Acts 1997, 75th Leg., ch. 1070, Sec. 32, eff. Sept. 1, 1997.

Sec. 54.803. NOTICE OF ADOPTION OF PLANS FOR DEFINED AREA OR DESIGNATED PROPERTY AND HEARING. (a) After proposed plans for a defined area or designated property are adopted, the board shall publish notice of the adoption once a week for two consecutive weeks in one or more newspapers with general circulation in the county or counties in which the district is located.

(b) The notice must state:

(1) that proposed plans for a defined area or designated property have been adopted;

(2) that a map and description of the area or property is available for public inspection in the district's office;

(3) that a hearing on the proposed plans will be held by the board at a specified place and at a particular time; and

(4) that all interested persons may appear and support or oppose all or part of the proposed plans and offer testimony.

(c) A hearing for which notice is required by this section must be held not less than 15 days and not more than 20 days after the date on which the first notice is published.

Added by Acts 1987, 70th Leg., ch. 600, Sec. 1, eff. Aug. 31, 1987.

Sec. 54.804. ORDER ADOPTING PLANS FOR DEFINED AREA OR DESIGNATED PROPERTY. (a) After the hearing is completed, the board may approve the proposed plans for the defined area or designated property or may modify the proposed plans.

(b) If the board adopts a proposed plan, it must adopt the definition or designation that it finds, according to the evidence before the board, most equitably distributes the cost of facilities or service and protects the public welfare.

(c) If the proposal includes the issuance of bonds or the imposition of a maintenance tax for the defined area or designated property, the board shall call and hold an election in the defined area or within the boundaries of the designated property only.

(d) The board's order is not subject to judicial review except on the ground of fraud, palpable error, or arbitrary and confiscatory abuse of discretion.

Added by Acts 1987, 70th Leg., ch. 600, Sec. 1, eff. Aug. 31, 1987.

Amended by Acts 1989, 71st Leg., ch. 973, Sec. 1, eff. Aug. 28, 1989.

Sec. 54.805. OBTAINING FUNDS TO CONSTRUCT, ADMINISTER, MAINTAIN, AND OPERATE IMPROVEMENTS AND FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On adoption of the plans as provided by Section 54.804 of this code and voter approval of the plans, the district, under the limitations of this subchapter, may apply separately, differently, equitably, and specifically its taxing power and lien authority to the defined area or designated property to provide money to construct, administer, maintain, and operate improvements and facilities that primarily benefit the defined area or designated property.

Added by Acts 1987, 70th Leg., ch. 600, Sec. 1, eff. Aug. 31, 1987.

Sec. 54.806. PROCEDURE FOR ELECTION. (a) Before the adopted plans may become effective, they must be approved by the voters in the defined area or within the boundaries of the designated property. The election shall be conducted as provided by Section 49.106 for an election to authorize the issuance of bonds.

(b) The board may submit the issues to the voters on the same ballot to be used in another election.

(c) The notice of election must describe the area to be defined or property to be designated and must otherwise conform to the provisions of this chapter relating to notice of bond elections.

Added by Acts 1987, 70th Leg., ch. 600, Sec. 1, eff. Aug. 31, 1987.

Amended by Acts 1997, 75th Leg., ch. 1070, Sec. 33, eff. Sept. 1, 1997.

Sec. 54.807. BALLOTS. The ballot proposition for an election under this subchapter must be printed to provide for voting for or against defining the area or designating the property and, if applicable, issuing bonds and levying a tax to retire the bonds or imposing a maintenance tax not to exceed the rate, which must be specified in the ballot proposition, provided by the proposed plans.

Added by Acts 1987, 70th Leg., ch. 600, Sec. 1, eff. Aug. 31, 1987.

Amended by Acts 1989, 71st Leg., ch. 973, Sec. 2, eff. Aug. 28, 1989.

Sec. 54.808. DECLARING RESULT AND ISSUING ORDER. (a) If a majority of the voters voting at the election approve the proposition, the board shall declare the results and, by order, shall establish the defined area and describe it by metes and bounds or designate the specific property and shall set the tax rate for the area or property as otherwise provided by the Tax Code.

(b) A certified copy of the order shall be recorded in the minutes of the district and shall constitute notice.

(c) If a majority of the voters voting at the election fail to approve the proposition, the board may not establish the defined area or designate the property.

Added by Acts 1987, 70th Leg., ch. 600, Sec. 1, eff. Aug. 31, 1987.

Sec. 54.809. ISSUANCE OF BONDS AND LEVY OF TAX FOR DEFINED AREA OR DESIGNATED PROPERTY. After the order is recorded, the district may issue its bonds to provide the specific plant, works, and facilities included in the plans adopted for the defined area, or to serve the designated property and shall provide the plant, works, and facilities.

Added by Acts 1987, 70th Leg., ch. 600, Sec. 1, eff. Aug. 31, 1987.

Sec. 54.810. LIMITATION ON OTHER BOND AUTHORIZATIONS. If the voters of the designated area authorize the issuance of bonds for a particular purpose, a district may not issue bonds from any other authorization for the same purposes, and only revenue and taxes from the designated area may be used to retire the bonds.

Added by Acts 1987, 70th Leg., ch. 600, Sec. 1, eff. Aug. 31, 1987.

Sec. 54.811. PLEDGE OF FAITH AND CREDIT. If at an election, the voters approve the issuance of bonds and the levy of a tax that applies only to a designated area, the district may issue bonds that pledge only the faith and credit based on the property values in the defined area and may not pledge the full faith and credit of the district.

Added by Acts 1987, 70th Leg., ch. 600, Sec. 1, eff. Aug. 31, 1987.

Sec. 54.812. NOTICE TO PURCHASERS. (a) A person who sells or conveys real property located within the designated area of the district shall supplement the notice to purchaser required by Section 50.301, of this code, as provided by this section.

(b) The prescribed notice shall be inserted into the general notice after the first sentence and shall read as follows: "The real property described below, which you are about to purchase, is also located within a designated area of the district and your land will be subject to a higher tax than other land within the district. Your rate of taxes will be higher by \$_____ on each \$100 of assessed valuation than land not within the designated area."

Added by Acts 1987, 70th Leg., ch. 600, Sec. 1, eff. Aug. 31, 1987.

Sec. 54.813. MUNICIPALITY'S AUTHORITY REGARDING DEFINED AREA. (a) This section applies only to a municipality any portion of which is located in a county with a population of more than 1 million and less than 1.5 million.

(b) A municipality may not annex a part of a defined area in a district that has adopted a plan for the defined area under this subchapter unless:

(1) 90 percent or more of all facilities and infrastructure described by the plan has been installed and completed; and

(2) the municipality:

(A) annexes all of the defined area that is within the municipality's extraterritorial jurisdiction; and

(B) assumes the pro rata share of the bonded indebtedness of the annexed area.

(c) After the annexation occurs:

(1) the annexed area is not eligible to be a defined area under this subchapter; and

(2) the district may not impose in the annexed area a tax authorized for a defined area under this subchapter.

Added by Acts 2005, 79th Leg., Ch. 962 (H.B. 1644), Sec. 6, eff. June 18, 2005.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1163 (H.B. 2702), Sec. 185, eff. September 1, 2011.

LOCAL GOVERNMENT CODE

TITLE 2. ORGANIZATION OF MUNICIPAL GOVERNMENT

SUBTITLE C. MUNICIPAL BOUNDARIES AND ANNEXATION

CHAPTER 42. EXTRATERRITORIAL JURISDICTION OF MUNICIPALITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 42.001. PURPOSE OF EXTRATERRITORIAL JURISDICTION. The legislature declares it the policy of the state to designate certain areas as the extraterritorial jurisdiction of municipalities to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the municipalities.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

SUBCHAPTER B. DETERMINATION OF EXTRATERRITORIAL JURISDICTION

Sec. 42.021. EXTENT OF EXTRATERRITORIAL JURISDICTION. (a) The extraterritorial jurisdiction of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located:

(1) within one-half mile of those boundaries, in the case of a municipality with fewer than 5,000 inhabitants;

(2) within one mile of those boundaries, in the case of a municipality with 5,000 to 24,999 inhabitants;

(3) within two miles of those boundaries, in the case of a municipality with 25,000 to 49,999 inhabitants;

(4) within 3-1/2 miles of those boundaries, in the case of a municipality with 50,000 to 99,999 inhabitants; or

(5) within five miles of those boundaries, in the case of a municipality with 100,000 or more inhabitants.

(b) Regardless of Subsection (a), the extraterritorial jurisdiction of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located:

(1) within five miles of those boundaries on a barrier island; or

(2) within one-half mile of those boundaries off a barrier island.

(c) Subsection (b) applies to a municipality that has:

- (1) a population of 2,000 or more; and
- (2) territory located:
 - (A) entirely on a barrier island in the Gulf of Mexico; and
 - (B) within 30 miles of an international border.

(d) Regardless of Subsection (a), the extraterritorial jurisdiction of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located within three miles of those boundaries if the municipality:

(1) has a population of not less than 20,000 or more than 29,000; and

(2) is located in a county that has a population of 45,000 or more and borders the Trinity River.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 761 (H.B. 3325), Sec. 1, eff. June 15, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 215 (H.B. 91), Sec. 1, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 612 (S.B. 508), Sec. 1, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(33), eff. September 1, 2013.

Sec. 42.022. EXPANSION OF EXTRATERRITORIAL JURISDICTION. (a) When a municipality annexes an area, the extraterritorial jurisdiction of the municipality expands with the annexation to comprise, consistent with Section 42.021, the area around the new municipal boundaries.

(b) The extraterritorial jurisdiction of a municipality may expand beyond the distance limitations imposed by Section 42.021 to include an area contiguous to the otherwise existing extraterritorial jurisdiction of the municipality if the owners of the area request the expansion.

(c) The expansion of the extraterritorial jurisdiction of a municipality through annexation, request, or increase in the number of inhabitants may not include any area in the existing extraterritorial jurisdiction of another municipality, except as provided by Subsection (d).

(d) The extraterritorial jurisdiction of a municipality may be expanded through annexation to include area that on the date of annexation is located in the extraterritorial jurisdiction of another municipality if a written agreement between the municipalities in effect on the date of

annexation allocates the area to the extraterritorial jurisdiction of the annexing municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 337 (H.B. 2902), Sec. 1, eff. June 17, 2011.

Sec. 42.0225. EXTRATERRITORIAL JURISDICTION AROUND CERTAIN MUNICIPALLY OWNED PROPERTY. (a) This section applies only to an area owned by a municipality that is:

- (1) annexed by the municipality; and
- (2) not contiguous to other territory of the municipality.

(b) Notwithstanding Section 42.021, the annexation of an area described by Subsection (a) does not expand the extraterritorial jurisdiction of the municipality.

Added by Acts 1999, 76th Leg., ch. 1167, Sec. 1, eff. Sept. 1, 1999.

Sec. 42.023. REDUCTION OF EXTRATERRITORIAL JURISDICTION. The extraterritorial jurisdiction of a municipality may not be reduced unless the governing body of the municipality gives its written consent by ordinance or resolution, except:

- (1) in cases of judicial apportionment of overlapping extraterritorial jurisdictions under Section 42.901;
- (2) in accordance with an agreement under Section 42.022(d); or
- (3) as necessary to comply with Section 42.0235.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 337 (H.B. 2902), Sec. 2, eff. June 17, 2011.

Acts 2015, 84th Leg., R.S., Ch. 941 (H.B. 4059), Sec. 1, eff. June 18, 2015.

Sec. 42.0235. LIMITATION ON EXTRATERRITORIAL JURISDICTION OF CERTAIN MUNICIPALITIES. (a) Notwithstanding Section 42.021, and except as provided by Subsection (d), the extraterritorial jurisdiction of a municipality with a population of more than 175,000 located in a county that contains an international border and borders the Gulf of Mexico terminates two miles from the extraterritorial jurisdiction of a

neighboring municipality if extension of the extraterritorial jurisdiction beyond that limit would:

- (1) completely surround the corporate boundaries or extraterritorial jurisdiction of the neighboring municipality; and
- (2) limit the growth of the neighboring municipality by precluding the expansion of the neighboring municipality's extraterritorial jurisdiction.

(b) A municipality shall release extraterritorial jurisdiction as necessary to comply with Subsection (a).

(c) Notwithstanding any other law, a municipality that owns an electric system and that releases extraterritorial jurisdiction under Subsection (b) may provide electric service in the released area to the same extent that the service would have been provided if the municipality had annexed the area.

(d) Extraterritorial jurisdiction for a municipality subject to this section is determined under Section 42.021 if the governing body of the municipality and the governing body of the neighboring municipality each adopt, on or after June 1, 2017, resolutions stating that the determination of extraterritorial jurisdiction under Section 42.0235(a) is not in the best interest of the municipality.

Added by Acts 2015, 84th Leg., R.S., Ch. 941 (H.B. 4059), Sec. 2, eff. June 18, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 447 (S.B. 468), Sec. 1, eff. September 1, 2017.

Sec. 42.024. TRANSFER OF EXTRATERRITORIAL JURISDICTION BETWEEN CERTAIN MUNICIPALITIES. (a) In this section:

(1) "Adopting municipality" means a home-rule municipality with a population of less than 25,000 that purchases and appropriates raw water for its water utility through a transbasin diversion permit from one or two river authorities in which the municipality has territory.

(2) "Releasing municipality" means a home-rule municipality with a population of more than 450,000 that owns an electric utility, that has a charter provision allowing for limited-purpose annexation, and that has annexed territory for a limited purpose.

(b) The governing body of an adopting municipality may by resolution include in its extraterritorial jurisdiction an area that is in the extraterritorial jurisdiction of a releasing municipality if:

- (1) the releasing municipality does not provide water, sewer services, and electricity to the released area;
- (2) the owners of a majority of the land within the released area request that the adopting municipality include in its extraterritorial jurisdiction the released area;
- (3) the released area is:
 - (A) adjacent to the territory of the adopting municipality;
 - (B) wholly within a county in which both municipalities have territory; and
 - (C) located in one or more school districts, each of which has the majority of its territory outside the territory of the releasing municipality;
- (4) the adopting municipality adopts ordinances or regulations within the released area for water quality standards relating to the control or abatement of water pollution that are in conformity with those of the Texas Natural Resource Conservation Commission applicable to the released area on January 1, 1995;
- (5) the adopting municipality has adopted a service plan to provide water and sewer service to the area acceptable to the owners of a majority of the land within the released area; and
- (6) the size of the released area does not exceed the difference between the total area within the extraterritorial jurisdiction of the adopting municipality, exclusive of the extraterritorial jurisdiction of the releasing municipality, on the date the resolution was adopted under this subsection, as determined by Section 42.021, and the total area within the adopting municipality's extraterritorial jurisdiction on the date of the resolution.

(c) (1) The service plan under Subsection (b) (5) shall include an assessment of the availability and feasibility of participation in any regional facility permitted by the Texas Natural Resource Conservation Commission in which the releasing municipality is a participant and had plans to provide service to the released area. The plan for regional service shall include:

- (A) proposed dates for providing sewer service through the regional facility;
- (B) terms of financial participation to provide sewer service to the released area, including rates proposed for service sufficient to reimburse the regional participants over a reasonable time for any expenditures associated with that portion of the regional facility designed or constructed to serve the released area as of January 1, 1993; and

(C) participation by the adopting municipality in governance of the regional facility based on the percentage of land to be served by the regional facility in the released area compared to the total land area to be served by the regional facility.

(2) The adopting municipality shall deliver a copy of the service plan to the releasing municipality and any other participant in any regional facility described in this subsection at least 30 days before the resolution to assume extraterritorial jurisdiction. The releasing municipality and any other participant in any regional facility described in this subsection by resolution shall, within 30 days of delivery of the service plan, either accept that portion of the service plan related to participation by the adopting municipality in the regional facility or propose alternative terms of participation.

(3) If the adopting municipality, the releasing municipality, and any other participant in any regional facility described in this subsection fail to reach agreement on the service plan within 60 days after the service plan is delivered, any municipality that is a participant in the regional facility or any owner of land within the area to be released may appeal the matter to the Texas Natural Resource Conservation Commission. The Texas Natural Resource Conservation Commission shall, in its resolution of any differences between proposals submitted for review in this subsection, use a cost-of-service allocation methodology which treats each service unit in the regional facility equally, with any variance in rates to be based only on differences in costs based on the time service is provided to an area served by the regional facility. The Texas Natural Resource Conservation Commission may allow the adopting municipality, the releasing municipality, or any other participant in any regional facility described in this subsection to withdraw from participation in the regional facility on a showing of undue financial hardship.

(4) A decision by the Texas Natural Resource Conservation Commission under this subsection is not subject to judicial review, and any costs associated with the commission's review shall be assessed to the parties to the decision in proportion to the percentage of land served by the regional facility subject to review in the jurisdiction of each party.

(5) The releasing municipality shall not, prior to January 1, 1997, discontinue or terminate any interlocal agreement, contract, or commitment relating to water or sewer service that it has as of January 1, 1995, with the adopting municipality without the consent of the adopting municipality.

(d) On the date the adopting municipality delivers a copy of the resolution under Subsection (b) to the municipal clerk of the releasing municipality, the released area shall be included in the extraterritorial jurisdiction of the adopting municipality and excluded from the extraterritorial jurisdiction of the releasing municipality.

(e) If any part of a tract of land, owned either in fee simple or under common control or undivided ownership, was or becomes split, before or after the dedication or deed of a portion of the land for a public purpose, between the extraterritorial jurisdiction of a releasing municipality and the jurisdiction of another municipality, or is land described in Subsection (b) (3) (C), the authority to act under Chapter 212 and the authority to regulate development and building with respect to the tract of land is, on the request of the owner to the municipality, with the municipality selected by the owner of the tract of land. The municipality selected under this subsection may also provide or authorize another person or entity to provide municipal services to land subject to this subsection.

(f) Nothing in this section requires the releasing municipality to continue to participate in a regional wastewater treatment plant providing service, or to provide new services, to any territory within the released area.

(g) This section controls over any conflicting provision of this subchapter.

Added by Acts 1995, 74th Leg., ch. 766, Sec. 1, eff. Aug. 28, 1995.

Sec. 42.025. RELEASE OF EXTRATERRITORIAL JURISDICTION BY CERTAIN MUNICIPALITIES. (a) In this section, "eligible property" means any portion of a contiguous tract of land:

(1) that is located in the extraterritorial jurisdiction of a municipality within one-half mile of the territory of a proposed municipal airport;

(2) for which a contract for land acquisition services was awarded by the municipality; and

(3) that has not been acquired through the contract described by Subdivision (2) for the proposed municipal airport.

(b) The owner of eligible property may petition the municipality to release the property from the municipality's extraterritorial jurisdiction not later than June 1, 1996. The petition must be filed with the secretary or clerk of the municipality.

(c) Not later than the 10th day after the date the secretary or clerk receives a petition under Subsection (b), the municipality by resolution shall release the eligible property from the extraterritorial jurisdiction of the municipality.

(d) Eligible property that is released from the extraterritorial jurisdiction of a municipality under Subsection (c) may be included in the extraterritorial jurisdiction of another municipality if:

(1) any part of the other municipality is located in the same county as the property; and

(2) the other municipality and the owner agree to the inclusion of the property in the extraterritorial jurisdiction.

Added by Acts 1995, 74th Leg., ch. 788, Sec. 1, eff. June 16, 1995.

Renumbered from Local Government Code Sec. 42.024 by Acts 1997, 75th Leg., ch. 165, Sec. 31.01(64), eff. Sept. 1, 1997.

Sec. 42.0251. RELEASE OF EXTRATERRITORIAL JURISDICTION BY CERTAIN GENERAL-LAW MUNICIPALITIES. (a) This section applies only to a general-law municipality:

(1) that has a population of less than 3,000;

(2) that is located in a county with a population of more than 500,000 that is adjacent to a county with a population of more than four million; and

(3) in which at least two-thirds of the residents reside within a gated community.

(b) A municipality shall release an area from its extraterritorial jurisdiction not later than the 10th day after the date the municipality receives a petition requesting that the area be released that is signed by at least 80 percent of the owners of real property located in the area requesting release.

Added by Acts 2011, 82nd Leg., R.S., Ch. 337 (H.B. 2902), Sec. 3, eff. June 17, 2011.

Sec. 42.026. LIMITATION ON EXTRATERRITORIAL JURISDICTION OF CERTAIN MUNICIPALITIES. (a) In this section, "navigable stream" has the meaning assigned by Section 21.001, Natural Resources Code.

(b) This section applies only to an area that is:

(1) located in the extraterritorial jurisdiction of a home-rule municipality that has a population of 60,000 or less and is located in whole or in part in a county with a population of 240,000 or less;

(2) located outside the county in which a majority of the land area of the municipality is located; and

(3) separated from the municipality's corporate boundaries by a navigable stream.

(c) A municipality that, on August 31, 1999, includes that area in its extraterritorial jurisdiction shall, before January 1, 2000:

(1) adopt an ordinance removing that area from the municipality's extraterritorial jurisdiction; or

(2) enter into an agreement with a municipality located in the county in which that area is located to transfer that area to the extraterritorial jurisdiction of that municipality.

(d) If the municipality that is required to act under Subsection (c) does not do so as provided by that subsection, the area is automatically removed from the extraterritorial jurisdiction of that municipality on January 1, 2000.

(e) Section 42.021 does not apply to a transfer of extraterritorial jurisdiction under Subsection (c)(2).

Added by Acts 1999, 76th Leg., ch. 1494, Sec. 1, eff. Aug. 30, 1999.

SUBCHAPTER C. CREATION OR EXPANSION OF GOVERNMENTAL ENTITIES IN EXTRATERRITORIAL JURISDICTION

Sec. 42.041. MUNICIPAL INCORPORATION IN EXTRATERRITORIAL JURISDICTION GENERALLY. (a) A municipality may not be incorporated in the extraterritorial jurisdiction of an existing municipality unless the governing body of the existing municipality gives its written consent by ordinance or resolution.

(b) If the governing body of the existing municipality refuses to give its consent, a majority of the qualified voters of the area of the proposed municipality and the owners of at least 50 percent of the land in the proposed municipality may petition the governing body to annex the area. If the governing body fails or refuses to annex the area within six months after the date it receives the petition, that failure or refusal constitutes the governing body's consent to the incorporation of the proposed municipality.

(c) The consent to the incorporation of the proposed municipality is only an authorization to initiate incorporation proceedings as provided by law.

(d) If the consent to initiate incorporation proceedings is obtained, the incorporation must be initiated within six months after the date of the

consent and must be finally completed within 18 months after the date of the consent. Failure to comply with either time requirement terminates the consent.

(e) This section applies only to the proposed municipality's area located in the extraterritorial jurisdiction of the existing municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2005, 79th Leg., Ch. 287 (H.B. 585), Sec. 1, eff. June 16, 2005.

For expiration of Subsections (c) and (d), see Subsections (c) and (d).

Sec. 42.0411. MUNICIPAL INCORPORATION IN EXTRATERRITORIAL JURISDICTION OF CERTAIN MUNICIPALITIES. (a) This section applies only to:

(1) an area located north and east of Interstate Highway 10 that is included in the extraterritorial jurisdiction, or the limited-purpose annexation area, of a municipality with a population of one million or more that has operated under a three-year annexation plan similar to the municipal annexation plan described by Section 43.052 for at least 10 years; or

(2) an area located north and east of Interstate Highway 10:

(A) that is included in the extraterritorial jurisdiction, or the limited-purpose annexation area, of a municipality with a population of one million or more that has operated under a three-year annexation plan similar to the municipal annexation plan described by Section 43.052 for at least 10 years;

(B) that has not been included in the municipality's annexation plan described by Section 43.052 before the 180th day before the date consent for incorporation is requested under Section 42.041(a); and

(C) for which the municipality refused to give its consent to incorporation under Section 42.041(a).

(b) The residents of the area described by Subsection (a)(2) may initiate an attempt to incorporate as a municipality by filing a written petition signed by at least 10 percent of the registered voters of the area of the proposed municipality with the county judge of the county in which the proposed municipality is located. The petition must request the county judge to order an election to determine whether the area of the proposed municipality will incorporate. An incorporation election under this section shall be conducted in the same manner as an incorporation election under Subchapter A, Chapter 8. The consent of the municipality that previously refused to give consent is not required for the incorporation.

(c) In this subsection, "deferred annexation area" means an area that has entered into an agreement with a municipality under which the municipality defers annexation of the area for at least 10 years. An area described by Subsection (a) (1) that is located within 1-1/2 miles of a municipality's deferred annexation area or adjacent to the corporate boundaries of the municipality may not be annexed for limited or full purposes during the period provided under the agreement. During the period provided under the agreement, the residents of the area may incorporate in accordance with the incorporation proceedings provided by law, except that the consent of the municipality is not required for the incorporation. This subsection expires on the later of:

(1) September 1, 2009; or

(2) the date that all areas entitled to incorporate under this subsection have incorporated.

(d) This subsection applies only to an area that is described by Subsection (a) (1) and removed from a municipality's annexation plan under Section 43.052(e) two times or more. The residents of the area and any adjacent territory that is located within the extraterritorial jurisdiction of the municipality or located within an area annexed for limited purposes by the municipality and that is adjacent to the corporate boundaries of the municipality may incorporate in accordance with the incorporation proceedings provided by law, except that the consent of the municipality is not required for the incorporation. This subsection expires on the later of:

(1) September 1, 2009; or

(2) the date that all areas entitled to incorporate under this subsection have incorporated.

Added by Acts 2005, 79th Leg., Ch. 287 (H.B. 585), Sec. 2, eff. June 16, 2005.

Sec. 42.042. CREATION OF POLITICAL SUBDIVISION TO SUPPLY WATER OR SEWER SERVICES, ROADWAYS, OR DRAINAGE FACILITIES IN EXTRATERRITORIAL JURISDICTION. (a) A political subdivision, one purpose of which is to supply fresh water for domestic or commercial use or to furnish sanitary sewer services, roadways, or drainage, may not be created in the extraterritorial jurisdiction of a municipality unless the governing body of the municipality gives its written consent by ordinance or resolution in accordance with this subsection and the Water Code. In giving its consent, the municipality may not place any conditions or other restrictions on the

creation of the political subdivision other than those expressly permitted by Sections 54.016(e) and (i), Water Code.

(b) If the governing body fails or refuses to give its consent for the creation of the political subdivision on mutually agreeable terms within 90 days after the date it receives a written request for the consent, a majority of the qualified voters of the area of the proposed political subdivision and the owners of at least 50 percent of the land in the proposed political subdivision may petition the governing body to make available to the area the water, sanitary sewer services, or both that would be provided by the political subdivision.

(c) If, within 120 days after the date the governing body receives the petition, the governing body fails to make a contract with a majority of the qualified voters of the area of the proposed political subdivision and the owners of at least 50 percent of the land in the proposed political subdivision to provide the services, that failure constitutes the governing body's consent to the creation of the proposed political subdivision.

(d) The consent to the creation of the political subdivision is only an authorization to initiate proceedings to create the political subdivision as provided by law.

(e) Repealed by Acts 1997, 75th Leg., ch. 1070, Sec. 55, eff. Sept. 1, 1997.

(f) If the municipality fails or refuses to give its consent to the creation of the political subdivision or fails or refuses to execute a contract providing for the water or sanitary sewer services requested within the time limits prescribed by this section, the applicant may petition the Texas Natural Resource Conservation Commission for the creation of the political subdivision or the inclusion of the land in a political subdivision. The commission shall allow creation of the political subdivision or inclusion of the land in a proposed political subdivision on finding that the municipality either does not have the reasonable ability to serve or has failed to make a legally binding commitment with sufficient funds available to provide water and wastewater service adequate to serve the proposed development at a reasonable cost to the landowner. The commitment must provide that construction of the facilities necessary to serve the land will begin within two years and will be substantially completed within 4-1/2 years after the date the petition was filed with the municipality.

(g) On an appeal taken to the district court from the Texas Natural Resource Conservation Commission's ruling, all parties to the commission hearing must be made parties to the appeal. The court shall hear the

appeal within 120 days after the date the appeal is filed. If the case is continued or appealed to a higher court beyond the 120-day period, the court shall require the appealing party or party requesting the continuance to post a bond or other adequate security in the amount of damages that may be incurred by any party as a result of the appeal or delay from the commission action. The amount of the bond or other security shall be determined by the court after notice and hearing. On final disposition, a court may award damages, including any damages for delays, attorney's fees, and costs of court to the prevailing party.

(h) A municipality may not unilaterally extend the time limits prescribed by this section through the adoption of preapplication periods or by passage of any rules, resolutions, ordinances, or charter provisions. However, the municipality and the petitioner may jointly petition the Texas Natural Resource Conservation Commission to request an extension of the time limits.

(i) Repealed by Acts 1989, 71st Leg., ch. 1058, Sec. 1, eff. Sept. 1, 1989.

(j) The consent requirements of this section do not apply to the creation of a special utility district under Chapter 65, Water Code. If a special utility district is to be converted to a district with taxing authority that provides utility services, this section applies to the conversion.

(k) This section, except Subsection (i), applies only to the proposed political subdivision's area located in the extraterritorial jurisdiction of the municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 3(b), eff. Aug. 28, 1989; Acts 1989, 71st Leg., ch. 1058, Sec. 1, eff. Sept. 1, 1989; Acts 1995, 74th Leg., ch. 76, Sec. 11.254, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1098 (H.B. 3378), Sec. 1, eff. June 15, 2007.

Sec. 42.0425. ADDITION OF LAND IN EXTRATERRITORIAL JURISDICTION OF MUNICIPALITY TO CERTAIN POLITICAL SUBDIVISIONS. (a) A political subdivision, one purpose of which is to supply fresh water for domestic or commercial use or to furnish sanitary sewer services, roadways, or drainage, may not add land that is located in the extraterritorial jurisdiction of a municipality unless the governing body of the

municipality gives its written consent by ordinance or resolution in accordance with this section and the Water Code. In giving its consent, the municipality may not place any conditions or other restrictions on the expansion of the political subdivision other than those expressly permitted by Section 54.016(e), Water Code.

(b) The procedures under Section 42.042 governing a municipality's refusal to consent to the creation of a political subdivision apply to a municipality that refuses to consent to the addition of land to a political subdivision under this section.

(c) An owner of land in the area proposed to be added to the political subdivision may not unreasonably refuse to enter into a contract for water or sanitary sewer services with the municipality under Section 42.042(c).

(d) This section does not apply to a political subdivision created by Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993.

Added by Acts 2007, 80th Leg., R.S., Ch. 703 (H.B. 2091), Sec. 2, eff. June 15, 2007.

Sec. 42.043. REQUIREMENTS APPLYING TO PETITION. (a) A petition under Section 42.041 or 42.042 must:

- (1) be written;
 - (2) request that the area be annexed or that the services be made available, as appropriate;
 - (3) be signed in ink or indelible pencil by the appropriate voters and landowners;
 - (4) be signed, in the case of a person signing as a voter, as the person's name appears on the most recent official list of registered voters;
 - (5) contain, in the case of a person signing as a voter, a note made by the person stating the person's residence address and the precinct number and voter registration number that appear on the person's voter registration certificate;
 - (6) contain, in the case of a person signing as a landowner, a note made by the person opposite the person's name stating the approximate total acreage that the person owns in the area to be annexed or serviced;
 - (7) describe the area to be annexed or serviced and have a plat of the area attached; and
 - (8) be presented to the secretary or clerk of the municipality.
- (b) The signatures to the petition need not be appended to one paper.

(c) Before the petition is circulated among the voters and landowners, notice of the petition must be given by posting a copy of the petition for 10 days in three public places in the area to be annexed or serviced and by publishing the notice once, in a newspaper of general circulation serving the area, before the 15th day before the date the petition is first circulated. Proof of posting and publication must be made by attaching to the petition presented to the secretary or clerk:

(1) the affidavit of any voter who signed the petition, stating the places and dates of the posting;

(2) the affidavit of the publisher of the newspaper in which the notice was published, stating the name of the newspaper and the issue and date of publication; and

(3) the affidavit of at least three voters who signed the petition, if there are that many, stating the total number of voters residing in the area and the approximate total acreage in the area.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 42.044. CREATION OF INDUSTRIAL DISTRICT IN EXTRATERRITORIAL JURISDICTION. (a) In this section, "industrial district" has the meaning customarily given to the term but also includes any area in which tourist-related businesses and facilities are located.

(b) The governing body of a municipality may designate any part of its extraterritorial jurisdiction as an industrial district and may treat the designated area in a manner considered by the governing body to be in the best interests of the municipality.

(c) The governing body may make written contracts with owners of land in the industrial district:

(1) to guarantee the continuation of the extraterritorial status of the district and its immunity from annexation by the municipality for a period not to exceed 15 years; and

(2) with other lawful terms and considerations that the parties agree to be reasonable, appropriate, and not unduly restrictive of business activities.

(d) The parties to a contract may renew or extend it for successive periods not to exceed 15 years each. In the event any owner of land in an industrial district is offered an opportunity to renew or extend a contract, then all owners of land in that industrial district must be offered an opportunity to renew or extend a contract subject to the provisions of Subsection (c).

(e) A municipality may provide for adequate fire-fighting services in the industrial district by:

- (1) directly furnishing fire-fighting services that are to be paid for by the property owners of the district;
- (2) contracting for fire-fighting services, whether or not all or a part of the services are to be paid for by the property owners of the district; or
- (3) contracting with the property owners of the district to have them provide for their own fire-fighting services.

(f) A property owner who provides for his own fire-fighting services under this section may not be required to pay any part of the cost of the fire-fighting services provided by the municipality to other property owners in the district.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 975, Sec. 1, eff. Aug. 30, 1993.

Sec. 42.045. CREATION OF POLITICAL SUBDIVISION IN INDUSTRIAL DISTRICT. (a) A political subdivision, one purpose of which is to provide services of a governmental or proprietary nature, may not be created in an industrial district designated under Section 42.044 by a municipality unless the municipality gives its written consent by ordinance or resolution. The municipality shall give or deny consent within 60 days after the date the municipality receives a written request for consent. Failure to give or deny consent in the allotted period constitutes the municipality's consent to the initiation of the creation proceedings.

(b) If the consent is obtained, the creation proceedings must be initiated within six months after the date of the consent and must be finally completed within 18 months after the date of the consent. Failure to comply with either time requirement terminates the consent for the proceedings.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 42.046. DESIGNATION OF A PLANNED UNIT DEVELOPMENT DISTRICT IN EXTRATERRITORIAL JURISDICTION. (a) The governing body of a municipality that has disannexed territory previously annexed for limited purposes may designate an area within its extraterritorial jurisdiction as a planned unit development district by written agreement with the owner of the land under Subsection (b). The agreement shall be recorded in the deed records of the county or counties in which the land is located. A planned unit

development district designated under this section shall contain no less than 250 acres. If there are more than four owners of land to be designated as a single planned unit development, each owner shall appoint a single person to negotiate with the municipality and authorize that person to bind each owner for purposes of this section.

(b) An agreement governing the creation, development, and existence of a planned unit development district established under this section shall be between the governing body of the municipality and the owner of the land subject to the agreement. The agreement shall not be effective until signed by both parties and by any other person with an interest in the land, as that interest is evidenced by an instrument recorded in the deed records of the county or counties in which the land is located. The parties may agree:

(1) to guarantee continuation of the extraterritorial status of the planned unit development district and its immunity from annexation by the municipality for a period not to exceed 15 years after the effective date of the agreement;

(2) to authorize certain land uses and development within the planned unit development;

(3) to authorize enforcement by the municipality of certain municipal land use and development regulations within the planned unit development district, in the same manner such regulations are enforced within the municipality's boundaries, as may be agreed by the landowner and the municipality;

(4) to vary any watershed protection regulations;

(5) to authorize or restrict the creation of political subdivisions within the planned unit development district; and

(6) to such other terms and considerations the parties consider appropriate.

(c) The agreement between the governing body of the municipality and the owner of the land within the planned unit development district shall be binding upon all subsequent governing bodies of the municipality and subsequent owners of the land within the planned unit development district for the term of the agreement.

(d) An agreement or a decision made under this section and an action taken under the agreement by the parties to the agreement are not subject to an approval or an appeal brought under Section 26.177, Water Code.

Added by Acts 1989, 71st Leg., ch. 822, Sec. 5, eff. Sept. 1, 1989.

Amended by Acts 1991, 72nd Leg., ch. 891, Sec. 1, eff. June 8, 1991.

Sec. 42.047. CREATION OF A POLITICAL SUBDIVISION IN AN AREA PROPOSED FOR A PLANNED UNIT DEVELOPMENT DISTRICT. If the governing body of a municipality that has disannexed territory previously annexed for limited purposes refuses to designate a planned unit development district under Section 42.046 no later than 180 days after the date a request for the designation is filed with the municipality by the owner of the land to be included in the planned unit development district, the municipality shall be considered to have given the consent required by Section 42.041 to the incorporation of a proposed municipality including within its boundaries all or some of such land. If consent to incorporation is granted by this subsection, the consenting municipality waives all rights to challenge the proposed incorporation in any court.

Added by Acts 1989, 71st Leg., ch. 822, Sec. 5, eff. Sept. 1, 1989.

Sec. 42.049. AUTHORITY OF WELLS BRANCH MUNICIPAL UTILITY DISTRICT.

(a) Wells Branch Municipal Utility district is authorized to contract with a municipality:

(1) to provide for payments to be made to the municipality for purposes that the governing body of the district determines will further regional cooperation between the district and the municipality; and

(2) to provide other lawful terms and considerations that the district and the municipality agree are reasonable and appropriate.

(b) A contract entered into under this section may be for a term that is mutually agreeable to the parties. The parties to such a contract may renew or extend the contract.

(c) A municipality may contract with the district to accomplish the purposes set forth in Subsection (a) of this section. In a contract entered into under this section, a municipality may agree that the district will remain in existence and be exempt from annexation by the municipality for the term of the contract.

(d) A contract entered into under this section will be binding on all subsequent governing bodies of the district and of the municipality for the term of the contract.

(e) The district may make annual appropriations from its operations and maintenance tax or other revenues lawfully available to the district to make payments to a municipality under a contract entered into under this section.

Added by Acts 1999, 76th Leg., ch. 926, Sec. 4, eff. June 18, 1999.

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 42.901. APPORTIONMENT OF EXTRATERRITORIAL JURISDICTIONS THAT OVERLAPPED ON AUGUST 23, 1963. (a) If, on August 23, 1963, the extraterritorial jurisdiction of a municipality overlapped the extraterritorial jurisdiction of one or more other municipalities, the governing bodies of the affected municipalities may apportion the overlapped area by a written agreement approved by an ordinance or a resolution adopted by the governing bodies.

(b) A municipality having a claim of extraterritorial jurisdiction to the overlapping area may bring an action as plaintiff in the district court of the judicial district in which the largest municipality having a claim to the area is located. The plaintiff municipality must name as a defendant each municipality having a claim of extraterritorial jurisdiction to the area and must request the court to apportion the area among the affected municipalities. In apportioning the area, the court shall consider population densities, patterns of growth, transportation, topography, and land use in the municipalities and the overlapping area. The area must be apportioned among the municipalities:

(1) so that each municipality's part is contiguous to the extraterritorial jurisdiction of the municipality or, if the extraterritorial jurisdiction of the municipality is totally overlapped, is contiguous to the boundaries of the municipality;

(2) so that each municipality's part is in a substantially compact shape; and

(3) in the same ratio, to one decimal, that the respective populations of the municipalities bear to each other, but with each municipality receiving at least one-tenth of the area.

(c) An apportionment under this section must consider existing property lines. A tract of land or adjoining tracts of land that were under one ownership on August 23, 1963, and that do not exceed 160 acres may not be apportioned so as to be in the extraterritorial jurisdiction of more than one municipality unless the landowner gives written consent to that apportionment.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 42.902. RESTRICTION AGAINST IMPOSING TAX IN EXTRATERRITORIAL JURISDICTION. The inclusion of an area in the extraterritorial

jurisdiction of a municipality does not by itself authorize the municipality to impose a tax in the area.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 42.903. EXTRATERRITORIAL JURISDICTION OF CERTAIN TYPE B OR C GENERAL-LAW MUNICIPALITIES. (a) This section applies only to a Type B or C general-law municipality:

- (1) that has more than 200 inhabitants;
- (2) that is wholly surrounded, at the time of incorporation, by the extraterritorial jurisdiction of another municipality; and
- (3) part of which was located, at any time before incorporation, in an area annexed for limited purposes by another municipality.

(b) The governing body of the municipality by resolution or ordinance may adopt an extraterritorial jurisdiction for all or part of the unincorporated area contiguous to the corporate boundaries of the municipality and located within one mile of those boundaries. The authority granted by this section is subject to the limitation provided by Section 26.178, Water Code.

(c) Within 90 days after the date the municipality adopts the resolution or ordinance, an owner of real property in the extraterritorial jurisdiction may petition the municipality to release the owner's property from the extraterritorial jurisdiction. On the presentation of the petition, the property:

- (1) is automatically released from the extraterritorial jurisdiction of the municipality and becomes part of the extraterritorial jurisdiction or limited purpose area of the municipality whose jurisdiction surrounded, on May 31, 1989, the municipality from whose jurisdiction the property is released; and

- (2) becomes subject to any existing zoning or other land use approval provisions that applied to the property before the property was included in the municipality's extraterritorial jurisdiction under Subsection (b).

(d) The municipality may exercise in its extraterritorial jurisdiction the powers granted under state law to other municipalities in their extraterritorial jurisdiction, including the power to ensure its water supply and to carry out other public purposes.

(e) To the extent of any conflict, this section controls over other laws relating to the creation of extraterritorial jurisdiction.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 13.01(a), eff. Aug. 26, 1991.

Sec. 42.904. EXTRATERRITORIAL JURISDICTION AND VOTING RIGHTS IN CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality that has disannexed territory under Section 43.133 that it had previously annexed for limited purposes and that has extended rules to its extraterritorial jurisdiction under Section [212.003](#).

(b) The municipality shall allow all qualified voters residing in the municipality's extraterritorial jurisdiction to vote on any proposition that is submitted to the voters of the municipality and that involves:

- (1) an adoption of or change to an ordinance or charter provision that would apply to the municipality's extraterritorial jurisdiction; or
- (2) a nonbinding referendum that, if binding, would apply to the municipality's extraterritorial jurisdiction.

Added by Acts 1993, 73rd Leg., ch. 172, Sec. 1, eff. May 17, 1993.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. N)

Presenter/Contact

*Matthew E. Hoyt, Councilmember District 4
mhoyt@nbtexas.org*

SUBJECT:

Discussion and possible direction to staff to review ordinances related to traveling exotic animals within the city limits.

BACKGROUND / RATIONALE:

N/A

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

5/13/2019

Agenda Item No. 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

