



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



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

MONDAY, JUNE 24, 2019 at 6:00 PM

Barron Casteel, Mayor

Shane Hines, Councilmember (District 1)

Justin Meadows, Councilmember (District 2)

Harry Bowers, Councilmember (District 3)

Matthew E. Hoyt, Councilmember (District 4)

Wayne Peters, Mayor Pro Tem (District 5)

Leah A. García, Councilmember (District 6)

Robert Camareno, City Manager

MISSION STATEMENT

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

AGENDA

CALL TO ORDER

CALL OF ROLL: City Secretary

INVOCATION: Councilmember Shane Hines

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PROCLAMATIONS:

- A) Pride Month

PRESENTATIONS:

- A) Presentation and update on the Bond and TIRZ Capital Projects.
Jennifer Cain, Capital Programs Manager

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of June 10, 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 a contract amendment for Pape Dawson Engineers, Inc in the amount of \$41,000 regarding the re-bid and construction services of San Antonio Street from Krueger Lane to Spur as part of the 2019 City Wide Streets Bond Program.
Jennifer Cain, Capital Programs Manager
- B) Approval of a contract modification with Brown, Reynolds, and Watford Architects to provide final design, bid phase, and construction phase services under the existing Fire Stations #2 and #3 design contracts and approval of the issuance of an invitation for competitive sealed proposals since the City Council finds that this delivery method will provide the best value to the City.
Jennifer Cain, Capital Programs Manager
- C) Approval of a contract with Brown, Reynolds, and Watford Architects to provide final design, bid phase, and construction phase services for Fire Station #7, including a Fire Training Facility; approval of an issuance of an invitation for competitive sealed proposals as the procurement method for construction of this project; and approval of a purchase of an ambulance from Frazer, and the purchase of an aerial ladder truck from Siddons Martin to be housed at Fire Station #7.
Jared Werner, Chief Financial Officer
- D) Approval of a contract with Freese & Nichols, Inc. for final design, bidding, and construction phase services for the Comal Cemetery Guadalupe River bank stabilization project and as part of the 2019 Bond Program and approval of the issuance of an invitation for competitive sealed proposals since the City Council finds that this delivery method will provide the best value to the City.
Jennifer Cain, Capital Programs Manager
- E) Approval of the issuance of an invitation for competitive sealed proposals as the project delivery method and approval for a contract modification with Pape-Dawson Engineers, Inc. for final design, bidding and construction administration for Klein Road Phase II as part of the

2019 Bond Program.

Jennifer Cain, Capital Programs Manager

- F) Approval of the issuance of an invitation for competitive sealed proposal as the project delivery method and approval of a contract amendment with Norris Design for final design services, bidding and construction administration for the Sports Complex as part of the 2019 Bond Program.

Jennifer Cain, Capital Programs Manager

- G) Approval of the issuance of an invitation for competitive sealed proposals for Kerlick Lane, California Boulevard, and Oak Run Sidewalk Projects since the City Council finds that this delivery method will provide the best value to the City.

Jennifer Cain, Capital Programs Manager

- H) Approval of a resolution recommended by the New Braunfels Economic Development Corporation to approve a project expenditure of \$15,000,000 to the City for the construction of the Sports Field Complex, an economic development project authorized by Local Government Code, Chapters 501 and 505, as amended.

Jordan Matney, Assistant City Manager, and Jared Werner, CFO

- I) Approval of the issuance of an invitation for competitive sealed proposals for San Antonio Street from Academy Street to Walnut Avenue as part of the 2013 Bond Program since the City Council finds that this delivery method will provide the best value to the City.

Jennifer Cain, Capital Programs Manager

- J) Approval of the Mayoral appointment of four individuals to the New Braunfels Partnership Committee for terms ending August 1, 2022.

Patrick Aten, City Secretary

- K) Approval of the appointment of one individual to the Animal Services Advisory Board.

Patrick Aten, City Secretary

- L) Approval of a resolution recommended by the New Braunfels Economic Development Corporation to approve a project expenditure for engineering work and closing costs associated to acquire an approximate 60-acre tract of land located at Kohlenberg Lane, said land being acquired for an economic development project authorized by Local Government Code, Chapters 501 and 505, as amended.

Jordan Matney, Assistant City Manager

- M) Approval of an amendment to the authorized position listing in the FY

2018-19 Development Services Fund.

Christopher J. Looney, Planning and Community Development Director

- N) Approval of multiple professional services contracts with pre-qualified firms to provide construction material testing and inspection services, on an as-needed basis.

Garry Ford, City Engineer

- O) Approval of a professional services contract with Pape-Dawson Engineers, Inc. for the evaluation and development of an Accessibility Transition Plan on the City's programs, buildings, parks and public right-of-way facilities, resulting in a report of deficiencies and needed improvements for compliance with Americans with Disabilities Act.

TJ Grossi, Building Official

- P) Approval of a contract with Pape-Dawson Engineers, Inc. to provide civil engineering services to develop a workplan for an update to the City's Drainage Area Master Plan.

Garry Ford, City Engineer

- Q) Approval of a contract with the National Development Council and authorize the City Manager to execute all necessary documents.

Jordan Matney, Assistant City Manager

- R) Approval of a five-year renewal of the current agreement beginning October 1, 2019 until September 30, 2024, between the City of New Braunfels and the Greater New Braunfels Chamber of Commerce Inc. concerning the use of Hotel Occupancy Tax.

Jared Werner, Chief Financial Officer

- S) Approval of a purchase with Austin Turf and Tractor for a John Deere 2500B Precision Cut Diesel Greens Mower for the Landa Park Golf Course through Buy Board Contract at a cost of \$38,675 and the appropriate budget amendment.

Stacey Dicke, Parks and Recreation Director

Ordinances

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

- T) Approval of the second and final reading of an ordinance amending Appendix D-Fee Schedule in the City's Code of Ordinances to change residential fees from valuation-based calculations to per square-foot calculations and flat fees.

TJ Grossi, Building Official

4. **INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Discuss and consider approval of the appointment of two individuals to the Downtown Board for terms ending May 31, 2021, and May 31, 2022.
Patrick Aten, City Secretary
- B) Discuss and consider approval of a resolution in support of a countywide polling place program within Comal County.
Patrick Aten, City Secretary
- C) Discuss and consider approval of a contract with BFI Waste Services of Texas, LP dba Republic Services of San Antonio to provide processing services for the City of New Braunfels' Recycling Program.
Mike Mundell, Solid Waste Manager
- D) Public hearing and possible direction to staff regarding the U.S. Department of Housing and Urban Development Community Development Block Grant Annual Action Plan and funding recommendations for Program Year 2019.
Jennifer Gates, Grants Coordinator
- E) Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Type 2 Special Use Permit to allow a bed and breakfast in the "R-2" Single-Family and Two-Family District on Lot 4, City Block 5021, addressed at 555 South Union Avenue.
Christopher J. Looney, Planning and Community Development Director
- F) Public hearing and first reading of an ordinance regarding the proposed rezoning of a 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, from "APD" Agricultural/Pre-Development District to "C-1B" General Business District.
Christopher J. Looney, Planning and Community Development Director
- G) Public hearing and consideration of a proposed amendment to the Veramendi Development Design & Control Document (DDCD).
Christopher J. Looney, Planning and Community Development Director
- H) Discuss and reconsider approval of the second and final reading of an ordinance regarding a proposed rezoning to amend a Special Use Permit to include a utility shed in the "C-2" Central Business District on Lot 32R, New City Block 2016, addressed at 468, 476, and 486 N. Market Avenue.

Wayne Peters, Mayor Pro Tem

- I) Discuss and consider approval of the creation of the Affordable Housing Advisory Taskforce.

Robert Camareno, City Manager

- J) Discuss and consider approval to authorize the City Manager to enter into a license agreement between the City of New Braunfels and Angel Brothers Enterprises, Ltd for encroachments in the public right-of-way on Krueger Canyon.

Garry Ford, City Engineer

5. EXECUTIVE SESSIONS

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

- A) Deliberate 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 issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:
 - Project Nautilus

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 June 20, 2019, at 2:00 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 Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/24/2019

Agenda Item No. A)



Proclamation

THE STATE OF TEXAS §

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, the City of New Braunfels supports the rights of every citizen to experience equality and freedom from discrimination; and

WHEREAS, all people regardless of age, race, color, religion, marital status, sex, national origin, sexual orientation, political beliefs, or physical challenges have the right to be treated on the basis of their intrinsic value as human beings; and

WHEREAS, the City of New Braunfels accepts and welcomes people of diverse backgrounds and believes a diverse population leads to a more vibrant community; and

WHEREAS, LGBTQ communities contribute to the cultural, civic, and economic success of the City of New Braunfels; and

WHEREAS, we must acknowledge that the need for education and awareness remains vital to end discrimination and prejudice; and

WHEREAS, June is celebrated nationwide as LGBTQ Pride.

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

GAY PRIDE MONTH

and encourage our residents to celebrate the contributions that members of the LGBTQ community give to our City.

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 24th day of June 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/24/2019

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Presentation and update on the Bond and TIRZ Capital Projects.

BACKGROUND / RATIONALE:

This presentation will provide information on the bond and TIRZ project items in the Consent Agenda (Items A-I).

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

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FISCAL IMPACT:

[Enter Fiscal Impact Here]

COMMITTEE RECOMMENDATION:

[Enter Committee Recommendation Here]

STAFF RECOMMENDATION:

[Enter Staff Recommendation Here]



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/24/2019

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 June 10, 2019.

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JUNE 10, 2019**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on June 10, 2019, at 6:00 p.m.

City Councilmembers present were:

Present: 5 - Councilmember Shane Hines, Councilmember Justin Meadows, Councilmember Matthew E. Hoyt, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

Absent: 2 - Mayor Barron Casteel, and Councilmember Harry Bowers

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

PROCLAMATIONS:

A) Safety Month

Mayor Pro Tem Peters proclaimed June as Safety Month.

B) Garbage Man Week

Mayor Pro Tem Peters proclaimed June 16-22, 2019, as Garbage Man Week.

PRESENTATIONS:

A) Presentation on the Recycling Program.

Mayor Pro Tem Peters read the aforementioned caption.

Mike Mundell presented the item. No action was taken.

B) Presentation on the New Braunfels Transit Study.

Mayor Pro Tem Peters read the aforementioned caption.

Garry Ford presented the item. No action was taken.

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City

Council meeting of May 28, 2019, and the special meeting of June 3, 2019.

Mayor Pro Tem Peters read the aforementioned caption.

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

2. CITY COUNCIL ACTIONS

A) Administer oath of office to District 2 Councilmember-elect Justin Meadows.

Mayor Pro Tem Peters read the aforementioned caption.

District Judge Robison administered the oath of office to Councilmember Justin Meadows.

3. 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 Pro Tem Peters read the aforementioned caption.

No one spoke.

4. CONSENT AGENDA

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

Resolutions & Action Items

A) Approval of a resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various improvements from the proceeds of the tax-exempt obligations to be issued by the City for authorized purposed; authorizing other matters incident and related thereto; and providing an effective date

- B) Approval of the issuance of an invitation for competitive sealed proposals for the Common Street Project since the City Council finds that this delivery method will provide the best value to the City.

Ordinances

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

- D) Approval of the second and final reading of an ordinance amending Chapter 142 pertaining to methods of fishing and release of non-native aquatic species into waterbodies within the city limits.
- F) Approval of the second and final reading of an ordinance to install an all-way stop at the intersection of Oak Run Parkway and Westpointe Drive.

Mayor Pro Tem Peters read the aforementioned captions. Items C and E were pulled for further consideration. Councilmember Hines moved to approve the Consent Agenda. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

- C) Approval of the second and final reading of an ordinance regarding a proposed rezoning to amend a Special Use Permit to include a utility shed in the "C-2" Central Business District on Lot 32R, New City Block 2016, addressed at 468, 476, and 486 N. Market Avenue.

Mayor Pro Tem Peters read the aforementioned caption.

Stacy Snell presented the item.

Mayor Pro Tem Peters moved to approve the item with the condition that the neighbor and applicant submit to the City a signed agreement that the fence issue is resolved. Councilmember Hines seconded the motion which passed unanimously via roll call vote.

- E) Approval of the second and final reading of an ordinance regarding amendments to Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18, M-1A Light Industrial, Section 3.4-19, M-2A Heavy Industrial, and Section 4.2, Land Use Matrix.

Mayor Pro Tem Peters read the aforementioned caption.

Chris Looney presented the item.

Cindy Bennett, Dwight Schmidt, Lavaine Kester, Bernerd Boarnet, and Warren Hoskinson spoke on the item.

Councilmember Meadows moved to postpone the item to August 12. Mayor Pro Tem Peters seconded the motion which passed unanimously.

<City Council took a break.>

5. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the first reading of an ordinance amending Appendix D-Fee Schedule in the City's Code of Ordinances to change residential fees from valuation-based calculations to per square foot calculations and flat fees.

Mayor Pro Tem Peters read the aforementioned caption.

TJ Grossi presented the item.

Kandace Tornquist spoke on the item.

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

- B) Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "M-1" Light Industrial District at 343 E. Mill Street.

Mayor Pro Tem Peters read the aforementioned caption.

Chris Looney presented the item.

Evan and Christine Quiros spoke on the item.

Councilmember Hines moved to approve the item. Councilmember Garcia seconded the motion. Mayor Pro Tem Peters moved to amend the motion to limit occupancy to 6 occupants and 2 children. Councilmember Garcia seconded the motion to amend which passed

4-1 with Councilmember Hoyt opposed. The amended main motion passed 4-1 via roll call vote with Councilmember Hoyt opposed.

- C) Discuss and consider approval of the purchase of 1.298 acres, being Lot 5, Block 1, George Subdivision, Unit 3, located at 3030 W. San Antonio Street, New Braunfels, Texas and authorize the City Manager to execute all necessary documents.
- D) Discuss and consider approval of the purchase of 10.485 acres, being Lot 1, George Subdivision, Unit 2, located on W. San Antonio Street, New Braunfels, Texas and authorize the City Manager to execute all necessary documents.

Mayor Pro Tem Peters read the aforementioned captions C and D.

Robert Camareno presented the items.

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

- E) Discuss and consider approval of a resolution to amend portions of Alves Lane and FM 1101 on the City of New Braunfels Regional Transportation Plan.

Mayor Pro Tem Peters read the aforementioned caption.

Garry Ford presented the item.

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

- F) Discuss and consider approval of the removal of the speed humps on Hunter Road.

Mayor Pro Tem Peters read the aforementioned caption.

Garry Ford presented the item.

Sharlene and Brian Bailey and Rusty Brockman spoke on the item.

Councilmember Hoyt moved to deny the removal of the speed humps. Councilmember Garcia seconded the motion which passed unanimously.

- G) Discuss and consider a request for a conditional sign permit for Freiheit Village located near the northwest intersection of Creekside Crossing and FM 1101.

Mayor Pro Tem Peters read the aforementioned caption.

Stacy Snell presented the item.

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

- H) Discuss and consider approval of the creation of a Workforce Housing Taskforce.

Mayor Pro Tem Peters read the aforementioned caption.

Robert Camareno presented the item.

Doy Cole, Kandace Tornquist, Rusty Brockman, and Mary Ann Sy spoke on the item.

City Council gave direction for the creation of a committee on the June 24 City Council agenda.

6. EXECUTIVE SESSIONS

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

- A) Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:
- Project Nautilus
- B) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code
- Property for city facilities

Mayor Pro Tem Peters read the aforementioned captions.

City Council recessed into Executive Session from 9:32 p.m. - 9:54 p.m.

No vote or action was taken.

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

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

The City Council reconvened into open session. No vote or action was taken.

8. **ADJOURNMENT**

The meeting adjourned at 9:55 p.m.

Date Approved: June 28, 2019

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary

6/24/2019

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Approval of a contract amendment for Pape Dawson Engineers, Inc in the amount of \$41,000 regarding the re-bid and construction services of San Antonio Street from Krueger Lane to Spur as part of the 2019 City Wide Streets Bond Program.

BACKGROUND / RATIONALE:

This section of San Antonio Street was previously designed by Pape Dawson and bid as part of the City Wide Streets for the 2013 Bond Program but was recommended to delay construction due to the unknown condition of the existing utilities. This amendment will include minor revisions to the existing plan set, services for bidding & bid evaluation, construction phase services, material approvals, as well as correspondence and plan review with NBU design consultants and staff as part of the previously approved Joint-Bid MOU.

The joint-bid partnership with NBU has shown to be successful when improvements by both the City and NBU can be combined.

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority	Continue and ongoing program of infrastructure construction and maintenance
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FISCAL IMPACT:

The 2019 Bond Program includes sufficient funds in Proposition 1 to fund this project.

COMMITTEE RECOMMENDATION:

No

STAFF RECOMMENDATION:

Staff recommends approval of the contract amendment for Pape Dawson Engineers Inc for San Antonio Street at Krueger in the amount, not to exceed, \$41,000.

6/24/2019

Agenda Item No. B)

Presenter/Contact

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

SUBJECT:

Approval of a contract modification with Brown, Reynolds, and Watford Architects to provide final design, bid phase, and construction phase services under the existing Fire Stations #2 and #3 design contracts and approval of the issuance of an invitation for competitive sealed proposals since the City Council finds that this delivery method will provide the best value to the City.

BACKGROUND / RATIONALE:

On May 4, 2019, New Braunfels voters approved \$7.37 million for the construction and relocation of fire station #2 and \$6.74 million for the reconstruction of Fire Station #3 under the Proposition Three projects included in the 2019 Bond Program. Fire Station #2 will be constructed on City owned property on Water Lane and will function as a heavy house with living quarters and four apparatus bays. Fire station #3 will be reconstructed at the existing location on Hanz Lane with living quarters and three apparatus bays.

On June 25, 2018 City Council approved the development of a Preliminary Engineering Report with Brown, Reynolds, and Watford (BRW) Architects for both fire stations. The task order for Station #2 is in the amount of \$501,334 and the task order for station #3 is in the amount of \$392,660. Both Task Orders include final design, bid phase, and construction phase services. The design team is developing the same design concepts and similar layout for both stations in effort to realize efficiencies in the design and construction of the projects.

The combined cost for professional services to final design, bid phase, and construction phase services for both fire stations is a combination of lump sum and hourly, not to exceed tasks in the amount of \$893,994.

City staff recommends issuing an invitation for a Competitive Sealed Proposal (CSP) as the procurement method for the contract to construct these projects. The CSP method allows the City to evaluate the most qualified contractors and the best value for the project. The evaluation of the proposals received by City staff will be presented to City Council for direction regarding the approval of a contract for construction.

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

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

The services described above were incorporated into the 2019 bond project budget(s). Therefore, sufficient funds are available.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a task orders with BRW Architects for the final design, bid phase and construction phase services for Fire Stations #2 and #3.

6/24/2019

Agenda Item No. C)

Presenter/Contact

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

SUBJECT:

Approval of a contract with Brown, Reynolds, and Watford Architects to provide final design, bid phase, and construction phase services for Fire Station #7, including a Fire Training Facility; approval of an issuance of an invitation for competitive sealed proposals as the procurement method for construction of this project; and approval of a purchase of an ambulance from Frazer, and the purchase of an aerial ladder truck from Siddons Martin to be housed at Fire Station #7.

BACKGROUND / RATIONALE:

History - Since the inception of the Creekside Town Center TIRZ, the construction of a fire station within the boundaries was always planned. The City had initially planned to locate the facility on a piece of property directly off FM 306 (near the area of Christus and RBFCU). However, due to several factors it was determined that a different property that was already owned by the City of New Braunfels would be a more ideal location. The board met in January 2019 to expand the TIRZ to include this property. On June 11, 2019, the TIRZ board met once again and approved a recommendation to begin design of the station as well as purchase the ambulance and aerial ladder truck that will eventually be housed at the station once completed. More information on these items are provided below.

Design - The city has completed preliminary design for the replacement of fire station #2 and #3 as part of the 2019 bond program. City Council has given staff direction to align the design and construction of stations #2, #3, and #7 to take advantage of economies of scale. Therefore, initiating the design process for station #7 now will allow for the opportunity for all three fire stations to be solicited for concurrently.

Brown, Reynolds, and Watford (BRW) was selected as the most qualified design team through an RFQ process for the Fire Training Facility during the planning process for the 2019 Bond. The project was ultimately not selected by City Council to move forward as part of the 2019 Bond. However, it was identified that the Fire Training could be constructed along with Fire Station #7 utilizing TIRZ funding in the Creekside area. BRW was also selected through the RFQ process for the development and design of Fire Stations #2 & #3 which were approved as part of the 2019 Bond Program. Fire Station #7 will be a heavy house including living quarters and four apparatus bays. The station will follow the design concepts and layout being developed for Fire Station #2. The cost of initiating design had not been included in the FY 2018-19 TIRZ Fund budget(s); therefore, a budget amendment was also approved at the June 11 meeting so that these services could be initiated immediately. The contract with BRW includes design, bidding and construction phase services of the station, fire training center, and the infrastructure needed to provide utilities and access to the site of the station for a not to exceed amount of \$1,370,000.

Competitive Sealed Proposal - City staff recommends issuing an invitation for a Competitive Sealed Proposal (CSP) as the procurement method for the contract to construct this project. The CSP method allows the City to evaluate the most qualified contractors and the best value for the project. The evaluation of the proposals received by City staff will be presented to City Council for direction regarding the approval of a contract for construction.

Ambulance and Aerial Ladder Truck - Per the City's bond counsel, we can acquire the apparatus and put them in to operation prior to the completion of station #7. The only stipulation is that they be placed at the station that provides service to the TIRZ. Therefore, staff will be requesting approval to purchase an ambulance and aerial ladder truck. They will be housed at station #6, which is located directly off Hwy 46 South. There are two main advantages to ordering this equipment in advance of the station being completed. First, we take advantage of the current cost of equipment, avoiding potential inflationary and demand pressures that could affect the price by waiting. Secondly, having an aerial ladder truck at station #6 would reduce response times (for calls specifically requiring a ladder truck) in the Creekside area - where there continues to be more density and vertical construction occurring.

Ambulance Purchase - the City is a member of the Houston-Galveston Area Council (HGAC) purchasing cooperative. Participation in the cooperative allows the organization to purchase various services and commodities that have already been competitively bid in accordance with municipal procurement related statutes and requirements. Staff recommends utilizing the HGAC contract to purchase the ambulance from Frazer. The cost for the ambulance is \$273,248. There is an additional \$134,605 in ancillary equipment required to put the ambulance into service, however that equipment will be purchased from other vendors. The ambulance is not projected to be delivered until mid FY 2019-20. therefore, the full cost to purchase the ambulance and ancillary equipment has been incorporated into the FY 2019-20 TIRZ Fund Proposed Budget.

Aerial Ladder Truck Purchase - The City is a member of the Buy Board purchasing cooperative. This allows the organization to purchase various services and commodities that have already been competitively bid in accordance with all municipal procurement related statutes and requirements. Staff recommends utilizing the Buy Board contract to purchase the aerial ladder truck from Siddons-Martin. The cost for the truck is \$1,335,295. There is an additional \$111,385 in ancillary equipment required to put the ambulance into service, however that equipment will be purchased from other vendors. The truck is not projected to be delivered until late FY 2019-20. therefore, the full cost to purchase the truck and ancillary equipment has been incorporated into the TIRZ FY 2019-20 Proposed Budget.

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

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

There are sufficient reserves available in the Creekside TIRZ Fund to support the expenditures described above. The majority of these costs have been incorporated into the FY 2019-20 TIRZ Fund Budget, which was also approved by the TIRZ Board at their June 11 meeting. That information will

be incorporated into the Citywide FY 2019-20 Proposed Budget Document, which is currently in development.

COMMITTEE RECOMMENDATION:

On June 11, 2019 the Creekside TIRZ board approved a recommendation to City Council to enter into a contract with BRW as well as the purchase of the ambulance from Frazer and aerial ladder truck from Siddons-Martin.

STAFF RECOMMENDATION:

Staff recommends approval of a contract with Brown, Reynolds, and Watford (BRW) Architects to provide final design, bid phase, and construction phase services for Fire Station #7, including a Fire Training Facility; approval of an issuance of an invitation for competitive sealed proposals as the procurement method for construction of this project; and approval of a purchase of an ambulance from Frazer, and the purchase of an aerial ladder truck from Siddons Martin to be housed at Fire Station #7.

6/24/2019

Agenda Item No. D)

Presenter/Contact

*Jennifer Cain, Capital Programs Manager
(830) 221-4022 - jcain@nbtexas.org*

SUBJECT:

Approval of a contract with Freese & Nichols, Inc. for final design, bidding, and construction phase services for the Comal Cemetery Guadalupe River bank stabilization project and as part of the 2019 Bond Program and approval of the issuance of an invitation for competitive sealed proposals since the City Council finds that this delivery method will provide the best value to the City.

BACKGROUND / RATIONALE:

The Guadalupe River bank cliff at the Comal Cemetery has experienced severe erosion due to natural river flow and previous floods including the June 9, 2010 flood. After the 2010 flood, it was noticed that the bank had eroded to a near vertical condition and concerns were raised about the stability of the cemetery above.

Freese & Nichols, Inc. (FNI) conducted a feasibility study in 2011 to develop bank stabilization strategies. Options were presented to city staff (Engineering and Parks) and the Parks and Recreation Advisory Board. An internal drilled shaft wall was selected as the preferred strategy and on July 14, 2014 City Council approved a contract with (FNI) for archeological permitting, geotechnical testing, and final design. In the fall of 2015 FNI submitted a 95% design for staff review. The project was paused pending the identification of a funding source for construction.

On May 4, 2019, the City of New Braunfels voters approved the construction of the Comal Cemetery Wall Stabilization under Proposition 2 of the 2019 Bond Program. The contract with FNI includes final design, bidding, and construction phase services for a not to exceed amount of \$220,919.

City staff recommends issuing an invitation for a Competitive Sealed Proposal (CSP) as the procurement method for the contract to construct this project. The CSP method allows the City to evaluate the most qualified contractors and the best value for the project. The evaluation of the proposals received by City staff will be presented to City Council for direction regarding the approval of a contract for construction.

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority:	Strategic Priorities Infrastructure Objective 3: Implement ongoing program of infrastructure construction and maintenance.
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FISCAL IMPACT:

The combined cost for professional services to complete design and construction is a combination of lump sum and hourly, not to exceed tasks in the amount of \$220,919. When developing cost estimates for the 2019 bond projects, professional services such as design and engineering were factored into all projects. Therefore, sufficient funds are available for the contract as described above.

COMMITTEE RECOMMENDATION:

In 2014 the Cemetery Committee as well as the Parks and Recreation Advisory Board recommended approval of the contract with Freese & Nichols, Inc. to provide a final design for bank stabilization for the Comal Cemetery Guadalupe River bank.

STAFF RECOMMENDATION:

Staff recommends approval of a contract with Freese & Nichols, Inc. for final design, bidding, and construction phases services for the Comal Cemetery Guadalupe River bank stabilization project.

6/24/2019

Agenda Item No. E)

Presenter/Contact

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

SUBJECT:

Approval of the issuance of an invitation for competitive sealed proposals as the project delivery method and approval for a contract modification with Pape-Dawson Engineers, Inc. for final design, bidding and construction administration for Klein Road Phase II as part of the 2019 Bond Program.

BACKGROUND / RATIONALE:

Pape Dawson has previously completed the 30% Klein Road Phase II preliminary engineering report for consideration to be placed on the 2019 Bond Packet, which was voted and passed by the residents of New Braunfels in May 2019. Staff is recommending that Pape Dawson complete the project package through 100% to include civil plan set, project specifications, bidding prep and assistance, construction observation as well as communication and correspondence with all stake holders. Staff recommends approval of the contract modification for the items described above in the amount of \$1,511,753.

City staff also recommends issuing invitations for CSP as the procurement method for contracts to construct this facility to allow the City to evaluate the most qualified contractors and receive the best value for the project. The evaluation of the proposals received by City Staff will be presented to City Council for direction regarding the approval of a contract for construction.

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

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

The 2019 Bond Program includes sufficient funding in proposition 1 for this project.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the issuance of invitation for Competitive Sealed Proposals (CSP) as the project delivery method and approval for a contract modification with Pape-Dawson Engineers, Inc. for final design, bidding and construction administration for Klein Road Phase II as part of the 2019 Bond Program.

6/24/2019

Agenda Item No. F)

Presenter/Contact

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

SUBJECT:

Approval of the issuance of an invitation for competitive sealed proposal as the project delivery method and approval of a contract amendment with Norris Design for final design services, bidding and construction administration for the Sports Complex as part of the 2019 Bond Program.

BACKGROUND / RATIONALE:

Norris Design has previously completed the 30% Sports Complex preliminary engineering report for consideration to be placed on the 2019 Bond Packet, which was voted on and passed by the residents of New Braunfels in May 2019. Staff is recommending that the Norris Design team complete the project package through 100% to include civil and architectural plan sets, project specifications, bidding preparation and review assistance, construction administration and observation as well as communication and correspondence with all stake holders as necessary. Staff recommends approval of the contract modification for the items described above in the amount of \$1,707,600.

City staff also recommends issuing invitations for CSP as the procurement method for contracts to construct this facility to allow the City to evaluate the most qualified contractors and receive the best value for the project. Due to the specific nature of the sports fields and building structures that are proposed with the sports complex staff recommends separating the civil portion as one project package and the fields & structures portion as a second package. Staff also feels that CSP will be the best method for both packages to allow for the proper evaluation. The evaluation of the proposals received by staff will be presented to City Council for direction regarding the approval of a contract for construction.

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

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

The 2019 Bond Program includes sufficient funds in Proposition 3 to fund this project. Staff will present a funding strategy to the NBEDC at their regular June meeting. The first component of that strategy would be a \$5 million certificate of obligation issuance fully supported by the NBEDC. Those funds will be utilized to support the services described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the approval of the issuance of an invitation for Competitive Sealed Proposal (CSP) as the project delivery method and approval for a contract amendment with Norris Design for final design services, bidding and construction administration for the Sports Complex as part of the 2019 Bond Program.

6/24/2019

Agenda Item No. G)

Presenter/Contact

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

SUBJECT:

Approval of the issuance of an invitation for competitive sealed proposals for Kerlick Lane, California Boulevard, and Oak Run Sidewalk Projects since the City Council finds that this delivery method will provide the best value to the City.

BACKGROUND / RATIONALE:

The citywide street program was approved in the 2019 Bond Election. Projects in this program could include: asphalt excavation and replacement, base repairs, curb repair/replacement, sidewalk repairs/replacement, and concrete diamonds around meter boxes and manholes.

On September 10, 2018, City Council approved a contract task order with M & S Engineering, HMT Engineering, and Urban Civil Engineering to provide engineering for the final design of Kerlick Lane (Walnut Avenue to Mission Hills Drive), California Boulevard (Loop 337 to Gazebo Circle), and Oak Run Sidewalks (Oak Glen from Oak Run Parkway to Timber Hollow, and Timber Hollow from Oak Glen to Crown Ridge).

City staff recommends issuing an invitation for a Competitive Sealed Proposal (CSP) as the procurement method for the contract to construct these projects. The CSP method allows the City to evaluate the most qualified contractors and the best value for the project. The evaluation of the proposals received by City staff will be presented to City Council for direction regarding the approval of a contract for construction.

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

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

The 2019 Bond Program includes \$15 million for citywide street improvement projects that will provide funding for engineering services, construction and testing on these projects.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the issuance of an invitation for competitive sealed proposals for

Kerlick Lane, California Boulevard, and Oak Run Sidewalks (Oak Glen and Timber Hollow) since the City Council finds that this delivery method will provide the best value to the City.

6/24/2019

Agenda Item No. H)

Presenter/Contact

*Jordan Matney, Assistant City Manager, and Jared Werner, CFO
(830) 221-4022 - jmatney@nbtexas.org*

SUBJECT:

Approval of a resolution recommended by the New Braunfels Economic Development Corporation to approve a project expenditure of \$15,000,000 to the City for the construction of the Sports Field Complex, an economic development project authorized by Local Government Code, Chapters 501 and 505, as amended.

BACKGROUND / RATIONALE:

On January 3, 2019, the New Braunfels Economic Development Corporation Board of Directors adopted a Statement of Support for certain bond projects, including the Sports Fields Complex, contingent upon the project being placed on the ballot by City Council for the May 2019 bond election and passage by the voters. At this time the City Manager is seeking the approval of this project expenditure towards the City's cost of Phase I of the Sports Field Complex.

On June 20, 2019, the NBEDC Board of Directors will consider a a recommendation to City Council for the approval of a project expenditure of \$15,000,000.00 to the City for the construction of the sports complex. Notice of the NBEDC public hearing was published in the local newspaper.

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority:	Strategic Priorities: 12 - Work with existing entities to ensure balanced economic development
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FISCAL IMPACT:

In accordance with the funding strategy and NBEDC five year pro-forma currently maintained by staff, the first \$5 million contribution to the project will be incorporated as a certificate of obligation into the City's 2013/2019 bond program debt issuance(s) this August. The remaining \$10 million contribution will not be required until the following year. Next spring, we can once again reevaluate funding strategies to determine if the remaining portion will be fully supported by a debt issuance or some type of combination of reserves and debt.

COMMITTEE RECOMMENDATION:

The Board of Directors will consider this resolution at a public meeting held on June 20, 2019.

STAFF RECOMMENDATION:

Staff recommends approval of the resolution.

RESOLUTION NO. 2019-R _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPROVING A RECOMMENDATION OF THE NEW BRAUNFELS ECONOMIC DEVELOPMENT CORPORATION TO PROVIDE A PROJECT EXPENDITURE NOT TO EXCEED \$15,000,000 TO THE CITY FOR THE DESIGN AND CONSTRUCTION OF THE SPORTS FIELD COMPLEX LOCATED AT THE CORNER OF KLEIN ROAD AND FM 1044, AN ELIGIBLE PROJECT EXPENDITURE RELATED TO RECREATIONAL OR COMMUNITY FACILITIES; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels Economic Development Corporation (“EDC”) Board of Directors recognizes the importance of partnering with the City to fund a variety of quality of life projects; and

WHEREAS, the NBEDC and the city partnered in a cost sharing agreement for the acquisition of not less than 10 acres or more than 20 acres of property located at the southeast corner of Farm-to-Market Road 1044 and Klein Road; for the site of the future sports complex; and

WHEREAS, the NBEDC contributed to an amount not exceeding \$650,000 towards the purchase of the property; and

WHEREAS, the acquisition of the necessary land for the sports complex was approved by the voters in the 2013 bond election and the land was acquired on March 14, 2018; and

WHEREAS, the acquisition of land for a sports complex was identified in the NBEDC’S Strategic Initiatives; and

WHEREAS, the City Council accepted the recommendation from the 2019 Bond Advisory Committee to include construction of the sports complex on its list of recommended projects for the May 2019 bond election; and

WHEREAS, this project was part of proposition 2 on the ballot which was approved by the 70.29% of the voters in the election held on May 4, 2019; and

WHEREAS, the EDC Board of Directors, after holding a public hearing and discussing the request at a meeting on June 20, 2019, voted to approve an expenditure of up to \$15,000,000 to the City of New Braunfels for the design and construction of the Sports Field Complex to be located approximately at the corner of Klein Road and FM 1044, as authorized by the Local Government Code Section 505.152.

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

SECTION 1: That the recommendation of the New Braunfels Economic Development

Corporation to provide a project expenditure not to exceed \$15,000,000 to the City for the design and construction of the Sports Field Complex located approximately at the corner of Klein Road and FM 1044, is hereby approved.

SECTION 2: That this Resolution shall become effective from and after the date of its passage.

PASSED, ADOPTED AND APPROVED this _____ day of January 2019.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Barron Casteel, Mayor

ATTEST:

Patrick D. Aten, City Secretary

6/24/2019

Agenda Item No. I)

Presenter/Contact

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

SUBJECT:

Approval of the issuance of an invitation for competitive sealed proposals for San Antonio Street from Academy Street to Walnut Avenue as part of the 2013 Bond Program since the City Council finds that this delivery method will provide the best value to the City.

BACKGROUND / RATIONALE:

San Antonio Street is being designed by Cobb Fendley as a rehabilitation project to make spot repairs to the flex base and will be a full surface mill and 2" asphalt overlay which will also include curb and gutter for improvement of stormwater conveyance. Definitive striping and pavement markings will delineate 3 or 4 lanes sections due to the varying widths of the existing roadway.

City staff recommends issuing invitations for competitive sealed proposals (CSP) as the procurement method for the contract to construct this project. The CSP method allows the City to evaluate the most qualified contractors and the best value for the project.

This section of San Antonio Street is also being supplemented with sidewalk improvements, on both sides, by funds from our AAMPO City Wide Sidewalk Project.

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

<input checked="" type="checkbox"/>	YES	City Plan/Council Priority	Continue an ongoing program of infrastructure construction and maintenance
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FISCAL IMPACT:

The 2013 Bond Program includes sufficient funds in Proposition 1 to fund this project.

COMMITTEE RECOMMENDATION:

No

STAFF RECOMMENDATION:

Staff recommends the approval of the invitation for Competitive Sealed Proposals for San Antonio Street rehabilitation project as part of the 2013 Bond Program.

6/24/2019

Agenda Item No. J)

Presenter/Contact

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

SUBJECT:

Approval of the Mayoral appointment of four individuals to the New Braunfels Partnership Committee for terms ending August 1, 2022.

BACKGROUND / RATIONALE:

Per Section 30-61 of the New Braunfels Code of Ordinances, the Mayor appoints members to the New Braunfels Partnership Committee with City Council approval. The Partnership Committee has 15 members serving three-year staggered terms.

Four vacancies were advertised from April 16, 2019 through May 15, 2019.

The Mayor has appointed the following individuals for City Council approval:

- Michel Schadt (incumbent)
- H-B Moeller (incumbent)
- John Coers(incumbent)
- Martha Rehler (incumbent)

Applicants' current & prior service on Boards and Commissions

Michel Schadt currently serves on the New Braunfels Partnership Committee.

H-B Moeller currently serves on the New Braunfels Partnership Committee. He is a graduate of City University.

John Coers currently serves on the New Braunfels Partnership Committee.

Martha Rehler currently serves on the New Braunfels Partnership Committee. She is a graduate of City University.

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 the City Council approve the appointment of four individuals to the Partnership Committee for terms ending August 1, 2022.

6/24/2019

Agenda Item No. K)

Presenter/Contact

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

SUBJECT:

Approval of the appointment of one individual to the Animal Services Advisory Board.

BACKGROUND / RATIONALE:

The Animal Services Advisory Board is made up of seven members serving three-year terms. One member serves at-large and six members serve from each of the following categories: licensed veterinarian that is a representative of the Comal County Veterinary Medical Association, municipal official, county official that is a representative of Comal County's designated Texas Department of Health local rabies control authority, Humane Society of New Braunfels Area (HSNBA) employee, HSNBA board member, and animal facility owner/operator.

The vacancy was not advertised because it is a representative or member of the County's designated Texas Department of Health local rabies control authority, and it has no expiration date.

The following qualified application was received for the seat:

- Shawn Heimann

Applicant's current & prior service on Boards and Commissions

Shawn Heimann has no prior City of New Braunfels board or commission experience.

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 the approval of the appointment of one individual to the Animal Services Advisory Board.

6/24/2019

Agenda Item No. L)

Presenter/Contact

*Jordan Matney, Assistant City Manager
(830) 221-4022 - jmatney@nbtexas.org*

SUBJECT:

Approval of a resolution recommended by the New Braunfels Economic Development Corporation to approve a project expenditure for engineering work and closing costs associated to acquire an approximate 60-acre tract of land located at Kohlenberg Lane, said land being acquired for an economic development project authorized by Local Government Code, Chapters 501 and 505, as amended.

BACKGROUND / RATIONALE:

On May 28, 2019, City Council approved a recommendation from the New Braunfels Economic Development Corporation to provide funds for due diligence work and closing costs for an approximate 60-acre parcel located in the northwest part of Subdivision 13, Esnaurizar Eleven Grant. The NBEDC desires to purchase this property to bank for future business retention, expansion, and attraction efforts. This property is in a desirable and high growth area of the City currently designated with an agricultural predevelopment (APD) zoning and presents the NBEDC with the flexibility to plan for future development, expand buildings in adjacent properties for existing businesses, or hold the land for resale at a later date.

The current purchase agreement allows the NBEDC to close on the property on July 31.

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority:	Strategic Priorities: 12 - Work with existing entities to ensure balanced economic development
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FISCAL IMPACT:

There are sufficient funds available in the FY 18-19 budget to approve this resolution.

COMMITTEE RECOMMENDATION:

The NBEDC Board of Directors approved this resolution at a public meeting held on June 20, 2019.

STAFF RECOMMENDATION:

Staff recommends approval of the resolution.

RESOLUTION NO. 2019-R _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPROVING A RECOMMENDATION OF THE NEW BRAUNFELS ECONOMIC DEVELOPMENT CORPORATION TO PROVIDE A PROJECT EXPENDITURE NOT TO EXCEED \$100,000 FOR DUE DILIGENCE AND NECESSARY CLOSING COSTS AS PART OF THE PURCHASE OF APPROXIMATELY 60 ACRES OF LAND ADDRESSED AS 440 KOHLENBERG ROAD, FOR A PROJECT FOUND BY THE BOARD OF DIRECTORS TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES THAT CREATE OR RETAIN PRIMARY JOBS; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels City Council and the New Braunfels Economic Development Corporation (“EDC”) Board of Directors recognize the importance of partnering to fund a variety of quality of life projects; and

WHEREAS, on May 16, 2019, after publishing public notice and holding a public hearing at a regularly called meeting, the Board of Directors of the New Braunfels Economic Development Corporation (the “EDC”) voted to approve a project expenditure of up to \$4,000,000.00 for the purchase of the approximate 60 acres of land addressed as 440 Kohlenburg Road, located within the corporate city limits, Comal County, Texas; and

WHEREAS, ownership of this land will allow the EDC to facilitate the development of industrial or commercial space for primary employers; and

WHEREAS, the EDC can hold the land for resale at a later date or convert it for an eligible use as denoted in Chapters 501 and 505 of the Texas Local Government Code; and

WHEREAS, the item approved by the EDC on May 16th included the costs of the land acquisition and did not include up to \$100,000 for necessary due diligence work and closing costs; and

WHEREAS, on May 28, 2019, the City Council approved payment up to \$35,675 in due diligence and closing costs to Kimley-Horn and Associates for survey and due diligence work related to the EDC’s land acquisition; and

WHEREAS, the EDC wishes to allocate up to \$100,000 for necessary due diligence work and closing costs, including reimbursement to the City for any related costs expended on behalf of the EDC; and

WHEREAS, after public notice was issued and a public hearing was held at a meeting on June 20, 2019, the EDC Board of Directors voted to approve a project expenditure of up to \$100,000 for due diligence and closing costs related to the acquisition of 60 acres of land addressed as 440 Kohlenburg Road, for a project found by the Board of Directors to promote or develop new or expanded business enterprises that create or retain primary jobs, as authorized by Local Government Code, section 505.152.

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

SECTION 1: That the recommendation of the New Braunfels Economic Development Corporation to provide a project expenditure not to exceed \$100,000 for due diligence and closing costs, as part of the EDC's purchase of approximately 60 acres of land addressed as 440 Kohlenburg Road, for a project found by the Board of Directors to promote or develop new or expanded business enterprises that create or retain primary jobs, is hereby approved.

SECTION 2: That this Resolution shall become effective from and after the date of its passage.

PASSED, ADOPTED AND APPROVED this _____ day of June 2019.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Barron Casteel, Mayor

ATTEST:

Patrick D. Aten, City Secretary

6/24/2019

Agenda Item No. M)

Presenter/Contact

*Christopher J. Looney, Planning and Community Development Director
(830) 221-4055 - clooney@nbtexas.org*

SUBJECT:

Approval of an amendment to the authorized position listing in the FY 2018-19 Development Services Fund.

BACKGROUND / RATIONALE:

As part of the continuous improvement of the development process, three additional positions are proposed. They include:

1. Development Engineer

The Development Engineer will manage third party engineering-related plan review conducted for master plans, subdivision plats, infrastructure construction plans, and commercial permits. The person filling this position will also conduct in-house engineering reviews for those that are not assigned to third party and will continuously evaluate the aforementioned processes for modifications to improve efficiency and implementation of state mandates.

2. Development Coordinator

The Development Coordinator will serve as an “ombudsman” for development applications, assist customers through the process and continuously update SOPs (Standard Operating Procedures) and Customer Bulletins. The person filling this position will be responsible for oversight of application intake, delegating reviews to reviewing entities, and managing the status of reviews in the process. They will respond to customer inquiries on application status and elevate any concerns from customers. They will also coordinate the consolidation of and establishment of standard comments.

3. Planning Coordinator

The Planning Coordinator will assist the Development Coordinator with applications for rezoning and variance cases, and will develop related SOPs, Customer Bulletins and Code Interpretations. The person filling this position will be responsible for researching and managing variance requests including report preparation and presentation to the Zoning Board of Adjustment and the Access Management Board of Adjustment. And they will oversee the nonconforming use registration process and prepare the department’s annual report.

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

City Plan/Council Priority: Strategic Issues	Growth & Development Strategic Issue: • Development Services • Implementing Development Process Improvements
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FISCAL IMPACT:

As discussed during the June 3rd City Council retreat, these positions will be supported entirely by development related fees. There are sufficient funds to support the costs stemming from these positions in the FY 2018-19 Development Services Fund Budget. The full annual cost will be incorporated into the FY 2019-20 Development Services Fund Proposed Budget.

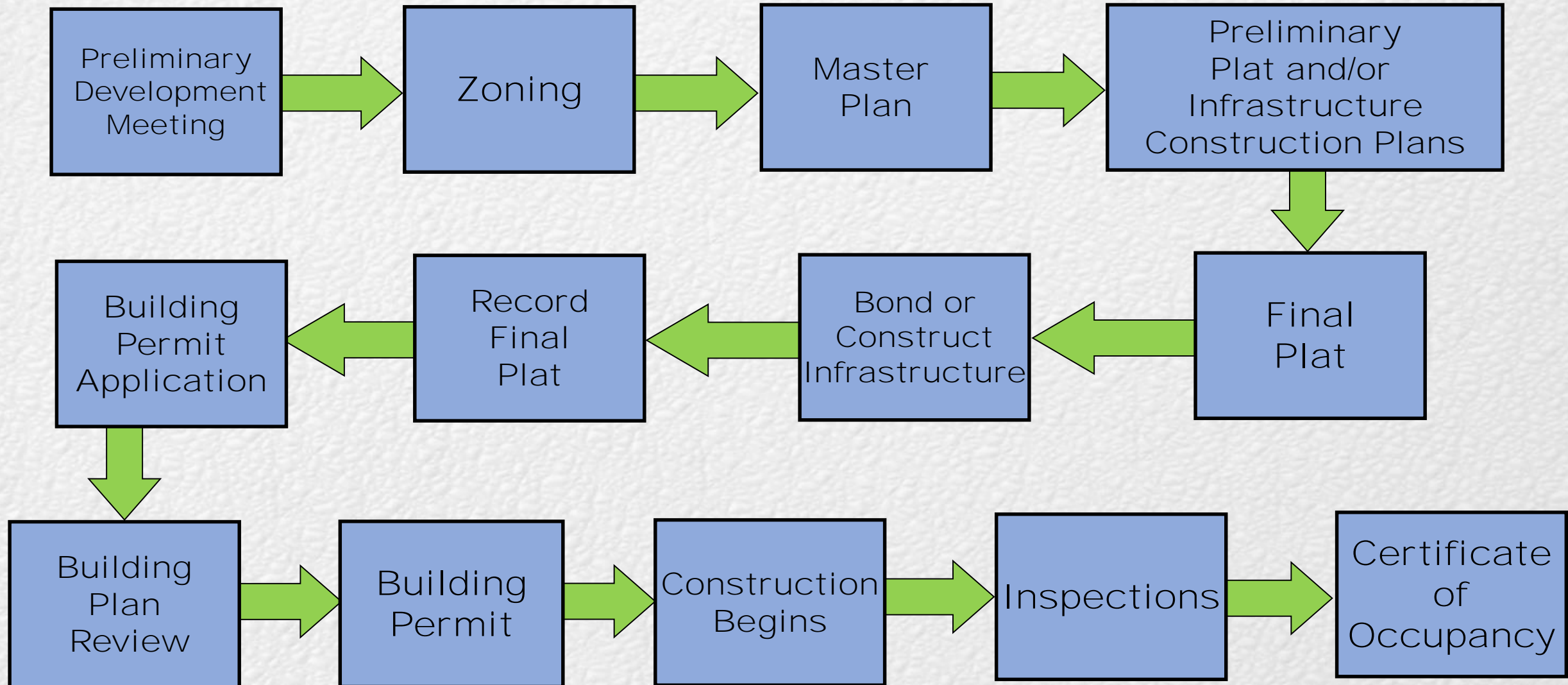
COMMITTEE RECOMMENDATION:

N/A

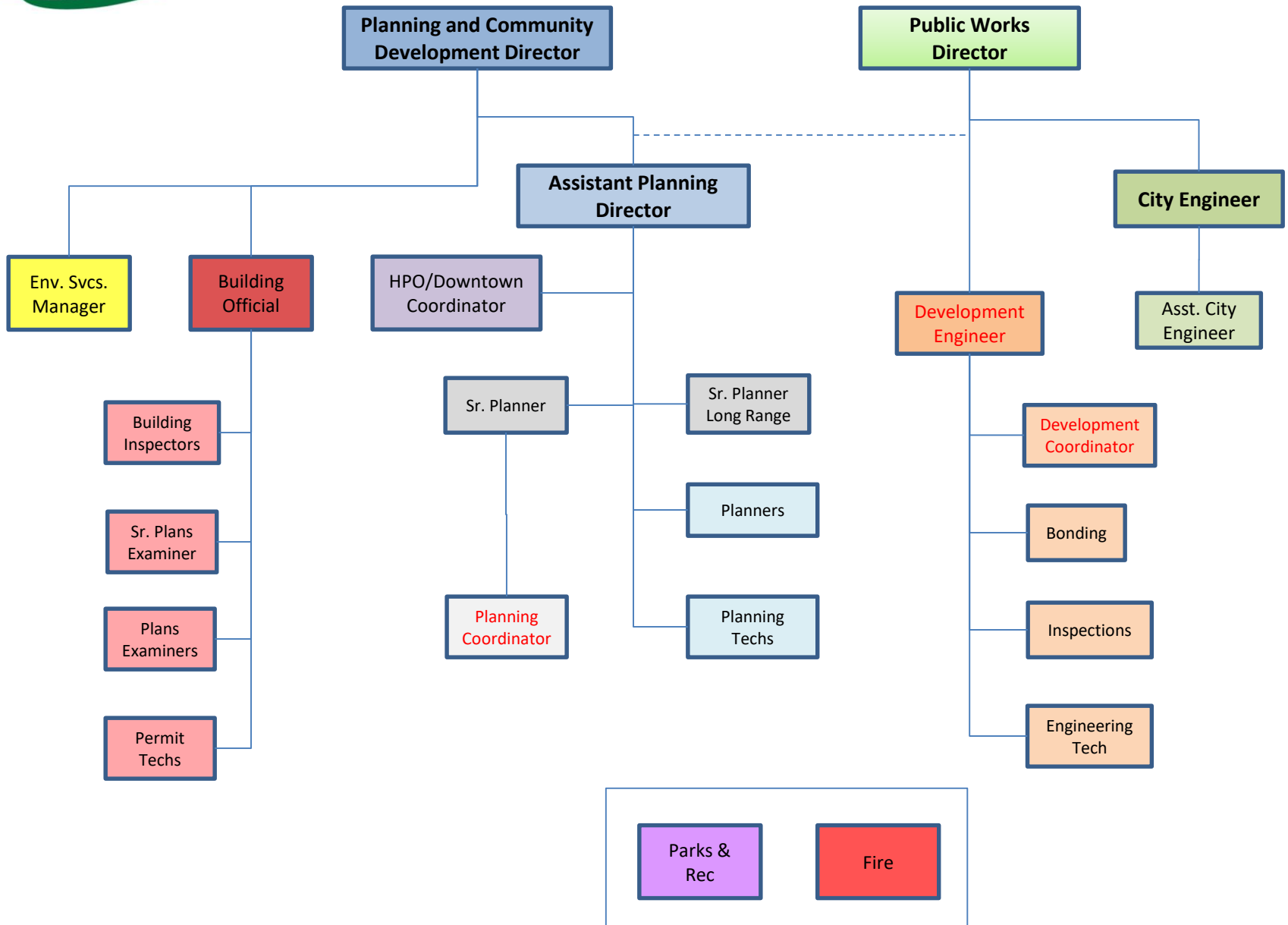
STAFF RECOMMENDATION:

Staff recommends approval to create these new positions and fill them post haste to further reduce cycle time for customers.

Overall Development Process



Development Process Functions



6/24/2019

Agenda Item No. N)

Presenter/Contact*Garry Ford, City Engineer**(830) 221-4645 - GFord@nbtexas.org***SUBJECT:**

Approval of multiple professional services contracts with pre-qualified firms to provide construction material testing and inspection services, on an as-needed basis.

BACKGROUND / RATIONALE:

The Department has identified a need for construction material testing and inspection services to be provided on an as-needed basis. These services are necessary to assure timely completion of upcoming construction projects planned for the City. The selected firms will provide testing of soils, aggregates, asphaltic concrete and Portland cement concrete for roadways, parking lots, utilities, buildings and other City construction projects.

For this purpose, a Task Order was prepared to solicit Request for Qualifications from the appropriate City's IDIQ pre-qualified firms by April 24, 2019. Ten companies submitted qualifications, which were evaluated and ranked by City staff. The top five (5) highest scored firms are being recommended for award. Those firms are Raba Kistner, Inc., Terracon Consultants, Inc., Arias & Associates Inc., dba Arias Geoprosessionals, Rock Engineering & Testing Lab and Fugro USA Land, Inc.

Any projects exceeding \$25,000 will be brought back for City Council approval, as identified in policy. Moreover, any purchases that warrant individual consideration and approval will be brought to City Council in that manner.

The term will begin upon award by City Council and will expire on July 31, 2020. However, staff intends to issue a contract modification that would allow for these companies to remain under contract until July 31, 2021.

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

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

Since these contracts will be styled as an indefinite delivery/indefinite quantity, there is no direct fiscal impact related to this action. Finance staff will ensure that there are allocated funds for any expenditures stemming from these contracts. Again, any project orders that exceed \$25,000 will be brought back for City Council approval as they occur.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of multiple professional services contracts with pre-qualified firms to provide construction material testing and inspection services, on an as-needed basis.

6/24/2019

Agenda Item No. O)

Presenter/Contact

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

SUBJECT:

Approval of a professional services contract with Pape-Dawson Engineers, Inc. for the evaluation and development of an Accessibility Transition Plan on the City's programs, buildings, parks and public right-of-way facilities, resulting in a report of deficiencies and needed improvements for compliance with Americans with Disabilities Act.

BACKGROUND / RATIONALE:

The City of New Braunfels has identified a need to hire an experienced professional consultant to prepare an Accessibility Transition Plan, in conjunction with City personnel, to conduct self-evaluation inspections with regard to Title II compliance and applicable federal and state regulations for City facilities. The Plan will cover three areas:

- public rights-of-way (r-o-w),
- parks, and
- buildings.

This project will be handled in multiple phases to finalize the completion of the Accessibility Transition Plan. After completion, the developed Transition Plan will then be presented to the Mayor and City Council for approval and submittal to the Texas Department of Transportation (TxDOT).

For this purpose, a Task Order was prepared to solicit Request for Qualifications from the City's IDIQ pre-qualified firms by May 3, 2019. Six (6) companies submitted qualifications, which were evaluated and ranked by City staff. The top two (2) firms were then interviewed, which resulted in staff's final recommendation of award to the highest scored firm, Pape-Dawson Engineers, Inc.

This is the first phase of the project, and the services on this task order are projected at \$50,000 per Pape-Dawson Engineers, Inc. detailed Scope of Work.

As this project progresses, any phase exceeding \$25,000 will be brought back for City Council approval, as identified in policy. Moreover, any purchases that warrant individual consideration and approval will be brought to City Council in that manner.

This contract will become effective upon approval of City Council and execution of contract.

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

City Plan/Council Priority: Strategic Priorities Envision New Braunfels Comprehensive Plan	Infrastructure: Use a variety of funding sources for operational and capital needs. Action 2.1: Sustain community livability for all ages and economic backgrounds. Aging in Place: Mobility options that support older motorists, pedestrians, transit riders and cyclists. Action 4.12: Make all parks and services welcoming and accessible to adults, children, seniors, and all-abilities through clean restrooms, seating or benches, water fountains or water stations, and park features usable for all abilities (ADA). Action 7.12: Correct drainage problems that inhibit walking/accessibility. Action 7.13: Increase the number of accessible public spaces of all sizes. Create Welcoming Sidewalks: Safe, accessible, and well-maintained sidewalks are a fundamental and necessary investment for cities, and have been found to enhance general public health and maximize social capital.
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FISCAL IMPACT:

Funding for the first phase of this project is included in the FY 2018-19 Adopted Budget for Planning and Community Development. Therefore, sufficient funds are available for the project as described above. Funding for future phases will need to be incorporated into the FY 2019-20 Budget.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval. The outcome of this initial phase will result in a report of initial noted deficiencies and needed improvements for mandatory compliance with the Americans with Disabilities Act (ADA). Subsequent phases will require an inventory of every deficiency and ultimate development of the Transition Plan which will guide development of the CIP, bond project considerations and Comprehensive Plan implementation prioritization.

6/24/2019

Agenda Item No. P)

Presenter/Contact

Garry Ford, City Engineer

(830) 221-4645 - GFord@nbtexas.org

SUBJECT:

Approval of a contract with Pape-Dawson Engineers, Inc. to provide civil engineering services to develop a workplan for an update to the City's Drainage Area Master Plan.

BACKGROUND / RATIONALE:

The City has identified a need to develop a workplan to update the City's Drainage Area Master Plan. The purpose of the Drainage Area Master Plan is to provide a comprehensive evaluation of existing drainage conditions throughout the City and Extra-Territorial Jurisdiction (ETJ) by developing an accurate and current understanding of the City's drainage infrastructure and potential solutions to problems, both now and in the future. This understanding should include a comprehensive inventory, accurate simulation, problem area identification and problem source/cause, and a comprehensive list of Capital Improvement Projects, including costs and funding mechanisms, designed to address the system deficiencies. The workplan should also consider NOAA rainfall frequency values (Atlas 14), potential changes/studies for regulatory floodplains, Municipal Separate Storm Sewer System (MS4) Stormwater Management Program, and the New Braunfels Stormwater Management Strategy Report. The final Master Plan may be implemented in phases based on funding opportunities and drainage improvement prioritization.

For this project, a Task Order was prepared to solicit Request for Qualifications from the City's pre-qualified firms by April 23, 2019. Seven (7) responses were received and evaluated by staff. Three (3) of the top highest scored firms were interviewed, and based on evaluation and interviews, staff is recommending Pape-Dawson Engineers, Inc. for this contract. Their company has the experience and resources available to take-on this project.

This is the first phase of the project, and the services on this task order are projected at \$70,590, per Pape-Dawson Engineers, Inc. detailed Scope of Work.

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

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

Funding for this project is provided through the FY 2018/19 Adopted Budget for Public Works Department and sufficient funds are available for this project as described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a contract with Pape-Dawson Engineers, Inc. to provide civil engineering services to develop a workplan for an update to the City's Drainage Area Master Plan.

6/24/2019

Agenda Item No. Q)

Presenter/Contact

*Jordan Matney, Assistant City Manager
(830) 221-4022 - jmatney@nbtexas.org*

SUBJECT:

Approval of a contract with the National Development Council and authorize the City Manager to execute all necessary documents.

BACKGROUND / RATIONALE:

The City of New Braunfels has been in a contract with the National Development Council (NDC) for support with Economic Development efforts for the past year. The support from the NDC, and from Jeff Jewell, has been an asset to the Economic Development tools available to the City, the Chamber and the EDC.

The current contract expired in February and the City would like to extend the contract through the end of the fiscal year. We feel that a contract with NDC will be necessary through FY 2019-20. The services stemming from this contract is a great benefit to the entire Economic Development team.

In anticipation of a FY 2019-20 renewal with NDC, the City has requested a cost sharing between the City and the EDC. If the EDC is amenable to sharing in the cost, the City would like to incorporate those expenditures into the contract for professional services within the updated agreement between the City and EDC in September.

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

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FISCAL IMPACT:

The contract is retroactive to February and will extend through the end of the fiscal year for a total of \$40,000 to be paid in monthly installments of \$5,000. The attrition savings from the vacant Economic Development Manager position are sufficient to cover the annual cost of these service in FY 2018-19.

COMMITTEE RECOMMENDATION:

The Economic Development Corporation will discuss this item at their regular meeting on Thursday, June 20, 2019. Staff will provide their recommendation at the City Council meeting.

STAFF RECOMMENDATION:

Approve the contract and authorize the City Manager to execute all necessary documents.

AGREEMENT BY AND BETWEEN
NEW BRAUNFELS ECONOMIC DEVELOPMENT CORPORATION
AND
NATIONAL DEVELOPMENT COUNCIL
REGARDING
COMMUNITY AND ECONOMIC DEVELOPMENT ADVISEMENT

This Agreement is made and entered into this ____ day of _____ 2019, by and between the CITY OF NEW BRAUNFELS, a Texas municipal corporation whose address is 550 LANDA STREET, NEW BRAUNFELS, TEXAS 78130 (the "Client") and NATIONAL DEVELOPMENT COUNCIL ("NDC" or the "Contractor"), a New York non-profit corporation, which is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, whose address is One Battery Park Plaza, 24 Whitehall Street Suite 710, New York, New York 10004,

WITNESSETH THAT:

WHEREAS, the Client desires to receive professional services from NDC to develop and assist in the implementation of the Client's community and economic development programs;

WHEREAS, NDC is willing to provide, on such terms and conditions as are hereinafter provided, technical assistance to the Client utilizing its expertise in economic and community development activities and housing.

NOW THEREFORE, in consideration of the above-mentioned premises and of the mutual covenants contained herein, the parties hereto agree as follows:

I. SCOPE OF SERVICES

The Client acknowledges that NDC regularly performs services for various governmental agencies and public benefit corporations located across the United States. The purpose of this Agreement is to set forth the terms upon which NDC will provide the Client with assistance it has requested, which is generally described as Exhibit A attached hereto. NDC agrees to perform such services as are requested by the Client and to provide such services, as it deems necessary to accomplish the goals requested. Exhibit A attached hereto fully describes the services to be offered to the Client by NDC. In performing the requested services, NDC shall consult with officers and employees of the Client and shall meet, as appropriate, with such representatives or other entities when necessary, including, without limitation, State and Federal officials and other local organizations.

II. DURATION, TERMINATION

NDC agrees to commence work for the Client effective February 1, 2019, and shall continue providing technical assistance for eight (8) months. Either party may, at any time, terminate this Agreement with or without cause by sending written notice to the other party, in which event this Agreement shall be terminated effective 30 days after receipt of such notice.

III. COMPENSATION

The Client shall compensate NDC for performance of services received hereunder in the total amount of Forty thousand dollars (\$40,000) for the initial term of the agreement, payable in monthly installments of Five Thousand Dollars (\$5,000) per month. The monthly fee amount includes all of NDC's time, travel expenses, supplies, postage, telephone, and other similar expenses. As an independent contractor, NDC is responsible for all taxes and other benefits of the employees of NDC and nothing contained herein shall be interpreted as creating a relationship of servant, employee, partnership, or agency between the Client and the NDC. Payment by the Client for services rendered under this Agreement evidences the Client's acceptance of such services in accordance with the terms of this Agreement.

IV. MISCELLANEOUS PROVISIONS

- 4.1 Confidentiality of Reports. NDC shall keep confidential all reports, information and data given to, prepared or assembled by NDC pursuant to NDC's performance hereunder and Client designates in writing as confidential. Such information shall not be made available to any person, firm, corporation or entity without first obtaining the prior written consent of Client unless otherwise mandated by applicable law.
- 4.2 Equal Opportunity. NDC shall comply with all provisions of Title VI of the Civil Rights Act of 1964 and of the rules, regulations and relevant order of the Secretary of Labor regarding discrimination. In the event a party is determined by the final order of an appropriate agency or court to be in violation of any non-discrimination provision of federal, state, or local law, this Agreement may be cancelled, terminated or suspended in whole or in part by the Client, and that party may be declared ineligible for further Client contracts.
- 4.3 Conflicts of Interest. No board member, officer or employee of Client or its designees or agents, and no other public official who exercises any functions or responsibilities with respect to any requested technical assistance, shall be permitted to financially benefit from this Agreement or have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with this Agreement.
- 4.4 Notices. All notices shall be sent by certified mail, hand-delivery or overnight mail and in all events with a written acknowledgment of receipt to the address set forth at the beginning of this Agreement.
- 4.5 Responsibility for Claims-Mutual Indemnification. Client agrees to indemnify and save harmless NDC, their agents, officials, and employees from any liability, damage, expense, cause of action, suit, claim, judgment or expenses (including attorneys' fees) arising from injury to person, including death or personal property or otherwise, caused by or resulting from the activities in furtherance of the work described herein. NDC agrees that such indemnity shall not apply to any actions, claims or damages arising as a result of NDC's bad faith, willful misconduct or gross negligence. NDC agrees to indemnify and save harmless Client, their agents, officials, and employees from any liability, damage, expense, cause of action, suit, claim, judgment or expenses (including attorneys' fees) arising from injury to person, including death or personal property or otherwise, caused by or resulting from the activities in furtherance of the work described herein. Client agrees that such indemnity shall not apply to any actions, claims or damages arising as a result of Client's bad faith, willful misconduct or gross negligence.
- 4.6 Release of News Information. No news release, including photographs, public announcements or confirmation of same, or any part of the subject matter of this Agreement or any phase of any program hereunder shall be made without prior written approval of the Client.

- 4.7 Compliance with Laws. NDC agrees to comply with all applicable federal, state and local laws in the conduct of the work hereunder. This Agreement shall be construed, interpreted and the rights of the parties determined, in accordance with the laws of the State of Texas.
- 4.8 Assignment. Neither this Agreement nor any rights, duties or obligations described herein may be assigned by either party without the prior expressed written consent of the other party.
- 4.9 Severability. A determination that any part of this Agreement is invalid shall not invalidate or impair the force of the remainder of this Agreement.
- 4.10 Acknowledgement. The Client expressly acknowledges that all opinions and advice (written or oral) given by NDC to the Client in connection with NDC's engagement are intended solely for the benefit and use of the Client considering the financing and the Client agrees that no such opinion or advice shall be used for any other purpose or reproduced, disseminated, quoted or referred to at any time without the prior consent of NDC.
- 4.11 Disclaimer. The Client is a sophisticated business enterprise and has retained NDC for the purposes set forth in this Agreement and the parties acknowledge and agree that their respective rights and obligations are contractual in nature. Each party disclaims an intention to impose fiduciary agency rights or obligations on the other by virtue of the engagement hereunder. The Contractor is not a Registered Municipal Advisor as defined in Dodd-Frank and the Exchange Act and therefore cannot provide advice to a municipal entity or obligated person with respect to municipal financial products or the issuance of municipal securities, including structure, timing, terms or other similar matters concerning such financial products or issues.
- 4.12 Entire Agreement. This Agreement contains the final agreement between the parties regarding the matters covered and supersedes any and all other agreement, either oral in writing, regarding the matters contained herein.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year first written above.

NEW BRAUNFELS ECONOMIC DEVELOPMENT
CORPORATION:

NATIONAL DEVELOPMENT COUNCIL:

By: _____

By: _____

Title: _____

Daniel Marsh III, President

Name _____

NDC TECHNICAL ASSISTANCE AGREEMENT
SCOPE OF SERVICES
EXHIBIT A

The Scope of Services describes the assistance available under this Technical Assistance Agreement during the specified contract period. The Client and NDC, by mutual agreement, may revise this Scope of Services from time to time. The assistance within this Scope of Services includes:

- A. NDC shall provide a minimum of two (2) days per month of on-site technical assistance to the Client in the areas defined in this Exhibit. Off-site technical assistance will be made available to the Client as requested via email, phone, facsimile or other means between on-site engagements.
- B. NDC shall provide technical assistance to the Client in the design, implementation, and monitoring of the financing elements of the Client's economic, housing and small business development plans for specific projects and redevelopment areas as identified by the Client. Specifically, NDC shall cause to be created timely term sheets upon request from Client and to work with Client legal staff to draft and distribute agreements between Client and other interested parties.
- C. At the Client's request, NDC will review and evaluate projects being considered by the Client for community and economic development assistance. This technical assistance may include, but is not limited to:
 - a. Evaluating developer experience and capacity.
 - b. Financial review of the sources and uses, operating proformas, and financial statements for proposed projects.
 - c. Structuring of deals with available public sector economic, housing and small business development programs.
 - d. Review of appraisals, cost assumptions, capital budgets, operating statements, marketing data and other funding commitments.
 - e. Advising on tax credit equity sources, requirements and structuring
 - f. Identifying other funding sources for the range of commercial, industrial, and residential real estate and business credit deals prioritized by the Client.
 - g. Assisting with development issues during pre-development and development phases.
 - h. Advising on program regulations issues.
- D. NDC will provide technical support and financial analysis to the Client with respect to its existing and proposed economic and housing development programs. Such assistance and analysis may include, but is not limited to:
 - a. Reviewing program compatibility with other private and public financing programs.
 - b. Recommending revisions to the program to increase its ability to leverage additional private, federal, state and philanthropic resources.
 - c. Identifying issues associated with the application, review, underwriting and compliance monitoring on programs that could improve their effectiveness in meeting the Client's development goals and objectives.

- E. NDC will provide technical assistance and advocacy in the Client's efforts to seek funding or to leverage existing resources through federal, state and local governmental programs including, but not limited to:
 - a. Community Development Block Grant (CDBG) program
 - b. HOME Investment Partnership program
 - c. HUD Section 108 loans, including Brownfields Economic Development Initiative (BEDI) grants
 - d. U.S. Department of Commerce Economic Development Administration (EDA)
 - e. U.S. Environmental Protection Agency (EPA) Brownfields Program, including Targeted Assessments, Supplemental Pilot Program, and Brownfields Revolving Loan Fund
 - f. U.S. Small Business Administration 7(a), 504, and Microenterprise programs
 - g. New Markets Tax Credits Program
 - h. Federal Home Loan Bank Community Investment Program
 - i. Rehabilitation Tax Credits (Historic Tax Credits)
 - j. Low-Income Housing Tax Credits (LIHTC)
- F. The Contractor shall provide additional assistance to the Client when requested to:
 - a. Attend meetings with developers, private lenders, Federal and State officials and others.
 - b. Work with State and Federal officials to insure their continued support and assistance to the City's programs and projects.
 - c. Assist in modification of grant agreements and loan documentation as well as work to insure approval of such modifications by authorizing agencies.
 - d. Assist in the negotiations of terms and repayments on financing programs.
 - e. Inform staff of changes in Federal and State programs in a timely fashion.
- G. Technical Assistance is defined to also include training in the development of financing tools, financing analysis skills, loan programs and packaging requirements in both housing and economic development with the goal of building the capacity of the Client's staff to analyze projects and utilize public and private financing tools.
- H. Assistance to the Client in marketing, developing and maintaining the commitment of lending institutions, developers, federal state and local government officials and community groups to the Client's redevelopment plans and/or specific projects. Assistance shall include but not be limited to the following, upon request:
 - a. Attend briefings with lending institutions and potential applicants to explain the Client's economic development, small business and housing financing programs.
 - b. Make formal presentations to professional organizations of lending institutions, lawyers, accountants, architects, developers, etc.
 - c. Attend other meetings and conduct other presentations (including preparation of necessary presentation materials) as requested by the Client.
- I. Where applicable and upon request by the Client, NDC shall make available to the Client, and/or developers selected by the Client, programs and associated financial products administered by NDC. NDC may assess additional fees for such programs if it is NDC's policy to charge such fees. Such programs may include, but are not limited to:
 - a. SBA 7(a) loan Guarantee Program (Grow American Loan Fund)

- b. Low Income Housing Tax Credit syndication services (Corporate Equity Fund)
 - c. Rehabilitation (Historic) Tax Credit syndication services (Corporate Equity Fund)
 - d. New Markets Tax Credits (Housing and Economic Development Corp.)
 - e. Renewable Energy Production Tax Credit and Loan Guarantee Program
 - f. Distressed Properties Program
- J. NDC will facilitate access to its nationally recognized development finance training for the staff and Councilmembers of the City by:
- a. Developing a two to four hour workshop on public financing tools and gap financing for presentation to members of the City Commission, their staff and other City staff as determined by the City.
 - b. Providing two full (100%) tuition waivers to staff identified by the City for any open training classes offered by NDC. For any of the four five-day courses that comprise NDC's Economic Development Finance Professional (EDFP) certification series, the value of the waived tuition per class would be \$1,375. If shorter, professional development courses are selected, the value would equal \$275 per day of training.
 - c. Providing a 25% discount on NDC training classes in addition to the full discounted on two classes proposed in Section K, Subsection b of this scope of services

6/24/2019

Agenda Item No. R)

Presenter/Contact

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

SUBJECT:

Approval of a five-year renewal of the current agreement beginning October 1, 2019 until September 30, 2024, between the City of New Braunfels and the Greater New Braunfels Chamber of Commerce Inc. concerning the use of Hotel Occupancy Tax.

BACKGROUND / RATIONALE:

The term of the current agreement between the City and the Greater New Braunfels Chamber of Commerce is from October 1, 2014 until September 30, 2019. The renewal provision that provides that sixty (60) days before the expiration of the agreement, "*the Chamber may submit to the City Manager evidence of justification for exercising the option to renew this contract with the City for an additional five year period, not to exceed two-five year renewal periods.*" The Chamber has asked to present to City Council its justification for renewal now rather than 60 days prior to the end of the agreement because the Chamber begins their budget development and planning in April-May. That change will be in section 10 of the contract (see below). This represents the only change that either party wishes to make to the contract prior to exercising the renewal.

Additionally, the Chamber of Commerce conducts budget presentations to the visitor industry in July, and City Council presentations in late July/early August. The earlier renewal will enable a timely budget development process to be met as it is more in line with the City's budget process. If the Chamber's request for renewal is approved, the contract will be renewed for a five year term effective October 1, 2019 until September 30, 2024.

SECTION 10. RENEWAL

Sixty (60) days One hundred and fifty (150) days prior to the end of the term of the Agreement, the Chamber may submit to the City Manager evidence of justification for exercising the option to renew this contract with the City for one additional five-year period.. It is understood and agreed that the Chamber is not entitled to any right of automatic renewal of this Agreement for the ensuing year, or years, since such renewal option rests exclusively with the City Council.

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

N/A

FISCAL IMPACT:

The renewal of the agreement will not have a direct financial impact. However, the annual allocation for services rendered under the agreement will remain at 50 percent of total occupancy taxes collected, unless otherwise approved by City Council. Moreover, the reserve requirement of \$700,000 or 30 percent of annual expenditures will remain the same as well. Under the agreement, the

Chamber will submit their annual proposed budget no later than June 30th.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the renewal of the agreement.

**RENEWAL OF THE AGREEMENT BETWEEN THE CITY OF NEW BRAUNFELS AND
THE GREATER NEW BRAUNFELS CHAMBER OF COMMERCE, INC.
CONCERNING THE USE OF HOTEL OCCUPANCY TAX FUNDS**

STATE OF TEXAS §
 §
COUNTY OF COMAL §

This Agreement is made this the _____ day of _____, 2019 by and between the City of New Braunfels, a Municipal Corporation of the State of Texas, hereinafter called "City", acting herein by and through its City Manager, and the Greater New Braunfels Chamber of Commerce, Inc., a private non-profit corporation hereinafter called "Chamber", acting by and through its duly elected officers.

SECTION 1. LEGAL AUTHORITY

The City of New Braunfels collects a local hotel occupancy tax as authorized by Section 351 of the Texas Tax Code ("Act"). Pursuant to the Act, the City expends the funds collected for the purpose of advertising and encouraging the growth of tourism and convention activity in the City as outlined in Section 122-31 of the New Braunfels Code of Ordinances ("Code").

SECTION 2. TERM OF AGREEMENT

This is the first five (5) year Renewal Agreement that shall become effective on October 1, 2019 and shall terminate on September 30, 2024. This agreement may be renewed for one additional five year period, subject to the provisions of Section 10 below.

SECTION 3. SERVICES TO BE PROVIDED

3.1 As part of its obligation under the Act to use local hotel occupancy tax funds for attracting and promoting tourism and the convention and hotel industry, the City hereby agrees to pay to the Chamber fifty percent (50%) of the money actually received by the City from the local hotel occupancy tax ("HOT") in consideration for the Chamber advertising and promoting tourism for the visitor market from which the City derives direct tourist income benefit. The City Council shall approve the Chamber's annual tourism budget.

3.2 The Chamber agrees to conduct a continuing program of state-of-the-art advertising and promotion for the purpose of attracting visitors, tourists, and conventions to the City by publishing and distributing brochures and community information packets, by advertising in various appropriate tourist publications and general media publications, by representing the City at travel shows and other such events, by participating with state and regional agencies in tourist development programs of benefit to the City, and by using all appropriate means to increase the traveling public's awareness of the resort, meeting and recreational advantages of the City. The Chamber shall distribute information on all local accommodation establishments that pay hotel occupancy taxes to the City via an accommodation guide updated by the Chamber annually.

SECTION 4. INDEPENDENT CONTRACTOR

It is expressly understood and agreed by and between the parties that the Chamber is hired and engaged as an independent contractor and is not an officer, agent or employee of the City.

SECTION 5. MANAGEMENT OF FUNDS

5.1 The Chamber agrees to maintain a separate financial account of the HOT funds received from the City and may not commingle the funds with any other account. It is understood and agreed by and between the parties that, upon budget approval by the City, a fiduciary duty is created in the Chamber with respect to expenditure of the revenue provided.

5.2 The Chamber agrees to maintain complete and accurate financial records of each receipt and expenditure of the HOT funds and, upon request of the City Council or other person, shall make the records available for inspection and review during normal business hours in accordance with the Texas Public Information Act.

5.3 It is understood and agreed by and between the parties that HOT funds may be spent by the Chamber for day-to-day operations including supplies, salaries, office rental, travel expenses, and other administrative costs, if same have been previously approved in the budget and if directly related to the services provided under Section 3.2.

5.4 The Chamber shall provide a proposed line item budget to the City Council for approval that will include administrative and operations costs. The proposed budget for the next fiscal year shall be provided no later than June 30 of each year. An annual report of activities shall be provided no later than November 30 of each year. The budget shall provide a complete financial plan and shall contain the following:

- 1) A budget message, explanatory of the tourism/promotional activity contracted, which message shall contain an outline of the plan of activities and set forth the reasons for the salient changes from the previous year (as applicable) and any major budgetary revisions. Any subsequent budgetary revision that increases the total budget appropriation (excluding reserves) will require City Council approval. All items of expenses shall contain narratives as the basis of the expenditure; and a consolidated statement of anticipated receipts and expenditures for all funds.

5.5 The Chamber shall submit semi-annual financial reports no later than 60 days after the end of each reporting period (the reporting periods being October through March and April through September). These reports shall identify a budget comparison of the HOT funds received by contract and the uses thereof as defined in the overall budget.

5.6 The Chamber shall submit a fiscal year audited financial report to the City, showing in detail the disbursement and use of HOT funds paid to the Chamber pursuant to this Agreement, no later than sixty (60) days after the end of each calendar year of this

Agreement. In addition, the City reserves the right to request an annual audited financial statement reflecting the financial position of the entire Chamber of Commerce during the term of this Agreement. The Chamber agrees to provide a current audited statement (current defined as no later than the last fiscal year), such statement to be delivered within twenty (20) days upon receiving a request of the City Manager or Mayor.

SECTION 6. TRANSFER OF FUNDS

6.1 Payments. For the first six months of each fiscal year (October-March), the City shall remit monthly payments to the Chamber in cumulative amount not to exceed fifty percent (50%) of the City Council approved annual budgeted expenditures. The monthly payments from October-March will be based on the projected cash flow requirement of the convention and tourism fund activities. The Chamber will submit a funding/payment request to the Chief Financial Officer no later than 10 business days prior to the beginning of the month. Beginning in April and continuing through the end of the fiscal year, monthly payments will be submitted that reconcile the actual and late amounts remitted to fifty percent (50%) of the actual hotel/motel collections fiscal year to date (including late payments when applicable). The last monthly payment of the fiscal year shall be in an amount that reconciles, in accordance with Section 6.2, actual Convention and Tourist Fund (CTF) operations and maintenance expenditures against actual City Hotel Occupancy Tax receipts, including late payments with the amount paid into the CTF in the first eleven months of the fiscal year. City shall remit the monthly payments to the Chamber within forty-five (45) days after the end of each month.

6.2 Fiscal Reconciliation. Within forty-five (45) days after the end of each fiscal year, City and Chamber will reconcile the actual CTF operating/maintenance budget with actual City Hotel Occupancy Tax receipts, including late. The CTF balance/reserve will also be reconciled so that a reserve balance is maintained that is equal to \$700,000 or 30% of the approved budget. The cash flow reserve is calculated as \$700,000 or thirty percent (30%) of the annual operating and maintenance expenditures adopted in the current fiscal year budget, whichever is greater. The cash flow reserve is not part of the adopted budget for operating and maintenance expenditures. The purpose of the cash flow reserve is to allow for effective cash flow of operating expenditures. In the event the Chamber needs to utilize the cash reserves for expenditures not in the adopted annual budget, City Council approval is required.

6.3 If, in any fiscal year, fifty percent (50%) of the local hotel occupancy tax revenue exceeded the CTF's actual operating and maintenance expenditures, then the Chamber will submit to the City Council an amended budget that addresses the use of those funds.

SECTION 7. INDEMNIFICATION

The Chamber agrees to indemnify the City, its officers, agents, and employees, from any and all claims, losses, causes of action and damages, suits, and liability of every kind including all expenses of litigation, courts costs, and attorney fees, for injury to or death to any person, or for damage to any property arising from or in connection with the operations of the Chamber, its officers, agents and employees carried out in furtherance of the Agreement.

SECTION 8. INSURANCE

The Chamber shall maintain a comprehensive general liability insurance policy, with an insurance company or companies authorized to do business in the State of Texas, which shall include bodily injury, property damage, contractual and automobile liability coverage with a minimum coverage of not less than \$1,000,000. In addition, workers' compensation insurance coverage shall be provided by the Chamber in accordance with State Law.

SECTION 9. TERMINATION

If either party materially breaches this Agreement, the other party may terminate the Agreement by providing thirty (30) days written notice to the defaulting party; provided, however, that the defaulting party may cure the default within the 30 day notice period if same can be cured. Should a dispute arise regarding the existence of a material breach or whether a default has occurred or whether the default has been cured, then the parties shall make a good faith effort to resolve the dispute, including presenting the issue to a mediator approved by the parties, before the Agreement is declared terminated or in default.

SECTION 10. RENEWAL

~~Sixty (60) days~~ One hundred and fifty (150) days prior to the end of the term of the Agreement, the Chamber may submit to the City Manager evidence of justification for exercising the option to renew this contract with the City for one additional five year period. It is understood and agreed that the Chamber is not entitled to any right of automatic renewal of this Agreement for the ensuing year, or years, since such renewal option rests exclusively with the City Council.

SECTION 11. NOTICE

Wherever notice is required or permitted, the notice shall be in writing and deposited in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the parties at the respective addresses set out below, or at other addresses they have specified by written notice delivered in accordance herein:

City of New Braunfels
Attn: City Manager and Mayor
550 Landa Street
New Braunfels, TX 78130

Greater New Braunfels Chamber of Commerce
Attn: President and Chair of the Board
P.O. Box 311417
New Braunfels, TX 78131-1417

SECTION 12. COMPLIANCE WITH LAWS

In performing its duties under this Agreement, the Chamber shall, at all times, comply with the ordinances of the City of New Braunfels and all applicable laws of the State of Texas.

SECTION 13. PROHIBITION AGAINST DISCRIMINATION

In the performance of the Agreement, the Chamber shall not discriminate against any employee or applicant for employment because of an individual's race, color, religion, national origin, sex, or mental or physical disability. Proven breach of this provision may be regarded as a material breach of this Agreement allowing for termination.

SECTION 14. CONTROLLING THE LAW

It is understood and agreed that in the event any provision of this Agreement is inconsistent with the requirements of the Act, or any other applicable State law, the requirements of Texas law will control. Exclusive venue shall be in Comal County, Texas.

SECTION 15. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties, relative to the hotel occupancy tax funds made the basis hereof. It is understood and agreed that the City Charter of the City of New Braunfels requires that all contracts with the City be in writing and adopted by action of the City Council.

IN WITNESS WHEREOF, the parties have hereunto set their hands in duplicate originals, in the City of New Braunfels, Comal County, Texas on this _____ day of _____ 2019.

CITY OF NEW BRAUNFELS

BY:

Robert Camareno, City Manager

ATTEST:

Patrick Aten, City Secretary

THE GREATER NEW BRAUNFELS CHAMBER OF COMMERCE, INC.

BY:

Chair of the Board

ATTEST:

Michael Meek, President

6/24/2019

Agenda Item No. S)

Presenter/Contact

Stacey Dicke, Parks and Recreation Director
(830) 221-4355 - SDicke@nbtexas.org

SUBJECT:

Approval of a purchase with Austin Turf and Tractor for a John Deere 2500B Precision Cut Diesel Greens Mower for the Landa Park Golf Course through Buy Board Contract at a cost of \$38,675 and the appropriate budget amendment.

BACKGROUND / RATIONALE:

The Landa Park Golf Course is in need of one John Deere greens mower to replace one Jacobson greens mower that is used regularly in the operation and mowing of the Landa park Golf Course putting greens. The current Jacobson mower is no longer operational due to old age and high hours of use and would be cost prohibitive to repair since this company no longer has a local area service center for parts or repairs. This is a critical piece of equipment for the Golf Course.

Staff recommends the John Deere 2500B Precision Cut Diesel Greens Mower be purchased from Austin Turf and Tractor through a Buy Board contract. The Buy Board Contract has been vetted thereby satisfying the City's competitive bidding requirement for contracts that exceed \$25,000.00.

The cost for the John Deere greens mower is \$38,675.

Budget Amendment - The purchase of this mower was unexpected and was not incorporated into the FY 2018-19 Adopted Budget. However, there are sufficient funds available within the Golf Course Fund to support this purchase.

Increase: Capital Expenditures \$39,000

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

Yes	Strategic Priorities:	8- Maintain Fiscal stability of City operations
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FISCAL IMPACT:

The Landa Park Golf Course is an Enterprise Fund with sufficient fund balance available for the purchase as described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the purchase with Austin Turf and Tractor for a John Deere 2500B Precision Cut Diesel Greens Mower for the Landa Park Golf Course through Buy Board Contract at a cost of \$38,675 and the appropriate

budget amendment.

6/24/2019

Agenda Item No. T)

Presenter/Contact

TJ Grossi, Building Official

(830) 221-4062 - tgrossi@nbtexas.org

SUBJECT:

Approval of the second and final reading of an ordinance amending Appendix D-Fee Schedule in the City's Code of Ordinances to change residential fees from valuation-based calculations to per square-foot calculations and flat fees.

BACKGROUND / RATIONALE:

On May 21, 2019, HB 852 was signed by Texas Governor Abbott and is effective immediately. This new state law requires that in determining a building permit or inspection fee for or associated with a residential dwelling, a city may not consider the value of the dwelling, or the cost of constructing or improving the dwelling. The law also states that a City may not require the disclosure of the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit except as required by FEMA (Federal Emergency Management Association) as a part of the National Flood Insurance Program.

To comply with this new state law, staff is proposing a residential fee schedule that would be based on the square footage of a project, as well as flat fees. This proposal was derived from comparing multiple other municipalities that already have flat fees, what other regional cities are doing to comply with this bill, and the average cost of past permits here in our City. Our current inspection fees are not proposed to be changed as such fees are not based upon the value of the dwelling or the cost of constructing or improving the residential dwelling.

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

City Plan/Council Priority:	Ensures that the City is in compliance with State statutes.
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FISCAL IMPACT:

It is anticipated there will be negligible to zero impact. Square-footage based fees align well with New Braunfels' current fees, and proposed flat fees are based on an average of actual permit fees collected.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval.

AN ACT

relating to information a municipality may consider in determining the amount of certain building permit and inspection fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 214, Local Government Code, is amended by adding Section 214.907 to read as follows:

Sec. 214.907. PROHIBITION ON CERTAIN VALUE-BASED BUILDING PERMIT AND INSPECTION FEES. (a) In determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a municipality may not consider:

(1) the value of the dwelling; or

(2) the cost of constructing or improving the dwelling.

(b) A municipality may not require the disclosure of information related to the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit except as required by the Federal Emergency Management Agency for participation in the National Flood Insurance Program.

SECTION 2. Section 214.907(a), Local Government Code, as added by this Act, applies only to a building permit or inspection fee assessed by a municipality on or after the effective date of this Act in connection with the construction or improvement of a

1 residential dwelling.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 852 was passed by the House on April 16, 2019, by the following vote: Yeas 126, Nays 9, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 852 was passed by the Senate on May 8, 2019, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor

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 ALIGN WITH HB 852 SIGNED BY THE GOVERNOR DISALLOWING CITIES FROM CHARGING RESIDENTIAL PERMIT FEES BASED ON VALUATION OF CONSTRUCTION OR OF THE DWELLING; 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 State of Texas enacted an amendment to Section 214.907 of the Texas Local Government Code through HB 852 in the 86th Regular Legislative Session which the Governor signed into law, and such amendment disallows cities from charging residential permit fees based on valuation of the dwelling or cost of construction or improving the residential dwelling; and

WHEREAS, the International Code Council (ICC) has established universal, national-based tables to assist in determining appropriate bases of fees; and

WHEREAS, the City of New Braunfels has compared fees against corresponding costs and has researched and compared fees across multiple Texas municipalities; and

WHEREAS, the City of New Braunfels has identified residential permit fees based on valuation that must be amended to comply with state law and finds that such amended fees are reasonable; **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

Sec. B. - Additional fees specific to building permitting.

- (a) Building permit fees for work other than new commercial construction and additions, shall be based on the schedules below: ~~valuation of the project, calculated using the following table rounded to the nearest thousand identified as Building Permit Fee Schedule A:~~

Building Permit Fee Schedule A Residential

Total Valuation	Permit Fee
\$0.00 — \$50,000.00	\$20.00 plus \$5.00 per \$1,000.00 or fraction thereof
\$50,001.00 — \$100,000.00	\$265.00 plus \$4.00 per \$1,000.00 or fraction thereof
\$100,001.00 — \$500,000.00	\$465.00 plus \$3.00 per \$1,000.00 or fraction thereof

\$500,001.00 and above	\$1,665.00 plus \$2.00 per \$1,000.00 or fraction there of
<u>Type</u>	<u>Permit Fee</u>
<u>New Construction and Addition</u>	<u>\$.50 per square foot</u>
<u>Remodel</u>	<u>\$.25 per square foot</u>
<u>Fence</u>	<u>\$50</u>
<u>Shed, Storage Building, Car Port</u>	<u>Built on Site/\$75, Pre-Built/\$50</u>
<u>Pool</u>	<u>Above Ground/\$100, In Ground/\$200</u>
<u>Foundation</u>	<u>\$150</u>
<u>Foundation Repair</u>	<u>\$75</u>
<u>Flat Work, Driveway, Patio, Sidewalk, Deck, Porch, Stairs</u>	<u>\$.25 per square foot</u>
<u>Roofing</u>	<u>\$75</u>
<u>Siding, Brick, Exterior Veneer</u>	<u>\$100</u>
<u>Mobile/Manufactured Home Placement (Does not include trades)</u>	<u>\$50</u>
<u>Misc. Structures (Gazebos, Pergolas, Archways, Patio Covers)</u>	<u>\$35</u>
<u>Retaining Walls (Over 24 inches)</u>	<u>\$.50 per linear foot</u>
<u>Misc. Residential</u>	<u>\$25</u>

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. Further, the City of New Braunfels inspection fees are not changed as those fees are not premised upon the value of the dwelling or the cost of construction or improving the dwelling.

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 10th day of June 2019.

PASSED AND APPROVED: Second and Final Reading this the 24th day of June 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

6/24/2019

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the appointment of two individuals to the Downtown Board for terms ending May 31, 2021, and May 31, 2022.

BACKGROUND / RATIONALE:

The Downtown Board has eleven members serving three-year staggered terms. Four members serve as representatives of one of the following groups: Comal County, Schlitterbahn, Chamber of Commerce, Convention & Visitors Bureau, Downtown Association, Historic Landmark Commission, New Braunfels Economic Development Corporation, Main Street Partners, or an arts/heritage organization; five members serve as downtown property owners or downtown business owners; and two members serve at-large.

A vacancy was advertised from February 15 through May 15, 2019, for a representative of Comal County, Schlitterbahn, Chamber of Commerce, Convention & Visitors Bureau, Downtown Association, Historic Landmark Commission, New Braunfels Economic Development Corporation, Main Street Partners, or an arts/heritage organization.

The following qualified application was received:

- Pat Butler (incumbent)

A vacancy was advertised from May 16 through June 16, 2019, for a downtown resident or business owner.

The following qualified applications were received:

- Wade Goodwin
- Jenny Wilson

Applicants' current & prior service on Boards and Commissions

Pat Butler currently has served on the Downtown Board since May 2016.

Wade Goodwin has no prior service on City of New Braunfels boards or commissions.

Jenny Wilson has no prior service on City of New Braunfels 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 the appointment of two individuals to the Downtown Board for terms ending May 31, 2021, and May 31, 2022.

6/24/2019

Agenda Item No. B)

Presenter/Contact

Patrick Aten, City Secretary
paten@nbtexas.org

SUBJECT:

Discuss and consider approval of a resolution in support of a countywide polling place program within Comal County.

BACKGROUND / RATIONALE:

Comal County is proposing a countywide polling place program that will allow for greater involvement of registered voters. Specifically, the program will allow Comal County voters to vote in any precinct within Comal County. Currently, registered voters may vote on Election Day only in their precinct or at an early voting polling location. The program will allow for potentially greater voter turnout as they will be less geographically restricted.

The Texas Election Code states that the Secretary of State may select counties to participate in the countywide polling place program. Eligible counties may apply to the Secretary of State for primary elections, statewide elections, municipal elections, etc. as long as they meet population requirements, use direct recording electronic voting systems, use a computerized voter registration list with instant verification, hold a public hearing on the matter, and have a written implementation plan and a public information effort to inform the voters.

Comal County is asking for each entity's governing body to submit a letter (or resolution) of support so they may file an intent to participate with the Secretary of State's Office. If approved, Comal County would join at least 60 other Texas counties participating in the program.

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

N/A

FISCAL IMPACT:

None.

COMMITTEE RECOMMENDATION:

Comal County Elections Committee unanimously recommended approval at their meeting on June 5, 2019. The Comal County Elections Committee is comprised of representatives from Comal County, NBISD, CISD, political party chairs, and all municipalities within the County.

STAFF RECOMMENDATION:

Staff recommends approval of the resolution.

TEXAS SECRETARY OF STATE

Election Outlook: [The Secretary of State Reminds Texans To Plan Their Trip To The Polls](#) | [More about Identification Requirements for Voting](#) | [Am I Registered to Vote?](#) | [Voter Information](#) | [Voting Issues for Texas Harvey Evacuees](#) | [2018 Texas Election Security Update](#)

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Election Advisory No. 2019-01

To: County Clerks/Elections Administrators

From: Keith Ingram, Director of Elections



Date: January 2, 2019

RE: 2019 Opportunities to Use Countywide Polling Places

The purpose of this advisory is to answer general questions on the countywide polling place program ("the program") and to provide **deadlines and other pertinent dates** regarding the submission of county applications to participate in the program for the May 4, 2019 and November 5, 2019 Uniform Election dates.

Background: Under Section 43.007(i) of the Texas Election Code, the Secretary of State may select six counties with a population of 100,000 or more and four counties with a population of less than 100,000 for participation in the program for an election. The Secretary of State may determine that a county's participation in the program was "successful" following one election under the program. Once designated as "successful," that county may continue to use the program for subsequent elections. Note that counties that have previously participated in the program, but have not been formally granted a "successful" designation in writing by the Secretary of State, must reapply to use the program for each subsequent election.

Eligible counties may apply to use countywide polling places in the following elections: the primary election and primary run-off election, the general election for state and county officers, elections taking place on the uniform election date in May and any resulting runoffs, a constitutional amendment election, and joint elections when a county is holding any of the aforementioned elections with a local political subdivision (e.g., city, school district, etc.).

Program FAQs

Q: What is required to participate in the program?

A: At a minimum, each county selected to participate in the program must have the following:

- Exclusive use of traditional direct recording electronic (DRE) voting systems, or use of the Texas specific definition of a DRE system that is explained in [Advisory 2017-21](#) at all polling places on election day;
- Implementation of a computerized voter registration list that allows instantaneous verification that a voter has not already voted at another polling place; and
- If the county has not participated in one of the previous countywide election precinct programs, it must hold a public hearing to inform and solicit opinions from voters, minority organizations, and other interested parties (e.g., political parties, political subdivisions within the county, and organizations representing voters with disabilities).

Q: If my county meets the minimum requirements, what is the next step of the process?

A: For tracking purposes, we request that counties file an intent to participate in the program with the Secretary of State's Office ([PDF](#)). However, filing an intent does not reserve a spot in the program, and a full application must be received by the Secretary of State's office by 5:00 p.m. on the deadline provided by the Secretary of State.

Q: What should be included in an application for participation in the program?

A: An application should include the following:

- A letter, addressed to the Secretary of State, detailing specifics for the implementation of the plan (required items are listed below) and requesting approval for the county to participate in the program. The letter must indicate the name and date of the election for which participation is being requested; and
- A letter signed by the County Judge indicating support of the county's plan and requesting approval for the county to implement countywide polling places throughout the county.

Q: What must the letter to the Secretary of State in the application address?

A: The letter to the Secretary of State in the application must cover the following:

- The county's exclusive use of DRE voting systems on election day. Identify the vendor, quantity of voting machines and polling places to be used, and how long the county has conducted elections with exclusive use of DRE voting machines;
- The county's use of a computerized voter registration list that allows instantaneous verification that a voter has not already voted at another polling place. Identify steps taken to guarantee connectivity at each polling place and the county's plan for dealing with a loss of connectivity during an election;
- Information on the public hearing held, including date and time of the hearing, information that was provided in the hearing and feedback that was received. A video or audio copy of the hearing must be provided. If a video or audio copy of the hearing is not available, a paper transcript is acceptable;
- An explanation of the methodology that will be used to select the countywide polling locations. Include a map of the previous and new polling locations and information on the advisory committee used to select locations including names, organizations, positions and e-mail addresses;
- A statement that Election Judges and Alternate Election Judges will be assigned to countywide polling locations within a commissioners court precinct in the proportionate amount required by law (see below);
- A communication plan that explains how voters will be notified of the change to countywide polling places and new polling locations;

- A statement that all joint election issues have been resolved. Because political subdivisions holding joint elections with the county must have a presence at all countywide polling locations, a county must demonstrate that issues related to joint elections have been or will be resolved; and
- A demonstration that the commissioner's court and the county chairs have resolved how polling place officials will be appointed.

Q: Is there a notice requirement for the public hearing on use of the program?

A: The hearing is held by the commissioners court, which means that Chapter 551 of the Government Code applies. Specifically, the commissioners court must give written notice of the date, hour, place and subject of the meeting. Notice must be provided in a place readily accessible to the general public at all times and must be provided at least 72 hours before the scheduled time of the meeting.

Q: How many countywide polling places should my county have?

A: House Bill 1735 (85th Legislature, RS, 2017) adds Section 43.007(m) to the Texas Election Code which requires a county participating in the countywide polling place program to have at least one countywide polling place in each commissioners court precinct. Additionally, the number of countywide polling places within a commissioners court precinct may not exceed more than twice the number of countywide polling places located in any other commissioners court precinct.

In addition to these requirements, during the first year in which a county participates in the program, the total number of countywide polling places may not be less than 65% of the number of precinct polling places that would otherwise be located in the county for that election. After this, that number drops to no less than 50% of the number of precinct polling places that would otherwise be located in the county for that election.

Q: Who determines where the countywide polling places will be located?

A: In an election under the program, a county must adopt a methodology for determining where each polling place will be located. Some factors to consider in this process include: availability of public transportation to a polling location, population size near the polling location, and availability of a suitable building for a polling place. In addition, the establishment of polling places under the program should not result in the dilution of voting strength or representation of any group covered by the federal Voting Rights Act. For this reason, the Secretary of State strongly encourages counties to form vote center advisory committees to obtain feedback on voting locations.

Q: Who would serve on a vote center advisory committee?

A: The vote center advisory committee would consist of members from local political subdivisions, precinct officials and organizations that represent minority voters and voters with disabilities.

Q: How should my county notify voters of the change in polling locations?

A: At a minimum, an election day notice indicating the location of the nearest countywide polling place must be posted at each precinct polling place that was used in the last general election for state and county officers but will not be used in the election under the program. In addition, the notice of election should identify the Election Day polling places in the county.

Q: How are judges and clerks appointed for countywide polling locations?

A: House Bill 1735 (85th Legislature, RS, 2017) amended Section 32.002 of the Code to provide a procedure for the selection of presiding and alternate judges for a countywide polling place. Under the amended section, the county chairs shall submit a list of names of persons eligible for appointment as election judges to the county commissioners court. The commissioners court must apportion the number of judges for countywide polling places in direct proportion to the percentage of election precincts located in each county commissioners precinct won by each party in the last gubernatorial election.

For example, if the county has 10 county election precincts located in county commissioner precinct #1 and one party won 6 of those 10 precincts in the last gubernatorial election while the other party won 4 of those 10 precincts, there would be a 60% to 40% split of the county election precincts in that county commissioner precinct for the two parties. This means that if the county plans to have five countywide polling places in county commissioner precinct #1, the commissioners court must appoint a presiding judge from the list of the party who won 60% of the county election precincts to three of those five countywide polling places in county commissioner precinct #1 and a presiding judge from the list of the party who won 40% of the county election precincts to the remaining two of the five countywide polling places in county commissioner precinct #1. This is because 60% of five polling places is equal to three polling places and 40% of five polling places is equal to two polling places.

In cases where the application of percentages for countywide polling place judges does not result in a whole number, our office recommends that a county attempt to get as close to the percentages as possible and uniformly apply any resolution method.

Q: Are judges and clerks for countywide polling places required to be registered voters of the county election precinct where that countywide polling place is located?

Presiding and alternate judges for countywide polling places are not required to be qualified voters of any particular election precinct, but they must be qualified voters of the county. Additionally, a presiding or alternate judge for a countywide polling place does not have to reside in the election precinct where the countywide polling place is located, and more than one presiding or alternate judge from the same election precinct may be selected to serve on election day.

Q: If the election for my county is cancelled, does notice need to be posted at all countywide polling locations?

A: Yes. Under the Election Code, if an election is not held, notice should be posted on election day at each polling location that would have been used for that election. Under the program, this would mean that notice would be posted at each countywide polling location on election day in the event the election is cancelled.

Q: How does my county apply for “successful” status?

A: Following one election under the program, a county may apply for “successful” status with the Secretary of State and continue to use countywide election precinct polling places in subsequent elections. To apply for “successful” status, the Secretary of State must not have received any complaints that have been supplemented with evidence with respect to the county using countywide precincts in an election. The county commissioners court must then hold a public hearing on the use of countywide precincts. Notice of the meeting must be provided to all county

party chairs, local political subdivisions and affected public interest groups. A recording or transcript of the hearing must be provided to the Secretary of State. The county judge will submit a letter requesting “successful” designation to the Secretary of State along with the recording or transcript of the public hearing. The Secretary of State will review the transcript or recording as well as reports of the county’s elections using the program to confirm the county met the requirements of the Code. Voter turnout data for elections using the program will be compared with turnout in previous elections without use of the program to determine whether use of the program caused a substantial reduction in voter turnout.

Deadlines and Other Pertinent Dates

Q: What are the deadlines and key dates for implementing the countywide polling place program for the May 4, 2019 uniform election date?

A: The schedule for implementing the countywide polling place program for the May 4, 2019 uniform election date is as follows:

- **Monday, February 18, 2019** — Deadline for counties to submit their proposed plan (detailing the county’s ability to comply with Section 43.007 of the Texas Election Code) to Secretary of State. Note that counties that have participated in previous countywide election precincts programs are not required to hold a public hearing under Section 43.007(b), though we urge that they do so. Counties that have not previously participated in a countywide program will have to include a recording of the public hearing as part of the proposed plan which will necessitate more lead time for the process which may require them to initiate the process earlier than previously participating counties.
- **Monday, March 11, 2019** — Deadline for Secretary of State to approve proposed local plans for the program and provide detailed guidance on the information that will be requested from the Secretary of State and that will be included in the final legislative report. The counties will be required to submit this information to the Secretary of State no later than 30 days after the election.
- **Monday, June 3, 2019** — Deadline for county clerk/elections administrator to submit election report to Secretary of State.

Q: What are the deadlines and key dates for implementing the countywide polling place program for the November 5, 2019 uniform election date?

A: The schedule for implementing the countywide polling place program for the November 5, 2019 uniform election date is as follows:

- **Thursday, August 22, 2019** — Deadline for counties to submit their proposed plan (detailing the county’s ability to comply with Section 43.007 of the Texas Election Code) to Secretary of State. Note that counties that have participated in previous countywide election precincts programs are not required to hold a public hearing under Section 43.007(b), though we urge that they do so. Counties that have not previously participated in a countywide program will have to include a recording of the public hearing as part of the proposed plan which will necessitate more lead time for the process which may require them to initiate the process earlier than previously participating counties.
- **Thursday, September 12, 2019** — Deadline for Secretary of State to approve proposed local plans for the program and provide detailed guidance on the information that will be requested from the Secretary of State and that will be included in the final legislative report.

The counties will be required to submit this information to the Secretary of State no later than 30 days after the election.

- **Thursday, December 5, 2019** — Deadline for county clerk/elections administrator to submit election report to Secretary of State.

If you are interested in participating in the program or need more information, please email our office at elections@sos.texas.gov or call our office toll-free at 1-800-252-2216.

KI:HM

TEXAS SECRETARY OF STATE

Election Outlook: [The Secretary of State Reminds Texans To Plan Their Trip To The Polls](#) | [More about Identification Requirements for Voting](#) | [Am I Registered to Vote?](#) | [Voter Information](#) | [Voting Issues for Texas Harvey Evacuees](#) | [2018 Texas Election Security Update](#)

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Counties Approved to Use the Countywide Polling Place Program (CWPP) for the May 4, 2019 Uniform Election

The counties on this list are approved to use the Countywide Polling Place Program for the May 4, 2019 Uniform Election date. Those counties that have been designated Successful are not required to seek SOS approval to use the CWPP program for the election.

The counties with an * are newly designated Successful counties.

Populations more than 100K (6 slots available)

- Harris County
- Ellis County

Populations less than 100K (4 slots available)

- Howard County
- Bee County

Counties Designated “Successful” (unlimited slots) and Year Designated

- Aransas County (2016)
- Archer County* (2019)
- Brazoria County (2015)
- Brazos County (2016)
- Callahan County (2014)
- Collin County (2013)
- Coryell County (2014)
- Deaf Smith County (2018)
- DeWitt County (2018)
- Eastland County (2013)
- Ector County (2016)
- Erath County (2012)
- Floyd County (2013)
- Fort Bend County (2016)
- Gaines County (2012)
- Galveston County (2012)
- Grayson County (2014)
- Gregg County (2017)

- Grimes County (2017)
- Guadalupe County (2017)
- Hidalgo County (2018)
- Hood County (2015)
- Hopkins County (2015)
- Jack County (2018)
- Jefferson County (2014)
- Kaufman County (2018)
- Lampasas County (2014)
- Lee County (2016)
- Lubbock County (2012)
- Madison County (2013)
- McLennan County (2015)
- Medina County (2016)
- Midland County (2012)
- Milam County (2016)
- Montague County (2015)
- Navarro County (2015)
- Nueces County (2017)
- Palo Pinto County (2016)
- Parker County (2015)
- Potter County (2016)
- Randall County (2014)
- Rusk County (2015)
- San Jacinto County (2016)
- San Patricio County (2018)
- Smith County (2015)
- Swisher County (2014)
- Taylor County (2015)
- Throckmorton County (2017)
- Tom Green County (2015)
- Travis County (2012)
- Upshur County (2017)
- Victoria County (2014)
- Wharton County (2015)
- Williamson County (2014)
- Wichita County (2018)
- Young County (2016)

RESOLUTION NO. 2019-R _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, SUPPORTING A COUNTYWIDE POLLING
PLACE PROGRAM FOR COMAL COUNTY.**

WHEREAS, Comal County desires to participate in the countywide polling place program; and

WHEREAS, Comal County has held a public hearing on the countywide polling place program; and

WHEREAS, the City of New Braunfels is the county seat and the largest city in Comal County; and

WHEREAS, New Braunfels is the second fastest growing city in the nation, and the fastest growing city in Texas; and

WHEREAS, the City of New Braunfels desires to have greater voter participation in all elections; and

WHEREAS, the City of New Braunfels agrees that a countywide polling place program is more convenient for registered voters and will increase voter turnout.

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

That the recitations within this resolution are true and correct, and the City Council fully supports Comal County's participation in the countywide polling place program.

PASSED, ADOPTED AND APPROVED this 24th day of June 2019.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Barron Casteel, Mayor

ATTEST:

Patrick D. Aten, City Secretary

6/24/2019

Agenda Item No. C)

Presenter/Contact

*Mike Mundell, Solid Waste Manager
(830) 221-4044 - MMundell@nbtexas.org*

SUBJECT:

Discuss and consider approval of a contract with BFI Waste Services of Texas, LP dba Republic Services of San Antonio to provide processing services for the City of New Braunfels' Recycling Program.

BACKGROUND / RATIONALE:

The City issued Request for Proposals, (RFP), to obtain a contractor to handle the processing of the City's curbside Recycling Program on April 9, 2019. This contract will require the contractor to perform all operations associated with and pertaining to, at a minimum, receiving, sorting, processing, baling, storing, marketing, selling, and transporting (if necessary) all single-stream recyclable materials delivered by the City.

The SWRD currently provides curbside single-stream recycling collection to all single-family and some smaller multi-family residences. The City is divided into four (4) service areas which are serviced one (1) day per week, Monday through Thursday. Each collection day/service area contains five (5) routes, for a total of twenty (20) recycling routes. Customers are provided a minimum of one (1), 96-gallon wheeled cart in which to place their recyclables. Typically, each route delivers up to two (2) loads to the Material Recovery Facility (MRF) each day, and averages about 500 tons per month. Currently, the Program services about 25,650 residential recycling accounts and new customers are added daily.

The Program is single-stream, and the following materials are currently accepted:

- Plastic containers #1- 7, less than 5 gallons in size
- Newspaper
- Mixed paper
- Cartons: aseptic and plastic composite
- Cardboard, paperboard
- Glass containers
- Aluminum cans
- Steel and tin cans

The City also operates a drop-off Recycle Center for all the Program's acceptable single-stream materials. The Recycle Center is open five (5) days per week for residential and commercial customers who are not currently serviced curbside (i.e., large apartment complexes) and businesses, in order to provide access to recycling. The materials collected at the Recycle Center, (except cardboard, which is accepted separately and baled onsite), are included in the materials the City

delivers to the MRF.

The City received three (3) responses to the RFP. After review, evaluation and interviewing the top two (2) highest scored Proposers, the City is recommending BFI Waste Services of Texas, LP dba Republic Services of San Antonio for award. The contract will be for three (3) years with two (2), one-year options to renew. The estimated annual cost of the contract as proposed is \$284,000.

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

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

The cost associated with this project has been incorporated into the draft FY 2019-20 Proposed Budget. As a result of increased customer counts, staff does not currently anticipate a rate adjustment to be necessary in FY 2019-20 to support these increased expenditures.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a contract with BFI Waste Services of Texas, LP dba Republic Services of San Antonio to provide processing services for the City of New Braunfels' Recycling Program.

6/24/2019

Agenda Item No. D)

Presenter/Contact

Jennifer Gates, Grants Coordinator
(830) 221-4383 - JGates@nbtexas.org

SUBJECT:

Public hearing and possible direction to staff regarding the U.S. Department of Housing and Urban Development Community Development Block Grant Annual Action Plan and funding recommendations for Program Year 2019.

BACKGROUND / RATIONALE:

The City of New Braunfels has been fortunate to receive annual grants from the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Entitlement Program since 1994. The annual funding amount varies each year as it is determined on a formula basis and then provided to entitled cities, counties, and states to help develop viable urban communities. Funds are distributed by the City throughout the community to provide eligible recipients with grant funding that can be used to revitalize neighborhoods, support affordable housing, provide economic opportunities, and improve community facilities and services intended for low- and moderate-income (LMI) residents.

In accordance with CDBG funding requirements, the City is preparing to submit the Annual Action Plan to HUD. The Annual Action Plan, developed according to the City's Citizen Participation Plan, outlines the projects and programs the City will support with CDBG funds during the upcoming HUD Program Year, thereby furthering the goals of the HUD-approved Consolidated Plan, a five-year strategic planning document. After submission of the Annual Action Plan, projects and programs are then implemented in accordance with the approved one-year budget and activities.

The City's allocation for Program Year (PY) 2019 is \$393,910 and will begin October 1, 2019. Of the total funding amount, up to 15 percent (\$59,086.50) can be allocated for public service activities, 20 percent (\$78,782) for program administration, and the remaining 65 percent (\$256,041.50) is to be used for housing and public facilities projects as per HUD CDBG requirements. Any additional funds, including from previous Program Years, are held in reserve in the U.S. Treasury to be utilized by the City at a future date in accordance with timeliness requirements and project/program eligibility.

The Community Development Advisory Committee (CDAC) is composed of nine citizens of New Braunfels who have applied and been approved by City Council to serve in an advisory capacity on matters relating to the CDBG Program including reviewing competitive applications for funding, hosting agency presentations, and making recommendations for funding allocations to be considered and approved by City Council. Funding allocations are subsequently included in the City's Annual Action Plan.

After previous extensive review and discussion, the CDAC members met on April 10 to publicly rank

the applications and consider funding allocations for CDBG Program Year 2019. Recommendations for funding were based upon factors such as how the program/project will benefit LMI residents, availability of funding, past/current performance for organizations who had previously received funding, and the experience and capacity of the agency in managing the proposed program/activity.

For example, funding was not recommended for all agencies who submitted applications within the highly-competitive Public Services category. During funding considerations, CDAC initially considered distributing funds proportionately to all who applied; however, this would have resulted in amounts that would seemingly have little to no impact for some agencies. Therefore, CDAC determined that it would be more effective to recommend funding that will maximize impact. Additionally, the request submitted by the Senior Citizens Foundation for their Minor Home Repair Program was adjusted due to the agency's perceived capacity at the time of the funding recommendation meeting.

The following allocations are being recommended by CDAC. As the table illustrates, there is approximately \$100,000 in additional available funding. These funds are earmarked for housing/public facilities projects. The City and CDAC are hopeful there will be sufficient applications and projects within this category to allocate this funding in conjunction with CDBG Program Year 2020.

CDBG PROGRAM YEAR 2019 (PY19) TOTAL GRANT AMOUNT: \$393,910			
ADMINISTRATION (20% Cap): \$78,782			
Administration and oversight of CDBG program			
NOTE: Administration allocation is not subject to ranking by committee.			
PUBLIC SERVICES (15% Cap): \$59,086.50			
Name of Organization	Project/Program	Funding Requested	Committee Recommended Funding
Any Baby Can	case management (salaries)	\$ 7,070.00	\$ -
Big Brothers Big Sisters	expand workplace mentoring program	\$ 8,000.00	\$ -
CASA of Central Texas, Inc.	court advocacy services	\$ 40,000.00	\$ 13,333.00
Family Life Center & Counseling Center	emergency rent & utility assistance	\$ 20,000.00	\$ 10,318.50
River City Advocacy & Counseling Center	counseling program	\$ 27,000.00	\$ 5,000.00
San Antonio Food Bank	food distribution	\$ 25,000.00	\$ 12,500.00
Comal County Senior Citizens Foundation	Meals on Wheels Program	\$ 20,651.00	\$ 17,935.00
		\$ 147,721.00	\$ 59,086.50
HOUSING / PUBLIC FACILITIES (65% Cap): \$256,041.50			
Name of Organization	Project/Program	Funding Requested	Committee Recommended Funding
Comal County Habitat for Humanity	closing cost assistance	\$ 8,500.00	\$ 8,500.00
Comal County Habitat for Humanity	home repair program	\$ 65,798.00	\$ 65,798.00
Comal County Senior Citizens Foundation	minor home repair program	\$ 100,000.00	\$ 80,000.00
Westside Community Center	replace/improve electrical lighting	\$ 12,000.00	\$ 12,000.00
Westside Community Center	complete roof replacement	\$ 50,000.00	\$ 50,000.00
		\$ 236,298.00	\$ 216,298.00
ADDITIONAL AVAILABLE FUNDING (TO-DATE): \$100,008.50			
CDBG Program Year	Project/Program	Available	
Previous CDBG Program Years	TBD Housing/Public Facilities	\$ 60,265.00	
Program Year 2019	TBD Housing/Public Facilities	\$ 39,743.50	
		\$ 100,008.50	

HUD requires a 30-day comment period, and two public hearings prior to submission, allowing for citizens to comment on the information proposed in the Annual Action Plan. The comment period for CDBG Program Year 2019 is June 11 to July 12; a full draft of the Annual Action Plan is available for review at the City Secretary's Office and the New Braunfels Public Library, and information is also available on the City's Community Development - CDBG Program website during this timeframe. The first public hearing was held on June 17 at the Westside Community Center. The second public hearing is on June 24 during the regular City Council meeting. It is anticipated that the finalized Annual Action Plan will be presented to City Council for approval on July 22 and delivered to HUD no later than August 16, 2019.

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

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

There is no direct fiscal impact to the City. The program is fully supported by federal dollars.

COMMITTEE RECOMMENDATION:

The Community Development Advisory Committee (CDAC) has approved the above-referenced recommendations for City Council consideration.

STAFF RECOMMENDATION:

No action is required as this is a public hearing to allow citizens to make comments on the CDBG Annual Action Plan and associated funding recommendations for Program Year 2019 as required by HUD.



CDBG Program Annual Action Plan

June 24, 2019

City of New Braunfels City Hall

550 Landa Street

6:00 PM

What is CDBG?



- U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG): enacted in 1974
- CDBG Entitlement Program: Federally-funded non-competitive grants provided to eligible cities, counties & states to help develop viable urban communities.
- New Braunfels receives entitlement funding that may be used to revitalize neighborhoods, support affordable housing, provide economic opportunities, and improve the lives of all residents, especially those with low and moderate incomes.

CDBG Eligibility



All projects/programs must meet one of three HUD National Objectives:

- Benefit to low- and moderate- income (LMI) persons;
- Aid in the prevention or elimination of slums or blight; and
- Meet a need having a particular urgency (referred to as urgent need).

Projects/programs must support:

- Low-Moderate Census Block Groups (HUD-identified geographical areas)
- HUD-defined limited clientele e.g. elderly residents, abused children/spouses, homeless residents, and those with disabilities.
- Residents whose household income is equal to or less than 80% of the area's household median income for that household size.

Annual Action Plan



- Summary of the actions, activities, and resources that will be used to address the priority needs and specific goals identified in the City's HUD-approved Consolidated Plan, a five-year strategic planning document.
- Citizen Participation: residents and agencies are encouraged to provide input in the development of the Annual Action Plan by participating in:
 - Public Meetings and Hearings
 - Stakeholders Meetings
 - 30-Day Comment Period on draft Annual Action Plan

New Braunfels Funding



- CDBG Entitlement Program: annual grants provided by HUD on a formula basis, using several objective measures of community needs e.g. population, income levels, age and availability of housing, and population growth lag in relation to other metropolitan areas.
- City has received \$9,845,944 since 1994.

Program Year	Allocation
PY 19	\$393,910
PY 18	\$378,454
PY 17	\$379,043
PY 16	\$379,104
PY 15	\$366,274

- Community Development Advisory Committee (CDAC):
 - Composed of nine citizens of New Braunfels
 - Approved by City Council to serve in advisory capacity for CDBG Program
 - CDAC's responsibilities include reviewing competitive applications for funding, hosting agency presentations, and making recommendations to City Council for the distribution of CDBG funds.
 - April 10, 2019: public ranking of applications and consideration of funding allocations for CDBG Program Year 2019 (PY19) by CDAC

Funding Considerations



The following factors are considering during application review and allocation of funding:

- Benefits of program/project to LMI residents
- Number and type of clients who will receive services
- Availability of funding within requested category
- Past/current performance for organizations who had previously received CDBG funding
- Experience and capacity of the agency in managing the proposed program/activity

CDBG Program Year 2019



Total Available Funds:

- PY19 Grant Allocation: \$393,910
- Available funding from previous Program Years: \$60,265

Administration (20%): \$78,782

Administration is set by federal regulations to 20% of the grant for that program year; CDAC does not rank or make funding recommendations for Administration dollars

Public Services (15%): \$59,086

Public Services is set by federal regulations to 15% of the grant for that program year

Housing & Public Facilities (65%): \$256,042

NOTE: Additional available funding from previous years: + \$60,265

FUNDING: Public Services



PUBLIC SERVICES (15% Cap): \$59,086.50			
Name of Organization	Project/Program	Funding Requested	Committee Recommended Funding
Any Baby Can	case management (salaries)	\$ 7,070.00	\$ -
Big Brothers Big Sisters	expand workplace mentoring program	\$ 8,000.00	\$ -
CASA of Central Texas, Inc.	court advocacy services	\$ 40,000.00	\$ 13,333.00
Family Life Center & Counseling Center	emergency rent & utility assistance	\$ 20,000.00	\$ 10,318.50
River City Advocacy & Counseling Center	counseling program	\$ 27,000.00	\$ 5,000.00
San Antonio Food Bank	food distribution	\$ 25,000.00	\$ 12,500.00
Comal County Senior Citizens Foundation	Meals on Wheels Program	\$ 20,651.00	\$ 17,935.00
		\$ 147,721.00	\$ 59,086.50

FUNDING: Housing & Public Facilities



HOUSING / PUBLIC FACILITIES (65% Cap): \$256,041.50

Name of Organization	Project/Program	Funding Requested	Committee Recommended Funding
Comal County Habitat for Humanity	closing cost assistance	\$ 8,500.00	\$ 8,500.00
Comal County Habitat for Humanity	home repair program	\$ 65,798.00	\$ 65,798.00
Comal County Senior Citizens Foundation	minor home repair program	\$ 100,000.00	\$ 80,000.00
Westside Community Center	replace/improve electrical lighting	\$ 12,000.00	\$ 12,000.00
Westside Community Center	complete roof replacement	\$ 50,000.00	\$ 50,000.00
		\$ 236,298.00	\$ 216,298.00

ADDITIONAL AVAILABLE FUNDING (TO-DATE): \$100,008.50

CDBG Program Year	Project/Program	Available
Previous CDBG Program Years	TBD Housing/Public Facilities	\$ 60,265.00
Program Year 2019	TBD Housing/Public Facilities	\$ 39,743.50
		\$ 100,008.50

Timeline



- Public Comment Period: June 11, 2019 through July 12, 2019
 - Public Hearing 1: June 17 at Westside Community Center
 - Public Hearing 2: June 24 at New Braunfels City Hall
- City Council Approval for PY 2019 Action Plan: July 22, 2019
- Annual Action Plan submitted to HUD: no later than August 16, 2019

Questions?

6/24/2019

Agenda Item No. E)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Type 2 Special Use Permit to allow a bed and breakfast in the "R-2" Single-Family and Two-Family District on Lot 4, City Block 5021, addressed at 555 South Union Avenue.

BACKGROUND / RATIONALE:

Case No.: SUP19-115

Council District: 5

Owner/Applicant: James Graham
555 Union Avenue.
New Braunfels, TX 78130
(281) 507-3726

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

The subject .18-acre property is located on South Union Avenue across from Schlitterbahn, between East Mather and Cross River Streets. It is currently zoned R-2 and has a single-family dwelling on the premises with a detached carport in the rear yard.

This applicant's request is to allow a bed & breakfast in the existing house. An important distinction of a bed & breakfast is the facility must be owner occupied in residential zoning districts. The applicant/owner intends to occupy the residence while renting a portion of the residence to overnight guests.

The house contains two bedrooms, a living room, a kitchen, a bathroom and a covered front porch. The ordinance requires one off-street parking space per guest room plus one for the owner. Off-street parking currently includes a gravel driveway leading to the carport in the rear yard that can accommodate more than two vehicles. As part of his application, the owner is requesting that the parking be allowed to remain gravel, rather than paved with concrete or asphalt as required in the ordinance. Three other driveways facing South Union Avenue on this block consist of the same gravel material as the subject property.

In addition to the parking, paving and requirement that the owner being required to live on site,

additional standards include:

- annual health and safety inspections;
- only overnight guests may be served meals, limited to a continental-type breakfast of pre-packaged food unless the facility meets all requirements for commercial food service;
- weddings, parties and other functions are not permitted unless administratively approved by the City.

Surrounding Zoning and Land Use:

North - R-1A-6.6 & R-2 / Single-family residences and a duplex

South - Across S. Union Ave., C-4 / Schlitterbahn Water Park

East - R-1A-6.6 & R-2 / Single-family residences and a duplex with a short term rental

West - R-1A-6.6 & R-2 / Single-family residences

Floodplain:

No portion of the subject property is located within the 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 R-2 in a neighborhood located across the street from Schlitterbahn and 2 blocks from the Comal River last tuber exit. The property is less than a half mile away from Downtown and Prince Solms Park. There is one Short Term Rental 2 lots east of the subject property and no B&B's operating in the general area*);
- 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 (*Additional similar uses encourages competition and improves quality.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. (*The supplemental standards as required in Section 5.6 of the Zoning Ordinance 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 subject property lies within the New Braunfels Sub Area and near a Recreational River Corridor. It is also near existing Outdoor Recreation and Tourist/Entertainment Centers.*)

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.14: Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.
--	--

FISCAL IMPACT:

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

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on June 4, 2019 and recommended approval with staff recommendations and an additional condition limiting the bed and breakfast to 1 guest room and 2 adult guests.

STAFF RECOMMENDATION:

Staff recommends approval, including the applicant's request to keep the existing off-street parking area unpaved as this driveway would continue to blend in with the character of the neighboring driveways, with the following conditions:

1. The existing residential character and appearance of the buildings 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.

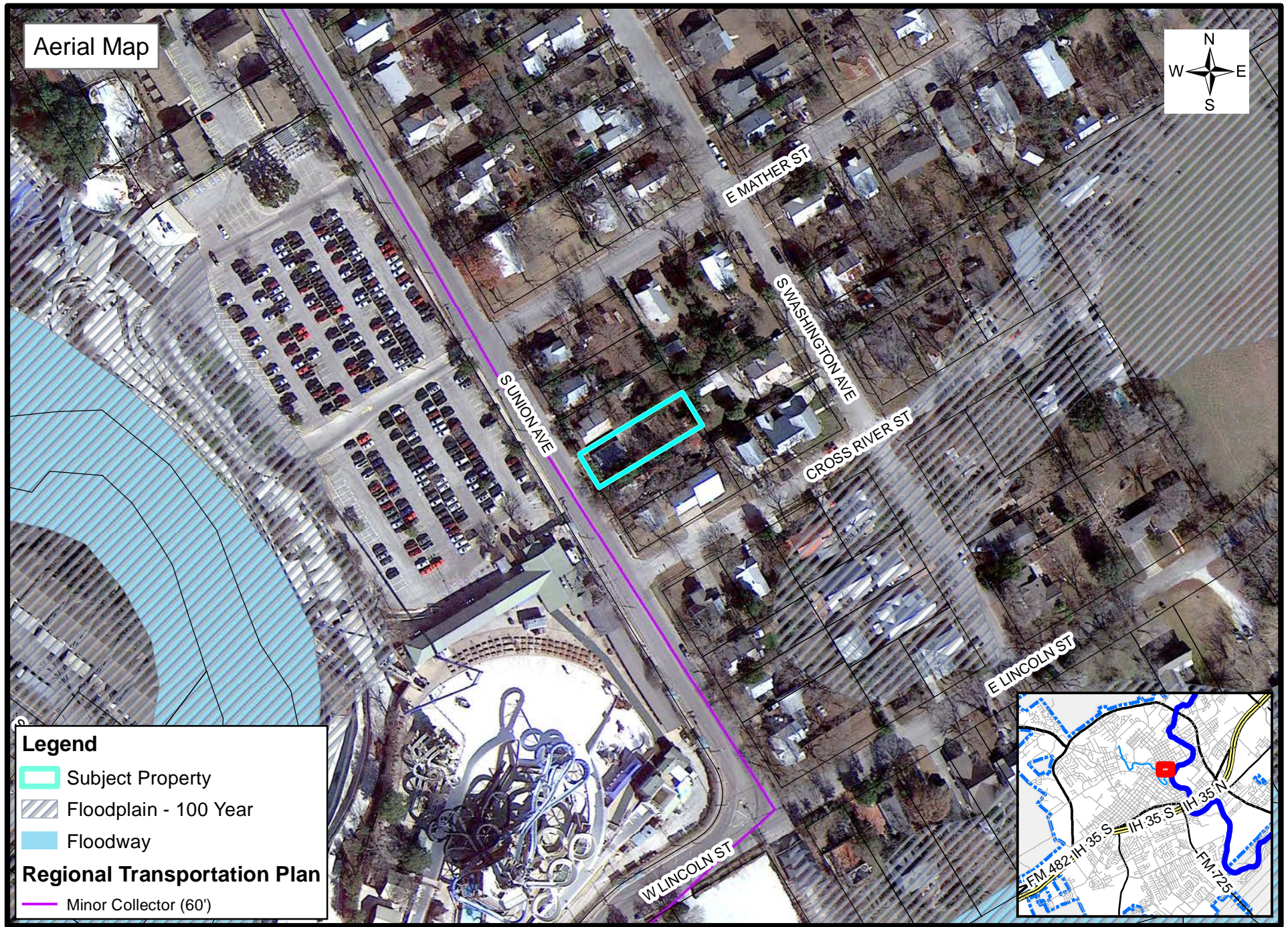
Notification:

Public hearing notices were sent to 13 owners of property within 200 feet of the request. The City has received 2 responses in favor (6 & 9), and 3 opposed (4, 11 & 12). An additional 20 letters/comments were received in opposition from outside the 200-foot notification area.

ATTACHMENTS:

- Aerial Maps
- Site Plan and Floor Plan
- Land Use Maps (Zoning, Existing and Future Land Use)
- Short Term Rental / B&B Vicinity Map
- Notification List, Notification Map and Notification Responses
- Photographs
- Ordinances:
 - Sec. 3.3-2 "R-2" Single-Family and Two-Family District
 - Sec. 3.6 Special Use Permits
 - Sec. 5.6 Bed & Breakfast Facilities
- Excerpt of Minutes from the June 2, 2019 Planning Commission Regular Meeting
- Ordinance

Aerial Map



Legend

- Subject Property
- Floodplain - 100 Year
- Floodway

Regional Transportation Plan

- Minor Collector (60')



SUP19-115
555 S. Union Avenue
SUP to allow a bed and breakfast in the R-2 district

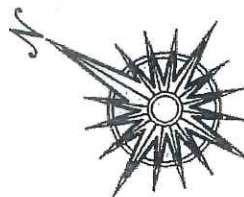


NOTES:

BASIS OF BEARING IS THE NORTHEAST
R.O.W. LINE OF UNION ST. AS FOUND
MONUMENTED ON THE GROUND.

TRI COUNTY SURVEYING INC. HAS MADE NO FLOOD
ZONE DETERMINATION FOR THE PROPERTY SHOWN
HEREON.

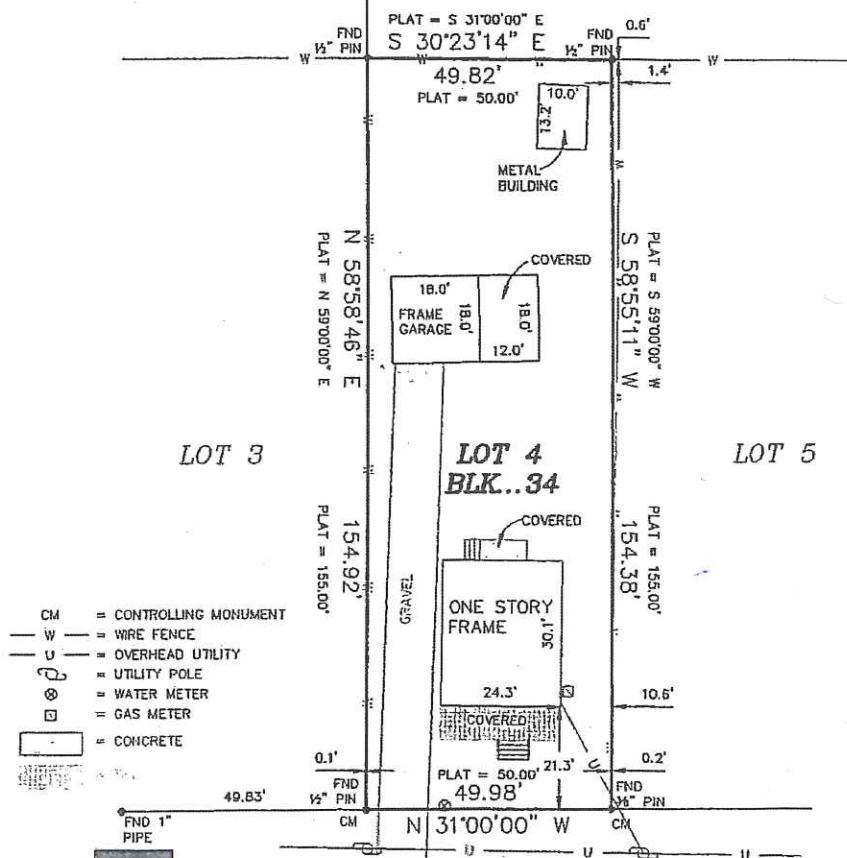
SITE PLAN



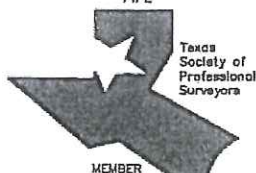
SCALE:
1" = 30'

ELWOOD PREISS
JANICE D. PREISS
803/294

SUMMER HOME ADDITION
10/241
LOT 8R



- CM = CONTROLLING MONUMENT
- W = WIRE FENCE
- U = OVERHEAD UTILITY
- G = UTILITY POLE
- M = WATER METER
- D = GAS METER
- = CONCRETE



555 UNION ST.
PLAT SHOWING:

**SURVEY OF LOT 4, BLOCK 34, N.C.B. 5021, SUMMER HOME ADDITION,
CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, PLAT RECORDED
IN VOLUME 39, PAGE 237, DEED RECORDS, COMAL COUNTY, TEXAS.**



114 NORTH AUSTIN
SEGUIN, TEXAS 78155
PH: (830) 372-1001
FX: (830) 379-1155

THIS GRAPHIC WORK REPRESENTS THE RESULTS OF A
SURVEY BEING PROVIDED BY TRI-COUNTY LAND SURVEYING,
INC. SOLELY FOR THE EXCLUSIVE USE OF THE PARTIES
SHOWN HEREON. NO LICENSE HAS BEEN CREATED, EXPRESSED
OR IMPLIED, TO COPY OR USE THIS GRAPHIC WORK OTHER
THAN FOR THE PURPOSE SHOWN HEREON. THIS SURVEY IS
EMBOSSED WITH THE SURVEYOR'S IMPRESSION SEAL AND
SIGNED IN RED INK. IF THIS PLAT DOES NOT HAVE THESE TWO
CONDITIONS FULFILLED, IT IS A COPY AND MAY HAVE BEEN
ALTERED. TRI-COUNTY LAND SURVEYING ASSUMES NO
RESPONSIBILITY FOR COPIES OF THIS SURVEY OTHER THAN
THE COPIES BEARING THE ORIGINAL IMPRESSION SEAL AND
SIGNATURE SIGNED IN RED INK.
ALL RIGHTS RESERVED, COPYRIGHT 2008, TRI-COUNTY LAND
SURVEYING INC. ©

60' R.O.W.
UNION ST.
39/237

PURPOSE OF SURVEY:

FOR: D.L. SCHRAUB, LISA SCHRAUB
AS REQUIRED BY COMMITMENT
FOR TITLE INSURANCE
UNDER COMMITMENT NO.07B156NBT
ISSUED BY NEW BRAUNFELS TITLE

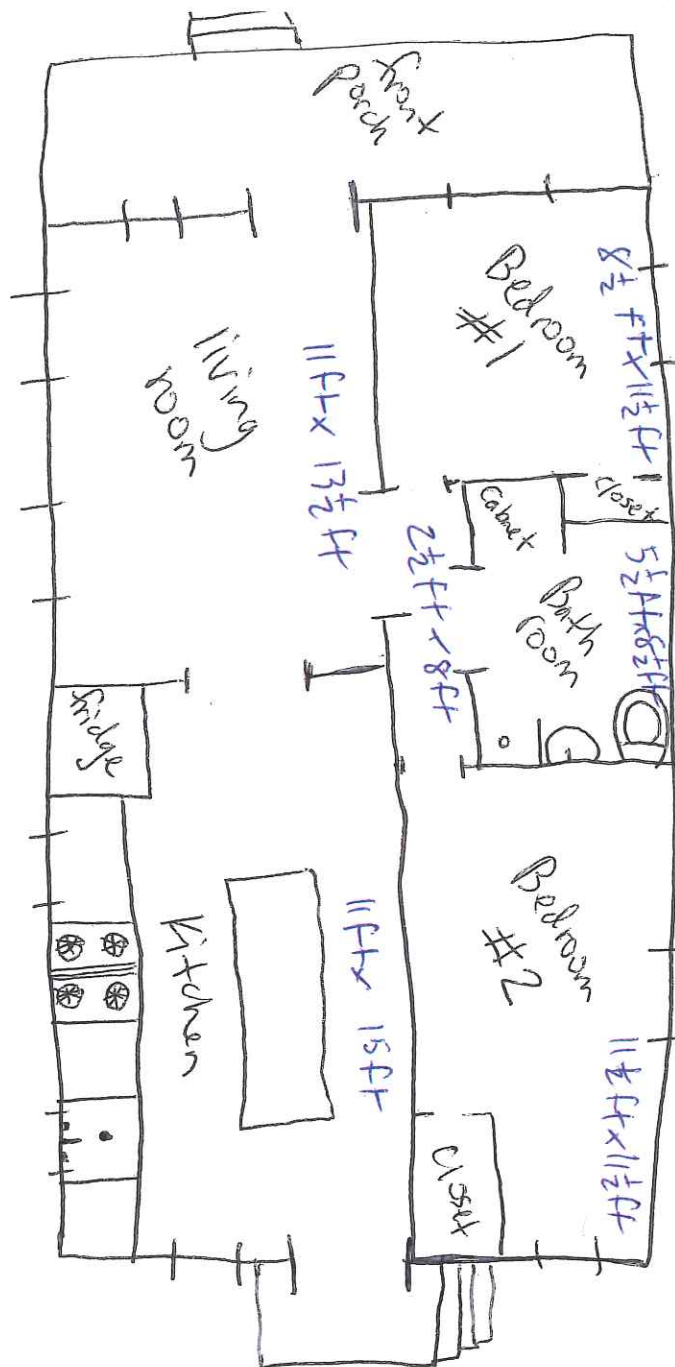
STATE OF TEXAS:
COUNTY OF GUADALUPE:

I, AUBREY C. HOLLAND, DO HEREBY CERTIFY THAT
THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY
MADE ON THE GROUND BY MEN WORKING UNDER MY
SUPERVISION AND THERE ARE NO VISIBLE EASEMENTS
OR ENCROACHMENTS EXCEPT AS SHOWN.

Aubrey C. Holland
AUBREY C. HOLLAND

REGISTERED PROFESSIONAL
SURVEYED: JULY 8, 20
PROJECT NO.: 0907101

RECEIVED
APR 18 2011
BY:

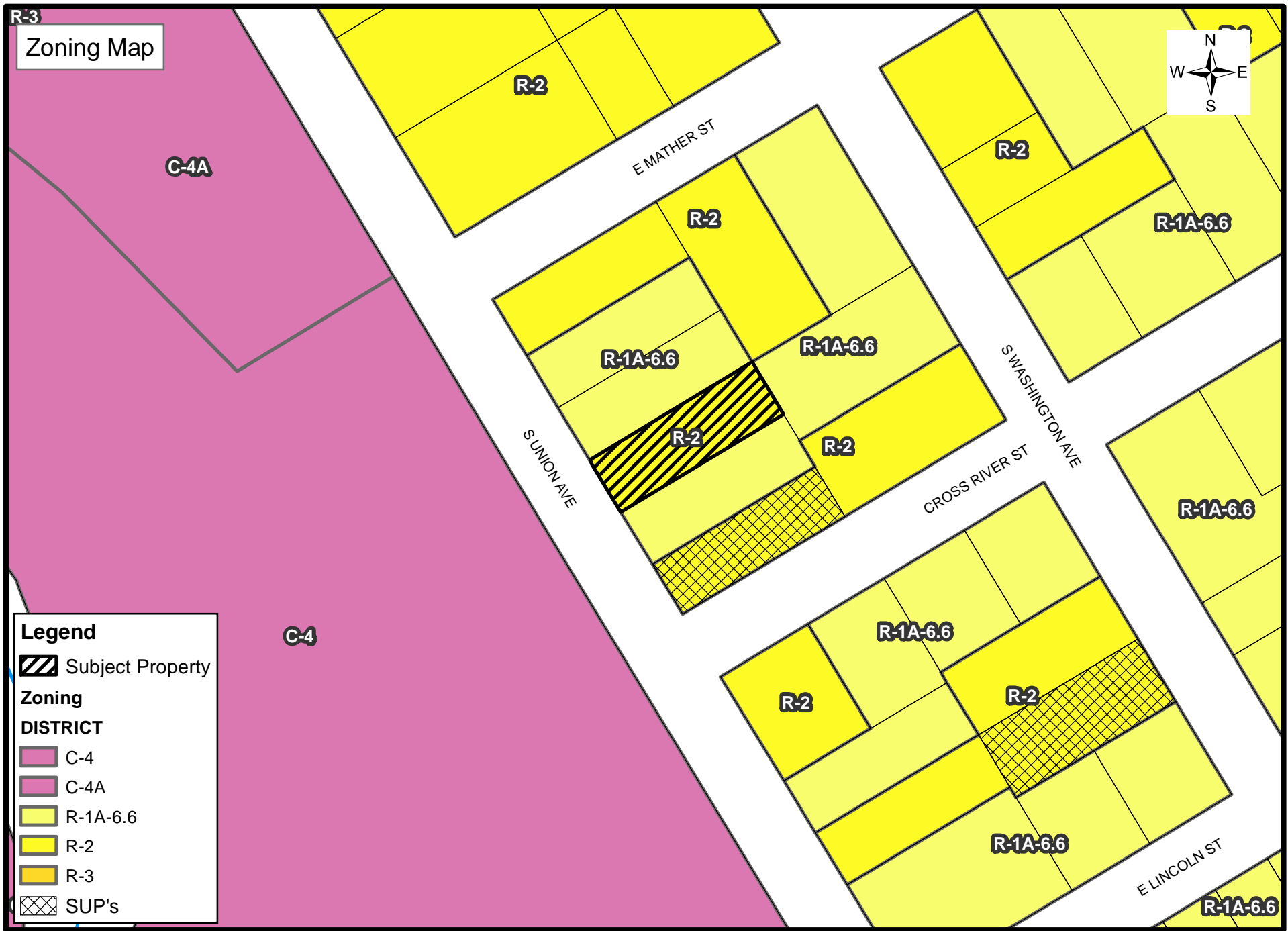


FLOOR PLAN

RECEIVED

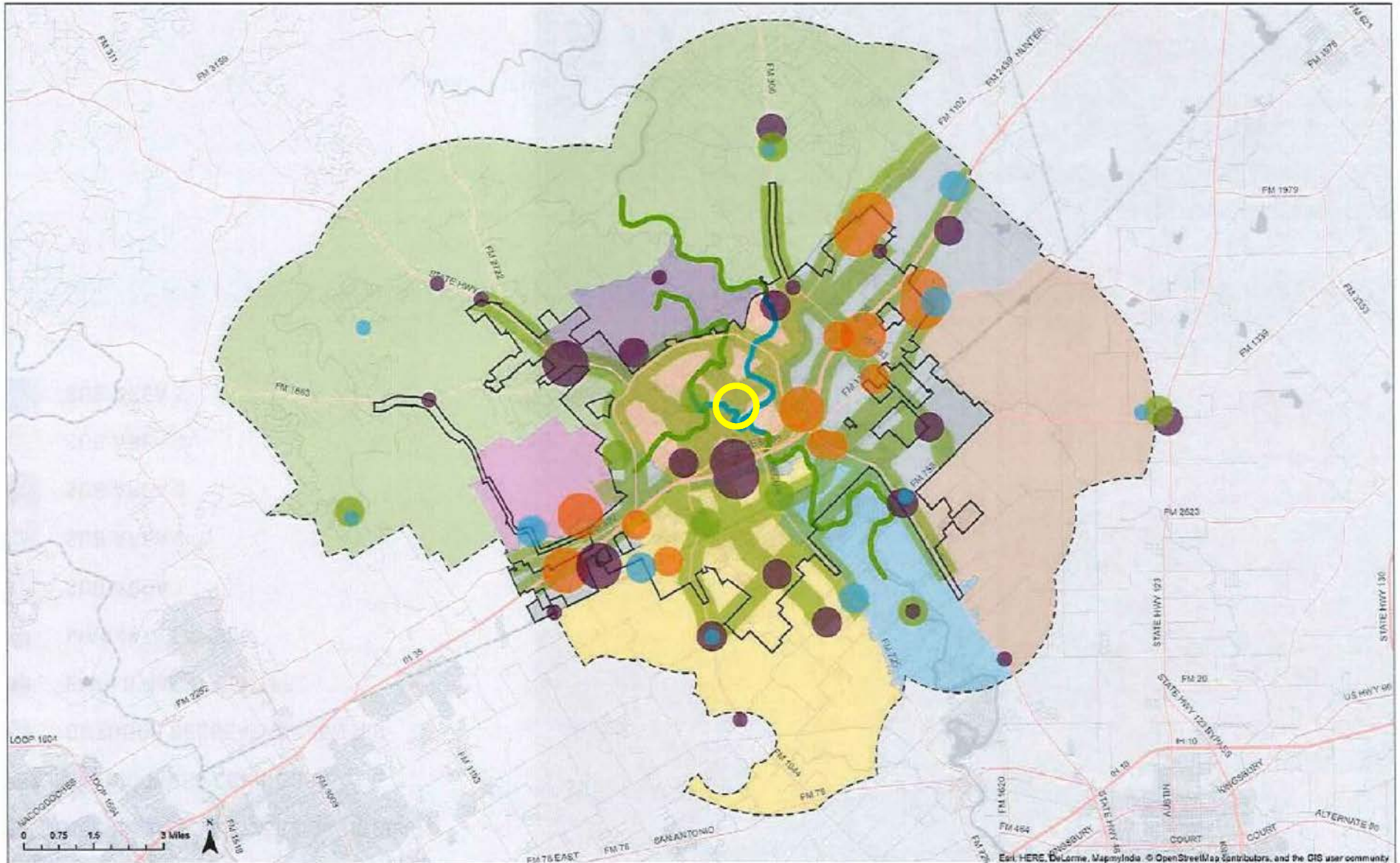
APR 18 2019

BY:





Future Land Use Plan



SUP19-115
555 S. Union Avenue
SUP to allow a bed and breakfast in the R-2 district

PLANNING COMMISSION – JUNE 4, 2019 – 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: James Graham

Address/Location: 555 S. Union Avenue

PROPOSED SPECIAL USE PERMIT – CASE #SUP19-115

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 LIBERTY PARTNERSHIP LTD | 8 PREUSS E T & ISABAL |
| 2 WHITESIDE RODGIE G | 9 SP ONE PROPERTIES LLC |
| 3 CALHOUN ROBERT | 10 MATHES DOUGLAS W |
| 4 COGGINS CHERYL L | 11 MYER JANTZEN |
| 5 SCHWARZ BRUCE & SHANNON SCHUMANN | 12 MCCLENDON LOIS & RODGER JOHNSON |
| 6 SIMMONS BROOKE & DAX WINSLETT | 13 PREISS ELWOOD J |
| 7 VILLARREAL EDWARD | |

SEE MAP

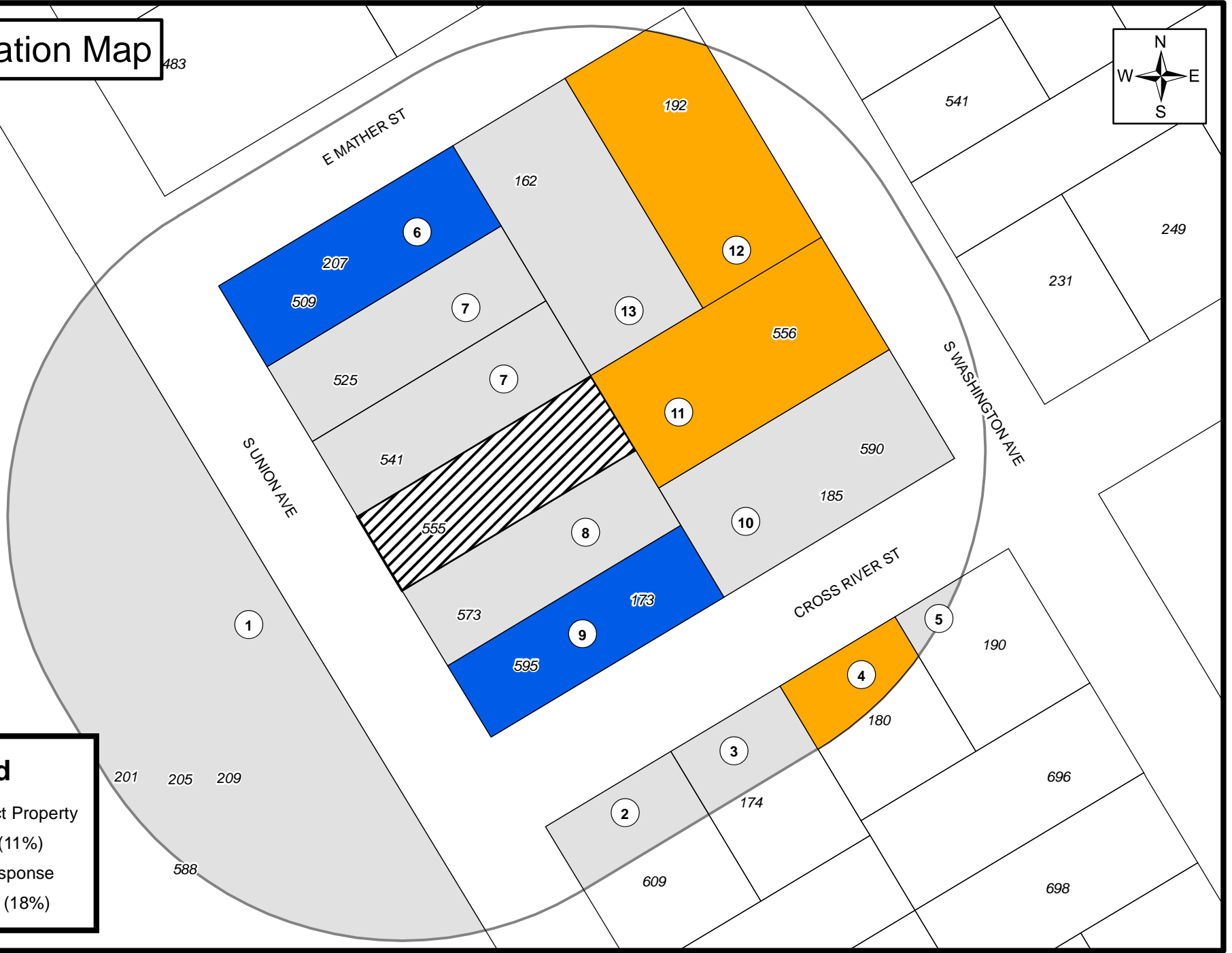
Notification Map

483



Legend

- Subject Property
- Favor (11%)
- No Response
- Object (18%)



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-115 MG

Name: Brooke Simmons + Dax Winslett

Address: 509 S. Union

Property number on map: 6

Comments: (Use additional sheets if necessary)

I favor: 100% in favor

I object: _____

(State reason for objection)



Signature: Brooke Simmons + Dax Winslett

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-115 MG

Name: JOHN SEIDEL

Address: 595 S. UNION

Property number on map: 9

Comments: (Use additional sheets if necessary)

I favor: ✓

I object: _____

(State reason for objection)



Signature: John Seidel

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED

JUN 03 2019

Case: #SUP19-115 MG

Name: Cheryl CagginsAddress: 180 Cross River StProperty number on map: 4I favor: BY:I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

RECEIVED

JUN 03 2019

BY:

We want to keep this a residential neighborhood. Also, the traffic is already congested here, and commercial establishments will only add to it.

Signature: Cheryl Caggins

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED

Case: #SUP19-115 MG

Name: Rodger JohnsonAddress: 192 E Mather StProperty number on map: 12I favor: JUN 03 2019I object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

As a resident in this area we have more than enough to deal with when it comes to tourist traffic and the problems that come with it. I am not interested in seeing my neighborhood, or any house in it, ~~become~~ become a revolving door. Someone coming into the neighborhood for a short term rental (bed & breakfast) has no vested interest in what is best for the surrounding families or properties. We have enough strange faces wandering around and making their way onto our properties without inviting them in and making it a standard practice.

Signature: Rodger Johnson

I object because I appreciate & value my neighborhood & those who live in it & I would like to keep it that way.

Matt Greene

From: Jantzen Myer <jmyer@nbutexas.com>
Sent: Friday, May 31, 2019 1:53 PM
To: Matt Greene
Subject: Case#SUP19-115
Attachments: NB B&B Request.pdf



Good afternoon Mr. Greene,

My name is Jantzen Myer, I'm the taxpayer at 556 S. Washington Ave.

I strongly oppose the use of 555 S. Union Ave as a bed and breakfast. My property shares a backyard fence with this property, I want to keep our beautiful area as a residential area only. This home is my primary residence.

Please see attached form objecting the use of a special use permit at 555 S. Union Ave.

Thanks,



Jantzen Myer
PDM Technician
P.O. Box 310289
New Braunfels, TX 78131-0289
jmyer@nbutexas.com | 830-624-6552

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-115 MG

Name: Jantzen L. Myer

Address: 556 S. Washington Ave.

Property number on map: 11

I favor: _____

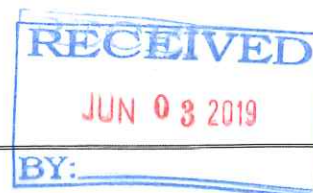
I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

My primary residence backs up to this property. I purchased my home in a residential area, I don't want an hotel behind my house. Please deny the use of a bed & breakfast at 555 S. Union Ave.

Signature: [Signature]



I ALSO RESIDE @ 441 SOUTH UNION AVE, OWNED BY MY
MOTHER, BETTY B. FREER. I / WE STRONGLY OBJECT, CONTINUALLY
AS THIS, OR ANY OTHER PROPERTY ALLOWED TO BE USED ^{FOR} ~~TRY~~ ANY
OTHER PURPOSE, BUSINESS, OF ANY TYPE, FORM, OR MANNER
CONTAMINATES THE INTEGRITY OF THIS RESIDENTIAL NEIGHBORHOOD
AND WILL ALWAYS ALLOW FOR CREEP, AND FURTHER OPEN THE DOOR
TO MANY OTHER "BUSINESS" OF ALL TYPES, THERE ISN'T ADEQUATE
PARKING, AND TRAFFIC IS ALWAYS EXTREMELY CONGESTED AS IT IS
NOW. THANK YOU SO VERY MUCH, AGAIN. (PATRICIA FREER)

(Signature: Patricia Freer)

2 PROPERTIES:

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-115 MG

① - Name: Betty Freer Betty B Freer
Address: 647 S. Washington Ave

Property number on map: _____

② - 441 SOUTH UNION AVE *(Signature: Patricia Freer)*
Comments: (Use additional sheets if necessary)

Totally appraised -

WE TOTALLY OPPOSE, ALWAYS, 0 PARKING SPACES, TOO MUCH
TRAFFIC, TOTALLY BAD FOR OUR NEIGHBORHOOD

Signature: *(Signature: Patricia Freer)*

- and -

441 S. Union
TURN OVER

2 OBJECTS

I favor: _____

*** I object: _____

(State reason for objection)

RECEIVED

JUN 03 2019

BY: _____

COMMENT

SEE
BACK

STATE BACK

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-115 MG

Name:

Kathleen Krueger

Address:

298 E. Lincoln NB, TX. 78130

Property number on map:

Comments: (Use additional sheets if necessary)

I favor:

I object: ☒

(State reason for objection)

Protect integrity of
long-standing family
neighborhood.

Signature:

Kathleen T. Krueger

RECEIVED

JUN 04 2019

BY:

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-115 MG

Name:

BRACEJANE SEALE

Address:

231 Cronk St

Property number on map:

Comments: (Use additional sheets if necessary)

Want signifiably homes only

I favor:

I object: ☒

(State reason for objection)

Signature:

Signature: Braceyane Seale

RECEIVED

JUN 03 2019

BY:

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-115 MG

Name:

Esther G. Whitney

Address:

430 S. Washington Ave.

Property number on map:

I favor:

I object:

(State reason for objection)

Comments: (Use additional sheets if necessary)

I know my neighbors and I feel safe
the way it is, Don't need any
strangers coming around our Neighborhood.

Signature:

Esther G. Whitney
Victor G. Whitney

RECEIVED

JUN 03 2019

BY:

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-115 MG

Name:

Mathews Wilkinson

Address:

455 S Washington Ave

Property number on map:

I favor:

I object:

(State reason for objection)

Comments: (Use additional sheets if necessary)

I live in neighborhood and constantly concerned about
traffic and theft.

Signature

Mathews Wilkinson

RECEIVED

JUN 03 2019

BY:

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-115 MG

Name: Leslie Prather-Forbis

Address: 314 E. Lincoln

Property number on map: _____

Comments: (Use additional sheets if necessary)

Leslie Prather-Forbis

Signature: ✓

outside 200'
Notification Area

I favor: _____

I object: ✓

(State reason for objection)



Case: #SUP19-115 MG

Name: Sydney Sharp

Address: 291 E. Lincoln

Property number on map: _____

Comments: (Use additional sheets if necessary)

Signature: Sydney Sharp

outside 200'
Notification Area

I favor: _____

I object: ✓

(State reason for objection)



YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED

JUN 03 2019

Case: #SUP19-115 MG

Name: GORDON SCHOTT

I favor: _____

BY: _____

Address: 323 S. WASHINGTON AVE.

Property number on map: _____

I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

- Homes should be for single family dwelling
- One business would just lead to more
- Young families are moving and residing in this area and a Bed & Breakfast would not be good for this area. Thank You

Signature: Gordon A Schott

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED

JUN 03 2019

Case: #SUP19-115 MG

Name: Violet Tanneberger

I favor: _____

BY: _____

Address: 111 E LINCOLN

Property number on map: _____

I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

My husband and I feel we need to keep this area residential. This neighborhood, the beginning of New Braunfels residents here want to keep it the way it is now. Not more traffic, business, drugs & party functions.

Keep it safe

Signature: Violet Tanneberger

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED

JUN 03 2019

Case: #SUP19-115 MG

Outside 200'
Notification AreaName: Alma MartinezI favor: BY:Address: 187 Basel StreetProperty number on map: Not on mapI object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

Need to keep it residential. Too many going in and out of house. Safety & security is a very big concern. Lots of kids in this neighborhood. We do not need a business in a residential neighborhood nor does it belong in one.

Signature:

Alma Martinez

YOUR OPINION MATTERS - DETACH AND RETURN

Outside 200'
Notification Area

Case: #SUP19-115 MG

Name: Neil Rose KraftI favor: AreaAddress: 4275 WashingtonProperty number on map: NB TexI object: ✗

(State reason for objection)

Comments: (Use additional sheets if necessary)

Keep the neighbor hood the same as it is

Signature:

Neil Rose Kraft

RECEIVED

JUN 03 2019

BY:

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-115.MG

Name: MARILYN McDONALD

Address: 165 E. LINCOLN

Property number on map: _____

I favor: _____

I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

*This neighborhood doesn't want
tourists/drunks/etc. to disturb our
children & normal home life*

Signature:

Marilyn McDonald

RECEIVED

JUN 03 2019

BY: _____

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-115 MG

Name: Penny Cooper Doug Cooper

Address: 246 E. LINCOLN, New Braunfels, TX

Property number on map: _____

I favor: _____

I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature:

(Signature area with a large arrow pointing to the left)

*Outside 200'
Notification
Area*

RECEIVED

JUN 03 2019

BY: _____

YOUR OPINION MATTERS - DETACH AND RETURN



Case: #SUP19-115 MG

Name: Isabel Garza

Address: 541 S Washington Ave

Property number on map: _____

Comments: (Use additional sheets if necessary)

outside 200' Notification Area

I favor: BY:

I object: ✓

(State reason for objection)

I want to keep our neighborhood residential. No overnights or bed + breakfast, they bring strangers and it causes safety concerns.

Signature:

Signature Isabel Garza

YOUR OPINION MATTERS - DETACH AND RETURN

outside 200' Notification Area

Case: #SUP19-115 MG

Name: MARTI KOCIAN

Address: 347 S. Washington

Property number on map: _____

Comments: (Use additional sheets if necessary)

I favor: _____

I object: X

(State reason for objection)

residential only no crime no deal



Signature Mark Kocian

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED

JUN 03 2019

Case: #SUP19-115 MG

Outside 200'
Notification
AreaName: Charla Flores

I favor: _____

BY: _____

Address: 305 S. Washington

Property number on map: _____

I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

We own a property on S. Washington where there are several families and children nearby. We feel this would hinder the safety of the kids in the neighborhood. Please vote against.

Signature: Charla Flores

YOUR OPINION MATTERS - DETACH AND RETURN

Outside 200'
Notification
Area

Case: #SUP19-115 MG

Name: Dora Medina

I favor: _____

Address: 450 S. Washington St

Property number on map: _____

I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

Safety,
for ~~safety~~ No strangers
in neighborhood

Signature: Dora Medina

RECEIVED

JUN 03 2019

BY: _____

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-115 MG

Name:

FABIAN Gonzalez

Address:

441 S. Washington AVE

Property number on map:

Not on map

Comments: (Use additional sheets if necessary)

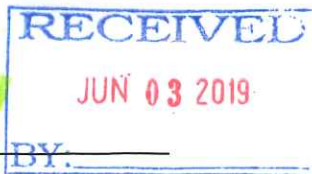
Residential for family life only.
Let's keep it that way.

Signature:



Outside 200'
Notification
Area

I favor:



I object:

(State reason for objection)

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-115 MG

Name:

John Grimsby

Address:

424 S. Washington Ave

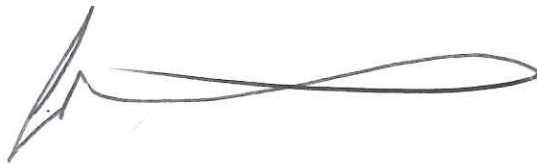
Property number on map:

Not on map

Comments: (Use additional sheets if necessary)

Residential for family life only,
once it starts it will never end.

Signature:



Outside 200'
Notification
Area

I favor:

I object:

(State reason for objection)



YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED

JUN 03 2019

Case: #SUP19-115 MG

Name:

Mike Martin

Address:

344 S. Washington Ave.

Property number on map:

I favor:

I object:

(State reason for objection)

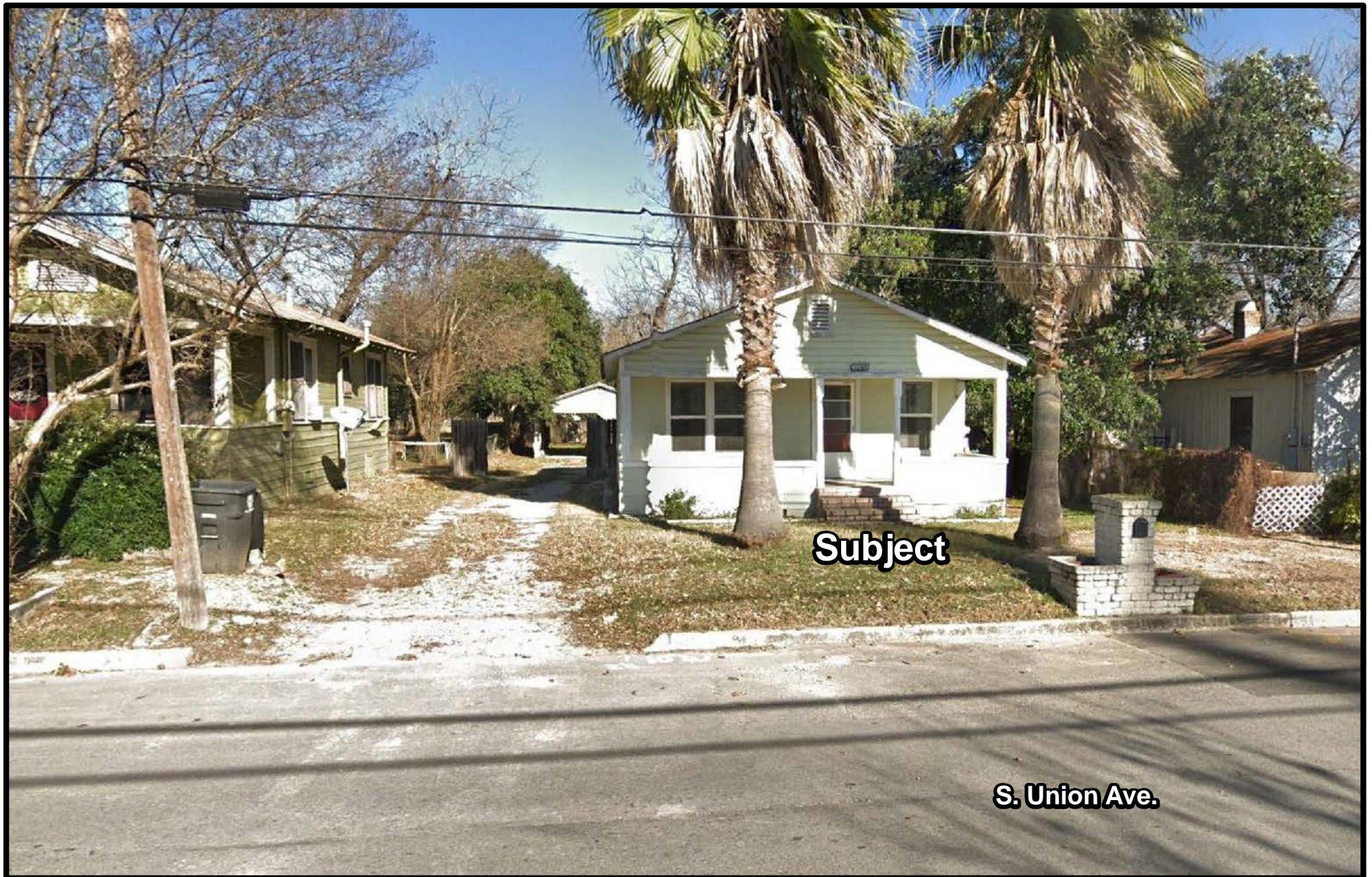
Comments: (Use additional sheets if necessary)

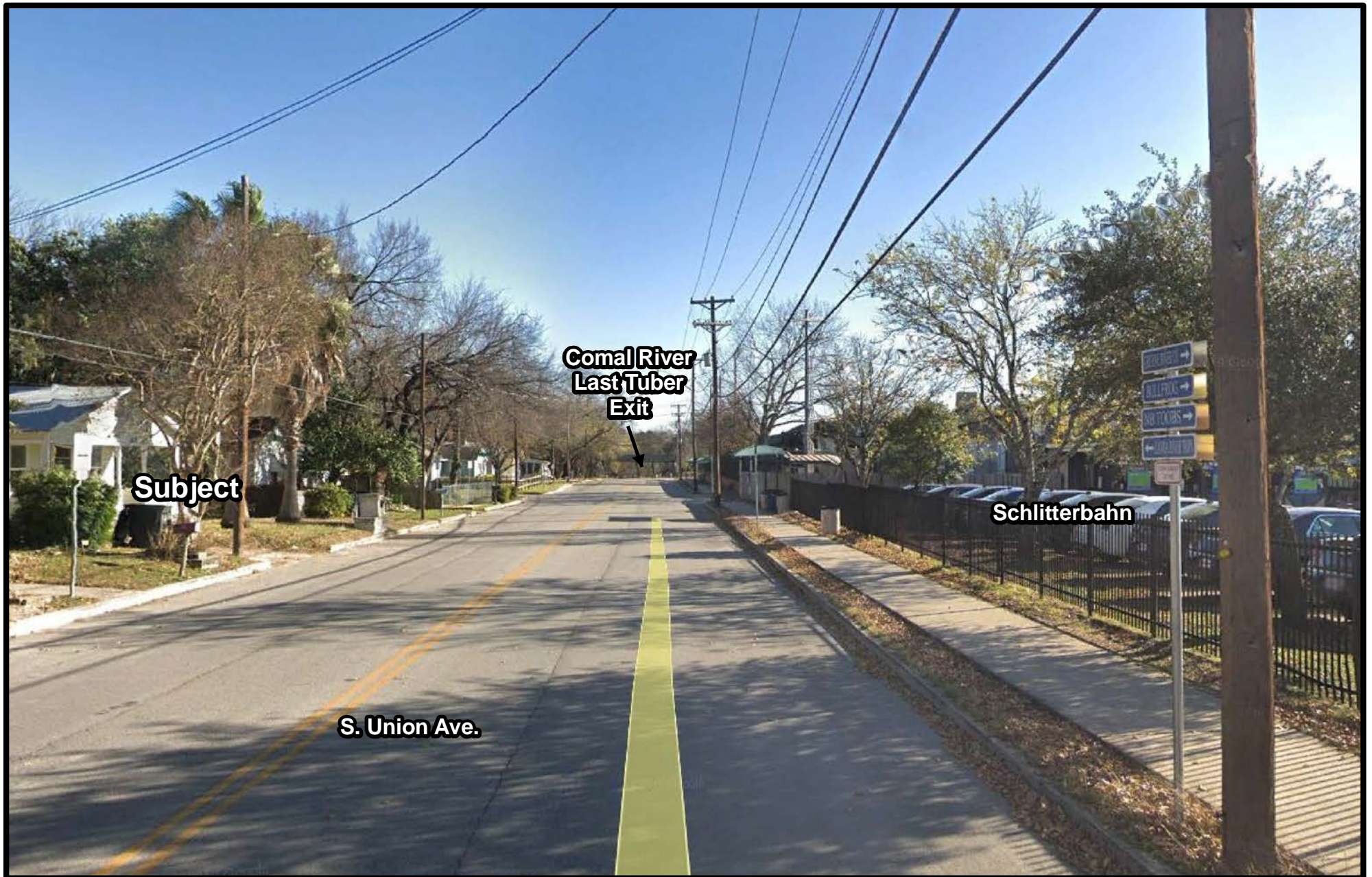
I object to Rentals or Bed and Breakfasts,
I have A family here. We want our
area to stay Residential. We want to know our
neighbors not a Revolving Door. We are
concerned for the safety of
our 3 young kids.
We moved here for small-town
life and love the history in neighborhood.

Signature:

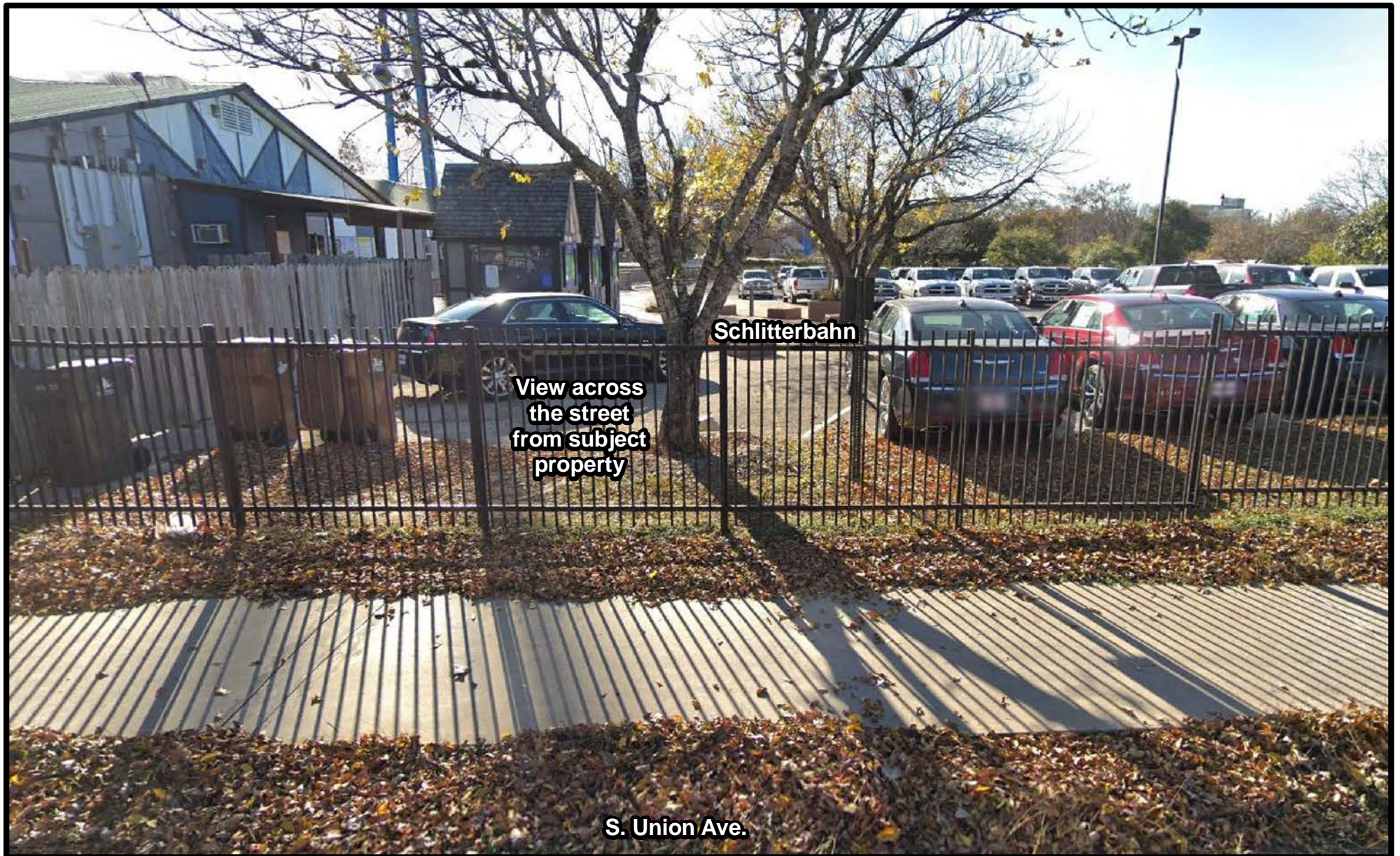
Mike Martin

Mike Martin





SUP19-115
555 S. Union Avenue
SUP to allow a bed and breakfast in the R-2 district



3.3-2. "R-2" single-family and two family district. The following regulations shall apply in all "R-2" districts:

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

(1) *Uses permitted by right:*

Residential uses:

- Accessory dwelling (one accessory dwelling per lot, no kitchen)
- Accessory building/structure
- Community home (see definition)
- Duplex/two-family/duplex condominium
- Family home adult care
- Family home child care
- Home Occupation (see Sec. 5.5)
- One family dwelling, detached
- Single family industrialized home (see Sec. 5.8)

Non-residential uses:

- Barns and farm equipment storage (related to agricultural uses)
- Cemetery and/or mausoleum
- Church/place of religious assembly
- Community building (associated with residential uses)
- Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
- Country club (private)
- Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)
- Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)
- Golf course, public and private
- Governmental building or use with no outside storage
- Park and/or playground (private and public)
- Plant nursery (growing for commercial purposes but no retail sales on site)
- Public recreation/services building for public park/playground areas
- Recreation buildings (public)
- School, K-12 (public or private)
- Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

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

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

(1) One family dwellings.

(i) *Height.* 35 feet.

(ii) *Front building setback.* 25 feet.

(iii) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.

- (iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
 - (v) *Rear building setback.* 20 feet.
 - (vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.
 - (vii) *Lot area per family.* Every single-family dwelling hereafter erected or altered shall have a lot area of not less than 6,600 square feet per family for interior lots, and 7,000 square feet per family for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one half acre or one acre on the Edwards Aquifer Recharge Zone.
 - (viii) *Lot depth.* 100 feet.
 - (ix) *Parking.* Two off-street parking spaces shall be provided for each one family detached dwelling unit. See Section 5.1 for other permitted uses' parking.
- (2) Duplexes.
- (i) *Height.* 35 feet.
 - (ii) *Front building setback.* 25 feet.
 - (iii) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
 - (iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
 - (v) *Rear building setback.* 20 feet.
 - (vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.
 - (vii) *Lot area per family.* Duplexes hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall prohibit the erection of a two-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the City Sanitarian.
 - (viii) *Lot depth.* 100 feet.

- (ix) *Parking.* Two off-street parking spaces shall be provided for each two-family dwelling unit. See Section 5.1 for other permitted uses' parking.

(3) Non-Residential Uses.

- (i) *Height.* 35 feet.
- (ii) *Front building setback.* 25 feet.
- (iii) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Where any building abuts a property with a one or two family use, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
- (iv) *Corner lots.* Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots. Where a minimum 25-foot setback is required, a canopy at least eight feet in height, attached to the main building, may be built within 15 feet of the property line so long as such construction will not obstruct the vision of vehicular or pedestrian traffic.
- (v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (vi) *Rear building setback.* 20 feet.
- (vii) *Width of lot.* 60 feet.
- (viii) *Lot depth.* 100 feet.
- (ix) *Parking.* See Section 5.1 for permitted uses' parking.

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.

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

5.6. *Bed and breakfast facilities.*

5.6-1 Bed and breakfast facilities are subject to the following requirements:

5.6-2 *Parking.* One off-street parking space per guest room, and one off-street parking space for the owner/proprietor are required.

5.6-3 *Number of guest rooms.* The maximum number of guest rooms shall be eight.

5.6-4 *Length of stay.* The maximum length of stay for each guest shall be limited to 14 consecutive days within any thirty day time period.

5.6-5 *Management.* The facility shall be owner occupied in the residential zoning districts and may be manager occupied in other zoning districts.

5.6-6 *Signs.* Signs shall conform to Chapter 106.

5.6-7 *Health factors:*

- (a) Only overnight guests may be served meals. The meals shall be confined to a continental-type breakfast, consisting of pastries (prepared outside the establishment), milk, cereal, fruit, fruit juice, and coffee, unless the facility meets all State of Texas and City Health Department requirements for commercial food service. Cooking in a guest room is prohibited.
- (b) The owner of the facility shall provide clean linens and towels on a daily basis, provide adequate heating, air conditioning, ventilation and lighting; provide adequate hot and cold water; provide adequate sewage disposal; maintain the outside area in a clean and sanitary manner; maintain the structure(s) in suitable state of repair; and properly clean the premises and facilities during the guests stay and after each guest has departed.
- (c) Each owner of the facility must acquire a permit for the facility from the City Health Department prior to issuance of a Certificate of Occupancy.
- (d) Inspections by the City Health Department will be made on a regular basis and upon demand as required by a complaint. The inspections must be successfully passed.
- (e) Building and fire protection considerations:
 - (1) Owner of Bed and Breakfast facility must obtain a Certificate of Occupancy (C.O.) from the City Building Official after a Special Use Permit is issued, if a Special Use Permit (SUP) is required. The facility must successfully pass the C.O. inspection.
 - (2) The structure(s) must conform to all City and State Building Codes for existing or new construction as the situation dictates.
 - (3) The City Fire Marshal or his representative shall inspect all Bed and Breakfast facilities before a C.O. is issued. The facility must successfully pass the inspection. Regular inspections shall be made on an annual basis.
 - (4) Each Bed and Breakfast facility must comply with the appropriate section on "Lodging and Rooming Houses" contained in NFPA 101 Life Safety Code.
 - (5) Each facility must have at least one battery operated or regular hard wired smoke detector in all guest rooms, stairwells and/or corridors on each floor of the structure.
 - (6) An approved fire extinguisher shall be provided in close proximity to the guest units on each floor.
- (f) *Other activities.* Other activities such as weddings, parties, and other functions are not permitted unless approved by the Planning Director.

Draft Minutes for the June 4, 2019 Planning Commission Regular Meeting

SUP19-115 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a bed and breakfast in the “R-2” Single-Family and Two-Family District on Lot 4, City Block 5021, addressed at 555 South Union Avenue.

(Applicant: James Graham; Case Manager: M. Greene)

Mr. Greene summarized the request and stated Staff recommended approval with the conditions outlined in the staff report.

Commissioner Laskowski requested clarification on the definition of a guest room.

Discussion followed.

Vice Chair Reaves requested the Ad Hoc Committee review the bed and breakfast ordinance requirements.

Discussion followed.

Commissioner Meyer stated it should be required that the bed and breakfast be owner or manager occupied. He expressed the need to limit the occupancy.

Vice Chair Reaves invited the applicant to speak.

James Graham, 555 S. Union Avenue, stated he was the property owner and applicant. He provided his history with the property and the city. He stated he intends for the property to remain residential and stated he takes care to maintain the property in good condition.

Vice Chair Reaves asked if anyone wished to speak in favor.

Wilton Warnecke Jr., 460 Kerlick Lane, stated he did not wish to speak in favor or opposition. He stated the applicant should be required to provide proof that they will be paying the required Hotel Occupancy Tax prior to the Certificate of Occupancy being issued for the bed and breakfast. He requested that all bed and breakfast special use permits be tied to the applicant and not the land. He described the history of issues with bed and breakfasts and short term rentals in the area.

Vice Chair Reaves asked if anyone wished to speak in opposition.

Violet Tannen, 111 E. Lincoln, wished to speak in opposition. She expressed her concerns regarding historic preservation and protecting the character of the community. She then expressed concerns regarding the effects of traffic, crime, parking and noise resulting from the bed and breakfast on the families in the neighborhood. She stated it was a historical neighborhood and requested it be preserved.

Brandon Crabill, 665 Washington Street, wished to speak in opposition. He provided his history of the area. He stated it was a residential neighborhood and expressed concern that the commercial use was not compatible. He expressed concerns that the approval could set a precedent for the area. He read a letter written by the neighbor at 647 Washington requesting that the historic neighborhood be preserved.

Patricia Freer, 441 S. Union Avenue, wished to speak in opposition. She expressed agreement with the previous speakers. She expressed concerns with renters coming to party, noise, safety, parking and traffic. She stated the neighborhood was a tight knit residential community.

Chandler Gray, 186 E. Lincoln, wished to speak in opposition. She welcomed the applicant to the community. She expressed concerns regarding the commercial use, future development, enforcement issues, and that the application states only one room is being rented. She provided examples of existing issues in the area. She stated the existing short term rentals in the area are special circumstances and

therefore are not comparable to what is being requested. She requested the Commission consider the neighborhoods concerns.

Mike Martin, 344 Washington Avenue, wished to speak in opposition. He provided his history of the area and expressed agreement with the other speakers.

Rafael Marfil, 415 S. Union Avenue, wished to speak in favor. He stated the homes facing S. Union Avenue are separate from the residential neighborhood, and the proximity to businesses in the area encourages tourism. He stated the noise ordinance was applicable to commercial businesses and would regulate any sound created. He requested that those fronting on Union Avenue be able to utilize the high volume of tourists.

Motion by Commissioner Laskowski, seconded by Commissioner Gibson, to close the public hearing. Motion carried (9-0-0).

Commissioner Meyer stated Union Avenue is active and the bed and breakfast won't change that. He expressed understanding for the concerns but stated the applications were reviewed on a case by case basis. He asked the applicant if he intended to utilize the residence as his primary home.

Mr. Graham stated it was still undergoing remodeling.

Commissioner Meyer asked the applicant if he intended to utilize the residence as his primary home.

Mr. Graham responded yes.

Commissioner Meyer requested clarification if the Special Use Permit ran with the land.

Mr. Onion clarified.

Discussion followed regarding code enforcement and bed and breakfasts.

Commissioner Meyer inquired if the Special Use Permit was violated would it be revoked.

Mrs. Snell clarified.

Motion by Commissioner Meyer to recommend approval to City Council a proposed rezoning to apply a Special Use Permit to allow a bed and breakfast in the "R-2" Single-Family and Two-Family District on Lot 4, City Block 5021, addressed at 555 South Union Avenue with Staff recommendations and a restriction to one guest room. Motion failed for lack of a second.

Motion by Commissioner Laskowski, seconded by Commissioner Tubb, to recommend approval to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a bed and breakfast in the "R-2" Single-Family and Two-Family District on Lot 4, City Block 5021, addressed at 555 South Union Avenue with Staff recommendations and a limit of 1 guest room with 2 adult guests. Motion carried, with Vice Chair Reaves and Commission Mathis in opposition (7-2-0).

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW A BED AND BREAKFAST IN THE "R-2" SINGLE AND TWO-FAMILY DISTRICT, ON LOT 4, CITY BLOCK 5021, ADDRESSED AT 555 SOUTH UNION AVENUE ; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, the property is located in an area suitable for a bed and breakfast; and

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit for Lot 4, City Block 5021, addressed at 555 South Union Avenue, to allow a bed and breakfast in the "R-2" Single and Two-Family 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 4, City Block 5021, addressed at 555 South Union Avenue, as delineated in the attached Exhibit 'A', to allow a bed and breakfast in the "R-2" Single and Two-Family District."

SECTION 2

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

1. The existing residential character and appearance of the buildings must be maintained.
2. The property will remain in compliance with the approved site plan illustrated on Exhibit 'B'. Any significant changes to the site plan will require a revision to the Special Use Permit.
3. Exhibit 'C' shall be considered the adopted floor plan. Any significant changes to the floor 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 24th day of June 2019.

PASSED AND APPROVED: Second Reading this the 8th day of July 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



EXHIBIT 'A'



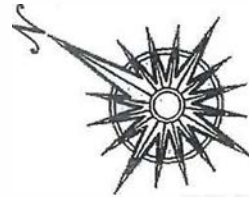
SUP19-115
555 S. Union Avenue
Type 2 SUP to allow a bed and breakfast in the R-2 district

NOTES.

BASIS OF BEARING IS THE NORTHEAST
R.O.W. LINE OF UNION ST. AS FOUND
MONUMENTED ON THE GROUND.

TRI COUNTY SURVEYING INC. HAS MADE NO FLOOD
ZONE DETERMINATION FOR THE PROPERTY SHOWN
HEREON.

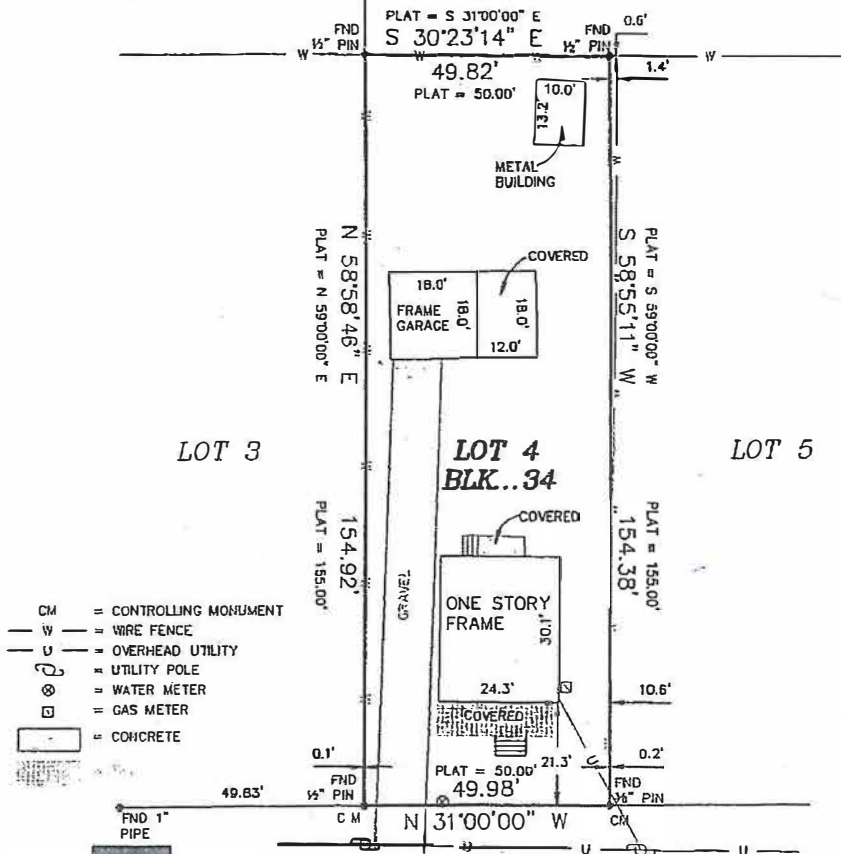
SITE PLAN



SCALE:
1" = 30'

ELWOOD PREISS
JANICE D. PREISS
803/294

SUMMER HOME ADDITION
10/241
LOT 8R



555 UNION ST.
PLAT SHOWING:

**SURVEY OF LOT 4, BLOCK 34, N.C.B. 5021, SUMMER HOME ADDITION,
CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, PLAT RECORDED
IN VOLUME 39, PAGE 237, DEED RECORDS, COMAL COUNTY, TEXAS.**



114 NORTH AUSTIN
SEGUIN, TEXAS 78155
PH: (830) 372-1001
FX: (830) 379-1155

THIS GRAPHIC WORK REPRESENTS THE RESULTS OF A
SURVEY BEING PROVIDED BY TRI-COUNTY LAND SURVEYING,
INC. SOLELY FOR THE EXCLUSIVE USE OF THE PARTIES
SHOWN HEREON. NO LICENSE HAS BEEN CREATED, EXPRESSED
OR IMPLIED, TO COPY OR USE THIS GRAPHIC WORK OTHER
THAN FOR THE PURPOSE SHOWN HEREON. THIS SURVEY IS
EMBOSSED WITH THE SURVEYOR'S IMPRESSION SEAL AND
SIGNED IN RED INK. IF THIS PLAT DOES NOT HAVE THESE TWO
CONDITIONS FULFILLED, IT IS A COPY AND MAY HAVE BEEN
ALTERED. TRI-COUNTY LAND SURVEYING ASSUMES NO
RESPONSIBILITY FOR COPIES OF THIS SURVEY OTHER THAN
THE COPIES BEARING THE ORIGINAL IMPRESSION SEAL AND
SIGNATURE SIGNED IN RED INK.
ALL RIGHTS RESERVED, COPYRIGHT 2008, TRI-COUNTY LAND
SURVEYING INC. ©

60' R.O.W.
UNION ST.
39/237

PURPOSE OF SURVEY:

FOR: D.L. SCHRAUB, LISA SCHRAUB
AS REQUIRED BY COMMITMENT
FOR TITLE INSURANCE
UNDER COMMITMENT NO.078156NBT
ISSUED BY NEW BRAUNFELS TITLE

STATE OF TEXAS:
COUNTY OF GUADALUPE:

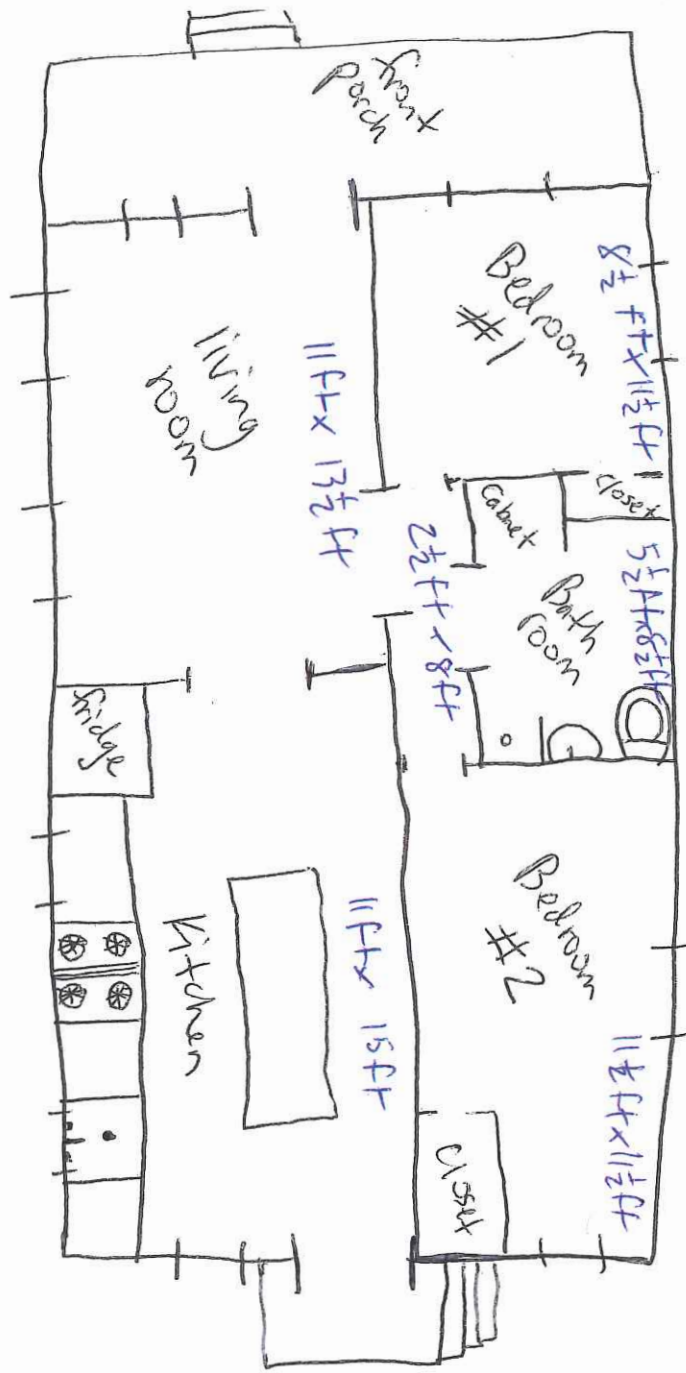
I, AUBREY C. HOLLAND, DO HEREBY CERTIFY THAT
THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY
MADE ON THE GROUND BY MEN WORKING UNDER MY
SUPERVISION AND THERE ARE NO VISIBLE EASEMENTS
OR ENCROACHMENTS EXCEPT AS SHOWN.

Aubrey C. Holland
AUBREY C. HOLLAND

REGISTERED PROFESSIONAL
SURVEYED: JULY 8, 20
PROJECT NO.: 0907101



EXHIBIT 'B'



FLOOR PLAN

RECEIVED
APR 18 2019
BY:

6/24/2019

Agenda Item No. F)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning of a 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, from "APD" Agricultural/Pre-Development District to "C-1B" General Business District.

BACKGROUND / RATIONALE:

Case No.: PZ19-0114

Council District: 1

Applicant: Rene De La Cruz
1413 Shannon Circle
New Braunfels, TX 78130
(830) 609-8985

Owner: Melvin and Helen Voigt Revocable Living Trust (Helen Voigt)
491 Engel Road
New Braunfels, TX 78130
(830) 708-5241

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

The subject, contiguous properties comprise 5.25 acres near Engel Road Industrial Park, approximately one-third of a mile south of IH-35. The narrow properties have 193 feet of frontage on Engel Road (Major Collector) and the deepest tract is 1,530 feet deep. Zoned APD and mostly undeveloped, a single family residence sits near the front.

The applicant is requesting a rezoning from APD to C-1B to facilitate future unspecified development. C-1B allows a broad range of office, service and retail uses. Current access from Engel Road does not require travel through any residential areas.

General Information:

Surrounding Zoning and Land Use:

North - APD / Undeveloped
 South - APD/ Undeveloped
 East - R-1A-6.6 / Briar Meadows Subdivision (single family homes)
 West - Across Engel Rd., Outside City Limits / Single family home and undeveloped

Floodplain:

No portion of the property is within the 1% annual chance flood zone.

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 *(As a Major Collector, Engel Road currently provides residential, commercial and industrial traffic access to IH 35. With installation of the required buffer between the subject property and the residential lots adjacent to the rear, C-1B uses can be appropriate for these tracts).*
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area *(The requested zoning should not conflict with existing and proposed schools. The adequacy of public facilities and utilities to serve the property is evaluated by each provider at the platting and permitting stages.);*
- How other areas designated for similar development will be affected *(The proposed zoning would add to the inventory of commercial zoning in the vicinity and the City overall.);*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(There should be no other factors that will substantially affect the public health, safety, morals, or general welfare. Drainage, utilities and traffic impact will be reviewed and addressed through the platting and permitting processes.);* and
- Whether the request is consistent with the Comprehensive Plan *(The subject property is located in the Oak Creek Sub Area in close proximity to Future Employment and Market Centers and a Transitional Mixed-Use Corridor. It also lies near existing Employment and Civic Centers.)*

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.8: Concentrate future investment in industrial and employment centers near existing and emerging hubs, such as the airport; and along existing high capacity transportation networks, such as IH-35. Action 3.3: Balance commercial centers with stable neighborhoods
--	--

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on June 4, 2019 and unanimously recommended

approval (9-0-0).

STAFF RECOMMENDATION:

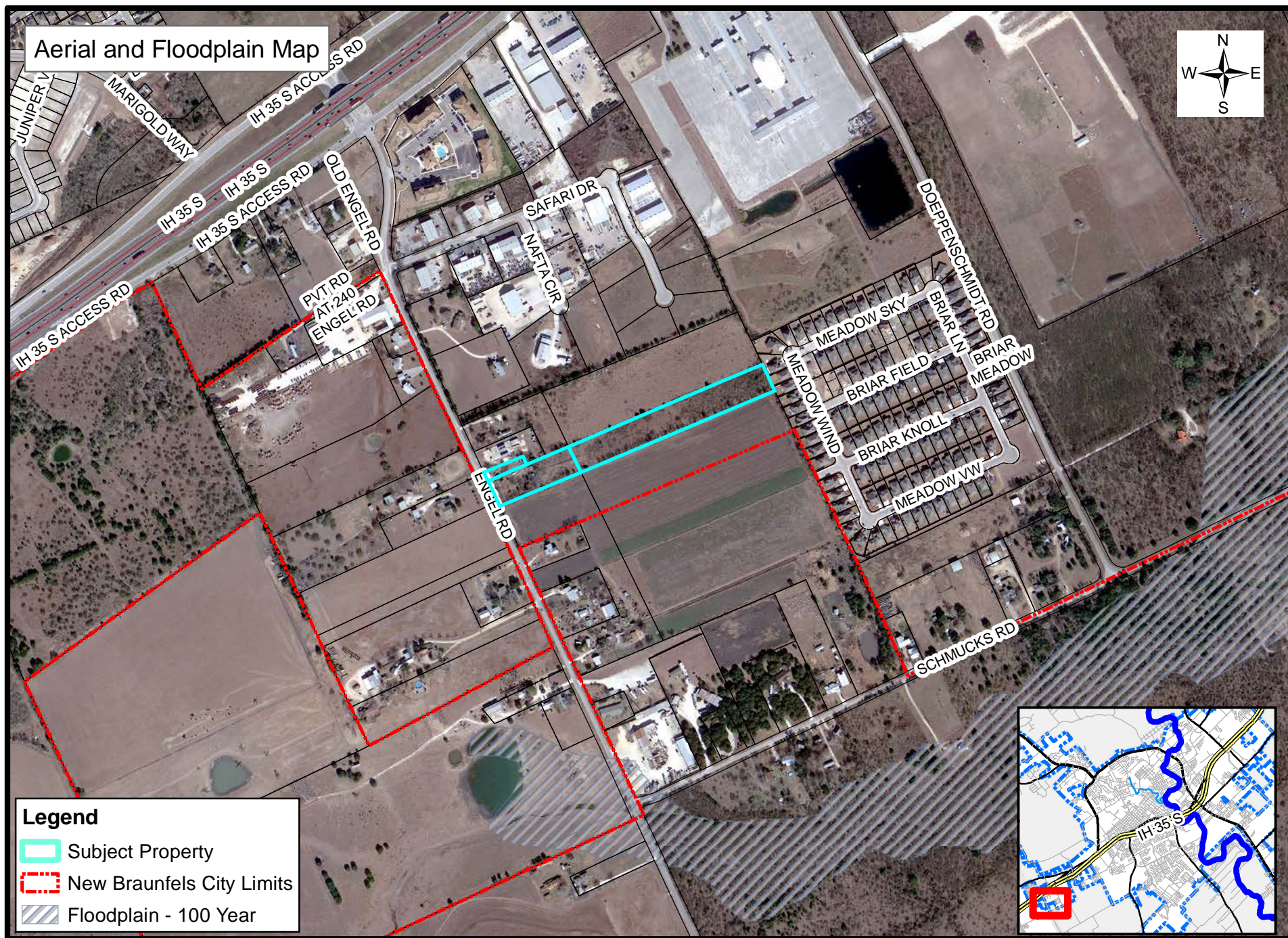
Located within one-third of a mile of IH-35 and two-tenths of a mile from Engel Road Industrial Park, new commercial development at this location would utilize existing infrastructure and would not require access through residential areas. A residential neighborhood is adjacent to the rear providing opportunities for pedestrian connections between the two properties for potential customer access. C-1B would provide appropriate transitional zoning between the industrial development along IH 35 and the undeveloped properties to the south. Therefore, staff recommends approval.

Notification:

Public hearing notices were sent to 18 owners of property within 200 feet of the request. The City has received no responses in favor and two opposed (#7 and #15). Opposition represents more than 20% of the notification area, which requires a $\frac{3}{4}$ majority of City Council (6 votes) to approve per state statute.

Attachments:

- Aerial Maps
- Survey of Subject Property
- Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
- Notification List, Map and Response
- Photograph of Subject Property
- Ordinances:
 - Sec. 3.4-1 APD
 - Sec. 3.4-13 C-1B
- Excerpt of Minutes from the June 4, 2019 Regular Planning Commission
- Ordinance






Aerial and Close-Up Map

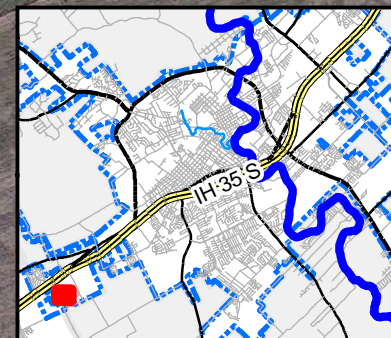


MEADOW
SKY
MEADOW
WIND

ENGEL RD

Legend

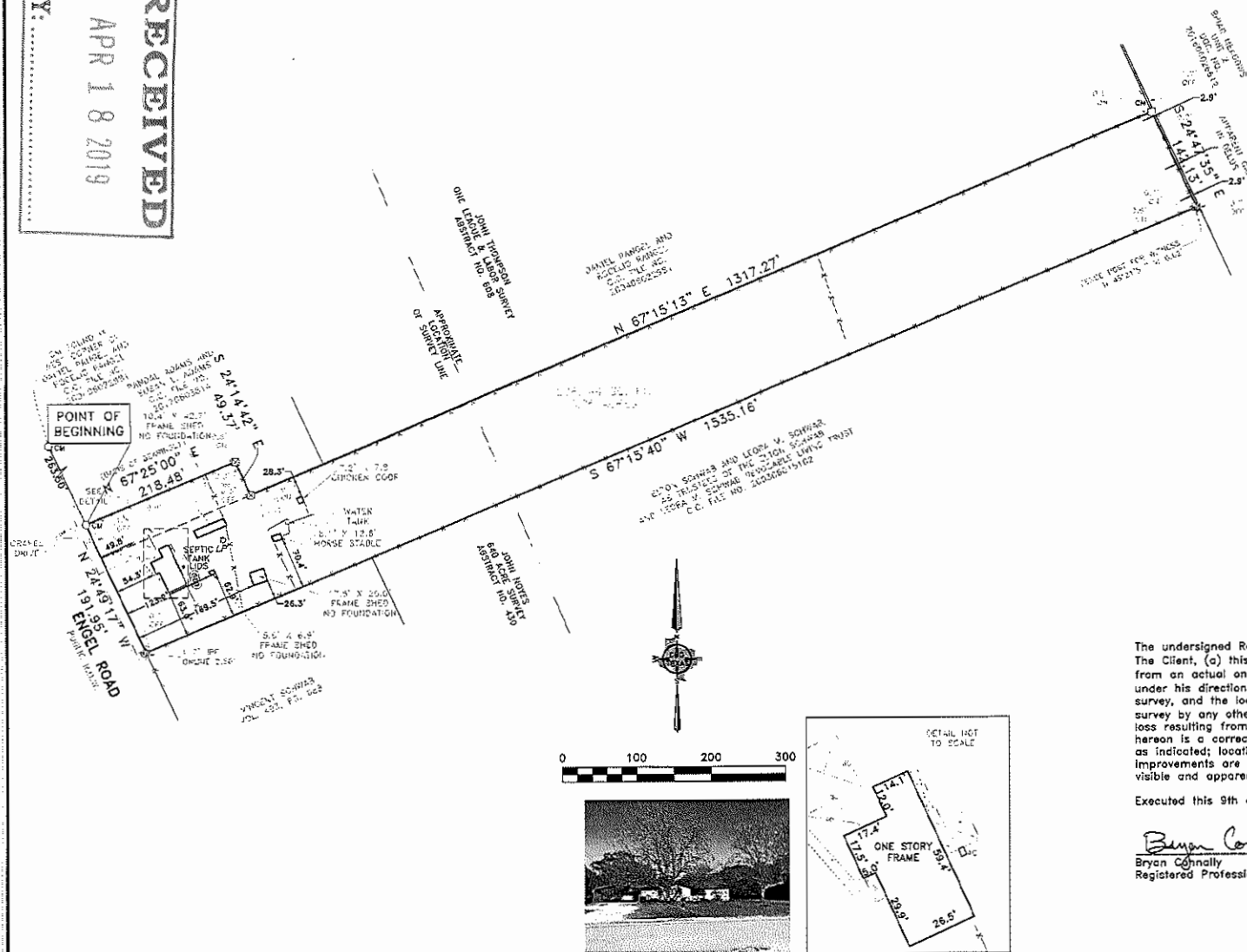
-  Subject Property
-  New Braunfels City Limits
-  Floodplain - 100 Year



PZ-19-0114
471 & 491 Engel Road
Zone Change from APD to C-1B

SURVEY OF SUBJECT PROPERTY

RECEIVED
APR 18 2019
BY:



471 & 491 Engel Road

Being a tract of land situated in the John Thompson one league and labor Survey, Abstract No. 608 and the John Noyes 640 Acre Survey, Abstract No. 430, Comal County, Texas, same being that tract of land conveyed to The Melvin G. Voigt and Helen F. Voigt Revocable Living Trust, by deeds recorded in Document Nos: 9806030189 and 9806030180, Real Property Records of Comal County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being the South corner of that tract of land conveyed to Randal Adams and Susan L. Adams, by deed recorded in County Clerk File No. 20170603814, Real Property Records of Comal County, Texas and lying along the Northeast line of Engel Road (public right-of-way);

THENCE North 67 degrees 25 minutes 00 seconds East, along a Southeast line of said Adams tract, a distance of 218.48 feet to a 60d nail found for corner;

THENCE South 24 degrees 14 minutes 42 seconds East, along a Southwest line of said Adams tract, a distance of 49.37 feet to a 60d nail found for corner;

THENCE North 67 degrees 15 minutes 13 seconds East, along a Southeast line of said Adams tract, a distance of 1317.27 feet to a fence post found for corner, said corner being the North corner of that tract of land conveyed to Daniel Rangel and Rogelio Rangel, by deed recorded in County Clerk File No. 200406022981, Real Property Records of Comal County, Texas;

THENCE South 24 degrees 47 minutes 35 seconds East, a distance of 142.13 feet to a point for corner, said corner being the East corner of that tract of land conveyed to Elton Schwab and Leora M. Schwab, as Trustees of Elton Schwab and Leora M. Schwab Revocable Living Trust, by deed recorded in County Clerk File No. 200306015102, Real Property Records of Comal County, Texas, from which a fence post found bears North 49 degrees 21 minutes 51 seconds West, a distance of 0.62 feet for witness;

THENCE South 67 degrees 15 minutes 40 seconds West, along the Northwest line of said Schwab tract (200306015102), a distance of 1535.16 feet to a point for corner, said corner being the West corner of that tract of land conveyed to Vincent Schwab, by deed recorded in Volume 493, Page 685, Deed Records of Comal County, Texas and lying along the Northeast line of aforementioned Engel Road, from which a 1/2 inch iron rod found online in a Northwesterly direction at a distance of 2.50 feet for reference;

THENCE North 24 degrees 49 minutes 17 seconds West, along the Northeast line of said Engel Road, a distance of 191.95 feet to the POINT OF BEGINNING and containing 228,744 square feet or 5.25 acres of land.

SURVEYOR'S CERTIFICATE

The undersigned Registered Professional Land Surveyor (Bryan Connally) hereby certifies to The Client, (a) this survey and the property description set forth hereon were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for other purposes shall be at User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plot hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated and there are no visible and apparent encroachments or protrusions on the ground.

Executed this 9th day of April, 2019

Bryan Connally
Bryan Connally
Registered Professional Land Surveyor No. 5513



NOTE: According to the F.I.R.M. in Map No. 48081C0445F, this property does lie in Zone X and deas. not lie within the 100 year flood zone.

NOTE: This survey is made in conjunction with the information provided by the client. CBG Surveying Texas, LLC has not researched the land title records for the existence of easements, restrictive covenants or other encumbrances.

NOTES:
BEARINGS ARE BASED ON DEED RECORDED IN DOC. NO. 9806030180.
CASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

REVISIONS		
DATE	BY	NOTES

LEGEND	
<ul style="list-style-type: none"> CONTROLLING MONUMENT 1/2" IRON ROD FOUND 1" IRON PIPE FOUND FENCE POST CORNER 60d NAIL FOUND 5/8" ROD FOUND UNDERGROUND ELECTRIC POWER POLE 	<ul style="list-style-type: none"> POOL EQUIPMENT COLUMN AIR CONDITIONING FIRE HYDRANT OVERHEAD ELECTRIC SERVICE OVERHEAD POWER LINE CONCRETE PAVING DOUBLE SIDED WOOD FENCE



12025 Shiloh Road, Ste. 240
Dallas, TX 75228
P 214.349.3485
F 214.349.2216
Firm No. 10168800
www.cbgtx.com

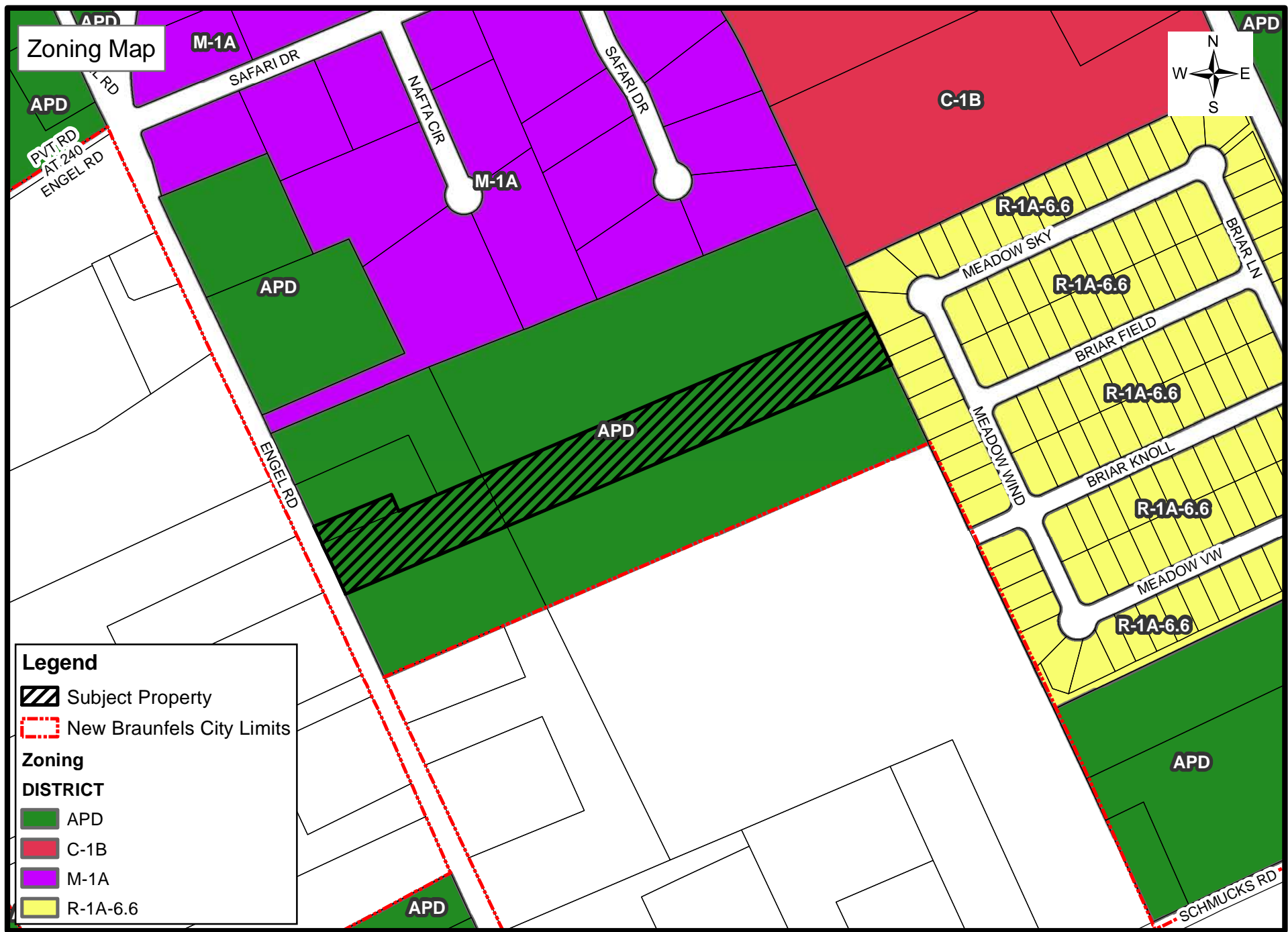
SCALE	DATE	JOB NO.	G.F. NO.	DRAWN
1" = 100'	04/08/19	1906233	N/A	MARIA

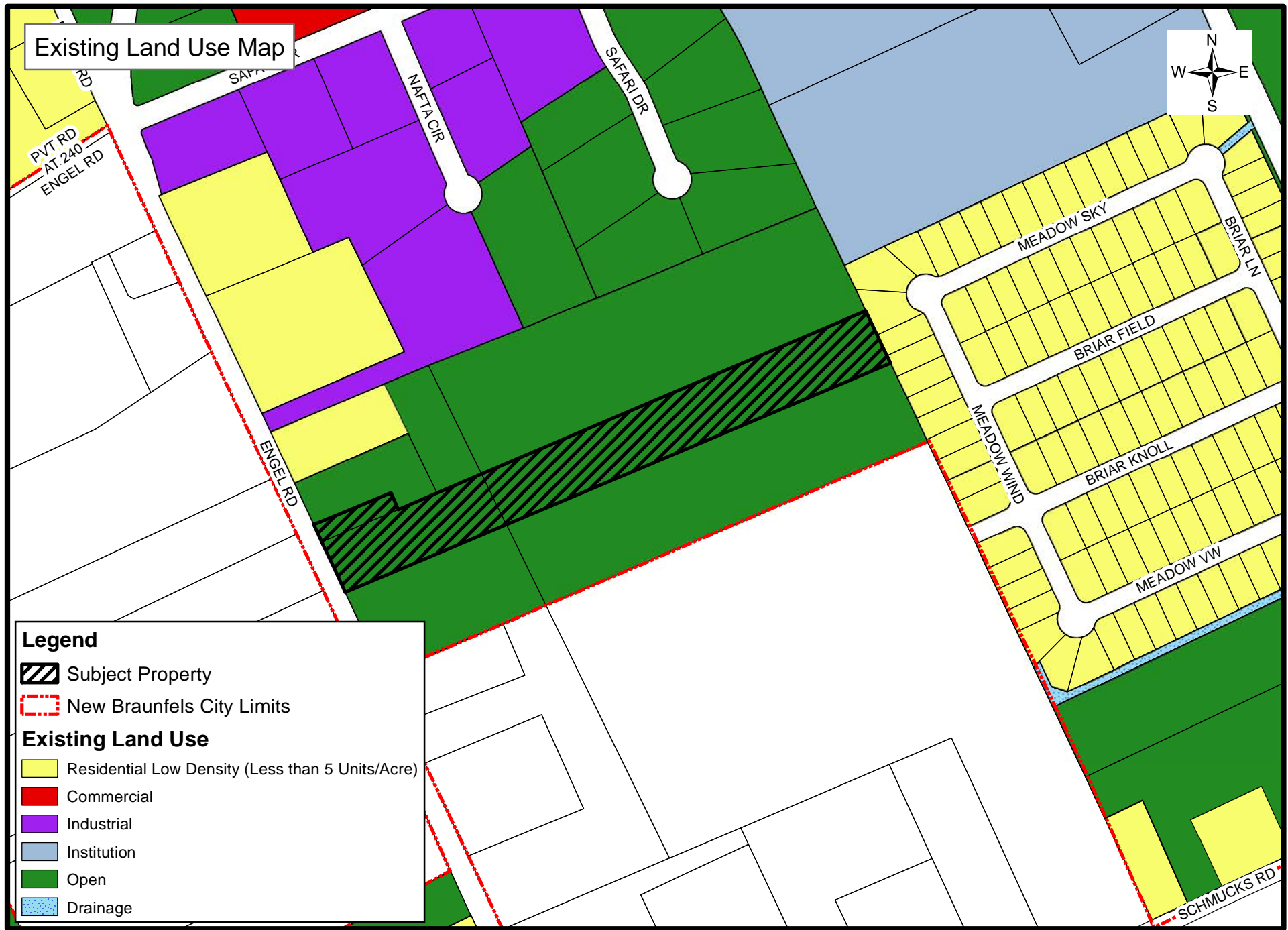
METES AND BOUNDS

JOHN THOMPSON ONE LEAGUE & LABOR SURVEY, ABSTRACT NO. 608
AND THE JOHN NOYES 640 ACRE SURVEY, ABSTRACT NO. 430

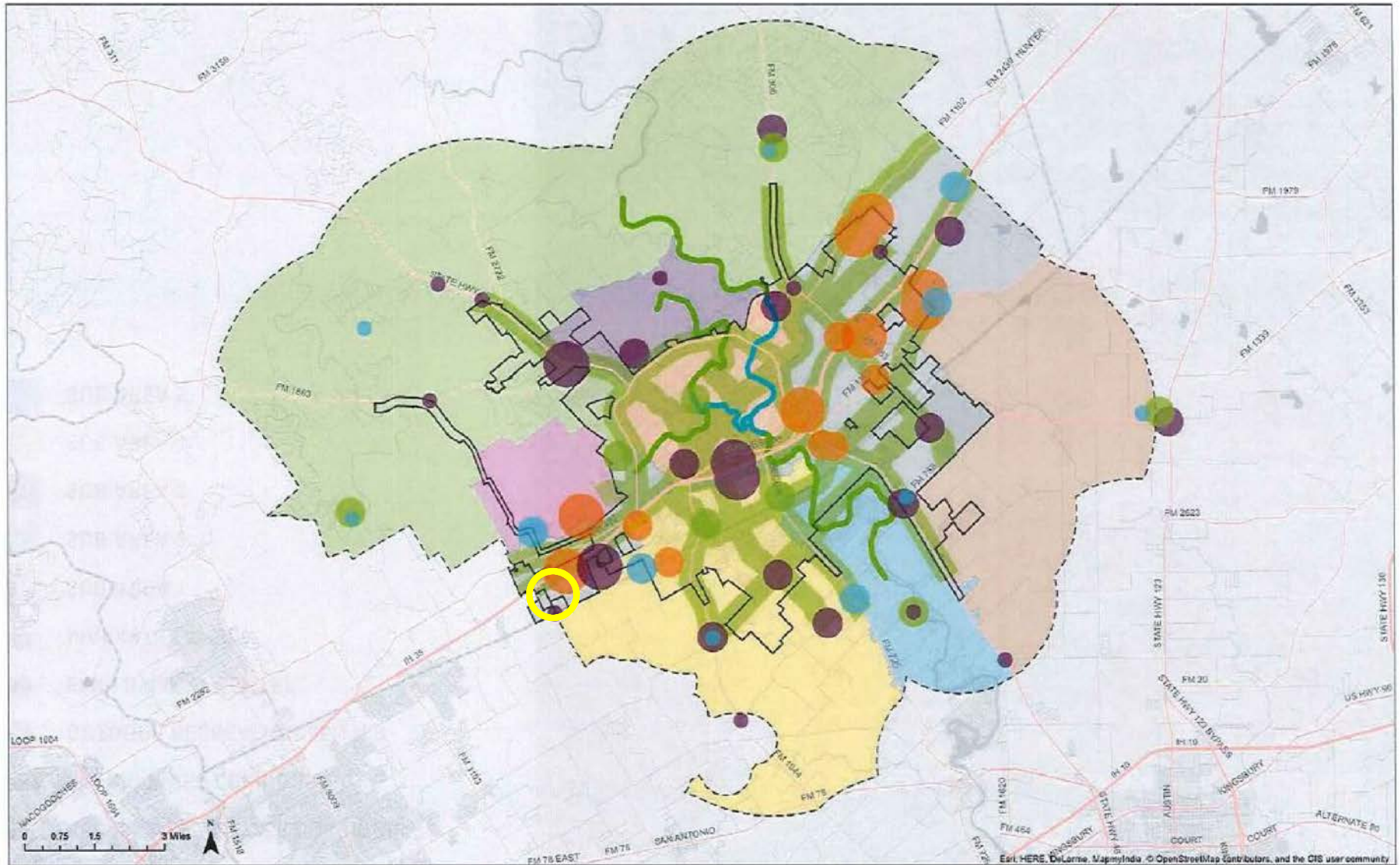
COMAL COUNTY, TEXAS

471 & 491 ENGEL ROAD





Future Land Use Plan



PLANNING COMMISSION – JUNE 4, 2019 – 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: Rene De La Cruz/Melvin & Helen Voigt Revocable Living Trust (Helen Voigt)

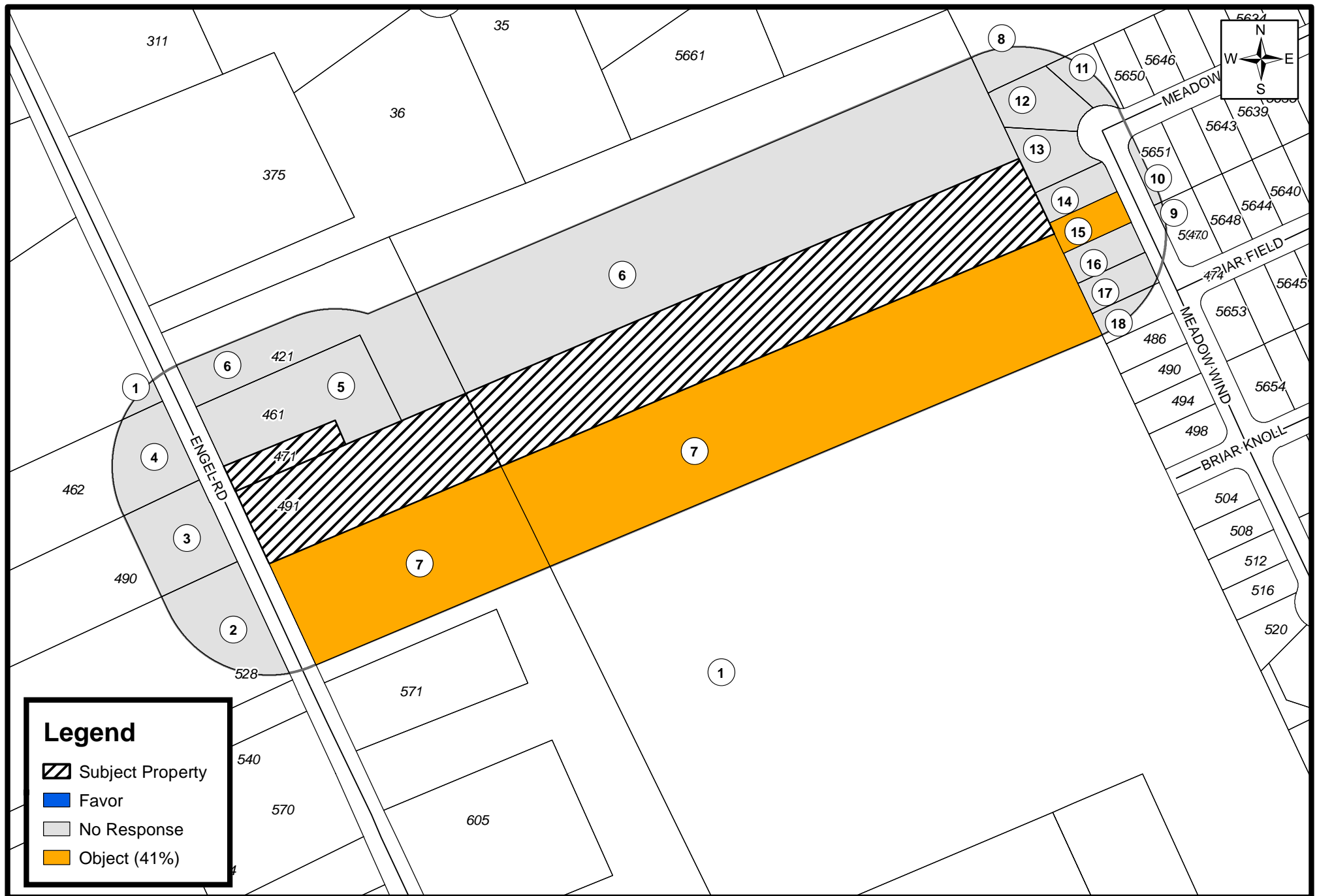
Address/Location: 471 Engel Road and 491 Engel Road

PROPOSED SPECIAL USE PERMIT – CASE #PZ19-0114

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 DIETZ BETTY | 10 NULL |
| 2 ENGEL RV & BOAT STORAGE LLC | 11 ANGELICO JUSTINE M |
| 3 WILLIAMS BRYAN K & NANCY J | 12 HUTH CHRISTINE J & CLINTON H |
| 4 WILLIAMS ROY A | 13 RAMOS JOHN E JR |
| 5 ADAMS RANDAL & SUSAN L | 14 AINO SAN ANTONIO LLC |
| 6 RANGEL DANIEL & ROGELIO | 15 GARCIA MARGARITA |
| 7 SCHWAB REVOCABLE LIVING TRUST | 16 BALES JOEL P & JULIE A |
| 8 NEW BRAUNFELS TREE OF LIFE CHURCH INC | 17 MELCHER RICHARD A & JANET A |
| 9 FIERRO MATTHEW & SHELBY | 18 HERNANDEZ JESSICA M & EDDIE |

SEE MAP



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ19-0114 MG

Name: ELTON SCHWAB

I favor: _____

Address: 675 ENGEL RD

Property number on map: 7

I object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

The property in consideration is located on the watershed of a pond that provides water used for irrigating crops grown for human consumption and drinking water for livestock. Contaminants in runoff water exiting the property is a major concern.

Signature: Elton Schwab

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ19-0114 MG

Name: Margarita Garcia

Address: 478 Meadow Wind

Property number on map: 15

I favor: _____

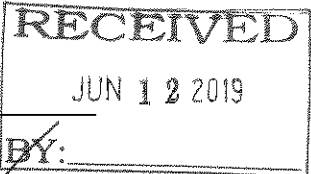
I object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

*I vote to preserve the natural beauty
and peace surrounding my property. It is
the reason I moved here.*

Signature: Margarita Garcia





3.4. Zoning Districts and Regulations for Property Zoned Subsequent to June 22, 1987.

3.4-1. "APD" agricultural/pre-development district.

Purpose. This district is designed for newly annexed areas, agricultural uses, and for areas where development is premature because of a lack of utilities, capacity, or service, or where the ultimate use has not been determined. The following regulations shall apply in all "APD" districts:

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

(1) *Uses permitted by right:*

Residential uses:

- Accessory building/structure
- Accessory dwelling (one accessory dwelling per lot, no kitchen)
- Community home (see definition)
- Family home adult care
- Family home child care
- Home Occupation (See Sec. 5.5)
- One family, dwelling, detached
- Single family industrialized home (see Sec. 5.8)

Non-residential uses:

- Barns and farm equipment storage (related to agricultural uses)
- Cemetery and/or mausoleum
- Church/place of religious assembly
- Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
- Country club (private)
- Farmers market (produce market - wholesale)
- Farms, general (crops) (see Chapter 6, Municipal Code) (Sec. 5.9 is not applicable)
- Farms, general (livestock/ranch) (see Chapter 6, Municipal Code) (Sec. 5.9 is not applicable)
- Flour mills, feed mills, and grain processing
- Golf course, public or private
- Governmental building or use with no outside storage Grain elevator
- Hay, grain, and/or feed sales (wholesale)
- Livestock sales/auction
- Park and/or playground (public)
- Plant nursery (growing for commercial purposes but no retail sales on site)
- Recreation buildings (public)
- Rodeo grounds
- School, K-12 (public or private)
- Stables (as a business) (see Chapter 6, Municipal Code)
- Stables (private, accessory use) (see Chapter 6, Municipal Code)
- Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

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

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

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

(1) *Height.* 35 feet.

(2) *Front yards.* 25 feet.

(3) *Side building setbacks.* There shall be a side building setback on each side of a building not less than ten feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots.

(4) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)

(5) *Rear building setbacks.* 30 feet.

(6) *Width of lot.* 100 feet.

(7) *Lot area per family.* Every single-family dwelling hereafter erected or altered shall provide a lot area of not less than 15,000 square feet per dwelling, provided that where a lot has less area than herein required and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling. Where public or community sewer is not available and in use, for the disposal of all sanitary sewage, each lot shall provide not less than one half acre and one acre on the Edwards Aquifer Recharge Zone.

(8) *Lot depth.* 100 feet.

(9) *Parking.* See Section 5.1 for other permitted uses' parking.

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

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

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

(1) *Uses permitted by right:*

Residential uses:

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

Non-residential uses:

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

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

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

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

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

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

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

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

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

Draft Minutes for the June 4, 2019 Planning Commission Regular Meeting

PZ19-0114 Public hearing and recommendation to City Council regarding a proposed rezoning of a 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, from “APD” Agricultural/Pre-Development District to “C-1B” General Business District.

(Applicant: Rene De La Cruz; Case Manager: M. Greene)

Mr. Greene summarized the request and stated Staff recommended approval with the conditions outlined in the staff report.

Commissioner Meyer inquired if the reasoning to change the zoning was monetary based, and if there was intention to develop.

Mr. Greene stated the applicant was present and could answer those questions.

Discussion followed regarding adjacent zoning districts and pedestrian connection issues.

Commissioner Meyer stated a name had been null on the public hearing notice list.

Mr. Greene clarified.

Vice Chair Reaves inquired about the minimum buffering requirements for non-residential developments adjacent to residential.

Mr. Greene clarified.

Chair Edwards asked if anyone wished to speak in favor.

Helen Voigt, 491 Engel Road, stated she was the property owner. She provided her history of the property and stated she was requesting the zone change to assist with the sale of the land.

Rene De La Cruz, 1413 Shannon Circle, stated he was working with Ms. Voigt with the sale of the land. He described a history of the property.

Brandon Voigt, 306 McKinley Road, wished to speak in favor. He stated commercial was the best use of the land and commercial development would benefit the city. He expressed his belief that it was the property owner's right to pursue the highest and best use.

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 (9-0-0).

Motion by Commissioner Sonier, seconded by Commissioner Nolte, to recommend approval to City Council regarding a proposed rezoning of a 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, from “APD” Agricultural/Pre-Development District to “C-1B” General Business District with Staff recommendations. Motion carried (9-0-0).

Commissioner Meyer clarified his vote of approval was based on the well being of the city.

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING A 0.25 ACRE TRACT OF LAND OUT OF THE J. NOYES SURVEY 259, ABSTRACT 430, ADDRESSED AT 471 ENGEL ROAD AND A 2.0 ACRE TRACT OF LAND OUT OF THE J. NOYES SURVEY 259, ABSTRACT 430 AND A 3.0 ACRE TRACT OF LAND OUT OF THE J. THOMPSON SURVEY 21, ABSTRACT 608, ADDRESSED AT 491 ENGEL ROAD, FROM “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT TO “C-1B” GENERAL BUSINESS DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of a 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, from “APD” Agricultural/Pre-Development District to “C-1B” General Business District; **now, therefore;**

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

SECTION 1

THAT Sections 1.2-1 and 1.2-2, Chapter 144, of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are amended by changing the following described tract of land from “APD” Agricultural/Pre-Development District to “C-1B” General Business District:

“A 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, as described on Exhibit “A” and delineated on Exhibit “B” attached.”

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First reading this 24th day of June, 2019.

PASSED AND APPROVED: Second reading this 8th day of July, 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

Being a tract of land situated in the John Thompson one league and labor Survey, Abstract No. 608 and the John Noyes 640 Acre Survey, Abstract No. 430, Comal County, Texas, same being that tract of land conveyed to The Melvin G. Voigt and Helen F. Voigt Revocable Living Trust, by deeds recorded in Document Nos: 9806030189 and 9806030190, Real Property Records of Comal County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being the South corner of that tract of land conveyed to Randal Adams and Susan L. Adams, by deed recorded in County Clerk File No. 20170603814, Real Property Records of Comal County, Texas and lying along the Northeast line of Engel Road (public right-of-way);

THENCE North 67 degrees 25 minutes 00 seconds East, along a Southeast line of said Adams tract, a distance of 218.48 feet to a 60d nail found for corner;

THENCE South 24 degrees 14 minutes 42 seconds East, along a Southwest line of said Adams tract, a distance of 49.37 feet to a 60d nail found for corner;

THENCE North 67 degrees 15 minutes 13 seconds East, along a Southeast line of said Adams tract, a distance of 1317.27 feet to a fence post found for corner, said corner being the East corner of that tract of land conveyed to Daniel Rangel and Rogelio Rangel, by deed recorded in County Clerk File No. 200406022981, Real Property Records of Comal County, Texas;

THENCE South 24 degrees 47 minutes 35 seconds East, a distance of 142.13 feet to a point for corner, said corner being the North corner of that tract of land conveyed to Elton Schwab and Leora M. Schwab, as Trustees of Elton Schwab and Leora M. Schwab Revocable Living Trust, by deed recorded in County Clerk File No. 200306015102, Real Property Records of Comal County, Texas, from which a fence post found bears North 49 degrees 21 minutes 51 seconds West, a distance of 0.62 feet for witness;

THENCE South 67 degrees 15 minutes 40 seconds West, along the Northwest line of said Schwab tract (200306015102), a distance of 1535.16 feet to a point for corner, said corner being the West corner of that tract of land conveyed to Vincent Schwab, by deed recorded in Volume 493, Page 688, Deed Records of Comal County, Texas and lying along the Northeast line of aforementioned Engel Road, from which a 1/2 inch iron rod found online in a Northwesterly direction at a distance of 2.50 feet for reference;

THENCE North 24 degrees 49 minutes 17 seconds West, along the Northeast line of said Engel Road, a distance of 191.95 feet to the POINT OF BEGINNING and containing 228,744 square feet or 5.25 acres of land.

471 & 491 Engel Road

Being a tract of land situated in the John Thompson one league and labor Survey, Abstract No. 608 and the John Noyes 640 Acre Survey, Abstract No. 430, Comal County, Texas, same being that tract of land conveyed to the Malvin G. Volgi and Helen F. Volgi Revocable Living Trust, by deeds recorded in Document Nos: 9806030189 and 9806030190, Real Property Records of Comal County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being the South corner of that tract of land conveyed to Randal Adams and Susan L. Adams, by deed recorded in County Clerk File No. 20170603814, Real Property Records of Comal County, Texas and lying along the Northeast line of Engel Road (Public Right-of-Way);

THENCE North 67 degrees 25 minutes 00 seconds East, along a Southeast line of said Adams tract, a distance of 218.48 feet to a 60d nail found for corner;

THENCE South 24 degrees 14 minutes 42 seconds East, along a Southeast line of said Adams tract, a distance of 48.37 feet to a 60d nail found for corner;

THENCE North 67 degrees 15 minutes 13 seconds East, along a Southeast line of said Adams tract, a distance of 1317.27 feet to a fence post found for corner, said corner being the East corner of that tract of land conveyed to Daniel Rangel and Rogelio Rangel, by deed recorded in County Clerk File No. 200406022981, Real Property Records of Comal County, Texas;

THENCE South 24 degrees 47 minutes 35 seconds East, a distance of 142.13 feet to a point for corner, said corner being the North corner of that tract of land conveyed to Elton Schwab and Leora M. Schwab, as Trustees of Elton Schwab and Leora M. Schwab Revocable Living Trust, by deed recorded in County Clerk File No. 200306015102, Real Property Records of Comal County, Texas, from which a fence post found for corner North 18 degrees 21 minutes 51 seconds West, a distance of 0.82 feet for witness;

THENCE South 67 degrees 15 minutes 40 seconds West, along the Northwest line of said Schwab tract (200306015102), a distance of 1535.16 feet to a point for corner, said corner being the West corner of that tract of land conveyed to Vincent Schwab, by deed recorded in Volume 493, Page 688, Deed Records of Comal County, Texas and lying along the Northeast line of aforementioned Engel Road, from which a 1/2 inch iron rod found online in a Northwesterly direction at a distance of 2.50 feet for reference;

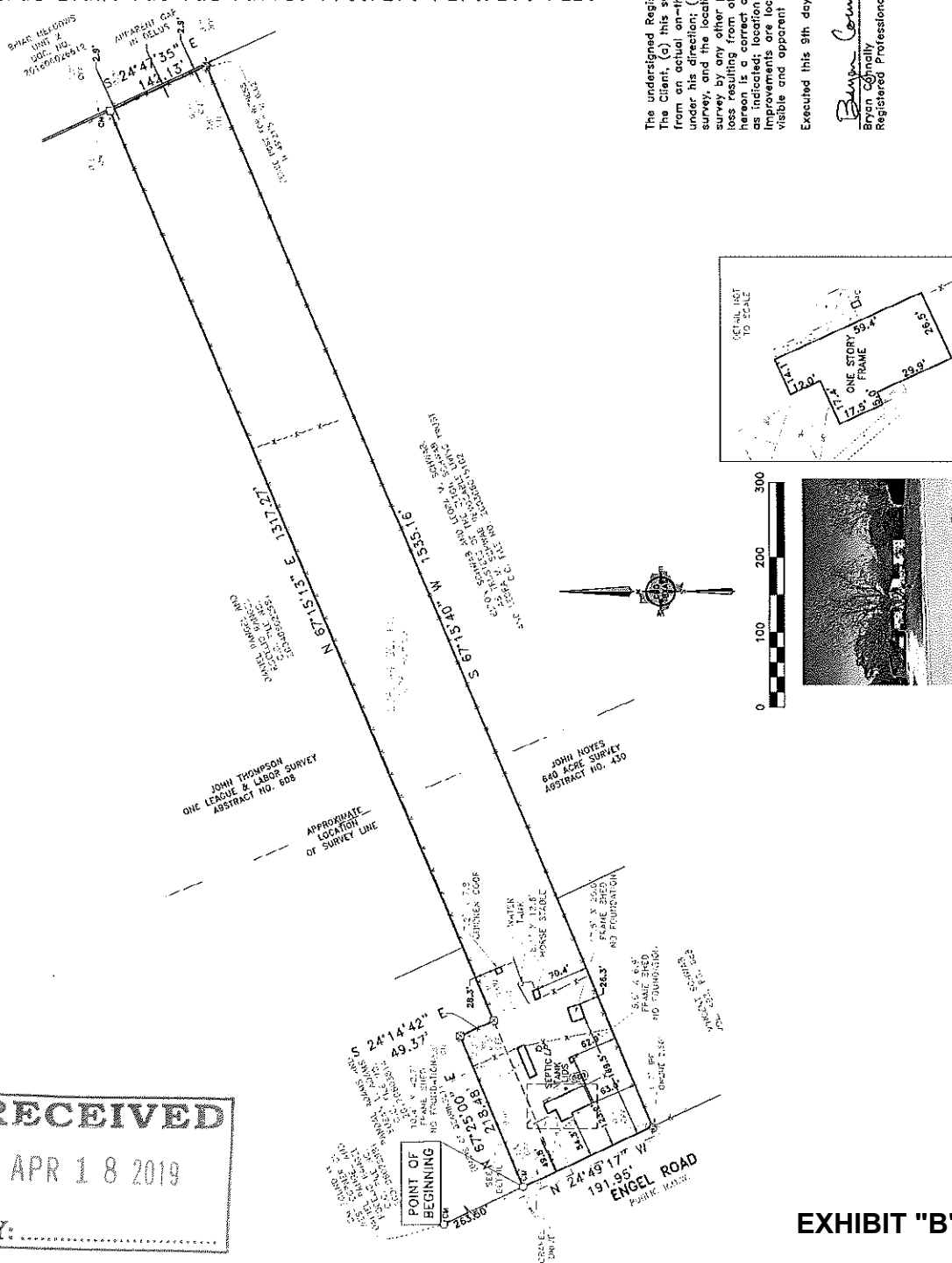
THENCE North 24 degrees 49 minutes 17 seconds West, along the Northeast line of said Engel Road, a distance of 191.95 feet to the POINT OF BEGINNING and containing 228,744 square feet or 5.25 acres of land.

SURVEYOR'S CERTIFICATE

The undersigned Registered Professional Land Surveyor (Bryan Connolly) hereby certifies to The Client, (c) this survey and the property description set forth hereon were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for other purposes shall be at User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated and there are no visible and apparent encroachments or protrusions on the ground.

Executed this 9th day of April, 2019

Bryan Connolly
Bryan Connolly
Registered Professional Land Surveyor No. 5513



NOTE: According to the F.I.R.M. in Map No. 489100445F, this property does lie in Zone 1, and is located within the 100 year flood zone.

DATE	BY	NOTES

SCALE	DATE	JOB NO.	G.F. NO.	DRAWN
1" = 100'	04/09/19	1906233	N/A	MABEL

CBG
CONCRETE BUILDING GROUP
12025 Shiloh Road, Ste. 240
Pulaski, TX 78272
F 214-340-2216
Firm No. 1016800
www.cbgroup.com

METES AND BOUNDS
JOHN THOMPSON ONE LEAGUE & LABOR SURVEY, ABSTRACT NO. 608
AND THE JOHN NOYES 640 ACRE SURVEY, ABSTRACT NO. 430
COMAL COUNTY, TEXAS
471 & 491 ENGEL ROAD

RECEIVED

APR 18 2019

BY:

NOTE: This survey is made in conjunction with the plat of the same, and the same is subject to the provisions of the Texas Surveying Act, Chapter 131, Acts of the 69th Legislature, 1925, and the rules and regulations of the State Board of Surveying.

NOTES: RECORDS ARE BASED ON DEED RECORDED IN DOC. NO. 89046090A. EASEMENTS AND BUILDING UNITS ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

EXHIBIT "B"

6/24/2019

Agenda Item No. G)

Presenter

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

SUBJECT:

Public hearing and consideration of a proposed amendment to the Veramendi Development Design & Control Document (DDCD).

BACKGROUND / RATIONALE:

Case #: ORD19-122

Council District: Outside City Limits

Developer: Veramendi PE - ASA Properties
Peter James
387 W. Mill Street, Suite 108
New Braunfels, TX 78130
(830) 643-1338

Applicant: UrbanPulse (Chris O'Conner)
PO Box 310699
New Braunfels, TX 78131
(831) 840-7235 chris@urbanpulse.biz

The Veramendi project encompasses approximately 2,445 acres within the Comal County Water Improvement District #1. A Development Agreement between the City and Veramendi was approved by the New Braunfels City Council in 2013. The Development Agreement sets the regulatory framework, timeframes and development standards.

Pursuant to the Development Agreement, the Development & Design Control Document (DDCD) was approved to establish principles, objectives, standards and procedures for design and development at Veramendi. The applicant is seeking a revision to the DDCD to allow for attached patios to encroach up to five (5) feet into the 15-foot required rear setback in the Neighborhood (Mixed Density) Residential Planning Area. The applicant has noted that a condensed buildable lot area has resulted from the requirement for a 20-foot-wide utility easement abutting the front boundary of residential lots.

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

City Plan/Council Priority: Word-Borchers Ranch Joint Venture Development Agreement Envision New Braunfels Comprehensive Plan	Allow for advancement of the Veramendi project in accordance with the Development Agreement. Action 3.12: 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.
--	---

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on June 4, 2019 and recommended approval with the condition that the lots adjacent to the Oak Run subdivision be restricted to not allow the proposed attached patio encroachment (9-0-0).

STAFF RECOMMENDATION:

Staff worked with the applicant regarding wording, definitions and illustrations to ensure implementation of the proposed new standards will result in the desired outcome. Therefore, staff recommends approval as the proposed revisions to the DDCCD are in compliance with the Guiding Principles and would result in the ability to provide usable and desirable backyard areas with residential developments.

Notification:

Public hearing notices were sent to 99 owners of property within 200 feet of the project boundary. Staff has received two responses.

Attachments:

1. Aerial Map
2. Applicant's Summary of Proposed Changes to the DDCCD
3. Proposed Revisions to the DDCCD
4. Draft Planning Commission Meeting Minutes
5. Notification List, Map and responses

Aerial, Floodplain, and Regional Transportation Plan Map



Legend

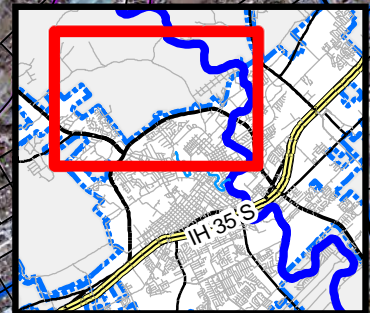
- Project Boundary
- Floodway
- Floodplain - 100 Year

Regional Transportation Plan - 2012

- Expressway (200'-300')
- Principal Arterial (150')
- Minor Arterial (120')
- Minor Arterial - Proposed
- Major Collector (90')
- Major Collector - Proposed
- Minor Collector (60')
- Minor Collector - Proposed

STATE HWY 46 W
STATE HWY 46 W

LOOP 337





REF: ASA VER SFRS

April 22, 2019

Updated June 13, 2019

Mr. Christopher J. Looney, AICP
Director, Planning & Community Development
City of New Braunfels
550 Landa Street
NEW BRAUNFELS, TX 78130

Dear Mr. Looney,

On behalf of ASA Properties, I am pleased to submit an application to amend the Veramendi Development & Design Control Document (DDCD).

Per Section 2.1.1 of the DDCD, voluntary amendments to the DDCD may be made by the master developer, and shall follow the process outlined in 144-2.1 of the Code of Ordinances. Accordingly, the following items are included:

- City of New Braunfels Code Text Amendment Application Form;
- A check to the amount of \$1,163.00, for the Application of \$927.00 + Newspaper Notice Fee of \$236.00;
- Supplemental explanation of the proposed amendment below; and
- Extracts from the DDCD showing the proposed amendments ([additions](#) and [deletions](#)).

Proposed Amendments

The proposed DDCD amendment includes the following:

1. In Section 2.4 Definitions and Abbreviations, make the following changes:

“...

Encroachment Area: In relation to a single family dwelling, a rectangular area extending 5 feet into the required rear setback with a width equal to the widest part of dwelling where an Attached Patio may be located, as illustrated in Figure 21-2.

...

Patio, Attached: A private open space that is roofed, or unroofed with a code required hand rail, that is attached to a single family dwelling, excluding balconies. Unattached, roofed patios shall follow Accessory Structure standards.

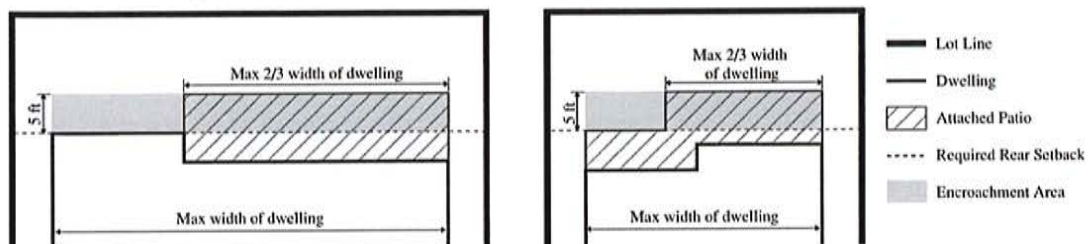
...”

2. In Section 21.3.1 Site Planning, make the following changes:

Note: Includes revised wording per the Planning Commission recommendation of June 4, 2019.

MINIMUM DEVELOPMENT STANDARD			ALTERNATIVE DEVELOPMENT STANDARD GUIDANCE
...			
Minimum Rear Setback	5.1	<p><i>Residential Use:</i> 15 ft. or 5 ft. where access is provided via an alley.</p> <p><i>Accessory Structures:</i> 5 ft.</p> <p><u>Note: See Development Standard 7.1 below for allowable setback encroachments.</u></p>	<p>Guiding Principle Objectives: 3.2 IV, V; 5.2 III, IV.</p> <p>Planning Area Objectives: 10.2.1 III, VII.</p> <p>Code Purpose: 21.2 I, II, III.</p>
...			
Setback Encroachment	7.1	<p><i>All Uses:</i></p> <ul style="list-style-type: none"> Eaves and gutters may overhang setback lines by no more than 18 in. <p><i>Residential Uses (excluding Multi-Family Dwelling):</i></p> <ul style="list-style-type: none"> <u>Except where abutting the Oak Run Lot Line, an Attached Patio may encroach into the rear setback up to a maximum of 5 ft, with the following limitations:</u> <ul style="list-style-type: none"> <u>the width of the Attached Patio within the Encroachment Area does not exceed $\frac{2}{3}$ (67 percent) of the maximum width of the widest part of the single family dwelling;</u> <u>the Attached Patio shall remain unenclosed within the Encroachment Area, except for any safety railing which shall be a minimum of 50 percent visually permeable; and</u> <u>no second story access is allowed onto the Attached Patio within the Encroachment Area.</u> Pools, sheds, pergolas and other accessory structures: minimum 5 ft. 	<p>Guiding Principle Objectives: 3.2 IV, V; 5.2 III, IV.</p> <p>Planning Area Objectives: 10.2.1 III, VII.</p> <p>Code Purpose: 21.2 I, II, III.</p>

3. Include a new Figure 21-2:



Attached Patios may encroach into the required rear setback a maximum of 5 feet, provided the width of the Attached Patio within the Encroachment Area does not exceed two-thirds the maximum width of the single family dwelling. Portions of an Attached Patio located outside the Encroachment Area are not subject to the two-thirds maximum width restriction.

4. Update the numbering of other pre-existing figures in Section 21, including in-text cross-references.



Rationale for Proposed Amendments

Per Section 21.3.1 Development Standard 2.1, the permitted minimum front setback in the Neighborhood (Mixed Density) Residential Planning Area is 10 ft. to the façade of the building. Notwithstanding, all residential lots at Veramendi contain a 20 ft. wide utility easement within the lot abutting the front boundary. This means that buildings are required to be sited an additional 10 ft. further back from the front boundary than what is contemplated by the DDCCD.

Because of the condensed buildable area, homebuilders are faced with a potential trade-off between maximizing the internal floor plan of homes and providing functional climate-responsive outdoor living areas. Outdoor living is a strong element of the Texas Hill Country character courtesy of the favorable climate, and roof cover is essential due to the hot temperatures during summer months. Making allowance for Attached Patios to encroach into the rear setback within the defined constraints will preserve and enhance the amenity and aesthetic of homes in Veramendi while ensuring there are not detrimental outcomes for neighboring properties or the broader Veramendi community.

Per the June 4, 2019 Planning Commission recommendation, additional wording has been included that excludes the allowable encroachment for Attached Patios on lots within Veramendi that share a common boundary with lots in the Oak Run subdivision.

* * *

I trust that the information provided is sufficient to aid the review of the proposed amendment. If you require additional information, please contact me on (831) 840-7235 or by email: chris@urbanpulse.biz.

Sincerely,

COPY

Chris O'Connor
Principal

Dwelling, Single-Family Attached (Duplex)	A building with a common wall between dwellings that is arranged, intended, or designed for occupancy by two families living independently of each other in an attached structure.	Floodway	The channel of a stream or waterway and the abutting land areas that shall be reserved in order to accommodate the FEMA 100-year floodplain without cumulatively increasing the water surface elevation more than 1 ft. or a lesser amount as defined by the City in accordance with FEMA regulations.
Dwelling, Single-Family Detached	A detached building arranged, intended, or designed for occupancy by one family.	Frontage Zone	The part of the streetside between the throughway zone and the front lot line of abutting lots, that provides width for overhanging elements of adjoining buildings such as awnings, signs, bay windows, and may accommodate activities associated with adjoining uses, such as outdoor seating areas or merchant displays – refer to Figure 2-3.
Dwelling, Single-Family Detached (Cluster)	A single-family dwelling located on a cluster lot.	Fully Shielded Fixture	Fixtures that are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
Dwelling, Single-Family Detached (Zero-Lot Line)	A single-family dwelling that is built to abut one side lot line.	Furnishing Zone	That part of the streetside between the throughway zone and edge zone that serves as a multipurpose buffer between the pedestrians and vehicular traffic and provides space for streetside amenities such as street trees, planting strips, street furniture, utility poles, sidewalk cafes, sign poles, signal and electrical cabinets, phone booths, fire hydrants, bicycle racks and bus shelters – refer to Figure 2-3.
Edge of Riverbank	The first break in slope between the ordinary high water mark and the land area immediately above as defined by a water-formed change in topography.	Gated Neighborhood	A residential area where vehicular accessibility is controlled by the means of a gate, guard, barrier or similar improvements within or across a privately maintained ROW.
Edge Zone	The part of the streetside between the furnishing zone and the travelled way that serves as a transition area and provides space for the door swing of vehicles in the parking lane, for parking meters and for overhang of diagonally parked vehicles – refer to Figure 2-3.	Gross Floor Area	The total floor area of all floors of a building, expressed in sq. ft., measured from the outside of the exterior walls or from the centerline of common walls. It does not include: <ul style="list-style-type: none"> ▪ internal ground and underground/basement parking or loading, servicing and maneuvering areas; ▪ building services, plant and equipment; ▪ access between floors (e.g. internal stairwells and elevator shafts); ▪ ground floor public lobby (for non-residential uses only); ▪ outdoor pedestrian malls; and ▪ unenclosed balconies/patios (whether roofed or not).
Encroachment Area	In relation to a single family dwelling, a rectangular area extending 5 feet into the required rear setback with a width equal to the widest part of dwelling where an Attached Patio may be located, as illustrated in Figure 21-2.		
Entry Point, Principal	An access point as illustrated on an approved Sector Plan.		
Esplanade Road	A roadway that is bordered on one side by a park, waterway or stream.		
External Access Point	Has the meaning set forth in the Development Agreement.		
Eye-level	5 ft., or 60 in., measured vertically above the ground surface.		
FEMA 100-Year Floodplain	All land area that has been or may be inundated by water from any source as determined by the crest of a flood having a 1 percent annual chance event that is defined by FEMA maps and models.		
Floodplain	All land area that has been or may be inundated by water from any source.		

Patio, Attached

A private open space that is roofed, or unroofed with a code required hand rail, that is attached to a single family dwelling, excluding balconies. Unattached, roofed patios shall follow Accessory Structure standards.

Park

The use of premises for active and passive recreation activities and enjoyment, such as playing fields, playgrounds, trails and gardens. May include facilities for park users such as kiosks, pavilions/shade structures, playscapes, bike racks, parking areas and amenities and integrated stormwater conveyance and management.

Park includes six sub-categories, each being further defined herein:

- regional park;
- community park;
- neighborhood park;
- linear open space park;
- landscape amenity park; and
- pocket park.

Park Activation Source

An improvement that promotes utilization and activation of a park. May include, but is not limited to, walkways, bikeways, playscapes, grills, picnic facilities, seating, interactive public art, informal and formal sports fields, and open play areas.

Park Lot

A platted lot that contains, or is proposed to contain, a park use.

Park Planning Area

Land designated on the Master Framework Plan, a Sector Plan, Plat or other plan as Park Planning Area with such land being developed in accordance with Section 11.1.

Park, Community

A public or private park that is intended to serve residences with a 1-2 mile catchment, providing a variety of social and community gatherings, indoor and outdoor recreational facilities and park experiences.

Examples of a community park may include:

- Sports Park: a park intended to provide a variety of structured or formal recreation opportunities, such as team competitions, physical skills development and training. May include multi-purpose community facilities.

(cont'd)

- Active Use Park: a park intended to provide facilities for active recreation such as sport courts, playgrounds, open playfields, trails, gathering areas and group picnic facilities.
- Informal Use Park: A park intended to provide a variety of casual recreational opportunities such as play, picnicking, and large social or community gatherings. Informal use parkland may also protect or enhance landscape amenity values.
- Urban Common Park: A park intended to provide for intensive community use and located within highly urbanized settings, such as high-density residential area, civic spaces or a town center setting.

Park, Landscape Amenity

A public or private small park that is intended to protect and/or enhances an area's scenic or visual amenity value, such as scenic overlooks, landmarks and attractive vegetation along transport corridors.

Park, Linear Open Space

A public or private open park that provides connections for recreation and commuter use that generally follow natural or man-made features such as creeks or easements. Serve as linear greenways that preserve open space and link to other parks, schools, and community facilities. An indirect benefit can be connections for maintenance of riparian corridors.

Park, Neighborhood

A public or private park that is intended to serve as an activity focal point for neighborhoods and centers within the project, providing a balance of active and passive recreational opportunities such as playgrounds, sport courts, informal play fields and open space, trails and picnic areas.

Park, Pocket

A small public or private park.

Park, Regional

A public park of regional importance or significance, due to its location and/or natural characteristics including habitat, geological formations, aesthetic beauty, water conservation and/or flood protection.

Paseo

A publicly accessible walkway that provides shortcuts between buildings and through the block, connecting street frontages to rear parking areas, midblock courtyards, alleys or other streets.

21.3.1 Site Planning

MINIMUM DEVELOPMENT STANDARD		ALTERNATIVE DEVELOPMENT STANDARD GUIDANCE
Maximum Building Height	1.1 35 ft.	Guiding Principle Objectives: 3.2 IV, V; 5.2 III, IV. Planning Area Objectives: 10.2.1 III, VII. Code Purpose: 21.2 I, II, III.
Maximum Building Height where abutting the Oak Run Lot Line	1.1A One story, unless setback from the Oak Run Lot Line a minimum of 150 ft. at which point the maximum height may be 35 ft.	Guiding Principle Objectives: 3.2 IV, V; 5.2 III, IV. Planning Area Objectives: 10.2.1 III, VII. Code Purpose: 21.2 I, II, III.
Minimum Front Setback	2.1 <ul style="list-style-type: none"> Residential Use: 10 ft. to the façade. garage: 22 ft. from the rear of the sidewalk. Non-Residential Use: 10 ft.	Guiding Principle Objectives: 3.2 IV, V; 5.2 III, IV. Planning Area Objectives: 10.2.1 III, VII. Code Purpose: 21.2 I, II, III.
Minimum Side Setback	3.1 <ul style="list-style-type: none"> Residential Use: 5ft. Non-Residential Use: <ul style="list-style-type: none"> where adjoining a residential use: 20ft. where adjoining a non-residential use: 5 ft. 	Guiding Principle Objectives: 3.2 IV, V; 5.2 III, IV. Planning Area Objectives: 10.2.1 III, VII. Code Purpose: 21.2 I, II, III.
Minimum Corner Lot Setback (street side)	4.1 <ul style="list-style-type: none"> Residential Use: 10 ft. garage: 22 ft. from the rear of the Sidewalk. Non-Residential Use: 10 ft.	Guiding Principle Objectives: 3.2 IV, V; 5.2 III, IV. Planning Area Objectives: 10.2.1 III, VII. Code Purpose: 21.2 I, II, III.
Minimum Rear Setback	5.1 <ul style="list-style-type: none"> Residential Use: 15 ft. or 5 ft. where access is provided via an alley. Accessory Structures: 5 ft. <p><u>Note: See Development Standard 7.1 below for allowable setback encroachments.</u></p>	Guiding Principle Objectives: 3.2 IV, V; 5.2 III, IV. Planning Area Objectives: 10.2.1 III, VII. Code Purpose: 21.2 I, II, III.
Minimum Setback from Neighboring Residential Uses	6.1 <p><i>Multi-Family Dwelling & Non-Residential Uses only:</i></p> <p>Where adjoining the Neighborhood (Mixed Density) Residential Planning Area or a residential zone or use outside the project limits, side and rear setbacks are a minimum of 15 ft.</p> <p>Any portion of a building that exceeds 20 ft. in height shall be setback an additional 1 ft. for every foot of the building over 20 ft. – refer to Figure 21-1.</p> <p>The minimum residential setback only applies to that lot line that directly adjoins a Neighborhood (Mixed Density) Residential Planning Area, or residential zone or use outside the project limits.</p> <p><i>Non-Residential Use where adjoining a Non-Residential Use: 5 ft.</i></p>	Guiding Principle Objectives: 3.2 IV, V; 5.2 III, IV. Planning Area Objectives: 10.2.1 III, VII. Code Purpose: 21.2 I, II, III.

MINIMUM DEVELOPMENT STANDARD		ALTERNATIVE DEVELOPMENT STANDARD GUIDANCE
Setback Encroachment	7.1	<p><i>All Uses:</i></p> <ul style="list-style-type: none"> Eaves and gutters may overhang setback lines by no more than 18 in. <p><i>Residential Uses (excluding Multi-Family Dwelling):</i></p> <ul style="list-style-type: none"> Except where abutting the Oak Run Lot Line, an Attached Patio may encroach into the rear setback up to a maximum of 5 ft, with the following limitations: <ul style="list-style-type: none"> the width of the Attached Patio within the Encroachment Area does not exceed $\frac{2}{3}$ (67 percent) of the maximum width of the widest part of the single family dwelling; the Attached Patio shall remain unenclosed within the Encroachment Area, except for any safety railing which shall be a minimum of 50 percent visually permeable; and no second story access is allowed onto the Attached Patio within the Encroachment Area. Pools, sheds, pergolas and other accessory structures: minimum 5 ft.
Building Orientation	8.1	<p><i>Non-Residential and Multi-Family Uses only:</i></p> <p>Each building shall have a pedestrian building entrance to the highest-order adjoining roadway. Entrances at building corners may be used to satisfy this requirement.</p> <p>Where a building also fronts an additional street, internal pedestrian accessway, park or civic space with a pedestrian frontage, a second entrance shall address and open directly onto the street, accessway, park or civic space.</p> <p>Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to civic spaces (e.g. squares, Plazas), or courtyard entrances to a cluster of shops or businesses.</p>
	8.2	The principal entrance to a building shall be illuminated.
	8.3	<p><i>Residential Uses (excluding Multi-Family) only:</i></p> <p>Dwelling units shall have a front door that is at least partially visible at Street View or at eye-level from an internal drive.</p>
	8.4	The principal entrance to a dwelling unit shall be illuminated.
		<p>Guiding Principle Objectives: 3.2 IV, V; 5.2 III, IV; 7.2 I.</p> <p>Planning Area Objectives: 10.2.1 III, VII, IX.</p> <p>Code Purpose: 21.2 I, IV.</p>

Figure 21-1 Neighborhood (Mixed Density) Residential Planning Area Residential Side & Rear Setbacks

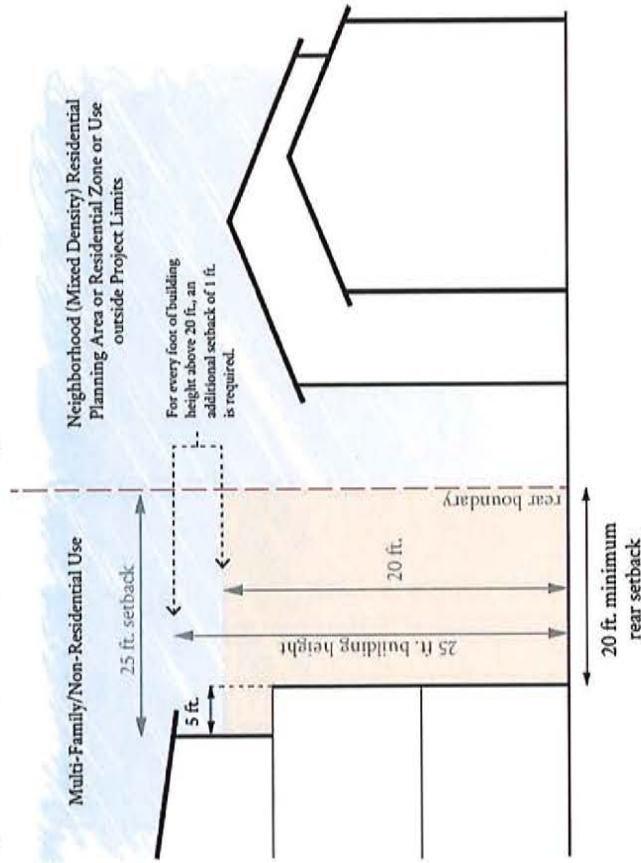
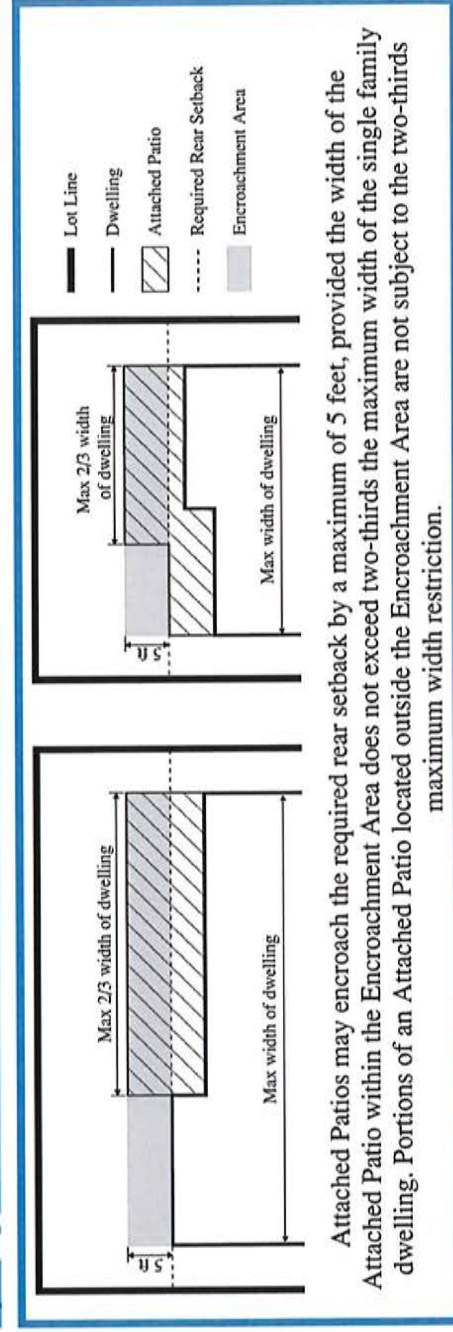


Figure 21-2 Allowable Rear Setback Encroachment for Attached Patios



21.3.2 Detailed Building Design – Non-Residential & Multi-Family Uses only

MINIMUM DEVELOPMENT STANDARD		ALTERNATIVE DEVELOPMENT STANDARD GUIDANCE	
Façade Articulation	1.1	<p>A façade shall not extend horizontally for a distance greater than three times the average height or 100 ft., whichever is less, without incorporating a wall plane projection or recess with a minimum depth of 3 ft. and extending at least 20 percent of the length of the façade – refer to Figure 21-3-21-2.</p> <p>Note: Offsets may be of varying depth provided the minimum standard is satisfied. The purpose of this standard, the length of the façade shall be considered the total distance of the building line.</p>	<p>Guiding Principle Objectives: 3.2 IX; 4.2 I, XII, 5.2 III. Planning Area Objectives: 10.2.1 VII. Code Purpose: 21.2 I, II, III.</p>
	1.2	<p>A façade shall not extend vertically for a distance greater than three times the average height or 100 ft., whichever is less, without incorporating a change in elevation. An elevation change shall be a minimum of 15 percent of the average height of the building and the elevation change shall continue to extend laterally for a distance equal to 10 to 70 percent of the entire façade – refer to Figure 21-3-21-4.</p> <p>Note: Elevation changes may be of varying heights provided the minimum standard is satisfied. Vertical articulation should accompany entrances, key focal points or other unique attributes of the façade. For the purpose of this standard, the length of the façade shall be considered the total distance of the building façade.</p>	
Building Elements	2.1	<p>Building façades must include a repeating pattern that includes no less than three of the following elements:</p> <ul style="list-style-type: none"> a. color change; b. texture change; c. material module change; and/or d. an expression of architectural or structural bays through a change in plane no less than 12 in. in width, such as an offset, reveal or projecting rib – refer to Figure 21-4-21-5. <p>At least one of elements a, b or c shall repeat horizontally. All elements shall repeat at intervals of no more than 30 ft., either horizontally or vertically.</p>	<p>Guiding Principle Objectives: 3.2 IX; 4.2 I, XII, 5.2 III. Planning Area Objectives: 10.2.1 VII. Code Purpose: 21.2 I, II, III.</p>

Figure 21-3-24-2 Horizontal Façade Articulation

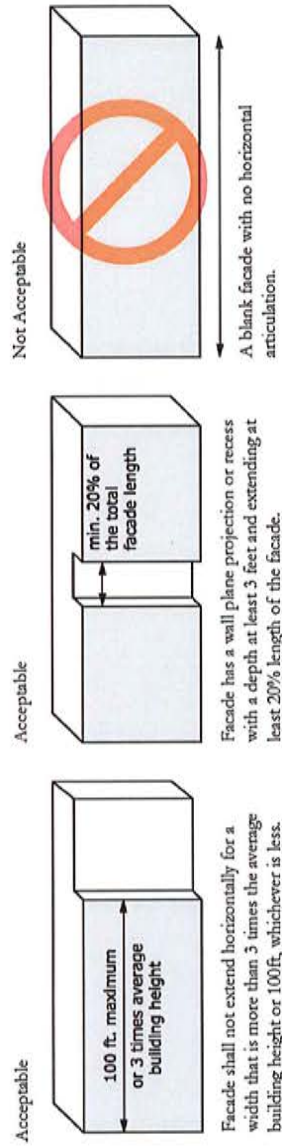


Figure 21-4-24-3 Vertical Façade Articulation

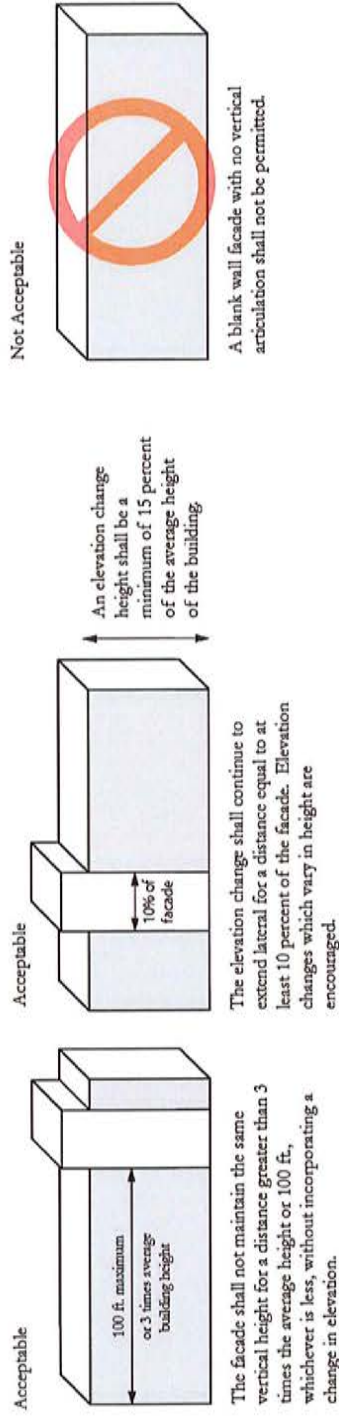
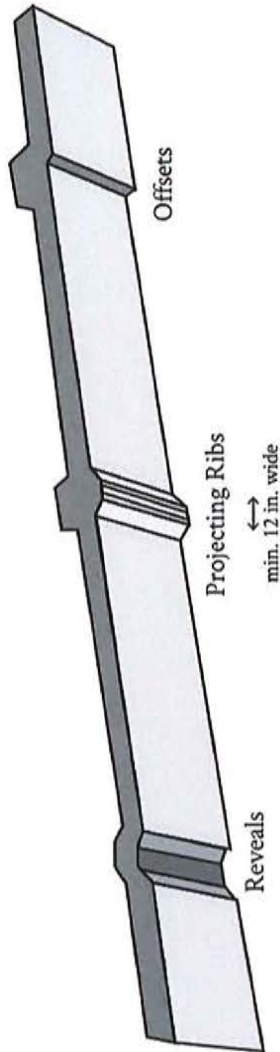


Figure 21-5_24-4 Architectural and Structural Bay Building Elements



21.3.3 Detailed Building Design – Residential Uses (excluding Multi-Family Uses) only

MINIMUM DEVELOPMENT STANDARD		ALTERNATIVE DEVELOPMENT STANDARD GUIDANCE
Exterior Building Material	1.1	<p>At least 80 percent of the vertical walls of all buildings (excluding doors and windows) to which these standards apply, shall be finished with masonry.</p> <p>Wood on the vertical walls of all buildings to which these standards apply shall not occupy more than 20 percent of the façade. This standard does not apply to doors and windows.</p> <p>Guiding Principle Objectives: 3.2 IX; 4.2 I, XII, 5.2 III. Planning Area Objectives: 10.2.1 VII. Code Purpose: 21.2 I, II, III.</p>

Draft Minutes for the June 4, 2019 Planning Commission Regular Meeting

ORD19-122 Public hearing and recommendation to City Council regarding the proposed amendment to the Veramendi Development Design & Control Document.

(Applicant: UrbanPulse – Chris O’Conner; Case Manager: M. Simmont)

Mrs. Snell summarized the request and stated Staff recommended approval.

Commissioner Sonier left the dais at 7:12 p.m.

Commissioner Laskowski requested clarification regarding the rear setback.

Mrs. Snell clarified.

Discussion followed.

Commissioner Meyer inquired if the proposed amendment applied to the entire development.

Mrs. Snell confirmed.

Commissioner Sonier returned to the dais at 7:15 p.m.

Commissioner Meyer left the dais at 7:15 p.m.

Vice Chair Reaves requested the lots adjacent to the Oak Run subdivision be restricted to not allow the proposed porch allowance.

Commissioner Meyer returned to the dais at 7:17 p.m.

Vice Chair Reaves invited the applicant to speak.

Chris O’Connor, with ASA Properties, provided an overview of the request. He described working closely with Staff regarding the proposed amendment and explained the allowance was intended to allow outdoor living space as the 20 foot front utility easement had pushed homes further back on the lots. He stated they could amend the request to include that the lots adjacent to the Oak Run subdivision be restricted to not allow the proposed porch allowance.

Vice Chair Reaves asked if anyone wished to speak in favor.

No one spoke.

Vice Chair Reaves asked if anyone wished to speak in opposition.

Martin Levett, 2379 Oak Pebble Drive, wished to speak in opposition. He stated after hearing the applicant speak he was not as opposed. He expressed concern about the allowance for Veramendi when other zoning districts did not have the proposed allowance. He expressed concern regarding property values. He stated his belief that he did not see how it benefitted citizens.

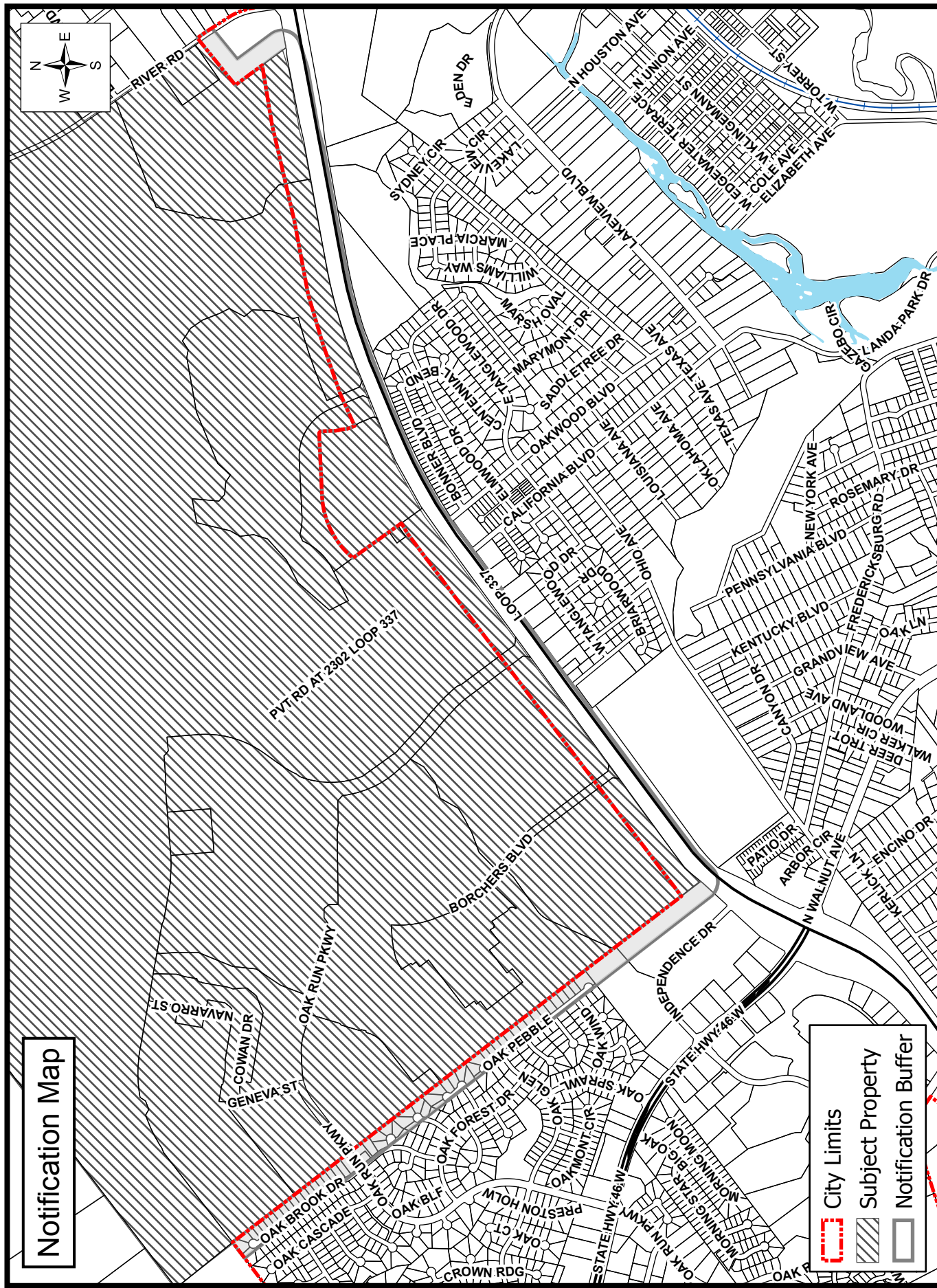
Motion by Commissioner Laskowski, seconded by Commissioner Gibson, to close the public hearing. Motion carried (9-0-0).

Discussion followed

Motion by Commissioner Meyer, seconded by Commissioner Sonier, to recommend approval to City Council regarding the proposed amendment to the Veramendi Development Design & Control Document

with the condition that the lots adjacent to the Oak Run subdivision be restricted to not allow the proposed porch allowance. Motion carried, with Vice Chair Reaves and Commissioner Mathis in opposition (7-2-0).

DRAFT



PLANNING COMMISSION – June 4, 2019 – 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: ASA Properties

Address/Location: Veramendi project

PROPOSED SPECIAL USE PERMIT – CASE #ORD19-122

All information is from the Appraisal District Records. The property under consideration is marked as “Subject Property”.

BLUM DEE
PRIBYL JO ANN H
LIGHTSEY JEFFREY L & MOLLY B
MARSHALL ERIC E
HARRISON MATTHEW R & SHERRY G
PERRO DONALD A & JO ANN M
BEASLEY DEBBIE
PENNYPACKER-TUCKER DEBORAH A LIVING
NAJAR JACK C
JIMENEZ RUDY
SMITH KENNETH D
ELSWICK ROBERT
RAINEY MONTY L & DENISE M
STARR DARRYL F & CYNTHIA
HOLTZ KIMBERLY R
PARKS PATRICIA JANE
BACHER BYRON L & JULIE
PRESLEY ROBERT K & JUDITH A
STROUT ROBERT E & SUSAN J
BERRY SHANE & ISABELLA
VERHELST JOHN D & ANGALA E
LOFTIN JOSEPH B
BAUMGARDNER HAYNES M III & LUCINDA
NOWAK RAYMOND A & LINDA E
BYNUM HOWARD D & VICKIE S
BRAWNER THOMAS F
WELCH SCOTT M & JANE
SAMPSON STEPHEN M & LINDA J
STAPLETON THOMAS M & MARTHA L
MCCALL BARRY
OAKRUN PROPERTY OWNERS
STARNES JESSICA & JASON
BECKER ARNO & JIMMIE B
WITHERELL ALLEN D & COURTNEY F

MONK JOHN A & MARY L
WHITE MELISSA
BROWN TOMMY A & LINDA
PELICANO NUSHA
MONKS CORY & SARAH
DAVEY PETER F & TERESA A
RADFORD BRANDON D & AMANDA
PHILLIPS PAUL E & MARIA M
COLLINS CRAIG E & STACEE R
RHODES PATRICK D & KATHERINE A
ONEAL-MELLEN PATRICIA A & JAMES E
PATEL SUNITBHAI A & BHAVINIBEN S
ALONZO CARLOS A & CATHERINE M
HARRELL MICHAEL S & JULIANNE P
JOHNSON-CHILCOTE JUDY RVCBL LVNG
NEWBY ALPHONZO L
BROWN REX L & MARY A
SHIELDS DOUGLAS S & LISA L
WORL BETTY M
GARNER TODD L & CARI A
ALLEN AMY & GARY
CHRISTIAN MARK W & KIMBERLY J
DRUMMER CORINNE C
PLOCICA TIMOTHY J & THERESA F
MEJIAS CARLOS E & WANDA N
BORNMANN DIANE
DALE THOMAS D & CLARA J
VILLARREAL ALBERT & REBECCA M
DIRBA JOHN & ERICA
TOLLE PATRICK E & CAROL S
SMALLWOOD ROBERT A & CHRISTINE B
PRENAVO SCOTT A & AMY M
JACKSON TRAMELL & TARNISHA
GOERGES EDWARD A & DIANNE S

COSTELLO JOSEPH M & CONNIE S
BEYER JEFFREY S & MELODIE A
BOURGEOIS KARL F & MARY A
KENNEY ERNEST & KATHERINE M
HARRIS RANDALL W
WALKER JOSEPH & WENDY S
HAAS WILLIAM N & VICKI L GRAY
BERGER DAVID C
LANGFORD JOYCE A
MORRIS ROBERT J & JEAN M
SCHUMUCKER CHRISTOPHER J
PROPERTY OWNER
LEVETT L MARTIN & SHARON A
RICKS FLETCHER W & MARY R
HILL JAMES W & REBECCA L
FIGUEROA ARTURO G III & REBECA M

TOMLINSON MARK R
FUSSELL JOSHUA S & DESIREE N
NEW BRAUNFELS SERVICE CENTER LTD
NEW BRAUNFELS OFFICE LTD
KUPFERNAGEL ALAN W & SUZANNE E
FOGERTY MICHAEL & SUSAN M
AIROLA JERRYD M & JESSICA R
BRAWNER DONALD L & KARAN D
BICK JOHN D & SUZETTE L
HARRIS JAMES R & JANET
THOMAS CHRISTOPHER J
HAAS ROBERT N & RANDI G H
WYNN JANICE M & RICHARD K
STREET BARRY J SR & BLANCHE C
HARRIS STEVE L & TERESA

SEE MAP

From: [mike fogerty](#)
To: [Matthew W. Simmont](#)
Subject: ORD#19-122
Date: Tuesday, May 28, 2019 6:52:11 PM

Matthew,

This is in response to the Notice of Public Hearing for ASA Properties. I have been a supporter of the Veramendi project in the past. I support the proposed rear setback variance/amendment. I would hope if in the future I need a variance on my property, the city would be open to my request. Please contact me if you have any questions.

Michael Fogerty
14 Oak Mist
New Braunfels, TX 78132
210-331-1228

From: [Sharon Carewell Levett](#)
To: [Matthew W. Simmont](#); [Stacy Snell](#)
Subject: Meeting tonight - Case: #ORD19-122 ms
Date: Tuesday, June 4, 2019 4:26:46 PM

Good Afternoon:

I have a question about the amendment to Veremendi documents allowing attached patios to encroach into the rear setback up to a maximum of five feet. Does this apply to the entire development or is there a defined section?

If it includes the entire development or the proposed construction of residences along the property lines of Oak Run Subdivision, my official public comment/request is as follows:

It is sincerely appreciated that ASA Properties has demonstrated they plan to continue to be a good neighbor by agreeing to limit the height of neighboring homes to single-story that will be adjacent to existing homes in Oak Run Subdivision.

I request that the language in the amendment for ORD19-122 should be crafted to not allow the encroachments of patios into the setback area for those same homes that will be constructed adjacent to Oak Run Subdivision.

When buyers purchase homes within Veremendi that are behind other new construction homes they should be notified or will be able to see the proximity of the neighboring patio to their new home, patio, and yard when making the informed decision to purchase.

The backyards of some of the existing homes are shallow and homes/patios are at or near the setback zone, but do not encroach and are similar to other properties within Oak Run. When selling a home with the patio of a Veremendi home five feet closer to the fenceline, it will adversely affect the appeal and value as compared to competing homes for sale in Oak Run Subdivision. The established and adhered to setback areas are there to allow for homeowners to enjoy their outdoor space with some degree of privacy and we should continue to have that ability in the future.

Thank you for addressing my concerns when making your recommendation to go before City Council and subsequently into the Development and Design Control Document.

Regards,

Sharon Levett

2379 Oak Pebble

Sharon Carewell Levett, RDN/LD
Nutritionist/Dietitian

6/24/2019

Agenda Item No. H)

Presenter

Wayne Peters, Mayor Pro Tem
wpeters@nbtexas.org

SUBJECT:

Discuss and reconsider approval of the second and final reading of an ordinance regarding a proposed rezoning to amend a Special Use Permit to include a utility shed in the "C-2" Central Business District on Lot 32R, New City Block 2016, addressed at 468, 476, and 486 N. Market Avenue.

BACKGROUND / RATIONALE:

This item has been placed on the agenda for reconsideration at the request of Mayor Pro Tem Peters.

Reconsideration Procedure:

At their regular meeting on June 10, 2019, City Council approved the second and final reading of this request with the condition that the fence issue be resolved between the neighbor and the applicant.

According to the Code of Ordinances, in order to reconsider the item:

1. Only a Councilmember who originally voted on the prevailing side of this item may make a motion to reconsider. The motion must have a second and be approved by a majority vote.
2. After a motion to reconsider is passed, the City Council may reconsider the original item.

Section 2-38(d) of the Code of Ordinances states: "The motion to reconsider shall be used to reopen discussion for a vote on an item already acted upon. Reconsideration may only occur at the same meeting, or at the next meeting after the one at which the original action occurred. A motion to reconsider may only be made by a member who voted on the prevailing side of the original action. It requires a second, is not amendable, is debatable and requires a majority vote for adoption. The effect of the adoption of the motion to reconsider is immediately to place before the members again the item on which the vote was originally taken. Reconsideration of an item at a subsequent meeting requires the item to be placed on the agenda for that meeting."

Case No.: SUP19-071

Council District: 5

Applicant/Owner: Travis and Veronica Batey
5645 SH 46 West
New Braunfels, TX 78132
(830) 708-1211
tebatey@gvtc.com

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

City Council held a public hearing on May 28, 2019 and approved the first reading of this requested rezoning with the recommended conditions, plus a stipulation that the applicant resolve the fence issue with the neighboring property and have the resolution in writing in the City Council Packet with the second reading.

A copy of the applicant's letter to the adjacent property owner and related photographs are attached. The applicant states he has returned the fence back to its original condition.

The 0.7 acre subject property is located on the northeast corner of the intersection of N. Market Avenue and Meusebach Street. A Special Use Permit (SUP) was granted by City Council in 2017 to allow for 10 residential structures to be used for short term rental on the subject site (see Attachment 8). Improvements have been made to the property in compliance with the site plan and conditions of the approved SUP except for the addition of a 140 square-foot utility structure.

The applicant is requesting approval of an amended SUP, as shown on the proposed site plan (see Attachment 3), to replace the site plan in the current SUP. The updated site plan adds a 140 square-foot utility structure to house plumbing equipment and a laundry room for the property. The 11-foot tall utility shed is setback approximately 6 feet from the property boundary to the southwest and approximately 9 feet from the property boundary to the southeast. A building permit for the structure was not applied for and is required to be approved to complete the proper inspections. No additional changes are proposed.

General Information:

Surrounding Zoning and Land Use:

North - Across the railroad right-of-way and Meusebach Street, C-4 / Texas Tubes and River Run Condominiums

East - C-2 / Single-family residences, short term rental

South - Across N. Market Ave., C-2 / Chuck's Tubes and General Store

West - Intersection of N. Market Ave. and Meusebach St.

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 located in a C-2 District in a mixed use area of commercial and residential with short term rental use immediately adjacent (454 N. Market Ave.). The addition of the proposed utility shed should not impact the extent or intensity of the approved use on the property. The subject location is within close proximity to Downtown and the Comal River.*);

- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The proposed utility structure should not conflict with existing or proposed schools, streets, water supply, sanitary sewer and other utilities in the area.*);
- How other areas designated for similar development will be affected (*There should be no negative impact on other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*No additional factors should cause negative impact with the proposed utility structure.*); and
- Whether the request is consistent with the Comprehensive Plan. (*The property is located within the New Braunfels Sub-Area and is near a Recreational River Corridor and Downtown.*)

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	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. Action 3.6: Proactively provide a regulatory environment that remains business and resident friendly.
--	--

FISCAL IMPACT:

Short term rental use of the property is subject to hotel occupancy tax (HOT). The property owner will be responsible for remitting these taxes to the City and the State. The addition of the 140 square foot utility structure does not impact the revenue.

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on May 7, 2019 and recommended approval (7-1-0) with Chair Edwards absent and Commissioner Meyer opposed.

STAFF RECOMMENDATION:

Staff recommends approval. The proposed revision to the site plan is a minor modification that will allow for suitable utility and laundry services on the property. Staff's recommendation includes maintaining the following conditions that were adopted in 2017 with the current SUP, plus one additional condition:

1. The property will be developed in accordance with the approved site plan prior to the issuance of a certificate of occupancy.
2. Residential buffer trees are not required to be planted along the access driveway property boundary. Otherwise, all residential buffer requirements for shade trees (Section 5.3-7) and fences and walls (Section 5.3-2) must be met.
3. All supplemental standards for short term rentals in Section 5.17 will be observed, including obtaining the administrative Short Term Rental Permit prior to operation.
4. Signage on the property is limited to a freestanding monument sign or a low profile sign as

regulated in Chapter 106, Sign Ordinance.

5. *Occupancy*. The maximum number of persons allowed to reside in the Short Term Rentals is two (2) adults per Sleeping Area: **Maximum of 26 adults**.
6. *Parking*. Provide Thirteen (13) paved off-street parking spaces.
7. No building additions may be constructed, other than those shown on the approved site plan, and no changes may be made to the approved site plan unless the Special Use Permit is amended through the rezoning process.
8. A building permit will be obtained and completed for the accessory utility shed.

Notification:

Public hearing notices were sent to 18 owners of property within 200 feet of the request. The City has received four responses (#8, 9, 10 & 17) in favor and one (#1) in objection of this proposed zoning change.

Attachments:

1. Aerial Map
2. Applicant Request Letter and Proposed Site Plan
3. Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)
4. Photographs
5. Notification List, Map and responses
6. Sec. 3.6 Special Use Permits
7. Planning Commission Meeting Draft Minutes
8. Ordinance No. 2017-19
9. Ordinance

Aerial and Floodplain Map

This map displays an aerial view of a residential area with overlaid floodplain information. A cyan outline highlights the **Subject Property**, which is located between N Market Ave and E Zink St, bounded by Meusebach St to the west and E Zink St to the east. The map shows numerous residential lots, many of which are labeled with their respective addresses. A blue hatched area at the top of the map indicates the **1% Annual Chance Floodway**. A legend in the bottom left corner defines these symbols. A north arrow is located in the top right corner. An inset map in the bottom right corner provides a broader geographical context, showing the location relative to Loop 337 and Interstate Highway 35 (IH 35 N and IH 35 S).




Legend

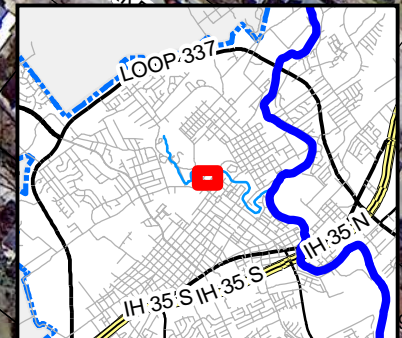
- Subject Property
- 1% Annual Chance Floodway

Map Labels:

- Streets: N Market Ave, Meusebach St, E Zink St, N Market St
- Highways: Loop 337, IH 35 N, IH 35 S
- Addresses: 565, 500, 187, 165, 163, 493, 162, 144, 494, 472, 446, 147, 486, 476, 454, 468, 444, 408, 232, 274, 371, 367, 365, 363, 330, 192, 250, 405, 403, 415, 29, 301, 285, 394, 380, 360, 342, 323, 366, 360



 Subject Property
 1% Annual Chance
 Floodway

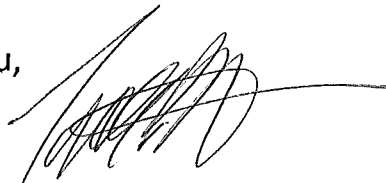


To whom it may concern:

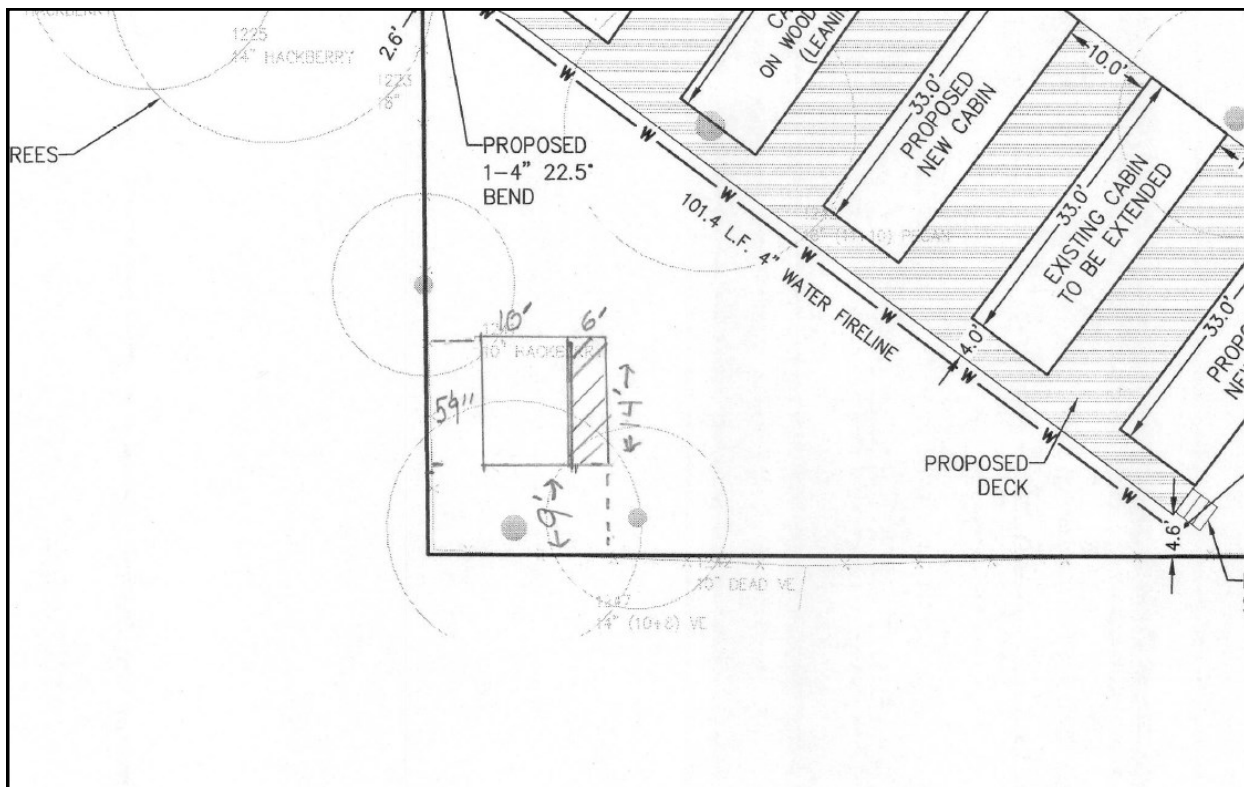
My name is Travis Batey. My wife, Veronica and I purchased the property at 476 N. Market St. in 2011. When we purchased the property it was in desperate need of repair and restoration. The current tenants had reported conflicts which were even reported to the police department. The appearance of the property was very run down. Our goal was and is to own a facility to rent out where our guests can feel safe and enjoy themselves while visiting our beautiful city. We went through the process of getting approval by the city for these rental cabins.

This brings me to the point of this letter. As we were approaching the end of our long restoration on the cabins, I realized I had not taken into consideration the placement of the water heaters and water softeners for the cabins. After numerous talks with our licensed electricians and plumbers, it was decided that the best solution was to build a separate shed/building. This would hopefully prevent a possible future gas leak from affecting our guests. There would be a chance of the water softeners freezing outdoors and there honestly is no room for a water softener in the cabins. We decided to make the shed big enough for two washers and dryers to help with washing cabin linens and for our guests to use if needed. We have put a wooden fence up with locked gates, so guests cannot get to the outdoor water heaters and gas meter. I am requesting, and would greatly appreciate, the approval of our shed by the planning and zoning committee and also the New Braunfels City Council.

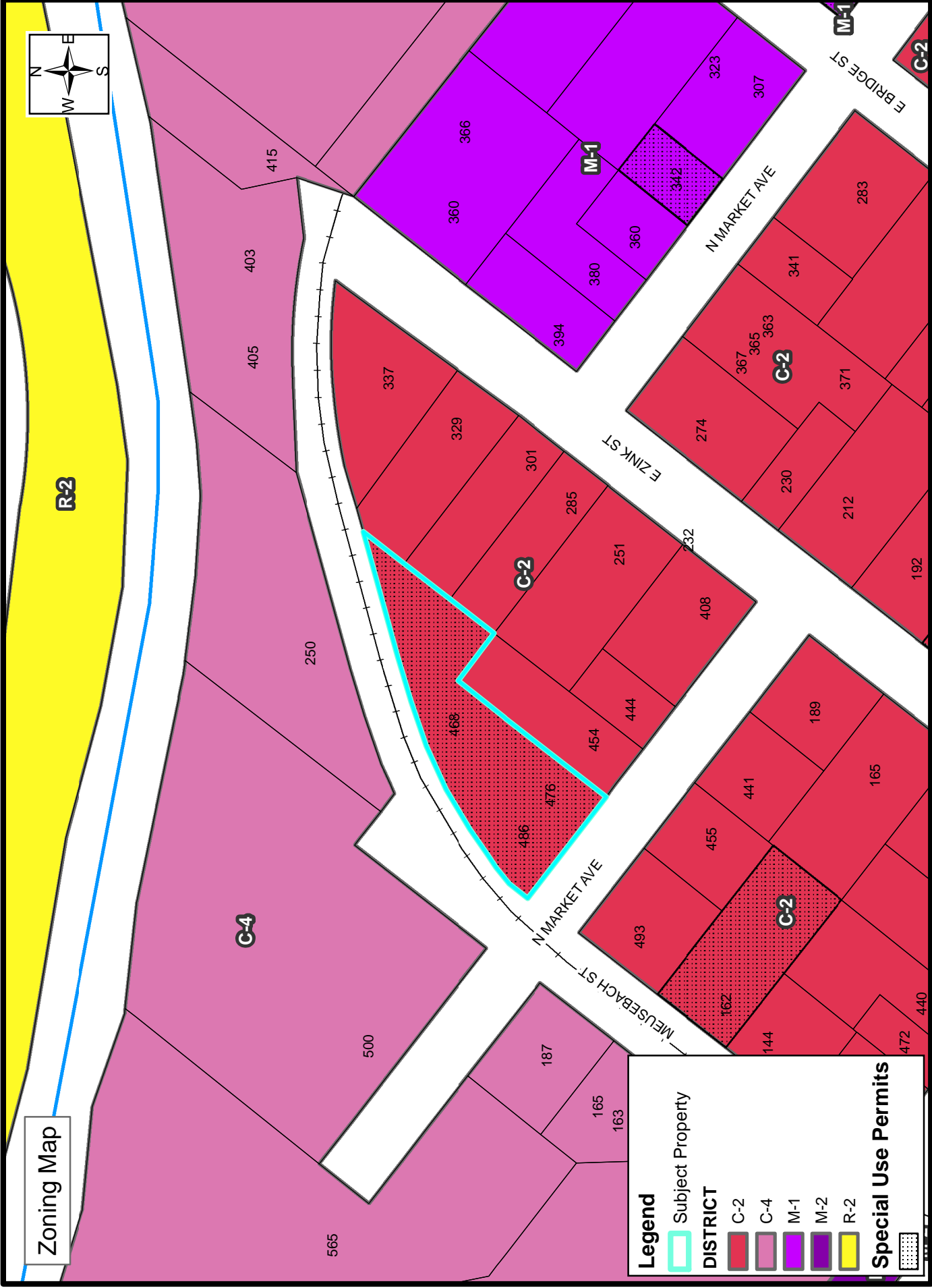
Thank you,

A handwritten signature in black ink, appearing to read 'Travis E. Batey', with a long horizontal flourish extending to the right.

Travis E. Batey

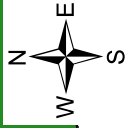


Utility shed detail on site plan.



SUP19-071
468 N. Market Ave
Amendment to Special Use Permit

Existing Land Use Map



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

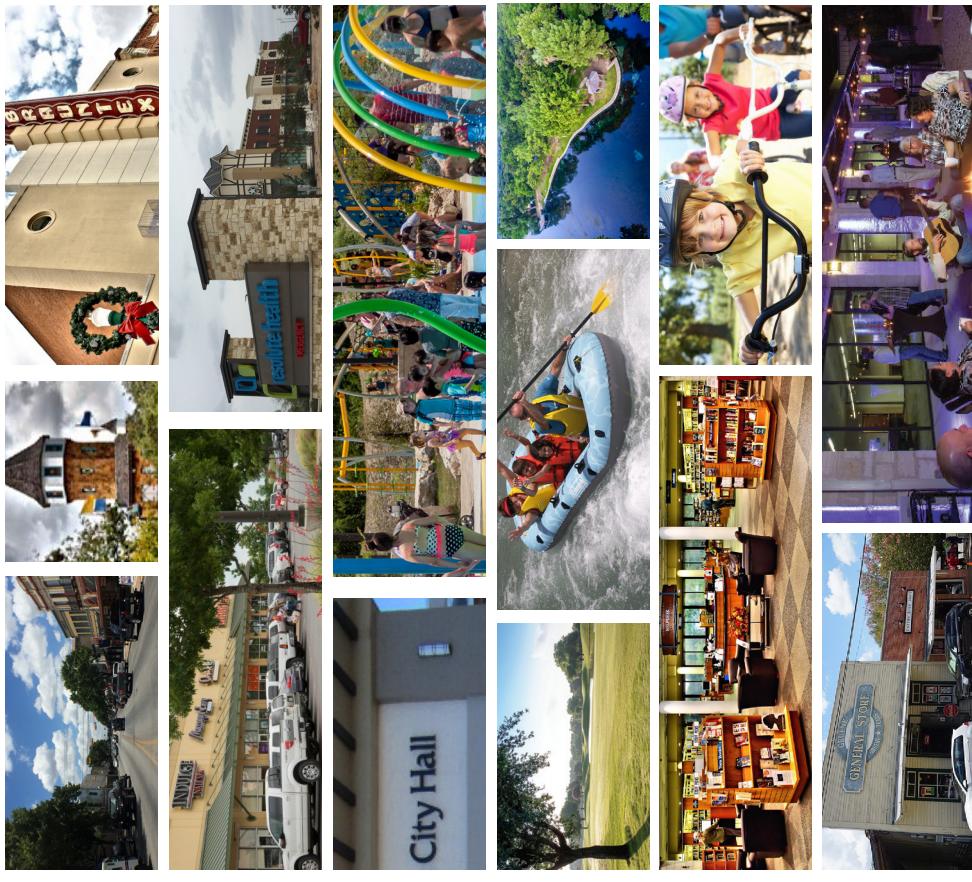
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

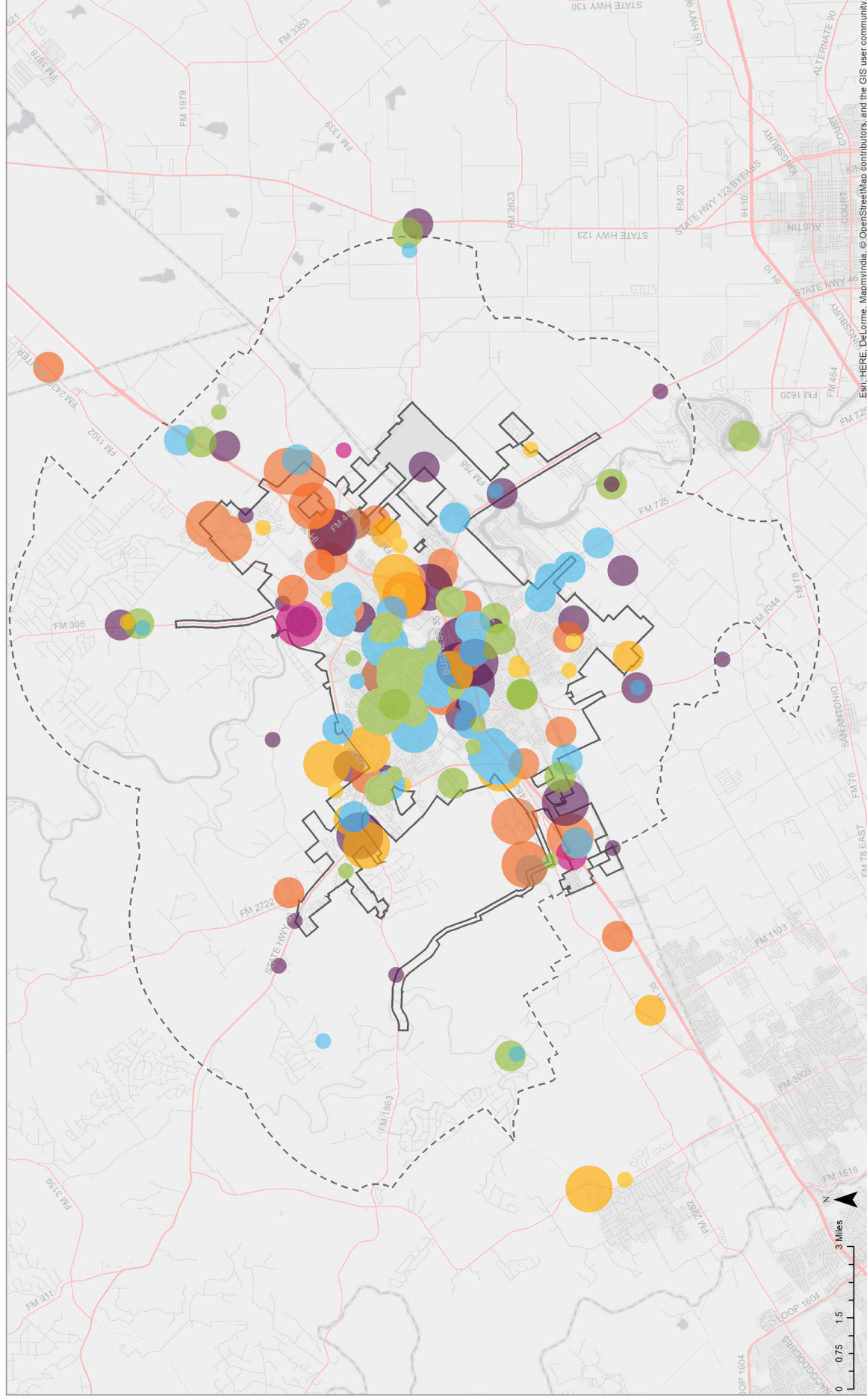
● EDUCATION CENTER

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.



Utility Shed



Rental Cabins adjacent to the railroad right-of-way



Parking lot and rental cabins



Subject property frontage along Market Ave.

PLANNING COMMISSION – May 7, 2019 – 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: Travis Batey

Address/Location: 468 N. Market Avenue

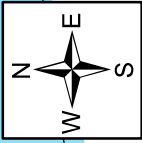
PROPOSED SPECIAL USE PERMIT – CASE #SUP19-071

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. CELTIC ENTERPRISES LP | 10. GUIDOS PLACE LLC |
| 2. WE BE 2BIN LLC | 11. SCHABACKER VICTOR & ELISA F |
| 3. KRIEVALDT PROPERTIES LLC | 12. RUIZ JAMES & MARIA |
| 4. SEIBERT RICHARD L & JAYLENE | 13. LEAVERTON JULIANNE |
| 5. GOMEZ IGNACIO G & LOUISA | 14. WILSON MARK B & LISA W |
| 6. BOWMAN CRAIG A & KRISTY D | 15. BELL RUSSELL A & ELIZABETH K |
| 7. NORMAS LAGNIAPPE LLC | 16. GLADDEN MICHAEL W |
| 8. HURTA JASON E | 17. OAKWOOD PROPERTIES |
| 9. HAYES & RENO LLC | 18. |

SEE MAP

Notification Map



Legend

-  Subject Property
-  Notification Area
- Response**
-  Favor
-  No Response
-  Object



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-071 ms

Name: JASON HURTA

Address: 329 E. ZINK ST

Property number on map: 8

Comments: (Use additional sheets if necessary)

Signature: [Signature]

I favor: ✓

I object: _____

(State reason for objection)



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-071 ms

Name: Hayes & Reno, LLC

Address: 162, 163 & 165 Mensebach

Property number on map: 9

Comments: (Use additional sheets if necessary)

Signature: [Signature]

I favor: ✓

I object: _____

(State reason for objection)



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-071 ms

Name: WEB STUDDARD

Address: 640 HUNTERS WAY (405 E. Zink)

Property number on map: 17

Comments: (Use additional sheets if necessary)

Signature: [Signature]

I favor: ✓

I object: _____

(State reason for objection)



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-071 ms


Name: Matthew Pusateri

Address: 493 N. Market Ave.

Property number on map: 10

Comments: (Use additional sheets if necessary)

Signature: [Signature]

I favor: 

I object: _____

(State reason for objection)



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-071 ms

Name: Celtic Enterprises/Sharon O'Toole

Address: 454 N. Market

Property number on map: 1

Comments: (Use additional sheets if necessary)

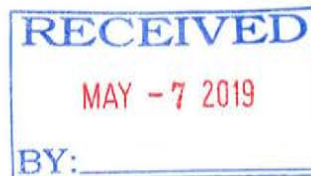
Letter to follow

Signature: [Signature]

I favor: _____

I object: X

(State reason for objection)



CITY OF NEW BRAUNFELS, TEXAS
CITY COUNCIL MEETING
TUESDAY, MAY 28, 2019-6:00 PM

May 24, 2019

Mayor, Mayor Pro Tem, and Councilmembers:

Please vote “no” to Agenda Item 5 L)

5. INDIVIDUAL ITEMS FOR CONSIDERATION

L) Public hearing and first reading of an ordinance regarding the proposed rezoning to amend a Special Use Permit to include a utility shed in the “C-2” Central Business District on Lot 32R, New City Block 2016, addressed at 468, 476, and 486 N. Market Avenue.

Please do not allow the proposed rezoning to amend the SUP for the unpermitted utility shed at 468, 476, and 486 N. Market. This collective property has a history of disregarding City Codes and Ordinances, as well as State guidelines during the construction process.

I own the property at 454 N Market St. next door to this property. The rezone property surrounds mine along one side and across the entire back. My lot is 192 feet deep by 61-ish feet across, so this property shares approximately 253 feet of my property line. I lived at 454 N Market during the construction process, until Nov. 2017, so I am keenly aware of the “pushing of limits” during the process.

General construction was started without a permit. Overnight rentals occurred without a permit. On several occasions fires were set to burn tree limbs, brush, and construction debris. (Fire Dept came out a few times.) The number of buildings added was different than permitted, hence the current request for an amendment from Council. The fence “appears” taller than 8 feet. The lot level and storm drains along the railroad tracks “appear” filled in which could affect the drainage of Market Street, and therefore, the entire neighborhood. Several fences were attached to my 8 foot privacy fence without any discussion whatsoever, nor any permission from me. This is a State legal issue because an owner’s fence is their private property.

A few years ago, after construction was in progress, the City stopped it because there was no permit. At some point, a complete house was moved onto the front property (I believe that was permitted) and the City discovered there were overnight rentals occurring in the original house, so the City required an SUP application. (Overnight rentals occurred during the construction process, too, including last summer and this weekend. But maybe there was a waiver/approval somewhere along the way, I’m not sure.)

On several occasions over a couple of years, there were open fires between the front houses and the back houses, (inside the City limits, in the middle of the day), burning tree limbs, brush, construction debris, etc. The fire dept. came out some of those times, and at least 2 of those times I directly witnessed the flames. The time

that I called the fire dept., the smoke alarms INSIDE of my home alerted me to a fire, even with all of my double-paned windows and doors closed.

The 2nd time that I witnessed the fire was when the Front Office at River Run Condos called the fire dept. I was working at the condo office at that time, (but not during that call), so the Office alerted me to come to the condos and view the fire from there. The fire dept came, helped put out the fire, then left. (See photos 1 & 2.) The following day, the fire was burning again, except this time someone put up tall panels and parked a truck between the fire and Meusebach Street, so that it wasn't quite as visible from the street. (See photos 3 & 4. Sorry they are blurry.)

Back when the SUP application was filed, I signed a Planning and Zoning waiver to not require a masonry fence be built between our 2 properties. The owner and I discussed this, as we have discussed things several times since then. I was trying to be a good neighbor and thought it was unnecessary, so I signed the waiver. It seems a couple of years later, they decided to thank me for signing that waiver using my private property as their own. Unbeknownst to me, several fences were then attached to my back and my side privacy fence without any discussion with me whatsoever, nor any permission from me.

A masonry fence, for the neighbors who didn't sign a waiver, was perpendicularly connected to my older, back privacy fence without permission. It is both taller than my 8 foot fence, and has caused my back fence to separate from my side fence. There is now a gap/hole in my fence the entire 8 foot height from the ground to the top of my fence. Unfortunately, my 100% paid for private property fence no longer completely borders my own yard. Now, I have to pay to get it fixed because the owners next door no longer acknowledge my communications. (See photos 5-7.)

In addition to this masonry fence, rusty corrugated tin sheets were nailed to the back side of my fence across the entire back and side fence, which is roughly 228 feet of fence. I discovered this when they contacted me wanting to cut down a tree trunk that is a part of my side fence. I had just gotten back into the country, and had no idea what they were talking about. (No, they had not attempted to contact me while I was gone.) I reminded them that they did not have permission to use any of my private property fence, until we discussed their plan, but that they had always had the right to put up, and pay, for their own fence on their own property. But when I got to my property, it was too late. The rusty corrugated tin panels, and boards and pipes, were all nailed across my entire back fence and more than $\frac{3}{4}$ of my side fence. (See photos 8-9.)

The owners got angry with me for even questioning them about using my private property without discussion. Since then, they have not responded to any communication with me, at all. However, since then, the side fence has been pulled down. Unfortunately, it has left my fence wavy along the driveway. (See photo 10.) With the removal of the fence that shows from Meusebach St, I guess maybe there was hope that no one would notice that all of the other fences are still attached to my back fence?

To add insult to injury, another fence related specifically to this agenda item, the "unpermitted utility shed," is ALSO perpendicularly attached to my back fence, again without my permission. (See photos 11 and 6.)

At the time I installed the privacy fence around my entire yard, it was not required for a rental. To be neighborly, I chose to pay for 100% of my fence, and to put in an 8 foot fence on my own property to help block my rental property from my residential neighbors. This agenda item property was a residential neighbor at that time.

According to the State of Texas, a fence is personal property and anyone else wanting to do anything with that personal property has to ask permission to use that private property. So effectively, my privacy fence has been vandalized and some of my property has been confiscated. My fence line was placed where there was still room for neighbors to put up their own fence, and neither fence would cross the other person's property line. So now, I have to hire, and pay, for a lawyer because my private property was used without permission for a project inside the City limits.

In the bigger picture while working on all of this, I have been in contact with the City Planning Dept. quite often. They addressed most of the issues with other City departments. But when I questioned the last set of issues, I was given phone numbers for the separate departments to track down. For example, asking about the fence height being taller than my 8 foot fence, (see photo 7), and the possible storm drain issues, (see photo 12), that could affect the City's Market Street drainage, I was given phone numbers to various City departments track down answers on these things.

Unfortunately, my 87 year old Mother has been in the hospital in Austin for a month, so in addition to my work, I have been going to Austin daily or every other day. I have not had the chance to continue acting as a code enforcer (or whichever dept. is responsible for tracking property and construction issues) to track down these items. This is onerous for one Citizen to do.

Isn't there a City contact person monitoring the property and construction? Why wouldn't they pay attention to these types of things?

In my opinion, since the property owner is a City contractor, it seems that the property owner would be even more aware of City Codes and Ordinances and try to work closely with the City to follow them. Given the history of disregarding City and State guidelines, please vote "NO" to allow the rezone for the utility shed.

I hope to be at the City Council Meeting on Tuesday in person, but depending on how my Mother is, I may not be able to make it.

Thank you in advance for your consideration.

Sharon O'Toole
Celtic Enterprises, LP
830-609-7454
Celtic.otoole@gmail.com

Photos attached

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.

Draft Minutes for the May 7, 2019 Planning Commission Regular Meeting

SUP19-071 Public hearing and recommendation to City Council regarding the proposed rezoning to amend a Special Use Permit to include a utility shed in the “C-2” General Business District, addressed at 468, 476 & 486 N. Market Avenue.

(Applicant: Travis & Veronica Batey; Case Manager: M. Simmont)

Commissioner Mathis left the dais at 6:58 p.m.

Mr. Simmont summarized the request and stated Staff recommended approval with the conditions outlined in the staff report.

Commissioner Mathis returned to the dais at 7 p.m.

Commissioner Meyer inquired about the objection sent in response to the notice of public hearing that stated a letter of explanation was to follow.

Mr. Simmont clarified.

Commissioner Laskowski inquired if the applicant was aware that any changes to the site plan required amendments when they were originally granted the Special Use Permit.

Mr. Simmont responded yes.

Discussion followed.

Vice Chair Reaves asked if anyone wished to speak in favor.

No one spoke.

Vice Chair Reaves asked if anyone wished to speak in opposition.

No one spoke.

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

Commissioner Meyer requested clarification on the violation of the original Special Use Permit.

Mr. Simmont clarified.

Discussion followed regarding the original site plan.

Travis Batey, 5645 Highway 46, stated he was the applicant and provided his history with the property. He explained the necessity for the construction of the utility building and stated he was not aware he needed a building permit or that the change would require amending his Special Use Permit.

Discussion followed.

Motion by Commissioner Sonier, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed rezoning to amend a Special Use Permit to include a utility shed in the “C-2” General Business District, addressed at 468, 476 & 486 N. Market Avenue with Staff recommendations. Motion carried with Commissioner Meyer in opposition (6-1-0).

ORDINANCE NO. 2017- 19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 1 SPECIAL USE PERMIT TO ALLOW THE SHORT TERM RENTAL OF TWO SINGLE FAMILY DWELLINGS AND UP TO EIGHT CABINS IN THE "C-2" CENTRAL BUSINESS DISTRICT, DESCRIBED AS BEING A 0.717 ACRE TRACT OF LAND, AND BEING KNOWN AS PARTS OF LOTS 32, 33, 34 AND 35, NEW CITY BLOCK 2016, ADDRESSED AT 468, 476 & 486 N. MARKET AVENUE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

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

WHEREAS, the City Council desires to grant a Type 1 Special Use Permit for 468, 476 & 486 N. Market Avenue to allow short term rental of two single family dwellings and up to eight cabins in the "C-2" Central Business District; **now therefore**,

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

SECTION 1

THAT Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of

Ordinances and particularly the Zoning Map of the City of New Braunfels, are revised by adding the following described tract of land as a "Special Use Permit" for the uses and conditions herein described:

"Being parts of Lots 32, 33, 34 and 35, New City Block 2016, addressed at 468, 476 & 468 N. Market Avenue, as delineated on the attached Exhibit 'A' and described in the attached Exhibit 'B' to allow short term rental of two single family dwellings and up to eight cabins in the "C-2" Central Business District."

SECTION 2

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

1. The property will be replatted, combining the two tracts of land into one platted lot prior to the issuance of a certificate of occupancy.
2. Exhibit 'C' shall be considered the adopted site plan. The property will be developed in accordance with the approved site plan prior to the issuance of a certificate of occupancy.
3. Residential buffer trees are not required to be planted along the property boundary only where the access driveway is adjacent to the property boundary. Otherwise, all residential buffer requirements for shade trees (Section 5.3-7) and fences and walls will comply with Section 5.3-2.
4. All supplemental standards for short term rentals in Section 5.17 will be observed, including obtaining the administrative Short Term Rental Permit prior to operation.
5. Signage on the property is limited to a freestanding monument sign or a low profile sign as regulated in Chapter 106, Sign Ordinance.
6. *Occupancy.* The maximum number of persons allowed to reside in the Short Term Rentals is two (2) adults per Sleeping Area: **Maximum of 26 adults.**
7. *Parking.* Provide Thirteen (13) paved off-street parking spaces.
8. No building additions may be constructed, other than those shown on the approved site plan, and no changes may be made to the approved site plan unless the Special Use Permit is amended through the rezoning process.

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 23rd day of January, 2017.

PASSED AND APPROVED: Second Reading this the 13th day of February, 2017.


CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:



PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:



VALERIA M. ACEVEDO, City Attorney



REFERENCE ELEC. LINE RIGHT-OF-WAY AGREEMENT TO
THE CITY OF NEW BRAUNFELS VOL. 671, PG. 907.
OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS

MEUSEBACH STREET
(56.56' R.O.W.)

MARKET STREET

0.717 A
(0.718 AC.)

SCALE 1" = 40'



LEGEND:

○	= SET 1/2" IRON PIN W/ A PLASTIC CAP STAMPED "HAT PROP. COR."
●	= FNO 1/2" IRON PIN STAMPED "4058"
UNLESS OTHERWISE NOTED	
—	= FENCE
—	= RIGHT OF-WAY
—	= POWER POLE
—	= OVERHEAD ELECTRIC
—	= POINT OF BEGINNING
—	= PLAT CALLS
—	= GUY WIRE
—	= OVERHEAD TELEPHONE

THIS SURVEY IS CERTIFIED TO:
TRAVIS & VERONICA BATEY, RAUL R.
SALDIVAR AND NEW BRAUNFELS TITLE

STATE OF TEXAS
COUNTY OF COMAL

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SURVEY IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT ALL OBSERVABLE EVIDENCE OF EASEMENTS ON THE GROUND ARE SHOWN AND ALL OBSERVABLE EVIDENCE OF BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE

THIS 29TH DAY OF AUGUST 2011

THOM THORNHILL
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6177
ASB570

476 MARKET AVENUE
NEW BRAUNFELS, TEXAS

EXHIBIT 'A'

Downloaded from <http://ajphaphysiol.physiology.org/> at UNIV OF CALIF SAN DIEGO on September 6, 2011

HMT
ENGINEERING & SURVEYING
PROFESSOR ■ REGISTERED ■ LICENSED
METES AND BOUNDS DESCRIPTION
FOR A
0.717 ACRE TRACT OF LAND

Being a 0.717 acre tract of land, and being known as parts of Lots 32, 33, 34, and 35, New City Block 2016, City of New Braunfels, Comal County, Texas, and being the same tract called 0.718 acres of land described in Doc# 200106012045, Official Public Records, Comal County, Texas, said 0.717 acre tract of land being more particularly described as follows:

Beginning at a ½" iron pin stamped "4069" found at the intersection of the Northeast line of Market Street, with the Southeast line of Meusebach Street, for the West corner of the above referenced Lot 32, for the West corner of the above referenced 0.718 acre tract of land, for the West corner and Point of Beginning of this tract;

Thence along the Southeast line of Meusebach Street, N 38°41'54" E a distance of 24.58 feet to a ½" iron pin stamped "4069" found at it's intersection with the Southerly line of the M. K. & T. Railroad Spur, for a corner of said 0.718 acre tract of land, for a corner of this tract;

Thence along the Northerly line of said 0.718 acre tract of land, the Southerly line of said M. K. & T. Railroad Spur, the following calls:

N 52°06'42" E a distance of 20.74 feet to a ½" iron pin stamped "HMT PROP. COR." set for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 56°06'21" E a distance of 47.77 feet to a ½" iron pin stamped "4069" found for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 59°37'33" E a distance of 47.58 feet to a ½" iron pin stamped "4069" found for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 65°41'18" E a distance of 49.12 feet to a ½" iron pin stamped "4069" found for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 71°40'34" E a distance of 47.93 feet to a ½" iron pin stamped "HMT PROP. COR." set for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 73°57'38" E a distance of 48.98 feet to a ½" iron pin stamped "HMT PROP. COR." set for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 75°12'06" E a distance of 131.72 feet to a ½" iron pin stamped "HMT PROP. COR." set in the Southeasterly line of said Lot 35, the Northwesterly line of said lot 41, for the Northeasterly corner of said 0.718 acre tract of land, for the Northeasterly corner of this tract;

Thence along the Southeasterly line of of said Lots 34 and 35, the Northwesterly line of Lots 40 and 41, New City Block 2016, the following calls:

S 38°16'04" W a distance of 112.34 feet to a 3/8" iron pin found for a corner of said 0.718 acre tract of land, for a corner of this tract;

S 38°23'19" W a distance of 57.25 feet to a ½" iron pin stamped "4069" found at the common corner of said Lots 33, 34, 39, and 40, for a corner of said 0.718 acre tract of land, for a corner of this tract;

Thence along the Southwest line of said Lot 34, the Northeast line of said Lot 33, N 52°12'15" W a distance of 61.10 feet to a ½" iron pin found for an interior corner of said 0.718 acre tract of land, for an interior corner of this tract;

Thence along the common line of this tract and said 0.718 acre tract, across said Lots 32 and 33, the following calls:

S 38°59'00" W a distance of 62.50 feet to a ½" iron pin found for a corner of said 0.718 acre tract of land, for a corner of this tract;

S 38°27'24" W a distance of 130.36 feet to a ½" iron pin found (bent) in the Northeasterly line of Market Street, for the most Southerly corner of said 0.718 acre tract of land, for the most Southerly corner of this tract;

Thence along the Northeast line of Market Street, the Southwest line of said 0.718 acre tract of land, N 51°50'00" W a distance of 131.41 feet to the Point of Beginning and containing 0.717 acres of land.

Bearings are rotated to a bearing of N 51°50'00" W between monumentation found along the Northeast line of Market Street, reference 0.718 acre tract of land, described in Doc# 200106012045, Official Public Records, Comal County, Texas.

Surveyed this the 29th day of August, 2011.

Reference survey of said 0.717 acre tract of land prepared this same date.


Thor Thornhill
Registered Professional Land Surveyor No. 6177



S:\Projects\Title Surveys\Ncb 2016\Lot pt of 32-33-34-35\ASB570 0.717 ac.doc

LEGEND

UTILITY EXCERPT
DRAINAGE EXCERPT

U.E.
D.E.

ASLA PARKING

0 10 20 30

This map shows the intersection of Highway 101 and Highway 102. A north arrow is located in the upper left corner. A legend in the upper right corner identifies symbols for 'UTILITY EXCERPT' (U.E.) and 'DRAINAGE EXCERPT' (D.E.). A scale bar in the lower right corner indicates distances of 0, 10, 20, and 30 units. The map area includes a hatched rectangular region labeled 'ASLA PARKING' and a circular feature with a crosshair symbol.

Technical drawing of a ribbon curb showing top and side views with dimensions and material specifications.

Top View Dimensions:

- Overall width: 24"
- Overall length: 10"
- Inner width: 18"
- Inner length: 12"
- Radius: R 1/2"
- Radius: R 1/4"
- Radius: R 1/8"
- Radius: R 1/16"
- Radius: R 1/32"
- Radius: R 1/64"
- Radius: R 1/128"
- Radius: R 1/256"
- Radius: R 1/512"
- Radius: R 1/1024"
- Radius: R 1/2048"
- Radius: R 1/4096"
- Radius: R 1/8192"
- Radius: R 1/16384"
- Radius: R 1/32768"
- Radius: R 1/65536"
- Radius: R 1/131072"
- Radius: R 1/262144"
- Radius: R 1/524288"
- Radius: R 1/1048576"
- Radius: R 1/2097152"
- Radius: R 1/4194304"
- Radius: R 1/8388608"
- Radius: R 1/16777216"
- Radius: R 1/33554432"
- Radius: R 1/67108864"
- Radius: R 1/134217728"
- Radius: R 1/268435456"
- Radius: R 1/536870912"
- Radius: R 1/1073741824"
- Radius: R 1/2147483648"
- Radius: R 1/4294967296"
- Radius: R 1/8589934592"
- Radius: R 1/17179869184"
- Radius: R 1/34359738368"
- Radius: R 1/68719476736"
- Radius: R 1/137438953472"
- Radius: R 1/274877906944"
- Radius: R 1/549755813888"
- Radius: R 1/1099511627776"
- Radius: R 1/2199023255552"
- Radius: R 1/4398046511104"
- Radius: R 1/8796093022208"
- Radius: R 1/17592186044416"
- Radius: R 1/35184372088832"
- Radius: R 1/70368744177664"
- Radius: R 1/140737488355328"
- Radius: R 1/281474976710656"
- Radius: R 1/562949953421312"
- Radius: R 1/1125899906842624"
- Radius: R 1/2251799813685248"
- Radius: R 1/4503599627370496"
- Radius: R 1/9007199254740992"
- Radius: R 1/18014398509481984"
- Radius: R 1/36028797018963968"
- Radius: R 1/72057594037927936"
- Radius: R 1/144115188075855872"
- Radius: R 1/288230376151711744"
- Radius: R 1/576460752303423488"
- Radius: R 1/1152921504606846976"
- Radius: R 1/2305843009213693952"
- Radius: R 1/4611686018427387904"
- Radius: R 1/9223372036854775808"
- Radius: R 1/18446744073709551616"
- Radius: R 1/36893488147419103232"
- Radius: R 1/73786976294838206464"
- Radius: R 1/147573952589676412928"
- Radius: R 1/295147905179352825856"
- Radius: R 1/590295810358705651712"
- Radius: R 1/1180591620717411303424"
- Radius: R 1/2361183241434822606848"
- Radius: R 1/4722366482869645213696"
- Radius: R 1/9444732965739290427392"
- Radius: R 1/18889465931478580854784"
- Radius: R 1/37778931862957161709568"
- Radius: R 1/75557863725914323419136"
- Radius: R 1/151115727451828646838272"
- Radius: R 1/302231454903657293676544"
- Radius: R 1/604462909807314587353088"
- Radius: R 1/1208925819614629174706176"
- Radius: R 1/2417851639229258349412352"
- Radius: R 1/4835703278458516698824704"
- Radius: R 1/9671406556917033397649408"
- Radius: R 1/19342813113834066795298816"
- Radius: R 1/38685626227668133590597632"
- Radius: R 1/77371252455336267181195264"
- Radius: R 1/154742504910672534362390528"
- Radius: R 1/309485009821345068724781056"
- Radius: R 1/618970019642690137449562112"
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- Radius: R 1/79228162514264337593543950336"
- Radius: R 1/158456325028528675187087900672"
- Radius: R 1/316912650057057350374175801344"
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- Radius: R 1/1267650600228229401496703205376"
- Radius: R 1/2535301200456458802993406410752"
- Radius: R 1/5070602400912917605986812821504"
- Radius: R 1/10141204801825835211973625643008"
- Radius: R 1/20282409603651670423947251286016"
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- Radius: R 1/81129638414606681695789005144064"
- Radius: R 1/162259276829213363391578010288128"
- Radius: R 1/324518553658426726783156020576256"
- Radius: R 1/649037107316853453566312041152512"
- Radius: R 1/1298074214633706907132624082305024"
- Radius: R 1/2596148429267413814265248164610048"
- Radius: R 1/5192296858534827628530496329220096"
- Radius: R 1/10384593717069655257060992658440192"
- Radius: R 1/20769187434139310514121985316880384"
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- Radius: R 1/166153499473114484112975882535043072"
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- Radius: R 1/1329227995784915872903807060280344576"
- Radius: R 1/2658455991569831745807614120560689152"
- Radius: R 1/5316911983139663491615228241121378304"
- Radius: R 1/10633823966279326983230456482242756608"
- Radius: R 1/21267647932558653966460912964485513216"
- Radius: R 1/42535295865117307932921825928971026432"
- Radius: R 1/85070591730234615865843651857942052864"
- Radius:

NOTES

CURB AND GUTTER SECTIONS

Diagram illustrating a Y-junction configuration. A single lane labeled "NO PAVING FINE LANE" splits into two lanes, each labeled "NO PAVING FINE LANE". A "6\" RED STRIPE" is shown at the junction point.

The diagram illustrates a cross-section of a pavement structure. At the top, a horizontal line represents the 'SAW CUT EXISTING PAVEMENT'. Below this, a layer labeled 'PACK COAT' is shown. The bottom layer is labeled 'EXISTING BASE'. A vertical dimension line on the left indicates a '1" ' gap between the saw cut and the pack coat. A label on the right points to the 'FLEXIBLE BASE AS SHOWN ON PAVEMENT SECTION'.

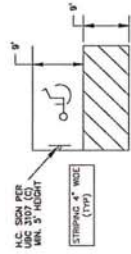
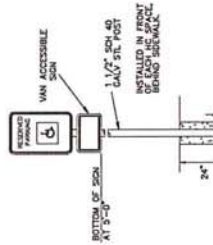
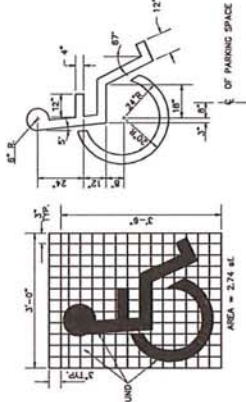
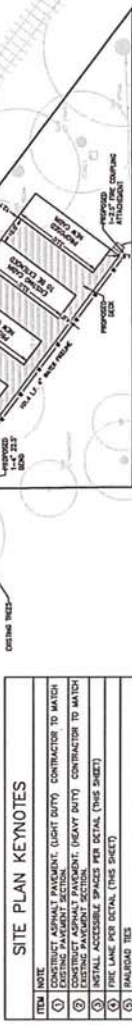
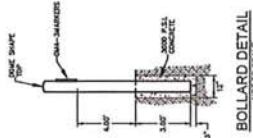
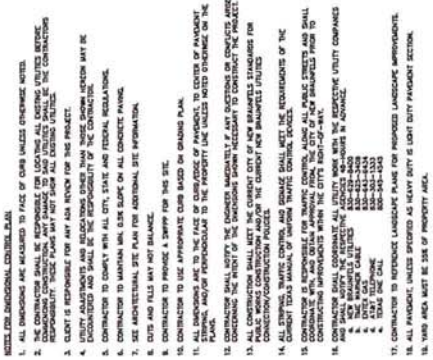
FLEXIBLE PAVEMENTS		
PAVEMENT MATERIAL	HEAVY	LIGHT
TYPE "D" HMA	2.5"	2"
CRUSHED LIMESTONE FLEXIBLE BASE, IN.	10"	8"

3 TYPICAL PAVEMENT SECTION

[illegible]

TYPICAL HANDICAPPED

THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES ARE SHOWN IN APPROPRIATE LOCATIONS ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE CONTRACTOR WILL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES. DAMAGES WHICH MIGHT BE INCURRED BY THEIR FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES, STRUCTURES OR FACILITIES, SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES 24- HOURS PRIOR TO COMMENCING CONSTRUCTION.



Dear Sharon O'Toole,

May 30, 2019

I am writing you today to apologize if I caused you any stress or trouble concerning your fence. We have taken all the tin and wood off of the fence. If we need to do anything else concerning this matter, please let me know.

I am enclosing before and after pictures of our side of your fence to show that we have, in fact, taken the material off.

The City of New Braunfels is requesting that you please sign below, proving that you received this letter and pictures. Please sign and mail it back to us so we can take it to them.

Thank you in advance for your time and cooperation on this matter. We have enclosed a copy for your records.

Sincerely,

Travis E. Batey

X 

I, Sharon O'Toole, received this letter and photos from Travis Batey.

X _____

City of New Braunfels,

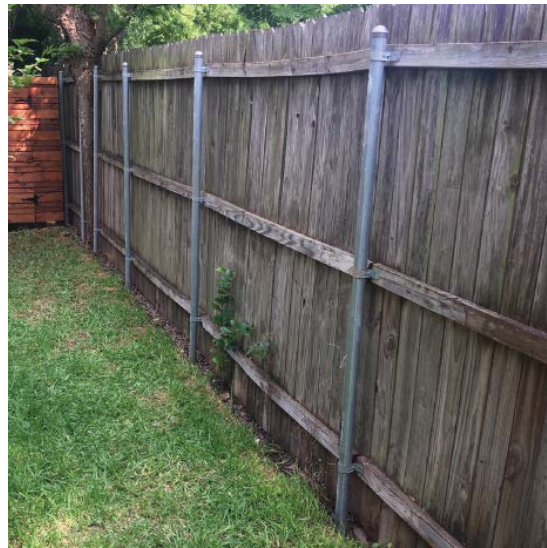
We have removed the tin and 2x4's from Sharon O'Toole's fence. Everything is cleaned up and back to usual condition.

- ✓ Removed all corrugated tin
- ✓ Removed 2x4s
- ✓ Cleaned up area
- ✓ Checked gaps on original fence

X 
Travis E. Batey

Date 5-31-19





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 TWO SINGLE FAMILY DWELLINGS AND UP TO EIGHT CABINS WITH AN ACCESSORY UTILITY SHED IN THE “C-2” CENTRAL BUSINESS DISTRICT, ON LOT 32R, NEW CITY BLOCK 2016, ADDRESSED AT 468. 476 AND 486 N. MARKET AVENUE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, the property is located in an area suitable for short term rentals and Council previously approved a Type 2 Special Use Permit for short term rental per Ordinance 2017-19 on the property; and

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit for Lot 32R New City Block 2016, addressed at 468, 478 and 486 N. Market Avenue, to allow the short term rental of two single family dwellings and up to eight cabins with an accessory utility shed in the “C-2” Central 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 32R, New City Block 2016, addressed at 468, 478 and 486 N. Market Avenue, as delineated in the attached Exhibit ‘A’, to allow the short term rental of two single family dwellings and up to eight cabins with an accessory utility shed in the “C-2” Central

Business District.”

SECTION 2

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

1. Exhibit ‘B’ shall be considered the adopted site plan. The property will be developed in accordance with the approved site plan prior to the issuance of a certificate of occupancy.
2. Residential buffer trees are not required to be planted along the access driveway property boundary. Otherwise, all residential buffer requirements for shade trees (Section 5.3-7) and fences and walls (Section 5.3-2) must be met.
3. All supplemental standards for short term rentals in Section 5.17 will be observed, including obtaining the administrative Short Term Rental Permit prior to operation.
4. Signage on the property is limited to a freestanding monument sign or a low profile sign as regulated in Chapter 106, Sign Ordinance.
5. *Occupancy*. The maximum number of persons allowed to reside in the Short Term Rentals is two (2) adults per Sleeping Area: **Maximum of 26 adults**.
6. *Parking*. Provide Thirteen (13) paved off-street parking spaces.
7. No building additions may be constructed, other than those shown on the approved site plan, and no changes may be made to the approved site plan unless the Special Use Permit is amended through the rezoning process.
8. A building permit will be obtained and completed for the accessory utility shed.

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 28th day of May, 2019.

PASSED AND APPROVED: Second Reading this the 10th day of June, 2019.

CITY OF NEW BRAUNFELS

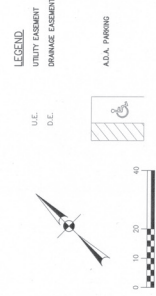
BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

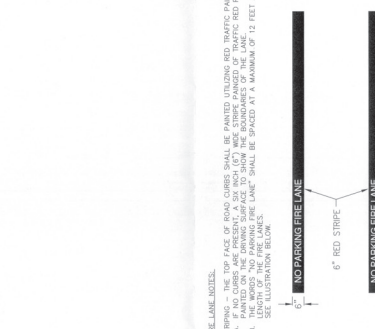


LONGITUDINAL SECTION THRU CURB AND GUTTER SHOWING TYPICAL EXPANSION JOINT DETAILS. REINFORCING STEEL SHALL NOT CROSS EXPANSION JOINTS. STEEL SHALL BE TERMINATED 3" \pm 1" FROM FACE OF THE JOINT.

1. REINFORCING BARS SHALL BE LAPPED A MINIMUM OF 18".
2. CURB AND OUTER SHALL HAVE FORMED TONG OR SLOMO CONTRACTION JOINTS AT 45°. THE DEPTH OF THESE JOINTS SHALL BE SUFFICIENT TO ENSURE CHANGING OF THE JOINTS.
3. CURB OF CURB AND OUTER SHALL HAVE EXPANSION JOINTS AT POINTS OF CURVATURE, AT INTERVALS NOT GREATER THAN 120' AND AT ALL ADJACENT STRUCTURES.
4. UNLESS OTHERWISE SHOWN, TRANSITIONS BETWEEN CURB AND GUTTER OF DIFFERING CROSS SECTION SHALL BE ACCOMMODATED OVER A 10' LENGTH OR AS APPROVED BY THE DESIGN ENGINEER.
5. ALL CONCRETE TO BE CLASS "A", 3000 PSI CONCRETE.
6. ALL EXPOSED CONCRETE SURFACES TO BE FINISHED SMOOTH AND UNIFORM.

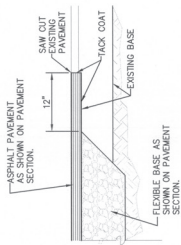
CURB AND GUTTER SECTIONS
NTS

N.T.S.



① FIRE LANE DETAIL

TS

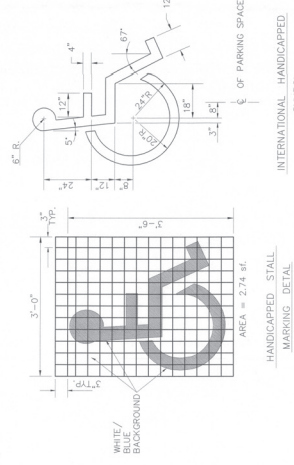


NEW PAVEMENT TO EXISTING

2	1	0
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FLEXIBLE PAVEMENTS			
	PAVEMENT MATERIAL	HEAVY	LIGHT
	TYPE "D" HMA ^C	2.5"	2"
	CRUSHED LIMESTONE FLEXIBLE BASE, IN.	10"	8"

3 TYPICAL PAVEMENT SECTION



HANDICAPPED SYMBOL DETAIL

N.T.S.

HANDICAPPED SIGN DETAIL

N.T.S

TYPICAL HANDICAPPED

NTS	NTS
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THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES ARE SHOWN IN APPROXIMATE LOCATIONS ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE CONTRACTOR WILL BE RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY BE INCURRED DUE TO EXISTING UTILITIES, PRESERVE ANY AND ALL EXISTING UNDERGROUND UTILITIES, STRUCTURES OR FACILITIES. CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES 24 - HOURS PRIOR TO COMMENCING CONSTRUCTION.

SHEET
C3.1

MEUSEBACH STREET

56.66° P 0 W)

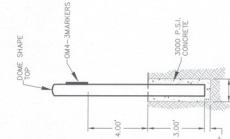


SITE PLAN KEYNOTES

ITEM	NOTE
①	CONSTRUCT ASPHALT PAVEMENT. (LIGHT DUTY) CONTRACTOR TO MATCH EXISTING PAVEMENT SECTION.
②	CONSTRUCT ASPHALT PAVEMENT. (HEAVY DUTY) CONTRACTOR TO MATCH EXISTING PAVEMENT SECTION.
③	INSTALL ACCESSIBLE SPACES PER DETAIL (THIS SHEET)
④	FIRE LANE PER DETAIL (THIS SHEET)
	BAR BOARD, TYPE

BOLLARD DETAIL

NOT TO SCALE





City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/24/2019

Agenda Item No. I)

Presenter/Contact

Robert Camareno, City Manager
(830) 221-4200 - rcamareno@nbtexas.org

SUBJECT:

Discuss and consider approval of the creation of the Affordable Housing Advisory Taskforce.

BACKGROUND / RATIONALE:

The City Council was presented with the New Braunfels 2018 Workforce Housing Study on February 11, 2019. The study clearly showed that the price of housing in New Braunfels has increased to the point where certain segments of the workforce in our community are experiencing housing insecurity. The study identified the need and total demand for affordable for-sale housing and rental units.

City Council may consider the creation of a Workforce Housing Taskforce to review the results of the report and, working with City staff and other housing experts, develop a plan to improve opportunities for workforce housing in New Braunfels.

The attached provides staff's recommendation on the creation of the committee, as was presented at the June 10, 2019 Council meeting. Additionally, the following items Council should decide:

- Appointment of Taskforce members - staff recommends the City Council ask each representative organization to make a recommendation of their appointee to the City Council.
- At-Large Members - staff recommends the following qualifications:
 - Resident of the City of New Braunfels.
 - Not also be a member of or associated with the other representative organizations.
 - Ask interested at large members to apply, similar to how we take applications for other committees.

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

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FISCAL IMPACT:

Costs for managing the committee will be absorbed in the current budget.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the City Council provide direction on the creation of a Workforce Housing Taskforce as presented in the attachment.

Workforce Housing Taskforce

Possible Makeup

Ask each organization to assign one representative:

- Community Development Advisory Committee (CDAC)
- Four Rivers Association of Realtors
- Greater New Braunfels Home Builders Association
- Local banking industry
- McKenna Foundation
- NB Chamber of Commerce
- NB Economic Development Corporation (4B)
- NB Housing Authority
- New Braunfels Utilities
- Planning Commission
- Provider: Habitat for Humanity or NB Housing Partnership
- 2 at Large members, chosen by City Council

Possible Goals

- Review the New Braunfels 2018 Workforce Housing Study recommendations and propose strategies to address them.
- Review the City's current policies and ordinances that impact workforce housing. Recommend code and/or policy amendments.
- Research innovative approaches to workforce housing from other communities.
- Research innovative and new types of housing that are not traditional to New Braunfels but might provide opportunities for workforce housing expansion.
- Inform and educate the community on what workforce housing is and the need that exists.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/24/2019

Agenda Item No. J)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval to authorize the City Manager to enter into a license agreement between the City of New Braunfels and Angel Brothers Enterprises, Ltd for encroachments in the public right-of-way on Krueger Canyon.

BACKGROUND / RATIONALE:

City of New Braunfels Code of Ordinances Section 114-7 establishes the regulations for improvements on or under public property and public easements within the public right-of-way. The City may grant a license and permission to occupy public property and shall be evidenced by a license agreement executed by the City and the licensee.

The applicant, Angel Brothers Enterprises (ABE), is a general highway contractor that owns an office facility at 723 Krueger Canyon Road, New Braunfels. The facility currently has 50 employees at this location and is served by an existing water line from New Braunfels Utility (NBU) and an on-site sewage facility (OSSF). ABE intends to upgrade the current water line to accommodate future building expansion for an additional 25 employees and to install two truck wash bays. ABE also intends to install a private lift station and force main to replace the existing OSSF. The force main will connect to an existing NBU wastewater line. Upon completion of the proposed water line extension, it will be owned, operated and maintained by NBU and will not require a license agreement.

ABE intends to install approximately 1,700 L.F. of 2" force main within Krueger Canyon right-of-way. The proposed private force main will be installed along Krueger Canyon Road and connect to NBU's existing 12" gravity wastewater line. The existing 12" gravity wastewater main is on the south side of the Union Pacific Railroad (UPRR) track. ABE will own and be responsible for operating and maintaining the force main and will require a license agreement.

Section 114-7(e) specifies that the licensee shall pay an annual fee of five percent of the value of the area to be licensed for underground licensing and that the minimum annual fee for such licenses shall be \$100. Based on the value and size of the area proposed for underground utility use, the proposed annual fee for the agreement would be \$455.

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

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FISCAL IMPACT:

The recommended license fee to be collected on an annual basis is \$455.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the authorization for the City Manager to enter into a license agreement between the City of New Braunfels and Angel Brothers Enterprises, Ltd for an encroachment in the public right-of-way on Krueger Canyon with an annual fee of \$455.

GENERAL CONSTRUCTION NOTES

1. NATURAL GRASS AND TREE AREAS SHALL BE LEFT UNDISTURBED AS MUCH AS POSSIBLE DURING CONSTRUCTION. ALL AREAS THAT HAVE BEEN DISTURBED DURING CONSTRUCTION SHALL BE RESEED IN ACCORDANCE WITH THE GUIDELINES OUTLINED IN THE PERMANENT EROSION CONTROL SPECIFICATIONS.
2. EXISTING UTILITIES SHOWN ON THE PLANS ARE FOR REFERENCE ONLY AND DO NOT NECESSARILY REPRESENT THE EXACT LOCATION OF SUCH FACILITIES, NOR IS IT IMPLIED THAT ALL EXISTING UTILITIES ARE SHOWN ON THE PLANS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION.
3. THE CONTRACTOR SHALL REPAIR, AT HIS EXPENSE, ANY AND ALL EXISTING UTILITY MAINS AND SERVICES, DRAINAGE FACILITIES, DRIVEWAYS, CULVERTS, SIGNS, FENCES, MAIL BOXES, PROPERTY PINS, OR OTHER ITEMS DAMAGED DURING CONSTRUCTION TO THEIR ORIGINAL CONDITION OR BETTER.
4. THE CONTRACTOR SHALL ENSURE THAT ADEQUATE SAFETY PRECAUTIONS ARE MAINTAINED AT ALL TIMES REGARDING AREAS OF OPEN PIPE TRENCH. ALL PIPE TRENCH SHALL BE COVERED AT ALL TIMES WHEN CONSTRUCTION IS NOT IN PROGRESS. THE TRENCH COVERING SHALL BE CAPABLE OF SUPPORTING TRAFFIC LOADS.
5. CONTRACTOR SHALL NOTIFY ENGINEER/OWNER 48 HOURS PRIOR TO STREET CUTS.
6. ALL TRENCH SAFETY CONSTRUCTION OPERATIONS SHALL BE ACCOMPLISHED IN ACCORDANCE WITH OSHA SPECIFICATION, CONTRACT DOCUMENTS WHICH INCLUDE A TRENCH SAFETY PLAN AND A PAY ITEM FOR TRENCH SAFETY MEASURES, AND SHALL BE IN COMPLIANCE WITH TEXAS HOUSE BILLS 662, AND 665.
7. EXCESS SPOILS SHALL BE PROPERLY DISPOSED OF BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE AS DESIGNATED BY THE COUNTY/ENGINEER. DISPOSAL SHALL TAKE PLACE ROUTINELY AND SHALL ACCUMULATE FOR A PERIOD OF NOT MORE THAN 5 WORKING DAYS BEFORE DISPOSAL.

SPECIAL CONSTRUCTION NOTES

1. THE CONSTRUCTION SPECIFICATIONS CURRENT AT THE TIME OF BIDDING SHALL GOVERN MATERIAL AND METHODS USED TO DO THIS WORK.
2. CONTRACTOR MUST NOTIFY COUNTY AND/OR ENGINEER TO OBTAIN PERMISSION TO CUT STREETS. AT LEAST 48 HOURS BEFORE BEGINNING ANY UTILITY CONSTRUCTION IN PUBLIC R.O.W. OR PUBLIC EASEMENT, THE CONTRACTOR SHALL NOTIFY ENGINEER AND THE COUNTY'S OPERATOR.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING EXISTING UTILITY LOCATIONS PRIOR TO ANY EXCAVATION. IN ADVANCE OF CONSTRUCTION, THE CONTRACTOR SHALL VERIFY THE LOCATIONS OF ALL UTILITIES TO BE EXTENDED, TIED TO, OR ALTERED, OR SUBJECT TO DAMAGE/INCONVENIENCES BY THE CONSTRUCTION OPERATIONS.
4. NO OTHER UTILITY SERVICE/APPURTENANCES SHALL BE PLACED NEAR THE PROPERTY LINE, OR OTHER ASSIGNED LOCATION DESIGNATED FOR WATER AND WASTEWATER UTILITY SERVICE THAT WOULD INTERFERE WITH THE WATER SERVICE.
5. PRIOR TO EXCAVATION THE CONTRACTOR SHALL CALL TEXAS EXCAVATION SAFETY SYSTEM AT 1-800-DIG-TESS AND TEXAS 811.

CONSTRUCTION SEQUENCING

THE INTENT OF THIS SEQUENCING IS TO ARRANGE CONSTRUCTION TO PERFORM WATER & WASTEWATER LINE IMPROVEMENTS WITH A MINIMUM OF DISRUPTION AND WITH AS LITTLE WASTED EFFORT AND MATERIALS AS POSSIBLE.

1. PRE-CONSTRUCTION MEETING ATTENDED BY CONTRACTOR, ENGINEER, CITY STAFF NEW BRAUNFELS UTILITIES, UNION PACIFIC RAILROAD AS WELL AS GOVERNMENTAL REGULATORY AGENCIES.
 2. LOCATE ALL UNDERGROUND UTILITIES AND OTHER OBSTRUCTIONS THROUGHOUT PROJECT.
 3. PROVIDE TRAFFIC SAFETY & CONTROL MEASURES, EROSION & SEDIMENTATION CONTROLS, PROVIDE TRENCH SAFETY SYSTEM, PRIOR TO BEGINNING CONSTRUCTION.
 4. BEGIN CONSTRUCTION ON IMPROVEMENTS. KEEP ENGINEER/CITY/NBU UPDATED AT ALL TIMES OF CONSTRUCTION ACTIVITIES. INFORM ENGINEER/CITY/NBU IMMEDIATELY OF ANY DISCREPANCIES.
 5. COMPLETE CONSTRUCTION.
 6. PERFORM REQUIRED TESTS AND REPORT FINDINGS TO ENGINEER/OWNER.
 7. FINAL CLEAN UP AND DEMOBILIZATION.
 8. COORDINATION - ALL PHASES OF CONSTRUCTION SHALL BE COORDINATED WITH THE ENGINEER AT ALL CRITICAL POINTS SUCH AS DENSITY TESTING.
- FINAL STABILIZATION/ RE-VEGETATION IS REQUIRED PRIOR TO FINAL ACCEPTANCE.

UTILITY & EMERGENCY CONTACTS

THE UTILITY AND EMERGENCY CONTACTS ARE PROVIDED TO ASSIST THE CONTRACTOR AND ARE NOT INTENDED TO BE THE ONLY POSSIBLE LIST OF SERVICE PROVIDERS. THE RESPONSIBILITY OF CONTACTING ALL UTILITY PROVIDERS IN THE AREA REMAINS WITH THE CONTRACTOR.

NEW BRAUNFELS UTILITIES
KRISTIN GARZA
(830) 608-8919

AT&T
1-800-DIG-TESS

NEW BRAUNFELS UTILITIES
AMANDA CONLEY
(830) 608-8831

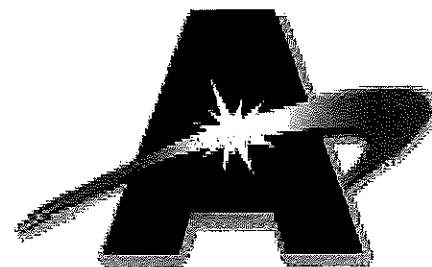
NOTES:

1. CONTRACTOR SHALL PROVIDE & INSTALL TRAFFIC CONTROL & SAFETY DEVICES PRIOR TO THE COMMENCE OF WORK WITHIN R.O.W. IN ACCORDANCE W/TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS & HIGHWAYS BY TxDOT.

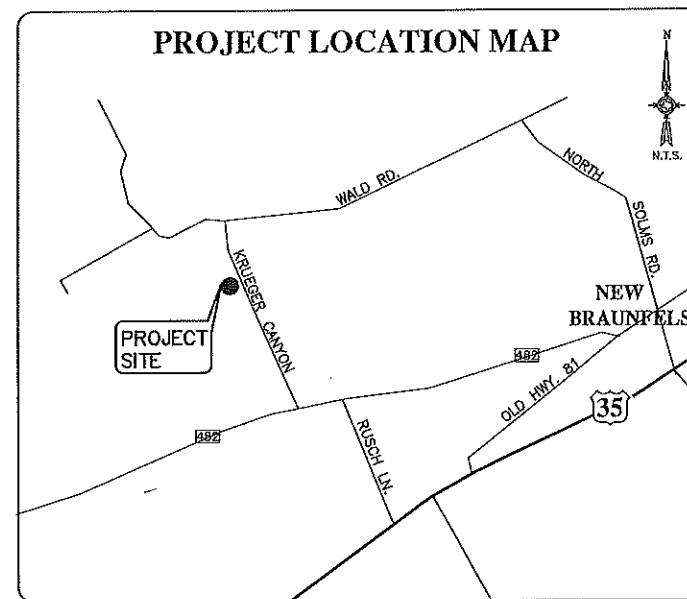
ANGEL BROTHERS FACILITY OFF-SITE WATER & WASTEWATER LINE IMPROVEMENTS NEW BRAUNFELS, TEXAS

SHEET INDEX

SHEET	DESCRIPTION
1	COVER SHEET
2	OVERALL MAP & NOTES
3	NOTES
4	W1 WATER LINE IMPROVEMENTS (BEGIN TO STA. 13+50)
5	W2 WATER LINE IMPROVEMENTS (STA. 13+50 TO STA. 16+00)
6	W3 WATER LINE IMPROVEMENTS (STA. 16+00 TO STA. 18+50)
7	W4 WATER LINE IMPROVEMENTS (STA. 18+50 TO STA. 21+00)
8	W5 WATER LINE IMPROVEMENTS (STA. 21+00 TO STA. 23+50)
9	W6 WATER LINE IMPROVEMENTS (STA. 23+50 TO STA. 26+00)
10	W7 WATER LINE IMPROVEMENTS (STA. 26+00 TO END)
11	FM1 FORCE MAIN IMPROVEMENTS (BEGIN TO STA. 6+00)
12	FM2 FORCE MAIN IMPROVEMENTS (STA. 6+00 TO STA. 8+50)
13	FM3 FORCE MAIN IMPROVEMENTS (STA. 8+50 TO STA. 11+00)
14	FM4 FORCE MAIN IMPROVEMENTS (STA. 11+00 TO STA. 13+50)
15	FM5 FORCE MAIN IMPROVEMENTS (STA. 13+50 TO STA. 16+00)
16	FM6 FORCE MAIN IMPROVEMENTS (STA. 16+00 TO STA. 18+50)
17	FM7 FORCE MAIN IMPROVEMENTS (STA. 18+50 TO STA. 21+00)
18	FM8 FORCE MAIN IMPROVEMENTS (STA. 21+00 TO END)
19	LS1 PRIVATE LIFT STATION PLAN AND DETAIL
20	SD1 OFFSITE DRAINAGE IMPROVEMENTS (BEGIN TO STA. 21+00)
21	SD2 OFFSITE DRAINAGE IMPROVEMENTS (STA. 21+00 TO STA. 23+50)
22	SD3 OFFSITE DRAINAGE IMPROVEMENTS (STA. 23+50 TO END)
23	XS1 CROSS SECTION (STA. 19+00 TO STA. 21+50)
24	XS2 CROSS SECTION (STA. 22+00 TO 24+50)
25-26	R1-R2 RESTRAINT JOINT CALCULATION
27-30	D1-D4 DETAILS
31	SETPD SAFETY END TREATMENT DETAIL
32-33	TCP TRAFFIC CONTROL AND BARRICADES



PROJECT LOCATION MAP



PLEASE NOTE: NBU REQUIRES GPS POINTS FOR CERTAIN ELECTRIC, WATER AND WASTEWATER ATTRIBUTES, SOME OF WHICH MUST BE TAKEN PRIOR TO BACKFILL DURING CONSTRUCTION.

GPS POINTS SHALL BE REQUIRED FROM THE DEVELOPERS, CONTRACTOR, OR ENGINEER. A MINIMUM OF THREE COORDINATE POINTS FOR GEOREFERENCING SHALL BE REQUIRED. THE WATER AND WASTEWATER GPS POINTS SHALL BE TO SURVEY GRADE. THE ELECTRIC GPS POINTS SHALL BE TO MAP GRADE.

WATER
VERTICAL BENDS AND EDGE OF STEEL CASING (IF APPLICABLE) PRIOR TO BACKFILL
HORIZONTAL BENDS PRIOR TO BACKFILL
TEES PRIOR TO BACKFILL
FITTINGS (REDUCERS AND COUPLINGS) PRIOR TO BACKFILL
FIRE HYDRANTS (TOP OF FLANGE)
VALVES
METERS (TOP CENTER OF BOX)
BLOW OFF ASSEMBLY
CORNER SLAB OF WATER TANK & GATE VALVE ON WATER TANK

WASTEWATER
MANHOLES
CLEANOUTS
CORNER SLAB OF LIFT STATION

ELECTRIC
POLES
TRANSFORMERS, BOTH ABOVE AND UNDERGROUND (FRONT LOCK)
PULL BOXES
STREET LIGHTS

COORDINATE GPS REQUIREMENTS WITH NBU INSPECTOR

PROJECT INFORMATION:

OWNER:
ANGEL BROTHERS ENTERPRISES, LTD.
723 KRUEGER CANYON
NEW BRAUNFELS, TX 78132

CONTACT:
MR. MIKE PRUITT
PH.: (830) 643-0570

SUBMITTAL PREPARED BY:

HEJL, LEE & ASSOCIATES, INC.
206 TAYLOR STREET
HUITO, TX 78634
(512) 642-3292

SUBMITTED FOR APPROVAL BY:



ENGINEER OF RECORD - EFFENDY, P.E.

1-31-2019

DATE

ALL RESPONSIBILITY FOR THE ADEQUACY OF THESE PLANS REMAINS WITH THE ENGINEER WHO PREPARED THEM. IN ACCEPTING THESE PLANS, THE GOVERNING ENTITY MUST RELY ON THE ADEQUACY OF THE DESIGN ENGINEER.

APPROVED BY:

NEW BRAUNFELS UTILITY DATE

CITY OF NEW BRAUNFELS DATE

UNION PACIFIC RAILROAD DATE

HEJL, LEE & ASSOCIATES, INC.

ENGINEERING • SURVEYING • PLANNING

TBPE FIRM NO. F-755, TBPLS FIRM NO. 10058500
206 TAYLOR STREET, HUITO, TEXAS 78634
Ph: (512) 642-3292

UPDATED: 1-31-2019

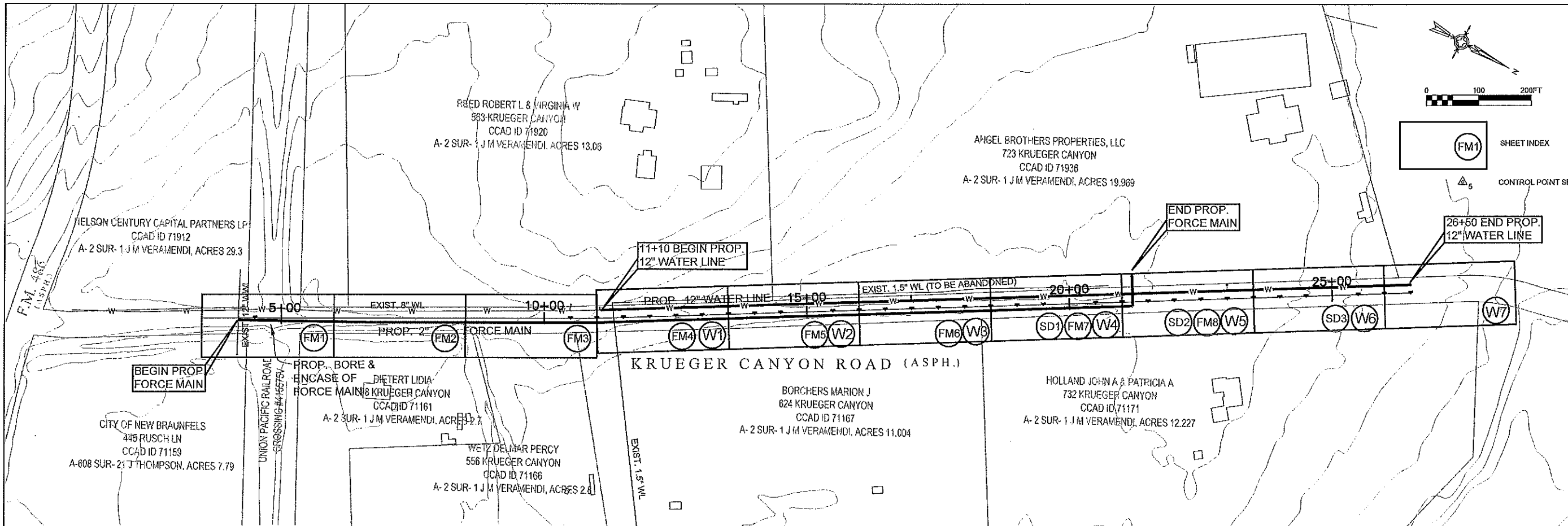
ABECover.DWG

PROJECT NO. P17-11-05

FND

NBU # W-155324 & WW-155325

ANGEL BROTHERS OFFSITE W&WW IMPROVEMENTS



NEW BRAUNFELS UTILITIES GENERAL CONSTRUCTION NOTES

1. All materials and construction procedures within the scope of the project shall be approved by New Braunfels Utilities and comply with the current "New Braunfels Utilities Water Systems Connection/Construction policies Water Systems".

2. Contractor shall not proceed with any pipe installation work until they obtain a copy of the plans from the Consultant or Engineer and notify NBU Water Systems Engineering at 830-608-8971 with at least three (3) working days (72 hours) notice. WORK COMPLETED BY THE CONTRACTOR, WHICH HAS NOT RECEIVED A NOTICE TO PROCEED WITH NEW BRAUNFELS UTILITIES WATER SYSTEMS ENGINEERING WILL BE SUBJECT TO REMOVAL AND REPLACEMENT BY AND AT THE EXPENSE OF THE CONTRACTOR.

3. The Developer dedicates the water / wastewater mains upon completion by the Developer and acceptance by the New Braunfels Utilities Water System. NBU will own and maintain said water / wastewater mains which are located within said particular subdivision. (As applicable).

4. Contractor agrees to assume sole and complete responsibility for job site conditions during the construction of the project, including safety of all persons and property. This requirement shall apply continuously and not be limited to normal working hours. The contractor shall defend, indemnify and hold the owners and the engineer and his employees, partners officers, directors, or consultants harmless from any and all liability, real or alleged, in connection with the performance of the work on this project, excepting from liability arising from sole negligence of the owner or engineer, engineer's directors, officers, employees, or consultants.

5. Contractor and / or contractor's independently retained employee or safety consultant shall implement a trench safety program in accordance with OSHA standards governing the presence and activities of individuals working in and around trench excavation.

6. Contractor shall be responsible for restoring to its original or better condition, any damages done to existing fences, curbs, streets, driveways, landscaping and structures, and existing utilities (not adjusted on plans). Cost of Restorations, if any, shall be the contractor's entire expense.
7. The Contractor shall avoid cutting roots larger than one inch in diameter when excavating near existing trees. Excavation in vicinity of trees shall proceed with caution.

8. Contractor shall procure all permits and licenses, pay all charges, fees and taxes and give all notices necessary and incidental to the due and lawful prosecution of the work.

9. No extra payment shall be allowed for work called for on the plans but not included on the bid schedule. This incidental work will be required and shall be included under the pay item to which it relates.

10. Contractor is responsible for removal of all waste materials upon project completion. The contractor shall not permanently place any waste materials in the 100-year flood plain without first obtaining an approved flood plain development permit.

11. The contractor shall not place any materials on the recharge zone of the Edwards aquifer without an approved water pollution abatement plan from the TCEQ 31 TAC 313.4 and 31 TAC 313.9.

12. Barricades and warning signs shall conform to the "Texas manual on uniform traffic control devices" and shall be located to provide maximum protection to the public as well as construction personnel and equipment while providing continuous traffic flow at all times during construction. The contractor is responsible for maintaining all devices during construction.

13. Contractor is required to verify project elevations. The term "match existing" shall be understood to signify both horizontal and vertical alignment.

14. The location of utilities, either underground or overhead, shown within the right of way are approximate and shall be verified by the contractor before beginning construction operations.

15. OSHA regulations prohibit operations that will bring persons or equipment within 10 feet of an energized line. Where workmen and/or equipment have to work close to an energized electrical line, the contractor shall notify the electrical power company involved and make whatever adjustments necessary to ensure the safety of those workmen.

16. It shall be the contractor's responsibility to locate utility service lines as required for construction. Utility companies are also previously mentioned in "Utility Company Notification".

17. Due to federal regulations Title 49, part 192 (8), Gas companies must maintain access to gas valves at all times. The contractor must protect and work around any gas valves that are in the project area.

18. The contractor is fully responsible for the traffic control and will
- be responsible for furnishing all traffic control devices, and flaggers. The construction methods shall be conducted to provide the least possible interference to traffic so as to permit the continuous movement of the traffic in one direction at all times. The contractor shall clean up and remove from the work area any loose material resulting from contract operations at the end of each workday.

19. Prior to ordering materials to be used in construction, contractor shall provide the engineer with four (4) copies of the source, type, gradation, material specification data and / or shop drawings, as applicable, to satisfy the requirements of the following items and all material items referred to in these listed items:

 - a. Water mains and services
 - b. Sewer mains and services

20. No meter boxes to be set in driveways. Any meter boxes set in driveways will be relocated at contractor's and/or developer's expense.

21. Where the minimum 9 foot separation distance between sewer lines and water lines / mains cannot be maintained, the installation of sewer lines shall be in strict accordance with TCEQ.

22. Contractor and/or Contractor's independently retained employee or structural design/geotechnical/safety/equipment consultant, if any, shall review these plans and available geotechnical information and the anticipated installation site(s) within the project work area in order to implement Contractor's trench excavation safety protection systems, programs and/or procedures. The Contractor's implementation of the systems, programs and/or procedures shall provide for adequate trench excavation safety protection that complies with as a minimum, OSHA Standards for trench excavations. Specifically, Contractor and/or Contractor's independently retained employee or safety consultant shall implement a trench safety program in accordance with OSHA Standards governing the presence and activities of individuals working in and around trench excavation.

23. Utility Trench Compaction with street R.O.W.

 - a. All utility trench compaction test within the street pavement
- section shall be the responsibility of the developer's Geo-technical engineer.

 - b. Fill material shall be placed in uniform layers not to exceed twelve inches (12") loose.
 - c. Each layer of material shall be compacted as specified and tested for density and moisture in accordance with Text Methods TEX-113-E, TEX-114-E, TEX-115-E.
 - d. The number and location of required tests shall be determined by the Geo-technical Engineer and approved by the City of New Braunfels Street Inspector.
 - e. Upon completion of testing the Geo-technical Engineer shall provide the City of New Braunfels Street inspector with all testing documentation and a certification stating that the placement of fill material has been completed in accordance with the plans.

CONSTRUCTION SUMMARY TABLE

TYPE	QUANTITY	MAINTAINED BY
WATER MAIN	1,540 LF 12" PVC	NBU
FIRE HYDRANT	5	NBU
WATER SERVICE	ONE 3" METER	NBU
FORCE MAIN	1,700 LF 2" PVC	PRIVATE
WW MANHOLE	1	PRIVATE
WW SERVICE	1	PRIVATE
LUE	8	N/A

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Ph: (512) 642-3292
TSP# FIRM NO. F-755, TSP# FIRM NO. 10058500

1/31/19

ANGEL BROTHERS ENTERPRISES
NEW BRAUNFELS OFFICE
WATER & WASTEWATER IMPROVEMENTS
OVERALL MAP & NOTES

DESIGNED BY: FND
DRAWN BY: FND
REVIEWED BY: CL
APPROVED BY: DPH
PROJECT NO.: P171105
DATE: 1-31-19
SCALE: AS SHOWN
DWG. NO. 2
SHEET - OF -

WASTEWATER NOTES:

1. The contractor shall maintain service to existing sanitary sewers at all times during construction.
2. Due to Federal Regulations Title 49, Part 192.181, Reliant Energy must maintain access to gas valves at all times. The Contractor must protect and work around gas valves that are in the project areas.
3. All 8" sewer pipe and fittings in this project are P.V.C. SDR-26, ASTM, D-3034, D-3212, F-477.
4. All residential sewer service laterals shall be extended to the property line and capped and sealed.
5. Initial backfill of sewer lines shall be ¾" to dust or pea gravel as per NBU specifications.
6. Secondary backfill of sewer lines shall generally consist of materials removed from the trench and shall be free from brush, debris and trash, no rocks or stones having any dimension larger than 6 inches at the largest dimension.
7. All sewer pipes shall have compression or mechanical joints as per 31 TAC 313.5 (c)(2)(ii).
8. For sewer lines less than 24" in diameter, select initial backfill material shall be placed in two lifts.
 - a. The first lift shall be spread uniformly and simultaneously on each side and under the shoulders of the pipe to the mid point or spring line of the pipe.
 - b. The second lift shall be placed to a depth as shown on the pipe backfill detail. For pipes larger than 24", 12" maximum lifts shall be used.
9. All manholes must be water tight, either monolithic, cast-in-place concrete structures or prefabricated manholes specifically approved by NBU. The manholes shall have water-tight rings and covers. Wherever they are within the 100 year floodplain, the manhole covers shall be bolted. Every fourth manhole in sequence shall have an alternate means of venting. 31 TAC 313.5 (c) (1) and 31 TAC 317.2 (c) (5)(f).
10. All manholes shall be constructed so that the top of the ring is surrounding ground except when located in paved area. In paved areas, the manhole ring shall be flush with pavement.
11. All new manholes are to have covers with 32" openings.
12. Sewer pipe connections to pre-cast manholes will be compression joints or mechanical "boot type" joint as approved by NBU.
13. Sewer lines shall be tested from manhole to manhole.
14. In areas where a new sanitary sewer manhole is to be constructed over an existing sanitary sewer system, it shall be the contractor's responsibility to test the existing manholes before construction. After the proposed manhole(s) has been built, the contractor shall re-test the existing system to the satisfaction of the construction inspector. (no separate pay item).
15. Where the minimum 9 foot separation distance between sewer lines and water lines / mains cannot be maintained, the installation of sewer lines shall be in strict accordance with TCEQ. The wastewater line shall be constructed of cast iron, ductile iron or PVC meeting the ASTM specification for both pipes and joints of 150 psi and shall be in accordance with 30 TAC 290.44 (e)(5).
16. After construction, testing will be done by TV camera by the Contractor and observed by Inspector of Water Systems Engineering personnel as the camera is run through the lines. Any abnormalities found in the line, such as broken pipe or misaligned joints, must be replaced by the Contractor at his expense. Contractor to provide TV tapes to Construction Inspection for review prior to final inspection of the project.
17. Water jetting the backfill within a street will not be permitted. Sanitary sewer trenches subject to traffic shall conform to NBU Connection & Construction Policy Manual.
18. No testing will be performed prior to 30 days from complete installation of the sanitary sewer lines. The following sequence will be strictly adhered to:
 - a. Pull mandrel
 - b. Perform Air test
19. Where required, concrete encasement shall be placed as shown on the standard detail sheet.
20. A minimum of 3 feet of cover is to be maintained over the sanitary sewer main and laterals at subgrade, otherwise concrete encasement will be required.
21. Sanitary sewer main connections made directly to existing manholes will require successful testing of the manhole in accordance with NBU Connection & Construction Policy Manual.
22. TCEQ and EPA require erosion and sedimentation control for construction of sewer collection systems. Developer or authorized representative shall provide erosion and sedimentation control as notes on the project's plan and profile sheets. All temporary erosion and sedimentation controls shall be removed by the Contractor at final acceptance of the project by NBU Water Systems.
23. All manholes not within paved streets shall have locking concrete collar to secure ring and cover to manhole cone per NBU Detail drawing #329.
24. All manholes over the Edwards Aquifer Recharge Zone shall have locking concrete collar to secure ring and cover to manhole cone per NBU detail drawing #329.
25. All sewer services shall have cleanout installed at property line per NBU detail drawing #302 and #303.

WATER NOTES:

1. All water mains shall be AWWA C900.
2. Water services shall be single 1" copper tubing.
3. Water line is to be constructed in accordance with the NBU water line specifications.
4. Water main shall have a minimum of 42 inches of cover.
5. Contractor will keep the area on top of and around the water meter box free of all objects and debris.
6. Initial backfill of water lines shall be ¾" to dust or pea gravel as per NBU specifications.
7. Secondary backfill of water lines shall generally consist of material removed from the trench and shall be free from brush, debris and trash or stones having any dimension larger than 6" inches at the largest dimension.

DESIGNED BY: FND	
DRAWN BY: FND	
REVIEWED BY: CL	
APPROVED BY: DPH	
PROJECT NO.: P171105	
DATE: 1-29-19	
SCALE: AS SHOWN	
DWG. NO. 3	
SHEET - OF -	

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FIRM NO. 10058500	

ANGEL BROTHERS ENTERPRISES	
NEW BRAUNFELS OFFICE	
WATER & WASTEWATER IMPROVEMENTS	
NOTES	

STATE OF TEXAS	
REGISTERED PROFESSIONAL	
1/29/19	



Angel Brothers
Enterprises, Ltd.

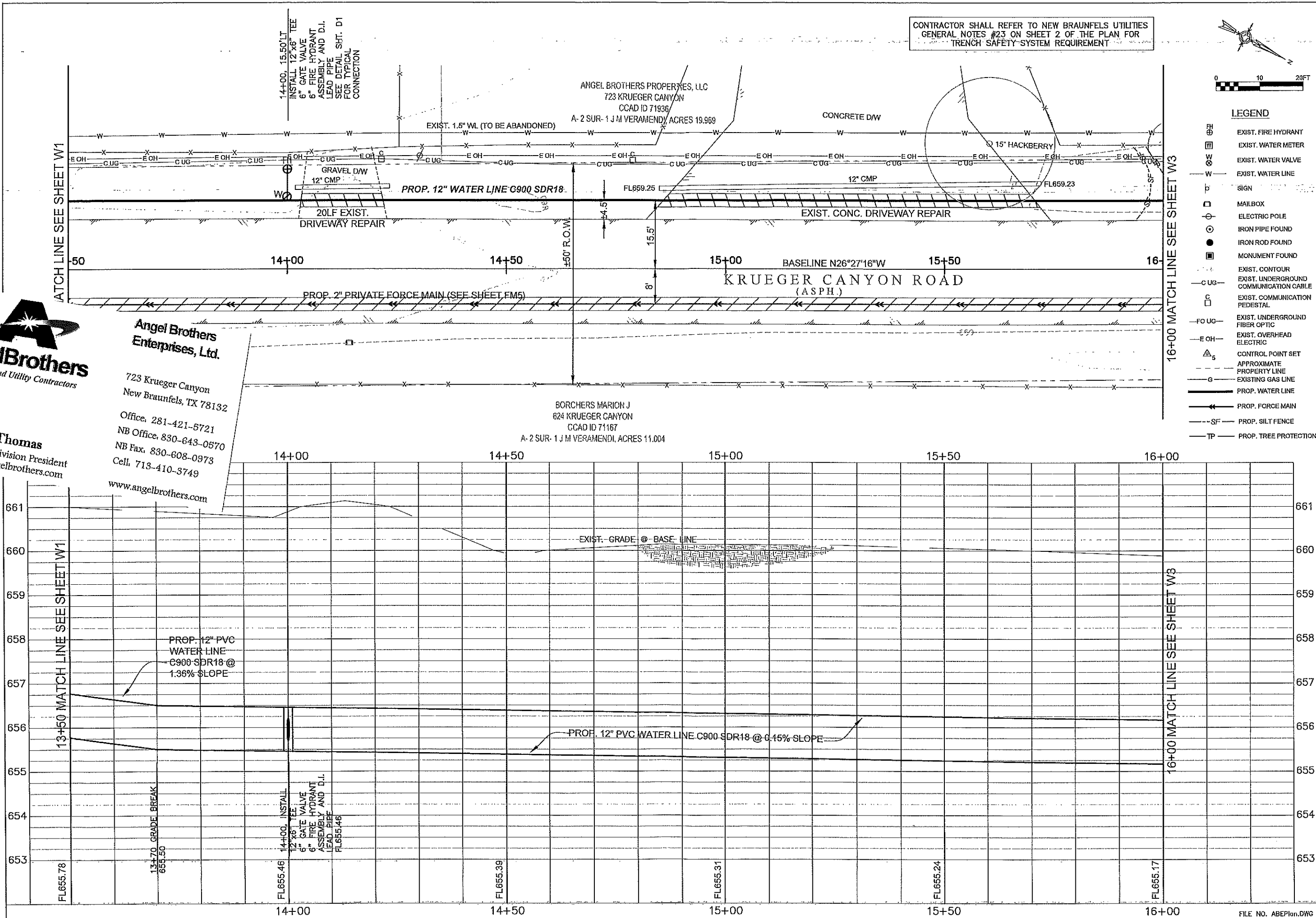
723 Krueger Canyon
New Braunfels, TX 78132

Office, 281-421-8721
NB Office, 830-643-0570
NB Fax, 830-608-0973
Cell, 713-410-3749

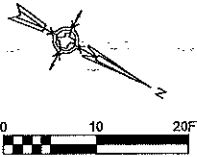
www.angelbrothers.com

Bill Thomas

Hill Country Division President
bthomas@angelbrothers.com



CONTRACTOR SHALL REFER TO NEW BRAUNFELS UTILITIES
GENERAL NOTES #23 ON SHEET 2 OF THE PLAN FOR
TRENCH SAFETY SYSTEM REQUIREMENT



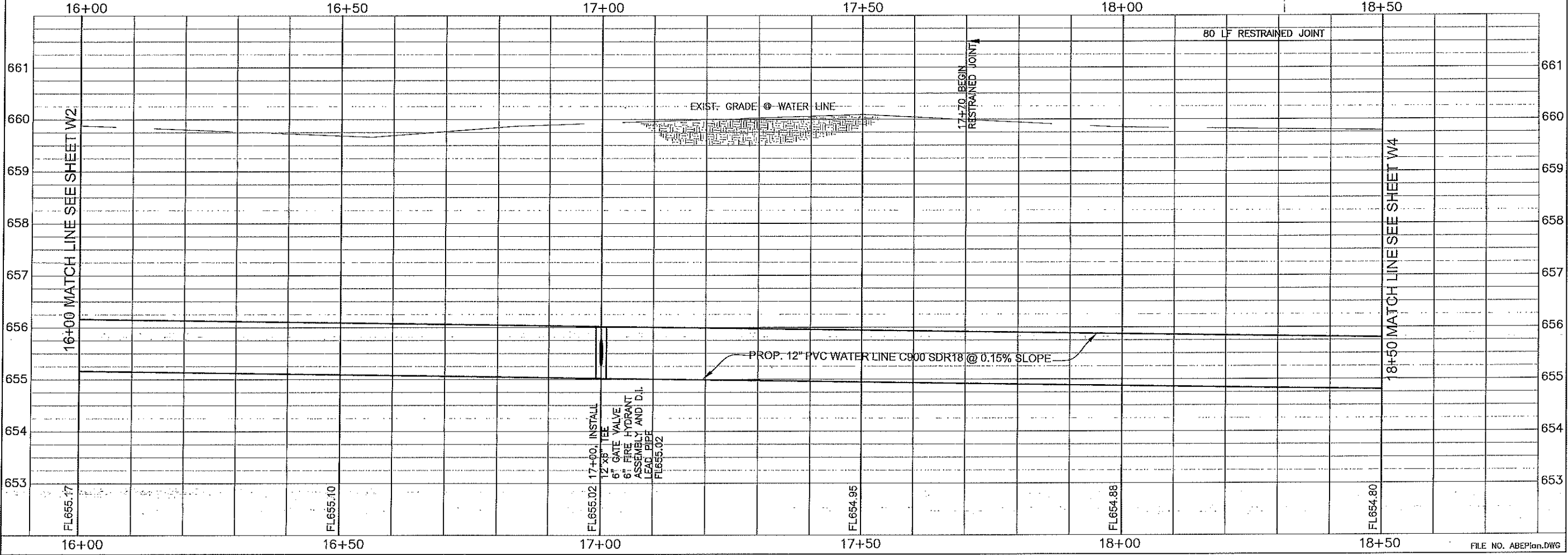
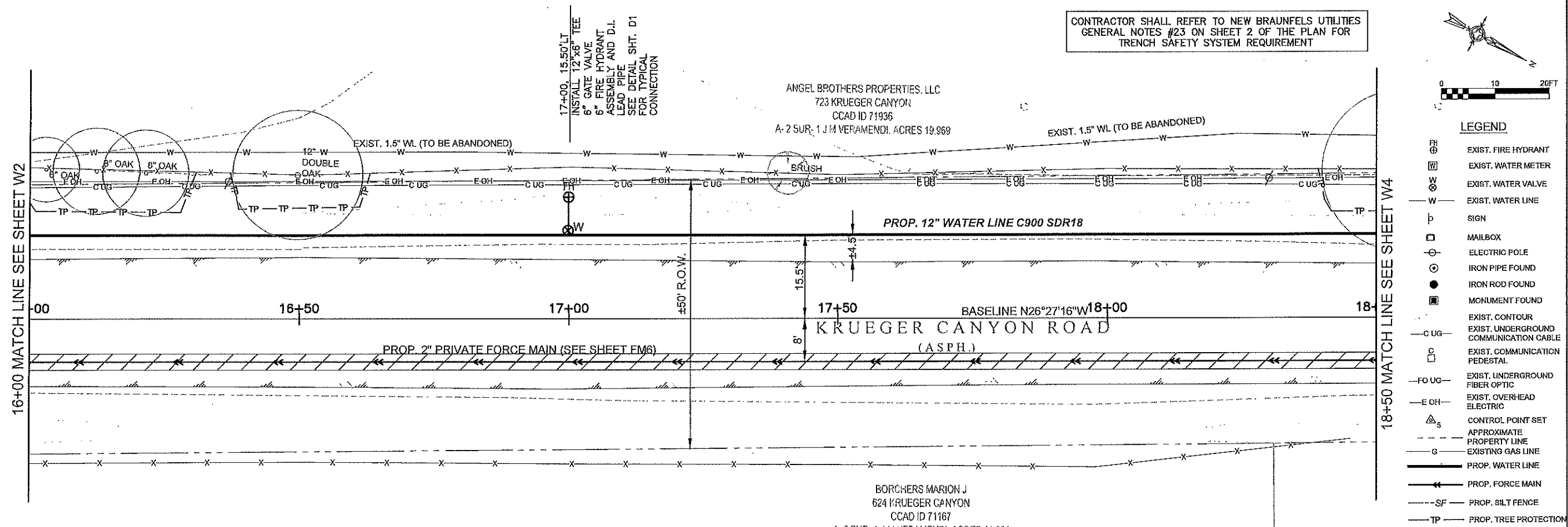
LEGEND

- EXIST. FIRE HYDRANT
- EXIST. WATER METER
- EXIST. WATER VALVE
- EXIST. WATER LINE
- SIGN
- MAILBOX
- ELECTRIC POLE
- IRON PIPE FOUND
- IRON ROD FOUND
- MONUMENT FOUND
- EXIST. CONTOUR
- EXIST. UNDERGROUND COMMUNICATION CABLE
- EXIST. COMMUNICATION PEDESTAL
- EXIST. UNDERGROUND FIBER OPTIC
- EXIST. OVERHEAD ELECTRIC
- CONTROL POINT SET
- APPROXIMATE PROPERTY LINE
- EXISTING GAS LINE
- PROP. WATER LINE
- PROP. FORCE MAIN
- PROP. SILT FENCE
- PROP. TREE PROTECTION

HEJL, LEE & ASSOCIATES, INC.
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HUTTO, TX 78634
PH: (512) 642-3292
TYPE FIRM NO. F-755, TEMPL FIRM NO. 10058500

ANGEL BROTHERS ENTERPRISES
NEW BRAUNFELS OFFICE
WATER & WASTEWATER IMPROVEMENTS
12" OFFSITE WATER LINE IMPROVEMENTS
STA. 13+50 TO STA. 16+00

DESIGNED BY: FND
DRAWN BY: FND
REVIEWED BY: CL
APPROVED BY: DPH
PROJECT NO.: P171105
DATE: 1-29-19
SCALE: AS SHOWN
DWG. NO. W2
SHEET - OF -



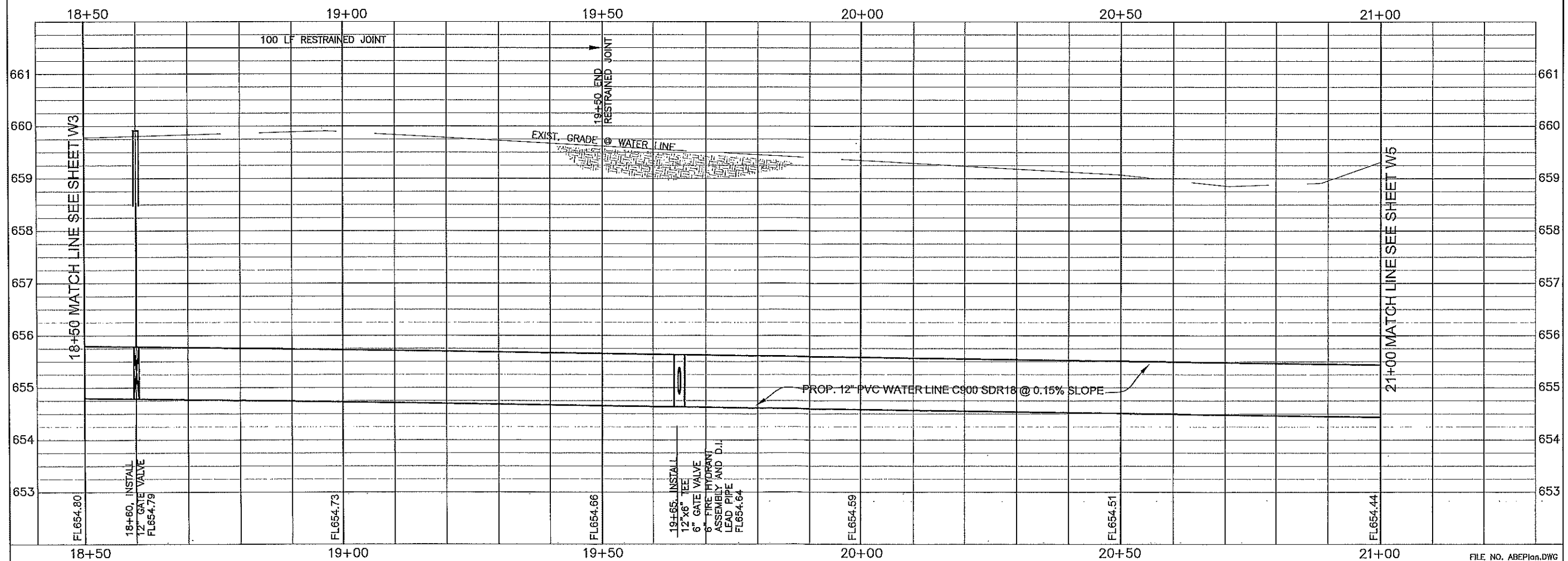
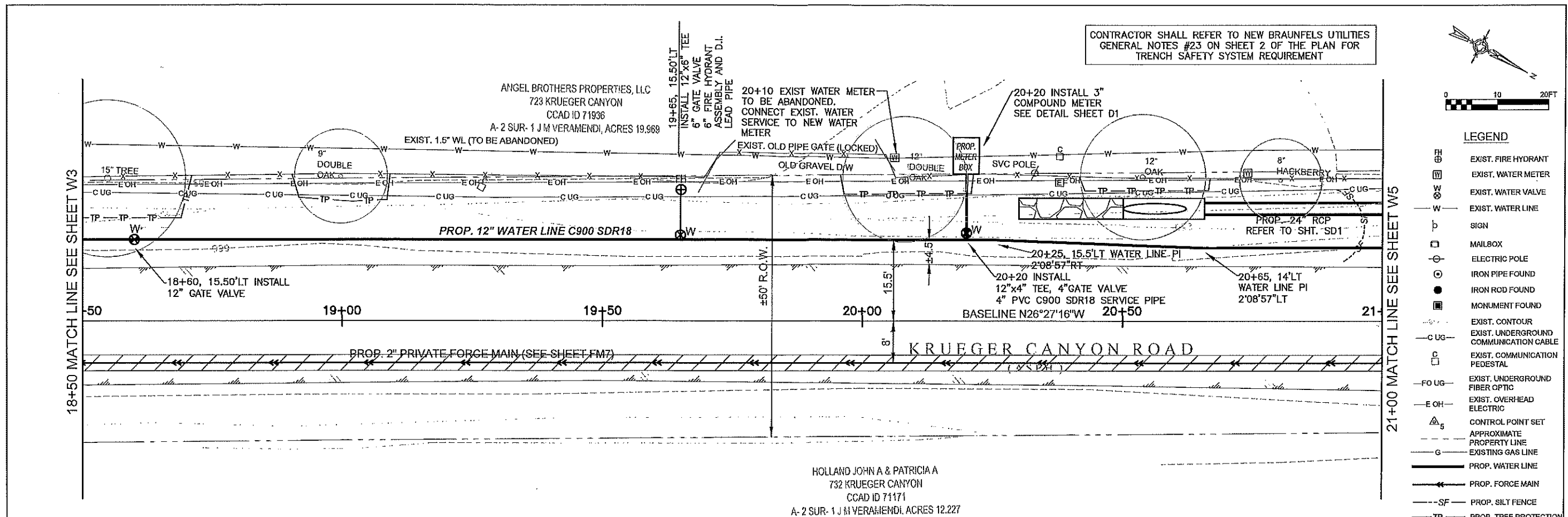
HEJL, LEE & ASSOCIATES, INC.
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TBP# FIRM NO. F-755, TBP# FIRM NO. 10058500

ANGEL BROTHERS ENTERPRISES
NEW BRAUNFELS OFFICE
WATER & WASTEWATER IMPROVEMENTS
12" OFFSITE WATER LINE IMPROVEMENTS
STA. 16+00 TO STA. 18+50

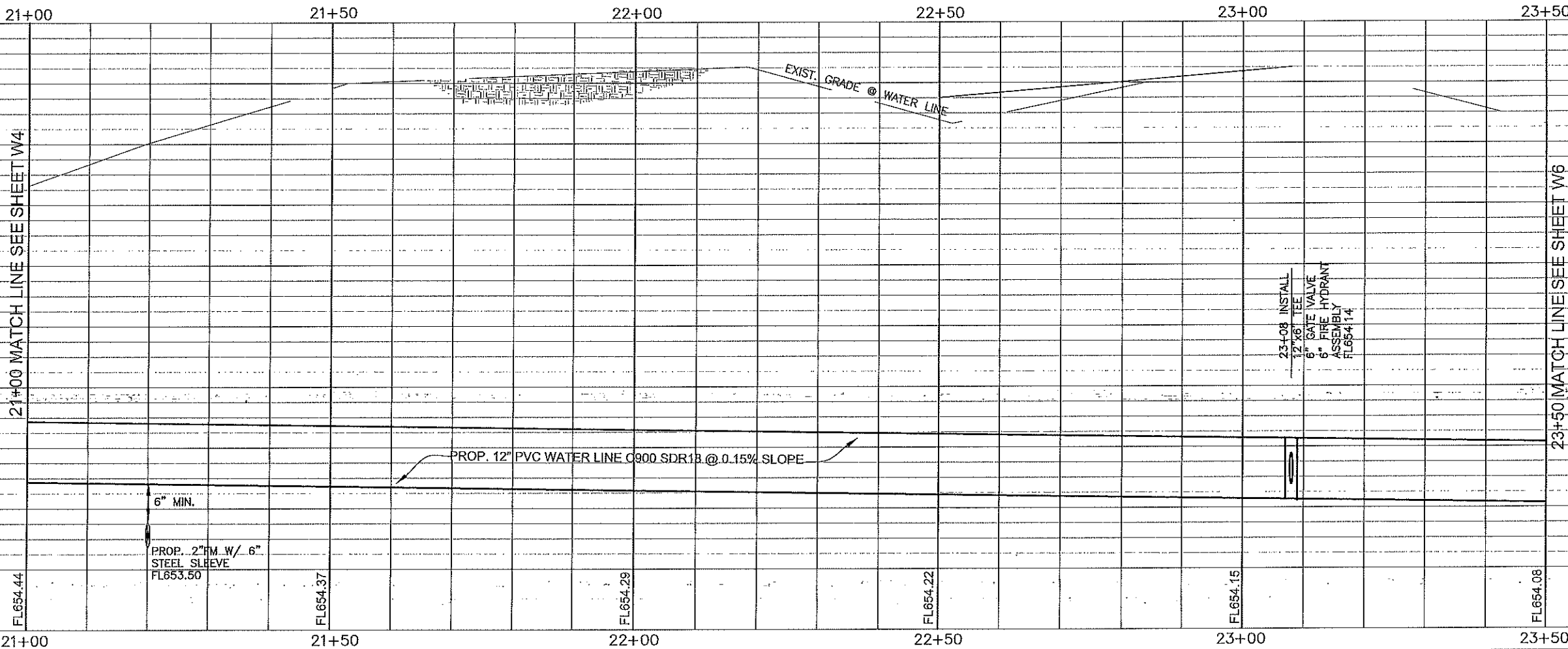
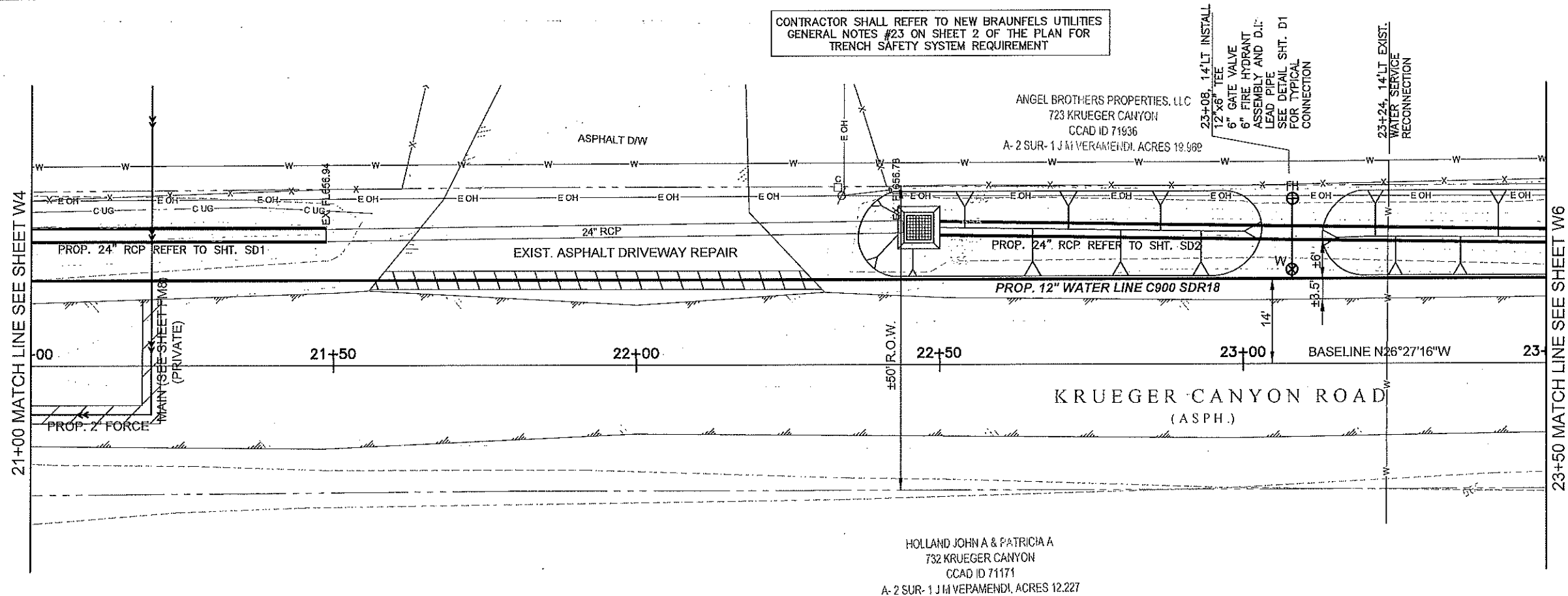
DESIGNED BY: FND
DRAWN BY: FND
REVIEWED BY: CL
APPROVED BY: DPH
PROJECT NO.: P171105
DATE: 1-29-19
SCALE: AS SHOWN
DWG. NO. W3

SHEET - OF -

FILE NO. ABEPlan.DWG



CONTRACTOR SHALL REFER TO NEW BRAUNFELS UTILITIES
GENERAL NOTES #23 ON SHEET 2 OF THE PLAN FOR
TRENCH SAFETY SYSTEM REQUIREMENT



LEGEND

- EXIST. FIRE HYDRANT
- EXIST. WATER METER
- EXIST. WATER VALVE
- EXIST. WATER LINE
- SIGN
- MAILBOX
- ELECTRIC POLE
- IRON PIPE FOUND
- IRON ROD FOUND
- MONUMENT FOUND
- EXIST. CONTOUR
- EXIST. UNDERGROUND COMMUNICATION CABLE
- EXIST. COMMUNICATION PEDESTAL
- EXIST. UNDERGROUND FIBER OPTIC
- EXIST. OVERHEAD ELECTRIC
- CONTROL POINT SET
- APPROXIMATE PROPERTY LINE
- EXISTING GAS LINE
- PROP. WATER LINE
- PROP. FORCE MAIN
- PROP. SILT FENCE
- PROP. TREE PROTECTION

0 10 20 FT

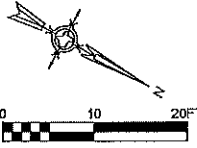
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TXPE FIRM NO. F-755, TPLS FIRM NO. 10058500



ANGEL BROTHERS ENTERPRISES
NEW BRAUNFELS OFFICE
WATER & WASTEWATER IMPROVEMENTS
12" OFFSITE WATER LINE IMPROVEMENTS
STA. 21+00 TO STA. 23+50

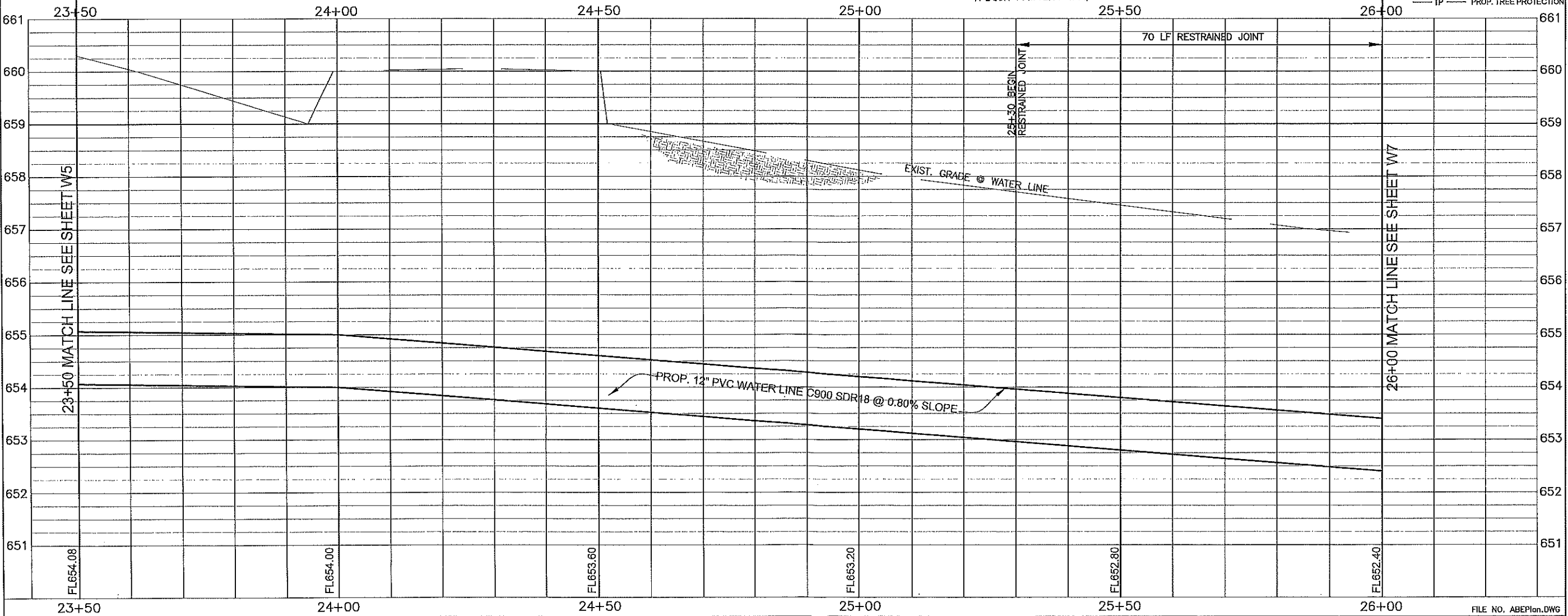
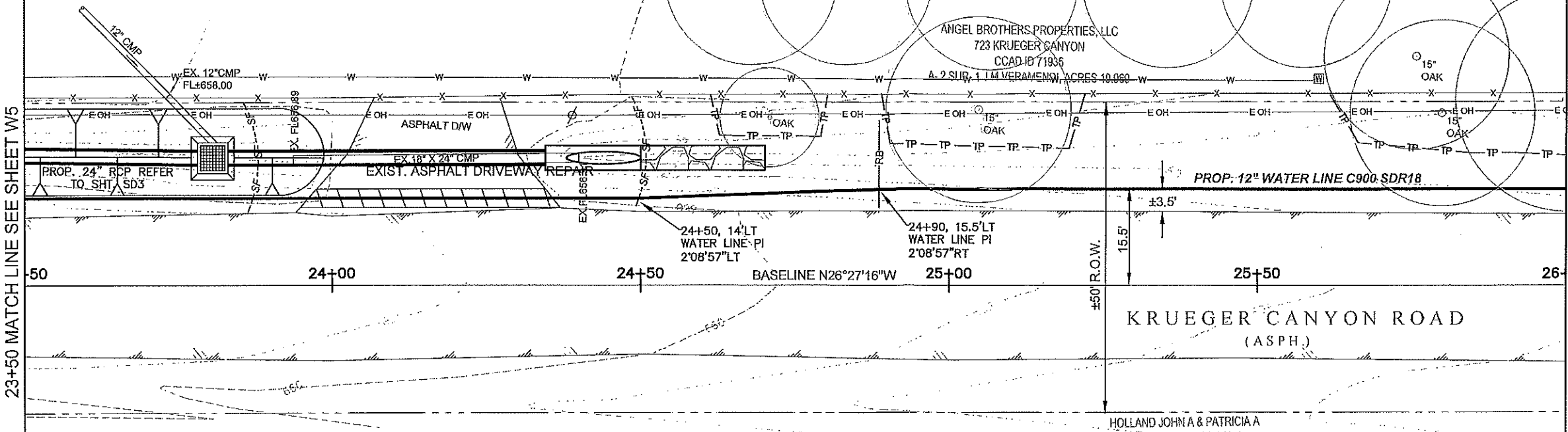
DESIGNED BY: FND
DRAWN BY: FND
REVIEWED BY: CL
APPROVED BY: DPH
PROJECT NO.: P171105
DATE: 1-31-19
SCALE: AS SHOWN
DWG. NO. W5
SHEET - OF -

CONTRACTOR SHALL REFER TO NEW BRAUNFELS UTILITIES
GENERAL NOTES #23 ON SHEET 2 OF THE PLAN FOR
TRENCH SAFETY SYSTEM REQUIREMENT



LEGEND

- EXIST. FIRE HYDRANT
- EXIST. WATER METER
- EXIST. WATER VALVE
- EXIST. WATER LINE
- SIGN
- MAILBOX
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- IRON PIPE FOUND
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- MONUMENT FOUND
- EXIST. CONTOUR
- EXIST. UNDERGROUND COMMUNICATION CABLE
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- PROP. SILT FENCE
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206 TAYLOR STREET
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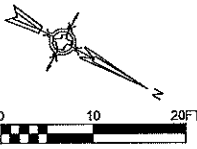
ANGEL BROTHERS ENTERPRISES
NEW BRAUNFELS OFFICE
WATER & WASTEWATER IMPROVEMENTS
12" OFFSITE WATER LINE IMPROVEMENTS
STA. 23+50 TO 26+00

DESIGNED BY: FND
DRAWN BY: FND
REVIEWED BY: CL
APPROVED BY: DPH
PROJECT NO.: P171105
DATE: 1-29-19
SCALE: AS SHOWN
DWG. NO. **W6**

NO. DR. CK. DATE
REVISIONS

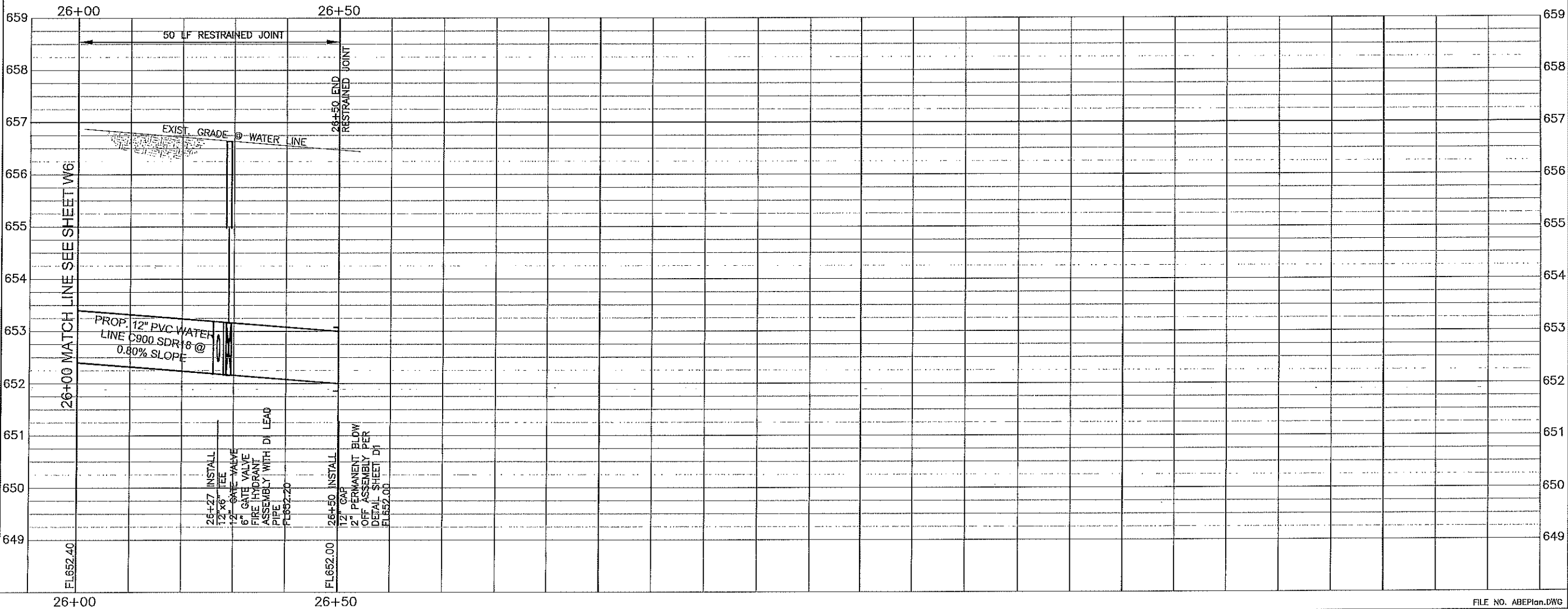
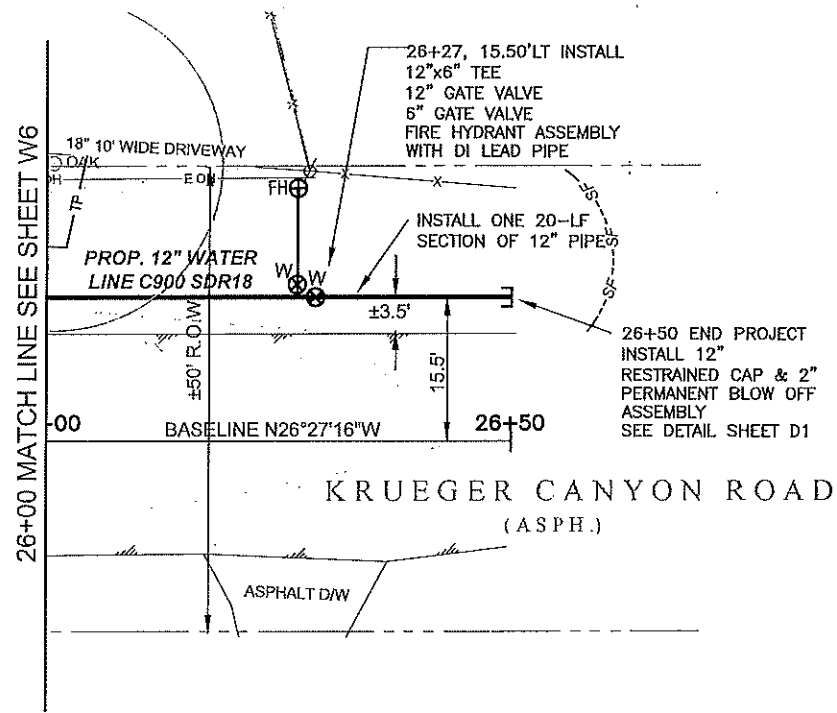
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CONTRACTOR SHALL REFER TO NEW BRAUNFELS UTILITIES
GENERAL NOTES #23 ON SHEET 2 OF THE PLAN FOR
TRENCH SAFETY SYSTEM REQUIREMENT

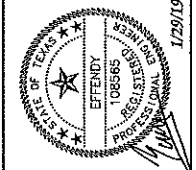


LEGEND

- ⊕ EXIST. FIRE HYDRANT
- ⊕ EXIST. WATER METER
- ⊕ EXIST. WATER VALVE
- W — EXIST. WATER LINE
- ⊕ SIGN
- ⊕ MAILBOX
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- ⊕ IRON PIPE FOUND
- ⊕ IRON ROD FOUND
- ⊕ MONUMENT FOUND
- EXIST. CONTOUR
- C UG — EXIST. UNDERGROUND COMMUNICATION CABLE
- ⊕ EXIST. COMMUNICATION PEDESTAL
- FO UG — EXIST. UNDERGROUND FIBER OPTIC
- E OH — EXIST. OVERHEAD ELECTRIC
- ⊕ CONTROL POINT SET
- APPROXIMATE PROPERTY LINE
- G — EXISTING GAS LINE
- PROP. WATER LINE
- ← PROP. FORCE MAIN
- SF — PROP. SILT FENCE
- TP — PROP. TREE PROTECTION

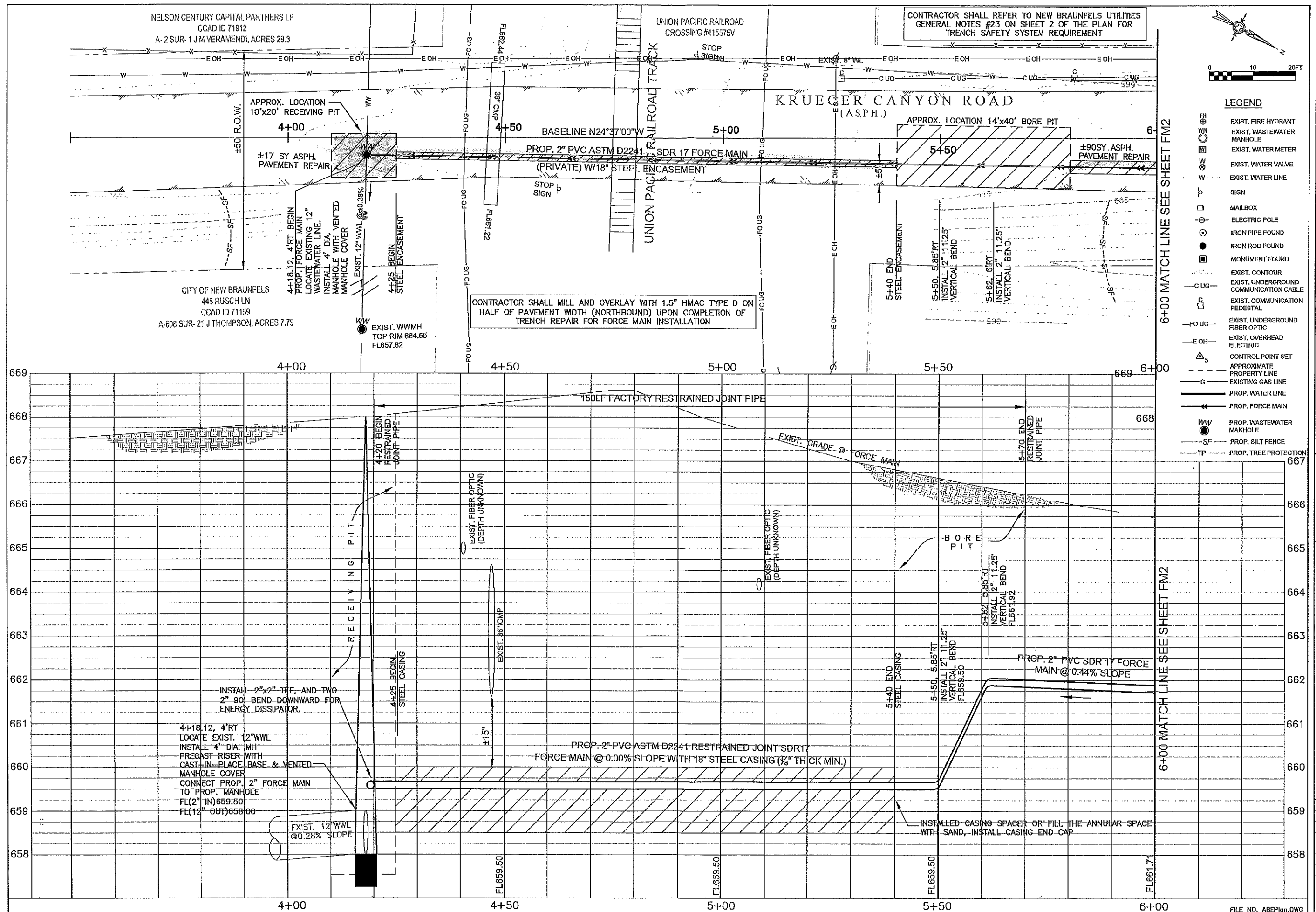


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HUTTO, TX 78634
Ph: (512) 642-3292
TYPE FIRM NO. F-755, TBPUS FIRM NO. 10058500



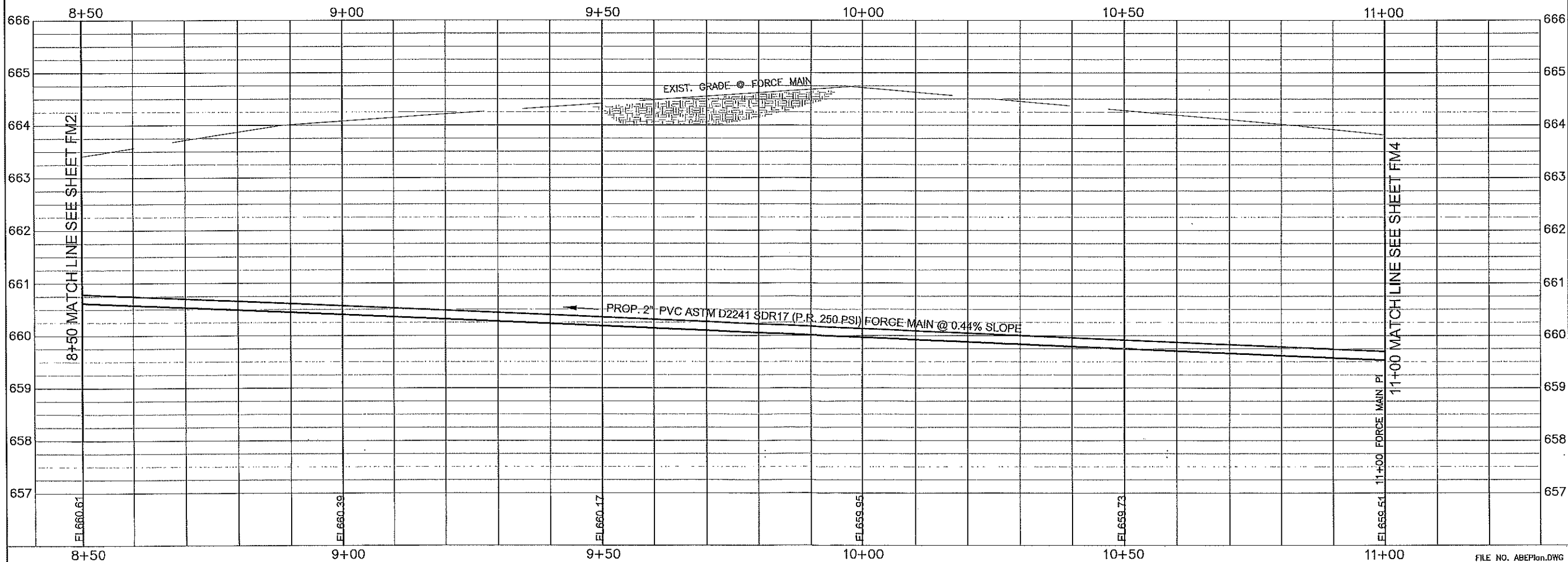
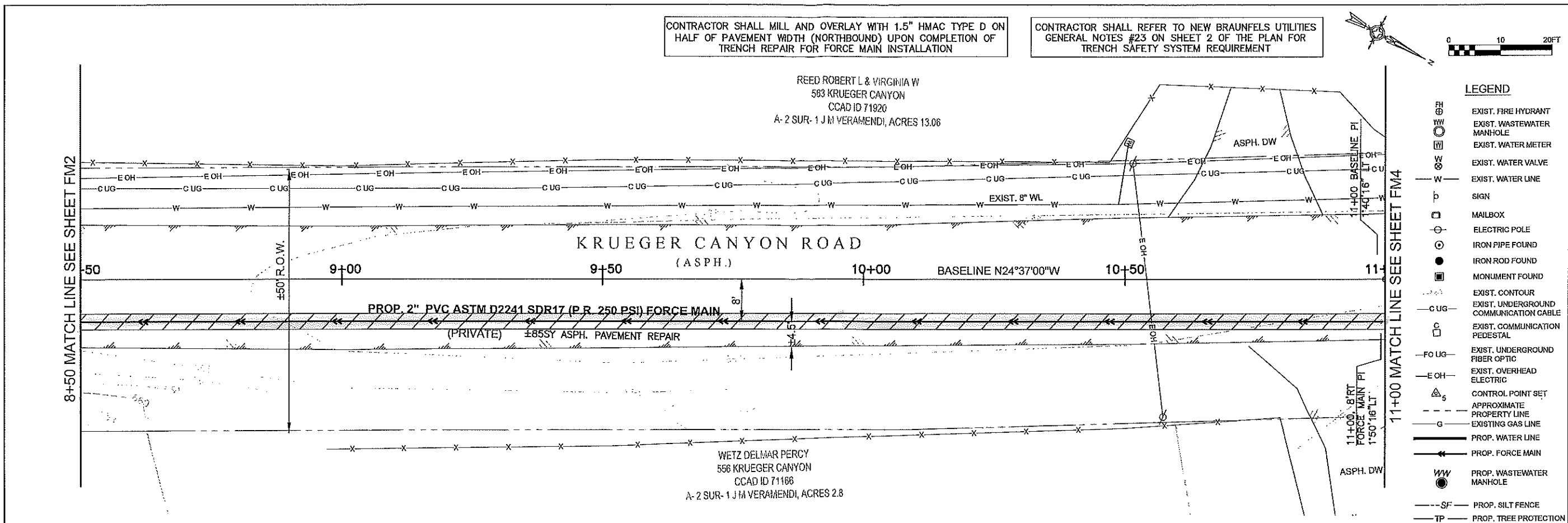
ANGEL BROTHERS ENTERPRISES
NEW BRAUNFELS OFFICE
WATER & WASTEWATER IMPROVEMENTS
12" OFFSITE WATER LINE IMPROVEMENTS
STA. 26+00 TO END

DESIGNED BY: FND
DRAWN BY: FND
REVIEWED BY: CL
APPROVED BY: DPH
PROJECT NO.: P171105
DATE: 1-29-19
SCALE: AS SHOWN
DWG. NO. W7

[illegible]

CONTRACTOR SHALL MILL AND OVERLAY WITH 1.5" HMAc TYPE D ON
HALF OF PAVEMENT WIDTH (NORTHBOUND) UPON COMPLETION OF
TRENCH REPAIR FOR FORCE MAIN INSTALLATION

CONTRACTOR SHALL REFER TO NEW BRAUNFELS UTILITIES
GENERAL NOTES #23 ON SHEET 2 OF THE PLAN FOR
TRENCH SAFETY SYSTEM REQUIREMENT



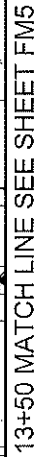
HEIL, LEE & ASSOCIATES, INC.
ENGINEERING • SURVEYING • PLANNING
206 TAYLOR STREET
HUTTO, TX 78634
Ph: (512) 642-3292
TBP# FIRM NO. F-755, TBP# FIRM NO. 10058500

ANGEL BROTHERS ENTERPRISES
NEW BRAUNFELS OFFICE
WATER & WASTEWATER IMPROVEMENTS
2" OFFSITE FORCE MAIN IMPROVEMENTS
STA. 8+50 TO STA. 11+00




DESIGNED BY: FND
DRAWN BY: FND
REVIEWED BY: CL
APPROVED BY: DPH
PROJECT NO.: P171105
DATE: 1-29-19
SCALE: AS SHOWN
DWG. NO. FM3

SHEET - OF -

CONTRACTOR SHALL REFER TO NEW BRAUNFELS UTILITIES
GENERAL NOTES #23 ON SHEET 2 OF THE PLAN FOR
TRENCH SAFETY SYSTEM REQUIREMENT



13+50 MATCH LINE SEE SHEET FM5

 PROP. WASTEWATER
MANHOLE
 PROP. SILT FENCE
 PROP. TREE PROTECTION

HEJL, LEE & ASSOCIATES, INC.
ENGINEERING • SURVEYING • PLANNING

206 TAYLOR STREET

HUTTO, TX 78634
Ph:(512) 642-3292

TBPE FIRM NO. F-755, TBPLS FIRM NO. 10058500

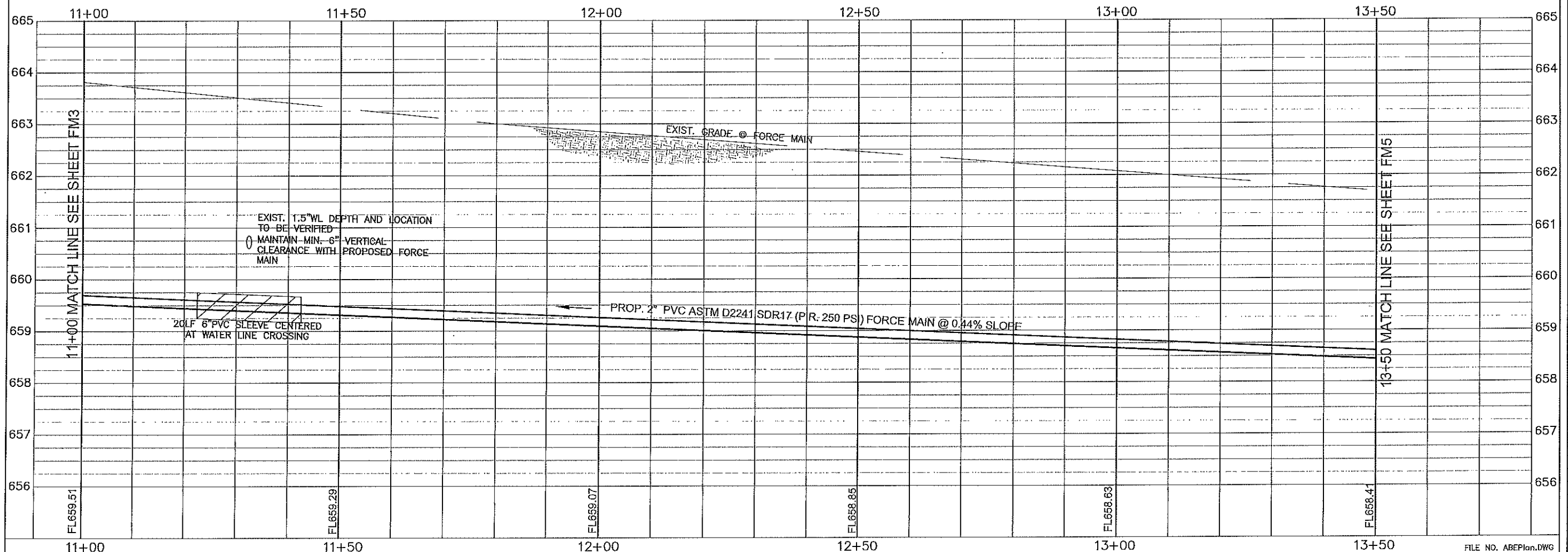
ANGEL BROTHERS ENTERPRISES
NEW BRAUNFELS OFFICE
WATER & WASTEWATER IMPROVEMENTS

2" OFFSITE FORCE MAIN IMPROVEMENTS
STA. 11+00 TO STA. 13+50

DESIGNED BY:	FND
RAWN BY:	FND
VIEWED BY:	CL
APPROVED BY:	DPH
PROJECT NO.:	P171105
DATE:	1-29-19
SCALE:	AS SHOWN

4

HEET - OF -



CONTRACTOR SHALL MILL AND OVERLAY WITH 1.5" HMA TYPE D ON HALF OF PAVEMENT WIDTH (NORTHBOUND) UPON COMPLETION OF TRENCH REPAIR FOR FORCE MAIN INSTALLATION

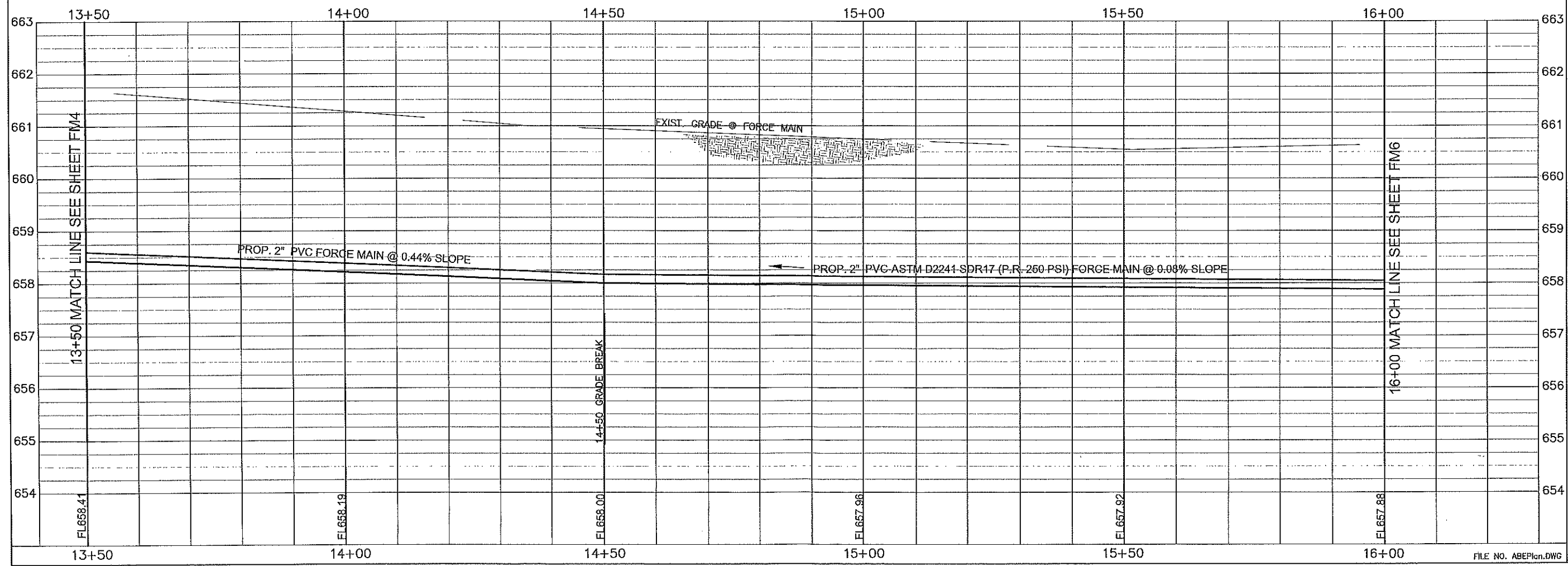
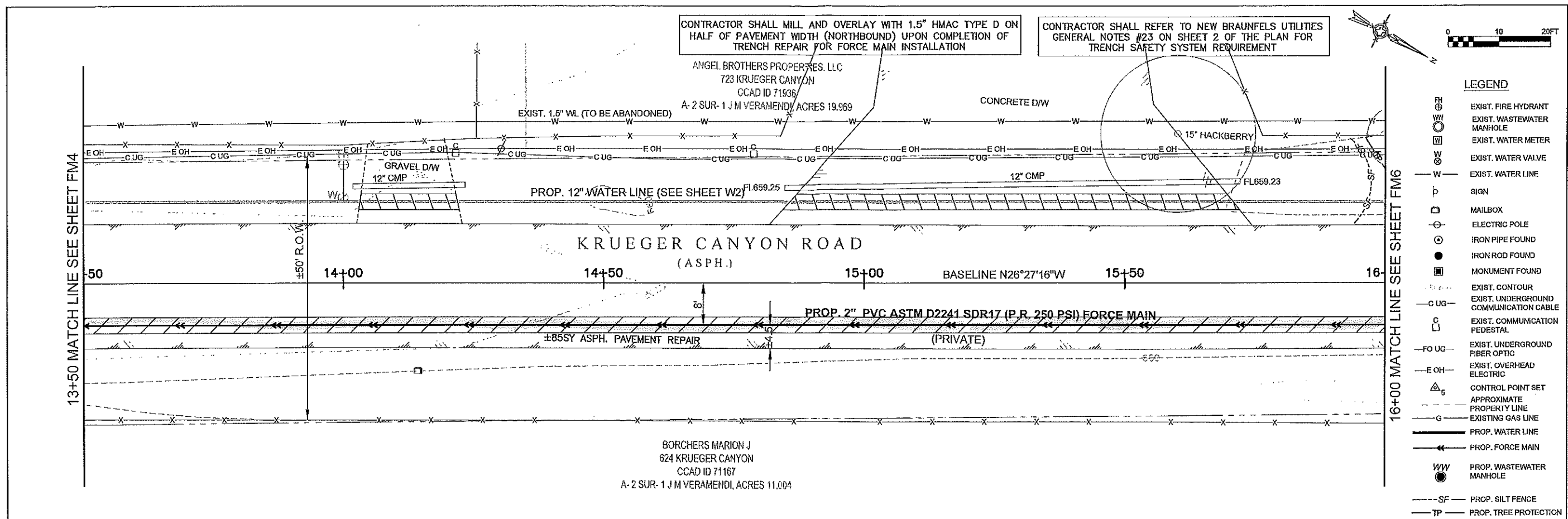
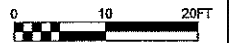
CONTRACTOR SHALL REFER TO NEW BRAUNFELS UTILITIES GENERAL NOTES #23 ON SHEET 2 OF THE PLAN FOR TRENCH SAFETY SYSTEM REQUIREMENT

ANGEL BROTHERS PROPERTIES, LLC
723 KRUEGER CANYON
CCAD ID 71536
A-2 SUR-1 J M VERAMENDI, ACRES 19.959

BORCHERS MARION J
624 KRUEGER CANYON
CCAD ID 71167
A-2 SUR-1 J M VERAMENDI, ACRES 11.004

LEGEND

- EXIST. FIRE HYDRANT
- EXIST. WASTEWATER MANHOLE
- EXIST. WATER METER
- EXIST. WATER VALVE
- EXIST. WATER LINE
- SIGN
- MAILBOX
- ELECTRIC POLE
- IRON PIPE FOUND
- IRON ROD FOUND
- MONUMENT FOUND
- EXIST. CONTOUR
- EXIST. UNDERGROUND COMMUNICATION CABLE
- EXIST. COMMUNICATION PEDESTAL
- EXIST. UNDERGROUND FIBER OPTIC
- EXIST. OVERHEAD ELECTRIC
- CONTROL POINT SET
- APPROXIMATE PROPERTY LINE
- EXISTING GAS LINE
- PROP. WATER LINE
- PROP. FORCE MAIN
- PROP. WASTEWATER MANHOLE
- PROP. SILT FENCE
- PROP. TREE PROTECTION



HEJL, LEE & ASSOCIATES, INC.
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206 TAYLOR STREET
HUTTO, TX 78634
PH: (512) 642-3292
TXBE FIRM NO. F-755, TBPLS FIRM NO. 10058500

ANGEL BROTHERS ENTERPRISES
NEW BRAUNFELS OFFICE
WATER & WASTEWATER IMPROVEMENTS
2" OFFSITE FORCE MAIN IMPROVEMENTS
STA. 13+50 TO STA. 16+00

REVISIONS	
NO.	DESCRIPTION

DESIGNED BY:	FND
DRAWN BY:	FND
REVIEWED BY:	CL
APPROVED BY:	DPH
PROJECT NO.:	P171105
DATE:	1-29-19
SCALE:	AS SHOWN
DWG. NO.	FM5

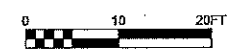
SHEET - OF -

CONTRACTOR SHALL MILL AND OVERLAY WITH 1.5" HMAC TYPE D ON HALF OF PAVEMENT WIDTH (NORTHBOUND) UPON COMPLETION OF TRENCH REPAIR FOR FORCE MAIN INSTALLATION

CONTRACTOR SHALL REFER TO NEW BRAUNFELS UTILITIES GENERAL NOTES #23 ON SHEET 2 OF THE PLAN FOR TRENCH SAFETY SYSTEM REQUIREMENT

ANGEL BROTHERS PROPERTIES, LLC
723 KRUEGER CANYON
CCAD ID 71936
A-2 SUR-1 J M VERAMENDI, ACRES 19.969

BORCHERS MARION J
624 KRUEGER CANYON
CCAD ID 71167
A-2 SUR-1 J M VERAMENDI, ACRES 11.004



LEGEND

- EXIST. FIRE HYDRANT
- EXIST. WASTEWATER MANHOLE
- EXIST. WATER METER
- EXIST. WATER VALVE
- EXIST. WATER LINE
- SIGN
- MAILBOX
- ELECTRIC POLE
- IRON PIPE FOUND
- IRON ROD FOUND
- MONUMENT FOUND
- EXIST. CONTOUR
- EXIST. UNDERGROUND COMMUNICATION CABLE
- EXIST. COMMUNICATION PEDESTAL
- EXIST. UNDERGROUND FIBER OPTIC
- EXIST. OVERHEAD ELECTRIC
- CONTROL POINT SET
- APPROXIMATE PROPERTY LINE
- EXISTING GAS LINE
- PROP. WATER LINE
- PROP. FORCE MAIN
- PROP. WASTEWATER MANHOLE
- PROP. SILT FENCE
- PROP. TREE PROTECTION

16+00 MATCH LINE SEE SHEET FM5

18+50 MATCH LINE SEE SHEET FM7

KRUEGER CANYON ROAD (ASPH.)

BASELINE N26°27'16"W

PROP. 2" PVC ASTM D2241 SDR17 (P.R. 250 PSI) FORCE MAIN (PRIVATE)

±85SY ASPH. PAVEMENT REPAIR

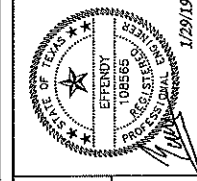
PROP. 2" PVC ASTM D2241 SDR17 (P.R. 250 PSI) FORCE MAIN @ 0.08% SLOPE

EXIST. GRADE @ FORCE MAIN

16+00 MATCH LINE SEE SHEET FM5

18+50 MATCH LINE SEE SHEET FM7

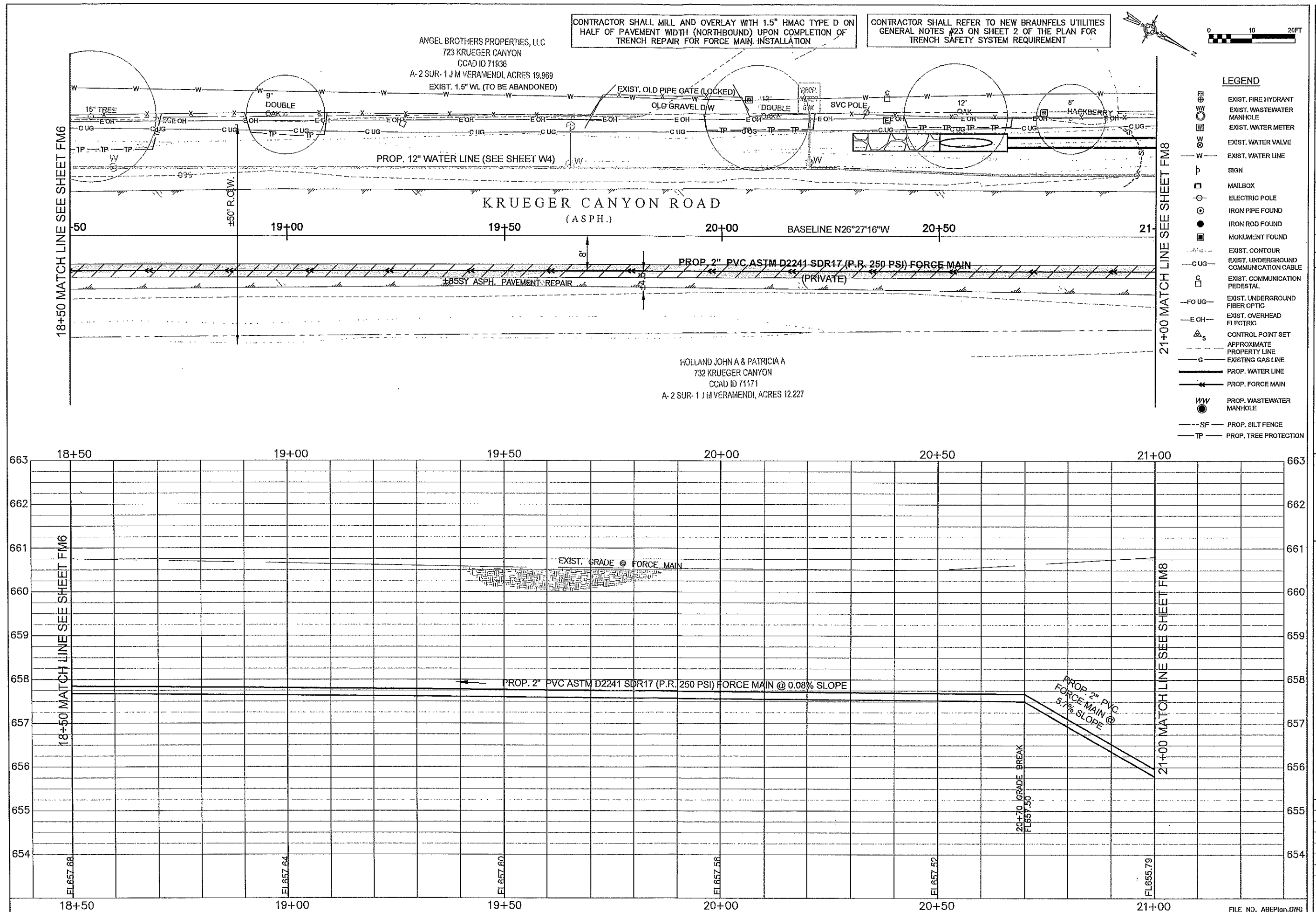
HEJL, LEE & ASSOCIATES, INC.
ENGINEERING • SURVEYING • PLANNING
206 TAYLOR STREET
HUTTO, TX 78634
PH: (512) 642-3292

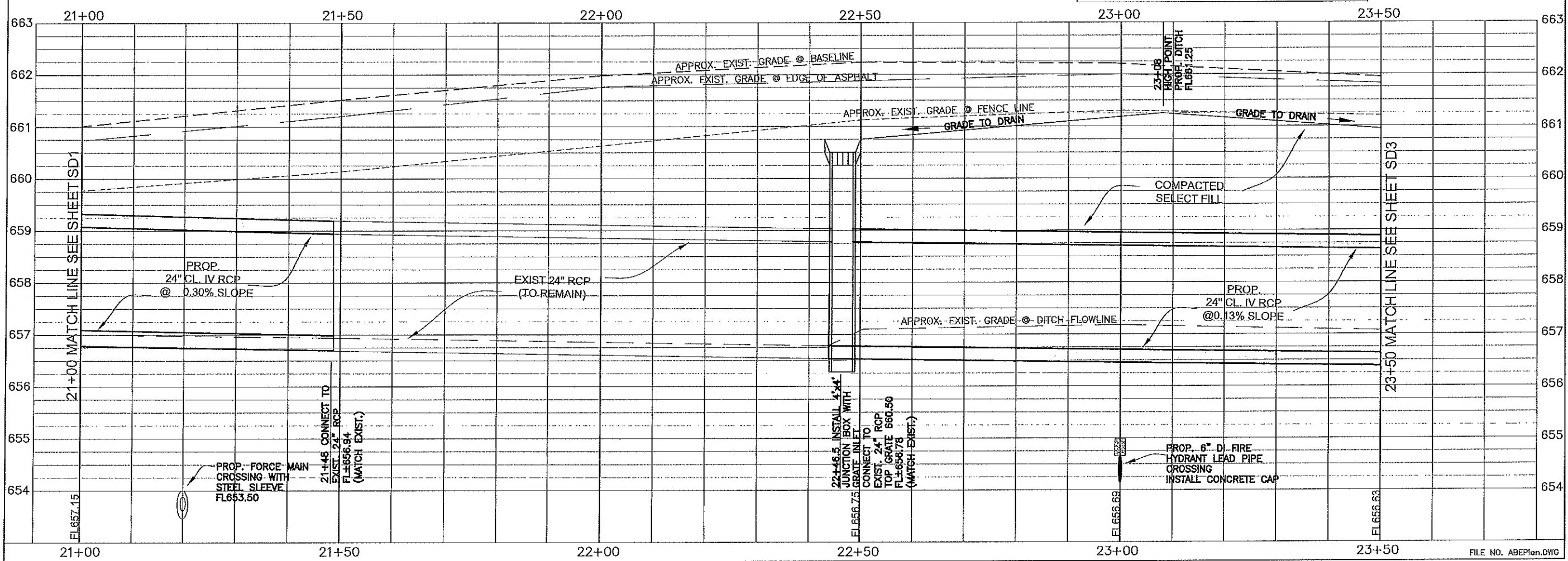
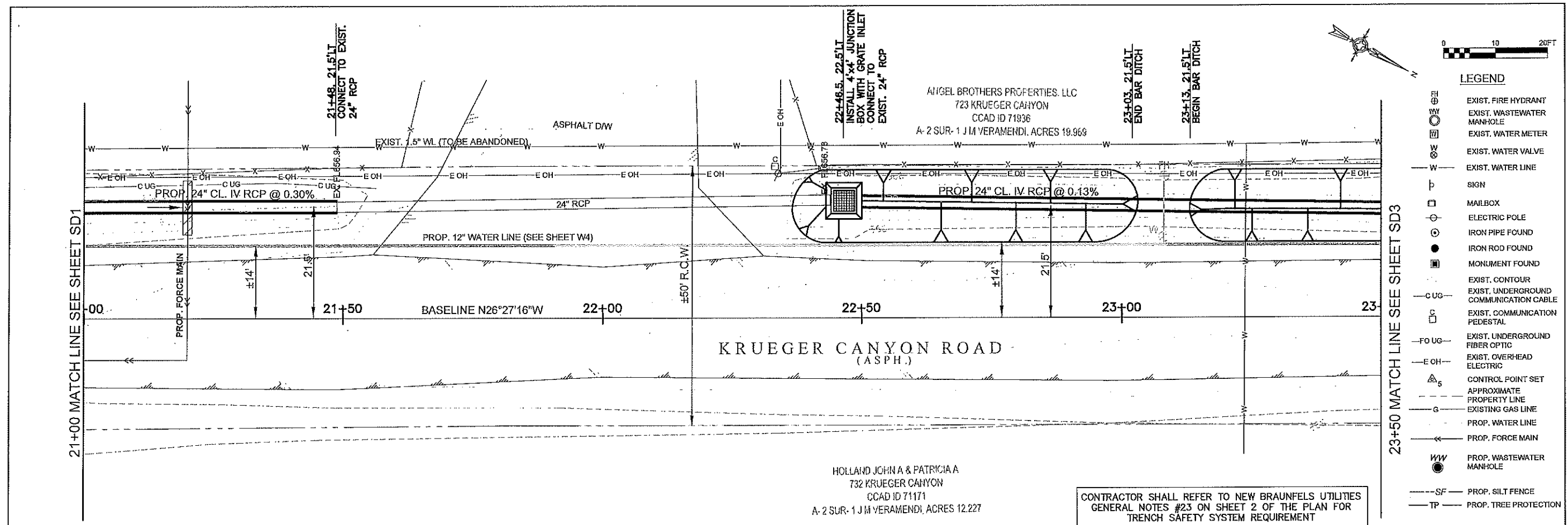


ANGEL BROTHERS ENTERPRISES
NEW BRAUNFELS OFFICE
WATER & WASTEWATER IMPROVEMENTS
2" OFFSITE FORCE MAIN IMPROVEMENTS
STA. 16+00 TO STA. 18+50

DESIGNED BY: FND
DRAWN BY: FND
REVIEWED BY: CL
APPROVED BY: DPH
PROJECT NO.: P171105
DATE: 1-29-19
SCALE: AS SHOWN
DWG. NO. FM6

SHEET - OF -

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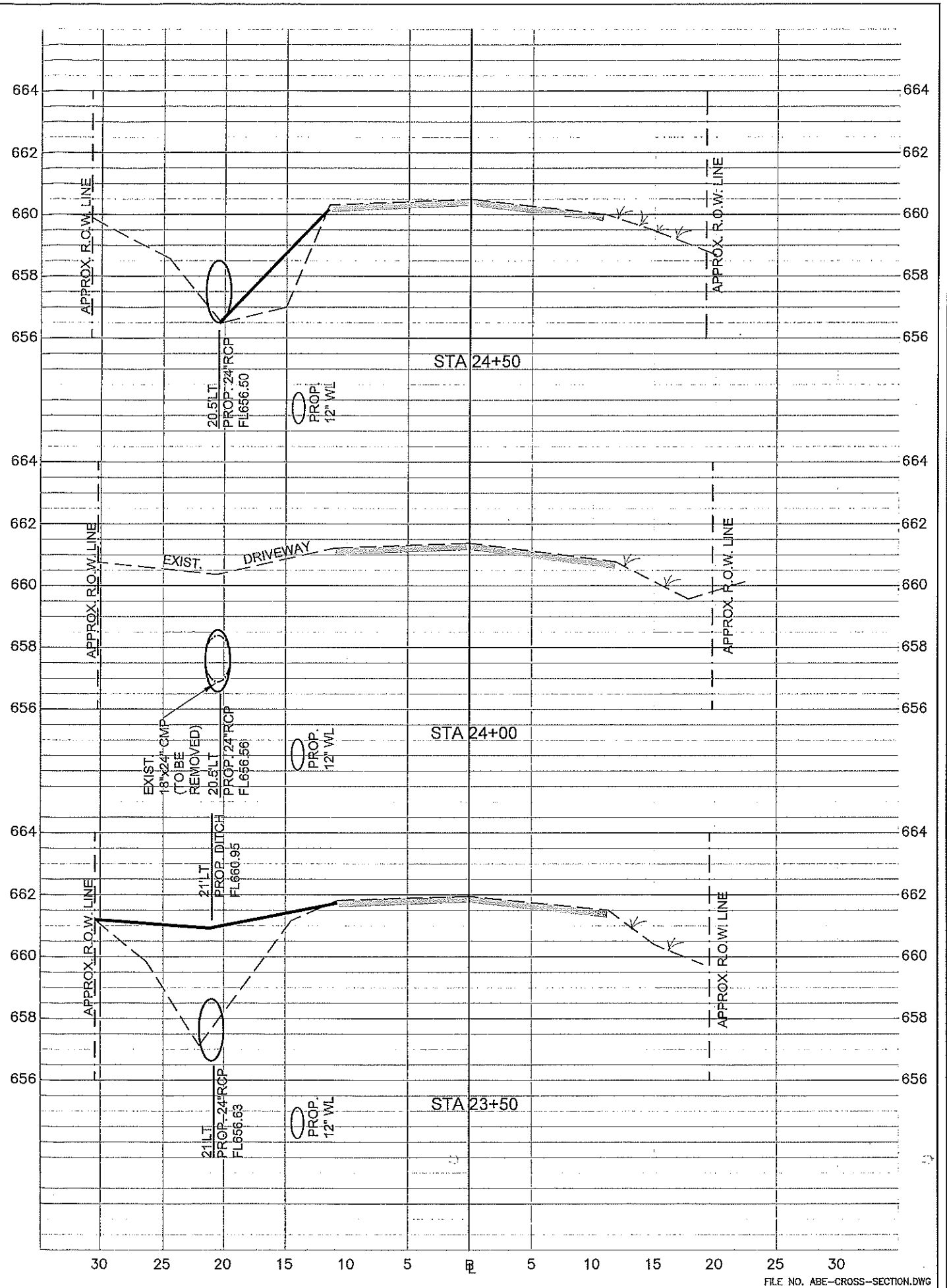
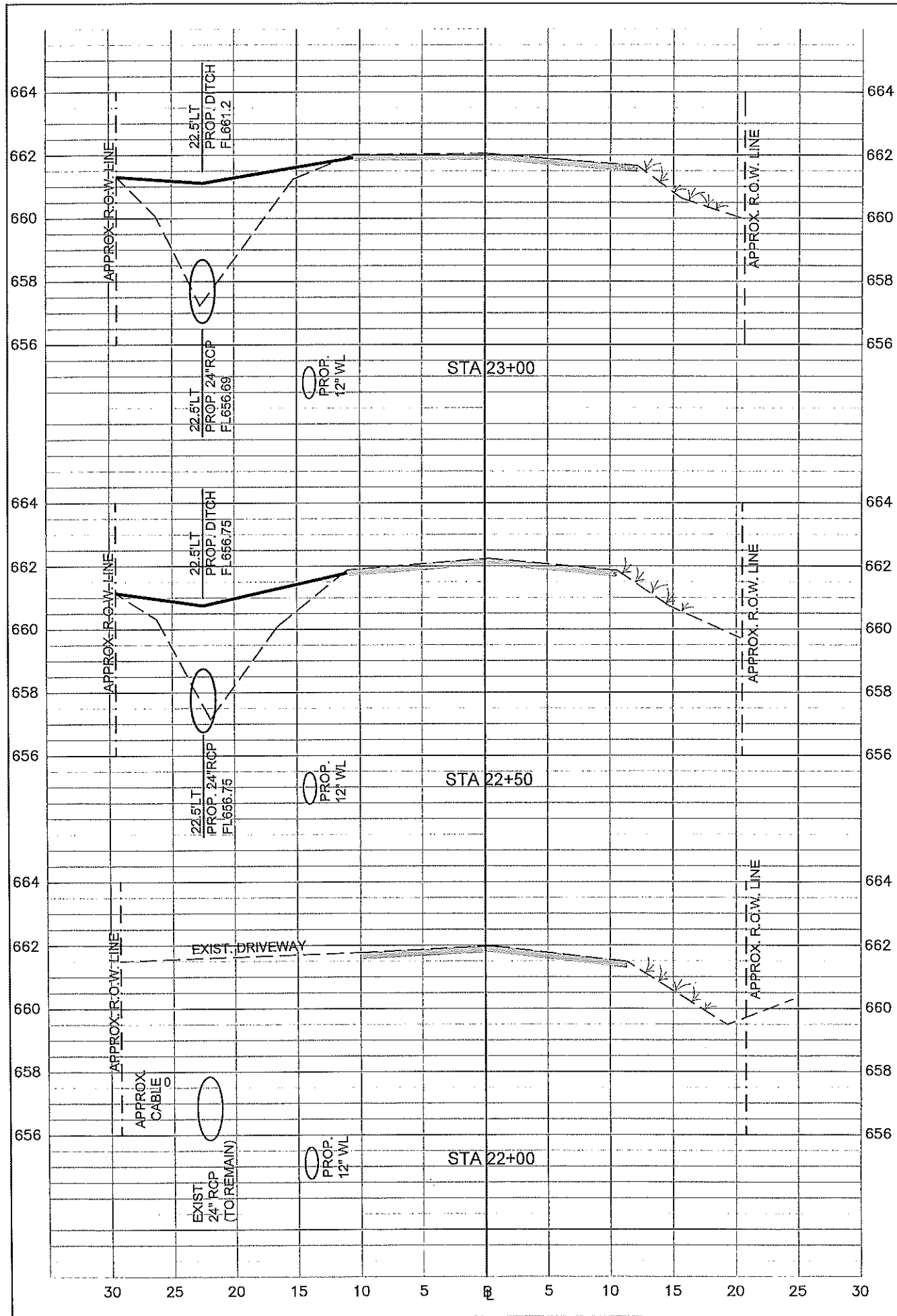


HEJL, LEE & ASSOCIATES, INC.
ENGINEERING • SURVEYING • PLANNING
206 TAYLOR STREET
HUTTO, TX 78634
PH: (512) 642-3292
TXBPE FIRM NO. F-755, TBPLS FIRM NO. 10058500
1/31/19

ANGEL BROTHERS ENTERPRISES
NEW BRAUNFELS OFFICE
WATER & WASTEWATER IMPROVEMENTS
OFFSITE DRAINAGE IMPROVEMENTS
STA. 21+00 TO STA. 23+50

DESIGNED BY:	FND
DRAWN BY:	FND
REVIEWED BY:	CL
APPROVED BY:	DPH
PROJECT NO.:	P171105
DATE:	1-31-19
SCALE:	AS SHOWN
DWG. NO.	SD2

SHEET - OF -



ANGEL BROTHERS ENTERPRISES NEW BRAUNFELS OFFICE WATER & WASTEWATER IMPROVEMENTS CROSS SECTION STA. 22+00 TO STA. 24+50		HEJL, LEE & ASSOCIATES, INC. ENGINEERING • SURVEYING • PLANNING 205 TAYLOR STREET HUTTO, TX 78634 PH: (512) 642-3292 TYPE FIRM NO. F-755, TBPLS FIRM NO. 10058500	
DESIGNED BY:	FND	NO.	DR
DRAWN BY:	FND	CK	DATE
REVIEWED BY:	CL	REVISIONS	
APPROVED BY:	DPH		
PROJECT NO.:	P171105		
DATE:	1-28-19		
SCALE:	AS SHOWN		
DWG. NO.	XS2		
SHEET - OF -			

Project Name: ANGEL BROTHERS OFFSITE WATER AND WASTEWATER
Project Notes:

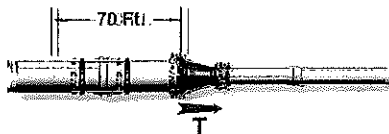


RESTRAINT LENGTH VALUES

Fitting Type	Pipe Material	Soil Type	Safety Factor	Trench Type	Depth of Bury	Test Pressure	Nominal Size	Bend Angle	Branch Size	Length Along Run	Reduced Size	Lowside Depth	Restraint Length	Restraint Length 2
Dead End	PVC	GW	1.55	4	2.59 Ft.	200 PSI	12 in.				8 in.		70 Ft.	

Station Name: Water Line Sta. 11+10

Station Notes:



ALL JOINTS WITHIN THE CALCULATED RESTRAINT LENGTHS BE RESTRAINED.

IF YOUR DISTANCE BETWEEN FITTINGS IS LESS THAN OR EQUAL TO THE CALCULATED RESTRAINT LENGTH, RESTRAIN ALL JOINTS BETWEEN THOSE FITTINGS.

Defined Variables	Defined Variables	Calculations for Restraint
H ₁ = 2.5' Depth of Bury	C ₁ = 0.00 Cohesion Modifier Coefficient	W ₁ = γ · D · H = 302.500 Normal Force Due to Soil
S ₁ = 1.55 Safety Factor	c = 0 Cohesion of Soil	W = 2W ₁ + W _p + W _w = 667.700 Normal Force Acting on Pipeline
P = 200 Internal Pressure	φ = 0.70 Friction Angle Modifier	(A _p) ₁ = π · D = 3.456 Area Based on Full Pipe Circumference
	φ _{int} = 36 Internal Friction Angle of Soil	F ₁ = (A _p) ₁ · C ₁ · c + W · tan(φ / 180) · C ₁ · φ = 314.196 Frictional Resistance
	γ = 110 Soil Density	L = S ₁ · P · A / F ₁ = 69.243 Minimum Restraint Length of Related Side
Pipe Derived Variables		
A _p = 136.85 Cross Sectional Area of Pipe		
D = 12.0 Outside Pipe Diameter		
W _p = 12.17 Weight of Pipe		
W _w = 50.53 Weight of Water in Pipe		

Created by EBAA Iron's Restraint Length Calculator v7.1.2 on January 29, 2019

Project Name: ANGEL BROTHERS OFFSITE WATER AND WASTEWATER
Project Notes:

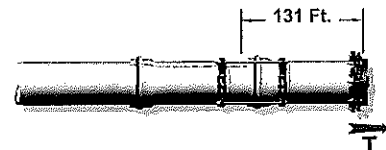


RESTRAINT LENGTH VALUES

Fitting Type	Pipe Material	Soil Type	Safety Factor	Trench Type	Depth of Bury	Test Pressure	Nominal Size	Bend Angle	Branch Size	Length Along Run	Reduced Size	Lowside Depth	Restraint Length	Restraint Length 2
Dead End	PVC	GW	1.55	4	2.5 Ft.	200 PSI	12 in.						131 Ft.	

Station Name: Water Line Sta. 11+10

Station Notes: Assume Dead End (H=Line 12 Gate Valve Close)



ALL JOINTS WITHIN THE CALCULATED RESTRAINT LENGTHS BE RESTRAINED.

IF YOUR DISTANCE BETWEEN FITTINGS IS LESS THAN OR EQUAL TO THE CALCULATED RESTRAINT LENGTH, RESTRAIN ALL JOINTS BETWEEN THOSE FITTINGS.

Defined Variables	Defined Variables	Calculations for Dead End
H ₁ = 2.5' Depth of Bury	C ₁ = 0.00 Cohesion Modifier Coefficient	W ₁ = γ · D · H = 302.500 Normal Force Due to Soil
S ₁ = 1.55 Safety Factor	c = 0 Cohesion of Soil	W = 2W ₁ + W _p + W _w = 667.700 Normal Force Acting on Pipeline
P = 200 Internal Pressure	φ = 0.70 Friction Angle Modifier	(A _p) ₁ = π · D = 3.456 Area Based on Full Pipe Circumference
	φ _{int} = 36 Internal Friction Angle of Soil	F ₁ = (A _p) ₁ · C ₁ · c + W · tan(φ / 180) · C ₁ · φ = 314.196 Frictional Resistance
	γ = 110 Soil Density	L = S ₁ · P · A / F ₁ = 130.667 Minimum Restraint Length of Dead End
Pipe Derived Variables		
A _p = 136.85 Cross Sectional Area of Pipe		
D = 12.0 Outside Pipe Diameter		
W _p = 12.17 Weight of Pipe		
W _w = 50.53 Weight of Water in Pipe		

Created by EBAA Iron's Restraint Length Calculator v7.1.2 on January 29, 2019

Project Name: ANGEL BROTHERS OFFSITE WATER AND WASTEWATER
Project Notes:

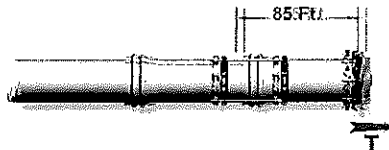


RESTRAINT LENGTH VALUES

Fitting Type	Pipe Material	Soil Type	Safety Factor	Trench Type	Depth of Bury	Test Pressure	Nominal Size	Bend Angle	Branch Size	Length Along Run	Reduced Size	Lowside Depth	Restraint Length	Restraint Length 2
Dead End	PVC	GW	1.55	4	4.9 Ft.	200 PSI	12 in.						85 Ft.	

Station Name: Water Line Sta. 18+60

Station Notes: Assume dead end (defined 22 gate valve close)



ALL JOINTS WITHIN THE CALCULATED RESTRAINT LENGTHS BE RESTRAINED.

IF YOUR DISTANCE BETWEEN FITTINGS IS LESS THAN OR EQUAL TO THE CALCULATED RESTRAINT LENGTH, RESTRAIN ALL JOINTS BETWEEN THOSE FITTINGS.

Defined Variables	Defined Variables	Calculations for Dead End
H ₁ = 4.9' Depth of Bury	C ₁ = 0.00 Cohesion Modifier Coefficient	W ₁ = γ · D · H = 494.000 Normal Force Due to Soil
S ₁ = 1.55 Safety Factor	c = 0 Cohesion of Soil	W = 2W ₁ + W _p + W _w = 1030.000 Normal Force Acting on Pipeline
P = 200 Internal Pressure	φ = 0.70 Friction Angle Modifier	(A _p) ₁ = π · D = 3.456 Area Based on Full Pipe Circumference
	φ _{int} = 36 Internal Friction Angle of Soil	F ₁ = (A _p) ₁ · C ₁ · c + W · tan(φ / 180) · C ₁ · φ = 485.016 Frictional Resistance
	γ = 110 Soil Density	L = S ₁ · P · A / F ₁ = 84.418 Minimum Restraint Length of Dead End
Pipe Derived Variables		
A _p = 136.85 Cross Sectional Area of Pipe		
D = 12.0 Outside Pipe Diameter		
W _p = 12.17 Weight of Pipe		
W _w = 50.53 Weight of Water in Pipe		

Created by EBAA Iron's Restraint Length Calculator v7.1.2 on January 29, 2019

Project Name: ANGEL BROTHERS OFFSITE WATER AND WASTEWATER
Project Notes:

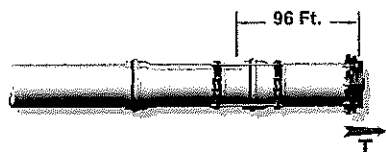


RESTRAINT LENGTH VALUES

Fitting Type	Pipe Material	Soil Type	Safety Factor	Trench Type	Depth of Bury	Test Pressure	Nominal Size	Bend Angle	Branch Size	Length Along Run	Reduced Size	Lowside Depth	Restraint Length	Restraint Length 2
Dead End	PVC	GW	1.55	4	3.5 Ft.	200 PSI	12 in.						96 Ft.	

Station Name: Water Line Sta. 26+27

Station Notes:



ALL JOINTS WITHIN THE CALCULATED RESTRAINT LENGTHS BE RESTRAINED.

IF YOUR DISTANCE BETWEEN FITTINGS IS LESS THAN OR EQUAL TO THE CALCULATED RESTRAINT LENGTH, RESTRAIN ALL JOINTS BETWEEN THOSE FITTINGS.

Defined Variables	Defined Variables	Calculations for Dead End
H ₁ = 3.5' Depth of Bury	C ₁ = 0.00 Cohesion Modifier Coefficient	W ₁ = γ · D · H = 423.500 Normal Force Due to Soil
S ₁ = 1.55 Safety Factor	c = 0 Cohesion of Soil	W = 2W ₁ + W _p + W _w = 909.700 Normal Force Acting on Pipeline
P = 200 Internal Pressure	φ = 0.70 Friction Angle Modifier	(A _p) ₁ = π · D = 3.456 Area Based on Full Pipe Circumference
	φ _{int} = 36 Internal Friction Angle of Soil	F ₁ = (A _p) ₁ · C ₁ · c + W · tan(φ / 180) · C ₁ · φ = 428.072 Frictional Resistance
	γ = 110 Soil Density	L = S ₁ · P · A / F ₁ = 95.907 Minimum Restraint Length of Dead End
Pipe Derived Variables		
A _p = 136.85 Cross Sectional Area of Pipe		
D = 12.0 Outside Pipe Diameter		
W _p = 12.17 Weight of Pipe		
W _w = 50.53 Weight of Water in Pipe		

Created by EBAA Iron's Restraint Length Calculator v7.1.2 on January 29, 2019

HEJL, LEE & ASSOCIATES, INC.

ENGINEERING • SURVEYING • PLANNING

206 TAYLOR STREET

HUTTO, TX 78634

Ph: (512) 642-3292 FAX: (512) 642-4230

TBPE FIRM NO. F-755, TBPLS FIRM NO. 10058000



ANGEL BROTHERS ENTERPRISES
NEW BRAUNFELS OFFICE
WATER & WASTEWATER IMPROVEMENTS

RESTRAINT JOINT CALCULATION

DESIGNED BY: FND
DRAWN BY: FND
REVIEWED BY: CL
APPROVED BY: DPH
PROJECT NO.: P171105
DATE: 1-30-19
SCALE: AS SHOWN
DWC. NO.
R1
SHEET - OF -

FILE NO. P171105_D.DWG

Project Pitches:

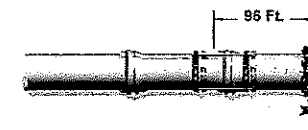


RESTRAINT LENGTH VALUES

Piling Type	Pipe Material	Soil Type	Safety Factor	Trench Type	Depth of Bury	Test Pressure	Nominal Size	Bend Angle	Branch Size	Length Along Run	Reduced Size	LowSide Depth	Restraint Length	Restraint Length 2
Open End	IPN100	CBW	1.55	44	335FE	2200PSI	12in.						50FE	

SB#1 Waterline Sta. 26+50

State Notes: Email info@improvement.com or call 800-451-1000



~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED~~

Calculated Variable	Definition Variable	Calculated Variable
$1H = 1.53 \text{ (Height of Tree)}$ $W = 1.55 \text{ (Weight of Water)}$ $P = 1200 \text{ (Internal Pressure)}$	$1H = 1.53 \text{ (Height of Tree)}$ $W = 1.55 \text{ (Weight of Water)}$ $P = 1200 \text{ (Internal Pressure)}$	$W = 1.55 \text{ (Weight of Water)}$ $P = 1200 \text{ (Internal Pressure)}$ $W = 1.55 \text{ (Weight of Water)}$
$1H = 1.53 \text{ (Height of Tree)}$ $W = 1.55 \text{ (Weight of Water)}$ $P = 1200 \text{ (Internal Pressure)}$	$1H = 1.53 \text{ (Height of Tree)}$ $W = 1.55 \text{ (Weight of Water)}$ $P = 1200 \text{ (Internal Pressure)}$	$W = 1.55 \text{ (Weight of Water)}$ $P = 1200 \text{ (Internal Pressure)}$ $W = 1.55 \text{ (Weight of Water)}$

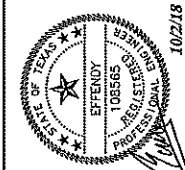
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ENGINEERING • SURVEYING • PLANNING

206 TAYLOR STREET
HUTTO, TX 78634

PH: (512) 642-3292 FAX: (512) 642-4230

TBPE FIRM NO. F-755, TBPLS FIRM NO. 10058500



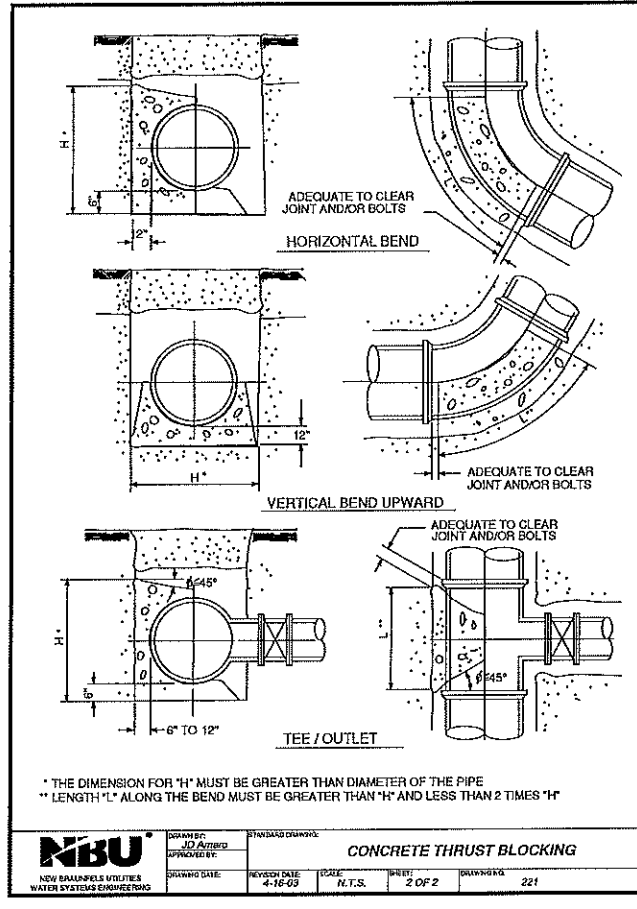
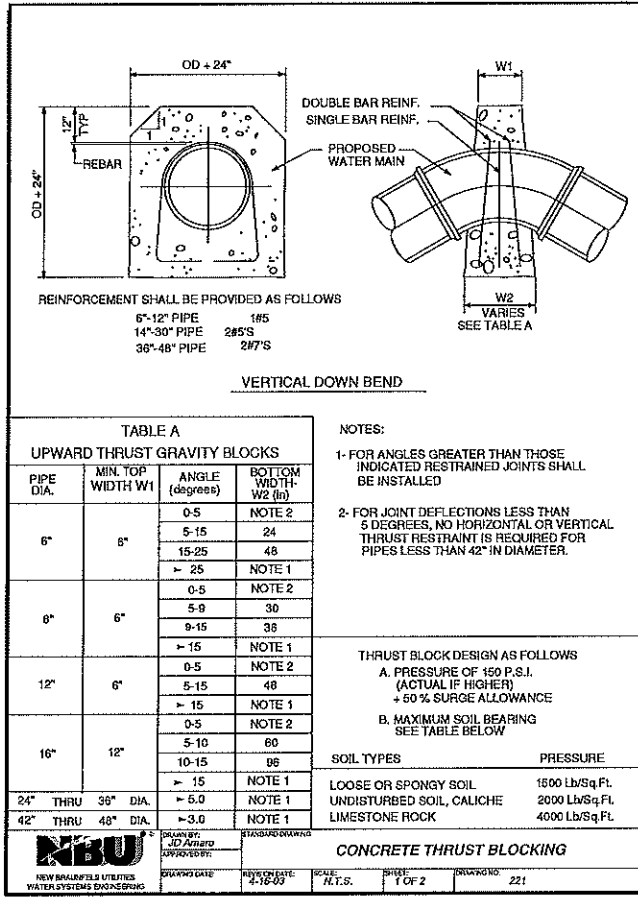
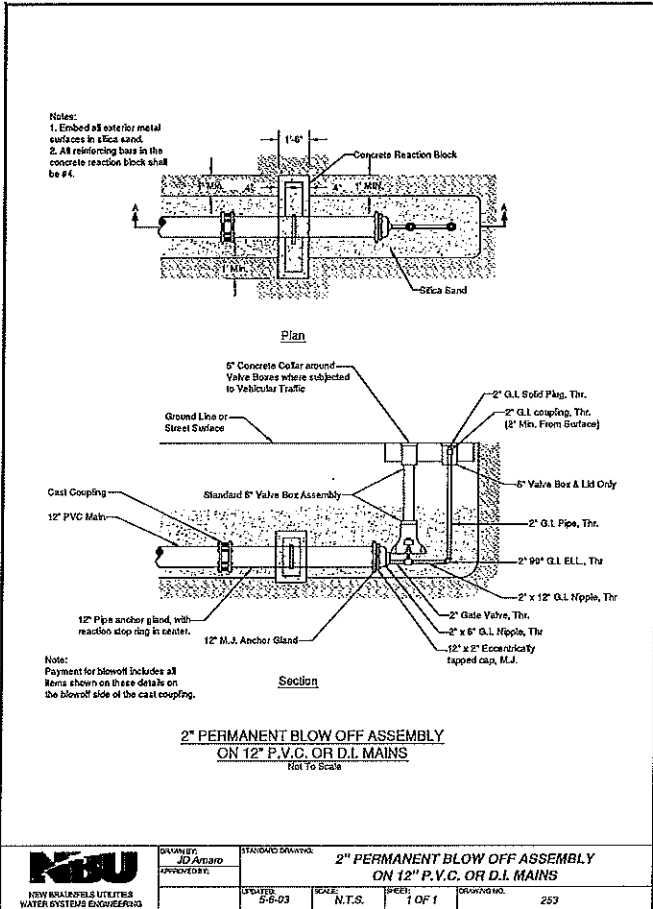
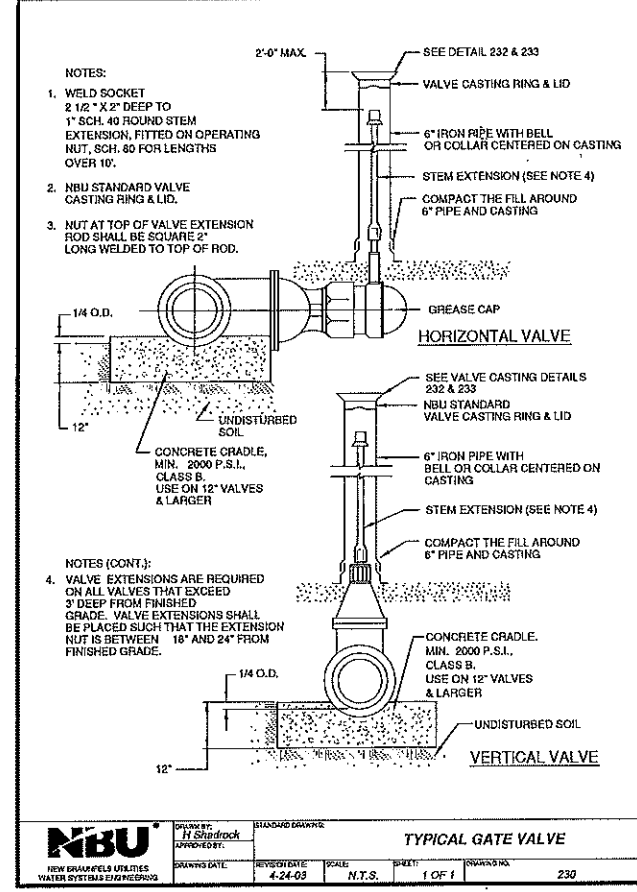
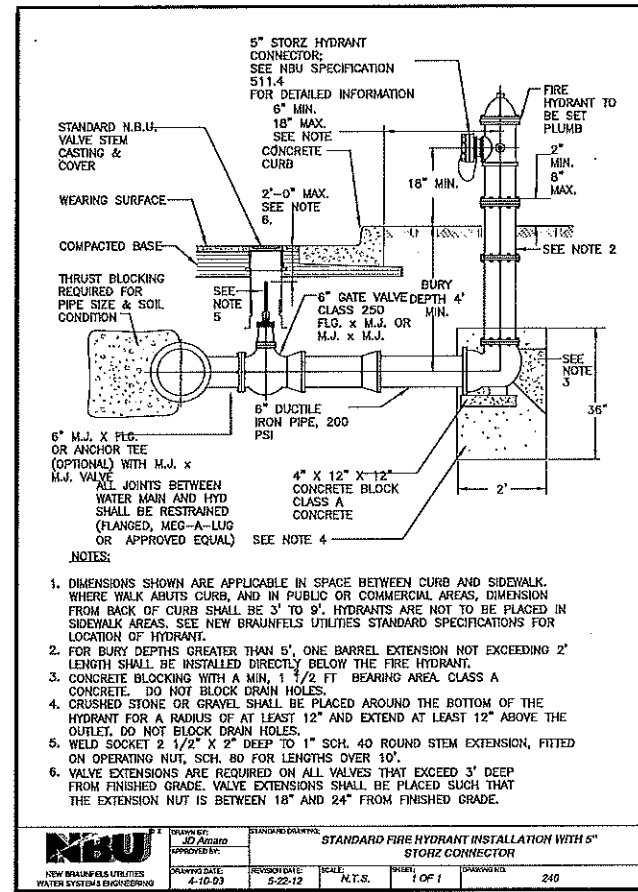
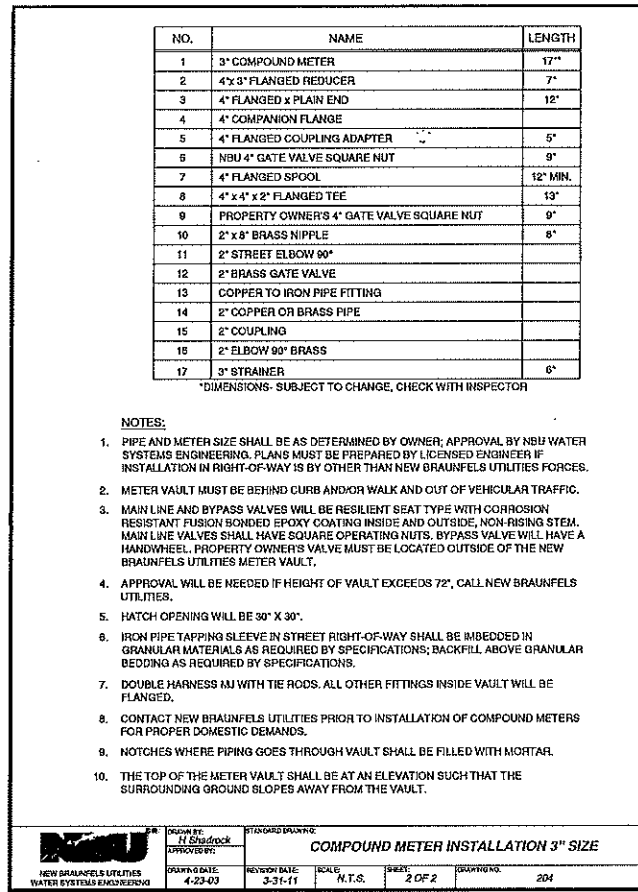
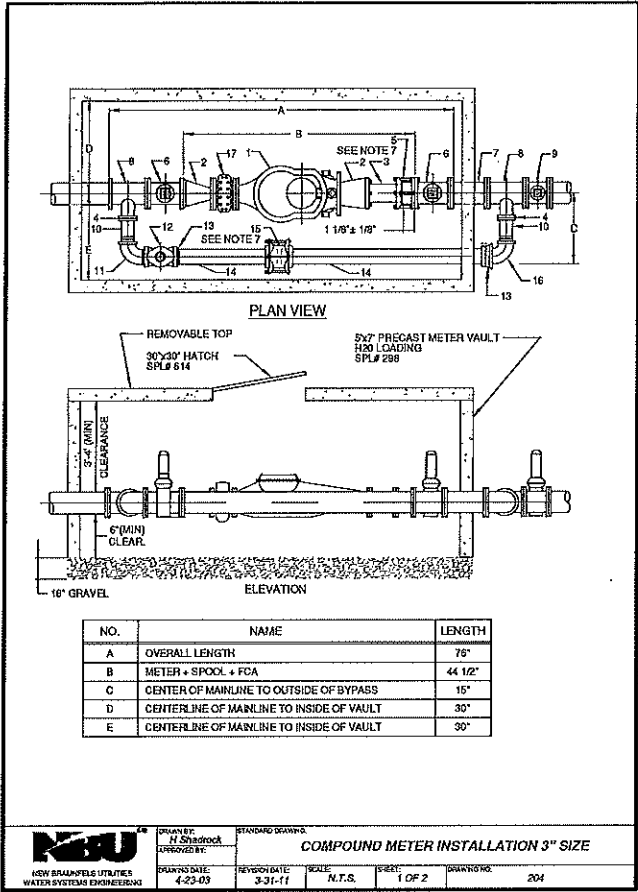
ANGEL BROTHERS ENTERPRISES
NEW BRAUNFELS OFFICE
WATER & WASTEWATER IMPROVEMENTS

RESTRAINT JOINT CALCULATION

DESIGNED BY:	FND
DRAWN BY:	FND
REVIEWED BY:	CL
APPROVED BY:	DPH
PROJECT NO.:	P171105
DATE:	2-28-18
SCALE:	AS SHOWN
DWG. NO.	

R2

SHEET - OF -



HEJL, LEE & ASSOCIATES, INC.

ENGINEERING • SURVEYING • PLANNING

206 TAYLOR STREET
HUTTO, TX 78634

Ph: (512) 642-3292 FAX: (512) 642-4230

TYPE FIRM NO. F-755, TBPLS FIRM NO. 10058500

ANGEL BROTHERS ENTERPRISES

NEW BRAUNFELS OFFICE

WATER & WASTEWATER IMPROVEMENTS

DESIGNED BY: FND

DRAWN BY: FND

REVIEWED BY: CL

APPROVED BY: DPH

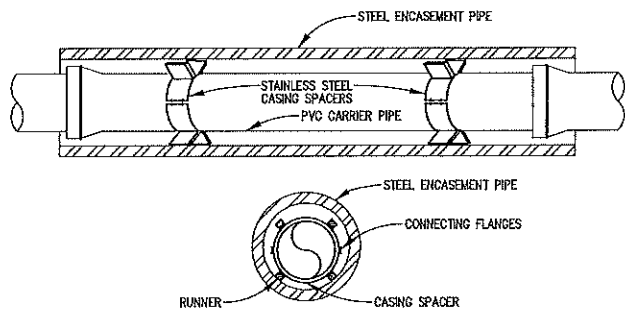
PROJECT NO.: P171105

DATE: 1-30-19

SCALE: AS SHOWN

DWG. NO. D1

SHEET - OF -



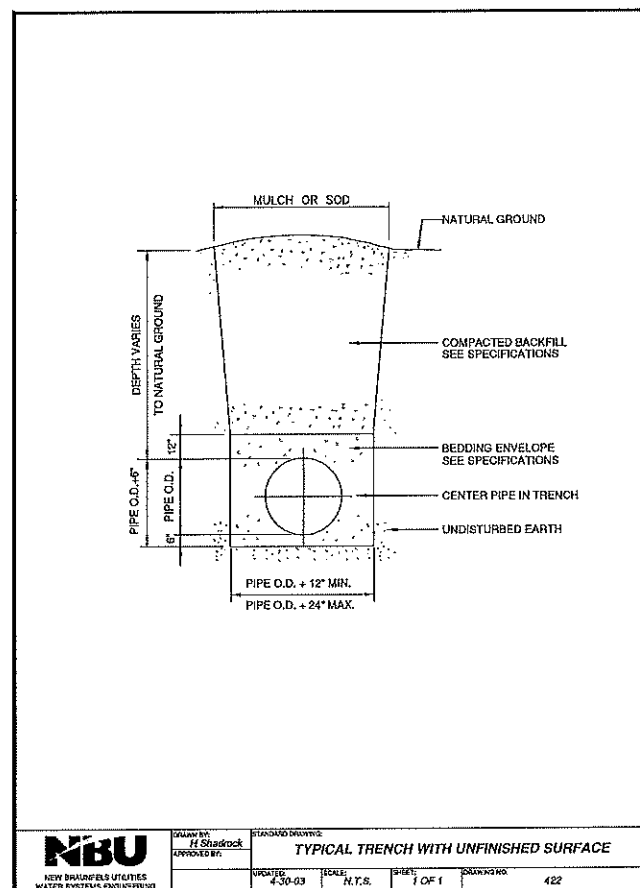
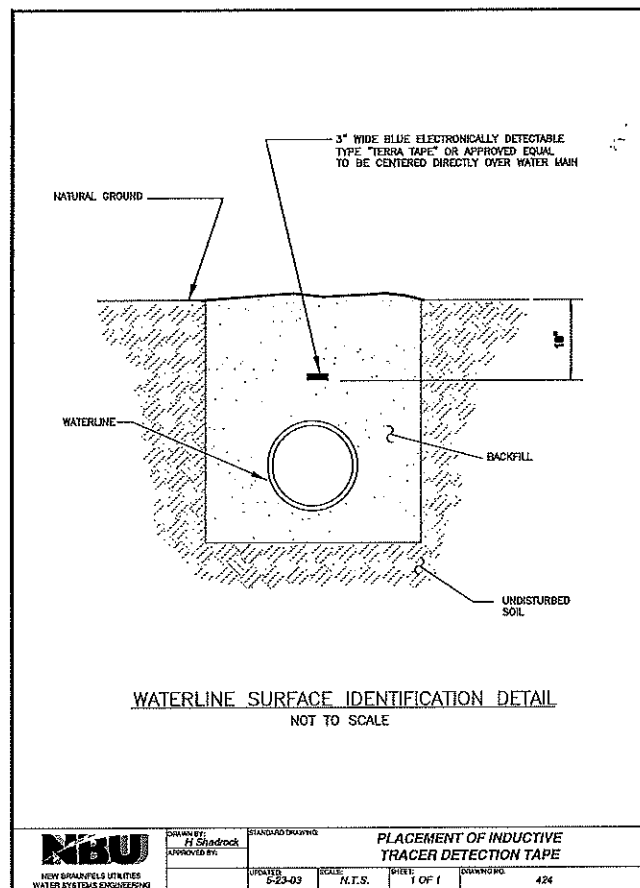
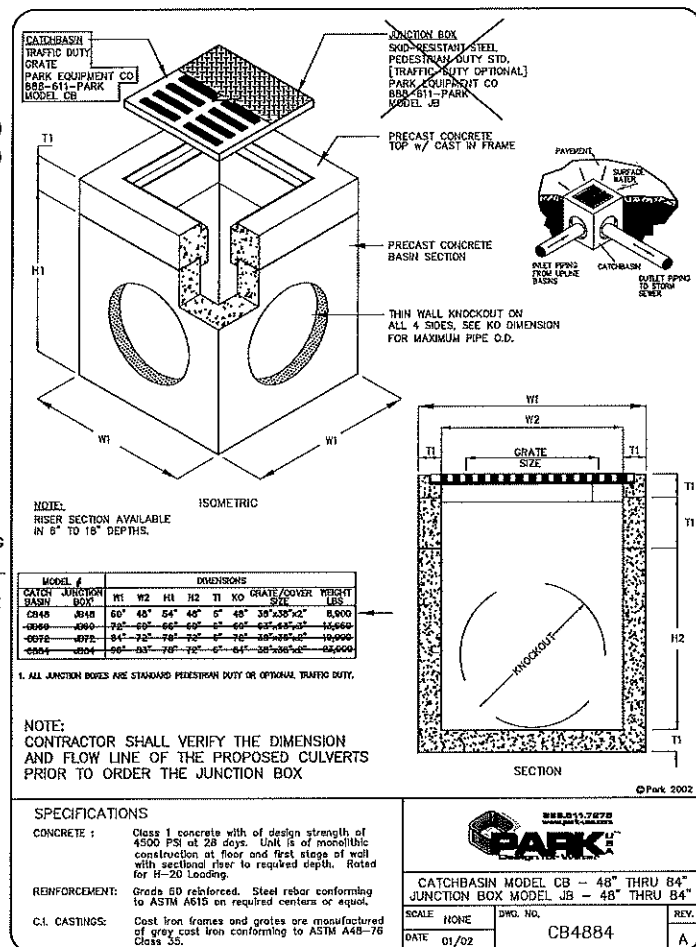
NOTES:

- CASING SPACERS SHALL BE BOLT ON STYLE WITH A SHELL MADE IN TWO SECTIONS OF HEAVY T-304 STAINLESS STEEL. CONNECTING FLANGES SHALL BE RIBBED FOR EXTRA STRENGTH. CASING SPACERS SHALL BE MADE BY CASCADE WATERWORKS MFG. CO. OR APPROVED EQUAL.
- CASING SPACERS SHALL HAVE RUNNERS MADE OF ULTRA HIGH MOLECULAR WEIGHT POLYMER, WITH A MINIMUM HEIGHT OF 2 INCHES.
- DO NOT USE WEDGES BETWEEN TOP OF PVC CARRIER PIPE AND INSIDE OF CASING TO KEEP PVC FROM MOVING.
- PRIOR TO INSERTING PVC CARRIER PIPE, ANY WATER SHOULD BE PUMPED OUT OF THE CASING PIPE SO THAT NO MORE THAN A FEW INCHES OF WATER REMAINS.
- SPACERS WILL BE REQUIRED WITHIN AT LEAST 3 FEET FROM BOTH OPENINGS OF THE ENCASMENT PIPE AND SPACED NO GREATER THAN 6 FEET THROUGHOUT THE ENCASMENT PIPE.
- CASING SPACERS WILL NOT BE PAID DIRECTLY BUT SHALL BE CONSIDERED SUBSIDIARY TO THE APPROPRIATE BID ITEM FOR INSTALLING PVC PIPE.
- ENCASMENT PIPE SHALL BE SMOOTH STEEL 35,000 PSI YIELD STRENGTH WITH THICKNESS ACCORDING TO THE FOLLOWING TABLE UNLESS OTHERWISE INDICATED ON THE PLAN:

PIPE SIZE-CARRIER (DIAMETER)	PIPE SIZE-CASING (DIAMETER)(MIN.)	MINIMUM PIPE THICKNESS (INCHES)	
6"	18"	1/4	0.2500
8"	20"	5/16	0.3125
10"	24"	3/8	0.3750
12" - 14"	30"	7/16	0.4375
16" - 18"	36"	1/2	0.5000
20"	42"	1/2	0.5000
24"	48"	1/2	0.5000

INSTALLATION OF P.V.C. PIPE THROUGH CASING

N.T.S.



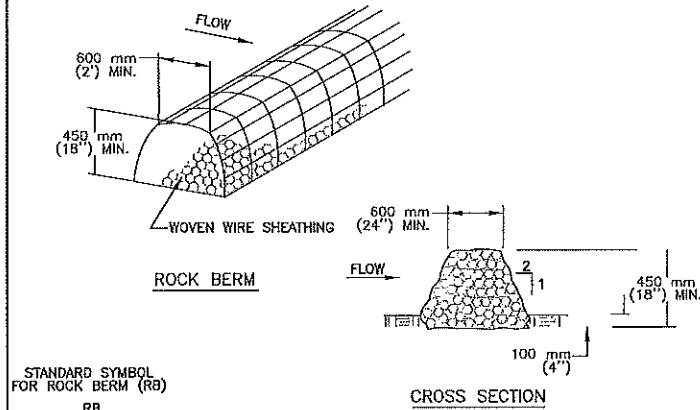
ANGEL BROTHERS ENTERPRISES
NEW BRAUNFELS OFFICE
WATER & WASTEWATER IMPROVEMENTS

DESIGNED BY: FND
DRAWN BY: FND
REVIEWED BY: CL
APPROVED BY: DPH
PROJECT NO.: P171105
DATE: 1-30-19
SCALE: AS SHOWN
DWG. NO. D3
SHEET - OF -



HEJL, LEE & ASSOCIATES, INC.
ENGINEERING • SURVEYING • PLANNING
206 TAYLOR STREET
HUTTO, TX 78634
Ph: (512) 642-3292 FAX: (512) 642-4230
TYPE FIRM NO. F-755, TBPLS FIRM NO. 10058500

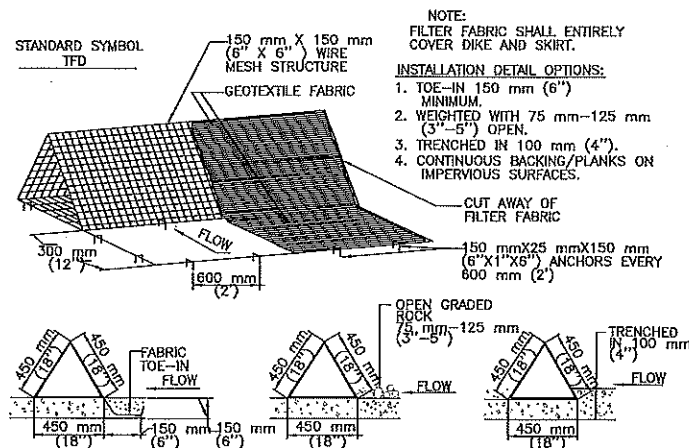
NO.	OR	CK	DATE	REVISIONS



NOTES:

1. USE ONLY OPEN GRADED ROCK 100 to 200 mm (4 to 8") DIAMETER FOR STREAM FLOW CONDITIONS. USE OPEN GRADED ROCK 75 to 125 mm (3 to 5") DIAMETER FOR OTHER CONDITIONS.
2. THE ROCK BERM SHALL BE SECURED WITH A WOVEN WIRE SHEATHING HAVING MAXIMUM 25 mm (1") OPENING AND MINIMUM WIRE DIAMETER OF 12.9 mm (20 GAUGE). ROCK BERMS IN CHANNEL APPLICATIONS SHALL BE ANCHORED FIRMLY INTO THE SUBSTRATE. A MINIMUM OF 150 mm (6") WITH T-POSTS OR WITH 15M OR 20M (#5 OR #6) REBAR, WITH MAXIMUM SPACING APART OF 1.2 m (48") ON CENTER.
3. THE ROCK BERM SHALL BE INSPECTED WEEKLY OR AFTER EACH RAIN, AND THE STONE AND/OR FABRIC CORE-WOVEN SHEATHING SHALL BE REPLACED WHEN THE STRUCTURE CEASES TO FUNCTION AS INTENDED, DUE TO SILT ACCUMULATION AMONG THE ROCKS, WASHOUT, CONSTRUCTION TRAFFIC DAMAGE, ETC.
4. WHEN SILT REACHES A DEPTH EQUAL TO ONE-THIRD THE HEIGHT OF THE BERM OR 150 mm (6"), WHICHEVER IS LESS, THE SILT SHALL BE REMOVED AND DISPOSED OF ON AN APPROVED SITE AND IN A MANNER THAT WILL NOT CREATE A SILTATION PROBLEM.
5. DAILY INSPECTION SHALL BE MADE ON SEVERE-SERVICE ROCK BERMS; SILT SHALL BE REMOVED WHEN ACCUMULATION REACHES 150 mm (6").
6. WHEN THE SITE IS COMPLETELY STABILIZED, THE BERM AND ACCUMULATED SILT SHALL BE REMOVED AND DISPOSED OF IN AN APPROVED MANNER.

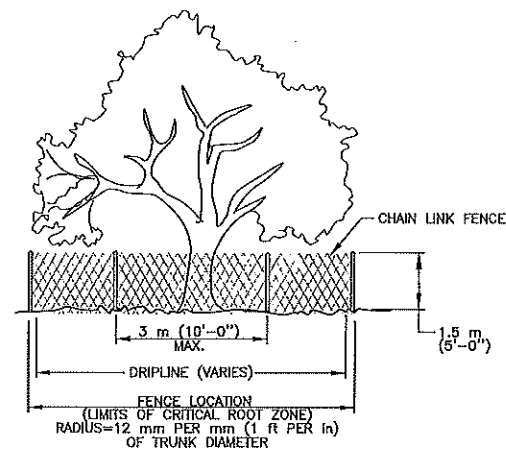
ROCK BERM
N.T.S.



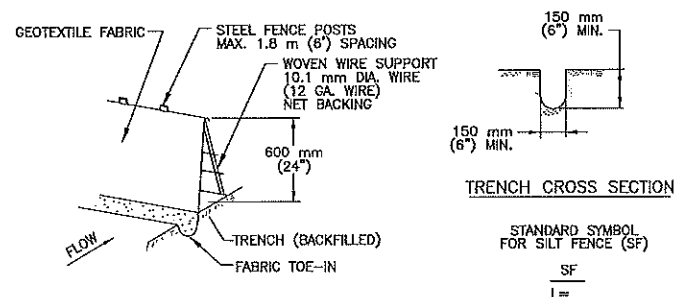
GENERAL NOTES

1. DIKES SHALL BE PLACED IN A ROW WITH ENDS TIGHTLY ABUTTING THE ADJACENT DIKE.
2. THE FABRIC COVER AND SKIRT SHALL BE A CONTINUOUS WRAPPING OF GEOTEXTILE. THE SKIRT SHALL BE A CONTINUOUS EXTENSION OF THE FABRIC ON THE UPSTREAM FACE.
3. THE SKIRT SHALL BE WEIGHTED WITH A CONTINUOUS LAYER OF 75-125 mm (3-5") OPEN GRADED ROCK OR TOE ROCK OR TOE-IN 150 mm (6") WITH MECHANICALLY COMPACTED MATERIAL. OTHERWISE, THE ENTIRE STRUCTURE SHALL BE TRENCHED IN 100 mm (4").
4. DIKES AND SKIRT SHALL BE SECURELY ANCHORED IN PLACE USING 150 mm (6") WIRE STAPLES ON 600 mm (2') CENTERS ON BOTH EDGES AND SKIRT, OR STAKE USING 10M (3/8") DIAMETER RE-BAR WITH TEE ENDS.
5. FILTER MATERIAL SHALL BE LAPPED OVER ENDS 150 mm (6") TO COVER DIKE TO DIKE JOINTS. JOINTS SHALL BE FASTENED WITH GALVANIZED SHOAT RINGS.
6. THE DIKE STRUCTURE SHALL BE MW40-150 mmX150 mm (6 GA. 6"x6") WIRE MESH, 450 mm (18") ON A SIDE.
7. INSPECTION SHALL BE MADE WEEKLY OR AFTER EACH RAINFALL EVENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED BY THE CONTRACTOR.
8. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 150 mm (6") AND DISPOSED OF IN A MANNER WHICH WILL NOT CAUSE ADDITIONAL SILTATION.
9. AFTER THE DEVELOPMENT SITE IS COMPLETELY STABILIZED, THE DIKES AND ANY REMAINING SILT SHALL BE REMOVED. SILT SHALL BE DISPOSED OF AS INDICATED IN GENERAL NOTE 8 ABOVE.

TRIANGULAR FILTER DIKE
N.T.S.



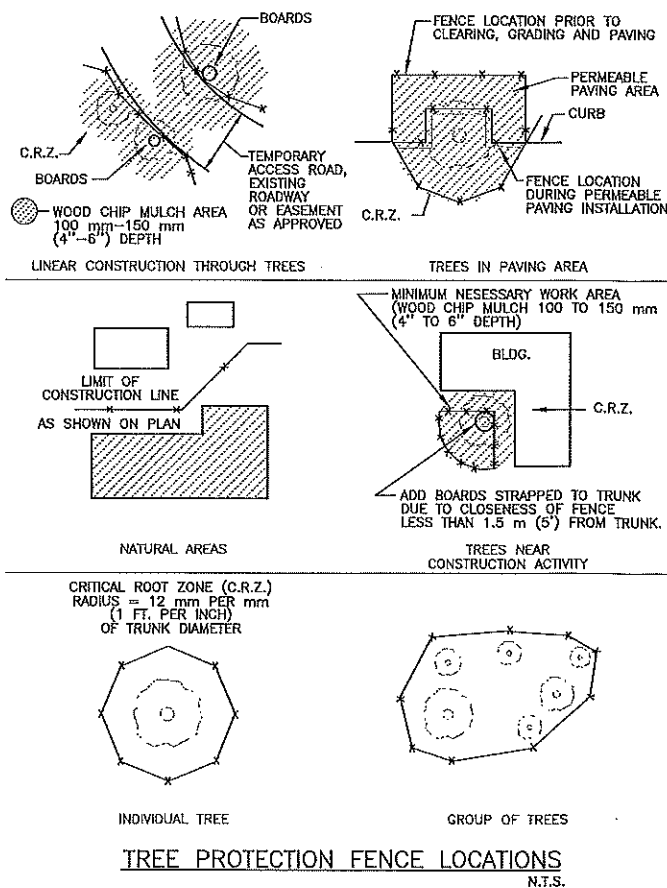
TREE PROTECTION (CHAIN LINK)
N.T.S.



NOTES:

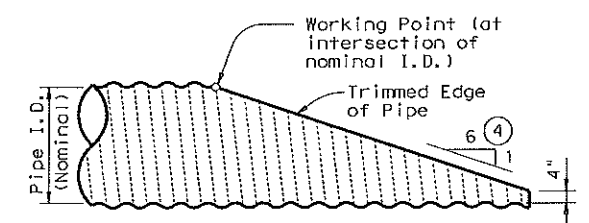
1. STEEL POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARD THE ANTICIPATED RUNOFF SOURCE. POST MUST BE EMBEDDED A MINIMUM OF 300 mm (1").
2. THE TOE OF THE SILT FENCE SHALL BE TRENCHED IN WITH A SPADE OR MECHANICAL TRENCHER, SO THAT THE DOWNSLOPE FACE OF THE TRENCH IS FLAT AND PERPENDICULAR TO THE LINE OF FLOW. WHERE FENCE CAN NOT BE TRENCHED INTO THE SURFACE (E.G. PAVEMENT), THE FABRIC FLAP SHALL BE WEIGHTED DOWN WITH WASHED GRAVEL ON UPHILL SIDE TO PREVENT FLOW UNDER FENCE.
3. THE TRENCH MUST BE A MINIMUM OF 150 mm (6 inches) DEEP AND 150 mm (6 inches) WIDE TO ALLOW FOR THE SILT FENCE FABRIC TO BE LAID IN THE GROUND AND BACKFILLED WITH COMPACTED MATERIAL.
4. SILT FENCE SHOULD BE SECURELY FASTENED TO EACH STEEL SUPPORT POST OR TO WOVEN WIRE, WHICH IS IN TURN ATTACHED TO THE STEEL FENCE POST.
5. INSPECTION SHALL BE MADE WEEKLY OR AFTER EACH RAINFALL EVENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
6. SILT FENCE SHALL BE REMOVED WHEN THE SITE IS COMPLETELY STABILIZED SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.
7. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 150 mm (6 inches). THE SILT SHALL BE DISPOSED OF ON AN APPROVED SITE AND IN SUCH A MANNER THAT WILL NOT CONTRIBUTE TO ADDITIONAL SILTATION.

SILT FENCE
N.T.S.



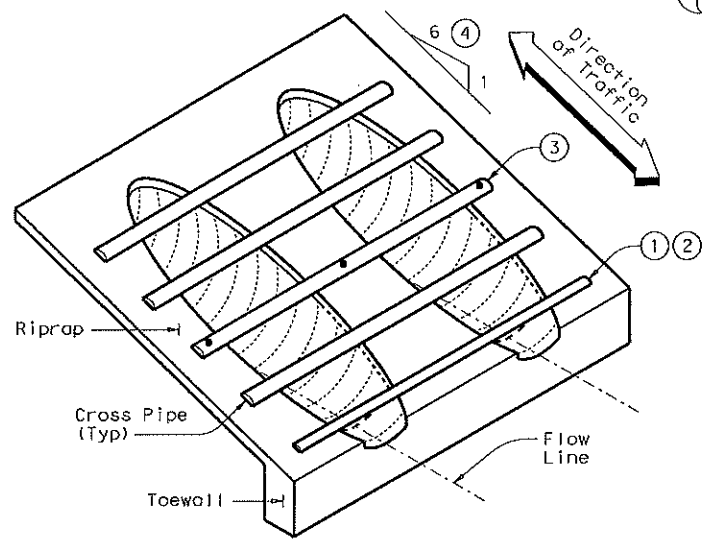
HEJL, LEE & ASSOCIATES, INC.		ENGINEERING • SURVEYING • PLANNING	
206 TAYLOR STREET		HUTTO, TX 78634	
PH: (512) 842-3292		FAX: (512) 642-4230	
TYPE FIRM NO. F-755		TEPLS FIRM NO. 10050500	
DESIGNED BY: FND		DRAWN BY: FND	
REVIEWED BY: CL		APPROVED BY: DPH	
PROJECT NO.: P171105		DATE: 1-30-19	
SCALE: AS SHOWN		DWG. NO.	
D4		SHEET - OF -	

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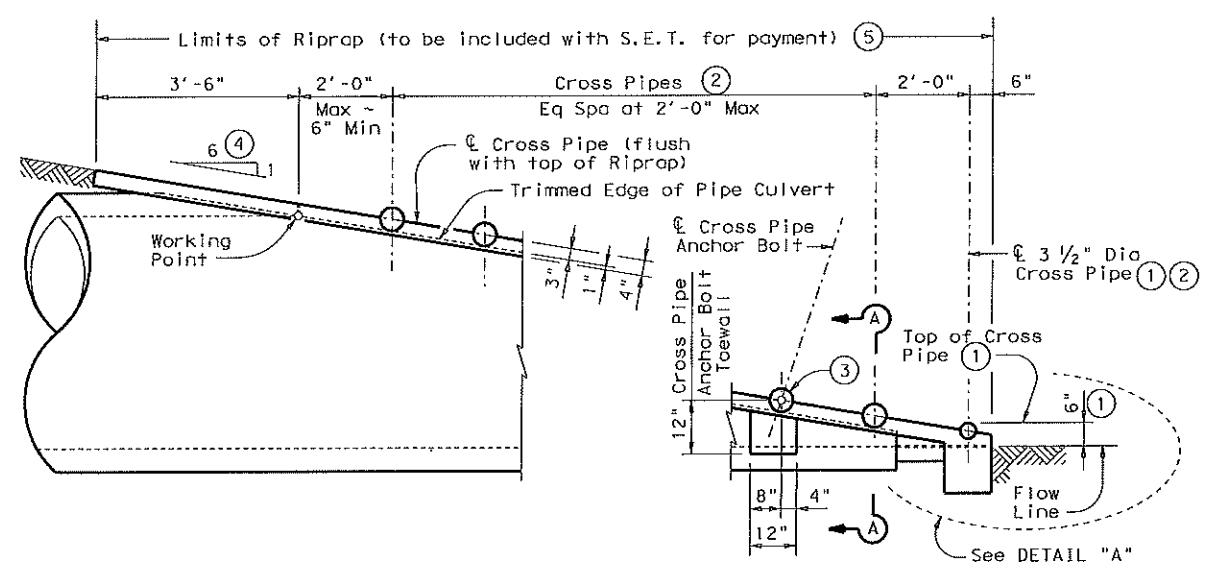


NOTE: All Cross Pipes, calculations, and dimensions are based on the pipe culverts mitered as shown in this detail. Alternate styles of mitered ends will require that appropriate adjustments be made to the values presented on this standard.

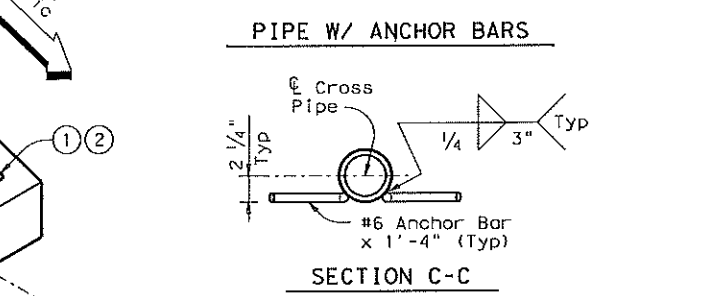
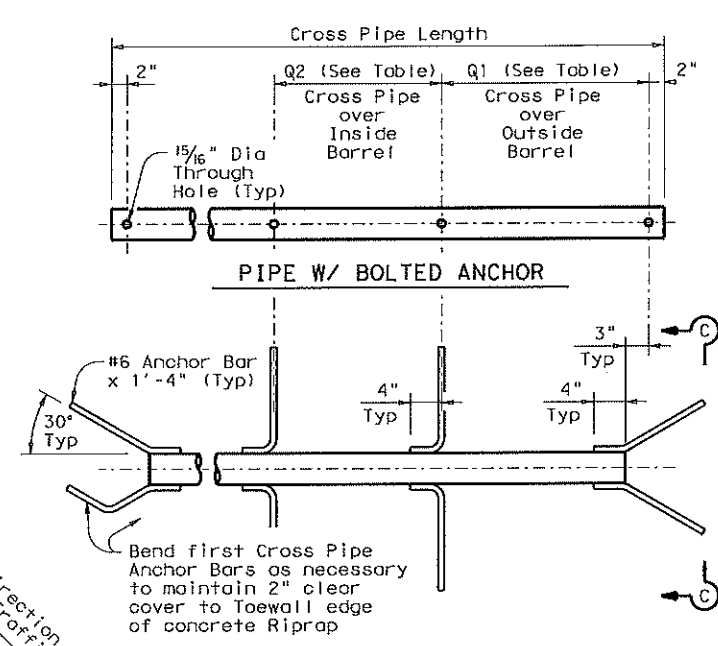
SIDE ELEVATION OF TYPICAL PIPE CULVERT MITER
(Showing Corrugated Metal Pipe Culvert.)
(Details at Concrete Pipe Culvert are similar.)



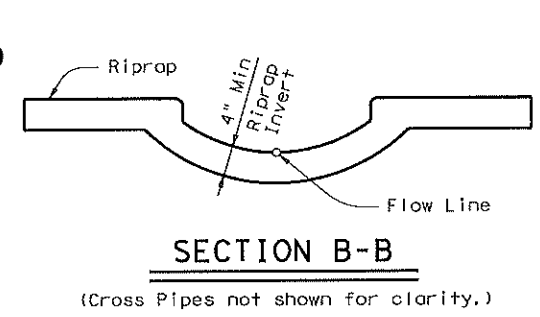
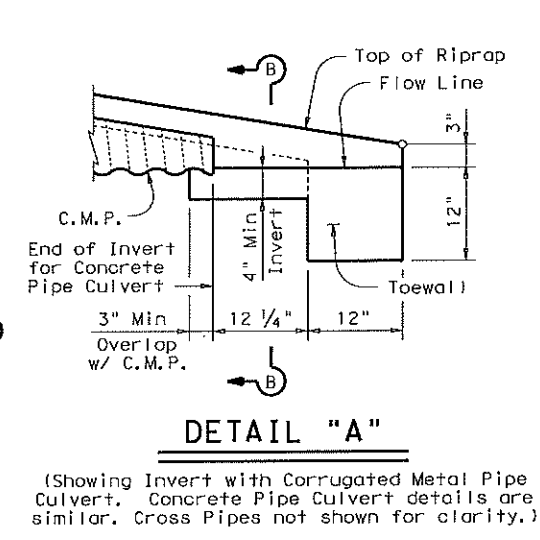
ISOMETRIC VIEW OF TYPICAL INSTALLATION



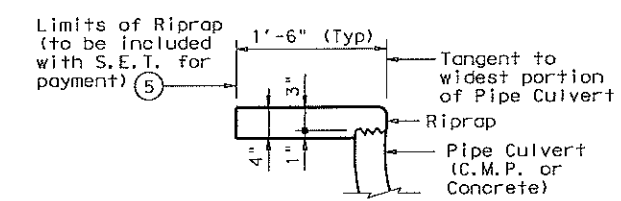
SIDE ELEVATION OF CAST-IN-PLACE CONCRETE
(Showing Concrete Pipe Culvert.)
(Details at Corrugated Metal Pipe Culvert are similar.)



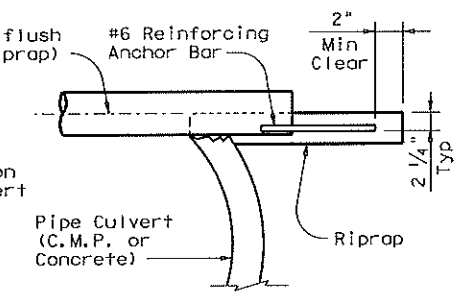
CROSS PIPE DETAILS



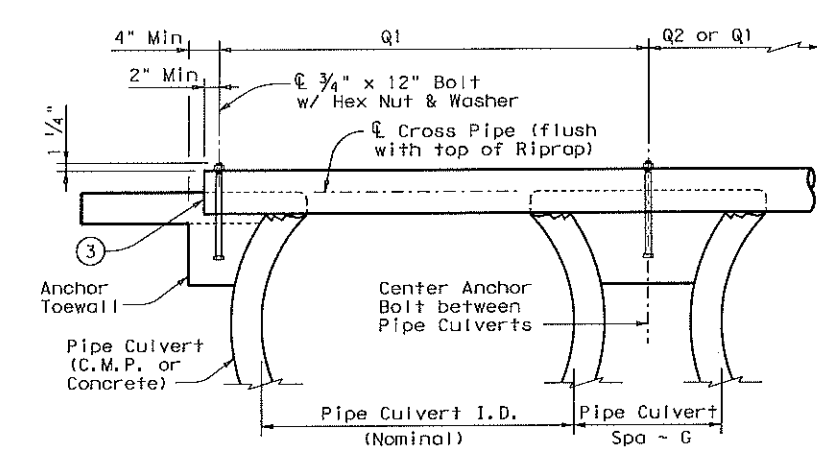
SECTION B-B
(Cross Pipes not shown for clarity.)



SHOWING TYPICAL PIPE CULVERT & RIPRAP



SHOWING CROSS PIPE WITH ANCHOR BAR



SECTION A-A
SHOWING CROSS PIPE WITH BOLTED ANCHOR

CROSS PIPE LENGTHS, REQUIRED PIPE SIZES, & RIPRAP QUANTITIES ②							
Nominal Culvert I.D.	Conc Riprap (CY) ⑥	Pipe Culvert Spa ~ G	Single Barrel ~ Q1	Multi- Barrel ~ Q1	Q2	Conditions for use of Cross Pipes	Cross Pipe Size
12"	0.6	9"	N/A	2'- 1"	1'- 9"	3 or more Pipe Culverts	3" Std (3.500" O.D.)
15"	0.7	11"	N/A	2'- 5"	2'- 2"		
18"	0.8	1'- 2"	N/A	2'-10"	2'- 8"		
21"	0.9	1'- 4"	N/A	3'- 2"	3'- 1"		
24"	0.9	1'- 7"	N/A	3'- 6"	3'- 7"		
27"	1.0	1'- 8"	N/A	3'-10"	3'-11"	3 or more Pipe Culverts	3 1/2" Std (4.000" O.D.)
30"	1.1	1'-10"	N/A	4'- 2"	4'- 4"	2 or more Pipe Culverts	
33"	1.2	1'-11"	4'- 2"	4'- 5"	4'- 8"	All Pipe Culverts	
36"	1.3	2'- 1"	4'- 5"	4'- 9"	5'- 1"	All Pipe Culverts	4" Std (4.500" O.D.)
42"	1.5	2'- 4"	4'-11"	5'- 5"	5'-10"		
48"	1.7	2'- 7"	5'- 5"	6'- 0"	6'- 7"	All Pipe Culverts	5" Std (5.563" O.D.)
54"	2.0	3'- 0"	5'-11"	6'- 9"	7'- 6"		
60"	2.2	3'- 3"	6'- 5"	7'- 4"	8'- 3"		
66"	2.4	3'- 3"	6'-11"	7'-10"	8'- 9"		
72"	2.7	3'- 4"	7'- 5"	8'- 5"	9'- 4"		

- The proper installation of the first Cross Pipe is critical for vehicle safety. The top of the first Cross Pipe must be placed at no more than 6" above the flow line.
- Size of Cross Pipes, except the first bottom pipe, shall be as shown in the PIPE SIZE table. The first bottom pipe shall be 3 1/2" Standard Pipe (4" O.D.).
- The third Cross Pipe from the bottom of the Culvert shall always be installed using a bolted connection. Care shall be taken to ensure that Riprap concrete does not flow into the Cross Pipe so as to permit disassembly of the bolted connection to allow cleanout access. At the Contractor's option, all other Cross Pipes may also be installed using the bolted connection details.
- Match Cross Slope as shown elsewhere in the plans. Cross Slope of 6:1 or flatter is required for vehicle safety.
- Riprap placed beyond the limits shown will be paid as Concrete Riprap in accordance with Item 432, "Riprap".
- Quantities shown are for one end of one reinforced Concrete Pipe Culvert. For multiple pipe culverts or for Corrugated Metal Pipe Culverts, quantities will need to be adjusted. Riprap quantities are for Contractor's information only.

GENERAL NOTES:

Cross Pipes are designed for a traversing load of 10,000 pounds at yield as recommended by Research Report 280-2F, "Safety Treatment of Roadside Parallel-Drainage Structures", Texas Transportation Institute, March 1981.

Safety End Treatments shown herein are intended for use in those installations where out of control vehicles are likely to traverse the openings approximately perpendicular to the Cross Pipes.

Riprap and all necessary inverts shall be Concrete Riprap conforming to the requirements of Item 432, "Riprap".

Synthetic fibers listed on the "Fibers for Concrete" Material Producer List (MPL) may be used in lieu of steel reinforcing in riprap concrete unless noted otherwise.

Payment for riprap and toewall is included in the Price Bid for each Safety End Treatment.

Cross Pipes shall conform to the requirements of ASTM A53 (Type E or S, Grade B), ASTM A500 (Grade B), or API 5LX52. Bolts and nuts shall conform to ASTM A307.

All steel components, except concrete reinforcing, shall be galvanized after fabrication. Galvanizing damaged during transport or construction shall be repaired in accordance with the specifications.

Bridge Division Standard

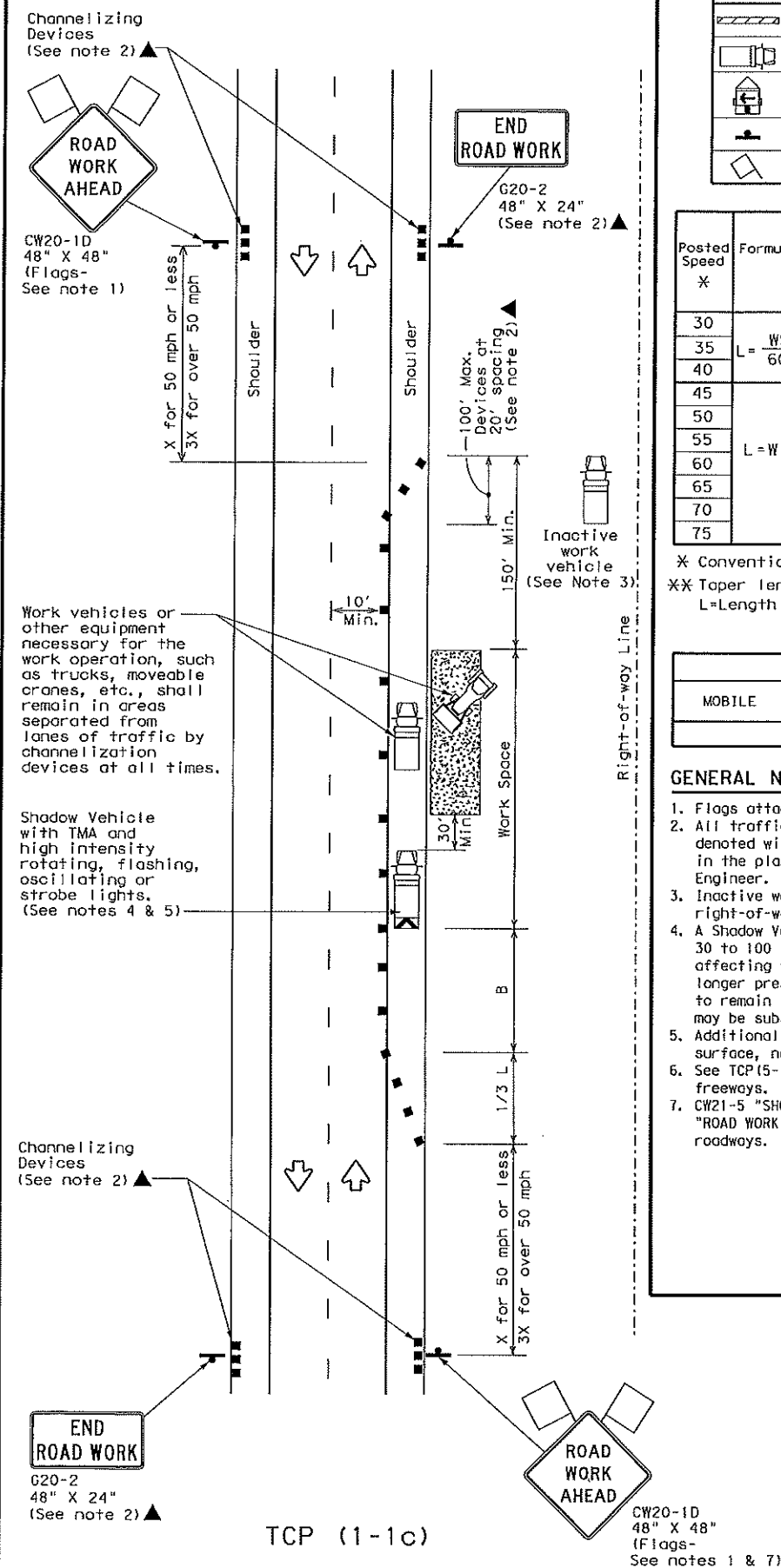
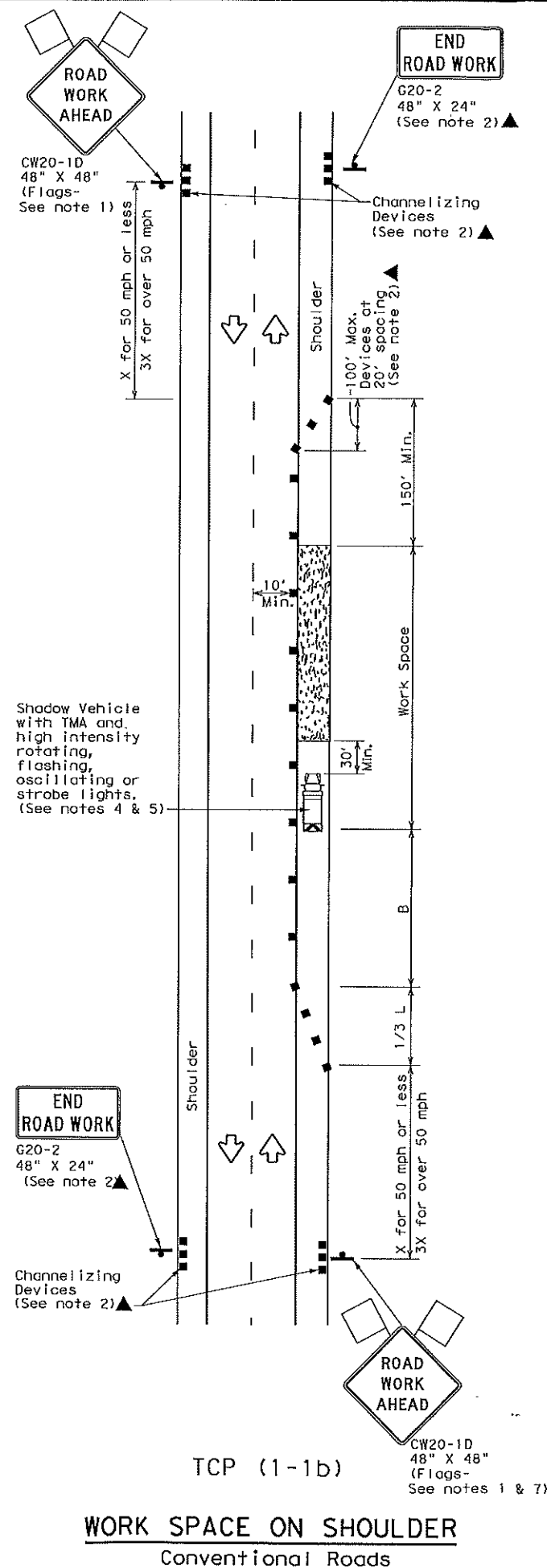
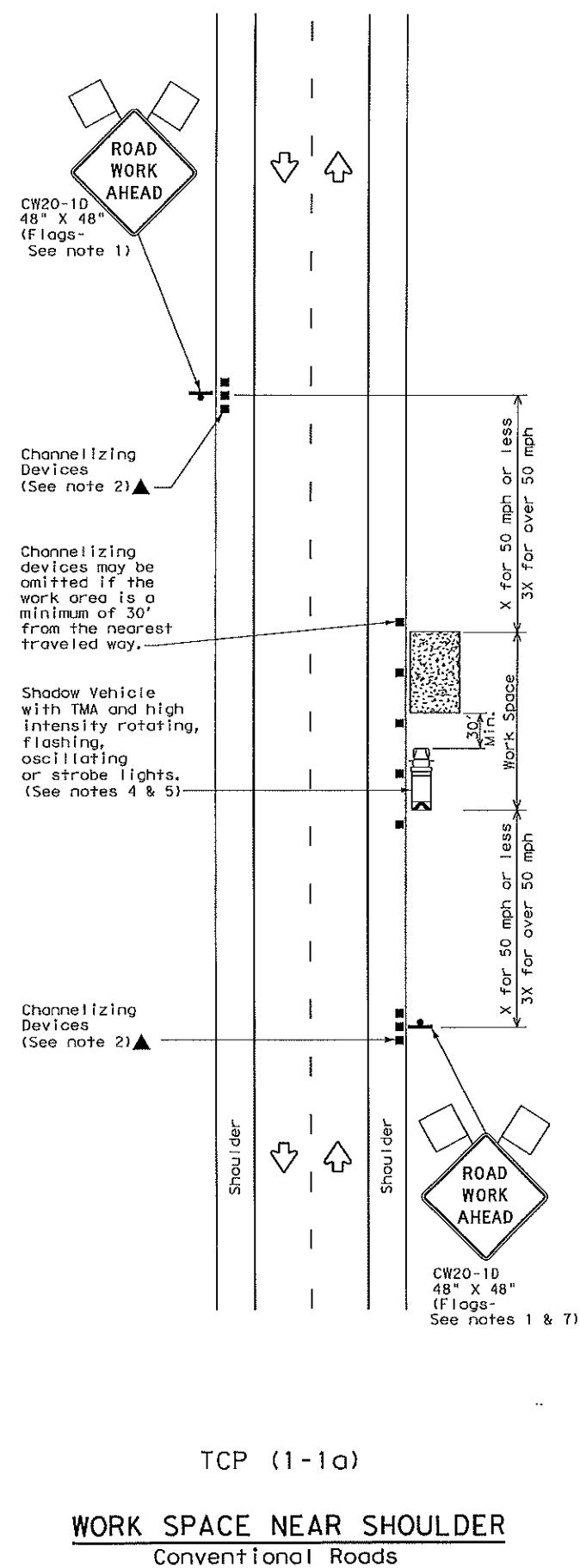
SAFETY END TREATMENT
FOR 12" DIA TO 72" DIA
PIPE CULVERTS
TYPE II ~ PARALLEL DRAINAGE











SETP-PD

FILE: setpdse.dgn	DN: GAF	CK: CAT	DR: JRP	CK: GAF
©TxDOT February 2010	COM: SECT	JOB	HIGHWAY	
REVISIONS	DIST	COUNTY	SHEET NO.	
11-10: Add note for synthetic fibers.				

DATE: FILE:

DATE: _____
FILE: _____



LEGEND		
	Type 3 Barricade	 Channelizing Device
	Heavy Work Vehicle	 Truck Mounted Attenuator (TMA)
	Trailer Mounted Flashing Arrow Board	 Portable Changeable Message Sign (PCMS)
	Sign	 Traffic Flow
	Flag	 Flagger

Posted Speed %	Formula	Minimum Desirable Taper Lengths X' X'			Suggested Maximum Spacing of Channelizing Devices		Minimum Sign Spacing "X" Distance	Suggested Longitudinal Buffer Spacing "B"
		10' Offset	11' Offset	12' Offset	On a Taper	On a Tangent		
30	L = $\frac{WS^2}{60}$	150'	165'	180'	30'	60'	120'	90'
35		205'	225'	245'	35'	70'	160'	120'
40		265'	295'	320'	40'	80'	240'	155'
45		450'	495'	540'	45'	90'	320'	195'
50	L = WS	500'	550'	600'	50'	100'	400'	240'
55		550'	605'	660'	55'	110'	500'	295'
60		600'	660'	720'	60'	120'	600'	350'
65		650'	715'	780'	65'	130'	700'	410'
70		700'	770'	840'	70'	140'	800'	475'
75		750'	825'	900'	75'	150'	900'	540'

* Conventional Roads Only

XX Taper lengths have been rounded off.

L=Length of Taper (FT) W=Width of Offset (FT) S=Posted Speed (MPH)

TYPICAL USAGE				
MOBILE	SHORT DURATION	SHORT TERM STATIONARY	INTERMEDIATE TERM STATIONARY	LONG TERM STATIONARY
	✓	✓		

GENERAL NOTES

1. Flags attached to signs where shown are REQUIRED.
2. All traffic control devices illustrated are REQUIRED, except those denoted with the triangle symbol may be omitted when stated elsewhere in the plans, or for routine maintenance work, when approved by the Engineer.
3. Inactive work vehicles or other equipment should be parked near the right-of-way line and not parked on the paved shoulder.
4. A Shadow Vehicle with a TMA should be used anytime it can be positioned 30 to 100 feet in advance of the area of crew exposure without adversely affecting the performance or quality of the work. If workers are no longer present but road or work conditions require the traffic control to remain in place, Type 3 Barricades or other channelizing devices may be substituted for the Shadow Vehicle and TMA.
5. Additional Shadow Vehicles with TMAs may be positioned off the paved surface, next to those shown in order to protect wider work spaces.
6. See TCP(5-1) for shoulder work on divided highways, expressways and freeways.
7. CW21-5 "SHOULDER WORK" signs may be used in place of CW20-1D "ROAD WORK AHEAD" signs for shoulder work on conventional roadways.



Texas Department of Transportation

**Traffic
Operations
Division
Standard**

TRAFFIC CONTROL PLAN
CONVENTIONAL ROAD
SHOULDER WORK

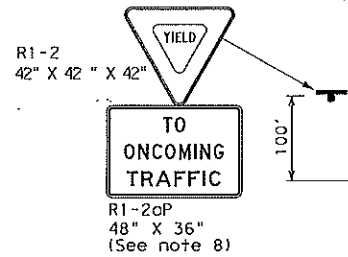
TCP (1-1) - 18

FILE:	tcpl-1-18.dgn	DW:	CK:	DW:	CK:
(C) TxDOT December 1985 REVISIONS 2-94 4-98 8-95 2-12 1-97 2-18		CONT	SECT	JOB	HIGHWAY
		DIST	COUNTY		SHEET NO

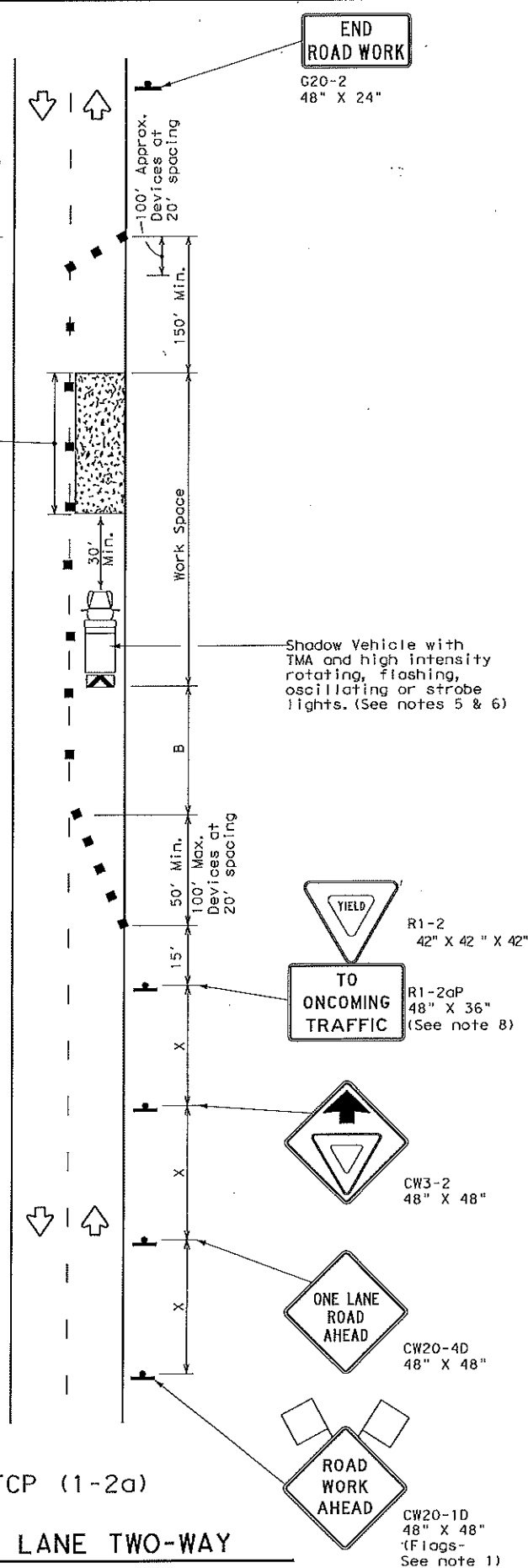
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DATE: FILE:

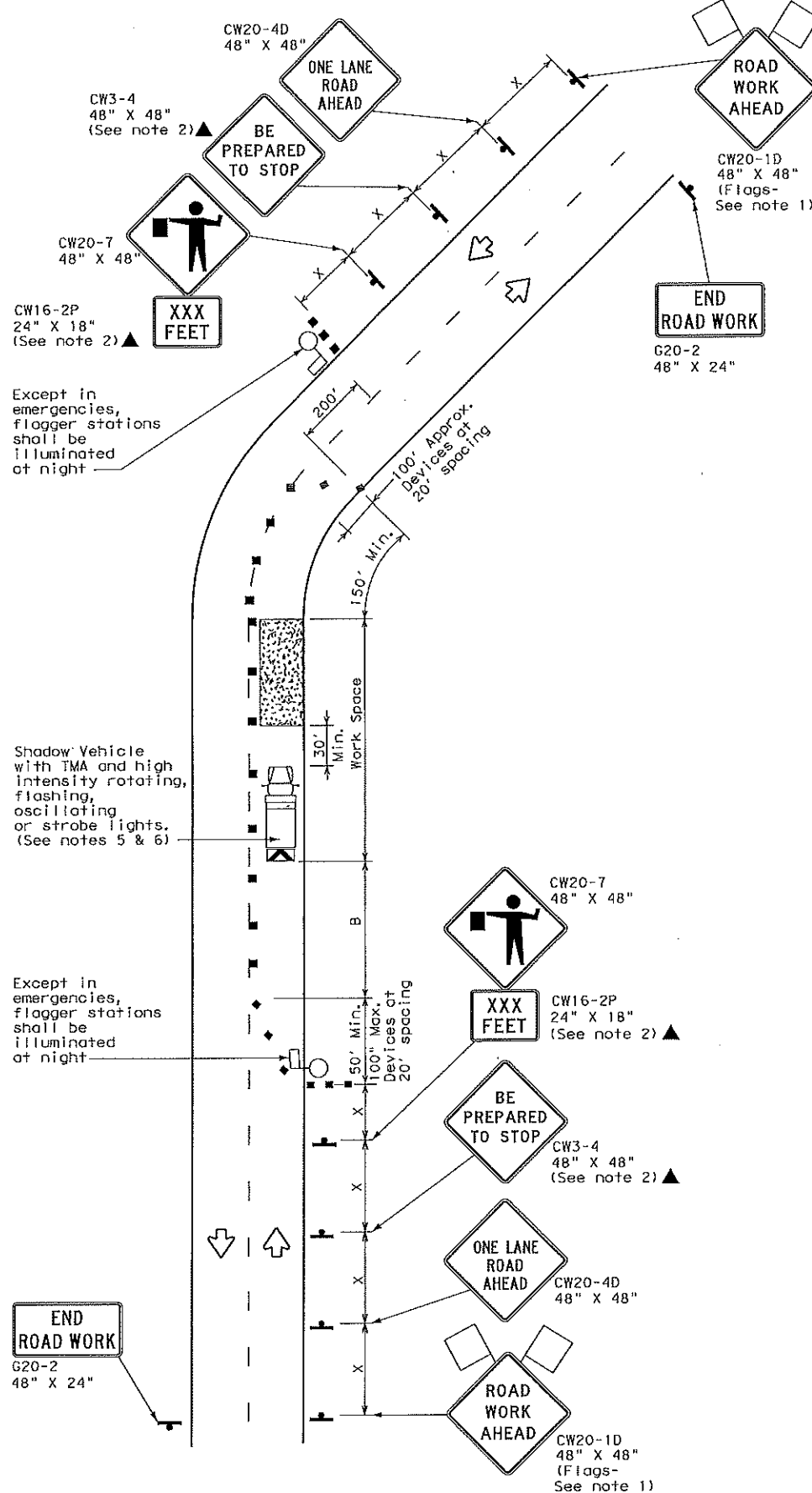
Warning Sign Sequence in Opposite Direction Same as Below



Channelizing devices separate work space from traveled way



TCP (1-2a)
ONE LANE TWO-WAY
CONTROL WITH YIELD SIGNS
(Less than 2000 ADT - See note 7)



TCP (1-2b)
ONE LANE TWO-WAY
CONTROL WITH FLAGGERS

LEGEND

	Type 3 Barricade		Channelizing Devices
	Heavy Work Vehicle		Truck Mounted Attenuator (TMA)
	Trailer Mounted Flashing Arrow Board		Portable Changeable Message Sign (PCMS)
	Sign		Traffic Flow
	Flag		Flagger

Posted Speed *	Formula	Minimum Desirable Taper Lengths **			Suggested Maximum Spacing of Channelizing Devices		Minimum Sign Spacing "x" Distance	Suggested Longitudinal Buffer Space "b"	Stopping Sight Distance
		10' Offset	11' Offset	12' Offset	On a Taper	On a Tangent			
30	$L = \frac{WS^2}{60}$	150'	165'	180'	30'	60'	120'	90'	200'
35		205'	225'	245'	35'	70'	160'	120'	250'
40		265'	295'	320'	40'	80'	240'	155'	305'
45		450'	495'	540'	45'	90'	320'	195'	360'
50		500'	550'	600'	50'	100'	400'	240'	425'
55	$L = WS$	550'	605'	660'	55'	110'	500'	295'	495'
60		600'	660'	720'	60'	120'	600'	350'	570'
65		650'	715'	780'	65'	130'	700'	410'	645'
70		700'	770'	840'	70'	140'	800'	475'	730'
75		750'	825'	900'	75'	150'	900'	540'	820'

* Conventional Roads Only

** Taper lengths have been rounded off.

L=Length of Taper (FT) W=Width of Offset (FT) S=Posted Speed (MPH)

TYPICAL USAGE

MOBILE	SHORT DURATION	SHORT TERM STATIONARY	INTERMEDIATE TERM STATIONARY	LONG TERM STATIONARY
	✓	✓		

GENERAL NOTES

- Flags attached to signs where shown are REQUIRED.
- All traffic control devices illustrated are REQUIRED, except those denoted with the triangle symbol may be omitted when stated elsewhere in the plans, or for routine maintenance work, when approved by the Engineer.
- The CW3-4 "BE PREPARED TO STOP" sign may be installed after the CW20-4D "ONE LANE ROAD AHEAD" sign, but proper sign spacing shall be maintained.
- Sign spacing may be increased or an additional CW20-1D "ROAD WORK AHEAD" sign may be used if advance warning ahead of the flagger or R1-2 "YIELD" sign is less than 1500 feet.
- A Shadow Vehicle with a TMA should be used anytime it can be positioned 30 to 100 feet in advance of the area of crew exposure without adversely affecting the performance or quality of the work. If workers are no longer present but road or work conditions require the traffic control to remain in place, Type 3 Barricades or other channelizing devices may be substituted for the Shadow Vehicle and TMA.
- Additional Shadow Vehicles with TMAs may be positioned off the paved surface, next to those shown in order to protect wider work spaces.

TCP (1-2a)

- R1-2 "YIELD" sign traffic control may be used on projects with approaches that have adequate sight distance. For projects in urban areas, work spaces should be no longer than one half city block. In rural areas on roadways with less than 2000 ADT, work spaces should be no longer than 400 feet.
- R1-2 "YIELD" sign with R1-2aP "TO ONCOMING TRAFFIC" plaque shall be placed on a support at a 7 foot minimum mounting height.

TCP (1-2b)

- Flaggers should use two-way radios or other methods of communication to control traffic.
- Length of work space should be based on the ability of flaggers to communicate.
- If the work space is located near a horizontal or vertical curve, the buffer distances should be increased in order to maintain adequate stopping sight distance to the flagger and a queue of stopped vehicles (see table above).
- Channelizing devices on the center-line may be omitted when a pilot car is leading traffic and approved by the Engineer.
- Flaggers should use 24" STOP/SLOW paddles to control traffic. Flags should be limited to emergency situations.

		Traffic Operations Division Standard	
TRAFFIC CONTROL PLAN ONE-LANE TWO-WAY TRAFFIC CONTROL			
TCP (1-2) - 18			
FILE: top1-2-18.dgn	DWG: CK1	DWG: CK1	CK1
© TxDOT December 1985	CONT	SECT	JOB HIGHWAY
REVISIONS		DIST	COUNTY SHEET NO.
4-90 4-98			
2-94 2-12			
1-97 2-18			



APPLICATION FOR LICENSE AGREEMENT
Planning and Community Development
550 Landa Street, New Braunfels TX 78130
Phone: (830) 221-4050
www.nbtexas.org

PLANNING

Case No.: CS-19-004

Applicant/Agent*: BILL THOMAS, VICE PRESIDENT, ANGEL BROTHERS ENTERPRISES
Property Address: 723 KRIEGER CANYON ROAD, NEW BRAUNFELS, TX 78132
Mailing Address: SAME
Telephone: Office: 830 643 0570 Mobile: 713-410-3749 Email: BILL.THOMAS@ANGELBROTHERS.COM

Submittal Requirements

1. \$257 fee (\$250 application fee + \$7 technology fee (3%))
2. Letter outlining and requesting the license agreement including:
 - a. Requested Improvements
 - b. Proposed Location
 - c. Subdivision Name
3. Survey of property to be subject of the License Agreement

Signed: Bill Thomas Date: 4-22-19
Applicant/Agent*

* If signed by an agent, a letter of authorization must be furnished by the owner attesting to their knowledge for the purpose of the request; that they are in favor; and that said request is not contrary to any and all deed restrictions associated with the property under consideration.

FOR OFFICE USE ONLY

Date completed application received: 5/7/19 Received by: _____
Date of Approval: _____ By: _____
Date of Denial: _____ By: _____
Comments: _____

CITY OF NEW BRAUNFELS DAILY REVENUE REPORT

DENOMINATION	QUANTITY	TOTAL
Checks		257.00
Credit Cards		
Large Bills (100's & 50's)	-	-
Twenties (20's)	-	-
Tens (10's)	-	-
Fives (5's)	-	-
Ones (1's)	-	-
Quarters (.25's)	-	-
Dimes (.10's)	-	-
Nickels (.05's)	-	-
Pennies (.01's)\$1 coin	-	-

TOTAL CASH ON HAND

CREDIT CARD SALES

Total Deposit

257.00

RECEIPT #	PURPOSE	ACCOUNT #	TOTAL
	Engineering Plan Review	101-0000-323-0800	
	Engineering Site Preparation Permit	101-0000-323-0800	
	Engineering Drainage Fee	101-0000-323-0801	
	Technology Fee	101-0000-323-0901	
	Storm Water Connection Fee	232-0000-344-3000	
	Infrastructure	101-0000-323-0800	
	Traffic Fee-Impact Analysis	101-0000-323-0802	
	License Agreement	101-0000-323-0900	257.00
	Inspection Fees	101-0000-323-0201	
	Sidewalk Escrow Fees	101-0000-210-0400	

Total Receipted

257.00

Less: Credit Card Sales

101-0000-1150304

CASH (SHORT)/OVER 101-0000-389-9900

-

REMARKS:

723 Krueger Canyon Road Off site water & wastewater line improvemer

DATE:

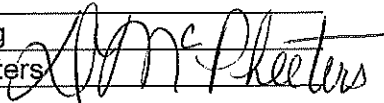
5/2/2019

DEPARTMENT:

Engineering

COUNTED BY:

D. McPheeters



RANDY HARRIS-CONST.ACCT.

850 STATE HWY 46 #5
NEW BRAUNFELS, TX 78130
(210)861-3078

6505
88-2194/149
06

4-24-19

Date

Pay to the Order of City of New Braunfels \$ 257.00

Two hundred fifty seven & 00/100 Dollars ☒ Security Printed on Bond.



P.O. BOX 1647 • SCENIE, TEXAS 78006 • 530-249-8282

For Land Care May co

⑆1114921949⑆ 329 553 21⑈ 06505

MP

Angel Brothers Holdings Corp.

723 Krueger Canyon

New Braunfels, Texas 78132

Phone 281.421.5721

Fax 830.608.0973

www.angelbrothers.com



An Equal Opportunity Employer

To: Planning and Community Development, City of New Braunfels

From: Bill Thomas, Angel Brothers Enterprises, Hill Country Division President

Project: **Angel Brothers New Braunfels Facility Off-Site Water/ Wastewater Improvement**

Subject: **License Agreement Application**

This letter is prepared to accompany license agreement application for the above referenced project. The applicant, Angel Brothers Enterprises (ABE), is a general highway contractor that owns an office facility at 723 Krueger Canyon Road, New Braunfels. ABE currently has 50 employees at this location working one shift per day. The facility is currently served by an existing 1.5" water line from New Braunfels Utility (NBU) and on-site sewerage facility (OSSF). ABE intends to upgrade the current water line to accommodate future building expansion for additional 25 employees and install two truck wash bays. ABE also intends to install a private lift station and force main to replace the existing OSSF. The force main will connect to an existing New Braunfels Utilities wastewater line.

WATER LINE IMPROVEMENTS

There is an existing 8" water line located approximately 350' south of ABE facility's south driveway in Krueger Canyon Road. The existing 1.5" diameter water line that serves ABE facility is connected to the referenced existing 8" water line. The project proposes to install approximately 1,550 L.F. of 12" water line from the existing 8" water line to the north property line of the ABE facility. Upon completion of the proposed water line extension, it **will be owned, operated and maintained by NBU.**

WASTEWATER FORCE MAIN IMPROVEMENTS

ABE proposes to install approximately 1,700 L.F. of 2" force main within Krueger Canyon right-of-way. The proposed private force main will be installed along Krueger Canyon Road and connect to NBU's existing 12" gravity wastewater line. The existing 12" gravity wastewater main is on the south side of the Union Pacific Railroad (UPRR) track. ABE proposes to install the force main by boring under the UPRR track to the tie-in location. **ABE will be owning and responsible for operating and maintaining the force main.** ABE proposes to mill and overlay with 1.5" HMA Type D on half of the pavement width (northbound) upon completion of trench repair for pavement restoration.

STORM SEWER IMPROVEMENTS

ABE proposes to install approximately 300 LF of 24" RCP to extend the existing RCP between ABE north and south driveway. The new storm drain will replace the existing steep sloped bar ditch. The compacted subgrade on top of the proposed water line and storm drain will provide additional shoulder width at this location.

Environmental and sedimentation control such as silt fence, tree protection and rock berm will be installed prior to construction. ABE will coordinate and secure permit from City of New Braunfels prior to working in right-of-way.

Pursuant to meeting with City Engineer on 07/31/2018, license agreement application needs to be executed between private utility owner and City of New Braunfels for installation of private utility within City's right-of-way. The license agreement application and construction plan showing the location of the proposed improvements is attached with this letter. Any assistance that the City can offer for prompt review and approval of the application and license agreement will be sincerely appreciated.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Bill Thomas". The signature is fluid and cursive, with the first name "Bill" and last name "Thomas" clearly distinguishable.

Bill Thomas

Vice President, Angel Brothers Enterprises

Attachment: Application for License Agreement

Construction Plan

CC: Hejl, Lee & Associates, Inc.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/24/2019

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



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

6/24/2019

Agenda Item No. B)

Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:

- Project Nautilus