



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



**CITY HALL - TEJAS ROOM
550 LANDA STREET**

MONDAY, AUGUST 19, 2019 at 4:30 PM

Barron Casteel, Mayor	Matthew E. Hoyt, Councilmember (District 4)
Shane Hines, Councilmember (District 1)	Wayne Peters, Mayor Pro Tem (District 5)
Justin Meadows, Councilmember (District 2)	Leah A. García, Councilmember (District 6)
Harry Bowers, Councilmember (District 3)	Robert Camareno, City Manager

MISSION STATEMENT

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

AGENDA

CALL TO ORDER

CALL OF ROLL: City Secretary

INVOCATION: Councilmember Shane Hines

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

1. WORKSHOP

- A) Discuss and consider possible action regarding the Fiscal Year 2019-20 Proposed Budget and Plan of Municipal Services and the proposed 2019 tax rate and announce public hearings.
Robert Camareno, City Manager
- B) Discuss and consider approval of an expenditure for the purchase of playground equipment with GameTime for Morningside Park and the purchase of equipment with Play & Park Structures for Landa Park and purchase of concrete and site work for both parks with D&M Owens and the appropriate budget amendment.
Stacey Dicke, Parks and Recreation Director
- C) Discussion and possible direction regarding amendments to the current Industrial Zoning Districts in the Zoning Ordinance, Chapter 144 of the City's Code of Ordinances.
Christopher J. Looney, Planning and Community Development Director
- D) Discuss and consider approval of a resolution identifying legislative priority recommendations to submit to the Texas Municipal League for

inclusion in their advocacy efforts; and appoint a delegate to serve as the City's Liaison at the Texas Municipal League Annual Business Meeting.

Christopher J. Looney, Planning and Community Development Director; TML Board Member

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall on August 16, 2019, at 9:00 a.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.



Special City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/19/2019

Agenda Item No. A)

Presenter/Contact

Robert Camareno, City Manager
(830) 221-4380 - rcamareno@nbtexas.org

SUBJECT:

Discuss and consider possible action regarding the Fiscal Year 2019-20 Proposed Budget and Plan of Municipal Services and the proposed 2019 tax rate and announce public hearings.

8/19/2019

Agenda Item No. B)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of an expenditure for the purchase of playground equipment with GameTime for Morningside Park and the purchase of equipment with Play & Park Structures for Landa Park and purchase of concrete and site work for both parks with D&M Owens and the appropriate budget amendment.

BACKGROUND / RATIONALE:

Earlier this year, the voters approved \$500,000 for the purchase of all-ability park amenities for existing City parks. Staff has identified an additional \$200,000 from interest earned from the 2013 Bond proceeds to help support the infrastructure needed for the play equipment. This brings the total budget for the project to \$700,000. Staff has identified two parks, Morningside and Landa, as prime locations for all-ability park amenities.

Morningside Park will include a new 5 to 12-year-old play structure, swings, merry-go-all, inclusive zip line, shade and activated pathways (trails/sidewalk) to make the ADA route an active and exciting route. These amenities will allow Morningside Park to be designated as a National Demonstration Site for PlayCore, a national playground manufacturer. Equipment for Morningside Park will be purchased through GameTime at a cost of \$358,163 including a 10% contingency. This purchase price includes a discount on the playground structure obtained through a grant offered by PlayCore with an estimated value of \$81,000. The city will utilize a cooperative contract with GameTime through US Communities.

Landa Park improvements will include a new musical trail, multi-generational swings, and a merry-go-all. Equipment at Landa Park will be purchased through Play & Park Structures at a cost of \$82,474 including a 10% contingency. The city will utilize a cooperative contract with Play & Park through Buyboard.

Site work and concrete work will be provided by D&M Owens at a cost of \$68,909 including a 20% contingency through a city contract.

Staff held a stakeholder meeting on June 26, 2019. Approximately 12-15 residents attended, most of whom have been involved in the previous planning for Callens Castle during the bond program development. The group was supportive and excited about the plans presented.

A summary of requested funding approval for equipment and site work is below. A portion of the remaining project funds will be used for items such as irrigation, landscaping and park site amenities at Landa Park and Morningside Park. Any contracts that exceed \$25,000 will be brought for City

Council approval.

Budget Amendment

There are available interest earnings in the 2013 Bond Program Fund that can be leveraged as part of this project in an effort to maximize the direct benefit from the \$500,000 included in the 2019 bond program. The following budget amendment is recommended for City Council consideration.

From: 2013 Bond Program Interest Earnings	\$200,000
To: All Abilities Park Enhancements Project	\$200,000

Item	Amount
GameTime (Morningside Park)	\$358,163
Play & Park (Landa Park)	\$82,474
D&M Owens (both parks)	\$68,909

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

X	Yes	Envision New Braunfels	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 and park features usable for all abilities.
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FISCAL IMPACT:

The 2013 and 2019 bond program funds have allocated funding to support this project and the expenditures described above. Therefore, sufficient funds are available.

COMMITTEE RECOMMENDATION:

The Parks and Recreation Advisory Board voted at their July 16, 2019 meeting to recommend the proposed project with a 5-0 vote.

STAFF RECOMMENDATION:

Staff recommends approval of the purchases for all ability play equipment from GameTime and Play & Park Structures and site and concrete work from D&M Owens.

8/19/2019

Agenda Item No. C)

Presenter/Contact

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

SUBJECT:

Discussion and possible direction regarding amendments to the current Industrial Zoning Districts in the Zoning Ordinance, Chapter 144 of the City's Code of Ordinances.

BACKGROUND:

On January 15, 2019, the City Council and Planning Commission held a joint workshop. One of the topics of discussion was concern about how the cumulative or pyramidal nature of New Braunfels' industrial zoning districts has been mixing residential with manufacturing and heavy commercial uses. Discussion ensued regarding the resulting impacts:

1. diminishing quality of life and property values of existing residential due to intensity of neighboring industrial or heavy commercial activity, and
2. limiting area available for new job creators who prefer sites without residential or potential for future residential development in close proximity.

City Council directed staff to bring forward some solutions to this concern.

On April 8, 2019, staff presented a list of optional actions that the City could undertake to address incompatible uses resulting from cumulative zoning, in accordance with the Comprehensive Plan. The recommended first step was to amend the Zoning Ordinance to make the industrial zoning districts less cumulative in nature. City Council directed staff to proceed with this code amendment process.

On May 3, 2019, staff sent proposed code changes to development community stakeholders and requested feedback, input, suggestions, etc. Staff received a few questions, but no feedback or suggestions.

On May 7, 2019, the Planning Commission held a public hearing and recommended approval of the proposed code amendments.

On May 28, 2019, City Council held a public hearing and approved the first reading of the proposed code amendments, with requests to ensure the 1960s-era and 1980s-era industrial districts were more consistent in terms of allowed uses (e.g. crematoriums).

On June 10, 2019, after concern was expressed by a property owner with an industrially zoned tract who is seeking an SUP for manufactured housing, City Council postponed action on the second reading to their August 12, 2019 meeting.

In July, staff held individual meetings with City Council Members to discuss the overall plan steps in

more detail before requesting a postponement at the August 12th meeting to facilitate this workshop.

HISTORY

New Braunfels' first zoning districts were adopted in 1945. While basic, they implemented the model Standard State Zoning Enabling Act and creatively addressed impacts of incompatible uses. In 1967, New Braunfels updated its zoning ordinance introducing cumulative districts, meaning that uses allowed in the least intense residential district were also allowed in the multi-family district; everything allowed in multifamily was also allowed in the commercial districts, and everything allowed in the commercial districts was also allowed in industrial districts (all uses). In 1987, New Braunfels adopted additional zoning districts that are less cumulative in nature, but retained the 1967 zoning districts in the ordinance.

Through application of these various districts via the standard process over the decades, single family and multifamily residential uses have developed within industrial zoned areas. This has triggered the compatibility concerns noted in the first paragraph above for both industrial and residential uses. Cities should preserve their industrial zoning to attract industry and jobs to maintain a healthy and diverse economy. Concurrently, cities should protect residential areas; providing balance to both.

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 Interstate Highway 35. Action 1.11 Update policies and codes to achieve development patterns that implement the goals of Envision New Braunfels. Action 3.3 Balance commercial centers with stable neighborhoods. Action 3.6 Proactively provide a regulatory environment that remains business and resident friendly.
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FISCAL IMPACT:

Limiting residential encroachment into or near industrial areas protects opportunities for economic development and job expansion, allows growth in our tax base, and protects property values for all. And, limiting industrial impacts on neighborhoods protects residential property owners' safety, property values, and enjoyment of their personal investments.

COMMITTEE RECOMMENDATION:

The Planning Commission held a Public Hearing May 7, 2019 and recommended approval of the proposed ordinance revision.

STAFF RECOMMENDATION:

Staff recommends consideration of proceeding with the second reading of the code amendments. As this is a long term, multi-pronged project, staff also recommends consideration of subsequent steps following this initial first action, including:

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- Bring forward follow-up amendments to address use consistency between districts.
 - Inventory properties zoned industrial and identify existing land uses; rezone in accordance with Envision New Braunfels (Residential, Commercial, Industrial).
 - Of the vacant industrial zoned property, evaluate their propensity for industrial. If not viable for industrial based on access, floodplain, size, etc, rezone in accordance with Envision New Braunfels.
 - Increase inventory of land zoned for industry:
 - Consider annexation and appropriate zoning of non-annexation agreement land located near or within Future Employment Centers or near existing industrial greenfield.
 - Consider annexing property east of the airport; zone it industrial.
 - Identify areas developed with industrial land use but presently not zoned industrial and rezone accordingly.
 - Rezone properties located within the city limits near Employment Centers to industrial or mixed-use zoning districts.
 - Consider creation of new zoning districts (e.g. BP Business Park) to create options for cohesive, master planned, campus style light industrial development.
 - Ensure mixed-use zoning includes impact mitigation measures (e.g. tiered buffers) to avoid incompatible land uses.

8/19/2019

Agenda Item No. D)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of a resolution identifying legislative priority recommendations to submit to the Texas Municipal League for inclusion in their advocacy efforts; and appoint a delegate to serve as the City's Liaison at the Texas Municipal League Annual Business Meeting.

BACKGROUND / RATIONALE:

The Texas Municipal League (TML) has invited member cities to submit resolutions with recommendations for consideration related to TML's advocacy efforts in their Legislative Programs. Resolutions must be submitted to TML no later than August 26, 2019 for consideration at the 2019 TML annual conference in October.

Attached for consideration is a draft resolution as well as list of suggested priorities pursuant to discussion at the August 12, 2019 City Council meeting.

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

Envision New Braunfels Comprehensive Plan	Strategy 8: Cultivate Local and Regional Partnerships
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends adoption of a resolution consistent with the legislative priorities of the City Council for submission to TML. And, staff recommends appointment of a TML delegate at City Council's discretion.



TEXAS MUNICIPAL LEAGUE

Empowering Texas cities to serve their citizens

President **John B. Love III**, Mayor Pro Tem, Midland
Executive Director **Bennett Sandlin**

July 12, 2019

MEMORANDUM

TO: TML Member Cities
TML Regional Officers
TML Affiliate Presidents

FROM: Scott Houston, Deputy Executive Director and General Counsel

SUBJECT: Resolutions for the 2019 TML Annual Conference

League advocacy efforts are based on a “legislative program” that is developed by member city officials. The program is essential to the legitimacy of the League’s advocacy efforts. To develop the program, city officials provide input in primarily two ways.

First, a member city, TML region, or TML affiliate may submit a resolution for consideration at the business meeting of each year’s annual conference. Each city is asked to provide one delegate to serve as its liaison at the meeting. The representatives will be briefed on the content of the resolutions and given a chance to discuss and vote on whether they merit inclusion in the legislative program. The resolutions form the basis of a “fixed” legislative program, under which – each session – modifications to the program will be made only if needed.

Second, member city officials can participate in the League’s “Municipal Policy Summit” during the summer of 2020. The report of the Summit takes the form of a resolution that is submitted to the annual conference in interim years. The summit participants will be appointed by the TML President in early 2020 based on volunteers and others chosen to balance the demographics of the TML membership at large. (Volunteers for the 2020 Summit will be solicited at a later date.)

With regard to the resolutions process, the TML Constitution states that resolutions for consideration at the annual conference must be submitted to the TML headquarters 45 calendar days prior to the first day of the Annual Conference. For 2019, this provision means that resolutions from any member city, TML region, or TML affiliate must arrive at the TML headquarters no later than 5:00 p.m. on **August 26, 2019**.

The TML Board of Directors has adopted several procedures governing the resolutions process. Please review the following items carefully and thoroughly.

1. No resolution may be considered at the annual TML business meeting unless it has prior approval of: (a) the governing body of a TML member city; (b) the governing body or membership of a TML affiliate, or (c) the membership of a TML region at a regional meeting.
2. TML member cities, regions, and affiliates that wish to submit a resolution **must** complete a resolution cover sheet. The cover sheet is available [here](#).
3. It is recommended that any resolution state one of four categories to better direct League staff. Those categories are:
 - **Seek Introduction and Passage** means that the League will attempt to find a sponsor, will provide testimony, and will otherwise actively pursue passage. Bills in this category are known as “TML bills.”
 - **Support** means the League will attempt to obtain passage of the initiative if it is introduced by a city or some other entity.
 - **Oppose.**
 - **Take No Position.**
4. Resolutions submitted will be thoroughly discussed at the TML Annual Conference. Each city is asked to provide one delegate to serve as its liaison at the annual business meeting at which resolutions will be considered. The delegate isn’t required to have any special expertise, and an elected official representative is encouraged but not required. The delegate must sign up electronically at <https://www.tml.org/FormCenter/Member-Resources-5/2019-TML-Business-Meeting-66> prior to the meeting or can sign up in person at a table outside of the meeting room. Cities are encouraged to sign up their delegate early using the link above.
5. The city, region, or affiliate that submits a resolution is encouraged to send a representative to the business meeting meeting to explain the resolution. The Resolutions Committee will meet at **3:30 p.m.** on Thursday, **October 10, 2019**, at the **Henry B. Gonzalez Convention Center**.

Under the TML Constitution, resolutions received after the deadline of August 26, 2019, must not only have the attached cover sheet, but also must “state the reason precluding timely submission.” These late resolutions may be considered at the annual conference only if two-thirds of the representatives present and voting agree to suspend the submission rule and consider the resolution.

Resolutions may be submitted by mail or by e-mail to Scott Houston, Deputy Executive Director and General Counsel, at:

1821 Rutherford Lane, Suite 400

Austin, Texas 78754
Fax: 512-231-7490
Email: shouston@tml.org

If you have questions or would like any assistance, please call 512-231-7400 at any time.

1821 Rutherford Lane, Suite 400, Austin, Texas 78754
P 512-231-7400 • F 512-231-7490 • www.tml.org



2021 State Legislative Priorities



87th Legislature

City of New Braunfels, Texas

Legislative Priorities for the 2021 Session

Adopted August 19, 2019

Barron Casteel, Mayor

Shane Hines, District 1

Matthew Hoyt, District 4

Justin Meadows, District 2

Wayne Peters*, District 5

Harry Bowers, District 3

Leah Garcia, District 6

*Mayor Pro Tem

Robert Camareno, City Manager

Kristi Aday, Assistant City Manager

Jordan Matney, Assistant City Manager

Our Home, Our Decisions

Government closest to the people can best serve and respond to the needs of its citizens. This has been the tradition of the USA since the Declaration of Independence. The City of New Braunfels agrees with this philosophy and, therefore, opposes any bill that would erode authority of municipalities to implement rules and regulations in the service of their respective citizens or that would undermine the principles of self-government.

Support

- The City of New Braunfels supports the continued ability to protect residential neighborhoods from activities that would degrade home-owner property values, including but not limited to, the ability to regulate the location and development standards of short-term rentals/vacation rentals/overnight rentals.
- The City of New Braunfels supports legislation that would provide municipalities the authority to:
 - regulate sober living homes in residential neighborhoods through zoning
 - require local registration of sober living homes to include the property owner/landlord contact information as well as tenant listing
 - require annual safety and fire inspections of sober living homes
 - require the issuance of a certificate of occupancy for sober living homes
 - require notification of surrounding property owners when a sober living home is entering a neighborhood

Oppose

- The City of New Braunfels opposes legislation that would erode municipal authority to regulate the permitting, placement, size or height of billboards.

Growth

The City of New Braunfels is presently the 2nd fastest growing city in the nation. The city must be able to respond to citizens and surrounding residents with services, and guarantee quality infrastructure that the citizens demand with the same speed. The City supports legislation that would promote orderly, logical and safe development practices.

Support

- The City of New Braunfels supports legislation that would prevent substandard or unsafe development, infrastructure and housing in the Extraterritorial Jurisdiction (ETJ).
- The City of New Braunfels supports legislation that would provide municipalities tools to reduce unnecessary bureaucracy and facilitate streamlined development processes

while continuing to ensure safe, affordable, quality, fair and equitable development practices.

Oppose

- The City of New Braunfels opposes legislation that would erode a City's ability to enforce subdivision platting ordinances in the ETJ.
- The City of New Braunfels opposes legislation that would eliminate ETJs in Texas.
- The City of New Braunfels opposes legislation that would render comprehensive plans or master plans ineffective as guides for community growth and partnerships.

Safety

In terms of local development review, ensuring safety of the citizenry is paramount. Citizens expect its local government to ensure at least a minimum level of safety through adherence to rules, laws, permits and ordinances.

Support

- The City of New Braunfels supports legislation that would allow a city to reduce the prima facie speed limit from 30 mph to 25 mph.
- The City of New Braunfels supports legislation that would expand state funding and grants for services and programs that ensure access for people with disabilities.

Finance

Texas cities are partners with the state to maintain the economy and quality of life desired by our citizens, but receive little to no direct state funding. Local officials, therefore, are best positioned to determine the revenue necessary to provide the services demanded by their citizens for their protection, safety and welfare.

Support

- The City of New Braunfels supports legislation that would provide municipalities and the state the authority to collect accurate hotel occupancy tax from overnight lodging entities including the ability to audit hosts as well as their third party booking platforms, and to enact stricter penalties on those who do not remit their taxes.
- The City of New Braunfels supports legislation that would expand the state's efforts at ensuring collection of hotel occupancy tax from overnight lodging providers, to include capture of taxes due to both counties and cities.

- The City of New Braunfels supports legislation that would expand the sales tax base, but only if the city tax base fully benefits from the expansion.

Oppose

- The City of New Braunfels (1) opposes legislation that would alter the city share or the calculation or sourcing of city sales taxes; and (2) opposes legislation that would expand the sales tax base without fully benefitting the city tax base.
- Without financial assistance from the state, the City of New Braunfels opposes legislation that would impose a stricter “revenue cap”, which would further limit the City’s ability to meet the needs of its rapidly growing population with services demanded by the citizenry.
- In light of revenue limits imposed by the state, the City of New Braunfels opposes legislation that would impose any additional unfunded mandates.

RESOLUTION NO. 2019 - ____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ESTABLISHING LEGISLATIVE PRIORITIES FOR THE CITY OF NEW BRAUNFELS, AND RECOMMENDING THOSE PRIORITIES TO THE TEXAS MUNICIPAL LEAGUE FOR INCLUSION IN THEIR LEGISLATIVE PROGRAM.

WHEREAS, the Texas Municipal League (TML) has invited member cities to submit resolutions by August 26, 2019, with recommendations for consideration in TML's advocacy efforts; and

WHEREAS, City staff made recommendations for legislative priorities for the City of New Braunfels, Texas.

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

The attached list of legislative priorities shall be submitted to TML on behalf of the City of New Braunfels, Texas.

This Resolution shall become effective immediately upon adoption. The Mayor and City Secretary are hereby authorized and directed to execute this Resolution on behalf of the City, and the City Manager is hereby authorized to do any and all things proper and necessary to carry out the intent of this Resolution.

PASSED, APPROVED AND EFFECTIVE this 19th day of August, 2019.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Barron Casteel, Mayor

ATTEST:

Patrick D. Aten, City Secretary