



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



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

**MONDAY, SEPTEMBER 23, 2019 at 6:00 PM**

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

***MISSION STATEMENT***

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

**AGENDA**

**CALL TO ORDER**

**CALL OF ROLL: City Secretary**

**INVOCATION: Councilmember 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) Living Legends
- B) Gruene Music & Wine Fest Weekend
- C) World Habitat Day

**PRESENTATIONS:**

- A) Discuss and consider the confirmation of Patrick O'Connell as Fire Chief of the New Braunfels Fire Department.  
*Robert Camareno, City Manager*
- B) Administration of the Oath of Office for Patrick O'Connell, New Braunfels Fire Chief.  
*Barron Casteel, Mayor*
- C) Presentation on Comal County's Facilities Master Plan.  
*Sherman Krause, Comal County Judge*

1. **MINUTES**

- A) Discuss and consider approval of the minutes of the regular City Council meeting of September 9, 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 to renew the following annual contracts, as allowed for by their contract language: Stop Loss Insurance; Litter Removal Services from City Parks; ESO Solutions Software Renewal and Litter and Floating Vegetation Removal - River Services.

*Debbie Kimball, Buyer*

- B) Approval of a contract with D & S Concrete Contractors LLC for repairs to be made to the Fischer Park Dam No. 1 Spillway; authority for the City Manager to approve any change orders up to a ten percent contingency amount for project expenditures; and additional engineering with Freese and Nichols for the construction phase services.

*Mark Enders, Watershed Program Manager*

- C) Approval of a waiver from the requirement to construct sidewalks along Saur Lane for the proposed New Braunfels Utilities Saur Lane Subdivision.

*Christopher Looney, Planning and Community Development Director*

- D) Approval of the Termination of Restrictive Covenants in the Seidel Subdivision and authorizing the City Manager to execute the document.

*Jordan Matney, Assistant City Manager*

- E) Approval of a resolution recommended by the New Braunfels Economic Development Corporation to approve a project expenditure for direct incentives not to exceed \$55,000 for Calendar Holdings, LLC for a project found to promote or develop new or expanded business

enterprises that create or retain primary jobs

*Jordan Matney, Assistant City Manager*

- F) Approval of a recommendation of the New Braunfels Economic Development Corporation to renew the professional services agreement between the City and the NBEDC for administrative, financial, and legal services, and authorizing the annual expenditure of \$167,500.

*Jordan Matney, Assistant City Manager*

- G) Approval of a construction contract amendment with J3 Company, LLC in the amount of \$186,480 to increase the project contingency as part of the Klein Road Reconstruction Project; and approval of a contract amendment in the amount of \$225,000 for the installation of fiber-optic communication conduit within the Klein Road right-of-way to the Sports Complex funded in the 2019 Bond Program.

*Garry Ford, City Engineer*

#### *Ordinances*

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

- H) Approval of the second and final reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government Code, Chapter 143.

*Nokihomis Willis, Director of Human Resources*

- I) Approval of the second and final reading of an ordinance increasing certification and education pay for Fire Officers possessing certain Texas Commission on Fire Protection and Police Officers possessing certain Texas Commission on Law Enforcement Standards and Education pursuant to Local Government Code, Chapter 143.

*Nokihomis Willis, Human Resources Director*

- J) Approval of the second and final reading of an ordinance to raise the speed limit on Walnut Avenue between Landa Street and Business IH-35 to 35 mph.

*Garry Ford, City Engineer*

- K) Approval of the second and final reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area B.

*Garry Ford, City Engineer*

4. **INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Discuss and consider approval of a resolution recommended by the New Braunfels Economic Development Corporation to approve a project expenditure for direct incentives not to exceed \$800,000 for PNC Bank, N.A. for a project found to promote or develop new or expanded business enterprises that create or retain primary jobs.  
*Jordan Matney, Assistant City Manager*
- B) Discuss and consider approval of a resolution of the City Council of the City of New Braunfels, Texas, consenting to the creation of the Lake Dunlap Water Control and Improvement District.  
*Valeria M. Acevedo, City Attorney*
- C) Discuss and consider approval of a resolution of the City Council of the City of New Braunfels, Texas, approving a Meet and Confer Agreement between the City and the New Braunfels Professional Fire Fighters Association, Local 3845 of the International Association of Fire Fighters, and providing an effective date.  
*Valeria Acevedo, City Attorney*
- D) Discuss and consider approval of the appointment of 15 individuals to the Workforce Housing Advisory Committee, and accompanying bylaws.  
*Patrick Aten, City Secretary*
- E) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit on 45 acres out of the Orilla Russell League Survey, No. 2, Abstract No. 485, located on the south side of Orion Drive and east of the Union Pacific Rail Road, to allow a manufactured home community in the "M-1A" Light Industrial District.  
*Christopher J. Looney, Planning and Community Development Director*
- F) Public hearing and first reading of an ordinance amending the Code of Ordinances, Chapter 144, Zoning, Section 4.2, Land Use Matrix, to correct inadvertent typographical errors.  
*Christopher Looney, Planning and Community Development Director*
- G) Public hearing and first reading of an ordinance regarding the proposed rezoning of 7.2 acres addressed at 144 Rueckle Road, from "C-1B" General Business District to "M-2A" Heavy Industrial District.  
*Christopher Looney, Planning and Community Development Director*
- H) Discuss and consider a waiver from the requirement to construct sidewalks along Granada Hills for the proposed Red Hawk Trail Subdivision.



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

- I) Discuss and consider approval of the first reading of an ordinance amending Chapter 90, Peddlers and Solicitors, to prohibit the placement of commercial handbills or flyers on private property that has a posted sign prohibiting solicitation.

*Valeria M. Acevedo, City Attorney*

**5. EXECUTIVE SESSIONS**

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

- A) Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, specifically related to:
  - Project Nautilus
  - Project 2x4
- B) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code
  - Property for city facilities
- C) Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Attorney in accordance with Section 551.074 of the Texas Government Code.

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

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

**7. ADJOURNMENT**

**CERTIFICATION**

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall on September 18, 2019, at 5:00 p.m.

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Patrick Aten, City Secretary

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

## City of New Braunfels



# Proclamation

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

**WHEREAS, Bruce Boyer, Jay Brewer, and Betty Kyle** have been named Living Legends of New Braunfels by the Braunfels Foundation Trust; and

**WHEREAS, Bruce Boyer** was born in Nebraska but grew up in Texas and Pennsylvania. After earning a degree from the University of Nebraska and a law degree from Southern Methodist University, Bruce was given the opportunity to work in New Braunfels in 1977, a place he visited in his youth on family trips. Bruce later served as the New Braunfels City Prosecutor, Assistant County Attorney, and Assistant District Attorney. He was the first president of the City of New Braunfels' 4B Board as well as a board member and past president of the Comal County Chapter of the American Heart Association, also serving the Comal County Children's Shelter, the New Braunfels Girls Softball Association, the New Braunfels Rotary Club, and the Comal County Senior Citizens Association. As a member of the Greater New Braunfels Chamber of Commerce, he served as Chair of the Texas Legislative Conference Arrangements Committee and as President and Grosse Opa of the Wurstfest Association. We're told the six best years of his life were from 2005 to 2011 when Bruce served as Mayor for the City of New Braunfels. Some of the projects involving Bruce during his two terms as Mayor include the expansion of the New Braunfels Civic and Convention Center, the acquisition of Fischer Park and the development of the Creekside area. Additionally, the purchase of the Das Rec property, the initiation of the Landa Park restoration project, the expansion of Walnut Avenue, the planning and development of the Mission Hill and Highway 46/HEB project, and the development and implementation of the Downtown Master Plan all occurred during Mayor Boyer's terms. The Chamber of Commerce honored Bruce with both the prestigious Honors Hall recognition and the highly coveted Besserung Award. In 2013, Bruce was elected to his first term as Judge of the 22nd District Court where he serves the citizens of Comal, Hays, and Caldwell counties. Bruce is married to Toya Ohlrich and they are the parents of three daughters, Casey Cox, Shelley Bredewater, and Rachel Meier, and seven grandchildren.

**WHEREAS, Jay Brewer** and his mother moved from Mississippi to San Antonio in 1952. He graduated from Harlandale High School, was a National Honor Society member and lettered in track and basketball. He first visited Landa Park on a senior trip. Jay attended San Antonio College and upon completion in 1957 joined the United States Marine Corps. Following his discharge, Jay began a twenty-nine-year career with the General Electric Company, and as a sales counselor in the major appliance division his territory included New Braunfels. After several transfers, family dictated that Jay leave the corporate world, and he and his two children moved from San Antonio to New Braunfels in 1979 where he opened an appliance business on San Antonio Street and was active in the Downtown Merchants Association. In 1982, Jay married Susan Battenberg, blended their families, sold his business, and joined a successful distributorship in San Antonio. In 1986, Jay rejoined with GE and he and Susan moved to St. Louis, Missouri. After five transfers Jay retired in 1998 and returned to the New Braunfels area. This move sparked a sense of community and ignited Jay's impressive volunteer activities. While living at Canyon Lake for five years, Jay became a board member and then president of the Canyon Lake Community Recreation Center, which soon became the Community Resource and Recreation Center where he served as its first board President. He also served on the Advisory Boards of both the YMCA of Comal County and Greater San Antonio and the Tye Preston Memorial Library Capital Campaign. Moving back into New Braunfels Jay

became involved with the renovation of the Brauntex Theatre, doing everything from small tasks to major renovation, serving as President of the Board for five years and then as Chair of the Advisory Board. He currently serves on the boards of the Sophienburg Museum and Archives, New Braunfels Housing Partners, Hope Hospice Foundation and Hope Hospice, where he served as President of both. Jay also served his city and county governments with appointments to the Comal County Historical Commission, the Comal County Communications Task Force, and participated in the inaugural class of the University of County Government. He served on the City of New Braunfels' Wayfinding Committee, the Downtown Steering Committee, the Mayor's Strategic Planning Committee, and as a member of the Castell Avenue Redevelopment Committee. The Canyon Lake Chamber of Commerce gave Jay their "Volunteer Service Award" and earlier this year the Comal County Commissioners Court presented him with the "Jan Kennedy Key to the Courthouse" recognition. The Greater New Braunfels Chamber of Commerce bestowed their "Chair of the Board Award" for Jay's preservation efforts and in 2011 the coveted "Besserung" Award. Jay and Susan are members of First Protestant Church and parents to Jaye Lynn, Michael, Nancy, and Katherine as well as the proud grandparents of seven grandchildren and one great-grandchild.

**WHEREAS, Betty Kyle** was born in New Braunfels and grew up with her siblings Jane and Shelley in their historic 1867 home in Comal Town, where she lives today. A 1958 graduate of New Braunfels High School and ranked third in her class, Betty was a twirler in the Mighty Unicorn Band and a student council member. She graduated from the University of Texas in Austin with a degree in Home Economics and began her teaching career at Troy High School outside of Temple. In 1962, Betty married Jack Kyle and they moved to her hometown of New Braunfels with their young son, Scott. Matt, Kathryn, and Jennifer were born in New Braunfels, reside in New Braunfels, and follow in their mother's active and community-driven footsteps. For twenty-nine years Betty taught Child Development and Family Living and the Cooperative Career Program at Canyon High School, where she also coached cheerleaders and advised the student council. During these teaching years Betty was a consultant to both the Texas and National Associations of Student Councils. She was Canyon High School's "Teacher of the Year," the New Braunfels Masonic Lodge's "Outstanding Educator," KENS Channel 5's "EXCEL Teacher of the Year," and the Texas Association of Student Council's "Advisor of the Year" and "Texas Leadership Consultant." Betty retired from teaching in 2002 but quickly found a job as accountant and manager of son Matt's law practice. As a member of the Braunfels Foundation Trust's Scholarship Committee Betty has helped select students to receive the "First Step Scholarship" for vocational and technical certifications. For ten years she has been the vice-chair of the New Braunfels Parks Department's Cemetery Committee, assists with the Soul Searching in the Comal Cemetery, and works with the Headwaters at the Comal project. She has served on the Greater New Braunfels Arts Council's Endowment Committee and chaired the City of New Braunfels' Water Preservation Board. Betty has received numerous recognitions within New Braunfels such as: the New Braunfels Optimist Club's "Friend of Youth" honor; the Comal County Extension Service's "Friend of 4H" award; New Braunfels Independent School District's "Silver Unicorn Award;" the NBISD Education Foundation's "Distinguished Alumni;" the Greater New Braunfels Arts Council's awards for "Dedication to the Arts Community" and "Community Endowment for the Arts;" and the Greater New Braunfels Chamber of Commerce's recognition with a place in Honors Hall. Betty is a member of First Protestant Church where she has been a board member for nine years. She's a cancer survivor, a mother, a teacher, a volunteer extraordinaire, and now a Living Legend whose roots are deep in the foundation of New Braunfels.

**WHEREAS,** the Braunfels Foundation Trust will honor these Living Legends at their festive event at the New Braunfels McKenna Events Center on October 7, 2019.

**NOW, THEREFORE, I, BARRON CASTEEL,** by virtue of the authority vested in me as Mayor of the City of New Braunfels, do hereby proclaim Bruce Boyer, Jay Brewer, and Betty Kyle as

## **LIVING LEGENDS OF NEW BRAUNFELS**

and urge all citizens to join the Braunfels Foundation Trust in honoring New Braunfels' Living Legends.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 23<sup>rd</sup> day of September 2019.

**CITY OF NEW BRAUNFELS**

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

## City of New Braunfels



# Proclamation

<b>THE STATE OF TEXAS</b>	<b>§</b>
<b>COUNTY OF COMAL</b>	<b>§</b>
<b>CITY OF NEW BRAUNFELS</b>	<b>§</b>

**WHEREAS**, the Gruene Music & Wine Fest is a four-day event which began in 1987 in the Gruene Historic District located on the northern end of New Braunfels as a means of providing funds for United Way of Comal County and to help celebrate Texas Wine Month; and

**WHEREAS**, the festival features the best in live Texas & Americana music and brings together a wide selection of wine, food & beer producers from across the state for sampling by event patrons, alongside a handmade artisan market; and

**WHEREAS**, the Gruene Music & Wine Fest promotes the beautiful and National Register designated historic district of Gruene, and the businesses therein; and

**WHEREAS**, the 33<sup>rd</sup> Annual Gruene Music & Wine Fest will be held Thursday, October 10<sup>th</sup> through Sunday, October 13<sup>th</sup> of 2019 at Gruene Hall and The Grapevine grounds in Gruene, and will again benefit United Way of Comal County; and

**WHEREAS**, the festival will feature music by The Bacon Brothers, Tanya Tucker, Casey Donahew Band, Kody West, Mike & The Moonpies, Seth James Band, Jamie Lin Wilson, Bart Crow, Zack Walther Band, Prophets and Outlaws, Walt Wilkins & The Mystiqueros, Warren Hood Band, Zac Wilkerson Band, Bo Phillips Band, Dirty River Dixie Band, Brian Pounds Band, Hot Texas Swing Band, and more, a catered dinner by Gristmill River Restaurant & Bar, a silent auction, the "Great Guitar Auction", wine & food samplings, food trucks, an artisan market, prize drawings and the "Craft Beer Event & Music Fest" with over 80 Texas craft beers for tasting; and

**WHEREAS**, the local community is welcome to attend the festival and participate in all the fun that the event has to offer.

**NOW, THEREFORE, I, BARRON CASTEEL**, Mayor of the City of New Braunfels, Texas, do hereby proclaim Thursday October 10<sup>th</sup> through Sunday October 13<sup>th</sup> of 2019, as

### **GRUENE MUSIC & WINE FEST WEEKEND**

in New Braunfels and I urge all citizens to participate in and enjoy the fun activities planned for the occasion, and extend our appreciation to all who have worked so hard to make this festival one of the highlights of Texas Wine Month and the United Way Campaign of Comal County which supports health & human services in our county.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 23<sup>rd</sup> day of September 2019.

**CITY OF NEW BRAUNFELS, TEXAS**

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





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. A)

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Presenter/Contact

*Robert Camareno, City Manager*  
*rcamareno@nbtexas.org*

**SUBJECT:**

Discuss and consider the confirmation of Patrick O'Connell as Fire Chief of the New Braunfels Fire Department.

**BACKGROUND / RATIONALE:**

The position of Fire Chief became vacant earlier this year due to the retirement of Kenneth Jacks. After an inclusive and competitive selection process, the City Manager has appointed Patrick O'Connell to be our next Fire Chief. Under section 143.013 of Municipal Civil Service, the governing body must confirm the appointment.

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

N/A

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

The City Manager recommends the City Council confirm of Patrick O'Connell as the City of New Braunfels Fire Chief.







## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**9/23/2019**

Agenda Item No. B)

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Presenter/Contact

*Barron Casteel, Mayor*

*mayor@nbtexas.org*

**SUBJECT:**

Administration of the Oath of Office for Patrick O'Connell, New Braunfels Fire Chief.





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**9/23/2019**

Agenda Item No. C)

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Presenter/Contact

*Sherman Krause, Comal County Judge*  
*krause@co.comal.tx.us*

**SUBJECT:**

Presentation on Comal County's Facilities Master Plan.





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**9/23/2019**

Agenda Item No. A)

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Presenter/Contact

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

**SUBJECT:**

Discuss and consider approval of the minutes of the regular City Council meeting of September 9, 2019.

**MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL  
REGULAR MEETING OF MONDAY, SEPTEMBER 9, 2019**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on September 9, 2019, at 6:00 p.m.

City Councilmembers present were:

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

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

**PROCLAMATIONS:**

A) Hispanic Heritage Month

**Mayor Casteel proclaimed September 15 through October 15 as Hispanic Heritage Month.**

B) Hunger Action Month

**Mayor Casteel proclaimed September 2019 as Hunger Action Month.**

C) National Preparedness Month

**Mayor Casteel proclaimed September 2019 as Preparedness Month.**

D) Sons of the American Legion Day

**Mayor Casteel proclaimed September 15 as Sons of the American Legion Day.**

**PRESENTATIONS:**

A) Presentation, discussion, and approval of a resolution requesting financial assistance from the State of Texas by and through the Governor and the legislature to the Guadalupe-Blanco River Authority for the costs of repair, reconstruction, and maintenance of critical infrastructure located at Lake Dunlap, Lake McQueeney, Lake Placid, Meadow Lake, Lake Gonzales, and Lake Wood.

**Mayor Casteel read the aforementioned caption.**

**Jay Harmon spoke on the item.**

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

- B) Presentation regarding the Solms Landing Public Improvement District and associated financing plan.

**Mayor Casteel read the aforementioned caption.**

**Jared Werner, Bart Fowler, and Mark McLiney presented the item.**

# **1. MINUTES**

- A) Discuss and consider approval of the minutes of the regular City Council meeting of August 26, 2019, and the special meetings of August 22 and September 3, 2019.

**Mayor Casteel read the aforementioned caption.**

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

# **2. CITIZENS' COMMUNICATIONS**

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

**No one spoke.**

# **3. CONSENT AGENDA**

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

## *Resolutions & Action Items*

- A) Approval of the appointment of two individuals to the Building Standards Commission for terms ending October 26, 2021.
- B) Approval of an annual contract with Landscape Commander LLC to

provide landscape maintenance services at designated City facilities, parks and roadway medians, on an as-needed basis.

- C) Approval for the City Manager to enter into an Agreement for Release of Liability for Fire Department training activities with BHGE Oil and Gas Company for the use of their property at 1150 Schwab Road.
- D) Approval of the grant contract for the Routine Airport Maintenance Program through the Texas Department of Transportation in the amount of up to \$50,000 for eligible maintenance expenses; and authorizing the City Manager to accept funds and to execute all contract documents associated with grant.

### *Ordinances*

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

- E) Approval of the second and final reading of an ordinance creating a temporary San Antonio Street Bridge Safety Zone that will prohibit river and pedestrian traffic upstream, under, and downstream of the bridge, during TxDOT construction; authorizing the City Manager to determine date such activities are safe to resume; establishing up to a \$500.00 fine; and repealing Section 86-17 of the Code of Ordinances, entitled Gruene Road River Bridge Water Safety Zone; and providing an effective date.
- F) Approval of the second and final reading of an ordinance regarding the proposed rezoning of 39.241 acres, consisting of Lot 2, AD2 Subdivision and approximately 34 acres out of the A-485 O Russell Survey 1, located in the 3900 and 4000 blocks of IH-35 North, from "M-1" Light Industrial and "APD" Agricultural/Pre-Development Districts to "M-1A" Light Industrial District.
- G) Approval of the second and final reading of an ordinance regarding the proposed rezoning of Lot 1, Block 1, AD2 Subdivision, addressed at 4001 IH-35 North, from "M-1" Light Industrial and "APD" Agricultural/Pre-Development Districts to "M-1A" Light Industrial District.

**Mayor Casteel read the aforementioned captions.**

**Councilmember Garcia moved to approve the Consent Agenda.  
Councilmember Bowers seconded the motion which passed**



unanimously via roll call vote.

#### **4. INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Discuss and consider a request for a conditional sign permit for QuikTrip 4040 to allow a pole sign to exceed the adopted height and sign face area standards, addressed at 2017 FM 1102.

**Mayor Casteel read the aforementioned caption.**

**Chris Looney presented the item.**

**David Wanders spoke on the item.**

**Councilmember Meadows moved to approve the item with staff recommendations. Councilmember Hoyt seconded the motion which passed 4-3 with Councilmember Hines Councilmember Bowers, and Mayor Casteel opposed.**

**<City Council took a break.>**

- B) Discuss and consider approval of the second and final reading of an ordinance adopting the FY 2019-20 Operating Budget and Plan of Municipal Services.

**Mayor Casteel read the aforementioned caption.**

**Jared Werner presented the item.**

**Councilmember Meadows moved to adopt the FY 2019-20 Operating Budget and Plan of Municipal Services including the Budget Order and attachments included in that order. Mayor Pro Tem Peters seconded the motion which passed unanimously via roll call vote.**

- D) Discuss and consider approval of a resolution of the City of New Braunfels ratifying the increase in revenue generated by the 2019 property tax rate included in the FY 2019-20 Annual Budget.

**Mayor Casteel read the aforementioned caption.**

**Jared Werner presented the item.**

**Councilmember Hoyt moved to ratify the property tax revenue**

increase reflected in the FY 2019-20 Operating Budget and Plan of Municipal Services. Mayor Pro Tem Peters seconded the motion which passed unanimously via roll call vote.

- C) Discuss and consider approval of the second and final reading of an ordinance adopting the 2019 ad valorem tax rates.

**Mayor Casteel read the aforementioned caption.**

**Jared Werner presented the item.**

**Bob Wolf spoke on the item.**

**Councilmember Bowers moved that the property tax rate for tax year 2019 remain unchanged by the adoption of a total ad valorem property tax rate of .48822 per \$100 of assessed valuation, which is effectively a 7.8% increase in the tax rate, with .214498 for debt service and .273722 cents for operations and maintenance. Councilmember Hines seconded the motion which passed unanimously via roll call vote.**

- E) Discuss and consider approval of the first reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government code, Chapter 143.

**Mayor Casteel read the aforementioned caption.**

**Nokihomis Willis presented the item.**

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

- F) Discuss and consider approval of the first reading of an ordinance increasing certification and education pay for Fire Officers possessing certain Texas Commission on Fire Protection and Police Officers possessing certain Texas Commission on Law Enforcement Standards and Education pursuant to Local Government Code, Chapter 143.

**Mayor Casteel read the aforementioned caption.**

**Nokihomis Willis presented the item.**

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

- G) Discuss and consider approval of an ordinance authorizing the issuance of the City of New Braunfels, Texas Combination Tax and Revenue Certificates of Obligation, Series 2019; levying an ad valorem tax and pledging certain surplus revenues in support of the certificates; approving an official statement, a paying agent/registrar agreement and other agreements relating to the sale and issuance of the certificates; and ordaining other matters relating to the issuance of the certificates.

**Mayor Casteel read the aforementioned caption.**

**Jared Werner and Andrew Friedman presented the item.**

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

- H) Discuss and consider approval of an ordinance authorizing the issuance of City of New Braunfels, Texas General Obligation Bonds, Series 2019; authorizing the levy of an ad valorem tax in support of the bonds; approving an official statement, a paying agent/registrar agreement, and other documents related to the issuance of the bonds.

**Mayor Casteel read the aforementioned caption.**

**Jared Werner and Andrew Friedman presented the item.**

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

- I) Discuss and consider approval of the appointment of one individual to the Airport Advisory Board for a term ending May 12, 2022.

**Mayor Casteel read the aforementioned caption.**

**Patrick Aten presented the item.**

**Councilmember Hines moved to approve the appointment of Michael**

**Fogerty to the Airport Advisory Board. Councilmember Meadows seconded the motion which passed unanimously.**

- J) Discuss and consider approval of the appointment of three individuals to the Library Advisory Board for two terms ending September 26, 2022, and one term ending September 26, 2021.

**Mayor Casteel read the aforementioned caption.**

**Patrick Aten presented the item.**

**Councilmember Hoyt moved to approve the appointment of Carol Bissett and Connie Born to terms ending in 2022 and Kay Cartwright to a term ending in 2021 to the Library Advisory Board. Councilmember Bowers seconded the motion which passed unanimously.**

## **5. EXECUTIVE SESSIONS**

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

- A) Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:
- Project Rethread
  - Project Nautilus
  - Project 2x4
  - Project Maintenance
- B) Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:
- Meet and Confer negotiations with New Braunfels Professional Fire Fighters Association
- C) Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Attorney in accordance with Section 551.074 of the Texas Government Code.

**Mayor Casteel read the aforementioned captions.**

**City Council recessed into Executive Session from 8:21 p.m. - 10:02 p.m.**

**No vote or action was taken.**

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

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

**The City Council reconvened into Open Session at 10:02 p.m.**

**No vote or action was taken.**

**7. ADJOURNMENT**

**The meeting adjourned a 10:02 p.m.**

Date Approved: September 23, 2019

\_\_\_\_\_  
Barron Casteel, Mayor

Attest:

\_\_\_\_\_  
Patrick Aten, City Secretary





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. A)

Presenter/Contact  
*Debbie Kimball, Buyer*  
(830) 221-4081 - [DKimball@nbtexas.org](mailto:DKimball@nbtexas.org)

### **SUBJECT:**

Approval to renew the following annual contracts, as allowed for by their contract language: Stop Loss Insurance; Litter Removal Services from City Parks; ESO Solutions Software Renewal and Litter and Floating Vegetation Removal - River Services.

### **BACKGROUND / RATIONALE:**

On November 14, 2016, the City Council provided consent for a quarterly review and approval of renewals for various annual contracts that occur throughout the course of a fiscal year which are routine in nature and in accordance with the terms and conditions of the associated awarded contracts (which were originally approved by City Council). Quarterly approvals manage staff resources more efficiently as well as ensure compliance with the contracts' terms and conditions. Contract renewals that have any requested modifications, such as a significant increase or decrease in services or costs, will continue to be presented to City Council for individual consideration as needed.

The City Council has previously reviewed and approved the following annual contracts for various goods and services utilized for City operations; the contracts described below require Council authorization for contract renewal. All goods and services have been competitively vetted, and contracts have subsequently been executed on various dates in previous years. All awarded contractors have provided satisfactory performance during the term of their associated contract.

### **Renewal of Annual Contract for Stop Loss Insurance:**

- Goods/Services Provided: Stop Loss Insurance coverage for the City.
- City Department: Finance Department
- Solicitation Method: Competitive Sealed Proposal
- Contract Award Date: October 1, 2018
- Awarded Contractors: UnitedHealthcare
- Modified Contract Expiration Date: September 30, 2020; with 3-year renewal option remaining
- Approximate Annual Cost of Services During Renewal Period: Actual health claim costs vary; however, the estimated annual contract cost will be \$724,200 based on 546 employees. The stop loss level will increase from \$150,000 to \$175,000, with a 12.1% savings over last year. Costs are paid through the City's Self-Insurance Fund.

**Renewal of Annual Contract for Litter Removal from Parks:**

- Goods/Services Provided: Litter pickup services from various City parks.
- City Department: Parks and Recreation Department
- Solicitation Method: Request for Proposal
- Contract Award Date: December 10, 2018
- Awarded Contractors: Pristine Texas Rivers Inc.
- Modified Contract Expiration Date: November 30, 2020; with three (3) renewal options remaining
- Approximate Annual Cost of Services During Renewal Period: \$140,000; factors such as weather or events may affect the frequency of services and subsequent cost to the City.

**Renewal of Annual Contract for ESO Solutions Software:**

- Goods/Services Provided: sole-source customized EMS billing interface software used by the New Braunfels Fire Department.
- City Department: Fire Department
- Solicitation Method: Sole-Source
- Contract Award Date: November 13, 2017
- Awarded Contractors: ESO Solutions Inc.
- Modified Contract Expiration Date: November 27, 2020; with renewal options available
- Approximate Annual Cost of Services During Renewal Period: Approximately \$40,170.

**Renewal of Annual Contract for Litter and Floating Vegetation Removal from Rivers:**

- Goods/Services Provided: Litter pickup and floating vegetation removal, above water and underwater from rivers.
- City Department: Parks and Recreation Department, River Operations Division
- Solicitation Method: Competitive Sealed Proposal
- Contract Award Date: January 23, 2017
- Awarded Contractors: Pristine Texas Rivers Inc.
- Modified Contract Expiration Date: December 31, 2020; with one, 12-month renewal option remaining
- Approximate Annual Cost of Services During Renewal Period: Approximately \$171,000; factors such as weather or events may affect the frequency of services and subsequent cost to the City.

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

<input checked="" type="checkbox"/>	YES	<b>Strategic Priorities:</b>	9. Maintain fiscal stability of City operations
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**FISCAL IMPACT:**

Funding for all expenditures and contracts described above have been incorporated into the appropriate FY departmental budgets. Therefore, sufficient funds are available.

**COMMITTEE RECOMMENDATION:**



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N/A

**STAFF RECOMMENDATION:**

Staff recommends the approval to renew the following annual contracts, as allowed for by their contract language: Stop Loss Insurance; Litter Removal Services from City Parks; ESO Solutions Software Renewal and Litter and Floating Vegetation Removal - River Services.





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. B)

### Presenter/Contact

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

### **SUBJECT:**

Approval of a contract with D & S Concrete Contractors LLC for repairs to be made to the Fischer Park Dam No. 1 Spillway; authority for the City Manager to approve any change orders up to a ten percent contingency amount for project expenditures; and additional engineering with Freese and Nichols for the construction phase services.

### **BACKGROUND / RATIONALE:**

The Texas Commission on Environmental Quality (TCEQ) performed inspections of all regulated City of New Braunfels dams in July 2016 as part of TCEQ's Dam Safety Program. The TCEQ inspection reports included recommendations to address erosion on the downstream side of the Fischer Park Dam No. 1 Spillway. The City contracted with Freese and Nichols to provide recommendations and to perform engineering design for the dam spillway repairs to address TCEQ recommendations. Freese and Nichols completed the design for the repairs and submitted the design to TCEQ's Dam Safety division on behalf of the City. TCEQ has approved the design for the repair work.

A Competitive Sealed Proposal (CSP) was issued on July 26, 2019 and two (2) responses were received on August 20, 2019. All proposals have been evaluated based on the cost, relevant experience, and schedule. Based on this review and evaluation, staff is recommending a contract be awarded to D & S Concrete Contractors LLC in the amount of \$256,510. In addition to the base bid approval, staff recommends a 10% contingency in the amount of \$25,651; and an increase to Freese and Nichols engineering contract for construction phase services for the amount of \$33,940; bringing the remaining project cost to a total of \$316,101.

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

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

There are funds allocated in the 2013 Certificates of Obligation and interest earnings from the 2013 bond fund to support this project. Therefore, sufficient funds are available.

### **COMMITTEE RECOMMENDATION:**

N/A

### **STAFF RECOMMENDATION:**

Staff recommends approval of a contract with D & S Concrete Contractors LLC for repairs to be

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made to the Fischer Park Dam No. 1 Spillway; authority for the City Manager to approve any change orders up to a 10% contingency amount for project expenditures; and additional engineering with Freese and Nichols for the construction phase services.



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. C)

### Presenter

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

### **SUBJECT:**

Approval of a waiver from the requirement to construct sidewalks along Saur Lane for the proposed New Braunfels Utilities Saur Lane Subdivision.

### **Plat Information:**

**Case #:** PP19-0235

**Owner:** New Braunfels Utilities  
P.O. Box 310289  
New Braunfels, TX 78131  
(830) 629-8400 sschorn@nbutexas.com

**Applicant/Surveyor:** Keith Wooley  
Urban Civil  
190 S. Seguin Avenue  
New Braunfels, TX 78130  
(830) 606-3913 kwooley@urbancivil.com

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

### **Background:**

New Braunfels Utilities (NBU) owns the subject one-acre property located on Saur Lane. The property is the site of a proposed NBU capital improvements project, which must be platted before permits for construction can be issued. The proposed lot has 50 feet of street frontage along Saur Lane. Construction of sidewalks along the public right-of-way is a requirement of the Platting Ordinance.

**The applicant is requesting a waiver from the sidewalk requirement**, stating such a short segment of sidewalk (50 feet less the width of a driveway) along Saur Lane will not benefit the public at this time.

Saur Lane currently retains a rural character, with only 40 feet of right-of-way width and no existing sidewalks. It is identified as a future Principal Arterial (up to 150 feet wide) on the Regional Transportation Plan; however, there are no immediate plans or funding for widening. Major street improvements, including sidewalks, will be required when the project occurs.

Because of the importance of sidewalks to the public, in situations such as this the City would typically recommend construction of the sidewalk or for funds for sidewalk construction to be placed in escrow by the developer for construction by the City at a later date. However, escrowed funds must be used within ten years and the City does not anticipate a Saur Lane project that would include sidewalks within that timeframe.

The Platting Ordinance authorizes waivers to be granted when an undue hardship will result from strict compliance with the ordinance, or where the purpose of the regulation may be served to a greater extent by an alternative proposal, so that substantial justice may be done, and the public interest secured. A waiver may not be approved

unless it is found that:

1. Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity;
2. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein; and
3. The waiver will not in any manner vary the provisions of the Zoning Ordinance or other ordinance(s) of the City.

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

<b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan	<b>Action 3.19:</b> Improve walkability across town to attract younger generations seeking pedestrian connections. <b>Action 7.3:</b> Prioritize connecting sidewalk gaps through development requirements or public investment. <b>Action 7.5:</b> Continue development of sidewalks and trails to increase interconnectivity by 5 percent each year to support reduction of carbon footprint. <b>Action 7.19:</b> Improve connectivity for all modes of transportation including bicycles.
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**FISCAL IMPACT:**

At some point in the future, sidewalks may have to be constructed, or other modifications made to the right-of-way, to comply with the Americans with Disabilities Act, possibly at taxpayer expense.

**COMMITTEE RECOMMENDATION:**

On September 4, 2019 the Planning Commission approved the preliminary plat for NBU Saur Lane Subdivision with a recommendation for approval of a waiver from the requirement for sidewalks to be built along Saur Lane.

**Staff Recommendation:**

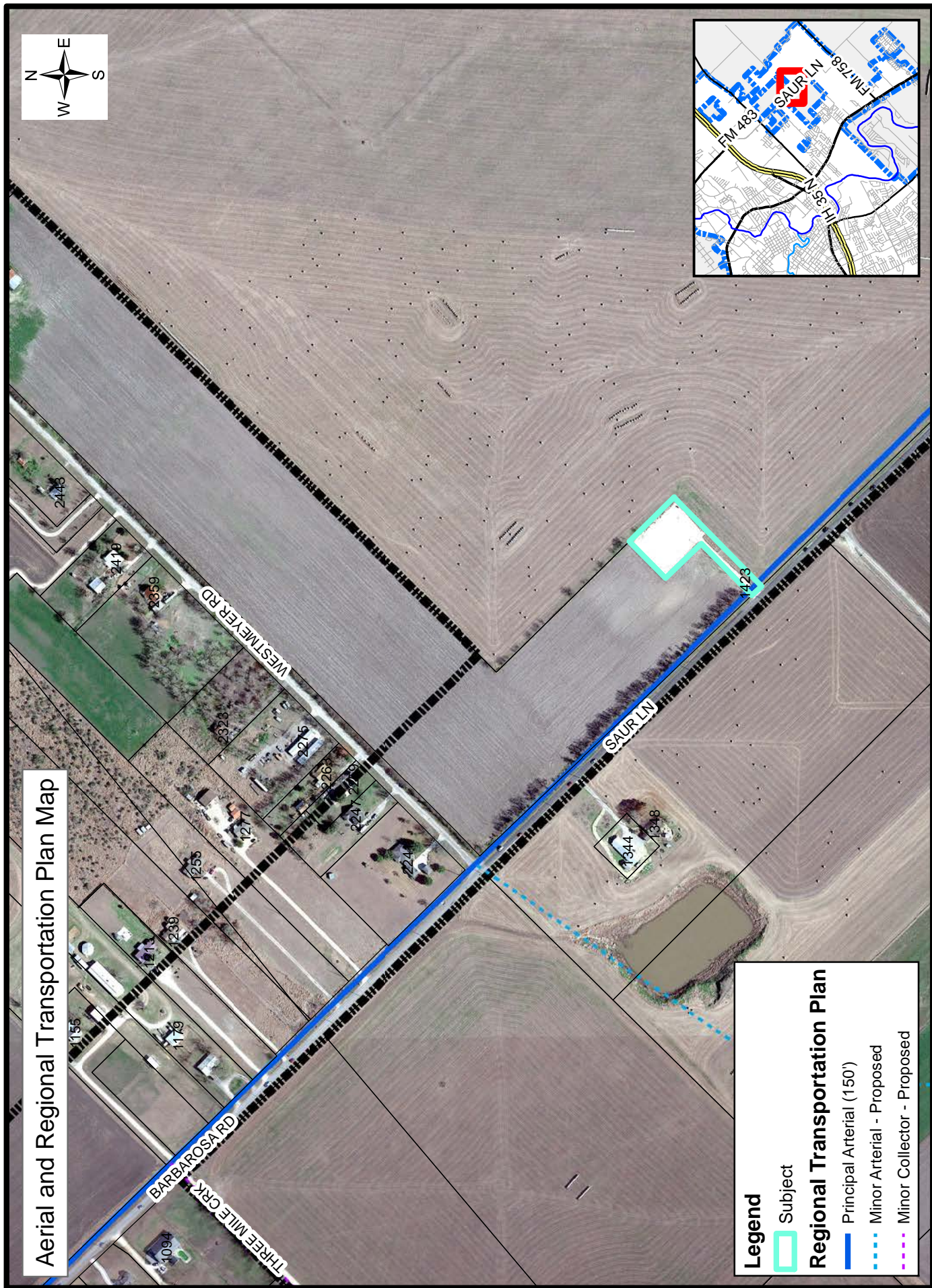
Staff recommended approval of the applicant's request due to:

- The limited length of sidewalk that would be constructed on either side of the future driveway; and
- No road improvement projects that include sidewalks are proposed in the next ten years to justify the developer's escrow of funds for construction.

**Attachments:**

1. Aerial and Regional Transportation Plan Map
2. NBU Saur Lane Preliminary Plat
3. Waiver Request





PP19-0235  
NBU Saur Lane  
Preliminary Plat





NBU NOTES

1. MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS IN THE EASEMENT. MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY SUCCEEDOR THEREOF. ANY USE OF AN EASEMENT OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS IN THE EASEMENT. MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY SUCCEEDOR THEREOF.
2. UTILITIES WILL POSSESS A 5-FOOT WIDE SERVICE EASEMENT TO THE BUILDING STRUCTURE ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF BUILDING STRUCTURE AND SERVICE.
3. UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA.
4. EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER/DEVELOPER'S EXPENSE.
5. DO NOT COMBINE ANY NEW UTILITY EASEMENTS (UE) WITH DRAINAGE EASEMENTS (DE) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (UE) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.
6. NBU IS NOT RESPONSIBLE FOR DAMAGES TO PROPERTY IMPROVEMENTS (I.E. LANDSCAPING, TREES, PAVEMENT, SIGNS, DRAINAGE STRUCTURES, PRIVATE UTILITIES, ETC.) THAT ARE PLACED IN ANY TYPE OF UTILITY EASEMENT. TO ENSURE NO CONFLICTS EXIST WITH UTILITY INFRASTRUCTURE IN THE EASEMENT, ALL SUCH IMPROVEMENTS PLACED IN ANY TYPE OF UTILITY EASEMENT MUST BE REVIEWED AND APPROVED THROUGH THE NBU EASEMENT ENCROACHMENT PROCESS. NBU DEVELOPMENT SERVICES FACILITATES THE EASEMENT ENCROACHMENT APPLICATION PROCESS.

GENERAL NOTES

1. MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND LOT MARKERS WILL BE SET WITH 1/2 INCH IRON ROD WITH PLASTIC CAP "URBAN CIVIL".
2. ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, NAD83 (NAZ011). SOUTH-CENTRAL ZONE. BASED ON GPS OBSERVATIONS TO COOP CORS BASE STATION 5811. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES. ALL COORDINATES WERE ADJUSTED FROM STATE PLANE GRID TO PROJECT SURFACE USING A SURFACE ADJUSTMENT SCALE FACTOR OF 1.00014.
3. FIELD WORK AND PROPERTY CORNERS ON REFERENCED SITE WERE SURVEYED AND LOCATED BY URBAN CIVIL ON JULY 27, 2017.
4. NO PORTION OF ANY LOT ON THIS PLAT IS WITHIN AN INDICATED SPECIAL FLOOD HAZARD ZONE, AS DETERMINED BY THE FIRM FLOOD INSURANCE RATE MAP, GUADALUPE COUNTY, TEXAS AND INCORPORATED AREAS, MAP NUMBER 48187C0110F, EFFECTIVE DATE NOVEMBER 2, 2007.
5. THIS PROPERTY LIES IN THE NAVARRO INDEPENDENT SCHOOL DISTRICT.
6. ELECTRICITY IS SUPPLIED BY NEW BRAUNFELS UTILITIES (NBU).
7. WATER SERVICE IS SUPPLIED BY NEW BRAUNFELS UTILITIES (NBU).
8. SANITARY SEWER IS SUPPLIED BY NEW BRAUNFELS UTILITIES (NBU).
9. TELEPHONE SERVICE WILL BE PROVIDED BY A.T.&T AND SPECTRUM CABLE.
10. REFERENCED PROPERTY DOES LIE WITHIN THE CITY LIMITS OF NEW BRAUNFELS AND WITHIN GUADALUPE COUNTY.
11. THE PROPOSED USE OF THE SUBDIVISION IS FOR PUBLIC UTILITY.
12. THE "NBU SAUR LANE" PLAT WILL ESTABLISH A TOTAL OF 1 LOT.
13. NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE UTILITY EASEMENTS OR DRAINAGE EASEMENTS. THE CITY ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE DRAINAGE EASEMENTS, WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTION PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATION OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.
14. NO SIDEWALK CONSTRUCTION IS REQUIRED IN ACCORDANCE WITH THE WAIVER TO THE SIDEWALK REQUIREMENTS THAT WAS APPROVED BY NEW BRAUNFELS CITY COUNCIL ON 08/08/2017.
15. ALL ELEVATIONS, HEIGHTS, ARE DETERMINED BY GPS OBSERVATIONS FROM THE NGS CO-OPERATIVE CORRS NETWORK AND A HIGH-RESOLUTION GEOID MODEL (GEOID 12B). REFERENCE BASED ON CONTROL POINTS PROVIDED BY TxDOT.
16. FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.

OWNER'S ACKNOWLEDGEMENT:

STATE OF TEXAS  
COUNTY OF GUADALUPE

KNOW ALL MEN BY THESE PRESENTS:

I (We) the undersigned owner(s) of the land shown on this plat, and designated herein as the NBU SAUR LANE subdivision to the City of New Braunfels, County of Guadalupe, Texas and whose name is subscribed hereto, do hereby subdivide part of my land as shown, and dedicate the streets and easements for the purposes shown hereon.

PRELIMINARY  
IAN TAYLOR, CEO  
NEW BRAUNFELS UTILITIES  
355 FM 306  
NEW BRAUNFELS, TEXAS 78130

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
by: \_\_\_\_\_

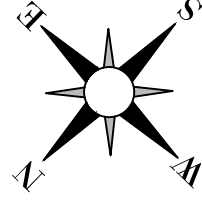
PRELIMINARY  
Notary Public, State of Texas  
My Commission Expires: \_\_\_\_\_

PRELIMINARY PLAT OF  
NBU SAUR LANE

A 1.067 ACRE, SITUATED IN THE A.M. ESNAURIZAR SURVEY, ABSTRACT 20, GUADALUPE COUNTY, TEXAS; BEING OUT OF A CALLED 32 ACRE TRACT, DESCRIBED IN A DEED FROM SHIRLEY A. KIVLIN AND MICHAEL L. KIVLIN TO MSSC INVESTMENTS, LP, AS RECORDED IN VOLUME 2502, PAGE 699 OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS.

210.00'  
S44°19'49"E  
CLEAR SPRINGS ARMY AIRFIELD  
(now known as  
"New Braunfels Municipal Airport")  
905.191 ACRES  
VOL. 419, PGS. 22-32  
O.P.R.G.C.T.

LOT 1  
1.00 Ac.  
(43716 S.F.)  
BLOCK 1



SCALE IN FEET  
40' 30' 20' 10' 0'  
GRAPHIC SCALE  
SCALE: 1"=40'

40' 30' 20' 10' 0'

40' 30' 20' 10' 0'

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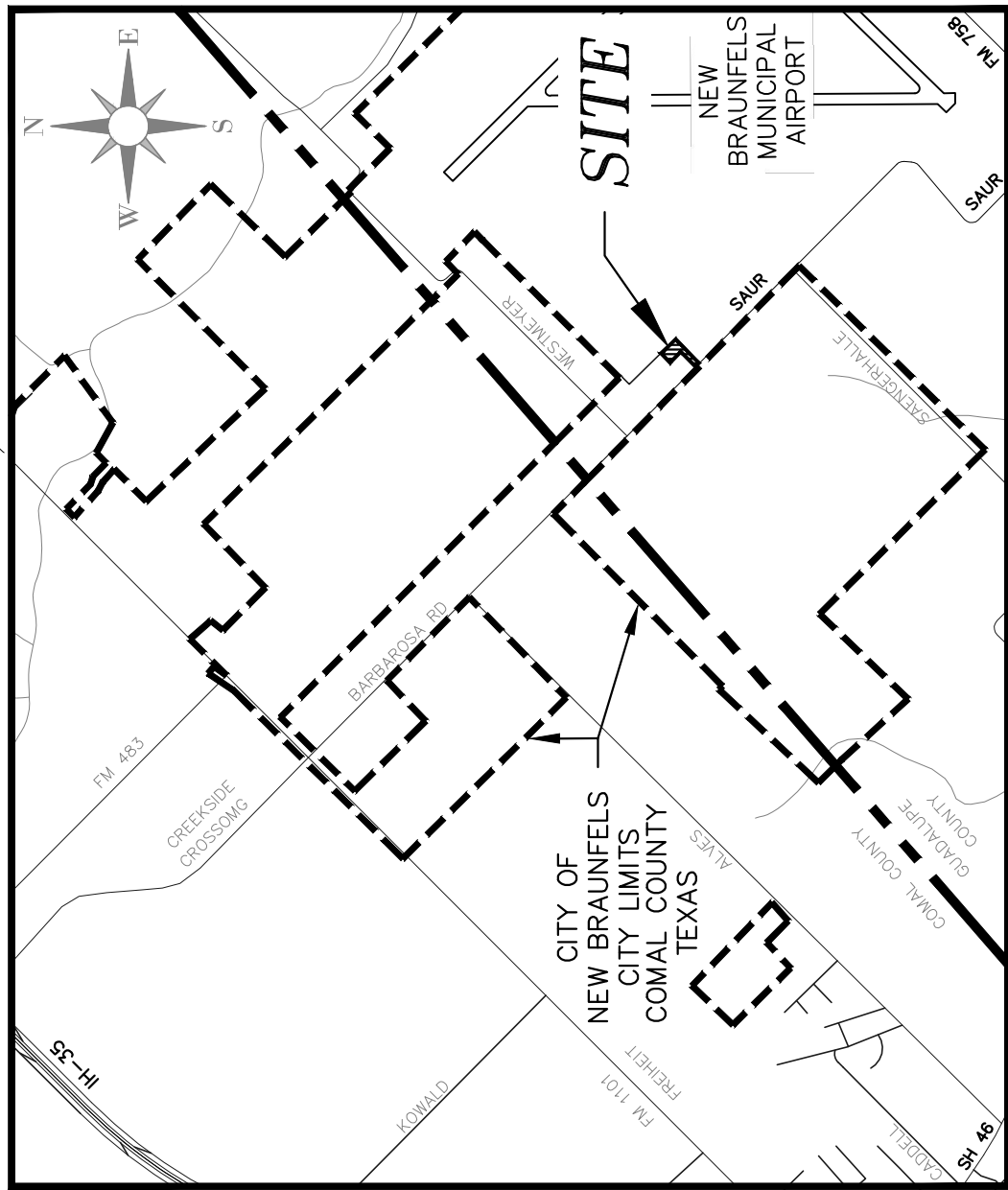
40' 30' 20' 10' 0'

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40' 30' 20' 10' 0'

40' 30' 20' 10' 0'

40' 30' 20' 10' 0'



Key Legend  
NOT TO SCALE

- 1/2 Inch Iron Rod Set with Orange Cap "URBAN CIVIL"
- 1/2" Iron Rod Found with Yellow plastic cap found
- M&P.R.C.T Map and Plat Records of Guadalupe County Texas
- O.P.R.C.T Official Public Record of Guadalupe County Texas
- AC. Acres
- 25 BSL Building Set Back Line
- 20 UE Public Utility Easement
- Power Pole
- 660 Exiting Contour

STATE OF TEXAS  
COUNTY OF GUADALUPE

I, \_\_\_\_\_ do hereby certify that the foregoing instrument was filed for record in the Map and Plat Records, Document No. \_\_\_\_\_ of Guadalupe County, Texas on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 at \_\_\_\_\_ M.

Witness my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
County Clerk, Guadalupe County, Texas.

Date \_\_\_\_\_ Deputy  
PRELIMINARY

CERTIFICATE OF APPROVAL

Approve this the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the Planning Commission of the City of New Braunfels, Texas.

APPROVED FOR ACCEPTANCE

Date \_\_\_\_\_ Planning Director  
PRELIMINARY  
Date \_\_\_\_\_ City Engineer  
PRELIMINARY  
Date \_\_\_\_\_ New Braunfels Utilities  
PRELIMINARY  
Chairman

STATE OF TEXAS  
COUNTY OF GUADALUPE

KNOW ALL MEN BY THESE PRESENTS:

I, the undersigned, KEITH W. WOOLEY, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat is true and correctly made under my supervision and in compliance with City and State survey regulations and laws and made on the ground and that the corner monuments were properly placed under my supervision.

PRELIMINARY, THIS DOCUMENT SHALL NOT  
BE RECORDED FOR ANY PURPOSE  
AND SHALL NOT BE USED OR VIEWED OR  
RELIED UPON AS A FINAL SURVEY  
DOCUMENT: AUGUST 8, 2019

PRELIMINARY  
KEITH W. WOOLEY, R.P.L.S.  
TEXAS LICENSE NO. 5463  
URBAN CIVIL  
2461 LOOP 337  
NEW BRAUNFELS, TEXAS 78130

URBAN  
CIVIL

190 S. SEGUIN AVE NEW BRAUNFELS, TEXAS 78130  
PHONE (830) 606-3913 FAX (830) 625-2204  
TBPE FIRM# 17233 TBPLS FIRM# 10005900

PREPARED DATE: JULY 2019  
SHEET NO. 1 OF 1  
JOB NO.: 1906.06  
PREPARED BY: BCM



# URBANCIVIL™

August 19, 2019

Planning Department  
City of New Braunfels  
550 Landa Street  
New Braunfels, TX 78130  
(830) 221-4050

**RE: NBU Saur Lane Plat – Waiver Request**

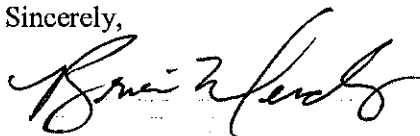
To Whom It May Concern:

We are submitting the NBU Saur Lane Plat Subdivision for approval at this time. We are requesting a waiver to public improvement.

1. A request for waiver on Section 118-46.-Streets. The proposed lot will have 50-ft of lot frontage off of existing Saur Lane. Saur Lane currently has 20 ft of roadway and is shown to be a future arterial roadway on the Guadalupe County thoroughfare plan. Lot frontage is being dedicated for this future roadway expansion. We are requesting a waiver for public improvements on the existing 20-ft of public road for the platting length of 50-ft. We feel that at these improvements for only 50 ft required by NBU would not be logical. Approving this waiver request will not be detrimental to the public or to the adjacent properties. The traffic taken on by this plat is very minor.
2. A request for waiver on Section 118-49.-Sidewalks. The proposed lot will have 50-ft of lot frontage off of existing Saur Lane. There are no current sidewalks for over 1 mile away. Sidewalks for the length of 50 ft does not help the public at this time.

Please do not hesitate to contact me should you have any questions regarding this waiver request included with the plat submittal.

Sincerely,



Brian Mendez  
Urban Civil





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. D)

### Presenter/Contact

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

### **SUBJECT:**

Approval of the Termination of Restrictive Covenants in the Seidel Subdivision and authorizing the City Manager to execute the document.

### **BACKGROUND / RATIONALE:**

The Seidel Subdivision was originally created in 1972 as a nine-lot residential subdivision covering thirteen acres fronting State Highway 46 on the Comal Guadalupe County line. In 1976, the developer/owner recorded restrictions which burdened the subdivision. Fire Station No. 6, City owned property, is located within the subdivision.

As set forth in the recitals of the Termination of Restrictive Covenants the subdivision layout and the restrictive covenants have not been enforced (See Attachment 1). Additionally, the subdivision has not been developed as platted. For example, the subdivision layout has been changed with lots 1 through 3 being replatted into a single lot without getting consent of the developer successor or other owners as required under the restrictions. Lots 6 and 7 were replatted into another subdivision without the consent of the developer or other owners as part of the Stone Gate subdivision. Improvements have been constructed using less than 70 percent brick veneer on several lots contrary to the terms of the Restrictions. Further, improvements have been constructed nearer than 50 feet to the front property line. The front portion of the subdivision fronting the highway is zoned commercial in contrast to the intended residential character of the original subdivision. In short, the subdivision restrictions have not been enforced. All owners of the property within the subdivision must execute the Termination of Restrictive Covenants for the termination to be effective.

The Termination of the Restrictive Covenants for this subdivision will not cause harm to the City of New Braunfels and will help clear title issues for future development of the original subdivision lots. A list of the nine restrictions can be found in Attachment 1 as an exhibit to the Termination of the Restrictive Covenants. Attachment 2 is a plat of the Seidel Subdivision.

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

<input checked="" type="checkbox"/> Yes	<b>City Plan/Council Priority:</b>	<b>Strategic Priorities:</b> .
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### **FISCAL IMPACT:**

There are no direct costs associated with this Termination of Restrictive Covenants.

### **COMMITTEE RECOMMENDATION:**

N/A

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**STAFF RECOMMENDATION:**

Staff recommends approval of the Termination of Restrictive Covenants.

## REAGAN | BURRUS

ATTORNEYS AT LAW

John T. Dierksen  
jdierksen@reaganburrus.com

Reagan Burrus PLLC  
401 Main Plaza, Suite 200  
New Braunfels, Texas 78130  
Direct Dial: (830) 358-7479  
Facsimile: (830) 625-4433  
www.reaganburrus.com

August 30, 2019

Frank Onion  
Assistant City Attorney – City of New Braunfels  
550 Landa Street  
New Braunfels, Texas 78130

RE: Termination of Restrictions – Seidel Subdivision

Dear Frank,

We have been engaged by HMT Engineering & Surveying to assist in resolving some title issues caused by some old restrictive covenants. These covenants have largely been ignored by the development of the property burdened with those covenants. We are of the opinion that all owners must agree to terminate these restrictive covenants, including the City.

Attached you will find a copy of the restrictive covenants and a proposed Termination of Restrictions related to the Seidel Subdivision. The City of New Braunfels owns a fire station site, as well as roads, which are subject to the restrictive covenants. Stone Gate subdivision, which includes part of the land called Seidel Subdivision, was created in contravention of the restrictive covenants. There are also encroachments into the front 50' setback line and violations of the masonry requirements dictated by the restrictions. We hope you agree that it is appropriate for these restrictive covenants to be formally terminated under the circumstances. Please review the attachments and contact me.

Please let me know if you have any questions. We thank you in advance for your cooperation.

Sincerely,



JOHN T. DIERKSEN

## TERMINATION OF RESTRICTIONS – SEIDEL SUBDIVISION

This Termination of Restrictions is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Clear Springs Development Group LLC, a Texas limited liability company, the City of New Braunfels, CDSN Enterprises LLC, a Texas limited liability company, Linda Sue Wolfe-Freed, F. William Freed, Sarah Elizabeth Freed, Ian A. Mundt, Dirt Dealers X, Ltd., and Justin Alcorn (collectively referred to herein as the “Parties”).

### RECITALS:

A. On September 6, 1972 a certain 13-acre tract of land was platted as Seidel’s Subdivision, and such plat was recorded in Book 4, page 9 of the Plat Records of Guadalupe County and in Book 4, page 32 of the Plat Records of Comal County (the “Subdivision”);

B. On January 29, 1976 Emil J. Seidel (the purported “Seller” referenced in the Restrictions) recorded a document entitled “Restrictions - - Seidel Subdivision at Vol. 253, Page 801 in the Official Public Records of Comal County and at Vol. 537, Page 125 in the Official Public Records of Guadalupe County (the “Restrictions”), which burden the Subdivision;

C. The Subdivision initially contained nine (9) lots, but lots 1-3 were replatted into a single lot without the consent of the Seller on August 1, 2016, such plat being recorded at Doc #201606030099 and Doc #201606030100;

D. A portion of the Subdivision, comprising of all or part of lots 6 and 7, were replatted without the consent of the Seller as a part of the Stone Gate Subdivision in February 1999, such plat being recorded at Volume 12, Page 398 of the Map and Plat Records of Comal County and at Volume 6, Page 89 of the Map and Plat records of Guadalupe County;

E. Improvements have been constructed using less than 70% brick veneer on several lots in the Subdivision, which is contrary to the terms of the Restrictions;

F. Improvements have been constructed that nearer than 50 feet to the front property line on several lots in the Subdivision, which is contrary to the terms of the Restrictions;

G. The Parties represent all of the owners of the property within the Subdivision; and

H. The Parties agree that the Restrictions are no longer enforceable and should be terminated.

NOW, THEREFORE, for and in consideration of the above premises and the covenants hereinafter set forth, the Parties agree that the Restrictions are hereby vacated in their entirety pursuant to this Termination of Restrictions. Each and every one of the terms, conditions, and provisions of the Restrictions shall have no force or effect on and after the effective date of this Termination of Restrictions.

EXECUTED to be effective the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

*[signatures of following page]*

**OWNER of Lot 1, Blk 1, Clear Springs Ranch**

Clear Springs Development Group LLC

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF TEXAS §

§

COUNTY OF COMAL §

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by  
 \_\_\_\_\_ President and Manager of Clear Springs Development Group LLC, a  
 Texas limited liability company.

 \_\_\_\_\_  
 Notary Public, State of Texas

**OWNER of Lot 4 and 5, Seidel's Subdivision and OWNER of a called 50' Road being .0739 acres**

The City of New Braunfels

By: \_\_\_\_\_  
Robert Camareno

Its: City Manager

STATE OF TEXAS       §  
                                  §  
COUNTY OF COMAL   §

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Robert Camareno, City Manager for the City of New Braunfels, Texas.

\_\_\_\_\_  
Notary Public, State of Texas



**OWNER of Lots 8 and 9, Seidel's Subdivision**

\_\_\_\_\_  
Justin Alcorn

STATE OF TEXAS       §  
                                  §  
COUNTY OF COMAL   §

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by  
Justin Alcorn.

\_\_\_\_\_  
Notary Public, State of Texas

**OWNER of Lot 1, Blk 10, Stone Gate Subdivision 1**

CDSN Enterprises, LLC

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF TEXAS           §

§

COUNTY OF COMAL       §

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by  
 \_\_\_\_\_ President and Manager of CDSN Enterprises, LLC, a Texas limited  
 liability company.

 \_\_\_\_\_  
 Notary Public, State of Texas

**OWNERS of Lot 2A, Blk 10, Stone Gate Subdivision 1**

\_\_\_\_\_  
Linda Sue Wolfe-Freed

STATE OF TEXAS       §  
                                  §  
COUNTY OF COMAL   §

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by  
Linda Sue Wolfe-Freed.

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_  
F. William Freed

STATE OF TEXAS       §  
                                  §  
COUNTY OF COMAL   §

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by  
F. William Freed.

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_  
 Sarah Elizabeth Freed

STATE OF TEXAS       §  
                                   §  
 COUNTY OF COMAL     §

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by  
 Sarah Elizabeth Freed.

\_\_\_\_\_  
 Notary Public, State of Texas

**OWNER of Lot 3, Blk 10, Stone Gate Subdivision 1**

\_\_\_\_\_  
Ian A. Mundt

STATE OF TEXAS       §  
                                  §  
COUNTY OF COMAL   §

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by  
Ian A. Mundt.

\_\_\_\_\_  
Notary Public, State of Texas

**OWNER of Lot 4, Blk 10, Stone Gate Subdivision 1**

Dirt Dealers X

By: Kamp Kane Investments, Inc.  
 Its: General Partner

By: \_\_\_\_\_  
 H Dale Kane  
 Its: President

STATE OF TEXAS       §  
                                   §  
 COUNTY OF COMAL   §

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by  
 H Dale Kane, President of Kamp Kane Investments, Inc., a Texas corporation.

\_\_\_\_\_  
 Notary Public, State of Texas

158239 Restrictions- - - Seidel Subdivision 3721 VOL 537 PAGE 125  
 Recorded Sept. 11, 1972 in Book 4, page 9 of the Plat Records of Guadalupe Co.  
 Recorded Sept. 11, 1972 in Book 4, Page 33 of the Plat Records of Comal Co.

Restrictions for Seidel Subdivision, according to Plat Recorded in the  
 office of the County Clerk of Comal and Guadalupe County, Texas.

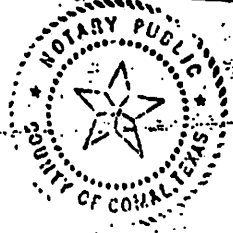
1. House must have 1100 sq. ft. of living area or more (Garage not included).
2. All houses must be new construction with a minimum of 70% Brick Veneer.
3. No Trailer Houses will be allowed.
4. No structures of any kind may be moved onto the property.
5. No improvements shall be erected or constructed on any lots in this subdivision nearer than 50 ft. to the front property line, nor nearer than 5 feet to the side property line.
6. No lot shall be resubdivided or lot lines changed without permission in writing from seller.
7. No noxious, offensive, unlawful or immoral use shall be made of the premises.
8. No hogs may be kept or raised on any part of the subdivision. A maximum of 25 chickens may be kept or raised. Household pets may be kept, but may not be bred or maintained for commercial purposes or for sale. Three (3) head of livestock may be kept or raised per lot.
9. No hunting shall be allowed in this subdivision and any discharge of firearms is strictly prohibited.

253 25801

Emil J. Seidel

SUBSCRIBED AND SWORN TO BEFORE ME by the said

Emil J. Seidel, this, the 29th day of January, 1976.



Richard L. Remington  
 Notary Public, Comal  
 County, Texas

Vol. 253 PAGE 802

Restrictions  
3721  
COMPARED  
E. Seidel Subd.

FILED FOR RECORD
AT 3:40 O'CLOCK P.M.
JUN 8 1977
FRANK SCHMIDT
COUNTY CLERK, GUADALUPE COUNTY, TEXAS
BY <i>Barbara Schick</i> DEPUTY

Vol. 537, Page 125

Charles H. Co.  
1545 Mainway Rd.  
New Braunfels, Tex.  
717130

THE STATE OF TEXAS  
County of Guadalupe

I, FRANK SCHMIDT, Clerk of the County Court in

and for said County, do hereby certify that the foregoing instrument of writing dated the 29<sup>th</sup> day of June, 1976, with its certificates of authentication, was filed for Record in my office the 8<sup>th</sup> day of June, 1977, at 3:40 o'clock P. M., and duly recorded the 10<sup>th</sup> day of June, 1977, at 2:25 o'clock P. M., in DEED. Record of said County in Vol. 537, on Pages 125

WITNESS my hand and the seal of the County Court of said County, at office in Seguin, Texas, the day and year last written above.

By *James C. Miller* Deputy

FRANK SCHMIDT, Clerk  
County Court, Guadalupe County.

128530

3000

231-452



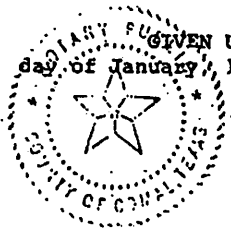
THE STATE OF TEXAS I

VOL. 253 FILE 803

COUNTY OF COMAL I

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared EMIL J. SEIDEL, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 29th day of January, 1976.



*[Signature]*  
Notary Public, Comal County,  
Texas

Filed for Record June 29, A.D. 1977, at 4:39 o'clock P. M.  
By Charlene Nuhn, IRENE S. NUHN  
Deputy, County Clerk, Comal County, Texas.





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. E)

### 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 direct incentives not to exceed \$55,000 for Calendar Holdings, LLC for a project found to promote or develop new or expanded business enterprises that create or retain primary jobs

### **BACKGROUND / RATIONALE:**

On September 10, 2018, the EDC entered into an economic development agreement with Calendar Holdings, LLC providing for a grant of up to \$550,000 with the promise of the creation of no fewer than 66 new primary jobs. The conditions of the incentive are outlined below:

- Calendar Holdings will employ no fewer than 66 full time employees by January 1, 2020.
- The EDC will grant the incentive as follows:
  - \$1.25 per square foot, up to a total of \$312,000.
  - Remaining \$238,000 will be delivered in annual payments of \$34,000 (\$515.15/job) for a period of seven years.

Calendar Holdings, LLC. has recently approached the NBEDC for an amendment to their existing agreement for additional funding as a result of expansion plans (an additional 29,120 sq. feet and additional 5 jobs). The additional funding request mirrors the original agreement and increases the grant amount to up to \$604,202 with the promise of the creation of no fewer than 71 full time jobs. The conditions of the incentive are outlined below:

- Calendar Holdings will employ no fewer than 66 full time employees by January 1, 2020.
- Calendar Holdings will employ no fewer than 71 full time employees by March 1, 2020.
- The EDC will grant the incentive as follows:
  - \$1.25 per square foot, up to a total of \$348,600.
  - Remaining \$255,602 will be delivered in annual payments of \$36,576 (\$515.15/job) for a period of seven years.

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

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

FY 2019/20: \$348,600

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FY 2020/21: \$36,146

FY 2021/22: \$36,576

FY 2022/23: \$36,576

FY 2023/24: \$36,576

FY 2024/25: \$36,576

FY 2025/26: \$36,576

FY 2026/27: \$36,576

**TOTAL OVER THE TERM: \$604,202**

**COMMITTEE RECOMMENDATION:**

The NBEDC Board of Directors held a public hearing and approved this resolution at their September 16<sup>th</sup> special meeting.

**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 APPROVE AN AMENDMENT TO THE PERFORMANCE AGREEMENT WITH CALENDAR HOLDINGS LLC WITH AN INCREASE OF DIRECT INCENTIVES NOT TO EXCEED \$55,000 FOR FIVE ADDITIONAL JOBS AND ADDITIONAL CAPITAL INVESTMENT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, on September 10, 2018, the City of New Braunfels Economic Development Corporation ("EDC") Board of Directors held a public hearing and approved a project expenditure of up to \$550,000 to Calendar Holdings LLC ("Company") for the creation of 66 primary jobs; and

WHEREAS, on August 29, 2019, Company requested incentives for additional expansion of its New Braunfels facility by 29,120 square feet, and five additional jobs, bringing the total leased space at the Company's New Braunfels facility to approximately 280,000 square feet and the total number of primary full-time jobs to 71; and

WHEREAS, on September 16, 2019, the Board approved the Company's request for Amendment to the Performance Agreement that increased the number of full-time employees from 66 to 71 by March 1, 2020, and increased the leased space at Company's New Braunfels facility to approximately 280,000 sq. ft., and increased the grant incentives to a total of up to \$604,202; and

WHEREAS, the EDC will not provide more than \$604,202 in total grant incentives to the Company; and

WHEREAS, all other terms and conditions in the original Performance Agreement shall remain the same.

**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 enter into the Amendment to the Performance Agreement with Calendar Holdings LLC 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 \_\_\_\_\_,  
2019.

CITY OF NEW BRAUNFELS, TEXAS

By: \_\_\_\_\_  
Barron Casteel, Mayor

ATTEST:

\_\_\_\_\_  
Patrick D. Aten, City Secretary



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. F)

### Presenter/Contact

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

### **SUBJECT:**

Approval of a recommendation of the New Braunfels Economic Development Corporation to renew the professional services agreement between the City and the NBEDC for administrative, financial, and legal services, and authorizing the annual expenditure of \$167,500.

### **BACKGROUND / RATIONALE:**

Since 2011, the EDC has reimbursed the City for administrative, financial, and legal services. The flat fee was \$50,000 for a couple of fiscal years and was increased to \$100,000 in FY 2013-14, and again to \$137,500 in 2016, in an effort to better recapture the City's costs of performing these services. New to FY 2019-20, the City has included costs associated with retaining economic development services through the National Development Council (NDC). The City pays \$60,000.00 annually to the NDC and requests that the EDC reimburse the City 50% of the costs for this consultant, since most of the work performed is directly for the benefit of the EDC. Additionally, the scope of work been amended to better detail the services rendered to the EDC. This agreement renews annually when the City Council adopts the budget unless terminated by either party.

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

N/A

### **FISCAL IMPACT:**

Current Contract Amount - \$137,500

50% portion of NDC contract - \$30,000

**Total amount for FY 2019-20 - \$167,500**

### **COMMITTEE RECOMMENDATION:**

The NBEDC unanimously voted to approve this renewal and expenditure on September 16, 2019.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the Agreement, which is attached to this agenda item.

**CONTRACT BETWEEN THE NEW BRAUNFELS ECONOMIC DEVELOPMENT  
CORPORATION AND THE CITY OF NEW BRAUNFELS, TEXAS**

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THE STATE OF TEXAS                    §  
    §     KNOW ALL MEN BY THESE PRESENTS:  
 COUNTY OF COMAL                    §

THIS CONTRACTUAL AGREEMENT (the "Agreement") is made and entered into by and between the New Braunfels Economic Development Corporation, a Non-Profit Corporation of the State of Texas, hereinafter called "EDC", acting by and through its duly authorized officers, and the City of New Braunfels, Texas, a Texas municipal corporation, hereinafter called "CITY," acting by and through its officers:

W I T N E S S E T H:

WHEREAS, Texas Local Government Code §501.054 provides the EDC with the powers of non-profit corporations incorporated under the Texas Non-Profit Corporation Act, as amended, and Section Seven of the Bylaws of the EDC allows for the President and Secretary of the EDC to execute any contract which the Board has approved and authorized to be executed; and

WHEREAS, §501.007 allows the EDC to reimburse the City for all expenses incurred in providing the EDC with administrative, financial, and legal services; and

WHEREAS, upon the recommendation and approval by the Board on September 16, 2019, and the City Council on September 23, 2019, the EDC agreed to pay to the City \$167,500.00 annually for administrative support and professional services.

I.

All funds received by CITY from EDC as herein provided shall be expended solely for the purposes stated herein and in accordance with the following terms:

The EDC shall pay a total of \$167,500 to the City on a monthly pro rata basis which



includes 50% of the city's cost to retain the consulting services of the National Development Council.

## II.

Administrative services the CITY shall perform for the EDC include:

- (1) Preparing and filing all reports required by the Texas Non-Profit Corporation Act, the Texas Non-Profit Corporation Law (Business Organizations Code, §1.008), the Development Corporation Act;
- (2) Keeping all books and records required by the EDC's Bylaws;
- (3) Providing necessary staff to perform miscellaneous administrative services including preparation of forms, applications, public notices for projects, agendas, agenda reports, resolutions, and other necessary documents;
- (4) Preparing and timely processing of EDC's project applications, approval action by the Board and the City Council, execution of agreements;
- (5) Regularly attending Board meetings and making occasional Board or City Council presentations, as needed;
- (6) Negotiating and drafting project term sheets and performance agreements;
- (7) Preparing and presenting a budget for the EDC for the forthcoming year for review and approval by the Board and City Council;
- (8) Providing all necessary budgeting, auditing, accounting, analysis, professional support services and financial management, through the City Manager's Office and the Finance Department which may include consultants hired as necessary to complete EDC related tasks;
- (9) Auditing services by Finance Department and City Manager's Office to ensure contract compliance;
- (10) Providing for legal services through the City Attorney's Office, including outside legal consultants, to assist city staff in negotiating and drafting performance agreements, and provide legal guidance and opinions; and

- (11) Providing facilities for repository of records, office and conference space for meetings which includes a proportional charge for electricity, water, sewer, gas, heating and air conditioning, telephone, internet service, repair and maintenance for such facilities; and
- (12) Consulting services rendered by the National Development Council through the City.

### III.

This agreement shall be renewed annually with the approval of the City's annual budget unless specific action is taken by the EDC and the City to change the terms of this agreement.

### IV.

In the performance of this contract, CITY shall not discriminate against any tenant or customer because of his/her race, color, religion, national origin, sex, disability or ancestry. Breach of this covenant may be regarded as a material breach of the contract causing its termination.

### V.

It is expressed and understood and agreed by both parties hereto that each acts independently of each other, and neither has the authority to bind the other or to hold out to a third party that it is the authority for the other. The parties hereto understand and agree that the City shall not be liable for any claims, which may be asserted by any third party occurring in connection with the performance of the EDC.

### VI.

Nothing contained herein shall be deemed or construed by the parties hereto or by any third party as creating the relationship of employer-employee, principal agent, joint ventures or any other similar such relationships, between the parties hereto.

### VII.

All communications between EDC and CITY shall be addressed to the President

of the New Braunfels Economic Development Corporation, c/o City of New Braunfels, 550 Landa Street, New Braunfels, Texas 78130. Any communication to the CITY shall be addressed to the City Manager, 550 Landa Street, New Braunfels, Texas 78130.

VIII.

It is understood and agreed that in the event any provision of this contract is inconsistent with requirements of law, the requirements of law will control and the parties shall revert to their respective positions, which would otherwise be enjoyed or occupied by the respective parties for the terms of this contract.

IX.

The foregoing instrument in writing between the parties herein, constitutes the entire agreement between the parties relative to the funds made the basis hereof, and any other written or oral agreement with the EDC being expressly waived by CITY.

IN WITNESS WHEREOF, the parties hereto execute this agreement in duplicate originals on this \_\_\_\_ day of \_\_\_\_\_, 2019.

NEW BRAUNFELS ECONOMIC  
DEVELOPMENT CORPORATION

By: \_\_\_\_\_  
R. Neal Linnartz, *President*

Date: \_\_\_\_\_

\_\_\_\_\_  
Jim Poage, *Corporate Secretary*

Date: \_\_\_\_\_

STATE OF TEXAS §

COUNTY OF COMAL §

Before me, \_\_\_\_\_, on this day personally appeared Roy Neal Linnartz, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that Roy Neal Linnartz executed the same as the act of the New Braunfels Economic Development Corporation as its President, for the purposes and consideration therein expressed.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public, State of Texas

My commission expires:  
\_\_\_\_\_

STATE OF TEXAS §

COUNTY OF COMAL §

Before me, \_\_\_\_\_, on this day personally appeared Jim Poage, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that Jim Poage executed the same as the act of the New Braunfels Economic Development Corporation as its Secretary, for the purposes and consideration therein expressed.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Notary Public, State of Texas

My commission expires:

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City of New Braunfels

By: \_\_\_\_\_  
Robert Camareno, City Manager

STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

Before me, \_\_\_\_\_, on this day personally appeared Robert Camareno, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he has the authority to bind COMPANY as executed the same as City Manager for the City of New Braunfels, Texas for the purposes and consideration therein expressed.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public, State of Texas

My commission expires:

\_\_\_\_\_



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. G)

### Presenter/Contact

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

### **SUBJECT:**

Approval of a construction contract amendment with J3 Company, LLC in the amount of \$186,480 to increase the project contingency as part of the Klein Road Reconstruction Project; and approval of a contract amendment in the amount of \$225,000 for the installation of fiber-optic communication conduit within the Klein Road right-of-way to the Sports Complex funded in the 2019 Bond Program.

### **BACKGROUND / RATIONALE:**

The City of New Braunfels is in receipt of the third construction change order with the Klein Road Reconstruction Project in the amount of \$485,357. With this change order, the combined change order cost is \$504,470 which is larger than the original contingency amount of \$501,404. This change order is a result of additional Texas Department of Transportation (TxDOT) requirements at FM 1044, AT&T delay items and additional construction items that were not included with the solicitation documents. Staff requests a change order amount of \$186,480 which will be sufficient to continue the project as it currently stands and will bring the total contingency of the project to approximately 10 percent. The \$186,480 represents the current amount of uncommitted funding within the project budget. In the event that the project requires additional contingency funds, a budget amendment would be required. Funding within the 2013 bond fund-contingencies allocation is available if needed.

An additional contract amendment is recommended to install fiber-optic communication conduit within the Klein Road right-of-way to service the Sports Complex approved in the 2019 Bond Program. The additional cost is \$225,000 and the 2019 Bond Program includes funding for the conduit installation. Staff is recommending that the Klein Road Reconstruction Project contractor, J3 Company, LLC, install the conduit as part of the project to minimize future work after the roadway construction is completed.

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

X	Yes	City Plan/Council Priority	Strategic priorities: Continue an ongoing program of infrastructure, construction and maintenance
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### **FISCAL IMPACT:**

Sufficient funds are available within the current Klein Road Construction budget (2013 Bond Program) and Sports Complex budget (2019 Bond Program) to approve the contract amendment as described above.

### **COMMITTEE RECOMMENDATION:**

N/A

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**STAFF RECOMMENDATION:**

Staff recommends approval.





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. H)

### Presenter/Contact

*Nokihomis Willis, Director of Human Resources  
(830) 221-4295 - [nwillis@nbtexas.org](mailto:nwillis@nbtexas.org)*

### **SUBJECT:**

Approval of the second and final reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government Code, Chapter 143.

### **BACKGROUND / RATIONALE:**

#### ***Fire Department***

There were no additional positions included in the proposed budget for the Fire Department. (For FY2018-19 there was a temporary increase due to implementation of reclassifications. On 2/12/2019, after the completion of the reclassification, we reverted back to the original numbers.) The total number of authorized positions in the Fire Department in the attached ordinance is in accordance with the positions and funding included in the proposed FY2019-20 budget.

#### ***Police Department***

The total number of authorized positions in the Police Department in the attached ordinance is in accordance with the positions and funding included in the proposed FY2019-20 budget and include seven additional positions.

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

N/A

### **FISCAL IMPACT:**

Funding for all new positions has been incorporated into the FY 2019-20 Adopted Budget. Therefore, sufficient funds are available.

### **COMMITTEE RECOMMENDATION:**

N/A

### **STAFF RECOMMENDATION:**

Staff recommends approval of the ordinance.

## ORDINANCE 2019-

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

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

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

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

**WHEREAS**, this ordinance modifies the authorized number of positions in each rank consistent with the FY 2019-20 Adopted Budget, including new positions and reclassifications.

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

I.

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

<b><u>Classification</u></b>	<b><u>Effective 09/30/2019</u></b>	<b><u>Effective 10/01/2019</u></b>
<b>1. Assistant Fire Chief</b>	<b>1</b>	<b>1</b>
<b>2. Battalion Chief</b>	<b>5</b>	<b>5</b>
<b>3. Captain</b>	<b>9</b>	<b>9</b>
<b>4. Lieutenant</b>	<b>25</b>	<b>22</b>
<b>5. Engineer</b>	<b>41</b>	<b>41</b>
<b>6. Firefighter</b>	<b>57</b>	<b>57</b>
<b><i>Totals</i></b>	<b><i>138</i></b>	<b><i>135</i></b>

The classification of Assistant Fire Chief is the rank/classification immediately below the Fire Chief/Department Head. As such, that position is established by the City Council and will remain a position to which the Department Head may appoint the occupant, in accordance with §143.014 of the Texas Local Government Code. The Fire Chief/Department Head position is not included in the positions listed above.

**II.**

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

<b><u>Classification</u></b>	<b><u>Effective</u> <u>9/30/19</u></b>	<b><u>Effective</u> <u>10/1/19</u></b>
<b>1. Assistant Police Chief</b>	<b>1</b>	<b>1</b>
<b>2. Captain</b>	<b>3</b>	<b>3</b>
<b>3. Lieutenant</b>	<b>5</b>	<b>5</b>
<b>4. Sergeant</b>	<b>18</b>	<b>18</b>
<b>5. Detective</b>	<b>16</b>	<b>16</b>
<b>6. Police Officer</b>	<b>89</b>	<b>96</b>
<b><i>Totals</i></b>	<b><i>132</i></b>	<b><i>139</i></b>

The classification of Assistant Police Chief is the rank/classification immediately below the Police Chief/Department Head. As such, that position is established by the City Council and will remain a position to which the Department Head may appoint the occupant, in accordance with §143.014 of the Texas Local Government Code. The Police Chief/Department Head position is not included in the positions listed above.

**III.**

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

**IV.**

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

**V.**

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

**VI.**

This ordinance shall take effect upon the second and final reading, signatures required by City Charter, and filing with the City Secretary's Office.

PASSED AND APPROVED: First reading this 9<sup>th</sup> day of September, 2019.

PASSED AND APPROVED: Second reading this 23<sup>rd</sup> day of September, 2019.

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Barron Casteel, Mayor

ATTEST:

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Patrick D. Aten, City Secretary

APPROVED AS TO FORM:

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Valeria M. Acevedo, City Attorney



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. I)

### Presenter/Contact

*Nokihomis Willis, Human Resources Director  
(830) 221-4395 - [nwillis@nbtexas.org](mailto:nwillis@nbtexas.org)*

### **SUBJECT:**

Approval of the second and final reading of an ordinance increasing certification and education pay for Fire Officers possessing certain Texas Commission on Fire Protection and Police Officers possessing certain Texas Commission on Law Enforcement Standards and Education pursuant to Local Government Code, Chapter 143.

### **BACKGROUND / RATIONALE:**

#### ***Fire Department***

The City seeks to increase the Texas Commission on Fire Protection (TCFP) certification pay for possession of Intermediate, Advanced and Master level Firefighter certifications as listed in the attached ordinance.

#### ***Police Department***

The City seeks to also increase the Texas Commission on Law Enforcement Standards and Education (TCLEOSE) certification pay for possession of Intermediate, Advanced and Master level Peace Officer certifications as listed in the attached ordinance.

#### ***Fire and Police Department***

Finally, the City wishes to increase the certification pay for possession of Associates, Bachelors and Masters educational degrees for both Firefighters and Peace Officers as listed in the attached ordinance.

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

N/A

### **FISCAL IMPACT:**

Funding for the new certification and education pay amounts has been incorporated into the FY 2019 -20 Adopted Budget. Therefore, sufficient funds are available.

### **COMMITTEE RECOMMENDATION:**

N/A

### **STAFF RECOMMENDATION:**

Staff recommends approval of the ordinance.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE INCREASING CERTIFICATION AND EDUCATION PAY FOR FIRE OFFICERS POSSESSING CERTAIN TEXAS COMMISSION ON FIRE PROTECTION ("TCFP") AND POLICE OFFICERS POSSESSING CERTAIN TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION ("TCLEOSE") CERTIFICATIONS; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES AND PROVISIONS IN CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of New Braunfels adopted Chapter 143 of the Texas Local Government Code for its police and fire departments; and

**WHEREAS**, there are certain certifications established by the Texas Commission on Fire Protection ("TCFP") and the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) that the City Council wishes to recognize;

**WHEREAS**, § 143.044(b) of the Texas Local Government Code states that the governing body of a municipality may authorize certification and education pay to those fire officers who meet the requirements for certification that are established by TCFP and those police officers who meet the requirements for certification that are established by TCLEOSE; and

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

**I.**

That the matters and facts set forth in the preamble are hereby found to be true.

**II.**

That the TCFP certification pay for possession of the following levels of Firefighter Certification should be recognized as follows:

Intermediate	\$600
Advanced	\$1200
Master	\$1800

Each officer may earn only one (1) form of the above-stated Firefighter Certification Pay. Stated another way, no officer may earn more than one of the Firefighter Certification Pay.

**III.**

That the TCLEOSE certification pay for possession of the following levels of Peace Officer Certification should be recognized as follows:

Intermediate Peace Officer Certification	\$600
Advanced Peace Officer Certification	\$1200
Master Peace Officer Certification	\$1800

Each officer may earn only one (1) form of the above-stated Peace Officer Certification Pay. Stated another way, no officer may earn more than one of the Peace Officer Certification Pay.

#### **IV.**

That the TCFP and TCLEOSE certification pay for possession of the following levels of educational degrees should be recognized as follows:

Associates	\$600
Bachelors	\$1200
Masters	\$1800

#### **V.**

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

#### **VI.**

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

#### **VII.**

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

#### **VIII.**

This ordinance shall take effect upon the second and final reading, signatures required by City Charter, and filing with the City Secretary's Office.

PASSED AND APPROVED: First reading this 9<sup>th</sup> day of September, 2019.

PASSED AND APPROVED: Second reading this 23<sup>rd</sup> day of September, 2019.

CITY OF NEW BRAUNFELS, TEXAS

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Barron Casteel, Mayor

ATTEST:

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Patrick D. Aten, City Secretary

APPROVED AS TO FORM:

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Valeria M. Acevedo, City Attorney





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. J)

Presenter/Contact

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

**SUBJECT:**

Approval of the second and final reading of an ordinance to raise the speed limit on Walnut Avenue between Landa Street and Business IH-35 to 35 mph.

**BACKGROUND / RATIONALE:**

**Council Districts:** 1, 3, and 6

City Council unanimously approved the first reading of an ordinance to raise the speed limit on Walnut Avenue between Landa Street and Business IH-35 to 35 mph on August 26, 2019.

Engineering staff has received numerous requests to raise the speed limit on Walnut Avenue between Landa Street and IH-35 from the existing posted 30 mph. Walnut Avenue is classified as a principal arterial on the city's thoroughfare plan and the requested section varies between a four-lane divided roadway and a five-lane undivided roadway.

Speed limits on Texas roads, including city streets, are set by statute in Section 545.352 of the Texas Transportation Code. The current speed limit on most city residential streets is 30 mph. The statute includes the following prima facie speed limits:

- Street in Urban District - 30 mph
- Alley in Urban District - 15 mph

Speed limits are set to inform motorists of appropriate driving speeds under favorable conditions. Regardless of the posted speed limit some drivers will operate at speeds where they feel comfortable, given the design of the road and development/activity along the roadside. The overall goal of setting the speed limit is almost always to increase safety within the context of retaining reasonable mobility for motorists.

Speed studies were conducted in two locations on Walnut Avenue in January 2019: between Cross Street and Lee Street and between Creek Drive and Landa Street in January 2019. Previously, traffic speed and volume data were collected on Walnut Avenue between Cross Street and Lee Street and between Eikel Street and Landa Street in December 2014. The results of these speed studies are shown in the attached traffic study summary.

In addition to data collection, the roadside environment and crash history were studied. There are two at-grade railroad crossings in this portion of Walnut Avenue that are part of the New Braunfels quiet zone. The traffic crash data for the previous three years showed that there were 69 reported crashes

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for this section of Walnut Avenue, with 17 listing speed as a factor.

The New Braunfels Police Department reviewed this request for an increased speed limit, and recommended that the speed limit on Walnut Avenue between Landa Street and Business IH-35 be raised to 35 mph. Their recommendation included retaining the existing 30 mph speed limit on Walnut Avenue between Business IH-35 and IH-35.

Prior to this meeting, notices were mailed to property owners on Walnut Avenue between Katy Street and Business IH-35 because these properties may require backing maneuvers onto Walnut Avenue.

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

Envision New Braunfels Strategy 7: Connect All: Action 7.22: Adopt a Complete Streets policy to ensure ease of access for all people and all transportation modes.

**FISCAL IMPACT:**

Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY18-19 approved street and drainage budget.

**COMMITTEE RECOMMENDATION:**

This request was considered and unanimously approved by the Transportation and Traffic Advisory Board at their meeting on June 13, 2019.

**STAFF RECOMMENDATION:**

Staff recommends increasing the posted speed limit on Walnut Avenue between Landa Street and Business IH-35 to 35 mph and that the speed limit between Business IH-35 and IH-35 be retained at 30 mph.

## Traffic Study Summary

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Date:	April 2, 2019
Prepared By:	Mary Hamann, P.E., Engineer
Request:	Raise existing 30 mph speed limit to 35 mph on Walnut Avenue between Landa Street and IH-35
Recommendation:	Raise existing 30 mph speed limit to 35 mph on Walnut Avenue between Landa Street and Business IH-35 based on current speeds

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### Background

The statutory maximum speed limit in the City of New Braunfels is 30 miles per hour (mph) except where otherwise established by ordinance and posted by official traffic signs. Walnut Avenue extends from Loop 337 on the north side of New Braunfels south to Klein Road, with posted speed limits varying from 30 mph to 45 mph. The portion of Walnut Avenue considered for this study is from Landa Street to IH-35 (see Figure 1).

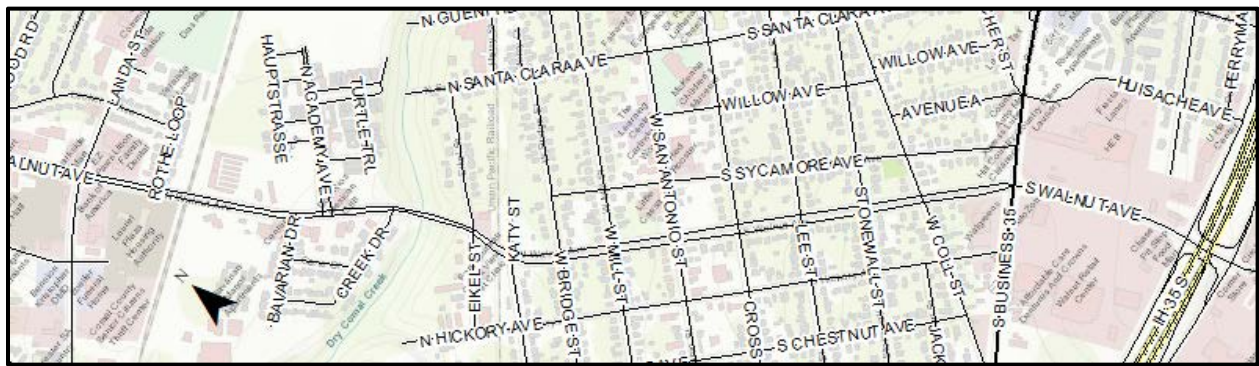


Figure 1. Walnut Avenue

An engineering study was completed to evaluate raising the existing 30 mph to 35 mph on Walnut Avenue between Landa Street to IH-35. The study was completed at the request of citizens due to speeding and safety concerns.

### Guidance

Speed limits applicable to public streets are established:

- Statutorily – a maximum speed limit applicable to a particular class of road that is established by State law; or
- As altered speed zones – based on engineering studies.

The maximum speed limits posted should be based primarily on the 85<sup>th</sup> percentile speed – the speed at or below which 85 percent of vehicles travel. Other factors that may be considered when establishing or reevaluating speed limits include the following:

- Road characteristics
- Roadside development and environment
- Parking practices and pedestrian activity
- Reported crash experience

A city may declare a lower speed limit of not less than 25 miles per hour if the governing body determines that the prima facie speed limit on the streets is unreasonable or unsafe. By State Law, a traffic engineering study is required in order for a city to lower a speed limit below 25 mph.

## Site Investigation

A site investigation was conducted on Walnut Avenue between Landa Street to IH-35 in December 2014 and again in January 2019 to evaluate the raised speed limit. The investigation included a review of the road characteristics, roadside environment, parking practices and pedestrian activity. The study was repeated due to the completion of multiple construction projects in the study area throughout the last five years.

The studied portion of Walnut Avenue is constructed as a variable width road. It is a five-lane, undivided roadway with a continuous two-way left turn lane from IH-35 to Business IH-35 (Elliot Knox Boulevard). The portion of the roadway between Business IH-35 and Katy Street is a four-lane roadway with a raised median. Between Katy Street and Landa Street, it alternates between a four-lane divided roadway and a five-lane undivided roadway.

There are two at-grade railroad crossings in this portion of Walnut Avenue; between Katy Street and Eikel Street and between Rothe Loop and Bavarian Drive. These crossings are a part of the New Braunfels quiet zone.

There are 46 driveways on Walnut Avenue between Landa Street and Business IH-35. Of these 46 driveways, only 13 require a backing maneuver onto Walnut Avenue to exit. The portion between Business IH-35 and IH-35 is all commercial development and no backing maneuvers are required at any of the driveways.

## Crash History

Traffic crash data for 2016 through February 2019 was found through TxDOT's Crash Records Information System. There were 69 reported crashes on this section of Walnut Avenue during this time. Based on the crash data, speeding was a factor for 17 of these reported crashes.

The Federal Railroad Administration database did not list any crashes at the two at-grade railroad crossings on this section of Walnut Avenue in the last three years.

## Data Collection

Traffic speed and volume data were collected in two locations on Walnut Avenue: between Cross Street and Lee Street and between Creek Drive and Landa Street in January 2019. Previously, traffic speed and volume data were collected on Walnut Avenue between Cross Street and Lee Street and between Eikel Street and Landa Street in December 2014. The results of these studies are shown in Tables 1 and 2 below, respectively.

**Table 1. January 2019 Walnut Avenue speed and volume study results**

Direction	Location	Total Vehicles	50 <sup>th</sup> Percentile Speed (mph)	85 <sup>th</sup> Percentile Speed (mph)
NB	Cross St to	8,598	28	33
SB	Lee St	8,622	37	42
NB	Landa St to	8,415	33	39
SB	Creek Dr	8,565	32	37

**Table 2. December 2014 Walnut Avenue speed and volume study results**

Direction	Location	Total Vehicles	50 <sup>th</sup> Percentile Speed (mph)	85 <sup>th</sup> Percentile Speed (mph)
NB	Cross St to	7,670	32	37
SB	Lee St	8,123	31	35
NB	Landa St to	8,371	32	37
SB	Eikel St	8,428	33	36

## Recommendation

The New Braunfels Police Department has reviewed this request and recommends that the regulatory speed limit on Walnut Avenue between Landa Street and Business IH-35 be raised to 35 mph. Their recommendation included retaining the 30 mph speed limit on Walnut Avenue between Business IH-35 and IH-35.

Based on the site investigation and collected speed data, it is recommended that the regulatory speed limit on Walnut Avenue between Landa Street and Business IH-35 be raised to 35 mph. The measured 85<sup>th</sup> percentile speeds for both locations and data collection times are all over the posted 30 mph speed limit and are closer to the requested 35 mph speed limit. Maintaining the existing 30 mph speed limit on this portion of Walnut Avenue may make the roadway less safe because of the variation in speeds between those travelling at the posted speed limit and those travelling closer to the 85<sup>th</sup> percentile speeds.

It is recommended that the speed limit on Walnut Avenue between Business IH-35 and IH-35 be maintained at the current 30 mph due to the density of commercial driveways and high traffic volumes.

**ORDINANCE NO. 2019-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW  
BRAUNFELS, TEXAS, CREATING SECTION 126-149 TO SET THE  
SPEED LIMIT ON PORTIONS OF WALNUT AVENUE.**

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

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

**I.**

THAT Section 126-149 is hereby created to read:

Sec. 126-149. – Speed limit on Walnut Avenue.

The maximum, reasonable and prudent speed limit on the section of Walnut Avenue from Landa Street to IH 35 Business shall be no greater than 35 miles per hour.

**II.**

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

**III.**

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

#### IV.

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

PASSED AND APPROVED: First reading this the \_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED AND APPROVED: Second reading this the \_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF NEW BRAUNFELS, TEXAS

\_\_\_\_\_  
*BARRON CASTEEL, MAYOR*

ATTEST:

\_\_\_\_\_  
*PATRICK D. ATEN, CITY SECRETARY*

APPROVED AS TO FORM:

\_\_\_\_\_  
*VALERIA M. ACEVEDO, CITY ATTORNEY*







## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. K)

### Presenter/Contact

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

### **SUBJECT:**

Approval of the second and final reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area B.

### **BACKGROUND / RATIONALE:**

**Council District: 5**

City Council unanimously approved the first reading of an ordinance to amend Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area B on August 26, 2019.

Staff has received a request from property owners along South Veramendi Avenue between East Basel Street and East Mather Street to be included in the existing Parking by Permit Area B. The requested area consists of single-family homes.

Signed petitions have been received from the property owners and residents requesting addition into Parking by Permit Area B on both sides of South Veramendi Avenue between East Basel Street and East Mather Street. This request is for daily between 8:00 a.m. to 8:00 p.m., from May 1 to September 30, which is consistent with the existing Parking by Permit Area B ordinance.

The proposed designated parking by permit area is a contiguous residential area and matches the schedule of existing parking by permit areas. All of the affected residents have submitted a signed statement of the following:

*We the undersigned are residents and/or property owners of the proposed designated permit area described in this application. We understand that: (i) if this area is designated, certain restrictions will be placed upon on-street parking within the area; (ii) residents and/or residential property owners of the area will be entitled to obtain a limited number of parking permits exempting their vehicles from such parking restrictions, but if a resident and/or property owner owns a vehicle without having a permit displayed, that vehicle will be subject to the parking restrictions; (iii) parking permits will be issued for a term of one year and require replacement each year; (iv) the cost of issuing the annual parking permits will be paid by the residents and/or property owners.*

A public hearing on the application shall be conducted by City Council. Notices of the public hearing were mailed to all property owners (as shown on the latest tax roll) within a 300 foot radius of the requested area and all residents listed on the petition.

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

Envision New Braunfels Strategy 1: Support Vibrant Centers: Action 1.2: Create plans for neighborhoods and transitional areas to maintain quality of life.

**FISCAL IMPACT:**

Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY18-19 approved streets and drainage budget.

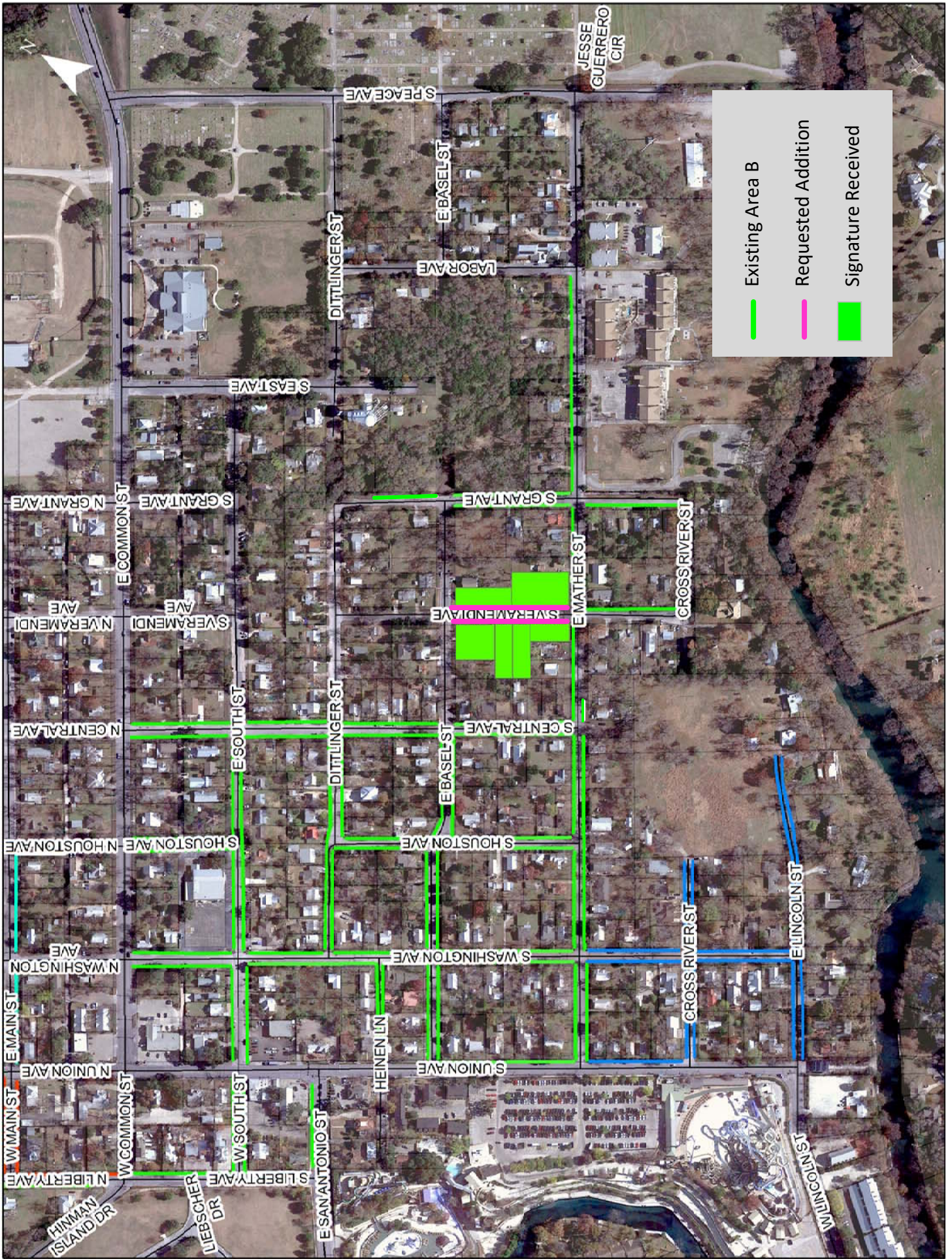
**COMMITTEE RECOMMENDATION:**

The Transportation and Traffic Advisory Board unanimously approved a recommendation to City Council to amend Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area B to include both sides of South Veramendi Avenue between East Basel Street and East Mather Street at their meeting on July 11, 2019.

**STAFF RECOMMENDATION:**

Staff recommends approval of amending Parking by Permit Area B to include both sides of South Veramendi Avenue between East Basel Street and East Mather Street.







**ORDINANCE NO. 2019-\_\_\_\_\_****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-354 (c) TO AMEND PARKING BY PERMIT AREA B.**

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WHEREAS, the City Council has determined that Section 126-354 (c) Parking by Permit Only, Designated Permit Areas be amended in order to protect the health, safety and welfare of the citizens.

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

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

**I.**

THAT Section 126-354 (c) is hereby amended to read:

- (2) Area B, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
  - s. On both sides of S. Veramendi Avenue from E. Basel Street to E. Mather Street.

**II.**

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

### III.

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

### IV.

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

PASSED AND APPROVED: First reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED AND APPROVED: Second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF NEW BRAUNFELS, TEXAS

\_\_\_\_\_  
BARRON CASTEEL, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
VALERIA M. ACEVEDO, CITY ATTORNEY





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. A)

### Presenter/Contact

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

### **SUBJECT:**

Discuss and consider approval of a resolution recommended by the New Braunfels Economic Development Corporation to approve a project expenditure for direct incentives not to exceed \$800,000 for PNC Bank, N.A. for a project found to promote or develop new or expanded business enterprises that create or retain primary jobs.

### **BACKGROUND / RATIONALE:**

PNC Financial Services Group, Inc. is a bank holding company and financial services corporation based in Pittsburgh, Pennsylvania. PNC Bank, N.A. is establishing a Customer Care Center in the City of New Braunfels. This center will help support PNC Bank's retail banking operations and will establish a new regional operation to support business expansion plans in the western United States. PNC anticipates hiring up to 560 new employees over the next two years. The proposed site is within the Sundance Business Park, which PNC will lease and make improvements to the ~58,000 SF it intends to lease.

The New Braunfels EDC has agreed to an incentive grant not to exceed \$800,000 in exchange for the promise of the creation of no fewer than 500 new primary jobs, a total payroll of \$15,750,000 and a minimum taxable value of \$11,200,000. The conditions of the incentive are outlined below:

- PNC Bank, N.A. will employ no fewer than 300 full time employees by June 30, 2021 with a minimum annual payroll of \$9,450,000 (wages exclusive of benefits).
- PNC Bank, N.A. will employ no fewer than 500 full time employees by June 30, 2022 with a minimum annual payroll of \$15,750,000 (wages exclusive of benefits).
- PNC Bank, N.A. will maintain a minimum taxable value of \$11,200,00.00 beginning in 2021.

If the Company fulfills all the primary terms of the agreement as detailed above, the EDC will provide an annual payment to the Company according to the schedule in the following section.

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

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

If the Company fulfills all performance related requirements of the incentive agreement, the

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anticipated pay out schedule is as follows:

FY 2020/21 - \$125,000

FY 2021/22 - \$175,000

FY 2022/23 - \$200,000

FY 2023/24 - \$100,000

FY 2024/25 - \$75,000

FY 2025/26 - \$75,000

FY 2026/27 - \$50,000

**TOTAL OVER THE TERM: \$800,000**

This schedule provides an approximate 8-year payback to the community or an annual rate of return of ~12.7%.

**COMMITTEE RECOMMENDATION:**

The NBEDC Board of Directors held a public hearing on this item on Monday, September 16<sup>th</sup> and recommended approval of this resolution.

**STAFF RECOMMENDATION:**

Staff recommends approval of the resolution.



**RESOLUTION NO. 2019-R \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS APPROVING A RECOMMENDATION OF THE NEW BRAUNFELS ECONOMIC DEVELOPMENT CORPORATION OF A GRANT OF UP TO \$800,000 TO PNC BANK N.A. FOR THE CREATION OF 500 PRIMARY JOBS AND CAPITAL INVESTMENTS WITH A TAXABLE ASSESSED VALUATION OF AT LEAST \$11,200,000 ANNUALLY; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the EDC Board of Directors, after holding a public hearing at a meeting on September 16, 2019, voted to approve a grant of up to \$800,000 to PNC Bank N.A. for the creation of 500 new, primary full-time jobs at its New Braunfels facility, with certified taxable capital investments including business personal property valued at least \$11,200,000, annually; and

WHEREAS, the EDC Board of Directors will enter into an economic development agreement as authorized by the Texas Local Government Code Section 501.101 with PNC Bank N.A. for the creation of primary jobs.

**NOW, THEREFORE, BE IT RESOLVED BY THE NEW BRAUNFELS ECONOMIC DEVELOPMENT CORPORATION:**

SECTION 1: That the recommendation of the New Braunfels Economic Development Corporation to provide financial incentives to PNC Bank, N.A. 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 September 2019.

CITY OF NEW BRAUNFELS

By: \_\_\_\_\_  
Barron Casteel, Mayor

ATTEST:

\_\_\_\_\_  
Patrick D. Aten, City Secretary





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. B)

### Presenter/Contact

*Valeria M. Acevedo, City Attorney*  
(830) 221-4281 - [vacevedo@nbtexas.org](mailto:vacevedo@nbtexas.org)

### **SUBJECT:**

Discuss and consider approval of a resolution of the City Council of the City of New Braunfels, Texas, consenting to the creation of the Lake Dunlap Water Control and Improvement District.

### **BACKGROUND / RATIONALE:**

On May 14, 2019, a catastrophic failure of one of the Lake Dunlap spillway gates occurred, causing the spillway gate to explosively detach from the dam and dewatering of the lake. The failure of the Lake Dunlap dam and dewatering of the lake will likely have a materially adverse effect on local property values, local businesses whose livelihood is related to the lake or lake recreation, and the ability of residents, tourists, and visitors to enjoy and use the lake. The decrease in property values may adversely affect tax collections by the local governments, including the City, local school districts, Guadalupe County and Comal County. GBRA has indicated that it is not financially feasible for the river authority to unilaterally fund repair or replacement of the dam and desires to work with affected property owners and local jurisdictions to identify solutions for funding repairs to, and future maintenance of, the Lake Dunlap Dam. As a possible funding solution for the repair of the dam at Lake Dunlap, the owners of real property with frontage along Lake Dunlap desire to create a conservation and reclamation district to work with GBRA to facilitate the repair or replacement of the dam and to provide financing for future maintenance and operation costs. Affected property owners desire that the City consent to the creation of water control and improvement district to be named "Lake Dunlap Water Control and Improvement District", a proposed conservation and reclamation district of the State of Texas that would be created and would operate pursuant to Chapters 49 and 51 of the Texas Water Code (the "District"). The general nature of the work proposed to be done by the District at the present time is to investigate, acquire, construct, own, maintain, and operate necessary improvements, works, and facilities, and all other properties, land, tenements, materials, easements, rights-of-way, and everything considered necessary, incident, or helpful to accomplish by any practicable means any one or more of the purposes of a water control and improvement district. Without limitation, it is contemplated that the District would work with GBRA to finance, build, construct, improve, reconstruct, repair and maintain dams, structures, facilities and equipment in aid thereof, in order to store and preserve the waters within Lake Dunlap. The territory proposed to be included in the District generally consists of all waterfront real property on Lake Dunlap from the spillway upstream of Faust Bridge to the dam with Lake McQueeney, on both sides of Lake Dunlap. Some real property that is contiguous to Lake Dunlap is located within the corporate boundaries of the City. The City Council of the City of New Braunfels adoption of this resolution will evidence the City's desire to facilitate the repair of the Lake Dunlap Dam, and specifically to grant its written consent to the creation of, and inclusion of real property within, the District.

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

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N/A

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

N/A

**RESOLUTION NO. 2019-R-\_\_\_\_\_****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS CONSENTING TO THE CREATION OF LAKE DUNLAP WATER CONTROL AND IMPROVEMENT DISTRICT.**

**WHEREAS**, on May 14, 2019, a catastrophic failure of one of the Lake Dunlap spillway gates occurred, causing the spillway gate to explosively detach from the dam and dewatering of the lake; and

**WHEREAS**, the failure of the Lake Dunlap dam and dewatering of the lake will likely have a materially adverse effect on local property values, local businesses whose livelihood is related to the lake or lake recreation, and the ability of residents, tourists, and visitors to enjoy and use the lake; and

**WHEREAS**, certain real property contiguous to Lake Dunlap is located within the corporate boundaries of the City of New Braunfels (the "City"); and

**WHEREAS**, the decrease in property values may adversely affect tax collections by the local governments, including the City, local school districts, Guadalupe County and Comal County; and

**WHEREAS**, failure of the dam may also adversely impact the ability of the Guadalupe-Blanco River Authority ("GBRA") to manage future flood events; and

**WHEREAS**, GBRA has indicated that it is not financially feasible for the river authority to unilaterally fund repair or replacement of the dam and desires to work with affected property owners and local jurisdictions to identify solutions for funding repairs to, and future maintenance of, the Lake Dunlap Dam; and

**WHEREAS**, the owners of real property with frontage along Lake Dunlap desire to create a conservation and reclamation district to work with GBRA to facilitate the repair or replacement of the dam and to provide financing for future maintenance and operation costs; and

**WHEREAS**, affected property owners desire that the City consent to the creation of water control and improvement district to be named "Lake Dunlap Water Control and Improvement District", a proposed conservation and reclamation district of the State of Texas that would be created and would operate pursuant to Chapters 49 and 51 of the Texas Water Code (the "District"); and

**WHEREAS**, the general nature of the work proposed to be done by the District at the present time is to investigate, acquire, construct, own, maintain, and operate necessary improvements, works, and facilities, and all other properties, land, tenements, materials, easements, rights-of-way, and everything considered necessary, incident, or helpful to accomplish by any practicable means any one or more of the purposes of a water control and improvement district. Without limitation, it is contemplated that the District would work with GBRA to finance, build, construct, improve, reconstruct, repair and maintain dams, structures, facilities and equipment in aid thereof, in order to store and preserve the waters within Lake Dunlap; and

**WHEREAS**, the territory proposed to be included in the District generally consists of all waterfront real property on Lake Dunlap from the spillway upstream of Faust Bridge to the dam with Lake McQueeney, on both sides of Lake Dunlap; and

**WHEREAS**, the City Council of the City of New Braunfels desires to adopt this Resolution in order to evidence the City's desire to facilitate the repair of the Lake Dunlap Dam, and specifically to grant its written consent to the creation of, and inclusion of real property within, the District.

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

Section 1. The City of New Braunfels, Texas hereby consents to the creation of the Lake Dunlap Water Control and Improvement District, and the inclusion of real property located within the City's corporate or extraterritorial boundaries within the District. No further action will be required on the part of the City to evidence its consent to the creation of the District and inclusion of land into the District.

Section 2. This Resolution shall become effective from and after the date of its passage .

PASSED, ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Barron Casteel, Mayor

ATTEST:

\_\_\_\_\_  
Patrick Aten, City Secretary



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. C)

### Presenter/Contact

Valeria Acevedo, City Attorney  
(830) 221-4281 - vacevedo@nbtexas.org

### **SUBJECT:**

Discuss and consider approval of a resolution of the City Council of the City of New Braunfels, Texas, approving a Meet and Confer Agreement between the City and the New Braunfels Professional Fire Fighters Association, Local 3845 of the International Association of Fire Fighters, and providing an effective date.

### **BACKGROUND / RATIONALE:**

The *Texas Local Government Code*, (Chapter 142), allows certain cities to meet and confer with the firefighter and police associations regarding issues of wages, salaries, rates of pay, hours of work, and other terms and conditions of employment. Once an agreement is reached by the negotiating teams, the agreement must be ratified by the majority of the City Council and the majority of covered firefighters by secret ballot election. A fully ratified Meet and Confer Agreement may supersede contrary state statutes, local ordinances, civil service law, and rules adopted by the Chief or New Braunfels Firefighters and Police Officers Civil Service Commission. If dissatisfied with a ratified agreement, registered voters in the city can order an election to repeal a Meet and Confer Agreement ratified by the City and the Association.

In April, 2018, the New Braunfels Professional Fire Fighters Association filed a petition seeking to be recognized by the City as the sole bargaining agent for the Fire Department's civil service employees, excluding the Fire Chief, Assistant Fire Chief, and exempt employees. The Association represented to management and City Council that they wanted to utilize the meet and confer process to establish hiring and promotional standards and processes. The Association representatives stated they did not want to incorporate issues such as salary and benefits into the meet and confer process and agreement. The law does not require either the public employer or the Association to meet and confer on any issue, or to reach an agreement.

In May, 2018, City Council adopted the resolution granting the NBPFFA as the sole and exclusive bargaining agent for employees. A year later, the Association representatives notified the City Manager that they were ready to meet and confer and thus, negotiations began. Each party designated its own negotiating team which were comprised as follows:

### **City Team:**

Kristi Aday, Assistant City Manager, Lead Negotiator  
Valeria M. Acevedo, City Attorney  
Patrick O'Connell, Interim Fire Chief

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Nokihomis Willis, Human Resources Director, Civil Service Director  
 Rebecca Miears, Human Resources Manager  
 Lori Stidham, Human Resources Associate

**Association Team:**

Jeremy Van Ausdall, President, Lead Negotiator  
 Brandon Appleby, Vice President  
 Chase Celli, Secretary  
 Reyes Villarreal, Treasurer  
 Larry Evans, Shift Steward  
 James Sellers, Member (Past President)  
 Jeffrey Satcher, Member  
 Matthew Bushnell, Member (Past Vice President)

Additional important information about meet and confer laws includes:

- Meet and confer law prohibits strikes and works stoppages and if such were to occur, the firefighters forfeit meet and confer rights, civil service status, reemployment rights, and other rights, benefits and privileges the firefighter may have as a result of the firefighter's employment or prior employment with the City.
- Recognition can only be withdrawn by petition signed by a majority of covered firefighters. Also, the City Council may withdraw recognition by providing 90 days written notice to the Association that it intends to do so and that any agreement existing between the parties will not be renewed.
- While a meet and confer agreement is in effect, the City is barred from accepting a petition from the officers requesting the City to adopt collective bargaining under Chapter 174 of the Texas Local Government Code.

March 29, 2019 - The first kick-off meeting of the Meet and Confer process was held between the New Braunfels Fire Department Association and City staff. Six meetings were held in accordance with the Texas Open Meetings Act, with the opportunity for the public to attend.

## **Summary of Proposed Contract Provisions**

### **Article 1- PARTIES AND PURPOSE OF MEET AND CONFER**

Establishes parties and purpose of Meet and Confer.

### **Article 2- RECOGNITION**

Recognizes the New Braunfels Professional Fire Fighters Association

### **Article 3- HIRING**

- Increases the maximum age from 36 to 40 for entry level firefighters.
- Establishes an Interview Board as part of the hiring process. Board is made up of one



member of each rank up to and including Battalion Chief.

- Adds 5 points to applicants who possess paramedic certification and pass the written exam with a score of 70% or better.
- Physical agility score -Establishes points for physical agility testing. Physical agility score will weigh up to 20 points of overall score.
- Reappointment after resignation:
  - Reappointment is at the sole discretion of the Fire Chief.
  - Candidates who voluntarily resign after October 1, 2019, and meet all eligibility requirements for a vacant position may be reappointed as a FF without taking exams or being placed on the eligibility list.
  - Must pass pre-employment tests, including a drug test.
  - Establishes other rules for reappointment related to: age, priority, prior service credits, and sick and vacation leave.

## **Article 4- PROMOTIONS**

Intent:

- The Parties believe adding an assessment component to the promotion process will improve the selection and provide promotional candidates a fair opportunity to display skills and abilities that serve as additional indicators that they will perform well in the position of Fire Lieutenant, Fire Captain or Battalion Chief.

Promotional Examination Procedure:

- Written exam will be based upon no more than 3 written source materials.
- Notice of source materials must be posted no less than 90 days prior to the exam.
- Promotional exam will consist of two parts:
  1. Written, consisting of 100 multiple choice questions.
  2. Assessment Center (new)

Written Exam:

- Minimum passing score is 70%. If a 70% is not achieved, the candidate is not eligible for the Assessment Center.
  - For Lieutenants, the written exam counts for 70% of the total promotional score.
  - For Captains, the written exam counts for 60% of the total promotional score.
  - For Battalion Chief, the written exam counts for 50% of the total promotional score.

Assessment Center: (*New to New Braunfels*)

- Promotional candidates on military leave during the date of the Assessment Center will not be required to participate in the Assessment Center. The candidate's written score will account for 100% of the final score.
- Seniority points reset to zero upon promotion.
- Outlines calculations to reach each candidate's final score.
- Assessment Center criteria:

- Must be administered by an outside consultant
- Assessment Center will consist of not less than three exercises to test:
  - Problem solving/decision making
  - Planning and organization
  - Oral Communication
  - Leadership/Supervision
  - Adaptability
  - Interpersonal Skills
  - Written Communication skills
- Must also include one fireground tactical scenario.
- Two orientation sessions to explain the Assessment Center process.
- Assessor criteria:
  - 4 years of experience in Personnel Admin, Behavioral Science, Fire Admin/Operations, and Fire Ground Command and Tactics
  - Must be 2 certified Fire Officer Assessors for every one 1 Civilian Assessor
  - Assessors must be of equal or higher rank.
  - Affidavit of non-communication about the candidates

#### Procedure of Making Promotional Appointments:

- Upon promotion to a higher rank, Seniority Points reset to zero.
- Formula for composite score for ranks of Fire Lt. (70%/30%), Captain (60%/40%), and Battalion Chief (50%/50%), gives increasing less weight to written exam as rank increases:

Example of formula applied to rank of Fire Lieutenant:

$(\text{Passing Score on Written Examination} \times 70\%) + (\text{Assessment Center Score} \times 30\%) = \text{Composite Score}$

$\text{Composite Score} + \text{Seniority Points} + \text{Education Points} = \text{Final Score}^*$

\*Parties mutually agree that the Seniority Points shall be calculated at their accrued value through the day of the written examination.

#### Review and Appeal of Promotional Exams:

- On the first business day after the exam, candidate may only review the exam booklet, answer sheets, answer key and source material in the presence of a monitor.

#### Appointment and Removal of Assistant Chief:

- This section has been added to assure that should a Second Assistant Chief ever be added, it would be an appointed position by the Chief of the Department. Currently, any second Assistant Chief would be appointed through the Civil Service promotion process.
- This provision does NOT create a new position.

### Article 5- TERM OF AGREEMENT

- The agreement becomes effective October 1, 2019 (assuming Council and Association approval) through September 30, 2021.
- Association must provide the City written notice of intent to negotiate no later than May 15<sup>th</sup>.

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**Article 6- SAVINGS CLAUSE AND PREEMPTION PROVISION**

- The savings clause provides that if a court finds any contractual provision to be invalid, the rest of the agreement remains valid. The parties can meet within 30 days of the court order to agree on a substitute provision or wait until Meet and Confer negotiations are resumed as provided in Article 5, Section 2, Notice of Intent to Negotiate.
- The preemption clause provides that the agreement preempts or supersedes any other agreement, rule, or law that is in conflict.

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

N/A

**FISCAL IMPACT:**

The addition of the assessment center will affect the Human Resources and Fire Department operating budgets; however, at this time those costs are unknown. Staff will monitor the costs and return to Council if they cannot be absorbed, and/or factor additional costs into next Fiscal Year's budget.

**COMMITTEE RECOMMENDATION:**

n/a

**STAFF RECOMMENDATION:**

Staff recommends approval of a resolution approving a Meet and Confer Agreement between the City and the New Braunfels Professional Fire Fighters Association, Local 3845 of the International Association of Fire Fighters.

Documents attached to this agenda item include:

- Proposed resolution
- Meet and Confer Agreement

**RESOLUTION NO. 2019 - \_\_\_\_\_****A RESOLUTION OF THE CITY OF NEW BRAUNFELS, TEXAS,  
APPROVING A MEET AND CONFER AGREEMENT BETWEEN  
THE CITY OF NEW BRAUNFELS AND THE NEW BRAUNFELS  
PROFESSIONAL FIREFIGHTERS ASSOCIATION, LOCAL 3845,  
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS; AND  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, City Council adopted Resolution No. 2018-R31 recognizing the New Braunfels Professional Firefighters Association, (the "Association") as the sole and exclusive bargaining agent for all municipal firefighters, excluding the Fire Chief and the Assistant Chief who are excluded under Section 142.103 and Section 142.108(b) of the Texas Local Government Code (hereinafter collectively referred to as the Covered Firefighters); and

**WHEREAS**, the New Braunfels Professional Firefighters Association wanted to meet and confer with the City on matters limited to hiring and promotional practices; and

**WHEREAS**, the parties have negotiated terms related to hiring and promotional practices, as reflected in the attached Meet and Confer Agreement labeled Exhibit A to this resolution.

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

**SECTION 1.**

That the City Council hereby approves the Meet and Confer Agreement with the New Braunfels Professional Firefighters Association, Local 3845 and the City of New Braunfels in accordance with and pursuant to Chapter 142, Subchapter C of the Local Government Code, and further authorizes the city manager to execute this agreement on behalf of the City. The Meet and Confer Agreement is attached to this resolution as Exhibit A.

**SECTION 2.**

This resolution shall take effect immediately from and after its passage, and it is accordingly so resolved. This effective date is distinguished from the effective date of the Meet and Confer Agreement which is October 1, 2019.

Passed and approved this the \_\_\_\_\_ day of \_\_\_\_\_ 2019.

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Barron Casteel, Mayor

ATTEST:

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Patrick Aten, City Secretary

# **Meet and Confer Agreement**

**between**

**The City of New Braunfels**

**and**

**New Braunfels Professional Fire**

**Fighters Association, IAFF Local 3845**

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## **DEFINITIONS**

1. "Agreement" means the Meet and Confer Agreement entered between the New Braunfels Professional Fire Fighters Association and the City of New Braunfels.
2. "Association" means the New Braunfels Professional Fire Fighters Association, (IAFF Local 3845), its elected leaders and its collective membership.
3. "City" means the City of New Braunfels, its mayor, city council members, city manager, fire chief and those persons designated by the City of New Braunfels to manage the city and its fire department.
4. "Commission" means the City of New Braunfels Firefighters' and Police Officers' Civil Service Commission.
5. "Composite Score" means the sum of a passing written score plus the Assessment Center score but excludes seniority and education points.
6. "Day" or "days" shall mean calendar days unless otherwise specified.
7. "Department" means the New Braunfels Fire Department.
8. "Department head" means the Chief of the New Braunfels Fire Department, his or her designee, or an acting Chief of the New Braunfels Fire Department.
9. "Director" means the Director of the City of New Braunfels Firefighters' and Police Officers' Civil Service Commission.
10. "Education Points" means those points earned base on the highest level of education completed, in accordance with the following: 1 point for an Associate's degree, 2 points for a Bachelor's degree, 3 points for a Master's degree or Doctorate degree.
11. "Firefighter" means a firefighter employed by the Fire Department by the City of New Braunfels.
12. "Local rules" means the Local Rules and Regulations promulgated by the City of New Braunfels Firefighters' and Police Officers' Civil Service Commission.



13. “Parties” means the City of New Braunfels and the New Braunfels Professional Fire Fighters Association and “Party” means the City of New Braunfels or the New Braunfels Professional Fire Fighters Association.
14. “Seniority Points” means 1 point for every whole year served in the same rank within the New Braunfels Fire Department, not to exceed 10 seniority points.
15. “Written examination” means the written examination provided for under Chapter 143 of the Texas Local Government Code and does not mean any written part of the Assessment Center.

## **ARTICLE 1**

### **PARTIES AND PURPOSE OF MEET AND CONFER**

The Parties to this Agreement are the CITY OF NEW BRAUNFELS, TEXAS, a home rule municipality organized under Texas law and the NEW BRAUNFELS PROFESSIONAL FIRE FIGHTERS ASSOCIATION, LOCAL NO. 3845, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS.

It is the intent and purpose of the Meet and Confer negotiations and this Agreement, entered into by and between the CITY OF NEW BRAUNFELS, and the NEW BRAUNFELS PROFESSIONAL FIRE FIGHTERS ASSOCIATION, LOCAL NO. 3845, to achieve and maintain harmonious relations between the Parties related to the hiring and promotional practices in accordance with Subchapter C of 142 Texas Local Government Code and not deny local control by the City except as provided by this Agreement.

**ARTICLE 2****RECOGNITION**

The CITY OF NEW BRAUNFELS recognizes the NEW BRAUNFELS PROFESSIONAL FIRE FIGHTERS ASSOCIATION, LOCAL NO. 3845, as the sole and exclusive bargaining agent for the covered firefighters described in the petition for recognition, excluding the head of the Fire Department and excluding the employees exempt under Subsection (b), in accordance with subchapter C of Chapter 142 of the Texas Local Government Code. The Parties understand and agree the provisions of this Agreement do not extend to employees outside of the Department.

## **ARTICLE 3**

### **HIRING**

#### **Section 1. Age Requirements for Entry-Level Firefighter**

The parties recognize the need to increase the maximum age limit for an entry level position in order to improve the pool of potential candidates in the selection process. An applicant for entry-level firefighter must not have reached their 40<sup>th</sup> birthday as of the date of the written examination.

#### **Section 2. Interview Board**

Once an applicant has reached the background phase of the hiring process, the applicant must go before an Interview Board (prior to background check.) The Board will be made up of one member of each rank up to and including Battalion Chief. In order to pass this part of the hiring process, the applicant must receive at least a supermajority vote of confidence. A supermajority means a simple majority plus one.

#### **Section 3. Paramedic Certification Credit**

Applicants who possess certification as a paramedic by the Texas Department of State Health Services will receive a total of 5 points added to the overall passing score.

#### **Section 4. Candidate Physical Agility Scores**

The Physical Agility Testing will weigh up to twenty points of the candidate's overall score, with the written examination constituting up to 100 points. The breakdown of awarded points with time breaks is as follows:

<b>TIME</b>	<b>POINTS AWARDED</b>
2:29 >	20
2:30-2:59	15
3:00-3:29	10
3:30-4:00	5
4:01-5:00 (Passing)	0

#### **Section 5. Reappointment After Resignation**

- (a) A classified employee who voluntarily resigns from the Department after October 1, 2019, and meets the eligibility requirements for a vacant position may be reappointed as a Fire Fighter with

the Department without taking another entrance examination or being placed on an Eligibility List. Reappointment of a classified employee is totally at the discretion of the Department Head.

- (b) The former employee shall submit a written request to be reappointed to the Department Head, who makes the final recommendation to the City Manager for reappointment. A candidate for reappointment shall not be considered unless recommended by the Department Head. A candidate for reappointment may not appeal his/her rejection.
- (c) Prior to recommending reappointment of a former classified employee to the Department, the Department Head may review past performance records of the candidate, conduct a background investigation, require appropriate pre-employment tests and require any other portion of the employment process he/she deems appropriate.
- (d) Upon receiving a conditional offer of reappointment, the candidate shall pass a drug test and a physical examination prescribed by the City.
- (e) A candidate for reappointment shall fully meet the requirements of the Texas Commission on Fire Protection Personnel Standards and Education and the local civil service rules.
- (f) A candidate for reappointment may be appointed regardless of the availability of a list of eligible candidates. A candidate for reappointment has priority over candidates on a list of eligible candidates.
- (g) In addition to the reasons for rejection listed in Section 143.023, a candidate for reappointment may be rejected for reasons related to previous work performance with the City.
- (h) Prior service shall not count toward service for promotional eligibility.
- (i) Any candidate reinstated shall not be credited with accrued sick leave or vacation. The candidate's years of prior service shall not count for determining vacation eligibility and rate.
- (j) The candidate's years of prior service will not be counted towards determining placement in the salary step system.
- (k) Age limitations provided under Section 143.023(c) of the Local Government Code do not apply to reappointments; however, applicants for reappointment must not have reached their 40<sup>th</sup> birthday as of the date the written request for reappointment is received by the City.

## **Section 6. Statutory Override**

This article supersedes the following section of the Local Government Code: Section 143.023. This article preempts, to the extent of any conflict, all contrary state statutes, local ordinances, executive orders, civil service provisions, or rules adopted by the Department head or the commission.

## **ARTICLE 4**

### **PROMOTIONS**

#### **Section 1. Intent**

In adopting this Article, the Parties agree to implement a promotional system using an Assessment Center component in addition to the written examination. The Parties believe adding an assessment component to the promotion process will improve the selection and provide promotional candidates a fair opportunity to display skills and abilities that serve as additional indicators that they will perform well in the position of Fire Lieutenant, Fire Captain or Battalion Chief.

#### **Section 2. Promotional Examination Procedure**

- (a) The Commission shall adopt rules governing the promotional examination procedure and promotional eligibility lists in accordance with this Article and the Local Rules for the promotional positions of Fire Lieutenant, Fire Captain, and Battalion Chief. Further, the Commission may adopt rules to provide for the efficient administration of a promotional examination to eligible promotional candidates who are members of the armed forces serving on active military duty.
- (b) The written examination will be based upon no more than three (3) written source materials, determined by the Department and approved by the Commission. The notice of source materials and notice of promotional examination shall be posted no fewer than ninety (90) days prior to the examination.
- (c) The promotional examination procedure will consist of two parts:
  - 1. a written examination, as defined in this article, consisting of one-hundred (100) multiple choice questions; and
  - 2. upon passing the written examination part of the promotional examination procedure, participation in an Assessment Center.

#### **Section 3. Written Examination**

- (a) The promotional candidate's score on the written examination shall constitute the candidate's "written score". The minimum passing score on the written examination is seventy percent (70%). Promotional candidates who do not pass the written examination shall be eliminated from participation in the Assessment Center. This includes candidates on active military duty.

- (b) For a promotional candidate applying for the Fire Lieutenant classification, seventy percent (70%) of a promotional candidate's composite score will be based on the written score.
- (c) For a promotional candidate applying for the Fire Captain classification, sixty percent (60%) of a promotional candidate's composite score will be based on the written score.
- (d) For a promotional candidate applying for the Battalion Chief classification, fifty percent (50%) of a promotional candidate's composite score will be based on the written score.

#### **Section 4. Assessment Center**

- (a) Except for candidates on active military duty at the time of the written examination or Assessment Center, all candidates that receive a passing score on the written examination will advance to the Assessment Center. If a promotional candidate will be on active military duty on the date(s) of the scheduled Assessment Center, the candidate will not be required to participate in the Assessment Center. The candidate's written score shall account for one-hundred percent (100%) of the candidate's final score. If the candidate passes with a minimum of 70%, then the candidate's written score, after adding in seniority points and education points, shall account for one-hundred percent (100%) of the candidate's final score.
- (b) For a promotional candidate applying for the Fire Lieutenant classification, thirty percent (30%) of a promotional candidate's composite score will be based on an Assessment Center.
- (c) For a promotional candidate applying for the Fire Captain classification, forty percent (40%) of a promotional candidate's composite score will be based on an Assessment Center.
- (d) For a promotional candidate applying for the Battalion Chief classification, fifty (50%) percent of a promotional candidate's composite score will be based on an Assessment Center.

#### **Section 5. Procedure for Making Promotional Appointments**

- (a) **Reset of Seniority Points.** For the purpose of promotional examination grades, seniority points will be accrued by certified firefighters at a rate of 1 point for every whole year served in that same rank within the New Braunfels Fire Department, not to exceed 10 seniority points. Each full year of service equals one (1) point. Seniority points will not be awarded for years of part-time employment. Under the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994, military service shall not be considered a break in service. Upon promotion to a higher rank, seniority points will reset to zero points. For the purpose of tie-breakers, seniority points will be awarded in accordance with the local civil service rules.
- (b) For promotional candidates applying for the Fire Lieutenant classification, the final score to be placed on the eligibility list for each candidate shall be computed by taking the candidate's

written score and multiplying the written score by .70 to account for seventy percent (70%) of the candidate's composite score; by taking the candidate's Assessment Center score and multiplying that score by .30 to account for thirty percent (30%) of the composite score; by adding the products together to equal the composite score; and by adding any applicable seniority points, not to exceed ten (10) points, and education points, not to exceed three (3) points, to the composite score to compute the final score (see below). Only a candidate that successfully passes the written examination will have seniority points and education points added to the composite score.

$(\text{Passing Score on Written Examination} \times 70\%) + (\text{Assessment Center Score} \times 30\%) = \text{Composite Score}$

$\text{Composite Score} + \text{Seniority Points} + \text{Education Points} = \text{Final Score} *$

\* The Parties mutually agree that the Seniority Points shall be calculated at their accrued value through the day of the written examination.

- (c) For promotional candidates applying for the Fire Captain classification, the final score to be placed on the eligibility list for each candidate shall be computed by taking the candidate's written score and multiplying the written score by .60 to account for sixty percent (60%) of the candidate's composite score; by taking the candidate's Assessment Center score and multiplying that score by .40 to account for forty percent (40%) of the composite score; by adding the products together to equal the composite score; and by adding any applicable seniority points, not to exceed ten (10) seniority points, and education points, not to exceed three (3) points, to the composite score to compute the final score (see below). Only a candidate that successfully passes the written examination will have seniority points and education points added to the composite score.

$(\text{Passing Score on Written Examination} \times 60\%) + (\text{Assessment Center Score} \times 40\%) = \text{Composite Score}$

$\text{Composite Score} + \text{Seniority Points} + \text{Education Points} = \text{Final Score} *$

\* The Parties agree that the Seniority Points shall be calculated at the accrued value through the day of the written examination.

- (d) For promotional candidates applying for the Battalion Chief classification, the final score to be placed on the eligibility list for each candidate shall be computed by taking the candidate's written score and multiplying the written score by .50 to account for fifty percent (50%) of the candidate's composite score; by taking the candidate's Assessment Center score and multiplying that score by .50 to account for fifty percent (50%) of the composite score; by adding the products together to equal the composite score; and by adding any applicable seniority points, not to exceed ten (10) seniority points, and education points, not to exceed three (3) points, to the composite score to compute the final score (see below). Only a candidate that successfully passes the written examination will have seniority points and education points added to the composite score.



$(\text{Passing Score on Written Examination} \times 50\%) + (\text{Assessment Center Score} \times 50\%) = \text{Composite Score}$

$\text{Composite Score} + \text{Seniority Points} + \text{Education Points} = \text{Final Score} *$

\* The Parties agree that the Seniority Points shall be calculated at the accrued value through the day of the written examination.

### **Section 6. Promotional Examination Assessment Center Criteria**

- (a) The Assessment Center shall be administered by a consultant independent of the Department and the City. The City will contract with the consultant to design and administer an Assessment Center promotional process for the Department according to the prerequisites of this Article. The consultant is responsible for the preparation and security of each promotional Assessment Center.
- (b) The consultant shall be an individual or company with proven expertise in the field of administering the entire Assessment Center process. The consultant will be mutually agreed upon by the Department Head and Director.
- (c) The consultant will develop no fewer than three exercises for the Assessment Center that test the candidate's possession of the seven dimensions listed below and must include at least one Fire Ground Tactical Scenario:

- 1. **Problem Solving/Decision Making**
- 2. **Planning and Organization**
- 3. **Oral Communication**
- 4. **Leadership/Supervision**
- 5. **Adaptability**
- 6. **Interpersonal Skills**
- 7. **Written Communication Skills**

**It is understood that not all dimensions listed above may be tested in an exercise.**

- (d) The consultant will make available at least two (2) separate orientation sessions covering the same material to explain the Assessment Center Process, no fewer than seven (7) days prior to the first day that the Assessment Center is convened. Any candidate who took the test will

be invited and encouraged to attend. The orientations will provide information, examples, and explanations on all aspects of the Assessment Center Process.

- (e) The consultant will select as many assessors as it requires within the following guidelines. In this section, Fire Officer shall refer to any firefighter holding the rank of Fire Lieutenant or higher.
  - 1. Assessors selected must have at least 4 years of experience in any of the following areas: Personnel Administration; Behavioral Science; Fire Administration and Operations; and Fire Ground Command and Tactics.
  - 2. There must be at least two (2) certified Fire Officer Assessors for every one (1) Civilian Assessor appointed by the consultant.
  - 3. All certified Fire Officer members of the Assessor board shall be of any rank equal to or higher than the position sought.
  - 4. Prior to the commencement of the Assessment Center, each Assessor will certify by a signed and witnessed affidavit that he or she has not talked to or corresponded with, and will not talk to or correspond with, ANY PERSON about any candidate's abilities, personality, or qualifications for promotion, until Assessment Center scoring is completed.

## **Section 7. Review and Appeal of Promotional Examination**

- (a) Beginning on the first business day following the examination date, a promotional candidate may only review his/her examination booklet, his/her answer sheet, the answer key, and the source material for the examination in the presence of a monitor(s) designated by the Civil Service Director. The candidate is not allowed to document, make a picture image of and/or make any notes from any part of the examination documents. The period of review of test materials as described above extends to the time of the Civil Service Commission appeal hearing. The five (5) business day period within which to appeal contained in the Local Government Code, Chapter 143, and the local civil service rules remains applicable.

## **Section 8. Appointment and Removal of Assistant Chief**

- (a) Intent.  
In adopting this Article, the Parties agree that the Department Head shall be able to appoint each person occupying the classification immediately below that of Department Head and above that of Battalion Chief.

(b) Requirements.

A Person appointed to a position in the classification immediately below that of the Department Head and above Battalion Chief must:

- i. Be employed by the municipality of the Department;
- ii. Have a permanent classification in at least an officer level; and
- iii. Meet the requirements for appointment as head of a fire department prescribed by Section 143.013(b).

(c) Appointment.

- i. A person appointed under this Article serves at the pleasure of the Department Head. A person who is removed from the position by the Department Head shall be reinstated in the Department and placed in the same classification, or its equivalent, that the person held before appointment. The person retains all rights of seniority in the Department.
- ii. If a person appointed under this Article is charged with an offense in violation of civil service rules and is indefinitely suspended by the Department Head, the person has the same rights and privileged of a hearing before the Commission in the same manner and under the same conditions as a classified employee. If the Commission, a hearing examiner, or a court of competent jurisdiction finds the charges to be untrue or unfounded, the person shall immediately be restored to the same classification, or its equivalent, that the person held before appointment. The person has all the rights and privileges of the prior position according to seniority and shall be repaid for any lost wages.

## **Section 9. Statutory Override**

This article supersedes the following section of the Local Government Code: Section 143.033(b) to provide for resetting accrual of seniority points to zero upon promotion to a higher rank within the New Braunfels Fire Department; section 143.034, not affecting the time to file an appeal with the Commission which is five (5) business days, but only extending the time to review test materials until the time of the appeal hearing.

**ARTICLE 5****TERM OF AGREEMENT****Section 1. Term**

This Agreement shall have an effective date of October 1, 2019, and shall remain in full force and effect through September 30, 2021. When the agreement expires, the parties will be governed by Chapter 143 of the Texas Local Government Code.

**Section 2. Notice of Intent to Negotiate**

Association shall provide to City written notice of intent to negotiate, pursuant to Section 2 of this Article, no later than May 15 of each year of the Agreement.

## **ARTICLE 6**

### **SAVINGS CLAUSE AND PREEMPTION PROVISION**

#### **Section 1. Savings Clause**

If any provision of this Agreement is rendered invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision of this Agreement, which shall continue to be in full force and effect for the duration of the Agreement, and the Parties shall meet as soon as possible to agree on a substitute provision. However, if the Parties are unable to agree within thirty (30) days following commencement of the initial meeting, then the matter shall be postponed until Meet and Confer negotiations are resumed. To this end, the provisions of this Agreement are severable. This Agreement may be amended by written mutual agreement.

#### **Section 2. Preemption Provision**

The provisions of this Agreement shall supersede the provisions of any statute, Executive Order, local ordinance, or rule, which are in conflict herewith, including for example and not by way of limitation, the contrary provisions of Chapter 143; Ordinances of the City of New Braunfels, Texas; and Rules and Regulations of the Firefighter's Civil Service Commission for the City of New Braunfels, Texas. This preemption provision is authorized by section 142.117 of the Texas Local Government Code, and the Parties have expressly agreed that each and every provision involving or creating such a conflict shall have the effect of superseding the statutory standard or result which would otherwise obtain, in the absence of this Agreement.

**SIGNATURE & EXECUTION PAGE**

**THE FOREGOING INSTRUMENT HAS BEEN DULY NEGOTIATED, REVIEWED, AND APPROVED BY EACH OF THE SIGNATORIES INDICATED BELOW:**

**THE CITY OF NEW BRAUNFELS, TEXAS**

(Approved by New Braunfels City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2019)

By: \_\_\_\_\_  
 ROBERT CAMARENO  
 CITY MANAGER

Dated: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
 PATRICK ATEN  
 CITY SECRETARY

APPROVED:

APPROVED AS TO FORM:

\_\_\_\_\_  
 PATRICK O'CONNELL, INTERIM  
 FIRE CHIEF

\_\_\_\_\_  
 VALERIA M. ACEVEDO,  
 CITY ATTORNEY

**THE NEW BRAUNFELS PROFESSIONAL FIRE FIGHTERS ASSOCIATION,  
IAFF, LOCAL #3845**

(Ratified by NBPFFA Membership on the \_\_\_\_\_ day of \_\_\_\_\_, 2019).

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
JEREMY VAN AUDALL  
PRESIDENT, NBPFFA - IAFF LOCAL #3845

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
SECRETARY, NBPFFA – IAFF LOCAL #3845







## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**9/23/2019**

Agenda Item No. D)

Presenter/Contact

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

**SUBJECT:**

Discuss and consider approval of the appointment of 15 individuals to the Workforce Housing Advisory Committee, and accompanying bylaws.

**BACKGROUND / RATIONALE:**

The Workforce Housing Advisory Committee is comprised of 15 members. Vacancies for this committee were posted July 16 through August 15, 2019.

**Local Entities:**

The following peoples' names were received from the twelve position-specific groups:

- Suzanne Kuntz (Four Rivers Association of Realtors)
- Troy French (GNB Home Builders Association)
- Jason Chesser (local banking or mortgage lending)
- Alice Jewell (McKenna Foundation)
- Michael Meek (GNB Chamber of Commerce)
- Crystal Moore (Habitat for Humanity)
- Chris Willis (NB Housing Authority)
- Kandace Tournquist (NB Housing Partners)
- Atanacio Campos (New Braunfels Utilities)
- Brian Cox (NBEDC)
- Emily Lane (Community Development Advisory Committee)
- Shaun Gibson (Planning Commission)

**At-large applicants:**

The City Secretary's Office received 13 qualified applications for the three at-large positions:

- Neal Linnartz
- Dustin Simoni
- Bob Self
- Stephen Brockman
- Johnnie Rosenauer
- Rose Latham
- Tom Meyer
- Ellen Duncan
- Ron Reaves
- Cyndi Foster

- 
- Cory Elrod
  - James Wilson
  - Tony Mangold

**At-large applicants' current & prior service on Boards and Commissions**

Neal Linnartz serves on the NBEDC and Building Standards Commission.

Dustin Simoni has no previous experience on City boards.

Bob Self has no previous experience on City boards.

Stephen Brockman has no previous experience on City boards.

Johnnie Rosenauer has no previous experience on City boards.

Rose Latham has no previous experience on City boards.

Tom Meyer serves on the Planning Commission, Airport Advisory Board, and the Building Standards Commission. He is a graduate of City University.

Ellen Duncan has no previous experience on City boards. She is a graduate of City University.

Ron Reaves serves on the Planning Commission. He is a graduate of City University.

Cyndi Foster serves on the Zoning Board of Adjustment. She is a graduate of City University.

Cory Elrod previously served on the Planning Commission, ZBA, and Bond Advisory Committee.

James Wilson has no previous experience on City boards.

Tony Mangold has no previous experience on City boards.

**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 15 individuals to the Workforce Housing Advisory Committee, and accompanying bylaws.

# BYLAWS OF THE WORKFORCE HOUSING ADVISORY COMMITTEE

## ARTICLE I Name

The name of this organization shall be the Workforce Housing Advisory Committee (WHAC).

## ARTICLE II Purpose

The purpose of the Workforce Housing Advisory Committee is to address the community's affordable and workforce housing needs. The Committee will raise awareness about the challenges of affordable and available housing. The WHAC will advise the City Council on providing solutions for a full range of housing choices for households of all incomes, ages, and abilities.

## ARTICLE III Membership, Terms, Attendance

### 3.01 MEMBERSHIP

The WHAC shall be comprised of fifteen (15) members with preference given to representatives from Community Development Advisory Committee, Four Rivers Association of Realtors, GNB Home Builders Association, local bank or mortgage lending industry, McKenna Foundation, GNB Chamber of Commerce, NBEDC, NB Housing Authority, New Braunfels Utilities, Planning Commission, NB Housing Partnership, and Habitat for Humanity; plus, three at-large members.

Applicants to the WHAC shall be residents of New Braunfels and demonstrate qualifications for the WHAC to the City Secretary via their application prior to appointment. City Council will consider nominations from the qualified applicants. If a member does not retain the said qualification during his or her term, such failure shall constitute a resignation from the Committee. By filing an application for the WHAC, each applicant agrees to abide by these bylaws, ordinances, rules, and regulations of the City of New Braunfels (including its Code of Ethics) and county, state and federal laws, rules and regulations related to the activities of the WHAC and further agrees to participate in committee work, required trainings, and volunteer activities of the WHAC.

A City staff member, designated by the City Manager, will serve as staff liaison to the Workforce Housing Advisory Committee but will not be a voting member.

### 3.02 TERMS

The initial term for each Committee member shall be for staggered terms of five (5) years. At the first meeting of the Committee, the members shall draw for terms so that five (5) members shall serve an initial one-year term, five (5) members shall serve an initial three-year term and five (5) members shall serve an initial five-year term. Thereafter, any member appointed or reappointed to the Committee shall serve a five-year term unless the appointment is to fulfill an unexpired vacant term.

### 3.03 ATTENDANCE

A member of the Committee shall assume to have resigned his or her position as a member of the WHAC thereby forfeiting his or her unexpired term of office if he or she accrues three (3) consecutive unexcused absences or a total of any four (4) unexcused absences during a calendar year. This provision can be waved upon a finding by a quorum of the Committee that one or more absences should be excused.

### 3.04 REMOVAL

Each Committee member serves at the pleasure of the City Council and may be removed at the discretion of the City Council.

### 3.05 RESIGNATION

Any member resigning from the committee shall submit their resignation in writing to the City Secretary and/or the staff liaison for the committee.

### 3.06 VACANCIES

When vacancies occur on the WHAC, the City Council shall appoint, by majority vote, a replacement to serve out the remainder of the vacant term.

## ARTICLE IV Officers

### 4.01 ELECTION OF OFFICERS

The Committee shall elect from its members a Chair and a Vice-Chair to each serve a one-year term. Officers shall be elected annually thereafter based on the election date of the initial officers of the Committee.

### 4.02 DUTIES OF OFFICERS

#### 4.02.1 Chair

The Chair shall preside and participate at all meetings of the WHAC and shall have voting power.

#### 4.02.2 Vice-Chair

The Vice-Chair shall assist the Chair as needed and shall serve as the presiding officer in the absence of the Chair. The Vice-Chair shall have voting power.

#### 4.0.3 VACANCIES

Any vacancy in an office shall be filled at the next regular WHAC meeting.

### ARTICLE V Meetings

#### 5.01 DATE, TIME, PLACE

The WHAC shall meet \_\_\_\_\_.

#### 5.02 OPEN MEETINGS

All meetings shall be held in accordance with the Texas Open Meetings Act.

#### 5.03 QUORUM

A majority of the members of the WHAC shall constitute a quorum.

#### 5.04 PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the WHAC in all cases in which they are applicable and in which they are not inconsistent with these bylaws. The WHAC shall conduct themselves in accordance with the City Charter of the City of New Braunfels and the Laws of the State of Texas.





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. E)

### Presenter/Contact

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

### **SUBJECT:**

Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit on 45 acres out of the Orilla Russell League Survey, No. 2, Abstract No. 485, located on the south side of Orion Drive and east of the Union Pacific Rail Road, to allow a manufactured home community in the "M-1A" Light Industrial District.

### **BACKGROUND / RATIONALE:**

**Case No.:** SUP19-0121

**Council District:** 4

**Applicant:** Moeller & Associates (James Ingalls, P.E.)  
2021 SH 46 W  
Suite 105  
New Braunfels TX, 78132  
(281) 358-7127  
JamesIngalls@ma-tx.com

**Owner:** Kenneth Schmidt  
10312 Habersang Ln.  
New Braunfels, TX 78132

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

The subject property is located on the south side of Orion Drive adjacent to the Union Pacific Rail Road tracks on its west side. The property is currently undeveloped and used for agricultural purposes but is zoned "M-1A" Light Industrial District. M-1A allows for a mix of non-residential uses including offices, personal and professional services, medical offices and clinics, mini-warehousing, and studios in addition to light manufacturing which excludes industrial processing.

The applicant is requesting approval of a Type 2 Special Use Permit (SUP) to allow a manufactured home community on 45 acres of the subject 50-acre tract. Manufactured home communities are a permitted use only in the "B-1B" Manufactured Home Park District and are subject to the development standards identified in Appendix B of the City of New Braunfels Code of Ordinances (see Attachment). The applicant has provided a site plan for the proposed development along with a project summary letter (see attachments).

The adopted Zoning Ordinance allows SUPs to be granted by City Council to allow compatible and orderly development which may be suitable in certain locations if developed in a specific way. A Type 2 SUP is required to have a site plan drawn to scale that shows the arrangement of the project in detail, including parking facilities, locations of buildings, uses to be permitted, landscaping, and means of egress and ingress. The site plan and any other information submitted with a

Type 2 SUP is used to 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. Conditions may be placed upon an SUP by City Council to mitigate impacts and ensure compatibility.

Features of the applicant's proposed site plan include a maximum of 280 homesites with internal private drives, an amenity center/clubhouse, a potential neighborhood RV and boat storage yard adjacent to the railroad tracks, and two proposed access points onto Orion Drive. Additional development standards the applicant is proposing include:

- No RV or boat parking at the homesites or in the private drives.
- No on-street parking allowed within the private drives.
- Concrete sidewalks and homesite driveways.
- All internal drives, utilities, drainage improvements and amenity center/clubhouse will be constructed at one time in the initial phase of development. Home site development will be phased.

### **General Information:**

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

North - Across Orion Dr., APD and Wasser Ranch PD / undeveloped

South - M-1A / New Braunfels Distribution Center subdivision, undeveloped

East - M-1A and APD / Single-family dwellings, two-family dwelling and undeveloped

West - Across UPRR tracks, M-1A and outside of city limits / undeveloped

#### *Floodplain:*

No portion of the subject property is located within the 100-year floodplain.

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

<b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan	<b>Action 1.3:</b> Encourage balanced and fiscally responsible land use patterns. <b>Action 1.8:</b> 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. <b>Action 3.1:</b> Plan for healthy jobs/housing balance. <b>Action 3.3:</b> Balance commercial centers with stable neighborhoods. <b>Action 3.5:</b> Implement and continue to update the Economic Development Strategic Plan. <b>Action 3.13:</b> 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. <b>Action 3.30:</b> Encourage and incentivize workforce/affordable housing to attract new workforce entrants and young families.
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### **FISCAL IMPACT:**

Residential encroachment into remaining industrial zoning districts can stifle economic development and job creation efforts as many new industries seek sites with limited impact from residential neighbors.

### **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 within an area that is primarily undeveloped, but with nearby industrial uses and a few single-family homes mostly on large agricultural lots. The proposed use of the property would conflict with the uses allowed in the area. In addition, the property abuts a railroad track where noise from use of the railroad is not considered compatible with residential development.*);
- 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 adequacy of public facilities and utilities to serve the property is evaluated by each provider at the platting and permitting stages. Additional residential would add enrollment to area schools.*);
- How other areas designated for similar development will be affected (*The addition of residential uses in this area negatively impacts the viability of additional nonresidential development and would create conflicts between property owners. Compatibility is of concern due to the very limited amount of remaining industrially zoned*



*property not impacted by residential land use or the potential of future residential development nearby.);*

- Any other factors that will substantially affect the public health, safety, morals, or general welfare. (*Limited information regarding development standards is provided on the site plan. Therefore, as submitted, the use of this property as a manufactured home community would be subject primarily to the supplemental standards as specified in Appendix B of the City of New Braunfels Code of Ordinances - see attachment.);* and
- Whether the request is consistent with the Comprehensive Plan. (*The subject property is near existing and future Employment Centers within the Oak Creek Sub Area.*)

#### **COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on September 4, 2019. A recommendation for approval failed (4-4-0, with Vice Chair Reaves and Commissioners Meyer, Mathis and Tubb opposed, and Chairman Edwards recused).

#### **STAFF RECOMMENDATION:**

Manufactured home communities were never a permitted use in M-1A, and all other residential uses are no longer permitted uses in industrial zoning districts. The addition of residential uses adjacent to other M1-A zoned properties would negatively impact the viability of future nonresidential development of those tracts, and would introduce houses into a future employment center creating future conflicts between property owners. M-1A allows for a large mix of non-residential uses including offices, personal and professional services, medical offices and clinics, mini-warehousing, and studios in addition to light manufacturing which excludes basic industrial processing that would be more compatible with existing uses of the area and meet the goals of Envision New Braunfels. Staff recommends denial of the applicant's request.

#### **Notification:**

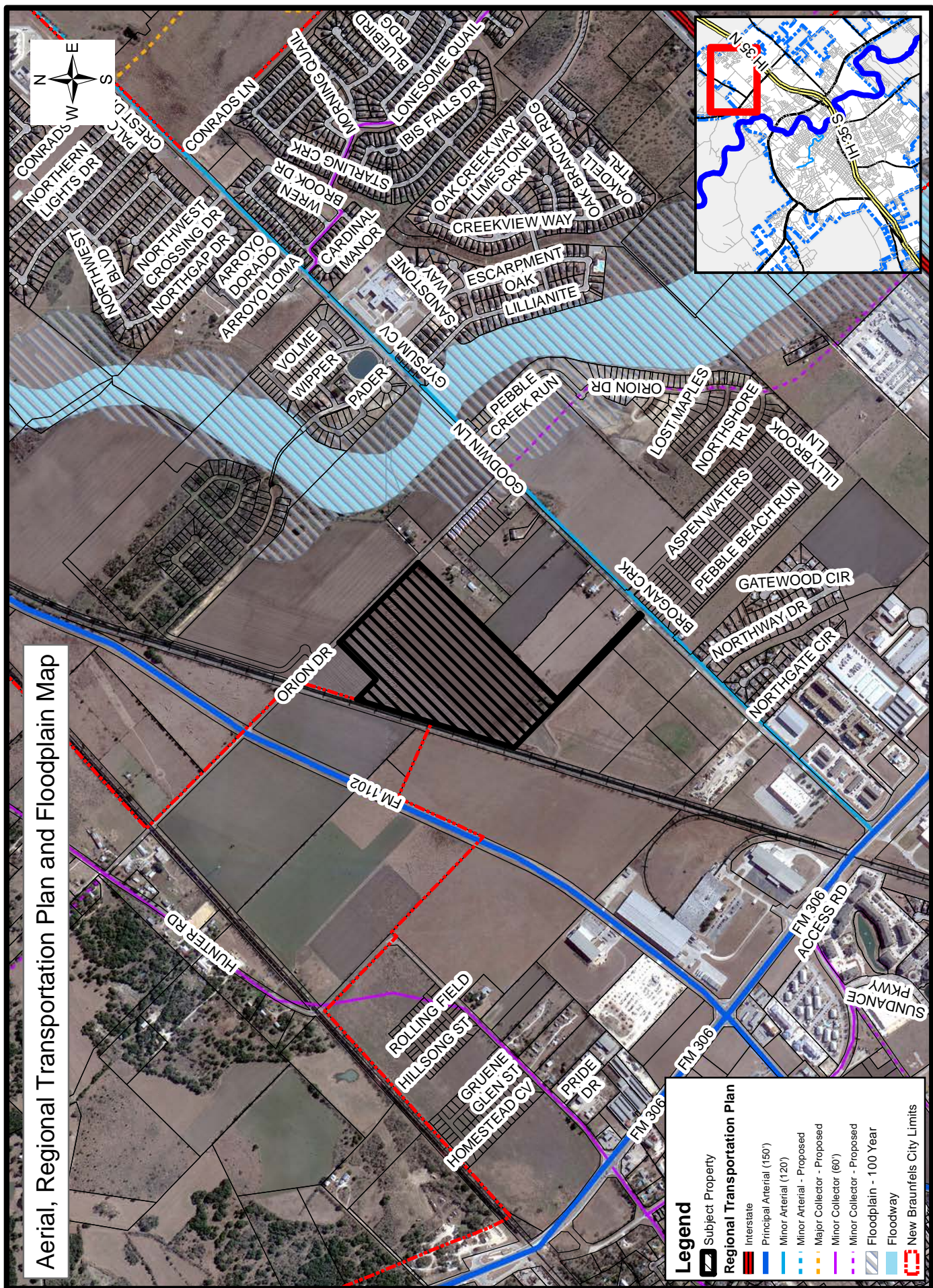
Public hearing notices were sent to 11 owners of property within 200 feet of the request. The City has received two (2) response in favor from numbers 4 and 7, and five (5) opposed from numbers 1, 2, 3, 8, and 9. Opposition represents more than 20% of the notification area. A  $\frac{3}{4}$  majority of City Council (6 votes) will be required for approval of the applicant's request. Staff received an additional 38 written responses in opposition from outside the 200-foot notification area.

#### **Attachments:**

1. Aerial Map
2. Application
3. Project Summary Letter
4. Proposed Site Plan
5. Land Use Maps (Zoning, Existing and Future Land Use)
6. Notification List, Notification Map and Notification Responses
7. Photographs
8. Ordinances:
  - Sec. 3.4-18 M-1A
  - Sec. 3.6 Special Use Permits
  - Appendix B - Mobile Home Communities
9. Excerpt of Draft Minutes from the September 4, 2019 Planning Commission Regular Meeting
10. Ordinance



Aerial, Regional Transportation Plan and Floodplain Map



**SUP19-121**  
**Orion Drive**  
 SUP to allow a mobile home community in the M-1A district





Planning & Community Development Department  
 Planning Division  
 550 Landa St. New Braunfels, Tx 78130  
 (830) 221-4050 www.nbtexas.org

CC/Cash/Check No.: _____	Case No.: <u>SUP19-121</u>
Amount Recd. \$ _____	
Receipt No.: _____	
<div style="border: 2px solid blue; padding: 5px; display: inline-block;"> <b>RECEIVED</b>  <b>JUL 22 2019</b> </div>	
BY: _____	Submittal date – office use only

## Special Use Permit Application

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

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

Name: James Ingalls, P.E. (Agent)

Mailing Address: 2021 SH 46W, Ste. 105 New Braunfels, TX

Telephone: 830-358-7127 Fax: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email: plats@ma-tx.com

2. Property Address/Location: Located off Orion Dr northwest of Goodwin Ln

3. Legal Description:

Name of Subdivision: A-485 SUR-2 O RUSSELL

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_ Acreage: 50.533 45ac

4. Existing Use of Property: Undeveloped

5. Current Zoning: M-1A

6. Proposed Special Use Permit\*: Type 1 OR Type 2 ☒

*\*see page 4 for information regarding Type 1 and Type 2 Special Use Permits*

7. Proposed Use of Property and/or Reason for Request (attach additional or supporting information if necessary): Mobile Home Community

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June 27, 2019

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

Special Use Permit Type 2 (Orion Dr Property) – Project Summary Letter

The intent of this letter is to provide clarification for the Special Use Permit Application submitted for the property located off Orion Dr northwest of Goodwin Ln.

The project site is located off Orion Dr, approximately 1,159 ft from Goodwin Ln. A site plan has been included with this Special Use Permit Application for reference. The development will have two access points located off Orion Dr. Orion Dr will be required to be widened to meet the city's minimum width requirement of 24-ft and will be widened from Goodwin Ln to the second access point.

There will be a maximum of 280 homesites. The internal drives will be privately owned and maintained. There will also be sidewalks throughout the development, and no on-street parking will be allowed. No RV's or boats will be allowed to be parked on the street or at the individual homesites. An amenity center/clubhouse is proposed to be constructed with the first development phase.

All internal drives, utilities, and drainage improvements will be constructed with the first phase of development. The development intends to connect to New Braunfels Utilities (NBU) public water and sewer system. The utility design will be required to meet all NBU standards and specifications. All drainage and water quality improvements will be designed and constructed in accordance with the City of New Braunfels regulations and standards. The design of the development will not be allowed to increase discharge from the site. The discharge from the developed site must be at or below existing conditions.

Please accept this summary for the referenced project. If you need additional information or have any questions, please do not hesitate to contact myself or Jeff Moeller, P.E.

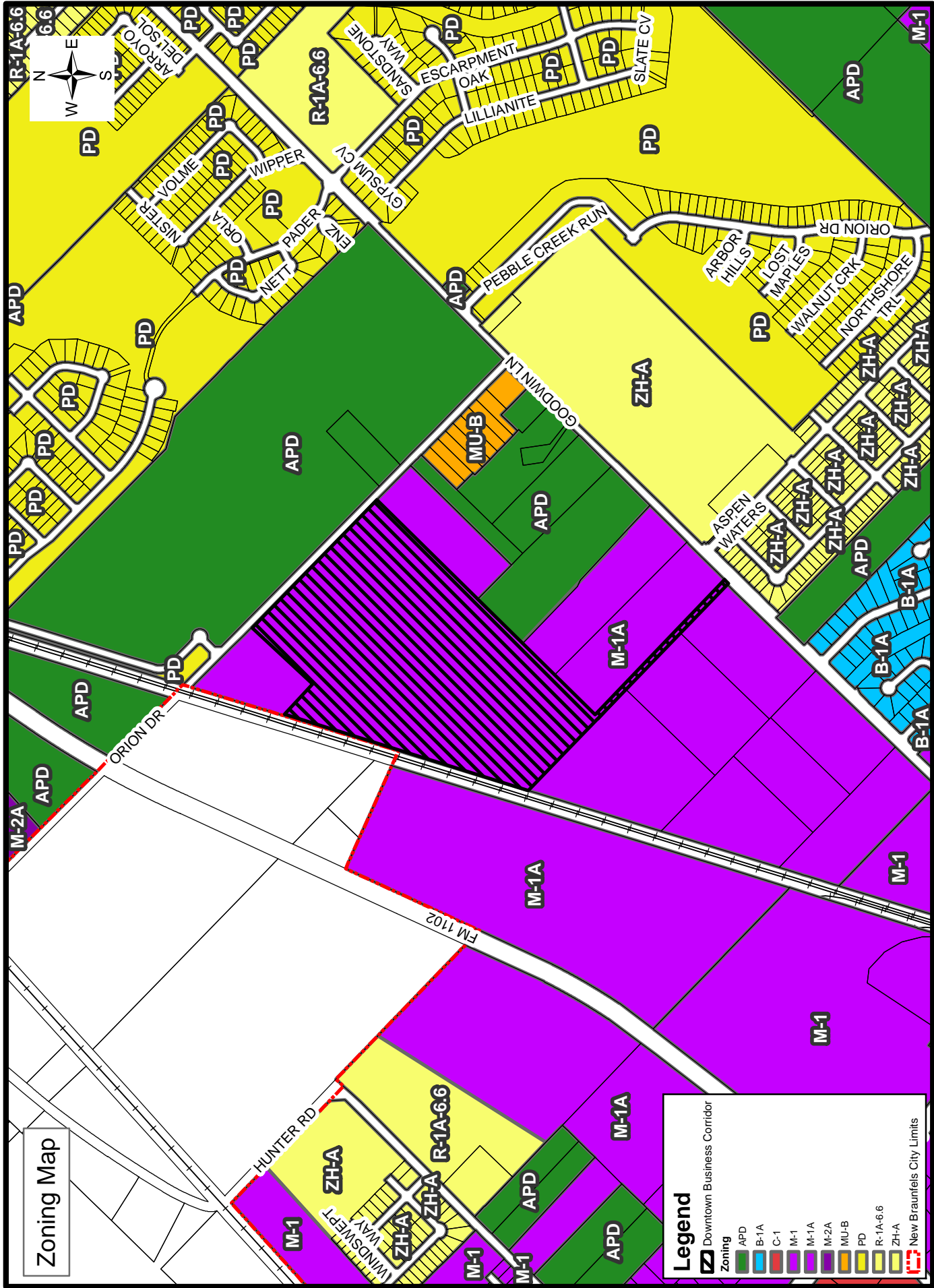
Sincerely,

A handwritten signature in blue ink, appearing to read 'James Ingalls'. The signature is fluid and cursive, with a large initial 'J'.

James Ingalls, P.E.

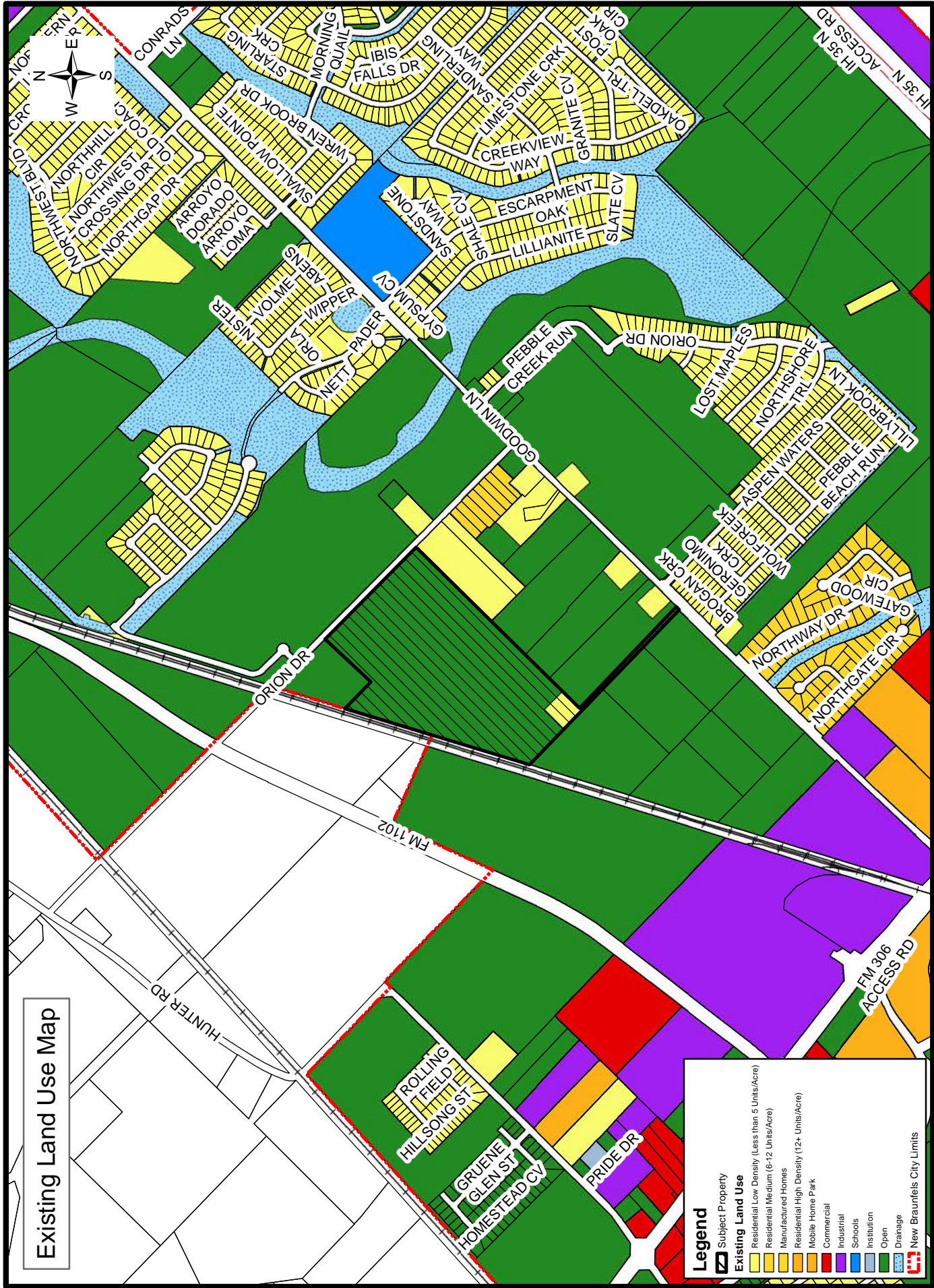






**SUP19-121**  
**Orion Drive**  
 SUP to allow a manufactured home community in the M-1A district

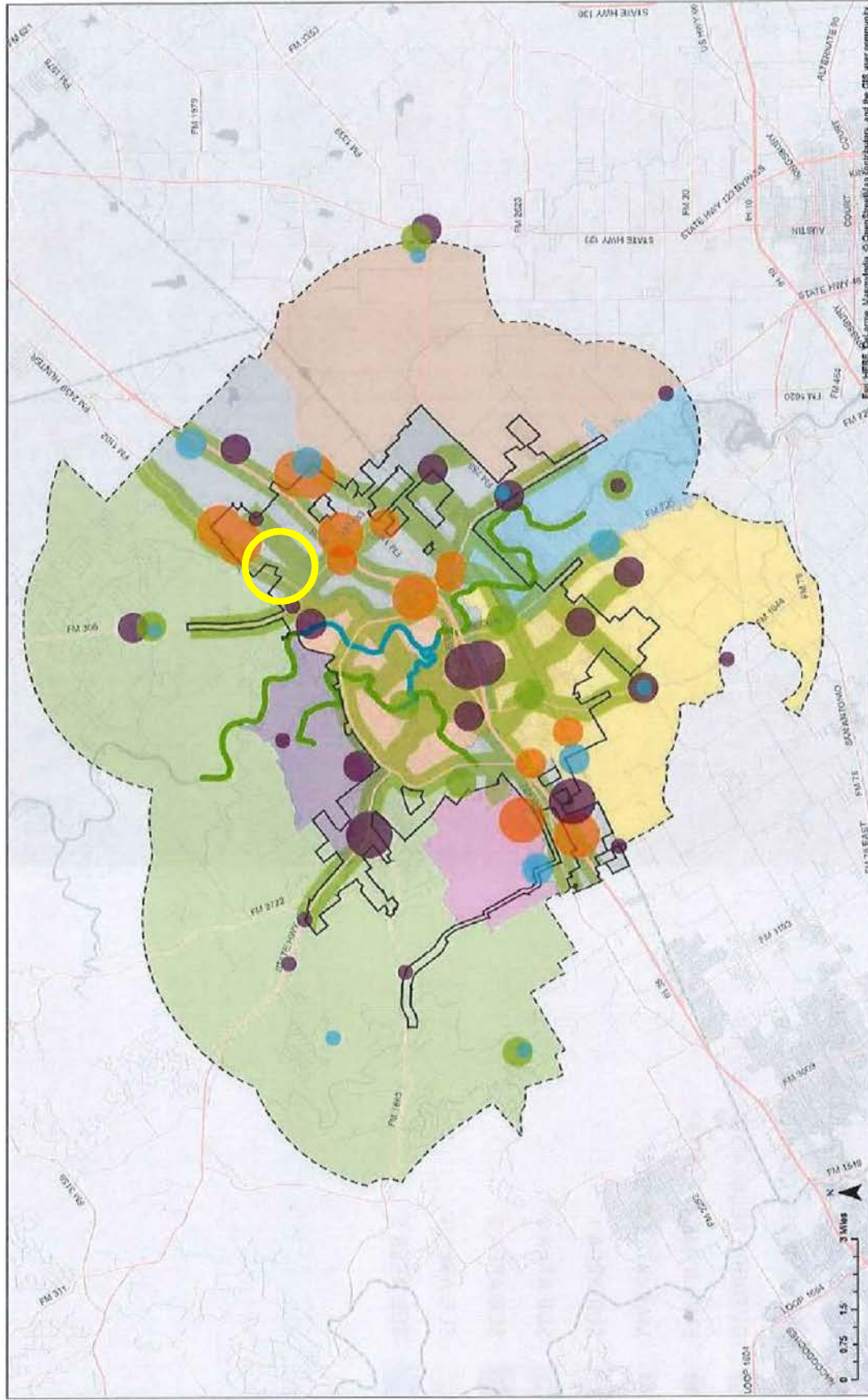




**SUP19-121**  
**Orion Drive**  
**SUP to allow a manufactured home community in the M-1A district**



## Future Land Use Plan





**PLANNING COMMISSION – SEPTEMBER 4, 2019 – 6:00PM**

New Braunfels City Hall Council Chambers

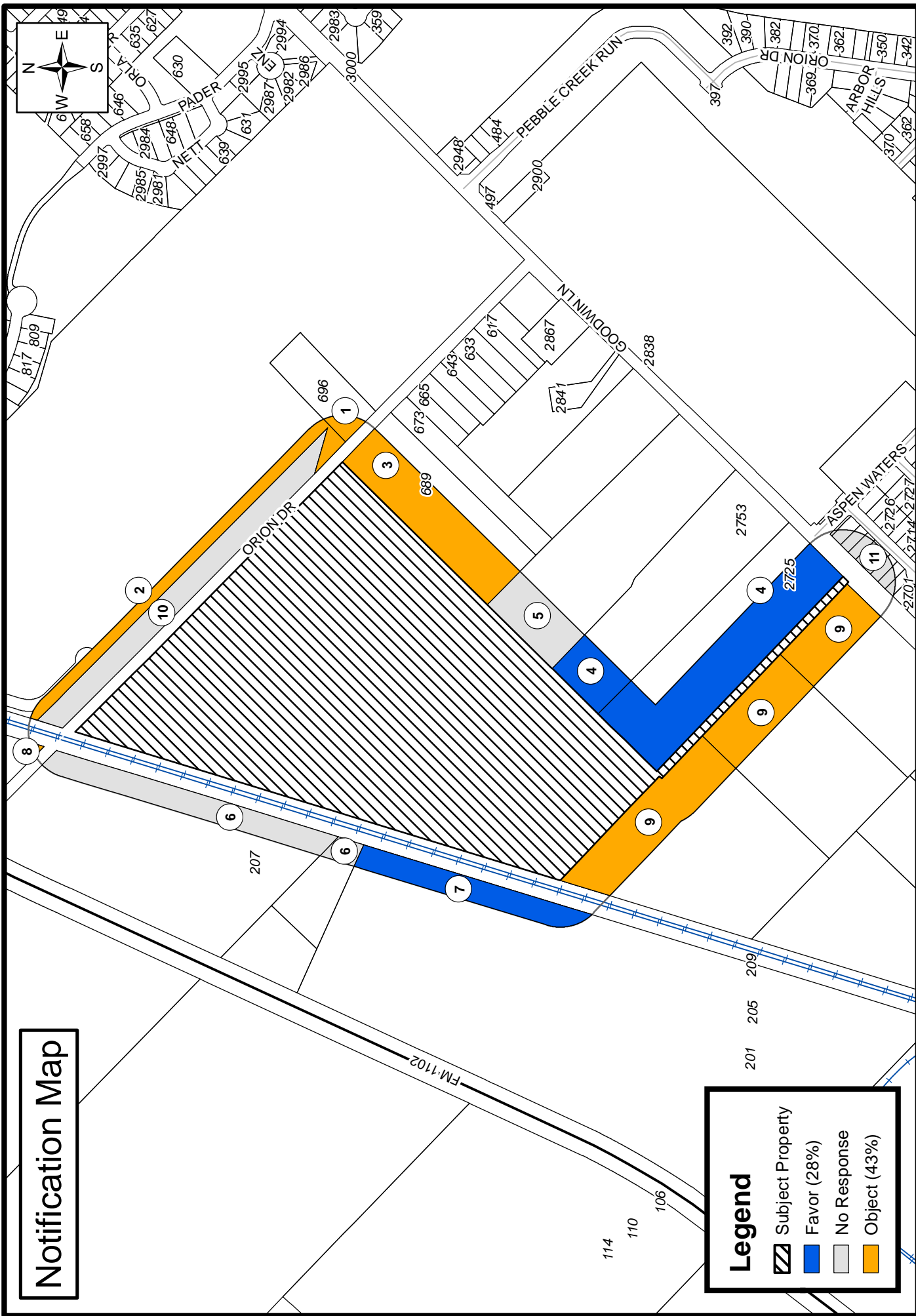
**Applicant/Owner:** Moeller and Associates (James Ingalls, P.E.)**Address/Location:** 45 acres out of the Orilla Russell League Survey, No. 2, Abstract No. 485, in the City of New Braunfels, Comal County, Texas, located on the south side of Orion Drive and east of the Union Pacific Rail Road.**PROPOSED SPECIAL USE PERMIT – CASE #SUP19-121**

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 MICHIE REXFORD J & SALLY A WEITZ-MICHIE | 7 HOLLMIG MARY ANN               |
| 2 E B INDUSTRIES                          | 8 ROW JOHNNIE F                  |
| 3 WHIPKEY ROBERT D & PAULA J              | 9 KOONTZ MCCOMBS 1 LTD           |
| 4 KESTER LAVAIN & BARBARA RVCBL TRST      | 10 CHESMAR HOMES CT              |
| 5 LEHMANN LARRY W & MARY ANN              | 11 AMH CREEKSIDE DEVELOPMENT LLC |
| 6 KOEPP NOLAND & VERA LTD PRTRNSHP LTD    |                                  |

**SEE MAP**

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**SUP19-121**  
**Orion Drive**  
**SUP to allow a mobile home community in the M-1A district**

## Reasons for objecting to SUP 19-106 MG

1. Condition of Orion Drive road surface and width
  2. High density housing
  3. Flooding conditions
  4. Limited access to the area with train blockage
  5. City previous denial of trailer at 673 Orion Drive address
  6. Unanswered questions regarding details of development
  7. Previous experience with SUP for the 4 acres that are included in addresses 609-667 Orion Drive
- 
1. Orion Drive is a narrow road that has minimal upkeep and is not on the city's improvement plan. So change in conditions is not expected. In 2015 four acres were built on from 609 to 667 Orion. These 16 homes are built very close to Orion Drive without sidewalks and do not have adequate parking for the residents. It is not unusual to wait for pedestrians or oncoming passing motorists so you can make your way down the road. The proposed SUP is for mobile homes. Using five homes per acre. This would add 250 homes in the area and with at least two vehicles per home, that makes a minimum of 500 additional cars and pickup trucks using Orion Drive. Already "speed limit" and "no thru truck traffic" signs are ignored and pedestrian traffic is in danger with the drive-thru vehicles using Orion Drive.
  2. High density housing does not fit into the current neighborhood. Areas along Alligator Creek and Goodwin Lane are upscale homes with neighborhood parks and amenities.
  3. With current agricultural use of the land, flooding is not unusual with heavy rainfalls. Water flows across Orion Drive in numerous places. Water drainage downstream along Orion Drive from this property is already inadequate. By adding pavement, sidewalks, and rooftops, even more water will be running off the property and not be absorbed by the agricultural ground. The road in front of the 609-667 properties is already an area of severe flooding with the current conditions.
  4. In the 900 block of Orion there are two railroad tracks. It is not uncommon for one of these tracks to be occupied by a stationary train. These trains may sit for a few minutes or up to three days without moving. Thus access to the 1102 from Orion Drive is impossible. This also limits access to the area by current residents, not to mention all emergency vehicles and first responders.

5. The residents at 673 Orion requested a permit to put a mobile home on the two acre property and were denied. The city informed them they were not giving out permits for mobile homes and were discouraging them in all future situations.
6. The special use permit does not give enough detail about the proposed mobile home park. Some questions that need answers are as follows:  
Number and layout of the lots? City utilities available to the project?  
Water? Sewer system or septic fields? Park area for residents? Access to and from property? Will there be multiple access roads? Sidewalks and safe walking paths? Sidewalks along Orion Drive?
7. In 2014 a special use hearing was held for the 4 acre property that is 609-667 Orion Drive. The proposed development submitted and approved, did not match what was built. If a change order was approved the residents were not informed and if one was not approved how was the construction allowed?

If this SUP is allowed we urge the board to have strict guidelines and expectations that are limited in scope and specific in the design and implementation of the project.

Respectfully submitted,

*Rex J Michie*  
*Sally A. Weitz-Michie*  
Rex J Michie  
Sally A Weitz-Michie

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-106 MG

Name: *Rex J Michie Sally Weitz-Michie*

Address: *656 Orion Dr*

Property number on map: *1*

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

I object: *XX*

(State reason for objection)

Comments: (Use additional sheets if necessary)

*Rexford Michie*

Signature: *Rex J Michie Sally A Weitz-Michie*



I sold the property that has many row houses on it. I was lied to by developer and real estate agents. It was represented to me that since only 1 septic per acre could be done that 2 duplexes would be built there. If I had known that I would not have sold the property. Now places there do nothing for the neighborhood. Therefore please take my objection into consideration

Thank You  
Wilene [Signature]

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-106 MG

Name:

EB INDUSTRIES

Address:

111 Bluebonnet Circle

Property number on map:

2

Comments: (Use additional sheets if necessary)

Just N. T. 76247  
Since I have a lot of property along Orion and mobile homes especially a lot of property values negatively affect it. I would like to see a good fit for the neighborhood. (treas)

Signature:

Wilene [Signature]  
We are trying to upgrade neighborhood.

RECEIVED  
JUN 03 2019  
I favor: BY: \_\_\_\_\_

I object: ☒

(State reason for objection)



## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-106 MG

Name: ROBERT WHIPKEYAddress: 689 ORION DRIVEProperty number on map: 3

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

I object: ☒ SEE COMMENTS

(State reason for objection)

Comments: (Use additional sheets if necessary)

NEGATIVE EFFECT ON PROPERTY VALUE  
 ORION DRIVE NOT ABLE TO HANDLE INCREASED TRAFFIC SAFELY  
 NEGATIVE EFFECT ON WILDLIFE HABITAT

Signature: Robert Whipkey

OVER

RECEIVED

JUN 03 2019

HOW WOULD CITY SERVICES BE PROVIDED TO THE RESIDENTS  
 HOW MANY DWELLINGS ARE PLANNED ON THE ACREAGE  
 HOW WILL TRAFFIC ACCESS BE PROVIDED  
 ARE THERE PLANS TO ELIMINATE THE TRAIN FROM BLOCKING  
 ORION DRIVE  
 WHAT IS DRAINAGE PLAN DEVELOPED BY THE ENGINEERS

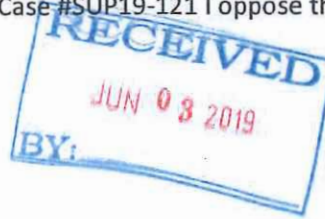
**Matt Greene**

**From:** salvia4810@gmail.com  
**Sent:** Sunday, June 02, 2019 9:32 PM  
**To:** Matt Greene  
**Subject:** Rezoning. Case #SUP19-106 MG

My name is Jenelle Ray and I am the president of EB Industries, Inc, property #2 on your map My address is 16044 E Sunflower Dr. in Fountain Hills, AZ. 85268 I am submitting my protest for the proposed rezoning. In the past instances when land has been rezoned for trailer homes surrounding property values have gone down. Most of the surrounding properties are having houses built. Why mix the surrounding area? Most residents like things that are similar and will not affect their property values Proposed Special Use Permit Case #SUP19-121 I oppose the proposed rezoning.

Jenelle Ray  
 President  
 EB Industries, Inc

Sent from my iPhone



**YOUR OPINION MATTERS - DETACH AND RETURN**

**Case: #SUP19-106 MG**

**Name:**

*LAVINE KESTER*

I favor: ☒

**Address:**

*2753 Goodwin Lane*

I object: ☐

**Property number on map:**

*4*

(State reason for objection)

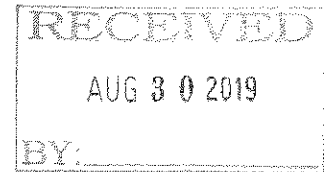
**Comments:** (Use additional sheets if necessary)

**Signature:**

*Lavine Kester*



August 28, 2019



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

Re: Public hearing for Kenneth and Dwight Schmidt and  
Cynthia Bennett Special Use Permit.

Dear Planning Commission Members:

Due to a prior meeting commitment at my church occurring at the same time as this meeting, I am unable to attend tonight's hearing.

My wife and I want you to understand that we are IN FAVOR of passing this request. We have lived on Goodwin Lane for 40 plus years and have seen this area grow by leaps and bounds. Buddy and Bea Schlichting and Harry Heinshon were our neighborhood watch. A stranger who came down Goodwin and stopped at our home they were at our driveway wanting to know who they were and if they might be back. We also were on a party line phone. Bennie and Lorene



Schmidt were great neighbors also, although they did not live on their property. Lorene and I talked on the phone often until her passing.

My wife and I are now in our 80's and need to sell our place, however, we are not going to give it away. We are for any development which will enhance the sale of our place.

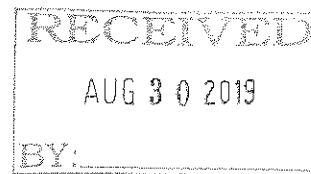
Again, we urge you to pass their request.

Respectfully Submitted,

LaVaine Kester

Barbara Kester  
2753 Goodwin Lane  
New Braunfels, Texas 78130

830-625-8668



Response to Case: #SUP19-106 MG / #SUP19-121

Name: Carson Trainer, Land Manager for Chesmar

Address: 1846 N. Loop 1604 W., Ste. 200, San Antonio, TX

Comment:

I, Carson Trainer - Land Manager for Chesmar, hereby remove my objection to #SUP19-106 MG / #SUP19-121.

Thank you,

A handwritten signature in black ink, appearing to be "CT", written over a horizontal line.

Carson Trainer, Land Manager for Chesmar

A handwritten date "8/28/19" in black ink.

Date

Response to Case: #SUP19-106 MG / #SUP19-121

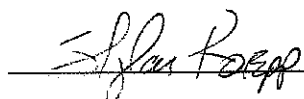
Name: Skylar Koepp, Noland & Vera Joyce Koepp Ltd Partnership

Address: 2755 Hunter Rd New Braunfels, TX 78132

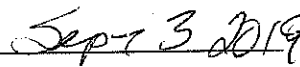
Comment:

I, Skylar Koepp of Noland & Vera Joyce Koepp Ltd Partnership, hereby remove my objection to #SUP19-106 MG / #SUP19-121.

Thank you,



Skylar Koepp, Noland & Vera Joyce Koepp Ltd Partnership



Date

Response to Case: #SUP19-106 MG / #SUP19-121

Name: Craig Hollmig

Address: 396 Lakeview Blvd. New Braunfels, TX 78130

Comment:

I, Craig Hollmig, hereby support #SUP19-106 MG / #SUP19-121 also known as the Schmidt 50.533 acres of the A-485 Sur - 2 O Russell.

Thank you,

Craig Hollmig  
Craig Hollmig

Aug 8, 2019 #7

Date

Cheryl Wornecke  
CHERYL WORNECKE

8-10-19

DATE



## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-106 MG

Name: Johnnie F RowAddress: 1323 Hillcrest DrProperty number on map: #8

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

I object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

*We don't need trailer park in area! We need  
Industrial business, for job market!  
People here are in need of good job market! Not  
Trailers.*

Signature: Johnnie F Row

**Matt Greene**

**From:** Julie Cantu <jcantu@mccombshq.com>  
**Sent:** Thursday, May 30, 2019 11:13 AM  
**To:** Matt Greene  
**Subject:** CASE # SUP19-106 MG  
**Attachments:** KOONTZ-MCCOMBS 1, LTD OBJECTION TO SUP19-106 MG NEW BRAUNFELS, TX.pdf

Please find attached objection from Koontz McCombs 1, Ltd. regarding the Notice of Public Hearing to allow a Special Use Permit in the above referenced case. Please contact us with any questions you may have and thank you for your consideration of our opinion in the matter.

Julie A. Cantu  
 Executive Assistant to Gary Woods  
 McCombs Enterprises  
 755 E. Mulberry Avenue, Suite 600  
 San Antonio, TX 78212  
 210-821-6523 Main  
 210-731-4716 Direct  
 210-930-3856 Fax  
[jcantu@mccombshq.com](mailto:jcantu@mccombshq.com)

**YOUR OPINION MATTERS - DETACH AND RETURN**

**Case:** #SUP19-106 MG

**Name:** Koontz-McCombs 1, Ltd.

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

**Address:** 755 E. Mulberry, San Antonio, TX 78212

**Property number on map:** 9

**I object:** XX

(State reason for objection)

**Comments:** (Use additional sheets if necessary)

Attached

**Signature:** Gary V. Woods

outside  
200' notification  
Area

**Matt Greene**

**From:** Elizardo Hernandez <elizardo.hernandez@yahoo.com>  
**Sent:** Sunday, June 30, 2019 9:08 PM  
**To:** Matt Greene  
**Subject:** Oppose Case: #SUP19-106 MG

Mr. Greene,

I'm a resident at 3025 Sandstone Way, NB, Texas 78130. I oppose the Variance for a "Special Use Permit" to allow a mobile home community built off Orian Drive, East of the railroad tracks, between Common Lane and Goodwin Lane (Case: # SUP19-106 MG).

I feel this will adversely affect our community and say NO!

Please include my email in your report.

Thank you.

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-106 MG

Name: ELIZARDO HERNANDEZ

Address: 3025 SANDSTONE WAY, NB, TX. 78130

Property number on map: OAK CREEK SUBDIVISION

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

I object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

I SAY "NO" TO THE MOBILE HOME COMMUNITY. THIS WILL AFFECT OUR PROPERTY VALUE, SCHOOLS, STREETS AND SAFETY IN OUR NEIGHBORHOODS. WE PURCHASED OUR HOME TO LIVE IN A NICE AREA FOR OUR CHILDREN. A MOBILE COMMUNITY WILL ONLY BRING OUR COMMUNITY DOWN AND BRING NON-INVESTED MEMBERS TO OUR AREA.

Signature: Elizardo Hernandez

I SAY NO!! SHAME ON THE LAND OWNERS AND CHAIR PERSON FOR ENTERTAINING THE IDEA.





**Matt Greene**

**From:** Joan Messinger <joan.messinger99@gmail.com>  
**Sent:** Wednesday, June 26, 2019 8:27 PM  
**To:** Matt Greene  
**Subject:** PROPOSED MOBIL HOME COMMUNITY

Matt Greene,

Someone just delivered a letter to our door re:PROPOSED MOBILE HOME COMMUNITY IN OUR BACKYARD.

The arguments seem to apply only to the proposed mobile home park and not to the several builders along Goodwin Road.

School attendance. Is it only the mobile homes that will swell the number of students attending the local elementary school. Are not the housing tracts going to contribute to the school numbers?

Traffic on Goodwin is already bad with the rough roads. Again, the housing tracts will swell the number of cars. I would think many of the people in the proposed park would choose to exit and enter from Orion and FM1102.

There have been articles in the local paper about the need for affordable housing in New Braunfels. Many people who work here cannot afford to live here. The mentality in Oak Creek, where I own a home, seems to be, not in my backyard. My questions for the opponents: do you recognize a need for affordable housing? If you do, where would you suggest these people live?

Do you eat out? Do you shop at local businesses? Have you ever asked the employees if they live in New Braunfels? My husband and I often do ask. Rarely do we hear that they live here.

I am in favor of approving the special use permit.

Joan Messinger

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-106 MG

Name: Joan Messinger

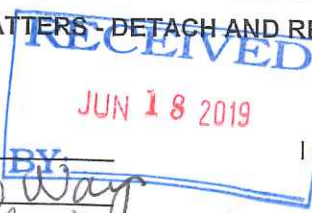
Address: 349 Creekview Way

Property number on map: Oak Creek Estates Phase 3  
Block F, Lot 18

Comments: (Use additional sheets if necessary)

I read much about need for affordable housing in New Braunfels. This is privately owned land. If developed in a responsible way, I see no reason to deny the owners the permit. The mind set of "not in my backyard" is not going to solve the affordable housing problem.

Signature: Joan Messinger



I favor: the special use permit

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

(State reason for objection)

Outside 200'  
Notification Area



## YOUR OPINION MATTERS - DETACH AND RETURN

Outside of  
200' Notification  
Area

Case: #SUP19-106 MG

Name: William E Wehling Jr.

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

Address: 636 WipperProperty number on map: 636I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

I do not want this type of community bringing my property value down.

Signature: William E Wehling Jr.

## YOUR OPINION MATTERS - DETACH AND RETURN

Outside of  
200' Notification  
Area

Case: #SUP19-106 MG

Name: Dawn Wehling

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

Address: 636 WipperProperty number on map: 636I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

I do not want our property bordered by a mobile home park. I lived in one previously.

Signature: Dawn Wehling

**Matt Greene**

---

**From:** Gordy Hall <gordyhall73@gmail.com>  
**Sent:** Tuesday, June 04, 2019 5:34 PM  
**To:** Matt Greene  
**Subject:** Orion and Hunter/FM 1102 vote against

*Outside of 200  
Notification Area*

Mr. Greene,

I am strongly against the rezoning of this area to a trailer park. Please think about the consequences of this action on the area. This will severely decrease home values and increase crime in our area.

Thank you!

John Hall  
Arroyo Verde Resident

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-106 MG

Name: Agapito Hernandez, Jr.Address: 1047 WipperProperty number on map: 2

Comments: (Use additional sheets if necessary)

Signature: I favor: I object: ✓

(State reason for objection)

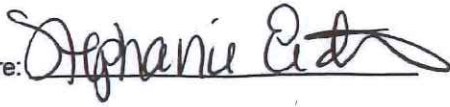
It will bring the value  
of my property down.

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-106 MG

Name: Stephanie EickmanAddress: 1047 WipperProperty number on map: 2

Comments: (Use additional sheets if necessary)

Signature: I favor: I object: ✓

(State reason for objection)

It will bring the  
value of our property  
down.

**Matt Greene**

**From:** Amy Cole-Gusman <amy@strategic300.com>  
**Sent:** Thursday, June 27, 2019 4:11 PM  
**To:** Matt Greene; Matthew E. Hoyt  
**Subject:** Case# SUP19-106-MG - proposed mobile home park on 50.533 acres @ FM 1102 and Orion Drive

*Outside 200'  
Notification Area*

Case# SUP19-106-MG - proposed mobile home park on 50.533 acres @ FM 1102 and Orion Drive



Dear Mr. Greene,

Please accept this letter of opposition to the requested Variance for the above referenced case.

As a property owner within the Oak Creek Estates neighborhood and parent with children attending Oak Creek Elementary School, I am opposed to approval of a Special Use Permit to allow a mobile home community to be built in proximity to our home and school community.

Our property values will clearly be diminished by this type of development. Those of us who reside in the Goodwin Lane Corridor Community already battle daily traffic issues related to insufficient roadway structure, fast single family growth along Goodwin Lane, plus the train that seems to regularly be parked and blocking the junction at Orion and FM 1102. It appears the only way into this mobile home community is using Orion Drive. Have you driven on Orion Drive? If you have not, please try it out and hope the train is not parked at the intersection that day.

Our neighborhood elementary school will also be negatively affected as 180 units will only contribute to swelling enrollment at a special settings campus, likely causing Oak Creek Elementary to regress back into Title I status and lose its services for special needs students due to overcrowding.

With the newer Wasser Ranch Development, Arroyo Verde, Oak Creek Estates and the new single family American Homes rental development under construction on Goodwin Lane, we have plenty of rooftops in our area at varying price points. Adding up to 180 mobile home units into the immediate mix is not an option for us. This site would, however, be a perfect site for a private baseball/softball complex, light industrial warehouses or even another self storage property, but definitely not mobile homes.

Please consider my opposition to this variance request.

Respectfully,  
 Amy Gusman  
 3015 Shale Cove  
 New Braunfels, TX 78130



## YOUR OPINION MATTERS - DETACH AND RETURN

outside 200'  
Notification Area

Case: #SUP19-106 MG

Name: THOMAS GREENSTEINAddress: 142 MERIDIAN CT., N.B., TX 78132Property number on map: 44877

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

I object: DEVALUE PROPERTY  
(State reason for objection) VALUE

Comments: (Use additional sheets if necessary)

Signature: [Signature]

## YOUR OPINION MATTERS - DETACH AND RETURN

outside 200'  
Notification Area

Case: #SUP19-106 MG

Name: MICHAEL A. CARROLLAddress: 3334 KINGLET COURTProperty number on map: QUAIL VALLEY 5BLOCK A, LOT 74

Comments: (Use additional sheets if necessary)

THE PROPOSED USE DOES NOT COMPORT WITH THE PLAN  
FOR RESIDENTIAL GROWTH OUTLINED IN  
ENVISION NEW BRAUNFELS. STICK WITH THE  
LONG-TERM STRATEGY!

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

I object: ✓  
(State reason for objection)Signature: [Signature]

## YOUR OPINION MATTERS - DETACH AND RETURN

outside 200'  
Notification Area

Case: #SUP19-106 MG

Name: MONTY PEACEAddress: 632 W. PACEProperty number on map: 632

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

I object: X- Property Value  
(State reason for objection)

Comments: (Use additional sheets if necessary)



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



## YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED

JUN 03 2019

BY: \_\_\_\_\_

Case: #SUP19-106 MG

Outside 200'  
Notification AreaName: John Slough

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

Address: 340 LillianiteI object: X

Property number on map: \_\_\_\_\_

(State reason for objection)

Comments: (Use additional sheets if necessary) Orion and Goodwin & 1102 cannot handle the traffic as it is. The denseness of homes in a mobile home park will be too great for the surrounding infra structure.

Signature: John Slough

## YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED

JUN 03 2019

BY: \_\_\_\_\_

Case: #SUP19-106 MG

Outside of  
Notification AreaName: Betty S. Slough

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

Address: 340 Lillianite (Opp Goodwin)I object: ✓

Property number on map: \_\_\_\_\_

(State reason for objection)

Comments: (Use additional sheets if necessary)

We use Orion a lot - All of these roads are used with a lot of traffic - Train also blocks roads a lot - New housing areas are going in on all roads leading into area - Too much - One trailer park & 2 rental areas already here - Please refuse charge. 1102 is very busy & traffic too congested.

Signature: Betty S. Slough

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-106 MG

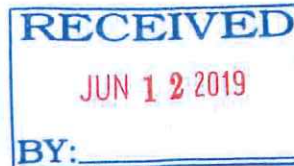
Name: CARLOS BINAENAddress: 653 ARROYO LOMAProperty number on map: NO. 2 ABSTRACT NO 485

Comments: (Use additional sheets if necessary)

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

I object: ✓

(State reason for objection)

Signature: 

Outside 200'  
Notification Area

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-106 MG

Name: SHANE NUTTAddress: 3208 ARROYO DEL SOLProperty number on map: NO 2, ABSTRACT NO. 485

Comments: (Use additional sheets if necessary)

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

I object: X

(State reason for objection)

Signature: 

Outside 200'  
Notification Area

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-106 MG

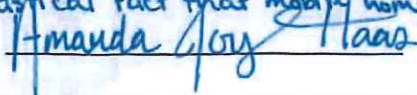
Name: Amanda + Brandon HaasAddress: 641 VolmeProperty number on map: 641

Comments: (Use additional sheets if necessary)

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

I object: X

(State reason for objection)

Signature: 

Manufactured homes will decrease property values at Wasser Ranch + affect resale values. Current infrastructure is incapable of sustaining increased traffic volume. There is an existing manufactured home subdivision 1/2 mile south on Goodwin - no need for this one. It's a statistical fact that mobile homes increase the crime rate.

Outside 200'  
Notification Area



RECEIVED

JUN 04 2019

BY:



PLANNING &amp; COMMUNITY DEVELOPMENT DEPARTMENT

## NOTICE OF PUBLIC HEARING

The New Braunfels Planning Commission will hold a public hearing at the request of Moeller and Associates (James Ingalls, P.E.) agent for Kenneth Schmidt, Dwight Schmidt and Cynthia Bennett, owners, to consider the following Special Use Permit:

**Property:** 50.533 acres out of the Onila Russell League Survey, No. 2, Abstract No. 485, in the City of New Braunfels, Comal County, Texas, located on the south side of Onion Drive and east of the Union Pacific Rail Road.

**Request:** A Special Use Permit to allow a mobile home community in the "M-1A" Light Industrial District.

Because your property is located within 200 feet of the request, State law requires that we notify you of the public hearing. However, the zoning of your property will not be affected. The public hearing process allows an opportunity to provide comments on the request. This aids the Commission in making a recommendation to City Council.

Public hearings for this request are scheduled before the Planning Commission on **Tuesday, June 4, 2019**, and tentatively before City Council on **Monday, June 24, 2019**. Both meetings begin at 6:00 p.m. in the **City Hall Council Chambers, 550 Landa Street** and are open to the public. To submit written comments complete the information below, including your signature, and return to:

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

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

If you have questions, please call Matt Greene at (830) 221-4053

*Matt Greene*  
Matt Greene

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: SUP19-108/MG

Name: MICHAEL SENNEWAY

Address: 2642 RED BUD WAY

Property number on map: \_\_\_\_\_

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

I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

1. WILL ADD TO CONGESTION ALREADY BECOMING A PROBLEM
2. WILL REDUCE SURROUNDING PROPERTY VALUES
3. NEED STREET, NOT PEOPLE.

By: *Michael Senneway*

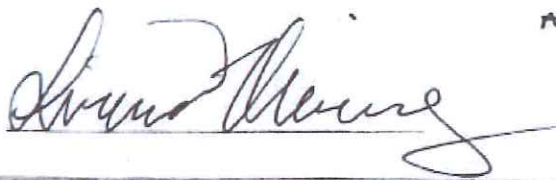


## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-106 MG

Name: SIRENA TheringAddress: 639 WipperProperty number on map: left of 635

Comments: (Use additional sheets if necessary)

Signature: 

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

I object: X

(State reason for objection)

outside of 200' Notification Area

This will not add to the current area value and may negatively affect us who already live in the area.

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-106 MG

Name: Matthew TheringAddress: 639 Wipper New Braunfels Tx 78130Property number on map: 635 to the left of

Comments: (Use additional sheets if necessary)

Signature: 

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

I object: X

(State reason for objection)

outside of 200' Notification Area

The request of the property in question will not add value to the surrounding area and may in fact decrease property value.

Outside of 200'  
Notification Area

**Matt Greene**

**From:** Lee Lewis <leewlewis@gmail.com>  
**Sent:** Friday, May 31, 2019 8:45 PM  
**To:** Matt Greene  
**Subject:** Rezoning Orion/Hunter

Hello

I would like to express my disapproval to rezone this plot for mobile homes as it will negatively impact property values in nearby neighborhoods.

I live at at [369 Creekview Way](#) that is in OakCreek and often use Hunter to Orion to Goodwin.

Please let me know how I can participate in this decision

Thank you

Lee Lewis  
[505-301-8810](tel:505-301-8810)

YOUR OPINION MATTERS - DETACH AND RETURN

Outside 200'  
Notification Area

Case: #SUP19-106 MG

Name: Dallas & Sheridan Rowley  
 Address: 640 Nett View Braunfels TX 78130  
 Property number on map: 640

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

I object: X  
 (State reason for objection)

Comments: (Use additional sheets if necessary)

Putting a mobile home community near us will decrease the values of our homes, attract more crime, and deter contributing families from moving into our neighborhood.

Signature: Sheridan Rowley  
Dallas Rowley

YOUR OPINION MATTERS - DETACH AND RETURN

outside 200'  
Notification Area

Case: #SUP19-106 MG

Name: Robert Hills  
 Address: 656 Whipper, New Braunfels 78130  
 Property number on map: 656

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

I object: X  
 (State reason for objection)

Comments: (Use additional sheets if necessary)

A mobile Home PARK ADJACENT TO my property will lower the Value of my property. Will A Subsequent TAX APPRAISAL Reflect THAT DECREASE IN Value?

Signature: Robert Hills



outside 200'  
Notification Area

**Matt Greene**

**From:** Dad <rhfenderjr@gmail.com>  
**Sent:** Saturday, June 01, 2019 6:07 PM  
**To:** Matt Greene  
**Subject:** Mobil Home Park

Oppose the 50+ acres.  
 Robert H Fender Jr.  
 457 Apex Ave.  
 New Braunfels, TX., 78132

YOUR OPINION MATTERS - DETACH AND RETURN

outside 200'  
Notification Area

Case: #SUP19-106 MG

Name: **Betsy Montoya**

Address: **235 Creekview Way**

Property number on map: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

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

I object:   
 (State reason for objection)



Signature: 

PhotoGrid

YOUR OPINION MATTERS - DETACH AND RETURN

outside 200'  
Notification Area

Case: #SUP19-106 MG

Name: **Oscar Montoya**

Address: **235 Creekview Way**

Property number on map: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

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

I object:   
 (State reason for objection)



Signature: 

Outside 200'  
Notification  
Area

## PROPOSED MOBILE HOME COMMUNITY IN OUR BACKYARD!

There is a very important vote to take place at the Planning and Zoning (P&Z) office on July 2nd at 6:00 PM (postponed from June 4th) at the Municipal City offices located at Landa and Walnut Streets. As a Homeowner in Oak Creek Estates, I feel that the vote in question will adversely affect our property values if it is approved! I am opposed to this requested Variance as a fellow Homeowner.

The vote concerns a 50.533 acre tract of land on Orion Dr., East of the railroad tracks, between Common Ln. (FM 1102) and Goodwin Ln. This parcel of land is currently zoned M-1A (Light Industrial) and the owners have requested approval for a variance for a "Special Use Permit" to allow a mobile home community to be built. **Case: # SUP19-106 MG**

In a conversation with the Chairperson on the P&Z board on 6/10, it is apparent that he is in favor of approving the variance request as it would bring sewer and water closer to other properties and facilitate road improvement on Orion Dr. I was informed that the requested permit called for development for up to 180 units within the 50.533 acre tract. This would account for approximately 300+ automobiles and an indeterminable number of children enrolling in Oak Creek Elementary School. Current enrollment is 517 students as of May 17th of this year. With the current building going on in Cloud Country, Arroyo Verde, Oak Creek Estates, and Wasser Ranch (Approximately 600 platted lots); the Elementary School enrollment will most certainly escalate to a point requiring that an additional Elementary School be constructed.

Chesmar Homes has already given or committed money to the City of New Braunfels for installing a culvert or bridge over Alligator Creek and will be improving the road in the vicinity of their new entrance East of the railroad tracks; Goodwin Ln. is to be improved with approved bond money. There is already a large residential "Rental" community (Creekside Ranch) under construction by American Homes on Goodwin Dr. close to Hwy-306 and the existing mobile home community there. Homes currently being built by the builders within a 2.5 mile area of the requested variance are currently priced from the mid \$200's to the high \$400's. It is felt that approval of the requested Variance will adversely affect our property values and is not needed nor wanted! Do we really need this?

I strongly recommend that you voice your concern and register your opposition to the requested Variance with Matt Greene at 830-221-4053 (mgreen@nbtexas.org) with the P&Z Board and contact the New Braunfels City Council members as they will have the final vote for approval or disapproval of the requested Variance. Collectively, we may make a difference. I have the forms to send to P&Z if needed.

Buck Schott

252 Lillianite

New Braunfels, TX 78130

651-503-1177

buckschott88@gmail.com



**Matt Greene**

**From:** Bill McRight <wcmcrigh@gmail.com>  
**Sent:** Monday, June 03, 2019 11:44 AM  
**To:** Matt Greene  
**Cc:** Matthew E. Hoyt  
**Subject:** Proposed Zoning Change - Case # SUP18-106MG, proposal to allow mobile home park in M-1A Light Industrial District.  
**Attachments:** Zoning Proposal letter.pdf

Good morning, Matt –

Thank you for the opportunity to comment on this proposal.

My wife and I strongly object to this proposed zoning change for the following reasons:

1. Increased traffic congestion in already overcrowded area with poor roads
  - Orion Drive is very narrow (trucks are not allowed) and in poor condition.
  - Goodwin Lane is in extremely poor condition.
  - Goodwin Lane frequently floods just north of Orion Drive.
  - Orion Drive is frequently (several times a day) blocked by trains, sometimes for hours, and access to FM 1102 is not available. The alternative is to use Goodwin Lane.
2. There is a lot of wildlife that live in this area, especially deer. We believe this would adversely affect their habitat.
3. This would likely drive increased enrollment in Oak Creek Elementary School, which is very nearly full now.
4. We are also very concerned that this development would reduce property values in all the surrounding neighborhoods (Oak Creek estates, Quail Valley, Wasser Ranch, and other new neighborhoods along Goodwin Lane and Conrads Road.

Thank you for giving us the chance to comment on this proposal.

*William C and Betty S McRight*

William C and Betty S McRight  
 321 Creekview Way  
 New Braunfels, Texas 78130  
 (512) 740-0975  
 wcmcrigh@gmail.com



YOUR OPINION MATTERS - DETACH AND RETURN

*Outside Zoning Notification Area*

Case: #SUP18-106 MG

Name: WILLIAM C & BETTY S McRIGHT I favor: \_\_\_\_\_

Address: 321 CREEKVIEW WAY I object: X

Property number on map: \_\_\_\_\_ (State reason for objection)

Comments: (Use additional sheets if necessary)

1. INCREASED TRAFFIC  
 2. ADVERSE AFFECT ON WILDLIFE  
 3. INCREASED ENROLLMENT IN SCS  
 4. DECREASED PROPERTY VALUES

Signature: William C McRight

SEE ATTACHED LETTER

**RECEIVED**  
 JUN 03 2019  
 BY: \_\_\_\_\_

6-26-19

To: Matt Greene

City of New Braunfels, Texas

Regarding: Proposed Zoning Change – Case # SUP19-106MG, proposal to allow mobile home park in M-1A Light Industrial District.

Good morning, Matt –

Thank you for the opportunity to comment on this proposal.

My wife and I strongly object to this proposed zoning change for the following reasons:

1. Increased traffic congestion in already overcrowded area with poor roads
  - Orion Drive is very narrow (trucks are not allowed) and in poor condition.
  - Goodwin Lane is in extremely poor condition.
  - Goodwin Lane frequently floods just north of Orion Drive.
  - Orion Drive is frequently (several times a day) blocked by trains, sometimes for hours, and access to FM 1102 is not available. The alternative is to use Goodwin Lane.
2. There is a lot of wildlife that live in this area, especially deer. We believe this would adversely affect their habitat.
3. The current corn field has environmental benefits, due to the oxygen that it releases, creating clean air for all of us to enjoy.
4. This development would likely drive increased enrollment in Oak Creek Elementary School, which is very nearly full now.
5. We are also very concerned that this development would reduce property values in all the surrounding neighborhoods (Oak Creek Estates, Quail Valley, Wasser Ranch, and other new neighborhoods along Goodwin Lane and Conrads Road.

*up to 24 hours!*

Thank you for giving us the chance to comment on this proposal.

*William C McRight*  
*Betty S McRight*

William C and Betty S McRight  
321 Creekview Way  
New Braunfels, Texas 78130  
(512) 740-0975  
wcmcright@gmail.com



## YOUR OPINION MATTERS - DETACH AND RETURN

outside 200' Notification Area

Case: #SUP19-106 MG

Name: SANDRA FULLERAddress: 651 WIPPER, NEW BRAUNFELSProperty number on map: WASSER RANCH

Comments: (Use additional sheets if necessary)

Signature: *Sandra Fuller*

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

I object: ☒

(State reason for objection)

I'M VERY CONCERNED THAT THIS MOBILE HOME PROJECT WILL DEVALUE MY PROPERTY AND THE ENTIRETY OF WASSER RANCH. I JUST BOUGHT MY HOME LESS THAN SIX MONTHS AGO.

## YOUR OPINION MATTERS - DETACH AND RETURN

Outside 200' Notification Area

Case: #SUP19-106 MG

Name: BRAD L. RAMEYAddress: 5870 HOPPER CT, NB, TX 78132

Property number on map: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

If land is to be used, use it for infrastructure in order to keep up with population.

Signature: *Brad Ramey*

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

I object: ☒

(State reason for objection)

PROPERTY USE AND VALUE. EFFECT ON OTHERS. DO NOT NEED LOW INCOME HOUSING IN TOWN.

## YOUR OPINION MATTERS - DETACH AND RETURN

outside 200' Notification Area

Case: #SUP19-106 MG

Name: Shawn PearceAddress: 632 WipperProperty number on map: 632

Comments: (Use additional sheets if necessary)

Signature: *Shawn Pearce*

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

I object: ☒

(State reason for objection)

Property Value

Case: #SUP19-106 MG

Name: LARRY D. + MICKEY A. ILLIFFAddress: 304 Lillianite, New Braunfels, TXProperty number on map: Lot 14 Block L of Oak Creek Estates Phase 2C A Subdivision

Comments: (Use additional sheets if necessary)

We feel a mobile home park will devalue our property

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

I object: ✓

(State reason for objection)

Signature: Larry D. Illiff Mickey A. Illiff

RECEIVED

JUN 26 2019

BY: \_\_\_\_\_

Outside 200' Notification Area

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-106 MG

Name: MARTIN ROTHROCKAddress: 2987 GYPSUM COVEProperty number on map: 3000

Comments: (Use additional sheets if necessary)

THE REASON TO OPPOSE IS OBVIOUS! OVERDEVELOPMENT AND VALUATION OF PROPERTIES WHICH WE PURCHASED UNDER DIFFERENT CONDITIONS AND COVENANTS. LIGHT INDUSTRIAL MAKES MUCH MORE SENSE WITH R/R TRACK NEXT TO AREA.Signature: Martin Rothrock

RECEIVED

JUL 01 2019

BY: \_\_\_\_\_

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

I object: X

(State reason for objection)

Outside 200' Notification Area

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-106 MG

Name: THOMAS PRICEAddress: 313 CREEKVIEW WAYProperty number on map: OAK CREEK ESTATES

Comments: (Use additional sheets if necessary)

CASE # SUP19-106 MGSignature: Thomas Price

RECEIVED

JUN 28 2019

BY: \_\_\_\_\_

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

I object: X

(State reason for objection)

PROPERTY VALUES INCREASED TRAFFIC OVER LOAD AREA SCHOOL

Outside 200' Notification Area



**From:**  
**Sent:**  
**To:**  
**Subject:**

Jennifer Quinata <quinataj@gmail.com>  
Monday, July 01, 2019 8:56 PM  
Matt Greene  
Case #SUP-19-106 MG

*Outside 200'  
Notification Area*

Matt,

I am a concerned home owner at oak creek estates. I am concerned about the new proposed community (Alligator Creek) and how it will affect my property value.

The increase influx in the area will cause higher traffic and a burden on the current enrollment at oak creek elementary school.

I am opposed of this new community.

Thank you,

Jennifer Quinata  
Phone # 701-818-7816  
address: 3032 sandstone way

**YOUR OPINION MATTERS - DETACH AND RETURN**

Case: #SUP19-106 MG

Name: JO PINTO

Address: 635 WIPPER NEW BRUNSWICK, NJ

Property number on map: 635

Comments: (Use additional sheets if necessary)

*I OBJECT DUE TO THE IMPACT A MOBILE HOME COMMUNITY WILL LOWER THE PROPERTY VALUE AND OF THE SAFETY CONCERNS FOR HAVING A LOW INCOME NEIGHBORHOOD SO CLOSE TO OUR NEIGHBORHOOD.*

Signature: [Signature]



*Outside  
200'  
Notification  
Area*

I object: [Signature]  
(State reason for objection)

**YOUR OPINION MATTERS - DETACH AND RETURN**

Case: #SUP19-121 MG

Name: Lindsey Smith-Punford

Address: 2662 Red Bud Way

Property number on map: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

*I would rather see the property used for non-mobile home housing. I firmly object to allowing a mobile home community. I believe it decreases property value, so less money will go towards property taxes and you will see an increase of crime and theft to surrounding communities.*

Signature: Lindsey Smith-Punford



*Outside  
200'  
Notification  
Area*

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

I object: ✓  
(State reason for objection)

**From:** Daniel Hansen <hmchansen@gmail.com>  
**Sent:** Tuesday, July 02, 2019 11:22 AM  
**To:** Matt Greene  
**Subject:** P&Z Case #SUP19-106 MG

Outside ZCD  
Notification  
Area

Hello,

As a property owner in the Oak Creek Subdivision and registered voter in the community I am writing to express my concern regarding the proposed rezoning of the 50 acre tract on Orion Dr. I understand you will be voting on a request to rezone this tract from M-1A to Special Use Permit allowing a mobile home community to be built on this land.

We already have a large and growing rental community in this area and I am concerned that additional mobile homes in this area will have a negative affect on current property values. Additionally the surrounding developments are growing at a rate that will make it difficult for the Oak Creek Elementary school to effectively serve this area. As you know the high Comal ISD ratings have a large positive influence on our current growth rate. Please consider slow and controlled growth distribution and rate to allow for our school districts to meet the needs of our communities.

I am asking you to vote No on Case #SUP19-106 MG

Thank you.

Daniel Hansen  
3003 Shale Cove, New Braunfels, TX 78130

**YOUR OPINION MATTERS - DETACH AND RETURN**

**Case:** #SUP19-106 MG

**Name:** Justin Harter

**Address:** 343 Escarpment Ck

**Property number on map:** 355 / Not shown

**Comments:** (Use additional sheets if necessary)

**Signature:**

*Justin Harter*

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

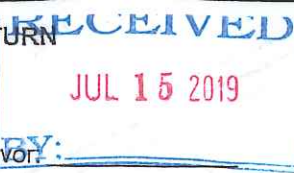
I object: ☒

(State reason for objection)

Outside ZCD  
Notification  
Area

Scanned with CamScanner





Case: #SUP19-106 MG

Name: DAVID T BAUM

Address: 247 Lillianite N.B.

Property number on map: OAK CREEK RESIDENT OWNER

Comments: (Use additional sheets if necessary)

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

I object: ✓  
(State reason for objection)

*Negative impact  
on property values.*

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

*[Handwritten signature: David T Baum]*

*Outside 200'  
Notification Area*

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP19-106 MG

Name: BRENDA ARMER

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

Property number on map: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

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

I object: Brenda Armer  
(State reason for objection)

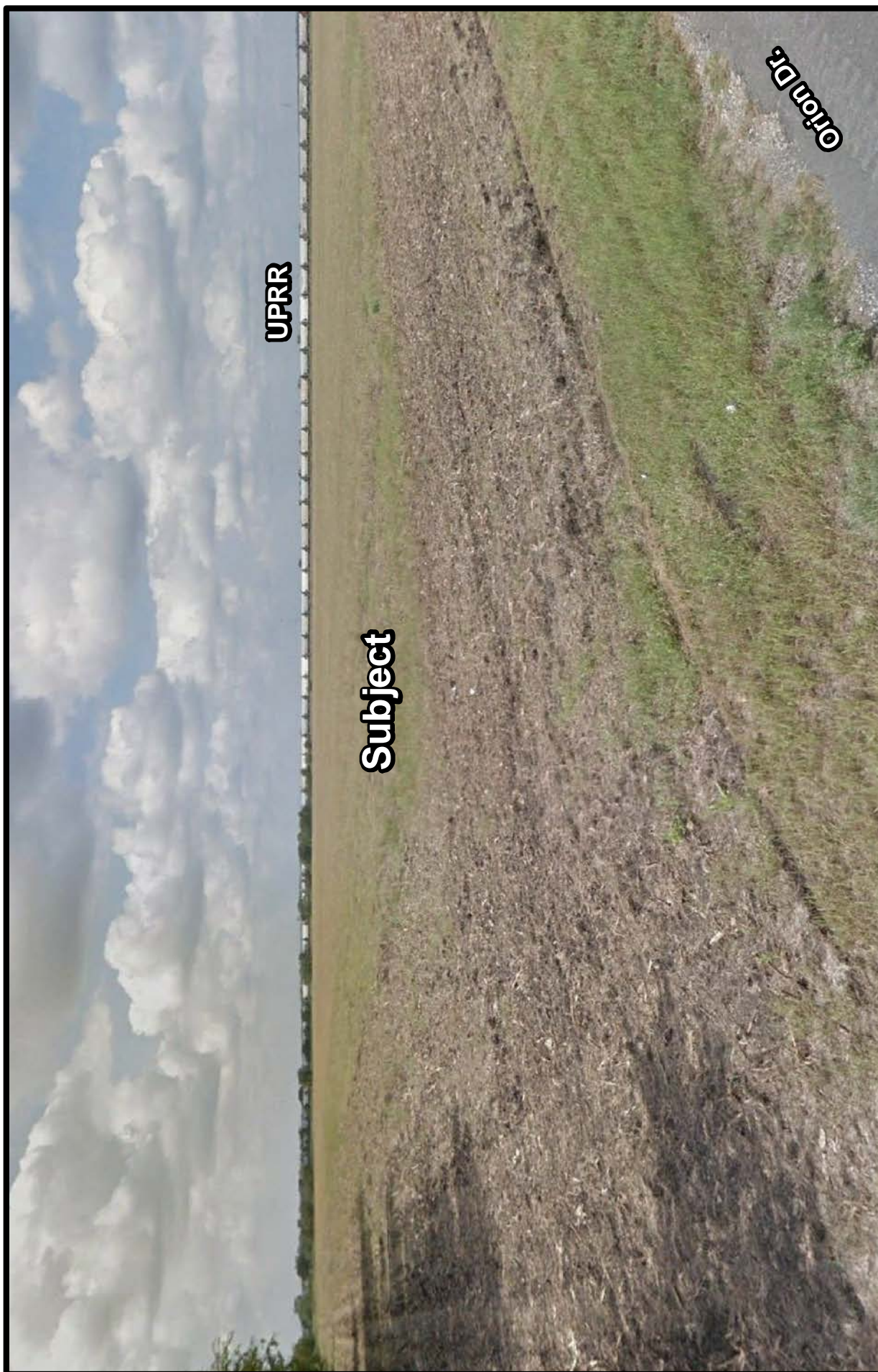
*De value property  
& Traffic*

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

*[Handwritten signature: Brenda Armer]*



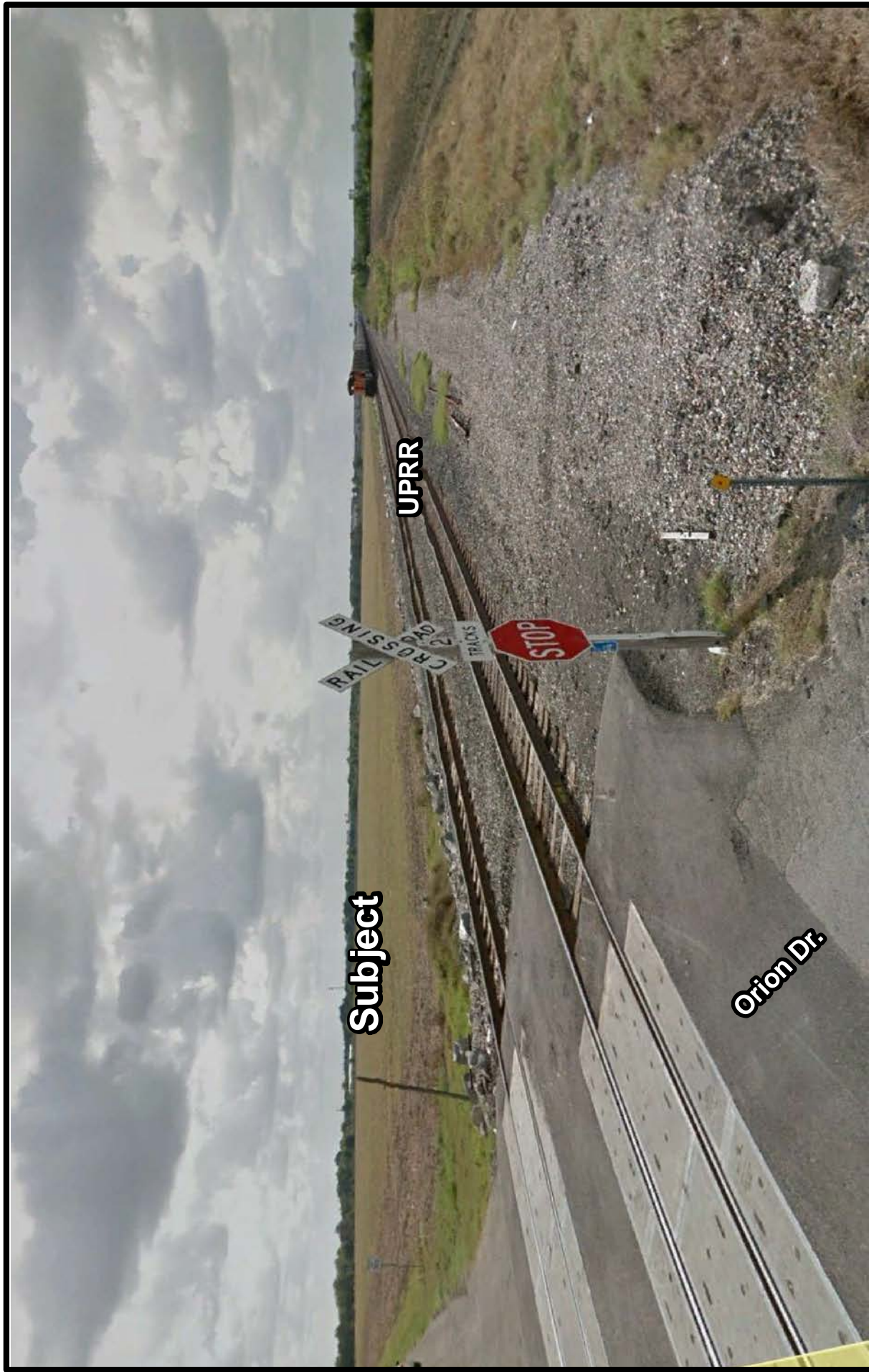
*Outside 200'  
Notification  
Area*



**SUP19-121**  
**Orion Drive**

**SUP to allow a manufactured home community in the M-1A district**





SUP19-121  
Orion Drive  
SUP to allow a manufactured home community in the M-1A district

## **Draft Minutes for the September 4, 2019 Planning Commission Regular Meeting**

**Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit on 45 acres out of the Orilla Russell League Survey, No. 2, Abstract No. 485, located on the south side of Orion Drive and east of the Union Pacific Rail Road, to allow a manufactured home community in the "M-1A" Light Industrial District.**

(Applicant: Moeller & Associates; Case Manager: Matt Greene)

Mr. Greene summarized the request and stated Staff recommended denial.

Vice Chair Reaves invited the applicant to speak.

John Burgeson, 1202 Sinesta Drive, stated he was one of the subject property owners. Mr. Burgeson provided the Commission with a detailed description of the proposed manufactured home community and described the strict community guidelines that would be enforced.

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

Warren Hoskinson, 2151 Belvedere Court, wished to speak in favor. Mr. Hoskinson stated he was a realtor and stated he believed the request should be approved due to the City's need for affordable housing. He then stated the proximity of the community to potential employment centers could lessen the amount of vehicle emissions in the City.

Cindy Bennett, 1353 Winding Way, wished to speak in favor. Ms. Bennett stated she one of the subject property owners. She stated she believes the Commission should adhere to the City of New Braunfels mission statement and core values, through supporting workforce housing and eliminating housing discrimination by recommending approval for the request. She then provided a brief history of the property for the Commission.

Dwight Schmidt, 912 E. Rio Grande, wished to speak in favor. Mr. Schmidt stated he disagreed with the sentiments that the proposed community would attract crime or decrease property values.

Donna Schmidt, 10312 Eversane Lane, wished to speak in favor. Ms. Schmidt provided a brief history of the property for the Commission and stated she believes that, despite the property's industrial zoning, it is not suitable for industrial use.

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

Bill McRight, 321 Creekview Way, wished to speak in opposition. Mr. McRight expressed concerns regarding traffic, the existing right-of-way width accommodating the delivery of manufactured homes, and protection of the existing wildlife in the area.

Rex Nicky, 696 Orion Drive, wished to speak in opposition. Mr. Nicky expressed concerns regarding traffic congestions and the existing right-of-way width.

Robert Whipkey, 689 Orion Drive, wished to speak in opposition. Mr. Whipkey stated he visited another property under the same management in Schertz and found it to be in poor condition and he does not believe the proposed community will be suitable for the area.

France Wills, 631 Northwest Crossing Drive, wished to speak in opposition. Mr. Wills expressed concerns regarding traffic impact, flooding, and poor road condition.

Kathleen Seba, 675 Orion Drive, wished to speak in opposition. Ms. Seba expressed concerns regarding flooding and stormwater management.

Betty Sly, 340 Williamite, wished to speak in opposition. Ms. Sly expressed concerns regarding traffic impact, the impact on property values, and the existing condition of Goodwin Lane.

Tom Blagg, 3224 Arroyo Del Sol, wished to speak in opposition. Mr. Blagg stated he does not believe a manufactured home community is suitable for the area and stated he believes the proposed community will affect property values.

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

Commissioner Laskowski asked what the interior street width within the community will be.

Mrs. Reynolds stated Staff does not have information on the proposed interior street widths as the request is only regarding the zoning of the property.

Discussion followed.

Commissioner Gibson stated that land values and traffic impact were the main concerns of those opposed to the request, however, the existing industrial zoning could allow an industrial use that will result in the same impacts.

Commissioner Meyer expressed concerns regarding property management and how a change of ownership in the future could make the community difficult to maintain and uphold community guidelines.

Commissioner Tubb expressed his concerns regarding the subject property's proximity to industrial zoned land and compliance with the objectives of the Comprehensive Plan.

Vice Chair Reaves expressed his concerns regarding the request. He stated that, although affordable housing is needed in the City, the location of the request is not appropriate.

Discussion followed.

Motion by Commissioner Sonier, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed rezoning of 7.2 acres addressed at 144 Rueckle Road, from "C-1B" General Business District to "M-2A" Heavy Industrial District. The motion failed (4-0-4) with Vice Chair Reaves and Commissioners Meyer, Mathis, and Tubb in opposition.

Discussion followed regarding the motion.

Vice Chair Reaves announced the Commission would recess at 7:13 p.m.

The meeting resumed at 7:17 p.m.



### 3.4-18 "M-1A" light industrial district.

*Purpose.* The M-1A light industrial district is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, distribution, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation. The following regulations shall apply in all "M-1A" 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:*

- Accounting, auditing, bookkeeping, and tax preparations
- Aircraft support and related services
- Airport
- All terrain vehicle (ATV) Dealer / Sales
- Ambulance service (private)
- Amphitheater
- Amusement devices/arcade (four or more devices)
- Amusement services or venues (indoors) (see Sec. 5.13)
- Amusement services or venues (outdoors)
- Animal grooming shop
- Answering and message services
- Antique shop
- Appliance repair
- Archery range
- 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. 5.12)
- Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)
- Auto paint shop
- Auto repair as an accessory use to retail sales
- 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 union
- 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

Bio-medical facilities  
 Blacksmith or wagon shops  
 Book binding  
 Book store  
 Bottling or distribution plants (milk)  
 Bottling works  
 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  
 Chemical laboratories (not producing noxious fumes or odors)  
 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  
 Cold storage plant  
 Commercial amusement concessions and facilities  
 Communication equipment - installation and/or repair  
 Community building (associated with residential use)  
 Computer and electronic sales  
 Computer repair  
 Confectionery store (retail)  
 Consignment shop  
 Contractor's office/sales, with outside storage including vehicles  
 Contractor's temporary on-site construction office (with permit from Building Official; Sec. 5.10)  
 Convenience store with or without fuel sales  
 Credit agency  
 Crematorium  
 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  
 Electronic assembly/high tech manufacturing  
 Electroplating works  
 Engine repair/motor manufacturing re-manufacturing and/or repair  
 Exterminator service  
 Fair ground

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  
 Food processing (no outside public consumption)  
 Forge (hand)  
 Forge (power)  
 Fraternal organization/civic club (private club)  
 Freight terminal, rail/truck (when any storage of freight is outside an enclosed building)  
 Freight terminal, truck (all storage of freight in an enclosed building)  
 Frozen food storage for individual or family use  
 Funeral home/mortuary  
 Furniture manufacture  
 Furniture sales (indoor)  
 Galvanizing works  
 Garden shops and greenhouses  
 Golf course (public or private)  
 Golf course (miniature)  
 Governmental building or use  
 Greenhouse (commercial)  
 Handicraft shop  
 Hardware store  
 Health club (physical fitness; indoors only)  
 Heating and air-conditioning sales / services  
 Heavy load (farm) vehicle sales/repair (see Sec. 5.14)  
 Heliport  
 Home repair and yard equipment retail and rental outlets  
 Hospital, general (acute care/chronic care)  
 Hospital, rehabilitation  
 Hotel/motel  
 Ice delivery stations (for storage and sale of ice at retail only)  
 Ice plants  
 Industrial laundries  
 Kiosk (providing a retail service)  
 Laboratory equipment manufacturing  
 Laundromat and laundry pickup stations  
 Laundry, commercial (w/o self-serve)  
 Laundry/dry cleaning (drop off/pick up)  
 Laundry/washeteria (self-serve)  
 Lawnmower sales and/or repair  
 Leather products manufacturing  
 Light manufacturing  
 Limousine / taxi service  
 Locksmith  
 Lumberyard (see Sec. 5.15)  
 Lumberyard or building material sales (see Sec. 5.15)  
 Machine shop  
 Maintenance/janitorial service  
 Major appliance sales (indoor)  
 Manufactured home sales  
 Manufacturing and processes  
 Market (public, flea)  
 Martial arts school

Medical supplies and equipment  
 Metal fabrication shop  
 Microbrewery (onsite manufacturing and/or sales)  
 Mini-warehouse/self-storage units (with or without outside boat and RV storage)  
 Motion picture studio, commercial film  
 Motion picture theater (indoors)  
 Motion picture theater (outdoors, drive-in)  
 Motorcycle dealer (primarily new / repair)  
 Moving storage company  
 Moving, transfer, or storage plant  
 Museum  
 Needlework shop  
 Non-bulk storage of fuel, petroleum products and liquefied petroleum  
 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  
 Outside storage (as primary use)  
 Park and/or playground (private)  
 Park and/or playground (public)  
 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.)  
 Photo engraving plant  
 Photographic printing/duplicating/copy shop or printing shop  
 Photographic studio (no sale of cameras or supplies)  
 Photographic supply  
 Plant nursery  
 Plant nursery (growing for commercial purposes with retail sales on site)  
 Plastic products molding/reshaping  
 Plumbing shop  
 Portable building sales  
 Propane sales (retail)  
 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  
 Rappelling facilities  
 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

Rodeo grounds  
 RV/travel trailer sales  
 School, K-12 (public or private)  
 School, vocational (business/commercial trade)  
 Security monitoring company  
 Security systems installation company  
 Sheet metal shop  
 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  
 Storage in bulk  
 Studio for radio or television (with tower) (see Sec. 5.7)  
 Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)  
 Tailor shop  
 Tattoo or body piercing studio  
 Taxidermist  
 Telemarketing agency  
 Telephone exchange (office and other structures)  
 Tennis court (commercial)  
 Theater (non-motion picture; live drama)  
 Tire sales (outdoor)  
 Tool rental  
 Transfer station (refuse/pick-up)  
 Travel agency  
 Truck or transit terminal (with outside storage)  
 Truck Stop  
 University or college (public or private)  
 Upholstery shop (non-auto)  
 Used or second-hand merchandise/furniture store  
 Vacuum cleaner sales and repair  
 Veterinary hospital (with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential  
 Video rental / sales  
 Warehouse / office and storage / distribution center  
 Waterfront amusement facilities - berthing facilities sales and rentals  
 Waterfront amusement facilities - boat fuel storage / dispensing facilities  
 Waterfront amusement facilities - boat landing piers/launching ramps  
 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  
 Welding shop  
 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, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

- (2) Only the following manufacturing and processes are permitted when they meet the following requirements:

No use is permitted that would emit or cause radiation, dust, odor, smoke, gas or fumes objectionable to persons of ordinary sensitivity or reasonably hazardous to health, beyond the boundary property lines of the lot or tract upon which the use is located, and which do not generate noise or vibration at the boundary of the M-1A district which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas.

Assaying works

Cooperage works

Foundries (iron, brass, bronze, aluminum).

Hides and skins (storage and curing).

Manufacture of adding machines, cash registers, typewriters, basket material, boxes, electric lamps, clay, shale and glass products, cutlery tools, bicycles, electrical machinery, tools, fiberglass products, and piping subassemblies

Metal stamping, shearing, punching, forming, cutting, cleaning, heat treating, etc.

Sheet metal shops

Welding

- (3) *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.* 120 feet.
- (2) *Front building setback.* 25 feet.
- (3) *Side building setback.* No side building setback is required.
- (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.* Where a non-residential building abuts a one or two-family use or zoning district, the setback from the residential 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 Sec. 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.

## APPENDIX B - MOBILE HOME COMMUNITIES<sup>[1]</sup>

*An Ordinance Enforcing Minimum Standards For Mobile Home Communities; Establishing Requirements For the Design, Construction, Alteration, and Extension of Mobile Home Communities; Providing For Maintenance Regulations of Mobile Home Communities; Authorizing the Issuance of Permits For Construction, Alteration and Extension of Mobile Home Communities; Authorizing the Issuance and Transfer of Licenses To Administer Mobile Home Communities; Authorizing the Inspection of Mobile Home Communities; and Fixing Penalties For Violations.*

*Be It Ordained By the City Council of the City of New Braunfels, Texas, As Follows:*

Footnotes:

--- (1) ---

**Editor's note**— Printed herein is Ord. No. 72-17, as adopted by the council on August 28, 1972. Amendments to such ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

**Cross reference**— Buildings and building regulations, ch. 14; businesses, ch. 18; hotels, lodginghouses, § 18-176 et seq.; community development, ch. 38; fire prevention and protection, ch. 54; water distribution system for fire protection, § 54-146 et seq.; health and sanitation, ch. 62; mobile homes, house cars and tourist courts, § 62-196 et seq.; mobile homes located outside a mobile home park, § 62-261 et seq.; planning, ch. 98; solid waste, ch. 110; streets, sidewalks and other public places, ch. 114; subdivisions, ch. 118; utilities, ch. 130; zoning, app. A.

### PART I. - ADMINISTRATION AND COMPLIANCE

#### Sec. 101. - Short title.

This ordinance shall be known and may be cited as the "New Braunfels Mobile Home Community Ordinance."

#### Sec. 102. - Findings and policy.

- (a) The New Braunfels city council finds that properly planned and operated mobile home communities:
  - (1) Promote the safety and health of the residents of such communities and of other nearby communities.
  - (2) Encourage economical and orderly development of such communities and other nearby communities.
- (b) It is, therefore, declared to be the policy of this New Braunfels, Texas, city council to eliminate and prevent health and safety hazards and to promote the economical and orderly development and utilization of land by providing for planned and supervised mobile home communities and by providing for the standards and regulations necessary to accomplish these purposes.

#### Sec. 103. - Definitions.

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

*Accessory structure.* Any structural addition to the mobile home, including awnings, cabanas, carports, porches, storage cabinets, and similar appurtenant structures.

*Barrier, natural or artificial.* Any river, pond, canal, railroad, levee, embankment, or screening fence of masonry or solid wood not less than six feet high.

*Building.* A roofed structure erected for permanent use.

*Certificate of occupancy.* A certificate, issued by the building official, certifying that all work on any building or project has been inspected by the official, meets all building requirements, and is ready for occupancy.

*City.* The City of New Braunfels, Texas.

*City officers.* Includes but [is] not limited to the following: Building official, local health authority, city sanitarian, fire chief, policeman, planning director, and tax assessor-collector.

*Common area.* Any area or space designed for joint use of all tenants of the mobile home community.

*Community.* As used in this ordinance, shall mean mobile home community or mobile home park.

*Cul-de-sac.* A short, minor, private street having but one access to another street and terminated by a vehicular turnaround.

*Driveway.* A minor, private way off a common access route within the community to an off-street auto parking area serving one or more mobile homes.

*Enforcing agency.* Any officer of the city, or health agency of this state, who is charged by law to enforce the provisions of this [appendix] and other applicable regulations.

*License.* A document issued by the local health authority which will allow a person to operate and maintain a mobile home community under the provisions of this [appendix] and other applicable regulations.

*Licensee.* Any person who holds a valid license to operate and maintain a mobile home community under the terms of this [appendix] and other applicable regulations.

*Living unit.* A residential unit complete with facilities to accommodate one person or family with provisions for eating, sleeping, and sanitation.

*Lot area.* The total area reserved for placement of one mobile home and the exclusive use of its occupants.

*Manager or owner.* The person who owns or has charge, care, or control of the mobile home community.

*Mobile home.* A complete living unit manufactured at a location away from the homesite in one or more parts. Each part is manufactured with its own chassis and wheels and is designed to be pulled to the homesite where it arrives as one unit or is expanded or assembled into one unit. A mobile home must be at least eight feet wide and 35 feet long according to the certificate of title. Any smaller size is considered a recreational vehicle.

(Ord. No. 73-27, § 1, 9-24-73)

*Mobile home community.* A unified development of mobile home spaces restricted to mobile home use, with community facilities and permitted permanent buildings; this development being located on a single tract of land under one ownership and meeting the requirements of this ordinance.

*Mobile home community plan.* A complete and exact plan of the proposed community (as described in section (104.20) of this ordinance), which is submitted to city officers for review.

*Mobile home, dependent.* A mobile home which does not have a kitchen sink, flush toilet, lavatory, and a tub or shower.

*Mobile home, independent.* A mobile home which has a kitchen sink, flush toilet, lavatory, and a tub or shower.

*Mobile home stand.* That part of a lot area which has been reserved for the placement of one mobile home and permitted accessory structures.

*Office building.* A mobile home or permanent building located on the mobile home community site where the community register and records are kept and community rules and regulations are on public display.

*Parking space, off-street.* An area not less than nine feet wide and 18 feet long, having unobstructed access from a street within the community and located on a mobile home lot or in a common parking area, or in a common parking and storage area located within 100 feet of the lot it serves.

*Permanent building.* Any building that is not an accessory building.

*Permit.* A written document issued by the building official permitting the construction, alteration, or expansion of mobile home community facilities.

*Person.* Any individual, firm, trust, partnership, public or private association or corporation.

*Recreational vehicle, independent.* Any travel trailer, pickup camper, motor home, camping trailer, or mobile home less than eight feet wide and 35 feet long according to the certificate of title, that has its own sink, lavatory, flush toilet, and tub or shower and is designed so that it may be connected to available utilities.

(Ord. No. 73-27, § 1, 9-24-73)

*Service building.* A building housing toilet and sanitary facilities, as required by this ordinance.

*Shall.* Indicates that which is required.

*Should.* Indicates that which is recommended but not required.

#### Sec. 104. - Permits.

(104.10) *Permit required.* It shall be unlawful for any person to construct, alter or extend any mobile home community within the city limits of New Braunfels unless he holds a valid permit issued by the building official in the name of such person for the specific construction, alteration or extension proposed. (This is not the same permit as required in section (301.18), when mobile homes are moved or relocated.)

(104.20) *Application requirements for permit.* All applications for permits shall contain the following:

- (a) Name and address of applicant;
- (b) Location and legal description of the proposed mobile home community (hereinafter called the "community");
- (c) Permit fee (see section (104.30));
- (d) Five copies of the complete site and engineering plans and specifications of the proposed community, at a scale of one inch equals 100 feet or larger as necessary, including but not limited to the following:
  - (1) The area, dimensions, and bearings of the tract of land (not to supersede or preclude any subdivision plat to be filed in county records as required by state and local subdivision regulations);
  - (2) The number, location and size of all mobile home lots and the mobile homes-per-acre ratio;
  - (3) The location and width of roadways, walkways and driveways;
  - (4) The location and size of water and sewer lines and riser pipes;
  - (5) Plans and specifications of the water supply and refuse and sewage disposal facilities;
  - (6) The location and details of lighting, electrical, and gas systems;

- (7) Site locations of all service buildings and community facilities, including but not restricted to: Office, recreation areas and facilities, storage buildings, sanitary facilities, etc.;
- (8) Existing and proposed topography on two-foot contours;
- (9) The location and size of fire mains, the location of hydrants, and any other equipment which may be provided;
- (10) Plans and specifications of all buildings altered or to be constructed within the community at a scale of one-fourth inch equals one foot or larger; and
- (11) Such other information as municipal reviewing officials may reasonably require.

(104.30) *Permit fee.* The application shall be accompanied by the deposit of a fee, the amount of which varies with the size of the project and is computed as outlined in section 14-27 of the Code of Ordinances of the City of New Braunfels and paid to the City of New Braunfels through the building official.

(104.40) *Issuance of permit.* When, after review of the application and plans by the utilities department, city engineer, building official, fire chief, local health authority and planning director, the building official is satisfied that the proposed plan meets all requirements of this [appendix] and other applicable ordinances, a permit shall be issued. After a permit is issued, any changes in the plans must be submitted apart from the initial plans and according to the same procedure.

(104.50) *Denial of permit; hearing.* Any person whose application for a permit has been denied because of a provision of this ordinance with which compliance as required is impossible or unreasonable may request and shall be granted a hearing before the zoning board of adjustment, according to the procedure set forth in section (107.20). Any person whose permit has been denied because of a provision of any other ordinance may request and shall be granted a hearing on the matter before the appeal board having jurisdiction and according to the procedure authorized by such ordinance. (See also section (107.20).)

(Ord. No. 73-27, § 2, 9-24-73)

#### Sec. 105. - Licenses.

(105.10) *Community operator's license required.* It shall be unlawful for any person to operate any mobile home community within the city limits of the City of New Braunfels unless he holds a valid license issued annually by the local health authority in the name of such person for the specific community. All applications shall be made in writing on forms furnished by the local health authority, and returned to the same officer, who shall issue a license upon compliance by the applicant with the provisions of all applicable ordinances. The local health authority shall not issue a license unless the applicant is the holder of a valid permit and certificate of occupancy issued by the building official. If at any time a certificate of occupancy is revoked, the license is automatically void. The license will expire at midnight, June 30th, of each year.

Each community shall be thoroughly inspected by the fire chief, building official, police chief, and the local health authority (or their authorized representative) annually, and all shall determine that the community meets all requirements of all applicable ordinances before the license is renewed.

(105.20) *Application for original license.* The application for the original license shall be according to the procedure set forth in section (105.10) and shall be accompanied by:

- (a) An affidavit by the applicant as to the truth of the application;
- (b) One set of engineering plans as approved by the building official and outlined in section (104.20)(d);
- (c) A copy of the valid certificate of occupancy and permit; and
- (d) License fee (see section (105.41)).

(105.30) *Application for license renewal.* The application for license renewal shall be according to the procedure as set forth in section (105.10) and shall contain any change in the information occurring after the original license was issued or the latest renewal granted.

(105.40) *License fee.*

(105.41) *Original license.* Original license fee shall be computed as in section (105.42) except the fees shall be prorated on a quarterly basis as follows:

- (a) *First quarter.* Applications filed during the first quarter of the city's fiscal year shall be accompanied by the full amount of the annual fee.
- (b) *Second quarter.* Applications filed during the second quarter shall be accompanied by three-fourths of the annual fee.
- (c) *Third quarter.* Applications filed during the third quarter shall be accompanied by one-half the annual fee.
- (d) *Fourth quarter.* Applications filed during the fourth quarter shall be accompanied by one-fourth the annual fee.

(105.42) *License renewal.* License renewal applications shall be accompanied by a fee of \$200.00 for mobile home communities with 1—100 spaces, \$300.00 for mobile home communities with 101—200 spaces, and \$500.00 for mobile home communities containing greater than 201 spaces.

(Ord. No. 2013-75, § II, 12-9-13)

#### Sec. 106. - Inspection.

(106.10) *Inspections required.* All city officers are hereby authorized and directed to make such inspections as necessary to determine compliance with this ordinance or other applicable ordinances. In addition, the fire chief, building official, police chief, and local health authority (or their authorized representative) shall inspect each community annually before the operator's license is renewed and before each transfer of license, as outlined in sections (105.10) and (105.50).

(106.20) *Entry on premises.* All city officers shall have the authority, while discharging their official duties relative to this ordinance, to enter at reasonable times upon any private or public property.

(106.30) *Inspection of register.* All city officers shall have the authority, while discharging their official duties, to inspect the register of the community containing all records as required by this ordinance. (See section (301.11).)

(106.40) *Duty of occupants; entry on private property.* It shall be the duty of every occupant of a community to give the licensee, his agent, or authorized employee, access to any part of such community at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this ordinance or any other applicable ordinance.

#### Sec. 107. - Notices, hearings, and orders.

(107.10) *Notice of violations; requirements of notice.* Whenever it is determined by any city officer that there has been a violation of any of the provisions of this ordinance or any applicable ordinance, the local health authority shall give notice of the alleged violation to the licensee or his agent, as hereinafter provided. Such notice shall:

- (a) Be in writing;
- (b) Include a statement of the reasons for issuance;
- (c) Allow a reasonable time for the performance of the act it requires and specify the time allowed;



- (d) Be served upon the licensee or his agent; provided that such notice or order shall have been deemed to have been properly served upon such licensee or agent when a copy thereof has been sent by registered mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this state; and
- (e) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance or other applicable ordinances.

(107.20) *Appeal from denial of permit by the building official.* Any person denied a permit under a provision of this ordinance, as set out in section 104, with which compliance as required is impossible or unreasonable, may request and shall be granted a hearing before the zoning board of adjustment; provided that such person shall file within ten days after the permit was refused, in the office of the building official, a written petition requesting such hearing and giving a brief statement of the grounds therefor. Such petition shall be accompanied by a fee of \$10.00. When the building official receives such a petition, he shall set a time and place for the hearing and give the petitioner a written notice thereof. At the hearing, the petitioner shall have an opportunity to be heard and to show why such refusal should be modified or withdrawn.

Any person denied a permit because of a violation under a provision of any other applicable ordinance shall have access to the appeal board having jurisdiction under that ordinance and according to the procedure authorized by such ordinance.

(Ord. No. 73-27, § 2, 9-24-73)

(107.30) *Appeal from notice of license suspension issued by local health authority.* Any person issued a notice of license suspension by the local health authority in connection with the enforcement of any provision of this ordinance with which compliance as required is impossible or unreasonable may request and shall be granted a hearing on the matter before the zoning board of adjustment; provided that such person shall file within ten days after the day notice of license suspension was served, in the office of the local health authority, a written petition requesting such hearing and setting forth a brief statement of the reasons for appeal. The petition shall be accompanied by a fee of \$10.00. (The filing of the request for a hearing shall operate as a stay of the notice and of the suspension, except in the case of an emergency notice or suspension issued under section (107.50) of this ordinance). Upon receipt of such petition, the local health authority shall forward such petition to the building official, who shall set a time and place for such a hearing and shall give the petitioner notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice of license suspension should be modified or withdrawn. Any person issued a notice of license suspension because of a violation under a provision of any other applicable ordinance shall have access to the appeal board having jurisdiction under that ordinance and according to the procedure authorized by such ordinance.

(Ord. No. 73-27, § 2, 9-24-73)

(107.40) *Hearing and order after the hearing.* After such hearing, the building official (if the appeal was made under section (107.20) of this ordinance), or the local health authority (if the appeal was made under section (107.30) of this ordinance), shall issue an order in writing sustaining, modifying or withdrawing his notice of license suspension, which order shall be served as provided in section (107.10) of this ordinance. Upon failure to comply with such an order (after a hearing), the occupancy permit and the license of the community affected by the order shall be revoked.

Any failure of the licensee to comply with this order will make him subject to prosecution in a court having jurisdiction, under terms set out in part VII of this ordinance.

(107.50) *Order without notice.* Whenever the local health authority finds an emergency exists which requires immediate action to protect the public health or safety, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that action be taken as he may deem necessary to meet the emergency. Any order issued under this provision shall be effective immediately. The person to whom this order is directed shall comply therewith immediately, but upon written petition to

the local health authority shall be afforded a hearing before the zoning board of adjustment as soon as possible. The provisions of section (107.40) shall apply to such hearing and the order issued thereafter.

Any failure of the licensee to comply with any order without notice will make him subject to prosecution in a court having jurisdiction, under terms set out in part VII of this ordinance.

(Ord. No. 73-27, § 2, 9-24-73)

## PART II. - DEVELOPMENT STANDARDS

### Sec. 201. - General requirements; environmental requirements.

(201.10) *Development plans; content and submission.* The development plans shall be filed with the building official when application is made for a permit and in accordance with section 104 of this ordinance.

(201.20) *Site requirements.*

(201.21) *Zoning district.* Mobile home communities shall be located only in the zoning district or location authorized by the zoning ordinance, the planning and zoning commission, and the city council of the City of New Braunfels.

(201.22) *Residential use.* Communities shall be used for residential purposes only except such uses [which] are permitted or are required for the direct servicing of the specific community residents or its management, and to provide for community maintenance. Nothing in this section shall prohibit the sale of a mobile home while it is located on its stand and connected to pertinent utilities.

(201.23) *Health and safety hazards.* Conditions of soil, groundwater level, drainage and topography shall not create hazards to the health or safety of its occupants. The site shall be located away from sources of objectionable smoke, dust, noise, odors and other adverse influences, and no portion subject to predictable flooding or erosion shall be used for any purpose which would expose persons or property to hazards.

(201.24) *Site size.* The total initial development of any community shall not be less than four acres fully improved with served spaces.

(201.30) *The mobile home lot.*

(201.31) *Lot area.* There shall be no minimum lot area but such area shall be controlled by a maximum density, setback, or other required area or spacing requirement, as required by this ordinance. Lot lines shall be clearly defined on the ground.

(201.32) *Lot location.* All lots shall abut upon a community street which shall have unobstructed access to a wider community street or public street. (For street requirements, see section (201.70).)

(201.33) *Maximum density.* There shall be a maximum density of eight residential units per acre and one single-family residential unit per lot, with its permitted accessories and parking area.

(201.34) *Mobile home stands.* A mobile home stand to provide adequate support for a mobile home shall be provided on each lot. It shall not shift or settle under the weight of the mobile home. Anchors or tie-downs shall be furnished by the developer and shall be cast-in-place steel deadman eyelets imbedded in concrete, or acceptable anchors, and shall be placed at each corner of the stand and at intervals of 20 feet or less. Each anchor shall be able to withstand a minimum sustained pull of 2,400 pounds and each pair of anchors and their tie or strap shall be able to withstand a minimum tensile stress load of 4,800 pounds. All existing mobile homes shall have their frames attached to the anchors. All mobile homes manufactured or installed after passage of this ordinance shall have acceptable ties or straps passed over the mobile home and attached to the anchors in addition to having their frame attached to the anchors.

(201.35) *Structure setback and spacing requirements.*

- (a) There shall be at least 15 feet clearance between all mobile homes and all permanent or nonaccessory structures.
- (b) There shall be at least five feet of clearance between any mobile home or its accessory structure and any lot line; except the front lot line, where the clearance shall be ten feet, and except where a lot line and a community property line coincide; then section (201.35)(c) shall apply.
- (c) No mobile home or nonaccessory structure shall be closer than ten feet to any community property line not adjoining a public street, nor closer than 25 feet to a property line adjoining a public street. The required setback distance for an accessory structure shall be ten feet from any community property line.

(201.36) *Off-street parking and driveways.* There shall be at least two off-street parking spaces for each developed mobile home lot abutting on a street less than 30 feet in width. Where a lot abuts a street of 30 feet or more in width on which street parking is permitted, one off-street parking space per lot is required and two spaces are recommended. (See "parking space" definition in section 103.) Driveways to such off-street parking spaces shall be at least 12 feet wide. (Also see sections (201.71)(d) and (201.74)(a).)

(201.37) *Tenant storage facilities.* To decrease the fire hazard and promote tenant well-being and safety, tenant storage facilities should be provided in an enclosed structure located on each lot or within 100 feet of each lot. If provided, there shall be a minimum of 200 cubic feet of space provided for each developed lot. The structure shall be designed in a manner that will enhance the appearance of the community and shall be faced with masonry, porcelanized steel, baked enamel steel or other material equal in fire resistance. Storage outside the mobile home shall be permitted only within such facilities or in accord with section (302.14) of this ordinance. The structure shall be securely fastened to the ground if not located permanently.

(201.40) *Open space and recreation.* Not less than six percent of the gross site area shall be devoted to recreational facilities, generally provided in a central location, free of traffic hazards, and easily accessible to all community residents. When this recreation area will exceed two-thirds of an acre, the recreation areas may be divided into two or more separate areas, provided that no recreation area shall contain less than 5,000 square feet. Recreation areas may include community use facilities, ballfields, swimming pools, child play areas and other similar facilities.

(201.50) *Lighting.* All streets, walkways and the area around service buildings and community facilities shall be illuminated to a minimum of one-tenth footcandle. (Also see sections (201.76) and (203.21)(d).)

(201.60) *Screening and buffer strips.* A screening and buffer barrier, as defined in this ordinance, shall be properly erected and maintained at the expense of the developer between this community and any abutting "R" zoning district, and should be provided between the community and any farm-market, state or federal highway, provided all fences meet effective setback requirements.

(201.70) *Streets.*

(201.71) *General requirements.*

- (a) All mobile home lots shall abut upon a community street which shall have unobstructed access to a public street or highway. (For specific street width requirements, see section (201.74).)
- (b) Traffic signs, equal in type and quality to those used by the City of New Braunfels, shall be installed to city specifications.
- (c) Parking rules shall be posted and enforced.
- (d) Minimum construction standard for streets and driveways shall be a base of at least six inches of crushed stone, gravel, or equal material compacted to maximum practical density

and surfaced with a two-course surface treatment of asphaltic material, each covered with aggregate.

- (e) All streets and driveways shall be maintained by the owner or agent and be free of cracks, holes, and other hazards, and provide for proper drainage; should be designed by a licensed professional engineer; should have curbs meeting city specifications; and shall be approved by the city engineer before an occupancy permit is issued. (The city engineer may furnish the community developer with the city's minimum street specifications if the developer wishes to use them.)
- (f) Community street names shall not duplicate or nearly duplicate existing city street names by pronunciation or spelling.

(201.72) *Entrances to community.* At least two entrances to the community are recommended, and if the community exceeds 100 potential lots or 12.5 acres, at least two entrances are required. Such entrances shall have at least 36 feet of paved width from the community entrance to a distance of 100 feet inside the community. Street parking shall be prohibited from the community entrance to a point 100 feet inside an entrance. Entrances shall be illuminated at night in accordance with section (201.76) and should have a minimum inside curve turning radius of 25 feet where entrance pavement joins a public street.

(201.73) *Circulation.* Streets should be adequate in width and quantity to provide convenient circulation for the anticipated traffic loads. No cul-de-sac street shall be over 500 feet in length. Each cul-de-sac street shall be terminated by a turnaround with a minimum diameter of at least 90 feet.

(201.74) *Street widths.*

- (a) Any driveway or accessway to an off-street parking space or facility shall be at least 12 feet wide.
- (b) Streets serving 20 or less than 20 lots shall have a minimum width of 20 feet. (See also sections (201.74)(c) and (201.74)(d).)
- (c) Where street (parallel) parking is permitted along one side, the minimum street width shall be 30 feet.
- (d) Where street (parallel) parking is permitted along both sides, the minimum street width shall be 36 feet.
- (e) No corner or inside curve radius of any community street should be less than 25 feet.

(201.75) *Intersections.* Streets should intersect at or near right angles. Offsets at intersections and intersections of more than two streets at one point should be avoided.

(201.76) *Street lighting.* All the street system shall be illuminated with at least one-tenth footcandle. Entrances and major street intersections shall be lighted with at least three-tenths footcandle.

(201.80) *Walks.* Walkways, not less than three feet wide, shall be provided from mobile home spaces to the service and community facility buildings and should be provided along all community streets. They shall be constructed of at least two inches of asphalt or concrete on a six-inch base of compacted sand or gravel or better. Sudden changes in grade should be avoided and steps should be well illuminated.

## Sec. 202. - Utilities and services.

(202.10) *Water supply and distribution.*

(202.11) *General requirements.* An accessible, adequate, safe and potable supply of water shall be provided in each community. The municipal water supply shall be used if available. Where the municipal supply is not available or if extreme hardship will be encountered to make it available, a private supply may be used if approved by the local health authority, fire chief, and other enforcing officials having jurisdiction.

(202.12) *Source and volume of supply.*

- (a) Every water source, supply, or system shall be subject to applicable health regulations.
- (b) The water supply and system shall be capable of supplying an adequate amount of water to meet all domestic and fire protection requirements.
- (c) Domestic water requirement of this ordinance shall be at least 150 gallons per day per mobile home.

(202.13) *Water distribution system.*

- (a) Water shall be made available by the developer to all mobile homes, buildings, and other facilities requiring water and in sufficient quantity to meet minimum requirements of this ordinance.
- (b) All the water system must be constructed to meet applicable plumbing and building codes.
- (c) A city-approved fire hydrant, connected to a six-inch water line or larger, shall be located within 500 feet of any mobile home or building within the community. If such line is metered, a city-approved fire-line meter shall be used. (See also sections (301.12) and (306.16).) If no six-inch water line or larger is available and cannot immediately be made available, then fire hydrants are required only when such water line becomes available.

(202.14) *Individual riser pipes and connections.*

- (a) Individual riser pipes and connections shall be constructed in accordance with applicable plumbing and building codes.
- (b) A shutoff valve below the frostline shall be provided on each riser pipe of each lot.
- (c) Water riser pipe diameter shall be at least three-quarter inch, and the outlet shall be capped when not in use.

(202.20) *Sewage disposal.*

(202.21) *General requirements.* The [sewer] system shall be constructed in accordance with all applicable plumbing and building codes.

(202.22) *Sewer line requirements.* All sewer lines shall be capable of a minimum daily flow of 150 gallons per day per mobile home lot.

(202.23) [ *Individual riser pipes and connections.* ] Individual riser pipes and connections shall comply with applicable plumbing and building codes.

(202.24) *Sewage treatment and discharge.*

- (a) The system shall be connected to the city sewage system unless extreme hardship is encountered. Then, a private treatment facility may be used if approved by the appropriate regulatory agency of the state; except that the use of septic tanks for the disposal of sewage shall not be approved.
- (b) If permitted, a private sewage treatment facility shall be constructed and operated in accordance with all state and local laws, and effluents from such facilities shall not be discharged in any manner other than that which has been previously approved by the [local health authority] and the appropriate regulatory agency of the state.

(202.30) *Solid waste handling and disposal.*

(202.31) The storage, handling and disposal of refuse within the community shall be so conducted that it will not create fire or health hazards, rodent harborage, insect breeding areas, or air pollution.

(202.32) Individual garbage cans should be kept in racks to prevent tipping and shall have tightfitting lids. Centralized collection stands are encouraged but should be within 100 feet of the lots served.

(202.33) Containerization or centrally located dumper facilities are authorized if permitted by the refuse collection agency.

(202.34) All refuse shall be collected at least twice weekly.

(202.35) Garbage incinerators are not permitted. Garbage shall be transported in closed containers or vehicles to a landfill or disposal site approved by the local health authority or agency having jurisdiction.

(202.36) The refuse disposal department of the City of New Braunfels is the only refuse collection agency authorized to operate within the city unless otherwise ordered by the city council.

(202.40) *Electrical distribution system.*

(202.41) *General requirements.*

- (a) Overhead or underground electric service shall be required throughout the community.
- (b) Installation shall comply with all applicable electrical and building codes.

(202.42) *Distribution system.*

- (a) The secondary distribution system shall provide at least single-phase, 120/240 volt service to each lot and permanent building.
- (b) Underground systems are encouraged. All underground direct burial lines shall be buried at least 30 inches below ground level and underground lines in conduit shall be buried at least 24 inches below ground level, unless encased in concrete; then local codes shall apply. All buried lines shall be not less than two feet radial distance from any other utility line.

(202.43) *Service equipment.*

- (a) Service equipment for each lot must be rated at not less than 100 amperes and larger capacity equipment may be required if the anticipated service loads demand such equipment.
- (b) Electrical receptacles may be provided for connection of electrical equipment located outside the mobile home or permanent buildings, but they shall be weatherproof and they shall be on a different circuit than the mobile home or building.
- (c) All required electric meters shall be installed in such a manner that they can be easily read and will be protected from damage.
- (d) Installation shall comply with applicable building and electrical codes.

(202.50) *Gas distribution system.*

(202.51) *General requirements.*

- (a) Installation and design of gas distribution system shall be in accordance with all applicable state and city regulations.
- (b) All gas piping shall have a minimum of 18 inches of earth cover and shall not be installed beneath a mobile home stand or permanent building.

(202.52) *Shutoff valves.*

- (a) A system shutoff valve, readily accessible and identifiable, shall be installed near the point where the community system is connected to its source of supply.
- (b) Each lot shall have an approved shutoff valve located on the riser pipe to such lot, at a point above grade level, readily accessible and identifiable and not under a mobile home.

(202.53) *Service equipment.*

- (a) Installation [of service equipment] shall comply with plumbing and other applicable regulations.
- (b) City-approved three-quarter-inch pipe and fittings shall be used for the mobile home connection to the lot outlet.
- (c) Lot outlets, riser pipes, meters, valves, regulators, and other exposed gas equipment shall be protected from mechanical damage by vehicles and other causes.
- (d) Lot gas service connections shall be equipped with an approved cap or plug when not in use.
- (e) Lot gas connection shall be installed at the edge of the mobile home stand.

(202.60) *Liquefied petroleum distribution system.* Liquefied petroleum gas containers, if permitted, shall be installed and used in accordance with all applicable federal, state, and city regulations but no containers not in use shall be stored in the community.

(202.70) *Telephone and television system.* When telephone or television cable service to each lot is provided, the distribution system may be an aerial or underground system but shall be in accord with each other.

#### Sec. 203. - Service buildings and community facilities.

(203.10) *Community sanitary facilities.* If a community building or recreation building is provided within the community, it shall contain sanitary facilities or restrooms for both men and women.

(203.20) *Permanent buildings.* [Permanent buildings,] to include sanitary facilities, laundry facilities, storage buildings, indoor recreation areas, office, and other community service facilities[, shall be regulated as provided in this section]. Such a building shall be accessible from all mobile home lots.

#### (203.21) *Structural requirements.*

- (a) All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such material and so constructed and protected as to prevent entrance or penetration of moisture, heat, and cold.
- (b) All rooms containing sanitary or laundry facilities shall have:
  - (1) Solid, sound-resistant walls extending from floor to ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories, and other plumbing fixtures shall be constructed of dense, nonabsorbent and waterproof material, or covered with waterproof material.
  - (2) At least one window facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten percent of the floor area served by them.
  - (3) Have at least one window which can be easily opened, or a mechanical device which will adequately ventilate the room.
- (c) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
- (d) Illumination levels shall be maintained as follows:
  - (1) General seeing tasks: Five footcandles.
  - (2) Laundry room and work areas: Forty footcandles.
  - (3) Toilet room, in front of mirrors: Forty footcandles.



- (e) Hot and cold running water with mixing faucet shall be furnished to every lavatory, sink, bathtub, shower, and laundry fixture, and cold water shall be furnished to every water closet and urinal.
- (f) Rooms shall be maintained at a reasonably comfortable temperature (70 to 80 degrees Fahrenheit yearround).

### PART III. - COMMUNITY MAINTENANCE REGULATIONS

#### Sec. 301. - Responsibilities of the management.

[The community manager or owner shall have the following responsibilities:]

- (301.10) License and occupancy permit must be valid and on display in the community office.
- (301.11) Maintain a current community register, available for inspection at the community office, and containing the following:
  - (a) Names and addresses of all community residents.
  - (b) Mobile home registration data including make, length, width, year of manufacture, and identification number [for each mobile home in the community].
  - (c) Location of each mobile home within the community by space or lot number and street address if applicable.
  - (d) Dates of arrival and departure of each home.

(Ord. No. 73-27, § 3, 9-24-73)

- (301.12) Provide adequate supervision to maintain the community in compliance with this ordinance and to keep its facilities in good repair and in a clean and sanitary condition. Immediate attention shall be given to damaged fire hydrants.
- (301.13) Provide community regulations for community residents which shall not conflict with this ordinance or other ordinances; inform each resident of his duties and responsibilities; and keep such regulations on public display at the office and in community buildings.
- (301.14) Restrict admittance to include only independent mobile homes and independent recreational vehicles and allow independent recreational vehicles only on a temporary basis. (For the purpose of this ordinance, "temporary" shall be considered as a period of [up to] 180 days.)

(Ord. No. 73-27, § 4, 9-24-73)

- (301.15) Provide for enforcement of parking restrictions. (Refer to sections (201.72) and (201.74).)
- (301.16) Provide for proper solid waste and garbage disposal.
- (301.17) Supervise placement and installation of each mobile home on its stand to include securing it to the ground and connection of its utilities. This shall be completed within 30 days after mobile home is located on a lot.

(Ord. No. 73-27, § 5, 9-24-73)

- (301.18) Secure a permit from the city building official before a mobile home is located or relocated within the community. (The cost of this permit and the first inspection shall be \$3.00 per mobile home. Any additional inspections necessary to assure compliance shall be \$5.00 each.) Application for this permit shall be made to the building official within two city workdays (not

including holidays or Saturday and Sunday) after the mobile home arrives at the community. No skirting shall be permanently attached until after the inspection is complete.

Sec. 302. - Responsibilities of the resident.

[Residents of the community shall have the following responsibilities:]

(302.10) Resident shall comply with applicable requirements of this ordinance and maintain his lot and its facilities in good repair and in a clean, sanitary condition.

(302.11) Resident shall place his mobile home and install his utility connections in accord with the provisions of applicable ordinances.

(302.12) Pets, if permitted, shall not be permitted to run at large or commit any nuisance.

(302.13) Skirtings, awnings, porches and other accessory structures that may be permitted or required shall be in accord with community rules and regulations and applicable ordinances.

(302.14) Storage shall be only in authorized storage areas or permitted accessory buildings and is permitted under a mobile home only when the home is skirted and material stored is not flammable.

(302.15) Resident shall store and dispose of his rubbish and garbage in a clean, sanitary, and safe manner. Garbage containers shall be rodentproof, insectproof and watertight.

Sec. 303. - Accessory structures.

(303.10) Accessory structures shall be permitted only as defined by this ordinance and shall be subject to the approval of the management and the city building official.

(303.11) Accessory structures shall maintain the same clearance and setback requirements as any permanent building or mobile home except as provided in sections (201.35)(b) and (201.35)(c) of this ordinance.

Sec. 304. - Mobile home placement and anchorage.

(304.10) Placement [of mobile homes] shall be on a mobile home stand located on a lot and shall be under the direction of the management. (See sections (201.34), (301.17), (301.18), and (302.11).)

(304.11) The home shall be properly secured against high wind velocities by tying to anchors or tie-downs provided. (See section (201.34).)

(304.12) Accessory structures shall conform to applicable parts of this ordinance. (See sections (201.35)(b) and (c), and (201.37).)

Sec. 305. - Insect and rodent control.

(305.10) Grounds, buildings, and structures shall be maintained free of rodent and insect harborage and infestation.

(305.11) Growth of brush and noxious weeds and grasses shall be controlled.

(305.12) Extermination methods shall be safe for humans.

Sec. 306. - Fire protection.

(306.10) The storage and handling of all flammable liquids and gases shall comply with all federal, state, and local regulations.

(306.11) The community shall be maintained free of rubbish, dry brush, leaves, and weeds.

(306.12) No stored material is permitted under a mobile home unless the home is skirted and material stored is not flammable.

(306.13) Required yards and setbacks shall be maintained.

(306.14) Damaged fire hydrants shall be repaired immediately.

(306.15) No incinerators are permitted and no cooking fires shall be left unattended.

(306.16) Fire hydrant installation shall comply with section (202.13)(c) of this ordinance.

#### PART IV. - COMPLIANCE AND NONCONFORMING CLAUSE

Existing mobile home community operators shall have until January 1, 1974 [sic], to bring existing facilities into compliance with this ordinance except as stated hereafter or where, after appeal to the zoning board of adjustment, the board declares that strict or immediate required compliance is impossible or unreasonable and will constitute undue hardship that will prevent the operator from using his property as a community.

Existing mobile home communities shall be required to comply with section (201.35) when any accessory building is moved or installed. Existing mobile home communities shall not be required to comply with section (201.35) when any mobile home is relocated or installed on a lot which existed in July, 1973; however, no mobile home may be placed on a particular lot if such mobile home is larger than the mobile home which was on that lot, or a similarly sized lot in that community, during July, 1973.

Each community owner or operator shall submit two copies of a plat, drawn to a scale acceptable to the building official. The plat shall show all existing, fully developed lots and the correct dimensions. The building official will note the maximum size home permitted on each lot and no mobile home shall be placed on an existing lot which will exceed either the length or the width of the maximum size denoted on the plat.

Existing mobile home communities shall be required to comply with all provisions of section (201.35) on any lots which may be added or developed in the future.

Existing communities shall not be required to comply with sections (201.24), (201.40), (201.72), (201.74), (202.24), (202.70) and (203.10), unless they expand their site area or increase the number of mobile homes served; then they shall be required to comply with all provisions of this ordinance within the additional area or homes served only.

(Ord. No. 73-27, § 6, 9-24-73)

#### PART V. - CONFLICT OF ORDINANCES

This ordinance shall repeal every prior ordinance and provision of the Code of Ordinances of the City of New Braunfels in conflict herewith but only to the extent that such prior ordinance or provision shall be in conflict. In relation to all other ordinances or provisions not in direct conflict herewith, this ordinance is hereby made cumulative.

#### PART VI. - EFFECT OF PARTIAL INVALIDITY

If any part or provision of this ordinance shall be declared void or unconstitutional by a court having competent jurisdiction, such declaration shall in no way affect the remaining parts or provisions and they shall remain in full force and effect.

#### PART VII. - PENALTIES

Any person violating this ordinance shall be subject to a fine not to exceed \$500.00 for each provision violated, and each day that there is a failure to comply with the terms of any provision of this ordinance is declared to be a separate offense.

**State Law reference—** Penalties, V.T.C.A., Local Government Code § 54.001.

[PART VIII.] - CONCLUSION AND EFFECTIVE DATE

Be it therefore ordained by the city council of New Braunfels, Texas, that this ordinance shall be in effect upon the 10th day after third and final reading and publication as required by the city Charter.

**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 MANUFACTURED HOME COMMUNITY IN THE "M-1A" LIGHT INDUSTRIAL DISTRICT, ON 45 ACRES OUT OF THE ORILLA RUSSELL LEAGUE SURVEY, NO. 2, ABSTRACT NO. 485, LOCATED ON THE SOUTH SIDE OF ORION DRIVE AND EAST OF THE UNION PACIFIC RAIL ROAD; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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**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 manufactured home community; and

**WHEREAS**, the City Council desires to grant a Type 2 Special Use Permit for 45 acres out of the Orilla Russell League Survey, No .2, Abstract No. 485, located on the south side of Orion Drive and east of the Union Pacific Rail Road, to allow a manufactured home community in the "M-1A" Light Industrial 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 45 acres out of the Orilla Russell League Survey, No. 2, Abstract No. 485, located on the south side of Orion Drive and east of the Union Pacific Rail Road, as delineated in the attached Exhibit 'A', to allow a manufactured home community in the "M -1A" Light Industrial District

## **SECTION 2**

**THAT** the Special Use Permit be subject the site plan and restrictions stipulated in Exhibit 'A'.

## **SECTION 3**

**THAT** the Special Use Permit be subject the development standards of Appendix B – Mobile Home Communities, of the City of New Braunfels Code of Ordinances.

## **SECTION 4**

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

## **SECTION 5**

**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 6**

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

**PASSED AND APPROVED:** First Reading this the 23<sup>rd</sup> day of September 2019.

**PASSED AND APPROVED:** Second Reading this the 14<sup>th</sup> day of October 2019.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**BARRON CASTEEL**, Mayor

**ATTEST:**

\_\_\_\_\_  
**PATRICK D. ATEN**, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**VALERIA M. ACEVEDO**, City Attorney

HEET  
1  
OF 1



**MöLLER**  
& ASSOCIATES  
*Engineering Solutions*

2021 W 54th, Ste 105, NW BRAUNFELS, TX 76132  
PH: 830-558-7127 WWW.MOELLER-IA.COM  
TRBE FIRM #13361



**Know what's below.  
Call before you dig.**

GREENSPACE/DRAINAGE AREAS

+/- 53.966 ACRES

REMAINDER OF  
50.6 AC TRACTRV/BOAT STORAGE  
SITE IF USED  
(HOMESITES WOULD  
BE REMOVED)

AMENITY  
LOT &  
CLUBHOUSE  
1.00 AC

BERG ELIZABETH  
+/- 2.0 ACRES

WHIPKEY ROBERT D & PAULA J  
+/- 5.996 ACRES

LARRY & MARY ANN  
+/-10 AC

LAVINE A & BARBARA A  
+/- 8.004 ACRES

UTILITY & DRAINAGE  
EASEMENTS TO SITE  
(THIS AREA WILL NOT  
BE UTILIZED FOR  
VEHICULAR ACCESS)

KOONTZ MCCOMBS 1 LTD  
 NEW BRAUNFELS DISTRIBUTION CENTER  
 LOT 5 +/- 8.47 ACRES

KOONTZ MCCOMBS 1 LTD  
 NEW BRAUNFELS DISTRIBUTION CENTER  
 LOT 7 +/- 11.9 ACRES

HOLLMIG MARY ANN  
+/- 47.708 ACRES

## DEVELOPMENT STANDARDS

1. MAXIMUM 280 HOMESITES
2. THE DEVELOPER WILL WIDEN OF ORION DR TO A MINIMUM 24FT PAVEMENT WIDTH FROM GOODWIN LN TO SECOND DEVELOPMENT ENTRY.
3. INTERNAL DRIVES ARE PRIVATE AND MAINTAINED BY DEVELOPMENT
4. AMENITY CENTER AND CLUBHOUSE CONSTRUCTED IN FIRST DEVELOPMENT PHASE
5. SINGLE OWNER – YESI COMMUNITIES
6. NO R/V'S OR BOATS ALLOWED TO BE PARKED AT THE HOMESITE OR ON THE STREET
7. DESIGNATED PARKING AREA FOR RV, VEHICLE, AND BOAT STORAGE
8. NO ON-STREET PARKING ALLOWED
9. CONCRETE SIDEWALKS AND HOMESITE DRIVES THROUGHOUT NEIGHBORHOOD
10. ALL INTERNAL DRIVES, UTILITIES, AND DRAINAGE IMPROVEMENTS WILL BE CONSTRUCTED AT ONE TIME IN THE INITIAL PHASE. HOMES WILL BE PHASED IN SIMILAR TO A STANDARD RESIDENTIAL DEVELOPMENT CONSTRUCTION TIMING.







## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. F)

### Presenter

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

### **SUBJECT:**

Public hearing and first reading of an ordinance amending the Code of Ordinances, Chapter 144, Zoning, Section 4.2, Land Use Matrix, to correct inadvertent typographical errors.

### **BACKGROUND / RATIONALE:**

**Council District:** All

**Staff Contact:** Jean Drew, Senior Planner  
(830) 221-4652  
jdrew@nbtexas.org

Several inadvertent typographical errors have been identified in the Land Use Matrix in the Zoning Ordinance. Research indicates these typographical errors were made in the 2012 adoption of revisions to the Land Use Matrix. Section 4.1-1 of the Zoning Ordinance clearly states that in the event of conflict between uses listed in the matrix and those listed under the zoning district text description, the uses listed in the district shall be deemed to be those authorized. Revisions included herein propose changes to make the uses in the matrix consistent with those listed in the text descriptions of the zoning districts.

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

<b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan	<b>Action 1.11:</b> Update policies and codes to achieve development patterns that implement the goals of Envision New Braunfels. <b>Action 3.6:</b> Proactively provide a regulatory environment that remains business and resident friendly.
--	--

### **FISCAL IMPACT:**

N/A

### **COMMITTEE RECOMMENDATION:**

The Planning Commission recommended approval at their meeting on September 4, 2019.

### **STAFF RECOMMENDATION:**

Staff recommends approval.

**Ordinance 2019-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144, ZONING, SECTION 4.2, LAND USE MATRIX, TO CORRECT INADVERTENT TYPOGRAPHICAL ERRORS, REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

---

**WHEREAS**, the City Council of the City of New Braunfels, Texas, finds it necessary to establish rules and regulations governing the use of land in the city limits; and

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

**WHEREAS**, the Planning Commission held a public hearing on September 4, 2019 and recommended approval of amendments to correct inadvertent typographical errors; and

**WHEREAS**, the City Council finds that adopting a corrected Land Use Matrix provides improved customer service, clarity on permitted uses, consistency within the Zoning Ordinance, and streamlined development processes, which is in the best interest of the citizens of New Braunfels, Texas. **Now therefore**,

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

## SECTION 1

**That** Chapter 144, Zoning, Section 4.2, Land Use Matrix, be amended with additions as underlined and deletions as strikeouts as shown

below:

4.2 Land Use Matrix.

Legend	
P	The land use is permitted by right in the zoning district indicated.
–	The land use is prohibited in the zoning district indicated (Blank).
NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except PD.	
Types of Land Uses	Pre-1987 Zoning Districts
	R-1 R-2 R-3 B-1 TH ZH C-1 C-2 C-3 C-4 M-1 M-2
	Post-1987 Zoning Districts
	R-1A 43.5 R-1A 12 R-1A 8 R-1A 6.6 R-2A R-3L R-3H B-1A B-1B TH-A ZH-A MU-A MU-B C-1A C-1B C-2A C-4A C-4B CO M-1A M-2A
*****	
Auto supply store for new & factory rebuilt parts	
*****	
Bar/Tavern (no outdoor music)	
Bar/Tavern	
*****	
Book binding	
*****	
Bowling alley/center (see Sec. 5.13)	

Legend																																					
P – The land use is permitted by right in the zoning district indicated.																																					
– The land use is prohibited in the zoning district indicated (Blank).																																					
NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except PD.																																					
Types of Land Uses		Pre-1987 Zoning Districts												Post-1987 Zoning Districts																							
		R-1	R-2	R-3	B-1	TH	ZH	C-1	C-2	C-3	C-4	M-1	M-2	APD	R-1A-43.5	R-1A 12	R-1A 8	R-1A 6.6	R-2A	R-3L	R-3H	B-1A	B-1B	TH-A	ZH-A	MU-A	MU-B	C-1A	C-1B	C-2A	C-4A	C-4B	CO	M-1A	M-2A		
*****																																					
Bulk storage of gasoline, petroleum products, liquefied petroleum and flammable liquids ( <a href="#">see Sec. 5.27</a> )																																					
*****																																					
<a href="#">Campgrounds</a>																																					
*****																																					
Chemical laboratories (e.g., ammonia, bleaching powder)														P																						P	
Chemical laboratories (not producing noxious fumes or odors)													P	P																						P	
*****																																					
Confectionery store (retail)														P																						P	
*****																																					
Greenhouse (commercial)														P																						P	
*****																																					
Heliport																																				P	

Legend																																				
P – The land use is permitted by right in the zoning district indicated.																																				
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Types of Land Uses	Pre-1987 Zoning Districts												Post-1987 Zoning Districts																							
	R-1	R-2	R-3	B-1	TH	ZH	C-1	C-2	C-3	C-4	M-1	M-2	APD	R-1A-43.5	R-1A 12	R-1A 8	R-1A 6.6	R-2A	R-3L	R-3H	B-1A	B-1B	TH-A	ZH-A	MU-A	MU-B	C-1A	C-1B	C-2A	C-4A	C-4B	CO	M-1A	M-2A		
*****																																				
<del>HUD code-manufactured home (see Sec. 5.8)</del>				P			P	P	P												P															
<del>HUD code-manufactured home subdivisions (see Sec. 5.8)</del>																					P															
*****																																				
<a href="#">Indoor or Covered Sports Facility</a>																																				
*****																																				
Laundromat and laundry pickup stations							P	P	P	P	P	P														P	P	P	P	P	P	P	P	P	P	P
*****																																				
<a href="#">Manufactured home – HUD Code compliant (see Texas Occupations Code ch. 1201)</a>				<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>												<u>P</u>	<u>P</u>											<u>P</u>			
<a href="#">Manufactured home park – HUD Code compliant (see Texas Occupations Code ch. 1201)</a>																																				
<a href="#">Manufactured home subdivision – HUD Code compliant (see Texas Occupations Code ch. 1201)</a>																					<u>P</u>	<u>P</u>											<u>P</u>			
*****																																				
Mini-warehouse/self-storage units with outside boat and rv storage											P	P															P								P	P

Legend	
P – The land use is permitted by right in the zoning district indicated.	
– The land use is prohibited in the zoning district indicated (Blank).	
NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except PD.	
Types of Land Uses	Pre-1987 Zoning Districts
	Post-1987 Zoning Districts
	R-1A 12
	R-1A 8
	R-1A 6.6
	R-2A
	R-3L
	R-3H
	B-1A
	B-1B
	TH-A
	ZH-A
	MU-A
	MU-B
	C-1A
	C-1B
	C-2A
	C-4A
	C-4B
	CO
	M-1A
	M-2A
	M-2
	M-1
	C-4
	C-3
	C-2
	C-1
	ZH
	TH
	B-1
	R-3
	R-2
	R-1
*****	
Recycling kiosk	
*****	
Restaurant with drive through service	
Retail store & shopping center without drive through service (50,000 sq. ft. bldg. or less)	
Retail store & shopping center with drive through service (50,000 sq. ft. bldg. or less)	
Retail store & shopping center (more than 50,000 sq. ft. bldg.)	
*****	
Single family industrialized home (see Sec. 5.8)	
*****	
Storage - exterior storage for boats and recreational vehicles	
*****	
Tattoo or body piercing studio	



Legend	
P – The land use is permitted by right in the zoning district indicated.	
– The land use is prohibited in the zoning district indicated (Blank).	
NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except PD.	
Types of Land Uses	Pre-1987 Zoning Districts
	R-1
	R-2
	R-3
	B-1
	TH
	ZH
	C-1
	C-2
	C-3
	C-4
	M-1
	M-2
	APD
	R-1A-43.5
	R-1A 12
	R-1A 8
	R-1A 6.6
	R-2A
	R-3L
	R-3H
	B-1A
	B-1B
	TH-A
	ZH-A
	MU-A
	MU-B
	C-1A
	C-1B
	C-2A
	C-4A
	C-4B
	CO
	M-1A
	M-2A
*****	
Transfer station (refuse/pick-up)	
*****	
University or college (public or private)	
*****	



## **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 of such conflict only.

## **SECTION 4**

**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 5**

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**PASSED AND APPROVED:** Second and Final Reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**BARRON CASTEEL, Mayor**

**ATTEST:**

---

**PATRICK D. ATEN, City Secretary**

**APPROVED AS TO FORM:**

---

**VALERIA M. ACEVEDO, City Attorney**



## Planning Commission Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. G)

### Presenter

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

### **SUBJECT:**

Public hearing and first reading of an ordinance regarding the proposed rezoning of 7.2 acres addressed at 144 Rueckle Road, from "C-1B" General Business District to "M-2A" Heavy Industrial District.

### **BACKGROUND / RATIONALE:**

**Case No.:** PZ19-0229

**Council District:** 1

**Applicant:** HMT Engineering & Surveying  
290 S. Castell Ave., Suite 100  
New Braunfels, Texas 78130  
(830) 625-8555  
plats@hmtnb.com

**Property Owner:** Char Mar Limited Partnership  
Maurice Fischer  
P.O. Box 310339  
New Braunfels, TX 78131  
(830) 625-4214

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

The approximately 7-acre subject property is located on the west side of Rueckle Road, approximately 1,000 feet southeast of its intersection with IH 35, across the street from Hill Country RV Resort. The property is currently developed with a single-family residence, barn and a truck parking/outdoor storage area.

The subject property is the northern portion of a 15-acre parcel, with the balance of the property currently zoned "M-2A" Heavy Industrial District. The applicant is requesting this rezoning to facilitate new development and to provide consistent zoning on the parcel.

### *Surrounding Zoning and Land Use:*

North - C-1B and APD/ Single-family residence and World Car automobile sales

South - M-2A/ Single-family residence and undeveloped

East - Across Rueckle Road, C-3/ Hill Country RV Resort

West - M-2A/ Undeveloped

*Regional Transportation Plan:*

Rueckle Road is identified as a 200-foot wide Parkway. The current right-of-way width at this location is approximately 80 feet.

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

<b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan	<b>Action 1.3:</b> Encourage balanced and fiscally responsible land use patterns. <b>Action 1.6:</b> Incentivize infill development and redevelopment to take advantage of existing infrastructure. <b>Action 1.8:</b> 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.
--	--

**FISCAL IMPACT:**

N/A

**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 (*While some of the permitted uses in M-2A may not be compatible with adjacent residential uses, setbacks and buffers will be required where adjacent to residences.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The proposed zoning should not conflict with existing and proposed schools, streets, or utilities in the area.*);
- How other areas designated for similar development will be affected (*The proposed zoning should complement other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*There should be no other factors that will substantially affect the public health, safety, morals, or general welfare.*); and
- Whether the request is consistent with the Comprehensive Plan (*The subject property lies within the Walnut Springs Sub Area, an Employment Center, and near a Transitional Mixed-Use Corridor (IH 35).*)

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on September 4, 2019 and recommended approval of the applicant's request (9-0-0)

**STAFF RECOMMENDATION:**

The requested zoning is consistent with Actions in Envision New Braunfels, and buffer requirements should mitigate potential impacts on adjacent residential use. Therefore, staff recommends approval of the applicant's request.

**Notification:**

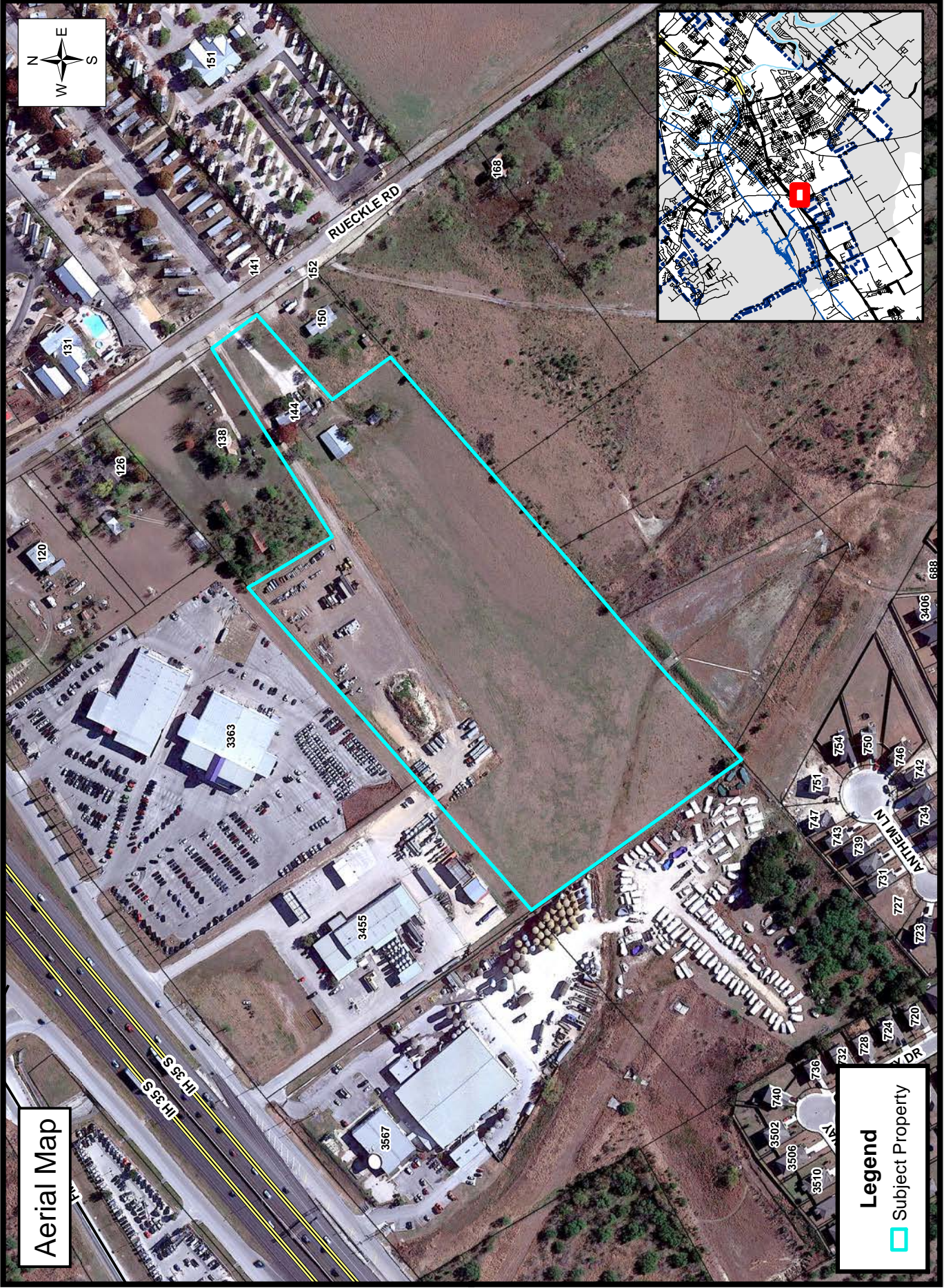
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Public hearing notices were sent to 12 owners of property within 200 feet. The City has received one response in objection (#4).

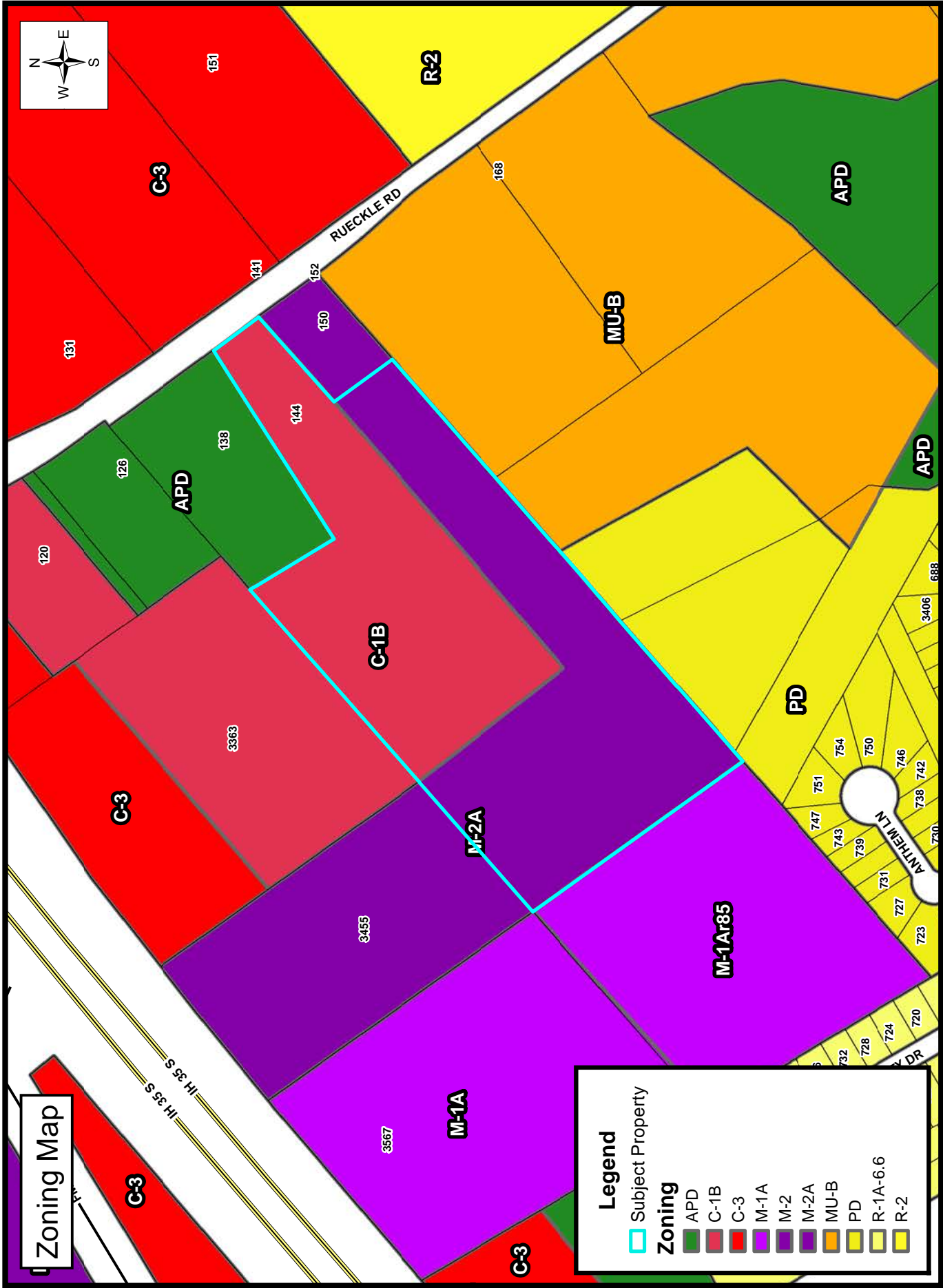
**Attachments:**

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. Notification Map and Responses
4. Sec. 3.4-19 M-2A
5. Photograph
6. Draft Planning Commission Meeting Minutes
7. Ordinance









## 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

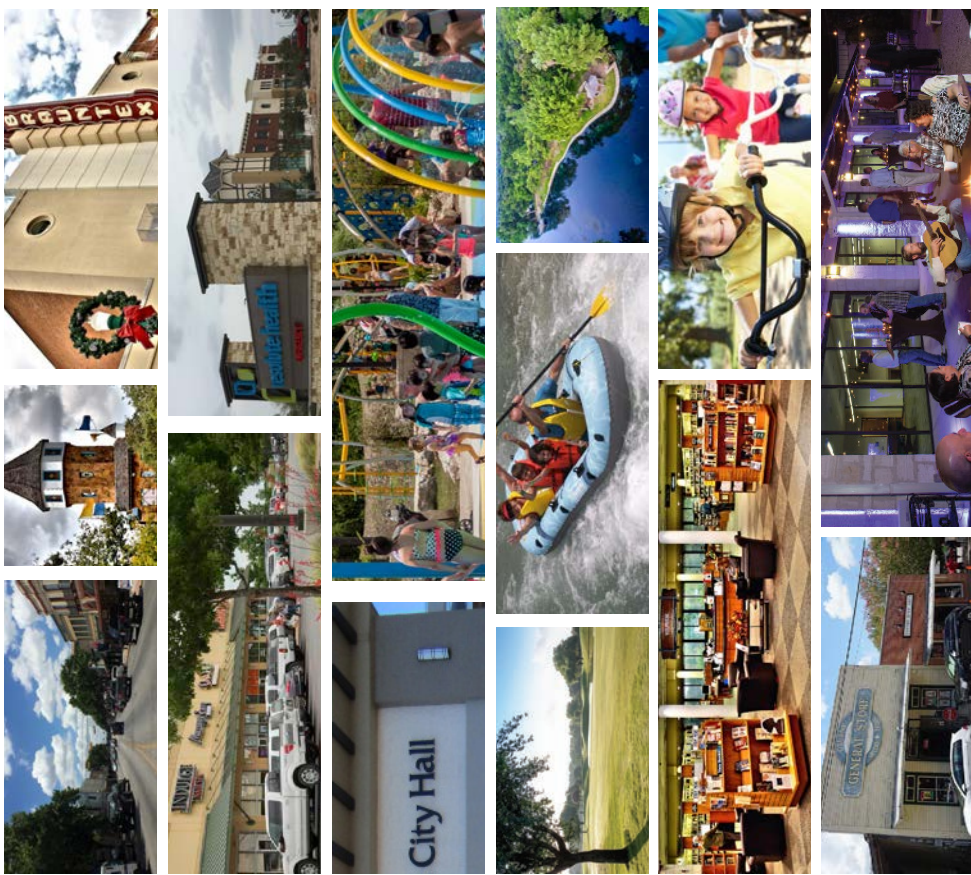
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

### 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.







# 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

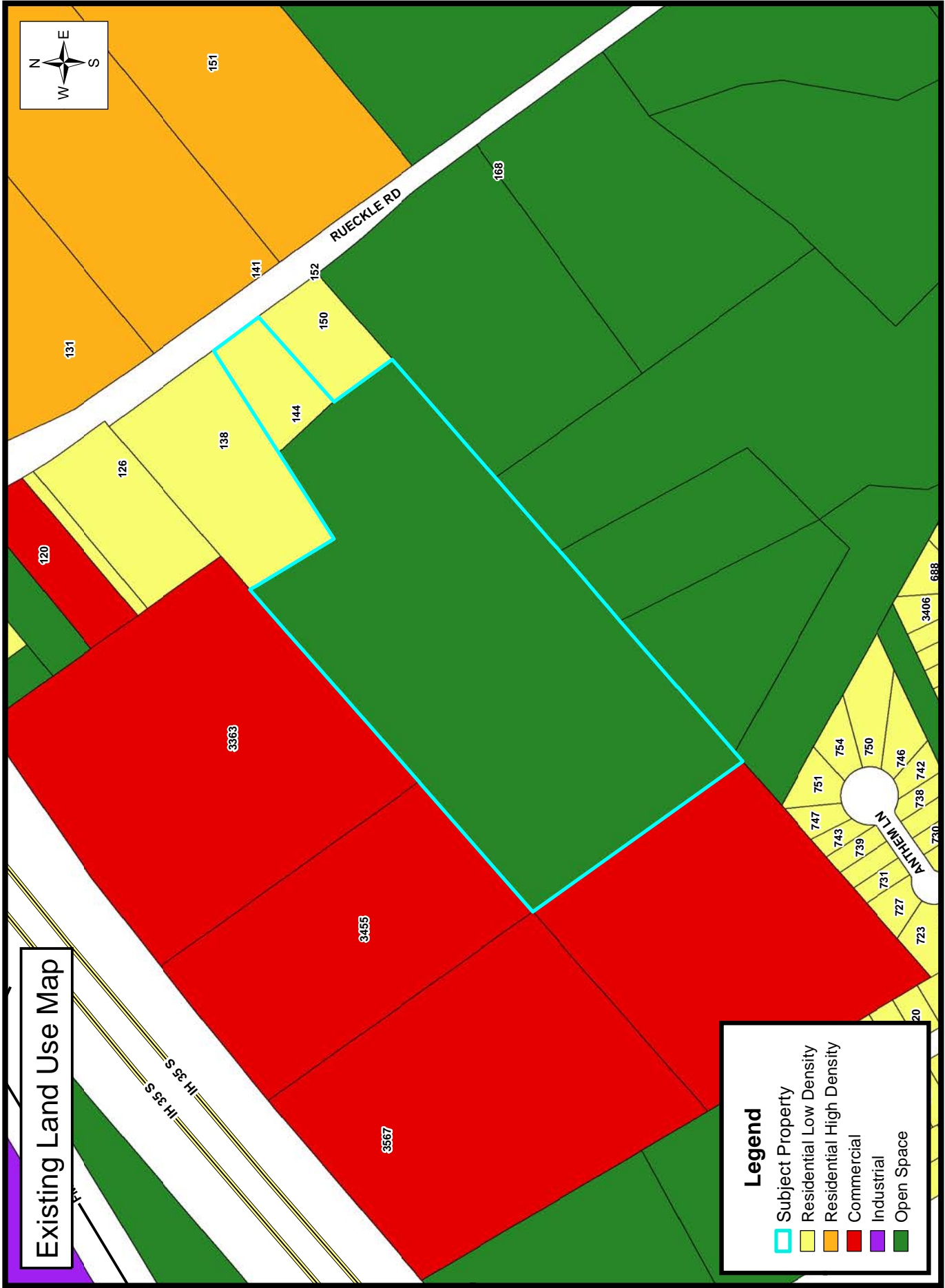
Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

## SUB AREA 8

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







**PZ19-0229**  
**144 Rueckle Road**  
**C-1B to M-2A**



**PLANNING COMMISSION – September 4, 2019 – 6:00PM**

New Braunfels City Hall Council Chambers

**Applicant/Owner:** HMT Engineering & Surveying**Address/Location:** 144 Rueckle Road**PROPOSED SPECIAL USE PERMIT – CASE #PZ19-0229**

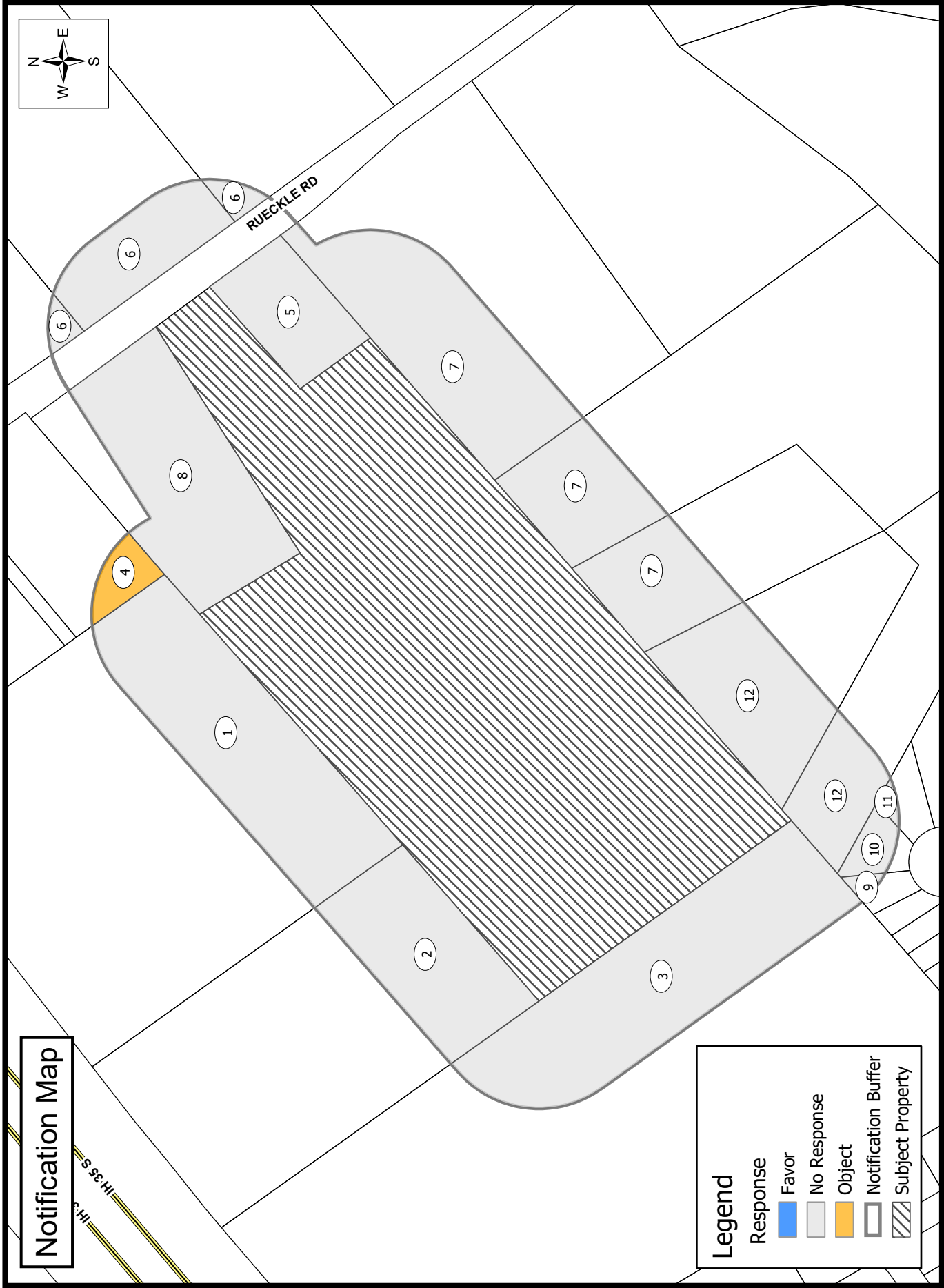
The circled numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as “Subject Property”.

- |  |   |
|--|---|
| 1. NEW BRAUNFELS WORLD PROPERTY CO LTD | 8. VOIGT LOIS N                             |
| 2. CHAR MAR LTD PARTNERSHIP            | 9. PASSMORE THERESA J & MICHAEL A           |
| 3. LEISURE POOLS USA HOLDINGS LTD      | 10. PLATZ CHRISTOPHER J                     |
| 4. RENTERIA BERTHA G & ANTONIO L       | 11. FEENEY BRENDAN & MEGAN                  |
| 5. CHAR MAR LIMITED PARTNERSHIP        | 12. HERITAGE PARK RESIDENTIAL COMMUNITY INC |
| 6. SUN SILVER STAR LLC ET AL           |   |
| 7. RUECKLE COMMERCIAL HOLDINGS LLC     |   |

---

**SEE MAP**





## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ19-0229 (Midtex) ms

Name: Antonio-Bertha RenteriaAddress: 126 S. Ruehle Rd.Property number on map: ~~X~~ 4

Comments: (Use additional sheets if necessary)

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

I object: I object  
(State reason for objection)Signature: Antonio Renteria

### 3.4-19 "M-2A" heavy industrial district.

*Purpose.* The M-2A heavy industrial district is intended primarily for the conduct of heavy manufacturing, assembling and fabrication activities that do not typically depend upon frequent customer or client visits. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad. The following regulations shall apply in all "M-2A" districts:

(a) *Authorized uses.* Uses permitted by right and by special use permit 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
- Community home (see definition)
- Multifamily (apartments/condominiums – at least five units)
- Residential use in buildings with the following non-residential uses

Non-residential uses:

- Accounting, auditing, bookkeeping, and tax preparations
- Adult day care (no overnight stay)
- Adult day care (with overnight stay)
- Aircraft support and related services
- Airport
- All terrain vehicle (ATV) dealer / sales
- Ambulance service (private)
- Amphitheater
- Amusement devices/arcade (four or more devices)
- Amusement services or venues (indoors) (see Sec. 5.13)
- Amusement services or venues (outdoors)
- Animal grooming shop
- Answering and message services
- Antique shop
- Appliance repair
- Archery range
- 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.5.0)
- 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
- Auto repair as an accessory use to retail sales (see Sec.10)
- Auto repair (general) (see Sec.10)
- 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 union  
 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  
 Bio-medical facilities  
 Blacksmith or wagon shops  
 Blooming or rolling mills  
 Book binding  
 Book store  
 Bottling or distribution plants (milk)  
 Bottling works  
 Bowling alley/center (see Sec. 5.13)  
 Breweries/distilleries and manufacture of alcohol and alcoholic beverages  
 Broadcast station (with tower) (see Sec. 5.7)  
 Bus barns or lots  
 Bus passenger stations  
 Cafeteria / café / delicatessen  
 Campers' supplies  
 Canning/preserving factories  
 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  
 Chemical laboratories (e.g., ammonia, bleaching powder)  
 Chemical laboratories (not producing noxious fumes or odors)  
 Church/place of religious assembly  
 Cider mills  
 Civic/conference center and facilities  
 Cleaning, pressing and dyeing (non-explosive fluids used)  
 Club (private)  
 Coffee shop  
 Cold storage plant  
 Commercial amusement concessions and facilities  
 Communication equipment - installation and/or repair  
 Community building (associated with residential uses)  
 Computer and electronic sales  
 Computer repair  
 Concrete or asphalt mixing plants - permanent  
 Concrete or asphalt mixing plants - temporary  
 Confectionery store (retail)  
 Consignment shop  
 Contractor's office/sales, with outside storage including vehicles  
 Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)  
 Convenience store with or without fuel sales

Cotton ginning or baling works  
 Credit agency  
 Crematorium  
 Curio shops  
 Custom work shops  
 Dance hall / dancing facility (see Sec. 5.13)  
 Department store  
 Drapery shop / blind shop  
 Driving range  
 Drug sales/pharmacy  
 Electrical generating plant  
 Electrical repair shop  
 Electrical substation  
 Electronic assembly/high tech manufacturing  
 Electroplating works  
 Enameling works  
 Engine repair/motor manufacturing re-manufacturing and/or repair  
 Exterminator service  
 Fair ground  
 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  
 Flour mills, feed mills, and grain processing  
 Food or grocery store with or without fuel sales  
 Food processing (no outside public consumption)  
 Forge (hand)  
 Forge (power)  
 Fraternal organization/civic club (private club)  
 Freight terminal, rail/truck (when any storage of freight is wholly outside an enclosed building)  
 Freight terminal, truck (all storage of freight in an enclosed building)  
 Frozen food storage for individual or family use  
 Funeral home/mortuary  
 Furniture manufacture  
 Furniture sales (indoor)  
 Galvanizing works  
 Garden shops and greenhouses  
 Golf course  
 Golf course (miniature)  
 Governmental building or use Grain elevator  
 Greenhouse (commercial)  
 Handicraft shop  
 Hardware store  
 Health club (physical fitness; indoors only)  
 Heating and air-conditioning sales / services  
 Heavy load (farm) vehicle sales/repair (see Sec.5.14)  
 Heavy manufacturing  
 Heliport  
 Hides/skins (tanning)  
 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)  
 Ice plants  
 Industrial laundries  
 Kiosk (providing a retail service)  
 Laboratory equipment manufacturing  
 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  
 Leather products manufacturing  
 Light manufacturing  
 Limousine / taxi service  
 Livestock sales/auction  
 Locksmith  
 Lumberyard (see Sec. 5.15)  
 Lumberyard or building material sales (see Sec. 5.15)  
 Machine shop  
 Maintenance/janitorial service  
 Major appliance sales (indoor)  
 Manufactured home sales  
 Manufacturing and processes  
 Market (public, flea)  
 Martial arts school  
 Meat or fish packing/storage plants  
 Medical supplies and equipment  
 Metal fabrication shop  
 Micro brewery (onsite manufacturing and/or sales)  
 Mini-warehouse/self storage units (no outside boat and RV storage permitted)  
 Mini-warehouse/self storage units with outside boat and RV storage  
 Motion picture studio, commercial film  
 Motion picture theater (indoors)  
 Motion picture theater (outdoors, drive-in)  
 Motorcycle dealer (primarily new / repair)  
 Moving storage company  
 Moving, transfer, or storage plant  
 Museum  
 Needlework shop  
 Non-bulk storage of fuel, petroleum products and liquefied petroleum  
 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  
 Outside storage (as primary use)  
 Paint manufacturing  
 Park and/or playground (private or public)  
 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.)  
 Photo engraving plant  
 Photographic printing/duplicating/copy shop or printing shop  
 Photographic studio (no sale of cameras or supplies)  
 Photographic supply  
 Plant nursery  
 Plant nursery (growing for commercial purposes with retail sales on site)  
 Plastic products molding/reshaping  
 Plumbing shop  
 Portable building sales  
 Poultry killing or dressing for commercial purposes  
 Propane sales (retail)  
 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  
 Rappelling facilities  
 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  
 Rodeo grounds  
 RV park  
 RV/travel trailer sales  
 Sand/gravel sales (storage or sales)  
 School, K-12 (public or private)  
 School, vocational (business/commercial trade)  
 Security monitoring company  
 Security systems installation company (with outside storage)  
 Sheet metal shop  
 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  
 Stone/clay/glass manufacturing  
 Storage - interior and exterior storage for boats and recreational vehicles  
 Storage in bulk



Studio for radio or television (with tower) (see Sec. 5.7)  
 Studios (art, dance, music, drama, reducing, photo, interior  
 decorating, etc.)  
 Tailor shop (see home occupation)  
 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  
 Transfer station (refuse/pick-up)  
 Travel agency  
 Truck or transit terminal (with outside storage)  
 Truck Stop  
 University or college (public or private)  
 Upholstery shop (non-auto)  
 Used or second hand merchandise/furniture store  
 Vacuum cleaner sales and repair  
 Veterinary hospital (with or without outside animal runs or  
 kennels) with the exception that outdoor kennels may not be  
 used between the hours of 9:00 p.m. and 7:00 a.m. and are  
 prohibited adjacent to residential  
 Video rental / sales  
 Warehouse / office and storage / distribution center  
 Waterfront amusement facilities - berthing facilities sales and  
 rentals  
 Waterfront amusement facilities - boat fuel storage / dispensing  
 facilities  
 Waterfront amusement facilities - boat landing piers / launching  
 ramps  
 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  
 Welding shop  
 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, provided that such use is not obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

(2) Any other uses not now or hereinafter prohibited by ordinance of the City of New Braunfels regulating nuisances, except that the following uses will be permitted only by approval of the City Council after report from the Health Department, Fire Department, and Planning Commission:

Acid manufacture.  
 Auto wrecking yards.  
 Bulk storage of fuel, liquefied petroleum and flammable liquids.  
 Cement, lime, gypsum or plaster of Paris manufacture.  
 Distillation of bones.  
 Explosives manufacture or storage.

Fertilizer manufacture and storage.  
 Garbage, offal or dead animal reduction or dumping.  
 Gas manufacture.  
 Iron and steel manufacture.  
 Junkyards, including storage, sorting, baling or processing of rags.  
 Manufacture of carbon batteries.  
 Manufacture of paint, lacquer, oil, turpentine, varnish, enamel, etc.  
 Manufacture of rubber, glucose, or dextrin.  
 Monument or marble works.  
 Oil compounding and barreling plants.  
 Paper or pulp manufacture.  
 Petroleum or its products (refining of).  
 Railroad roundhouses or shops.  
 Rock crushers.  
 Smelting of tin, copper, zinc or iron ores.  
 Steel furnaces.  
 Stockyards or slaughtering.  
 Structural iron or pipe works.  
 Sugar refineries.  
 Tar distillation or manufacture.  
 Tar products.  
 Wire or rod mills.  
 Wood distillation plants (charcoal, tar, turpentine, etc.).  
 Wool scouring.

(3) *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) Non-residential uses.

(i) *Height.* 120 feet.

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

(iii) *Side building setback.* No side building setback is required.

(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) *Residential setback.* Where a non-residential building abuts a one or two family use or zoning district, the setback from the residential property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.

(vii) *Rear building setback.* 20 feet.

(viii) *Width of lot.* 60 feet.

(ix) *Lot depth.* 100 feet.

(x) *Parking.* See Sec. 5.1. for permitted uses' parking.

(2) Residential.

(i) *Height.* 45 feet, or 60 feet when a pitched roof is used (minimum 4:12 slope)

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

(iii) *Side building setback.* A side building setback of five feet shall be provided. Buildings on corner lots shall have 15-foot 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.

(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.* 25 feet.

(vi) *Residential setback.* Effective November 8, 2006, where a multifamily dwelling 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.

(vii) *Accessory uses.* Accessory uses such as swimming pools, tennis courts and playgrounds will not be permitted within any required yard.

(viii) *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.

(ix) *Density.* 24 units per acre.

(x) *Lot area.* 20,000 square feet.

(xi) *Lot coverage.* The combined area of all yards shall be at least 50 percent of the total lot or tract; provided however, that in the event enclosed or covered parking is provided, the minimum total yard area requirement shall be 40 percent of the total lot or tract.

(xii) *Distance between structures.* There shall be a minimum of 10 feet between structures side by side; a minimum of 20 feet between structures side by front or rear; a minimum of 40 feet between structures front to front; and a minimum of 20 feet between structures backing rear to rear, and a minimum of 20 feet between structures front to rear. (See Illustration 1)

(xiii) *Minimum number of units.* 5

(xiv) *Parking.*

For apartments, apartment hotel units and other multifamily dwellings, off-street parking spaces shall be provided in accord with the following schedule:

1. One-bedroom apartment or unit . . . 1 1/2 spaces
2. Two-bedroom apartment or unit . . . 2 spaces
3. Each Additional bedroom . . . 1/2 space
4. Each dwelling unit provided exclusively for low income elderly occupancy . . . 3/4 space ("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards.)  
See Section 5.1 for other permitted uses' parking.



Subject Property from Rueckle Road

### **Draft Minutes for the September 4, 2019 Planning Commission Regular Meeting**

#### **Public hearing and recommendation to City Council regarding the proposed rezoning of 7.2 acres addressed at 144 Rueckle Road, from "C-1B" General Business District to "M-2A" Heavy Industrial District.**

(Applicant: HMT Engineering & Surveying; Case Manager: Matthew Simmont)

Mr. Simmont summarized the request and stated Staff recommended approval.

Chair Edwards invited the applicant to speak.

Chris Van Herde, HMT Engineering & Surveying, stated he was the applicant. Mr. Van Herde explained the reasoning for the request and stated he could answer any questions the Commission may have.

Chair Edwards asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wished to speak in opposition.

No one spoke.

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

Motion by Commissioner Sonier, seconded by Commissioner Mathis, to recommend approval to City Council regarding the proposed rezoning of 7.2 acres addressed at 144 Rueckle Road, from "C-1B" General Business District to "M-2A" Heavy Industrial District. Motion carried (9-0-0).

**ORDINANCE NO. 2019-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 7.23 ACRES OUT OF THE J. THOMPSON SURVEY NO. 21, ABSTRACT NO. 608 ADDRESSED AT 144 RUECKLE ROAD, FROM “C-1B” GENERAL BUSINESS DISTRICT TO “M-2A” HEAVY INDUSTRIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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**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 “M-2A” Heavy Industrial 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 rezoning 7.23 acres out of the J. Thompson Survey No. 21, Abstract No. 608, addressed at 144 Rueckle Road, from “C-1B” General Business District to “M-2A” Heavy Industrial 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 rezoning the following described tract of land from “C-1B” to “M-2A” Heavy Industrial District:

7.23 acres out of the J. Thompson Survey No. 21, Abstract No. 608, addressed at 144 Rueckle Road, as described in 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 23<sup>rd</sup> day of September, 2019.

**PASSED AND APPROVED:** Second reading this 14<sup>th</sup> day of October, 2019.

**CITY OF NEW BRAUNFELS**

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**BARRON CASTEEL**, Mayor

**ATTEST:**

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**PATRICK D. ATEN**, City Secretary

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney



290 S. Castell Avenue, Ste. 100  
New Braunfels, TX 78130  
(830) 625-8555  
TBPE-FIRM F-10961  
TBPLS FIRM 10153600



# METES AND BOUNDS DESCRIPTION FOR A 7.231 ACRE TRACT OF LAND

Being a 7.231 acre tract of land located in the J. Thompson Survey No. 21, Abstract No. 608, Comal County, Texas, being out of a called 15.20 acre tract of land, recorded in Document No. 200806044547, Official Public Records, Comal County, Texas, said 7.231 acre tract of land being more particularly described as follows:

BEGINNING at a found  $\frac{1}{2}$ " iron pin with cap stamped "DAM" in the Southwest Right of Way line of Ruckle Road for an East corner of a called 2.84 acre tract recorded in Document No. 200506022180, Official Public Records, Comal County, Texas, a Northern corner of the aforementioned 15.20 acre tract, and a corner of the herein described tract;

THENCE with the Southwest Right of Way line of Ruckle Road, S  $36^{\circ}16'49''$  E a distance of 125.06 to a found  $\frac{1}{2}$ " iron pin with cap stamped "DAM" for the Northwest corner of a called 1.008 acre tract of land known as Lot 1, Unit One, Reininger Subdivision, recorded in Volume 5, Page 254, Map and Plat Records, Comal County, Texas, the Northeast corner of said 15.20 acre tract, and the Northeast corner of the herein described tract;

THENCE departing the Southwest Right of Way line of Ruckle Road, with the Northwest line of said Lot 1, Reininger Subdivision, S  $48^{\circ}42'18''$  W passing a a found  $\frac{1}{2}$ " iron pin with cap stamped "KSC" at 258.96 feet for the Southwest corner of said Lot one, Reininger Subdivision, continuing across and through said 15.20 acre tract a total distance of 1066.57 feet to a point for a corner of the herein described tract;

THENCE continuing across and through said 15.20 acre tract, N  $35^{\circ}34'21''$  W a distance of 413.64 feet to a found  $\frac{1}{2}$ " iron pin for the South corner of Lot 1A-R, the Northeast corner of Lot 1B-R, Greenway Plaza, recorded in Document No. 200806036614, Official Public Records, Comal County, Texas, and the Southwest corner of the herein described tract;

THENCE with the Southeast line of said Lot 1A-R, the following two (2) calls:

1. N  $48^{\circ}49'11''$  E a distance of 171.87 feet to a found  $\frac{1}{2}$ " iron pin;
2. N  $48^{\circ}36'18''$  E a distance of 403.76 feet to a found mag nail in concrete for a Southwest corner of the aforementioned 2.84 acre tract, and a West corner of the herein described tract;

THENCE with the South and East line of said 2.84 acre tract, the following two (2) calls:

1. S  $31^{\circ}16'31''$  E a distance of 211.68 feet to a 3" metal fence post for a corner;
2. N  $57^{\circ}43'08''$  E a distance of 503.67 feet to the POINT OF BEGINNING, containing 7.231 acres of land in Comal County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83.

Written this the 19th day of July, 2019.

Reference survey of said 7.231 acre tract of land prepared this same date.

  
Dorothy J. Taylor  
Registered Professional Land Surveyor No. 6295  
S:\Projects\068 - Midtex Oil, LP\003 - Midtex Oil Site Improvements\M&B\7.231 AC.docx

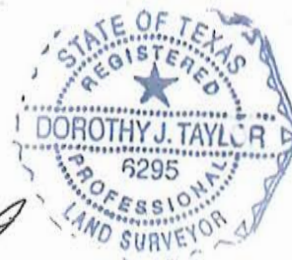


EXHIBIT "A"



7.231 ACRES OF LAND OUT OF THE JOHN THOMPSON SURVEY NO. 21, A-608, COMAL COUNTY, TEXAS, BEING OUT OF A CALLED 15.20 ACRE TRACT, RECORDED IN DOCUMENT NO. 200806044547, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS.

LEGEND:

- = FND 1/2" IRON PIN
- = BUILDING SETBACK LINE
- = UTILITY EASEMENT
- = DRAINAGE EASEMENT
- = RIGHT-OF-WAY
- ( ) = RECORD CALLS
- X— = WIRE FENCE
- = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
- = MAP & PLAT RECORDS OF COMAL COUNTY, TEXAS

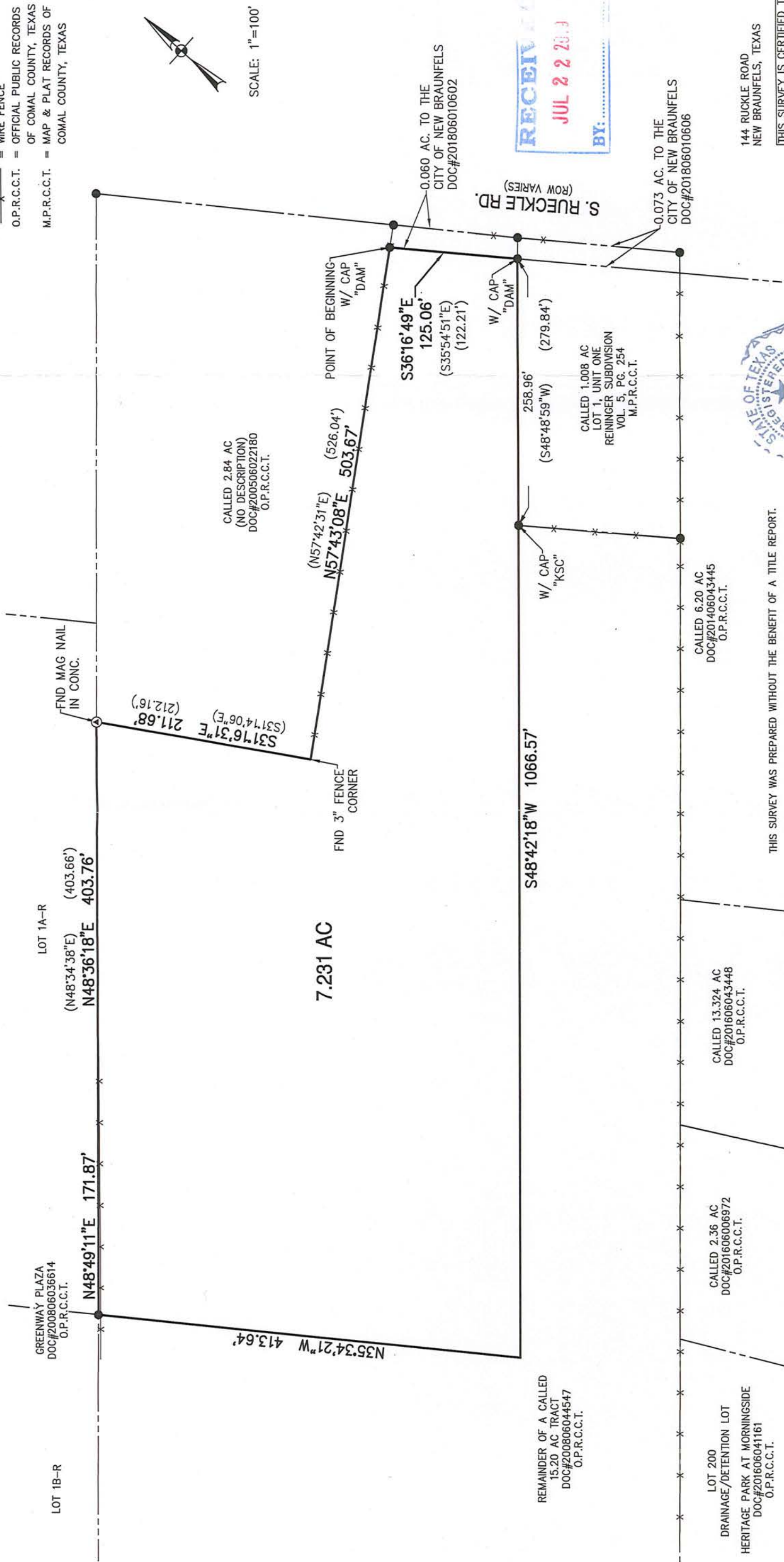


EXHIBIT "B"

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

THIS SURVEYOR HAS NOT CONDUCTED A TITLE SEARCH TO DEPICT OTHER MATTERS OF RECORD, SUCH AS EASEMENTS, SETBACKS, RESTRICTIONS OR OTHER ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.

NO ATTEMPT HAS BEEN MADE TO LOCATE ANY IMPROVEMENTS, EASEMENTS, OR RIGHTS OF WAY NOT SHOWN HEREON.

BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83.

A METES & BOUNDS DESCRIPTION OF THIS TRACT WAS CREATED IN CONJUNCTION WITH THIS EXHIBIT.



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION

THIS 19TH DAY OF JULY 2019

DOROTHY J. TAYLOR  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295

068.003



290 S. CASTELL AVE., STE. 100  
NEW BRAUNFELS, TX 78130  
TBPE FIRM F-10961  
TBPLS FIRM 10153600



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**9/23/2019**

Agenda Item No. H)

### Presenter

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

### **SUBJECT:**

Discuss and consider a waiver from the requirement to construct sidewalks along Granada Hills for the proposed Red Hawk Trail Subdivision.

### **Plat Information:**

**Case #:** PP19-0236

### **Owner/ Developer:**

David Doctor, Trustee  
P.O. Box 310636  
New Braunfels, TX 78131  
(830) 358-8878  
ddoctor@kw.com

### **Engineer/ Applicant:**

Urban Civil (Brian Mendez)  
190 S. Seguin Avenue  
New Braunfels, TX 78130  
(830) 606-3913  
bmendez@urbancivil.com

### **Staff contact:**

Matthew Simmont, Planner  
(830) 221-4058  
msimmont@nbtexas.org

### **Background:**

The subject property is located outside the city limits within the City's ETJ, approximately 350 feet northwest of the intersection of Steeple Run and Granada Hills. The property is surrounded by the River Chase subdivision on three sides and by the Ranches of Comal subdivision to the southwest. The plat associated with this request created 5 residential lots that are at least 5 acres each.

**The applicant is requesting a waiver from the sidewalk requirement** citing there are no sidewalks within the surrounding subdivisions and the streets are rural in nature with no curbs or gutters. Granada Hills was constructed as a Large Lot Residential Local Street with 60 feet of right-of-way width and no sidewalks (minimum 100 feet of lot frontage sidewalk exemption). The Granada Hills plat extension is the construction of a cul-de-sac where a dead-end street exists today. The proposed lots fronting onto the cul-de-sac do not have the minimum 100 feet required for the street

standard to trigger the sidewalk exemption.

The City does not oppose the request to waive the requirement for sidewalks along the extension of Granada Hills based upon the existing design of the surrounding neighborhood and the unlikelihood of redevelopment into higher density or with pedestrian activity nodes.

The Platting Ordinance authorizes waivers to be granted when an undue hardship will result from strict compliance with the ordinance, or where the purpose of the regulation may be served to a greater extent by an alternative proposal, so that substantial justice may be done, and the public interest secured. A waiver may not be approved unless it is found that:

1. Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity;
2. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein; and
3. The waiver will not in any manner vary the provisions of the Zoning Ordinance or other ordinance (s) of the City.

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

<b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan	<b>Action 3.19:</b> Improve walkability across town to attract younger generations seeking pedestrian connections. <b>Action 7.3:</b> Prioritize connecting sidewalk gaps through development requirements or public investment. <b>Action 7.5:</b> Continue development of sidewalks and trails to increase interconnectivity by 5 percent each year to support reduction of carbon footprint. <b>Action 7.19:</b> Improve connectivity for all modes of transportation including bicycles.
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#### **FISCAL IMPACT:**

At some point in the future, sidewalks may have to be constructed, or other modifications made to the right-of-way, to comply with the Americans with Disabilities Act, possibly at taxpayer expense.

#### **COMMITTEE RECOMMENDATION:**

On September 4, 2019 the Planning Commission approved the preliminary plat for Red Hawk Trail Subdivision with a recommendation for approval of a waiver from the requirement for sidewalks to be built along Granada Hills.

#### **Staff Recommendation:**

Staff recommends approval of the applicant's request due to:

- The nature of Granada Hills as a street serving a rural residential neighborhood with no nearby current or planned development to generate or attract pedestrians; and
- No road improvement projects that include sidewalks proposed in the next ten years to justify

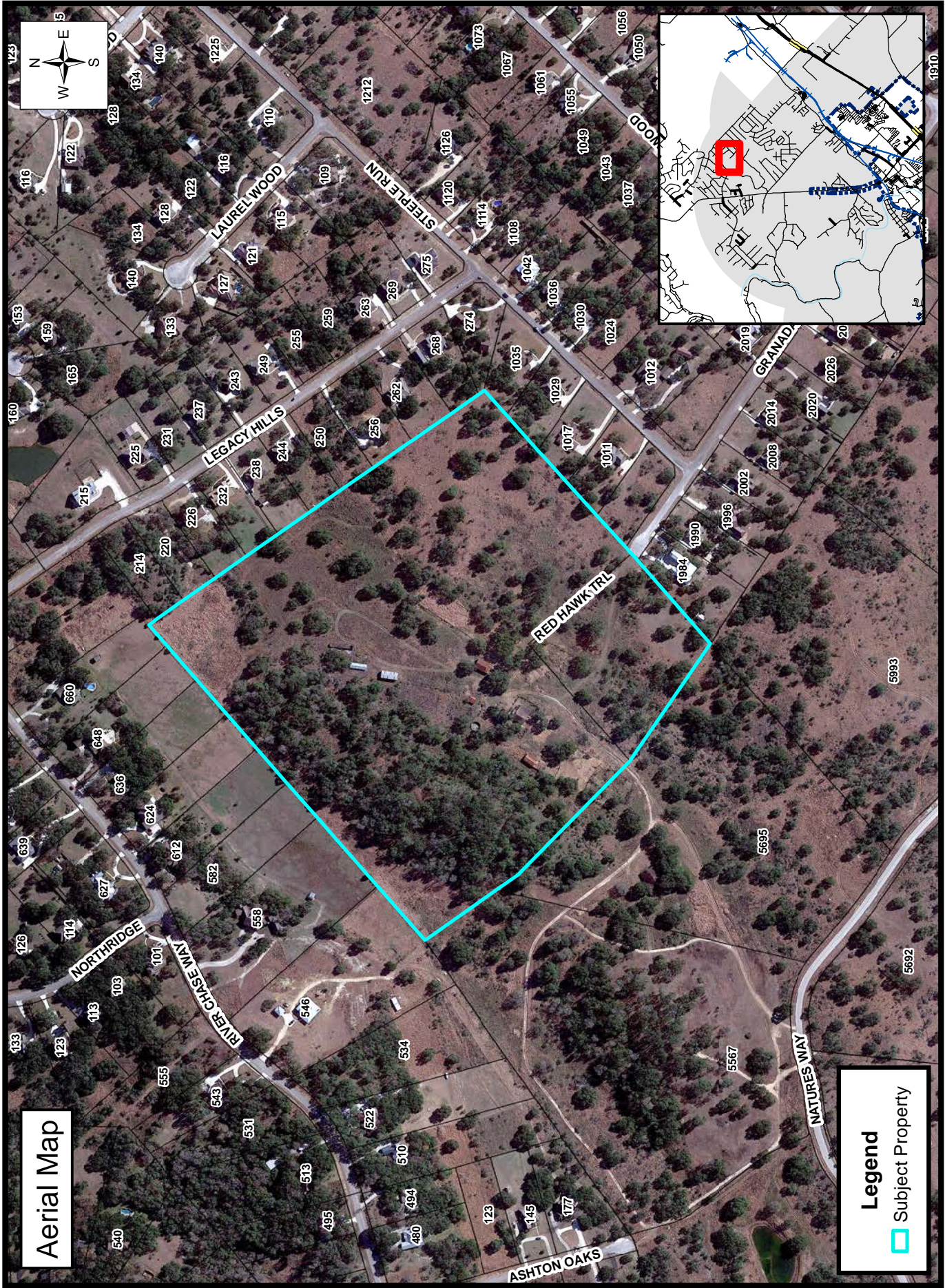
---

the developer's escrow of funds for construction.

**Attachments:**

1. Aerial and Regional Transportation Plan Map
2. Red Hawk Trail Preliminary Plat
3. Waiver Request
4. Sidewalk Vicinity Map





Aerial Map

Legend  
Subject Property

PP19-236  
Red Hawk Trail  
Preliminary Plat



Map Created: 8/23/2019



GENERAL NOTES

1. MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND LOT MARKERS WILL BE SET WITH 1/2" IRON ROD WITH ORANGE PLASTIC CAP STAMPED "URBAN CIVIL" AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTIONS UNLESS NOTED OTHERWISE.
2. ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, NAD83 (NAZ011), SOUTH-CENTRAL ZONE. BASED ON GPS OBSERVATIONS TO COOP COR'S BASE STATION SGT1. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES. ALL COORDINATES WERE ADJUSTED FROM STATE PLANE GRID TO PROJECT SURFACE USING A SURFACE ADJUSTMENT SCALE FACTOR OF 1.00014.
3. NO PORTION OF ANY LOT ON THIS PLAT IS WITHIN A SPECIAL FLOOD HAZARD ZONE, PER FLOOD INSURANCE RATE MAP, COMAL COUNTY, TEXAS AND INCORPORATED AREAS, MAP NUMBER 48091C0280F & 48091C0290F, EFFECTIVE DATE SEPTEMBER 2, 2009.
4. THIS PROPERTY LIES IN THE COMAL INDEPENDENT SCHOOL DISTRICT.
5. NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.
6. FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.
7. WATER SERVICE WILL BE PROVIDED BY NEW BRAUNFELS UTILITIES.
8. ELECTRIC SERVICE WILL BE PROVIDED BY PEDERNALES ELECTRIC CO-OP, INC.
9. SEWER SERVICE WILL BE PROVIDED BY INDIVIDUAL PRIVATE ONSITE SEWAGE FACILITIES.
10. THIS PROPERTY DOES LIE OVER THE RECHARGE ZONE OF THE EDWARD'S AQUIFER.
11. TELEPHONE SERVICE WILL BE PROVIDED BY G.V.E.C.
12. REFERENCED PROPERTY DOES LIE WITHIN THE CITY OF NEW BRAUNFELS EXTRATERRITORIAL JURISDICTION AND WITHIN COMAL COUNTY.
13. DRAINAGE EASEMENTS SHALL BE FREE FROM ALL OBSTRUCTIONS. MAINTENANCE OF DRAINAGE EASEMENT DESIGNATED WITHIN A LOT SHALL BE RESPONSIBILITY OF THE PROPERTY OWNER. NO DEVELOPMENT, BUILDING OR STRUCTURES IS PERMITTED WITHIN A DRAINAGE EASEMENT.
14. PROPERTY OWNERS ARE ADVISED THAT THEY ARE RESPONSIBLE FOR MAINTENANCE OF DEDICATED EASEMENTS ON THEIR PROPERTY AND MAY NOT UTILIZE THESE EASEMENTS FOR ANY PURPOSE OTHER THAN THEIR INTENDED USE (i.e., NO STRUCTURES, SEPTIC TANK FIELDS, ETC.). GRANTEES OF SAID DEDICATED EASEMENTS RESERVE THE RIGHT OF ACCESS TO SUCH EASEMENTS.
15. THERE IS HERE BY A DEDICATED A TWENTY (20) FOOT WIDE PUBLIC UTILITY EASEMENT ADJACENT TO ALL STREET RIGHT-OF-WAY LINES, AND A TEN (10) FOOT WIDE PUBLIC UTILITY AND PUBLIC DRAINAGE EASEMENT ADJACENT TO ALL NON-STREET LOT LINES.
16. THIS SUBDIVISION IS SUBJECT TO THE CITY OF NEW BRAUNFELS 2018 PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE. THIS PLAT IS APPROVED FOR A MAXIMUM OF 17 DWELLING UNIT PER BUILDABLE LOT WITH A MAXIMUM OF 5 BUILDABLE LOTS. AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED, THE OWNER OF THE LOT SHALL CONTACT THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT.
17. NO SIDEWALK CONSTRUCTION IS REQUIRED IN ACCORDANCE WITH THE WAIVER TO THE SIDEWALK REQUIREMENT THAT WAS APPROVED BY NEW BRAUNFELS CITY COUNCIL ON \_\_\_\_\_.
18. THE ELEVATIONS OF THE LOWEST FLOOR SHALL BE ELEVATED 10 INCHES ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND AS PRESCRIBED IN THE BUILDING REGULATIONS AND CODE OF ORDINANCES. FINISHED GRADES SHALL BE SLOPES TO DIRECT STORMWATER AWAY FROM THE STRUCTURE.

OWNER'S ACKNOWLEDGEMENT:

STATE OF TEXAS  
COUNTY OF COMAL

KNOW ALL MEN BY THESE PRESENTS:

I (We) the undersigned owner(s) of the land shown on this plat, and designated herein as the RED HAWK TRAIL subdivision to the City of New Braunfels, County of Comal, Texas and whose name is subscribed hereto, do hereby subdivide such property and dedicate to the use of the Public all streets, alleys, parks, drains, easements and public places thereon shown for the purposes and consideration therein expressed.

PRELIMINARY

M.D. GENERATIONS TRUST  
P.O. BOX 310636  
NEW BRAUNFELS, TEXAS 78131

STATE OF TEXAS  
COUNTY OF COMAL

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by: \_\_\_\_\_.

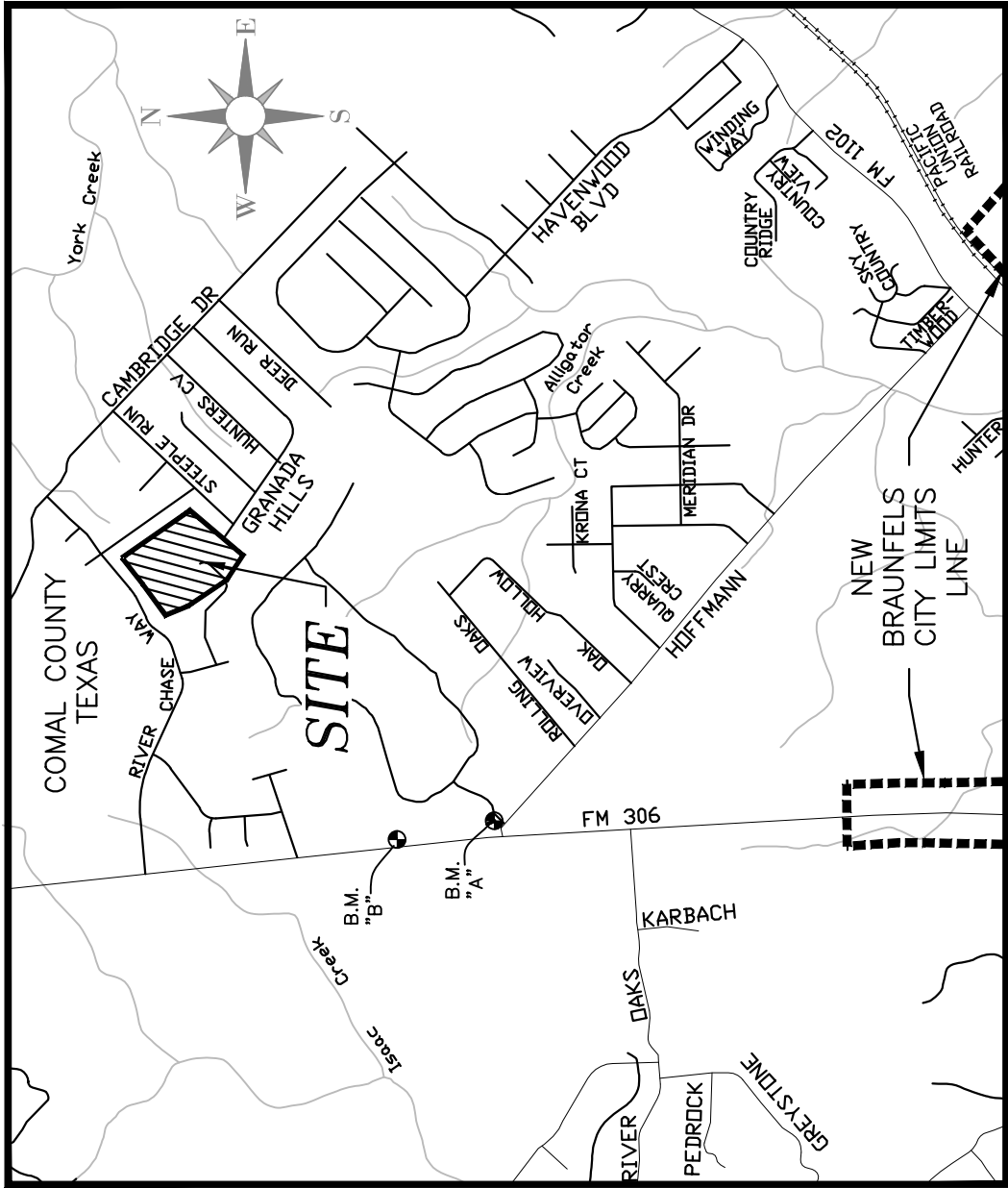
PRELIMINARY

Notary Public,  
State of Texas  
My Commission Expires:

PRELIMINARY PLAT OF

RED HAWK TRAIL  
SUBDIVISION  
BEING

45.379 Acre tract, situated in the W. Hughes Survey Number 29, Abstract Number 214, Comal County, Texas, comprised of 40.111 Acres, designated as Tract 1 and 5,268 Acres, designated as Tract 2, in a Deed from Ranches of Comal, LP, to Trustee of the MD Generations Trust dated 2017-12-19, as recorded in Document Number 201806039315 of the Official Public Records of Comal County, Texas



BENCHMARK INFORMATION

B.M. "A"  
B.M. 306-22  
ELEV.=932.76' (NAD 83)  
PUBLISHED=932.71'  
GRID N=13,838,059.68  
GRID E=2,252,182.89

B.M. "B"  
B.M. 306-23  
ELEV.=940.16' (NAD 83)  
PUBLISHED=940.08'  
GRID N=13,840,240.53  
GRID E=2,251,804.71

LOCATION MAP

NOT TO SCALE

NBU NOTES

1. MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE, OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS IN THE EASEMENT. MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES. ITS SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.
2. UTILITIES WILL POSSESS A 5-FOOT WIDE SERVICE EASEMENT TO THE BUILDING STRUCTURE ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF BUILDING STRUCTURE AND SERVICE.
3. UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA.
4. EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER/DEVELOPER'S EXPENSE.
5. DO NOT COMBINE ANY NEW UTILITY EASEMENTS (UE) WITH DRAINAGE EASEMENTS (DE) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (UE) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.
6. NBU IS NOT RESPONSIBLE FOR DAMAGES TO PROPERTY IMPROVEMENTS (I.E. LANDSCAPING, TREES, PAVEMENT, SIGNS, DRAINAGE STRUCTURES, PRIVATE UTILITIES, ETC.) THAT ARE PLACED IN ANY TYPE OF UTILITY EASEMENT. TO ENSURE NO CONFLICTS EXIST WITH UTILITY INFRASTRUCTURE IN THE EASEMENT, ALL SUCH IMPROVEMENTS, PLACED IN ANY TYPE OF UTILITY EASEMENT MUST BE REVIEWED AND APPROVED THROUGH THE NBU EASEMENT ENCROACHMENT PROCESS. NBU DEVELOPMENT SERVICES FACILITATES THE EASEMENT ENCROACHMENT APPLICATION PROCESS.

PEDERNALES ELECTRIC COOPERATIVE, INC. (P.E.C.) NOTES

1. THERE IS HEREBY DEDICATED A TWENTY (20) FOOT WIDE, PUBLIC UTILITY EASEMENT ADJACENT TO ALL STREET RIGHT-OF-WAY LINE.
2. THERE IS HEREBY DEDICATED A TEN (10) FOOT WIDE, PUBLIC UTILITY EASEMENT ADJACENT TO ALL NON-STREET LOT LINE.

STATE OF TEXAS  
COUNTY OF COMAL

I, \_\_\_\_\_do hereby certify that the foregoing instrument was filed for record in the Map and Plat Records, Doc # \_\_\_\_\_ of Comal County on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2019 at \_\_\_\_ M.

Witness my hand official seal, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2019.

County Clerk, Comal County, Texas.

PRELIMINARY  
Deputy

CERTIFICATE OF APPROVAL

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the Planning Commission of the City of New Braunfels, Texas.

PRELIMINARY

Chairman

APPROVED FOR ACCEPTANCE

PRELIMINARY

Planning Director

PRELIMINARY

City Engineer

PRELIMINARY

New Braunfels Utilities

STATE OF TEXAS  
COUNTY OF COMAL

KNOW ALL MEN BY THESE PRESENTS:

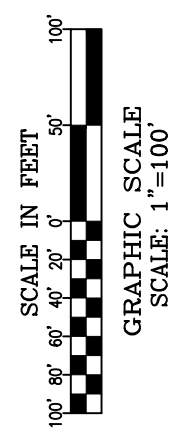
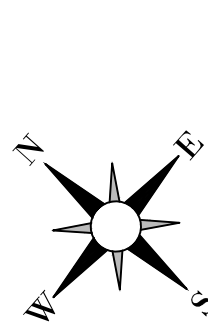
I, the undersigned, KEITH W. WOOLEY, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat is true and correctly made under my supervision and in compliance with City and State survey regulations and laws and made on the ground and that the corner monuments were properly placed under my supervision.

PRELIMINARY. THIS DOCUMENT SHALL NOT  
BE RECORDED FOR ANY PURPOSE  
AND SHALL NOT BE USED OR VIEWED OR  
RELIED UPON AS A FINAL SURVEY  
DOCUMENT. JULY 24, 2019

PRELIMINARY

KEITH W. WOOLEY, R.P.L.S.  
TEXAS LICENSE NO. 5463  
URBAN CIVIL  
190 SOUTH SEGUIN AVE.  
NEW BRAUNFELS, TEXAS 78130

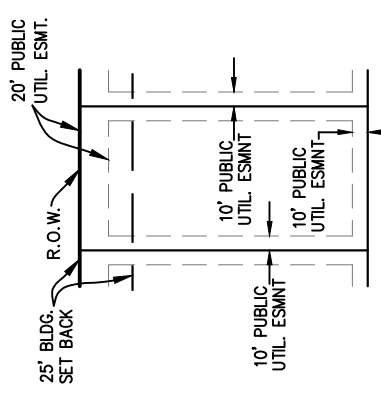
PRELIMINARY PLAT OF  
**RED HAWK TRAIL  
SUBDIVISION**



**Key Legend**

- 1/2 Inch Iron Rod Set with Orange Cap "URBAN CIVIL"
- 1/2" Iron Rod Found
- 1/2 Inch Iron Rod Found
- 1/2 Inch Iron Rod with Yellow Plastic Cap, Stamped "RPLS 4233"
- "PRO-TECH" Aluminum Disk Found
- Mag Nail with "PRO-TECH" Washer Found
- Cedar Fence Post Corner
- Power Pole
- Public Utility Easement
- Official Public Records of Comal County Texas
- Map and Plat Records of Comal County Texas
- AC.

**PRELIMINARY, THIS DOCUMENT SHALL NOT  
BE RECORDED FOR ANY PURPOSE  
AND SHALL NOT BE USED OR VIEWED OR  
RELIED UPON AS A FINAL SURVEY  
DOCUMENT. JULY 24, 2019**



**TYPICAL LOT  
PUBLIC UTILITY  
EASEMENT LAYOUT**

Line Table	
Line #	Length Direction
L1	21.27' N00°39'58"W
L2	12.31' N55°14'48"W
L3	8.41' S55°14'48"E

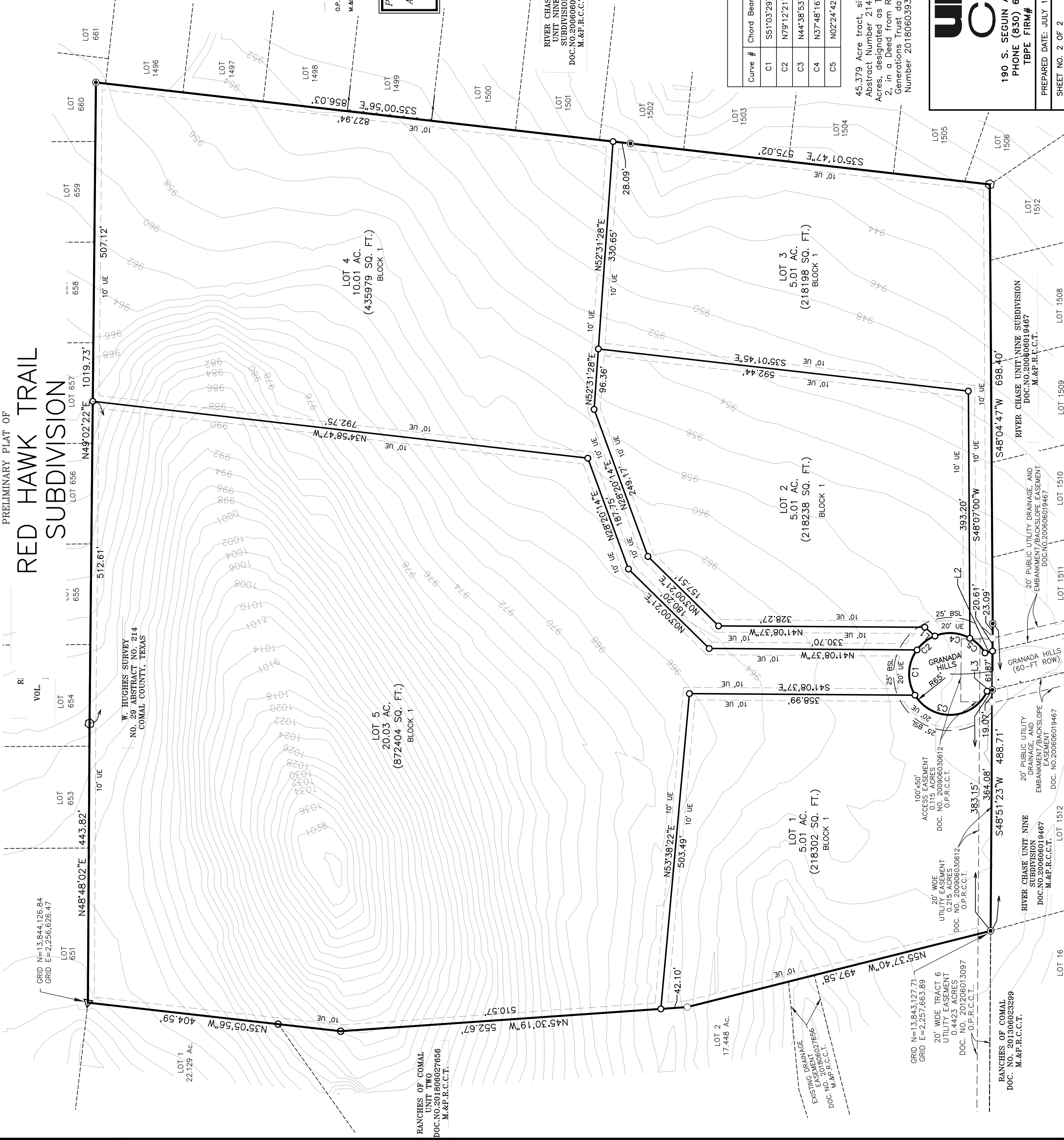
Curve Table				
Curve #	Chord Bearing	Chord	Radius	Delta
C1	S51°03'29"W	72.05'	65.00'	067°19'08"
C2	N79°12'21"W	36.00'	65.00'	032°09'12"
C3	N44°38'53"W	114.83'	65.00'	124°05'37"
C4	N37°48'16"W	55.61'	65.00'	050°38'57"
C5	N02°24'42"E	33.41'	65.00'	029°46'59"

45.379 Acre tract, situated in the W. Hughes Survey Number 29, Abstract Number 214, Comal County, Texas, comprised of 40.111 Acres, designated as Tract 1 and 5.268 Acres, designated as Tract 2, in a Deed from Ranches of Comal, LP, to Trustee of the MD Generations Trust dated 2017-12-19, as recorded in Document Number 201806039315 County, Texas

**URBAN  
CIVIL**

190 S. SEGUN AVE NEW BRAUNFELS, TEXAS 78130  
PHONE (830) 606-3913 FAX (830) 625-2204  
TBPE FIRM# 17233 TBPLS FIRM# 10005900

PREPARED DATE: JULY 16, 2019  
SHEET NO. 2 OF 2  
JOB NO.: 1905.03  
PREPARED BY: BCM



# URBANCIVIL™

August 19, 2019

Planning Department  
City of New Braunfels  
550 Landa Street  
New Braunfels, TX 78130  
(830) 221-4050



**RE: Sidewalk waiver for Red Hawk Trail Subdivision**

To Whom It May Concern:

We are submitting the preliminary plat of Red Hawk Trail Subdivision for approval at this time. We are requesting a sidewalk waiver:

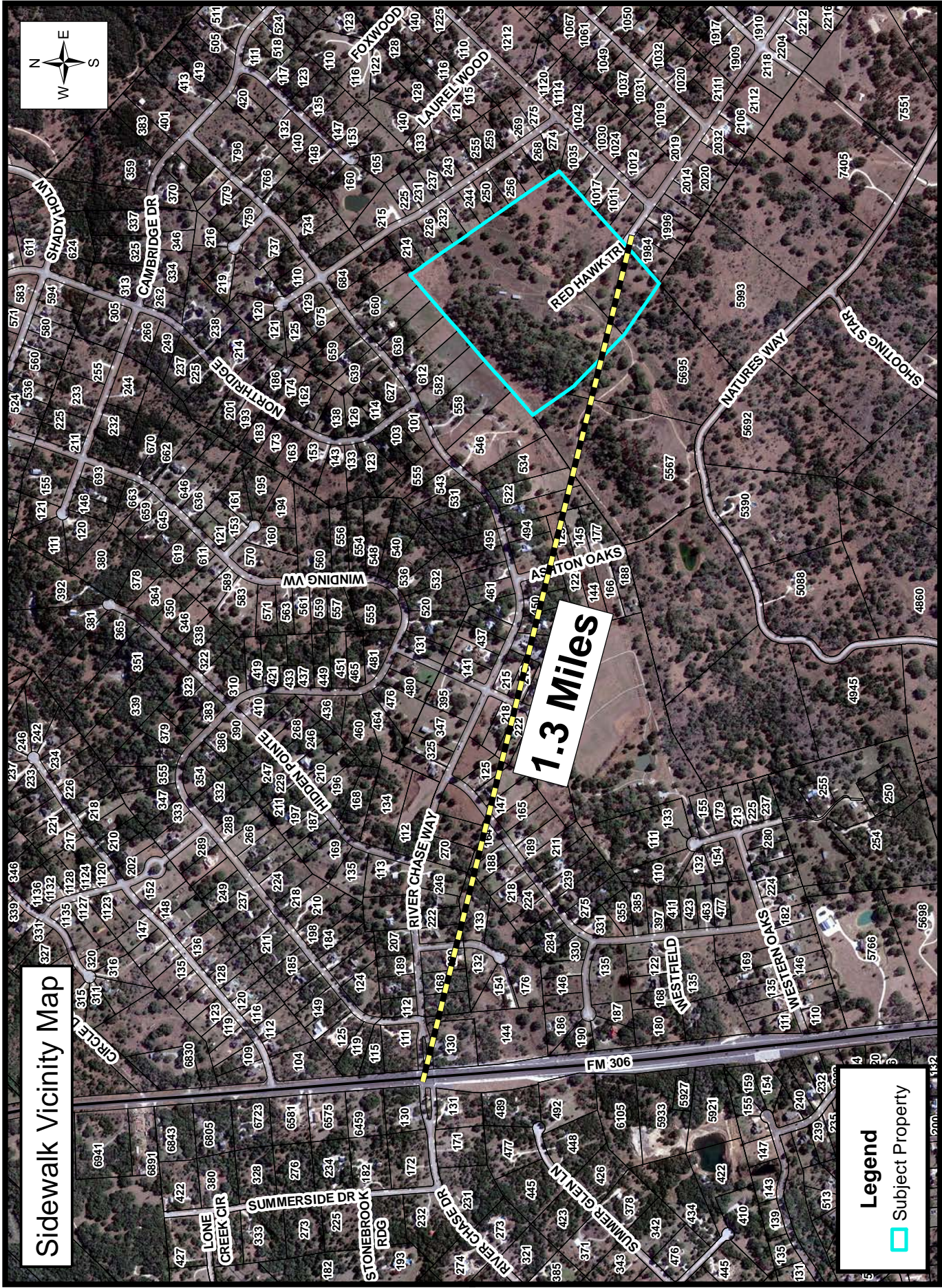
1. A request for waiver on sidewalks, Section 118-49.(b). The proposed Red Hawk Trail Subdivision is proposing a right-of-way to be platted, but we are requesting a waiver on building sidewalks. The existing and surrounding subdivision of River Chase, Unit 9, recorded May 11, 2006, and Ranches of Comal, recorded June 3, 2013, do not have public sidewalks. Building sidewalks with this plat would not provide any benefit to the community. The nearest sidewalks are over 2 miles away and would not be supported by best planning practices.

Please do not hesitate to contact me should you have any questions regarding this waiver request included with the plat submittal.

Sincerely,

Brian Mendez  
Urban Civil









## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

9/23/2019

Agenda Item No. I)

### Presenter/Contact

Valeria M. Acevedo, City Attorney  
(830) 221-4281 - vacevedo@nbtexas.org

### **SUBJECT:**

Discuss and consider approval of the first reading of an ordinance amending Chapter 90, Peddlers and Solicitors, to prohibit the placement of commercial handbills or flyers on private property that has a posted sign prohibiting solicitation.

### **BACKGROUND / RATIONALE:**

On August 26, 2019, Councilmember Harry Bowers brought this ordinance before the City Council for discussion. The concerns he brought up were centered around City Council approved a motion to amend Chapter 90, Peddlers and Solicitors so that it is illegal to place commercial handbills or flyers on private property that has a posted sign that reads “no solicitors” or contains words to that effect. In protection of First Amendment rights, the draft ordinance has an exception for noncommercial handbills and flyers which is encompassed in the term “canvasser”. A *canvasser* is defined as a person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of: (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or (2) distributing a handbill or flyer advertising a noncommercial event or service.

There are three exceptions to the prohibition on solicitation when a resident posts a ‘no soliciting’ sign on their private property:

- a) federal, state, or local government employee or a public utility employee in the performance of his or her duties for his or her employer;
- b) a person peddling goods or soliciting funds for a school sponsored event or program, a nonprofit sporting or cultural organization created specifically to benefit the youth of the community, scouting groups, or other similar organizations; and
- c) canvassers.

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

N/A

### **FISCAL IMPACT:**

N/A

### **COMMITTEE RECOMMENDATION:**

N/A

### **STAFF RECOMMENDATION:**

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N/A

## **ORDINANCE NO. 2019-**

**AMENDING THE CITY OF NEW BRAUNFELS, TEXAS, CODE OF ORDINANCES CHAPTER 90-PEDDLERS AND SOLICITORS, PROHIBITING THE PLACEMENT OF COMMERCIAL HANDBILLS OR FLYERS ON PRIVATE PROPERTY THAT HAS A SIGN POSTED PROHIBITING SOLICITATION; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Council is concerned with the unwanted placement of commercial handbills and flyers on private property as it has become an increasing problem in some neighborhoods; and

WHEREAS, individuals leave unwanted commercial handbills and flyers in spite of the fact that the resident has a posted sign that notifying solicitors that they are not welcome on their property; and

WHEREAS, the current ordinance does not specifically and clearly address this activity that both offends and concerns law abiding residents whose posted “no soliciting” are being ignored by the depositing of these commercial handbills or flyers.

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

### **Section 1**

The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

### **Section 2**

That the New Braunfels Code of Ordinances, Chapter 90 is amended by adding the language indicated below using underlined font and removing language indicated with strikethrough font, as follows:

#### **Chapter 90 - PEDDLERS AND SOLICITORS**

Sec. 90-1. - Definitions.

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



Canvasser means a person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of: (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or (2) distributing a handbill or flyer advertising a noncommercial event or service.

Peddler means a person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service.

Sell or selling means any exchange of money for goods or services, including but not limited to orders involving future payment or delivery.

Service(s) means the performance of work or labor, including but not limited to work or labor furnished in connection with the sale or repair of goods.

Solicitor means a person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of: (1) attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political, or religious purpose, even if incidental to such purpose there is the sale of some good or service, or (2) distributing a handbill or flyer advertising a commercial event, good, or service that is offered to the resident for purchase at another time or at a location away from the residence.

Mobile food unit (MFU) means any individual, firm, or corporation who may be traveling from place to place in a n-approved and permitted vehicle-mounted, self or otherwise propelled, self-contained food service vehicle, designed to be readily movable, used to store, prepare, display, serve or sell frozen or refrigerated confections, including but not limited to ice cream cones, frozen ice cream novelties, raspas or paletas, that are available for sale. A mobile food unit does not include a stand, booth, push cart, or peddle cart.

Posted notice means a sign or signs posted on the property or at or near the entrance to a building, reasonably likely to come to the attention of solicitors, peddlers, or other individuals, indicating that soliciting activities are forbidden.

Soliciting activities means any of those activities engaged in by a solicitor, peddler, or mobile food unit as described in this section.

~~Solicitor or peddler or mobile food unit (MFU) means any individual, firm, or corporation who may be traveling from place to place and who:~~

- ~~(1) Sells or attempts to sell frozen or refrigerated confections or takes or attempts to take orders for the sale of goods, wares, merchandise, or personal property (including tickets for shows and books of coupons which could be traded in for goods or services) for immediate or future delivery;~~
- ~~(2) Collects or attempts to collect money or property.~~

Sec. 90-2. - Regulation of activities.

- (a) It shall be unlawful for any person to engage in soliciting activities upon premises where a posted notice exists prohibiting such soliciting activities, with wording such as "No solicitors" or wording with similar intent.
- (b) Mobile food units are prohibited to operate on vacant or unimproved properties at any time.
- (c) Mobile food units shall not vend or sell within any city park, including streets within said parks, unless first approved by the city's parks and recreation department.
- (d) Mobile food units shall be subject to permitting through the city environmental services division, and shall comply with all applicable planning and zoning requirements, if applicable, in addition to complying with all statutory and local traffic codes and regulations.
- (e) Mobile food unit operators and food handlers, shall be subject to national, state, and local criminal background checks as administered through an accredited processor. The fees for local, state and national background checks are the responsibility of the applicant. Documentation of clearance of applicable criminal background checks shall be provided to the environmental services division and renewed every two years for all mobile food unit personnel vending frozen or refrigerated confections. Based on the results of the background check into the applicant's criminal history, the permitting authority will determine the applicant's eligibility. However, in no case will a permit be issued to a person who is a sex offender.
  - (1) Mobile food unit operators and food handlers shall wear a photo ID badge visible to patrons indicating their name and the date their background clearance was issued.
  - (2) Mobile food units shall prominently display their New Braunfels' mobile food unit permit number on the outside of vehicle that is visible and legible to patrons standing five feet from the vehicle.

Sec. 90-4. - Penalty for violation of chapter.

~~Any person or agent thereof who shall violate a provision of this chapter shall be deemed guilty of a misdemeanor offense and, upon conviction, shall be punished by a fine of not more than \$500.00.~~

- (a) Any violation of this ordinance is deemed a Class C misdemeanor punishable by a fine of not more than \$500.00. Each day any violation of any provision of this chapter shall continue shall constitute a separate offense.
- (b) No culpable mental state required. The culpable mental state required by chapter 6.02 of the Texas Penal Code is hereby specifically negated. The offenses under this ordinance shall be strict liability offenses.

Sec. 90-5. Exceptions.

- (a) This article shall not apply to a federal, state or local government employee or a public utility employee in the performance of his or her duties for his or her employer.
- (b) This article does not apply to a person peddling goods or soliciting funds for a school sponsored event or program, a nonprofit sporting or cultural organization created specifically to benefit the youth of the community, scouting groups, or other similar organizations.
- (c) This article does not apply to canvassers.

**Section 3. Severability**

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

**Section 4. Repealer**

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 and all ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**Section 5. Effective Date**

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

**PASSED AND APPROVED:** First reading this \_\_\_\_\_ day of September, 2019

**PASSED AND APPROVED:** Second reading this \_\_\_\_\_ day of October, 2019.

**CITY OF NEW BRAUNFELS, TEXAS**

By: \_\_\_\_\_  
**Barron Casteel, Mayor**

**ATTEST:**

---

**Patrick D. Aten, City Secretary**

**APPROVED AS TO FORM:**

---

**Valeria M. Acevedo, City Attorney**





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**9/23/2019**

Agenda Item No. A)

---

Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, specifically related to:

- Project Nautilus
- Project 2x4







## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**9/23/2019**

Agenda Item No. B)

---

Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code

- Property for city facilities





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**9/23/2019**

Agenda Item No. C)

---

Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Attorney in accordance with Section 551.074 of the Texas Government Code.

