



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



To participate, use the link below  
<https://us02web.zoom.us/j/82178498194> or  
call 888-475-4499 with ID# 821 7849 8194

**MONDAY, JULY 27, 2020 at 6:00 PM**

Rusty Brockman, Mayor	Matthew E. Hoyt, Councilmember (District 4)
Shane Hines, Councilmember (District 1)	Jason E. Hurta, Councilmember (District 5)
Justin Meadows, Mayor Pro Tem (District 2)	James Blakey, 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: Assistant City Secretary**

**INVOCATION: Councilmember Hoyt**

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

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

**PRESENTATIONS:**

- A) Update from the City Manager on the City's Response to COVID-19  
*Robert Camareno, City Manager*

**1. MINUTES**

- A) Discuss and consider approval of the minutes of the regular and special City Council meetings of July 13, 2020.  
*Drew Lyons, Assistant City Secretary*

**2. \*\*IN-PERSON CITIZENS' COMMUNICATIONS IS TEMPORARILY SUSPENDED\*\***

Citizens may email their comments to [CitizenComments@nbtexas.org](mailto:CitizenComments@nbtexas.org) or call 830-221-4299 and leave a voicemail or submit the form at [www.nbtexas.org/comment](http://www.nbtexas.org/comment). Comments will be distributed to the City Council.

**3. CONSENT AGENDA**

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

*Resolutions & Action Items*

- A) Approval of the Mayoral appointment of five individuals to the New Braunfels Partnership Committee for terms ending August 1, 2023.  
*Drew Lyons, Assistant City Secretary*
- B) Confirmation of the reappointment of one individual to the Civil Service Commission for a term ending August 10, 2023.  
*Robert Camareno, City Manager*
- C) Approval of a professional services agreement with Jacobs Engineering, in the amount of \$47,125 for the design of the intersection and traffic signal improvements at Common Street and Old FM 306.  
*Jennifer Cain, Capital Programs Manager*
- D) Approval of a professional services agreement for engineering services by Consor Engineers, LLC for the completion of topographic surveying, traffic signal design, intersection re-design and project manual for the intersection of Farm to Market 1044 and Klein Road.  
*Jennifer Cain, Capital Programs Manager*
- E) Approval of an agreement between the City of New Braunfels and the Greater New Braunfels Chamber of Commerce concerning marketing New Braunfels tourism activities operating under enhanced health and safety protocols during the declared state of disaster due to COVID-19  
*Jared Werner, Chief Financial Officer*
- F) Approval of a budget amendment in the FY 2020 Grant Fund and Recreation Center Improvements and Fee Assistance Fund  
*Jared Werner, Chief Financial Officer*
- G) Approval of a contract with Eagle Airport Marking, Inc. for runway striping at the New Braunfels Regional Airport at a cost of \$37,405.  
*Robert Lee, Regional Airport Director*
- H) Approval of a contract with Southwest Public Safety for the equipment installation on police vehicles at a cost of \$49,200.  
*Barbara Coleman, Purchasing Manager*

- I) Approval of a professional services agreement with Pape-Dawson Engineers, Inc. to complete a preliminary engineering report on SH-46 at the intersection of Mary Boulevard and Saengerhalle Road.  
*Joshua Niles, Capital Project Manager*
- J) Approval of a purchase with EZ-Go RXV for (64) golf carts, EZ-Go RXV Passenger golf cart (1), EZ-Go Utility Hauler (1) for the Landa Park Golf Course through Buy Board Contract and the appropriate budget amendment.  
*Stacey Dicke, Parks and Recreation Director*

*Ordinances*

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

- K) Approval of second and final reading of an ordinance amending Chapter 144, Zoning Section 5.21, General Provisions and Exceptions; use, height and area regulations, to include Screen Enclosure standards.  
*Stacy A.M. Snell, Planning Manager*
- L) Approval of 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 K.  
*Greg Malatek, Public Works Director*
- M) Approval of a first reading of an ordinance amending the Code of Ordinances, Ch. 2, by repealing Section 2-5, relating to employees, and amending Section 2-7(d) and (e), relating to political activities and social media guidelines for City Council.  
*Valeria Acevedo, City Attorney*

**4. INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Presentation, discussion and possible staff direction to postpone the Special Election on proposed amendments to the City Charter originally scheduled for May 2, 2020.  
*Jordan Matney, Assistant City Manager*
- B) Discussion, possible direction to staff, and approval regarding the U.S. Department of Housing and Urban Development Community Development Block Grant 2020-2024 Consolidated Plan, Citizen Participation Plan, Fair Housing Plan, and Annual Action Plan, including funding recommendations for Program Year 2020.  
*Jennifer Gates, Grants Coordinator*

- C) Discuss and consider a recommendation to reduce the speed limit within the Oak Run subdivision.  
*Greg Malatek, Public Works Director*
- D) Public hearing and first reading of an ordinance regarding the proposed rezoning of Lots 1 & 5, Block 1, Freiheit Subdivision, addressed at 672 & 690 South Kowald Lane, from "M-1A" Light Industrial to "C-1B" General Business District.  
*Christopher J. Looney, Planning and Development Services Director*
- E) Public hearing and first reading of an ordinance regarding the proposed rezoning of Lots 1 and 2 Solms Subdivision, located in the 4400 block of IH-35 South, from "APD" Agricultural/Pre-Development to "C-1B" General Business District.  
*Christopher J. Looney, Planning and Development Services Director*
- F) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 8.0 acres, Lots 1 & 2 Soefje Subdivision (3.9 acres) addressed at 1998 IH 35 North and 4.0 acres out of A-1 SUR-1AM Esnaurizar addressed at 2050 IH 35 North, from "C-3" Commercial District and "APD" Agricultural/Pre-Development District to "MU-B" High Intensity Mixed-Use District.  
*Christopher J. Looney, Planning and Development Services Director*

## **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 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:
- ADA Complaint #20-DRS-06-15, 3TX1206, Thompson v. DAS Rec
  - Solms/Morningside/Rueckle Utility and Road Reconstruction Project
  - Klein Rd. Reconstruction Project
- B) Deliberate issues regarding economic development negotiations in accordance with Section 551.087 of the Texas Government Code, specifically:
- Mosaic Development



*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 July 22, 2020, at 5:00 p.m.

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Andrew A. Lyons III, Assistant City Secretary

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



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**7/27/2020**

Agenda Item No. A)

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Presenter/Contact

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

**SUBJECT:**

Update from the City Manager on the City's Response to COVID-19





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**7/27/2020**

Agenda Item No. A)

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Presenter/Contact

*Drew Lyons, Assistant City Secretary  
(830) 221-4010 - [alyons@nbtexas.org](mailto:alyons@nbtexas.org)*

**SUBJECT:**

Discuss and consider approval of the minutes of the regular and special City Council meetings of July 13, 2020.

**MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL  
REGULAR MEETING OF MONDAY, JULY 13, 2020**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on July 13, 2020, at 6:00 p.m.

City Councilmembers present were:

**Present:** 7 – Mayor Rusty Brockman, Councilmember Shane Hines, Mayor Pro Tem Justin Meadows, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, Councilmember Jason Hurta, and Councilmember James Blakey

The meeting was called to order by Mayor Brockman via Zoom at 6:06 p.m. Councilmember Bowers gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

**PROCLAMATIONS:**

A) River Rescue

**Mayor Brockman recognized Therren Beettner, Christopher Bowling and Nate Koehne for their heroic actions on the Guadalupe River.**

**PRESENTATIONS:**

A) Update from the City Manager on the City's Response to COVID-19

**Mayor Brockman read the aforementioned caption.**

**Robert Camareno presented the item. No action was taken.**

B) Notice of July 22<sup>nd</sup> Zoom Meeting for Public Outreach to the FY 2020-20201 Street Maintenance Plan.

**Mayor Brockman read the aforementioned caption.**

**Greg Malatek presented the item. No action was taken.**

C) Presentation of proposed amendments to the Code of Ordinances, Ch. 2, Section 2-5, relating to political activities of employees, and Section 2-7(d) and (e), relating to political activities and social media guidelines for City Council.

**Mayor Brockman read the aforementioned caption.**

Monday, July 13, 2020 New Braunfels City Council Regular Meeting

**Val Acevedo and Sheila Gladstone presented the item. No action was taken.**

**1. MINUTES**

- A) Discuss and consider approval of the minutes of the regular City Council meeting of June 29, 2020.

**Mayor Brockman read the aforementioned caption.**

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

**2. \*\*IN-PERSON CITIZENS' COMMUNICATIONS HAS BEEN TEMPORARILY SUSPENDED\*\***

Citizens may email their comments to [citizencomments@nbtexas.org](mailto:citizencomments@nbtexas.org) or call 830-221-4299 and leave a voicemail. Comments will be distributed to the City Council.

**Citizen Comments were distributed to City Council.**

**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 an expenditure with Play & Park Structures of Southern Texas for playground resurfacing and repairs at Landa and Fischer Park for \$105,396 utilizing a Buyboard contract.
- B) Approval of annual routine recurring expenditures for FY 2019-20 in accordance with City Charter Section 9.17, and the appropriate budget amendment.
- C) Approval to issue a professional services agreement with Sunland Group, Inc. to review select permit applications for commercial building plan compliance with the adopted building, mechanical, electrical, and plumbing codes and the appropriate budget amendment.
- D) Approval of a change order to D & M Owens on the Hinman Island Restroom Project.

*Ordinances*

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

**Mayor Brockman read the aforementioned captions.**

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

**4. INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Public hearing and first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area K.

**Mayor Brockman read the aforementioned caption.**

**Greg Malatek presented the item.**

**Larry Blinder spoke during the public hearing.**

**Councilmember Hines moved to approve the item. Councilmember Hoyt seconded the motion which was approved unanimously via roll call vote.**

- B) Discuss and consider a resolution requesting financial assistance from the Texas Water Development Board in an amount not to exceed \$70,000,000 to provide costs related to the Sam C. McKenzie, Jr. Water Reclamation Facility Expansion and resolving other matters incident and related there to.
- C) Discuss and consider a resolution requesting financial assistance from the Texas Water Development Board in an amount not to exceed \$40,000,000 to provide costs related to the Surface Water Treatment Plan Expansion and resolving other matters incident and related there to.

**Mayor Brockman read the aforementioned captions.**

**John Warren presented the items.**

**Councilmember Hines moved to approve the items. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.**

- D) Discuss and consider authorizing (i) the transfer of approximately 35.452 acres of real property located at 355 FM 306, New Braunfels, Texas (the "Service Center"), from New Braunfels Utilities to the City of New Braunfels; (ii) the leaseback of the Service Center from the City of New Braunfels to New Braunfels Utilities; (iii) execution of any



and all documents necessary to transfer and leaseback the Service Center; and (iv) other matters in connections therewith.

**Mayor Brockman read the aforementioned caption.**

**Robert Camareno and Jared Werner presented the item.**

**Councilmember Bowers moved to approve the item. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.**

- E) Discuss and consider approval of a resolution authorizing proceeding with the issuance of Certificates of Obligation; Directing Publication of Notice of Intention to Issue Certificates of Obligation; and other related matters.

**Mayor Brockman read the aforementioned caption.**

**Jared Werner presented the item.**

**Councilmember Hurta moved to approve the item. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.**

- F) Public hearing and possible direction to staff regarding the U.S. Department of Housing and Urban Development Community Development Block Grant 2020-2024 Consolidated Plan, Citizen Participation Plan, Fair Housing Plan, and Annual Action Plan, including funding recommendations for Program Year 2020.

**Mayor Brockman read the aforementioned caption.**

**Jennifer Gates presented the item.**

**Alice Jewell, Mario Obledo, Crystal Moore, Jared Werner, Robert Camareno and Marc Hamilton spoke during the public hearing.**

**Councilmember Hines moved to approve the item on the condition of fully funding the Comal County Habitat for Humanity's Home Repair Program and the Comal County Senior Citizens Foundation's Minor Home Repair Program from the \$75,000 allocated to the City of New Braunfels' Parks and Recreation Department's Market Plaza Renovation Project. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.**

- G) Public hearing and first reading of an ordinance amending Chapter 144, Zoning Section 5.21, General Provisions and Exceptions; use, height and area regulations, to include Screen Enclosure standards.

**Mayor Brockman read the aforementioned caption.**

**Stacy Snell presented the item.**

**No one spoke during the public hearing.**

**Councilmember Bowers moved to approve the item. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.**

## **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:
  - Aviation Academy of America, Inc. d/b/a VT-AAA
- B) Deliverate pending/contemplated litigation, settlement offer, and matters related to 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:
  - Texas General Land Office

**Mayor Brockman read the aforementioned captions.**

**City Council recessed into Executive Session from 8:48 p.m. – 9:35 p.m.**

**No vote or action was taken.**

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

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

**City Council reconvened into Open Session at 9:35 p.m. No vote or action was taken.**

## **7. ADJOURNMENT**

**The meeting adjourned at 9:35 p.m.**

Date Approved: July 27, 2020

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Rusty Brockman, Mayor

Attest:

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Andrew A. Lyons III, Assistant City Secretary



**SPECIAL MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL  
SPECIAL MEETING OF MONDAY, JULY 13, 2020**

The City Council of the City of New Braunfels, Texas, met in a Special Session via Zoom on July 13, 2020, at 2:00 p.m.

City Councilmembers present were:

**Present:** 7 – Mayor Rusty Brockman, Councilmember Shane Hines, Mayor Pro Tem Justin Meadows, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, Councilmember Jason Hurta, and Councilmember James Blakey

The meeting was called to order by Mayor Brockman via Zoom videoconferencing at 2:00 p.m. Mayor Pro Tem Meadows gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

**1. WORKSHOP**

- A) Presentation, discussion and possible direction to staff regarding the FY 2020 and FY 2021 Fiscal Outlook and Resiliency Plan.
- B) Presentation, discussion and possible direction to staff regarding the 2019 Bone and Capital Project financing strategy and timeline.
- C) Presentation, discussion and update on various topics from the November 2019 City Council retreat.
- D) Discussion and Possible Direction to staff regarding CARES Act guidelines, eligibility and potential use of funds.

**Mayor Brockman read the aforementioned captions.**

**Robert Camareno, Jared Werner, Jeff Jewell and Jennifer Cain presented the items.**

**No action was taken.**

**The meeting adjourned at 4:53 p.m.**

Date Approved: July 27, 2020

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Rusty Brockman, Mayor

Attest:

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Yesenia McNett, Administrative Secretary



**City Council Agenda Item Report**550 Landa Street  
New Braunfels, TX**7/27/2020**

Agenda Item No. A)

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Presenter/Contact*Drew Lyons, Assistant City Secretary  
(830) 221-4010 - alyons@nbtexas.org***SUBJECT:**

Approval of the Mayoral appointment of five individuals to the New Braunfels Partnership Committee for terms ending August 1, 2023.

**BACKGROUND / RATIONALE:**

Per Section 30-61 of the New Braunfels Code of Ordinances, the Mayor appoints members to the New Braunfels Partnership Committee with City Council approval. The Partnership Committee has 15 members serving three-year staggered terms, where members can reside in the city limits or in the ETJ. The Mayor shall attempt to assure that Wurstfest, the German American Society, and a representative from the Historic Museums Association are represented on the Committee.

Five vacancies were posted from June 16, 2020, to July 15, 2020. The Mayor has appointed the qualifying following individuals for City Council approval:

- Wayne Peters
- Benno Engel
- Helgard Suhr-Hollis
- David Hartmann
- David Lerch

Applicant's current & prior service on Boards and Commissions

Wayne Peters is a past member of City Council, Roadway & Masterplan Committee, and River Activities Commissions.

Benno Engel is a current member of the New Braunfels Partnership Committee.

Helgard Suhr-Hollis is a current member of the New Braunfels Partnership Committee.

David Hartmann is a current member of the New Braunfels Partnership Committee.

David Lerch is a current member of the Building Standards Commission.

**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 City Council approval of the Mayoral appointment of five individuals to the New Braunfels Partnership Committee for terms ending August 1, 2023.



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

7/27/2020

Agenda Item No. B)

---

Presenter/Contact

*Robert Camareno, City Manager*  
(830) 221-4287 - [rcamareno@nbtexas.org](mailto:rcamareno@nbtexas.org)

**SUBJECT:**

Confirmation of the reappointment of one individual to the Civil Service Commission for a term ending August 10, 2023.

**BACKGROUND / RATIONALE:**

The Civil Service Commission is governed by Texas Local Government Code, Chapter 143, which states that the members are appointed by the City Manager and confirmed by the City Council.

The City Manager has reappointed Heidi Aleman to the City's Civil Service Commission for a term ending August 10, 2023.

**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 confirmation of the reappointment of Heidi Aleman to the Civil Service Commission for a term ending August 10, 2023.



**City Council Agenda Item Report**550 Landa Street  
New Braunfels, TX**7/27/2020**

Agenda Item No. C)

Presenter/Contact*Jennifer Cain, Capital Programs Manager  
(830) 221-4646 - jcain@nbtexas.org***SUBJECT:**

Approval of a professional services agreement with Jacobs Engineering, in the amount of \$47,125 for the design of the intersection and traffic signal improvements at Common Street and Old FM 306.

**BACKGROUND / RATIONALE:**

The project includes survey, design and detailed cost estimate for the intersection and signalization of Old FM 306 and Common Street. Funding for construction will be determined based on project priority, potential development participation and available funds in the Roadway Impact Fee Service Area Fund.

Old FM 306 is a minor collector on the thoroughfare plan and a traffic signal at the location will be part of an overall signal system on Common Street between Loop 337 and FM 306.

On March 11, 2020 a task order was issued to prequalified professional engineers on the City's IDIQ list. The City received responses on March 24, 2020. The responses were evaluated under four criteria:

- Understanding of the project and project approach
- Experience in providing similar services for the City of New Braunfels, Texas Department of Transportation and other agencies, and success in performing this service
- Proposed personnel including relevant experience, background, qualification, TxDOT precertification and task assignment
- Proposed timeline of project and tasks

Jacobs Engineering, Inc. scored the highest of the respondents for this task. The fee for this work is \$47,125 on an hourly-not-to-exceed contract.

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

N/A			
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**FISCAL IMPACT:**

There is sufficient funding in Roadway Impact Fee Service Area 3 Fund to cover the contract amount. Funding for construction will be determined based on project priority, potential development participation, and available funds in the Roadway Impact Fee Service Area Fund.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends award of a Professional Services Agreement to Jacobs Engineering, Inc. in the amount of \$47,125.

**City Council Agenda Item Report****7/27/2020**

Agenda Item No. D)

Presenter/Contact

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

**SUBJECT:**

Approval of a professional services agreement for engineering services by Consor Engineers, LLC for the completion of topographic surveying, traffic signal design, intersection re-design and project manual for the intersection of Farm to Market 1044 and Klein Road.

**BACKGROUND / RATIONALE:**

The project includes the completion of a plan set and construction documents for the intersection of FM 1044 and Klein Road as part of a need's assessment from a traffic impact analysis conducted for the Zipp Family Sports Complex (2019 Bond) and surrounding developments.

On March 11, 2020 a task order was issued to prequalified professional engineers on the City's IDIQ list. The City received responses on March 24, 2020. The responses were evaluated under four criteria:

- Understanding of the project and project approach
- Experience in providing similar services for the City of New Braunfels, Texas Department of Transportation and other agencies, and success in performing this service
- Proposed personnel including relevant experience, background, qualification, TxDOT precertification and task assignment
- Proposed timeline of project and tasks

Conсор Engineers, LLC. scored the highest out of the respondents for this task. The City then engaged with Consor in developing the scope and fee. The fee for this work is \$46,100 on an hourly-not-to-exceed contract.

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

<b>Yes</b>	City Plan/Council Priority	<b>Strategic Priorities</b>	Infrastructure: Continue an ongoing program of infrastructure, construction and maintenance
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**FISCAL IMPACT:**

There is sufficient funding in Roadway Impact Fee Service Area 5 Fund to cover the contract amount. Funding for construction will be determined based on project priority, potential development participation, and available funds in the Roadway Impact Fee Service Area Fund.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of a professional services agreement for engineering services by Consor Engineers, LLC for the completion of topographic surveying, traffic signal design, intersection re-design and project manual for the intersection of Farm to Market 1044 and Klein Road.

**City Council Agenda Item Report****7/27/2020**

Agenda Item No. E)

Presenter/Contact*Jared Werner, Chief Financial Officer*  
(830) 221-4385 - [jwerner@nbtexas.org](mailto:jwerner@nbtexas.org)**SUBJECT:**

Approval of an agreement between the City of New Braunfels and the Greater New Braunfels Chamber of Commerce concerning marketing New Braunfels tourism activities operating under enhanced health and safety protocols during the declared state of disaster due to COVID-19

**BACKGROUND / RATIONALE:**

As the chamber of commerce indicated during their presentation to City Council on July 29, the tourism industry is a significant component of the New Braunfels economy.

During the presentation, Chamber representatives specified the importance of marketing our shoulder seasons as well specific placements that provided safety assurances for those looking for travel opportunities. The primary funding source to support these efforts has traditionally been the Hotel/Motel Occupancy Tax Fund. Occupancy taxes have been impacted significantly by the pandemic, the reserves within that fund will be needed to maintain base services of the CVB, support the annual debt service of the Civic/Convention Center and continue to support the Arts and Heritage associations

Fortunately, the CARES funding that the City can access allows for the expenditures of marketing and advertising the reopening of tourism related facilities as long as those placements are focused on the health and safety protocols put in place to assure a safe experience. The Chamber has identified \$292,450 in eligible expenditures.

As indicated, utilizing a portion of the CARES funds to support these efforts will reduce the reliance on the Occupancy Tax Fund reserves.

The attached agreement outlines the various roles and responsibilities of the City and Chamber of Commerce to ensure that these funds are efficiently and properly utilized for CARES act eligible expenditures.

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

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**FISCAL IMPACT:**

There is no direct fiscal impact to the City of New Braunfels with the approval of the attached agreement.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

City Council provided direction to staff at the July 13<sup>th</sup> retreat to move forward with utilizing the CARES act funds for the above mentioned expenditures; therefore, staff recommends approval of the agreement.



**AGREEMENT BETWEEN THE CITY OF NEW BRAUNFELS AND THE GREATER  
NEW BRAUNFELS CHAMBER OF COMMERCE CONCERNING MARKETING  
NEW BRAUNFELS TOURISM ACTIVITIES OPERATING UNDER ENHANCED  
HEALTH AND SAFETY PROTOCOLS DURING THE DECLARED STATE OF  
DISASTER DUE TO COVID-19**

**STATE OF TEXAS           §**  
**§**  
**COUTY OF COMAL       §**

This Agreement is made this the \_\_\_\_ day of July, 2020 by and between the City of New Braunfels, a Municipal Corporation of the State of Texas, hereinafter called “City”, acting herein by and through its City Manager, and the Greater New Braunfels Chamber of Commerce, Inc. a private non-profit corporation hereinafter called “Chamber”, acting by and through its duly elected officers.

**SECTION 1.  
LEGAL AUTHORITY**

1.1 On March 27, 2020, the Coronavirus Aid, Relief and Economic Security (CARES) Act was signed into law. The treasury guidance provides that the CARES Act Funding can be utilized to support expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience.

**SECTION 2.  
TERM OF AGREEMENT**

2.1 This Agreement shall become effective on July \_\_, 2020 and terminate on December 31, 2020, or when funding is exhausted, whichever occurs first.

**SECTION 3.  
SERVICES TO BE PROVIDED**

3.1 The Chamber agrees to conduct a marketing and advertising campaign “the “Campaign”) that will focus on tourism activities and the health and safety protocols being followed to ensure a safe and memorable experience in New Braunfels, Texas. The Campaign will include the deliverables identified in Exhibit A which includes, without limitation, the following: website; trip planning education through multiple channels; collateral creation, production, and distribution; and engagement of an outside advertising, Public Relations, and social media agencies.

3.2 The City hereby agrees to reimburse to the Chamber an amount not to exceed \$292,450 of the verified and approved Campaign expenses incurred by the Chamber that comply with the CARES funding requirements and guidance.

#### **SECTION 4. INDEPENDENT CONTRACTOR**

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

#### **SECTION 5. MANAGEMENT OF FUNDS**

5.1 The Chamber agrees to maintain the funds provided for the Campaign within the Chamber's existing Convention and Visitor's Bureau financial account. It is understood and agreed by and between the parties that, upon budget approval by the City, a fiduciary duty is created in the Chamber with respect to expenditure of the revenue provided.

5.2 The Chamber agrees to maintain complete and accurate financial records of each receipt and expenditure of the funds for the Campaign and, shall submit said records quarterly to the Chief Financial Officer for inspection and review.

5.3 It is understood and agreed by and between the parties that the Campaign funds shall not be spent by the Chamber for any day-to-day operations including salaries, office rental, and other administrative costs, if same have been previously provided for in that certain other written agreement between the City and the Chamber concerning the use of Hotel Occupancy Tax funds. Campaign funds may be used for supplies and traveling expenses specifically associated with this marketing Agreement.

5.4 The Chamber shall be provided with a lump sum payment of \$292,450 for CARES Act eligible expenses for the Campaign to be paid by July 31, 2020. Reimbursement will be required in the event funds provided pursuant to this Agreement are not fully expended. Failure to provide proper documentation, including invoices, will require reimbursement by the Chamber. The Chamber will include detailed verification for each authorized expense in the summary report to City Council required by section 5.6.

5.5 Any substantial changes to the Campaign as outlined in Exhibit A, or budgetary revision that increases the total budget appropriation will require City Council approval.

5.6 The Chamber shall provide a written or a combination of written and/or verbal status reports of the progress of the Campaign activities to the City Council, in October 2020 or as soon there as practicable after all funds have been exhausted. The report shall include a written list of all expenses with a detailed narrative that explains the basis of each expenditure along with the related invoices.

#### **SECTION 6. TRANSFER OF FUNDS**

6.1 The Chief Financial Officer will be responsible for all transfer of funds to the Chamber as set forth in Section 5 above.

## **SECTION 7. INDEMNIFICATION**

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

## **SECTION 8. INSURANCE**

8.1 The Chamber shall maintain a comprehensive general liability insurance policy, with an insurance company or companies authorized to do business in the state of Texas, which shall include bodily injury, property damage, contractual and automobile liability coverage with a minimum of not less than \$500,000. In addition, workers' compensation insurance coverage shall be provided by the Chamber in accordance with State law.

## **SECTION 9. TERMINATION**

9.1 If either party materially breaches this Agreement, the other party may terminate the Agreement by providing thirty (30) days written notice to the defaulting party. Should a dispute arise regarding the existence of a material breach, either party may request that the issue be presented to a licensed mediator.

## **SECTION 10. NOTICE**

10.1 All communications required by this Agreement between the City and Chamber shall be addressed to the City Manager via Chief Financial Officer, Jared Werner, with copies to each, and to the President of the Greater New Braunfels Chamber of Commerce, Inc.

**If to the Chamber:**

Michael Meek, President  
GREATER NEW BRAUNFELS CHAMBER OF COMMERCE  
390 S. Seguin Ave.  
New Braunfels, Texas, 78130

**If to the City:**

City Manager  
CITY OF NEW BRAUNFELS  
550 Landa St.  
New Braunfels, Texas 78130

**SECTION 11.  
COMPLIANCE WITH LAWS**

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

**SECTION 12.  
PROHIBITION AGAINST DISCRIMINATION**

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

**SECTION 13.  
CONTROLLING LAW**

13.1 It is understood and agreed that in the event any provision of this Agreement is inconsistent with the requirements of the Act, or any other applicable State law, the requirements of the law will control.

**SECTION 14.  
ENTIRE AGREEMENT**

14.1 This Agreement and Exhibit A hereto constitute the entire agreement between the parties, relative to the hotel occupancy tax funds made the basis hereof. It is understood and agreed that the City Charter of the City of New Braunfels requires that all contracts with the City be in writing and adopted by resolution of the City Council which has occurred on or about July XX, 2020.

IN WITNESS WHEREOF, the parties have hereunto set their hands in duplicate originals, in the City of New Braunfels, Comal County, Texas on this \_\_\_\_ day of July, 2020.

*[Signatures on Next Page]*

CITY OF NEW BRAUNFELS

BY:

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Robert Camareno, City Manager

ATTEST:

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, City Secretary

THE GREATER NEW BRAUNFELS CHAMBER OF COMMERCE, INC.

BY:

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Chair of the Board

ATTEST:

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Michael Meek, President

**EXHIBIT A**

<b>Activity</b>	<b>Projected Costs</b>
TV	\$103,800
Hulu	122,400
Influencer	12,500
Retargeting	25,000
Miles Media	8,000
Trips to Discover	5,750
Trip Advisor	15,000
<b>Total</b>	<b>\$292,450</b>

**City Council Agenda Item Report****7/27/2020**

Agenda Item No. F)

Presenter/Contact

*Jared Werner, Chief Financial Officer*  
(830) 221-4385 - [jwerner@nbtexas.org](mailto:jwerner@nbtexas.org)

**SUBJECT:**

Approval of a budget amendment in the FY 2020 Grant Fund and Recreation Center Improvements and Fee Assistance Fund

**BACKGROUND / RATIONALE:**Grant Fund

The budget amendment in the FY 2020 Grant Fund is necessary to acknowledge the receipt of anticipated CARES Act funds that the city will utilize before the end of the fiscal year. While the City has incurred approximately \$800,000 in direct expenditures, the majority of the funds will be placed in the Grant Fund so that the best outcome and use of the funds can be determined. The amount below only represents 20% of the City's total allocation, the remaining amount will be recognized in the FY 2021 Proposed Budget. The \$292,450 is to support the agreement with the Chamber of Commerce, which is also on the agenda for the 27<sup>th</sup> regular meeting. The following amendment is recommended for City Council consideration.

Increase: Operating Expenditures	\$292,450
<u>Increase: Contingencies</u>	<u>638,282</u>
<b>Total - Grant Fund Budget Amendment</b>	<b>\$930,732</b>

Recreation Center Improvements and Fee Assistance Fund

As discussed during the July 13<sup>th</sup> retreat, membership revenues at Das Rec have been impacted significantly. One of the recommended funding strategies to address the revenue shortfall is to leverage a portion of the funds initially set aside to support the operation of the expanded and competitive side of the aquatic facility as well as provide fee assistance. Since the facility opened, the direct revenues have been able to support both the full operation of the facility and the fee assistance program without utilizing any of these set aside funds. The following amendment is recommended for City Council consideration.

Increase: Interfund Transfers	\$125,000
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**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

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**FISCAL IMPACT:**

The budget amendment in the Grant Fund is to recognize the acceptance of the first portion of CARES funding. As mentioned above, the majority of the funds will be budgeted in contingencies as

initiatives and uses are evaluated for maximizing outcomes. The amendment in then Recreation Center Improvements and Fee Assistance Fund utilizes a portion of the funds set aside for operation of the expanded aquatic facility and fee assistance program. As indicated, these set aside funds have not been needed under normal operating circumstances, therefore a portion of these funds is recommended to mitigate a small percentage of the significant loss in revenue from membership and programming cancellations.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Approval of the Budget Amendments



**City Council Agenda Item Report**550 Landa Street  
New Braunfels, TX**7/27/2020**

Agenda Item No. G)

Presenter/Contact*Robert Lee, Regional Airport Director  
(830) 221-4295 - Rlee@nbtexas.org***SUBJECT:**

Approval of a contract with Eagle Airport Marking, Inc. for runway striping at the New Braunfels Regional Airport at a cost of \$37,405.

**BACKGROUND / RATIONALE:**

Runway 17-35 was downgraded to poor condition by the most recent FAA inspection due to degradation of the surface. The runway serves as the primary operating runway for the airport. Runway rehabilitation was identified as a priority in the Airport Master Plan.

Runway 17/35 was a prime candidate for micro-sealing, which was conducted on 22/23/24 June. The micro-seal coating has transformed the entire appearance of the runway to a flat black, unmarked surface. 'Restriping' / repainting will be required, as it provides the navaid/reference markings that aviators utilizing the runway require upon takeoff/landing.

Staff obtained three quotes and found Eagle Airport Markings, Inc. to be the best value at a cost of \$37,405.

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

Yes	<b>Strategic Priorities:</b>	3. Continue an ongoing program of infrastructure construction and maintenance
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**FISCAL IMPACT:**

The NBEDC recently reallocated funding from a previously completed airport taxilane extension to support pavement improvements. There are sufficient funds in that allocation to support the expenditures described above.

**COMMITTEE RECOMMENDATION:**

NA

**STAFF RECOMMENDATION:**

Staff recommends approval of a contract with Eagle Airport Marking, Inc. for runway striping at the New Braunfels Regional Airport at a cost of \$37,405.



**City Council Agenda Item Report****7/27/2020**

Agenda Item No. H)

Presenter/Contact

*Barbara Coleman, Purchasing Manager*  
(830) 221-4389 - [bcoleman@nbtexas.org](mailto:bcoleman@nbtexas.org)

**SUBJECT:**

Approval of a contract with Southwest Public Safety for the equipment installation on police vehicles at a cost of \$49,200.

**BACKGROUND / RATIONALE:**

On November 25, 2019 City Council approved the purchase of Police vehicles and their support equipment for the FY 2019-20. The vehicles are a combination of replacement vehicles that are being retired from service, and new vehicles. The police vehicles identified in that approval require ancillary equipment prior to being placed into service. The equipment is purchased from various contracts and is then installed by a third-party vendor. City Council approved the installation of the equipment with the Lower Colorado River Authority. However, staff has solicited quotes for equipment installation for upfitting of 16 police vehicles and will realize a substantial savings with a new vendor. Staff are recommending approval of a contract with Southwest Public Safety as a best value vendor. The total cost to install the equipment is estimated at \$49,200.

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

<b>City Council Priority:</b>	9. Maintain fiscal stability of city operations.
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**FISCAL IMPACT:**

The costs for vehicles, equipment and installation services described above was approved by City council on November 25, 2020. This request will utilize that same funding but with a different vendor. Funding will come from the Equipment Replacement Fund, 2018 Tax Notes, and the General Fund. Therefore, sufficient funds are available to purchase the services described above.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends the approval of a contract with Southwest Public Safety for the equipment installation on police vehicles at a cost of \$49, 200.



**City Council Agenda Item Report**550 Landa Street  
New Braunfels, TX**7/27/2020**

Agenda Item No. I)

Presenter/Contact*Joshua Niles, Capital Project Manager  
(830) 221-4638 - jniles@nbtexas.org***SUBJECT:**

Approval of a professional services agreement with Pape-Dawson Engineers, Inc. to complete a preliminary engineering report on SH-46 at the intersection of Mary Boulevard and Saengerhalle Road.

**BACKGROUND / RATIONALE:**

The project includes analysis of State Highway 46 and Mary Boulevard/Saengerhalle Road intersections and recommendations for improving traffic flow and enhancing safety. The project tasks and review will be coordinated with Texas Department of Transportation.

On March 11, 2020 a task order was issued to prequalified professional engineers on the City's IDIQ list. The City received responses on March 24, 2020. The responses were evaluated under four criteria:

- Understanding of the project and project approach
- Experience in providing similar services for the City of New Braunfels, Texas Department of Transportation and other agencies, and success in performing this service
- Proposed personnel including relevant experience, background, qualification, TxDOT precertification and task assignment
- Proposed timeline of project and tasks

Pape-Dawson Engineers, Inc. scored the highest of the respondents. The City then engaged with Pape-Dawson in developing the scope and fee. The fee for this work is \$47,905 on an hourly-not-to-exceed contract.

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

N/A			
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**FISCAL IMPACT:**

There is sufficient funding in Roadway Impact Fee Service Area 6 Fund to cover the contract amount. Funding for construction will be determined based on project priority, potential development participation, and available funds in the Roadway Impact Fee Service Area Fund.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of a professional services agreement with Pape-Dawson Engineers, Inc. to complete a preliminary engineering report on SH-46 at the intersection of Mary Boulevard and Saengerhalle Road.

## City Council Agenda Item Report

**7/27/2020**

Agenda Item No. J)

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Presenter/Contact

*Stacey Dicke, Parks and Recreation Director*  
(830) 221-4355 - [sdicke@nbtexas.org](mailto:sdicke@nbtexas.org)

**SUBJECT:**

Approval of a purchase with EZ-Go RXV for (64) golf carts, EZ-Go RXV Passenger golf cart (1), EZ-Go Utility Hauler (1) for the Landa Park Golf Course through Buy Board Contract and the appropriate budget amendment.

**BACKGROUND / RATIONALE:**

The Landa Park Golf Course lease-purchased golf carts in 2014. The fleet is aged and needs to be replaced. Currently, carts are failing and needed to be towed back in while being used by guests 1-2 times daily. This creates a customer service impact for our guests.

The fleet was scheduled to be replaced in the FY 2021 budget year. Due to the increased expenses for cart repairs, staff recommends replacing the fleet at this time.

Staff requested proposals for 64 new carts, one passenger cart and one utility cart from three major cart manufacturing companies, who have cooperative agreements, which will satisfy the competitive procurement requirements. Demo golf carts from EZ-Go, Club Car, and Yamaha each provided equipment for testing and evaluation. The vendors provided pricing with offsetting trade in values from the existing fleet.

The City is trading in the following equipment:

- Trade (58) 2015 EZ-Go TXT carts \*\*
- Trade (2) 2015 EZ-Go TXT carts that are not running\*\*

After evaluation, it was determined that the EZ-Go fleet will provide the overall best value for the City. Golf Carts (64) EZ-Go RXV with Lithium Batteries \$458,560, (1) EZ-Go RXV Passenger 2+2 Cart with Lithium Batteries \$9,994, (1) EZ-Go Gas Utility Hauler \$8606, less trade of above listed vehicles -\$92,650. The total would be \$384,510. Delivery would be expected 90 days from the order date, approximately late October 2020.

***Budget amendment*** - As mentioned above, the golf carts were initially planned for the FY 2021 budget; however, the continual maintenance issues justify expediting the purchase. To move forward with that purchase, a budget amendment is necessary and is provided below for City Council consideration.

Increase: Capital Expenditures

\$385,000

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

<b>YES</b>	<b>Strategic Priorities:</b>	8- Maintain Fiscal stability of City operations
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**FISCAL IMPACT:**

The Golf Course Fund budget strategy over the past 2-3 years was predicated on setting aside enough reserves annually to fully support the replacement of all maintenance equipment as well as the golf cart fleet. Therefore, there are sufficient reserves available in the Golf Course Fund to support the \$385,000 purchase.

**COMMITTEE RECOMMENDATION:**

The Landa Park Golf Course Advisory Board unanimously voted to purchase the above listed items. This meeting was held on March 19, 2020.

**STAFF RECOMMENDATION:**

Staff recommends approval of a purchase with EZ-Go golf cart fleet for the Landa Park Golf Course through a Buy Board contract.



**City Council Agenda Item Report****7/27/2020**

Agenda Item No. K)

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Presenter/Contact*Stacy A.M. Snell, Planning Manager*  
*ssnell@nbtexas.org***SUBJECT:**

Approval of second and final reading of an ordinance amending Chapter 144, Zoning Section 5.21, General Provisions and Exceptions; use, height and area regulations, to include Screen Enclosure standards.

**BACKGROUND / RATIONALE:****Case No.:** ORD20-088**Council District:** All**Staff Contact:** Stacy Snell, Planning Manager  
(830) 221-4051  
ssnell@nbtexas.org

**City Council held a public hearing on July 13, 2020 and unanimously approved the first reading of the proposed ordinance.**

The City has seen an increase in requests from residents wishing to construct screened enclosures around their swimming pools. These enclosures are common in Florida and allow people to enjoy their pools without dealing with insects. Such enclosures are constructed entirely of an open mesh material and are typically attached to the house. The City's current development standards consider such a structure as an extension of the main house requiring the screened enclosure to comply with the rear setback requirements of the house, typically 20 feet. That makes the enclosures essentially impossible to construct on typical residential lots, particularly when pools are closer to the rear property line. The enclosures could be detached from the house and comply with accessory structure standard setbacks, but that is contrary to the purpose of the screen enclosure.

The proposed development standards for screened enclosures are based upon research of various city codes within Florida and discussions with the City's Building Official. The new allowances are proposed to be added to Section 5-21, General Provisions and Exceptions, in the Zoning Ordinance, which cover other encroachments such as chimneys, eaves, etc. The new development standards will allow all mesh screen enclosures to be attached to the rear of a house and only be required to maintain a 5-foot setback along interior side and rear property lines.

Standards limiting the height so as to not be seen from the street in front of a house, and proper maintenance, have been included based upon concerns raised during the Planning Commission

meeting and the June 8th presentation to City Council.

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

<b>Envision New Braunfels Comprehensive Plan</b>	<b>Action 1.4</b> Ensure ideas are derived through on-going dialogue with residents of all ages including youth as needs may change over time. <b>Action 1.11</b> Update policies and codes to achieve development patterns that implement the goals of this plan. <b>Action 2.1</b> Sustain community livability for all ages and economic backgrounds.
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**FISCAL IMPACT:**

Enhanced property features will potentially increase property values.

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on June 2, 2020 and unanimously recommended approval (8-0-0), with Commissioner Gibson absent, with the inclusion of standards to prohibit viewing screen enclosures above the roofline of the main structure when standing at the public street, and ensure continued proper maintenance.

**STAFF RECOMMENDATION:**

Approval.

**RESOURCE LINKS:**

- Chapter 144, Section 5.21 of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTVDEST\\_S144-5.21GEPREXUSHEARRE](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTVDEST_S144-5.21GEPREXUSHEARRE)

**ATTACHMENTS:**

1. Examples of screened enclosures
2. Draft minutes from Planning Commission meeting
3. Ordinance

Examples of screened enclosures:



### **Draft Minutes for the June 2nd, 2020 Planning Commission Regular Meeting**

**ORD20-088 Public hearing and recommendation on an ordinance amending Chapter 144, Zoning Section 5.21, General Provisions and Exceptions; use, height and area regulations. (Case Manager: Stacy Snell)**

Mrs. Snell presented.

Chair Edwards asked if there were any questions for staff.

Vice Chair Reeves asked if there were any restrictions on height of the structure.

Mrs. Snell stated there is not a height requirement listed in the draft, but this can be recommended in the motion.

Discussion followed.

Commissioner Mathis stated he agreed with Vice Chair Reeves that consideration should be made for impacts on neighboring properties.

Commissioner Meyer stated he agreed with Vice Chair Reeves.

Commissioner Meyer asked if a building permit would be required to build one of these structures.

Mrs. Snell indicated a building permit would be required.

Commissioner Meyer asked if the structure were going into disrepair if this would be regulated by the city.

Mrs. Snell stated regular property maintenance is included the City's code of ordinances, but a recommendation for maintenance specific to this use could be added.

Discussion followed.

Mrs. Snell asked Vice Chair Reeves if the intent behind the height restriction would be to not see the structure from the street.

Vice Chair Reeves stated this is correct.

Chair Edwards opened the public hearing and asked if anyone wished to speak.

Chris Bonita, 1769 Oak Forest Dr, stated he is a contractor for a client that wishes to complete a permit for a project of this nature and hoped the Commission would approve the standards.

Chair Edwards closed the public hearing.

Motion by Vice Chair Reeves, seconded by Commissioner Mathis, to recommend approval to City Council regarding the proposed ordinance amending Chapter 144, Zoning Section 5.21, General Provisions and Exceptions; use, height and area regulations, with the recommendation to add a height restriction requirement.

Discussion followed.

Motion by Commissioner Laskowski, seconded by Commissioner Meyer to amend the motion to recommend a mandated maintenance requirement. Motion carried (8-0-0).

Chair Edwards repeated the motion with the amendment, to recommend approval to City Council regarding the proposed ordinance amending Chapter 144, Zoning Section 5.21, General Provisions and Exceptions; use, height and area regulations, with the recommendation to add a height restriction requirement and a mandated maintenance requirement. Motion carried (8-0-0).

DRAFT

**ORDINANCE NO. 2020-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING SECTION 5.21, GENERAL PROVISIONS AND EXCEPTIONS; USE, HEIGHT AND AREA REGULATIONS, TO INCLUDE SCREEN ENCLOSURE STANDARDS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

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**WHEREAS**, Chapter 211 of the Texas Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas, deems it necessary and desirable to establish zoning regulations to provide for the orderly development of property within the City by governing the use of land in order to promote the public health, safety, morals and general welfare of the residents of the City; and

**WHEREAS**, the Comprehensive Plan, Envision New Braunfels, includes action items supporting all mesh screen enclosures, including Action 1.4: Ensure ideas are derived through on-going dialogue with residents of all ages including youth as needs may change over time, Action 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan, and Action 2.1: Sustain community livability for all ages and economic backgrounds;

**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 June 2, 2020 and recommended approval of the proposed amendments; and

**WHEREAS**, the City Council held a public hearing on said amendments on July 13, 2020; and

**WHEREAS**, the City Council hereby finds and determines that updating the provisions to allow open mesh screen enclosures to have reduced setbacks 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, Sec. 144-5.21. General provisions and exceptions; use, height and area regulations is hereby amended with additions as underlined and deletions as strikeouts as follows:

\*\*\*\*\*

**5.21-3. *Yard and Setback Exceptions.***

\*\*\*\*\*

(j) *Screen enclosures.* A screen enclosure without a solid roof and made from open mesh screening material, attached or detached to a main structure, shall be located behind the front façade of the main structure, not less than five (5) feet from interior side lot lines and rear lot lines, and shall maintain a minimum fifteen-foot corner street side setback, or the required corner side street setback for main structures, whichever is greater. No screen enclosure shall exceed the height of the principal structure where it can be seen above the roofline from the street at the front of the lot. Screen enclosures shall be maintained in good repair free of fraying and tears. Repair or replacement of the mesh screen must take place when three (3) or more twelve- (12)-inch tears / holes, or cumulative equivalent, occurs. Screen enclosures with a solid roof attached to the main structure shall be considered part of the main structure and all main structure setbacks for the respective zoning district shall apply.

\*\*\*\*\*

**SECTION 2**

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

### **SECTION 3**

**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 4**

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

### **SECTION 5**

**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 6**

**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.

**PASSED AND APPROVED:** First reading this the 13<sup>th</sup> day of July, 2020.

**PASSED AND APPROVED:** Second reading this the 27<sup>th</sup> day of July, 2020.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**RUSTY BROCKMAN**, Mayor

**ATTEST:**

\_\_\_\_\_  
**ANDREW A. LYONS III**, Assistant City Secretary



**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney



**City Council Agenda Item Report****7/27/2020**

Agenda Item No. L)

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Presenter/Contact

*Greg Malatek, Public Works Director*  
(830) 221-4020 - [gmalatek@nbtexas.org](mailto:gmalatek@nbtexas.org)

**SUBJECT:**

Approval of 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 K.

**BACKGROUND / RATIONALE:**

**Council District: 5**

Staff has received a request from the property owner at 237 East Faust Street to include the frontage of properties along the 200 Block of East Faust Street in the existing Parking by Permit Area K. The requested area is a combination of 4 commercial properties and 9 residential properties.

Two signed petitions have been received from the property owner requesting addition into Parking by Permit Area K for the 200 Block of East Faust 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 K ordinance.

The proposed designated parking by permit area is a contiguous residential area and matches the schedule of existing parking by permit areas. 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.*

The Council Meeting is a public hearing for this consideration. 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.

**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 FY 2019-20 approved streets and drainage budget.

**COMMITTEE RECOMMENDATION:**

Because of summer visitors, District 5 Councilmember Hurta requested to bring this issue to Council first and forego the Transportation and Traffic Advisory Committee's consideration as allowed.

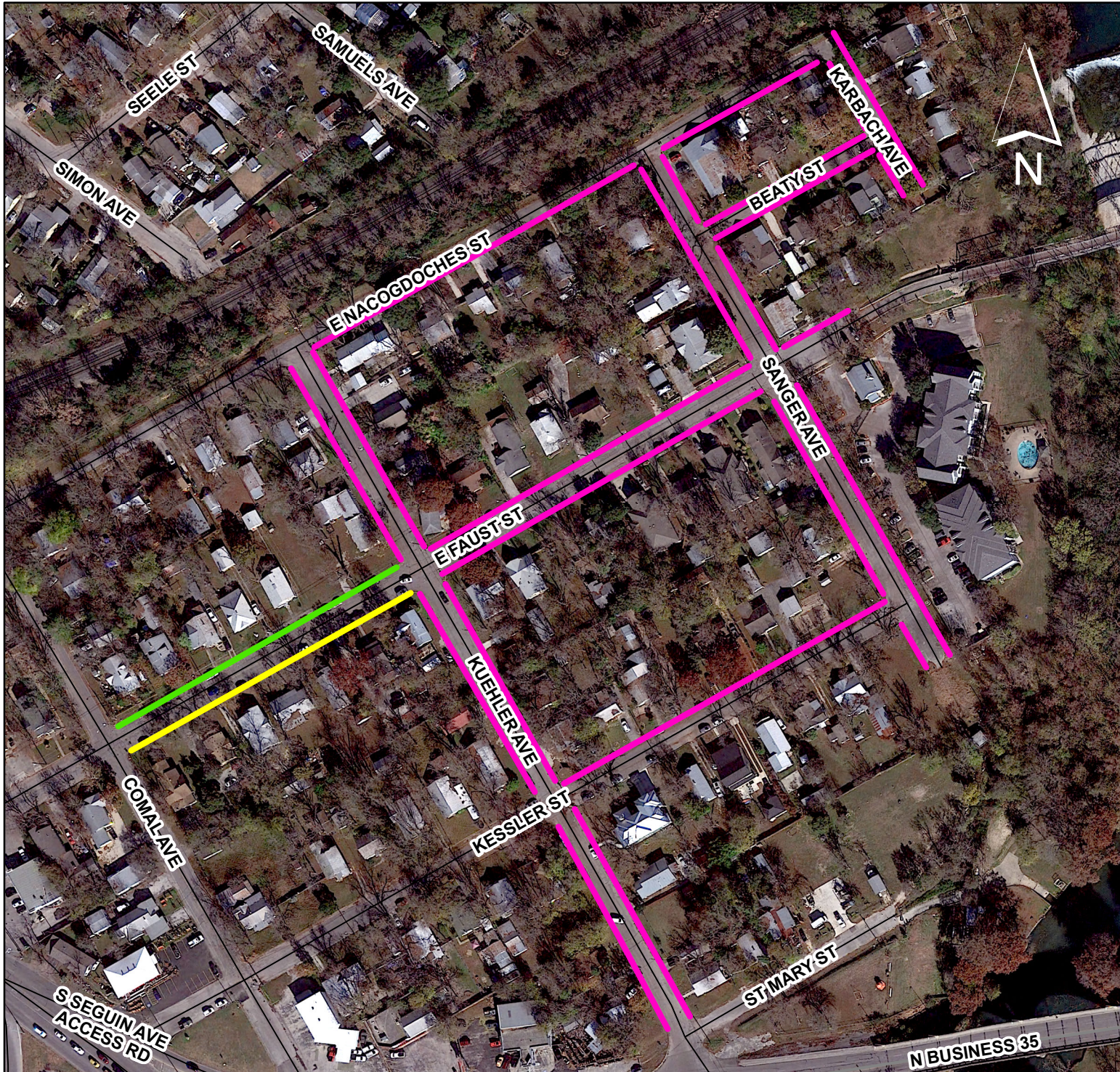
**STAFF RECOMMENDATION:**

Staff recommends approval of amending Parking by Permit Area K to include the frontage along the properties on the odd numbered addresses of the 200 Block of East Faust Street (highlighted in green). Due to an insufficient amount of signatures of at least 2/3rds of the residents / owners, Staff does not recommend approval for the even numbered addresses on the 200 Block of East Faust Street (highlighted in yellow).



# Requested Addition to Parking by Permit Area K

47



## Legend

### Parking by Permit Status

- Sufficient Signatures
- Insufficient Signatures
- Existing Area K



**ORDINANCE NO. 2020-\_\_\_\_\_****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-354 (c) TO AMEND PARKING BY PERMIT AREA K.**

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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:

- (13) Area K, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
  - e. On North side of the 200 Block of East Faust Street addresses ending in an odd number.

**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 \_\_\_\_\_, 2020.

PASSED AND APPROVED: Second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF NEW BRAUNFELS, TEXAS

\_\_\_\_\_  
RUSTY BROCKMAN, MAYOR

ATTEST:

\_\_\_\_\_  
ANDREW A. LYONS III, ASSISTANT CITY SECRETARY

APPROVED AS TO FORM:

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





**City Council Agenda Item Report**550 Landa Street  
New Braunfels, TX**7/27/2020**

Agenda Item No. M)

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

Approval of a first reading of an ordinance amending the Code of Ordinances, Ch. 2, by repealing Section 2-5, relating to employees, and amending Section 2-7(d) and (e), relating to political activities and social media guidelines for City Council.

**BACKGROUND / RATIONALE:**

Presentation on this item was made to City Council on July 13, 2020. On June 30, 2020, the Ethics Commission approved the following recommendations. The first recommendation is a repeal of Section 2.5 of the Code of Ordinances, related to employee political activities and outside/future employment. These provisions will be updated and relocated to the City's employee policy library which is maintained by the Human Resources Director, under the purview of the City Manager. The Human Resources is responsible for maintaining, updating, and training employees on the city's employment policies. Copies of the proposed amended employee policies are attached to this agenda item. Once updated, all employee policies are posted on the city's website under the Human Resources Department. This ordinance also proposed to amend Section 2.7(d) related to City Council political activities, by expanding the councilmembers' political speech rights in accordance with longstanding U.S. Supreme Court legal precedent. This is the most significant change in that it removes a provision that significantly restricts a councilmember's involvement in a candidate's municipal election campaign. Of course, there are limits to a councilmember's political speech rights but those relate to violations of existing state law. Examples of unprotected speech include hate speech, fighting words, terroristic threats, defamation, fraud, and obscenity. Finally, Section 2-7(e) of this amendment is a new section that provides guidance to council members on their use of social media, as requested by City Council.

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

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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Ethics Commission met on June 30, 2020 and voted in favor of the changes by a vote of 6-0, with one member absent.

**STAFF RECOMMENDATION:**

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Staff recommends approval of the proposed changes.

## ORDINANCE NO. 2020-

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE I, CITY OF NEW BRAUNFELS, TEXAS CODE OF ORDINANCES BY REPEALING SECTION 2-5, AMENDING 2-7(D)-POLITICAL ACTIVITY, AND ADDING (E) SOCIAL MEDIA GUIDELINES FOR CITY COUNCIL; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Ethics Commission met on June 30, 2020, and approved the attached recommended amendments that include updating political activity restrictions for council members and employees; and

WHEREAS, the Ethics Commission recommends that employee policies related to outside/future employment and political activities should be removed from the Code and should more aptly remain in the City's Employee Policy Library that is maintained by the Human Resources Department on behalf of the City Manager; and

WHEREAS, the Ethics Commission approved amendments to the standards of conduct applicable to City Councilmembers and their political activities; and

WHEREAS, the City Council has asked for guidance related to acceptable use of social media which led to the development of the attached social media guidelines for City Councilmembers; and

WHEREAS, the City Council accepts the recommendations of the Ethics Commission.

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

SECTION 1. Findings.

The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2: That the code of Ordinances be amended as indicate below with the use of ~~strikeout~~ font for deletions and underlined font for new language.

[Sec. 2-5. – Reserved. ] ~~Additional standards of conduct—City employees.~~

~~(a) Outside employment.~~

- ~~(1) Policy. This provision does not prevent city employees from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of their public duties, provided that the employee complies with all applicable city requirements.~~

~~(2) *Purpose.* The purpose of this provision is to prevent conflicts of interest, conflicts of loyalty, and loss of efficiency at work.~~

~~(3) *General rule.* City employees shall not accept any employment nor enter into any contract that results in a conflict of interest with their duties as a public servant of the city. Employees may be self-employed or take occasional or part-time jobs if, in the opinion of the city manager, there is no conflict with working hours, employees' efficiency in their city work, or other interests of the city. City employment shall remain the first priority and if at any time the outside employment interferes with employees' job requirements or performance for the city, employees shall be required to modify the conditions of the outside employment or terminate either the off-duty employment or their city employment.~~

~~(4) *Disclosure.* Before engaging in off-duty employment, employees must have the written approval of their department head. The department head shall seek initial approval from the city manager before authorizing the outside employment. All notifications of outside employment shall state the type and place of employment, the hours of work and be placed in the employee's personnel file.~~

~~(b) *Future employment.*~~

~~(1) *Representation before city council or city boards and commissions.* No former city employee may, for a period of one year, for compensation, appear on behalf of any person other than a governmental entity, or make any appearance before, or negotiate with any city officer or employee in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge relating to any matter that involved the employee's former employment.~~

~~[(2) *Reserved.*]~~

~~(c) *Political activity.*~~

~~(1) *Policy.* The general prohibition contained in this provision is intended to protect the integrity of the municipal election process and applies only to municipal elections that are administered by the city. This provision is not intended to limit the political involvement of a city employee in county, state or national elections.~~

~~(2) *General rule.* No employee shall solicit or receive any contribution to the campaign funds of any candidate for municipal office or take any part in the management, affairs, or political campaign of any municipal candidate. The following list of activities are the only activities permitted:~~

~~a. The placement of campaign signs on premises owned by the city employee.~~

~~b. The placement of bumper stickers on personal vehicles, except those vehicles supported in whole or in part by a car allowance provided by the city.~~

- ~~c. Attendance at a political rally or function for a city council candidate, so long as the city employee does not actively participate in the rally or function.~~

(Ord. No. 97-6, § 1, 2-10-97)

Sec. 2-7. - Same—City council.

- (a) *Nonprofit board membership.* While membership is encouraged, a councilmember who serves on the board of a public or private nonprofit organization shall have a voice but no vote on any funding request or contract by that organization, unless the organization has a board of directors or trustees appointed in whole or in part by the city council.
- (b) *Appearance by councilmember.* No current members of council shall personally appear on their own financial behalf before the city council, any city board, commission or committee but may designate and be represented by a person of their choice in any such personal business matter. This prohibition does not apply where councilmembers seek reimbursement from the city for authorized expenses relating to councilmembers' official business or where councilmembers appear before the ethics commission in their own behalf.
- (c) *Conflicts of interest.* Members of city council who have a substantial interest in a business entity or in real property that is proposed for city council action shall file an affidavit of disclosure provided by the city secretary prior to the vote and abstain from voting on such matters in accordance with V.T.C.A., Local Government Code ch. 171 and Section 12.02 of the City Charter.
- (d) *Political activity.* The City will not restrain or otherwise regulate councilmembers' political activities so long as such speech is within the boundaries of state law.
  - (1) ~~*General rule.* Current members of city council who are seeking reelection may engage in any campaign activity on behalf of their own campaign efforts. However, councilmembers are prohibited from taking part in the management, affairs, or political campaign of any other municipal candidate. The following activities are the only activities that councilmembers may engage in on behalf of a municipal candidate:~~
    - ~~a. The placement of campaign signs on premises owned by the councilmember.~~
    - ~~b. The placement of bumper stickers on personal vehicles.~~
    - ~~c. Attendance at a political rally or function for a city council candidate, so long as the councilmember does not actively participate in the rally or function.~~
    - ~~d. The donation of a political contribution that does not exceed the statutory limit for nonreportable contributions.~~
- (e) Social Media.

(1) Policy. This provision is intended to provide guidelines for councilmembers' social media usage (including their official council pages, any election pages and personal sites) rather than to enumerate the use of social media by the City Council as an institution. Social Media is defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques. Examples include but are not limited to Facebook, Twitter, LinkedIn, Instagram, Snapchat, Pinterest, Reddit and YouTube.

(2) General Rule. Councilmembers have a right to speak as a private citizen on matters of public concern, so long as the speech does not unduly disrupt the operations or mission of the City.

(3) Restrictions.

(a) Councilmembers shall include a disclaimer on their social media pages stating the account is for the councilmember's personal use and is not sponsored or otherwise managed by the City, nor does it reflect the views or beliefs of the City or City Council as an institution. Councilmembers must take extreme caution not to appear to be representing the City in any manner, including disclaimers in individual posts when necessary to avoid confusion. Councilmembers should not utilize the City of New Braunfels logos on their social media pages.

(b) Councilmembers are prohibited from posting, disclosing, or otherwise discussing confidential information about the City or the inner workings of City Council. Confidential information includes but is not limited to information outlined in section 2-4(c), attorney-client privileged information and information learned in executive session and not yet communicated to the public.

(c) Councilmembers are prohibited from posting harassing, bullying, defaming, or demeaning content on their social media. Councilmembers are further prohibited from making any statements and/or comments that disparage any race, color, religion, sex, age, genetic information, veteran status, disability, national origin, or any other unlawful classification of anyone who works at the City or anyone with whom the councilmember interacts in his or her role as a councilmember. In addition, the City prohibits disparaging commentary about sexual orientation or gender identity.

(4) Violations. Violations of this policy will be subject to review by the Ethics Commission. Any individual who believes that a councilmember has acted in violation of this policy may promptly file a complaint with the Ethic Commission pursuant to section 2-8(i).

(5) Referral to City. If a social media user posts a comment to the councilmember's page that should be addressed to the City, the councilmember should immediately forward the message to the Director of Communications and Community Engagement.

**SECTION 3: Savings Clause.**

All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.

**SECTION 4: Severability.**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

**SECTION 5: Effective Date and Publication.**

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

PASSED AND APPROVED: First reading this \_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED AND APPROVED: Second reading this \_\_\_\_ day of \_\_\_\_\_, 2020.

**CITY OF NEW BRAUNFELS, TEXAS**

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RUSTY BROCKMAN, Mayor

ATTEST:

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Andrew Lyons, Assistant City Secretary

APPROVED AS TO FORM:

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Valeria M. Acevedo, City Attorney





## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): ETHICS POLICY

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S): JANUARY 2, 2020, ~~JUNE 26~~ JULY 13, 2020

## ETHICS POLICY

This section prescribes the ~~standards of conduct and ethics~~ Standards of Conduct and Ethics for all employees of the City of New Braunfels. ~~Please note that is an ordinance adopted by the City Council and any proven violation could result in criminal prosecution and conviction of a class C misdemeanor. The purpose of this policy is to encourage the highest ethical standards by employees in conducting official business, establish minimum guidelines for ethical standards of conduct to be followed by employees, and to provide a mechanism for punishment of disciplinary action those employees who violate the established standard of conduct.~~ The Human Resources Director, appointed by the City Manager as the City's Ethics Officer, is charged with monitoring compliance within the organization and taking appropriate action in response to compliance related complaints. The Finance Department is responsible for oversight of financial reports and establishing and maintaining an adequate internal control structure with appropriate checks and balances. The Finance Department responds to any suspicions of fraud and investigates appropriately. Regular monitoring of the Ethics Point system for reporting possible ethical violations is completed to assist in the reduction of identified problem areas within the organization. The Ethics Officer will be primarily responsible for responding to non-compliance and taking appropriate action to prevent future violations of this policy. To make a report through the EthicsPoint system, employees may use either of the following methods:

- Visit [www.cityofnewbraunfels.ethicspoint.com](http://www.cityofnewbraunfels.ethicspoint.com) and select the "Make the Report" link
- Dial toll-free: 1-866-883-9397

It is important for employees to come forward to report any violations of the ~~standards of conduct and ethics~~ Standards of Conduct and Ethics. If a member of management becomes aware of or ~~even~~ suspects unethical behavior and/or a violation of this policy ~~prohibiting unethical behavior~~, they have a responsibility to promptly consult the Ethics Officer for a proposed course of action. Anyone who condones or fails to take appropriate action may be found in violation of the ~~Standards of Conduct and Ethics~~ standards of conduct and ethics. The Ethics Officer will be responsible for investigations; however, Managers/Supervisors may need to preliminarily investigate and talk with the employee, the employee's co-workers or others to resolve an issue. If they are unsuccessful or require assistance, then the Ethics Officer will be responsible for any further investigation. The resolution of some issues may affect more than one employee. The City will strive to keep any investigations and issues submitted as confidential



## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): ETHICS POLICY

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as possible.

All employees must abide by applicable federal and state laws, administrative rules, as well as the City's ~~Standards of Conduct and Ethics ordinance~~ standards of conduct and ethics. An employee who violates any provision of this Ethics policy is subject to disciplinary action up to and including termination, and possible prosecution. An employee who violates any applicable federal or state law or rule may be subject to civil or criminal penalties in addition to any disciplinary action. Employees responsible for purchasing on behalf of the City are also responsible for communicating to individuals and companies doing business with the City that they must abide by applicable federal, state, and local laws, as well as the City's ~~Standards of Conduct and Ethics ordinance~~ standards of conduct and ethics. Criminal background checks are conducted upon employment for all future employees in an attempt to avoid the delegation of substantial discretionary authority to individuals whom the City of New Braunfels knows or should know, have previously engaged in illegal activity.

New employees will ~~receive ethics related training~~ have access to this policy upon hire ~~when reviewing through~~ the City's of New Braunfels Policy Library ~~outlining this policy~~, as well as training at New Hire Orientation. In addition, the Human Resources Department will conduct required ethics training for all City staff on a biennial basis. All employees will be notified when revisions to the ~~Standards of Conduct and Ethics~~ standards of conduct and ethics are made, as well as all other sections of the City of New Braunfels Policy Library. ~~Council members will be given an Oath of Office and Statement of Officer upon appointment, as well as required review of the Open Meetings Act and Public Information Act and further Newly Elected Official training in accordance to these requirements, including but not limited to: City Council General Rules and Responsibilities, Standards of Conduct: Code of Ordinances, Section 2-1 through 2-5, Key Legal Requirements for Texas City Officials, and Chapter 171 and 176 of the Local Government Code. Council Members will also receive ethics training on a biennial basis.~~

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## STANDARDS OF CONDUCT & ETHICS

### Ordinance 97-6 [Ethics Ordinance]

#### Sec. 2-1. Policy.

~~It is hereby declared to be the policy of the city that the proper operation of democratic government~~



## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): ETHICS POLICY

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S): JANUARY 2, 2020, ~~JUNE 26~~ JULY 13, 2020

~~requires that public officers and employees be independent, impartial and responsible only to the people of the city; that no officers, employees or members of any standing committee or board shall permit any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity to conflict with the proper discharge of their duties in the public interest; that public office not be used for illegal or improper personal gain; and that the city council at all times shall be maintained as a nonpartisan body. To implement such a policy, the city council deems it advisable to enact a standard of conduct for all officers and employees, whether elected or appointed, paid or unpaid, to serve not only as a guide for official conduct of the city's public servants, but also as a basis for discipline for those who refuse to abide by its terms, the overriding interest being that officers and employees of the city shall at all times strive to avoid even the appearance of impropriety.~~

~~The city further recognizes that public servants are also members of society and, therefore, cannot and should not be without any personal and economic interest in the decisions and policies of government; that public servants retain their rights as citizens to interests of a personal or economic nature, and their rights to publicly express their views on matters of general public interest. It is not the intent of this article to thwart the opportunity of public servants to enjoy their rights as citizens of the community.~~

~~(Ord. No. 97-6, § 1, 2-10-97)~~

#### ~~Sec. 2-2. Purpose.~~

~~The purpose of this article is to:~~

- ~~(1) Encourage the highest ethical standards by city officers and employees in conducting official business;~~
- ~~(2) Establish minimum guidelines for ethical standards of conduct to be followed by city officers and employees; and,~~
- ~~(3) Provide a mechanism for punishment of those officers and employees who violate the established standard of conduct.~~

~~(Ord. No. 97-6, § 1, 2-10-97)~~

#### ~~Sec. 2-3. Definitions.~~

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## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): ETHICS POLICY

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S): JANUARY 2, 2020, ~~JUNE 26~~ JULY 13, 2020

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:

*Business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership trust, or any other entity recognized by law.

*City council or council member* means the elected legislative and governing body of the city consisting of the mayor, mayor pro tem and council members.

*Employee* means any person employed by the city including part time and temporary employees.

*Officer* means any appointive member of a city board, commission, or committee set up by city council action, ordinance, charter, state law, or federal law on a permanent or ad hoc basis.

#### ~~Sec. 2-4. Standards of Conduct.~~

##### A. Prohibition Against Gifts

1. Employees of the city shall not accept or solicit any gift, favor, or service from any person or business entity doing business with the city that might reasonably tend to influence employees in the discharge of their official duties or grant any improper favor, service or thing of value.
2. Several factors are considered in evaluating whether a gift is prohibited including the value of the gift, any preexisting relationship between the donor and city employee/s, whether the benefit of the gift flows to the city or to an individual city officer or employee and whether any consideration is given in exchange for the gift. Those items or services that do not constitute prohibited gifts include, but are not limited to, the following: 1) political contributions made and reported in accordance with state law; 2) awards publicly presented in recognition of public service; 3) entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official city business, if furnished by the sponsor of such public event.

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## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): ETHICS POLICY

EFFECTIVE DATE: MAY 20, 2019

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3. Any item offered to an employee of the city may be donated to a charitable organization or be presented to the city.

#### **B. Personal Financial Interest**

~~Personal financial interest. Council members, officers and employees~~ Employees of the city shall not participate in a vote or decision on any matter in which they have a direct or indirect substantial financial interest. Where ownership of stock in a corporation is involved, such stock ownership in an amount in excess of one percent of the stock of such corporation shall constitute substantial interest.

#### **C. Confidential Information**

~~Confidential information. Council members, officers and employees~~ Employees of the city shall not disclose information that could adversely affect the property, government, or affairs of the city; nor directly or indirectly use any information gained solely by reason of their official position or employment for their own personal gain or benefit or for the private interest of others.

#### **D. Use of City Property**

Employees of the city shall not use city supplies, equipment or facilities for any purpose other than to conduct official city business, unless otherwise provided for by law, ordinance or city policy.

#### **E. Conflict of Interest**

Employees of the city shall not represent or appear on behalf of themselves or on behalf of the private interests of others before the city council or any city board, commission or committee when a conflict of interest exists or represent the private interest of others in any action or proceeding involving the city.

#### **A. Future employment**

Representation before city council or city, boards and commissions. No former city employee may, for a period of one year, for compensation, appear on behalf of any person other than a governmental entity, or make any appearance before, or negotiate with any city officer or employee in connection with any judicial or quasi-judicial proceeding, application, contract,

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## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): ETHICS POLICY

EFFECTIVE DATE: MAY 20, 2019

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claim, or charge relating to any matter that involved the employee's former employment.

This provision does not prevent city employees from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of their public duties, provided that the employee complies with all applicable city requirements. The purpose of this provision is to prevent conflicts of interest, conflicts of loyalty, and loss of efficiency at work. City employees shall not accept any employment nor enter into any contract that results in a conflict of interest with their duties as a public servant of the city. Employees may be self-employed or take occasional or part time jobs if, in the opinion of the City Manager, there is no conflict with working hours, employees' efficiency in their city work, or other interests of the city. City employment shall remain the first priority and if at any time the outside employment interferes with employees' job requirements or performance for the city, employees shall be required to modify the conditions of the outside employment or terminate either the off-duty employment or their city employment. Before engaging in off-duty employment, employees must have the written approval of their department head. The department head shall seek initial approval from the City Manager before authorizing the outside employment. All notifications of outside employment shall state the type and place of employment, the hours of work and be placed in the employee's personnel file. No former city employee may, for a period of one year, for compensation, appear on behalf of any person other than a governmental entity, or make any appearance before, or negotiate with any city officer or employee in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge relating to any matter that involved the employee's former employment. (a) Prohibition against gifts.

(1) Council members, officers and employees of the city shall not accept or solicit any gift, favor, or service from any person or business entity doing business with the city that might reasonably tend to influence council members, officers or employees in the discharge of their official duties or grant any improper favor, service or thing of value.

(2) Several factors are considered in evaluating whether a gift is prohibited including the value of the gift, any preexisting relationship between the donor and city employee/s, whether the benefit of the gift flows to the city or to an individual city officer or employee and whether any consideration is given in exchange for the gift. Those items or services that do not constitute prohibited gifts include, but are not limited to, the following: 1) political contributions made and reported in accordance with state law; 2) awards publicly presented in recognition of public service; 3) entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official city business, if



## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): ETHICS POLICY

EFFECTIVE DATE: MAY 20, 2019

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~~furnished by the sponsor of such public event.~~

~~(3) Any item offered to a councilmember, officer or employee of the city may be donated to a charitable organization or be presented to the city.~~

~~(b) *Personal financial interest.* Council members, officers and employees of the city shall not participate in a vote or decision on any matter in which they have a direct or indirect substantial financial interest. Where ownership of stock in a corporation is involved, such stock ownership in an amount in excess of one percent of the stock of such corporation shall constitute substantial interest.~~

~~(c) *Confidential information.* Council members, officers and employees of the city shall not disclose information that could adversely affect the property, government, or affairs of the city; nor directly or indirectly use any information gained solely by reason of their official position or employment for their own personal gain or benefit or for the private interest of others.~~

~~(d) *Use of city property.* Council members, officers and employees of the city shall not use city supplies, equipment or facilities for any purpose other than to conduct official city business, unless otherwise provided for by law, ordinance or city policy.~~

~~(e) *Conflict of interest.* Council members, officers and employees of the city shall not represent or appear on behalf of themselves or on behalf of the private interests of others before the city council or any city board, commission or committee when a conflict of interest exists or represent the private interest of others in any action or proceeding involving the city.~~

~~(Ord. No. 97-6, 5-1, 2-10-97)~~

### **Sec. 2-5. Additional standards of conduct—City employees.**

~~(a) *Outside employment.*~~

~~(1) *Policy.* This provision does not prevent city employees from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of their public duties, provided that the employee complies with all applicable city requirements.~~

~~(2) *Purpose.* The purpose of this provision is to prevent conflicts of interest, conflicts of loyalty, and loss of efficiency at work.~~

~~(3) *General rule.* City employees shall not accept any employment nor enter into any contract that results in a conflict of interest with their duties as a public servant of the city. Employees may be self-employed or take occasional or part time jobs if, in the opinion of the City Manager, there is no conflict with working hours, employees' efficiency in their city work, or other interests of the city. City~~

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## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): ETHICS POLICY

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S): JANUARY 2, 2020, ~~JUNE 26~~ JULY 13, 2020

employment shall remain the first priority and if at any time the outside employment interferes with employees' job requirements or performance for the city, employees shall be required to modify the conditions of the outside employment or terminate either the off-duty employment or their city employment.

~~(4) **Disclosure.** Before engaging in off-duty employment, employees must have the written approval of their department head. The department head shall seek initial approval from the City Manager before authorizing the outside employment. All notifications of outside employment shall state the type and place of employment, the hours of work and be placed in the employee's personnel file.~~

~~(b) **Future employment:**~~

~~(1) **Representation before city council or city boards and commissions.** No former city employee may, for a period of one year, for compensation, appear on behalf of any person other than a governmental entity, or make any appearance before, or negotiate with any city officer or employee in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge relating to any matter that involved the employee's former employment.~~

~~{{(2) **Reserved.**}} (c)~~

~~**Political activity:**~~

~~(1) **Policy.** The general prohibition contained in this provision is intended to protect the integrity of the municipal election process and applies only to municipal elections that are administered by the city. This provision is not intended to limit the political involvement of a city employee in county, state or national elections.~~

~~(2) **General rule.** No employee shall solicit or receive any contribution to the campaign funds of any candidate for municipal office or take any part in the management, affairs, or political campaign of any municipal candidate. The following list of activities are the only activities permitted:~~

~~a. The placement of campaign signs on premises owned by the city employee.~~

~~b. The placement of bumper stickers on personal vehicles, except those vehicles supported in whole or in part by a car allowance provided by the city.~~

~~c. Attendance at a political rally or function for a city council candidate, as long as the city employee does not actively participate in the rally or function.~~

~~(Ord. No. 97-6, § 1, 2-10-97)~~

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## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): OUTSIDE EMPLOYMENT

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S): JUNE 30, 2020

### OUTSIDE EMPLOYMENT

The purpose of this provision is to prevent conflicts of interest, conflicts of loyalty, and loss of efficiency at work. This provision does not prevent city employees from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of their public duties, provided that the employee complies with all applicable City requirements. The purpose of this provision is to prevent conflicts of interest, conflicts of loyalty, and loss of efficiency at work.

1. City employees shall not accept any employment nor enter into any contract that results in a conflict of interest with their duties as a public servant of the city.
2. Employees may be self-employed or take occasional or part-time jobs if, in the opinion of the City Manager, there is no conflict with working hours, employees' efficiency in their city work, or other interests of the city.
3. City employment shall remain the first priority and if at any time the outside employment interferes with employees' job requirements or performance for the city, employees shall be required to modify the conditions of the outside employment or terminate either the off-duty employment or their city employment.
4. Before engaging in off-duty employment, employees must have the written approval of their department head. The department head shall seek initial approval from the City Manager before authorizing the outside employment. All notifications of outside employment shall state the type and place of employment, the hours of work and be placed in the employee's personnel file.

### **Outside Employment**

**~~Ordinance 97-6 [Ethics Ordinance]  
Sec. 2-5. — Additional standards of conduct — City  
employees.~~**

~~(a) — Outside employment.~~

- ~~(1) — Policy. This provision does not prevent city employees from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of their public duties, provided that the employee complies with all applicable city requirements.~~

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- ~~(2) Purpose. The purpose of this provision is to prevent conflicts of interest, conflicts of loyalty, and loss of efficiency at work.~~
- ~~(3) General rule. City employees shall not accept any employment nor enter into any contract that results in a conflict of interest with their duties as a public servant of the city. Employees may be self-employed or take occasional or part time jobs if, in the opinion of the city manager, there is no conflict with working hours, employees' efficiency in their city work, or other interests of the city. City employment shall remain the first priority and if at any time the outside employment interferes with employees' job requirements or performance for the city, employees shall be required to modify the conditions of the outside employment or terminate either the off-duty employment or their city employment.~~
- ~~(4) Disclosure. Before engaging in off-duty employment, employees must have the written approval of their department head. The department head shall seek initial approval from the city manager before authorizing the outside employment. All notifications of outside employment shall state the type and place of employment, the hours of work and be placed in the employee's personnel file.~~

**PROCEDURE(S): OUTSIDE EMPLOYMENT**

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S): JUNE 30, 2020

APPENDIX D:  
OUTSIDE EMPLOYMENT REQUEST

## OUTSIDE EMPLOYMENT REQUEST FORM

Employee's Name: \_\_\_\_\_ Position: \_\_\_\_\_

Department/Division: \_\_\_\_\_ Date: \_\_\_\_\_

~~Section 2-5 of the~~The City of New Braunfels, ~~'Ethics Ordinance'~~allows City employees to accept other employment, provided that the employment does not result in a conflict of interest with the employee's duties as a public servant of the City, or interfere with the employee's ability to perform their work for the City in an efficient manner. ~~Section 2-5 [4] of the Ethics Ordinance requires disclosure~~Disclosure of outside employment is required. To that end, list the name, address, and phone number for each outside employer whom you work for pay, or for which payment in goods or services is received. Describe the nature of the work which you perform for each employer. In addition, list any anticipated future employment activity in which you expect to participate during the current calendar year.

**\*\*NOTE: Please list any previous outside employment that is still currently active.**

Name, Address and Phone Number of Employer	Hours To Be Worked in a Day	Number of Days Per Week	Description of Work To Be Performed

This document certifies that all outside employment in which I am currently engaged, or in which I am planning to engage, is not in conflict with my City job, does not represent a conflict of interest, or otherwise conflict with the City's Ethics Ordinance/Outside Employment Policy, and does not prevent me from performing an efficient full-day's work for the City. I understand that I will be in violation of City policy if I participate in outside employment during hours that I am scheduled to work for the City. I further acknowledge that I may not engage in outside employment while I am on leave [Workers' Compensation], or injury leave.

Employee's Signature \_\_\_\_\_ Date \_\_\_\_\_

I recommend this request to engage in off-duty employment be: ☒ **Approved** ☐ **Denied**

[illegible]

*If approved, sign and forward to CMO for final approval. If denied, notify employee, sign and forward to HR for filing in personnel file.*

Department Director's Signature \_\_\_\_\_

Date \_\_\_\_\_

Department Director Comments:

This request to engage in off-duty employment is: ☐ **Approved** ☐ **Denied**

*Return completed form to Human Resources for employee notification and filing in personnel file.*

City Manager's or Authorized Representative's Signature \_\_\_\_\_

Date \_\_\_\_\_

Date Received in Human Resources: \_\_\_\_\_ Date Employee Notified: \_\_\_\_\_

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## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): CODE OF CONDUCT

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S): NOVEMBER 12, 2019, JUNE 30, 2020

## CODE OF CONDUCT

Each employee is responsible for following City rules of conduct, policies, and practices. The City expects all employees will interact and treat each other with dignity and respect. All City employees should maintain the utmost standards of personal integrity, truthfulness and fairness in carrying out their duties, avoiding real or perceived improprieties in their roles as public servants and never using their City positions or powers for improper personal or professional gain. Any conduct that is contrary to this policy is not acceptable and may result in disciplinary action, up to and including termination of employment. This policy does not alter the at-will employment relationship between the city and the employee.

All employees shall perform their official duties in a lawful, professional, and ethical manner; practice responsible stewardship of organizational resources and report any conduct or activity that they believe to be in violation of this policy.

### **A. Improper Conduct**

Employees must perform their assigned duties to the best of their ability and in the best interest of the City, fellow employees, customers, visitors and vendors. Employees must not take action that creates a risk, harm or damage to oneself, another person, the City, or the property of the City or others.

Employees must adhere to and fully comply with all City policies and procedures. Managers/Supervisors must be conscious of the fact that they are agents of the City, and as such, their actions may be attributed to the City under certain circumstances even while off duty. Therefore, they should avoid situations that place the City at risk and/or call their professionalism into question.

This section provides examples of prohibited conduct. The infractions listed are only examples and are not meant, and do not, include all reasons for which an employee may be disciplined or terminated. The Employee Code of Conduct may be amended from time to time.



## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): CODE OF CONDUCT

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S): NOVEMBER 12, 2019, JUNE 30, 2020

1. Intentional destruction of City property or of property belonging to another employee.
2. Violent acts or threats of violent acts.
3. Possession of dangerous or unauthorized materials such as explosives or firearms on City property.
4. Failure to follow the safety standards to ensure the safety and well-being of all employees, customers and vendors.
5. Selling, distributing, offering, possessing, transferring or using alcohol or illegal/controlled substances during work time or on City property.
6. Gambling on City property or during business hours.
7. Falsification of timesheets, financial or City documents.
8. Falsification of employment documents.
9. Alteration of City records.
10. Violation of any criminal law at any time.
11. Conviction of a traffic citation received while conducting City business.
12. Insubordination.
13. Failure to meet the performance standards.
14. Failure to perform a specifically assigned work task or directive unless doing so would clearly violate City policy or the law.
15. Excessive or unscheduled absenteeism/tardiness in reporting to work.
16. Leaving work during business hours without the permission of the Manager/Supervisor and/or Department Director.
17. Lying with regard to work or in an investigation.
18. Failure to cooperate with an investigation.

### B. Personal Relationships

Relationships that occur in the workplace must not interfere with work performed and may not violate the City's nepotism policy.

1. Supervisors may not date or have a sexual relationship with a subordinate, on or off duty.
2. In the event a relationship involving any City employees interferes with work performed or causes distraction within the workplace, one of the employee's may be reassigned or asked to resign in lieu of being terminated.



## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): CODE OF CONDUCT

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### C. Children in the Workplace

Employees are not permitted to bring children to work with them. Exceptions to this policy may be permitted by the Department Head to allow employees to bring their children to visit their worksite, provided that the visits are infrequent, brief, and planned in a fashion that limits disruption to the workplace. While children are in the workplace, they must be directly supervised by the host/parent at all times.

### D. Working hours and Reporting for Work

1. The normal work week for City employees is forty [40] hours. The normal number of hours worked per week may vary by department based on such factors as local, state or federal statutes, work load, time of year, etc.
2. Administrative and staff employees will normally work from 8:00 a.m. to 5:00 p.m.; however, Department Directors, with City Manager or designee approval, may establish work schedules in their departments based on the business needs and functions of the department. Scheduled changes may not affect coverage during business hours or affect customer service. Lunch breaks will be scheduled by Department Directors in accordance with the Department of Labor, department requirements and the need to provide service to citizens and customers. All non-exempt employees who work a 9-hour day must be offered a 60-minute, unpaid lunch. These employees shall not be required or expected to perform any job-related tasks while at lunch.
3. An employee shall report for work physically and mentally fit at the time and place specified by the Manager/Supervisor and remain physically and mentally fit throughout the work day. The employee must be properly prepared to immediately assume and continue the duties of his/her position, which includes being aware of information required for proper performance of that work.

### E. Absences and Late Reporting to Work

1. No employee may be absent without prior notification and authorization. This includes failure to report for work at the assigned time and place or leaving a place of duty or assignment



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### PROCEDURE(S): CODE OF CONDUCT

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without proper authorization. This rule applies to any scheduled activity for which the employee is compensated to include but not limited to break[s] by the City.

2. In most, but not all cases, employees should be able to plan their absences from work. Employees shall advise their Supervisor or Department Director that he/she will not be at work and provide an explanation within the time limits established by the department.
3. Any employee missing work for two [2] consecutive shifts or work days without prior approval by the Manager/Supervisor or without notifying the Manager/Supervisor or the Department Director of the reason for the absence shall be deemed to have resigned his/her employment with the City.

## WORKPLACE VIOLENCE PREVENTION

It is the policy of the City of New Braunfels to prohibit any acts or threats of violence [verbal or physical] by any employee, former employee or individual against any other employee, or individual in or about the City's facilities while on duty, on or off the City's premises at any time.

### A. In order to provide a safe work environment in this regard, the City is committed to the following:

1. To take prompt remedial action, up to and including immediate termination of employment, against any employee who engages in any physically threatening behavior or acts of violence by using any obscene, abusive, or threatening language or gestures.
2. To take appropriate action against former employees or other individuals on the City's premises who engage in such behavior. Such action may include notifying the police or other law enforcement authorities, and prosecuting violators of this Policy to the maximum extent of the law.
3. To prohibit employees, former employees and other individuals from bringing unauthorized firearms or other weapons onto the City's premises.
4. To establish practical and reasonable security measures for the City's workplace.
5. To report any employee who displays a tendency to engage in violent, abusive or physically threatening behavior to the Manager/Supervisor for counseling or other appropriate action[s]. Such employees may also be subject to disciplinary action, up to and including





## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): CODE OF CONDUCT

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termination.

## POSSESSION OF WEAPONS OR EXPLOSIVES

- A. The City of New Braunfels does not permit employees to possess or use any kind of weapon [licensed peace officers are an exception to this policy], explosive or other dangerous implements while employees are at the workplace or otherwise performing duties on behalf of the City. This Policy applies whether or not a weapon is armed or loaded. Weapons must be properly secured and concealed in an employee's personal vehicle. No employee using a City owned vehicle may possess a weapon, excluding those secured in a privately-owned vehicle.
- B. The City reserves the right to inspect, search and monitor employees and their personal property on City premises or while performing City business to ensure compliance.
- C. The mere fact that a citizen is carrying a weapon on City property or inside a City facility should not be cause for alarm or require a police response. However, if the person is causing a disturbance or behaving in an alarming manner, the police should be called to investigate.
- D. For additional information, reference the [Open Carry Guide](#).

## ANTI-FRAUD

This policy applies to any actual or suspected fraud, theft, waste, or abuse involving any City employee, a consultant, vendor, contractor, outside agency, or person doing business with the City or in any other relationship with the City. The City of New Braunfels does not tolerate any type of fraud, theft, waste or abuse. The City's policy is to promote consistent, legal, and ethical organizational behavior by:

- a. Assigning responsibility for reporting fraud, theft, waste or abuse.



## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): CODE OF CONDUCT

EFFECTIVE DATE: MAY 20, 2019

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- b. Providing guidelines to conduct investigations of suspected fraudulent behavior.
- c. Requiring employees to attend fraud awareness training.

Failure to comply with this policy subjects any City employee to disciplinary action, up to and including immediate termination. Failure to comply by a consultant, vendor, contractor, outside agency, or person doing business with the City or in any other relationship with the City could result in cancellation of the business or other relationship between the entity and the City. The City of New Braunfels will pursue prosecution if the results of an investigation indicate the possibility of criminal activity. The City of New Braunfels contracts with EthicsPoint as a means for employees to report suspected fraud, theft, waste or abuse anonymously. The anonymity of the employee reporting will be respected at all times. To make a report through the EthicsPoint system, employees may use either of the following methods:

- Visit [www.cityofnewbraunfels.ethicspoint.com](http://www.cityofnewbraunfels.ethicspoint.com) and select the "Make the Report" link
- Dial toll-free: 1-866-883-9397

For purposes of this policy only, the term fraud or fraudulent includes theft, waste, and abuse as defined below. The term employee includes employees in management positions. The term management includes directors, managers, assistant managers, supervisors and any other employee who has authority to sign another employee's performance evaluation.

### A. Definitions of Fraud, Waste, Abuse and Theft

1. Fraud is defined as an intentional deception designed to obtain a benefit or advantage or to cause some benefit that is due to be denied.
2. Waste is the loss or misuse of City resources that results from deficient practices, system controls, or decisions.
3. Abuse is the intentional, wrongful, or improper use of resources or misuse of rank, position, or authority that causes the loss or misuse of resources, such as tools, vehicles, computers, copy machines, etc.
4. Theft is defined as the act of taking something from someone unlawfully.

### B. Responsibility to Report Suspected Fraud



## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): CODE OF CONDUCT

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S): NOVEMBER 12, 2019, JUNE 30, 2020

1. Each employee is required to report any suspected fraud, theft, waste or abuse or other dishonest conduct through EthicsPoint, to the employee's management or to the Ethics Officer. The Ethics Officer is the Human Resources Director or designee.
2. Management is required to report suspected fraud, theft, waste or abuse or other dishonest conduct, including reports from employees or other individuals, either through EthicsPoint, the Ethics Officer or to higher level management.
3. Management does not have the authority to determine the merits of a report of suspected fraud. The Ethics Officer will make a determination with the assistance of the Human Resources Director and/or City Management.
4. The identity of an employee or complainant who reports suspected fraud will be protected to the full extent allowed by law.
5. Suspected improprieties and/or misconduct concerning an employee's ethical conduct should be reported through EthicsPoint, to the Department Director or the Ethics officer.

## **CONFIDENTIALITY**

In the course of one's work, an employee may have access to information about the City, employees, or vendors, which is confidential. The City requires all employees to protect the integrity and confidentiality of such information by safeguarding it and accepting responsibility for its security and proper use.

### **A. Examples of Precautionary Measures**

1. Discuss work matters only with other City employees who have a specific business reason to know or have access to such information.
2. Do not discuss confidential work or customer-related matters in public places.
3. Monitor and supervise visitors to City offices to ensure they do not have access to confidential information.
4. Secure confidential information in desk drawers and cabinets at the end of every business day.



## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): CODE OF CONDUCT

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5. Take steps to protect the confidentiality of electronic confidential information by limiting access, for example, by the use of passwords.

If at any time you are uncertain as to whether you can divulge certain information or how you should secure it, please consult with the Human Resources Department. Confidential information which employees are exposed to shall remain the property of the City. Such information cannot be disclosed or used on behalf of anyone else except the City, during your employment or afterwards. All documents and materials received in connection with your employment must be returned upon the termination of your employment, regardless of the reason.

Employees who are found violating the City's policy on confidentiality will be subject to disciplinary action, up to and including termination of employment. The City reserves the right to take any legal action necessary to enforce its proprietary interest in any confidential information and to protect such information from unauthorized disclosure.

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### B. Confidentiality of Medical Information

The City strives to protect the privacy of its employees' medical information. To accomplish this, the City and its managers and employees are required to follow these guidelines regarding the confidentiality of medical information.

1. All medical information concerning employees will be maintained in separate, confidential medical files that are stored separately from regular personnel records in the Human Resources Department. Only authorized employees will have access to such files. Access will be provided solely on a need-to-know basis and in accordance with applicable law.
2. Employees with access to medical information of other employees are instructed that such information is absolutely confidential and will not be discussed with or disclosed to any other employee or person unless such discussion or disclosure is necessary as part of the employee's job duties or when discussing the information with the employee that is the subject of the information and with the subject employee's invitation.
3. Any employee who is found to have violated the Confidentiality of Medical Information policy



## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

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or has been found to have released such information without authorization, will be subject to disciplinary action, up to and including immediate termination from employment. Employees also should be aware that a violation of medical information confidentiality may also subject the employee to civil and criminal liability under state and federal laws.

## SOCIAL MEDIA

Social media is a powerful communication tool that has a significant impact on organizational and professional reputations. The purpose of this policy is to provide guidelines for employees participating in personal social media rather than to enumerate the use of social media by the City as an institution. Social Media is defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques. Examples include but are not limited to Facebook, Twitter, LinkedIn, Instagram, Snapchat, Pinterest, Reddit and YouTube.

Employees have the right to speak out as private citizens on matters of public concern, so long as the speech does not unduly disrupt the operations or mission of the City. An employee speaks as a private citizen when the social media activity is not part of the City employee's job, but rather, the employee is speaking on their own behalf. Further, protected social media activity must be on a matter of public concern, which can include speech on matters of political, social or other concern to the community. In determining whether speech is on a matter of public concern, the City Manager and City Attorney will look at the form, content, and context of a statement. Personal grievances or posts that do not involve matters of public concern are not protected under the First Amendment.

The City generally will not restrict or regulate employees' off-duty social media activity. However, if the City Manager believes that an employee's social media will cause an actual and unreasonable disruption to the City's mission or operations, the City reserves the right to limit such speech within its authority under the law. Accordingly, the City has the right to monitor its employees' social media sites and protect its interests.

Whether social media activity creates an actual and unreasonable disruption is a fact-specific analysis that depends on a number of factors including, the employee's position with the City, the type of social media activity, the social media platform used and who was witness to such activity. Additional



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#### factors include:

- The need for harmony in the office or workplace
- Whether the City's responsibilities require a close working relationship to exist between the employee and co-workers when the speech in question has caused or would cause the relationship to deteriorate.
- The time, place, and manner of the speech
- The context in which the dispute arose
- The degree of public interest in the speech
- Whether the speech impeded the employee's ability to perform his or her duties

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The City Manager and City Attorney are the sole decision makers on whether the speech could create an actual and unreasonable disruption to the City. Below are examples where City employees' social media activity based on a matter of public concern would nevertheless create an actual and unreasonable disruption:

1. A Department Director posts on social media details about the security system of City facilities and vehicles.
2. A City police officer posts on social media that he believes, based on unverified rumor, that an investigation of a drowning incident has been tainted by corruption and the special prosecutor investigating the drowning had a conflict of interest because she had been involved in a quid pro quo with the department to exonerate a family member that was under investigation by the department for a separate criminal case. All of these rumors were found to be unverified.
3. A lifeguard at the City's recreational facility posts on social media an unverified rumor that the City has begun employing lifeguards and swim instructors without CPR and First Aid certifications.
4. A City employee with management or public-facing duties posts disparaging racial comments about a segment of the population.

If you have Employees with a questions as to whether specific social media postings are a matter of public interest and/or will create an actual and unreasonable disruption in violation of this policy, you are responsible for asking your supervisor or HR prior to engaging in the political-social media activity. The fact that an employee did not understand that his or her social media activity would create



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an actual and unreasonable disruption is not a valid defense and will not insulate the employee from discipline under this policy.

### A. Provisions

1. Employees may only access their personal social media sites during designated meal times and/or scheduled breaks. Employees may not otherwise post, work or access their personal social media sites during business hours. Employees are prohibited from using City devices to access their social media accounts.
2. Employees who post material on social networking ~~and other~~ Internet sites, blogs, or other public forums must take extreme caution not to appear to be representing the City in any manner. Employees are prohibited from posting, disclosing or otherwise discussing confidential or proprietary information about the City and its employees and should not utilize the City of New Braunfels logos. Employees should avoid posting about City-related topics; when ~~an employee~~ posts on social media about City-related matters, ~~he or she~~ they must identify their views as their own and not the City's. Employee's personal social media accounts may be subject to open records law when they relate to City business.
3. Employees are prohibited from harassing, bullying, defaming, or demeaning coworkers through online posts.
4. Employees are prohibited from making any statements and/or comments that disparage any race, color, religion, sex, age, genetic information, veteran status, disability, national origin, or any other unlawful classification of anyone who works at the City or anyone who the employee interacts with during the course of their employment. In addition, the City prohibits disparaging commentary about gender identity and sexual orientation.

Employees who violate any section of this policy may be subject to disciplinary action up to and including termination. Any user having personal knowledge of misuse or violations(s) of this policy who fail to report such violation(s) to his or her supervisor or the Human Resources Department in a timely manner may be subject to disciplinary action up to and including termination.

## SOLICITATION



## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): CODE OF CONDUCT

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S): NOVEMBER 12, 2019, JUNE 30, 2020

It is the policy of the City of New Braunfels to limit solicitation and distribution of literature by employees and/or vendors in the workplace. Any solicitation by employees and/or vendors in the workplace is subject to Human Resources Department approval.

Solicitations within the community on behalf of the City must have the prior approval of the City Manager or designee.

## POLITICAL ACTIVITY

The City desires to maintain a high level of accountability and high standards of professionalism while respecting the rights of employees outside the workplace. This Policy is designed to maintain those goals.

### A. Political Participation

Section 12.03 of the New Braunfels City Charter and Section 2-5 [c] of the City Code of Ordinances contain provisions dealing with political activity by City employees, and employees should familiarize themselves with those rules. Generally, the Charter and Code provide the following:

1. During work hours, while in the performance of official job duties, whether or not on City property, or while otherwise in a City uniform or while wearing a City logo or emblem, employees shall not perform or be involved in political campaigning or related activities.
2. No employee shall solicit or assist in the soliciting of any assessment subscription, or contribution for any political party or political purpose from any subordinate employee, whether in a municipal election or otherwise.
3. Employees have the right to speak out as private citizens on matters of public concern, so long as the speech does not unduly disrupt the operations or mission of the City. An employee speaks as a private citizen when their political speech is not part of their job, but rather, the employee is speaking on their own behalf, and political speech is inherently on a matter of public concern.
4. The City generally will not restrict or regulate employees' off-duty political participation. However, during municipal elections, if the City Manager believes that an employee's public political speech or conduct will cause an actual and unreasonable disruption to the City's





## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): CODE OF CONDUCT

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mission or operations, the City reserves the right to limit such participation within its authority under the law.

a. Whether an employee's municipal political activity creates an actual and unreasonable disruption is a fact-specific analysis that depends on a number of factors including, the employee's position with the City, the type of political activity, and where the political activity occurred and who was witness to such activity. The City Manager and City Attorney are the sole decision makers on whether municipal political activity creates an actual or unreasonable disruption to the City. Below are examples where City employees' municipal political speech would likely create an actual and unreasonable disruption:

i. A Council appointee or other City employee with Council-facing duties, liked the Facebook page of a councilmember's opponent and was seen volunteering over the weekend, handing out yard signs and campaign materials for the opponent. Such political activities interfere with the employee's interactions with the Council and negatively impact an employee's ability to do their job.

ii. A Department Director announces that he will not support a new political proposition recently approved by voters, which is set to be implemented by his department. Such political speech interferes with the Director's workplace duties and undermines public trust and confidence that the political proposition will be implemented and enforced in good faith.

b. If you Employees have with a questions as to whether a specific municipal political activities will create an actual and unreasonable disruption in violation of this policy, you they are responsible for asking your their supervisor or HR prior to engaging in the political activity. The fact that an employee did not understand that his or her political activity would create an actual and unreasonable disruption is not a valid defense and will not insulate the employee from discipline under this policy. An employee may place campaign signs on premises owned by the employee; place bumper stickers on personal vehicles except those vehicles supported in whole or in part by a car allowance provided by the City; and attend a political rally or functions of a municipal candidate provided that the employee does not actively participate in the rally or function and not on City time.

3.5. For all other non-municipal elections, including county, state or national elections, an employee is not limited in his or her off-duty participation or support. [Please reference



## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): CODE OF CONDUCT

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Endorsements as City Employees].

4-6. In addition to the above Charter and Code provisions, no employee shall:

- a. Coerce an employee to participate in, or to refrain from participating in, a political campaign.
- b. Require an employee to contribute to any political fund, render any political service, or support or oppose any political election. Employees may not be punished in any way for refusing to do so.

### B. Endorsements as City Employees

1. Employees are prohibited from using their official capacities as City employees to influence, interfere with, or affect the results of an election. An employee shall not list his/her position or occupation with the City in an endorsement of a candidate for public office, or while addressing political gatherings in support of, or in opposition to, a partisan candidate or political proposition on a ballot where the employee's position or occupation is listed.
2. Employees shall not engage in any activity that could be construed as giving City sanction to any candidate for public office or for or against any political proposition.
3. Employees shall not use City equipment, including computers, printers, cell phones, telephones and e-mails, to engage in any political activity.
4. With regard to City bond elections, a City employee may use City equipment or appear in City uniform or while wearing an article of clothing containing a City logo or emblem, to explain the use of the bond proceeds or the projects to be funded with the bond proceeds. However, a City employee shall refrain from stating that citizens should vote in favor of, or against, the bond propositions. While on duty, employees must also refrain from using words that are supportive or derogatory of such propositions.

### C. Candidates for Political Offices, Including New Braunfels City Council

1. A City employee who enters a race for any political office, including New Braunfels City Council, shall notify his/her Manager/Supervisor or Department Director and the City Manager. A City employee can become a candidate for public office so long as his or her candidacy does not interfere with the employee's duties and responsibilities associated with



## **CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES**

### **PROCEDURE(S): CODE OF CONDUCT**

**EFFECTIVE DATE: MAY 20, 2019**

**REVISION DATE(S): NOVEMBER 12, 2019, JUNE 30, 2020**

his/her employment. The City Manager will be the sole decision-maker in determining whether a City employee's candidacy interferes with his or her employment.

2. A City employee elected to any political office, including New Braunfels City Council, shall report this fact to his/her Department Director and the City Manager. The City Manager may review the situation and the employee's election to determine if actual or potential conflicts of interest or other reasons exist that could require the employee to resign or be terminated.

### **COUNCIL COMMUNICATION**

At the City Manager's discretion, he/she will set parameters and expectations regarding direct or indirect communication between staff and City Council members.



**City Council Agenda Item Report****7/27/2020**

Agenda Item No. A)

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Presenter/Contact*Jordan Matney, Assistant City Manager  
jmatney@nbtexas.org***SUBJECT:**

Presentation, discussion and possible staff direction to postpone the Special Election on proposed amendments to the City Charter originally scheduled for May 2, 2020.

**BACKGROUND / RATIONALE:**

On April 13, 2020, in light of the ongoing COVID-19 pandemic, the City Council postponed the May 2020 Charter amendment special election to November 3<sup>rd</sup>, as allowed by Governor Abbott under a proclamation temporarily suspending certain provisions of the Texas Election Code. As the number of cases continue to rise in Comal and Guadalupe Counties, so do concerns about long lines and crowds at the polling sites in November.

Some considerations for postponement of the charter amendment special election:

- With 2020 being a presidential election year, crowds will be large and lines at the polls will be long. Extremely lengthy ballots may increase wait times, lines and crowds. The charter amendment language is lengthy and will increase the ballot significantly.
- Postponement allows for the filling of the City Secretary vacancy prior to the May 2021 election. The City Secretary's Office is solely responsible for municipal elections and the vacancy creates issues with moving forward with a November election. Interim services would be required to move forward with a November election.
- Postponement allows for information sessions with new Council Members and Mayor to further review the eighteen (18) proposed Charter amendments on the ballot.
- Postponement does not affect any candidate races for regular election, as they were unopposed, the election was canceled, and those candidates have been sworn in.
- Municipal elections are always in May, so postponement would allow for consistency in the election process.
- The City will be required to use county polling locations in the November election, which will likely mean using more than the usual six municipal Election Day locations.
- Notice of the postponement will be posted on the City website and other various media.

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

N/A

**FISCAL IMPACT:**

The expected cost of a municipal election is approximately \$15,000. The estimate of costs from

Comal County for the May 2, 2020 special election was \$16, 982.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of the item.

## City Council Agenda Item Report

**7/27/2020**

Agenda Item No. B)

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**Presenter/Contact**

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

**SUBJECT:**

Discussion, possible direction to staff, and approval regarding the U.S. Department of Housing and Urban Development Community Development Block Grant 2020-2024 Consolidated Plan, Citizen Participation Plan, Fair Housing Plan, and Annual Action Plan, including funding recommendations for Program Year 2020.

**BACKGROUND / RATIONALE:**

The City of New Braunfels has been fortunate to receive annual grants from the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Entitlement Program since 1994. The annual funding amount varies each year as it is determined on a formula basis and then provided to entitled cities, counties, and states to help develop viable urban communities. Funds are distributed by the City throughout the community to provide eligible subrecipients with grant funding that can be used to revitalize neighborhoods, support affordable housing, provide economic opportunities, and improve community facilities and services intended for low- and moderate-income (LMI) residents. Of the total annual funding amount, HUD requires that specific percentages of the funding be allocated to: CDBG program administration, public service activities, and housing and public facility projects. Any additional funds, including from previous Program Years, are held in reserve in the U.S. Treasury to be utilized by the City for housing/public facilities projects at a future date in accordance with timeliness requirements and project/program eligibility.

**2020-2024 Consolidated Plan**

As required by HUD, the City has developed a Community Development Block Grant 2020-2024 Consolidated Plan (Con Plan) as the current 2014-2019 Con Plan will conclude on September 30, 2020. Components of the Con Plan include a Housing Study, Market Analysis, a 5-Year Strategic Plan, and a 1-Year Action Plan. In addition to community feedback, the Housing Study and Market Analysis are used to identify specific community needs which are then incorporated within the 5-Year Strategic Plan. The 5-Year Strategic Plan provides an outline of the anticipated use of CDBG funds for the next five HUD program years, whereas the 1-Year Action Plan (Annual Action Plan) submitted with the Con Plan will identify specific projects and programs that the City will support with CDBG funds during the upcoming HUD Program Year 2020 beginning on October 1. As per CDBG requirements, subsequent Annual Action Plans are created and submitted to HUD each year with projects/programs that support the goals of the HUD-approved Con Plan.

Collaboration with community members, and public and private entities, is important to the development of the Con Plan as it allows for more effective alignment of CDBG programs with other plans, programs, and resources to achieve an overall greater impact for the City's residents.

Community engagement included stakeholder meetings, public hearings, one-on-one interviews, and online surveys (provided in English and Spanish) with collaborative partners including, but not limited to non-profit social service providers, non-profit housing providers, a local foundation, the New Braunfels Housing Authority, and City Departments. Due to public health concerns caused by COVID -19, CDBG staff has gathered community input via a variety of methods, including socially distant in-person meetings, virtual meetings conducted via Zoom, online surveys, and interviews conducted via phone and email.

### **PROGRAM YEAR 2020 Funding Recommendation**

As aforementioned, the City is preparing to submit the Program Year 2020 (PY20) Annual Action Plan to HUD as part of the 2020-2024 Consolidated Plan process. The Annual Action Plan, developed according to the City's Citizen Participation Plan, outlines the projects and programs the City will support with CDBG funds during the upcoming HUD Program Year. After submission of the Annual Action Plan, projects and programs are then implemented in accordance with the approved one-year budget and activities.

The City's allocation for PY20 is \$413,251.00 and will begin October 1, 2020. Of the total funding amount, up to 15 percent (\$61,987.65) could be allocated for public service activities, 20 percent (\$82,650.20) for CDBG program administration, and the remaining 65 percent (\$268,613.15) is to be used for housing and public facilities projects as per HUD CDBG requirements. A competitive application was released in January 2020 to eligible non-profit agencies and other entities for the public services, and housing and public facilities categories; the allocation for program administration is provided directly to the City and not subject to the competitive process. Applications were subsequently reviewed by the City's Community Development Advisory Committee (CDAC) to establish PY20 funding recommendations.

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

After extensive review, CDAC members met on May 6 to discuss and publicly rank the applications and consider funding allocations for CDBG Program Year 2020. Recommendations for funding were based upon factors such as how the program/project will benefit LMI residents, availability of funding, past/current performance for organizations who had previously received funding, and the experience and capacity of the agency in managing the proposed program/activity.

Funding allocations initially presented during the regular City Council meeting on July 13, 2020 were recommendations provided by CDAC. The July 27, 2020 Recommended Funding amounts within the table below reflect feedback provided by City Council during the July 13 meeting. It is important to note that the total amount requested for the housing/public facilities category exceeded the City's PY20 allocation, so it the recommendation to utilize a portion of the unallocated funds from PY19 to provide additional funding as unallocated funds from PY 19 must be spent in the housing/public facilities category rather than in Administration or Public Services.



**CDBG PROGRAM YEAR 2020 (PY20)**  
**TOTAL GRANT AMOUNT: \$413,251**

ADMINISTRATION (20% Cap): \$82,650.20			
Administration allocation is not subject to ranking by committee.			
PUBLIC SERVICES (15% Cap): \$61,987.65			
Name of Organization <i>Name of Program</i>	Funding Requested	July 13, 2020 Recommended Funding	July 27, 2020 Recommended Funding
CASA of Central Texas, Inc. <i>Court-Appointed Advocacy for New Braunfels Children</i>	\$ 35,000.00	\$ 10,000.00	\$ 10,000.00
Comal County Senior Citizens Foundation <i>Meals on Wheels Nutrition Program / Unfunded Meals</i>	\$ 20,701.00	\$ 12,000.00	\$ 12,000.00
Family Life Center <i>Benevolent Program</i>	\$ 20,000.00	\$ 10,000.00	\$ 10,000.00
Holistic Empowerment Resources <i>Case Management and Mental Health Services for Clients Affected/Effectuated by HIV</i>	\$ 9,100.00	\$ 5,200.00	\$ 5,200.00
River City Advocacy & Counseling Center <i>Community Counseling Program</i>	\$ 20,000.00	\$ 9,787.65	\$ 9,787.65
San Antonio Food Bank <i>New Braunfels Food Bank</i>	\$ 25,000.00	\$ 15,000.00	\$ 15,000.00
	<b>\$ 129,801.00</b>	<b>\$ 61,987.65</b>	<b>\$ 61,987.65</b>
HOUSING / PUBLIC FACILITIES (PY 2020 Grant Balance + Unallocated PY 2019 Funds): \$268,613.15 + \$70,996.00 = \$339,609.15			
Name of Organization <i>Name of Project/Program</i>	Funding Requested	July 13, 2020 Recommended Funding	July 27, 2020 Recommended Funding
City of New Braunfels' Parks and Recreation Department <i>Market Plaza Renovation Project – Phase 2</i>	\$ 75,000.00	\$ 75,000.00	\$ -
Comal County Habitat for Humanity <i>Home Program</i>	\$ 11,550.00	\$ 11,550.00	\$ 11,550.00
Comal County Habitat for Humanity <i>Home Repair Program</i>	\$ 108,387.10	\$ 75,000.00	\$ 108,387.10
Comal County Senior Citizens Foundation <i>Minor Home Repair Program</i>	\$ 80,000.00	\$ 60,000.00	\$ 80,000.00
Crisis Center of Comal County <i>Transitional/Workforce Housing project – Phase I</i>	\$ 36,000.00	\$ 36,000.00	\$ 36,000.00
HCS 308, LLC (by Prospera HCS as Sole Member) <i>Exterior Repairs at Village Circle Apartments</i>	\$ 75,038.00	\$ 75,038.00	\$ 75,038.00
	<b>\$ 385,975.10</b>	<b>\$ 332,588.00</b>	<b>\$ 310,975.10</b>

HUD requires a 30-day comment period, and two public hearings prior to submission, allowing for citizens to comment on the information proposed in the 2020-2024 Consolidated Plan and its associated PY20 Annual Action Plan. The comment period is June 22 to July 22 and a full draft of the Consolidated Plan, including the PY20 Annual Action Plan, is available for review at the City Secretary's Office and the New Braunfels Public Library. Information is also available on the City's Community Development - CDBG Program website during this timeframe. The first public hearing was held on June 16 at the New Braunfels City Hall. The second public hearing was held on July 13 during the regular City Council meeting at which time City Council requested additional information

and recommended the possible reallocation of funding. As such, the finalized Consolidated Plan and Annual Action Plan with the incorporated public comments and adjusted funding recommendations will be presented to City Council for approval on July 27 during the regular City Council meeting and delivered to HUD no later than August 15, 2020.

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

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

There is no direct fiscal impact to the City as this is an allocation of federal funding.

**COMMITTEE RECOMMENDATION:**

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

**STAFF RECOMMENDATION:**

After discussion and possible direction to staff, Staff recommends approval of the U.S. Department of Housing and Urban Development Community Development Block Grant 2020-2024 Consolidated Plan, Citizen Participation Plan, Fair Housing Plan, and Annual Action Plan, including funding recommendations for Program Year 2020.

**City Council Agenda Item Report****7/27/2020**

Agenda Item No. C)

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Presenter/Contact*Greg Malatek, Public Works Director  
(830) 221-4020 - gmalatek@nbtexas.org***SUBJECT:**

Discuss and consider a recommendation to reduce the speed limit within the Oak Run subdivision.

**BACKGROUND / RATIONALE:**

Council District: 3

Engineering staff has a request to lower the speed limit within the Oak Run subdivision from the existing posted 30 mph. The Oak Run subdivision is located north of SH 46 on the west side of New Braunfels. Oak Run Parkway, classified as a major collector in the city's thoroughfare plan, bisects the subdivision and connects SH 46 to the Veramendi development. Due to its classification as a major collector, Oak Run Parkway was not considered as a part of this study. All other local roads within the subdivision were included.

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.

Traffic data collection, review of crash history and a site investigation were conducted for multiple locations within the Oak Run subdivision in October and November 2019. The specific locations and results of the traffic data collection are shown in the attached traffic study summary. There were no reported crashes within the entire subdivision for 2016 through November 2019.

The site investigation found the roadside environment includes single-family residences along each local road with on-street parking available. There is pedestrian activity within the subdivision, both recreational as well as elementary and middle school children going to and from the schools adjacent to the subdivision. Sidewalk improvements are planned with the City of New Braunfels 2019 Bond Program to address sidewalk gaps on Timber Hollow and portions of Crown Ridge and Oak Glen.

Based on the site investigation and collected speed data, it is recommended that the regulatory speed limit within the Oak Run subdivision be maintained at 30 mph at this time. It is important to note that national and local research and data have shown that reducing the posted speed limit has little to no effect in reducing operating speeds.

**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 FY19-20 approved street and drainage budget.

**COMMITTEE RECOMMENDATION:**

At a January 9<sup>th</sup> meeting, the Transportation & Traffic Citizen Advisory Board voted to maintain the existing 30mph speed limit.

**STAFF RECOMMENDATION:**

Staff recommends maintaining the existing 30 mph speed limit throughout the Oak Run subdivision at this time.

**City Council Agenda Item Report****7/27/2020**

Agenda Item No. D)

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**Presenter**

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

**SUBJECT:**

Public hearing and first reading of an ordinance regarding the proposed rezoning of Lots 1 & 5, Block 1, Freiheit Subdivision, addressed at 672 & 690 South Kowald Lane, from "M-1A" Light Industrial to "C-1B" General Business District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ20-0095

**Council District:** 5

**Applicant:** Caroline McDonald  
Brown & Ortiz, PC  
112 E. Pecan St., Suite 1360  
Austin TX, 78205  
(210) 315-5137  
caroline@brownortiz.law

<b>Owners:</b>	Barbara Henk 251 Bonner Blvd. New Braunfels TX, 78130	Pauline & James Doege 868 Oak Bluff Trail New Braunfels, TX 78132
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**Staff Contact:** Matthew Simmont  
(830) 221-4058  
msimmont@nbtexas.org

The subject property consists of two 1.05-acre platted lots currently used residentially situated on the northwest corner of the intersection of FM 1101 and South Kowald Lane. The property is currently zoned for light industrial use and is adjacent to Vantage apartments. The applicant has indicated the rezoning request is intended to allow for a children's daycare on one of the lots.

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

North - M-1A/ Vantage Apartment Community  
South - Across FM 1101, R-2/ Freiheit Elementary School  
East - Across S. Kowald Ln., C-1A/ Undeveloped  
West - M-1A/ Vantage Apartment Community

***Floodplain:***

No portion of the property is located within the 1% annual chance floodplain or floodway.

**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 (*Since C-1B allows a broad range of general commercial uses, it is recommended at nodes of major thoroughfares to accommodate high traffic volumes. The subject property is adjacent to an apartment community and has corner frontage along collector and arterial roadways. The proposed zoning change would remove currently allowed uses considered more intense from the area*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area. (*The requested zoning should not conflict with existing and proposed schools. The adequacy of public facilities and utilities to serve the property is evaluated by each provider at the platting and permitting stages.*);
- How other areas designated for similar development will be affected (*The proposed zoning should not impact other areas designated for similar development because the requested zoning district is more in keeping with the surrounding uses than is the existing zoning.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare; (*There should be no other factors that will substantially affect the public health, safety, morals, or general welfare. Drainage, utilities and traffic impact will be reviewed and addressed through the platting and permitting process.*) and
- Whether the request is consistent with the Comprehensive Plan: *see below*

**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 3.1:</b> Plan for healthy jobs/housing balance. <b>Action 3.3</b> Balance commercial centers with stable neighborhoods. <b>Future Land Use Plan:</b> The property is situated within the Oak Creek Sub-Area and is in close proximity to employment centers.
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on July 7, 2020 and recommended approval (8-1-0) of the request with Commissioner Meyer abstaining.

**STAFF RECOMMENDATION:**

Approval. C-1B would provide a job creation opportunity near an Employment Center. It would allow for retail and service uses at a roadway intersection for nearby residents, and close to a school. It would also reduce the intensity of uses presently allowed.

**Notification:**

Public hearing notices were sent to owners of 8 properties within 200 feet of the request. The City has received one response (#5) in favor.

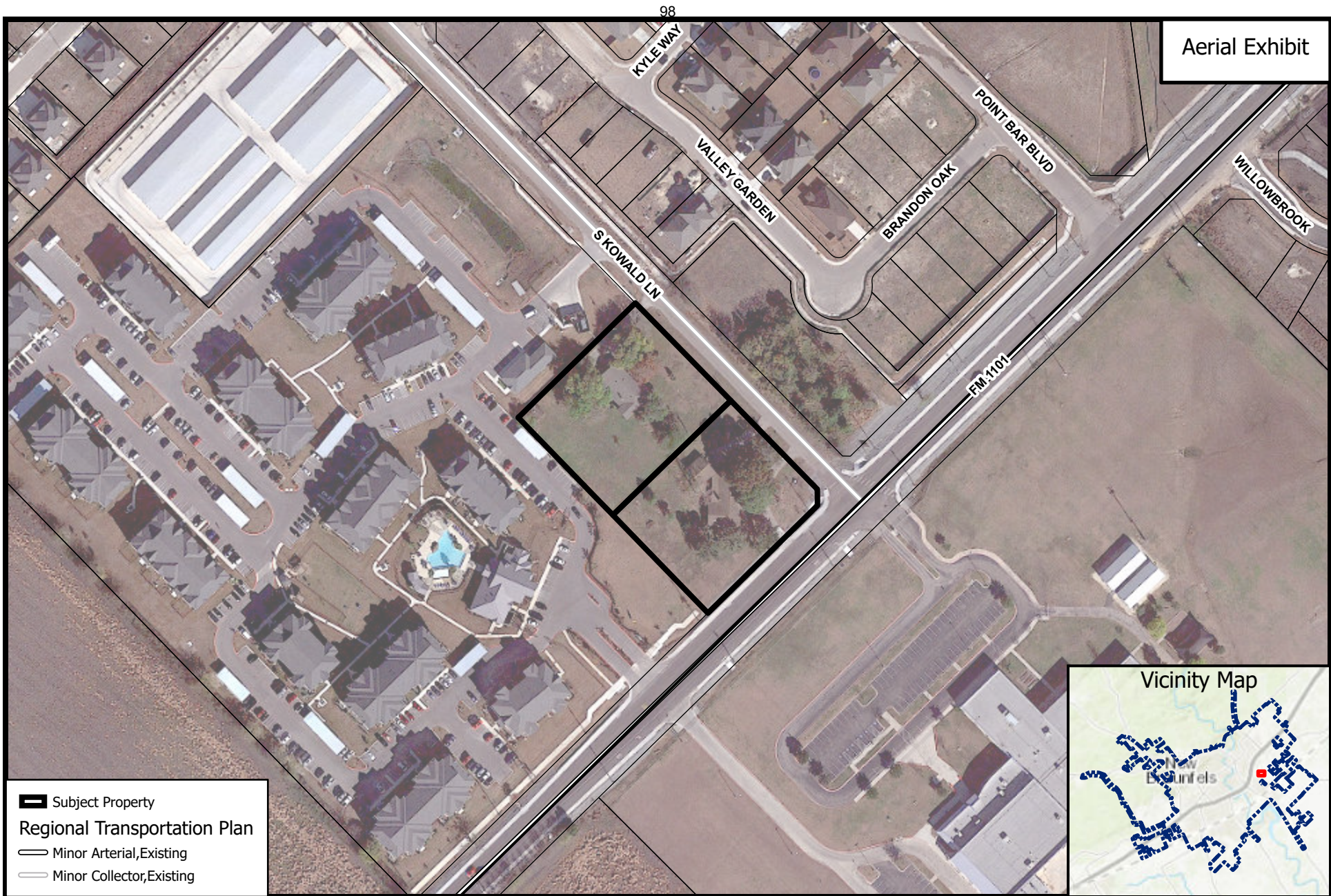
**RESOURCE LINKS:**

- Chapter 144, Section 3.4-13. *"C-1B" General Business District* of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)

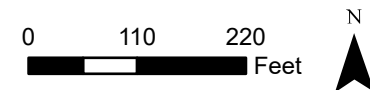
**ATTACHMENTS:**

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use)
3. Notification List, Map and Response
4. Zoning District Comparison Chart (C-1B & M-1A)
5. Draft minutes from the 7/7/20 Planning Commission meeting
6. Ordinance





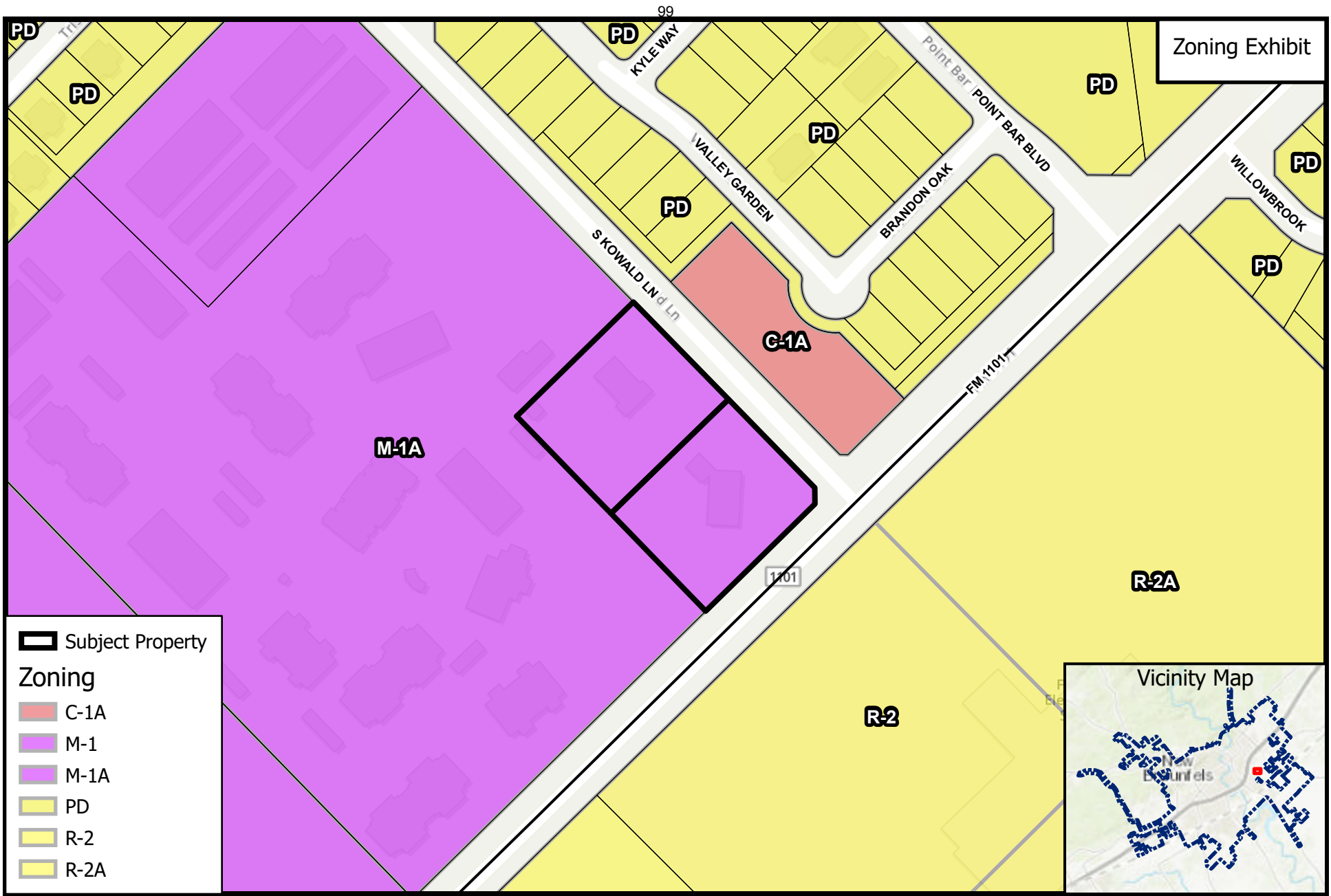
**PZ20-0095**  
**M-1A to C-1B**



Source: City of New Braunfels Planning  
Date: 6/17/2020

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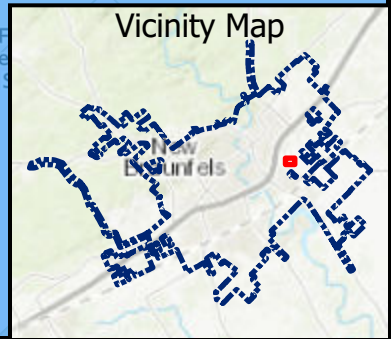
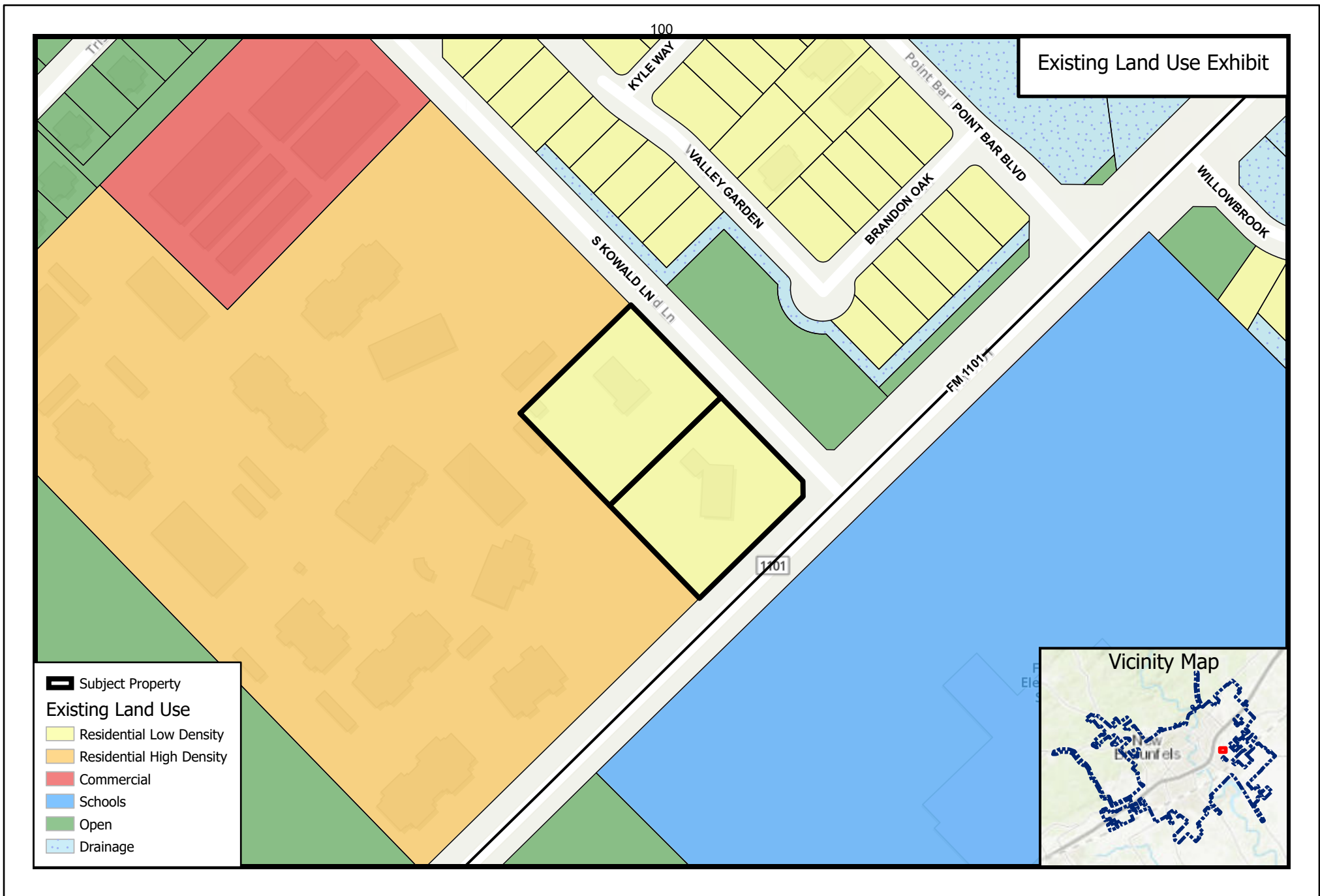




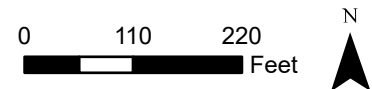
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**M-1A to C-1B**

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**PZ20-0095**  
**M-1A to C-1B**



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## EXISTING CENTERS

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

### EMPLOYMENT CENTER

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

### MARKET CENTER

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

### MEDICAL CENTER

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

### CIVIC CENTER

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

### OUTDOOR RECREATION CENTER

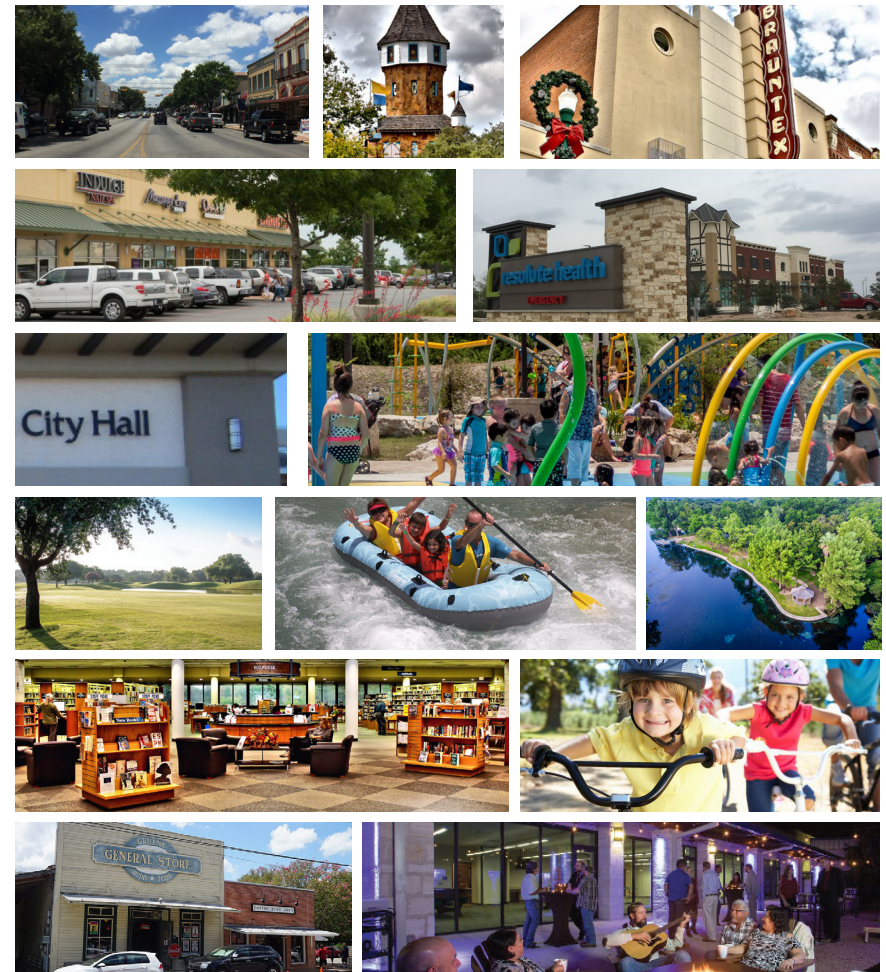
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

### EDUCATION CENTER

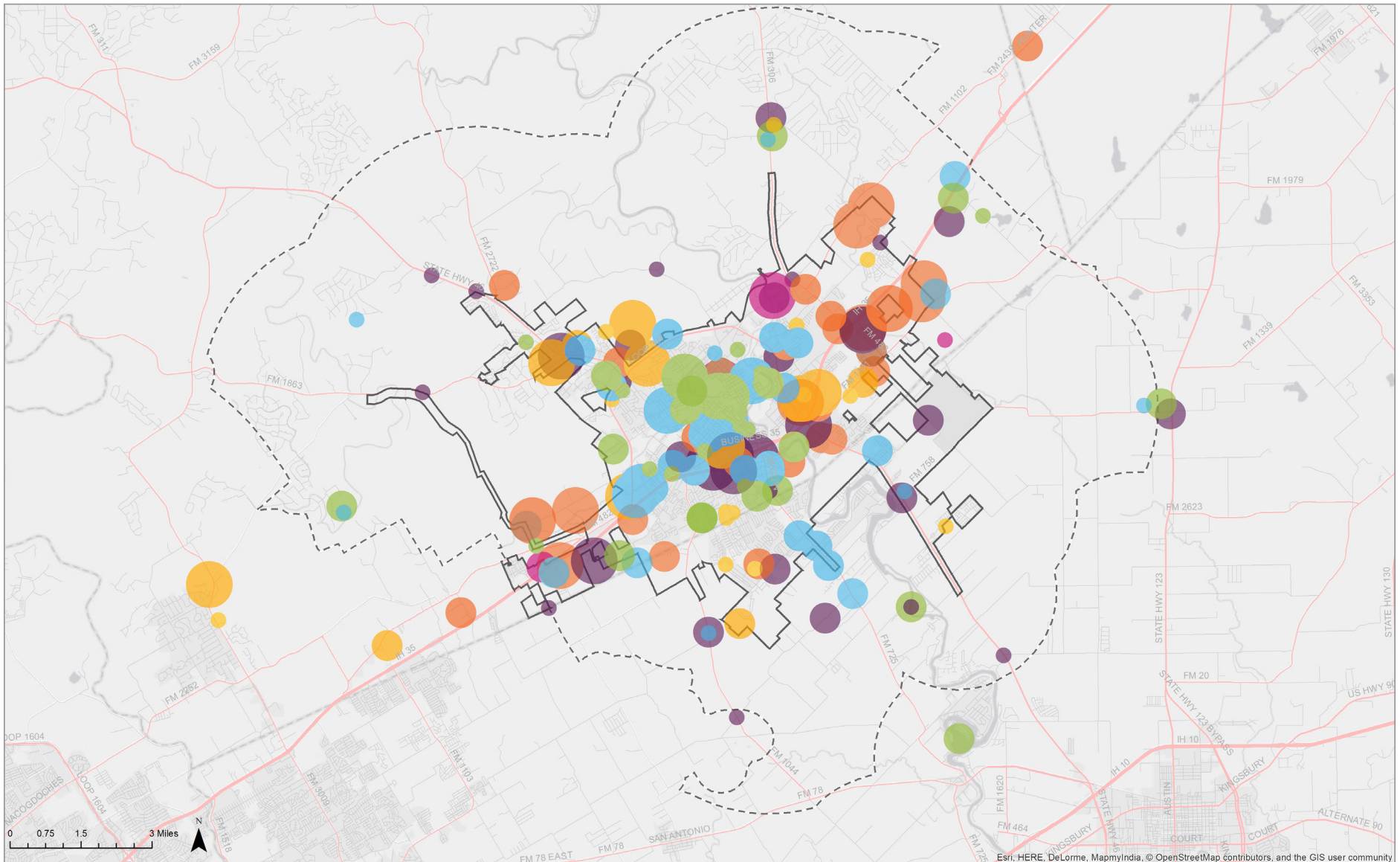
Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

### TOURIST/ENTERTAINMENT CENTER

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







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

## FUTURE LAND USE PLAN

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

### TRANSITIONAL MIXED-USE CORRIDOR

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

### OUTDOOR RECREATION CENTER

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

### EMPLOYMENT CENTER

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

### MARKET CENTER

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

### CIVIC CENTER

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

### SUB AREA 1

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

### SUB AREA 2

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

### SUB AREA 3

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

### SUB AREA 4

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

### SUB AREA 5

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

### SUB AREA 6

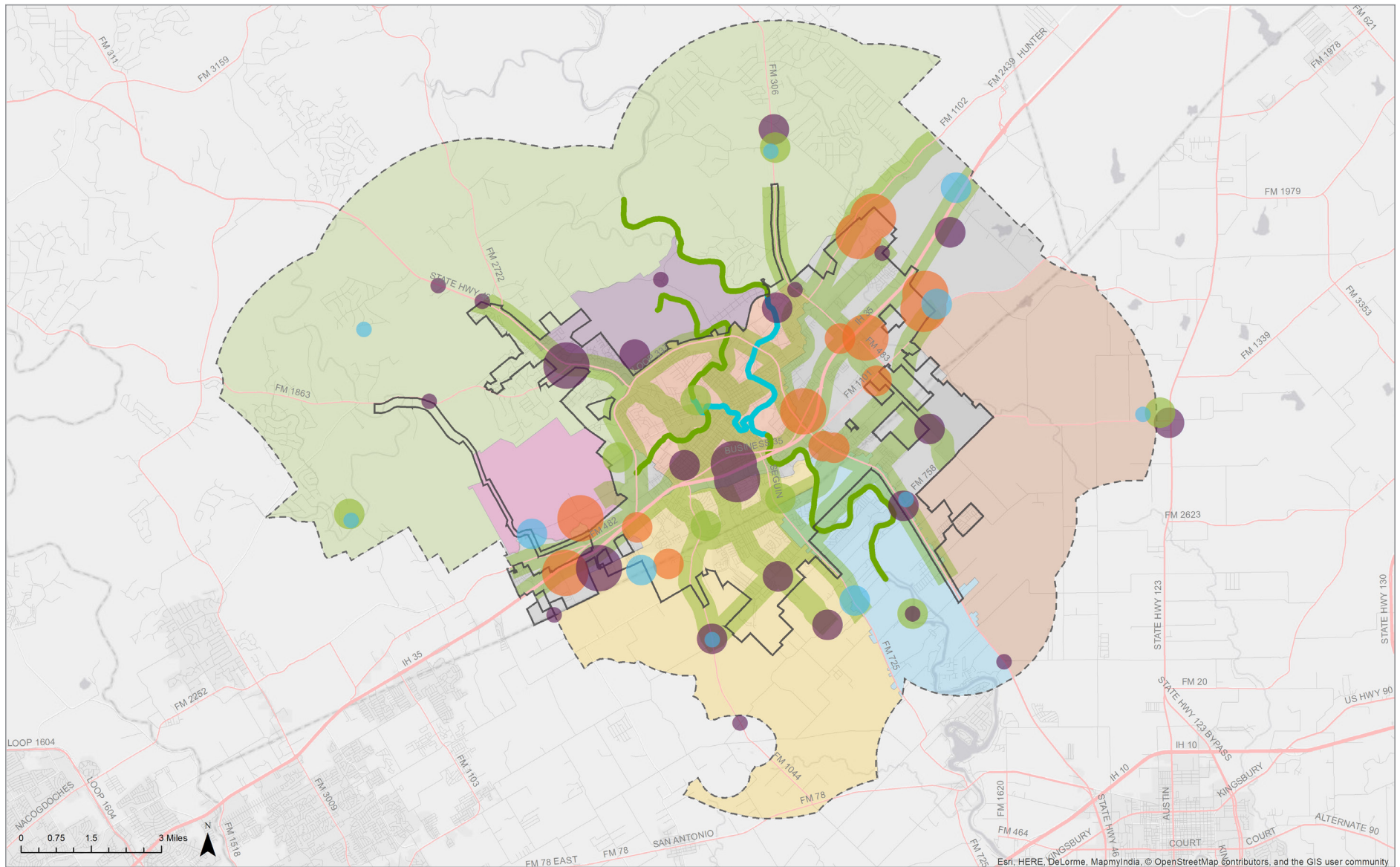
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

### SUB AREA 7

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

### SUB AREA 8

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



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

**PLANNING COMMISSION – JULY 7, 2020 – 6:00PM**

Zoom Meeting

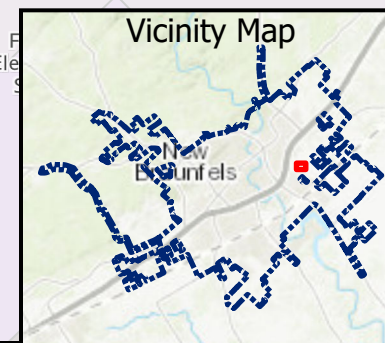
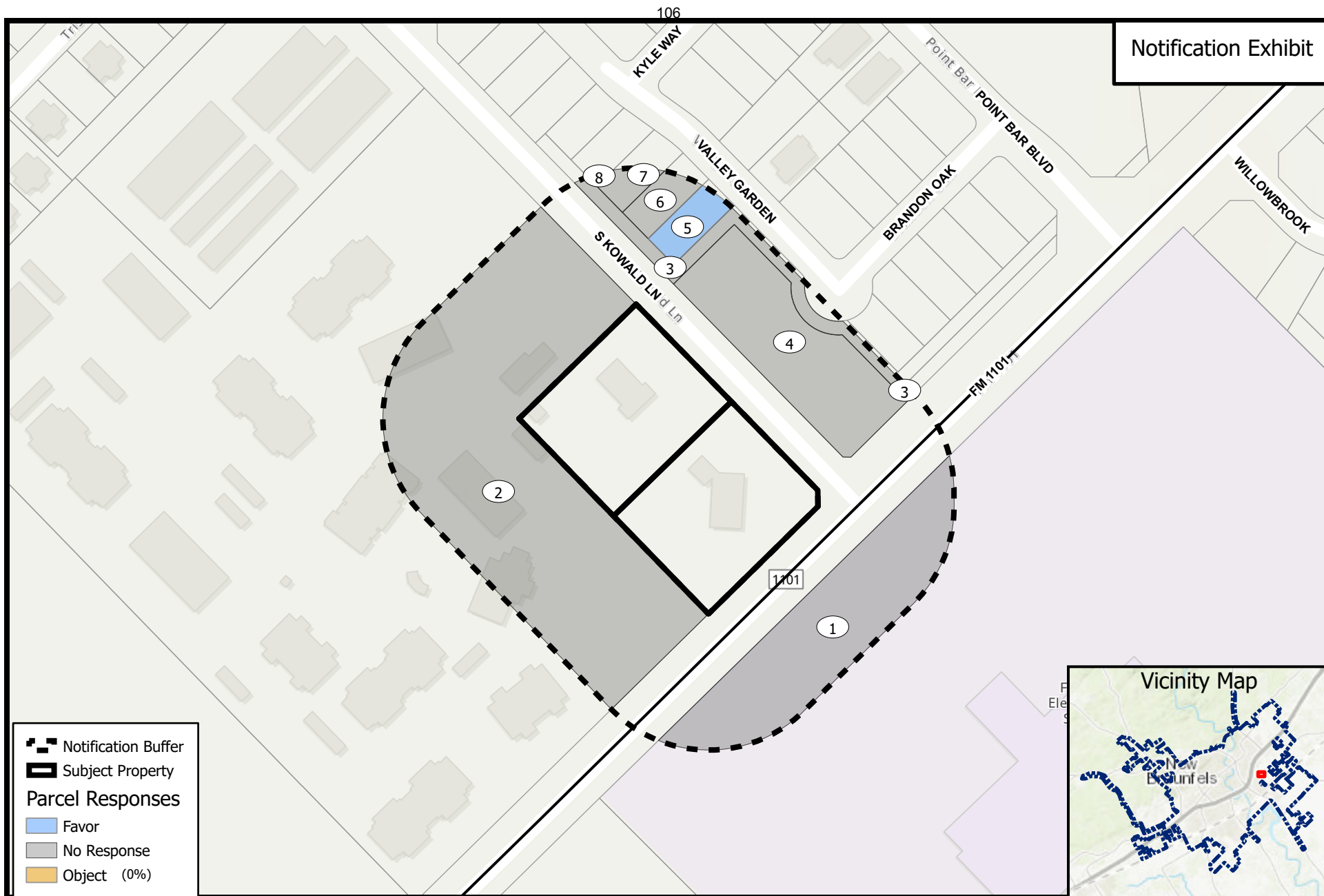
**Applicant/Owner:** Caroline McDonald**Address/Location:** 672 & 690 South Kowald Lane**PROPOSED REZONING – CASE #PZ20-0095**

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. COMAL ISD
  2. HAYDEN NEW BRAUNFELS LLC
  3. WEST VILLAGE AT CREEKSIDE HOA INC
  4. D A K M D PROPERTIES LLC
  5. CHELOSSI LOUIS J & ALICIA R PENA
  6. RODRIGUEZ GARCIA OSCAR A & JAZMIN
  7. SMITH DARYL M JR
  8. KB HOME LONE STAR INC
- 

**SEE MAP**







# Updated response for property owner #5

**From:** [alysha Pena](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Re: Proposed Rezoning-Case PZ20-0095  
**Date:** Tuesday, July 7, 2020 8:49:17 AM  
**Attachments:** [SocialLink\\_Instagram\\_32x32\\_7f4cb549-c49e-4d66-9666-e3e4b59c2430.png](#)  
[SocialLink\\_Twitter\\_32x32\\_3e9ab030-3ffa-4a14-9d90-2cdfb19c67a.png](#)  
[image001.png](#)  
[EmailLogo-Small\\_c6d86cff-0062-47bb-89b0-351933562e2d.png](#)  
[SocialLink\\_Facebook\\_32x32\\_761f3cf9-c3ee-4692-b63e-c09c2e7f0d60.png](#)

**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Yes sir, as mentioned in my previous e-mail. The proposed site to allow for the development of a private educational center (k-12 yrs) is satisfactory with Alicia Pena and myself. Thank you for your prompt response in this matter.

[Sent from Yahoo Mail for iPhone](#)

On Monday, July 6, 2020, 10:03, Matthew W. Simmont <MSimmont@nbtexas.org> wrote:

Thank you Mr. Chelossi,

I am glad to hear that Ms. McDonald was able to contact you. If you would like to change your response to the public hearing notification, you may reply to this email and I will provide the update to the Planning Commission tomorrow evening. I have attached a copy of the notification for your information.

Thank you,



Matthew W. Simmont, AICP  
 Planner | Planning and Development Services  
 550 Landa St | New Braunfels, TX 78130  
 830-221-4058 | [MSimmont@nbtexas.org](mailto:MSimmont@nbtexas.org) | [www.nbtexas.org/planning](http://www.nbtexas.org/planning)

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

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

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

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

**From:** alysha Pena <alilou1205@yahoo.com>  
**Sent:** Monday, July 6, 2020 9:44 AM  
**To:** Matthew W. Simmont <MSimmont@nbtexas.org>  
**Subject:** Re: Proposed Rezoning-Case PZ20-0095

**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good morning Mr. Simmont,

Thank you for your prompt response to our concerns concerning the rezoning project.

I spoke with Caroline McDonald. She indicated this proposed project will be a Private Education Center.

This is good news for all involved. Initially, we were concerned with the type of business that would occupy the parcel.

Good luck with this project.

Thank you again.

Lou Chelossi

Home owner

On Sunday, July 5, 2020, 02:19:10 PM CDT, Matthew W. Simmont <[msimmont@nbtexas.org](mailto:msimmont@nbtexas.org)> wrote:

Thank you Mr. Chelossi,

I have provided your letter to the Planning Commission for consideration.

Also, a representative of the applicant would like to contact you to discuss their zone change request. Would it be ok if I shared your email address with them?

Thank you,



*Matthew W. Simmont, AICP*  
 Planner | Planning and Development Services  
 550 Landa St | New Braunfels, TX 78130  
 830-221-4058 | [MSimmont@nbtexas.org](mailto:MSimmont@nbtexas.org) | [www.nbtexas.org/planning](http://www.nbtexas.org/planning)

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**From:** alysha Pena <[alilou1205@yahoo.com](mailto:alilou1205@yahoo.com)>  
**Sent:** Friday, July 3, 2020 2:00 PM  
**To:** Matthew W. Simmont <[MSimmont@nbtexas.org](mailto:MSimmont@nbtexas.org)>  
**Subject:** Proposed Rezoning-Case PZ20-0095

**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Attached is my letter of concerns.

Thank you.

cc: USPS on 6/23/2020

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0095 (McDonald - ms)

Name: LOUIS CHELOSSI

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

Address: 696 VALLEY GARDEN

Property number on map: 5

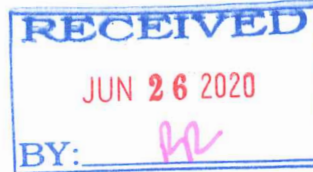
I object: ✓

Comments: (Use additional sheets if necessary)

(State reason for objection)

SEE LETTER

Signature: *L. Chelossi*



**Changed response per 7/7/20 email**

## Changed response per 7/7/20 email

June 23, 2020

**Louis Chelossi**  
**696 Valley Garden**  
**New Braunfels, TX 78130**

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

***Re: Proposed Rezoning-Case #P20-0095***

To Whom it may concern:

Hello, my name is Louis Chelossi, my wife and I have resided in this neighborhood (West Village at Creekside) for less than 1 year. We were attracted to this area because of the vast amount of shopping and eateries in the area. Our home will primarily be affected by the proposed action from your commission. We understand we cannot stop growth but we ask that your committee consider the following negative ramifications from certain businesses:

1. Environmental Impact (Auto repair shops/gas station/paint shops/tire shops, etc..)
2. Public Safety/Crime potential (Bar/tavern, tattoo, body piercing studio, 24 hr. grocery store)
3. Noise (Every home owner has the right to have quiet enjoyment)
4. Odor (result in a nuisance that will bring down home prices, Some owners would lose 10-30% equity in their homes)
5. Increased Traffic: Currently Kowald Ave is located at FM 1101 is a rough and narrow road that is a two way street. I have observed close calls due to large trucks along with aggressive drivers.


Another important factor to consider is the fact that Canyon Elementary and Middle schools are directly across the street from this property. During each school day, children will be walking directly in the vicinity of this property.

We hope that the commission will use a common sense approach to the zone change. This neighborhood is still in its infancy stage. It would be a blight to the area if this property is saddled with a business/businesses that would be detrimental to the area.

Thank you for your time and consideration.

I am looking forward to the decision making process.

Sincerely,

  
Louis Chelossi  
Home Owner

Zoning District Comparison Chart  
C-1B and M-1A

	C-1B	M-1A
Accessory building	P	P
Accessory dwelling		
Accounting, auditing, bookkeeping, and tax preparations	P	P
Adult day care (no overnight stay)	P	P
Adult day care (with overnight stay)	P	P
Aircraft support and related services		P
Airport		P
All terrain vehicle (ATV) dealer	P	P
Ambulance service (private)	P	P
Amphitheaters (outdoor live performances)	P	P
Amusement devices/ arcade (4 or more devices)	P	P
Amusement services or venues (indoors)	P	P
Amusement services or venues (outdoors)	P	P
Animal grooming	P	P
Answering and message services	P	P
Antique shop	P	P
Appliance repair	P	P
Archery range		P
Armed services recruiting center	P	P
Art dealer / gallery	P	P
Artist studio	P	P
Assembly/exhibition hall or areas	P	P
Assisted living/ retirement home	P	
Athletic fields	P	P
Auction sales (non-vehicle)	P	P
Auto body repair, garages	P	P
Auto glass repair/tinting	P	P
Auto interior shop / upholstery	P	P
Auto leasing	P	P
Auto muffler shop	P	P
Auto or trailer sales rooms or yards	P	P
Auto paint shop	P	P
Auto repair accessory to retail sales	P	P
Auto repair garage (general)	P	P
Auto supply store	P	P
Auto tire repair/ sales (indoor)	P	P
Automobile driving school (including defensive driving)	P	P
Bakery (retail)	P	P
Bank, savings & loan, credit union	P	P
Bar/Tavern (no outdoor music)	P	P
Bar/Tavern	P	P
Barber/beauty school or college	P	P
Barber/beauty shop (non-college)	P	P
Barns and farm equipment storage	P	P
Battery charging station	P	P
Bed and breakfast inn	P	P
Bicycle sales/repair	P	P
Billiard / pool facility	P	P
Bingo facility	P	
Bio-medical facilities	P	P
Blacksmith or wagon shops		P

Zoning District Comparison Chart  
C-1B and M-1A

	C-1B	M-1A
Blooming or rolling mills		
Boarding house/ lodging house		P
Book binding	P	P
Book store	P	P
Bottling or distribution plant		P
Bowling alley/center	P	P
Brewery/distillery and manufacture of alcohol		
Broadcast station (with tower)	P	P
Bus barns or lots	P	P
Bus passenger stations	P	P
Cabin or cottage (rental)		
Cabin or cottage (rental for more than 30 days)		
Cafeteria / café / delicatessen	P	P
Campers' supplies	P	P
Canning/preserving factories		
Car wash (self service; automated)	P	P
Car wash, full service (detail shop)	P	P
Carpenter, cabinet, or pattern shops	P	P
Carpet cleaning establishments	P	P
Caterer	P	P
Cemetery and/or mausoleum	P	P
Check cashing service	P	P
Chemical laboratories (e.g., ammonia, bleaching powder)		
Chemical laboratories (no noxious fumes or odors)		P
Child day care/nursery (business)	P	
Church/place of religious assembly	P	P
Cider mills		
Civic/conference center and facilities	P	P
Cleaning, pressing and dyeing (non-explosive fluids)	P	P
Clinic (dental)	P	P
Clinic (emergency)	P	P
Clinic (medical)	P	P
Club (private)	P	P
Coffee shop	P	P
Cold storage plant		P
Commercial amusement concessions and facilities	P	P
Communication equipment - installation and/or repair	P	P
Community building (associated with residential uses)		P
Community home (see definition)	P	P
Computer and electronic sales	P	P
Computer repair	P	P
Concrete or asphalt mixing plants - permanent		
Concrete or asphalt mixing plants - temporary		
Confectionery store	P	P
Consignment shop	P	P
Contractor's office, with outside storage including vehicles		P
Contractor's temporary on-site construction office	P	P

Zoning District Comparison Chart  
C-1B and M-1A

	C-1B	M-1A
Convenience store with fuel sales	P	P
Convenience store without fuel sales	P	P
Cotton ginning or baling works		
Country club (private)	P	
Credit agency	P	P
Curio shops	P	P
Custom work shops	P	P
Dance hall facility	P	P
Day camp	P	P
Department store	P	P
Dormitory (in which individual rooms are rented)		P
Drapery/blind shop	P	P
Driving range	P	P
Drug store/pharmacy	P	P
Duplex / duplex condominiums		
Electrical generating plant		
Electrical repair shop	P	P
Electrical substation	P	P
Electronic assembly/high tech manufacturing		P
Electroplating works		P
Enameling works		
Engine/motor repair or re-manufacturing		P
Exterminator service	P	P
Fair ground		P
Family home adult care		
Family home child care		
Farmers market (produce market - wholesale)	P	P
Farms, crop	P	P
Farms, livestock/ranch	P	P
Feed & grain store	P	P
Filling station (tanks below ground)	P	P
Florist	P	P
Flour mills, feed mills, and grain processing		
Food or grocery store with fuel sales	P	P
Food or grocery store without fuel sales	P	P
Food processing (no outside public consumption)		P
Forge (hand)		P
Forge (power)		P
Fraternal organization/civic club (private club)	P	P
Freight terminal, rail/truck (with outside storage)		P
Freight terminal, truck (all storage of freight enclosed)		P
Frozen food storage for individual or family use	P	P
Funeral home/mortuary	P	P
Furniture manufacture		P
Furniture sales (indoor)	P	P
Galvanizing works		P
Garden shops and greenhouses	P	P
Golf course (public or private)	P	P
Golf course (miniature)	P	P
Governmental building or use with no outside storage	P	P
Grain elevator		

Zoning District Comparison Chart  
C-1B and M-1A

	C-1B	M-1A
Greenhouse (commercial)	P	P
Handicraft shop	P	P
Hardware store	P	P
Hay, grain, feed sales (wholesale)		
Health club (physical fitness; indoors only)	P	P
Heating & AC sales / services		P
Heavy load (farm) vehicle sales/repair	P	P
Heavy manufacturing		
Heliport	P	P
Hides/skins (tanning)		
Home occupation		
Home repair and yard equipment retail and rental outlets	P	P
Hospice	P	
Hospital, general	P	P
Hospital, rehabilitation	P	P
Hotel/motel	P	P
Hotel/motel - extended stay	P	P
HUD-code manufactured home		
HUD code manufactured home subdivision		
Ice delivery stations (for storage and sale at retail only)	P	P
Ice plants		P
Industrial laundries		P
Kiosk (providing a retail service)	P	P
Laboratory equipment manufacturing		P
Laundromat and laundry pickup stations	P	P
Laundry, commercial (w/o self serve)	P	P
Laundry/dry cleaning (drop off/pick up)	P	P
Laundry/washateria (self serve)	P	P
Lawnmower sales and/or repair	P	P
Leather products manufacturing		P
Light manufacturing		P
Limousine / taxi service	P	P
Livestock sales/auction		
Locksmith	P	P
Lumber mill		
Lumberyard or building material sales		P
Machine shop		P
Maintenance/janitorial service	P	P
Major appliance sales (indoor)	P	P
Manufactured home sales		P
Manufacturing and processes		P
Manufacturing processes not listed		P
Market (public, flea)		P
Martial arts school	P	P
Meat or fish packing/storage plants		
Medical supplies and equipment	P	P
Metal fabrication shop		P
Micro brewery (onsite mfg. or sales)	P	P
Mini-warehouse/self storage (no boat, RV storage)	P	P
Mini-warehouse/self storage with outside boat, RV storage	P	P



Zoning District Comparison Chart  
C-1B and M-1A

	C-1B	M-1A
Motion picture studio, commercial film	P	P
Motion picture theater (indoors)	P	P
Motion picture theater (outdoors, drive-in)	P	P
Motorcycle dealer (primarily new / repair)	P	P
Moving storage company	P	P
Moving, transfer or storage plant		P
Multifamily (apartments/condominiums)		P
Museum	P	P
Natural resource extraction and mining		
Needlework shop	P	P
Nonbulk storage of gasoline, petroleum products and LP		P
Nursing/ convalescent home/sanitarium	P	P
Offices, brokerage services	P	P
Offices, business or professional	P	P
Offices, computer programming and data processing	P	P
Offices, consulting	P	P
Offices, engineering, architecture, surveying, etc	P	P
Offices, health services	P	P
Offices, insurance agency	P	P
Offices, legal services - including court reporting	P	P
Offices, medical offices	P	P
Offices, real estate	P	P
Offices, brokers, dealers, exchanges and financial services	P	P
One family dwelling, detached		
Outside storage (as primary use)		P
Paint manufacturing		
Park/playground (private and public)	P	P
Parking lots (passenger cars only, not incidental to main use)	P	P
Parking structure / public garage	P	P
Pawn shop	P	P
Personal watercraft sales (primarily new / repair)	P	P
Pet shop / supplies (less than 10,000 sf)	P	P
Pet store (over 10,000 sf)	P	P
Photo engraving plant		P
Photographic printing/copy or print shop	P	P
Photographic studio (no sale of cameras or supplies)	P	P
Photographic supply	P	P
Plant nursery (no retail sales)	P	P
Plant nursery (retail sales/outdoor storage)	P	P
Plastic products molding/reshaping		P
Plumbing shop	P	P
Portable building sales	P	P
Poultry killing or dressing (commercial)		
Propane sales (retail)		P
Public recreation/services building for park/playground areas	P	P
Publishing/printing company (e.g., newspaper)	P	P
Quick lube/oil change/minor inspection	P	P

Zoning District Comparison Chart  
C-1B and M-1A

	C-1B	M-1A
Radio/TV shop, electronics, computer repair	P	P
Rappelling facilities		P
Recreation buildings (private)	P	P
Recreation buildings (public)	P	P
Recycling kiosk	P	P
Refreshment/beverage stand	P	P
Rental or occupancy for less than one month		
Research lab (non-hazardous)	P	P
Residential use in buildings with non-residential uses permitted in the district		P
Restaurant/prepared food sales	P	P
Restaurant with drive through service	P	P
Retail store/shopping center (50,000 sf or less)	P	P
Retail store/shopping center (more than 50,000 sf)	P	P
Retirement home/home for the aged	P	
Rodeo grounds		P
RV park	P	P
RV/travel trailer sales	P	P
Sand/gravel sales (storage or sales)		
School, K-12 public or private	P	P
School, vocational	P	P
Security monitoring company (no outside storage or installation)	P	P
Security systems installation company	P	P
Sheet metal shop		P
Shoe repair shops	P	P
Shooting gallery - indoor (see Sec. 5.13)	P	P
Shopping center	P	P
Sign manufacturing/painting plant	P	P
Single family industrialized home (see Sec. 5.8)		
Specialty shops in support of project guests and tourists	P	P
Stables (as a business)		
Stables (private, accessory use)		
Stone/clay/glass manufacturing		
Storage - exterior storage for boats and RVs		P
Storage in bulk		P
Studio for radio or television - without tower	P	P
Studios (art, dance, music, drama, photo, interior decorating, etc.)	P	P
Tailor shop (see home occupation)	P	P
Tattoo or body piercing studio	P	P
Taxidermist	P	P
Telemarketing agency	P	P
Telephone exchange buildings (office only)	P	P
Tennis court (commercial)	P	P
Theater (non-motion picture; live drama)	P	P
Tire sales (outdoors)	P	P
Tool rental	P	P
Townhouse (attached)		
Transfer station (refuse/pick-up)		P
Travel agency	P	P
Truck or transit terminal		P

Zoning District Comparison Chart  
C-1B and M-1A

	C-1B	M-1A
Truck stop		P
University or college	P	P
Upholstery shop (non-auto)	P	P
Used merchandise/ furniture store	P	P
Vacuum cleaner sales and repair	P	P
Vehicle storage facility	P	
Veterinary hospital (no outside runs or kennels)	P	P
Veterinary hospital (with outdoor animal runs or kennels that may not be used between the hours of 9 pm and 7 am)		P
Video rental / sales	P	P
Warehouse /office and storage / distribution center		P
Waterfront amusement - berthing facilities sales and rentals		P
Waterfront amusement - boat fuel storage/ dispensing facilities		P
Waterfront amusement - boat landing piers/ launching ramps		P
Waterfront amusement - swimming pools/ bathhouses	P	P
Water storage, wells and pumping stations part of a public system	P	P
Welding shop		P
Wholesale sales office/ sample room	P	P
Wire or rod mills		
Woodworking shop	P	P
Zero lot line / patio homes		

### **Draft Minutes for the July 7th, 2020 Planning Commission Regular Meeting**

**A) PZ20-0095 Public hearing and recommendation to City Council regarding the proposed rezoning of Lots 1& 5, Block 1, Freiheit Subdivision, addressed at 672 & 690 S. Kowald Lane, from “M-1A” Light Industrial to “C-1B” General Business District. Applicant/Agent: Caroline McDonald - Brown & Ortiz, PC; Case Manager: Matthew Simmont**

Mr. Simmont presented. Staff recommended approval.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

Caroline McDonald, Brown & Ortiz, 112 E Pecan Street #1360, presented on the zone change request and showed plans for a Kiddie Academy at 672 S Kowald Lane.

Vice Chair Laskowski asked for the potential number of students at the Kiddie Academy.

Mrs. McDonald stated she believed that number may be around 200 kids.

Grant Gary, Woodbock Company, 2100 W 7<sup>th</sup> Street, stated there would be roughly 160-170 students.

Chair Edwards opened the public hearing and asked if anyone wished to speak.

No one spoke.

Commissioner Meyer stated his concern about the adjacent lot which does not have any preliminary plans.

Chair Edward stated they are downzoning from M-1 zoning.

Discussion followed.

Motion by Commissioner Sonier, seconded by Commissioner Mathis, to recommend approval to City Council regarding the proposed rezoning of Lots 1& 5, Block 1, Freiheit Subdivision, addressed at 672 & 690 S. Kowald Lane, from “M-1A” Light Industrial to “C-1B” General Business District. Motion carried (8-1-0), Commissioner Meyer abstained.

**ORDINANCE NO. 2020-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING LOTS 1 AND 5, BLOCK 1, FREIHEIT SUBDIVISION, UNIT 1, ADDRESSED AT 672 AND 690 SOUTH KOWALD LANE, FROM “M-1A” LIGHT INDUSTRIAL DISTRICT TO “C-1B” GENERAL BUSINESS DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

---

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

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

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

**WHEREAS**, the requested rezoning is in accordance with Envision New Braunfels, the City’s Comprehensive Plan; and

**WHEREAS**, the City Council desires to amend the Zoning Map by rezoning Lots 1 and 5, Block 1, Freiheit Subdivision, Unit One, from “M-1A” Light Industrial District to “C-1B” General Business District; **now, therefore;**

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

**SECTION 1**

**THAT** 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 “M-1A” to “C-1B” General Business District:

Lots 1 & 5, Block 1, Freiheit Subdivision, Unit 1, addressed at 672 and 690 South Kowald Lane, as delineated in Exhibit “A” 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 27th day of July, 2020.

**PASSED AND APPROVED:** Second reading this 10th day of August, 2020.

**CITY OF NEW BRAUNFELS**

---

**RUSTY BROCKMAN**, Mayor

**ATTEST:**

---

**Andrew A. Lyons III**, Assistant City Secretary

**APPROVED AS TO FORM:**

---

**VALERIA M. ACEVEDO**, City Attorney

**FREIHEIT SUBDIVISION**

140243

FILED FOR RECORD  
This is a plat of land in the County of Comal, Texas, containing 14.75 acres, more or less, and is hereby approved by the City Council of the City of New Braunfels, Texas, on the 18th day of June, 1975.

Irene S. Nuhn, County Clerk, Comal County, Texas

Being a subdivision of 6.6039 acres of land out of the A.M. Esnauriz survey subdivision 3, Comal County, Texas

Being a partial subdivision of that certain 114.53 acre tract of land conveyed by Caroline Hank to Monroe Hank et ux, by deed dated October 25, 1949 and recorded in volume 92, pages 127-128 of the Deed Records of Comal County, Texas.

STATE OF TEXAS  
COUNTY OF COMAL: The owner of the land shown on this plat and whose name is subscribed hereto, and in person or through a duly authorized agent, acknowledged that this plat was made from an actual survey and dedicated to the use of the public FOREVER all streets, alleys, parks, water courses, drains, easements and public places thereon shown for the purposes and considerations therein expressed. There is also dedicated for utilities an aerial easement 5 feet on each side of all streets and easements, and extending upward as required.

Monroe Hank  
Monroe Hank, Owner

STATE OF TEXAS  
COUNTY OF COMAL: Before me, the undersigned authority on this day personally appeared Monroe Hank, 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 considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 18 day of June, A.D., 1975.

Phyllis Peterson  
Notary Public, Comal County, Texas.

STATE OF TEXAS  
COUNTY OF KENDALL: I hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

Dan B. Bunker  
Dan B. Bunker, P.E.

Sworn to and subscribed before me this the 18th day of June, A.D., 1975.

Irene S. Nuhn  
County Clerk, Comal County, Texas.

By: Shirley A. Stalling Secretary

STATE OF TEXAS  
COUNTY OF COMAL: I, Irene S. Nuhn, County Clerk of said county, do hereby certify that the foregoing instruments of writing with its certificate of authentication was filed for record in my office on the 18th day of June, A.D., 1975 at 4:01 P.M., duly recorded the 18th day of June, A.D., 1975 at 2:00 P.M., in the Map and Plat Records of Comal County, Texas, in Volume 5 on page 47 in testimony whereof witness my hand and official seal of office this the 18th day of June, A.D., 1975.

Irene S. Nuhn  
Irene S. Nuhn, County Clerk, Comal County, Texas.

THIS PLAT WAS APPROVED BY THE CITY PLANNING AND ZONING COMMISSION July 1, 1975 AND IS HEREBY APPROVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS.

DATE July 2, 1975 Eugene Schmitt CITY MANAGER.

ATTEST: Barbara Laster CITY SECRETARY

APPROVED: W.R. Yelley, Jr.  
W.R. Yelley, Jr.  
City Engineer  
City of New Braunfels, Texas.

**FREIHEIT SUBDIVISION**

UNIT ONE FILE COPY

EXHIBIT "A"





**City Council Agenda Item Report****7/27/2020**

Agenda Item No. E)

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**Presenter**

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

**SUBJECT:**

Public hearing and first reading of an ordinance regarding the proposed rezoning of Lots 1 and 2 Solms Subdivision, located in the 4400 block of IH-35 South, from "APD" Agricultural/Pre-Development to "C-1B" General Business District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ20-0097

**Council District:** 1

**Applicant:** Spencer Marston, Linfield, Hunter & Junius, Inc.  
5222 FM 1960 W. Suite 210C  
Houston, TX 77069  
(504) 228-7684  
smarston@lhjunius.com

**Owner:** Sac 'N' Pac Stores, Inc.  
1405 United Drive Suite 115  
San Marcos, TX 78666

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

The subject property is located just inside the city limits at the northwest corner of the intersection of IH-35 South and Solms Road, along the southwest bound frontage road. This area was annexed into the City in 2003. Upon annexation, land is typically assigned the interim "APD" Agricultural/Pre-Development zoning district until permanent zoning is requested by the property owner or developer.

The applicant is requesting C-1B to accommodate new retail development. They indicate that Lots 1 and 2 will be combined through the platting process prior to construction.

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

North - Outside city limits/ Single-family residence  
South - Across IH-35, APD/ Undeveloped  
East - Across Solms Rd, C-3/ Convenience store with fuel sales  
West - M-1, Outside city limits/ Undeveloped

**Determination Factors:**

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

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (*C-1B is encouraged at intersections of major collectors and thoroughfares. Solms Rd. is identified as a Major Collector on the City's Thoroughfare Plan that will provide a north/south connection between Wald Rd. and Weil Rd. The allowed uses in C-1B are appropriate at this location.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*Utility provision will be evaluated by NBU at the time of platting and permitting.*);
- How other areas designated for similar development will be affected (*The potential uses should not negatively affect other areas designated for similar development*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*Drainage, utility and traffic impacts will be reviewed and addressed through the platting and permitting processes*); and
- Whether the request is consistent with the Comprehensive Plans: see below

**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 3.3:</b> Balance commercial centers with stable neighborhoods. <b>Future Land Use Plan:</b> The property is located within the Oak Creek Sub-Area, on a transitional mixed use corridor, and near existing employment and market centers.
------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on July 7, 2020 and unanimously recommended approval of the request. (9-0-0)

**STAFF RECOMMENDATION:**

Approval.

**Notification:**

Public hearing notices were sent to 3 owners of property inside the city limits and within 200 feet of the request. The City has not yet received any responses.

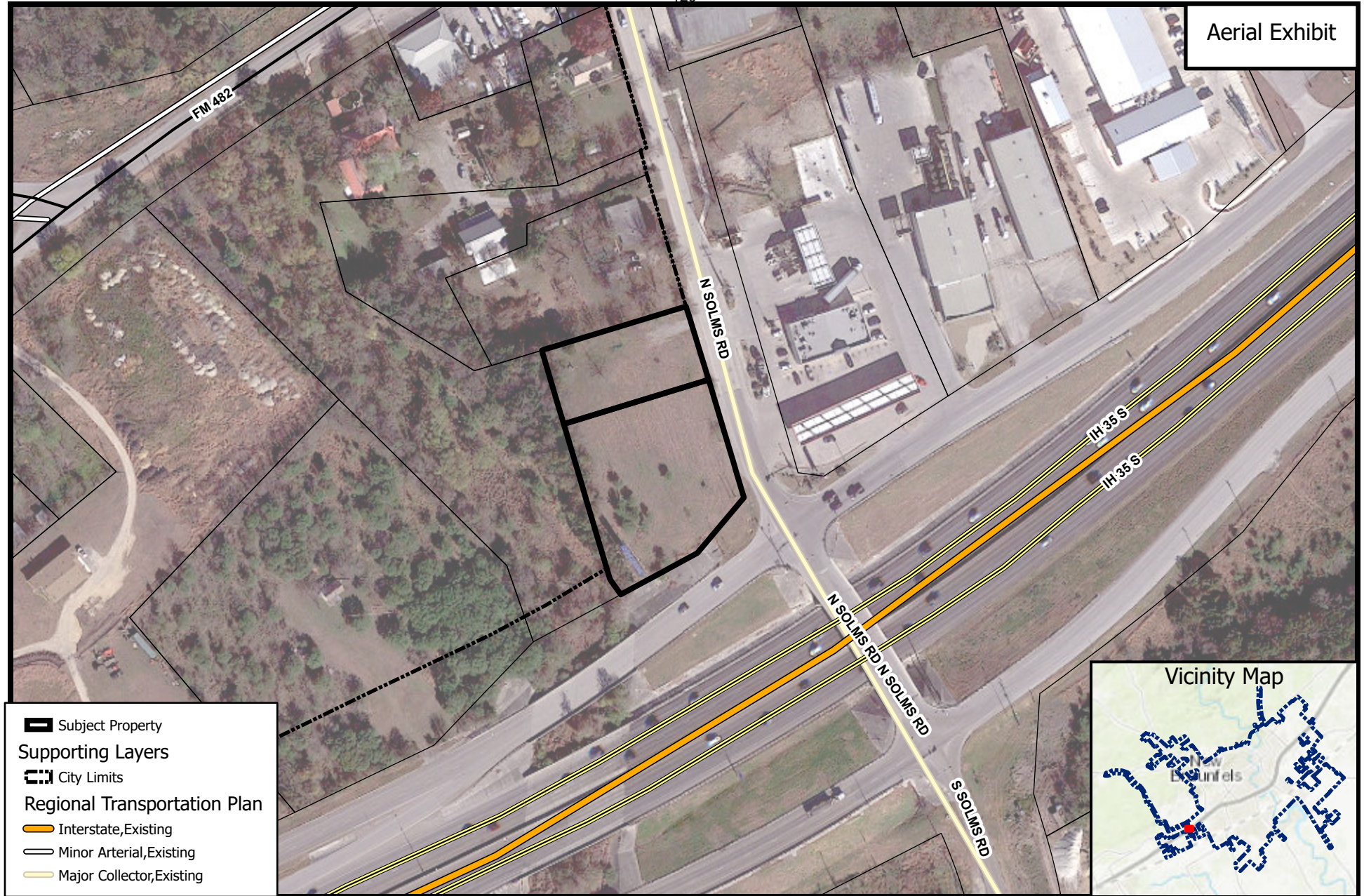
**RESOURCE LINKS:**

- Chapter 144, Section 3.4-13 ("C-1B") of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)

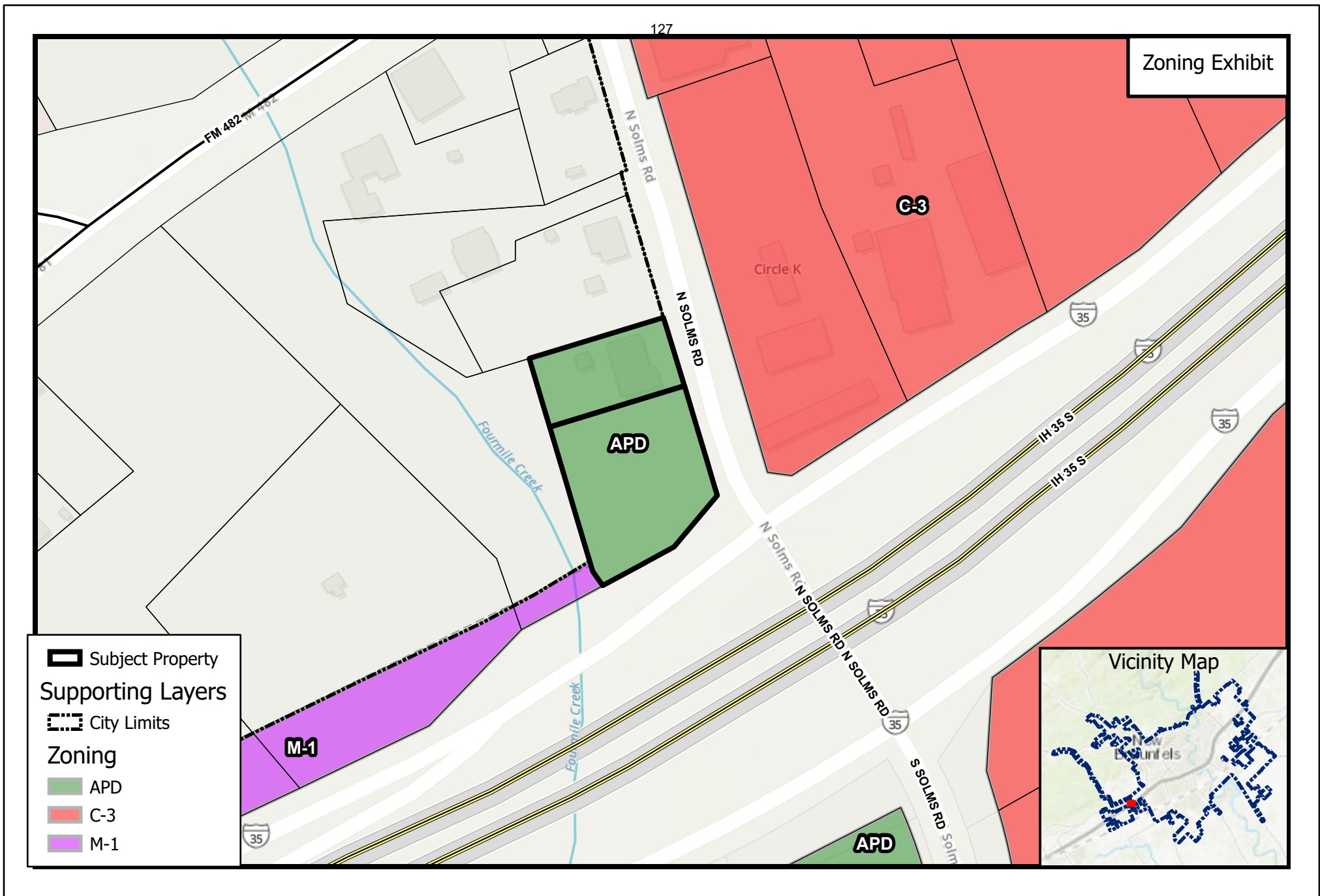
**ATTACHMENTS:**

- 
- Aerial Map
  - Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)
  - Notification List and Map
  - Draft Minutes from the 7/7/20 Planning Commission meeting
  - Ordinance

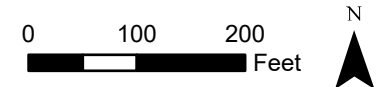


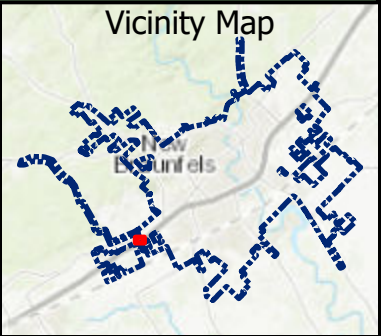
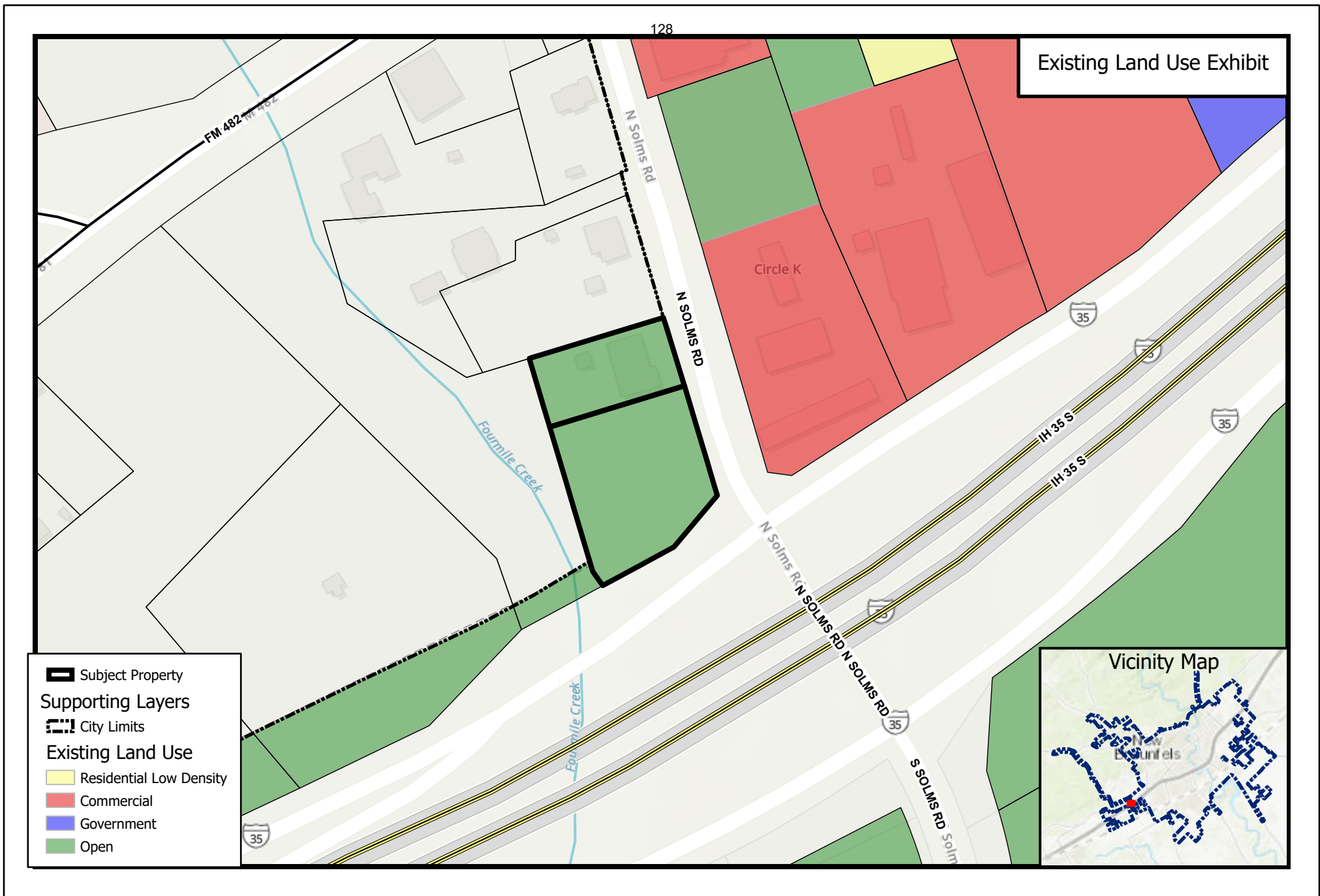




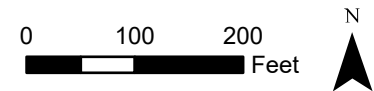


**PZ20-0097**  
**APD to C-1B**





**PZ20-0097**  
**APD to C-1B**



## EXISTING CENTERS

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

### EMPLOYMENT CENTER

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

### MARKET CENTER

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

### MEDICAL CENTER

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

### CIVIC CENTER

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

### OUTDOOR RECREATION CENTER

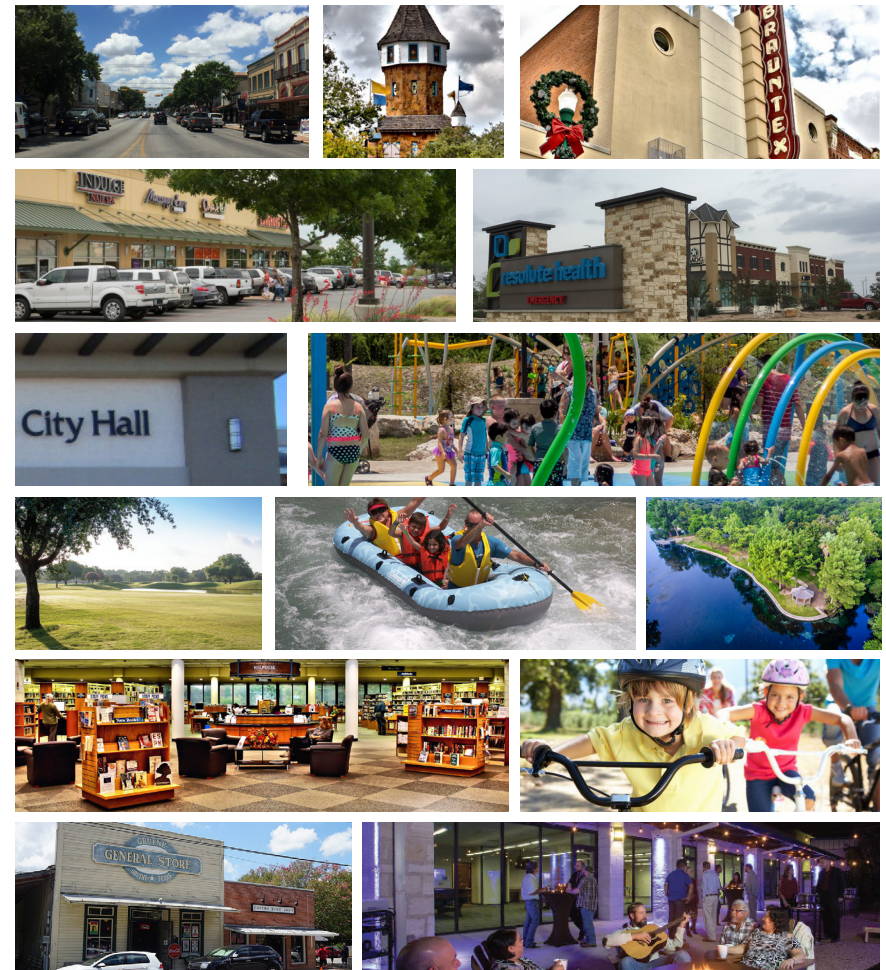
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

### EDUCATION CENTER

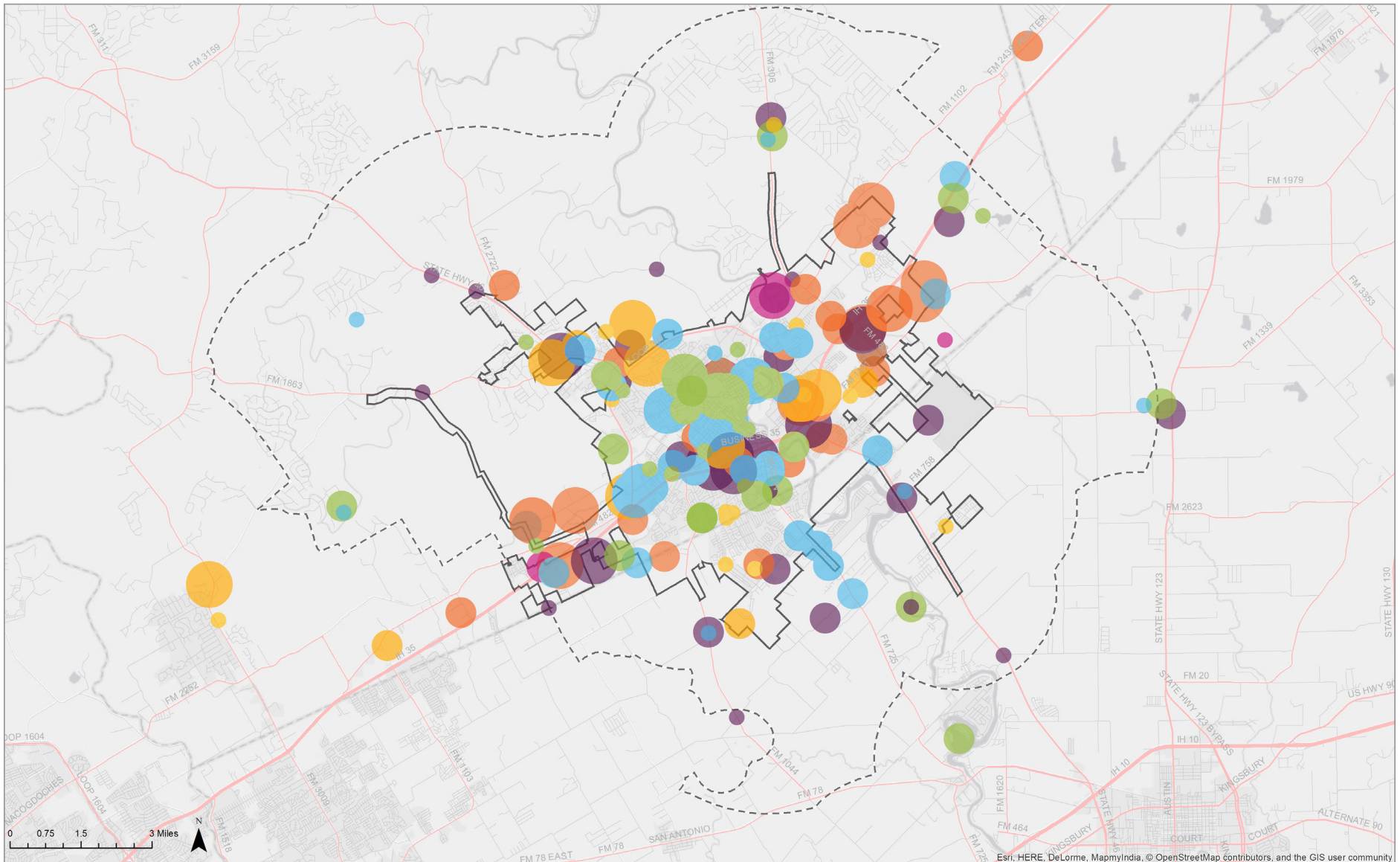
Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

### TOURIST/ENTERTAINMENT CENTER

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







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



## FUTURE LAND USE PLAN

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

### TRANSITIONAL MIXED-USE CORRIDOR

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

### OUTDOOR RECREATION CENTER

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

### EMPLOYMENT CENTER

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

### MARKET CENTER

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

### CIVIC CENTER

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

### SUB AREA 1

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

### SUB AREA 2

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

### SUB AREA 3

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

### SUB AREA 4

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

### SUB AREA 5

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

### SUB AREA 6

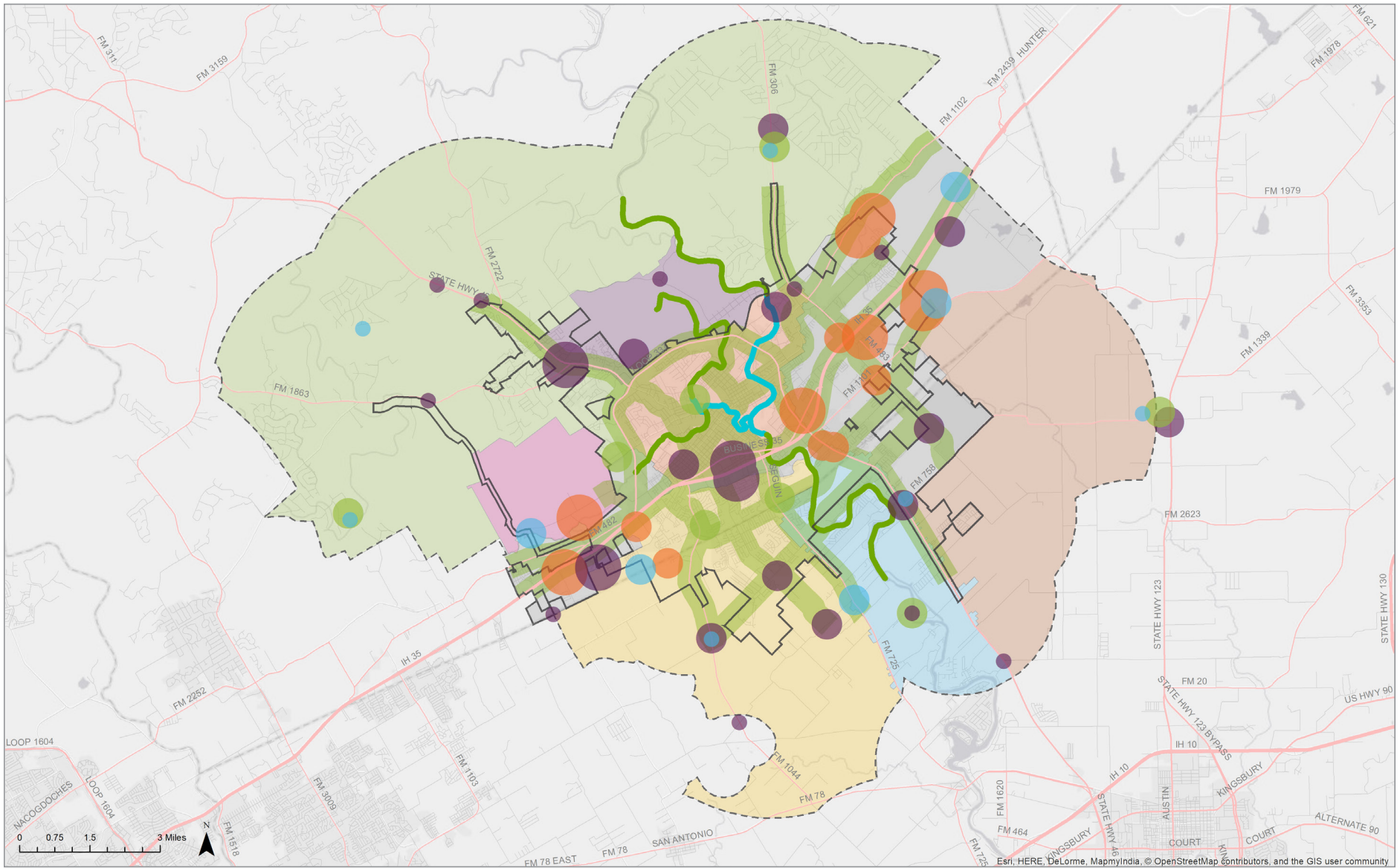
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

### SUB AREA 7

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

### SUB AREA 8

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



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

**PLANNING COMMISSION – JULY 7, 2020 – 6:00PM**

Zoom Meeting

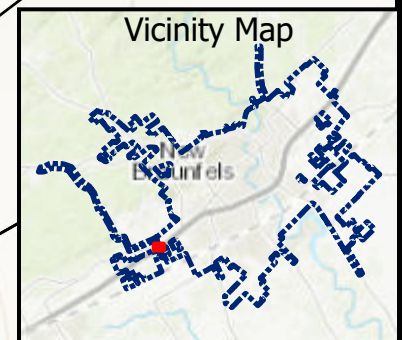
**Applicant/Owner:** Spencer Marston**Address/Location:** Lots 1 & 2 Solms Subdivision; 4400 block of IH-35 S**PROPOSED REZONING – CASE #PZ20-0097**

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”.

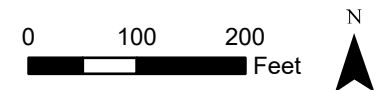
1. N B COMMUNICATIONS INC
2. LICH REAL ESTATE MANAGEMENT LLC
3. CIRCLE K STORES INC

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**SEE MAP**



**PZ20-0097**  
**APD to C-1B**



**Draft Minutes for the July 7th, 2020 Planning Commission Regular Meeting**

**B) PZ20-0097 Public hearing and recommendation to City Council regarding the proposed rezoning of Lots 1 and 2 Solms Subdivision, located in the 4400 block of IH-35 South, from “APD” Agricultural/Pre-Development to “C-1B” General Business District. Applicant/Agent: Spencer Marston, Linfield, Hunter & Junius, Inc.; Case Manager: Holly Mullins**

Mrs. Mullins presented. Staff recommended approval.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

Spencer Marston, 5222 FM 1960 W Suite 210C, stated he is representing the applicant and can answer any questions from the commission.

Chair Edwards asked if there were any questions for the applicant.

Chair Edwards opened the public hearing and asked if anyone wished to speak.

No one spoke.

Chair Edwards asked if there was a motion or any discussion.

Motion by Commissioner Sonier, seconded by Vice Chair Laskowski, to recommend approval to City Council regarding the proposed rezoning of Lots 1 and 2 Solms Subdivision, located in the 4400 block of IH-35 South, from “APD” Agricultural/Pre-Development to “C-1B” General Business District. Motion carried (9-0-0).

**ORDINANCE NO. 2020-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING LOTS 1 AND 2, SOLMS SUBDIVISION, LOCATED IN THE 4400 BLOCK OF IH-35 SOUTH, FROM “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT TO “C1-B” GENERAL BUSINESS 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 “C1-B” General Business District, the City Council has given due consideration to all components of said district; and

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

**WHEREAS**, the requested rezoning is in accordance with Envision New Braunfels, the City’s Comprehensive Plan; and

**WHEREAS**, the City Council desires to amend the Zoning Map by rezoning Lots 1 and 2, Solms Subdivision, from “APD” Agricultural/Pre-Development District to “C1-B” General Business District; **now, therefore**;

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

**SECTION 1**

**THAT** pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following described tract of land from “APD” to “C1-B” General Business District:

Lots 1 & 2, Solms Subdivision, located in the 4400 block of IH-35 South, as delineated in Exhibit “A” 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 27th day of July, 2020.

**PASSED AND APPROVED:** Second reading this 10th day of August, 2020.

**CITY OF NEW BRAUNFELS**

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**RUSTY BROCKMAN**, Mayor

**ATTEST:**

---

**Andrew A. Lyons III**, Assistant City Secretary

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney



**EXHIBIT "A"**



**City Council Agenda Item Report****7/27/2020**

Agenda Item No. F)

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**Presenter**

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

**SUBJECT:**

Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 8.0 acres, Lots 1 & 2 Soefje Subdivision (3.9 acres) addressed at 1998 IH 35 North and 4.0 acres out of A-1 SUR-1AM Esnaurizar addressed at 2050 IH 35 North, from "C-3" Commercial District and "APD" Agricultural/Pre-Development District to "MU-B" High Intensity Mixed-Use District.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ20-0099

**Council District:** 5

**Applicant:** South Texas Capital Advisors (James E. Mahan III)  
648 S. Castell Ave.  
New Braunfels, TX 78130  
(830) 387-3874110 - jmahan@southtexascapital.com  
<mailto:jmahan@southtexascapital.com>

**Owners:** (4.0 acres) Corridor 35 Development (D. Lee Edwards)  
1111 N. Walnut Avenue  
New Braunfels, TX 78130  
(830) 620-7653 - leeedwards1109@msn.com  
<mailto:leeedwards1109@msn.com>

(3.9 acres) Edward Cavanaugh  
268 Lakeridge Drive  
Seguin, TX 78155  
(281) 660-8226 - bill.cavanaugh@viam.com

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

The subject property consists of two parcels located on the IH 35 North Access Road, approximately 2,200 feet southwest of the intersection of FM 306 at Creekside Crossing and abuts the Comal Farms Manufactured Home Community to the rear. The 4.0-acre parcel is currently undeveloped with a shared driveway allowing access to the neighboring office/storage facility. The 3.9-acre parcel is

currently developed with a single-family dwelling and two detached accessory buildings. Both tracts comprising the subject property are currently zoned C-3 adjacent to the IH 35 Access Road, approximately 280 feet deep, with the remainder of the property zoned APD.

The applicant has indicated the property is planned for commercial retail use, with the TIA worksheet referencing more specific uses such as a fast-food restaurant with a drive-through, a coffee/donut shop with a drive-through, a medical/dental office building and a shopping center. TIA (traffic impact analysis) worksheets provide estimated peak hour and daily trips of vehicles, which determine how detailed the analysis of the potential impacts needs to be. The TIA worksheet for the subject property estimates 5,200 daily trips based upon the identified uses which will require a Level 2 TIA. Unless otherwise required by the Planning Commission or City Council, such analysis is completed with the future subdivision plat or building permit processes. A TIA analyzes traffic impacts and methods to offset negative impacts.

Similar zoning changes from C-3 and APD to MU-B were approved for the adjacent 15-acre New Braunfels Storage property to the north in 2011 (3 acres) and 2014 (12 acres).

*Surrounding Zoning and Land Use:*

North - MU-B / New Braunfels Storage facility

South - C-3 and APD / Single family and agricultural

East - B-1B / Comal Farms Manufactured Home Community

West - Across IH 35, C-3 / Titan Factory Direct manufactured home sales and Cornerstone Countertops

*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 *(MU-B is intended to provide for a mixture of more intense retail, office, and industrial uses to enable people to live, work and shop in close proximity. The permitted uses of the MU-B District are consistent with the existing zoning and land uses in the vicinity of the subject property that are adjacent IH 35 and nearby in the New Braunfels Town Center at Creekside development and the approved Solms Landing Planned 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 additional demand is evaluated by each provider. CISD has been notified of the request.)*
- How other areas designated for similar development will be affected *(The proposed zoning should not impact other areas designated for similar development.)*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(None identified. Drainage, utility and traffic impact will be reviewed and addressed through the platting and permitting process.)*
- Whether the request is consistent with the Comprehensive Plan: See below

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

<b>City Plan/Council Priority:</b> Envision New Braunfels	<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 Interstate Highway 35. <b>Future Land Use Plan:</b> The property lies within the Oak Creek Sub Area on a Transitional Mixed-Use Corridor near existing and future Employment, Market, Medical, Outdoor Recreation, Education and Tourist/Entertainment Centers.
--------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on July 7, 2020 and recommended approval (8-0-0, with Chair Edwards recused).

**STAFF RECOMMENDATION:**

Approval. MU-B allows uses consistent with the existing light industrial, commercial and residential development and zoning in the area, while offering the opportunity for mixed-use development.

***Notification:***

Public hearing notices were sent to 3 owners of property within 200 feet of the request. The City has received no responses at this time.

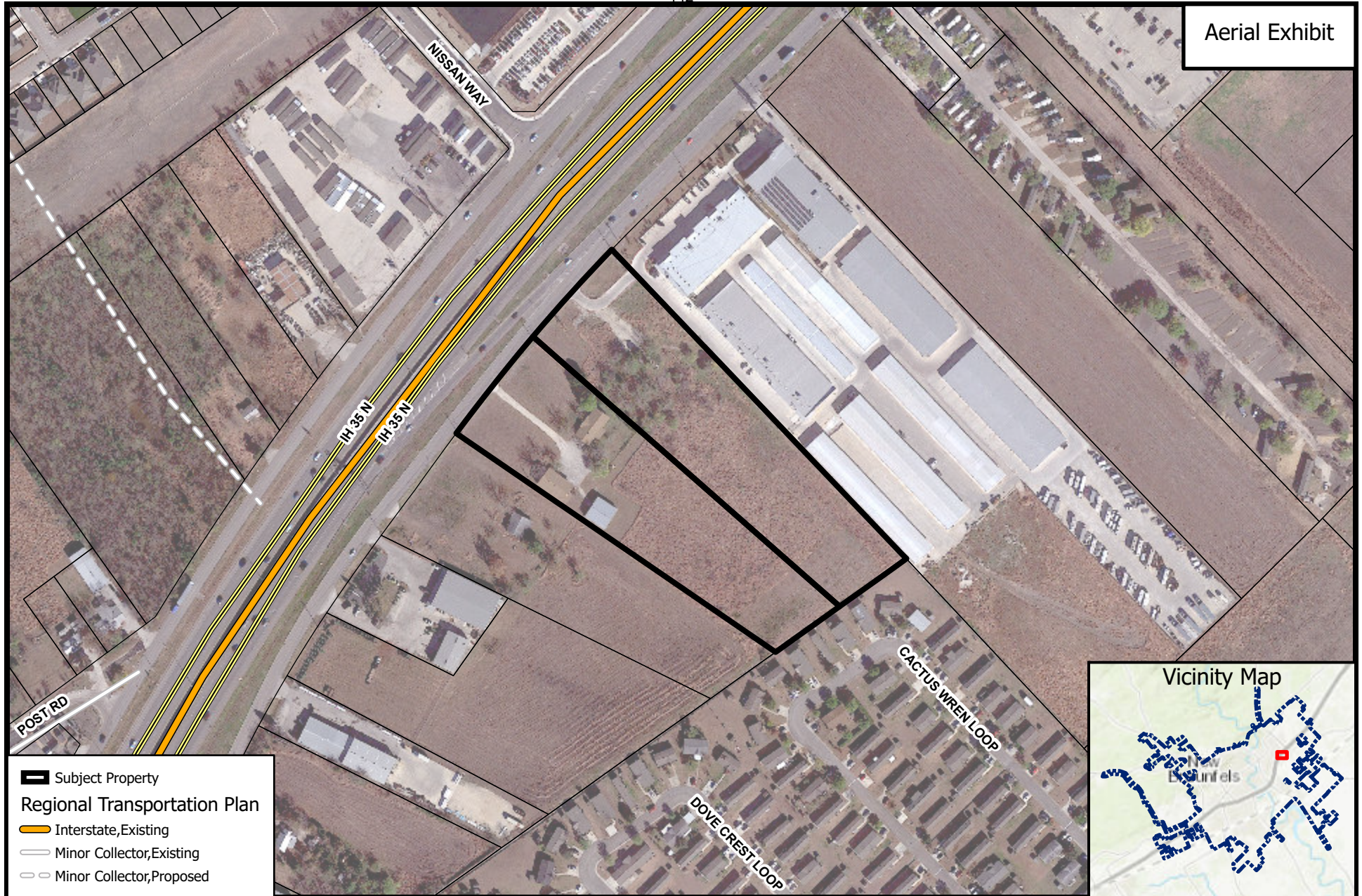
**RESOURCE LINKS:**

- Chapter 144, Sec. 3.1-9 of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Secs. 3.4-1 and 3.4-11 of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)

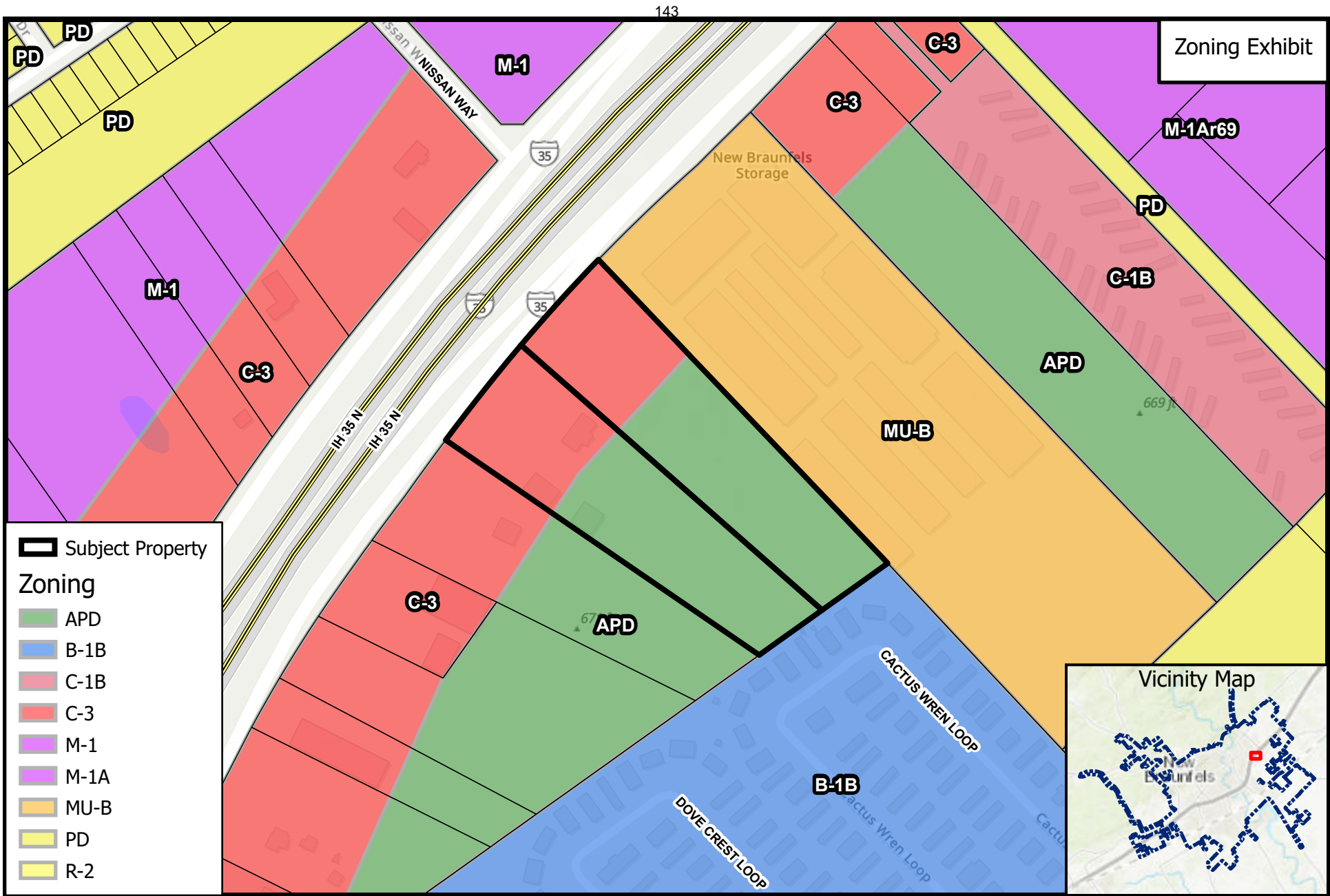
**ATTACHMENTS:**

1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. Notification List and Map
4. Excerpt of Minutes from the July 7, 2020 Planning Commission Regular Meeting
5. Ordinance

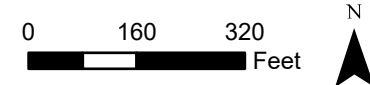


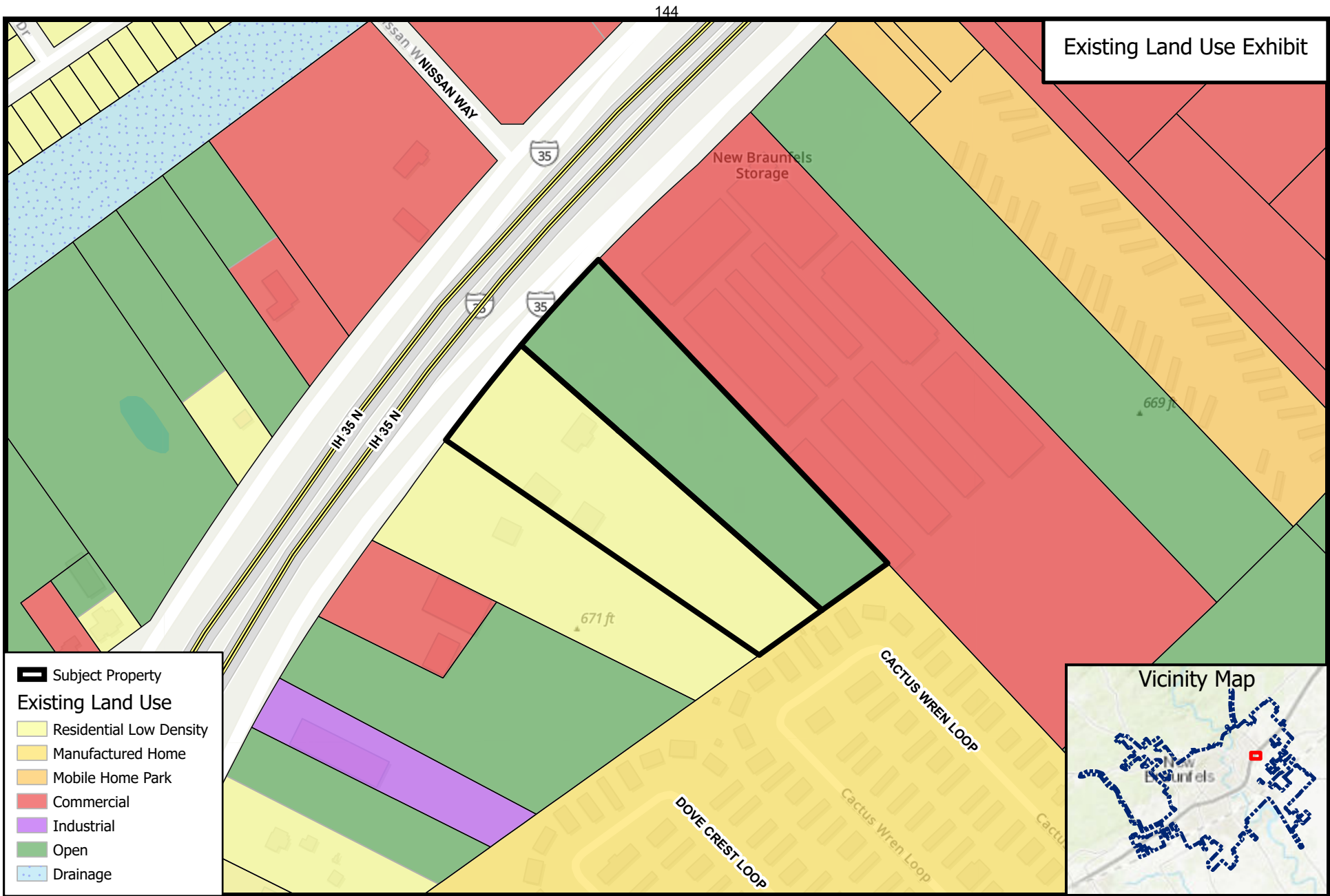




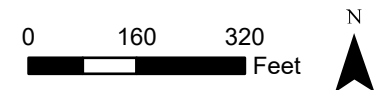


**PZ20-0099**  
**C-3 & APD to MU-B**





**PZ20-0099**  
**C-3 & APD to MU-B**



Source: City of New Braunfels Planning  
 Date: 6/23/2020

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of New Braunfels, its officials or employees for any discrepancies, errors, or variances which may exist.

## EXISTING CENTERS

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

### EMPLOYMENT CENTER

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

### MARKET CENTER

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

### MEDICAL CENTER

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

### CIVIC CENTER

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

### OUTDOOR RECREATION CENTER

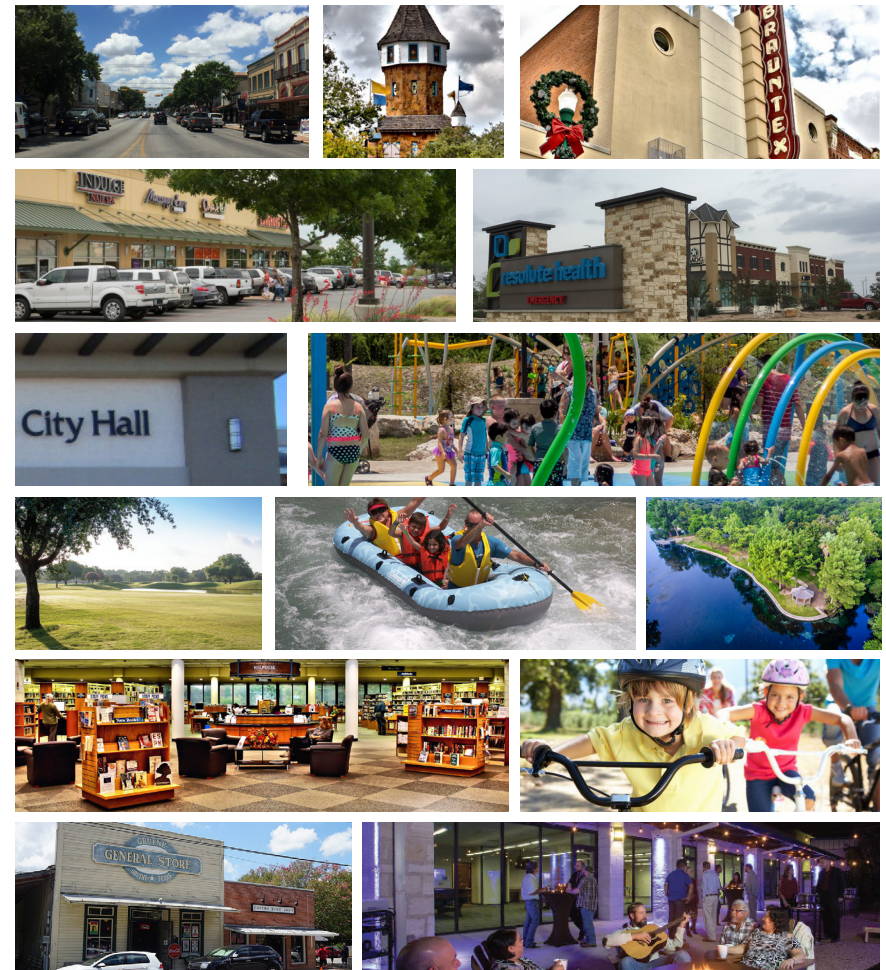
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

### EDUCATION CENTER

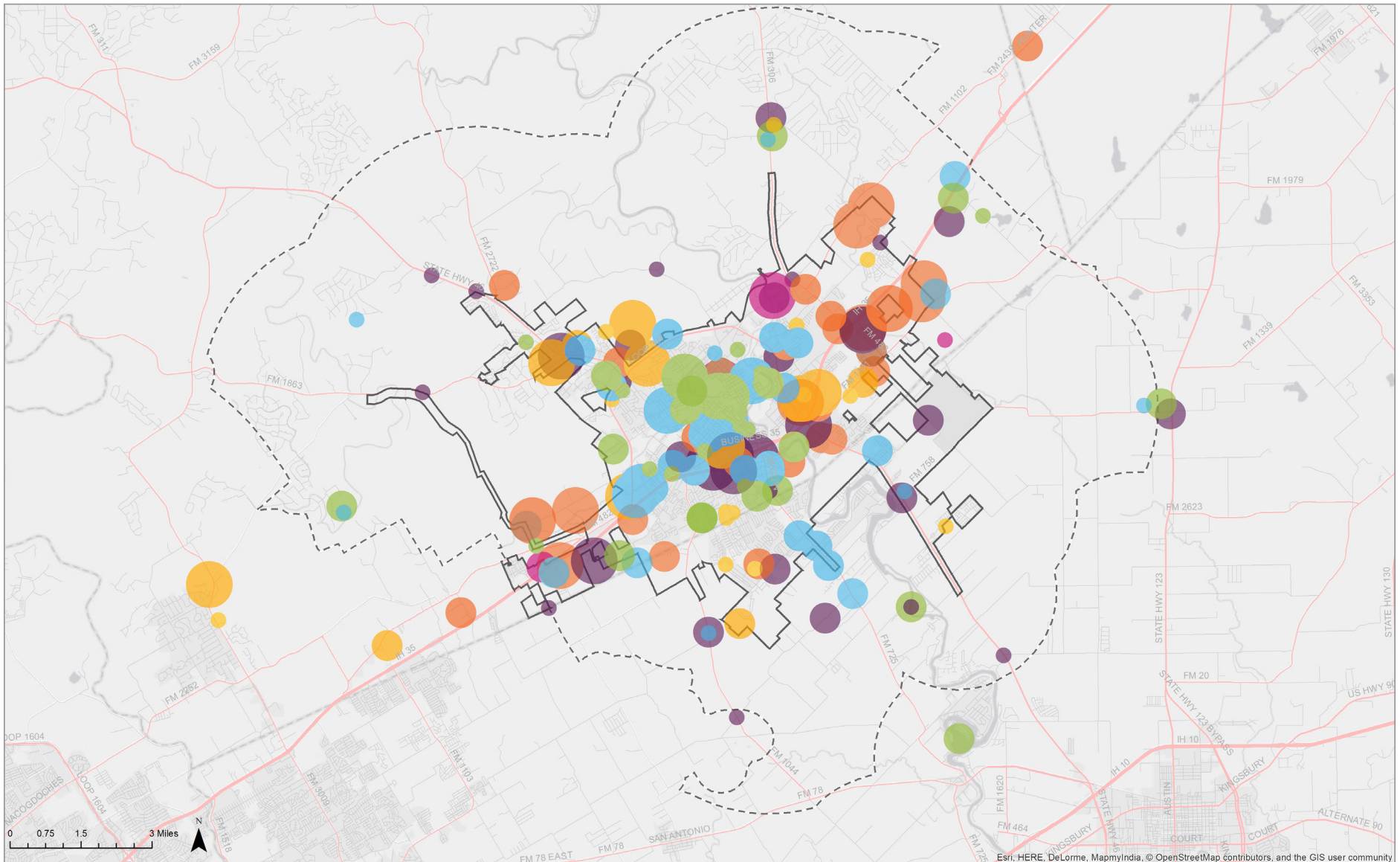
Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

### TOURIST/ENTERTAINMENT CENTER

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







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



## FUTURE LAND USE PLAN

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

### TRANSITIONAL MIXED-USE CORRIDOR

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

### OUTDOOR RECREATION CENTER

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

### EMPLOYMENT CENTER

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

### MARKET CENTER

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

### CIVIC CENTER

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

### SUB AREA 1

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

### SUB AREA 2

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

### SUB AREA 3

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

### SUB AREA 4

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

### SUB AREA 5

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

### SUB AREA 6

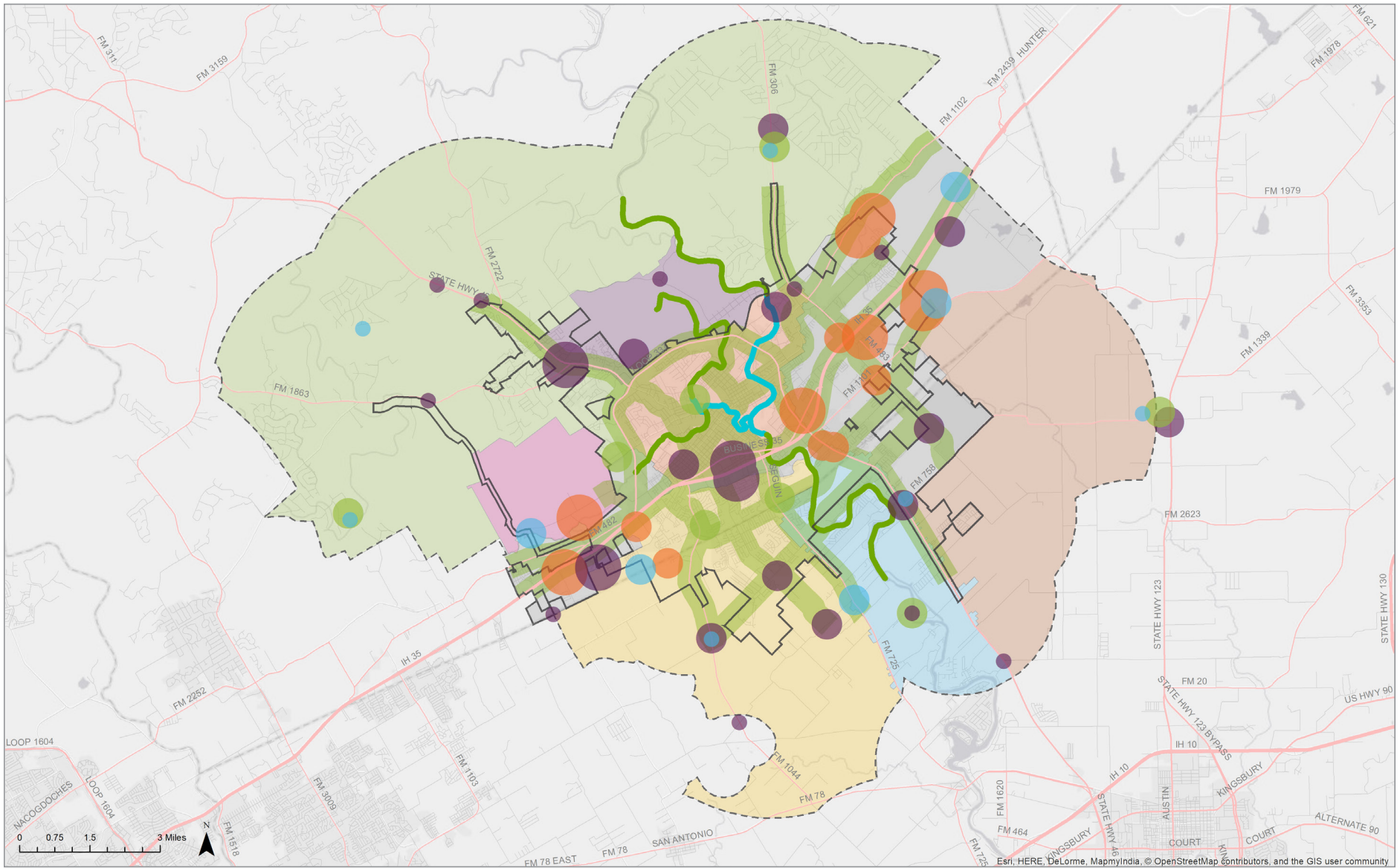
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

### SUB AREA 7

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

### SUB AREA 8

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



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

**PLANNING COMMISSION – JULY 7, 2020 – 6:00PM**

Zoom Meeting

**Applicant/Owner:** James Mahan**Address/Location:** 1998 IH 35 & 2050 IH 35 N**PROPOSED REZONING – CASE #PZ20-0099**

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”.

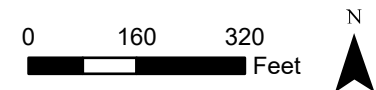
1. NEW BRAUNFELS STORAGE LTD
2. CP COMAL FARMS LTD PARTNERSHIP
3. SNIDER RONALD B

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**SEE MAP**



**PZ20-0099**  
**C-3 & APD to MU-B**



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### **Draft Minutes for the July 7th, 2020 Planning Commission Regular Meeting**

**C) PZ20-0099 Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 8 acres, Lots 1 & 2 Soefje Subdivision (3.9 acres) addressed at 1998 IH 35 North and 4.0 acres out of A-1 SUR-1AM Esnaurizar addressed at 2050 IH 35 North, from “C-3” Commercial District and “APD” Agricultural/Pre-Development District to “MU-B” High Intensity Mixed-Use District. Applicant/Agent: South Texas Capital Advisors (James E. Mahan III)**

Chair Edwards recused himself for item 6C PZ20-0099.

Vice Chair Laskowski presided over the meeting.

Mr. Greene presented. Staff recommended approval.

Vice Chair Laskowski asked if there were any questions for staff.

Vice Chair Laskowski asked if the applicant would like to speak.

James Mahan, 189 Brookhollow, stated they plan to eventually combine the two lots and put a public road through the site and divide it up into 4-5 lots with various commercial uses.

Vice Chair Laskowski asked if there were any questions for the applicant.

Vice Chair Laskowski opened the public hearing and asked if anyone wished to speak.

No one spoke.

Vice Chair Laskowski asked if there was a motion or any discussion.

Motion by Commissioner Sonier, seconded by Commissioner Gibson, to recommend approval to City Council regarding the proposed rezoning of approximately 8 acres, Lots 1 & 2 Soefje Subdivision (3.9 acres) addressed at 1998 IH 35 North and 4.0 acres out of A-1 SUR-1AM Esnaurizar addressed at 2050 IH 35 North, from “C-3” Commercial District and “APD” Agricultural/Pre-Development District to “MU-B” High Intensity Mixed-Use District. Motion carried (8-0-0).



**ORDINANCE NO. 2020-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 8.0 ACRES, LOTS 1 & 2 SOEFIE SUBDIVISION (3.9 ACRES) ADDRESSED AT 1998 IH 35 NORTH AND APPROXIMATELY 4.0 ACRES OUT OF A-1 SUR-1AM ESNAURIZAR, ADDRESSED AT 2050 IH 35 NORTH, FROM “C-3” COMMERCIAL DISTRICT AND “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT TO “MU-B” HIGH INTENSITY MIXED-USE 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 “MU-B” High Intensity Mixed-Use 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 requested rezoning is in accordance with Envision New Braunfels, the City’s Comprehensive Plan; and

**WHEREAS**, the City Council desires to amend the Zoning Map by rezoning approximately 8.0 acres, being Lots 1 & 2 Soefje Subdivision (3.9 acres) addressed at 1998 IH 35 North and approximately 4.0 acres out of A-1 SUR-1AM Esnaurizar addressed at 2050 IH 35 North, from “C-3” Commercial District and “APD” Agricultural/Pre-Development District to “MU-B” High Intensity Mixed-Use 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-3” Commercial District and “APD” Agricultural/Pre-Development District to “MU-B” High Intensity Mixed-Use District:

Approximately 8.0 acres, Lots 1 & 2 Soefje Subdivision (3.9 acres) addressed at 1998 IH 35 North and approximately 4.0 acres out of A-1 SUR-1AM Esnaurizar

**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.

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

**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.

**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:** Second reading this 10th day of August, 2020.

**RUSTY BROCKMAN**, Mayor

**ANDREW A. LYONS III**, Assistant City Secretary

**VALERIA M. ACEVEDO**, City Attorney

**EXHIBIT "A"****LEGAL DESCRIPTION OF TRACT 1 - 4.130 ACRES**

**BEING** a 4.130 acres (179,922 square feet) tract of land situated in the A.M. Esnaurizar Survey, Abstract 98, Comal County, Texas; being the same tract of land described in instrument to Corridor 35 Development, LLC, in Document No. 200606044124 of the Official Public Records of Comal County; and being more particularly described as follows;

**BEGINNING** at a 1/2" iron rod found in the southwest boundary line of Lot 1 of the New Braunfels Storage Subdivision, plat of which is recorded in Volume 13, Page 101 of the Map Records of Comal County, Texas; and at the north corner of Lot 1, Block 1, Comal Farms Subdivision, Unit One, plat of which is recorded in Volume 12, Page 217 of the Map Records of Comal County, Texas; for the east corner of this tract;

**THENCE**, South 54°21'15" West, 165.62 feet along the northwest boundary line of said Lot 1, Block 1, Comal Farms Subdivision, to a 1/2 inch iron rod found at the east corner of a called 2.024 acre tract of land being the northern tract of the Soefe Subdivision, plat of which is recorded in Volume 5, Page 103 of the Plat Records of Comal County, Texas; same being the east corner of a 3.928 acre tract of land, called Tract 2, just surveyed, for the south corner of this tract;

**THENCE**, North 49°12'14" West, 845.27 feet along the northeast boundary line of said 2.024 acre tract to a 1/2" iron rod with surveyor's cap stamped "KHA" set in the southeasterly right-of-way line of Interstate Highway No. 35 (variable width ROW), at the east corner of a called 0.030 acre tract of land, as evidenced in Instrument recorded in Document No. 9906021575 of the Official Public Records of Comal County, Texas; and the south corner of a called 0.058 acre tract of land, as evidenced in Instrument recorded in Document No. 9906021573 of the Official Public Records of Comal County, Texas; for the west corner of this tract;

**THENCE**, along the southeasterly right-of-way line of said Interstate Highway No. 35 and the southeast boundary line of said 0.058 acre tract, along the arc of a curve to the right having a radius of 6715.49 feet, an arc length of 252.74 feet, and a chord bearing and distance of North 40°54'27" East, 252.73 feet to concrete monument found for the north corner of this tract;

**THENCE**, South 43°16'39" East, along the northeast boundary line of this tract, at 10.36 feet passing a 5/8" iron rod with a blue surveyor's cap found, then continuing along the common boundary line of said Lot 1 of the New Braunfels Storage Subdivision and this tract, in all a distance of 888.35 feet to the **POINT OF BEGINNING** and containing 4.130 acres of land, more or less, in Comal County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System GRID, South Central Zone (FIPS 4204) (NAD'83). All distances are GRID and shown in U.S. Survey Feet. This document was prepared in the office of Kimley- Horn and Associates, Inc. in San Antonio, Texas.



## LEGAL DESCRIPTION OF TRACT 2 - 3.928 ACRES

**BEING** a 3.928 acres (171,101 square feet) tract of land, being the residue of the 1.961 acre tract of land and the

2.024 acre tract of land show on the plat of Soefje Subdivision as recorded in Volume 5, Page 103, Map and Plat Records, Comal County, Texas, Said 3.928 acre tract of land being more particularly described by meets and bounds as follows:

**BEGINNING** at a 1/2" iron rod found in the northwest boundary line of Lot 1, Block 1 of the Comal Farms Subdivision, Unit One, as shown on plat recorded in Volume 14, Page 31-32 of the Map and Plat Records of Comal County, Texas; and at the east corner of the Ronald B. Snider Tract, being the residue of a 3.745 acre tract recorded in Volume 918, Page 484, Official Public Records of Comal County, Texas; for the south corner of said 1.961 acre tract and the south corner of this tract;

**THENCE**, North 56°04'26" West, 802.97 feet, departing said Lot 1, Block 1 of the Comal Farms Subdivision, along the common boundary line of this tract and said Snider Tract to a concrete monument found in the southeasterly right-of-way line of Interstate Highway 35 (variable width R.O.W.) and at the south corner of a called 0.030 acre tract of land, as evidenced in Instrument recorded in Document No. 9906021574 of the Official Public Records of Comal County, Texas; for the north corner of said Snider Tract and the west corner of this tract;

**THENCE**, along the southeasterly right-of-way line of said Interstate Highway No. 35, along the arc of a curve to the right having a radius of 6715.49 feet, an arc length of 257.16 feet, and a chord bearing and distance of North 38°43'56" East, 257.14 feet to a 1/2" iron rod with plastic surveyor's cap stamped "KHA" set at the east corner of a second called 0.030 acre tract of land, as evidenced in Instrument recorded in Document No.

9906021575 of the Official Public Records of Comal County, Texas; and the west corner of a 4.130 acre tract of land, called Tract 1, just surveyed, for north corner of this tract;

**THENCE**, South 49°12'14" East, 845.27 feet departing the southeasterly right-of-way line of said Interstate Highway No. 35, along the common line of this tract and said Tract 1, to a 1/2" iron rod found in the northwest boundary line of said Lot 1, Block 1 of the Comal Farms Subdivision, and at the south corner of said Tract 1, for the east corner of said 2.024 acre tract and the east corner of this tract;

**THENCE**, South 54°21'15" West, 165.54 feet along the common line of this tract and said Lot 1, Block 1 of the Comal Farms Subdivision, to the **POINT-OF-BEGINNING** and containing 3.928 acres of land, more or less, in Comal County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System GRID, South Central Zone (FIPS 4204) (NAD'83). All distances are GRID and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.



**City Council Agenda Item Report**550 Landa Street  
New Braunfels, TX**7/27/2020**

Agenda Item No. A)

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

- ADA Complaint #20-DRS-06-15, 3TX1206, Thompson v. DAS Rec
- Solms/Morningside/Rueckle Utility and Road Reconstruction Project
- Klein Rd. Reconstruction Project



**City Council Agenda Item Report**550 Landa Street  
New Braunfels, TX**7/27/2020**

Agenda Item No. B)

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Deliberate issues regarding economic development negotiations in accordance with Section 551.087 of the Texas Government Code, specifically:

- Mosaic Development

