

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



This meeting will be held in person at
CITY HALL – COUNCIL CHAMBERS
To participate via Zoom use the link
<https://us02web.zoom.us/j/82976070721> or call
(833) 926-2300 with ID # 829 7607 0721



**550 LANDA STREET
MONDAY, OCTOBER 12, 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

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

INVOCATION: Mayor Pro Tem Meadows

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

PROCLAMATIONS:

- A) Living Legends
- B) Chamber Week
- C) Chiropractic Health Month
- D) Domestic Violence Awareness Month

PRESENTATIONS:

- A) Update from the City Manager on the City's Response to COVID-19
Robert Camareno, City Manager
- B) Update on the Dry Comal Creek and Comal River Watershed
Protection Plan implementation effort.
Mark Enders, Watershed Program Manager
- C) Presentation, discussion and direction to staff regarding the use of the
City of New Braunfels allocation of CARES act funds.

*Jared Werner, CFO and Jeff Jewell, Economic and Community Development
Director*

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of September 28, 2020.

Drew Lyons, Assistant City Secretary

2. CITIZENS' COMMUNICATIONS

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

3. CONSENT AGENDA

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

Resolutions & Action Items

- A) Approval of a resolution recommended by the City of New Braunfels Economic Development Corporation approving a project expenditure of up to \$1,500,000 for the construction and realignment of Elizabeth Avenue from Landa Park Drive to approximately Hinman Island Drive in Landa Park, an eligible project expenditure and approving the issuance of an invitation for competitive sealed proposals for the construction; and declaring an effective date
Jeff Jewell, Director of Economic and Community Development
- B) Approval of a contract with Dean Word company, Ltd for construction of Lakeview Blvd. Street and Sidewalk Project and authority for the City Manager to approved change orders up to a fifteen percent contingency, and approval of a contract amendment with HMT Engineering for additional services, including construction administration, and approval of a purchase order with Terracon to provide materials testing services, as part of the 2019 Bond Citywide Street Project.
Jennifer Cain, Capital Programs Manager
- C) Approval of an amendment to the Purchasing Policy allowing for the receipt of bids and proposal through electronic transmission, and the City Council to adopt rules to ensure the identification, security, and confidentiality of such bids and proposals and to ensure that such bids

and proposals remain effectively unopened until the proper time, as required by Section 252.0415 of the Texas Local Government Code.

Barbara Coleman, Purchasing Manager

- D) Approval of the issuance of an invitation for competitive sealed proposals on the Westside Library Project as part of 2019 Bond Program since the City Council finds that this delivery method will provide the best value to the City.

Jennifer Cain, Capital Programs Manager

- E) Approval to authorize the City Manager to negotiate and execute an agreement with McKenna Foundation for the administration of the COVID-19 Nonprofit Business Interruption Grant Program.

Jared Werner, Chief Financial Officer

- F) Approval to authorize the City Manager to execute an Interlocal Agreement between the City of New Braunfels and the City of San Marcos, City of Seguin and Texas State University for Mutual Aid with Information Technology Service in response to emergencies.

Tony Gonzalez, IT 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.)

- G) Approval of the first reading of an ordinance to amend the City of New Braunfels Code of Ordinances, Sections 126-367 and 126-369 to amend the existing freight loading zone on West San Antonio Street.

Garry Ford, P.E., City Engineer

- H) Approval of the first reading of an ordinance to combine a portion of Parking by Permit Area J with Parking by Permit Area B and combine Parking by Permit Area F and a portion of Parking by Permit Area J into existing Parking by Permit Area C.

Garry Ford, P.E., City Engineer

- I) Approval of the second and final reading of an ordinance amending the City of New Braunfels Code of Ordinances, Ch. 2, Sections 2-1 to 2-4 by removing references relating to employees.

Becca Miears, Assistant Human Resources Director

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider the confirmation of the City Manager's appointment of the Interim Police Chief of the New Braunfels Police Department.

Robert Camareno, City Manager

- B) Administration of the Oath of Office to the Interim Police Chief of the New Braunfels Police Department.

Rusty Brockman, Mayor

- C) Discuss and consider the appointment of three individuals to the Building Standards Commission for terms ending October 26, 2022.

Drew Lyons, Assistant City Secretary

- D) Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family dwelling in the "C-1" Local Business District addressed at 430 Landa Street.

Christopher J. Looney, Planning and Development Services Director

- E) Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family dwelling in the C-2 Central Business District, addressed at 212 E. Zink St.

Christopher J. Looney, Planning and Development Services Director

- F) Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow an existing residence to operate as a bed and breakfast in the R-2 Single and Two-family District on Lot 6R, City Block 5007, addressed at 522 Cross River Street.

Christopher J. Looney, Planning and Development Services Director

- G) Public Hearing and Approval of the First Reading of an Ordinance (i) Amending Chapter 130, Article IV, Section 130-167 of the Code Of Ordinances of the City of New Braunfels Relating to Water Rates and Charges for Fiscal Year 2021; and (ii) Providing for Automatic Upward Adjustments of Water Rates and Charges for Fiscal Year 2022 and Fiscal Year 2023

Dawn Schriewer, NBU Chief Financial Officer

- H) Public Hearing and Approval of the First Reading of an Ordinance (i) Amending Chapter 130, Article V, Section 130-257 of the Code of Ordinances of the City of New Braunfels Relating to Sewer Rates and Charges for Fiscal Year 2021; and (ii) Providing for Automatic Upward Adjustments of Sewer Rates and Charges for Fiscal Year 2022 and Fiscal Year 2023

Dawn Schriewer, NBU Chief Financial Officer

- I) Public Hearing and Approval of the First Reading of an Ordinance

Amending Chapter 130, Article III, Sections 130-56 and 130-57, Code Of Ordinances of the City of New Braunfels, Texas, Providing for Upward Adjustment of Electric Rates and Charges for Fiscal Year 2022 and Fiscal Year 2023

Dawn Schriewer, NBU Chief Financial Officer

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:
 - TMLIRP Claim No. LB123354; Crawford, C.
- B) Deliberate the appointment, evaluation, duties, discipline, or removal of the City Manager in accordance with Section 551.074 of the Texas Government Code.

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

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

7. ADJOURNMENT

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall on October 8, 2020, at 11:00 a.m.

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 of New Braunfels



Proclamation

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

WHEREAS, Fred Fey, Jimmy Owens, and Mitch Sacco have been named Living Legends of New Braunfels by the Braunfels Foundation Trust; and

WHEREAS, Fred Fey can trace his ancestors back to the original group of settlers who, with Prince Carl, established our beautiful city in 1845. Fred's life of service began with earning the rank of Eagle Scout at Saints Peter and Paul Catholic School. After high school, he attended seminary before enrolling at Southwest Texas State University in San Marcos, earning a bachelor's degree in Industrial Arts and a master's degree in Education. After teaching middle school drafting, Fred worked on designing airplanes, air conditioners for Volkswagens, and steel forms for concrete, and then at Zoeller Funeral Home serving families experiencing great loss. Fred's volunteer resume stands as a shining example, having served not only his church but our community through the ministries he initiated as a deacon at Saints Peter and Paul Catholic Church over the past forty years. Fred served as Jaycee president in 1976 and was later honored as Jaycee of the Year. The Jaycees sponsored the Texas Junior Miss Program and Fred as chairman of the Scholarship Committee acted as a host family for contestants. When daughters Carolyn and Sandra were in school Fred served as "Room Dad," even bringing his famous Wurlitzer organ to a Seele PTA Carnival. He served as President of the American Heart Association, helped design and build several of the displays at the Civic Center for the annual Heritage Exhibit held during Wurstfest, was a New Braunfels High School Band Booster, supported the PTA, Aggie Moms, Museum of Texas Handmade Furniture, and the Sophienburg Museum and Archives where he still helps merchants arriving for Weihnachtsmarkt. In 1980, Fred was ordained a Catholic Permanent Deacon serving his hometown parish, a labor of love. Fred initiated four different ministries at Saints Peter and Paul: the Bereavement Ministry, the Welcome Ministry, the Sick and Homebound Ministry and a grief ministry, God's Healing Love. These activities are in addition to the masses, baptisms, funerals, confirmations, and children's activities in which Fred is involved. Fred shares his love of music with New Braunfels via a 1900s Wurlitzer Military Band Organ, a Tangle Calliope mounted on a Model T, and a hand-crank Raffin street organ handmade in Germany. These instruments have been in the Comal County Fair, Fourth of July, and Kindermaskenball parades, as well as child-care centers, nursing homes, community events, Wassailfests, and in Roselyn and Fred's front yard at Christmas. The New Braunfels Herald Zeitung honored Fred with their Unsung Hero award in 2014.

WHEREAS, Jimmy Owens graduated from New Braunfels High School in 1973. After graduation, Jimmy married the ever-patient Beth Wissing, started a family, and joined the family business established by his mother and father. With his family Jimmy has built a successful and well-respected local construction company, D&M Owens, Inc. The success and resources of the company has no doubt contributed to Jimmy's ability to assist those in need, but his character is responsible for the rest. New Braunfels has seen devastating floods, and Jimmy has always been there to help. In the 1972 flood, while a junior in high school, he rescued people from roof tops in a dump truck. During the 1998 flood, Jimmy pulled a trailer through floodwaters for people to climb onto in the Las Brisas neighborhood. After practically every flood, Jimmy has worked to remove debris from homes and public lands in our community and in others as well. He took transformers to Louisiana after Hurricane Katrina, volunteered with clean-up efforts after the hurricane in Port Arthur, and volunteered with First Baptist Church's chainsaw ministry. Wine and Sangerfest, Wassailfest, and the Soul-Searching cemetery tours have all benefited from Jimmy's assistance with set-up and clean-up efforts. He has delivered playhouses for Hope Hospice, was instrumental in building the Christian Academy high school and Tree of Life Church, and he volunteers every year at the historic Comal County Fair and Rodeo. Jimmy is also a fixture in the Upwards Bounds basketball programs, coaching for fifteen years, and the New Braunfels Little League,

coaching baseball and softball for over thirty years, not to mention the innumerable other jobs performed at the ballfield as a Little League volunteer. He has coached his kids and his grandkids, and has worked with kids without parents, traveling to orphanages in Mexico for building projects and playing soccer with the children. James A. Owens is a humble man with a servant's heart and the New Braunfels Herald Zeitung named him an Unsung Hero in 2013. He shares the 2018 New Braunfels Parks and Recreation Service Award with his brother, John, for always being there to help with projects as wild as removing an RV from the Comal River to assisting with renovations at the putt-putt golf course. Jimmy is the father of eleven children and grandfather of twenty-seven who follow in his footsteps, and he is there to support their efforts -- whether it is helping daughter Jennifer with the Comal Cops for Kids fundraisers or assisting daughter Julianna in raising funds for an orphanage in Haiti. Remarkably, during many of these endeavors Jimmy was successfully battling cancer. When daughter Jasmin was recently diagnosed with cancer, Jimmy and family were there in full battle mode to defeat this dreadful disease. The Owens family believes that each job not only represents a project to be completed but also a relationship and a reputation that reaches out into the future.

WHEREAS, Mitchell James Sacco, Jr. was born in Houston in 1934 where his parents owned a family grocery store, Sacco Brothers Food Market. After graduating from St. Thomas High School and Loyola University in New Orleans, Mitch married Jean Eschenburg in 1955 and enrolled in the University of Texas Dental School in Houston. After dental school, Mitch, Jean, and their three children, Nancy, Mark, and Suzanne relocated to Camp Leroy in New Orleans, where Captain Sacco served as an Army dentist and their son Chris was born. They moved to New Braunfels in 1960, where their fifth child, daughter Michele, was born. New Braunfels gained an enthusiastic young dentist and so much more. He joined the New Braunfels Rotary Club, becoming its president at age 29 in 1964, and is credited with bringing the first District Conference to New Braunfels and becoming the first club president to attend a Rotary International Conference. In 1982, Mitch worked to charter a new Rotary Club, and after nearly forty years is still an active member of the Downtown Rotary Club of New Braunfels. He can still be found in the Rotary's Wurstfest booth cooking the beloved Wurst-n-Taschen. Mitch was active in the New Braunfels Jaycees and instrumental in establishing the New Braunfels Junior Miss program. As president of the Wurstfest Association, he worked with the Community Actors Theatre to create Circle Arts Theatre from a converted warehouse on the Wurstfest grounds. Work on the walkway to the Comal River on the Wurstfest grounds also began during Mitch's presidency. He continues to volunteer at Wurstfest, even as an Opa Emeritus. Mitch has been an active member of the Greater New Braunfels Chamber of Commerce, earning his Blue Coat in 1973 and serving as Chair of the Board in 1982. He was recognized with a Chair of the Board Award in the Field of Community Beautification for his work on Hinman Island and later inducted into the Hall of Honor. Mitch has spent countless hours serving on committees studying a bond election for school improvements, planning the 125th Anniversary of the founding of New Braunfels, and shifting our city's government to its current city council, city manager system. He served on the boards of Guaranty State Bank, McKenna Memorial Hospital, and the McKenna Foundation. Mitch has gone on a humanitarian mission to Mexico to provide dental care in impoverished areas and was deputized by Sheriff Walter Fellers and went on Saturday night ride-alongs. As life-long members of the Sophienburg Museum and Museum of Handmade Furniture, both Mitch and Jean have spent countless hours working to help preserve the history and culture of New Braunfels and were named Honorary Chairs of Folkfest in 2003. Mitchell James Sacco, Jr., the father of five children, 16 grandchildren, and 13 great-grandchildren has passed his sense of duty and volunteerism to his children – many of whom are also involved in our community.

WHEREAS, the Braunfels Foundation Trust will honor these Living Legends at their festive event at the New Braunfels Civic/Convention Center Main Ballroom on October 19, 2020.

NOW, THEREFORE, I, RUSTY BROCKMAN, by virtue of the authority vested in me as Mayor of the City of New Braunfels, do hereby proclaim Fred Fey, Jimmy Owens, and Mitch Sacco as

LIVING LEGENDS OF NEW BRAUNFELS

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 12th day of October 2020.

CITY OF NEW BRAUNFELS

**BY: _____
RUSTY BROCKMAN, Mayor**

City of New Braunfels



Proclamation

THE STATE OF TEXAS §

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, Texas has become an economic power thanks to the ingenuity and hard work of its residents – a citizenry full of entrepreneurs and innovators seeking to carve out a better life for themselves, their families and their communities, and whose dreams in many cases become reality with the help of local chambers of commerce; and

WHEREAS, local chambers of commerce, including our area chambers, have distinguished themselves through the promotion of local communities and projects, laying the foundation for many communities and contributing to a better future for all Texans by fostering job creation, improving education and developing infrastructure; and

WHEREAS, each year, a week in October is dedicated to celebrating the achievements of the more than 600 local chambers of commerce in Texas, and in New Braunfels, we also take this time to recognize and show our support for our local community chambers of commerce.

NOW, THEREFORE, I, RUSTY BROCKMAN, by the power vested in me as Mayor of the City of New Braunfels do hereby proclaim the week of October 19 - 23, 2020, as

CHAMBER OF COMMERCE WEEK

and I encourage all residents of the greater New Braunfels area to recognize the vital and constructive accomplishments of these organizations, which are crucial to the past, present, and future development of our great community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 12th day of October 2020.

CITY OF NEW BRAUNFELS, TEXAS

BY: _____
RUSTY BROCKMAN, MAYOR

City of New Braunfels



Proclamation

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

WHEREAS, chiropractors are physician-level healthcare providers who focus on the whole person as part of their hands-on, non-drug approach to pain management and health promotion, and who have special expertise in the prevention, care, and rehabilitation of musculoskeletal conditions and injuries; and

WHEREAS, chiropractors were identified in a March 2020 memo by the U.S. Department of Homeland Security as part of the essential healthcare workforce and many have continued to serve their patients and communities since the beginning of the COVID-19 pandemic; and

WHEREAS, with many Americans working from home and attending school online since the beginning of the pandemic, the incidence of musculoskeletal conditions has grown due in part to an increase in sedentary lifestyles, poor posture and stress; and

WHEREAS, even before the pandemic, musculoskeletal conditions have been commonly reported medical conditions for adults and seniors; among them, low back pain is the single leading cause of disability worldwide, preventing people from participating in daily and recreational activities; and

WHEREAS, chiropractic care is widely recognized as one of the safest nondrug, noninvasive approaches available for the treatment of low back pain and other musculoskeletal complaints; and

WHEREAS, in addition to their expertise in spinal manipulation, chiropractors have broad diagnostic skills and are trained to recommend therapeutic and rehabilitative exercises, and to provide nutritional, dietary and lifestyle advice; and

WHEREAS, National Chiropractic Health Month serves as a reminder to all citizens of New Braunfels that noninvasive, nondrug treatments for low back pain and other musculoskeletal conditions such as spinal manipulation and other chiropractic services, combined with an active, healthy lifestyle, may lessen or eliminate the need for riskier, potentially addictive treatments such as prescription pain medications and surgery.

NOW, THEREFORE, I, RUSTY BROCKMAN, Mayor of the City of New Braunfels, Texas, do hereby proclaim the month of October 2020 as

CHIROPRACTIC HEALTH MONTH

in New Braunfels, Texas, and encourage all residents to support the “Active and Adaptive” campaign to take steps toward better musculoskeletal health.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 12th day of October 2020.

CITY OF NEW BRAUNFELS, TEXAS

BY: _____
RUSTY BROCKMAN, Mayor

City of New Braunfels



Proclamation

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

WHEREAS, the first Domestic Violence Month was observed in October 1987, the same year that saw the initiation of the first national domestic violence toll-free hotline; and

WHEREAS, in 1989 Congress designated October as National Domestic Violence Awareness Month; and

WHEREAS, in just one day across the United States and its territories nearly 75,000 victims of domestic violence sought services from domestic violence programs and shelters, but more than 9,000 requests for services - including emergency shelter, housing, transportation, childcare and legal representation - could not be provided because programs lacked the resources to meet victims' needs; and

WHEREAS, the impact of domestic violence is wide ranging, directly affecting individuals throughout the City of New Braunfels, the United States, and the world, allowing us to serve 1,523 clients last year; and

WHEREAS, domestic violence crosses all ethnic, racial, sexual preference, economic, age, educational, and religious lines, with safe houses as survivors' most urgent need; and

WHEREAS, domestic violence affects millions of people each year, but it can be prevented, requiring the collective voice and power of individuals, families, institutions and systems - each whose "No. 1 thing" adds a valuable and powerful component to transforming our communities.

NOW, THEREFORE, I, RUSTY BROCKMAN, Mayor of the City of New Braunfels, Texas, do hereby proclaim the month of October 2020 as

DOMESTIC VIOLENCE AWARENESS MONTH

in New Braunfels and I urge all citizens to work toward ending Domestic Violence in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 12th day of October 2020.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

10/12/2020

Agenda Item No. A)

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 Report550 Landa Street
New Braunfels, TX**10/12/2020**

Agenda Item No. B)

Presenter/Contact*Mark Enders, Watershed Program Manager
(830) 221-4639 - menders@nbtexas.org***SUBJECT:**

Update on the Dry Comal Creek and Comal River Watershed Protection Plan implementation effort.

BACKGROUND / RATIONALE:

The City, local stakeholders and technical advisors developed a Watershed Protection Plan (WPP) to address bacteria pollution in the Dry Comal Creek and Comal River. The WPP was accepted by the US Environmental Protection Agency (EPA) in Sept 2018. The City was awarded a grant from the EPA through the Texas Commission on Environmental Quality in Sept 2018 to implement education and bacteria management measures included in the WPP. The City and project partners have been implementing bacteria management measures (i.e. urban wildlife management, pet waste mgmt., stormwater management) and education outreach since 2018 while continuing to monitor bacteria levels in both the Dry Comal Creek and Comal River. The Dry Comal Creek and Comal River both remain on the State's Impaired Waterbody listing for failure to meet recreational bacteria standards.

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

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FISCAL IMPACT:

None

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A

**City Council Agenda Item Report**550 Landa Street
New Braunfels, TX**10/12/2020**

Agenda Item No. C)

Presenter/Contact*Jared Werner, CFO and Jeff Jewell, Economic and Community Development Director
(830) 221-4385 - jwerner@nbtexas.org***SUBJECT:**

Presentation, discussion and direction to staff regarding the use of the City of New Braunfels allocation of CARES act funds.

BACKGROUND / RATIONALE:

[Enter Background/Rationale Here]

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

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FISCAL IMPACT:

[Enter Fiscal Impact Here]

COMMITTEE RECOMMENDATION:

[Enter Committee Recommendation Here]

STAFF RECOMMENDATION:

[Enter Staff Recommendation Here]

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

10/12/2020

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Discuss and consider approval of the minutes of the regular City Council meeting of September 28, 2020.

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, SEPTEMBER 28, 2020**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on September 28, 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 at 6:06 p.m. Councilmember Blakey gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

A) Hispanic Heritage Month

Mayor Brockman proclaimed September 15 through October 15, 2020, as Hispanic Heritage Month.

B) Hunger Action Month

Mayor Brockman proclaimed that the month of September as Hunger Action Month.

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) Presentation and direction to staff regarding an upcoming bond refunding opportunity and capital equipment financing strategy

Mayor Brockman read the aforementioned caption.

Jared Werner presented the item.

Council directed staff to move forward with pursuing a rating update.

- C) Presentation and discussion of Workforce Housing Advisory Committee progress, goals and strategies

Mayor Brockman read the aforementioned caption.

Jeff Jewell and Brian Cox presented the item. No action was taken.

- D) A presentation and discussion on the Mayor's Diversity and Inclusion Committee

Mayor Brockman read the aforementioned caption.

Mayor Brockman spoke on the progress and accomplishments the Mayor's Diversity and Inclusion Committee has done to date. He also spoke about the future goals of the Committee.

No action was taken.

1. MINUTES

- A) Discuss and consider approval of the minutes of the Special Council Meeting on September 10, 2020, and the Regular Council Meeting of September 14, 2020.

Mayor Brockman read the aforementioned caption.

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

2. CITIZENS' COMMUNICATIONS

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

Mayor Brockman read the aforementioned caption.

No one spoke.

3. CONSENT AGENDA

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

Resolutions & Action Items

- A) Approval of a Memorandum of Understanding between the City and New Braunfels Utilities for the Construction of a Stormwater Treatment Basin at the NBU Well Yard at the Headwaters at the Comal facility
- B) Approval of a contract with Target Solutions Learning, LLC for Software to support training, scheduling, and inventory modules for Fire Department personnel at a cost of \$33,344.
- C) Approval to issue professional services agreements with Bureau Veritas, Safebuilt Texas, and Sunland Group, Inc., to review select permit applications for commercial building plan compliance with the adopted building, mechanical, electrical, and plumbing codes.
- D) Approval of a Change Order to D&S Concrete Contractors for the Oak Run Subdivision Sidewalk Improvements Project as part of the 2019 Bond Citywide Streets Program.
- E) Approval of a Microsoft Enterprise Agreement for citywide software licenses.
- F) Approval of annual routine recurring expenditures for FY 2021 in accordance with City Charter Section 9.17.
- H) Approval of the appointment of one individual to the Construction Board of Appeals for a term ending February 24, 2023.
- I) Approval of the appointment of one alternate member to the Zoning Board of Adjustment for a term ending May 31, 2021.
- K) Approval of a resolution authorizing the City Manager to approve the disbursement of a grant payment in the amount of \$10,000 to Precinct 3

LLC, d.b.a Water 2 Wine, a business located within the corporate limits of the City of New Braunfels, via the City's COVID-19 Small

Business Resource Grant that are consistent with the general statement of purpose of the City's Chapter 380 Economic Development Program Policies and Procedures.

- L) Approval of a first reading of an ordinance amending the City of New Braunfels Code of Ordinances, Ch. 2, Sections 2-1 to 2-4 by removing references relating to employees.

Ordinances

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

- M) Approval of the second and final reading of an ordinance repealing and reenacting Chapter 130, Article V, Division 4, of the Code of Ordinances as it relates to wastewater pretreatment requirements.
- N) Approval of the second and final reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government Code, Chapter 143.

Mayor Brockman read the aforementioned captions, except for items G and J.

Item G was pulled from the agenda and Item J was read separately at the request of a citizen.

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

- J) Approval of the issuance of an invitation for competitive sealed proposals on the Police Department and Veterans Memorial Project as part of 2019 Bond Program since the City Council finds that this delivery method will provide the best value to the City.

Mayor Brockman read the aforementioned caption.

Wayne Rudolph spoke against the selected location for the Veterans Memorial Project at the

new Police Station and recommended a South Castell Avenue location.

Councilmember Hoyt spoke on the possibility of tabling this item to another council meeting to consider all possibilities for the location of the Veterans Memorial Project.

Councilmember Hines spoke on how he thought the new Police Department was a great location for the Veterans Memorial Project, and on how the voters already approved the location of the project, asking Val Acevedo, the City Attorney, for guidance.

Val Acevedo spoke on how any changes to the Veterans Memorial Project would require back to the Bond Committee to review the wording of the ballot proposition before any changes could be made.

Mayor Pro Tem Meadows spoke on the history of the item and why the item should be approved as written.

Councilmember Hines moved to approve the item. Mayor Pro Tem Meadows seconded the motion which passed 6-1 with Councilmember Hoyt opposed.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of a resolution of the City Council of the City of New Braunfels, Texas providing no objection to the submission of an application for Low Income Housing Tax Credits to the Texas Department of Housing and Community Affairs for the proposed Oak Creek Multifamily Housing Project located at the southwest corner of Oak Creek Way and South IH-35 Frontage Road; approving findings related to the Application; imposing conditions for such non-objection and declaring an effective date.

Mayor Brockman read the aforementioned caption.

Jeff Jewell and Jake Brown presented the item.

Michael Harrington and Chris Looney spoke on the item.

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

Council recessed from 7:56 p.m. to 8:09 p.m.

Councilmember Hurta moved to read Item 4F out of order. Councilmember Bowers seconded the motion which passed unanimously.

- F) Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow an existing residence to operate as a bed and breakfast in the R-2 Single and Two-family District on Lot 6R, City Block 5007, addressed at 522 Cross River Street.

Mayor Brockman read the aforementioned caption.

Chris Looney presented the item.

Nancy and Clark Goodin spoke on the item.

Councilmember Bowers moved to approve the item. Councilmember Hurta seconded the motion which passed 6-1 with Councilmember Hoyt opposing.

- B) Discuss and consider approval of the appointment of three individuals to the Library Advisory Board for terms ending September 26, 2023.

Mayor Brockman read the aforementioned caption.

Drew Lyons presented the item.

Councilmember Hines moved to approve Kristen Fain, Amy Stone, and Deborah Wigington to the Library Advisory Board for terms ending September 26, 2023. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.

- C) Discuss and consider approval of the appointment of three individuals to the Parks and Recreation Advisory Board for terms ending October 13, 2023.

Mayor Brockman read the aforementioned caption.

Drew Lyons presented the item.

Councilmember Hines moved to approve Bryan Feltner, Katie Preston,

and Jason Vreeland. Councilmember Hurta seconded the motion which passed unanimously.

- D) Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family dwelling in the “C-1” Local Business District addressed at 430 Landa Street.

Mayor Brockman read the aforementioned caption.

Chris Looney presented the item.

Ken Brucks spoke on the item.

Councilmember Hines moved to approve the item with staff recommendations. Councilmember Bowers seconded the motion which passed 6-1 with Councilmember Hoyt opposing.

- E) Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family dwelling in the C-2 Central Business District, addressed at 212 E. Zink St.

Mayor Brockman read the aforementioned caption.

Chris Looney presented the item.

William Golemon spoke on the item.

Mayor Pro Tem Meadows moved to approve the item with staff recommendations. Councilmember Bowers seconded the motion which passed 6-1 with Councilmember Hoyt opposing.

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:

- TMLIRP Claim No. LB123354; Crawford, C.
- B) Deliberate the appointment, evaluation, duties, discipline, or removal of the City Attorney and other personnel in accordance with Section 551.074 of the Texas Government Code.
- C) Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:
- General Land Office/Southstar

Mayor Brockman read the aforementioned captions.

City Council recessed into Executive Session from 8:39 p.m. - 11:19 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 11:19 p.m. No vote or action was taken.

7. ADJOURNMENT

The meeting adjourned at 11:19 p.m.

Date Approved: October 12, 2020

Rusty Brockman, Mayor

Attest:

Andrew A. Lyons III, Assistant City Secretary

City Council Agenda Item Report**10/12/2020**

Agenda Item No. A)

Presenter/Contact

Jeff Jewell, Director of Economic and Community Development
(830) 221-4621 - jjewell@nbtexas.org

SUBJECT:

Approval of a resolution recommended by the City of New Braunfels Economic Development Corporation approving a project expenditure of up to \$1,500,000 for the construction and realignment of Elizabeth Avenue from Landa Park Drive to approximately Hinman Island Drive in Landa Park, an eligible project expenditure and approving the issuance of an invitation for competitive sealed proposals for the construction; and declaring an effective date

BACKGROUND / RATIONALE:

On February 24, 2020 the City Council approved a recommendation from the New Braunfels Economic Development Corporation (EDC) for a project expenditure for the redesign of Elizabeth Avenue from Landa Park Drive to approximately Hinman Island Drive in Landa Park. Elizabeth Avenue connects the community with Landa Park, Hinman Island, Prince Solms Park and the Comal River Recreation Area. It also provides direct access to Wurstfest, Circle Arts Theatre, Landa Park Miniature Golf and a parking lot that serves Wurstfest, summer and regular park users. The community identified a need to provide improvements at Elizabeth Avenue for enhanced pedestrian mobility and safety and operations. The design was completed during the summer of 2020 and this action would provide the funding necessary to undertake construction of the proposed design.

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

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

X	Yes	Envision New Braunfels	ACTION 3.19 Improve walkability across town to attract younger generations seeking pedestrian connections. ACTION 7.8 Enhance pedestrian quality of the City by limiting the realm of the automobile. ACTION 7.42 Develop the landscaping and green spaces, particularly those along or adjacent to highways, with walkable infrastructure to provide safe access for pedestrians and bicyclists with no back-end parking.
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FISCAL IMPACT:

The New Braunfels Economic Development Corporation has sufficient funds to support the project expenditure described above.

COMMITTEE RECOMMENDATION:

The EDC met at a special called meeting on September 30, 2020 and voted unanimously (5-0) in favor of the project expenditure.

STAFF RECOMMENDATION:

Staff recommends approval of the resolution and the issuance of an invitation for competitive sealed proposals for the Elizabeth Avenue Realignment Project.

RESOLUTION NO. 2020-R _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPROVING A RECOMMENDATION OF THE NEW BRAUNFELS ECONOMIC DEVELOPMENT CORPORATION APPROVING A PROJECT EXPENDITURE OF UP TO \$1,500,000 FOR THE CONSTRUCTION AND REALIGNMENT OF ELIZABETH AVENUE FROM LANDA PARK DRIVE TO APPROXIMATELY HINMAN ISLAND DRIVE IN LANDA PARK, AN ELIGIBLE PROJECT EXPENDITURE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels Economic Development Corporation (“EDC”) Board of Directors met on September 30, 2020 to consider a request from the City of New Braunfels for up to \$1,500,000 to construct and realign Elizabeth Avenue from Landa Park Drive to approximately Hinman Island Drive in Landa Park; and

WHEREAS, the redesign of Elizabeth Avenue was a previously funded project expenditure by the EDC and is an eligible project expenditure related to recreational and community facilities; and

WHEREAS, the EDC is an economic development corporation formed by the City of New Braunfels pursuant to the Local Government Code, Chapters 501-505 that is authorized by Chapter 505.152 to undertake a project for public park purposes and park facilities and related improvements; and

WHEREAS, the estimated total cost of the financial contribution is \$1,500,000; and

WHEREAS, the EDC Board of Directors held a public hearing on September 30, 2020, to solicit public comment about the City’s funding request; and

WHEREAS, the EDC Board of Directors, after discussing the request, voted to approve a grant in an amount of up to \$1,500,000 for the City of New Braunfels to fund the construction and realignment of Elizabeth Avenue in Landa Park;

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

SECTION 1: That the recommendation of the New Braunfels Economic Development Corporation to provide a grant to the City of New Braunfels in an amount up to \$1,500,000 for funding the road construction and realignment is hereby approved.

SECTION 2: That a contract between the EDC and City will be executed to fulfill the terms and conditions of the grant and the City Manager is authorized to execute the Agreement on behalf of the City.

SECTION 3: That this Resolution shall become effective from and after the date of its passage.

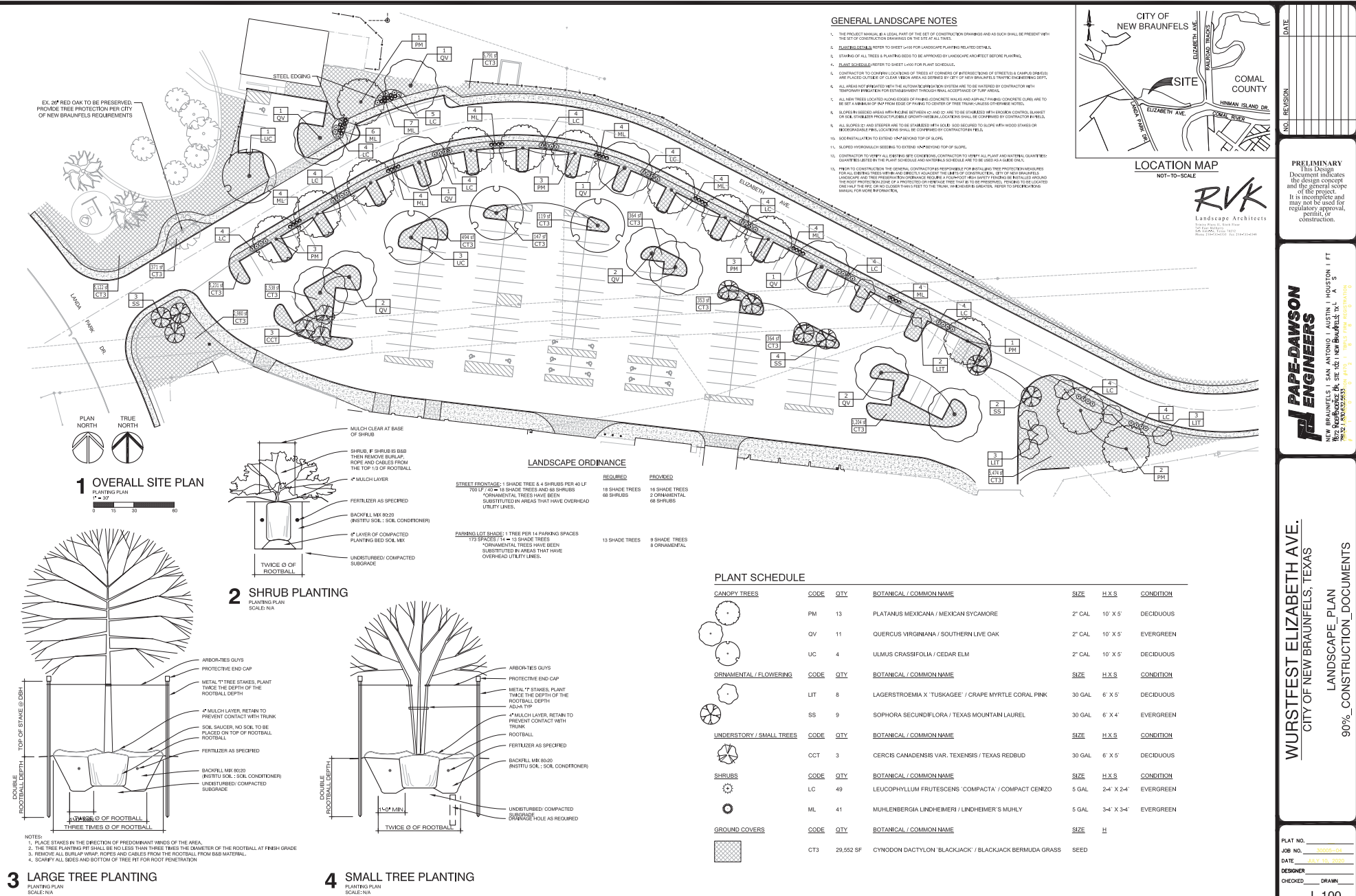
PASSED, ADOPTED AND APPROVED this 12th day of October 2020.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Rusty Brockman, Mayor

ATTEST:

Drew Lyons, Assistant City Secretary



City Council Agenda Item Report550 Landa Street
New Braunfels, TX**10/12/2020**

Agenda Item No. B)

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

Approval of a contract with Dean Word company, Ltd for construction of Lakeview Blvd. Street and Sidewalk Project and authority for the City Manager to approved change orders up to a fifteen percent contingency, and approval of a contract amendment with HMT Engineering for additional services, including construction administration, and approval of a purchase order with Terracon to provide materials testing services, as part of the 2019 Bond Citywide Street Project.

BACKGROUND / RATIONALE:

The City-Wide Streets Program was approved as part Proposition 1 in the 2019 Bond Program. Projects in this program could include mill & overlay of pavement, curb repair/replacement, sidewalks, and concrete diamonds around meter boxes and manholes.

The Lakeview Blvd Improvements Project was designed by HMT Engineering. The project includes spot base repairs, milling and overlay of pavement, and the installation of sidewalks on the southeast side of the street. In September a solicitation for competitive proposals was issued, and five proposals were received on September 24, 2020. The proposals were evaluated and Dean Word Company, Ltd. was determined to provide the best value to the City. Dean Word Company, Ltd submitted a proposal in the amount of \$1,737,407. With the addition of a fifteen percent contingency the total amount for improvements is \$1,998,018.

The agreement with HMT will be amended to include bidding phase services, construction administration, and as-built-drawings in support of the Lakeview Blvd. Improvements Project. This addendum totals \$16,400, increasing the total contract amount from \$139,500 to \$155,900.

A proposal was received from Terracon for materials testing services for \$19,495 in support of the Lakeview Blvd. Improvements Project.

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

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

The 2019 Bond Program includes \$15 million for City-Wide street improvement projects, therefore there is sufficient funding for engineering, construction, and testing services on these projects.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a contract with Dean Word company, Ltd for construction of Lakeview Blvd. Street and Sidewalk Project and authority for the City Manager to approved change orders up to a fifteen percent contingency, and approval of a contract amendment with HMT Engineering for additional services, including construction administration, and approval of a purchase order with Terracon to provide materials testing services, as part of the 2019 Bond Citywide Street Project.

City Council Agenda Item Report550 Landa Street
New Braunfels, TX**10/12/2020**

Agenda Item No. C)

Presenter/Contact*Barbara Coleman, Purchasing Manager
(830) 221-4389 - Bcoleman@nbtexas.org***SUBJECT:**

Approval of an amendment to the Purchasing Policy allowing for the receipt of bids and proposal through electronic transmission, and the City Council to adopt rules to ensure the identification, security, and confidentiality of such bids and proposals and to ensure that such bids and proposals remain effectively unopened until the proper time, as required by Section 252.0415 of the Texas Local Government Code.

BACKGROUND / RATIONALE:

The City of New Braunfels Purchasing Office supports all city purchasing functions including formal issuance and receipt of all formal bids and proposals. The City has identified the need to receive bids and proposals electronically. In accordance with Texas Local Government Code 252.0415, Electronic responses to solicitations are permitted based on adopted rules by the governing body. Electronic bids and proposals will be received through the City's third-party free vendor registration/bidding service "Bidnet Direct".

To ensure the identification, security, and confidentiality of electronic bids or proposals, electronic bids and proposals received before the due date/time will be held in secure storage with Bidnet Direct until such time as they are electronically opened on the due date and time for said bid or proposal.

To ensure the identification, security, and confidentiality of hard copy bids or proposal, all hard copy bids/proposals received before the due date and time will be held in a secure storage in the Purchasing Office.

Regardless of hard copy or electronic submission, all bids and proposals will be opened at the same time after the due date and time established for each solicitation.

Such amended portions of the policy are attached hereto as Exhibit A and incorporated herein for all intents and purposes.

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

<input type="checkbox"/>	Yes	Strategic Priorities:	8- Maintain Fiscal stability of City Operations
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FISCAL IMPACT:

This no cost of associated to this policy request.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of an amendment to the Purchasing Policy allowing for the receipt of bids and proposal through electronic transmission, and the City Council to adopt rules to ensure the identification, security, and confidentiality of such bids and proposals and to ensure that such bids and proposals remain effectively unopened until the proper time, as required by Section 252.0415 of the Texas Local Government Code.

EXHIBIT "A"**POLICY AND RULES GOVERNING
THE RECEIPT OF ELECTRONIC SUBMISSION OF BIDS AND PROPOSALS****I. POLICY STATEMENT FOR ELECTRONIC BIDS OR PROPOSALS**

These rules are established by the City of New Braunfels (the "City") for electronic solicitations procedures in accordance with Section 252.415, Texas Local Government Code, to ensure the identification, security and confidentiality of electronic bids or proposals, and to ensure they remain effectively unopened until the proper time (the "Rules"). The Rules will apply to both bids and proposals that are submitted to the City and/or its third party vendor registration/bidding service "Bidnet Direct" pursuant to the requirements of Chapter 252, Texas Local Government Code, as well as those contracts and procurements for which the City has voluntarily elected to follow the competitive processes outline in Chapter 252, Texas Local Government Code.

II. ADMINISTRATION OF RULES FOR ELECTRONIC BIDS OR PROPOSALS

The City Manager shall have the authority to adopt procedures as necessary to further implement and comply with these Rules. The Purchasing Manager will be responsible for the administration of the City's electronic solicitation processes in accordance with the City's procurement procedures, local, and state law. City staff responsible for assisting with electronic solicitation shall be trained to ensure compliance with these rules. Additionally, the Purchasing Manager shall provide adequate notice of any modifications or amendments of these rules to all participants of the City's electronic solicitation process. The Purchasing Manager shall report any violation of these rules by staff to the City Manager and the Chief Finance Officer.

- A. All users of the electronic system shall be assigned a unique username and password.
- B. Access to the system by authorized users shall be logged and tracked in order to record when any user has accessed the system, and what data the user accessed.
- C. Transmittal of data through the internet shall be encrypted and all sensitive data within the system shall be encrypted using advanced Encryption Standard algorithm (AES), or better.
- D. All data shall be encrypted using a time-sensitive mechanism that allows the data to be decrypted only after the Bid Opening specified for each solicitation.
- E. The system shall be synchronized to two or more atomic clocks to ensure exact recording of the bid due date and time, and the receipt of data and time, for each submission.
- F. The contents of submissions are not available during the bidding process. Bidder identities are likewise not available during the bidding process except to the City's Purchasing Manager, or his/her designee.

- G. The City's Purchasing Manager, or his/her designee(s), with an authorized password, and only after the Bid Opening date and time, can request that the bid/proposal be opened and obtain the data in the bid/proposal.
- H. The City will determine when and what information is released to the public pursuant to Texas Law. The City's Purchasing Manager is responsible for ensuring that any system utilized by the City for electronic submissions of bids and proposals must comply with all rules set forth, city procurement rules, and State law.

City Council Agenda Item Report550 Landa Street
New Braunfels, TX**10/12/2020**

Agenda Item No. D)

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

Approval of the issuance of an invitation for competitive sealed proposals on the Westside Library Project as part of 2019 Bond Program since the City Council finds that this delivery method will provide the best value to the City.

BACKGROUND / RATIONALE:

The City contracted Komatsu Architecture on September 26, 2018, for conceptual design and rendering imagery for the Westside Library in support of the May 2019 Bond Election. On October 14, 2019 City Council approved the final design with Komatsu which included design for the above-mentioned facilities and associated site work, bidding and construction phase services.

The proposed Westside Library will be located on existing Westside Community Center property. The new building will be approximately 8,172 square feet will include but is not limited to a Library, program room, study rooms, and an outdoor garden.

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

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

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the issuance of an invitation for competitive sealed proposals on the Westside Library Project as part of 2019 Bond Program since the City Council finds that this delivery method will provide the best value to the City.

City Council Agenda Item Report**10/12/2020**

Agenda Item No. E)

Presenter/Contact

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

SUBJECT:

Approval to authorize the City Manager to negotiate and execute an agreement with McKenna Foundation for the administration of the COVID-19 Nonprofit Business Interruption Grant Program.

BACKGROUND / RATIONALE:

A presentation will be provided on October 12th outlining the recommended use of CARES act funding for the City of New Braunfels. A major component of that expenditure plan is to utilize a portion of the funds for economic/humanitarian support for a non-profit business interruption grant program.

As mentioned in the presentation, additional time restrictions have been placed on the City to utilize the CARES funding. To deliver the program within the condensed schedule, staff recommends to partner with the McKenna Foundation for administration services.

City and McKenna are finalizing the agreement. However, the following encompasses the main components of the agreement.

- Creation of grant application process, including:
 - Internal communication about intent of funding, priorities, award amounts and processes/procedures
 - External communication about grant award purpose, eligibility and timeline
- Solicitation of grant applications from local nonprofits and fielding of questions regarding eligibility and process
- Online application administration and collection of necessary documentation
- Analysis of grant application material considering agreed-upon City of New Braunfels criteria and priorities
- Preparation of grant award recommendations for review with City staff
- Preparation of grant award agreement (if needed)
- Distribution of funds based on award approval (if needed)

Fee: McKenna has offered to administer the program for a fee of 5% of the total award. This fee can be supported by the CARES allocation as well. With \$870,965 available for the program, the administrative fee would be approximately \$41,450 is the full amount was disbursed.

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

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FISCAL IMPACT:

As mentioned above, the administrative fee is equal to 5% of the total disbursements under the program. This administrative cost is CARES funding eligible, therefore sufficient funds are available.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval

City Council Agenda Item Report550 Landa Street
New Braunfels, TX**10/12/2020**

Agenda Item No. F)

IT Mutual Aid Agreement
Tony Gonzalez, IT Director
(830) 221-4339 - tgonzalez@nbtexas.org

SUBJECT:

Approval to authorize the City Manager to execute an Interlocal Agreement between the City of New Braunfels and the City of San Marcos, City of Seguin and Texas State University for Mutual Aid with Information Technology Service in response to emergencies.

BACKGROUND / RATIONALE:

This agreement designates the City of New Braunfels as the Host Agency to maintain a list of Local Government/Educational entities who have signed on to this interlocal agreement. The agreement formalizes a process, much like Police and Fire have in place with neighboring entities, for the IT Department of participating members to request assistance, in the case of emergencies, from other participating members. Members are not required to respond, but may respond in multiple ways to offer assistance, including staffing, hardware loans, software, co-location and other appropriate needs. Any costs incurred by a responding agency are to be paid for by the requesting agency.

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

		Effective Management	
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FISCAL IMPACT:

None

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval

INTERLOCAL COOPERATION AGREEMENT FOR MUTUAL AID FOR INFORMATION TECHNOLOGY SERVICES

This Interlocal Cooperation Agreement (“Agreement”) is by, between, and among the City of New Braunfels, Texas (the “Host Entity”) and the undersigned Participating Local Governments of the State of Texas (each a “Participating Entity”), acting by and through their respective authorized representatives (referred to individually as a “Party” and collectively as the “Parties”).

RECITALS:

WHEREAS, this Agreement is authorized by Chapter 791 of the Texas Government Code; and

WHEREAS, each Participating Entity may experience a cyber incident, natural disaster, or other emergency capable of degrading or disrupting information technology services (“IT Services”) beyond the capabilities of the Participating Entity; and

WHEREAS, each Participating Entity acknowledges the importance of prompt restoration of IT Services to allow local governments to function and operate; and

WHEREAS, each Participating Entity has agreed to adopt a formal or informal cyber response plan in the event of a significant cyber incident; and

WHEREAS, each Participating Entity has agreed to adopt a formal or informal response plan in the event of a natural disaster or other emergency; and

WHEREAS, a Participating Entity requesting IT Services (hereinafter referred to as a “Requesting Entity”) receives benefit from a responding Participating Entity (hereinafter referred to as a “Responding Entity”) through the provision of supplemental IT Services personnel or computer hardware for the period of support; and

WHEREAS, the Responding Entity receives the benefit of its IT Services personnel gaining knowledge through the experience of aiding in the restoration of IT Services during a crisis; and

WHEREAS, the Parties desire to enter a mutual aid agreement to offer time and expertise of IT Services personnel to assist in the detection, response and short-term remediation of the cyber incident or assist in the repair and restoration of IT Services due to a natural disaster or other emergency.

NOW THEREFORE, in exchange for the mutual covenants set forth herein and other valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the Parties agree as follows:

ARTICLE I

DEFINITIONS

Unless the context clearly indicates otherwise, the following words and phrases used in this Agreement shall have the following meaning:

“Host Entity” shall mean the City of New Braunfels, Texas.

“IT Incident” shall mean an event or set of circumstances resulting from a cyber incident, natural disaster, pandemic or other emergency (including state or local declared state of disaster pursuant Chapter 418 Texas Government Code) whether natural or manmade, which is capable of degrading or disrupting information technology services beyond the capabilities of the Requesting Entity.

“Mutual Aid” shall mean, but is not limited to, such IT Service resources as facilities, equipment, services, supplies, and personnel.

“Participating Entity” shall mean a participating local government that executes this Agreement and includes the “Host Entity”.

“Requesting Entity” shall mean the Participating Entity that requests Mutual Aid under this Agreement as result of an IT Incident under the terms of this Agreement.

“Responding Entity” shall mean the Participating Entity providing Mutual Aid to a Requesting Entity in response to a request from a Requesting Entity under this Agreement as a result of an IT Incident.

ARTICLE II PURPOSE

The purpose of this Agreement is to establish a mutual aid agreement between and among the Parties, which will allow each Participating Entity to provide Mutual Aid to a Requesting Entity as a result of, in response to, or during an IT Incident.

ARTICLE II TERM; TERMINATION

3.1 The term of this Agreement shall be for a period of one (1) year commencing on the last date of execution by the Participating Entity (“Effective Date”). Thereafter, this Agreement shall automatically renew for successive periods of one (1) year each under the terms and conditions stated herein, not to exceed four (4) additional one (1) year terms, unless sooner terminated as provided herein.

3.2 A Participating Entity may terminate its participation in this Agreement by providing thirty (30) days prior written notice to terminate its participation in this Agreement to the Host Entity. The Host Entity shall provide written notice of any such termination to the designated representative of each Participating Entity.

3.3 A Participating Entity's participation in this Agreement may be terminated by the Host Entity for cause, including, but not limited to, failure to comply with the terms or conditions of this Agreement upon thirty (30) days prior written notice to such Participating Entity.

3.4 Termination by one or more Parties to this Agreement does not affect the Agreement as it applies to the remaining Parties.

ARTICLE IV RESPONSIBILITY OF PARTIES

4.1 Requesting Assistance. The Chief Information Officer ("CIO"), Information Technology Director ("IT Director"), or designee of the Participating Entity that has experienced an IT Incident may request Mutual Aid from the CIO, IT Director, or designee of another Participating Entity verbally or in writing. The determination as to what Mutual Aid may be made available to the Requesting Entity without unduly interfering with the IT Services of the Responding Entity shall be made at the sole discretion of the City Manager, or designee, of the Responding Entity. Each Participating Entity agrees to assess local resources to determine availability of Mutual Aid based on current or anticipated needs of the Responding Entity. Requests for Mutual Aid shall not be requested by a Party unless it is directly related to the IT Incident and resources available from the Requesting Party are inadequate.

4.2 Each Participating Entity recognizes that it may be requested to provide aid and assistance at a time when it is necessary to provide aid and assistance to the Participating Entity's own constituents. This Agreement shall not be construed to impose any obligation on any Participating Entity to provide Mutual Aid to Requesting Entity. Each Participating Entity may choose not to render Mutual Aid at any time for any reason, or to recall such Mutual Aid that has been provided at any time.

4.3 Procurement of Equipment, Software and Services. The Requesting Entity shall be responsible for any incidental costs, equipment, software, or services related to the Mutual Aid response to the IT Incident. If the Responding Entity indicates a need for the acquisition or purchase of equipment, software, or services, the Requesting Entity shall decide if such acquisition or purchase is necessary and will make any required acquisition or purchase.

4.4 Personnel Costs. The Requesting Entity shall pay any overtime costs that occur for personnel of the Responding Entity if requested by the Responding Entity. The Responding Entity shall provide the Requesting Entity with a written invoice for such overtime costs which shall include an itemized list of Responding Entity employees, the date and time of overtime hours worked within sixty (60) days after the provision of such Mutual Aid. The Requesting Entity shall pay such invoice to the Responding Entity within thirty (30) days after receipt of such invoice. All PARTIES under this agreement will abide by the Prompt Payment Provisions of Texas Government Code 2251 for any invoice submitted for payment.

4.5 Use of Computer Hardware. A Requesting Entity in need of computer hardware (e.g. personal computers, laptops, servers, network equipment, etc.), will compile a written list

of such computer hardware and the estimated length of time that such equipment is needed which may be sent to the Participating Entities. Any Participating Entity may choose to respond in whole or part and is under no obligation to provide computer hardware to the Requesting Entity. A Responding Entity which chooses to loan computer hardware will respond back to the Requesting Entity to affirm that such computer hardware or portion thereof is available for temporary use. The Responding Entity makes no claim of the currency or operational use of the computer hardware nor is the Responding Entity liable for any damages resulting from the Requesting Entity's use of any computer hardware so provided. The transportation and delivery of such computer hardware or charges related thereto shall be the responsibility of the Requesting Entity unless otherwise agreed by those Parties. The Requesting Entity shall be responsible for, and pay the Responding Entity for any damages, loss, or destruction of such computer hardware while in the use and possession of the Requesting Entity, including the transport thereof. Any ongoing maintenance, lease or other fees related to such computer hardware shall continue to be paid by the Responding Entity.

4.6 Criminal Justice Information System ("CJIS"). The Requesting Entity shall be responsible for restricting the Responding Entity personnel from access to CJIS information unless the Responding Entity personnel have completed all CJIS background checks and is in current compliance with CJIS training requirements.

4.7 List of Participating Entities. The Host Entity shall maintain a current list of Participating Entities and provide such list to a Participating Entity upon request

ARTICLE V INSURANCE

5.1 Worker's Compensation Coverage. To the extent permitted by Texas law, each Party shall be responsible for its own actions and those of its employees and is responsible for complying with the Texas Worker's Compensation Act.

5.2 Automobile Liability Coverage. To the extent permitted or required by Texas law, each Party shall be responsible for its own actions and is responsible for complying with the Texas motor vehicle financial responsibility laws.

5.3 General Liability Insurance. Each Party agrees to obtain general liability and public official's liability insurance, if applicable, or maintain a comparable self-insurance program.

5.4 Liability. To the extent permitted by law and without waiving sovereign immunity, each Party shall be responsible for any and all claims, demands, suits, actions, damages, and causes for action related to or arising out of or in any way connected with its own actions, and the actions of its personnel in providing Mutual Aid rendered or performed pursuant to the terms and conditions of this Agreement. Except as specifically stated in this Agreement, each Party waives all claims against the other Parties hereto for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of Mutual Aid pursuant to this Agreement, except those caused in whole or in part by the negligence of an

officer, employee, or agent of another Party. It is expressly understood and agreed that in execution of this Agreement, no Party waives, nor shall be deemed to have waived, immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the Parties do not create any obligations, express or implied, other than those set forth herein, and this Agreement shall not create any rights for any third parties not signatories hereto.

ARTICLE VI MISCELLANEOUS

6.1 Expending Funds. Each Party that furnishes Mutual Aid pursuant to this Agreement shall do so with funds available from current revenues of such Party. No Party shall have any liability for the failure to expend funds to provide Mutual Aid.

6.2 Interlocal Cooperation Act. The Parties agree that Mutual Aid in the context contemplated herein is a “governmental function and service” and that, to the extent applicable, the Parties are “local governments” as that term is defined herein and in the Interlocal Cooperation Act, Texas Government Code Chapter 791 and or a governmental entity as defined by statute in Chapter 61.003 (3) of the Texas Education Code.

6.3 Severability. If a provision contained in this Agreement is held invalid for any reason, the invalidity does not affect other provisions of the Agreement that can be given effect without the invalid provision, and to this end the provisions of this Agreement are severable.

6.4 Legal Construction. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

6.5 Amendment. This Agreement may be amended only by the mutual written consent of the Parties.

6.6 Third Parties. This Agreement is intended to inure only to the benefit of the Parties hereto. This Agreement is not intended to create, nor shall be deemed or construed to create any rights in third parties.

6.7 Authorization. Each Party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement. By execution of this Agreement the Participating Entity consents to be a Party to this Agreement and acknowledges that it is not necessary to receive copies of the Agreement from other local governments that are, or which become, Parties to this Agreement.

6.8 Entire Agreement. This Agreement is the entire agreement between and among the Parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or written Agreement between and among the Parties that in any manner relates to the subject matter of this Agreement.

6.9 Governing Law. This Agreement shall be governed by the laws of the State of Texas.

6.10 Recitals. The recitals to this Agreement are incorporated herein.

6.11 Counterparts. This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all the counterparts shall constitute one and the same instrument.

6.12 Survival of Covenants. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the Parties, pertaining to a period following the termination of this Agreement shall survive termination.

6.13 Notice. All notices pertaining to this Agreement shall be in writing and shall be deemed delivered (i) when received at a Party's address if hand delivered or sent via overnight delivery service by way of USPS, UPS, FedEx, or similar carrier, or (ii) on the third (3rd) business day after being deposited in the United States mail, postage prepaid, certified mail, addressed to Participating Entity at the address set forth below the signature of the Party

6.14 Severability. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect the other provisions, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement.

6.15 Nondiscrimination. In their execution of this agreement the Parties and others acting by or through them shall comply with all federal and state laws prohibiting discrimination, harassment, and sexual misconduct. The parties agree not to discriminate on the basis of race, color, national origin, age, sex, religion, disability, veterans' status, sexual orientation, gender identity or gender expression. Any breach of this covenant may result in termination of this agreement.

6.16 Cybersecurity Training Program. Pursuant to Section 2054.5192, all parties to this agreement will insure all employees designated to respond to a requesting agency are in compliance with all current State of Texas law(s) regarding required Cyber Security training . The cybersecurity training program must be completed during the term and any renewal period of this Agreement. Failure to comply with the requirements of this section are grounds for termination of this Agreement.

6.17 Sovereign Immunity. Notwithstanding any provision of this Agreement, nothing herein shall be construed as a waiver by any Party of its constitutional, statutory or common law

rights, privileges, immunities or defenses. To the extent the terms of this paragraph conflicts with any other provision in this Agreement, the terms of this paragraph shall control.

[Signature Pages to Follow]

EXECUTED this ____ day of _____ 2020.

**City of New Braunfels, Texas,
Host Entity**

By: _____
Robert Camareno, City Manager

550 Landa Street
New Braunfels, Texas 78130

ATTEST:

By: _____
City Secretary

APPROVED AS TO FORM:

By: _____
City Attorney

EXECUTED this ____ day of _____, 2020.

PARTICIPATING ENTITY:

CITY OF _____, TEXAS

By: _____

Name: _____

Title: _____

Address: _____

ATTEST:

By: _____
City Secretary

APPROVED AS TO FORM:

By: _____
City Attorney

City Council Agenda Item Report550 Landa Street
New Braunfels, TX**10/12/2020**

Agenda Item No. G)

Presenter/Contact*Garry Ford, P.E., City Engineer*
(830) 221-4020 - gford@nbtexas.org**SUBJECT:**

Approval of the first reading of an ordinance to amend the City of New Braunfels Code of Ordinances, Sections 126-367 and 126-369 to amend the existing freight loading zone on West San Antonio Street.

BACKGROUND / RATIONALE:**Council District: 5**

As a part of the signing and striping efforts to clean up the downtown two-hour parking space and loading zones, staff noted that the existing loading zone on West San Antonio Street in front of the Brauntex Theatre is classified in ordinance as a freight loading zone. This loading zone currently serves as a passenger loading zone for patrons of the Brauntex Theatre. The proposed ordinance changes are to reclassify the loading zone as a passenger loading zone and clarify the location of the loading zone.

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

Envision New Braunfels: Action 7.58: Develop a survey/study to evaluate the signage of the city streets, Downtown traffic circle, county roads and Interstate Highway 35, including wayfinding, street names, and regulatory signage. Within the next three years. Based on the recommendations from the study, begin implementation of approved changes.

FISCAL IMPACT:

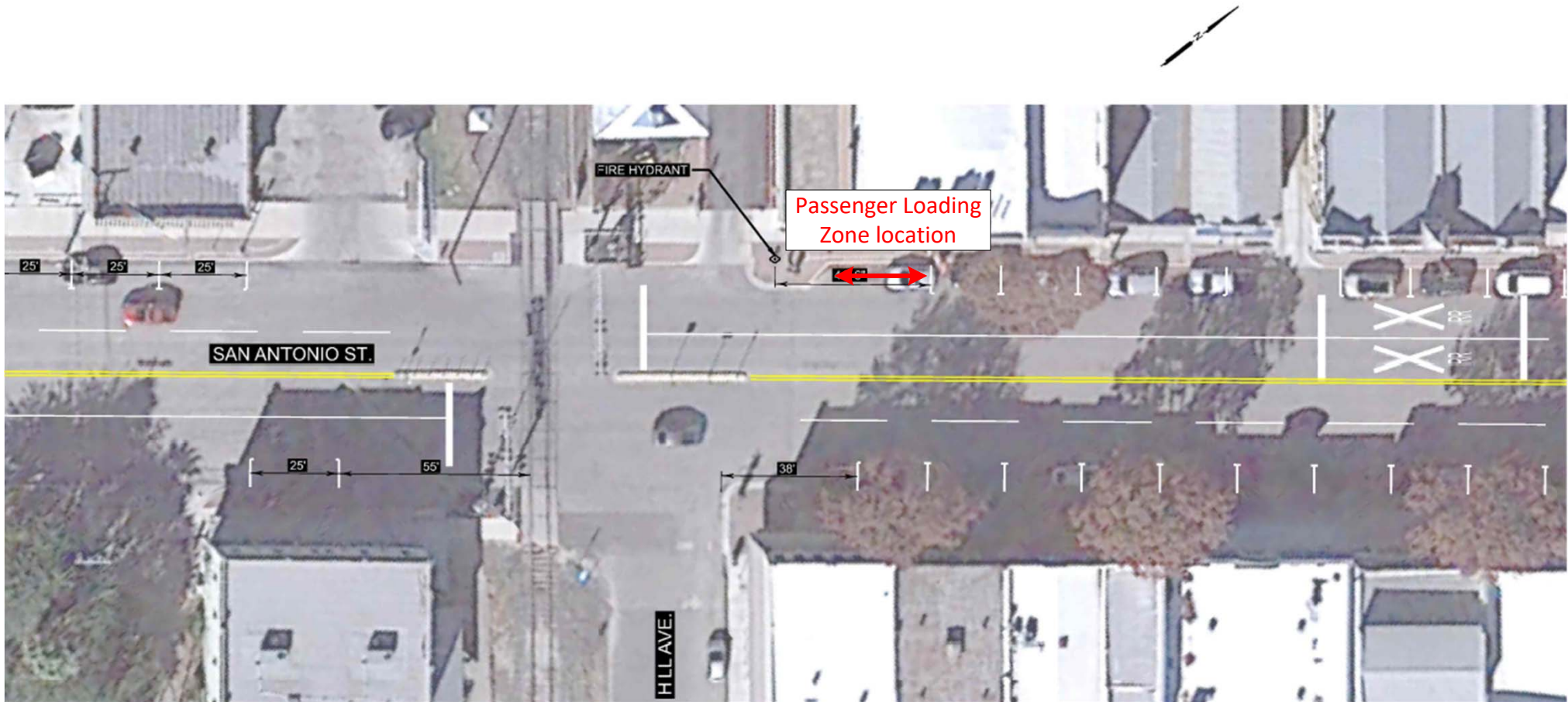
Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY 2021 approved streets and drainage budget.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends amending the existing freight loading zone on West San Antonio Street near the Brauntex Theatre to reclassify it as a passenger loading zone.



Revised Passenger Loading Zone Location
West San Antonio Street

Sec. 126-367. - Passenger zones; time limit.

- (a) No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes.
- (b) The following locations are designated as passenger loading zones in accordance with this section:
 - (1) On the south side of West Coll Street from a point 224 feet easterly from the intersection of West Coll Street and South Guenther Avenue, easterly a distance of 119 feet.
 - (2) On the north side of West Bridge Street from the intersection of West Bridge Street and North Castell Avenue, easterly a distance of 70 feet.
 - (3) On the south side of East Commerce Street from the intersection of East Commerce Street and North Veramendi Street, westerly a distance of 320 feet.
 - (4) On the east side of South Castell Avenue from a point 50 feet northerly from the intersection of South Castell Avenue and West Coll Street, northerly a distance of 50 feet.
 - (5) On the north side of West Coll Street from a point 168 feet westerly from the intersection of West Coll Street and South Seguin Avenue, westerly a distance of 30 feet.
 - (6) On the north side of Howard Street starting from a point 288 feet from the intersection of Howard Street and Fredericksburg Road westerly a distance of 600 feet; provided however, that this restriction would be in effect from 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 5:00 p.m. on each school day, during every authorized school term.
 - (7) On the north side of East San Antonio Street from a point 30 feet east of the intersection of East San Antonio Street and Main Plaza, easterly a distance of 100 feet.
 - (8) On the north side of West San Antonio Street from a point 80 feet from the nearest rail of the railroad crossing the intersection of West San Antonio Street and North Hill Avenue, easterly for a distance of 30 feet.

(Code 1961, § 23-136; Ord. No. 95-31, § I, 9-25-95; Ord. No. 96-17, § I, 3-25-96)

Sec. 126-369. - Freight zones; time limit.

- (a) No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.
- (b) The following locations are designated as freight loading zones in accordance with this section:
 - (1) On the east side of South Guenther Avenue from the intersection of South Guenther Avenue and West San Antonio Street, southerly a distance of 120 feet.
 - (2) On the south side of West Bridge Street from the intersection of West Bridge Street and North Seguin Avenue, westerly a distance of 120 feet.
 - (3) On the north side of East Jahn Street from the intersection of East Jahn Street and South Seguin Avenue, easterly a distance of 120 feet.
 - (4) Reserved.
 - (5) ~~On the north side of West San Antonio Street from the intersection of West San Antonio Street and North Hill Avenue, easterly a distance of 60 feet. Reserved.~~

- (6) On the west side of North Seguin Avenue from the intersection of North Seguin Avenue and Main Plaza, northerly a distance of 115 feet.
- (7) On the east side of North Seguin Avenue from the intersection of North Seguin Avenue and Main Plaza, northerly a distance of 60 feet.
- (8) On the north side of North Castell Avenue from a point 30 feet north of the intersection of West San Antonio Street and North Castell Avenue, northwest for a distance of 55 feet.
- (9) On the north side of South Castell Avenue from a point 30 feet south of the intersection of West San Antonio Street and South Castell Avenue, southeast for a distance of 55 feet.
- (10) On the northwest side of W. Garden Street from a point directly across from the southwest property corner of 408 S. Seguin southerly 50 feet, such no parking zone shall be designated as a tow away zone.

(Code 1961, § 23-137; Ord. No. 2009-64, § I, 9-28-09; Ord. No. 2012-3, § I, 1-9-12)

ORDINANCE NO. 2020-_____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTIONS 126-367 AND 126-369 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO AMEND THE LOADING ZONE ON WEST SAN ANTONIO STREET.**

WHEREAS, the existing loading zone on West San Antonio Street is currently classified as a freight loading; and

WHEREAS, City Council has determined 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 126-367, Passenger zones; time limit, is amended to read:

- (b) The following locations are designated as passenger loading zones in accordance with this section:
 - (8) On the north side of West San Antonio Street from a point 80 feet from the nearest rail of the railroad crossing, easterly for a distance of 30 feet.

II.

THAT, Section 126-369, Freight zones; time limit, is amended to read:

- (b) The following locations are designated as freight loading zones in accordance with this section:
 - (5) Reserved.

III.

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.

IV.

This Ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to parking within the City of New

Braunfels, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this Ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

V.

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

VI.

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**10/12/2020**

Agenda Item No. H)

Presenter/Contact*Garry Ford, P.E., City Engineer*
(830) 221-4020 - gford@nbtexas.org**SUBJECT:**

Approval of the first reading of an ordinance to combine a portion of Parking by Permit Area J with Parking by Permit Area B and combine Parking by Permit Area F and a portion of Parking by Permit Area J into existing Parking by Permit Area C.

BACKGROUND / RATIONALE:**Council District: 5**

Engineering staff received a request from the City Secretary to review multiple parking by permit areas to possibly consolidate some areas that are adjacent. Staff reviewed the request, taking into consideration the requirements in Sec. 126-354(d)(2)(a) that parking by permit areas be of contiguous commercial or residential use.

The existing Parking by Permit Area J is not contiguous and is located with a portion on S. Union Avenue, adjacent to Parking by Permit Area B, and a portion on N. Liberty Avenue, adjacent to Parking by Permit Area C.

The existing Parking by Permit Area F is immediately adjacent to and forms a contiguous area with the existing Parking by Permit Area C.

After a review of the request, staff determined that it would be appropriate and consistent with the requirements for a contiguous area specified in ordinance to:

- Combine the portion of Parking by Permit Area J on S. Union Avenue with Parking by Permit Area B and
- Combine Parking by Permit Area F and the portion of Parking by Permit Area J on N. Liberty Avenue into existing Parking by Permit Area C.

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

Envision New Braunfels: Action 7.58: Develop a survey/study to evaluate the signage of the city streets, Downtown traffic circle, county roads and Interstate Highway 35, including wayfinding, street names, and regulatory signage. Within the next three years. Based on the recommendations from the study, begin implementation of approved changes.

FISCAL IMPACT:

Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY 2021 approved streets and drainage budget.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

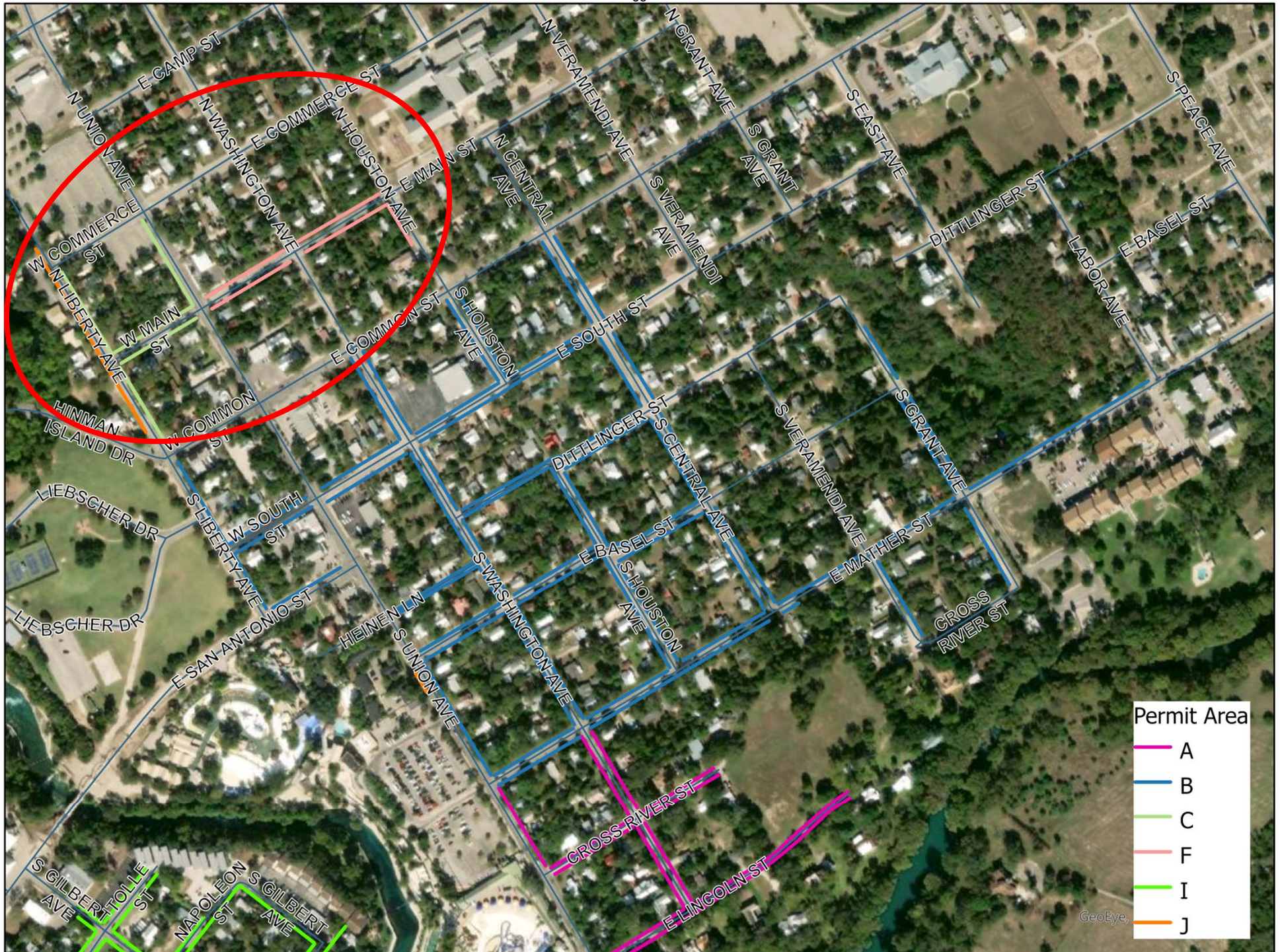
Staff recommends combining the portion of Parking by Permit Area J on S. Union Avenue with Parking by Permit Area B and combining Parking by Permit Area F and the portion of Parking by Permit Area J on N. Liberty Avenue into existing Parking by Permit Area C.



Overview Map of Affected Parking by Permit Areas



Portion of Parking by Permit Area J to be Incorporated into Area B



Parking by Permit Areas C, F and part of Area J to be Consolidated

Sec. 126-354. - Parking by permit only.

- (c) *Designated permit areas.* No person shall park and leave standing any vehicle whether attended or unattended between the times listed and locations designated below without first having obtained a valid parking permit for the designated permit area from the city. Said designated permit area shall be designated as a tow-away zone:

- (2) Area B, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
- a. On both sides of E. Mather Street from the intersection of S. Union Avenue to S. Central Avenue.
 - b. On both sides of E. Basel Street from the intersection of S. Union Avenue to S. Central Avenue.
 - c. On both sides of E. Dittlinger Street from the intersection of S. Washington Avenue to S. Central Avenue.
 - d. On both sides of Heinen Lane from the intersection of S. Union Avenue to S. Washington Avenue.
 - e. On both sides of E. South Street from the intersection of Union Avenue to S. Central Avenue.
 - f. On both sides of Central Avenue from the intersection of E. Common Street to E. Mather Street.
 - g. On both sides of S. Houston Avenue from the intersection of E. Common Street to E. South Street and from E. Dittlinger Street to E. Mather Street.
 - h. On both sides of S. Washington Avenue from the intersection of E. Common Street to E. Mather Street.
 - i. On east side of S. Union Avenue from the intersection of E. Basel Street to E. Mather Street.
 - j. On east side of S. Liberty Avenue from the intersection of W. Common Street to E. San Antonio Street.
 - k. On the north side of E. San Antonio Street from the intersection of S. Liberty Avenue to S. Union Avenue.
 - l. On the north side of E. Mather Street from S. Central Avenue to Labor Avenue.
 - m. On the west side of S. Grant Avenue From E. Basel Street to Cross River Street.
 - n. On the east side of S. Grant Avenue from 333 S. Grant Avenue to E. Mather Street.
 - o. On the east side of S. Veramendi Avenue from E. Mather Street to Cross River.
 - p. On the north side of Cross River from S. Veramendi Avenue to S. Grant Avenue.
 - q. On the south side of Cross River Street from 490 to 590 Cross River Street (inclusive).
 - r. On the south side of E. Mather Street at 416 E. Mather Street.
 - s. On both sides of S. Veramendi Avenue from E. Basel Street to E. Mather Street.
 - t. On both sides of E. South Street from the intersection of Liberty Avenue to S. Union Avenue.
 - u. On the west side of S. Union Avenue from 410 to 418 S. Union Avenue, inclusive.
- (3) Area C, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
- a. On east side of N. Liberty Avenue from the intersection of E. Commerce Street to W. Common Street.

- b. On both sides of W. Main Street from the intersection of N. Union Avenue to the intersection of N. Liberty Avenue.
- c. On west side of North Union Avenue from the intersection of W. Main Street to the intersection of W. Commerce Street.
- d. On both sides of Main Street from its intersection with Union Avenue northeasterly to its intersection with Houston Avenue.
- e. On the west side of North Houston Avenue along the property located at 292 East Main Street.
- f. On the west side of N. Liberty Avenue from 201 to 285 N. Liberty Avenue, inclusive.
- g. On the west side of N. Liberty Avenue in front of 161 N. Liberty Avenue.
- (6) ~~Reserved Area B, between the hours of 8:00 a.m. and 6:00 p.m. from May 1st through September 30th.~~
 - ~~a. On both sides of E. South Street from the intersection of Liberty Avenue to S. Union Avenue.~~
- (7) ~~Reserved Area F, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.~~
 - ~~a. On both sides of Main Street from its intersection with Union Avenue northeasterly to its intersection with Houston Avenue.~~
 - ~~b. On the west side of North Houston Avenue along the property located at 292 East Main Street.~~
- (11) ~~Reserved Area J, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.~~
 - ~~a. On the west side of S. Union Avenue from 410 to 418 S. Union Avenue, inclusive.~~
 - ~~b. On the west side of N. Liberty Avenue from 201 to 285 N. Liberty Avenue, inclusive.~~
 - ~~c. On the west side of N. Liberty Avenue in front of 161 N. Liberty Avenue.~~

(Ord. No. 01-25, § II, 4-9-01; Ord. No. 2005-42, § I, 5-2-05; Ord. No. 2005-54, § I, 6-27-05; Ord. No. 2005-71, § I, 9-26-05; Ord. No. 2006-45, § I, 5-22-06; Ord. No. 2006-52, § I, 6-26-06; Ord. No. 2006-73, § I, 7-24-06; Ord. No. 2006-80, § I, 8-28-06; Ord. No. 2009-24, § I, 4-27-09; Ord. No. 2009-33, § I, 6-8-09; Ord. No. 2009-40, § I, 6-22-09; Ord. No. 2009-45, § I, 7-27-09; Ord. No. 2009-54, § I, 8-10-09; Ord. No. 2009-59, § I, 9-14-09; Ord. No. 2010-25, § I, 4-26-10; Ord. No. 2010-36, § I, 6-14-10; Ord. No. 2011-40, § I, 5-23-11; Ord. No. 2011-51, § I, 6-13-11; Ord. No. 2011-102, § I, 11-28-11; Ord. No. 2013-11, § I, 3-25-13; Ord. No. 2013-37, § I, 6-24-13; Ord. No. 2014-34, § I, 5-12-14; Ord. No. 2016-44, § I, 8-16-16; Ord. No. 2017-04, § I, 1-9-17; Ord. No. 2017-17, § I, 3-13-17; Ord. No. 2017-24, § I, 2-27-17; Ord. No. 2017-34, § I, 4-24-17; Ord. No. 2017-55, § I, 8-14-17; Ord. No. 2017-73, § 2(Att. A), 9-25-17; Ord. No. 2017-82, § I, 10-23-17; Ord. No. 2018-2, § I, 1-8-18; Ord. No. 2018-18, § I, 3-12-18; Ord. No. 2018-25, § I, 4-23-18; Ord. No. 2018-31, § I, 5-14-18; Ord. No. 2018-46, § I, 7-23-18; Ord. No. 2018-82, § I, 11-26-18; Ord. No. 2019-21, § I, 3-25-19; Ord. No. 2019-48, § I, 7-22-19; Ord. No. 2019-65, § I, 9-23-19; Ord. No. 2019-81, § I, 11-25-19; Ord. No. 2020-43, § I, 7-27-20)

ORDINANCE NO. 2020-_____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-354 (c) TO COMBINE A PORTION OF PARKING BY PERMIT AREA J WITH PARKING BY PERMIT AREA B AND COMBINED PARKING BY PERMIT F AND A PORTION OF PARKING BY PERMIT AREA J WITH PARKING BY PERMIT AREA C.**

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 City Engineer has recommended that traffic control signs be installed on certain streets, avenues, thoroughfares and boulevards within the corporate limits of the City of New Braunfels in order to protect the health, safety and welfare of the citizens.

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

I.

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

- (2) Area B, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
 - a. On both sides of E. Mather Street from the intersection of S. Union Avenue to S. Central Avenue.
 - b. On both sides of E. Basel Street from the intersection of S. Union Avenue to S. Central Avenue.
 - c. On both sides of E. Dittlinger Street from the intersection of S. Washington Avenue to S. Central Avenue.
 - d. On both sides of Heinen Lane from the intersection of S. Union Avenue to S. Washington Avenue.
 - e. On both sides of E. South Street from the intersection of Union Avenue to S. Central Avenue.
 - f. On both sides of Central Avenue from the intersection of E. Common Street to E. Mather Street.

- g. On both sides of S. Houston Avenue from the intersection of E. Common Street to E. South Street and from E. Dittlinger Street to E. Mather Street.
 - h. On both sides of S. Washington Avenue from the intersection of E. Common Street to E. Mather Street.
 - i. On east side of S. Union Avenue from the intersection of E. Basel Street to E. Mather Street.
 - j. On east side of S. Liberty Avenue from the intersection of W. Common Street to E. San Antonio Street.
 - k. On the north side of E. San Antonio Street from the intersection of S. Liberty Avenue to S. Union Avenue.
 - l. On the north side of E. Mather Street from S. Central Avenue to Labor Avenue.
 - m. On the west side of S. Grant Avenue from E. Basel Street to Cross River Street.
 - n. On the east side of S. Grant Avenue from 333 S. Grant Avenue to E. Mather Street.
 - o. On the east side of S. Veramendi Avenue from E. Mather Street to Cross River.
 - p. On the north side of Cross River from S. Veramendi Avenue to S. Grant Avenue.
 - q. On the south side of Cross River Street from 490 to 590 Cross River Street (inclusive).
 - r. On the south side of E. Mather Street at 416 E. Mather Street.
 - s. On both sides of S. Veramendi Avenue from E. Basel Street to E. Mather Street.
 - t. On both sides of E. South Street from the intersection of Liberty Avenue to S. Union Avenue.
 - u. On the west side of S. Union Avenue from 410 to 418 S. Union Avenue, inclusive.
- (3) Area C, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.
- a. On east side of N. Liberty Avenue from the intersection of E. Commerce Street to W. Common Street.
 - b. On both sides of W. Main Street from the intersection of N. Union Avenue to the intersection of N. Liberty Avenue.
 - c. On west side of North Union Avenue from the intersection of W. Main Street to the intersection of W. Commerce Street.
 - d. On both sides of Main Street from its intersection with Union Avenue northeasterly to its intersection with Houston Avenue.

- e. On the west side of North Houston Avenue along the property located at 292 East Main Street.
- f. On the west side of N. Liberty Avenue from 201 to 285 N. Liberty Avenue, inclusive.
- g. On the west side of N. Liberty Avenue in front of 161 N. Liberty Avenue.
- (6) Reserved.
- (7) Reserved.
- (11) Reserved.

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**10/12/2020**

Agenda Item No. I)

Presenter/Contact

*Becca Miears, Assistant Human Resources Director
(830) 221-4397 - rmiears@nbtexas.org*

SUBJECT:

Approval of the second and final reading of an ordinance amending the City of New Braunfels Code of Ordinances, Ch. 2, Sections 2-1 to 2-4 by removing references relating to employees.

BACKGROUND / RATIONALE:

Similar to the action taken by Council in amending sections 2-5 and 2-7 on August 10, 2020, these provisions, which cover various standards of conduct, will be updated and located in the city's employee policy library. The city's employee policy library is maintained by the Human Resources Director under the purview of the City Manager. The Human Resources Department is responsible for maintaining, updating, and training employees on the city's employment policies. All standards and expectations for these items will not be changing. The employee references removed from the ordinance will be moved to the code of conduct and ethics and anti-fraud policies. This effort is to consolidate all city employee expectations to the city's employee policy library versus employees having to reference both the employee policy library and the ordinance. 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 page.

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

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FISCAL IMPACT:

There is no fiscal impact to this action.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the proposed changes.

ETHICS POLICY

This section prescribes the standards of conduct and ethics for all employees of the City of New Braunfels. 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 disciplinary action for 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 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 by City employees. If a member of management becomes aware of or suspects unethical behavior and/or a violation of this policy, 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. 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 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. 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, or city ordinance, 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. 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 have access to this policy upon hire through the City of New Braunfels Policy Library. 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 are made, as well as all other sections of the City of New Braunfels Policy Library. This employee policy applies to city employees and vendors.

While not subject to employee ethics policies, City Councilmembers, as elected officials, must abide by the City Charter, the New Braunfels Code of Ordinances, Sections 2-1 to 2-8, Texas Local Government Code, Chapter 171 (Conflict of Interest) and Chapter 176 (Conflicts Disclosure Statement Requirements), and any other applicable local, state or federal laws. Newly elected City Council members will be given an Oath of Office and Statement of Officer upon appointment by the City Secretary. Councilmembers are required to review the requirements of the Open Meetings Act, Public Information Act, and conflict of interest laws in the Texas Local Government Code. This can be accomplished by studying most updated editions of the following Texas Municipal League publications for newly elected officials: A Guide to Becoming a City Official, Key Legal Requirements for Texas City Officials, and Handbook for Mayors and Council Members. Council Members will be required to attend at least one ethics training while holding office.

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, 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.
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

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

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.

F. 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.

ANTI-FRAUD

The Anti-Fraud Policy relates closely to the City's Ethics Policy and 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.
- 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 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, assistant 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

1. Each employee is required to report any suspected fraud, theft, waste or abuse or other improprieties, misconduct and/or 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 City Management.
4. The identity of an employee or complainant who reports suspected fraud will be protected to the full extent allowed by law.

Sec. 2-1. - Policy.

It is hereby declared to be the policy of the city that the proper operation of democratic government requires that public officers be independent, impartial and responsible only to the people of the city; that no officers 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, 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 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, § I, 2-10-97)

Sec. 2-2. - Purpose.

The purpose of this article is to:

- (1) Encourage the highest ethical standards by city officers, elected officials and employees in conducting official business; Employees are also held to this higher standard of ethical behavior as governed by the City Manager's employee policies found in the City's Policy Library on the City's website.
- (2) Establish minimum guidelines for ethical standards of conduct to be followed by city officers and elected officials; and,
- (3) Provide a mechanism for punishment of those officers and elected officials who violate the established standard of conduct.

(Ord. No. 97-6, § I, 2-10-97)

Sec. 2-3. - Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 *councilmember* means the elected legislative and governing body of the city consisting of the mayor, mayor pro tem and councilmembers.

Officer means city charter officers, specifically, the City Manager, City Attorney, and Municipal Court Judge and 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.

(Ord. No. 97-6, § I, 2-10-97)

Sec. 2-4. - Standards of conduct.

(a) *Prohibition against gifts.*

- (1) Councilmembers and officers 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 councilmembers and officers 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 donee, whether the benefit of the gift flows to the city or to an individual city officer 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.
- (3) Any item offered to a councilmember and officer of the city may be donated to a charitable organization or be presented to the city.

(b) *Personal financial interest.* Councilmembers and officers 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.* Councilmembers and officers 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.* Councilmembers and officers 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.* Councilmembers and officers 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, § I, 2-10-97)

City Council Agenda Item Report550 Landa Street
New Braunfels, TX**10/12/2020**

Agenda Item No. A)

Presenter/Contact*Robert Camareno, City Manager*
*rcamareno@nbtexas.org***SUBJECT:**

Discuss and consider the confirmation of the City Manager's appointment of the Interim Police Chief of the New Braunfels Police Department.

BACKGROUND / RATIONALE:

The position of police chief became vacant due to the retirement of Tom Wibert. The city manager needs to appoint an interim police chief to lead the department while an inclusive and competitive selection process can be completed. In making a selection for interim police chief, the city manager has conducted interviews with multiple candidates provided by Strategic Government Resources, a recruitment firm. Civil service statutes and the City Charter both authorize the city manager to appoint the police chief. State law requires the appointment be confirmed by the City Council. Once confirmed, the interim police chief will have to be sworn into office.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

The City Manager recommends the City Council confirm his selected appointee as the City of New Braunfels Interim Police Chief.

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

10/12/2020

Agenda Item No. B)

Presenter/Contact
Rusty Brockman, Mayor
mayor@nbtexas.org

SUBJECT:

Administration of the Oath of Office to the Interim Police Chief of the New Braunfels Police Department.

City Council Agenda Item Report**10/12/2020**

Agenda Item No. C)

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

Discuss and consider the appointment of three individuals to the Building Standards Commission for terms ending October 26, 2022.

BACKGROUND / RATIONALE:

The Building Standards Commission is composed of five regular members and two alternate members serving two-year staggered terms. The Commission reviews structures to determine if they are substandard and can order repairs to structures. Chapter 50 of the City's Code of Ordinances encourages City Council to appoint members with experience in specified fields, with alternates selected at-large.

Five terms are expiring on October 26, 2020: Three regular members (Development, Home Building and Real Estate positions), and two alternates. Notice of vacancies was advertised from August 17 to September 16, 2020.

One qualified applicant applied for the one Real Estate vacancy

- Mary Ann Carter (incumbent) (real estate representative)

Three qualified applicants applied for the two alternate vacancies:

- Michael Blahnik (incumbent)
- Andres Campos-Delgado
- April Rodgers (incumbent)

Applicants' current & prior service on Boards and Commissions

Mary Ann Carter currently serves on the Building Standards Commission.

Michael Blahnik currently serves on the Building Standards Commission.

Andres Campos-Delgado has no previous experience on City boards or commissions.

April Rodgers currently serves on the Building Standards Commission.

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

The Building Standards Commission's charge is outlined in Chapter 50 of the City's Code of Ordinances.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the appointment of three individuals to the Building Standards Commission for terms ending October 26, 2022.

City Council Agenda Item Report**10/12/2020**

Agenda Item No. D)

Presenter

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

SUBJECT:

Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family dwelling in the "C-1" Local Business District addressed at 430 Landa Street.

BACKGROUND / RATIONALE:

Case No.: SUP20-142

Council District: 1

Applicant/Owner: Ken and Lisa Brucks
226 Glen Haven
New Braunfels, TX 78132
(830) 226-5535
kenbrucks@bobrossrealty.com

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

City Council held a public hearing on September 28, 2020 and approved the applicant's request with staff recommended conditions (6-1-0).

The subject property comprises 0.21 of an acre on the north side of Landa Street between Lockener and Walnut Avenues. It is zoned C-1 and is occupied by a 1,264 square-foot single-family residence with an attached garage constructed in 1960.

The owners of the property are requesting approval of a Special Use Permit (SUP) to allow the house to be utilized for short term rental (STR). The house has 3 bedrooms and 2 baths. Per the City's STR Ordinance, the home would be allowed a maximum of 8 occupants (2 per bedroom plus 2 additional occupants).

The minimum off-street parking requirement for this proposed STR is 3 spaces, or one per sleeping room. There is an existing driveway in front of the garage as well as a circular driveway which can accommodate the required number of parking spaces and allow for easier access onto Landa Street.

Surrounding Zoning and Land Use:

North - C-1/ Single-family residence
 South - Across Landa Street, C-1 and R-2/ Commercial offices and single-family residence
 East - C-1/ Commercial office
 West - C-1/ 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 (*The site is within walking distance of Downtown, Landa Park, Wurstfest, river recreation, Walnut Avenue Hike and Bike Trail, Dry Comal Creek Trail, and other attractions and amenities. The closest STR is approximately 4,100 feet away in the downtown area.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area. (*There do not appear to be any conflicts with these elements.*);
- How other areas designated for similar development will be affected (*The proposed use should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare; (*STR standards help to ensure proper measures are in place to protect public health, safety and neighboring properties.*)
- Consistency with the Comprehensive Plan:

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Consistent Actions: Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.14: Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions. Future Land Use: The property is situated within the New Braunfels Sub-Area, along a Mixed-Use Transitional Corridor, and in close proximity to existing and future Market, Civic, Employment, Tourist/Entertainment, and Outdoor Recreation Centers.
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FISCAL IMPACT:

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

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on September 2, 2020 and recommended approval with staff recommended conditions (8-0-0, with Commissioner Gibson absent).

STAFF RECOMMENDATION:

Approval with the following conditions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
3. All standards of the Zoning Ordinance will be met.

Notification:

Public hearing notices were sent to owners of 17 properties within 200 feet of the request. To date, the City has received three responses in favor from numbers 2, 3 and 12 and none opposed.

RESOURCE LINKS:

- Chapter 144, Sec. 3.3-7 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, Sec. 3.6 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, Sec. 5.17 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. Application, Site Plan and Floor Plan
3. Land Use Maps (Zoning, Existing, Future Land Use, Short Term Rental)
4. Short Term Rental Vicinity Map
5. Notification List, Map and Responses
6. Photographs
7. Excerpt of Minutes from the September 2, 2020 Planning Commission Regular Meeting
8. Ordinance



SUP20-142
Special Use Permit to operate a Short Term Rental





**Planning & Community Development Department
Planning Division**

550 Landa St. New Braunfels, Tx 78130
(830) 221-4050 www.nbtexas.org

CC/Cash/Check No.: 5965 Case No.: SUP20-142
Amount Recd. \$ 1565.00
Receipt No.: 18441



Special Use Permit Application to Allow Short Term Rental

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

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

Name: Ken and Lisa Brucks
Mailing Address: 226 Glen Haven, New Braunfels, TX. 78132
Telephone: (830) 226-5535 Fax: N/A Mobile: (210) 573-0200
Email: kenbrucks@bobrossrealty.com

2. **Property Address/Location:** 430 Landa, New Braunfels, TX. 78132

3. **Legal Description:**
Name of Subdivision: Rick Parkview Estates
Lot(s): 12 Block(s): 1 Acreage: .2

4. **Existing Use of Property:** residential

5. **Current Zoning:** C-1

*Please note Short Term Rentals are **prohibited** in the following residential districts, & a Special Use Permit could **not** be requested:

- R-1 • ZH • TH • R-1A-43.5 • R-1A-8 • R-2A • B-1B
- R-2 • ZH-A • B-1 • R-1A-12 • R-1A-6.6 • B-1A • TH-A

6. **Proposed Special Use Permit*: Type 1** X **OR Type 2** _____

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

7. **Explain how the proposed Short Term Rental use will be well suited for the neighborhood (attach additional or supporting information if necessary):** _____

See Attached

SUBMITTAL CHECKLIST:

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

APPLICANT:

☐ A survey and/or metes and bounds description of the property with an exhibit illustrating property boundaries (if property is not platted). *H/A*

☐ Letter of Authorization for appointed agent (if applicable). *H/A*

☐ Map of property in relation to City limits/major roadways or surrounding area. *Attached.*

☐ Copy of deed showing current ownership.

Floor plan with the following information:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Layout of the building | <input checked="" type="checkbox"/> Sleeping areas |
| <input checked="" type="checkbox"/> Dimensions of each room | <input checked="" type="checkbox"/> Doors and windows |
| <input checked="" type="checkbox"/> Room Labels (kitchen, bathroom, dining room, garage, etc.) | |

Development/site plan with the following information:

(*Please note: Additional information may be requested.)

- | | |
|--|--|
| <input type="checkbox"/> Drawn to scale | <input type="checkbox"/> Location of all buildings |
| <input type="checkbox"/> North arrow | <input type="checkbox"/> Number of parking spaces (parking calculation table required) |
| <input type="checkbox"/> Property lines | <input type="checkbox"/> Dimensions of parking space and maneuvering space |
| <input type="checkbox"/> Adjacent street names | <input type="checkbox"/> Driveways (means of ingress/egress) |

☐ Application Fee: \$ 1500⁰⁰

\$1,500 + (.2 acres x \$100) = \$ 20⁰⁰ (max. \$4,000)

☐ Technology Fee: \$ _____

3% of application fee → \$ 1500⁰⁰ (application fee) x .03 = \$ 45⁰⁰

☐ Public Hearing Newspaper Notice: \$236.00 (\$115 each for Planning Commission and City Council + \$6.00 (3% technology fee))

Public Hearing Mail Notifications and Signage.

*Please note: The total fee will be calculated by Staff after application submittal based on the quantity of mailed notices and signs and must be paid when sign(s) are picked up by the applicant when sign(s) are picked up by the applicant.

Please note: The signature indicates that the owner or an authorized agent has reviewed the requirements of this application and attached checklist, and all items on this checklist have been addressed and complied with. The owner/authorized agent understands that an incomplete application will **not** be accepted, and this application will **not** be accepted after the 4 p.m. deadline on an application deadline date, as outlined on the calendar attached to this application. The signature authorizes City of New Braunfels staff to visit and inspect the property for which this application is being submitted.

The undersigned hereby requests rezoning of the above described property as indicated.

Ken and Lisa Brucks, (210) 573-0200, kenbrucks@bobcrossrealty.com
 Owner's Name (Printed) Phone Number Email

226 Glen Haven, New Braunfels, TX. 78132
 Owner's Mailing Address

[Signature]
 Signature of Owner

7/21/20
 Date

7. Explain how the proposed Short-Term Rental use will be well suited for the neighborhood:

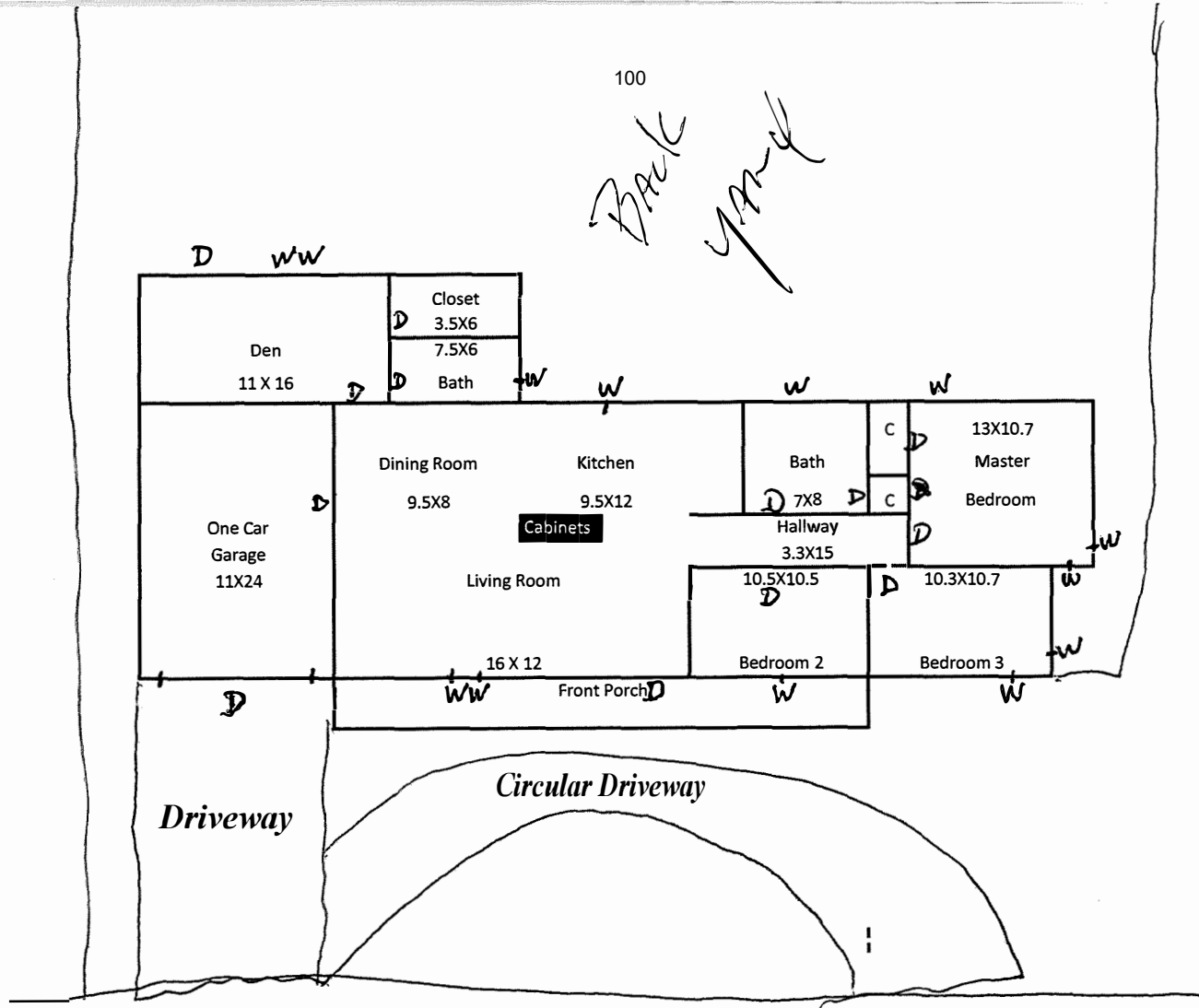
The Subject Property (430 Landa Street) is currently owned by Ken and Lisa Brucks. The property was previously owned by Lisa's mother, Dorothy Feters, who resided there for almost 60 years – until her death in 2019. Lisa was born and raised in that home and lived there until 1983. Lisa and Ken have a desire to keep the home and maintain it as a short-term rental business.

The property was rezoned several years ago to C-1. Ms. Feters received a life estate to the property, so upon her death in April 2019, the property became permanently rezoned to C-1. It was originally thought that the property might be better to repurpose the property to a small business-type office, however, the property would never be able to comply with the City's parking requirements to serve that need. So, Ken and Lisa are now left with a limited number of options. The home could either be sold as a residential dwelling, become a rent house or be repurposed to a short-term rental – allowing the owner to better maintain control on how the property is maintained and presented. Since the property is located at such a high- profile and visible location, it was thought that this option would serve the owner - and community - best.

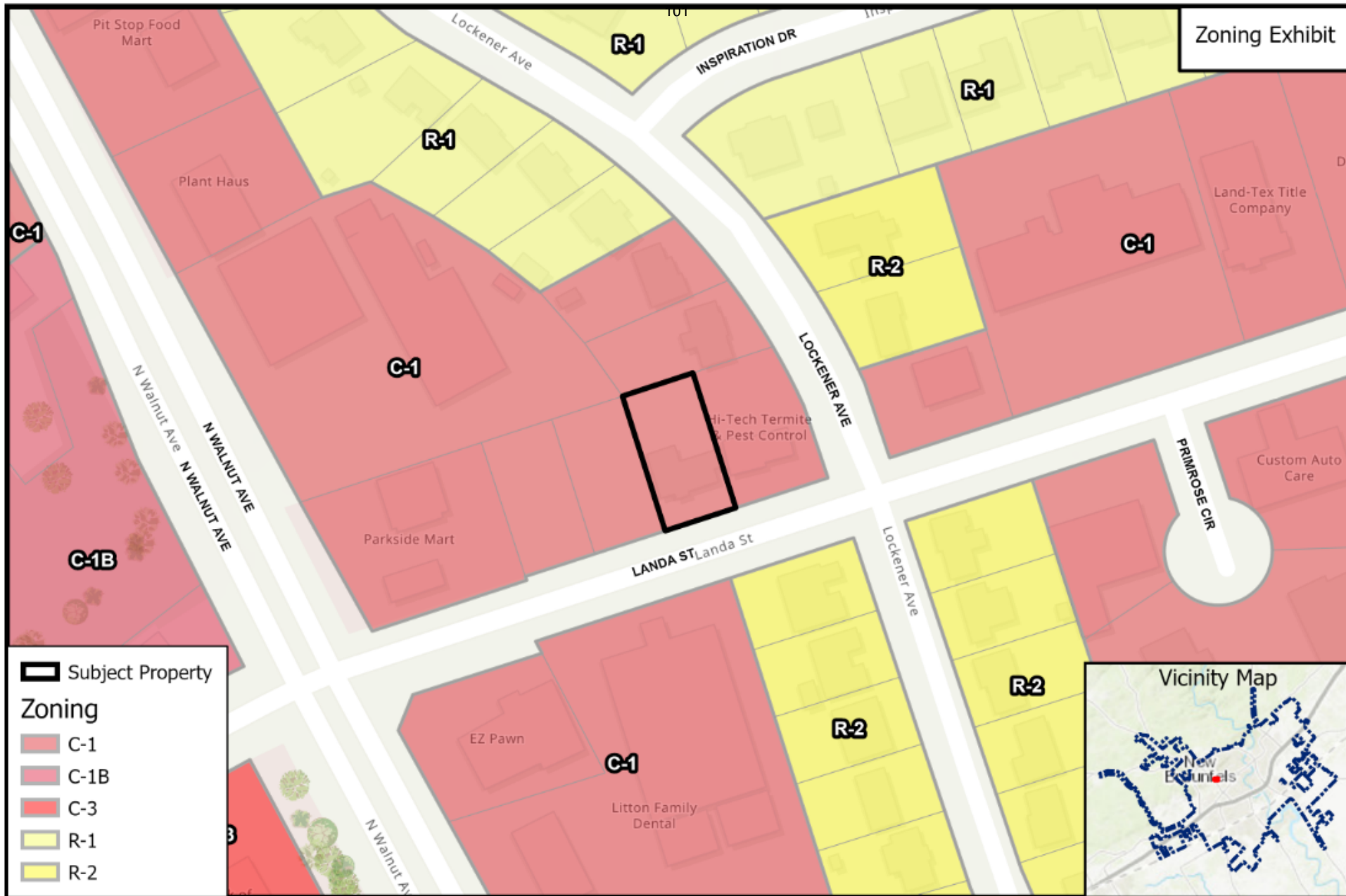
The property is located within walking distance to Landa Park, The City Golf Course, City Hall, Wurstfest, Das Rec City Recreation Center, the Comal River and the Historic Downtown New Braunfels. There are already several other short-term rental homes in the area. As was stated before, this location lends itself nicely to this type of use – and since the property is already zoned for commercial use – it would seem to be an easily acceptable use for the property – especially given the challenges involved in converting it to a heavier commercial use.

The property sits on 1/5 of an acre, with a beautiful back yard and several tall mature trees. The home has 3 full bedrooms, 2 full baths, as well as a den, dining room and kitchen. Next to the subject property, on the right, is a former residential dwelling, currently being operated as pest control business. On the left of the property is a large vacant lot, currently owned by the owners of a plant nursery, which fronts on Walnut Avenue. The home has a driveway with a one-car garage and a circular turnaround. The back yard is currently fenced with a four-foot chain link fence, however, the owners plan to replace this fence with a six -foot cedar fence – which will totally encompass the back yard. Since the property has been in Lisa's family for over 60 years, they have a particular vested interest in keeping the property in a condition that the surrounding community, and all New Braunfels, would be proud of. In their opinion this is the best possible use for this property.

We respectfully ask that you approve our request to grant a Special Use Permit on this property, so the owners can move towards converting the property to short term rental facility by 2021.



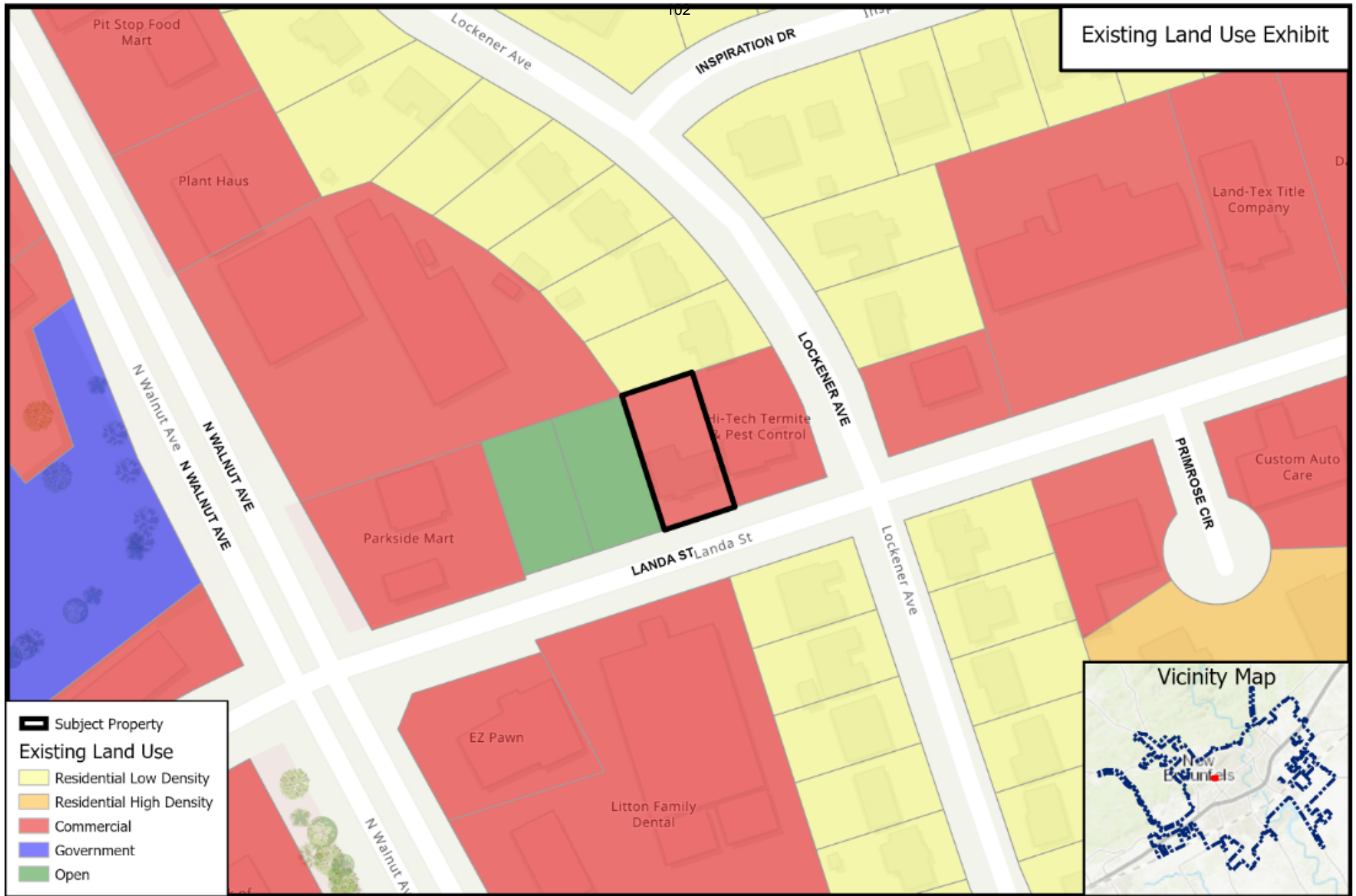
SITE PLAN / FLOOR PLAN



SUP20-142

Special Use Permit to operate a Short Term Rental





SUP20-142
Special Use Permit to operate a Short Term Rental



EXISTING CENTERS

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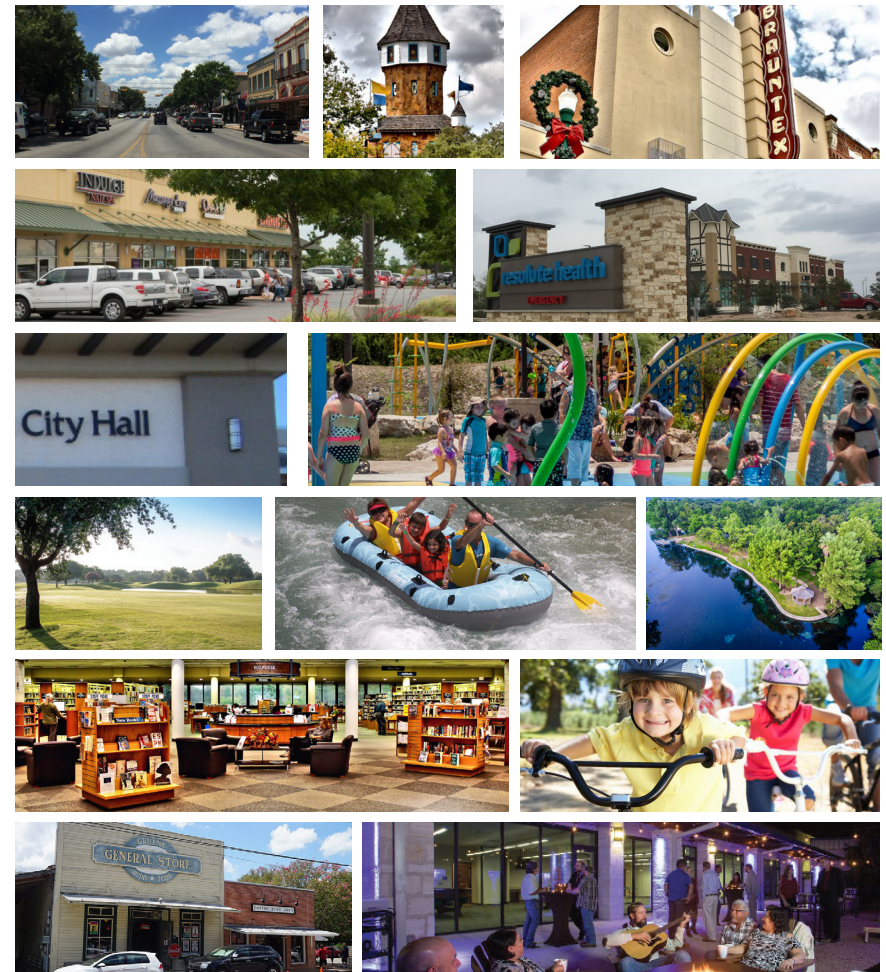
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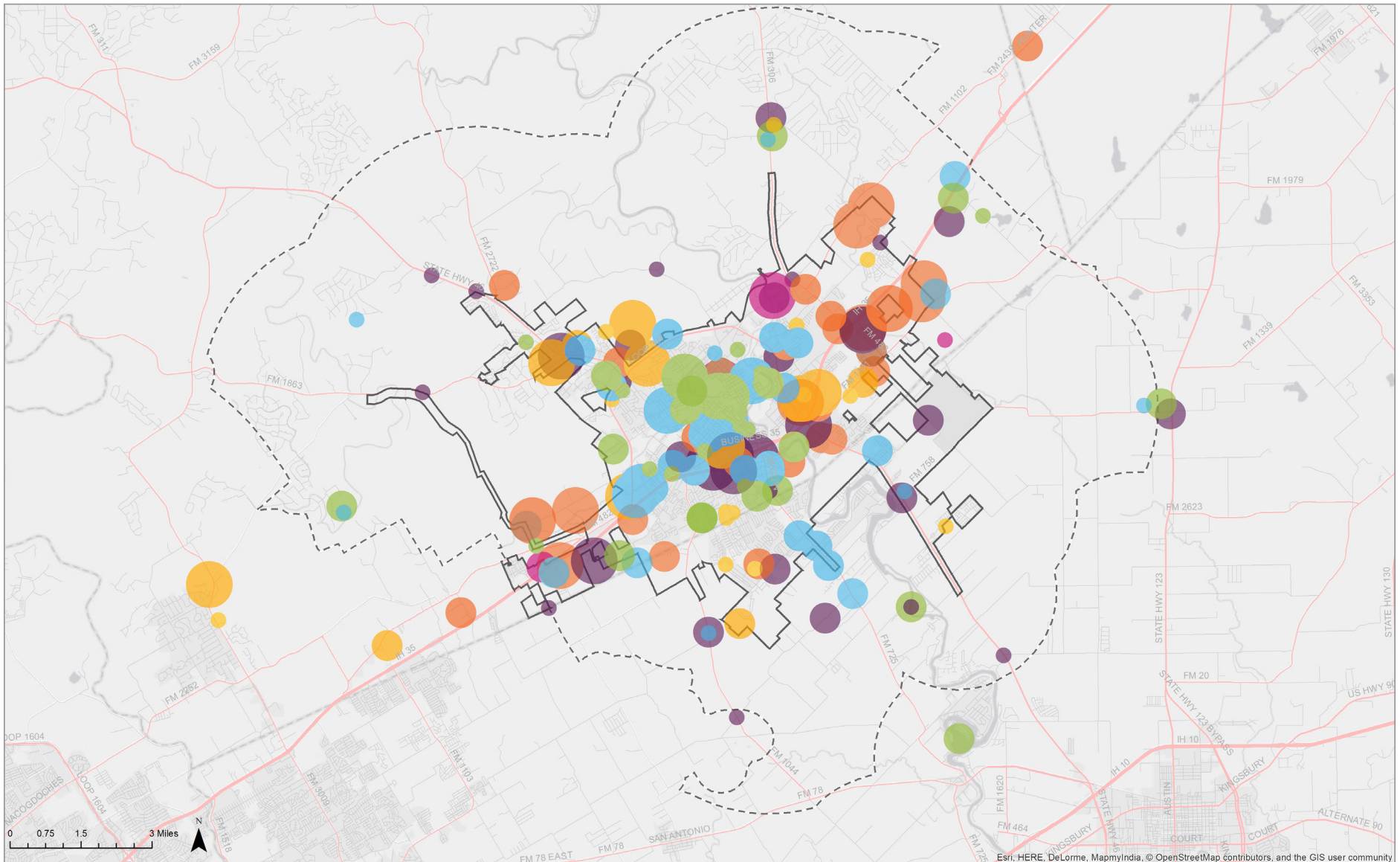
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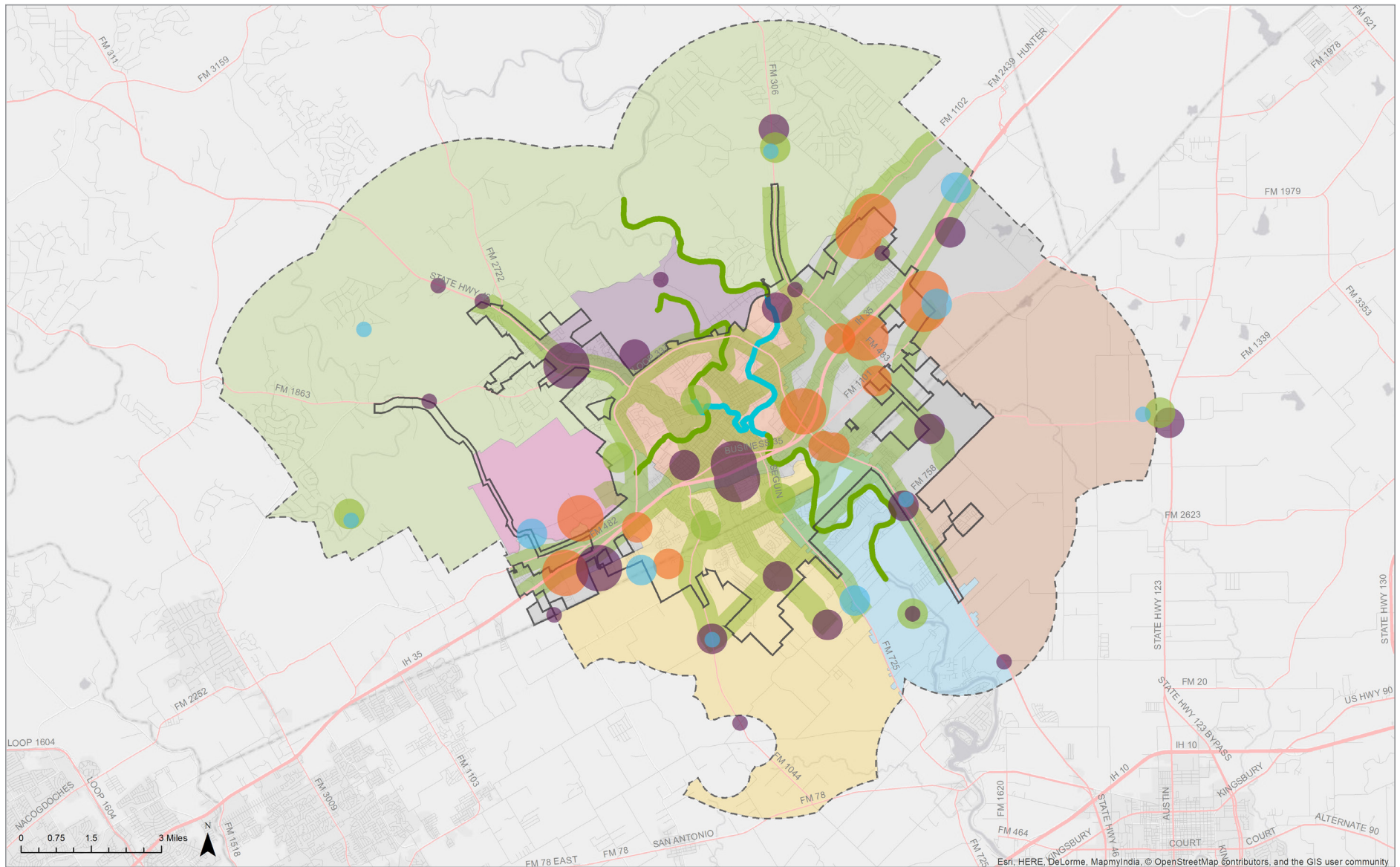
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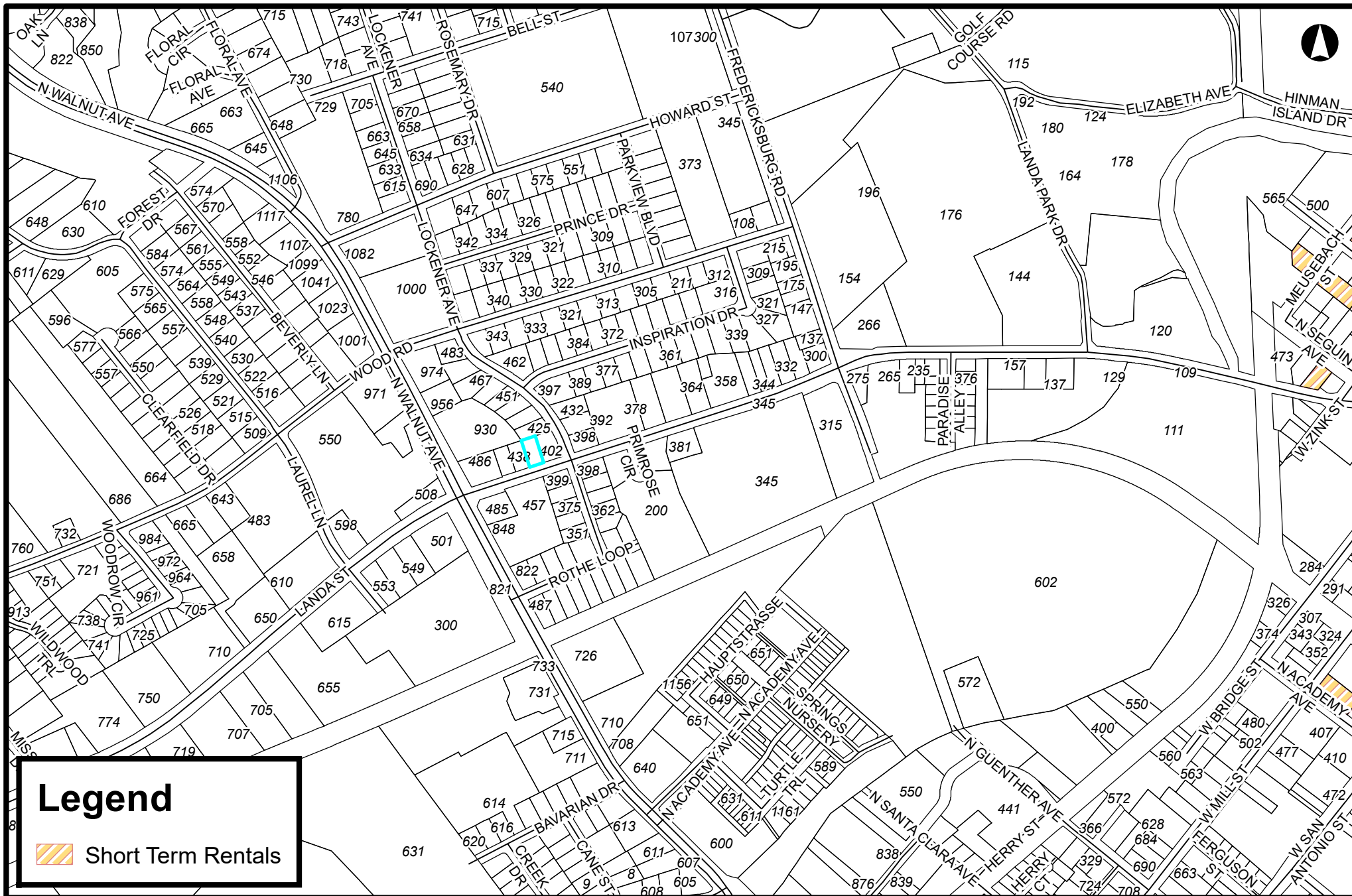
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PLANNING COMMISSION – SEPTEMBER 2ND, 2020– 6:00PM

Zoom Webinar

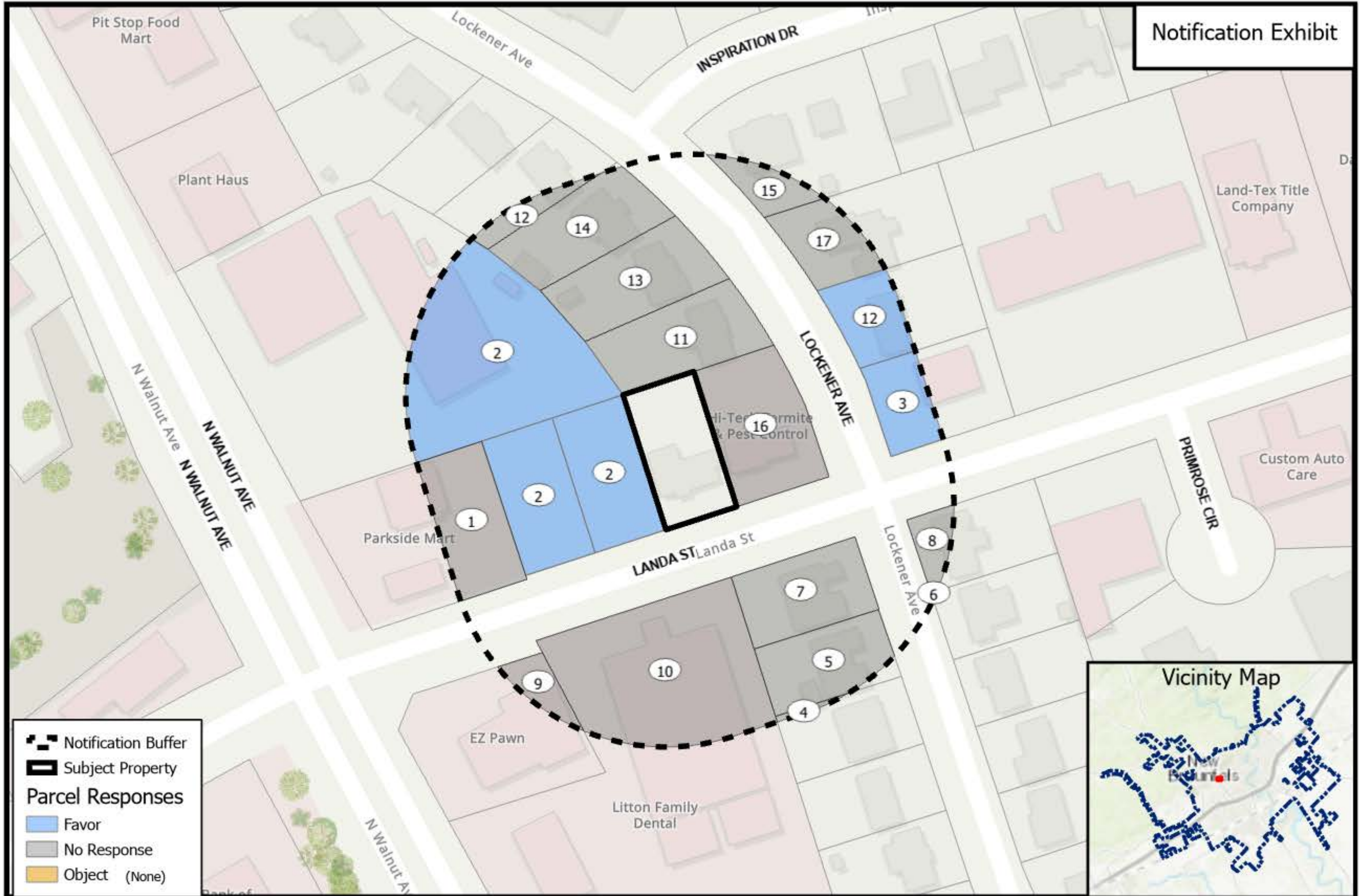
Applicant/Owner: Ken & Lisa Brucks**Address/Location:** 430 Landa Street**PROPOSED SPECIAL USE PERMIT – CASE #SUP20-142**

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. 720 LAMAR PLACE LC | 10. COLAND INC |
| 2. PACHARZINA PARTNERS LTD | 11. CHAPMAN BETTY R |
| 3. KOEGLE RICHARD K | 12. LINNARTZ PROPERTIES LLC |
| 4. GORMLEY JOHN C & ELIZABETH | 13. MESA ISAAC & ADA |
| 5. MOORE JESSIE | 14. JOYCE LINDA |
| 6. JRS RENTALS LLC | 15. PLOCH CYNTHIA P ET AL |
| 7. ALBERS CLARENCE OTTO & LORENE | 16. HERMES ROBERT E |
| 8. FLUGRATH JOHN G & LISA | 17. KING MICHAEL LANCE |
| 9. LEN REALTY GROUP LLC | |

SEE NOTIFICATION MAP

Notification Exhibit



SUP20-142
Special Use Permit to operate a Short Term Rental

YOUR OPINION MATTERS - DETACH AND RETURN

110

Case: #SUP20-142 (MG)

Name: PACHARZINA PARTNERS LTDAddress: 338 WILSON WAYProperty number on map: 2

Comments: (Use additional sheets if necessary)

Signature: Wesley PacharzinI favor: ☒

I object: _____

(State reason for objection)



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-142 (MG)

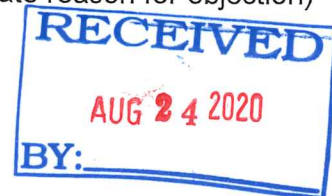
Name: RICHARD R. ROEGLERAddress: 346 LINDA STProperty number on map: 3

Comments: (Use additional sheets if necessary)

Signature: Richard R. RoeglerI favor: ☒

I object: _____

(State reason for objection)



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-142 (MG)

Name: LINHARTZ PROPERTIES LLCAddress: 198 ADAM ST. NBT 78130Property number on map: 12 & 12

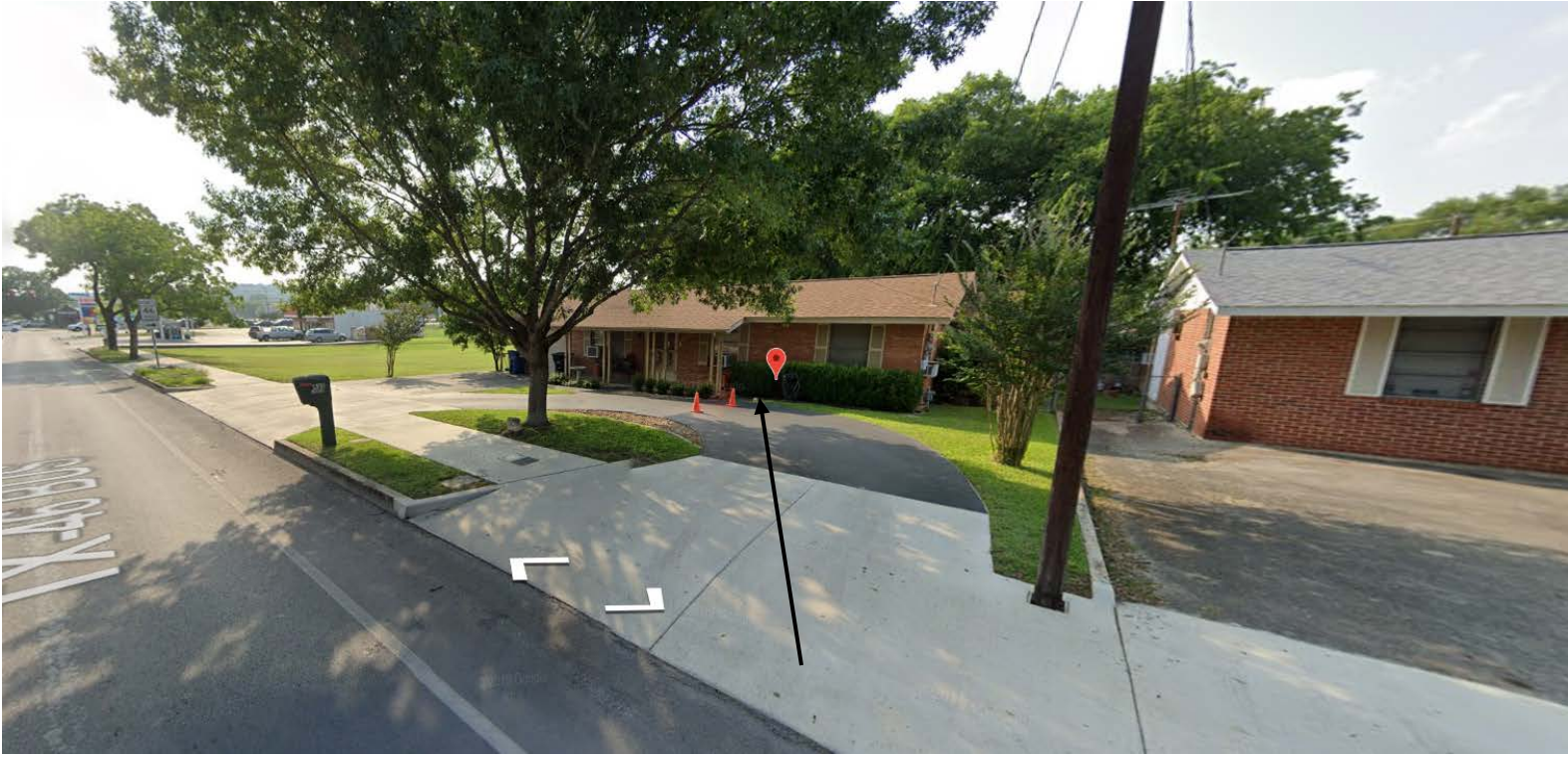
Comments: (Use additional sheets if necessary)

Signature: Ray LinnhartzI favor: ☒

I object: _____

(State reason for objection)





430 Landa St.





430 Landa Street

Draft Minutes for the September 2nd, 2020 Planning Commission Regular Meeting

D) SUP20-142 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family dwelling in the “C-1” Local Business District addressed at 430 Landa Street. Owner/Applicant: Ken & Lisa Brucks; Case Manager: Matt Greene

Mr. Greene presented. Staff recommended approval with 3 conditions.

Commissioner Meyer asked for clarification on the Notice of Public Hearing Response Map.

Chair Edwards asked if there were questions for staff.

Commissioner Sonier asked if there are any deviations from code.

Mr. Greene stated there were no deviations included.

Discussion followed.

Chair Edwards asked if the applicant would like to speak.

Ken Brucks, 226 Glen Haven, stated the property is zoned C-1 but it was not a big enough lot to accommodate a commercial use, so they were considering a short term rental as an option.

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

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Reaves, seconded by Commissioner Sonier, to approve the proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family dwelling in the “C-1” Local Business District addressed at 430 Landa Street with staff recommendations. Motion carried (8-0-0).

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A SPECIAL USE PERMIT TO ALLOW THE SHORT TERM RENTAL OF A SINGLE-FAMILY DWELLING IN THE “C-1” LOCAL BUSINESS DISTRICT, ON LOT 12, BLOCK 1, PARKVIEW ESTATES 1, ADDRESSED AT 430 LANDA STREET; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

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

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

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit for Lot 12, Block 1, Parkview Estates 1, addressed at 430 Landa Street, to allow short term rental of a single-family dwelling in the “C-1” Local Business District; **now, therefore;**

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

SECTION 1

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

Being Lot 12, Block 1, Parkview Estates 1, addressed at 430 Landa Street, as

delineated in Exhibit "A", to allow the short term rental of a single-family dwelling in the "C-1" Local Business District.

SECTION 2

THAT the Special Use Permit be subject to the following conditions:

1. The residential character and appearance of the building must be maintained.
2. All supplemental standards for short term rental contained in Section 5.17-4 of the Zoning Ordinance must be observed.
3. A separate Short Term Rental Permit is required.
4. The property will remain in compliance with the approved site plan illustrated on Exhibit "B". Any significant changes to the site plan will require a revision to the SUP.

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First reading this 28th day of September, 2020.

PASSED AND APPROVED: Second reading this 12th day of October, 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

EXHIBIT "A"

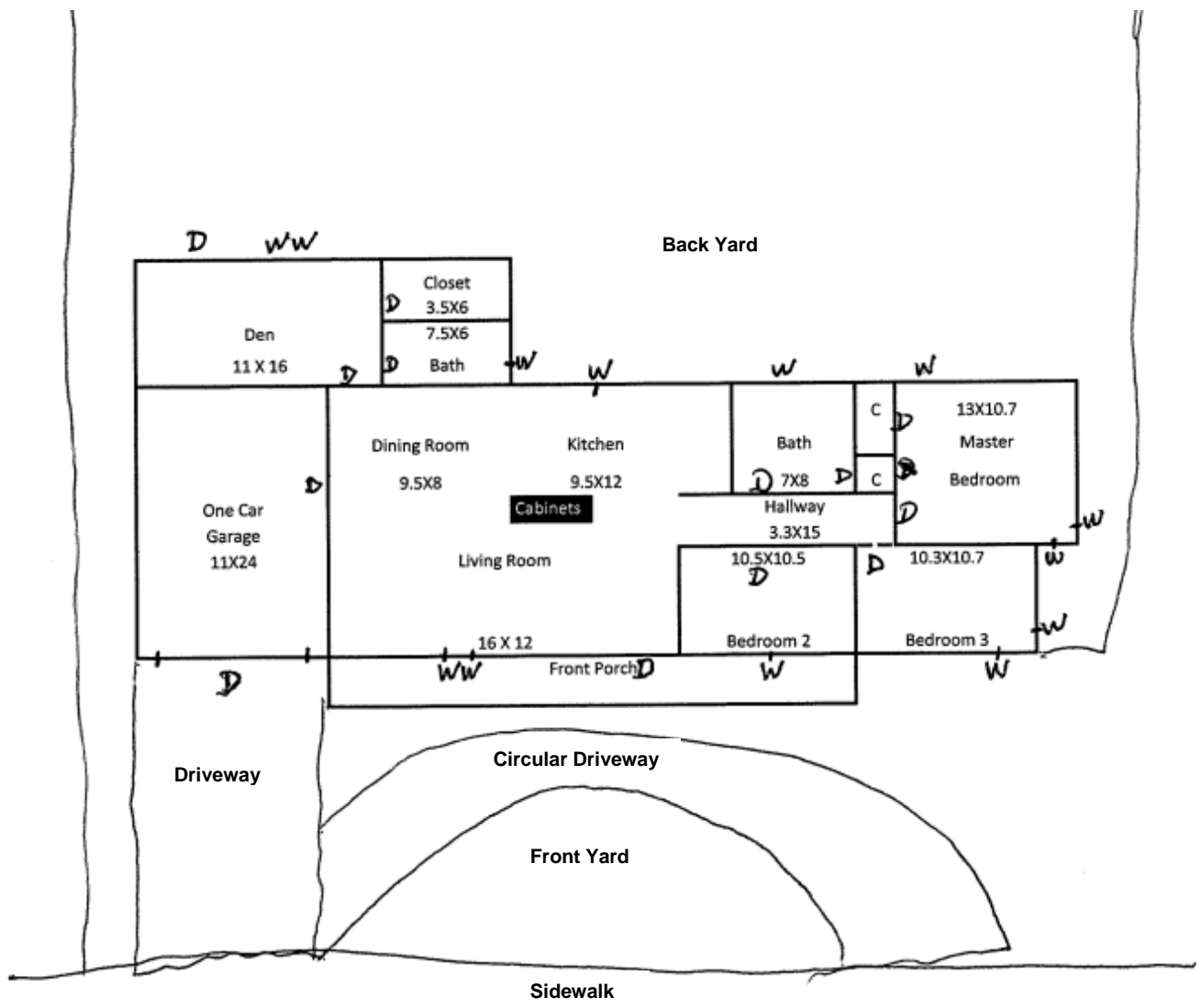


SUP20-142 Special Use Permit to operate a Short Term Rental

Source: City of New Braunfels Planning
Date: 9/14/2020

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.

EXHIBIT "B"

Site Plan

Landa Street

City Council Agenda Item Report550 Landa Street
New Braunfels, TX**10/12/2020**

Agenda Item No. E)

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

Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family dwelling in the C-2 Central Business District, addressed at 212 E. Zink St.

BACKGROUND / RATIONALE:**Case No.:** SUP20-140**Council District:** 5**Applicant/Owner:** Kristin and William Goleman
212 E. Zink St.
New Braunfels, TX 78130
(936) 520-2684
wgoleman@gmail.com**Staff Contact:** Matthew Simmont
(830) 221-4058
msimmont@nbtexas.org

City Council held a public hearing on September 28, 2020 and approved the first reading of the applicant's requested rezoning with recommended conditions including paving the full depth of the driveway (6-1-0).

The subject property is located on the south side of E. Zink St., opposite its intersection with N. Market Ave. The neighborhood is zoned the cumulative C-2 (Central Business) District and is characterized by office development and parking along Landa Street with a variety of residential development within the block to include multifamily and short term rental (STR). The property is approximately 19,000 square feet and, according to the appraisal district, contains a 1,444 square foot residential structure built in 1870.

This Type 2 Special Use Permit (SUP) request is to allow the short term rental of the existing single-family dwelling. The house has three bedrooms, a living area, kitchen and one full bathroom. A second full bathroom is contained within an accessory building on the property, labeled as "shed" on the site plan. The maximum occupancy for short term rental of the property is eight occupants (2 per bedroom plus 2 additional occupants).

The minimum off-street parking requirement for this STR is three spaces. There is an existing paved driveway in front of the garage that can accommodate one vehicle. A second driveway on the property is composed of crushed rock and has sufficient parking area for three stacked vehicles. The applicant proposes a code deviation with this SUP to keep the second driveway in this condition and not require it be improved with concrete, asphalt paving or other material authorized by the off-street parking development standards. There is enough space in these areas to accommodate the required minimum parking spaces (three).

If approved, in addition to the administrative STR Permit, annual fire inspections, requirements to post tenant safety information and remittance of hotel occupancy tax, there are additional standards in the Zoning Ordinance, referenced in the resource links below.

Surrounding Zoning and Land Use:

North - Across Zink St., C-2/ Single-family residence

South - C-2/ Single-family residences

East - C-2/ Single-family (short term rental) and multifamily residences

West - C-2/ Single-family residence

Determination Factors:

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

- Whether the permitted uses will be appropriate in the immediate area and their relationship to the area and to the City as a whole (*The site is within walking distance of Downtown, Landa Park, Wurstfest, river recreation and other attractions and amenities.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area. (*There do not appear to be any conflicts with these elements.*);
- How other areas designated for similar development will be affected (*The proposed use should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare; (*STR standards help to ensure proper measures are in place to protect public health, safety and neighboring properties.*) and
- Whether the request is consistent with the Comprehensive Plan: *see below*

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	<u>Consistent Actions:</u> Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.14: Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions. Future Land Use Plan: The property is situated within the New Braunfels Sub-Area and is in close proximity to a Recreational River Corridor, as well as Existing Market, Civic and Recreation Centers.
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FISCAL IMPACT:

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

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on September 2, 2020 and recommended approval (5-3-0) of the request with staff recommended conditions, with Commissioners Tubb, Reeves and Nolte in opposition.

STAFF RECOMMENDATION:

Approval with the following conditions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
3. All standards of the Zoning Ordinance will be met.
4. The driveway and parking area shall be paved in accordance with the Zoning Ordinance. Concrete, asphalt, or alternative pavement methods approved by the City Engineer may be utilized.

Notification:

Public hearing notices were sent to owners of 18 properties within 200 feet. To date, the City has received three responses (#3, 10 & 13) in favor of the request.

RESOURCE LINKS:

- Chapter 144, Sec. 3.3-8 of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 3.6 of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 5.17 of the City's Code of Ordinances:
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ATTACHMENTS:

1. Aerial Map
2. Site Plan and Floor Plan
3. Land Use Maps (Zoning, Existing, Future Land Use, Short Term Rental)
4. Notification List and Map
5. Photographs
6. Planning Commission Meeting Draft Minutes
7. Ordinance



SUP20-140
Special Use Permit to operate a Short Term Rental

0 75 150
 Feet



123



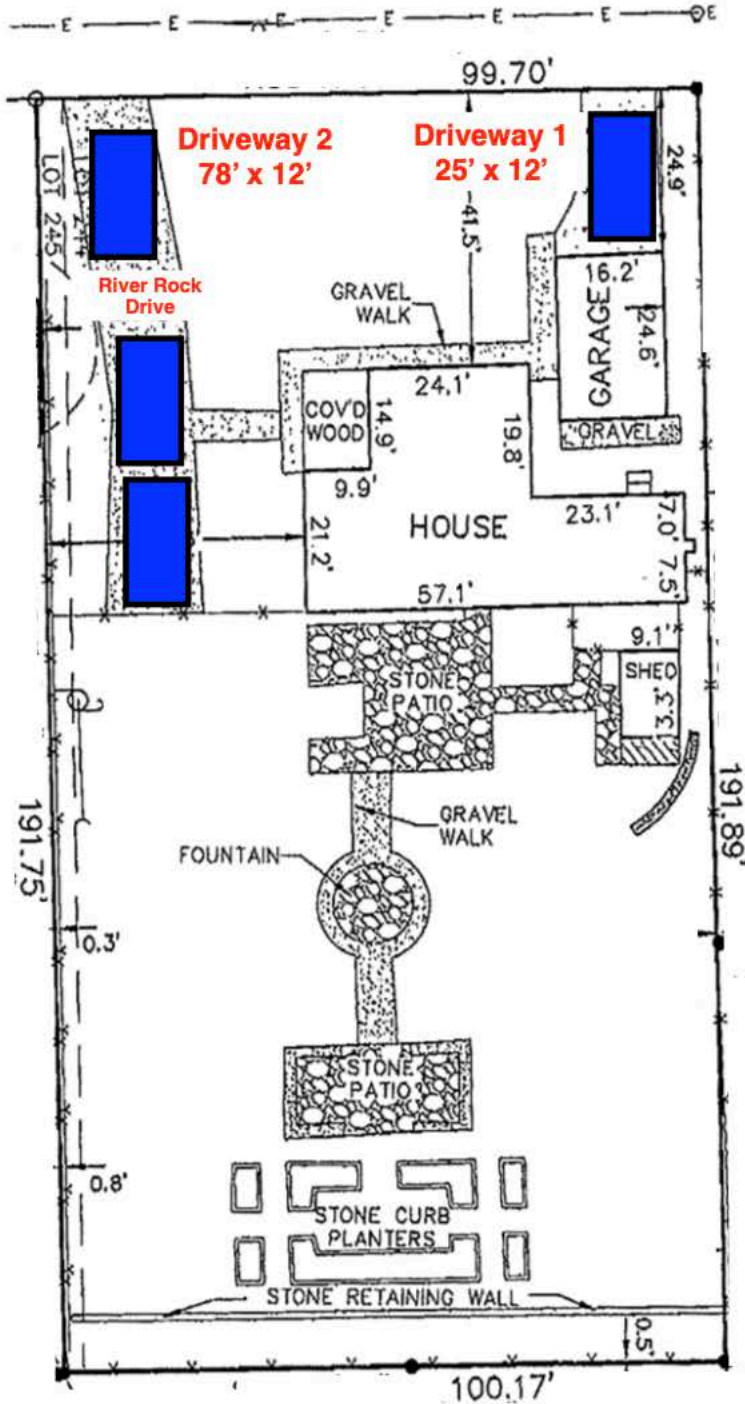
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Legend

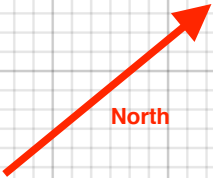
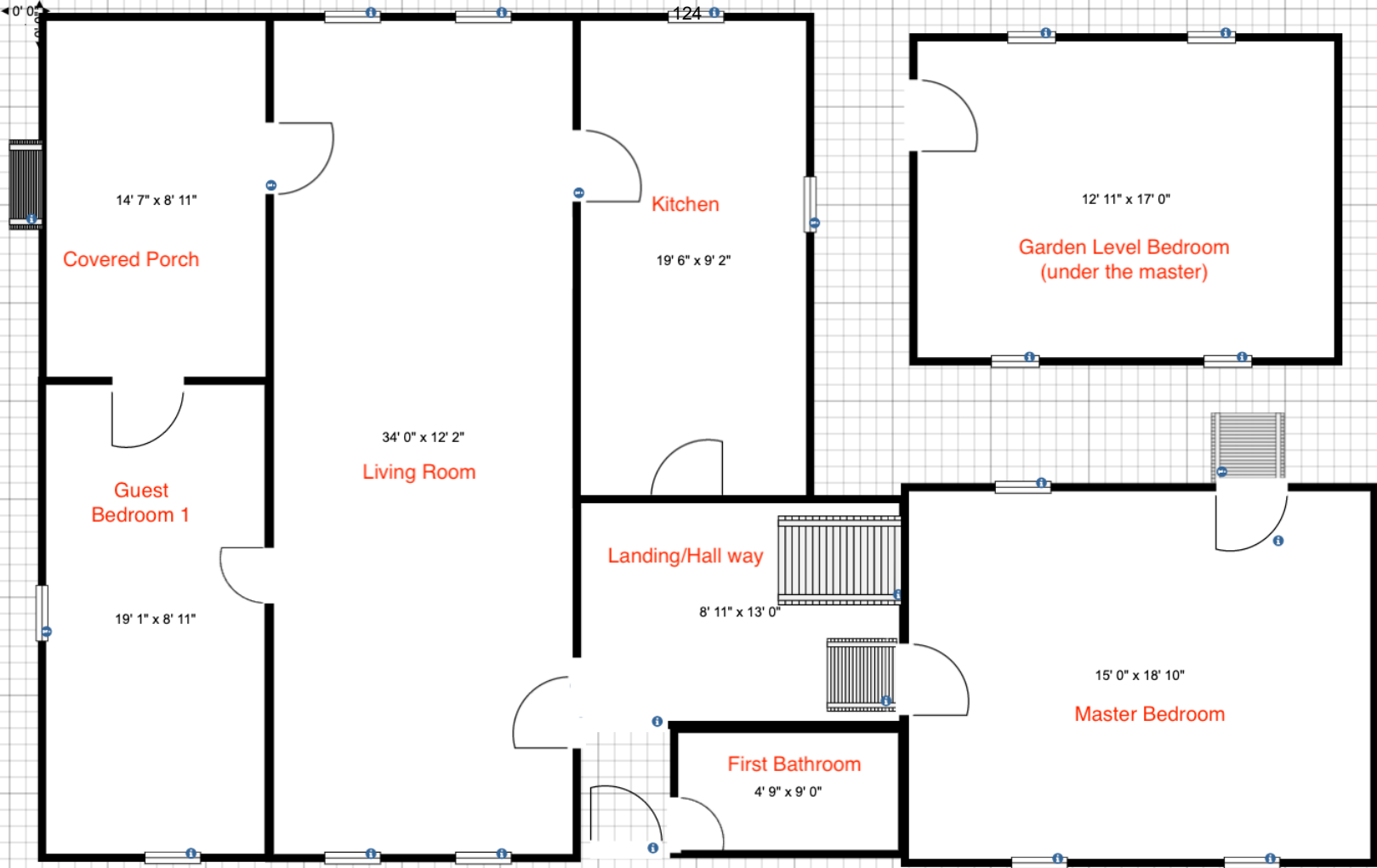
- = FENCE
- = POWER POLE
- = ELECTRIC METER POLE
- = SIGN
- = WATER METER
- = OVERHEAD ELECTRIC

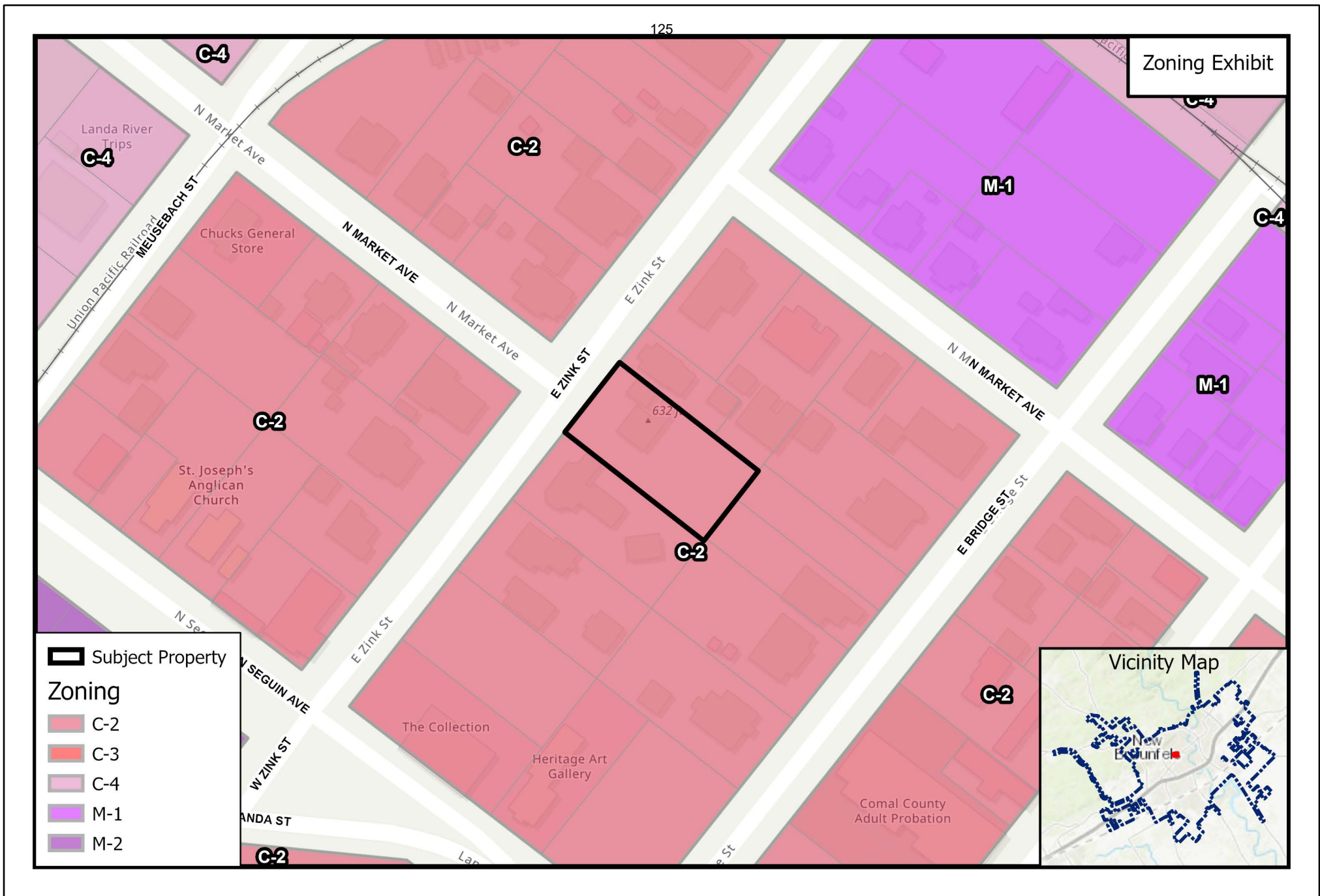
4 parking
spaces

E. ZINK STREET



E. Zink St.

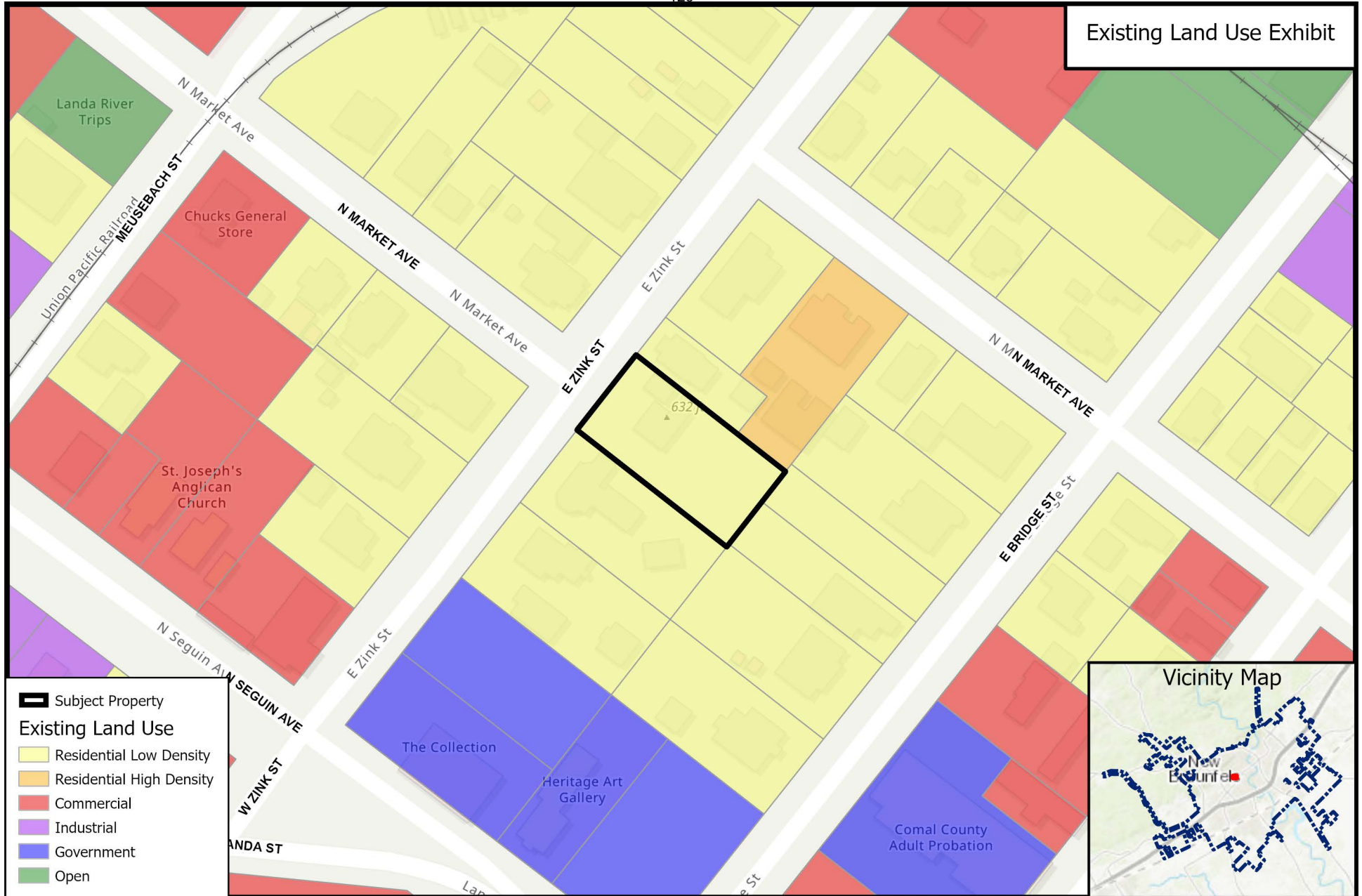




SUP20-140
Special Use Permit to operate a Short Term Rental



Existing Land Use Exhibit



SUP20-140
Special Use Permit to operate a Short Term Rental

0 75 150
 Feet



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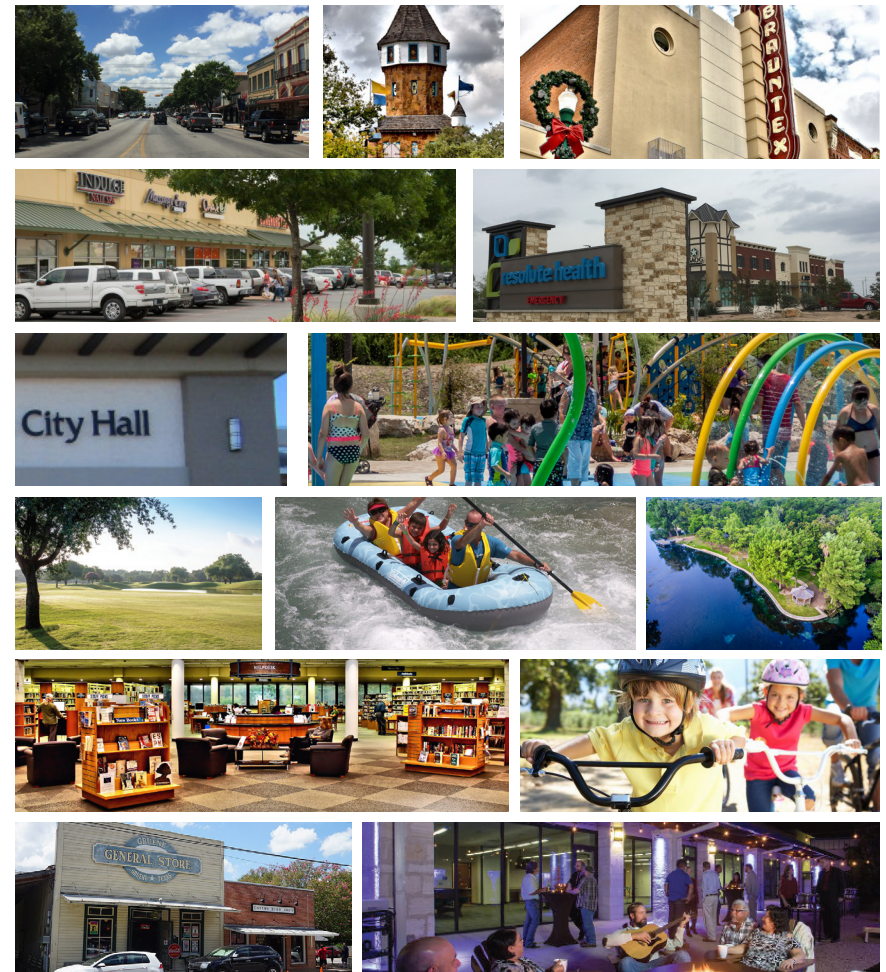
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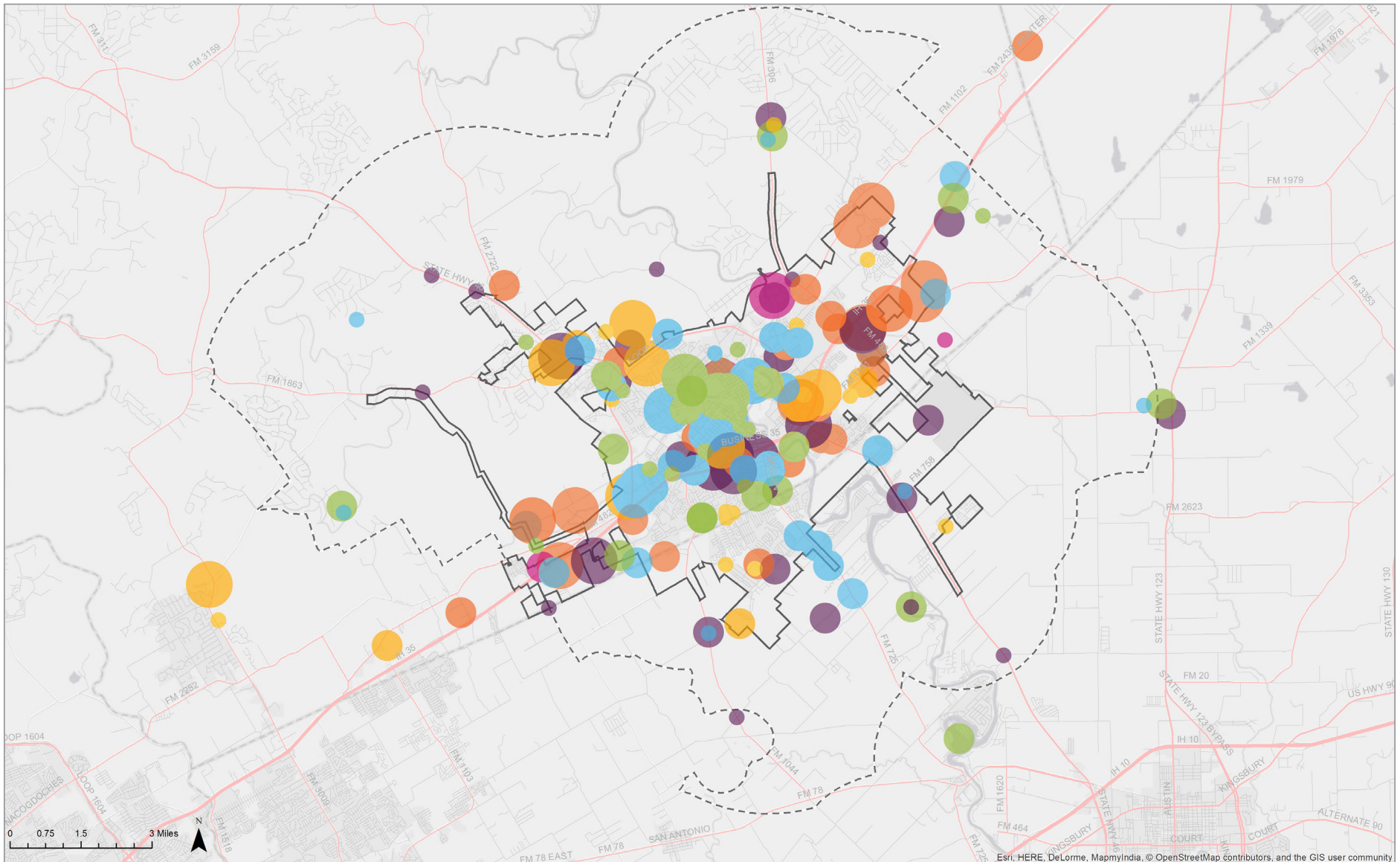
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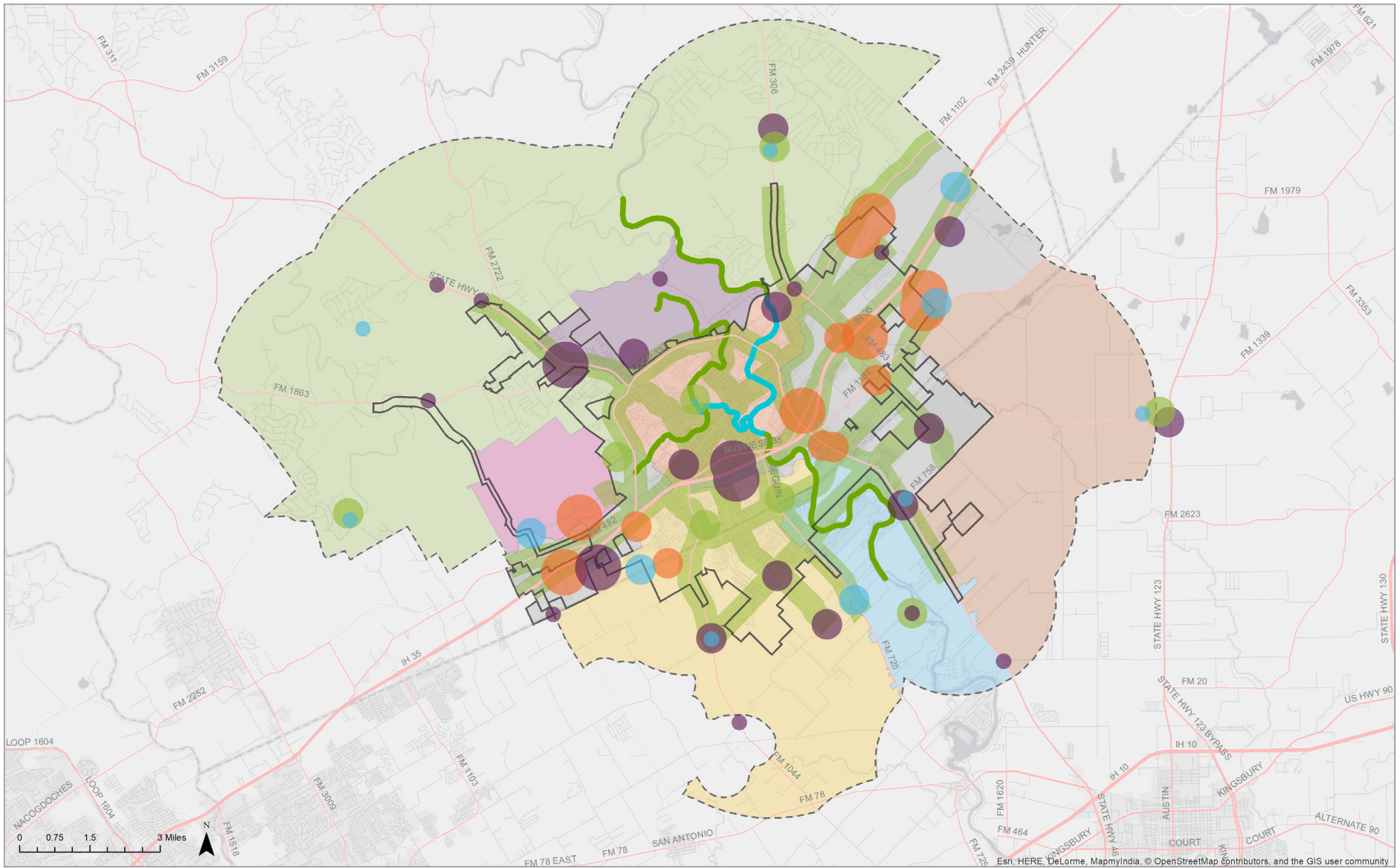
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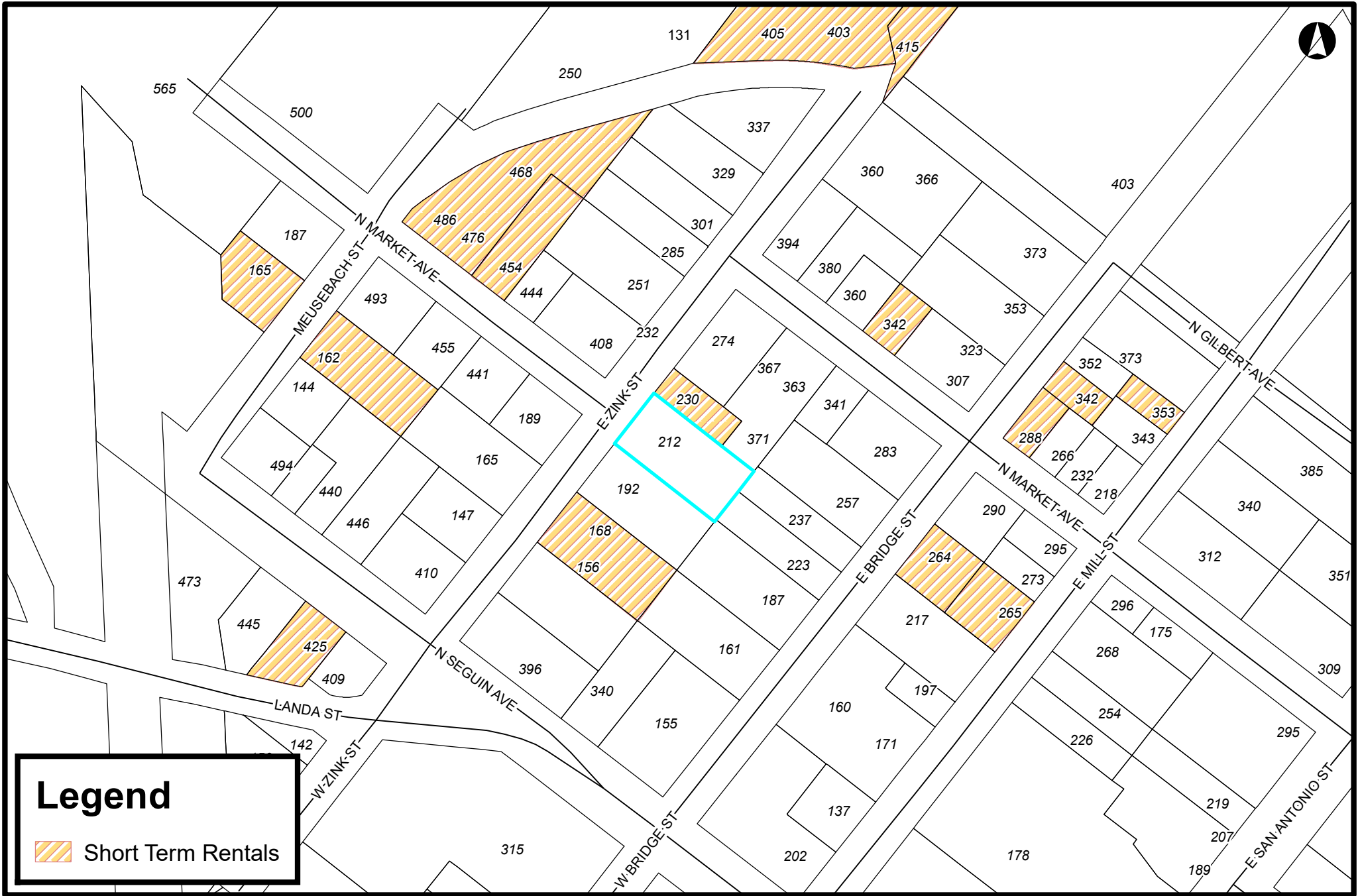
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PLANNING COMMISSION – SEPTEMBER 2ND, 2020– 6:00PM

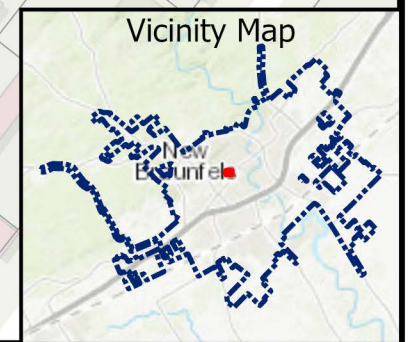
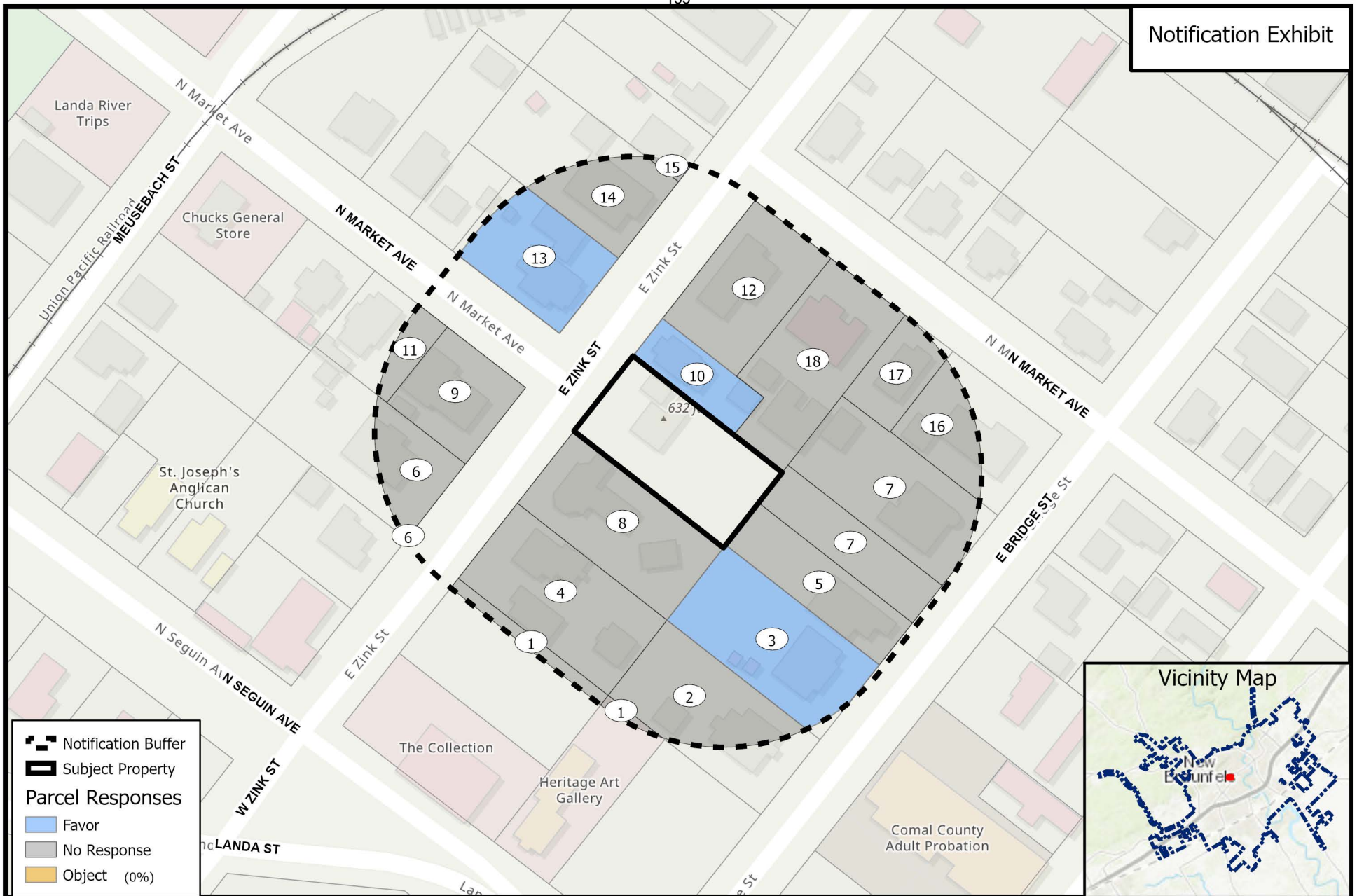
Zoom Webinar

Applicant/Owner: Kristin & William Goleman**Address/Location:** 212 E Zink Street**PROPOSED SPECIAL USE PERMIT – CASE #SUP20-140**

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- | | |
|--------------------------------|---------------------------------|
| 1. COMAL COUNTY OF | 10. GOODWIN MORGAN & WADE |
| 2. SUDDARTH JOHN R & RUTH | 11. RUIZ JAMES & MARIA |
| 3. ANZ DONALD E & CHERYL P | 12. BUNNY & EDS ZINK HAUS LLC |
| 4. MILES MICHAEL & NANCY CLOUD | 13. SEIBERT RICHARD L & JAYLENE |
| 5. REEVES JAMES E | 14. GOMEZ IGNACIO G & LOUISA |
| 6. WILSON MARK B & LISA W | 15. BOWMAN CRAIG A & KRISTY D |
| 7. SAEGERT JOEL & MERRY | 16. SIPPEL NOREEN |
| 8. ALEXANDER TED W | 17. TIMMERMANN PAMELA HIGHTOWER |
| 9. LEAVERTON JULIANNE | 18. PROPERTY OWNER |
-

SEE NOTIFICATION MAP



Fw: short term rentals

From: don anz (anzporta@yahoo.com)

To: msimmont@nbtexas.org

Date: Monday, August 31, 2020, 12:37 PM CDT

Sir,

This letter was sent to Councilman Hurta. Please pass this on to the other zoning commissioners regarding the importance of enforcement of the noise levels of the STR which accommodate large groups of people . Thank You Don and Cheryl Anz

----- Forwarded Message -----

From: don anz <anzporta@yahoo.com>

To: jhurta@nbtexas.org <jhurta@nbtexas.org>

Sent: Monday, August 24, 2020, 03:08:38 PM CDT

Subject: short term rentals

Councilman Hurta,

My wife and I are requesting your insight and opinion about the current zoning change at 212 E. Zink. This proposal would add another short term rental to our neighborhood. We live at 187 E Bridge St. We have been compliant and accepting of these

requests. Most STR in the neighborhood have complied with all the rules including the noise and off street parking ordinances. One exception is 168 E. Zink. That address can accommodate 16 people and when its one large party its very loud with music and lights. We have contacted the management company and the police regarding lighted disco ball and loud music a few times.

With this upcoming proposed change at 212 E. Zink and the future change at 274 E. Zink we are concerned that the balance of STR to neighborhood integrity would be strained. We understand we live in the C-2 district and have no problem with that. But what is more concerning is the enforcement of the ordinances (Ordinance No. 2020 Chapter 82-9) as more and more people jump in the STR pool. Especially the larger STR that can handle a large crowd = loud music and annoying lighting. Appreciate your thoughts. Thanks Don and Cheryl Anz anzporta@yahoo.com

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-140 ms

Name: Don & Cheryl AnzAddress: 187 E. Bridge St.Property number on map: #3

Comments: (Use additional sheets if necessary)

Signature: Don & Cheryl AnzI favor: ✓

I object: _____

(State reason for objection)

RECEIVED

AUG 31 2020

BY: _____

YOUR OPINION MATTERS - DETACH AND RETURN

136

Case: #SUP20-140 ms

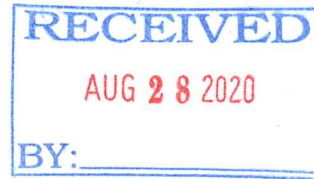
Name: Morgan & Wade GoodwinAddress: 230 E Zink St.Property number on map: 10

Comments: (Use additional sheets if necessary)

Signature: Morgan GoodwinI favor: ☒

I object: _____

(State reason for objection)



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-140 ms

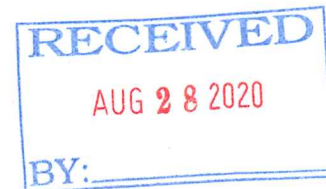
Name: Richard & Jaylene SeibertAddress: 408 N. MarketProperty number on map: 13

Comments: (Use additional sheets if necessary)

Signature: Richard SeibertI favor: ☒

I object: _____

(State reason for objection)





212 E. Zink St. from Driveway 1



212 E. Zink St. from Driveway 2

Draft Minutes for the September 2nd, 2020 Planning Commission Regular Meeting

C) SUP20-140 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short term rental of a sing-family dwelling in the C-2 Central Business District, addressed at 212 E Zink St. Applicant/Owner: Kristen & William Goleman; Case Manager: Matthew Simmont

Mr. Simmont presented. Staff recommended approval with 4 conditions including the driveway be paved.

Mr. Simmont stated the applicant is requesting a code deviation to keep the crushed rock driveway in lieu of paving per code standards.

Chair Edwards asked if there were questions for staff.

Commissioner Reaves asked if the staff recommendations are all within code requirements and do not include a code deviation.

Mr. Simmont stated that was correct.

Commissioner Reaves asked if a motion for a paved driveway apron with approval from the City Engineer could be done similar to the previous motion.

Mr. Simmont indicated it could.

Commissioner Meyer stated the requirements for paving the driveway are in the code for a reason and applicants need to state the reasons for these code deviations in writing since they include major changes to the request.

Chair Edwards asked if the applicant would like to speak.

William Golemann, 212 E Zinc, apologized to Commissioner Meyer and acknowledged he should have put his request for the driveway deviation in writing.

Mr. Golemann stated the request for not paving the driveway is it is their opinion the crushed rock fits the character of other pathways on the property and the appearance of the crushed rock with the style of the older home.

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

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Reaves, to approve the proposed rezoning to apply a Special Use Permit to allow the short term rental of a sing-family dwelling in the C-2 Central Business District, addressed at 212 E Zink Street with staff recommendations and allow for a driveway apron with coordination with city engineers.

Commissioner Meyer indicated he disagrees with allowing for the driveway apron and crushed rock.

Commissioner Sonier stated the home is a historical property.

Discussion followed.

Mrs. Snell clarified the structure was built in 1870 but is not a local designated historical structure.

Discussion followed in regard to allowing the driveway to remain unpaved or requiring the driveway to be paved.

Commissioner Sonier stated he would like to withdraw his original motion.

Commissioner Reaves withdrew his second.

Motion by Commissioner Sonier, seconded by Vice Chair Laskowski, to approve the proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family dwelling in the C-2 Central Business District, addressed at 212 E Zink Street with staff recommendations including the requirement to pave the driveway. Motion carried (5-3-0) with Commissioners Tubb, Reaves, and Nolte in opposition.

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW THE SHORT TERM RENTAL OF A SINGLE FAMILY DWELLING IN THE “C-2” CENTRAL BUSINESS DISTRICT ON LOT 244 AND PART OF LOT 245, OLD CITY BLOCK 3, NEW CITY BLOCK 2013, ADDRESSED AT 212 E. ZINK STREET; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

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

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

WHEREAS, the City Council desires to grant a Special Use Permit at 212 E. Zink Street, to allow short term rental of a single-family dwelling in the “C-2” Central Business District; **now, therefore;**

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

SECTION 1

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

Lot 244 and part of Lot 245, Old City Block 3, New City Block 2013, currently

addressed at 212 E. Zink Street, as delineated in Exhibit "A".

SECTION 2

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

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan illustrated on Exhibit "B". Any significant changes to the site plan will require a revision to the SUP.
3. All standards of the Zoning Ordinance will be met.
4. The driveway and parking area shall be paved in accordance with the Zoning Ordinance. Concrete, asphalt, or alternative pavement methods approved by the City Engineer may be utilized.

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 28th day of September, 2020.

PASSED AND APPROVED: Second reading this 12th day of October, 2020.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

DREW LYON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

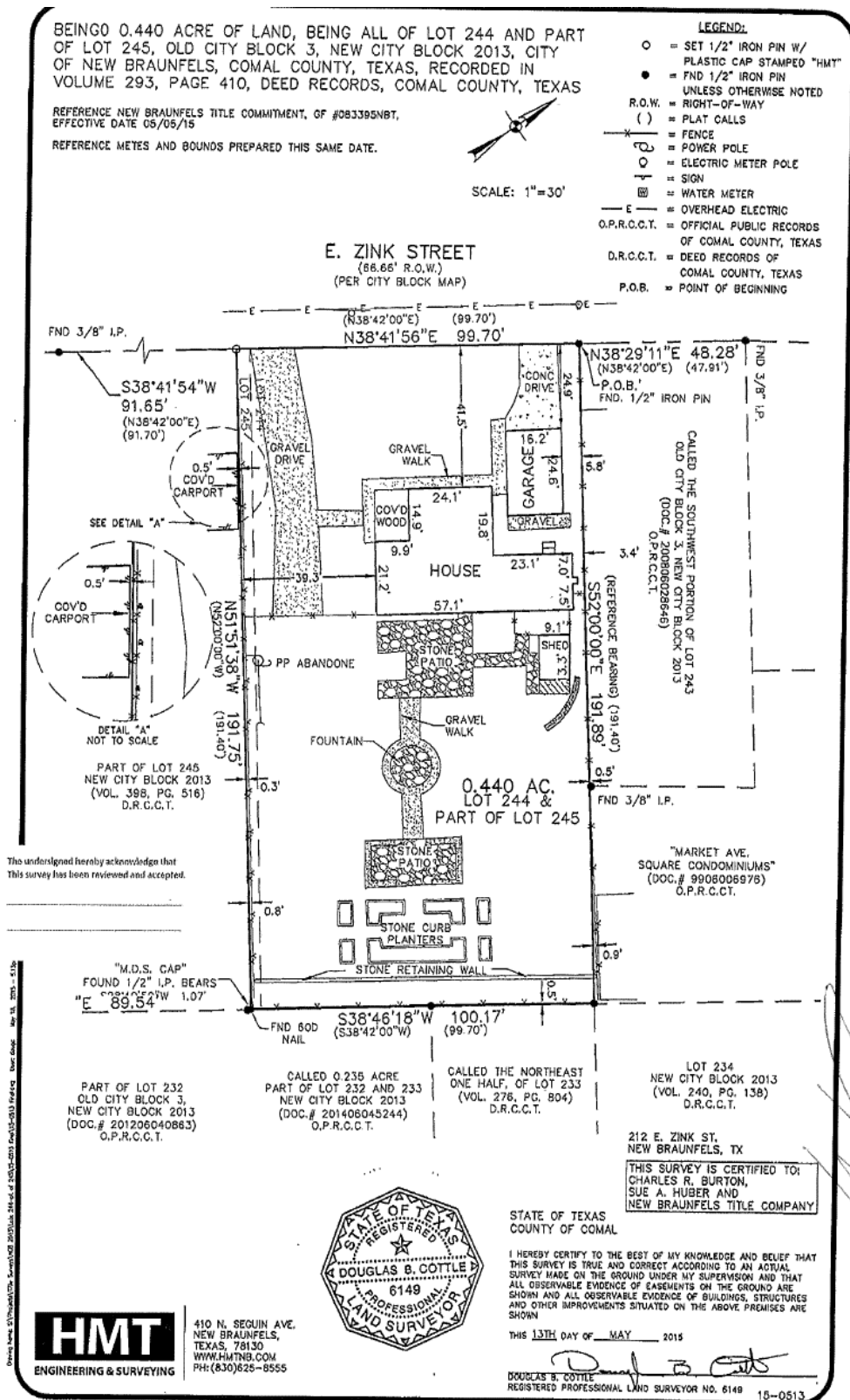
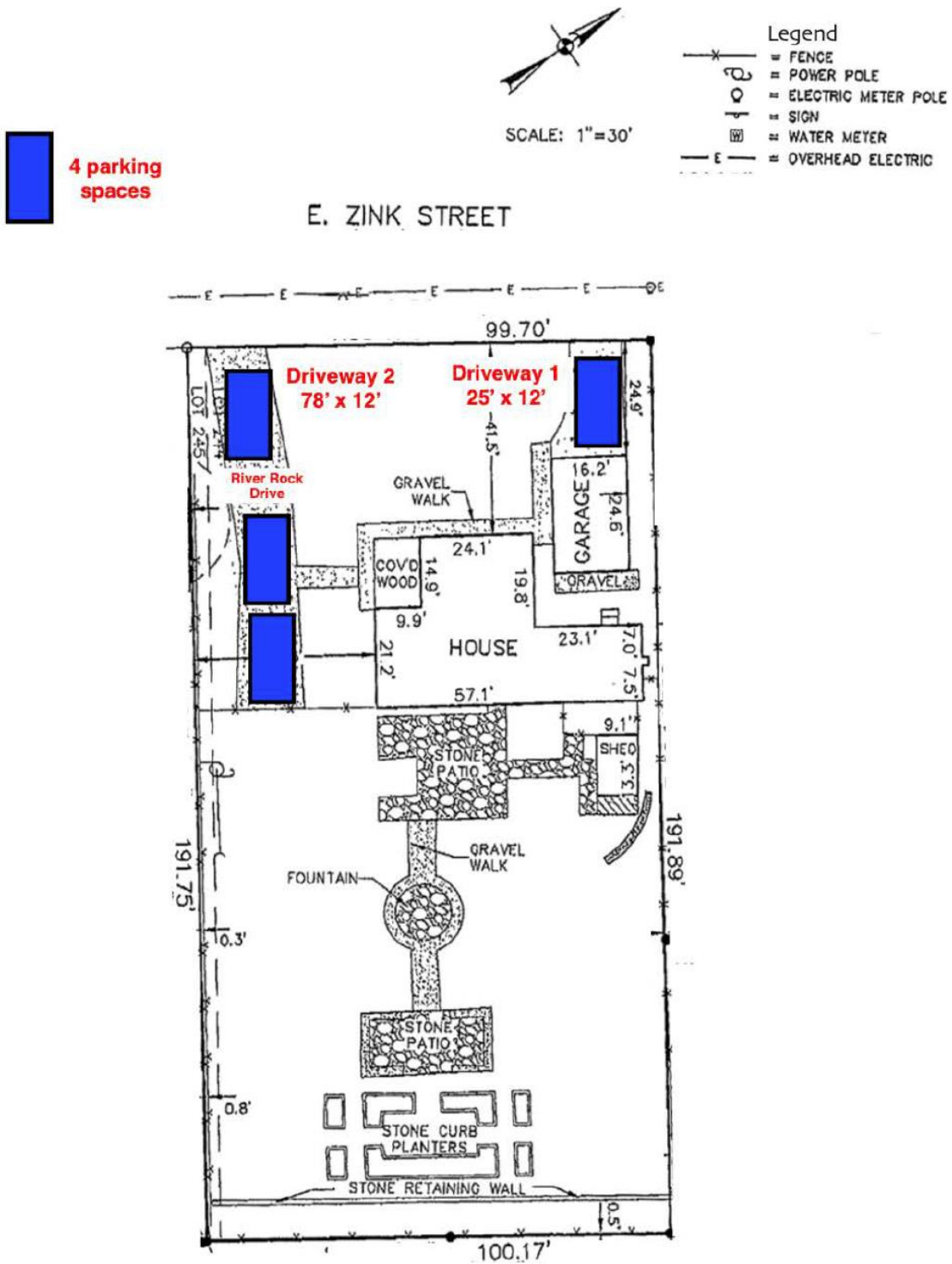


EXHIBIT "B"



City Council Agenda Item Report550 Landa Street
New Braunfels, TX**10/12/2020**

Agenda Item No. F)

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

Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow an existing residence to operate as a bed and breakfast in the R-2 Single and Two-family District on Lot 6R, City Block 5007, addressed at 522 Cross River Street.

BACKGROUND / RATIONALE:**Case No.:** SUP20-141**Council District:** 5**Applicant/Owner:** Nancy & Mark Goodin
534 Cross River Street
New Braunfels, TX 78130
(512) 626-0990
harris.nancy@gmail.com**Staff Contact:** Holly Mullins
(830) 221-4054
hmullins@nbtexas.org

City Council held a public hearing on September 28, 2020 and approved the first reading of the applicant's requested rezoning ordinance with recommended conditions, and requiring the driveway apron to be paved but allowing the remainder of the driveway to remain crushed rock/granite (6-1-0).

The subject 0.47 of an acre property is located near the intersection of Cross River Street and S. Veramendi Avenue with frontage along the Guadalupe River. There are two existing dwelling units on the property, which are allowed by the R-2 Single and Two-family residential zoning district. The applicant/owners currently reside on the property in the front unit, addressed as 534 Cross River Street.

This request for a Special Use Permit (SUP) is to allow the applicants to operate a bed and breakfast (B&B) in the rear dwelling unit (addressed as 522 Cross River Street), while continuing to reside in the front unit. B&Bs have specific standards in the Zoning Ordinance in addition to approval of an SUP, including the requirement that the facility be owner-occupied in residential zoning districts such as R-2.

The rear house contains four bedrooms and 2-1/2 bathrooms. The zoning ordinance does not regulate the number of guests in a B&B, but the applicants indicate they will limit occupancy to a maximum of ten (10) guests. The ordinance requires one off-street parking space per guest room plus one for the owner, for a total minimum of five spaces. Off-street parking on the property consists of a paved driveway with two off-street parking spaces in front of the applicants' residence, and a separate driveway with a parking area for the rear unit. The applicants state a maximum of four guest vehicles will be allowed. The driveway and parking area are adequate to accommodate four vehicles.

However, the driveway and parking area for the rear unit are currently crushed granite. The applicants are requesting a code deviation with this SUP for the parking to remain the same and not be required to be improved with concrete, asphalt or other material authorized by the off-street parking development standards.

Supplemental standards for bed and breakfasts in Section 144-5.6 include:

- a. the facility must be owner-occupied in residential zoning districts;
- b. one off-street parking space per guest room plus one for the owner;
- c. annual health and safety inspections are required;
- d. only overnight guests may be served meals, limited to a continental-type breakfast of pre-packaged food unless the facility has a commercial kitchen; and
- e. weddings, parties, and other functions are not permitted unless administratively approved by the Planning and Development Services Department.

Surrounding Zoning and Land Use:

North - Across Cross River, R-1A-6.6/ Single-family residence

South - Across Guadalupe River, R-2/ Residential care facility

East - R-1A-6.6/ Single-family residence

West - R-2/ Single-family residence

Determination Factors:

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

- Whether the permitted uses will be appropriate in the immediate area and their relationship to the area and to the City as a whole (*The site is centrally located within a short distance of Downtown, Schlitterbahn, river recreation, the Library and other attractions and amenities.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*There do not appear to be any conflicts with these elements.*);
- How other areas designated for similar development will be affected (*There should be no impact on other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*Bed and breakfast standards provide measures to protect the public health, safety, and neighboring properties*); and
- Whether the request is consistent with the Comprehensive Plan. (*See below*)

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Consistent Actions: Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.14: Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions. Future Land Use Plan: The subject property is located within the New Braunfels Sub-Area, along a Recreational River Corridor, and near an Existing Outdoor Recreation Center.
--	--

FISCAL IMPACT:

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

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on September 2, 2020 and recommended approval of the request (6-2-0, Vice Chair Laskowski and Commissioner Meyer opposed) with the following conditions:

1. Only the rear residential unit, identified on the map as 522, may be utilized for B&B sleeping accommodations.
2. In addition to the existing paved parking spaces for the owners' residence, a minimum of four (4) off-street parking spaces must be maintained for the B&B.
3. Approval of the deviation to allow the parking area to remain crushed granite with the requirement that a concrete apron be provided, the length of which is to be determined by the City Engineer. *The City Engineer subsequently determined the apron should meet the standard residential driveway apron design to be constructed of concrete from the street pavement edge to the ROW/property line.*
4. The existing residential character and appearance of the buildings, 522 and 534, must be maintained.
5. All supplemental standards for bed and breakfasts (Sec. 144-5.6) must be observed, including the requirement for owner occupancy of the property.
6. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
7. The maximum number of guests allowed will be ten (10).

STAFF RECOMMENDATION:

Approval with the following conditions:

1. Only the rear residential unit, identified on the map as 522, may be utilized for B&B sleeping accommodations.
2. In addition to the existing paved parking spaces for the owners' residence, a minimum of four (4) off-street parking spaces must be provided for the B&B in accordance with Zoning Ordinance requirements: concrete, asphalt, or alternative pavement methods approved by the City Engineer may be utilized. *In light of stormwater quality/run-off issues with pavement this close to the river, staff is also comfortable with Planning Commission's recommendation on this condition.*
3. The existing residential character and appearance of the buildings, 522 and 534, must be maintained.
4. All supplemental standards for bed and breakfasts (Sec. 144-5.6) must be observed, including the requirement for owner occupancy of the property.
5. The property will remain in compliance with the approved site plan. Any significant changes to

the site plan will require a revision to the SUP.

Notification:

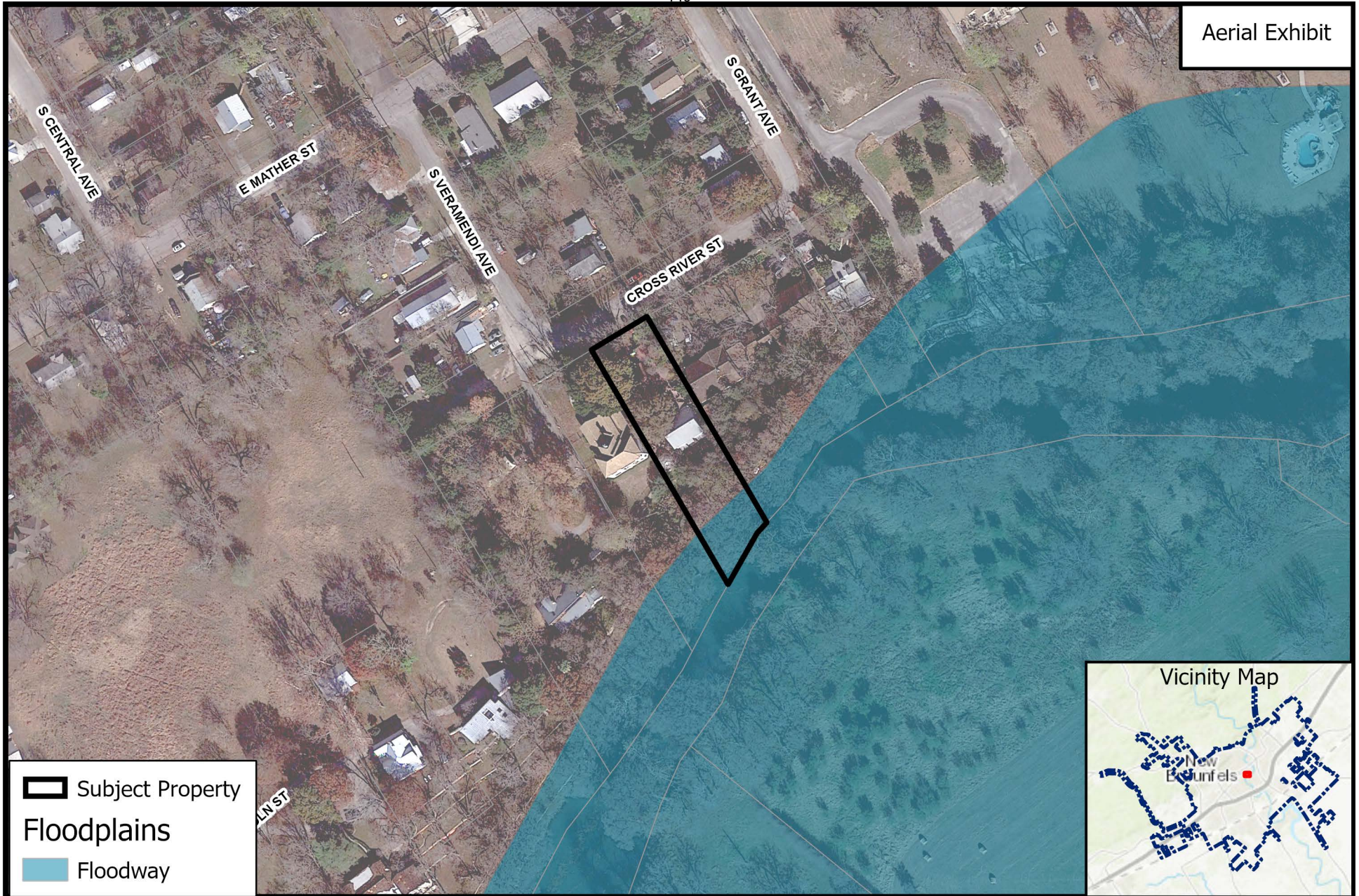
Public hearing notices were sent to 11 owners of property within 200 feet of the request. To date, the City has received four responses in favor (#2, 4, 5, 8) and one in objection (#3). Objection represents 17% of the notification area and does not require a super-majority for approval of the request.

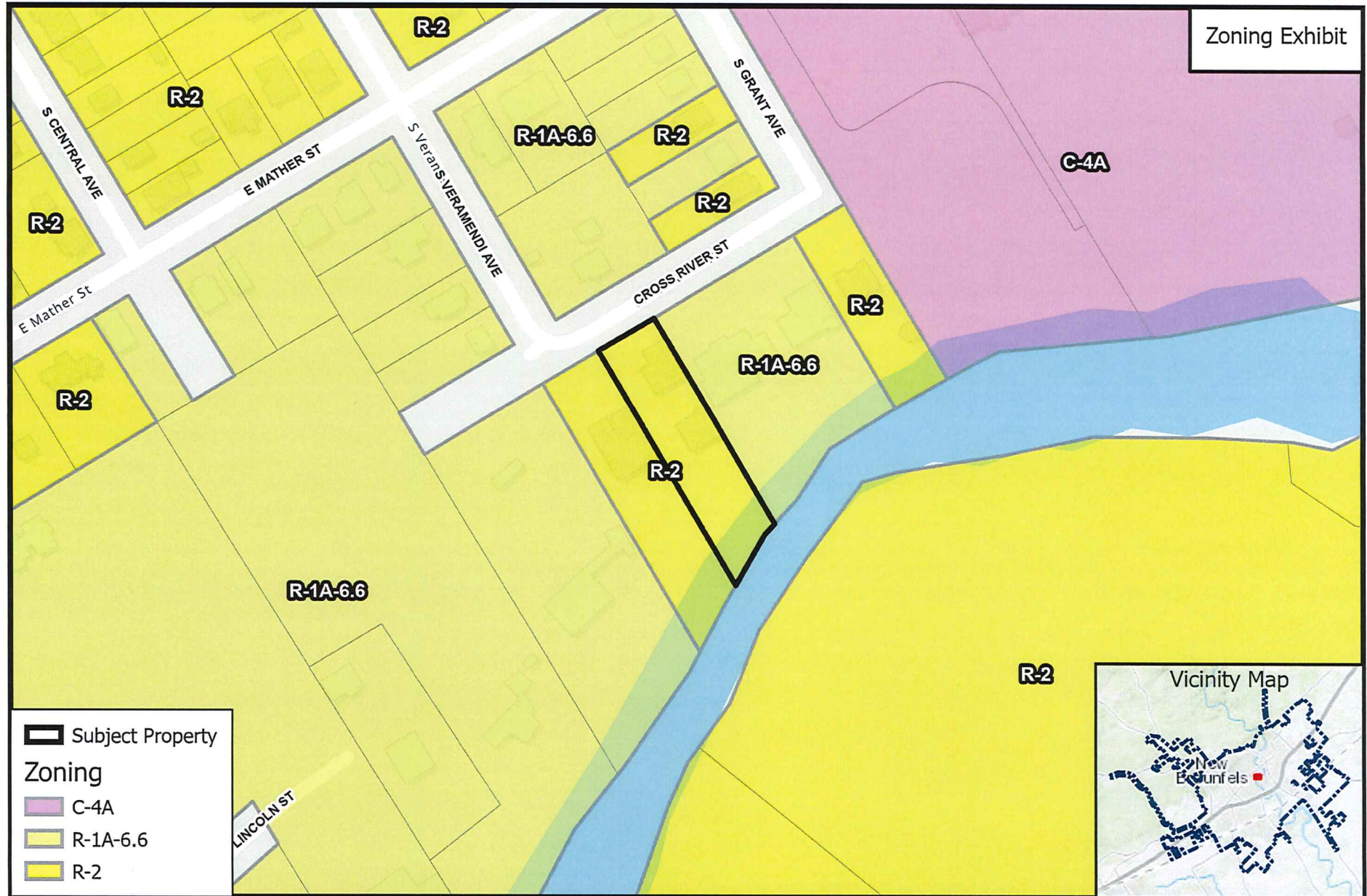
RESOURCE LINKS:

- Chapter 144, Sec. 3.6 of the City's Code of Ordinances (Special Use Permits):
[https://library.municode.com/tx/new_braunfels/codes/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, Sec. 5.6 of the City's Code of Ordinances (Bed & Breakfast Facilities):
[https://library.municode.com/tx/new_braunfels/codes/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, Future Land Use Plan)
- Applicant's Documentation, Site Plan and Floor Plan
- Notification List and Map
- Photographs
- Draft Minutes from the Planning Commission Meeting
- Residential Driveway Apron Design
- Ordinance





Existing Land Use Exhibit



SUP20-141
Special Use Permit to operate a Bed & Breakfast



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

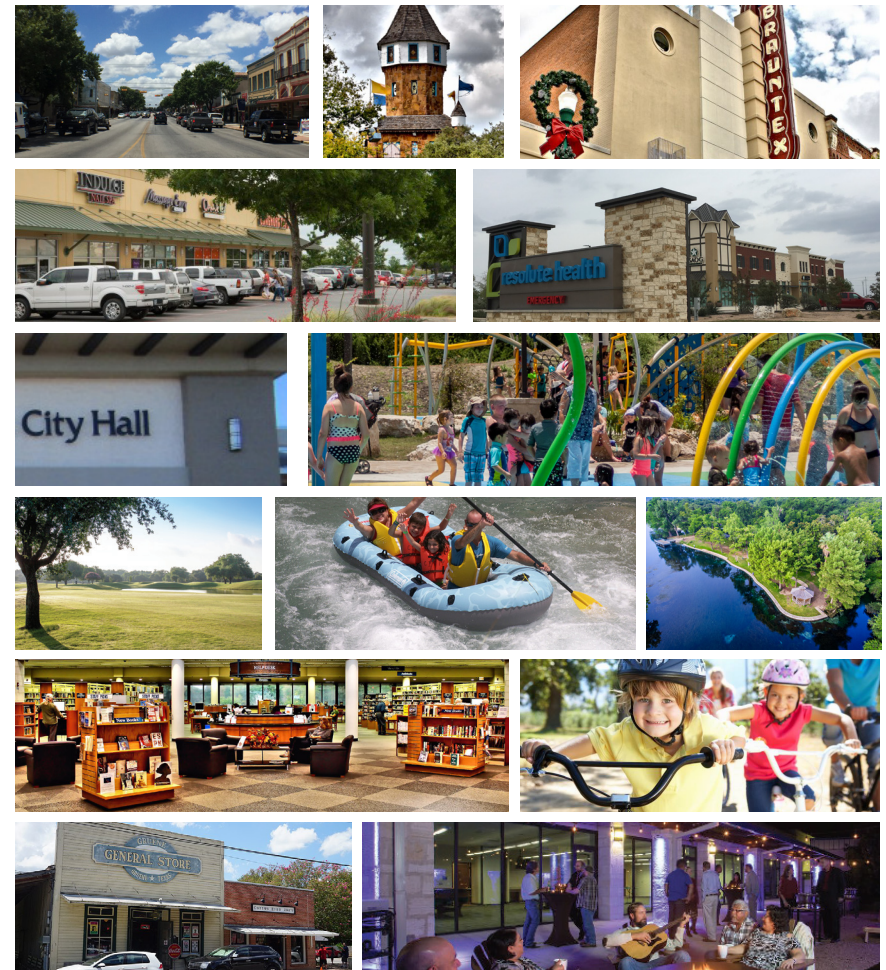
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

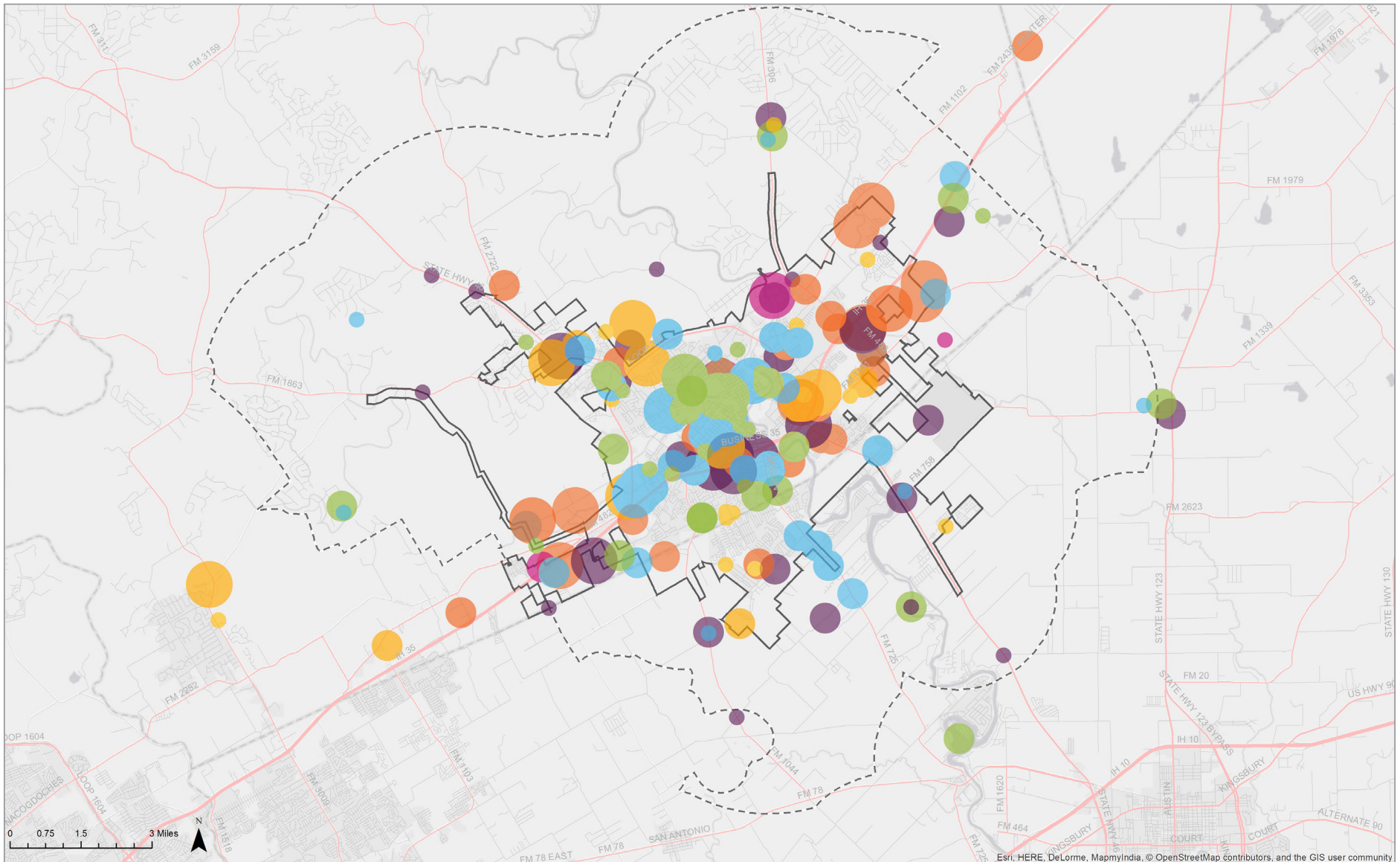
EDUCATION CENTER

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

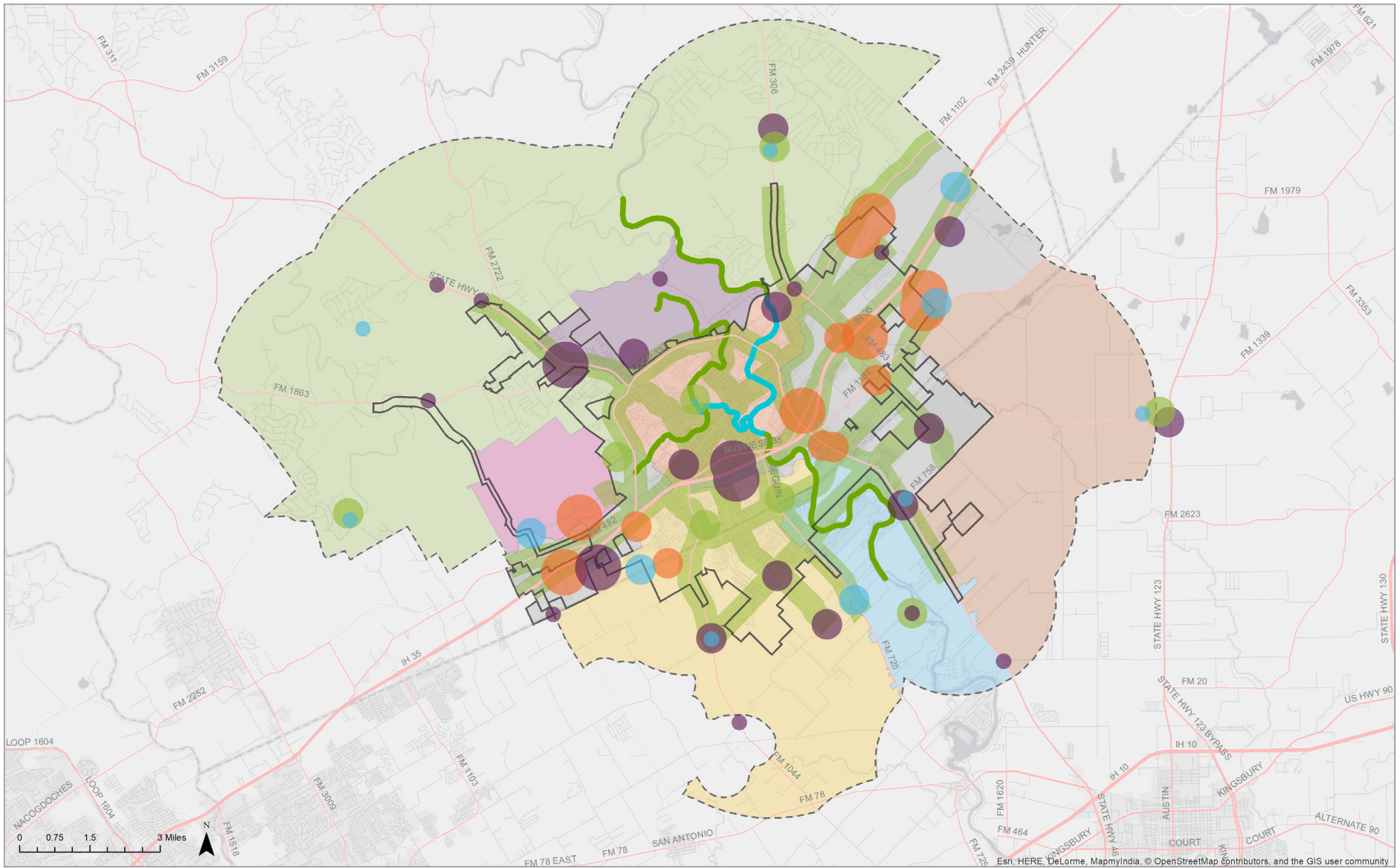
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

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](#).

APPLICATION FOR A SPECIAL USE PERMIT FOR A BED AND BREAKFAST AT 534 CROSS RIVER ST.

Dear Planning Commission,

Our nearly ½ acre R2 zoned lot has two homes on it. For purposes here, there is the "Front" home which borders the street and the "Back" Home. We reside in the Front home. We wish to have the Back home available for a bed and breakfast.

A bed and breakfast on our property is well suited to allow New Braunfels guests, tourists, vacationers, peace and privacy that so many elderly people seek. Peace and privacy is how I would describe our older, quiet neighborhood and this home fits right in.

The back home we are requesting for consideration is completely hidden from the street. You would not know it is there and cannot see it from the street. Our .473-acre lot is surrounded on both sides with solid rock walls. These walls run from the street of the front home to the back of the second home with solid limestone rock 8 feet and 5 feet high and pictures are included in this packet. To enter the property for access (ingress and egress) to the back home you must go through an 8-foot gate with an 8-foot fence on either side as seen in the attached pictures and on the survey. Again, there is no visibility from the street or for the neighbors, and the back of the home fronts the Guadalupe River. Across the river is floodplain land with no structures or inhabitants.

We enjoy this older, quiet neighborhood and we are mature aged persons, with adult children and grandchildren. We do not have any tolerance for misbehavior and respect the privacy and contentment of our neighbors. Our intent is to continue to provide this for our neighbors. Again, being present on the property, we will not tolerate misconduct or annoyances. The nature and feel of the home including the high rental amount will most likely draw the above average income guests typically being more mature. Being here and on the property, we will specifically implement the following rules for tenants:

Ten is the absolute total number of people allowed in our 4 bedroom 2- ½ bath 2500+ square foot back home. This is with a king bed in 3 bedrooms and two queen beds in the oversized 12x18 bedroom. This home is fully equipped with handicap bars in all showers/tub and by all toilets. There is a wheelchair lift on the outside stairs to the second level specifically for the disabled. We have purposely not maxed the sleeping areas with futons, or sofa sleepers or counted living areas with couches. We will only allow a maximum of 10 guests.

A total of 4 cars maximum are allowed for guests even though there is ample off-street parking on the granite driveway, our front home driveway, and off-street frontage area as seen on the attached survey for a total of 10+ vehicles. Cameras are installed on the outside parking areas and can be monitored online by us to make sure there is no parking on the street.

Outside lights and sound off by 10:00 PM

There is no outside grilling or cooking and a bar b q pit is not available.

No glass is allowed – Plastic dishwasher safe dishes will be provided.

No sign will be placed in the yard advertising a b&b.

No one under 27 can apply for the b&b.

No pets. No animals of any kind allowed.

All presumptive tenants will be required to fill out an application and list the names, and ages of attendees and a \$2000 deposit is required before leasing approval.

To facilitate this process of obtaining a Special Use Permit, Mark, my husband and I met with our surrounding neighbors (excluding one) about our desire for a bed and breakfast for the back home. The majority of our neighbors have been approving of such and have signed a document of approval of which is included in this packet. The homeowners understand and have said it makes sense with two homes on a ½ acre lot. The neighbor we have not met with is next door at 490 Cross River and this home is in the "Susan B Lambert Trust" out of a bank in Dallas. Susan Lambert's descendants/owners in the Trust have not been to the home since we moved in 7 months ago. The prior owners and our neighbors say it is highly unlikely, we will see anyone there more than 2-3 times a year.

Addressing the 3.6-3 Standards (d) Character and Integrity page 4

As previously mentioned, the 8-foot gate is the means of ingress and egress. In case of emergency, there is a gate following a paved pathway on the opposite side of the front home that is accessible. The back home has three downstairs entrances/exits. There are two sets of stairs (indoor and outdoor) for entrance/exits on the second story.

There is ample parking for 6 vehicles on the crushed granite driveway to the gate – additional parking is available in the front of the street as seen in the attached survey. Please note there is parking availability for 10+ off street vehicles but we will not allow more than four vehicles for guests.

We have a designated area with 4 refuse containers, two waste and 2 recycle stored behind a tall hedge in front as seen on the attached survey. This is not visible to resident neighbors.

Utilities are underground and been in existence for many years. The back home is all electric.

Screening and buffering is completely obtained due to the location of the second home, the extensive stone walls, plus the massive Spanish Oaks and Pecan trees and mature shrubbery that surround and insulate our property.

The yard should meet all requirements as seen on the attached survey.

The home is standard height for a two story with interior ceiling heights of 9" feet.

Hours of operation outside - consist of exterior lights and all exterior sound off at 10PM.

N/A paving of street, alleys. Pathways are included on the survey outlined in red.

Drainage was determined long before we purchased the property. And to date neither the front nor back home has ever flooded, even during the 1993 flood.

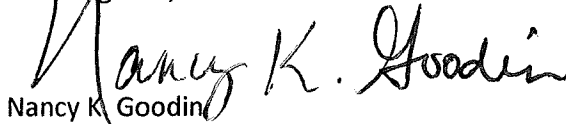
The exterior construction is hardie plank.

Roadway adjustments do not apply.

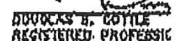
I have included several black and white pictures of some of the areas discussed in this application including a signed memorandum from our surrounding neighbors that approve of our bed and breakfast.

In closing, please understand that we do not wish to rent our back home 24-7/365 days a year. We recognize that we could lease it out for long term, but then we would not be able to enjoy it with our family and friends in our current retirement. Profit is not our main goal. We do wish however to legally share this beautiful area for a few paying guests who appreciate New Braunfels and its charm as much as we do. We commit to making this a healthy, safe, sound mitigated environment for our neighbors and guests.

Best regards,

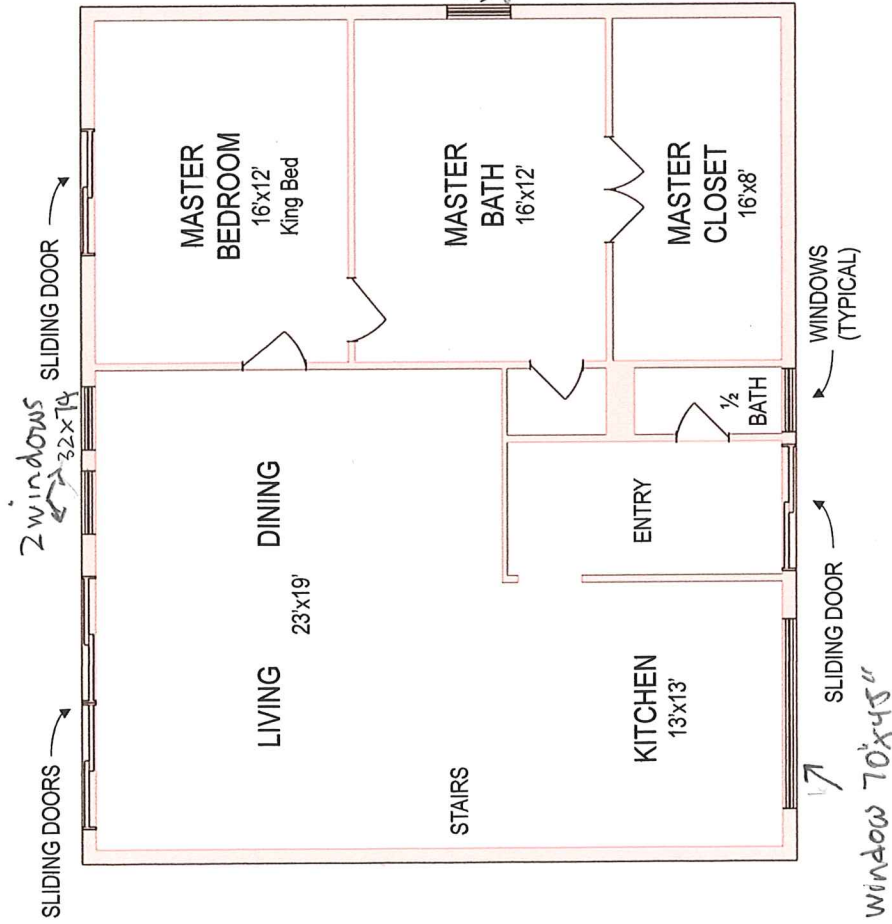
A handwritten signature in black ink that reads "Nancy K. Goodin". The signature is written in a cursive style with a large, stylized "N" and "G".

Nancy K. Goodin
534 Cross River St
New Braunfels, TX 78130

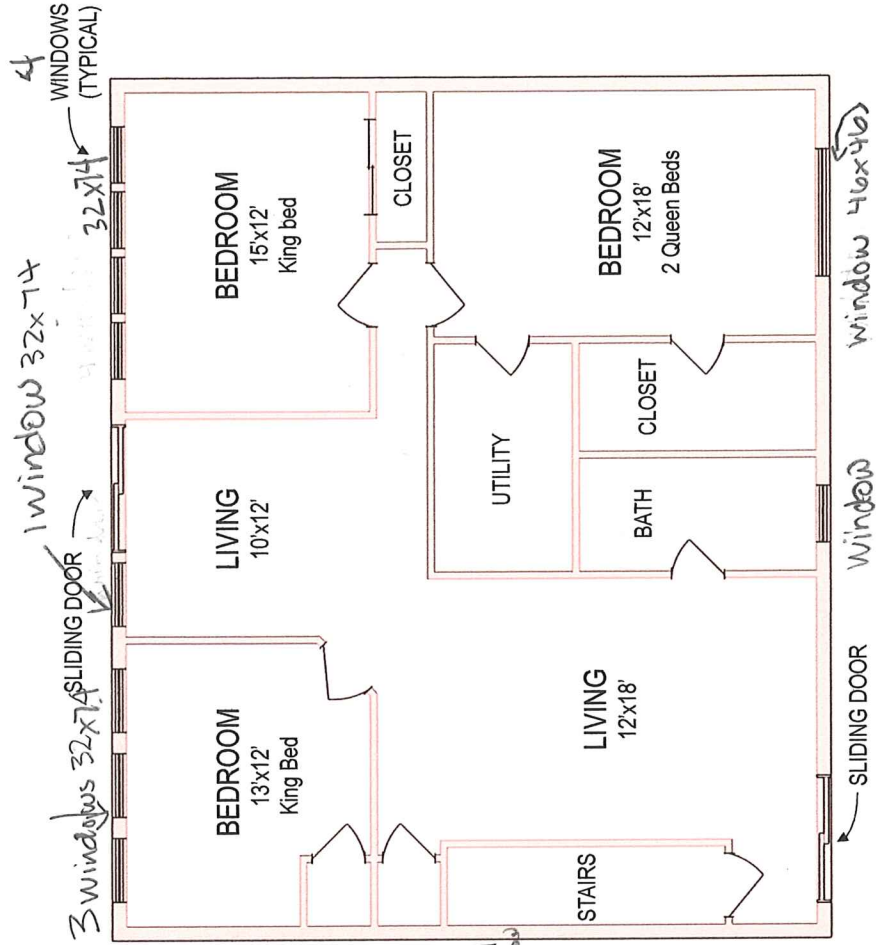


#3 Floorplan

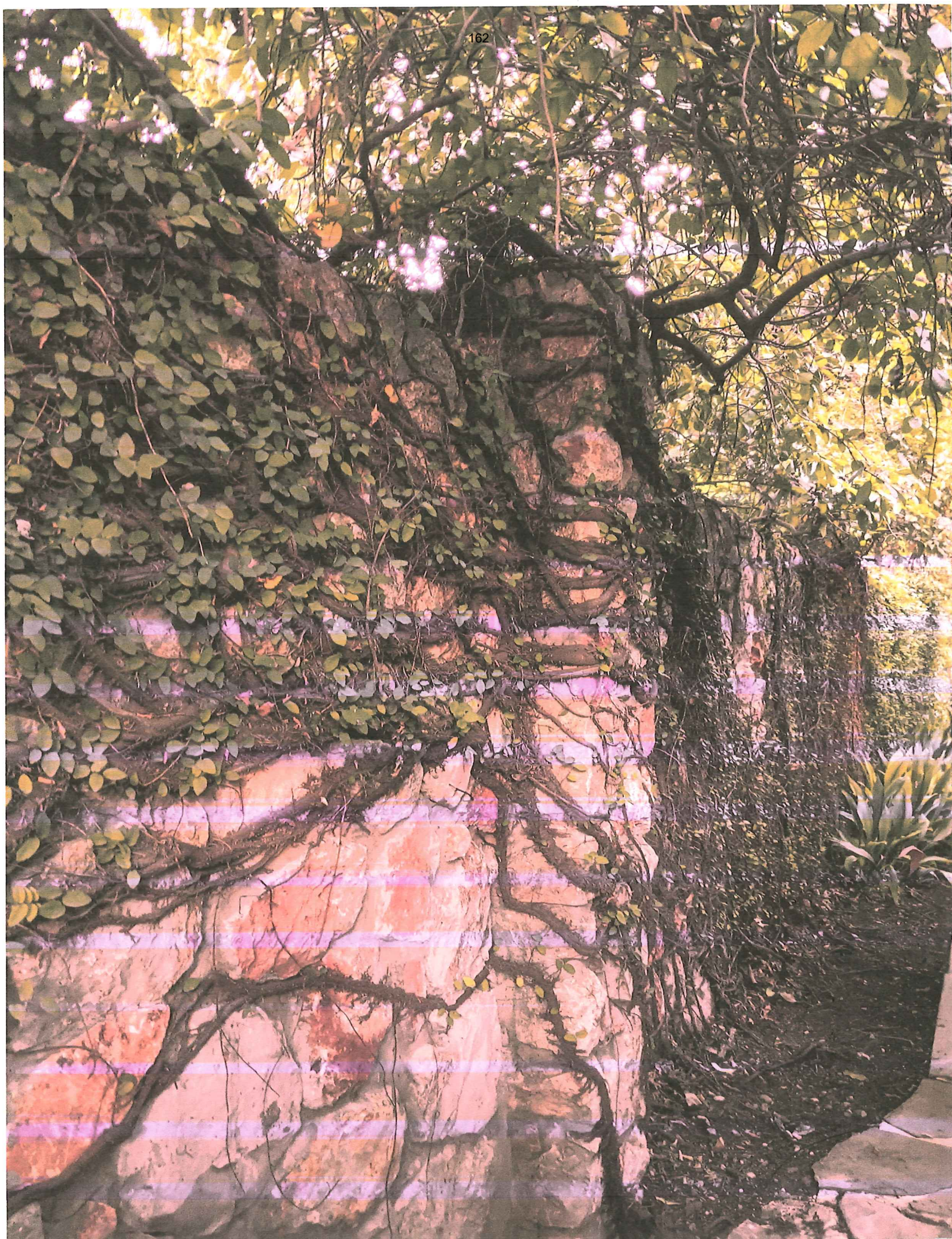
FIRST FLOOR



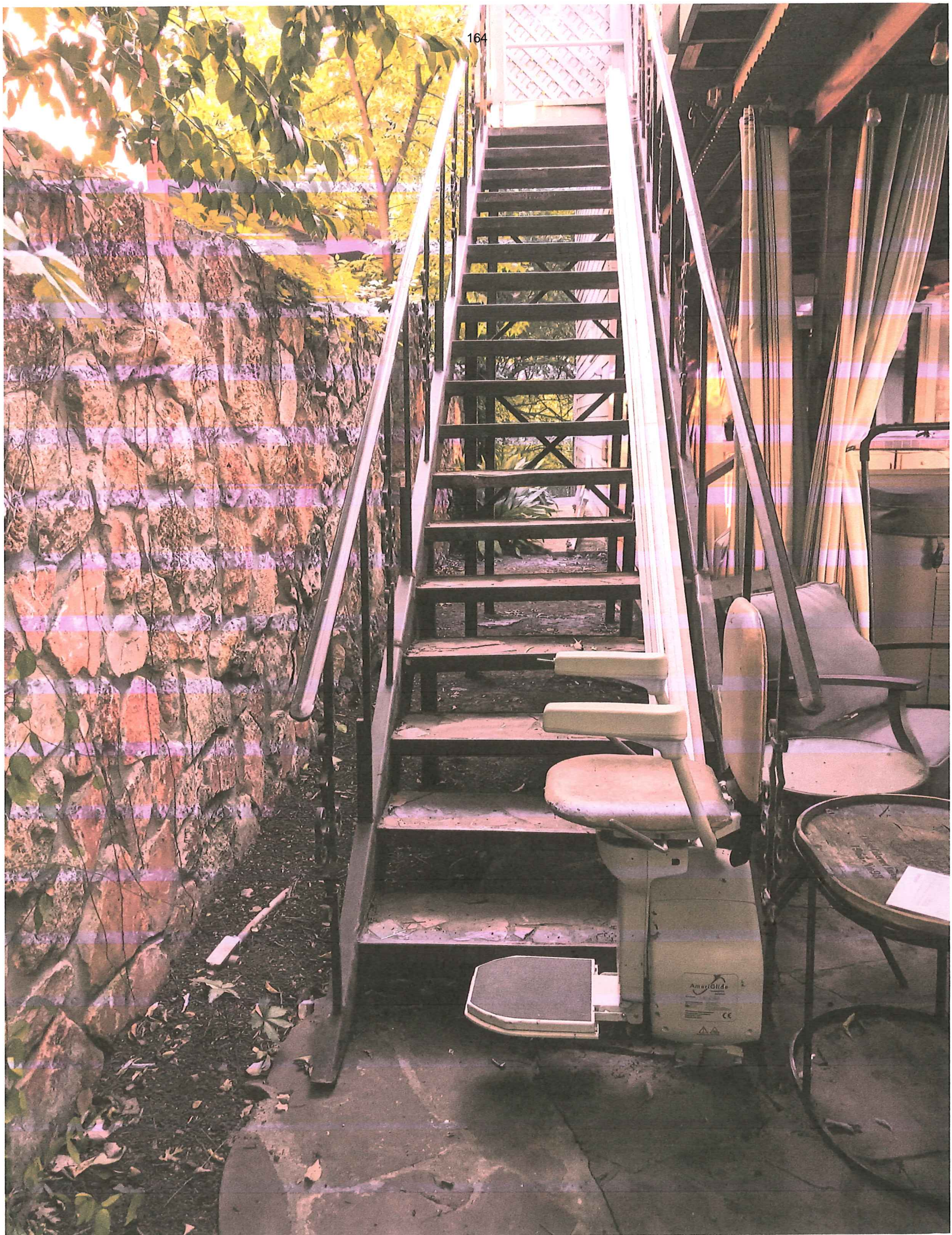
SECOND FLOOR











#3 page 1

To: Planning Commission:

The following properties are located either directly next door, across the street or nearby and do not oppose the bed and breakfast for the back home as Nancy K. Goodin has described.

Name: Jodie Cedillo

Signature: Jodie Cedillo

Address: 590 Cross River

Date: 7/25/2020

Name: Frank Zehn

Signature: FRANK ZEHNER

Address: 550 Cross River
New Braunfels, TX 78130

Date: 7/25/2020

Name: Manuel Silva
590 50 Grant

Signature: Manuel Silva

Address:

Date: 7/25/2020

Name: Laurie Steves

Signature: Laurie Steves

Address: 527 Cross River St

Date: 7/24/2020

Name:

Signature:

Address:

Date:

Name:

Gilbert Gonzales

Signature:

GILBERT GONZALES

Address:

598 S. Veramendi

Date:

26 July 2020

Name:

Signature:

Address:

Date:

Name:

Signature:

Address:

Date:



Kay Harris <kaye.harris@gmail.com>

signatures of neighbors.

Kristen Nemier <kristen.nemier@yahoo.com>

Mon, Jul 27, 2020 at 12:07 PM

To: Kay Harris <kaye.harris@gmail.com>

Good afternoon,

To whom it may concern:

I Kristen Nemier neighbor located at 572 S. Veramendi do not oppose Nancy K. Goodin from utilizing her home as a bed and breakfast.

Regards,

K. Nemier
210-857-5359

[Quoted text hidden]

PLANNING COMMISSION – SEPTEMBER 2ND, 2020– 6:00PM

Zoom Webinar

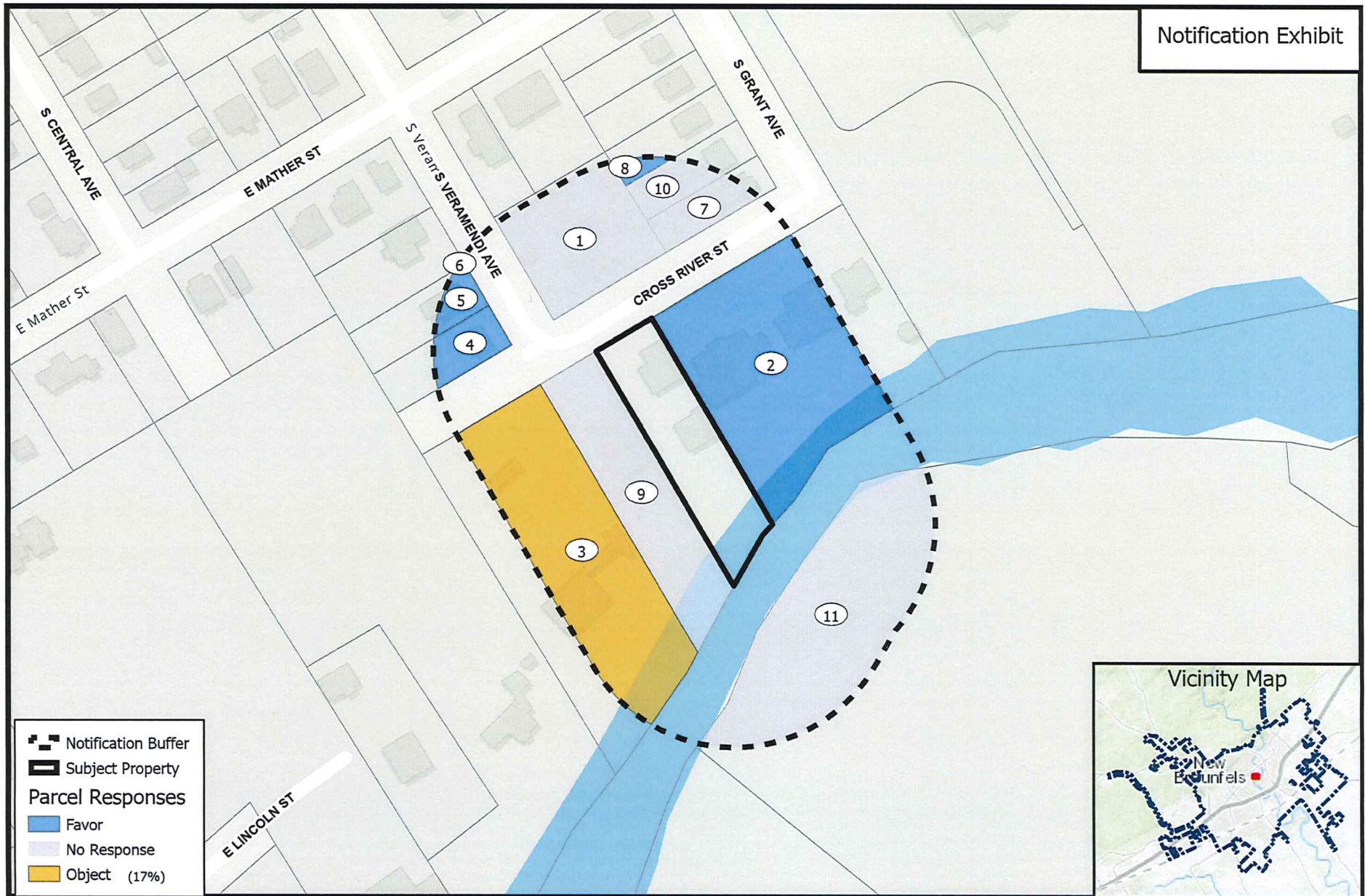
Applicant/Owner: Nancy & Mark Goodwin**Address/Location:** 534 Cross River Street**PROPOSED SPECIAL USE PERMIT – CASE #SUP20-141**

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. STEVES LAURIE M | 7. SILVA MARIA I |
| 2. ZEHNER FRANK C & NORA E | 8. GRIFFEY BIOMEDICAL CONSULTING LLC |
| 3. CLARKE EVELYN | 9. LAMBERT SUSAN K FAMILY TRUST |
| 4. GONZALES GILBERT & ELVIRA | 10. FUENTES JOSE CRUZ |
| 5. NEMIER KRISTEN I | 11. SERAPHIM PARTNERS LTD |
| 6. NULL | |

SEE NOTIFICATION MAP

Notification Exhibit



SUP20-141 **Goodin B&B**



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-141 (534 Cross River)

Name: Michele GriffeyAddress: 540 S. Grant Ave.Property number on map: 8

Comments: (Use additional sheets if necessary)

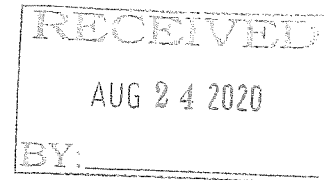
I'm fine w/ an Airbnb or bed + breakfastSignature: Michele GriffeyI favor: ☒I object: _____
(State reason for objection)

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-141 (534 Cross River)

Name: GILBERT & ELVIRA GONZALESAddress: 598 S. VERAMENDI AVE.Property number on map: 4

Comments: (Use additional sheets if necessary)

Signature: Gilbert GonzalesI favor: ☒I object: _____
(State reason for objection)

YOUR OPINION MATTERS - DETACH AND RETURN

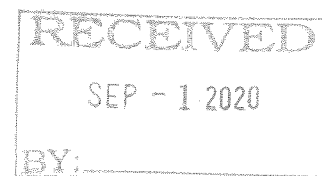
Case: #SUP20-141 (534 Cross River)

Name: Evelyn ClarkeAddress: 450 Cross River St.Property number on map: # 3

Comments: (Use additional sheets if necessary)

This is residential areaSignature: Evelyn Faye Clarke

I favor: _____

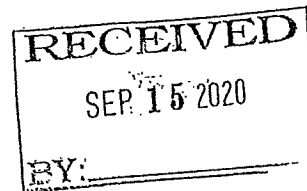
I object: Noise travels
(State reason for objection)
on river

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-141 (534 Cross River)

Name: FRANK + NORA ZEHNERAddress: 530 CROSS RIVER ST.Property number on map: 2

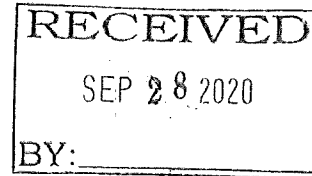
Comments: (Use additional sheets if necessary)

I favor: ☒I object: _____
(State reason for objection)Signature: Frank C. Zehner

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-141 (534 Cross River) *HM*Name: KRISTEN NEMIERAddress: 572 S. VespermenchiProperty number on map: 5

Comments: (Use additional sheets if necessary)

I favor: ☒I object: _____
(State reason for objection)Signature: K. Nemier



Owners' house with paved parking



Crushed granite guest parking

Draft Minutes for the September 2nd, 2020 Planning Commission Regular Meeting

B) SUP20-0141 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow an existing residence to operate as a bed and breakfast in the R-2 Single and Two-family district on Lot 6R, City Block 5007, addressed at 522/534 Cross River Street. Applicant/Owner: Nancy & Mark Goodin; Case Manager: Holly Mullins.

Ms. Mullins presented. Staff recommended approval with 5 conditions including the paving of the drive to the proposed bed and breakfast to maintain compliance with ordinance standards.

Ms. Mullins stated the applicant plans to limit occupancy to 10 occupants.

Commissioner Meyer stated he has had conversations with staff regarding the code deviation and asked why the applicant had not put the request to maintain the gravel driveway in writing.

Chair Edwards asked if there were any questions for staff.

Commissioner Reaves asked what the difference between a waiver and code deviation is.

Ms. Mullins stated waivers refer to deviations from code requirements only in the platting ordinance, and code deviation is the term used in the zoning ordinance associated with special use permits where deviations from city codes is authorized as part of the approval process.

Chair Edwards asked if the applicant would like to speak.

Nancy & Mark Goodin, 534 Cross River, stated the driveway request for a gravel driveway is due to the property's location near the river, and to accommodate the large oaks in the lot.

Mrs. Goodin addressed the opposition from property 3 due to noise on the river by stating they plan to limit the occupancy to 10 people and will have rules to regulate noise and any disruptive behavior on their property. Mr. Goodin stated they obtained 6 signatures from properties within 200 feet of the property in support of the request.

Commissioner Reaves asked what the material of the existing paved driveway is. Mr. Goodin stated it is asphalt.

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

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Vice Chair Laskowski, to approve the proposed rezoning to apply a Special Use Permit to allow an existing residence to operate as a bed and breakfast in the R-2 Single and Two-family district on Lot 6R, City Block 5007, addressed at 522/534 Cross River Street with staff recommendations and maximum of 10 occupants.

Discussion followed regarding the motion.

Motion by Commissioner Reaves, seconded by Commissioner Tubb, to amend the original motion to require a paved apron on the existing gravel driveway as determined by the City Engineer.

Discussion followed on the motion for the amendment.

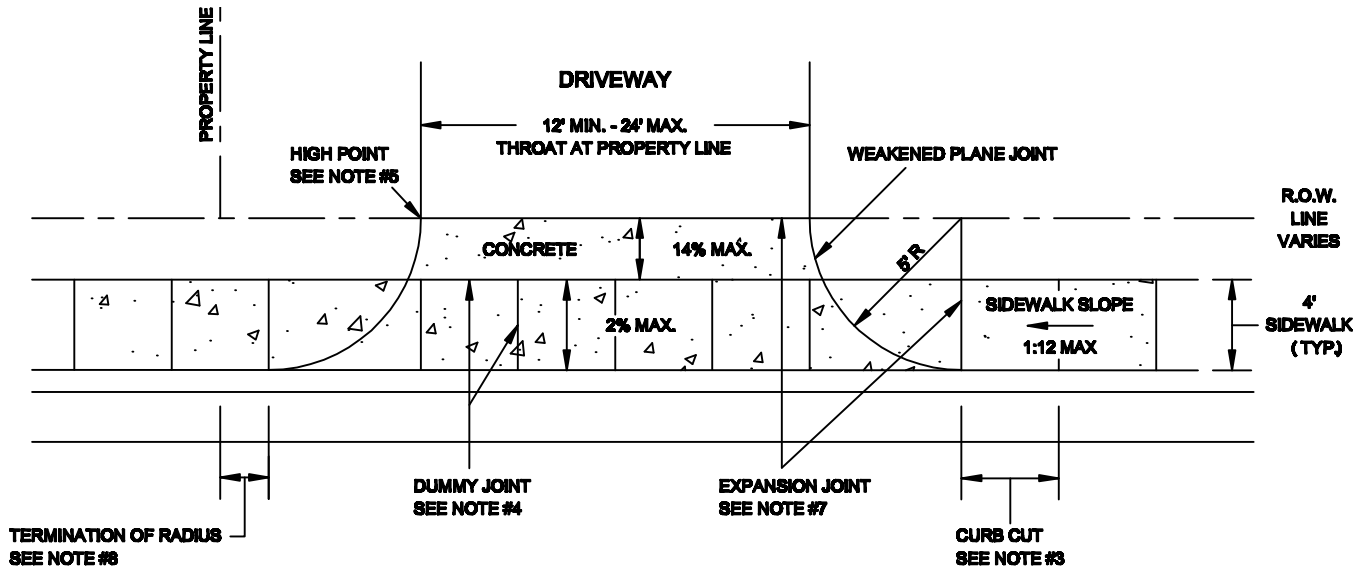
Motion for the amendment carried (6-2-0) with Vice Chair Laskowski and Commissioner Meyer opposed.

Motion carried (6-2-0) with Vice Chair Laskowski and Commissioner Meyer opposed.

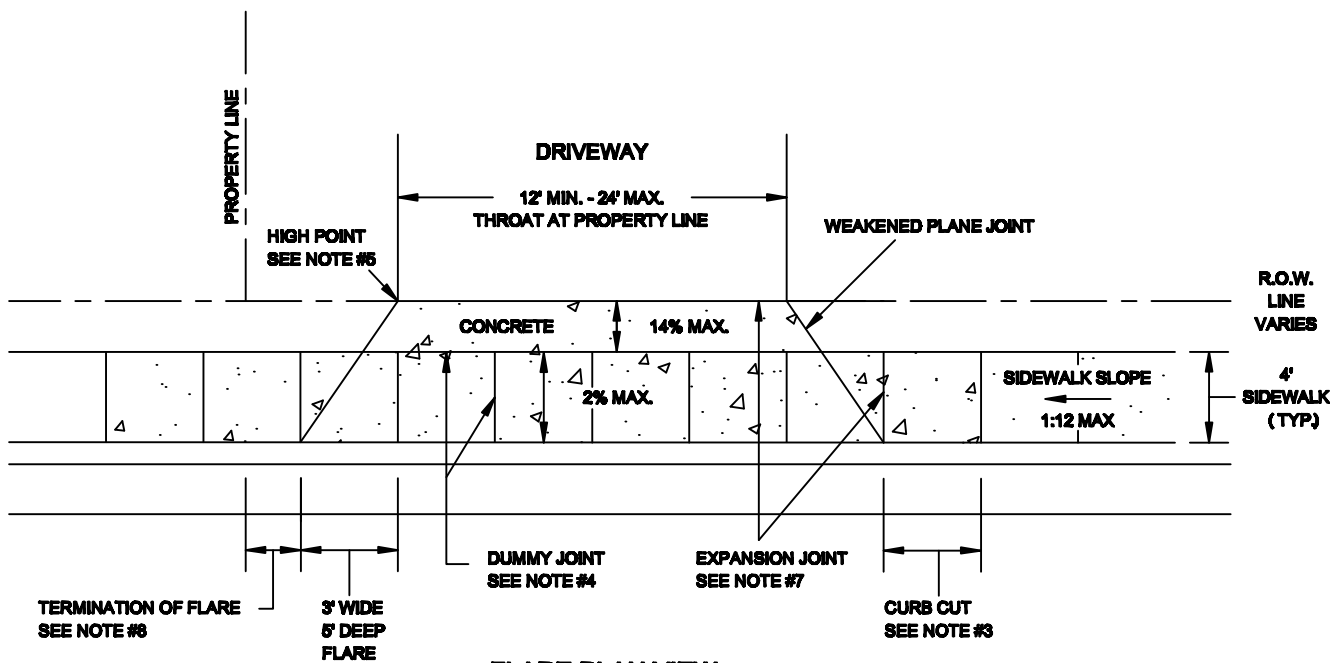
Chair Edwards read the amended motion, to approve the proposed rezoning to apply a Special Use Permit to allow an existing residence to operate as a bed and breakfast in the R-2 Single and Two-family district on Lot 6R, City Block 5007, addressed at 522/534 Cross River Street with staff recommendations, a

maximum of 10 occupants and the requirement that a paved driveway apron be added to the existing gravel driveway as determined by the City Engineer.

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**DRIVEWAY APRON
(RESIDENTIAL - RADIAL/FLARED)**



RADIUS PLAN VIEW



FLARE PLAN VIEW

DATE APPROVED: 7/08 DWG. NO: ST-014.1 SCALE: N.T.S.

DRAWN BY: RAS SHEET: 1 OF 2

FILENAME: DRIVEWAY (Residential - Radial/Flared)

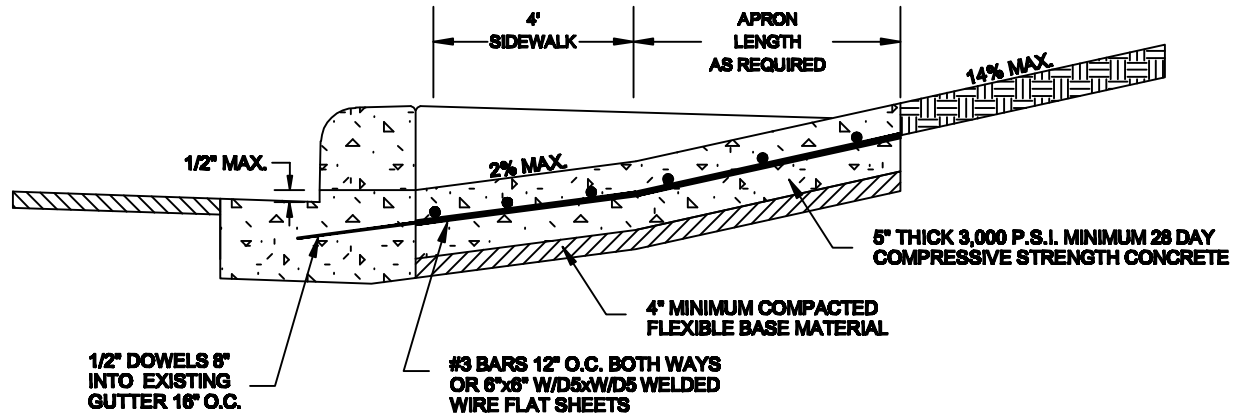
P:\CURRENT NEW BRAUNFELS DETAILS\2008\



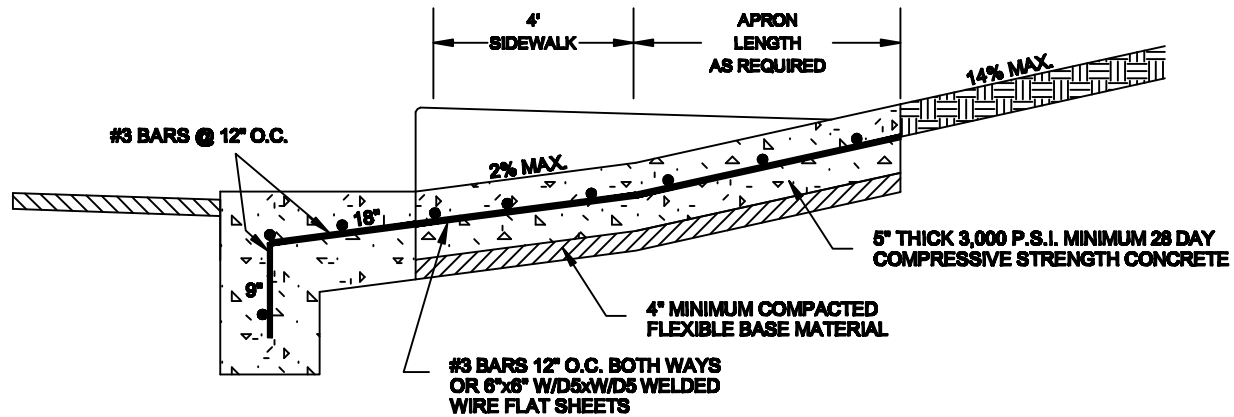
**ENGINEERING
DEPARTMENT**

177

DRIVEWAY APRON (ONE OR TWO FAMILY RESIDENTIAL)



STRUCTURAL SECTION



NO EXISTING CURB STRUCTURAL SECTION

NOTES:

1. WHERE GUTTER DOES NOT EXIST DRIVEWAY APRON SHALL EXTEND TO EDGE OF ASPHALT AND SHALL HAVE A MINIMUM 6" WIDE 1' DEEP GRADE BEAM MONOLITHIC AND REINFORCED SIMILAR TO APRON.
2. PLACEMENT OF SIDEWALK SHOWN IS TYPICAL; HOWEVER, ALTERNATIVE SIDEWALK PLACEMENT COMMON TO DRIVEWAY APRON WILL BE CONSIDERED PROVIDED CROSS SLOPE OF SIDEWALK IS NO GREATER THAN 2%.
3. CURB CUT LENGTH NO GREATER THAN AS REQUIRED TO MATCH SLOPE OF ADJACENT SIDEWALK.
4. DUMMY JOINTS TO BE PROVIDED AT MINIMUM 4-FT. INTERVALS PERPENDICULAR TO THE CURB LINE WITHIN THE SIDEWALK AREA AND PARALLEL TO THE SIDEWALK AREA.
5. PROVIDE A MINIMUM 7" HIGH POINT. HIGH POINT HEIGHT SHALL BE MEASURED FROM THE GUTTER FLOW LINE TO THE DRIVEWAY APRON. NOTE HIGH POINT MAY OCCUR OUTSIDE OF ROW.
6. DRIVEWAY THROAT TRANSITION MAY OCCUR OUTSIDE OF ROW.
7. PROVIDE EXPANSION JOINTS AT ALL SIDEWALK AND DRIVEWAY THROAT JOINTS. EXPANSION JOINTS SHALL BE PLACED USING 1/2" ASPHALTIC MATERIAL WITH 1/2" DOWELS 16" O.C.
8. THE TANGENT POINT OF THE DRIVEWAY CURB RETURN AT THE PUBLIC ROADWAY LINE OR FLARE SHALL BE A MINIMUM DISTANCE OF 1' OFF THE PROPERTY PROJECTED PERPENDICULAR TO THE STREET CENTERLINE, EXCEPT SINGLE FAMILY OR ZERO LOT LINE LOTS. ON SINGLE FAMILY ZERO LOT LINE LOTS WHERE THE DRIVE IS ON THE ZERO LOT LINE, THE TANGENT POINT OR FLARE SHALL BE NO GREATER THAN 3' BEYOND THE ADJOINING PROPERTY LINE PROJECTED PERPENDICULAR TO THE STREET CENTERLINE.
9. ALL SIDEWALK AND DRIVEWAY CONSTRUCTION SHALL MEET A.D.A. SPECIFICATIONS.

DATE APPROVED: 7/08

DWG. NO: ST-014.2

SCALE: N.T.S.

DRAWN BY: RAS

SHEET: 2 OF 2

FILENAME: DRIVEWAY (Residential - Radial/Flared)

P:\CURRENT NEW BRAUNFELS DETAILS\2008\



**ENGINEERING
DEPARTMENT**

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW AN EXISTING RESIDENCE TO OPERATE AS A BED AND BREAKFAST IN THE “R-2” SINGLE AND TWO-FAMILY DISTRICT ON LOT 6R, CITY BLOCK 5007, ADDRESSED AT 522 CROSS RIVER STREET; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

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

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

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit at 522 Cross River Street, to allow an existing residence to operate as a bed and breakfast facility in the “R-2” Single and Two-family District; **now, therefore;**

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

SECTION 1

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

Being Lot 6R City Block 5007, addressed at 522 Cross River Street, as depicted in Exhibit "A" attached, to allow a bed and breakfast in the "R-2" Single and Two-family District.

SECTION 2

THAT the Special Use Permit be subject to the following conditions:

1. Only the rear residential unit, identified as 522 on Exhibit "A", may be utilized for B&B sleeping accommodations.
2. In addition to the existing paved parking spaces for the owners' residence, a minimum of four (4) off-street parking spaces must be provided for the B&B. The parking area may remain crushed rock/granite; however, a concrete apron, meeting the City's standard design, must be provided.
3. The residential character and appearance of the buildings, 522 and 534, must be maintained.
4. All supplemental standards for bed and breakfasts listed in Exhibit "B" (Section 144-5.6 of the Zoning Ordinance) must be observed, including the requirement for owner occupancy of the property.
5. The property will remain in compliance with the approved site plan illustrated on Exhibit "C". Any significant changes to the site plan will require a revision to the SUP.
6. Occupancy of the bed and breakfast is limited to ten (10) occupants.

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 28th day of September, 2020.

PASSED AND APPROVED: Second reading this 12th day of October, 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



SUP20-141
Bed & Breakfast
522 Cross River Street

EXHIBIT "A"

EXHIBIT “B”

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

5.6. *Bed and breakfast facilities.*

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

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

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

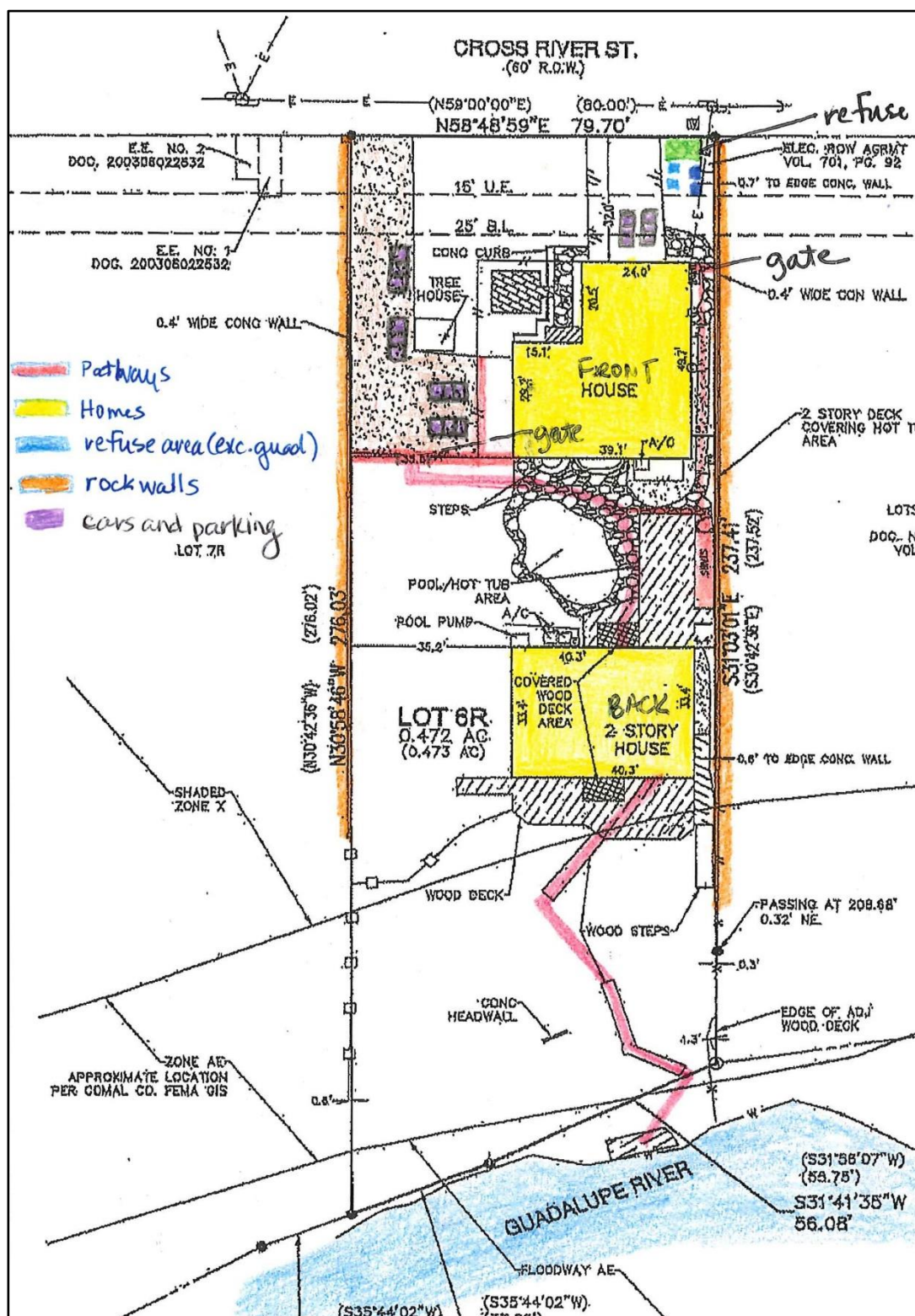
5.6-4 *Length of stay.* The maximum length of stay for each guest shall be limited to 14 consecutive days within any thirty day time period.

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

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

5.6-7 *Health factors:*

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



City Council Agenda Item Report**10/12/2020**

Agenda Item No. G)

Presenter/Contact

Dawn Schriewer, NBU Chief Financial Officer
(830) 629-8468 - dschriewer@nbutexas.com

SUBJECT:

Public Hearing and Approval of the First Reading of an Ordinance (i) Amending Chapter 130, Article IV, Section 130-167 of the Code Of Ordinances of the City of New Braunfels Relating to Water Rates and Charges for Fiscal Year 2021; and (ii) Providing for Automatic Upward Adjustments of Water Rates and Charges for Fiscal Year 2022 and Fiscal Year 2023

BACKGROUND / RATIONALE:

NBU staff is proposing water rate changes designed to fund its FY 2021 budget. In June 2020, the NBU Board of Trustees approved the NBU Budget for FY 2021 which provides the basis and rationale for a water rate adjustment effective November 1, 2020. The NBU Board approved the rate increase and structure at its September 24, 2020 meeting.

NBU's twenty-year water infrastructure and water supply strategies are identified in NBU's Master Plan and Water Resources Plan respectively. The proposed rates will provide the revenue needed to make these investments while placing the majority of costs for water on high volume water users. The rates are also designed to achieve NBU's goal of lowering its gallons per capita per day (gpcd) usage from 168 to 120. Throughout the process of designing rates, NBU has been careful to protect those customers who only use water for domestic purposes including drinking, bathing and preparing food.

The proposed FY 2021 water rate design includes (i) a base rate increase for FY 2021 of 7.0%, (ii) an annual upward adjustment of base rates for FY 2022 and FY 2023 of 8.0%, and (iii) an increase to the water supply fee from \$0.33 per thousand gallons to \$1.05 per thousand gallons, with the exclusion of the water supply fee from the first usage block for residential customers. In addition, the proposed FY 2021 water rate design includes the implementation of a discount program for low income customers.

The presentation, proposed rates, updated ordinance, and board resolution are attached. The second reading of the proposed ordinance is scheduled for October 26, 2020, and, if approved, the proposed rates become effective on November 1, 2020.

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

<input type="checkbox"/>	N/A	City Plan/Council Priority:	
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The New Braunfels Utilities Board of Trustees adopted a resolution on September 24, 2020 recommending the proposed amendments to the water rate Ordinance.

STAFF RECOMMENDATION:

NBU Staff recommends approval of the ordinance.

ATTACHMENTS:

1. Ordinance
2. Proposed Water Rate Tables
3. NBU Board Resolution - Water
4. Water and Sewer Rate Presentation

A RESOLUTION BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES APPROVING PROPOSED AMENDMENTS TO CHAPTER 130, ARTICLE IV, SECTION 130-167 OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS (I) ADJUSTING WATER RATES AND CHARGES FOR FISCAL YEAR 2021; (II) PROVIDING FOR UPWARD ADJUSTMENTS OF WATER RATES AND CHARGES FOR FISCAL YEAR 2022 AND FISCAL YEAR 2023; AND (III) AUTHORIZING PRESENTATION OF SAME TO THE CITY COUNCIL OF NEW BRAUNFELS FOR ITS CONSIDERATION AND PASSAGE

WHEREAS, the City Council of the City of New Braunfels (the “City Council”) has established an ordinance containing the rules, regulations, and policies and rate provisions affecting the New Braunfels Utilities water systems and its furnishing of services, fixing rates, deposits and providing for collection procedures and for the operations of said systems, and said ordinances have been codified in Chapter 130, Article IV, Code of Ordinances of the City;

WHEREAS, the Board of Trustees of New Braunfels Utilities is of the opinion that it is now necessary and advisable that Chapter 130, Article IV, Section 130-167 of the Code of Ordinances relating to water rates and charges be amended for fiscal year 2021, fiscal year 2022, and fiscal year 2023; and

WHEREAS, the Board of Trustees has reviewed the proposed amendments and is of the opinion that the same should be approved and submitted to the City Council for its consideration and passage.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES THAT:

SECTION 1. The Board of Trustees hereby approves the proposed amendments to Chapter 130, Article IV, Section 130-167 of the Code of Ordinances of the City of New Braunfels as set forth in attached Exhibit A to (i) adjust water rates and charges beginning November 1, 2020, as specified therein and (ii) upwardly adjust water rates and charges effective on the dates and in the amounts indicated below, excluding those covered by contract, with no further action by the City Council of New Braunfels, Texas or by New Braunfels Utilities:

Effective Date	Rate Adjustment
August 1, 2021	eight percent (8%) upward adjustment of the rates in effect on July 31, 2021
August 1, 2022	eight percent (8%) upward adjustment of the rates in effect on July 31, 2022

SECTION 2. The Board of Trustees hereby recommends approval of such amendments to the City Council and authorizes and directs the Chief Executive Officer of New Braunfels

Utilities to present the proposed ordinance amendments in ordinance form to the City Council for its consideration and passage as provided by law.

SECTION 3. The recitals contained in the preamble hereof are found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Board of Trustees.

SECTION 4. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board of Trustees hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

SECTION 8. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, APPROVED, AND ADOPTED, this the 24th day of September, 2020.



 John A. Harrell
 President, Board of Trustees
 New Braunfels Utilities

ATTEST:



 Ian Taylor
 Secretary to the Board
 New Braunfels Utilities

Exhibit A

Sec. 130-167. - Water rates.

- (a) *Service rate classifications.* All water service supplied shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this section:

Residential service.

Multi-unit permanent residential water service.

General service.

Large general service.

Fire hydrant service.

Irrigation service.

Tanker service.

Wholesale service.

Contractual water service.

Experimental service.

- (b) *Determination of classification.* Upon application for service, NBU shall make the initial determination of the customer's service rate classification. The classification is subject to change in accordance with the provisions of this article.

Rate schedule administration and assignment. Upon request for water service from a prospective customer, NBU shall assign the appropriate rate classification for water service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of water service requirements, then NBU shall, upon review of the information available pertaining to the revised water service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive water service under more than one of the NBU' rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for water service after consideration of the various service requirements, potential impact on NBU facilities, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing units due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing units.

- (c) *Residential service rate.*

- (1) *Availability.* The residential service rate is available under the rules, regulations, policies, and at the rates set forth in this section.

- (2) *Applicability.* The residential service rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
- (3) *Excluded uses.* The residential service rate shall not be applicable for service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge (off peak season or peak season), as shown below, plus any special charges or adjustments.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective November 1, 2020 Subject to subsection (m)
5/8-inch and smaller	\$13.70
1-inch	23.30
1½-inch	27.08
2-inch	33.06
3-inch	48.24
4-inch and greater	56.88

Off peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons between October through May, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1, 2020 Subject to subsection (m)
0—7,500	\$1.66
7,501—15,000	4.18

15,001—25,000	5.70
Excess of 25,000	7.84

Peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons between June through September, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1, 2020 Subject to subsection (m)
0—7,500	\$1.73
7,501—15,000	4.50
15,001—25,000	6.84
Excess of 25,000	10.20

(5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
- b. The amount specified in any contract between the customer and NBU.

(d) *Multi-unit permanent residential service rate.*

- (1) *Availability.* The multi-unit permanent residential service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The multi-unit permanent residential service rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings, or an individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.
- (3) *Excluded uses.* The multi-unit permanent residential service rate shall not be applicable for service to individually metered residential dwellings.
- (4) *Monthly rates.* The multi-unit permanent residential service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge (off peak season or peak season) plus the monthly unit charge, as shown below, plus any special charges or adjustments.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective November 1, 2020 Subject to subsection (m)
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5/8-inch and smaller	\$13.70
1-inch	17.87
1½-inch	20.76
2-inch	25.35
3-inch	36.98
4-inch and greater	43.61

Off peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons between October through May, or any part thereof, shall be:

Number of Units	Gallons of Water Usage	\$ per 1,000 gallons November 1, 2020 Subject to subsection (m)
2—4	0—8,000	\$2.32
	8,001—20,000	2.32
	Excess of 20,000	2.32
5—10	0—20,000	2.32
	20,001—40,000	2.32
	Excess of 40,000	2.32
11—25	0—40,000	2.32
	40,001—100,000	2.32
	Excess of 100,000	2.32
26—50	0—100,000	2.32

	100,001—200,000	2.32
	Excess of 200,000	2.32
51—75	0—200,000	2.32
	200,001—300,000	2.32
	Excess of 300,000	2.32
76—100	0—300,000	2.32
	300,001—400,000	2.32
	Excess of 400,000	2.32
100 +	0—400,000	2.32
	400,001—800,000	2.32
	Excess of 800,000	2.32

Peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons between June through September, or any part thereof, shall be:

Number of Units	Gallons of Water Usage	\$ per 1,000 gallons November 1, 2020 Subject to subsection (m)
2—4	0—8,000	\$2.68
	8,001—20,000	2.68
	Excess of 20,000	2.68
5—10	0—20,000	2.68
	20,001—40,000	2.68
	Excess of 40,000	2.68

11—25	0—40,000	2.68
	40,001—100,000	2.68
	Excess of 100,000	2.68
26—50	0—100,000	2.68
	100,001—200,000	2.68
	Excess of 200,000	2.68
51—75	0—200,000	2.68
	200,001—300,000	2.68
	Excess of 300,000	2.68
76—100	0—300,000	2.68
	300,001—400,000	2.68
	Excess of 400,000	2.68
100 +	0—400,000	2.68
	400,001—800,000	2.68
	Excess of 800,000	2.68

Monthly unit charge. When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s) each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$10.70 per month effective November 1, 2020, subject to subsection (m).

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge, plus any special charges or adjustments; or
 - The amount specified in any contract between the customer and NBU.

(e) *General service rate.*

- (1) *Availability.* The general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The general service rate is applicable to water service for any customer which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks, barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries and garden centers, retail businesses, and warehouses and other similar nonresidential customers.
- (3) *Monthly rates.* The general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge (off peak season or peak season) plus the monthly unit charge, if applicable, as shown below, plus any special charges or adjustments.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective November 1, 2020 Subject to subsection (m)
½-inch and smaller	\$17.19
1-inch	19.37
1½-inch	25.16
2-inch	31.97
3-inch	48.41
4-inch	73.61
6-8 inch	127.81
10 inch and greater	132.93

Off peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons October through May, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1, 2020 Subject to subsection (m)
0—5,000	\$2.56
5,001—50,000	2.78
50,001—200,000	3.24
Excess of 200,000	4.00

Peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons June through September, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1, 2020 Subject to subsection (m)
0—5,000	\$2.81
5,001—50,000	3.20
50,001—200,000	4.22
Excess of 200,000	5.60

Monthly unit charge. When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$10.70 per month effective November 1, 2020, subject to subsection (m).

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge, plus any special charges or adjustments, if applicable; or
 - The amount specified in any contract between the customer and NBU.

(f) *Large general service rate.*

- (1) *Availability.* The large general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The large general service rate is applicable to customers with water consumption exceeding 1,250,000 gallons per month for at least any six months of the immediately preceding 12-month billing period. Service shall only be provided under contract approved by the board of trustees of NBU due to the special capacity service requirements.
- (3) *Monthly rates.* The large general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge: \$1,538.16 effective November 1, 2020, subject to subsection (m).

Monthly volume charge: \$2.06 per 1,000 gallons effective November 1, 2020, subject to subsection (m).

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
 - b. The amount specified in any contract between the customer and NBU.

(g) *Fire hydrant service rate.*

- (1) *Availability.* The fire hydrant water service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The fire hydrant water service rate is applicable to water service provided through a fire hydrant, whether metered or estimated. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required. A service charge of \$100.00 will be assessed to set and remove the fire hydrant meter.
- (3) *Monthly rates.* The fire hydrant service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge (off peak season or peak season), as shown below.

Monthly customer charge: \$177.73 effective November 1, 2020, subject to subsection (m).

Off peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons October through May, or any part thereof, shall be:

Off peak monthly volume charge: \$5.89 per 1,000 gallons effective November 1, 2020, subject to subsection (m).

Peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons June through September, or any part thereof, shall be:

Peak monthly volume charge: \$7.49 per 1,000 gallons effective November 1, 2020, subject to subsection (m).

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
 - b. The amount specified in any contract between the customer and NBU.

- (5) *Deposit.* All customers using a fire hydrant meter shall furnish a deposit of \$300.00 or establish other means of credit acceptable to NBU.
- (h) *Landscape/irrigation service rate.*
- (1) *Availability.* The landscape/irrigation service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The landscape/irrigation service rate is applicable to water service for a residential or general service rate classification customer who has a sprinkler or irrigation system on a separate water meter:
- Dedicated exclusively to such purpose, and
 - Which is in addition to one or more other water meters serving the same location.
- (3) *Monthly rates.* The landscape/irrigation service rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge (off peak season or peak season), as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective November 1, 2020 Subject to subsection (m)
5/8-inch and smaller	\$10.12
1-inch	12.28
1½-inch	16.05
2-inch	17.12
3-inch	26.75
4-inch and greater	32.10

Off peak monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons between October through May, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1, 2020 Subject to subsection (m)
0—7,500	\$4.48

7,501—25,000	5.48
Excess of 25,000	7.55

Peak monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons between June through September, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1, 2020 Subject to subsection (m)
0—7,500	\$5.61
7,501—25,000	6.85
Excess of 25,000	9.44

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
 - The amount specified in any contract between the customer and NBU.

(i) *Tanker service rate.*

- (1) *Availability.* The tanker service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The tanker water service rate is applicable to water service provided at locations approved by NBU, whether metered or estimated. Under this rate, a customer may acquire and purchase water through the use of water tanker trucks or other mobile water transport containers. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required.
- (3) *Rates.* The rate for each tanker or other mobile water transport containers acquiring water at locations approved by NBU shall be the sum of the tanker charge and the volume charge, as shown below.

Tanker charge	Effective November 1, 2020 Subject to subsection (m)
Per month	\$14.79

Volume charge, per 1,000 gallons or any part thereof	2.15
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- (4) *Minimum charge.* The minimum charge for each tanker truck connection shall be the larger of the following:
- The tanker charge plus the volume charge, plus any special charges or adjustments; or
 - The amount specified in any contract between the customer and NBU.
- (j) *Wholesale water service.*
- Availability.* Wholesale water service is available under the rules, regulations, and policies, as set by contract and approved by the NBU board of trustees. Contracts for wholesale service will be approved only when water supplies are sufficient to satisfy the requirements of the contract without jeopardizing the water needs of the citizens of the city and customers of NBU.
 - Applicability.* A wholesale service contract is applicable for water service to water systems created by the appropriate agency of the state as well as to other water systems and purveyors which resell water or water service.
 - Rates.* The rate set by contract shall not be less than the marginal cost to serve that customer.
- (k) *Experimental rate.*
- Applicability.* The experimental rate shall be applicable to any and all rate class groups at times chosen by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
 - Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's sole discretion.
 - Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (l) *Residential and landscape irrigation drought surcharges.*
- As of June 2014 or any time thereafter, if stage III water restrictions are in effect NBU will implement a \$1.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.
 - As of June 2014 or any time thereafter, if stage IV water restrictions are in effect NBU will implement a \$2.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.
- (m) *Water rate escalation.* All rates and charges for water services, excluding those covered by contract, shall increase as follows:

Effective Date	Rate Adjustment
August 1, 2021	eight percent (8%) upward adjustment of the rates in effect on July 31, 2021
August 1, 2022	eight percent (8%) upward adjustment of the rates in effect on July 31, 2022

NBU is directed to provide updates to City Council and the NBU Board on NBU's financial status. City Council retains the power to consider a review of NBU's rates at any time.

~~(Ord. No. 2002-29, § 1(Att. A), 7-22-02; Ord. No. 2002-48, §§ I, II, 12-9-02; Ord. No. 2007-78, § 2, 10-22-07; Ord. No. 2014-16, § I(Exh. A), 2-24-14; Ord. No. 2015-62, § I(Exh. A), 11-9-15; Ord. No. 2018-78, § 2, 11-26-18)~~

Sec. 130-167. - Water rates.

- (a) *Service rate classifications.* All water service supplied shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this section:

Residential service.

Multi-unit permanent residential water service.

General service.

Large general service.

Fire hydrant service.

Irrigation service.

Tanker service.

Wholesale service.

Contractual water service.

Experimental service.

- (b) *Determination of classification.* Upon application for service, NBU shall make the initial determination of the customer's service rate classification. The classification is subject to change in accordance with the provisions of this article.

Rate schedule administration and assignment. Upon request for water service from a prospective customer, NBU shall assign the appropriate rate classification for water service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of water service requirements, then NBU shall, upon review of the information available pertaining to the revised water service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive water service under more than one of the NBU' rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for water service after consideration of the various service requirements, potential impact on NBU facilities, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing units due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing units.

- (c) *Residential service rate.*

- (1) *Availability.* The residential service rate is available under the rules, regulations, policies, and at the rates set forth in this section.

- (2) *Applicability.* The residential service rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
- (3) *Excluded uses.* The residential service rate shall not be applicable for service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge (off peak season or peak season), as shown below, plus any special charges or adjustments.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective November 1, 2019 2020 Subject to subsection (m)
5/8-inch and smaller	\$ 12.80 13.70
1-inch	21.78 23.30
1½-inch	25.31 27.08
2-inch	30.90 33.06
3-inch	45.08 48.24
4-inch and greater	53.16 56.88

Off peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons between October through May, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1, 2019 2020 Subject to subsection (m)
0—7,500	\$ 1.55 066
7,501—15,000	3.91 4.18
15,001—25,000	5.33 70
Excess of 25,000	7.33 84

Peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons between June through September, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons
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	Effective November 1, 2019 2020 Subject to subsection (m)
0—7,500	\$1. 62 73
7,501—15,000	4. 21 50
15,001—25,000	6. 39 84
Excess of 25,000	9.53 10.20

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
 - The amount specified in any contract between the customer and NBU.

(d) *Multi-unit permanent residential service rate.*

- Availability.* The multi-unit permanent residential service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- Applicability.* The multi-unit permanent residential service rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings, or an individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.
- Excluded uses.* The multi-unit permanent residential service rate shall not be applicable for service to individually metered residential dwellings.
- Monthly rates.* The multi-unit permanent residential service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge (off peak season or peak season) plus the monthly unit charge, as shown below, plus any special charges or adjustments.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective November 1, 2019 2020 Subject to subsection (m)
½-inch and smaller	\$ 12.80 13.70
1-inch	16.70 17.87
1½-inch	19.40 20.76
2-inch	23.69 25.35
3-inch	34.56 36.98
4-inch and greater	40.76 43.61

Off peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons between October through May, or any part thereof, shall be:

Number of Units	Gallons of Water Usage	\$ per 1,000 gallons November 1, 2019-2020 Subject to subsection (m)
2—4	0—8,000	\$2. 17 <u>32</u>
	8,001—20,000	2. 17 <u>32</u>
	Excess of 20,000	2. 17 <u>32</u>
5—10	0—20,000	2. 17 <u>32</u>
	20,001—40,000	2. 17 <u>32</u>
	Excess of 40,000	2. 17 <u>32</u>
11—25	0—40,000	2. 17 <u>32</u>
	40,001—100,000	2. 17 <u>32</u>
	Excess of 100,000	2. 17 <u>32</u>
26—50	0—100,000	2. 17 <u>32</u>
	100,001—200,000	2. 17 <u>32</u>
	Excess of 200,000	2. 17 <u>32</u>
51—75	0—200,000	2. 17 <u>32</u>
	200,001—300,000	2. 17 <u>32</u>
	Excess of 300,000	2. 17 <u>32</u>
76—100	0—300,000	2. 17 <u>32</u>
	300,001—400,000	2. 17 <u>32</u>
	Excess of 400,000	2. 17 <u>32</u>
100 +	0—400,000	2. 17 <u>32</u>
	400,001—800,000	2. 17 <u>32</u>
	Excess of 800,000	2. 17 <u>32</u>

Peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons between June through September, or any part thereof, shall be:

Number of Units	Gallons of Water Usage	\$ per 1,000 gallons November 1, 2019-2020 Subject to subsection (m)
2—4	0—8,000	\$2. 50 <u>68</u>
	8,001—20,000	2. 50 <u>68</u>
	Excess of 20,000	2. 50 <u>68</u>
5—10	0—20,000	2. 50 <u>68</u>
	20,001—40,000	2. 50 <u>68</u>
	Excess of 40,000	2. 50 <u>68</u>

11—25	0—40,000	2. 50 68
	40,001—100,000	2. 50 68
	Excess of 100,000	2. 50 68
26—50	0—100,000	2. 50 68
	100,001—200,000	2. 50 68
	Excess of 200,000	2. 50 68
51—75	0—200,000	2. 50 68
	200,001—300,000	2. 50 68
	Excess of 300,000	2. 50 68
76—100	0—300,000	2. 50 68
	300,001—400,000	2. 50 68
	Excess of 400,000	2. 50 68
100 +	0—400,000	2. 50 68
	400,001—800,000	2. 50 68
	Excess of 800,000	2. 50 68

Monthly unit charge. When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s) each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$10.~~00~~70 per month effective November 1, ~~2019~~-2020, subject to subsection (m).

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

(5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus the monthly unit charge, plus any special charges or adjustments; or
- b. The amount specified in any contract between the customer and NBU.

(e) *General service rate.*

- (1) *Availability.* The general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The general service rate is applicable to water service for any customer which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks, barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries

and garden centers, retail businesses, and warehouses and other similar nonresidential customers.

- (3) *Monthly rates.* The general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge (off peak season or peak season) plus the monthly unit charge, if applicable, as shown below, plus any special charges or adjustments.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective November 1, <u>2019-2020</u> <u>Subject to subsection (m)</u>
½-inch and smaller	\$16.07 <u>17.19</u>
1-inch	18.10 <u>19.37</u>
1½-inch	23.51 <u>25.16</u>
2-inch	29.88 <u>31.97</u>
3-inch	45.24 <u>48.41</u>
4-inch	68.79 <u>73.61</u>
6-8 inch	119.45 <u>127.81</u>
10 inch and greater	124.23 <u>132.93</u>

Off peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons October through May, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1, <u>2019-2020</u> <u>Subject to subsection (m)</u>
0—5,000	\$2.39 <u>56</u>
5,001—50,000	2.60 <u>78</u>
50,001—200,000	3.03 <u>24</u>
Excess of 200,000	3.74 <u>4.00</u>

Peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons June through September, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1, <u>2019-2020</u> <u>Subject to subsection (m)</u>
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0—5,000	\$2. 63 81
5,001—50,000	<u>2.993.20</u>
50,001—200,000	<u>3.944.22</u>
Excess of 200,000	5. <u>23</u> 60

Monthly unit charge. When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$10.~~00~~70 per month effective November 1, ~~2019-2020~~, subject to subsection (m).

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge, plus any special charges or adjustments, if applicable; or
 - The amount specified in any contract between the customer and NBU.

(f) *Large general service rate.*

- (1) *Availability.* The large general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The large general service rate is applicable to customers with water consumption exceeding 1,250,000 gallons per month for at least any six months of the immediately preceding 12-month billing period. Service shall only be provided under contract approved by the board of trustees of NBU due to the special capacity service requirements.
- (3) *Monthly rates.* The large general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge: \$1,~~437.53~~538.16 effective November 1, ~~2019-2020~~, subject to subsection (m).

Monthly volume charge: \$~~4.92~~22.06 per 1,000 gallons effective November 1, ~~2019-2020~~, subject to subsection (m).

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
 - The amount specified in any contract between the customer and NBU.

(g) *Fire hydrant service rate.*

- (1) *Availability.* The fire hydrant water service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The fire hydrant water service rate is applicable to water service provided through a fire hydrant, whether metered or estimated. Any customer requesting service under this rate

must make arrangements with NBU prior to the date service is required. A service charge of \$100.00 will be assessed to set and remove the fire hydrant meter.

- (3) *Monthly rates.* The fire hydrant service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge (off peak season or peak season), as shown below.

Monthly customer charge: ~~\$166.10~~ 177.73 effective November 1, ~~2019-2020~~, subject to subsection (m).

Off peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons October through May, or any part thereof, shall be:

Off peak monthly volume charge: ~~\$5.50~~ 89 per 1,000 gallons effective November 1, ~~2019-2020~~, subject to subsection (m).

Peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons June through September, or any part thereof, shall be:

Peak monthly volume charge: ~~\$7.00~~ 49 per 1,000 gallons effective November 1, ~~2019-2020~~, subject to subsection (m).

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
 - The amount specified in any contract between the customer and NBU.
- (5) *Deposit.* All customers using a fire hydrant meter shall furnish a deposit of \$300.00 or establish other means of credit acceptable to NBU.
- (h) *Landscape/irrigation service rate.*
- Availability.* The landscape/irrigation service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
 - Applicability.* The landscape/irrigation service rate is applicable to water service for a residential or general service rate classification customer who has a sprinkler or irrigation system on a separate water meter:
 - Dedicated exclusively to such purpose, and
 - Which is in addition to one or more other water meters serving the same location.
 - Monthly rates.* The landscape/irrigation service rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge (off peak season or peak season), as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective November 1, <u>2019-2020</u> <u>Subject to subsection (m)</u>
5/8-inch and smaller	\$9.46 <u>10.12</u>
1-inch	11.48 <u>12.28</u>
1½-inch	15.00 <u>16.05</u>

2-inch	16.00 17.12
3-inch	25.00 26.75
4-inch and greater	30.00 32.10

Off peak monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons between October through May, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1, 2019-2020 <u>Subject to subsection (m)</u>
0—7,500	\$4. 19 48
7,501—25,000	5. 12 48
Excess of 25,000	7. 06 55

Peak monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons between June through September, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1, 2019-2020 <u>Subject to subsection (m)</u>
0—7,500	\$5. 24 61
7,501—25,000	6. 40 85
Excess of 25,000	8.82 9.44

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
 - The amount specified in any contract between the customer and NBU.

(i) *Tanker service rate.*

- (1) *Availability.* The tanker service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The tanker water service rate is applicable to water service provided at locations approved by NBU, whether metered or estimated. Under this rate, a customer may acquire and purchase water through the use of water tanker trucks or other mobile water transport containers. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required.

- (3) *Rates.* The rate for each tanker or other mobile water transport containers acquiring water at locations approved by NBU shall be the sum of the tanker charge and the volume charge, as shown below.

Tanker charge	Effective December <u>November 1, 2007-2020</u> <u>Subject to subsection (m)</u>
Per month	\$13.82 <u>14.79</u>
Volume charge, per 1,000 gallons or any part thereof	2.00 <u>15</u>

- (4) *Minimum charge.* The minimum charge for each tanker truck connection shall be the larger of the following:
- The tanker charge plus the volume charge, plus any special charges or adjustments; or
 - The amount specified in any contract between the customer and NBU.
- (j) *Wholesale water service.*
- Availability.* Wholesale water service is available under the rules, regulations, and policies, as set by contract and approved by the NBU board of trustees. Contracts for wholesale service will be approved only when water supplies are sufficient to satisfy the requirements of the contract without jeopardizing the water needs of the citizens of the city and customers of NBU.
 - Applicability.* A wholesale service contract is applicable for water service to water systems created by the appropriate agency of the state as well as to other water systems and purveyors which resell water or water service.
 - Rates.* The rate set by contract shall not be less than the marginal cost to serve that customer.
- (k) *Experimental rate.*
- Applicability.* The experimental rate shall be applicable to any and all rate class groups at times chosen by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
 - Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's sole discretion.
 - Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (l) *Residential and landscape irrigation drought surcharges.*
- As of June 2014 or any time thereafter, if stage III water restrictions are in effect NBU will implement a \$1.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.
 - As of June 2014 or any time thereafter, if stage IV water restrictions are in effect NBU will implement a \$2.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.
- (m) *Water rate escalation.* All rates and charges for water services, excluding those covered by contract, shall increase as follows:

<u>Effective Date</u>	<u>Rate Adjustment</u>
<u>August 1, 2021</u>	<u>eight percent (8%) upward adjustment of the rates in effect on July 31, 2021</u>
<u>August 1, 2022</u>	<u>eight percent (8%) upward adjustment of the rates in effect on July 31, 2022</u>

NBU is directed to provide updates to City Council and the NBU Board on NBU's financial status. City Council retains the power to consider a review of NBU's rates at any time.

~~(Ord. No. 2002-29, § 1(Att. A), 7-22-02; Ord. No. 2002-48, §§ I, II, 12-9-02; Ord. No. 2007-78, § 2, 10-22-07; Ord. No. 2014-16, § I(Exh. A), 2-24-14; Ord. No. 2015-62, § I(Exh. A), 11-9-15; Ord. No. 2018-78, § 2, 11-26-18)~~

Meter Size	Residential (\$/Bill)		Commercial (\$/Bill)		Irrigation (\$/Bill)		Multi Family 2-25 (\$/Bill)		Multi Unit 26-100+ (\$/Bill)		Hydrants* (\$/Bill)	
	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed
5/8-Inch	\$ 12.80	\$ 13.70	\$ 16.07	\$ 17.19	\$ 9.46	\$ 10.12	\$ 12.80	\$ 13.70	\$ 12.80	\$ 13.70	\$ 166.10	\$ 177.73
1-Inch	\$ 21.78	\$ 23.30	\$ 18.10	\$ 19.37	\$ 11.48	\$ 12.28	\$ 16.70	\$ 17.87	\$ 16.70	\$ 17.87	\$ 166.10	\$ 177.73
1 1/2-Inch	\$ 25.31	\$ 27.08	\$ 23.51	\$ 25.16	\$ 15.00	\$ 16.05	\$ 19.40	\$ 20.76	\$ 19.40	\$ 20.76	\$ 166.10	\$ 177.73
2-Inch	\$ 30.90	\$ 33.06	\$ 29.88	\$ 31.97	\$ 16.00	\$ 17.12	\$ 23.69	\$ 25.35	\$ 23.69	\$ 25.35	\$ 166.10	\$ 177.73
3-Inch	\$ 45.08	\$ 48.24	\$ 45.24	\$ 48.41	\$ 25.00	\$ 26.75	\$ 34.56	\$ 36.98	\$ 34.56	\$ 36.98	\$ 166.10	\$ 177.73
4-Inch	\$ 53.16	\$ 56.88	\$ 68.79	\$ 73.61	\$ 30.00	\$ 32.10	\$ 40.76	\$ 43.61	\$ 40.76	\$ 43.61	\$ 166.10	\$ 177.73
6-Inch	\$ 53.16	\$ 56.88	\$ 119.45	\$ 127.81	\$ 30.00	\$ 32.10	\$ 40.76	\$ 43.61	\$ 40.76	\$ 43.61	\$ 166.10	\$ 177.73
8-Inch	\$ 53.16	\$ 56.88	\$ 119.45	\$ 127.81	\$ 30.00	\$ 32.10	\$ 40.76	\$ 43.61	\$ 40.76	\$ 43.61	\$ 166.10	\$ 177.73
10-Inch	\$ 53.16	\$ 56.88	\$ 124.23	\$ 132.93	\$ 30.00	\$ 32.10	\$ 40.76	\$ 43.61	\$ 40.76	\$ 43.61	\$ 166.10	\$ 177.73
12-Inch	\$ 53.16	\$ 56.88	\$ 124.23	\$ 132.93	\$ 30.00	\$ 32.10	\$ 40.76	\$ 43.61	\$ 40.76	\$ 43.61	\$ 166.10	\$ 177.73
16-Inch	\$ 53.16	\$ 56.88	\$ 124.23	\$ 132.93	\$ 30.00	\$ 32.10	\$ 40.76	\$ 43.61	\$ 40.76	\$ 43.61	\$ 166.10	\$ 177.73
Unit Charge			\$ 10.00	\$ 10.70			\$ 10.00	\$ 10.70	\$ 10.00	\$ 10.70		

* Hydrants do not have dedicated meters, this represents a fixed charge per for each hydrant related account.

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
Residential	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Block 1	7.5	\$ 1.55	\$ 0.33	7.5	\$ 1.66	\$ -	7.5	\$ 1.73
Block 2	15	\$ 3.91	\$ 0.33	15	\$ 4.18	\$ 1.05	15	\$ 4.50
Block 3	25	\$ 5.33	\$ 0.33	25	\$ 5.70	\$ 1.05	25	\$ 6.84
Block 4	25+	\$ 7.33	\$ 0.33	25+	\$ 7.84	\$ 1.05	25+	\$ 10.20

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
Commercial	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Block 1	5	\$ 2.39	\$ 0.33	5	\$ 2.56	\$ 1.05	5	\$ 2.81
Block 2	50	\$ 2.60	\$ 0.33	50	\$ 2.78	\$ 1.05	50	\$ 3.20
Block 3	200	\$ 3.03	\$ 0.33	200	\$ 3.24	\$ 1.05	200	\$ 4.22
Block 4	200+	\$ 3.74	\$ 0.33	200+	\$ 4.00	\$ 1.05	200+	\$ 5.60

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
Irrigation	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Block 1	7.5	\$ 4.19	\$ 0.33	7.5	\$ 4.48	\$ 1.05	7.5	\$ 5.61
Block 2	25	\$ 5.12	\$ 0.33	25	\$ 5.48	\$ 1.05	25	\$ 6.85
Block 3	25+	\$ 7.06	\$ 0.33	25+	\$ 7.55	\$ 1.05	25+	\$ 9.44

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
Multi Family 2-4	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Block 1	8	\$ 2.17	\$ 0.33	8	\$ 2.32	\$ 1.05	8	\$ 2.68
Block 2	20	\$ 2.17	\$ 0.33	20	\$ 2.32	\$ 1.05	20	\$ 2.68
Block 3	20+	\$ 2.17	\$ 0.33	20+	\$ 2.32	\$ 1.05	20+	\$ 2.68

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
Multi Family 5-10	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Block 1	20	\$ 2.17	\$ 0.33	20	\$ 2.32	\$ 1.05	20	\$ 2.68
Block 2	40	\$ 2.17	\$ 0.33	40	\$ 2.32	\$ 1.05	40	\$ 2.68
Block 3	40+	\$ 2.17	\$ 0.33	40+	\$ 2.32	\$ 1.05	40+	\$ 2.68

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)
Multi Family 11-25	Block 1	40	\$ 2.17	\$ 0.33	Block 1	40	\$ 2.50	\$ 0.33
	Block 2	100	\$ 2.17	\$ 0.33	Block 2	100	\$ 2.50	\$ 0.33
	Block 3	100+	\$ 2.17	\$ 0.33	Block 3	100+	\$ 2.50	\$ 0.33

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)
Multi Unit 26-50	Block 1	100	\$ 2.17	\$ 0.33	Block 1	100	\$ 2.50	\$ 0.33
	Block 2	200	\$ 2.17	\$ 0.33	Block 2	200	\$ 2.50	\$ 0.33
	Block 3	200+	\$ 2.17	\$ 0.33	Block 3	200+	\$ 2.50	\$ 0.33

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)
Multi Unit 51-75	Block 1	200	\$ 2.17	\$ 0.33	Block 1	200	\$ 2.50	\$ 0.33
	Block 2	300	\$ 2.17	\$ 0.33	Block 2	300	\$ 2.50	\$ 0.33
	Block 3	300+	\$ 2.17	\$ 0.33	Block 3	300+	\$ 2.50	\$ 0.33

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)
Multi Unit 76-100	Block 1	300	\$ 2.17	\$ 0.33	Block 1	300	\$ 2.50	\$ 0.33
	Block 2	400	\$ 2.17	\$ 0.33	Block 2	400	\$ 2.50	\$ 0.33
	Block 3	400+	\$ 2.17	\$ 0.33	Block 3	400+	\$ 2.50	\$ 0.33

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)
Multi Unit 100+	Block 1	400	\$ 2.17	\$ 0.33	Block 1	400	\$ 2.50	\$ 0.33
	Block 2	800	\$ 2.17	\$ 0.33	Block 2	800	\$ 2.50	\$ 0.33
	Block 3	800+	\$ 2.17	\$ 0.33	Block 3	800+	\$ 2.50	\$ 0.33

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)
Hydrants	Block 1	All	\$ 5.50	\$ 0.33	Block 1	All	\$ 7.00	\$ 0.33

	Current	Proposed
General Service		
Customer Charge	\$ 1,437.53	\$ 1,538.16
Rate (\$/Thou. Gal.)	\$ 1.92	2.06

	Current	Proposed
Tanker		
Customer Charge	\$ 13.82	\$ 14.79
Rate (\$/Thou. Gal.)	\$ 2.01	2.15

Meter Size	Residential (\$/Bill)		Commercial (\$/Bill)		Irrigation (\$/Bill)		Multi Family 2-25 (\$/Bill)		Multi Unit 26-100+ (\$/Bill)		Hydrants* (\$/Bill)	
	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed
5/8-Inch	\$ 13.70	\$ 14.80	\$ 17.19	\$ 18.57	\$ 10.12	\$ 10.93	\$ 13.70	\$ 14.80	\$ 13.70	\$ 14.80	\$ 177.73	\$ 191.95
1-Inch	\$ 23.30	\$ 25.16	\$ 19.37	\$ 20.92	\$ 12.28	\$ 13.26	\$ 17.87	\$ 19.30	\$ 17.87	\$ 19.30	\$ 177.73	\$ 191.95
1 1/2-Inch	\$ 27.08	\$ 29.25	\$ 25.16	\$ 27.17	\$ 16.05	\$ 17.33	\$ 20.76	\$ 22.42	\$ 20.76	\$ 22.42	\$ 177.73	\$ 191.95
2-Inch	\$ 33.06	\$ 35.70	\$ 31.97	\$ 34.53	\$ 17.12	\$ 18.49	\$ 25.35	\$ 27.38	\$ 25.35	\$ 27.38	\$ 177.73	\$ 191.95
3-Inch	\$ 48.24	\$ 52.10	\$ 48.41	\$ 52.28	\$ 26.75	\$ 28.89	\$ 36.98	\$ 39.94	\$ 36.98	\$ 39.94	\$ 177.73	\$ 191.95
4-Inch	\$ 56.88	\$ 61.43	\$ 73.61	\$ 79.50	\$ 32.10	\$ 34.67	\$ 43.61	\$ 47.10	\$ 43.61	\$ 47.10	\$ 177.73	\$ 191.95
6-Inch	\$ 56.88	\$ 61.43	\$ 127.81	\$ 138.03	\$ 32.10	\$ 34.67	\$ 43.61	\$ 47.10	\$ 43.61	\$ 47.10	\$ 177.73	\$ 191.95
8-Inch	\$ 56.88	\$ 61.43	\$ 127.81	\$ 138.03	\$ 32.10	\$ 34.67	\$ 43.61	\$ 47.10	\$ 43.61	\$ 47.10	\$ 177.73	\$ 191.95
10-Inch	\$ 56.88	\$ 61.43	\$ 132.93	\$ 143.56	\$ 32.10	\$ 34.67	\$ 43.61	\$ 47.10	\$ 43.61	\$ 47.10	\$ 177.73	\$ 191.95
12-Inch	\$ 56.88	\$ 61.43	\$ 132.93	\$ 143.56	\$ 32.10	\$ 34.67	\$ 43.61	\$ 47.10	\$ 43.61	\$ 47.10	\$ 177.73	\$ 191.95
16-Inch	\$ 56.88	\$ 61.43	\$ 132.93	\$ 143.56	\$ 32.10	\$ 34.67	\$ 43.61	\$ 47.10	\$ 43.61	\$ 47.10	\$ 177.73	\$ 191.95
Unit Charge			\$ 10.70	\$ 11.56			\$ 10.70	\$ 11.56	\$ 10.70	\$ 11.56		

* Hydrants do not have dedicated meters, this represents a fixed charge per for each hydrant related account.

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
Residential	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Block 1	7.5	\$ 1.66	\$ -	7.5	\$ 1.79	\$ -	7.5	\$ 1.87
Block 2	15	\$ 4.18	\$ 1.05	15	\$ 4.51	\$ 2.49	15	\$ 4.86
Block 3	25	\$ 5.70	\$ 1.05	25	\$ 6.16	\$ 2.49	25	\$ 7.39
Block 4	25+	\$ 7.84	\$ 1.05	25+	\$ 8.47	\$ 2.49	25+	\$ 11.02

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
Commercial	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Block 1	5	\$ 2.56	\$ 1.05	5	\$ 2.76	\$ 2.49	5	\$ 3.03
Block 2	50	\$ 2.78	\$ 1.05	50	\$ 3.00	\$ 2.49	50	\$ 3.46
Block 3	200	\$ 3.24	\$ 1.05	200	\$ 3.50	\$ 2.49	200	\$ 4.56
Block 4	200+	\$ 4.00	\$ 1.05	200+	\$ 4.32	\$ 2.49	200+	\$ 6.05

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
Irrigation	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Block 1	7.5	\$ 4.48	\$ 1.05	7.5	\$ 4.84	\$ 2.49	7.5	\$ 6.06
Block 2	25	\$ 5.48	\$ 1.05	25	\$ 5.92	\$ 2.49	25	\$ 7.40
Block 3	25+	\$ 7.55	\$ 1.05	25+	\$ 8.15	\$ 2.49	25+	\$ 10.20

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
Multi Family 2-4	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Block 1	8	\$ 2.32	\$ 1.05	8	\$ 2.51	\$ 2.49	8	\$ 2.89
Block 2	20	\$ 2.32	\$ 1.05	20	\$ 2.51	\$ 2.49	20	\$ 2.89
Block 3	20+	\$ 2.32	\$ 1.05	20+	\$ 2.51	\$ 2.49	20+	\$ 2.89

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
Multi Family 5-10	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Block 1	20	\$ 2.32	\$ 1.05	20	\$ 2.51	\$ 2.49	20	\$ 2.89
Block 2	40	\$ 2.32	\$ 1.05	40	\$ 2.51	\$ 2.49	40	\$ 2.89
Block 3	40+	\$ 2.32	\$ 1.05	40+	\$ 2.51	\$ 2.49	40+	\$ 2.89

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Multi Family 11-25	40	\$ 2.32	\$ 1.05	40	\$ 2.51	\$ 2.49	40	\$ 2.68
Block 1	100	\$ 2.32	\$ 1.05	100	\$ 2.51	\$ 2.49	100	\$ 2.68
Block 2	100+	\$ 2.32	\$ 1.05	100+	\$ 2.51	\$ 2.49	100+	\$ 2.68
Block 3								

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Multi Unit 26-50	100	\$ 2.32	\$ 1.05	100	\$ 2.51	\$ 2.49	100	\$ 2.68
Block 1	200	\$ 2.32	\$ 1.05	200	\$ 2.51	\$ 2.49	200	\$ 2.68
Block 2	200+	\$ 2.32	\$ 1.05	200+	\$ 2.51	\$ 2.49	200+	\$ 2.68
Block 3								

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Multi Unit 51-75	200	\$ 2.32	\$ 1.05	200	\$ 2.51	\$ 2.49	200	\$ 2.68
Block 1	300	\$ 2.32	\$ 1.05	300	\$ 2.51	\$ 2.49	300	\$ 2.68
Block 2	300+	\$ 2.32	\$ 1.05	300+	\$ 2.51	\$ 2.49	300+	\$ 2.68
Block 3								

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Multi Unit 76-100	300	\$ 2.32	\$ 1.05	300	\$ 2.51	\$ 2.49	300	\$ 2.68
Block 1	400	\$ 2.32	\$ 1.05	400	\$ 2.51	\$ 2.49	400	\$ 2.68
Block 2	400+	\$ 2.32	\$ 1.05	400+	\$ 2.51	\$ 2.49	400+	\$ 2.68
Block 3								

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Multi Unit 100+	400	\$ 2.32	\$ 1.05	400	\$ 2.51	\$ 2.49	400	\$ 2.68
Block 1	800	\$ 2.32	\$ 1.05	800	\$ 2.51	\$ 2.49	800	\$ 2.68
Block 2	800+	\$ 2.32	\$ 1.05	800+	\$ 2.51	\$ 2.49	800+	\$ 2.68
Block 3								

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Hydrants	All	\$ 5.89	\$ 1.05	All	\$ 6.36	\$ 2.49	All	\$ 7.49
Block 1							All	\$ 8.09

	Current	Proposed
General Service		
Customer Charge	\$ 1,538.16	\$ 1,661.21
Rate (\$/Thou. Gal.)	\$ 2.06	\$ 2.22

	Current	Proposed
Tanker		
Customer Charge	\$ 14.79	\$ 15.97
Rate (\$/Thou. Gal.)	\$ 2.15	\$ 2.32

Meter Size	Residential (\$/Bill)		Commercial (\$/Bill)		Irrigation (\$/Bill)		Multi Family 2-25 (\$/Bill)		Multi Unit 26-100+ (\$/Bill)		Hydrants* (\$/Bill)	
	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed
5/8-Inch	\$ 14.80	\$ 15.98	\$ 18.57	\$ 20.06	\$ 10.93	\$ 11.80	\$ 14.80	\$ 15.98	\$ 14.80	\$ 15.98	\$ 191.95	\$ 207.31
1-Inch	\$ 25.16	\$ 27.17	\$ 20.92	\$ 22.59	\$ 13.26	\$ 14.32	\$ 19.30	\$ 20.84	\$ 19.30	\$ 20.84	\$ 191.95	\$ 207.31
1 1/2-Inch	\$ 29.25	\$ 31.59	\$ 27.17	\$ 29.34	\$ 17.33	\$ 18.72	\$ 22.42	\$ 24.21	\$ 22.42	\$ 24.21	\$ 191.95	\$ 207.31
2-Inch	\$ 35.70	\$ 38.56	\$ 34.53	\$ 37.29	\$ 18.49	\$ 19.97	\$ 27.38	\$ 29.57	\$ 27.38	\$ 29.57	\$ 191.95	\$ 207.31
3-Inch	\$ 52.10	\$ 56.27	\$ 52.28	\$ 56.46	\$ 28.89	\$ 31.20	\$ 39.94	\$ 43.14	\$ 39.94	\$ 43.14	\$ 191.95	\$ 207.31
4-Inch	\$ 61.43	\$ 66.34	\$ 79.50	\$ 85.86	\$ 34.67	\$ 37.44	\$ 47.10	\$ 50.87	\$ 47.10	\$ 50.87	\$ 191.95	\$ 207.31
6-Inch	\$ 61.43	\$ 66.34	\$ 138.03	\$ 149.07	\$ 34.67	\$ 37.44	\$ 47.10	\$ 50.87	\$ 47.10	\$ 50.87	\$ 191.95	\$ 207.31
8-Inch	\$ 61.43	\$ 66.34	\$ 138.03	\$ 149.07	\$ 34.67	\$ 37.44	\$ 47.10	\$ 50.87	\$ 47.10	\$ 50.87	\$ 191.95	\$ 207.31
10-Inch	\$ 61.43	\$ 66.34	\$ 143.56	\$ 155.04	\$ 34.67	\$ 37.44	\$ 47.10	\$ 50.87	\$ 47.10	\$ 50.87	\$ 191.95	\$ 207.31
12-Inch	\$ 61.43	\$ 66.34	\$ 143.56	\$ 155.04	\$ 34.67	\$ 37.44	\$ 47.10	\$ 50.87	\$ 47.10	\$ 50.87	\$ 191.95	\$ 207.31
16-Inch	\$ 61.43	\$ 66.34	\$ 143.56	\$ 155.04	\$ 34.67	\$ 37.44	\$ 47.10	\$ 50.87	\$ 47.10	\$ 50.87	\$ 191.95	\$ 207.31
Unit Charge			\$ 11.56	\$ 12.48			\$ 11.56	\$ 12.48	\$ 11.56	\$ 12.48		

* Hydrants do not have dedicated meters, this represents a fixed charge per for each hydrant related account.

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
Residential	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Block 1	7.5	\$ 1.79	\$ -	7.5	\$ 1.93	\$ -	7.5	\$ 2.02
Block 2	15	\$ 4.51	\$ 2.49	15	\$ 4.87	\$ 2.79	15	\$ 5.25
Block 3	25	\$ 6.16	\$ 2.49	25	\$ 6.65	\$ 2.79	25	\$ 7.98
Block 4	25+	\$ 8.47	\$ 2.49	25+	\$ 9.15	\$ 2.79	25+	\$ 11.90

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
Commercial	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Block 1	5	\$ 2.76	\$ 2.49	5	\$ 2.98	\$ 2.79	5	\$ 3.27
Block 2	50	\$ 3.00	\$ 2.49	50	\$ 3.24	\$ 2.79	50	\$ 3.74
Block 3	200	\$ 3.50	\$ 2.49	200	\$ 3.78	\$ 2.79	200	\$ 4.92
Block 4	200+	\$ 4.32	\$ 2.49	200+	\$ 4.67	\$ 2.79	200+	\$ 6.53

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
Irrigation	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Block 1	7.5	\$ 4.84	\$ 2.49	7.5	\$ 5.23	\$ 2.79	7.5	\$ 6.54
Block 2	25	\$ 5.92	\$ 2.49	25	\$ 6.39	\$ 2.79	25	\$ 7.99
Block 3	25+	\$ 8.15	\$ 2.49	25+	\$ 8.80	\$ 2.79	25+	\$ 11.02

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
Multi Family 2-4	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Block 1	8	\$ 2.51	\$ 2.49	8	\$ 2.71	\$ 2.79	8	\$ 3.12
Block 2	20	\$ 2.51	\$ 2.49	20	\$ 2.71	\$ 2.79	20	\$ 3.12
Block 3	20+	\$ 2.51	\$ 2.49	20+	\$ 2.71	\$ 2.79	20+	\$ 3.12

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
Multi Family 5-10	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Block 1	20	\$ 2.51	\$ 2.49	20	\$ 2.71	\$ 2.79	20	\$ 3.12
Block 2	40	\$ 2.51	\$ 2.49	40	\$ 2.71	\$ 2.79	40	\$ 3.12
Block 3	40+	\$ 2.51	\$ 2.49	40+	\$ 2.71	\$ 2.79	40+	\$ 3.12

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Multi Family 11-25	Block 1	40	\$ 2.51	\$ 2.49	Block 1	40	\$ 2.89	\$ 2.49
	Block 2	100	\$ 2.51	\$ 2.49	Block 2	100	\$ 2.89	\$ 2.49
	Block 3	100+	\$ 2.51	\$ 2.49	Block 3	100+	\$ 2.89	\$ 2.49

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Multi Unit 26-50	Block 1	100	\$ 2.51	\$ 2.49	Block 1	100	\$ 2.89	\$ 2.49
	Block 2	200	\$ 2.51	\$ 2.49	Block 2	200	\$ 2.89	\$ 2.49
	Block 3	200+	\$ 2.51	\$ 2.49	Block 3	200+	\$ 2.89	\$ 2.49

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Multi Unit 51-75	Block 1	200	\$ 2.51	\$ 2.49	Block 1	200	\$ 2.89	\$ 2.49
	Block 2	300	\$ 2.51	\$ 2.49	Block 2	300	\$ 2.89	\$ 2.49
	Block 3	300+	\$ 2.51	\$ 2.49	Block 3	300+	\$ 2.89	\$ 2.49

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Multi Unit 76-100	Block 1	300	\$ 2.51	\$ 2.49	Block 1	300	\$ 2.89	\$ 2.49
	Block 2	400	\$ 2.51	\$ 2.49	Block 2	400	\$ 2.89	\$ 2.49
	Block 3	400+	\$ 2.51	\$ 2.49	Block 3	400+	\$ 2.89	\$ 2.49

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Multi Unit 100+	Block 1	400	\$ 2.51	\$ 2.49	Block 1	400	\$ 2.89	\$ 2.49
	Block 2	800	\$ 2.51	\$ 2.49	Block 2	800	\$ 2.89	\$ 2.49
	Block 3	800+	\$ 2.51	\$ 2.49	Block 3	800+	\$ 2.89	\$ 2.49

	Off Peak Season				Peak Season			
	Current		Proposed		Current		Proposed	
	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	WSF (\$/Thou. Gal.)	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)
Hydrants	Block 1	All	\$ 6.36	\$ 2.49	Block 1	All	\$ 8.09	\$ 2.49

	Current	Proposed
General Service		
Customer Charge	\$ 1,661.21	\$ 1,794.11
Rate (\$/Thou. Gal.)	\$ 2.22	\$ 2.40

	Current	Proposed
Tanker		
Customer Charge	\$ 15.97	\$ 17.25
Rate (\$/Thou. Gal.)	\$ 2.32	\$ 2.51

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING CHAPTER 130, ARTICLE IV, SECTION 130-167, CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS ADJUSTING WATER RATES AND CHARGES FOR FISCAL YEAR 2021; PROVIDING FOR UPWARD ADJUSTMENTS OF WATER RATES AND CHARGES FOR FISCAL YEAR 2022 AND FISCAL YEAR 2023; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of New Braunfels, Texas (the “City”), owns and operates by and through New Braunfels Utilities its own water system in accordance with the laws of the State of Texas and the charter of said City; and

WHEREAS, the Council of the City of New Braunfels has heretofore established an ordinance providing for assessment and collection of water rates and said ordinance has been codified as Chapter 130, Article IV, Code of Ordinances of the City; and

WHEREAS, Section 130-167 of the Code of Ordinances of the City requires an update when rates are changed; and

WHEREAS, the New Braunfels Utilities staff has recommended new water rates and charges for fiscal year 2021, fiscal year 2022, and fiscal year 2023; and

WHEREAS, the New Braunfels Utilities staff has presented the updated rates and rate design to City Council in a workshop held on October 5, 2020; and

WHEREAS, in order to change the water rates, it is now necessary and advisable that Section 130-167, Article IV, Code of Ordinances, as heretofore established by ordinance, be amended; and

WHEREAS, the City Council of the City retains the power to consider an additional adjustment of NBU’s rates at any time.

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

SECTION 1.

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

SECTION 2.

THAT, Section 130-167, Chapter 130, Article IV, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and hereby is amended to (i) adjust water rates and charges beginning November 1, 2020, and (ii) upwardly adjust the water rates and charges effective on the dates and in the amounts indicated below, excluding those covered by contract, with no further action by the City Council of New Braunfels, Texas or by New Braunfels Utilities:

Effective Date	Rate Adjustment
August 1, 2021	eight percent (8%) upward adjustment of the rates in effect on July 31, 2021
August 1, 2022	eight percent (8%) upward adjustment of the rates in effect on July 31, 2022

SECTION 3.

THAT, Section 130-167, Chapter 130, Article IV, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and hereby is amended in the following section with deleted language signified by strikethrough font and new language signified by underlined font below:

ARTICLE IV. - WATER SERVICE

DIVISION 3. – SERVICE REQUESTS; RATES

Sec. 130-167. - Water rates.

- (a) *Service rate classifications.* All water service supplied shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this section:

Residential service.

Multi-unit permanent residential water service.

General service.

Large general service.

Fire hydrant service.

Irrigation service.

Tanker service.

Wholesale service.

Contractual water service.

Experimental service.

- (b) *Determination of classification.* Upon application for service, NBU shall make the initial determination of the customer's service rate classification. The classification is subject to change in accordance with the provisions of this article.

Rate schedule administration and assignment. Upon request for water service from a prospective customer, NBU shall assign the appropriate rate classification for water service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of water service requirements, then NBU shall, upon review of the information available pertaining to the revised water service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive water service under more than one of the NBU' rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for water service after consideration of the various service requirements, potential impact on NBU facilities, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing units due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing units.

- (c) *Residential service rate.*

- (1) *Availability.* The residential service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
- (3) *Excluded uses.* The residential service rate shall not be applicable for service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge (off peak season or peak season), as shown below, plus any special charges or adjustments.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective November 1, 202019 <u>Subject to subsection (m)</u>
5/8-inch and smaller	\$13.72-80
1-inch	23.301-78
1½-inch	27.085-31
2-inch	33.060-90
3-inch	48.245-08
4-inch and greater	56.883-16

Off peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons between October through May, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1, 202019 <u>Subject to subsection (m)</u>
0—7,500	\$1.66550
7,501—15,000	4.183-91
15,001—25,000	5.7033
Excess of 25,000	7.8433

Peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons between June through September, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons
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	Effective November 1, 202019 <u>Subject to subsection (m)</u>
0—7,500	\$1. <u>7362</u>
7,501—15,000	4. <u>5021</u>
15,001—25,000	6. <u>8439</u>
Excess of 25,000	<u>10.209.53</u>

(5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
- b. The amount specified in any contract between the customer and NBU.

(d) *Multi-unit permanent residential service rate.*

- (1) *Availability.* The multi-unit permanent residential service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The multi-unit permanent residential service rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings, or an individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.
- (3) *Excluded uses.* The multi-unit permanent residential service rate shall not be applicable for service to individually metered residential dwellings.
- (4) *Monthly rates.* The multi-unit permanent residential service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge (off peak season or peak season) plus the monthly unit charge, as shown below, plus any special charges or adjustments.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective November 1, 202019 <u>Subject to subsection (m)</u>
5/8-inch and smaller	\$13. <u>72-80</u>
1-inch	17. <u>876-70</u>
1½-inch	<u>20.7619.40</u>

2-inch	25.353.69
3-inch	36.984.56
4-inch and greater	43.610.76

Off peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons between October through May, or any part thereof, shall be:

Number of Units	Gallons of Water Usage	\$ per 1,000 gallons November 1, 20 2019 <u>Subject to subsection (m)</u>
2—4	0—8,000	\$2. 3217
	8,001—20,000	2. 3217
	Excess of 20,000	2.322.17
5—10	0—20,000	2. 3217
	20,001—40,000	2. 3217
	Excess of 40,000	2. 3217
11—25	0—40,000	2. 3217
	40,001—100,000	2. 3217
	Excess of 100,000	2.32.17
26—50	0—100,000	2. 3217
	100,001—200,000	2. 3217
	Excess of 200,000	2. 3217
51—75	0—200,000	2. 3217

	200,001—300,000	2. 3217
	Excess of 300,000	2. 3217
76—100	0—300,000	2. 3217
	300,001—400,000	2. 3217
	Excess of 400,000	2. 3217
100 +	0—400,000	2. 3217
	400,001—800,000	2. 3217
	Excess of 800,000	2. 3217

Peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons between June through September, or any part thereof, shall be:

Number of Units	Gallons of Water Usage	\$ per 1,000 gallons November 1, 20 2019 <u>Subject to subsection (m)</u>
2—4	0—8,000	\$2. 6850
	8,001—20,000	2. 6850
	Excess of 20,000	2. 6850
5—10	0—20,000	2. 6850
	20,001—40,000	2. 6850
	Excess of 40,000	2. 6850
11—25	0—40,000	2. 6850
	40,001—100,000	2. 6850
	Excess of 100,000	2. 6850

26—50	0—100,000	2.6850
	100,001—200,000	2.6850
	Excess of 200,000	2.6850
51—75	0—200,000	2.6850
	200,001—300,000	2.6850
	Excess of 300,000	2.6850
76—100	0—300,000	2.6850
	300,001—400,000	2.6850
	Excess of 400,000	2.6850
100 +	0—400,000	2.6850
	400,001—800,000	2.6850
	Excess of 800,000	2.6850

Monthly unit charge. When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s) each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$10.790 per month effective November 1, 2020, subject to subsection (m).

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge, plus any special charges or adjustments; or
 - The amount specified in any contract between the customer and NBU.

- (e) *General service rate.*

- (1) *Availability.* The general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The general service rate is applicable to water service for any customer which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks, barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries and garden centers, retail businesses, and warehouses and other similar nonresidential customers.
- (3) *Monthly rates.* The general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge (off peak season or peak season) plus the monthly unit charge, if applicable, as shown below, plus any special charges or adjustments.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective November 1, 2020 <u>Subject to subsection (m)</u>
½-inch and smaller	\$17.196.07
1-inch	19.378.10
1½-inch	25.163.51
2-inch	31.9729.88
3-inch	48.415.24
4-inch	73.6168.79
6-8 inch	127.8149.45
10 inch and greater	132.9324.23

Off peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons October through May, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1,
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	20 20 19 <u>Subject to subsection (m)</u>
0—5,000	\$2. 56 39
5,001—50,000	2. 78 60
50,001—200,000	3. 24 03
Excess of 200,000	<u>4.00</u> 3.74

Peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons June through September, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1, 20 20 19 <u>Subject to subsection (m)</u>
0—5,000	\$2. 81 63
5,001—50,000	<u>3.20</u> 2.99
50,001—200,000	<u>4.22</u> 3.94
Excess of 200,000	5. 60 23

Monthly unit charge. When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$10.~~79~~0 per month effective November 1, 20~~20~~19, subject to subsection (m).

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge, plus any special charges or adjustments, if applicable; or
 - The amount specified in any contract between the customer and NBU.

(f) *Large general service rate.*

- (1) *Availability.* The large general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The large general service rate is applicable to customers with water consumption exceeding 1,250,000 gallons per month for at least any six months of the immediately preceding 12-month billing period. Service shall only be provided under contract approved by the board of trustees of NBU due to the special capacity service requirements.
- (3) *Monthly rates.* The large general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

Monthly customer charge: \$1,~~538.16~~~~437.53~~ effective November 1, 20~~2019~~, subject to subsection (m).

Monthly volume charge: \$~~2.06~~~~1.922~~ per 1,000 gallons effective November 1, 20~~2019~~, subject to subsection (m).

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
 - b. The amount specified in any contract between the customer and NBU.

(g) *Fire hydrant service rate.*

- (1) *Availability.* The fire hydrant water service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The fire hydrant water service rate is applicable to water service provided through a fire hydrant, whether metered or estimated. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required. A service charge of \$100.00 will be assessed to set and remove the fire hydrant meter.
- (3) *Monthly rates.* The fire hydrant service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge (off peak season or peak season), as shown below.

Monthly customer charge: \$1~~77.73~~~~66.40~~ effective November 1, 20~~2019~~, subject to subsection (m).

Off peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons October through May, or any part thereof, shall be:

Off peak monthly volume charge: \$5.~~89~~~~50~~ per 1,000 gallons effective November 1, 20~~2019~~, subject to subsection (m).

Peak season monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons June through September, or any part thereof, shall be:

Peak monthly volume charge: \$7.~~49~~~~00~~ per 1,000 gallons effective November 1, 20~~2019~~, subject to subsection (m).

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
 - b. The amount specified in any contract between the customer and NBU.

- (5) *Deposit.* All customers using a fire hydrant meter shall furnish a deposit of \$300.00 or establish other means of credit acceptable to NBU.
- (h) *Landscape/irrigation service rate.*
- (1) *Availability.* The landscape/irrigation service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The landscape/irrigation service rate is applicable to water service for a residential or general service rate classification customer who has a sprinkler or irrigation system on a separate water meter:
- Dedicated exclusively to such purpose, and
 - Which is in addition to one or more other water meters serving the same location.
- (3) *Monthly rates.* The landscape/irrigation service rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge (off peak season or peak season), as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective November 1, 202019 <u>Subject to subsection (m)</u>
5/8-inch and smaller	\$ <u>10.129.46</u>
1-inch	<u>12.281.48</u>
1½-inch	<u>16.055.00</u>
2-inch	<u>17.126.00</u>
3-inch	<u>26.755.00</u>
4-inch and greater	<u>32.100.00</u>

Off peak monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons between October through May, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1, 202019 <u>Subject to subsection (m)</u>
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0—7,500	\$4. 4819
7,501—25,000	5. 4812
Excess of 25,000	7. 5506

Peak monthly volume charge. The monthly volume charge for monthly water usage per 1,000 gallons between June through September, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1, 20 2019 <u>Subject to subsection (m)</u>
0—7,500	\$5. 6124
7,501—25,000	6. 8540
Excess of 25,000	9.448 .82

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus any special charges or adjustments; or
 - The amount specified in any contract between the customer and NBU.

(i) *Tanker service rate.*

- (1) *Availability.* The tanker service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The tanker water service rate is applicable to water service provided at locations approved by NBU, whether metered or estimated. Under this rate, a customer may acquire and purchase water through the use of water tanker trucks or other mobile water transport containers. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required.
- (3) *Rates.* The rate for each tanker or other mobile water transport containers acquiring water at locations approved by NBU shall be the sum of the tanker charge and the volume charge, as shown below.

Tanker charge	Effective Nov December 1, 20 2007 <u>Subject to subsection (m)</u>
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Per month	\$ 14.793 .82
Volume charge, per 1,000 gallons or any part thereof	2. 15009

- (4) *Minimum charge.* The minimum charge for each tanker truck connection shall be the larger of the following:
- The tanker charge plus the volume charge, plus any special charges or adjustments; or
 - The amount specified in any contract between the customer and NBU.
- (j) *Wholesale water service.*
- Availability.* Wholesale water service is available under the rules, regulations, and policies, as set by contract and approved by the NBU board of trustees. Contracts for wholesale service will be approved only when water supplies are sufficient to satisfy the requirements of the contract without jeopardizing the water needs of the citizens of the city and customers of NBU.
 - Applicability.* A wholesale service contract is applicable for water service to water systems created by the appropriate agency of the state as well as to other water systems and purveyors which resell water or water service.
 - Rates.* The rate set by contract shall not be less than the marginal cost to serve that customer.
- (k) *Experimental rate.*
- Applicability.* The experimental rate shall be applicable to any and all rate class groups at times chosen by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
 - Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's sole discretion.
 - Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (l) *Residential and landscape irrigation drought surcharges.*
- As of June 2014 or any time thereafter, if stage III water restrictions are in effect NBU will implement a \$1.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.
 - As of June 2014 or any time thereafter, if stage IV water restrictions are in effect NBU will implement a \$2.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.

(m) *Water rate escalation. All rates and charges for water services, excluding those covered by contract, shall increase as follows:*

<u>Effective Date</u>	<u>Rate Adjustment</u>
<u>August 1, 2021</u>	<u>eight percent (8%) upward adjustment of the rates in effect on July 31, 2021</u>

August 1, 2022	eight percent (8%) upward adjustment of the rates in effect on July 31, 2022
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NBU is directed to provide updates to City Council and the NBU Board on NBU's financial status. City Council retains the power to consider a review of NBU's rates at any time.

SECTION 4.

THAT, this ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to water rates, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

SECTION 5.

THAT, if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 6.

THAT, this ordinance shall be effective on November 1, 2020.

SECTION 7.

PASSED AND APPROVED: First Reading this 12th day of October 2020.

PASSED AND APPROVED: Second Reading this 26th day of October 2020.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

ANDREW A. LYONS III, Assistant City Secretary

APPROVED AS TO FORM:

VALERIA ACEVEDO, City Attorney

**City Council Agenda Item Report**550 Landa Street
New Braunfels, TX**10/12/2020**

Agenda Item No. H)

Presenter/Contact*Dawn Schriewer, NBU Chief Financial Officer
(830) 629-8468 - dschriewer@nbutexas.com***SUBJECT:**

Public Hearing and Approval of the First Reading of an Ordinance (i) Amending Chapter 130, Article V, Section 130-257 of the Code of Ordinances of the City of New Braunfels Relating to Sewer Rates and Charges for Fiscal Year 2021; and (ii) Providing for Automatic Upward Adjustments of Sewer Rates and Charges for Fiscal Year 2022 and Fiscal Year 2023

BACKGROUND / RATIONALE:

NBU staff is proposing wastewater rate changes designed to fund its FY 2021 budget. In June 2020, the NBU Board of Trustees approved the NBU Budget for FY 2021 which provides the basis and rationale for a wastewater rate adjustment effective November 1, 2020. The NBU Board approved the rate increase and structure at its September 24, 2020 meeting.

NBU's twenty-year wastewater infrastructure strategies are identified in NBU's Master Plan. NBU had to satisfy a revenue requirement for sewer in order to build and maintain infrastructure to meet regulatory requirements. The proposed rates will provide the revenue needed to make these investments.

The proposed FY 2021 sewer rate design includes (i) a base rate increase for FY 2021 of 16.5%; and (ii) an annual upward adjustment of base rates for FY 2022 and FY 2023 of 13.0%. In addition, the proposed FY 2021 sewer rate design includes the implementation of a discount program for low income customers.

The presentation, proposed rates, updated ordinance, and board resolution are attached. The second reading of the proposed ordinance is scheduled for October 26, 2020, and, if approved, the proposed rates become effective on November 1, 2020.

PROPOSED CODE OF ORDINANCE CHANGES

NBU staff has included in the City Council backup materials a redline version of City of New Braunfels Code of Ordinances Chapter 130-257 - Sewer Rates.

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

<input type="checkbox"/>	N/A	City Plan/Council Priority:	
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The New Braunfels Utilities Board of Trustees adopted a resolution on September 24, 2020 recommending the proposed amendments to the sewer rate Ordinance.

STAFF RECOMMENDATION:

NBU Staff recommends approval of the ordinance.

ATTACHMENTS:

1. Ordinance
2. Proposed Sewer Rate Tables
3. NBU Board Resolution - Sewer
4. Water and Sewer Rate Presentation

A RESOLUTION BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES APPROVING PROPOSED AMENDMENTS TO CHAPTER 130, ARTICLE V, SECTION 130-257 OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS (I) ADJUSTING SEWER RATES AND CHARGES FOR FISCAL YEAR 2021; (II) PROVIDING FOR UPWARD ADJUSTMENTS OF SEWER RATES AND CHARGES FOR FISCAL YEAR 2022 AND FISCAL YEAR 2023; AND (III) AUTHORIZING PRESENTATION OF SAME TO THE CITY COUNCIL OF NEW BRAUNFELS FOR ITS CONSIDERATION AND PASSAGE

WHEREAS, the City Council of the City of New Braunfels (the “City Council”) has established an ordinance containing the rules, regulations, and policies and rate provisions affecting the New Braunfels Utilities sewer system and its furnishing of services, fixing rates, deposits and providing for collection procedures and for the operations of said systems, and said ordinances have been codified in Chapter 130, Article V, Code of Ordinances of the City;

WHEREAS, the Board of Trustees of New Braunfels Utilities is of the opinion that it is now necessary and advisable that Chapter 130, Article V, Section 130-257 of the Code of Ordinances relating to sewer rates and charges be amended for fiscal year 2021, fiscal year 2022, and fiscal year 2023; and

WHEREAS, the Board of Trustees has reviewed the proposed amendments, and is of the opinion that the same should be approved and submitted to the City Council, for its consideration and passage.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES THAT:

SECTION 1. The Board of Trustees hereby approves the proposed amendments to Chapter 130, Article V, Section 130-257 of the Code of Ordinances of the City of New Braunfels as set forth in attached Exhibit A to (i) adjust sewer rates and charges beginning November 1, 2020, as specified therein and (ii) upwardly adjust sewer rates and charges effective on the dates and in the amounts indicated below, excluding those covered by contract, with no further action by the City Council of New Braunfels, Texas or by New Braunfels Utilities:

Effective Date	Rate Adjustment
August 1, 2021	thirteen percent (13%) adjustment of the rates in effect on July 31, 2021
August 1, 2022	thirteen percent (13%) adjustment of the rates in effect on July 31, 2022

SECTION 2. The Board of Trustees hereby recommends approval of such amendments to the City Council and authorizes and directs the Chief Executive Officer of New Braunfels Utilities to present the proposed ordinance amendments in ordinance form to the City Council for its consideration and passage as provided by law.

SECTION 3. The recitals contained in the preamble hereof are found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Board of Trustees.

SECTION 4. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board of Trustees hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

SECTION 8. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, APPROVED, AND ADOPTED, this the 24th day of September, 2020.



 John A. Harrell
 President, Board of Trustees
 New Braunfels Utilities

ATTEST:



 Ian Taylor
 Secretary to the Board
 New Braunfels Utilities

Exhibit A

Sec. 130-257. - Sewer rates.

- (a) *Service rate classifications.* All sewage treatment services supplied shall be designated by the following classifications with descriptions, rates, and conditions of service as indicated further in this section:

Residential service 1 (with water service)

Residential service 2 (without water service)

General service 1 (with water service)

General service 2 (without water service)

Contractual service

Experimental service

- (b) *Rate schedule administration and assignment.* Upon request for sewer service from a prospective customer, NBU shall assign the appropriate rate classification for sewer service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of sewer service requirements, then NBU shall, upon review of the information available pertaining to the revised sewer service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive sewer service under more than one of the NBU rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for sewer service after consideration of the various service requirements, potential impact on NBU facilities, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing units due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing units.

- (c) *Residential service 1 rate, with water service provided by NBU.*

- (1) *Availability.* The residential service 1 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service 1 rate is applicable to sewer service used solely for residential purposes and related activities consisting of service to single-family dwellings or permanent residential multifamily dwellings with not more than four separate and identifiable permanent residential dwelling areas, such as duplexes, triplexes, or quadruplexes, and where water service is provided by NBU to all units through one water meter.
- (3) *Excluded uses.* The residential service 1 rate shall not be applicable to service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, apartment complexes with more than four separate and identifiable residential dwelling areas, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below:

Monthly customer charge. The monthly customer charge shall be \$21.55 effective November 1, 2020, subject to subsection (i).

Monthly volume charge. The monthly volume charge shall be \$5.07 effective November 1, 2020, subject to subsection (i), per 1,000 gallons, or any part thereof, of average water consumption calculated on a monthly basis as specified under determination of sewer volume billing units.

Monthly unit charge. The monthly unit charge shall be applicable when a customer with a master metered water service receives service at a duplex, triplex, quadruplex, or an individual residence with separate apartment type unit, each such separate and identifiable permanent residential dwelling area shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$12.82 per month effective November 1, 2020, subject to subsection (i).

NBU will not undertake the apportionment of charges among the occupants residing in multi-unit residential structures. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Determination of sewer volume billing units.* Sewer volume billing units shall be calculated each month for each residential service 1 rate customer by averaging that customer's water consumption for the lowest three months during the preceding 12- month period. Only one month of metered water consumption of less than 100 gallons will be included in the calculation as long as the customer has two or more months of metered water consumption of more than 100 gallons. If the customer has less than two months of metered water consumption of 100 gallons or more, zero consumption months are not restricted from use in the calculation. This calculated three-month average water consumption will be billed each month using the rate specified under monthly volume charge in the preceding paragraph.

Residential service 1 rate customers who have a water usage history less than 12 months shall be billed at the lesser of the system calculated average consumption for similar residential service 1 rate customers or the current billing month's water consumption until the customer has established a water usage history of 12 months.

- (6) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
 - b. The amount specified in any contract between the customer and NBU.
- (7) *Maximum monthly charge.* The maximum charge for a single unit residential structure shall be \$115.85 per month effective November 1, 2020, subject to subsection (i). A maximum charge is not applicable to any multi-unit residential service 1 customer.
- (8) *Proration of bills.* Single unit residential service 1 rate customers who receive less than a full month of sewer service will have their total bill prorated based on the number of days for which service is received by the customer, divided by the number of days in the current calendar month. Days of service received will be calculated based on the date of initial service or cutoff of service by NBU and will not be prorated for partial days. Proration of bills will not be applicable to any multi-unit residential customer.

(d) *Residential service 2 rate, with water service not provided by NBU.*

- (1) *Availability.* The residential service 2 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service 2 rate is applicable to sewer service used solely for residential purposes and related activities consisting of service to single-family dwellings or permanent residential multifamily dwellings with not more than four separate and identifiable

permanent residential dwelling areas, such as duplexes, triplexes or quadruplexes, where water service is not provided by NBU.

- (3) *Excluded uses.* The residential service 2 rate shall not be applicable to service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, apartment complexes with more than four separate and identifiable residential dwelling units, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly unit charge, if applicable, as shown below:

Monthly customer charge. The monthly customer charge shall be \$61.35 effective November 1, 2020, subject to subsection (i), plus the monthly unit charge if applicable. Triplexes and quadruplexes will be billed for two monthly customer charges.

Monthly unit charge. When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, or an individual residence with separate apartment type units, each such separate and identifiable permanent residential dwelling area shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$12.82 per month effective November 1, 2020, subject to subsection (i).

NBU will not undertake the apportionment of charges residing in multi-unit residential structures among the occupants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly unit charge, if applicable; or
 - The amount specified in any contract between the customer and NBU.
- (e) *General service 1 rate, with water service provided by NBU.*
- (1) *Availability.* The general service 1 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The general service 1 rate is applicable to sewer service for any customer which does not qualify for the residential service rate, and where water service is provided by NBU.
- (3) *Monthly rates.* The general service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.
- Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective November 1, 2020 Subject to subsection (i)
5/8 -inch and smaller	\$30.64
1-inch	\$33.25
1½-inch	\$46.37
2-inch	\$58.98

3-inch	\$91.02
4-inch	\$131.10
6-inch	\$236.27
10 inch and greater	407.75

Monthly volume charge. The monthly volume charge shall be based upon actual water consumption measured in 1,000-gallon increments or any part thereof, as follows:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1, 2020 Subject to subsection (i)
0—7,000	\$6.41
7,001—25,000	\$6.41
25,001—300,000	\$6.41
Excess of 300,000	\$6.41

Monthly unit charge. When a customer with a master metered water service receives service at a multiple unit residential facility with five or more units, such as an apartment complex or mobile home park, each separate and identifiable permanent residential dwelling area and each public bathroom, laundry area, or other area where sewer service exists shall be subject to a monthly unit charge for billing purposes. When a customer receives service at a multi-unit nonresidential facility, each separate and identifiable office, retail, wholesale or other type of working space designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$12.82 per month effective November 1, 2020, subject to subsection (i).

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge plus the unit charge, if applicable; or
 - b. The amount specified in any contract between the customer and NBU.
- (f) *General service 2 rate, with water service not provided by NBU.*
 - (1) *Availability.* The general service 2 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rate set forth in this section.
 - (2) *Applicability.* The general service 2 rate is applicable to sewer service for any customer which does not qualify for the residential service rate, and where water service is not provided by NBU.

- (3) *Monthly rates.* The general service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by NBU based on an engineering study or the size of the water meter serving each customer, using the general service 1 monthly customer charge rate schedule.

If the customer receives water service directly from a private well where the water service is not provided through a meter, then the monthly customer charge shall be determined based upon analysis of the water connection, but not less than \$28.05 per month effective November 1, 2020, subject to subsection (i).

Monthly volume charge. NBU shall have the right to require metered water usage data, to perform individual account analysis of water consumption, or to perform sewer flow analysis for any customer under this rate. If metered water usage data becomes available, or if NBU performs an individual water consumption analysis or sewer flow analysis, then the monthly volume charge shall be determined in accordance with the general service 1 monthly volume charge rate schedule.

If metered water data is not available, and if NBU does not require an individual water consumption analysis or sewer flow analysis, then the monthly volume charge shall be \$68.97 per month effective November 1, 2020, subject to subsection (i).

Monthly unit charge. When a customer receives service at a multiple unit residential facility with five or more units, such as an apartment complex or mobile home park, each separate and identifiable permanent residential dwelling area and each public bathroom, laundry area, or other area where sewer service exists shall be subject to a monthly unit charge for billing purposes. When a customer receives service at a multi-unit nonresidential facility, each separate and identifiable office, retail, wholesale or other type of working space designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$12.82 per month effective November 1, 2020, subject to subsection (i).

NBU will not undertake the apportionment of charges for such customers among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
 - b. The amount specified in any contract between the customer and NBU.
- (g) *Contractual sewage treatment.* NBU shall have the right to enter into contracts with customers for sewage treatment subject to prior approval of the city council. Such sewage treatment charges may be calculated on the basis of customer classification as set forth in this article or on cost of service, at the election of NBU; however, the sewage treatment charge shall never be less than cost of service.
- (h) *Experimental rate.*
- (1) *Applicability.* The experimental rate shall be applicable to any and all customer rate classifications at times selected by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.

- (2) *Purpose.* The purpose of the experimental rate is to aid in the design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate as it deems appropriate.
- (3) *Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be selected and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (i) *Sewer rate escalation.* All rates and charges for sewer services, excluding those covered by contract, shall increase as follows:

Effective Date	Rate Adjustment
August 1, 2021	thirteen percent (13%) upward adjustment of the rates in effect on July 31, 2021
August 1, 2022	thirteen percent (13%) upward adjustment of the rates in effect on July 31, 2022

NBU is directed to provide updates to City Council and the NBU Board on NBU's financial status. City Council retains the power to consider a review of NBU's rates at any time.

~~(Ord. No. 2002-29, § 1(Att. A), 7-22-02; Ord. No. 2002-49, §§ I, II, 12-9-02; Ord. No. 2007-79, § 2, 10-22-07; Ord. No. 2008-74, § 2, 11-24-08; Ord. No. 2011-104, § 2, 11-28-11; Ord. No. 2013-50, § I, 8-26-13; Ord. No. 2014-61, § I, 9-8-14; Ord. No. 2015-61, § I(Exh. A), 11-9-15)~~

Sec. 130-257. - Sewer rates.

- (a) *Service rate classifications.* All sewage treatment services supplied shall be designated by the following classifications with descriptions, rates, and conditions of service as indicated further in this section:

Residential service 1 (with water service)

Residential service 2 (without water service)

General service 1 (with water service)

General service 2 (without water service)

Contractual service

Experimental service

- (b) *Rate schedule administration and assignment.* Upon request for sewer service from a prospective customer, NBU shall assign the appropriate rate classification for sewer service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of sewer service requirements, then NBU shall, upon review of the information available pertaining to the revised sewer service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive sewer service under more than one of the NBU rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for sewer service after consideration of the various service requirements, potential impact on NBU facilities, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing units due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing units.

- (c) *Residential service 1 rate, with water service provided by NBU.*

- (1) *Availability.* The residential service 1 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service 1 rate is applicable to sewer service used solely for residential purposes and related activities consisting of service to single-family dwellings or permanent residential multifamily dwellings with not more than four separate and identifiable permanent residential dwelling areas, such as duplexes, triplexes, or quadruplexes, and where water service is provided by NBU to all units through one water meter.
- (3) *Excluded uses.* The residential service 1 rate shall not be applicable to service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, apartment complexes with more than four separate and identifiable residential dwelling areas, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below:

Monthly customer charge. The monthly customer charge shall be \$~~18.50~~21.55 effective November 1, ~~2019-2020, subject to subsection (i).~~

Monthly volume charge. The monthly volume charge shall be \$~~4.35~~5.07 effective November 1, ~~2019-2020, subject to subsection (i).~~ per 1,000 gallons, or any part thereof, of average water consumption calculated on a monthly basis as specified under determination of sewer volume billing units.

Monthly unit charge. The monthly unit charge shall be applicable when a customer with a master metered water service receives service at a duplex, triplex, quadruplex, or an individual residence with separate apartment type unit, each such separate and identifiable permanent residential dwelling area shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$~~44.00~~12.82 per month effective November 1, ~~2019-2020, subject to subsection (i).~~

NBU will not undertake the apportionment of charges among the occupants residing in multi-unit residential structures. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Determination of sewer volume billing units.* Sewer volume billing units shall be calculated each month for each residential service 1 rate customer by averaging that customer's water consumption for the lowest three months during the preceding 12- month period. Only one month of metered water consumption of less than 100 gallons will be included in the calculation as long as the customer has two or more months of metered water consumption of more than 100 gallons. If the customer has less than two months of metered water consumption of 100 gallons or more, zero consumption months are not restricted from use in the calculation. This calculated three-month average water consumption will be billed each month using the rate specified under monthly volume charge in the preceding paragraph.

Residential service 1 rate customers who have a water usage history less than 12 months shall be billed at the lesser of the system calculated average consumption for similar residential service 1 rate customers or the current billing month's water consumption until the customer has established a water usage history of 12 months.

- (6) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
 - b. The amount specified in any contract between the customer and NBU.
- (7) *Maximum monthly charge.* The maximum charge for a single unit residential structure shall be \$~~99.36~~115.85 per month effective ~~January~~November 1, ~~2016-2020, subject to subsection (i).~~ A maximum charge is not applicable to any multi-unit residential service 1 customer.
- (8) *Proration of bills.* Single unit residential service 1 rate customers who receive less than a full month of sewer service will have their total bill prorated based on the number of days for which service is received by the customer, divided by the number of days in the current calendar month. Days of service received will be calculated based on the date of initial service or cutoff of service by NBU and will not be prorated for partial days. Proration of bills will not be applicable to any multi-unit residential customer.

(d) *Residential service 2 rate, with water service not provided by NBU.*

- (1) *Availability.* The residential service 2 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service 2 rate is applicable to sewer service used solely for residential purposes and related activities consisting of service to single-family dwellings or permanent residential multifamily dwellings with not more than four separate and identifiable

permanent residential dwelling areas, such as duplexes, triplexes or quadruplexes, where water service is not provided by NBU.

- (3) *Excluded uses.* The residential service 2 rate shall not be applicable to service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, apartment complexes with more than four separate and identifiable residential dwelling units, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly unit charge, if applicable, as shown below:

Monthly customer charge. The monthly customer charge shall be ~~\$52.66~~61.35 effective November 1, ~~2019~~2020, subject to subsection (i), plus the monthly unit charge if applicable. Triplexes and quadruplexes will be billed for two monthly customer charges.

Monthly unit charge. When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, or an individual residence with separate apartment type units, each such separate and identifiable permanent residential dwelling area shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be ~~\$11.00~~12.82 per month effective November 1, ~~2019~~2020, subject to subsection (i).

NBU will not undertake the apportionment of charges residing in multi-unit residential structures among the occupants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly unit charge, if applicable; or
 - The amount specified in any contract between the customer and NBU.
- (e) *General service 1 rate, with water service provided by NBU.*
- (1) *Availability.* The general service 1 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The general service 1 rate is applicable to sewer service for any customer which does not qualify for the residential service rate, and where water service is provided by NBU.
 - (3) *Monthly rates.* The general service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective November 1, 2019 <u>2020</u> <u>Subject to subsection (i)</u>
5/8 -inch and smaller	\$26.30 <u>64</u>
1-inch	\$28.54 <u>33.25</u>
1½-inch	\$39.80 <u>46.37</u>
2-inch	\$50.63 <u>58.98</u>

3-inch	\$78.13 <u>91.02</u>
4-inch	\$112.53 <u>131.10</u>
6-inch	\$202.81 <u>236.27</u>
10 inch and greater	350.00 <u>407.75</u>

Monthly volume charge. The monthly volume charge shall be based upon actual water consumption measured in 1,000-gallon increments or any part thereof, as follows:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1, 2019-2020 <u>Subject to subsection (i)</u>
0—7,000	\$5.50 <u>6.41</u>
7,001—25,000	\$5.50 <u>6.41</u>
25,001—300,000	\$5.50 <u>6.41</u>
Excess of 300,000	\$5.50 <u>6.41</u>

Monthly unit charge. When a customer with a master metered water service receives service at a multiple unit residential facility with five or more units, such as an apartment complex or mobile home park, each separate and identifiable permanent residential dwelling area and each public bathroom, laundry area, or other area where sewer service exists shall be subject to a monthly unit charge for billing purposes. When a customer receives service at a multi-unit nonresidential facility, each separate and identifiable office, retail, wholesale or other type of working space designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be ~~\$11.00~~12.82 per month effective November 1, ~~2019-2020~~, subject to subsection (i).

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge plus the unit charge, if applicable; or
 - b. The amount specified in any contract between the customer and NBU.
- (f) *General service 2 rate, with water service not provided by NBU.*
 - (1) *Availability.* The general service 2 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rate set forth in this section.
 - (2) *Applicability.* The general service 2 rate is applicable to sewer service for any customer which does not qualify for the residential service rate, and where water service is not provided by NBU.

- (3) *Monthly rates.* The general service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by NBU based on an engineering study or the size of the water meter serving each customer, using the general service 1 monthly customer charge rate schedule.

If the customer receives water service directly from a private well where the water service is not provided through a meter, then the monthly customer charge shall be determined based upon analysis of the water connection, but not less than ~~\$24.08~~28.05 per month effective November 1, ~~2019-2020~~, subject to subsection (i).

Monthly volume charge. NBU shall have the right to require metered water usage data, to perform individual account analysis of water consumption, or to perform sewer flow analysis for any customer under this rate. If metered water usage data becomes available, or if NBU performs an individual water consumption analysis or sewer flow analysis, then the monthly volume charge shall be determined in accordance with the general service 1 monthly volume charge rate schedule.

If metered water data is not available, and if NBU does not require an individual water consumption analysis or sewer flow analysis, then the monthly volume charge shall be ~~\$59.20~~68.97 per month effective November 1, ~~2019-2020~~, subject to subsection (i).

Monthly unit charge. When a customer receives service at a multiple unit residential facility with five or more units, such as an apartment complex or mobile home park, each separate and identifiable permanent residential dwelling area and each public bathroom, laundry area, or other area where sewer service exists shall be subject to a monthly unit charge for billing purposes. When a customer receives service at a multi-unit nonresidential facility, each separate and identifiable office, retail, wholesale or other type of working space designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be ~~\$44.00~~12.82 per month effective November 1, ~~2019-2020~~, subject to subsection (i).

NBU will not undertake the apportionment of charges for such customers among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
 - b. The amount specified in any contract between the customer and NBU.
- (g) *Contractual sewage treatment.* NBU shall have the right to enter into contracts with customers for sewage treatment subject to prior approval of the city council. Such sewage treatment charges may be calculated on the basis of customer classification as set forth in this article or on cost of service, at the election of NBU; however, the sewage treatment charge shall never be less than cost of service.
- (h) *Experimental rate.*
- (1) *Applicability.* The experimental rate shall be applicable to any and all customer rate classifications at times selected by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.

- (2) *Purpose.* The purpose of the experimental rate is to aid in the design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate as it deems appropriate.
- (3) *Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be selected and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (i) *Sewer rate escalation.* All rates and charges for sewer services, excluding those covered by contract, shall increase ~~at a rate of four and one-half (4.5) percent annually, effective on January 1, 2017 and January 1, 2018-as follows:~~

<u>Effective Date</u>	<u>Rate Adjustment</u>
<u>August 1, 2021</u>	<u>thirteen percent (13%) upward adjustment of the rates in effect on July 31, 2021</u>
<u>August 1, 2022</u>	<u>thirteen percent (13%) upward adjustment of the rates in effect on July 31, 2022</u>

NBU is directed to provide updates to City Council and the NBU Board on NBU's financial status. City Council retains the power to consider a review of NBU's rates at any time.

~~(Ord. No. 2002-29, § 1(Att. A), 7-22-02; Ord. No. 2002-49, §§ I, II, 12-9-02; Ord. No. 2007-79, § 2, 10-22-07; Ord. No. 2008-74, § 2, 11-24-08; Ord. No. 2011-104, § 2, 11-28-11; Ord. No. 2013-50, § I, 8-26-13; Ord. No. 2014-61, § I, 9-8-14; Ord. No. 2015-61, § I(Exh. A), 11-9-15)~~

	Residential (\$/Bill)		Multi-Use 2-4 (\$/Bill)	
	Current	Proposed	Current	Proposed
Total				
Customer Bills	\$ 18.50	\$ 21.55	\$ 18.50	\$ 21.55
Consumption	\$ 4.35	\$ 5.07	\$ 4.35	\$ 5.07
Sewer Only	\$ 52.66	\$ 61.35		
Maximum Charge	\$ 99.36	\$ 115.85		
Unit Charge			\$ 11.00	\$ 12.82

	Multi-Use 5+ (\$/Bill)		Small General Service (\$/Bill)	
	Current	Proposed	Current	Proposed
Meter Size				
5/8-Inch	\$ 26.30	\$ 30.64	\$ 26.30	\$ 30.64
1-Inch	\$ 28.54	\$ 33.25	\$ 28.54	\$ 33.25
1 1/2-Inch	\$ 39.80	\$ 46.37	\$ 39.80	\$ 46.37
2-Inch	\$ 50.63	\$ 58.98	\$ 50.63	\$ 58.98
3-Inch	\$ 78.13	\$ 91.02	\$ 78.13	\$ 91.02
4-Inch	\$ 112.53	\$ 131.10	\$ 112.53	\$ 131.10
6-Inch	\$ 202.81	\$ 236.27	\$ 202.81	\$ 236.27
10-Inch +	\$ 350.00	\$ 407.75	\$ 350.00	\$ 407.75
Sewer Only			\$ 59.20	\$ 68.97
Private Well Service			\$ 24.08	\$ 28.05

		Multi-Use 5+		Small General Service	
		Current	Proposed	Current	Proposed
Usage	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	Rate (\$/Thou. Gal.)	Rate (\$/Thou. Gal.)	Rate (\$/Thou. Gal.)
Block 1	7	\$ 5.50	\$ 6.41	\$ 5.50	\$ 6.41
Block 2	25	\$ 5.50	\$ 6.41	\$ 5.50	\$ 6.41
Block 3	300	\$ 5.50	\$ 6.41	\$ 5.50	\$ 6.41
Block 4	300+	\$ 5.50	\$ 6.41	\$ 5.50	\$ 6.41

	Residential (\$/Bill)		Multi-Use 2-4 (\$/Bill)	
	Current	Proposed	Current	Proposed
Total				
Customer Bills	\$ 21.55	\$ 24.35	\$ 21.55	\$ 24.35
Consumption	\$ 5.07	\$ 5.73	\$ 5.07	\$ 5.73
Sewer Only	\$ 61.35	\$ 69.33		
Maximum Charge	\$ 115.85	\$ 130.93		
Unit Charge			\$ 12.82	\$ 14.49

	Multi-Use 5+ (\$/Bill)		Small General Service (\$/Bill)	
	Current	Proposed	Current	Proposed
Meter Size				
5/8-Inch	\$ 30.64	\$ 34.62	\$ 30.64	\$ 34.62
1-Inch	\$ 33.25	\$ 37.57	\$ 33.25	\$ 37.57
1 1/2-Inch	\$ 46.37	\$ 52.40	\$ 46.37	\$ 52.40
2-Inch	\$ 58.98	\$ 66.65	\$ 58.98	\$ 66.65
3-Inch	\$ 91.02	\$ 102.85	\$ 91.02	\$ 102.85
4-Inch	\$ 131.10	\$ 148.14	\$ 131.10	\$ 148.14
6-Inch	\$ 236.27	\$ 266.99	\$ 236.27	\$ 266.99
10-Inch +	\$ 407.75	\$ 460.76	\$ 407.75	\$ 460.76
Sewer Only			\$ 68.97	\$ 77.94
Private Well Service			\$ 28.05	\$ 31.70

		Multi-Use 5+		Small General Service	
		Current	Proposed	Current	Proposed
Usage	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	Rate (\$/Thou. Gal.)	Rate (\$/Thou. Gal.)	Rate (\$/Thou. Gal.)
Block 1	7	\$ 6.41	\$ 7.24	\$ 6.41	\$ 7.24
Block 2	25	\$ 6.41	\$ 7.24	\$ 6.41	\$ 7.24
Block 3	300	\$ 6.41	\$ 7.24	\$ 6.41	\$ 7.24
Block 4	300+	\$ 6.41	\$ 7.24	\$ 6.41	\$ 7.24

	Residential (\$/Bill)		Multi-Use 2-4 (\$/Bill)	
	Current	Proposed	Current	Proposed
Total				
Customer Bills	\$ 24.35	\$ 27.52	\$ 24.35	\$ 27.52
Consumption	\$ 5.73	\$ 6.47	\$ 5.73	\$ 6.47
Sewer Only	\$ 69.33	\$ 78.34		
Maximum Charge	\$ 130.93	\$ 147.86		
Unit Charge			\$ 14.49	\$ 16.37

	Multi-Use 5+ (\$/Bill)		Small General Service (\$/Bill)	
	Current	Proposed	Current	Proposed
Meter Size				
5/8-Inch	\$ 34.62	\$ 39.12	\$ 34.62	\$ 39.12
1-Inch	\$ 37.57	\$ 42.45	\$ 37.57	\$ 42.45
1 1/2-Inch	\$ 52.40	\$ 59.21	\$ 52.40	\$ 59.21
2-Inch	\$ 66.65	\$ 75.31	\$ 66.65	\$ 75.31
3-Inch	\$ 102.85	\$ 116.22	\$ 102.85	\$ 116.22
4-Inch	\$ 148.14	\$ 167.40	\$ 148.14	\$ 167.40
6-Inch	\$ 266.99	\$ 301.70	\$ 266.99	\$ 301.70
10-Inch +	\$ 460.76	\$ 520.66	\$ 460.76	\$ 520.66
Sewer Only			\$ 77.94	\$ 88.07
Private Well Service			\$ 31.70	\$ 35.82

		Multi-Use 5+		Small General Service	
		Current	Proposed	Current	Proposed
Usage	Block (Thou. Gal.)	Rate (\$/Thou. Gal.)	Rate (\$/Thou. Gal.)	Rate (\$/Thou. Gal.)	Rate (\$/Thou. Gal.)
Block 1	7	\$ 7.24	\$ 8.18	\$ 7.24	\$ 8.18
Block 2	25	\$ 7.24	\$ 8.18	\$ 7.24	\$ 8.18
Block 3	300	\$ 7.24	\$ 8.18	\$ 7.24	\$ 8.18
Block 4	300+	\$ 7.24	\$ 8.18	\$ 7.24	\$ 8.18

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING CHAPTER 130, ARTICLE V, SECTION 130-257, CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS ADJUSTING SEWER RATES AND CHARGES FOR FISCAL YEAR 2021; PROVIDING FOR UPWARD ADJUSTMENTS OF SEWER RATES AND CHARGES FOR FISCAL YEAR 2022 AND FISCAL YEAR 2023; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of New Braunfels, Texas (the “City”), owns and operates by and through New Braunfels Utilities its own sewer system in accordance with the laws of the State of Texas and the charter of said City; and

WHEREAS, the Council of the City of New Braunfels has heretofore established an ordinance providing for assessment and collection of sewer rates and which ordinance has been codified as Chapter 130, Article V, Code of Ordinances of the City; and

WHEREAS, Section 130-257 of the Code of Ordinances of the City requires an update when rates are changed; and

WHEREAS, the New Braunfels Utilities staff has recommended new sewer rates and charges for fiscal year 2021, fiscal year 2022, and fiscal year 2023; and

WHEREAS, the New Braunfels Utilities staff has presented the updated rates and rate design to City Council in a workshop held on October 5, 2020; and

WHEREAS, in order to change the sewer rates, it is now necessary and advisable that Section 130-257, Article V, Code of Ordinances, as heretofore established by ordinance, be amended; and

WHEREAS, the City Council of the City retains the power to consider an additional adjustment of NBU’s rates at any time.

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

SECTION 1.

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

SECTION 2.

THAT, Section 130-257, Chapter 130, Article V, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and hereby is amended to (i) adjust sewer rates and charges beginning November 1, 2020, and (ii) upwardly adjust the sewer rates and charges effective on the dates and in the amounts indicated below, excluding those covered by contract, with no further action by the City Council of New Braunfels, Texas or by New Braunfels Utilities:

Effective Date	Rate Adjustment
August 1, 2021	thirteen percent (13%) upward adjustment of the rates in effect on July 31, 2021
August 1, 2022	thirteen percent (13%) upward adjustment of the rates in effect on July 31, 2022

SECTION 3.

THAT, Section 130-257, Chapter 130, Article V, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and hereby is amended in the following section with deleted language signified by strikethrough font and new language signified by underlined font below:

ARTICLE V. - SEWER SERVICE

DIVISION 2. – SERVICE REQUESTS; RATES

Sec. 130-257. - Sewer rates.

(a) *Service rate classifications.* All sewage treatment services supplied shall be designated by the following classifications with descriptions, rates, and conditions of service as indicated further in this section:

Residential service 1 (with water service)

Residential service 2 (without water service)

General service 1 (with water service)

General service 2 (without water service)

Contractual service

Experimental service

- (b) *Rate schedule administration and assignment.* Upon request for sewer service from a prospective customer, NBU shall assign the appropriate rate classification for sewer service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of sewer service requirements, then NBU shall, upon review of the information available pertaining to the revised sewer service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive sewer service under more than one of the NBU rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for sewer service after consideration of the various service requirements, potential impact on NBU facilities, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing units due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing units.

- (c) *Residential service 1 rate, with water service provided by NBU.*

- (1) *Availability.* The residential service 1 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service 1 rate is applicable to sewer service used solely for residential purposes and related activities consisting of service to single-family dwellings or permanent residential multifamily dwellings with not more than four separate and identifiable permanent residential dwelling areas, such as duplexes, triplexes, or quadruplexes, and where water service is provided by NBU to all units through one water meter.
- (3) *Excluded uses.* The residential service 1 rate shall not be applicable to service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, apartment complexes with more than four separate and identifiable residential dwelling areas, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below:

Monthly customer charge. The monthly customer charge shall be ~~\$21.5548.50~~ effective November 1, 202049, [subject to subsection \(i\)](#).

Monthly volume charge. The monthly volume charge shall be ~~\$5.074.35~~ effective November 1, 202049, [subject to subsection \(i\)](#), per 1,000 gallons, or any part thereof, of average water consumption calculated on a monthly basis as specified under determination of sewer volume billing units.

Monthly unit charge. The monthly unit charge shall be applicable when a customer with a master metered water service receives service at a duplex, triplex, quadruplex, or an individual

residence with separate apartment type unit, each such separate and identifiable permanent residential dwelling area shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$~~12.824.00~~ per month effective November 1, 20~~2049~~2020, [subject to subsection \(i\)](#).

NBU will not undertake the apportionment of charges among the occupants residing in multi-unit residential structures. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Determination of sewer volume billing units.* Sewer volume billing units shall be calculated each month for each residential service 1 rate customer by averaging that customer's water consumption for the lowest three months during the preceding 12- month period. Only one month of metered water consumption of less than 100 gallons will be included in the calculation as long as the customer has two or more months of metered water consumption of more than 100 gallons. If the customer has less than two months of metered water consumption of 100 gallons or more, zero consumption months are not restricted from use in the calculation. This calculated three-month average water consumption will be billed each month using the rate specified under monthly volume charge in the preceding paragraph.

Residential service 1 rate customers who have a water usage history less than 12 months shall be billed at the lesser of the system calculated average consumption for similar residential service 1 rate customers or the current billing month's water consumption until the customer has established a water usage history of 12 months.

- (6) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
 - b. The amount specified in any contract between the customer and NBU.
 - (7) *Maximum monthly charge.* The maximum charge for a single unit residential structure shall be \$~~99.36115.8584~~ per month effective ~~January 1, 2016~~November 1, 2020, [subject to subsection \(i\)](#). A maximum charge is not applicable to any multi-unit residential service 1 customer.
 - (8) *Proration of bills.* Single unit residential service 1 rate customers who receive less than a full month of sewer service will have their total bill prorated based on the number of days for which service is received by the customer, divided by the number of days in the current calendar month. Days of service received will be calculated based on the date of initial service or cutoff of service by NBU and will not be prorated for partial days. Proration of bills will not be applicable to any multi-unit residential customer.
- (d) *Residential service 2 rate, with water service not provided by NBU.*
- (1) *Availability.* The residential service 2 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rates set forth in this section.
 - (2) *Applicability.* The residential service 2 rate is applicable to sewer service used solely for residential purposes and related activities consisting of service to single-family dwellings or permanent residential multifamily dwellings with not more than four separate and identifiable permanent residential dwelling areas, such as duplexes, triplexes or quadruplexes, where water service is not provided by NBU.
 - (3) *Excluded uses.* The residential service 2 rate shall not be applicable to service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, apartment complexes with more than four separate and identifiable residential dwelling units, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.

- (4) *Monthly rates.* The residential service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly unit charge, if applicable, as shown below:

Monthly customer charge. The monthly customer charge shall be ~~\$61.3552.66~~ effective November 1, 20~~20~~~~19~~, [subject to subsection \(i\)](#), plus the monthly unit charge if applicable. Triplexes and quadruplexes will be billed for two monthly customer charges.

Monthly unit charge. When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, or an individual residence with separate apartment type units, each such separate and identifiable permanent residential dwelling area shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$1~~2.821.00~~ per month effective November 1, 20~~20~~~~19~~, [subject to subsection \(i\)](#).

NBU will not undertake the apportionment of charges residing in multi-unit residential structures among the occupants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly unit charge, if applicable; or
 - The amount specified in any contract between the customer and NBU.
- (e) *General service 1 rate, with water service provided by NBU.*
- Availability.* The general service 1 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rates set forth in this section.
 - Applicability.* The general service 1 rate is applicable to sewer service for any customer which does not qualify for the residential service rate, and where water service is provided by NBU.
 - Monthly rates.* The general service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective November 1, 20 20 19 Subject to subsection (i)
5/8 -inch and smaller	\$30.6426.30
1-inch	\$33.2528.54
1½-inch	\$46.3739.80
2-inch	\$58.980.63
3-inch	\$91.0278.13
4-inch	\$131.1012.53
6-inch	\$236.2702.81
10 inch and greater	407.75350.00

Monthly volume charge. The monthly volume charge shall be based upon actual water consumption measured in 1,000-gallon increments or any part thereof, as follows:

Gallons of Water Usage	\$ per 1,000 gallons Effective November 1, 202049 Subject to subsection (i)
0—7,000	\$ 6.415-50
7,001—25,000	\$ 6.415-50
25,001—300,000	\$ 6.415-50
Excess of 300,000	\$ 6.415-50

Monthly unit charge. When a customer with a master metered water service receives service at a multiple unit residential facility with five or more units, such as an apartment complex or mobile home park, each separate and identifiable permanent residential dwelling area and each public bathroom, laundry area, or other area where sewer service exists shall be subject to a monthly unit charge for billing purposes. When a customer receives service at a multi-unit nonresidential facility, each separate and identifiable office, retail, wholesale or other type of working space designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$1~~2.824-00~~ per month effective November 1, 202049, [subject to subsection \(i\)](#).

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge plus the unit charge, if applicable; or
 - b. The amount specified in any contract between the customer and NBU.
- (f) *General service 2 rate, with water service not provided by NBU.*
 - (1) *Availability.* The general service 2 rate is available in the sewer service area of NBU under the rules, regulations, policies, and at the rate set forth in this section.
 - (2) *Applicability.* The general service 2 rate is applicable to sewer service for any customer which does not qualify for the residential service rate, and where water service is not provided by NBU.
 - (3) *Monthly rates.* The general service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

Monthly customer charge. The monthly customer charge shall be determined by NBU based on an engineering study or the size of the water meter serving each customer, using the general service 1 monthly customer charge rate schedule.

If the customer receives water service directly from a private well where the water service is not provided through a meter, then the monthly customer charge shall be determined based upon analysis of the water connection, but not less than \$~~28.054-08~~ per month effective November 1, 202049, [subject to subsection \(i\)](#).

Monthly volume charge. NBU shall have the right to require metered water usage data, to perform individual account analysis of water consumption, or to perform sewer flow analysis for any customer under this rate. If metered water usage data becomes available, or if NBU performs an individual water consumption analysis or sewer flow analysis, then the monthly volume charge shall be determined in accordance with the general service 1 monthly volume charge rate schedule.

If metered water data is not available, and if NBU does not require an individual water consumption analysis or sewer flow analysis, then the monthly volume charge shall be ~~\$68.9759-20~~ per month effective November 1, 20~~2019~~, [subject to subsection \(i\)](#).

Monthly unit charge. When a customer receives service at a multiple unit residential facility with five or more units, such as an apartment complex or mobile home park, each separate and identifiable permanent residential dwelling area and each public bathroom, laundry area, or other area where sewer service exists shall be subject to a monthly unit charge for billing purposes. When a customer receives service at a multi-unit nonresidential facility, each separate and identifiable office, retail, wholesale or other type of working space designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$1~~2.824-00~~ per month effective November 1, 20~~2019~~, [subject to subsection \(i\)](#).

NBU will not undertake the apportionment of charges for such customers among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
 - a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
 - b. The amount specified in any contract between the customer and NBU.
- (g) *Contractual sewage treatment.* NBU shall have the right to enter into contracts with customers for sewage treatment subject to prior approval of the city council. Such sewage treatment charges may be calculated on the basis of customer classification as set forth in this article or on cost of service, at the election of NBU; however, the sewage treatment charge shall never be less than cost of service.
- (h) *Experimental rate.*
 - (1) *Applicability.* The experimental rate shall be applicable to any and all customer rate classifications at times selected by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
 - (2) *Purpose.* The purpose of the experimental rate is to aid in the design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate as it deems appropriate.
 - (3) *Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be selected and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (i) *Sewer rate escalation.* All rates and charges for sewer services, excluding those covered by contract, shall increase ~~at a rate of four and one-half (4.5) percent annually, effective on January 1, 2017 and January 1, 2018-as follows:~~

<u>Effective Date</u>	<u>Rate Adjustment</u>
<u>August 1, 2021</u>	<u>thirteen percent (13%) upward adjustment of the rates in effect on July 31, 2021</u>
<u>August 1, 2022</u>	<u>thirteen percent (13%) upward adjustment of the rates in effect on July 31, 2022</u>

NBU is directed to provide updates to City Council and the NBU Board on NBU's financial status. City Council retains the power to consider a review of NBU's rates at any time.

SECTION 4.

THAT, this ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to sewer rates, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

SECTION 5.

THAT, if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 6.

THAT, this ordinance shall be effective on November 1, 2020.

SECTION 7.

PASSED AND APPROVED: First Reading this 12th day of October, 2020.

PASSED AND APPROVED: Second Reading this 26th day of October, 2020.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

ANDREW LYONS, Assistant City Secretary

APPROVED AS TO FORM:

VALERIA ACEVEDO, City Attorney

City Council Agenda Item Report**10/12/2020**

Agenda Item No. I)

Presenter/Contact

Dawn Schriewer, NBU Chief Financial Officer
(830) 629-8468 - dschriewer@nbutexas.com

SUBJECT:

Public Hearing and Approval of the First Reading of an Ordinance Amending Chapter 130, Article III, Sections 130-56 and 130-57, Code Of Ordinances of the City of New Braunfels, Texas, Providing for Upward Adjustment of Electric Rates and Charges for Fiscal Year 2022 and Fiscal Year 2023

BACKGROUND / RATIONALE:

NBU staff is proposing electric rate changes designed to fund its FY 2022 through FY 2023 budget. In June 2020, the NBU Board of Trustees approved the NBU Budget for FY 2021 which provides the basis and rationale for an electric rate adjustment effective August 1, 2021. The NBU Board approved the rate increase and structure at its September 24, 2020 meeting.

NBU's twenty-year electric infrastructure strategies are identified in NBU's Master Plan. NBU had to satisfy a revenue requirement for revenue in order to build and maintain infrastructure to meet regulatory requirements. The proposed rates will provide the revenue needed to make these investments.

The proposed electric rate design includes an annual upward adjustment of distribution rates for FY 2022 and FY 2023 of 5.0% and 10.0%, respectively.

The presentation, proposed rates, updated ordinance, and board resolution are attached. The second reading of the proposed ordinance is scheduled for October 26, 2020, and, if approved, the proposed rates become effective on August 1, 2021.

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

<input type="checkbox"/>	N/A	City Plan/Council Priority:	
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FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The New Braunfels Utilities Board of Trustees adopted a resolution on September 24, 2020, recommending the proposed amendments to the electric rate Ordinance.

STAFF RECOMMENDATION:

NBU Staff recommends approval of the ordinance.

ATTACHMENTS:

1. Ordinance
2. Proposed Electric Rate Tables
3. NBU Board Resolution - Electric
4. Electric Rate Presentation

A RESOLUTION BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES (I) APPROVING PROPOSED AMENDMENTS TO CHAPTER 130, ARTICLE III, SECTIONS 130-56 AND 130-57 OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS THAT PROVIDE FOR UPWARD ADJUSTMENTS OF ELECTRIC RATES AND CHARGES FOR FISCAL YEAR 2022 AND FISCAL YEAR 2023 AND (II) AUTHORIZING PRESENTATION OF SAME TO THE CITY COUNCIL OF NEW BRAUNFELS FOR ITS CONSIDERATION AND PASSAGE

WHEREAS, the City Council of the City of New Braunfels (the “City Council”) has established an ordinance containing the rules, regulations, and policies and rate provisions affecting the New Braunfels Utilities electric systems and its furnishing of services, fixing rates, deposits and providing for collection procedures and for the operations of said systems, and said ordinances have been codified in Chapter 130, Article III, Code of Ordinances of the City;

WHEREAS, the Board of Trustees of New Braunfels Utilities is of the opinion that it is now necessary and advisable that Chapter 130, Article III, Sections 130-56 and 130-57 of the Code of Ordinances relating to electric rates and charges be amended for fiscal year 2022 and fiscal year 2023; and

WHEREAS, the Board of Trustees has reviewed the proposed amendments and is of the opinion that the same should be approved and submitted to the City Council for its consideration and passage.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES THAT:

SECTION 1. The Board of Trustees hereby approves the proposed amendments to Chapter 130, Article III, Sections 130-56 and 130-57 of the Code of Ordinances of the City of New Braunfels as set forth in the attached Exhibit A to upwardly adjust the electric rates and charges noted below in Table 1 on the dates and in the amounts indicated in Table 2 with no further action by the City Council of New Braunfels, Texas or by New Braunfels Utilities:

Table 1: Rates and Charges		
Ordinance Section Reference	Customer Class	Charges Affected
130-56.(c)(4)a.	Residential	Customer charge, per month
130-56.(c)(4)b.	Residential	Delivery charge, per kWh
130-56.(d)(4)a.	Small general service (SGS)	Customer charge, per month
130-56.(d)(4)b.	Small general service (SGS)	Delivery charge, per kWh
130-56.(e)(4)a.	Large general service (LGS)	Customer charge, per month
130-56.(e)(4)b.	Large general service (LGS)	Delivery demand charge, per kW
130-56.(f)(4)a.	Very large power (VLP)	Customer charge, per month

130-56.(f)(4)b.	Very large power (VLP)	Delivery demand charge, per kW
130-56.(g)(4)c.	Transmission (TSR)	Power supply charges
130-56.(i)(3)a.	Lighting athletic fields (LAF)	Customer charge
130-56.(i)(3)b.	Lighting athletic fields (LAF)	Delivery demand charge, per kWh
130-56.(j)(4)a.	Area lighting (AL)	Monthly rates, per lamp per month
130-56.(k)(4)	Second feeder service (SFS)	Monthly rates, per contract kW per month
130-56.(l)(4)a.	Net metering service	Customer charge, per month
130-56.(l)(4)b.	Net metering service	Delivery charge, per kWh
130-56.(m)(2)a.	Interstate highway lighting (HL)	Customer charge, per month
130-57.(c)	Power factor penalty	Monthly rate, per kW

Table 2: Effective Date and Rate Adjustments

Effective Date	Rate Adjustment
August 1, 2021	five percent (5%) upward adjustment of the rates in effect on July 31, 2021
August 1, 2022	ten percent (10%) upward adjustment of the rates in effect on July 31, 2022

SECTION 2. The Board of Trustees hereby recommends approval of such amendments to the City Council and authorizes and directs the Chief Executive Officer of New Braunfels Utilities to present the proposed ordinance amendments in ordinance form to the City Council for its consideration and passage as provided by law.

SECTION 3. The recitals contained in the preamble hereof are found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Board of Trustees.

SECTION 4. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

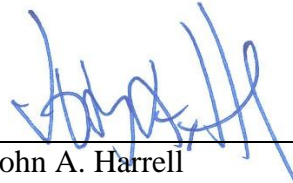
SECTION 5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board of Trustees hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

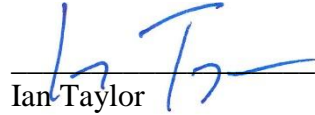
SECTION 8. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, APPROVED, AND ADOPTED, this the 24th day of September, 2020.



John A. Harrell
President, Board of Trustees
New Braunfels Utilities

ATTEST:



Ian Taylor
Secretary to the Board
New Braunfels Utilities

Exhibit A

Sec. 130-56. - Electric rates.

- (a) Service rate classifications. All electric service supplied by NBU shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this article:

- (1) Residential (RE);
- (2) Small general service (SGS);
- (3) Large general service (LGS);
- (4) Very large power-distribution (VLP-D);
- (5) Transmission service rate (TSR);
- (6) Experimental electric rate (EER);
- (7) Lighting athletic fields (LAF);
- (8) Area lighting rate (AL);
- (9) Second feeder service (SFS);
- (10) Net metering (NM); and
- (11) Interstate highway lighting rate (HL).

- (b) Upon application for service, NBU shall make the initial determination of the customer's service rate classification, which classification is subject to change in accordance with the provisions of this article.

- (c) Residential service rate (RE).

- (1) *Availability.* The residential rate (RE) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
- (2) *Applicability.* The residential rate is applicable for electric service used solely for residential purposes, and related activities, consisting of service to single-family dwellings or individually metered multifamily dwellings. Where two residential units are billed through one meter, the customer charge shall be doubled. Where more than two residential units or apartments are billed through one meter, the applicable general service rate shall be used.

This rate shall not be applicable for service to a residence also used for nonresidential purposes, including but not limited to boardinghouses, barbershops, beauty shops, general contractors, storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar nonresidential activities. If the wiring is so arranged that the service for residential purposes and that for commercial purposes are separately metered, this rate is applicable to the service supplied for residential purposes.

- (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single-phase, 60-hertz, three-wire. Other service voltages may, under certain specific conditions, be furnished with the approval of the CEO.
- (4) *Monthly rates.* Monthly residential service rates are as follows:
 - a. Customer charge, per month\$14.77 (subject to subsection (n))
 - b. Delivery charge, per kWh0.0129 (subject to subsection (n))
 - c. Cost of power charge:

October—May billing period, per kWh0.0452

June—September billing period, per kWh0.0552

- d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (d) Small general service rate (SGS).
- (1) *Availability.* The small general service rate (SGS) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
 - (2) *Applicability.* The small general service rate is applicable for electric service to all nonresidential establishments, or where a residence is also used for nonresidential purposes and billed through one meter, or where the nonresidential part of a residence is separately metered from the part solely residential, or where three or more residential units are billed through one meter, and use does not exceed 25 kilowatt demand.
 - (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single-phase, 60-hertz, three-wire; or 120/208 volt three-phase, 60-hertz, four-wire; or 120/240 volt three-phase, 60-hertz, three-wire or four-wire; or 277/480 volt three-phase, 60-hertz, four-wire.
 - (4) *Monthly rates.* Monthly rates for small general service are as follows:
 - a. Customer charge, per month\$20.00 (subject to subsection (n))
 - b. Delivery charge, per kWh0.008317 (subject to subsection (n))
 - c. Cost of power charge:

October—May billing period, per kWh0.0452

June—September billing period, per kWh0.0552
 - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
 - (5) *Determination of metered kW demand.* The customer's kW demand may be measured when the customer's monthly energy consumption exceeds 3,000 kilowatt hours, and/or where customer's total connected load exceeds 25 kilowatts in motors and other inductive-type equipment. Measurement shall be by maximum 15-minute demand. If after measurement it is determined that the customer's monthly demand has exceeded 25 kilowatts, the customer shall be charged for kW billing demand under the appropriate rate class schedule.
- (e) Large general service rate (LGS).
- (1) *Availability.* The large general service rate (LGS) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
 - (2) *Applicability.* The large general service rate is applicable for electric service to all nonresidential establishments, or where a residence is also used for nonresidential purposes and billed through one meter, or where the part of a residence is separately metered from the part solely residential, or where three or more residential units are billed through one meter, and use exceeds a maximum 15-minute measured demand of 25 kilowatts during two billing periods for the June through September billing periods or for any four billing periods over a 12-month period, but does not exceed an estimated or measured 1,000 kilowatt, maximum 15-minute measured demand during two billing periods.
- When a customer is reclassified to the LGS rate from another rate schedule, the customer may not change to another rate within a 12-month period unless there is a substantial change in the character or conditions of service. A customer may request reclassification to another rate only after fulfilling all obligations of this rate.

- (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single-phase, 60-hertz, three-wire; or 120/208 volt three-phase, 60-hertz, four-wire; 120/240 volt three-phase, 60-hertz, three-wire or four-wire; or 277/480 volt, three-phase, 60-hertz, four-wire; or 7200/12470 volt, three-phase, 60-hertz, four-wire.
- (4) *Monthly rate.* The monthly rates for large general service are as follows:
- a. Customer charge: \$30.00—3,937.50 per month determined by installed kVA aggregated per customer as follows, subject to subsection (n):
 - Greater than 12,999 kVA, per month\$3,937.50
 - Less than 13,000 kVA and greater than 7,999 kVA, per month3,150.00
 - Less than 8,000 kVA and greater than 3,999 kVA, per month2,362.50
 - Less than 4,000 kVA and greater than 2,999 kVA, per month1,575.00
 - Less than 3,000 kVA and greater than 1,999 kVA, per month1,050.00
 - Less than 2,000 kVA and greater than 1,499 kVA, per month525.00
 - Less than 1,500 kVA and greater than 750 kVA, per month315.00
 - Less than 751 kVA and greater than 500 kVA, per month236.25
 - Less than 501 kVA and greater than 300 kVA, per month183.75
 - Less than 301 kVA and greater than 150 kVA, per month105.00
 - Less than 151 kVA, per month31.50
 - b. Delivery demand charge: \$4.62 per kW billing demand per month (subject to subsection (n))
 - c. Cost of power charge:
 - October—May billing period, per kWh0.0400
 - June—September billing period, per kWh0.0500
 - Power supply demand charge, per kW billing demand per month1.15
 - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (5) *Determination of billing kW demand.* The billing kW demand shall be the highest measured kW demand established in any 15-minute demand interval during the current month.
- (f) Very large power distribution rate (VLP-D).
- (1) *Availability.* Very large power-distribution service (VLP-D) shall be available, as approved by the board of trustees, in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
 - (2) *Applicability.* The very large power-distribution rate is applicable for electric service when the measured kW demand exceeds 1,000 kilowatts during a 15-minute demand interval during two billing periods over a 12-month period.
 - (3) *Service conditions.* The service furnished under this section shall be nominal 277/480 volt, three-phase, 60-hertz, four-wire; or 7200/12470 volt, three-phase, 60-hertz, four-wire.
 - (4) *Monthly rate.* The monthly rates for very large power-distribution service are as follows:

- a. Customer charge: \$30.00—3,871.88 per month determined by installed kVA aggregated per customer as follows, subject to subsection (n):
 - Greater than 12,999 kVA, per month\$3,871.88
 - Less than 13,000 kVA and greater than 7,999 kVA, per month3,097.50
 - Less than 8,000 kVA and greater than 3,999 kVA, per month2,323.13
 - Less than 4,000 kVA and greater than 2,999 kVA, per month1,548.75
 - Less than 3,000 kVA and greater than 1,999 kVA, per month1,032.50
 - Less than 2,000 kVA and greater than 1,499 kVA, per month516.25
 - Less than 1,500 kVA and greater than 750 kVA, per month309.75
 - Less than 751 kVA and greater than 500 kVA, per month232.31
 - Less than 501 kVA and greater than 300 kVA, per month180.69
 - Less than 301 kVA and greater than 150 kVA, per month103.25
 - Less than 151 kVA, per month30.98
 - b. Delivery demand charge: \$2.79 per kW billing demand per month (subject to subsection (n))
 - c. Cost of power charge:
 - October—May billing period, per kWh0.0400
 - June—September billing period, per kWh0.0500
 - Power supply demand charge per KW billing demand, per month1.15
 - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments. The minimum monthly bill will not include the power factor penalty for the first six months to any new customer to this rate class.
- (5) *Determination of billing kW demand.* The kW billing demand shall be the highest measured kW demand established in any 15-minute period during the current month or 75 percent of the highest 15-minute kW demand in any of the preceding 11 months, but not less than 1,000 kW.
- (g) Transmission service rate (TSR).
- (1) *Availability.* Transmission service rate (TSR) shall be available, as approved by the board of trustees, in the electric service area of the New Braunfels Utilities under the rules, regulations, and policies as established by New Braunfels Utilities, which are subject to change from time to time, and as provided for in this article, at the rates set forth in this section.
 - (2) *Applicability.* The transmission service rate is applicable only for electric service to customers which require transmission level service (operated at 60 kilovolts, or above) at each specifically identified individual service location and which meet all of the service conditions provided in this article.
 - (3) *Service conditions.* The transmission service rate is available in accordance with terms, conditions and rates established by NBU and reviewed by the board of trustees of NBU.
 - (4) *Monthly rates.* The monthly charge for transmission service shall be the sum of the following:

- a. ERCOT charges: The actual fees and rates for ERCOT transmission service as approved by the Public Utility Commission of Texas.
 - b. Local transformation, metering and miscellaneous charges.
 - c. Power supply charges: The monthly power supply charge shall be the total power supply costs as they are incurred by New Braunfels Utilities. Such costs shall include, but are not limited to, costs for purchasing, scheduling, coordinating, and providing capacity and energy to the customer, subject to subsection (n). Such power supply charges and power supply costs are subject to New Braunfels Utilities Board of Trustees Competitive Matters Resolution.
 - (h) Experimental electric rate (EER).
 - (1) *Applicability.* The experimental rate shall be applicable to customers in any rate class groups at times selected by NBU. The time period for which the experimental rate may apply shall not exceed two years. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
 - (2) *Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's discretion.
 - (3) *Selection.* The methods and criteria for selection for rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
 - (i) Lighting athletic fields (LAF).
 - (1) *Applicability.* Service will be supplied through a single point of delivery and shall be used for lighting of outdoor athletic fields and facilities used exclusively in conjunction with athletic events on these fields.
 - (2) *Service.* Single or three-phase service at the voltage of the available primary distribution lines of NBU (primary), or at the secondary voltage of transformation facilities supplied from NBU's distribution system (secondary).
 - (3) *Monthly rate.* Monthly athletic field rates are as follows:
 - a. Customer charge. (Customer charge is) \$30.00—3,750.00 per month determined by installed kVA aggregated per customer as follows, subject to subsection (n):
- | | |
|--|------------|
| Greater than 12,999 kVA, per month | \$3,750.00 |
| Less than 13,000 kVA and greater than 7,999 kVA, per month | 3,000.00 |
| Less than 8,000 kVA and greater than 3,999 kVA, per month | 2,250.00 |
| Less than 4,000 kVA and greater than 2,999 kVA, per month | 1,500.00 |
| Less than 3,000 kVA and greater than 1,999 kVA, per month | 1,000.00 |
| Less than 2,000 kVA and greater than 1,499 kVA, per month | 500.00 |
| Less than 1,500 kVA and greater than 750 kVA, per month | 300.00 |
| Less than 751 kVA and greater than 500 kVA, per month | 225.00 |
| Less than 501 kVA and greater than 300 kVA, per month | 175.00 |
| Less than 301 kVA and greater than 150 kVA, per month | 100.00 |
| Less than 151 kVA, per month | 30.00 |

- b. Delivery demand charge: \$0.0415 per kWh (subject to subsection (n))
 - c. Cost of power charge:
 - October—May billing period, per kWh0.0452
 - June—September billing period, per kWh0.0552
 - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (j) Area lighting rate (AL).
 - (1) *Availability.* The area lighting rate (AL) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section. Service under this tariff is subject to connection charges contained in the NBU Electrical Connection Policy.
 - (2) *Applicability.* The area lighting rate is applicable for electric service for pole mounted area security lighting near NBU's electric distribution lines.
 - (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single phase, 60-hertz, three wire. Other service voltages may, under certain specific conditions, be furnished with the approval of the CEO.
 - (4) *Monthly rates.* Monthly area lighting rates are as follows:
 - a. \$10.00 per lamp per month (subject to subsection (n)).
 - b. Minimum monthly bill. The minimum monthly bill shall be the charge per lamp plus any special charges or adjustments.
- (k) Second feeder service rate (SFS).
 - (1) *Availability.* The second feeder service rate (SFS) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section, provided NBU agrees that such service can be feasibly and economically provided by NBU. Service under this tariff is subject to connection charges and specifications contained in New Braunfels Utilities Electrical Connection Policy.
 - (2) *Applicability.* The second feeder service rate is applicable only for electric service to customers in LGS and VLP rate classes which require reserve capacity on a second distribution feeder at a specifically identified individual service location and which meet all of the service conditions provided in this article.
 - (3) *Service conditions.* Second feeder service is the reservation of capacity on a second feeder in order to provide redundant feeder capacity and provide the capability to automatically transfer the customer's total load from a primary feeder to an alternate second feeder.
 - a. Service will be provided only by long-term contract approved by the board of trustees of New Braunfels Utilities. This long-term contract will establish, in addition to other terms and conditions, the amount of capacity reserved on a second feeder for a customer and the adjustment of minimum reserve capacity permitted under this rate.
 - b. Second feeder service does not guarantee continuous service availability and may be interrupted for maintenance activities or when necessary for operational or emergency reasons.
 - c. Where appropriate, the customer will be required to maintain appropriate load balancing as determined by NBU.
 - (4) *Monthly rates.* Capacity reservation charge, per contract kW per month\$3.18 (subject to subsection (n))
- (l) Net metering service rate.

- (1) *Availability.* The net metering service rate is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section. Service under this rate may be subject to additional connection charges and specifications contained in New Braunfels Utilities Electrical Connection Policy.
 - (2) *Applicability.* The net metering service rate is available to residential customers and small general service customers with grid connected solar or wind generation of ten kilowatts or less where the customer's load profile exceeds the generating capacity.
 - (3) *Service conditions.* Service will be provided only by contract approved by the board of trustees of New Braunfels Utilities. Any power generated by the customer may be used to offset the amount of power purchased from NBU. NBU will not purchase excess generation.
 - (4) *Monthly rates.* Monthly net metering service rates are as follows:
 - a. *Customer charge, per month.* As specified in the appropriate RE or SGS rate (subject to subsection (n)).
 - b. *Delivery charge, per kWh.* As specified in the appropriate RE or SGS rate (subject to subsection (n)) plus a fixed cost per type of installed kW as shown below:

Residential (RE) solar\$1.37

Residential (RE) wind0.64

Small general service (SGS) solar0.75

Small general service (SGS) wind0.35
 - c. *Cost of power charge.*

October—May billing period, per kWh. As defined in the appropriate RE or SGS rate.

June—September billing period, per kWh. As defined in the appropriate RE or SGS rate.
 - d. *Minimum monthly bill.* The minimum monthly bill shall be the customer charge plus the delivery charge per installed kW of generation, and any special charges or adjustments.
 - (5) *Determination of delivery charge kWh.* Customer's monthly delivery charge kWh shall equal the customer's kWh purchased from NBU less any kWh generated into the NBU delivery system, but never less than zero.
 - (6) *Determination of power charge kWh.* Customer's monthly power charge kWh shall equal the actual kWh purchased from NBU.
- (m) Interstate highway lighting rate (HL).
- (1) *Applicability.* The interstate highway lighting rate (HL) is applicable for electric service for pole mounted interstate highway lighting located in the electric service area of New Braunfels Utilities, but within the corporate limits or extra-territorial jurisdiction of another municipality, pursuant to the terms and conditions of a contract between that municipality and New Braunfels Utilities and at the rates set forth in this section.
 - (2) *Monthly rate.* Monthly interstate highway lighting rates are as follows:
 - a. Customer charge, per month\$15.00 (subject to subsection (n))
 - b. Cost of power charge.

October—May billing period, per kWh0.0452

June—September billing period, per kWh0.0552

- (3) *Minimum monthly bill.* The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (n) *Electric rate escalation.* The rates and charges for electric services noted below in Table 1 shall increase on the dates and in the amounts indicated in Table 2:

Table 1: Rates and Charges		
Ordinance Section Reference	Customer Class	Charges Affected
130-56.(c)(4)a.	Residential	Customer charge, per month
130-56.(c)(4)b.	Residential	Delivery charge, per kWh
130-56.(d)(4)a.	Small general service (SGS)	Customer charge, per month
130-56.(d)(4)b.	Small general service (SGS)	Delivery charge, per kWh
130-56.(e)(4)a.	Large general service (LGS)	Customer charge, per month
130-56.(e)(4)b.	Large general service (LGS)	Delivery demand charge, per kW
130-56.(f)(4)a.	Very large power (VLP)	Customer charge, per month
130-56.(f)(4)b.	Very large power (VLP)	Delivery demand charge, per kW
130-56.(g)(4)c.	Transmission (TSR)	Power supply charges
130-56.(i)(3)a.	Lighting athletic fields (LAF)	Customer charge
130-56.(i)(3)b.	Lighting athletic fields (LAF)	Delivery demand charge, per kWh
130-56.(j)(4)a.	Area lighting (AL)	Monthly rates, per lamp per month
130-56.(k)(4)	Second feeder service (SFS)	Monthly rates, per contract kW per month
130-56.(l)(4)a.	Net metering service	Customer charge, per month
130-56.(l)(4)b.	Net metering service	Delivery charge, per kWh
130-56.(m)(2)a.	Interstate highway lighting (HL)	Customer charge, per month
130-57.(c)	Power factor penalty	Monthly rate, per kW

Table 2: Effective Date and Rate Adjustments	
Effective Date	Rate Adjustment
August 1, 2021	five percent (5%) upward adjustment of the rates in effect on July 31, 2021
August 1, 2022	ten percent (10%) upward adjustment of the rates in effect on July 31, 2022

NBU is directed to provide updates to City Council and the NBU Board on NBU's financial status. City Council retains the power to consider a review of NBU's rates at any time.

(Ord. No. 2003-74, § I(Exh. A), 10-27-03; Ord. No. 2006-05, §§ I, II, 1-23-06; Ord. No. 2006-49, § I(Exh. A), 6-12-06; Ord. No. 2009-15, § 2(Exh. A), 3-23-09; Ord. No. 2014-81, § I(Exh. A), 12-8-14; Ord. No. 2015-60, § I(Exh. A), 11-9-15)

Sec. 130-57. - Power factor penalty.

- (a) NBU shall assess a power factor penalty on all customers if the necessary equipment for determining power factor is installed and operational and if the measured power factor during the non-coincident peak kW demand is less than 0.95.
- (b) The power factor penalty shall be calculated by increasing the measured billing demand such that the adjusted billing demand and measured kVAR yield a calculated power factor of 0.95. If the measured power factor is 0.95 or greater, the billing kW demand shall be the kW demand in accordance with the appropriate rate schedule. Any additional metering equipment necessary to measure or compute kVAR or power factor may be installed at any demand metered customer, without notice, at the discretion of NBU.
- (c) *Monthly rate.* Power factor penalty, per kW: \$2.065, subject to Section 130-56, subsection (n).

(Ord. No. 2003-74, § I(Exh. A), 10-27-03; Ord. No. 2006-49, § I(Exh. A), 6-12-06; Ord. No. 2015-60, § I(Exh. A), 11-9-15)

Sec. 130-56. - Electric rates.

- (a) Service rate classifications. All electric service supplied by NBU shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this article:
- (1) Residential (RE);
 - (2) Small general service (SGS);
 - (3) Large general service (LGS);
 - (4) Very large power-distribution (VLP-D);
 - (5) Transmission service rate (TSR);
 - (6) Experimental electric rate (EER);
 - (7) Lighting athletic fields (LAF);
 - (8) Area lighting rate (AL);
 - (9) Second feeder service (SFS);
 - (10) Net metering (NM); and
 - (11) Interstate highway lighting rate (HL).
- (b) Upon application for service, NBU shall make the initial determination of the customer's service rate classification, which classification is subject to change in accordance with the provisions of this article.
- (c) Residential service rate (RE).
- (1) *Availability.* The residential rate (RE) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
 - (2) *Applicability.* The residential rate is applicable for electric service used solely for residential purposes, and related activities, consisting of service to single-family dwellings or individually metered multifamily dwellings. Where two residential units are billed through one meter, the customer charge shall be doubled. Where more than two residential units or apartments are billed through one meter, the applicable general service rate shall be used.

This rate shall not be applicable for service to a residence also used for nonresidential purposes, including but not limited to boardinghouses, barbershops, beauty shops, general contractors, storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar nonresidential activities. If the wiring is so arranged that the service for residential purposes and that for commercial purposes are separately metered, this rate is applicable to the service supplied for residential purposes.
 - (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single-phase, 60-hertz, three-wire. Other service voltages may, under certain specific conditions, be furnished with the approval of the CEO.
 - (4) *Monthly rates.* Monthly residential service rates are as follows:
 - a. Customer charge, per month\$14.77 (subject to subsection (n))
 - b. Delivery charge, per kWh0.0129 (subject to subsection (n))
 - c. Cost of power charge:

October—May billing period, per kWh0.0452

June—September billing period, per kWh0.0552

- d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (d) Small general service rate (SGS).
- (1) *Availability.* The small general service rate (SGS) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
 - (2) *Applicability.* The small general service rate is applicable for electric service to all nonresidential establishments, or where a residence is also used for nonresidential purposes and billed through one meter, or where the nonresidential part of a residence is separately metered from the part solely residential, or where three or more residential units are billed through one meter, and use does not exceed 25 kilowatt demand.
 - (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single-phase, 60-hertz, three-wire; or 120/208 volt three-phase, 60-hertz, four-wire; or 120/240 volt three-phase, 60-hertz, three-wire or four-wire; or 277/480 volt three-phase, 60-hertz, four-wire.
 - (4) *Monthly rates.* Monthly rates for small general service are as follows:
 - a. Customer charge, per month\$20.00 (subject to subsection (n))
 - b. Delivery charge, per kWh0.008317 (subject to subsection (n))
 - c. Cost of power charge:

October—May billing period, per kWh0.0452

June—September billing period, per kWh0.0552
 - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
 - (5) *Determination of metered kW demand.* The customer's kW demand may be measured when the customer's monthly energy consumption exceeds 3,000 kilowatt hours, and/or where customer's total connected load exceeds 25 kilowatts in motors and other inductive-type equipment. Measurement shall be by maximum 15-minute demand. If after measurement it is determined that the customer's monthly demand has exceeded 25 kilowatts, the customer shall be charged for kW billing demand under the appropriate rate class schedule.
- (e) Large general service rate (LGS).
- (1) *Availability.* The large general service rate (LGS) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
 - (2) *Applicability.* The large general service rate is applicable for electric service to all nonresidential establishments, or where a residence is also used for nonresidential purposes and billed through one meter, or where the part of a residence is separately metered from the part solely residential, or where three or more residential units are billed through one meter, and use exceeds a maximum 15-minute measured demand of 25 kilowatts during two billing periods for the June through September billing periods or for any four billing periods over a 12-month period, but does not exceed an estimated or measured 1,000 kilowatt, maximum 15-minute measured demand during two billing periods.
- When a customer is reclassified to the LGS rate from another rate schedule, the customer may not change to another rate within a 12-month period unless there is a substantial change in the character or conditions of service. A customer may request reclassification to another rate only after fulfilling all obligations of this rate.

- (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single-phase, 60-hertz, three-wire; or 120/208 volt three-phase, 60-hertz, four-wire; 120/240 volt three-phase, 60-hertz, three-wire or four-wire; or 277/480 volt, three-phase, 60-hertz, four-wire; or 7200/12470 volt, three-phase, 60-hertz, four-wire.
- (4) *Monthly rate.* The monthly rates for large general service are as follows:
- a. Customer charge: \$30.00—3,937.50 per month determined by installed kVA aggregated per customer as follows, subject to subsection (n):
 - Greater than 12,999 kVA, per month\$3,937.50
 - Less than 13,000 kVA and greater than 7,999 kVA, per month3,150.00
 - Less than 8,000 kVA and greater than 3,999 kVA, per month2,362.50
 - Less than 4,000 kVA and greater than 2,999 kVA, per month1,575.00
 - Less than 3,000 kVA and greater than 1,999 kVA, per month1,050.00
 - Less than 2,000 kVA and greater than 1,499 kVA, per month525.00
 - Less than 1,500 kVA and greater than 750 kVA, per month315.00
 - Less than 751 kVA and greater than 500 kVA, per month236.25
 - Less than 501 kVA and greater than 300 kVA, per month183.75
 - Less than 301 kVA and greater than 150 kVA, per month105.00
 - Less than 151 kVA, per month31.50
 - b. Delivery demand charge: \$4.62 per kW billing demand per month (subject to subsection (n))
 - c. Cost of power charge:
 - October—May billing period, per kWh0.0400
 - June—September billing period, per kWh0.0500
 - Power supply demand charge, per kW billing demand per month1.15
 - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (5) *Determination of billing kW demand.* The billing kW demand shall be the highest measured kW demand established in any 15-minute demand interval during the current month.
- (f) Very large power distribution rate (VLP-D).
- (1) *Availability.* Very large power-distribution service (VLP-D) shall be available, as approved by the board of trustees, in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
 - (2) *Applicability.* The very large power-distribution rate is applicable for electric service when the measured kW demand exceeds 1,000 kilowatts during a 15-minute demand interval during two billing periods over a 12-month period.
 - (3) *Service conditions.* The service furnished under this section shall be nominal 277/480 volt, three-phase, 60-hertz, four-wire; or 7200/12470 volt, three-phase, 60-hertz, four-wire.
 - (4) *Monthly rate.* The monthly rates for very large power-distribution service are as follows:

- a. Customer charge: \$30.00—3,871.88 per month determined by installed kVA aggregated per customer as follows, subject to subsection (n):
 - Greater than 12,999 kVA, per month\$3,871.88
 - Less than 13,000 kVA and greater than 7,999 kVA, per month3,097.50
 - Less than 8,000 kVA and greater than 3,999 kVA, per month2,323.13
 - Less than 4,000 kVA and greater than 2,999 kVA, per month1,548.75
 - Less than 3,000 kVA and greater than 1,999 kVA, per month1,032.50
 - Less than 2,000 kVA and greater than 1,499 kVA, per month516.25
 - Less than 1,500 kVA and greater than 750 kVA, per month309.75
 - Less than 751 kVA and greater than 500 kVA, per month232.31
 - Less than 501 kVA and greater than 300 kVA, per month180.69
 - Less than 301 kVA and greater than 150 kVA, per month103.25
 - Less than 151 kVA, per month30.98
 - b. Delivery demand charge: \$2.79 per kW billing demand per month (subject to subsection (n))
 - c. Cost of power charge:
 - October—May billing period, per kWh0.0400
 - June—September billing period, per kWh0.0500
 - Power supply demand charge per KW billing demand, per month1.15
 - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments. The minimum monthly bill will not include the power factor penalty for the first six months to any new customer to this rate class.
- (5) *Determination of billing kW demand.* The kW billing demand shall be the highest measured kW demand established in any 15-minute period during the current month or 75 percent of the highest 15-minute kW demand in any of the preceding 11 months, but not less than 1,000 kW.
- (g) Transmission service rate (TSR).
- (1) *Availability.* Transmission service rate (TSR) shall be available, as approved by the board of trustees, in the electric service area of the New Braunfels Utilities under the rules, regulations, and policies as established by New Braunfels Utilities, which are subject to change from time to time, and as provided for in this article, at the rates set forth in this section.
 - (2) *Applicability.* The transmission service rate is applicable only for electric service to customers which require transmission level service (operated at 60 kilovolts, or above) at each specifically identified individual service location and which meet all of the service conditions provided in this article.
 - (3) *Service conditions.* The transmission service rate is available in accordance with terms, conditions and rates established by NBU and reviewed by the board of trustees of NBU.
 - (4) *Monthly rates.* The monthly charge for transmission service shall be the sum of the following:

- a. ERCOT charges: The actual fees and rates for ERCOT transmission service as approved by the Public Utility Commission of Texas.
 - b. Local transformation, metering and miscellaneous charges.
 - c. Power supply charges: The monthly power supply charge shall be the total power supply costs as they are incurred by New Braunfels Utilities. Such costs shall include, but are not limited to, costs for purchasing, scheduling, coordinating, and providing capacity and energy to the customer, subject to subsection (n). Such power supply charges and power supply costs are subject to New Braunfels Utilities Board of Trustees Competitive Matters Resolution.
 - (h) Experimental electric rate (EER).
 - (1) *Applicability.* The experimental rate shall be applicable to customers in any rate class groups at times selected by NBU. The time period for which the experimental rate may apply shall not exceed two years. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
 - (2) *Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's discretion.
 - (3) *Selection.* The methods and criteria for selection for rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
 - (i) Lighting athletic fields (LAF).
 - (1) *Applicability.* Service will be supplied through a single point of delivery and shall be used for lighting of outdoor athletic fields and facilities used exclusively in conjunction with athletic events on these fields.
 - (2) *Service.* Single or three-phase service at the voltage of the available primary distribution lines of NBU (primary), or at the secondary voltage of transformation facilities supplied from NBU's distribution system (secondary).
 - (3) *Monthly rate.* Monthly athletic field rates are as follows:
 - a. Customer charge. (Customer charge is) \$30.00—3,750.00 per month determined by installed kVA aggregated per customer as follows, subject to subsection (n):
- | | |
|--|------------|
| Greater than 12,999 kVA, per month | \$3,750.00 |
| Less than 13,000 kVA and greater than 7,999 kVA, per month | 3,000.00 |
| Less than 8,000 kVA and greater than 3,999 kVA, per month | 2,250.00 |
| Less than 4,000 kVA and greater than 2,999 kVA, per month | 1,500.00 |
| Less than 3,000 kVA and greater than 1,999 kVA, per month | 1,000.00 |
| Less than 2,000 kVA and greater than 1,499 kVA, per month | 500.00 |
| Less than 1,500 kVA and greater than 750 kVA, per month | 300.00 |
| Less than 751 kVA and greater than 500 kVA, per month | 225.00 |
| Less than 501 kVA and greater than 300 kVA, per month | 175.00 |
| Less than 301 kVA and greater than 150 kVA, per month | 100.00 |
| Less than 151 kVA, per month | 30.00 |

- b. Delivery demand charge: \$0.0415 per kWh (subject to subsection (n))
 - c. Cost of power charge:
 - October—May billing period, per kWh0.0452
 - June—September billing period, per kWh0.0552
 - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (j) Area lighting rate (AL).
 - (1) *Availability.* The area lighting rate (AL) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section. Service under this tariff is subject to connection charges contained in the NBU Electrical Connection Policy.
 - (2) *Applicability.* The area lighting rate is applicable for electric service for pole mounted area security lighting near NBU's electric distribution lines.
 - (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single phase, 60-hertz, three wire. Other service voltages may, under certain specific conditions, be furnished with the approval of the CEO.
 - (4) *Monthly rates.* Monthly area lighting rates are as follows:
 - a. \$10.00 per lamp per month (subject to subsection (n)).
 - b. Minimum monthly bill. The minimum monthly bill shall be the charge per lamp plus any special charges or adjustments.
- (k) Second feeder service rate (SFS).
 - (1) *Availability.* The second feeder service rate (SFS) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section, provided NBU agrees that such service can be feasibly and economically provided by NBU. Service under this tariff is subject to connection charges and specifications contained in New Braunfels Utilities Electrical Connection Policy.
 - (2) *Applicability.* The second feeder service rate is applicable only for electric service to customers in LGS and VLP rate classes which require reserve capacity on a second distribution feeder at a specifically identified individual service location and which meet all of the service conditions provided in this article.
 - (3) *Service conditions.* Second feeder service is the reservation of capacity on a second feeder in order to provide redundant feeder capacity and provide the capability to automatically transfer the customer's total load from a primary feeder to an alternate second feeder.
 - a. Service will be provided only by long-term contract approved by the board of trustees of New Braunfels Utilities. This long-term contract will establish, in addition to other terms and conditions, the amount of capacity reserved on a second feeder for a customer and the adjustment of minimum reserve capacity permitted under this rate.
 - b. Second feeder service does not guarantee continuous service availability and may be interrupted for maintenance activities or when necessary for operational or emergency reasons.
 - c. Where appropriate, the customer will be required to maintain appropriate load balancing as determined by NBU.
 - (4) *Monthly rates.* Capacity reservation charge, per contract kW per month\$3.18 (subject to subsection (n))
- (l) Net metering service rate.

- (1) *Availability.* The net metering service rate is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section. Service under this rate may be subject to additional connection charges and specifications contained in New Braunfels Utilities Electrical Connection Policy.
 - (2) *Applicability.* The net metering service rate is available to residential customers and small general service customers with grid connected solar or wind generation of ten kilowatts or less where the customer's load profile exceeds the generating capacity.
 - (3) *Service conditions.* Service will be provided only by contract approved by the board of trustees of New Braunfels Utilities. Any power generated by the customer may be used to offset the amount of power purchased from NBU. NBU will not purchase excess generation.
 - (4) *Monthly rates.* Monthly net metering service rates are as follows:
 - a. *Customer charge, per month.* As specified in the appropriate RE or SGS rate (subject to subsection (n)).
 - b. *Delivery charge, per kWh.* As specified in the appropriate RE or SGS rate (subject to subsection (n)) plus a fixed cost per type of installed kW as shown below:

Residential (RE) solar\$1.37

Residential (RE) wind0.64

Small general service (SGS) solar0.75

Small general service (SGS) wind0.35
 - c. *Cost of power charge.*

October—May billing period, per kWh. As defined in the appropriate RE or SGS rate.

June—September billing period, per kWh. As defined in the appropriate RE or SGS rate.
 - d. *Minimum monthly bill.* The minimum monthly bill shall be the customer charge plus the delivery charge per installed kW of generation, and any special charges or adjustments.
 - (5) *Determination of delivery charge kWh.* Customer's monthly delivery charge kWh shall equal the customer's kWh purchased from NBU less any kWh generated into the NBU delivery system, but never less than zero.
 - (6) *Determination of power charge kWh.* Customer's monthly power charge kWh shall equal the actual kWh purchased from NBU.
- (m) Interstate highway lighting rate (HL).
- (1) *Applicability.* The interstate highway lighting rate (HL) is applicable for electric service for pole mounted interstate highway lighting located in the electric service area of New Braunfels Utilities, but within the corporate limits or extra-territorial jurisdiction of another municipality, pursuant to the terms and conditions of a contract between that municipality and New Braunfels Utilities and at the rates set forth in this section.
 - (2) *Monthly rate.* Monthly interstate highway lighting rates are as follows:
 - a. Customer charge, per month\$15.00 (subject to subsection (n))
 - b. Cost of power charge.

October—May billing period, per kWh0.0452

June—September billing period, per kWh0.0552

- (3) *Minimum monthly bill.* The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (n) *Electric rate escalation.* The rates and charges for electric services noted below in Table 1 shall increase on the dates and in the amounts indicated in Table 2:

Table 1: Rates and Charges		
Ordinance Section Reference	Customer Class	Charges Affected
130-56.(c)(4)a.	Residential	Customer charge, per month
130-56.(c)(4)b.	Residential	Delivery charge, per kWh
130-56.(d)(4)a.	Small general service (SGS)	Customer charge, per month
130-56.(d)(4)b.	Small general service (SGS)	Delivery charge, per kWh
130-56.(e)(4)a.	Large general service (LGS)	Customer charge, per month
130-56.(e)(4)b.	Large general service (LGS)	Delivery demand charge, per kW
130-56.(f)(4)a.	Very large power (VLP)	Customer charge, per month
130-56.(f)(4)b.	Very large power (VLP)	Delivery demand charge, per kW
130-56.(g)(4)c.	Transmission (TSR)	Power supply charges
130-56.(i)(3)a.	Lighting athletic fields (LAF)	Customer charge
130-56.(i)(3)b.	Lighting athletic fields (LAF)	Delivery demand charge, per kWh
130-56.(j)(4)a.	Area lighting (AL)	Monthly rates, per lamp per month
130-56.(k)(4)	Second feeder service (SFS)	Monthly rates, per contract kW per month
130-56.(l)(4)a.	Net metering service	Customer charge, per month
130-56.(l)(4)b.	Net metering service	Delivery charge, per kWh
130-56.(m)(2)a.	Interstate highway lighting (HL)	Customer charge, per month
130-57.(c)	Power factor penalty	Monthly rate, per kW

Table 2: Effective Date and Rate Adjustments	
Effective Date	Rate Adjustment
August 1, 2021	five percent (5%) upward adjustment of the rates in effect on July 31, 2021
August 1, 2022	ten percent (10%) upward adjustment of the rates in effect on July 31, 2022

NBU is directed to provide updates to City Council and the NBU Board on NBU's financial status. City Council retains the power to consider a review of NBU's rates at any time.

(Ord. No. 2003-74, § I(Exh. A), 10-27-03; Ord. No. 2006-05, §§ I, II, 1-23-06; Ord. No. 2006-49, § I(Exh. A), 6-12-06; Ord. No. 2009-15, § 2(Exh. A), 3-23-09; Ord. No. 2014-81, § I(Exh. A), 12-8-14; Ord. No. 2015-60, § I(Exh. A), 11-9-15)

Sec. 130-57. - Power factor penalty.

- (a) NBU shall assess a power factor penalty on all customers if the necessary equipment for determining power factor is installed and operational and if the measured power factor during the non-coincident peak kW demand is less than 0.95.
- (b) The power factor penalty shall be calculated by increasing the measured billing demand such that the adjusted billing demand and measured kVAR yield a calculated power factor of 0.95. If the measured power factor is 0.95 or greater, the billing kW demand shall be the kW demand in accordance with the appropriate rate schedule. Any additional metering equipment necessary to measure or compute kVAR or power factor may be installed at any demand metered customer, without notice, at the discretion of NBU.
- (c) *Monthly rate.* Power factor penalty, per kW: \$2.065, subject to Section 130-56, subsection (n).

(Ord. No. 2003-74, § I(Exh. A), 10-27-03; Ord. No. 2006-49, § I(Exh. A), 6-12-06; Ord. No. 2015-60, § I(Exh. A), 11-9-15)

Residential (RE)*		
	Current	Proposed
Customer charge, per month	\$ 14.77	\$ 14.77
Delivery charge, per kWh	\$ 0.0129	\$ 0.0129

**Also applies to net metering*

Small General Service (SGS)*		
	Current	Proposed
Customer charge, per month	\$ 20.00	\$ 20.00
Delivery charge, per kWh	\$ 0.008317	\$ 0.008317

**Also applies to net metering*

Large General Service (LGS)		
	Current	Proposed
Customer charge, per month	Varies by meter size	
Delivery demand charge, per kW	\$ 4.62	\$ 4.62

Very Large Power (VLP)		
	Current	Proposed
Customer charge, per month	Varies by meter size	
Delivery demand charge, per kW	\$ 2.79	\$ 2.79

Second Feeder Service		
	Current	Proposed
Capacity charge, per contract kW per month	\$ 3.18	\$ 3.18

Athletic Field Lights		
	Current	Proposed
Customer charge, per month	Varies by meter size	
Delivery demand charge, per kW	\$ 0.0415	\$ 0.0415

I-35 Lights		
	Current	Proposed
Customer charge, per month	\$ 15.00	\$ 15.00

MV Lights		
	Current	Proposed
Monthly Rate, per lamp per month	\$ 10.00	\$ 10.00

Residential (RE)*		
	Current	Proposed
Customer charge, per month	\$ 14.77	\$ 15.51
Delivery charge, per kWh	\$ 0.0129	\$ 0.0135

**Also applies to net metering*

Small General Service (SGS)*		
	Current	Proposed
Customer charge, per month	\$ 20.00	\$ 21.00
Delivery charge, per kWh	\$ 0.008317	\$ 0.008733

**Also applies to net metering*

Large General Service (LGS)		
	Current	Proposed
Customer charge, per month	Increase customer charge (varies by meter size) by 5%	
Delivery demand charge, per kW	\$ 4.62	\$ 4.85

Very Large Power (VLP)		
	Current	Proposed
Customer charge, per month	Increase customer charge (varies by meter size) by 5%	
Delivery demand charge, per kW	\$ 2.79	\$ 2.93

Second Feeder Service		
	Current	Proposed
Capacity charge, per contract kW per month	\$ 3.18	\$ 3.34

Athletic Field Lights		
	Current	Proposed
Customer charge, per month	Increase customer charge (varies by meter size) by 5%	
Delivery demand charge, per kW	\$ 0.0415	\$ 0.0436

I-35 Lights		
	Current	Proposed
Customer charge, per month	\$ 15.00	\$ 15.75

MV Lights		
	Current	Proposed
Monthly Rate, per lamp per month	\$ 10.00	\$ 10.50

Residential (RE)*		
	Current	Proposed
Customer charge, per month	\$ 15.51	\$ 17.06
Delivery charge, per kWh	\$ 0.0135	\$ 0.0149

**Also applies to net metering*

Small General Service (SGS)*		
	Current	Proposed
Customer charge, per month	\$ 21.00	\$ 23.10
Delivery charge, per kWh	\$ 0.008733	\$ 0.009606

**Also applies to net metering*

Large General Service (LGS)		
	Current	Proposed
Customer charge, per month	Increase customer charge (varies by meter size) by 10%	
Delivery demand charge, per kW	\$ 4.85	\$ 5.34

Very Large Power (VLP)		
	Current	Proposed
Customer charge, per month	Increase customer charge (varies by meter size) by 10%	
Delivery demand charge, per kW	\$ 2.93	\$ 3.22

Second Feeder Service		
	Current	Proposed
Capacity charge, per contract kW per month	\$ 3.34	\$ 3.67

Athletic Field Lights		
	Current	Proposed
Customer charge, per month	Increase customer charge (varies by meter size) by 10%	
Delivery demand charge, per kW	\$ 0.0436	\$ 0.0479

I-35 Lights		
	Current	Proposed
Customer charge, per month	\$ 15.75	\$ 17.33

MV Lights		
	Current	Proposed
Monthly Rate, per lamp per month	\$ 10.50	\$ 11.55

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING CHAPTER 130, ARTICLE III, SECTIONS 130-56 AND 130-57, CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS TO PROVIDE FOR UPWARD ADJUSTMENTS OF ELECTRIC RATES AND CHARGES FOR FISCAL YEAR 2022 AND FISCAL YEAR 2023; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of New Braunfels, Texas (the "City"), owns and operates by and through New Braunfels Utilities its own electric system in accordance with the laws of the State of Texas and the charter of said City; and

WHEREAS, the Council of the City of New Braunfels has heretofore established an ordinance providing for assessment and collection of electric rates and which ordinance has been codified as Chapter 130, Article III, Code of Ordinances of the City; and

WHEREAS, Sections 130-56 and 130-57 of the Code of Ordinances of the City require an update when rates are changed; and

WHEREAS, the New Braunfels Utilities staff has recommended new electric rates and charges for fiscal year 2022 and fiscal year 2023; and

WHEREAS, the New Braunfels Utilities staff has presented the updated rates and rate design to City Council in a workshop held on October 5, 2020; and

WHEREAS, in order to change the electric rates, it is now necessary and advisable that Sections 130-56 and 130-57, Article III, Code of Ordinances, as heretofore established by ordinance, be amended; and

WHEREAS, the City Council of the City retains the power to consider an additional adjustment of NBU's rates at any time.

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

SECTION 1.

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

SECTION 2.

THAT, Sections 130-56 and 130-57, Chapter 130, Article III, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and hereby are amended to upwardly adjust the electric rates and charges noted below in Table 1 on the dates and in the amounts indicated in Table 2 with no further action by the City Council of New Braunfels, Texas or by New Braunfels Utilities:

Table 1: Rates and Charges		
Ordinance Section Reference	Customer Class	Charges Affected
130-56.(c)(4)a.	Residential	Customer charge, per month
130-56.(c)(4)b.	Residential	Delivery charge, per kWh
130-56.(d)(4)a.	Small general service (SGS)	Customer charge, per month
130-56.(d)(4)b.	Small general service (SGS)	Delivery charge, per kWh
130-56.(e)(4)a.	Large general service (LGS)	Customer charge, per month
130-56.(e)(4)b.	Large general service (LGS)	Delivery demand charge, per kW
130-56.(f)(4)a.	Very large power (VLP)	Customer charge, per month
130-56.(f)(4)b.	Very large power (VLP)	Delivery demand charge, per kW
130-56.(g)(4)c.	Transmission (TSR)	Power supply charges
130-56.(i)(3)a.	Lighting athletic fields (LAF)	Customer charge
130-56.(i)(3)b.	Lighting athletic fields (LAF)	Delivery demand charge, per kWh
130-56.(j)(4)a.	Area lighting (AL)	Monthly rates, per lamp per month
130-56.(k)(4)	Second feeder service (SFS)	Monthly rates, per contract kW per month
130-56.(l)(4)a.	Net metering service	Customer charge, per month
130-56.(l)(4)b.	Net metering service	Delivery charge, per kWh
130-56.(m)(2)a.	Interstate highway lighting (HL)	Customer charge, per month
130-57.(c)	Power factor penalty	Monthly rate, per kW

Table 2: Effective Date and Rate Adjustments	
Effective Date	Rate Adjustment
August 1, 2021	five percent (5%) upward adjustment of the rates in effect on July 31, 2021
August 1, 2022	ten percent (10%) upward adjustment of the rates in effect on July 31, 2022

SECTION 3.

THAT, Sections 130-56 and 130-57, Chapter 130, Article III, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and hereby are amended in the following section with deleted language signified by strikethrough font and new language signified by underlined font below:

Sec. 130-56. - Electric rates.

- (a) Service rate classifications. All electric service supplied by NBU shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this article:
 - (1) Residential (RE);
 - (2) Small general service (SGS);
 - (3) Large general service (LGS);
 - (4) Very large power-distribution (VLP-D);
 - (5) Transmission service rate (TSR);
 - (6) Experimental electric rate (EER);
 - (7) Lighting athletic fields (LAF);
 - (8) Area lighting rate (AL);
 - (9) Second feeder service (SFS);
 - (10) Net metering (NM); and
 - (11) Interstate highway lighting rate (HL).
- (b) Upon application for service, NBU shall make the initial determination of the customer's service rate classification, which classification is subject to change in accordance with the provisions of this article.
- (c) Residential service rate (RE).
 - (1) *Availability.* The residential rate (RE) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
 - (2) *Applicability.* The residential rate is applicable for electric service used solely for residential purposes, and related activities, consisting of service to single-family dwellings or individually metered multifamily dwellings. Where two residential units are billed through one meter, the customer charge shall be doubled. Where more than two residential units or apartments are billed through one meter, the applicable general service rate shall be used.

This rate shall not be applicable for service to a residence also used for nonresidential purposes, including but not limited to boardinghouses, barbershops, beauty shops, general contractors, storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar nonresidential activities. If the wiring is so arranged that the service for residential purposes and that for commercial purposes are separately metered, this rate is applicable to the service supplied for residential purposes.
 - (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single-phase, 60-hertz, three-wire. Other service voltages may, under certain specific conditions, be furnished with the approval of the CEO.
 - (4) *Monthly rates.* Monthly residential service rates are as follows:

- a. Customer charge, per month\$14.77 (subject to subsection (n))
 - b. Delivery charge, per kWh0.0129 (subject to subsection (n))
 - c. Cost of power charge:
 - October—May billing period, per kWh0.0452
 - June—September billing period, per kWh0.0552
 - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (d) Small general service rate (SGS).
 - (1) *Availability.* The small general service rate (SGS) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
 - (2) *Applicability.* The small general service rate is applicable for electric service to all nonresidential establishments, or where a residence is also used for nonresidential purposes and billed through one meter, or where the nonresidential part of a residence is separately metered from the part solely residential, or where three or more residential units are billed through one meter, and use does not exceed 25 kilowatt demand.
 - (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single-phase, 60-hertz, three-wire; or 120/208 volt three-phase, 60-hertz, four-wire; or 120/240 volt three-phase, 60-hertz, three-wire or four-wire; or 277/480 volt three-phase, 60-hertz, four-wire.
 - (4) *Monthly rates.* Monthly rates for small general service are as follows:
 - a. Customer charge, per month\$20.00 (subject to subsection (n))
 - b. Delivery charge, per kWh0.008317 (subject to subsection (n))
 - c. Cost of power charge:
 - October—May billing period, per kWh0.0452
 - June—September billing period, per kWh0.0552
 - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
 - (5) *Determination of metered kW demand.* The customer's kW demand may be measured when the customer's monthly energy consumption exceeds 3,000 kilowatt hours, and/or where customer's total connected load exceeds 25 kilowatts in motors and other inductive-type equipment. Measurement shall be by maximum 15-minute demand. If after measurement it is determined that the customer's monthly demand has exceeded 25 kilowatts, the customer shall be charged for kW billing demand under the appropriate rate class schedule.
- (e) Large general service rate (LGS).
 - (1) *Availability.* The large general service rate (LGS) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.
 - (2) *Applicability.* The large general service rate is applicable for electric service to all nonresidential establishments, or where a residence is also used for nonresidential purposes and billed through one meter, or where the part of a residence is separately metered from the part solely residential, or where three or more residential units are billed through one meter, and use exceeds a maximum 15-minute measured demand of 25 kilowatts during two billing periods for the June through September billing periods or for any four billing periods over a 12-month

period, but does not exceed an estimated or measured 1,000 kilowatt, maximum 15-minute measured demand during two billing periods.

When a customer is reclassified to the LGS rate from another rate schedule, the customer may not change to another rate within a 12-month period unless there is a substantial change in the character or conditions of service. A customer may request reclassification to another rate only after fulfilling all obligations of this rate.

- (3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single-phase, 60-hertz, three-wire; or 120/208 volt three-phase, 60-hertz, four-wire; 120/240 volt three-phase, 60-hertz, three-wire or four-wire; or 277/480 volt, three-phase, 60-hertz, four-wire; or 7200/12470 volt, three-phase, 60-hertz, four-wire.
- (4) *Monthly rate.* The monthly rates for large general service are as follows:
 - a. Customer charge: \$30.00—3,937.50 per month determined by installed kVA aggregated per customer as follows, subject to subsection (n):
 - Greater than 12,999 kVA, per month\$3,937.50
 - Less than 13,000 kVA and greater than 7,999 kVA, per month3,150.00
 - Less than 8,000 kVA and greater than 3,999 kVA, per month2,362.50
 - Less than 4,000 kVA and greater than 2,999 kVA, per month1,575.00
 - Less than 3,000 kVA and greater than 1,999 kVA, per month1,050.00
 - Less than 2,000 kVA and greater than 1,499 kVA, per month525.00
 - Less than 1,500 kVA and greater than 750 kVA, per month315.00
 - Less than 751 kVA and greater than 500 kVA, per month236.25
 - Less than 501 kVA and greater than 300 kVA, per month183.75
 - Less than 301 kVA and greater than 150 kVA, per month105.00
 - Less than 151 kVA, per month31.50
 - b. Delivery demand charge: \$4.62 per kW billing demand per month (subject to subsection (n))
 - c. Cost of power charge:
 - October—May billing period, per kWh0.0400
 - June—September billing period, per kWh0.0500
 - Power supply demand charge, per kW billing demand per month1.15
 - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (5) *Determination of billing kW demand.* The billing kW demand shall be the highest measured kW demand established in any 15-minute demand interval during the current month.
- (f) Very large power distribution rate (VLP-D).
 - (1) *Availability.* Very large power-distribution service (VLP-D) shall be available, as approved by the board of trustees, in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section.

- (2) *Applicability.* The very large power-distribution rate is applicable for electric service when the measured kW demand exceeds 1,000 kilowatts during a 15-minute demand interval during two billing periods over a 12-month period.
 - (3) *Service conditions.* The service furnished under this section shall be nominal 277/480 volt, three-phase, 60-hertz, four-wire; or 7200/12470 volt, three-phase, 60-hertz, four-wire.
 - (4) *Monthly rate.* The monthly rates for very large power-distribution service are as follows:
 - a. Customer charge: \$30.00—3,871.88 per month determined by installed kVA aggregated per customer as follows, subject to subsection (n):
 - Greater than 12,999 kVA, per month\$3,871.88
 - Less than 13,000 kVA and greater than 7,999 kVA, per month3,097.50
 - Less than 8,000 kVA and greater than 3,999 kVA, per month2,323.13
 - Less than 4,000 kVA and greater than 2,999 kVA, per month1,548.75
 - Less than 3,000 kVA and greater than 1,999 kVA, per month1,032.50
 - Less than 2,000 kVA and greater than 1,499 kVA, per month516.25
 - Less than 1,500 kVA and greater than 750 kVA, per month309.75
 - Less than 751 kVA and greater than 500 kVA, per month232.31
 - Less than 501 kVA and greater than 300 kVA, per month180.69
 - Less than 301 kVA and greater than 150 kVA, per month103.25
 - Less than 151 kVA, per month30.98
 - b. Delivery demand charge: \$2.79 per kW billing demand per month (subject to subsection (n))
 - c. Cost of power charge:
 - October—May billing period, per kWh0.0400
 - June—September billing period, per kWh0.0500
 - Power supply demand charge per KW billing demand, per month1.15
 - d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments. The minimum monthly bill will not include the power factor penalty for the first six months to any new customer to this rate class.
 - (5) *Determination of billing kW demand.* The kW billing demand shall be the highest measured kW demand established in any 15-minute period during the current month or 75 percent of the highest 15-minute kW demand in any of the preceding 11 months, but not less than 1,000 kW.
- (g) Transmission service rate (TSR).
- (1) *Availability.* Transmission service rate (TSR) shall be available, as approved by the board of trustees, in the electric service area of the New Braunfels Utilities under the rules, regulations, and policies as established by New Braunfels Utilities, which are subject to change from time to time, and as provided for in this article, at the rates set forth in this section.
 - (2) *Applicability.* The transmission service rate is applicable only for electric service to customers which require transmission level service (operated at 60 kilovolts, or above) at each specifically

identified individual service location and which meet all of the service conditions provided in this article.

- (3) *Service conditions.* The transmission service rate is available in accordance with terms, conditions and rates established by NBU and reviewed by the board of trustees of NBU.
 - (4) *Monthly rates.* The monthly charge for transmission service shall be the sum of the following:
 - a. ERCOT charges: The actual fees and rates for ERCOT transmission service as approved by the Public Utility Commission of Texas.
 - b. Local transformation, metering and miscellaneous charges.
 - c. Power supply charges: The monthly power supply charge shall be the total power supply costs as they are incurred by New Braunfels Utilities. Such costs shall include, but are not limited to, costs for purchasing, scheduling, coordinating, and providing capacity and energy to the customer, subject to subsection (n). Such power supply charges and power supply costs are subject to New Braunfels Utilities Board of Trustees Competitive Matters Resolution.
- (h) Experimental electric rate (EER).
- (1) *Applicability.* The experimental rate shall be applicable to customers in any rate class groups at times selected by NBU. The time period for which the experimental rate may apply shall not exceed two years. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
 - (2) *Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's discretion.
 - (3) *Selection.* The methods and criteria for selection for rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (i) Lighting athletic fields (LAF).
- (1) *Applicability.* Service will be supplied through a single point of delivery and shall be used for lighting of outdoor athletic fields and facilities used exclusively in conjunction with athletic events on these fields.
 - (2) *Service.* Single or three-phase service at the voltage of the available primary distribution lines of NBU (primary), or at the secondary voltage of transformation facilities supplied from NBU's distribution system (secondary).
 - (3) *Monthly rate.* Monthly athletic field rates are as follows:
 - a. Customer charge. (Customer charge is) \$30.00—3,750.00 per month determined by installed kVA aggregated per customer as follows, subject to subsection (n):

Greater than 12,999 kVA, per month	\$3,750.00
Less than 13,000 kVA and greater than 7,999 kVA, per month	3,000.00
Less than 8,000 kVA and greater than 3,999 kVA, per month	2,250.00
Less than 4,000 kVA and greater than 2,999 kVA, per month	1,500.00
Less than 3,000 kVA and greater than 1,999 kVA, per month	1,000.00
Less than 2,000 kVA and greater than 1,499 kVA, per month	500.00
Less than 1,500 kVA and greater than 750 kVA, per month	300.00
Less than 751 kVA and greater than 500 kVA, per month	225.00

Less than 501 kVA and greater than 300 kVA, per month175.00

Less than 301 kVA and greater than 150 kVA, per month100.00

Less than 151 kVA, per month30.00

b. Delivery demand charge: \$0.0415 per kWh (subject to subsection (n))

c. Cost of power charge:

October—May billing period, per kWh0.0452

June—September billing period, per kWh0.0552

d. Minimum monthly bill. The minimum monthly bill shall be the customer charge plus any special charges or adjustments.

(j) Area lighting rate (AL).

(1) *Availability.* The area lighting rate (AL) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section. Service under this tariff is subject to connection charges contained in the NBU Electrical Connection Policy.

(2) *Applicability.* The area lighting rate is applicable for electric service for pole mounted area security lighting near NBU's electric distribution lines.

(3) *Service conditions.* The service furnished under this section shall be nominal 120/240 volt single phase, 60-hertz, three wire. Other service voltages may, under certain specific conditions, be furnished with the approval of the CEO.

(4) *Monthly rates.* Monthly area lighting rates are as follows:

a. \$10.00 per lamp per month (subject to subsection (n)).

b. Minimum monthly bill. The minimum monthly bill shall be the charge per lamp plus any special charges or adjustments.

(k) Second feeder service rate (SFS).

(1) *Availability.* The second feeder service rate (SFS) is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section, provided NBU agrees that such service can be feasibly and economically provided by NBU. Service under this tariff is subject to connection charges and specifications contained in New Braunfels Utilities Electrical Connection Policy.

(2) *Applicability.* The second feeder service rate is applicable only for electric service to customers in LGS and VLP rate classes which require reserve capacity on a second distribution feeder at a specifically identified individual service location and which meet all of the service conditions provided in this article.

(3) *Service conditions.* Second feeder service is the reservation of capacity on a second feeder in order to provide redundant feeder capacity and provide the capability to automatically transfer the customer's total load from a primary feeder to an alternate second feeder.

a. Service will be provided only by long-term contract approved by the board of trustees of New Braunfels Utilities. This long-term contract will establish, in addition to other terms and conditions, the amount of capacity reserved on a second feeder for a customer and the adjustment of minimum reserve capacity permitted under this rate.

b. Second feeder service does not guarantee continuous service availability and may be interrupted for maintenance activities or when necessary for operational or emergency reasons.

- c. Where appropriate, the customer will be required to maintain appropriate load balancing as determined by NBU.

- (4) *Monthly rates.* Capacity reservation charge, per contract kW per month\$3.18 (subject to subsection (n))

(l) Net metering service rate.

- (1) *Availability.* The net metering service rate is available in the electric service area of NBU under the rules, regulations, and policies as provided for in this article, at the rates set forth in this section. Service under this rate may be subject to additional connection charges and specifications contained in New Braunfels Utilities Electrical Connection Policy.

- (2) *Applicability.* The net metering service rate is available to residential customers and small general service customers with grid connected solar or wind generation of ten kilowatts or less where the customer's load profile exceeds the generating capacity.

- (3) *Service conditions.* Service will be provided only by contract approved by the board of trustees of New Braunfels Utilities. Any power generated by the customer may be used to offset the amount of power purchased from NBU. NBU will not purchase excess generation.

- (4) *Monthly rates.* Monthly net metering service rates are as follows:

- a. *Customer charge, per month.* As specified in the appropriate RE or SGS rate (subject to subsection (n)).

- b. *Delivery charge, per kWh.* As specified in the appropriate RE or SGS rate (subject to subsection (n)) plus a fixed cost per type of installed kW as shown below:

Residential (RE) solar\$1.37

Residential (RE) wind0.64

Small general service (SGS) solar0.75

Small general service (SGS) wind0.35

- c. *Cost of power charge.*

October—May billing period, per kWh. As defined in the appropriate RE or SGS rate.

June—September billing period, per kWh. As defined in the appropriate RE or SGS rate.

- d. *Minimum monthly bill.* The minimum monthly bill shall be the customer charge plus the delivery charge per installed kW of generation, and any special charges or adjustments.

- (5) *Determination of delivery charge kWh.* Customer's monthly delivery charge kWh shall equal the customer's kWh purchased from NBU less any kWh generated into the NBU delivery system, but never less than zero.

- (6) *Determination of power charge kWh.* Customer's monthly power charge kWh shall equal the actual kWh purchased from NBU.

(m) Interstate highway lighting rate (HL).

- (1) *Applicability.* The interstate highway lighting rate (HL) is applicable for electric service for pole mounted interstate highway lighting located in the electric service area of New Braunfels Utilities, but within the corporate limits or extra-territorial jurisdiction of another municipality, pursuant to the terms and conditions of a contract between that municipality and New Braunfels Utilities and at the rates set forth in this section.

- (2) *Monthly rate.* Monthly interstate highway lighting rates are as follows:

- a. Customer charge, per month\$15.00 (subject to subsection (n))

- b. Cost of power charge.

October—May billing period, per kWh0.0452

June—September billing period, per kWh0.0552

- (3) *Minimum monthly bill.* The minimum monthly bill shall be the customer charge plus any special charges or adjustments.
- (n) *Electric rate escalation.* The rates and charges for electric services noted below in Table 1 shall increase on the dates and in the amounts indicated in Table 2:

Table 1: Rates and Charges		
Ordinance Section Reference	Customer Class	Charges Affected
130-56.(c)(4)a.	Residential	Customer charge, per month
130-56.(c)(4)b.	Residential	Delivery charge, per kWh
130-56.(d)(4)a.	Small general service (SGS)	Customer charge, per month
130-56.(d)(4)b.	Small general service (SGS)	Delivery charge, per kWh
130-56.(e)(4)a.	Large general service (LGS)	Customer charge, per month
130-56.(e)(4)b.	Large general service (LGS)	Delivery demand charge, per kW
130-56.(f)(4)a.	Very large power (VLP)	Customer charge, per month
130-56.(f)(4)b.	Very large power (VLP)	Delivery demand charge, per kW
130-56.(g)(4)c.	Transmission (TSR)	Power supply charges
130-56.(i)(3)a.	Lighting athletic fields (LAF)	Customer charge
130-56.(i)(3)b.	Lighting athletic fields (LAF)	Delivery demand charge, per kWh
130-56.(j)(4)a.	Area lighting (AL)	Monthly rates, per lamp per month
130-56.(k)(4)	Second feeder service (SFS)	Monthly rates, per contract kW per month
130-56.(l)(4)a.	Net metering service	Customer charge, per month
130-56.(l)(4)b.	Net metering service	Delivery charge, per kWh
130-56.(m)(2)a.	Interstate highway lighting (HL)	Customer charge, per month
130-57.(c)	Power factor penalty	Monthly rate, per kW

Table 2: Effective Date and Rate Adjustments	
Effective Date	Rate Adjustment
August 1, 2021	five percent (5%) upward adjustment of the rates in effect on July 31, 2021
August 1, 2022	ten percent (10%) upward adjustment of the rates in effect on July 31, 2022

NBU is directed to provide updates to City Council and the NBU Board on NBU's financial status. City Council retains the power to consider a review of NBU's rates at any time.

Sec. 130-57. - Power factor penalty.

- (a) NBU shall assess a power factor penalty on all customers if the necessary equipment for determining power factor is installed and operational and if the measured power factor during the non-coincident peak kW demand is less than 0.95.
- (b) The power factor penalty shall be calculated by increasing the measured billing demand such that the adjusted billing demand and measured kVAR yield a calculated power factor of 0.95. If the measured power factor is 0.95 or greater, the billing kW demand shall be the kW demand in accordance with the appropriate rate schedule. Any additional metering equipment necessary to measure or compute kVAR or power factor may be installed at any demand metered customer, without notice, at the discretion of NBU.
- (c) *Monthly rate.* Power factor penalty, per kW: \$2.065, subject to Section 130-56, subsection (n).

SECTION 4.

THAT, this ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to electric rates, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

SECTION 5.

THAT, if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 6.

THAT, this ordinance shall be effective on November 1, 2020.

SECTION 7.

PASSED AND APPROVED: First Reading this 12th day of October 2020.

PASSED AND APPROVED: Second Reading this 26th day of October 2020.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

ANDREW A. LYONS III, Assistant City Secretary

APPROVED AS TO FORM:

VALERIA ACEVEDO, City Attorney

City Council Agenda Item Report550 Landa Street
New Braunfels, TX**10/12/2020**

Agenda Item No. 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:

- TMLIRP Claim No. LB123354; Crawford, C.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

10/12/2020

Agenda Item No. B)

Deliberate the appointment, evaluation, duties, discipline, or removal of the City Manager in accordance with Section 551.074 of the Texas Government Code.