

ORDINANCE NO. 2019-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, AMENDING CHAPTER 66 SECTIONS 26 AND 52
OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES
REGARDING THE MEMBERSHIP QUALIFICATIONS OF THE
HERITAGE COMMISSION AN THE HISTORIC LANDMARK
COMMISSION.**

WHEREAS, the membership qualifications of the Heritage Commission and the Historic Landmark Commission require representatives of the Historic Museums Association to serve on each commission; and

WHEREAS, the Historic Museums Association voted to dissolve and therefore the City's commissions should remain whole.

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

I.

THAT, Section 66-26, created; members; terms; appointments [of the heritage Commission], is amended to read:

There is hereby established a commission to be known as the New Braunfels Heritage Commission. Such commission shall be composed of seven citizens of the city who are interested in historic preservation and heritage activities, which shall not include any current paid employees or board members of any organization that requests funding from the New Braunfels Heritage Commission. Such commission shall consist of seven members, ~~no more than three of whom shall be chosen from a list of names submitted by the New Braunfels Historic Museums Association, Inc.,~~ with appointments being made by the city council so that the term of each member of such commission shall be for three years, staggered so that no more than three members shall be appointed each year.

II.

THAT, Section 66-52, historic preservation commission, is amended to read:

There is hereby created a commission to be known as the New Braunfels Historic Landmark Commission.

(a) The commission shall consist of nine members. A minimum of six members shall be residents of the city and/or Comal County, or Guadalupe County in the city extraterritorial jurisdiction. The members are appointed, to the extent available in the community, by the city council as follows:

(1) One person from the Comal County Historical Commission;

(2) ~~Two~~ ~~One~~ property owners from any historic district;

(3) ~~Three members of the Historic Museums Association;~~

~~(4) Six~~ ~~Four~~ members-at-large.

In addition to the nine appointed members the following persons, or their designated representatives, shall serve as ex officio members:

a. The city attorney of the city.

b. The city planning director of the city.

(b) Voting rights: None of the ex officio members shall have voting power but shall assist the historic landmark commission (hereinafter called "the commission"), in its various functions.

(c) Qualifications: Members shall have a known and demonstrated interest, competence, or knowledge in the architectural, archaeological, cultural, social, economic, ethnic or political history of the city. No business or professional interest shall constitute a majority membership of the commission.

(d) The commission as a whole shall generally represent the ethnic makeup of the city.

(e) Terms of office: The appointed members of the commission shall be identified by place numbers one through nine. Upon the adoption of this article, places one through four shall be appointed to serve two years. Places five through nine shall be appointed to serve four years. After the first term expires, all terms shall be for four years. No appointed member shall serve more than two consecutive terms. Any vacancy occurring shall be filled by appointment only for the unexpired portion of the term. Any member may be removed by a two-thirds majority vote of the city council after a hearing.

(f) The chairman and vice chairman of the commission shall be elected by and from the members of the commission.

(g) The commission shall be empowered to:

(1) Make recommendations for employment of staff and professional consultants as necessary to carry out the duties of the commission.

(2) Prepare rules and procedures as necessary to carry out the business of the commission, which shall be ratified by the city council.

(3) Adopt criteria for the designation of historic, architectural, and cultural landmarks and the delineation of historic districts, which shall be ratified by the city council.

(4) Conduct surveys and maintain an inventory of significant historic, architectural, and cultural landmarks and all properties located in historic districts within the city.

(5) Recommend the designation of resources as landmarks and historic districts.

(6) Create committees from among its membership and delegate to these committees responsibilities to carry out the purposes of this article.

(7) Maintain written minutes which record all actions taken by the commission and the reasons for taking such actions.

(8) Recommend conferral of recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.

(9) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.

(10) Make recommendations to the city government concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the city.

(11) Approve or disapprove of applications for alteration certificates pursuant to this act.

(12) Prepare and submit annually to the council a report summarizing the work completed during the previous year.

(13) Prepare specific design guidelines for the review of landmarks and districts.

(14) Recommend the acquisition of a landmark structure by the city government where its preservation is essential to the purpose of this act and where private preservation is not feasible.

(15) Propose tax abatement program(s) for landmarks or districts.

(16) Accept on behalf of the city government the donation of preservation easements and development rights as well as any other gifts of value for the purpose of historic preservation, subject to the approval of and final acceptance by the city council.

(h) The commission shall meet at least monthly, if business is at hand. Special meetings may be called at any time by the chairman or on the written request of any two commission members. All meetings shall be held in conformance with the Texas Open Meetings Act, Section 551, Government Code of the State of Texas.

(i) Voting and quorum: The presence of five appointed members constitutes a quorum. No action may be taken on any application without a quorum present. The concurring vote of a majority of members present is necessary to make a motion or decision valid.

III.

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.

IV.

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.

V.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office.

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

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

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, MAYOR

ATTEST:

PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY