



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



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

MONDAY, JANUARY 11, 2021 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 |

To participate via zoom use the following link:

**<https://us02web.zoom.us/j/83369443180> or call (833) 926-2300 with ID#: 833
6944 3180**

**To participate via zoom use the following link: <https://us02web.zoom.us/j/83369443180>
or call (833) 926-2300 with ID#: 833 6944 3180**

MISSION STATEMENT

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

AGENDA

CALL TO ORDER

CALL OF ROLL: City Secretary

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

INVOCATION: MICHAEL NOVAK, NEW BRAUNFELS POLICE DEPARTMENT CHAPLAIN

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

PRESENTATIONS:

- A) Update from the City Manager on the City's Response to [21-24](#)
COVID-19
Robert Camareno, City Manager

1. MINUTES

- A) Discuss and consider approval of the minutes of the [21-23](#)
regular City Council meeting of December 14, 2020.
Caitlin Krobot, 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 the issuance of an invitation for competitive [20-918](#)
sealed proposals for construction of a fiber optic network
to connect new City buildings as a part of the May 2019
Bond Election since the City Council finds that this
delivery method will provide the best value to the City.
Tony Gonzalez, Director of Information Technology
- B) Approval of a contract with GTS Technology Solutions to [21-12](#)
support the replacement of the City's network
infrastructure and associated equipment
Tony Gonzalez, Director of Information Technology
- C) Approval of master professional services contract with [20-921](#)
Cleary Zimmermann Engineers to provide commissioning
services for construction oversight, inspections, and
coordination for future projects, including but not limited
to upcoming new build of Fire Stations 2 and 3 and
Westside Library Branch.
Joshua Niles, Capital Project Manager
- D) Approval to renew the following annual contracts, as [20-922](#)
allowed for by their contract language: Collection of
Household Hazardous Waste, Financial Advisory
Services, Firefighter Physical Exams, Bond Counsel
Services and Hotel Occupancy Tax Collection and
Compliance Services.
Debbie Kimball, Buyer
- E) Approval of the City of New Braunfels FY 2020 Fourth [21-15](#)
Quarter Investment Report.
Sandy Paulos, Assistant Chief Financial Officer

- F) Approval of modification to professional services contract [21-19](#) with Pape-Dawson Engineers, Inc. to complete Phase 2 of the City's Accessibility ADA Transition Plan.
Christopher J. Looney, AICP, Planning and Development Services Director
- G) Approval of a ratification for a contract price increase [21-8](#) with M&S Engineering for design changes to Alves Lane Improvements Project engineering contract.
Jennifer Cain, Capital Programs Manager
- H) Approval of the purchase of dump trucks from [21-26](#) Freightliner of Austin and a street sweeper truck from Heil of Texas utilizing funding awarded by the Texas Commission on Environmental Quality (TCEQ) FY 2020 Texas Volkswagen Environmental Mitigation Program.
Greg Malatek, Public Works Director
- I) Approval of the appointment of two individuals to the Arts [21-18](#) Commission for terms ending January 31, 2024.
Caitlin Krobot, City Secretary

Ordinances

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

- J) Approval of the second and final reading of an ordinance [21-2](#) to amend Section 126-346 to establish no parking zones on E San Antonio Street at Comal Avenue and S Gilbert Avenue.
Garry Ford, P.E., Assistant Public Works Director/City Engineer
- K) Approval of the second and final reading of an ordinance [20-923](#) regarding a proposed rezoning to apply a Special Use Permit to allow a single family residential use in the "M-1" Light Industrial District on 0.22 acres out of Lots 240 and 241 NCB 2014, addressed at 394 N. Market Avenue.
Christopher J. Looney, AICP, Planning and Development Services Director
- L) Approval of the second and final reading of an ordinance [20-929](#) regarding a proposed amendment to an existing Special Use Permit for an animal shelter to allow an additional building and parking lot for the purpose of spaying and neutering dogs and cats at 3353 Morningside Drive.
Christopher J. Looney, AICP, Planning and Development Services Director

- M) Approval of the second and final reading of an ordinance [21-1](#) establishing a credit card processing reimbursement fee for the use of credit and debit cards as a form of payment for fees, fines, court costs and other charges; repealing all ordinances in conflict, containing a savings clause; and declaring an effective date.
Sandy Paulos, Assistant Chief Financial Officer

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the appointment of one [21-16](#) individual to the River Advisory Committee for a term ending December 8, 2023.
Caitlin Krobot, City Secretary
- B) Discussion and possible action regarding an update to [20-575](#) the 2010 Citywide Hike and Bike Trail plan.
Ylida Capriccioso, Park Development Manager
- C) Discuss and consider approval of the purchase of [20-940](#) all-ability playground equipment/swings for Fischer Park with Park & Play Structures through Buy Board Contract 592-19.
Ylida Capriccioso, Park Development Manager
- D) Public hearing and possible direction to staff regarding [21-14](#) funding recommendations for the CDBG-CV Grant Program utilizing an additional allocation of funds from the U.S. Department of Housing and Urban Development, and the associated CARES Act Substantial Amendment to the approved CDBG Program Year 2019 Annual Action Plan to incorporate CDBV-CV Round 3 funding.
Jennifer Gates, Grants Coordinator
- E) Public hearing and first reading of an ordinance [21-22](#) amending Chapter 126, Division 2 of the City of New Braunfels Code of Ordinances for parking restrictions on Loma Vista Street between Heynis South and Becker Street.
Greg Malatek, Public Works Director
- F) Public hearing and first reading of an ordinance [21-9](#) amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area G.

Garry Ford, Assistant Public Works Director/City Engineer

- G) Public hearing and first reading of an ordinance [21-4](#) amending Section 126-186 of the Code of Ordinances to prohibit through truck traffic on West Mill Street between Academy Avenue and Walnut Avenue.

Garry Ford, Assistant Public Works Director/City Engineer

- H) Public hearing and first reading of an ordinance [20-938](#) regarding a proposed rezoning of approximately 38 acres out of Subdivision No. 112 of the A.M. Esnaurizar Eleven League Grant, located on SH 46 South, adjacent to Stonegate Subdivision, from "APD" Agricultural/Pre-Development District and "PD" Planned Development District to "ZH-A" Zero Lot Line Home District.

Christopher J. Looney, AICP, Planning and Development Services Director

5. **EXECUTIVE SESSIONS**

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

- A) Deliberate the appointment, evaluation, duties, discipline, [21-51](#) or removal of the City Manager and the City Attorney in accordance with Section 551.074 of the Texas Government Code.

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

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

7. **ADJOURNMENT**

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall.

Caitlin Krobot, City Secretary

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

City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/11/2021

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 Report

550 Landa Street
New Braunfels, TX

1/11/2021

Agenda Item No. A)

Presenter/Contact

Caitlin Krobot, City Secretary
(830) 221-4006 - ckrobot@nbtexas.org

City of New Braunfels, Texas

City Hall - Council Chambers

Minutes

Monday, December 14, 2020

6:00 PM

City Council

Rusty Brockman, Mayor - Present

Shane Hines, Councilmember (District 1) - Present

Justin Meadows, Mayor Pro Tem (District 2) - Present

Harry Bowers, Councilmember (District 3) - Present

Matthew E. Hoyt (District 4) - Present

Jason E. Hurta (District 5) - Absent

James Blakey (District 6) – Present, attended via Zoom

The meeting was called to order by Mayor Brockman at 6:00 p.m. Mayor Brockman gave the invocation and led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

- A) NBCA Volleyball 2020 TAPPS State Champions
Mayor Brockman presented the Proclamation.

PRESENTATIONS:

1. Update from the City Manager on the City's Response to COVID-19
Mayor Brockman read the aforementioned caption.

City Manager, Robert Camareno, presented the item.

No action was taken

- B) Annual Economic Benchmarks Report
Mayor Brockman read the aforementioned caption.

Michael Meek of the Greater New Braunfels Chamber of Commerce presented the item.

No action was taken.

- C) Presentation and possible direction to staff on development of Mission

Hill Park, Phase 1A.

Mayor Brockman read the aforementioned caption.

Stacey Dicke presented the item.

Ron Reaves spoke on the item.

Council directed staff to move forward. No action was taken.

- D) Presentation and possible direction to staff to amend the existing golf cart and neighborhood electric vehicles ordinance to include off-highway vehicles.

Mayor Brockman read the aforementioned caption.

Greg Malatek presented the item.

Scott Chapman and Mark Sheffield spoke on the item.

No action was taken.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of November 23, 2020.

Mayor Brockman read the aforementioned caption.

Councilmember Hines moved to approve the item. Councilmember Bowers seconded the motion.

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 comments were made.

3. CONSENT AGENDA

All items listed below are considered to be routine and non-controversial by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which

case the item will be removed from the consent agenda and considered as part of the normal order of business.

Resolutions & Action Items

- A) Approval of the First Amendment to the Economic Development Agreement between the City of New Braunfels and Continental Automotive Systems, Inc.
- B) Approval of a contract with Acme Bridge Co. for the construction and realignment of Elizabeth Avenue from Landa Park Drive to approximately Hinman Island Drive in Landa Park, a contract modification with Hicks & Co. for archeological monitoring services of the construction, a task order with Raba Kistner, Inc. for materials testing services and authorization for the City Manager execute any change orders up to the contingency amounts
- C) Approval of, and authorization for, the City Manager to execute a Letter of Understanding and any subsequent conveyance documents between Union Pacific Railroad Company and the City of New Braunfels for the purchase of a portion of right-of-way along Landa Street between Live Oak Avenue and Wald Road which currently encroaches on Union Pacific right-of-way and the appropriate budget amendment.
- D) Approval of a contract with Sterling McCall Ford for the purchase of an ambulance to be housed at Fire Station #1 and declaring the inoperable replacement ambulance surplus.
- E) Approval of contracts related to the Edwards Aquifer Habitat Conservation Plan program and authorizing the city manager to execute the following: Old Channel Aquatic Vegetation Restoration, Comal River/ Landa Lake Aquatic Vegetation Restoration, Dissolved Oxygen Management, Gill Parasite Control and Riparian Restoration with BIO-WEST, Inc; Non-Native Animal Species Control with Atlas Environmental; Riparian Restoration with EBR Enterprises; and Riparian Restoration with Environmental Survey Consulting.
- F) Approval of contracts with Hill International, Inc. for onsite Owner's Representative services associated with the construction of Fire Stations #2 & #3 as part of the 2019 Bond Program.
- G) Approval of annual routine recurring expenditures for FY 2021 in accordance with City Charter Section 9.17.

- H) Approval of a budget amendment in the 2020 Capital Improvement Projects Fund.
- I) Approval of the appointment of three individuals to the Community Development Advisory Committee for terms ending December 13, 2023.
- J) Approval of the appointment of one individual to the Watershed Advisory Committee for a term ending April 18, 2023.
- K) Approval of the appointment of two individuals to the River Advisory Committee for terms ending December 8, 2023.
- L) Approval of the appointment of three individuals to the Landa Park Golf Course Advisory Board for terms ending December 31, 2023.
- M) Approval for the submission of the Community Development Block Grant Program's Consolidated Annual Performance and Evaluation Report for Program Year 2019 to the U.S. Department of Housing and Urban Development.
- N) Approval of a contract renewal with Fire Recovery USA, LLC for billing and collection services for the Fire Department.

Ordinances

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

- O) Approval of the second and final reading of an ordinance amending the Code of Ordinances Chapter 86-4 Additional Rules and Regulations for Control of Parks and Recreation Areas and Facilities regarding skate park rules.
- P) Approval of the second and final reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to modify the area of Parking by Permit Area H.
- Q) Approval of the second and final reading of an ordinance for a proposed Special Use Permit to allow a High Intensity Elderly Housing and Assisted Living Facility within Veramendi on approximately 11.2 acres of land located east of the intersection of Borchers Blvd. and Bennett Ave.
- R) Approval of the second and final reading of an ordinance regarding a

proposed rezoning of approximately 2.071 acres addressed at 2932 & 2910 IH 35 S from “C-3” Commercial District and “R-2” Single-Family and Two-Family District to “MU-A” Low-Intensity Mixed Use District.

- S) Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 118 Subdivision Platting, Section 46 Streets, regarding temporary turnarounds.
- T) Approval of the second and final reading of an ordinance amending the Code of Ordinances Chapter 86-66 regarding membership of the Landa Park Golf Course Advisory Board.

Mayor Brockman read the aforementioned captions.

Councilmember Hines moved to approve the Consent Agenda.

Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of a construction contract with Joeris General Contractors, a materials testing contract with Terracon, payment to New Braunfels Utilities (NBU) for water and sewer impact fees and authorize the City Manager to execute any change orders up to the contingency amount as part of the 2019 Bond Police Department and Veterans Memorial Project.

Mayor Brockman read the aforementioned caption.

Jennifer Cain presented the item.

Penny Farias spoke on the item during the Public Hearing.

Councilmember Hines moved to approve the item. Councilmember Bowers seconded the motion which passed 4-2 with Councilmember Hoyt and Councilmember Blakey opposing via roll call vote.

- B) Discuss and consider approval of a contract with Lower Colorado River Authority (LCRA) for the construction of a new radio tower, shelter, other items necessary for dispatch consoles, and authorize the City Manager to execute any change orders up to the full contingency amount as part of the 2019 Bond Police Department and Veteran’s Memorial Project.

Mayor Brockman read the aforementioned caption.

Jennifer Cain presented the item.

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

- C) Discuss and consider approval of contract with Hill International, Inc. for onsite Owner's Representative services associated with the construction of the Police Department and Veteran's Memorial Project as part of the 2019 Bond Program.

Mayor Brockman read the aforementioned caption.

Jennifer Cain presented the item.

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

Council took a short break

- D) Consideration of the second and final reading of an ordinance amending Chapter 126, Division 2 of the City of New Braunfels Code of Ordinances for parking restrictions on Loma Vista Street between South Heynis and Becker Street.

Mayor Brockman read the aforementioned caption.

Greg Malatek presented the item.

George Green spoke on the item during the Public Hearing.

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

- E) Public hearing and first reading of an ordinance to amend Section 126-346 to establish no parking zones on E San Antonio Street at Comal Avenue and S Gilbert Avenue.

Mayor Brockman read the aforementioned caption.

Greg Malatek presented the item.

No one spoke during the Public Hearing.

Councilmember Blakey moved to approve the item. Councilmember

Bowers seconded the motion which passed unanimously via roll call vote.

- F) Discuss and consider approval of a first reading of an ordinance establishing a credit card processing reimbursement fee for the use of credit and debit cards as a form of payment for fees, fines, court costs and other charges; repealing all ordinances in conflict, containing a savings clause; and declaring an effective date.

Mayor Brockman read the aforementioned caption

Jared Werner presented the item.

Mayor Pro Tem Meadows moved to approve the item. Councilmember Bowers seconded the motion which passed with a 5-0 vote with Councilmember Hoyt abstaining.

- G) Discuss and consider a request for a conditional sign permit for The Pillars Christian Learning Center to allow an additional freestanding sign within the Freiheit Village Development, addressed at 2144 Gabriels Place

Mayor Brockman read the aforementioned caption.

Stacy Snell presented the item.

Casey Brewer spoke on the item.

Councilmember Hoyt moved to approve the item. Mayor Pro Tem Meadows seconded the motion which passed unanimously via roll call vote.

- H) Consideration 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 currently addressed at 436 N. Union Avenue.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

Rex Ledbetter spoke on the item.

Mayor Pro Tem Meadows moved to approve the item with the exception to allow non-conforming parking. Councilmember Hines

seconded the motion which passed 4-2 with Councilmember Hoyt and Councilmember Blakey in opposition.

- I) Consideration of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 144, Zoning, Section 1.4 Definitions, Section 4.2 Land Use Matrix, and establishing Section 5.28 Truck Stops.

Mayor Brockman read the aforementioned caption.

Maddison O'Kelley presented the item.

Amy Guzman, Ashley Murphy, and Lee Lewis spoke on the item.

Mayor Pro Tem Meadows moved to approve the item. Councilmember Hines seconded the motion which passed 5-1 with Councilmember Hoyt in opposition.

- J) Public hearing and first reading of an ordinance regarding a proposed amendment to an existing Special Use Permit for an animal shelter to allow an additional building and parking lot for the purpose of spaying and neutering dogs and cats at 3353 Morningside Drive.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

No one spoke during the Public Hearing.

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

- K) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow a single family residential use in the "M-1" Light Industrial District on 0.22 acres out of Lots 240 and 241 NCB 2014, addressed at 394 N. Market Avenue.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

No one spoke during the Public Hearing.

Councilmember Hoyt moved to approve the item. Councilmember

Hines seconded the motion which pass unanimously via roll call vote.

5. EXECUTIVE SESSIONS

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

- A) Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:
 - General Land Office/Southstar
- B) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code; and, Deliberate pending/contemplated litigation, settlement offers, and matters related to privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071 of the Texas Government Code, specifically
 - ROW Encroachment and Billboards
- C) Deliberate pending/contemplated litigation, settlement offers, and matters related to privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071 of the Texas Government Code, specifically:
 - Carowest Land, Ltd. v. Yantis Company and City of New Braunfels (all cases, including appeal)
 - Yantis Company v. City of New Braunfels et. al. (2014 case)

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).

Mayor Brockman read the aforementioned caption.

City Council recessed into Executive Session from 9:16 p.m. to 10:52 p.m.

No vote or action was taken.

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 10:53 p.m.

No vote or action was taken.

7. ADJOURNMENT

The meeting adjourned at 10:53 p.m.

Date Approved: January 11, 2020

Rusty Brockman, Mayor

Attest:

Caitlin Krobot, City Secretary

1/11/2021

Agenda Item No. A)

Presenter/Contact

*Tony Gonzalez, Director of Information Technology
(830) 221-4339 - tgonzalez@nbtexas.org*

SUBJECT:

Approval of the issuance of an invitation for competitive sealed proposals for construction of a fiber optic network to connect new City buildings as a part of the May 2019 Bond Election since the City Council finds that this delivery method will provide the best value to the City.

BACKGROUND / RATIONALE:

The May 2019 Bond Election resulted in voters approving the construction of several new City buildings and facilities. These buildings and facilities will need to be connected to the City fiber optic network in order to take advantage of technology needs for staff, facilities and equipment. The City has received a completed set of Engineering Drawings for the construction of the fiber optic network and now needs to issue an invitation for complete sealed proposals to select a construction company for the described work.

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. |
|-------------------------------------|-----|----------------------------|--|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

[Enter Committee Recommendation Here]

STAFF RECOMMENDATION:

Staff recommends approval of the issuance of an invitation for competitive sealed proposals for construction of a fiber optic network to connect new City buildings as a part of the May 2019 Bond Election since the City Council finds that this delivery method will provide the best value to the City.

1/11/2021

Agenda Item No. B)

Tony Gonzalez*Tony Gonzalez, Director of Information Technology
(830) 221-4339 - tgonzalez@nbtexas.org***SUBJECT:**

Approval of a contract with GTS Technology Solutions to support the replacement of the City's network infrastructure and associated equipment

BACKGROUND / RATIONALE:

Much of the City's current network equipment was replaced in FY 2016. The equipment was purchased with 5 years of warranty/support that will expire in the coming months. In order to keep this critical infrastructure under warranty and to take advantage of the latest changes in networking technology, the City is proposing to replace much of the existing equipment. This purchase will provide the City faster networking capabilities and will include the same 5 years of support as previously purchased.

This proposal does NOT include the buildings currently being rebuilt/built as a part of the 2019 Bond Project, nor does it include the Library and Westside Community Center public networks or the Civic Center public network, which was replaced in January of 2020.

This cost associated with this project totals \$411,590, which includes a 5-year warranty consisting of 4-hour On-Site Service and next business day parts placement.

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

| | | | |
|-------------------------------------|-----|------------------------|----------------------|
| <input checked="" type="checkbox"/> | Yes | Strategic Priorities 3 | Effective Management |
|-------------------------------------|-----|------------------------|----------------------|

FISCAL IMPACT:

Funding was incorporated into the recently issued 2020 Tax Note to support the full replacement of the City's network infrastructure. Therefore, sufficient funds are available .

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends purchase of the equipment from GTS Technology Solutions, Inc. utilizing State of Texas Department of Information Resources, DIR, contracts, which fulfill procurement requirements.

1/11/2021

Agenda Item No. C)

Presenter/Contact

Joshua Niles, Capital Project Manager
(830) 221-4638 - JNiles@nbtexas.org

SUBJECT:

Approval of master professional services contract with Cleary Zimmermann Engineers to provide commissioning services for construction oversight, inspections, and coordination for future projects, including but not limited to upcoming new build of Fire Stations 2 and 3 and Westside Library Branch.

BACKGROUND / RATIONALE:

On September 11, 2020 city staff issued a task order solicitation for construction commissioning services to vendors listed on the city's Indefinite Delivery Indefinite Quantity (IDIQ) pre-approved vendors list. Staff received four (4) submissions on September 24, 2020. The vendors were evaluated on their technical knowledge, experience, and proposed approach to the city's projects. Based on the evaluation of the submissions, city staff is recommending the highest scored vendor, Cleary Zimmermann Engineers for award.

Cleary Zimmermann Engineers will provide construction oversight, inspections for city staff to verify and ensure all building systems, materials, equipment, and workmanship comply with the contract requirements. The services will be billed at the not to exceed hourly rates defined by the agreement. The estimated scopes include fees of \$17,593 for Station 2 and \$13,516 for Station 3, and \$9,953 for Westside Library Branch. As new projects are added to the agreement, such as Fire Station 7 and Sports Complex, they will be brought before City Council if the master agreement exceeds \$70,000.

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

| | | | |
|---|-----|-----------------------------|---|
| X | Yes | City Plan/Council Priority: | Strategic Priorities: Continue an ongoing program of infrastructure construction and maintenance. |
|---|-----|-----------------------------|---|

FISCAL IMPACT:

The proposed contact amounts are within the cost estimates developed for the 2019 bond projects. Therefore, sufficient funds are available to approve and begin expensing bond proceeds as described above.

COMMITTEE RECOMMENDATION:**STAFF RECOMMENDATION:**

Approval.

1/11/2021

Agenda Item No. D)

Presenter/Contact
Debbie Kimball, Buyer
(830) 221-4081 - DKimball@nbtexas.org

SUBJECT:

Approval to renew the following annual contracts, as allowed for by their contract language: Collection of Household Hazardous Waste, Financial Advisory Services, Firefighter Physical Exams, Bond Counsel Services and Hotel Occupancy Tax Collection and Compliance Services.

BACKGROUND / RATIONALE:

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

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

Renewal of Annual Contract for Collection of Household Hazardous Waste:

- Goods/Services Provided: Collection of Household Hazardous Waste
- City Department: Public Works
- Solicitation Method: Request for Proposal (RFP)
- Contract Award Date: March 1, 2018
- Awarded Contractors: Clean Harbors Environmental Services, Inc.
- Modified Contract Expiration Date: February 28, 2022; with one remaining renewal option
- Approximate Annual Cost of Services During Renewal Period: \$50,000, the amount may increase based on need.

Renewal of Annual Contract for Financial Advisory Services:

- Goods/Services Provided: Financial Advisory Services
- City Department: Finance
- Solicitation Method: Procured in accordance with Government Code Title Public Securities Chapter 1201 Public Security Procedures Act

- Contract Award Date: February 23, 2015
- Awarded Contractors: SAMCO Capital Markets Inc.
- Modified Contract Expiration Date: February 23, 2021, annual renewals available
- Approximate Annual Cost of Services During Renewal Period: Services are paid only when debt is used based on a sliding scale (the more debt issued, the higher the cost).

Renewal of Annual Contract for Firefighter Physical Exams:

- Goods/Services Provided: Firefighter physical exams performed for the NBFD
- City Department: Fire Department
- Solicitation Method: Request for Qualifications
- Contract Award Date: February 25, 2019
- Awarded Contractors: Life Scan Wellness Centers
- Modified Contract Expiration Date: February 28, 2022, with two (2) 12-month renewal options remaining
- Approximate Annual Cost of Services During Renewal Period: Approximately \$70,380.

Renewal of Annual Contract for Bond Counsel Services:

- Goods/Services Provided: Bond Counsel Services
- City Department: Finance
- Solicitation Method: Request for Qualifications
- Contract Award Date: February 12, 2018
- Awarded Contractors: McCall, Parkhurst & Horton, LLP
- Modified Contract Expiration Date: January 31, 2021; with two (2) 12-month renewal options remaining
- Approximate Annual Cost of Services During Renewal Period: Funding for bond counsel services are incorporated and expended from bond sales.

Renewal of Annual Contract for Hotel Occupancy Tax Collection and Compliance Services:

- Goods/Services Provided: Hotel Occupancy Tax Collection and Compliance Services
- City Department: Finance
- Solicitation Method: Request for Proposals
- Contract Award Date: February 12, 2019
- Awarded Contractors: LODGINGRevs
- Modified Contract Expiration Date: February 28, 2023; with available renewal options
- Approximate Annual Cost of Services During Renewal Period: Not to exceed \$29,700.

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

| | | | |
|-------------------------------------|-----|------------------------------|---|
| <input checked="" type="checkbox"/> | YES | Strategic Priorities: | 9. Maintain fiscal stability of City operations |
|-------------------------------------|-----|------------------------------|---|

FISCAL IMPACT:

Funding for all expenditures and contracts described above have been incorporated into the appropriate FY 2021 departmental budgets. Therefore, sufficient funds are available.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Approval.

1/11/2021

Agenda Item No. E)

Presenter/Contact

*Sandy Paulos, Assistant Chief Financial Officer
(830) 221-4387 - spaulos@nbtexas.org*

SUBJECT:

Approval of the City of New Braunfels FY 2020 Fourth Quarter Investment Report.

BACKGROUND / RATIONALE:

State of Texas statutes require quarterly investment reports be presented to the governing body of a municipality. In addition, the Investment Policy adopted annually by the City Council requires quarterly reporting to the City Council. Attached for Council consideration is the FY 2020 Fourth Quarter Investment Report to meet these statutory requirements. As of September 30, 2020, the City had \$201,291,044 (market value) invested in different investment instruments including cash, as shown below. The portfolio increased by \$57,677,174 in the fourth fiscal quarter. This was due to the receipt of bond funds on September 30.

| Investment Type: | Amount Invested (\$ in Millions) | |
|---|-------------------------------------|------------------|
| | | |
| Money Market/Cash | \$ | 75 |
| Pools | | 117 |
| CD's | | 5 |
| FHLB | | 2 |
| US T-Note | | 2 |
| | | |
| Total Investments | \$ | 201 |
| | | |
| Weighted Average Maturity of Portfolio | | 7 Days |
| Weighted Average Yield for Portfolio | | 0.13% |
| Earned Income QTR | \$ | 87,622 |
| Earned Income YTD | \$ | 1,404,788 |

For the fourth quarter, the weighted average yield of the City's investments was 0.13 percent, a decrease of 0.13 percent when compared to the FY 2020 third quarter yield of 0.26 percent. Local Government Investment Pools (LGIP's) averaged a yield of 0.14 percent during the quarter. Since the majority of the City's funds are in LGIP's and interest earning cash accounts, these lower yields resulted in a decrease in the City's portfolio yield. The fourth quarter was also the first full quarter of

the much lower renewal rate of a CD in the portfolio.

The weighted average maturity of the City's portfolio decreased in comparison to the third quarter of FY 2020 due to the large deposit of bond funds into the cash account on September 30.

We continue to work on diversifying the City's portfolio in this challenging rate environment by taking steps such as moving funds into an additional LGIP and looking for other secure investment options, such as CD's. Council also approved an amendment to the City's Investment Policy in November that allows for the purchase of securities with maturities greater than two years, as long as the securities are callable. This gives the City another investment option that is secure but could allow for increased yields.

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

| | | | |
|-------------------------------------|-----|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Yes | City Plan/ Council Priority: | Strategic Priorities: 8 - Maintain fiscal stability of City operations |
|-------------------------------------|-----|-------------------------------------|--|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the attached investment report.

City of New Braunfels



For the Quarter Ended

June 30, 2020

Report Name

| |
|-----------------------------------|
| Certification Page |
| Executive Summary |
| Benchmark Comparison |
| Detail of Security Holdings |
| Change in Value |
| Earned Income |
| Investment Transactions |
| Amortization and Accretion |
| Projected Fixed Income Cash Flows |

MARKET RECAP - JUNE 2020:

Last month in our summary for May we wrote, “Phrases such as the “steepest decline ever” and the “worst in history” will apply to almost every piece of April economic data.” The opposite will be true for June as the economic reopening that started in May resulted in significant rebounds that in many cases were the “biggest gain in history.” We would, however, caution readers not to put too much stock into the big jumps in the monthly data as things had gotten so bad in April and May they just had to get better. And, despite the improvement evident in much of the economic data, we are nowhere near the levels that prevailed prior to the COVID-19 mandated shutdowns. The employment data is the most obvious place to start as non-farm payrolls grew by a stunning 2.5 million in May. The largest monthly gain in the history of this series going back to 1939 wildly surpassed the consensus forecast for a loss of 7.5 million jobs, and yet was only a tenth of the 22 million jobs lost in March and April. The unemployment rate, expected to climb to 19%, actually declined to 13.3%. The ISM surveys perked up as well with the manufacturing index climbing from 41.5 to 43.1 and the non-manufacturing index from 41.8 to 45.4. While both readings still indicated contraction, the improvement was viewed as a signal that the worst was behind us. Auto sales also topped expectations, rebounding from April’s pitiful 8.6 million unit annual pace to 12.2 million. Consumer spending came roaring back in May, too, no doubt reflecting some pent up demand as consumers emerged en masse from the nationwide lockout and began spending at a furious pace. Sales surged +17.7% during May after a revised -14.7% April decline. Spending was brisk across all categories as it appears the government’s response to the crisis has helped support consumer spending. Housing data for May was mixed as existing homes sales fell -9.7% to the lowest level since October 2010. However, since existing sales are measured at closing this data is more reflective of activity during March and April, when many buyers and sellers were in lockdown. By contrast, new home sales are measured when the contracts are signed and they climbed 16.6% during May.

The improving trend in economic data was countered in the later part of June by worrisome trends in COVID-19 data as states that had reopened to great fanfare around Memorial Day saw a dramatic surge in cases. Texas, Florida, and Arizona were hard hit, forcing renewed restrictions and closures as the Fourth of July holiday approached.

Equity markets focused on the positives and extended their rally, with the Dow Jones Industrial Average climbing +1.7% and the S&P 500 gaining +1.8% in June. The Nasdaq composite rose a remarkable +6%, hit a new record high, and is up +12.1% year-to-date as technology stocks have been a beneficiary of the stay at home economy. Bond markets were stable with slight declines of 1-2 basis points in yield across most tenors. The two-year T-note yield closed June at 0.15%, while both the three-year and five-year T-notes set record lows at 0.17% and 0.27% respectively on June 29th. The short end of the yield curve is likely to be anchored by Fed policy for years to come. All in all, it appears the recovery has begun in earnest, but it also appears likely that the path won’t be smooth and the outlook is still very much dependent on the path of the virus.

For the Quarter Ended
June 30, 2020

This report is prepared for the **City of New Braunfels** (the "Entity") in accordance with Chapter 2256 of the Texas Public Funds Investment Act ("PFIA"). Section 2256.023(a) of the PFIA states that: "Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of the investment transactions for all funds covered by this chapter for the preceding reporting period." This report is signed by the Entity's investment officers and includes the disclosures required in the PFIA. To the extent possible, market prices have been obtained from independent pricing sources.

The investment portfolio complied with the PFIA and the Entity's approved Investment Policy and Strategy throughout the period. All investment transactions made in the portfolio during this period were made on behalf of the Entity and were made in full compliance with the PFIA and the approved Investment Policy.

Officer Names and Titles:

Sandy Paulos

Name: Sandy Paulos

Title: Asst. Chief Financial Officer

Jared Werner

Name: Jared Werner

Title: Chief Financial Officer

Melinda Slusser

Senior Accountant

Name: Melinda Slusser

Title: Senior Accountant / Finance

Account Summary

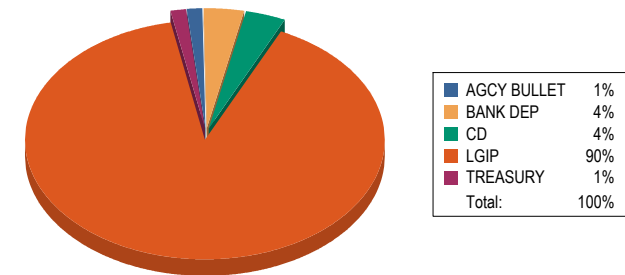
Allocation by Security Type

Beginning Values as of 03/31/20

Ending Values as of 06/30/20

| | | |
|------------------------|----------------|----------------|
| Par Value | 151,482,366.24 | 143,558,792.00 |
| Market Value | 151,560,910.64 | 143,613,869.80 |
| Book Value | 151,513,669.90 | 143,580,415.76 |
| Unrealized Gain/(Loss) | 47,240.74 | 33,454.04 |
| Market Value % | 100.03% | 100.02% |

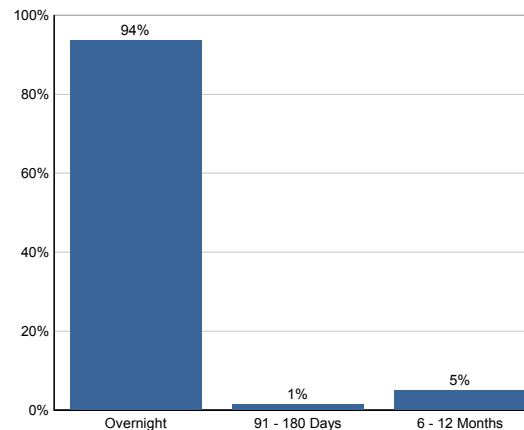
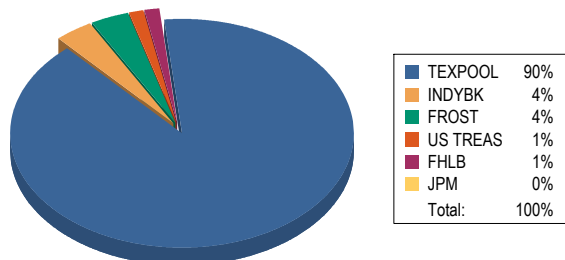
| | | |
|-------------------|--------|--------|
| Weighted Avg. YTW | 1.074% | 0.261% |
| Weighted Avg. YTM | 1.074% | 0.261% |



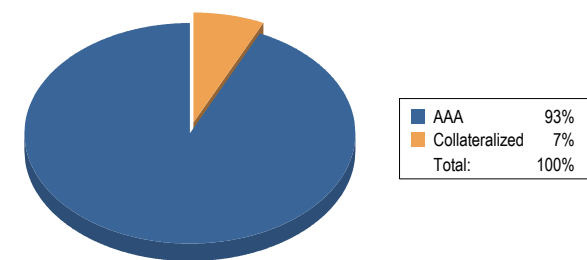
Allocation by Issuer

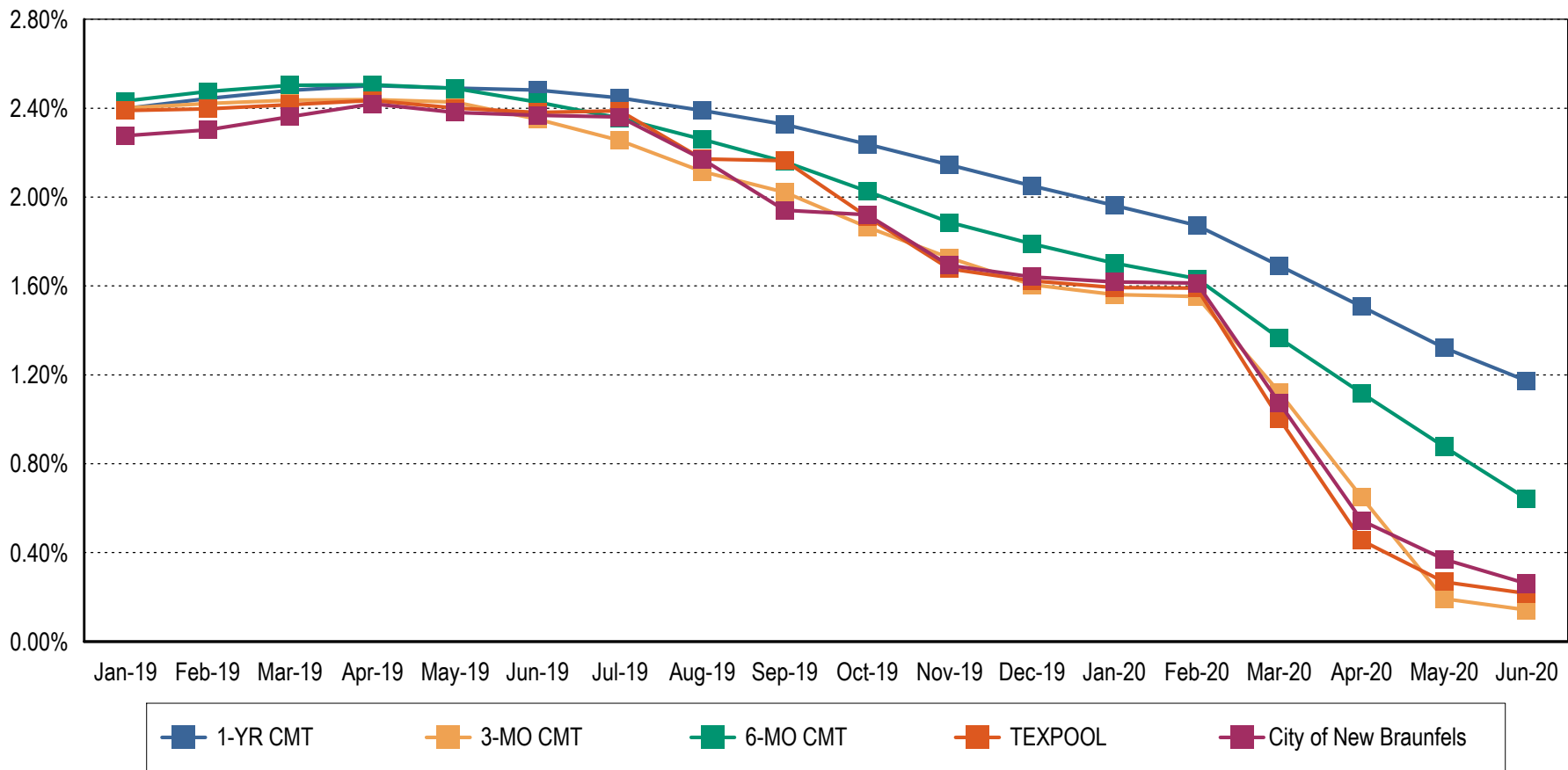
Maturity Distribution %

Credit Quality



Weighted Average Days to Maturity: 16





Note 1: CMT stands for Constant Maturity Treasury. This data is published in Federal Reserve Statistical Release H.15 and represents an average of all actively traded Treasury securities having that time remaining until maturity. This is a standard industry benchmark for Treasury securities. The CMT benchmarks are moving averages. The 3-month CMT is the daily average for the previous 3 months, the 6-month CMT is the daily average for the previous 6 months, and the 1-year and 2-year CMT's are the daily averages for the previous 12-months.

Note 2: Benchmark data for TexPool is the monthly average yield.

| CUSIP | Settle Date | Sec. Type | Sec. Description | CPN | Mty Date | Next Call | Call Type | Par Value | Purch Price | Orig Cost | Book Value | Mkt Price | Market Value | Days to Mty | Days to Call | YTM | YTW |
|---|-------------|------------|-------------------|-------|----------|-----------|-----------|-----------------------|----------------|-----------------------|-----------------------|----------------|-----------------------|-------------|--------------|--------------|--------------|
| 101 - General Fund | | | | | | | | | | | | | | | | | |
| FROST-NBR | | BANK DEP | Frost Bk | | | | | 5,044,869.91 | 100.000 | 5,044,869.91 | 5,044,869.91 | 100.000 | 5,044,869.91 | 1 | | 0.000 | 0.000 |
| TEXPOOL | | LGIP | TexPool | | | | | 32,569,802.89 | 100.000 | 32,569,802.89 | 32,569,802.89 | 100.000 | 32,569,802.89 | 1 | | 0.216 | 0.216 |
| CD-7730-1 | 06/13/20 | CD | Independent Bk CD | 0.550 | 03/13/21 | | | 5,124,328.76 | 100.000 | 5,124,328.76 | 5,124,328.76 | 100.000 | 5,124,328.76 | 256 | | 0.550 | 0.550 |
| Total for 101 - General Fund | | | | | | | | 42,739,001.56 | 100.000 | 42,739,001.56 | 42,739,001.56 | 100.000 | 42,739,001.56 | 32 | | 0.231 | 0.231 |
| 212 - NB Industrial Dev Corp | | | | | | | | | | | | | | | | | |
| TEXPOOL | | LGIP | TexPool | | | | | 13,949,360.09 | 100.000 | 13,949,360.09 | 13,949,360.09 | 100.000 | 13,949,360.09 | 1 | | 0.216 | 0.216 |
| Total for 212 - NB Industrial Dev Corp | | | | | | | | 13,949,360.09 | 100.000 | 13,949,360.09 | 13,949,360.09 | 100.000 | 13,949,360.09 | 1 | | 0.216 | 0.216 |
| 999 - Pooled Funds | | | | | | | | | | | | | | | | | |
| TEXPOOL | | LGIP | TexPool | | | | | 82,870,430.35 | 100.000 | 82,870,430.35 | 82,870,430.35 | 100.000 | 82,870,430.35 | 1 | | 0.216 | 0.216 |
| 3130AEWA4 | 11/22/19 | AGCY BULET | FHLB | 2.625 | 10/01/20 | | | 2,000,000.00 | 100.851 | 2,017,020.00 | 2,004,977.90 | 100.613 | 2,012,265.20 | 93 | | 1.621 | 1.621 |
| 9128284P2 | 11/22/19 | TREAS NOTE | U.S. Treasury | 2.625 | 05/15/21 | | | 2,000,000.00 | 101.406 | 2,028,125.00 | 2,016,645.86 | 102.141 | 2,042,812.60 | 319 | | 1.660 | 1.660 |
| Total for 999 - Pooled Funds | | | | | | | | 86,870,430.35 | 100.052 | 86,915,575.35 | 86,892,054.11 | 100.064 | 86,925,508.15 | 11 | | 0.282 | 0.282 |
| Total for City of New Braunfels | | | | | | | | 143,558,792.00 | 100.032 | 143,603,937.00 | 143,580,415.76 | 100.039 | 143,613,869.80 | 16 | | 0.261 | 0.261 |

| CUSIP | Security Type | Security Description | 03/31/20 Book Value | Cost of Purchases | Maturities / Calls / Sales | Amortization / Accretion | Realized Gain/(Loss) | 06/30/20 Book Value | 03/31/20 Market Value | 06/30/20 Market Value | Change in Mkt Value |
|---|---------------|----------------------------------|------------------------|----------------------|-------------------------------|-----------------------------|-------------------------|------------------------|--------------------------|--------------------------|------------------------|
| 101 - General Fund | | | | | | | | | | | |
| FROST-NBR | BANK DEP | Frost Bk | 3,876,938.71 | 1,285,473.96 | (117,542.76) | 0.00 | 0.00 | 5,044,869.91 | 3,876,938.71 | 5,044,869.91 | 1,167,931.20 |
| JPM-NBRE | BANK DEP | JPM Chase Bk | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| JPM-NBRH | BANK DEP | JPM Chase Bk High Yield | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| TEXPOOL | LGIP | TexPool | 40,040,683.48 | 0.00 | (7,470,880.59) | 0.00 | 0.00 | 32,569,802.89 | 40,040,683.48 | 32,569,802.89 | (7,470,880.59) |
| CD-7730 | CD | Independent Bk CD 2.460 06/13/20 | 5,092,836.67 | 0.00 | (5,092,836.67) | 0.00 | 0.00 | 0.00 | 5,092,836.67 | 0.00 | (5,092,836.67) |
| CD-7730-1 | CD | Independent Bk CD 0.550 03/13/21 | 0.00 | 5,124,328.76 | 0.00 | 0.00 | 0.00 | 5,124,328.76 | 0.00 | 5,124,328.76 | 5,124,328.76 |
| Total for 101 - General Fund | | | 49,010,458.86 | 6,409,802.72 | (12,681,260.02) | 0.00 | 0.00 | 42,739,001.56 | 49,010,458.86 | 42,739,001.56 | (6,271,457.30) |
| 212 - NB Industrial Dev Corp | | | | | | | | | | | |
| TEXPOOL | LGIP | TexPool | 13,938,484.69 | 10,875.40 | 0.00 | 0.00 | 0.00 | 13,949,360.09 | 13,938,484.69 | 13,949,360.09 | 10,875.40 |
| Total for 212 - NB Industrial Dev Corp | | | 13,938,484.69 | 10,875.40 | 0.00 | 0.00 | 0.00 | 13,949,360.09 | 13,938,484.69 | 13,949,360.09 | 10,875.40 |
| 999 - Pooled Funds | | | | | | | | | | | |
| TEXPOOL | LGIP | TexPool | 84,533,422.69 | 50,908.52 | (1,713,900.86) | 0.00 | 0.00 | 82,870,430.35 | 84,533,422.69 | 82,870,430.35 | (1,662,992.34) |
| 3130AEWA4 | AGCY BULET | FHLB 2.625 10/01/20 | 2,009,955.80 | 0.00 | 0.00 | (4,977.90) | 0.00 | 2,004,977.90 | 2,022,763.20 | 2,012,265.20 | (10,498.00) |
| 9128284P2 | TREAS NOTE | U.S. Treasury 2.625 05/15/21 | 2,021,347.86 | 0.00 | 0.00 | (4,702.00) | 0.00 | 2,016,645.86 | 2,055,781.20 | 2,042,812.60 | (12,968.60) |
| Total for 999 - Pooled Funds | | | 88,564,726.35 | 50,908.52 | (1,713,900.86) | (9,679.90) | 0.00 | 86,892,054.11 | 88,611,967.09 | 86,925,508.15 | (1,686,458.94) |
| Total for City of New Braunfels | | | 151,513,669.90 | 6,471,586.64 | (14,395,160.88) | (9,679.90) | 0.00 | 143,580,415.76 | 151,560,910.64 | 143,613,869.80 | (7,947,040.84) |

| CUSIP | Security Type | Security Description | Beg. Accrued | Interest Earned | Interest Rec'd / Sold / Matured | Interest Purchased | Ending Accrued | Disc Accr / Prem Amort | Net Income |
|---|---------------|----------------------------------|------------------|-------------------|------------------------------------|--------------------|------------------|---------------------------|-------------------|
| 101 - General Fund | | | | | | | | | |
| FROST-NBR | BANK DEP | Frost Bk | 0.00 | 552.88 | 552.88 | 0.00 | 0.00 | 0.00 | 552.88 |
| TEXPOOL | LGIP | TexPool | 0.00 | 29,119.41 | 29,119.41 | 0.00 | 0.00 | 0.00 | 29,119.41 |
| CD-7730 | CD | Independent Bk CD 2.460 06/13/20 | 6,521.62 | 24,970.47 | 31,492.09 | 0.00 | 0.00 | 0.00 | 24,970.47 |
| CD-7730-1 | CD | Independent Bk CD 0.550 03/13/21 | 0.00 | 1,389.89 | 0.00 | 0.00 | 1,389.89 | 0.00 | 1,389.89 |
| Total for 101 - General Fund | | | 6,521.62 | 56,032.65 | 61,164.38 | 0.00 | 1,389.89 | 0.00 | 56,032.65 |
| 212 - NB Industrial Dev Corp | | | | | | | | | |
| TEXPOOL | LGIP | TexPool | 0.00 | 10,875.40 | 10,875.40 | 0.00 | 0.00 | 0.00 | 10,875.40 |
| Total for 212 - NB Industrial Dev Corp | | | 0.00 | 10,875.40 | 10,875.40 | 0.00 | 0.00 | 0.00 | 10,875.40 |
| 999 - Pooled Funds | | | | | | | | | |
| TEXPOOL | LGIP | TexPool | 0.00 | 65,690.15 | 65,690.15 | 0.00 | 0.00 | 0.00 | 65,690.15 |
| 3130AEWA4 | AGCY BULET | FHLB 2.625 10/01/20 | 26,250.00 | 13,125.00 | 26,250.00 | 0.00 | 13,125.00 | (4,977.90) | 8,147.10 |
| 9128284P2 | TREAS NOTE | U.S. Treasury 2.625 05/15/21 | 19,903.85 | 13,051.31 | 26,250.00 | 0.00 | 6,705.16 | (4,702.00) | 8,349.31 |
| Total for 999 - Pooled Funds | | | 46,153.85 | 91,866.46 | 118,190.15 | 0.00 | 19,830.16 | (9,679.90) | 82,186.56 |
| Total for City of New Braunfels | | | 52,675.47 | 158,774.51 | 190,229.93 | 0.00 | 21,220.05 | (9,679.90) | 149,094.61 |

| Trade Date | Settle Date | CUSIP | Security Type | Security Description | Coupon | Mty Date | Call Date | Par Value | Price | Principal Amount | Int Purchased / Received | Total Amount | Realized Gain / Loss | YTM | YTW |
|-----------------------------------|-------------|-----------|---------------|----------------------|--------|----------|-----------|---------------------|---------|---------------------|--------------------------|---------------------|----------------------|--------------|--------------|
| 101 - General Fund | | | | | | | | | | | | | | | |
| Maturities | | | | | | | | | | | | | | | |
| 06/13/20 | 06/13/20 | CD-7730 | CD | Independent Bk CD | 2.460 | 06/13/20 | | 5,092,836.67 | 100.000 | 5,092,836.67 | 0.00 | 5,092,836.67 | | 2.460 | |
| Total for: Maturities | | | | | | | | 5,092,836.67 | | 5,092,836.67 | 0.00 | 5,092,836.67 | | 2.460 | |
| Purchases | | | | | | | | | | | | | | | |
| 06/13/20 | 06/13/20 | CD-7730-1 | CD | Independent Bk CD | 0.550 | 03/13/21 | | 5,124,328.76 | 100.000 | 5,124,328.76 | 0.00 | 5,124,328.76 | | 0.550 | 0.550 |
| Total for: Purchases | | | | | | | | 5,124,328.76 | | 5,124,328.76 | 0.00 | 5,124,328.76 | | 0.550 | 0.550 |
| Income Payments | | | | | | | | | | | | | | | |
| 06/13/20 | 06/13/20 | CD-7730 | CD | Independent Bk CD | 2.460 | 06/13/20 | | | | 0.00 | 31,492.09 | 31,492.09 | | | |
| Total for: Income Payments | | | | | | | | | | 0.00 | 31,492.09 | 31,492.09 | | | |
| 999 - Pooled Funds | | | | | | | | | | | | | | | |
| Income Payments | | | | | | | | | | | | | | | |
| 04/01/20 | 04/01/20 | 3130AEWA4 | AGCY BULET | FHLB | 2.625 | 10/01/20 | | | | 0.00 | 26,250.00 | 26,250.00 | | | |
| 05/15/20 | 05/15/20 | 9128284P2 | TREAS NOTE | U.S. Treasury | 2.625 | 05/15/21 | | | | 0.00 | 26,250.00 | 26,250.00 | | | |
| Total for: Income Payments | | | | | | | | | | 0.00 | 52,500.00 | 52,500.00 | | | |

| Trade Date | Settle Date | CUSIP | Security Type | Security Description | Coupon | Mty Date | Call Date | Par Value | Price | Principal Amount | Int Purchased / Received | Total Amount | Realized Gain / Loss | YTM | YTW |
|------------|-------------|-------|---------------|----------------------|--------|----------|-----------|-----------|-------|------------------|--------------------------|--------------|----------------------|-----|-----|
|------------|-------------|-------|---------------|----------------------|--------|----------|-----------|-----------|-------|------------------|--------------------------|--------------|----------------------|-----|-----|

Total for All Portfolios

| Transaction Type | Quantity | Total Amount | Realized G/L | YTM | YTW |
|-----------------------|--------------|--------------|--------------|-------|-------|
| Total Maturities | 5,092,836.67 | 5,092,836.67 | | 2.460 | |
| Total Purchases | 5,124,328.76 | 5,124,328.76 | | 0.550 | 0.550 |
| Total Income Payments | 0.00 | 83,992.09 | | | |

| CUSIP | Settle Date | Security Type | Security Description | Next Call Date | Purchase Qty | Orig Price | Original Cost | Amrt/Accr for Period | Total Amrt/Accr Since Purch | Remaining Disc / Prem | Book Value |
|--|-------------|---------------|----------------------------------|----------------|---------------------|------------|---------------------|----------------------|-----------------------------|-----------------------|---------------------|
| 101 - General Fund | | | | | | | | | | | |
| CD-7730 | 06/13/19 | CD | Independent Bk CD 2.460 06/13/20 | | 0.00 | 100.000 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| CD-7730-1 | 06/13/20 | CD | Independent Bk CD 0.550 03/13/21 | | 5,124,328.76 | 100.000 | 5,124,328.76 | 0.00 | 0.00 | 0.00 | 5,124,328.76 |
| Total for 101 - General Fund | | | | | 5,124,328.76 | | 5,124,328.76 | 0.00 | 0.00 | 0.00 | 5,124,328.76 |
| 999 - Pooled Funds | | | | | | | | | | | |
| 3130AEWA4 | 11/22/19 | AGCY BULET | FHLB 2.625 10/01/20 | | 2,000,000.00 | 100.851 | 2,017,020.00 | (4,977.90) | (12,042.10) | (4,977.90) | 2,004,977.90 |
| 9128284P2 | 11/22/19 | TREAS NOTE | U.S. Treasury 2.625 05/15/21 | | 2,000,000.00 | 101.406 | 2,028,125.00 | (4,702.00) | (11,479.14) | (16,645.86) | 2,016,645.86 |
| Total for 999 - Pooled Funds | | | | | 4,000,000.00 | | 4,045,145.00 | (9,679.90) | (23,521.24) | (21,623.76) | 4,021,623.76 |
| Total for City of New Braunfels | | | | | 9,124,328.76 | | 9,169,473.76 | (9,679.90) | (23,521.24) | (21,623.76) | 9,145,952.52 |

| CUSIP | Security Type | Security Description | Pay Date | Interest | Principal | Total Amount |
|-------------------------------------|---------------|----------------------------------|----------|------------------|---------------------|---------------------|
| 101 - General Fund | | | | | | |
| CD-7730-1 | CD | Independent Bk CD 0.550 03/13/21 | 09/13/20 | 7,045.95 | 0.00 | 7,045.95 |
| CD-7730-1 | CD | Independent Bk CD 0.550 03/13/21 | 12/13/20 | 7,045.95 | 0.00 | 7,045.95 |
| Total for 101 - General Fund | | | | 14,091.90 | 0.00 | 14,091.90 |
| 999 - Pooled Funds | | | | | | |
| 3130AEWA4 | AGCY BULET | FHLB 2.625 10/01/20 | 10/01/20 | 26,250.00 | 2,000,000.00 | 2,026,250.00 |
| 9128284P2 | TREAS NOTE | U.S. Treasury 2.625 05/15/21 | 11/15/20 | 26,250.00 | 0.00 | 26,250.00 |
| Total for 999 - Pooled Funds | | | | 52,500.00 | 2,000,000.00 | 2,052,500.00 |

| CUSIP | Security Type | Security Description | Pay Date | Interest | Principal | Total Amount |
|---|---------------|----------------------|----------------|------------------|---------------------|---------------------|
| Total for All Portfolios | | | | | | |
| | | | September 2020 | 7,045.95 | 0.00 | 7,045.95 |
| | | | October 2020 | 26,250.00 | 2,000,000.00 | 2,026,250.00 |
| | | | November 2020 | 26,250.00 | 0.00 | 26,250.00 |
| | | | December 2020 | 7,045.95 | 0.00 | 7,045.95 |
| Total Projected Cash Flows for City of New Braunfels | | | | 66,591.90 | 2,000,000.00 | 2,066,591.90 |

1/11/2021

Agenda Item No. F)

Presenter/Contact

*Christopher J. Looney, AICP, Planning and Development Services Director
(830) 221-4055 - CLooney@nbtexas.org*

SUBJECT:

Approval of modification to professional services contract with Pape-Dawson Engineers, Inc. to complete Phase 2 of the City's Accessibility ADA Transition Plan.

BACKGROUND / RATIONALE:

In May of 2019, the City identified a need to hire an experienced professional consultant to assist in preparing an Accessibility Transition Plan, in conjunction with City personnel by conducting self-evaluation inspections with regard to Title II compliance and applicable federal and state regulations for City policies, infrastructure and facilities. The Plan covers three areas: public rights-of-way (r-o-w), parks and buildings, and was to be handled in multiple phases.

On June 19, 2019 City Council approved Pape-Dawson to work on an introductory Phase 1 of the project not to exceed \$50,000. Originally, Pape-Dawson was to prepare a self-evaluation and data collection strategy at a cost of \$11,000 last fiscal year; however, the pandemic delayed that portion of the work. As advised on June 19, 2019, any phase exceeding \$25,000 would be brought back to City Council for approval, as identified in policy.

The City and Pape-Dawson Engineers, Inc., along with their sub-consultant Cole & Associates, are ready to proceed with Phase 2 of this project. Phase 2 will include Policy and Procedures Updates, Field Collections for r-o-w and Building and Park Facilities, public community input, and drafting the preliminary ADA Accessibility Transition Plan. The cost for this Phase will be \$160,000, bringing the total multi-year cost for Phase 1 and 2 to \$210,000. After completion, the developed Accessibility Transition Plan will then be presented to the Mayor and City Council for approval, and submittal to the Texas Department of Transportation (TxDOT).

As this project progresses, any phase exceeding \$25,000 will be brought back for City Council approval, as identified in policy. Moreover, any purchases that warrant individual consideration and approval will be brought to City Council in that manner.

This contract will become effective upon approval of City Council and execution of contract.

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

| | |
|------------------------------------|---|
| City Plan/Council Priority: | Infrastructure: Use a variety of funding sources for operational and capital needs. Action 1.2: Create plans for neighborhoods and transitional areas to maintain quality of life. Action 1.4: Ensure ideas are derived |
| Strategic Priorities | |
| Envision New Braunfels | |
| Comprehensive Plan | |

through on-going dialogue with residents of all ages including youth as needs may change over time. **Action 1.12:** Collaborate with internal and with external partners and stakeholders to identify and connect sidewalk and bicycle lanes to trails to improve access and connectivity to key hubs and desirable destinations, i.e. downtown, dining and shopping areas, rivers, parks, Wurstfest, Gruene, Headwaters at the Comal, Das Rec, etc. **Action 2.1:** Sustain community livability for all ages and economic backgrounds. **Aging in Place Action 3:** Public realm spaces and services that support both young and elderly populations. **Action 4.12:** Make all parks and services welcoming and accessible to adults, children, seniors, and all-abilities through clean restrooms, seating or benches, water fountains or water stations, and park features usable for all abilities (ADA). **Action 5.7:** Ensure appropriate accommodations for inclement weather and drainage when making streets/connections walkable. **Action 6.9:** Establish regular/routine maintenance of landscaping and green spaces to enhance aesthetics and access. **Action 7.1:** Implement a sidewalk improvement program to install and replace sidewalks or walking trails where they do not exist or have gaps, particularly near and to/from schools. **Action 7.3:** Prioritize connecting sidewalk gaps through development requirements or public investment. **Action 7.7:** Ensure that local development codes which require sidewalks, trails, lanes or paths include healthy living, safety, and vehicular congestion relief as an intent. **Action 7.12:** Correct drainage problems that inhibit walking/accessibility. **Action 7.21:** Ensure there is connected multi-modal access to all public facilities and from all parts of town. **Action 7.26:** Improve mobility through regular maintenance of infrastructure. **Action 7.39:** Add handicapped parking requirements to the New Braunfels parking ordinances. **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. **Action 7.56:** Identify missing linkages across town that create barriers to efficient mobility; implement a plan to construct. **Action 8.20:** Provide active multi-modal transportation networks that create

| | |
|--|---|
| | "physical connections" particularly between or through historic/cultural destinations, Wurstfest grounds, and trails. |
|--|---|

FISCAL IMPACT:

Funding for this project is provided through the FY 20221 Adopted Budget within the Planning and Development Services Department. Therefore, sufficient funds are available for this project as described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Approval.

1/11/2021

Agenda Item No. G)

Presenter/Contact

Jennifer Cain, Capital Programs Manager
(830) 2214646 - JCain@nbtexas.org

SUBJECT:

Approval of a ratification for a contract price increase with M&S Engineering for design changes to Alves Lane Improvements Project engineering contract.

BACKGROUND / RATIONALE:

The City of New Braunfels voters approved the Alves Lane Improvement Project under Proposition 2 of the 2013 Bond Program. M&S Engineering was selected, and October 28, 2013 was awarded a contract for preliminary engineering and design services. Upon completion of public involvement process, City Council, on December 8, 2014, approved additional services for the ROW survey, final design, bid phase, and construction phase services for a cost of \$884,000. During the seven-year design process the project has incurred numerous modifications. Contract modifications included additional engineering services, surveying, and preparation for joint bidding with NBU. This project is in final completion and staff is requesting a contract increase of \$57,000 to support all contract changes for a total cost of \$941,000.

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

| | | | |
|-------------------------------------|-----|------------------------------|---|
| <input checked="" type="checkbox"/> | Yes | Strategic Priorities: | Continue an ongoing program of infrastructure construction and maintenance. |
|-------------------------------------|-----|------------------------------|---|

FISCAL IMPACT:

The total cost for professional services to complete engineering design is \$941,000. Funding for this contract described above has been incorporated into the 2013 bond project proceeds for Proposition 2 Projects. Therefore, sufficient funds are available.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a ratification for a contract price increase with M&S Engineering supporting design changes to Alves Lane Improvements Project engineering contract.

1/11/2021

Agenda Item No. H)

Presenter/Contact

Greg Malatek, Public Works Director
(830) 221-4025 - GMalatek@nbtexas.org

SUBJECT:

Approval of the purchase of dump trucks from Freightliner of Austin and a street sweeper truck from Heil of Texas utilizing funding awarded by the Texas Commission on Environmental Quality (TCEQ) FY 2020 Texas Volkswagen Environmental Mitigation Program.

BACKGROUND / RATIONALE:

The New Braunfels City Council strategic priorities include using a variety of funding sources for operational and capital needs. Therefore, with City Council's approval on February 24, 2020, staff submitted a grant application to the Texas Commission on Environmental Quality (TCEQ) FY 2020 Texas Volkswagen Environmental Mitigation Program for funding to support the purchase of three dump trucks and one street sweeper truck for the City's Public Works, Streets and Drainage Division, and Parks and Recreation Department during the City's Fiscal Year 2021 (FY21). After review by TCEQ, a grant was awarded to the City on August 14, 2020 for a total amount of \$467,310.

The Texas Volkswagen Environmental Mitigation Program was created by TCEQ to disperse funds awarded to the state as part of a settlement agreement in the litigation between the United States Environmental Protection Agency (EPA), the California Air Resources Board (CARB), and Volkswagen (VW). A portion of this program is to support the replacement of aging diesel-powered refuse vehicles in order to reduce emissions of nitrogen oxides in designated eligible counties. To be eligible, applicants must agree to dispose the replaced vehicles to the point that they are no longer operable if they are awarded grant funding.

During the development of the grant application, Staff identified 3 dump trucks and 1 sweeper truck that were eligible for replacement by this program. Although the City was awarded a total potential amount of \$467,310, actual reimbursement amounts from the grant are based on several factors such as vehicle type, age and existing emission standards.

As such, Staff is requesting approval for the purchase of the following vehicles for a total cost of \$531,792 and the associated reimbursement amounts:

1) Public Works Department, Streets and Drainage Division: 2021 Freightliner Model 114SD Stampede Dump Truck; anticipated purchase from Freightliner of Austin utilizing a BuyBoard cooperative contract for a total cost of \$113,848. The maximum grant award amount is \$126,294; therefore, the purchase will be fully funded by the grant.

2) Public Works Department, Streets and Drainage Division: 2021 Schwarze Model A7 Tornado Regenerative Air Street Sweeper; anticipated purchase from Heil of Texas utilizing an H-GAC

cooperative contract for a total cost of \$229,004. The maximum grant award amount is \$196,448; balance of \$32,556 will be funded by the City

3) Public Works Department, Streets and Drainage Division: 2021 Freightliner Model M2-106 Maverick Dump Truck; anticipated purchase from Freightliner of Austin utilizing a TIPS cooperative contract for a total cost of \$94,470. The maximum grant award amount is \$72,284; balance of \$22,186 will be funded by the City.

4) Parks and Recreation Department: 2021 Freightliner Model M2-106 Maverick Dump Truck; anticipated purchase from Freightliner of Austin utilizing a TIPS cooperative contract for a total cost of \$94,470. The maximum grant award amount is \$72,284; balance of \$22,186 will be funded by the City.

Utilizing cooperative contracts to purchase the vehicles will fulfill procurement requirements for the state of Texas. In accordance with grant requirements and as stated above, the City will render the replacement vehicles to be inoperable after the new vehicles have been received. After disposition of the replaced vehicles, TCEQ will issue reimbursement based upon the afore-mentioned factors

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

| | | |
|---|-----------------------------|---|
| <input checked="" type="checkbox"/> Yes | Strategic Priorities | Use a variety of funding sources for operational and capital needs. |
|---|-----------------------------|---|

FISCAL IMPACT:

The total cost of the vehicles is \$531,792, of which the grant will fund \$454,864. The remaining balance of \$76,928 has been incorporated into the City's FY 2021 Adopted Budget to be paid from 2008 and 2011 Certificate of Obligation Fund(s). Therefore, sufficient funds are available to support the purchase of the vehicles as described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the purchase of dump trucks from Freightliner of Austin and a street sweeper truck from Heil of Texas utilizing funding awarded by the Texas Commission on Environmental Quality (TCEQ) FY 2020 Texas Volkswagen Environmental Mitigation Program.

1/11/2021

Agenda Item No. I)

Presenter/Contact
Caitlin Krobot, City Secretary
(830) 221-4006 - ckrobot@nbtexas.org

SUBJECT:

Approval of the appointment of two individuals to the Arts Commission for terms ending January 31, 2024.

BACKGROUND / RATIONALE:

The Arts Commission is made up of seven members serving three-year staggered terms. Three members serve as representatives of the Greater New Braunfels Arts Council, and four members serve at-large.

One Greater New Braunfels Arts Council representative seat and one at-large seat are available. Vacancies were posted November 18, 2020, through December 17, 2020.

The following application for the at-large seat was submitted:

- Tiffany Quiring

The following application for the Greater New Braunfels Arts Council representative was submitted:

- Dee Buck - Greater New Braunfels Arts Council representative (incumbent)

Tiffany Quiring does not have prior board or commission experience with the City of New Braunfels.

Dee Buck currently serves on the Arts Commission as a Greater New Braunfels Arts Commission representative.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Greater New Braunfels Arts Council recommends the appointment of Dee Buck as a representative.

STAFF RECOMMENDATION:

Staff recommends the approval of the appointment of two individuals to the Arts Commission for terms ending January 31, 2024.

1/11/2021

Agenda Item No. J)

Presenter/Contact

Garry Ford, P.E., Assistant Public Works Director/City Engineer
(830) 221-4020 - gford@nbtexas.org

SUBJECT:

Approval of the second and final reading of an ordinance to amend Section 126-346 to establish no parking zones on E San Antonio Street at Comal Avenue and S Gilbert Avenue.

BACKGROUND / RATIONALE:

Council District: 5

City Council unanimously approved the first reading of an ordinance to amend Section 126-346 to establish no parking zones on E San Antonio Street at Comal Avenue and S Gilbert Avenue on December 14, 2020.

With the completion of the San Antonio Street Bridge, E San Antonio Street was repaved and restriped, including the pavement markings of the downtown two-hour parking spaces. City staff has received concerns about parking space proximity to the intersections of E San Antonio Street and Comal Avenue and E San Antonio Street and S Gilbert Avenue. The requestors believe the obstruction of intersection sight distance is impacting safety at these locations.

Staff conducted multiple site visits to the intersections and studied the previous striping layout, current striping layout, and the sight distance triangles for both engineering and zoning ordinance standards. The current parking striping is similar to the previous layout near intersections and driveway connections. The total number of parking spaces had been reduced due to increasing the lengths of individual spaces to meet sizing standards for parallel parking. It appears that the changes in pavement markings on E San Antonio Street has resulted in more vehicles traveling in the outside lane adjacent to parked vehicles.

According to *A Policy on Geometric Design of Highways and Streets*, the guiding document for street design, engineering sight distance standards for intersections on E San Antonio Street would require over 300 ft of lateral visibility based on a posted speed of 30 miles per hour. Implementing engineering sight distance at each intersection would virtually eliminate parallel parking downtown.

Zoning sight distance and visibility are covered in Sec.144-5.21-1.(d) of the Code of Ordinances. Zoning sight distance in this area is more lenient with 25 ft of lateral visibility based on the curb location along E San Antonio Street. The distance is without consideration for on-street parking.

Maintaining visibility and sight distance in urban areas is a challenge. Strict adherence to engineering sight distance standards at intersections is oftentimes impractical given considerations to on-street parking, vehicular activity, and adjacent land use. Major changes should be based on crash risk and

history.

Staff recommends the establishment of a no parking zone on eastbound E San Antonio Street east of the intersection with Comal Avenue which will result in the removal of one existing parking space. The prohibition will improve the sight distance for vehicles stopped on Comal Ave looking east.

Staff recommends relocating the stop line on S Gilbert Avenue closer to the intersection with E San Antonio Street and reducing by 5 ft each the two nearest parking spaces to the intersection on eastbound E San Antonio Street. The changes will improve safety of the intersection by providing more sight distance to combat the topography without removing parallel parking spaces at this location.

Staff plans to further evaluate intersection changes to improve overall vehicular and pedestrian visibility at the intersections. Potential changes could include curb extensions or other geometric changes.

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

N/A

FISCAL IMPACT:

Signs and pavement markings are estimated at \$500. Sufficient funding is available in the FY 2021 approved streets and drainage budget.

COMMITTEE RECOMMENDATION:

This request was considered by the Transportation and Traffic Advisory Board at their meeting on November 19, 2020. The Board recommended that Section 126-346 be amended to establish no parking zones on E San Antonio Street at Comal Avenue and S Gilbert Avenue on a motion that passed unanimously.

STAFF RECOMMENDATION:

Staff recommends revising the city ordinance to establish no parking zones on E San Antonio Street at Comal Avenue and S Gilbert Avenue.

ORDINANCE NO. 2020-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, AMENDING SECTION 126-346 TO RESTRICT
PARKING ON A PORTION OF EAST SAN ANTONIO STREET.**

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 the City of New Braunfels Code of Ordinances Section 126-346 (f) is hereby amended as follows:

- (127) On the south side of E San Antonio Street from the intersection with Comal Avenue for a distance of 33 feet in the easterly direction. Such no parking zone shall be designated as a tow away zone.
- (128) On the south side of E San Antonio Street from the intersection with S Gilbert Avenue for a distance of 35 feet in the westerly direction. Such no parking zone shall be designated as a tow away zone.

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

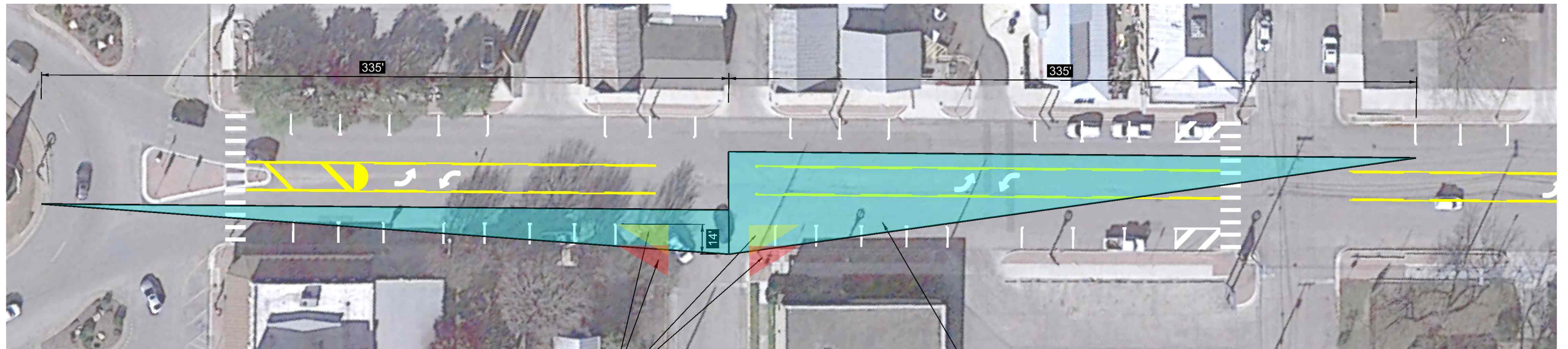
ATTEST:

CAITLIN KROBOT, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY

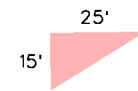
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ZONING SIGHT DISTANCE

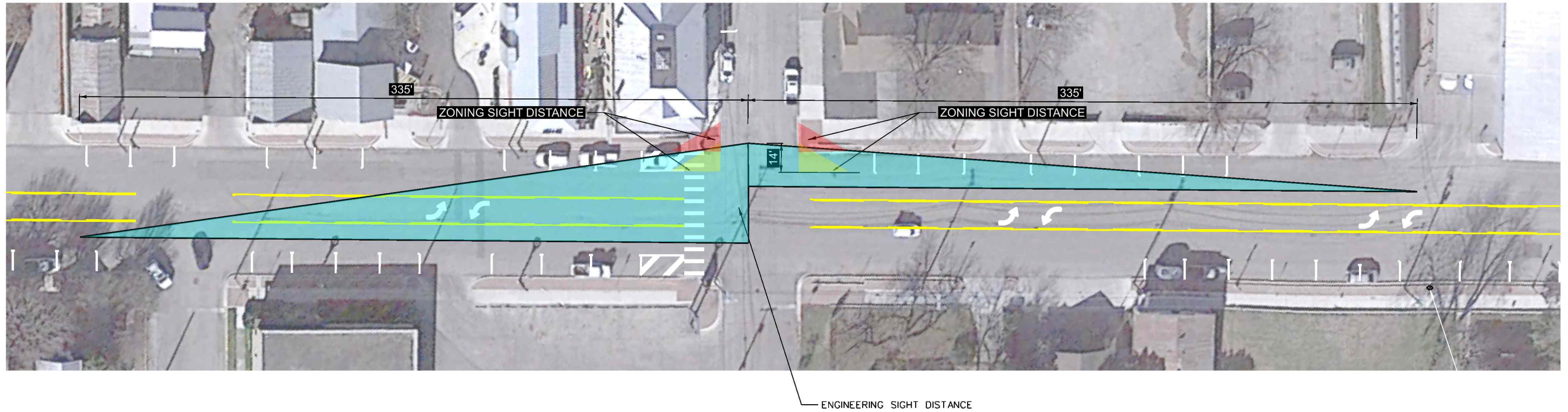
ENGINEERING SIGHT DISTANCE

TYPICAL ZONING SIGHT DISTANCE

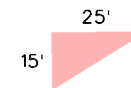


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| | | | |
| NO. | DATE | REVISION | APPROV. |
|  ENGINEERING DIVISION | | | |
| SAN ANTONIO ST. & COMAL AVE. SIGHT DISTANCE EXHIBIT | | | |
| SCALE: 1"=50' | SHEET: 1 OF 1 | APPROVED DATE: | |
| COUNTY | PROJECT NO. | | |
| COMAL | | | |


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TYPICAL ZONING SIGHT DISTANCE



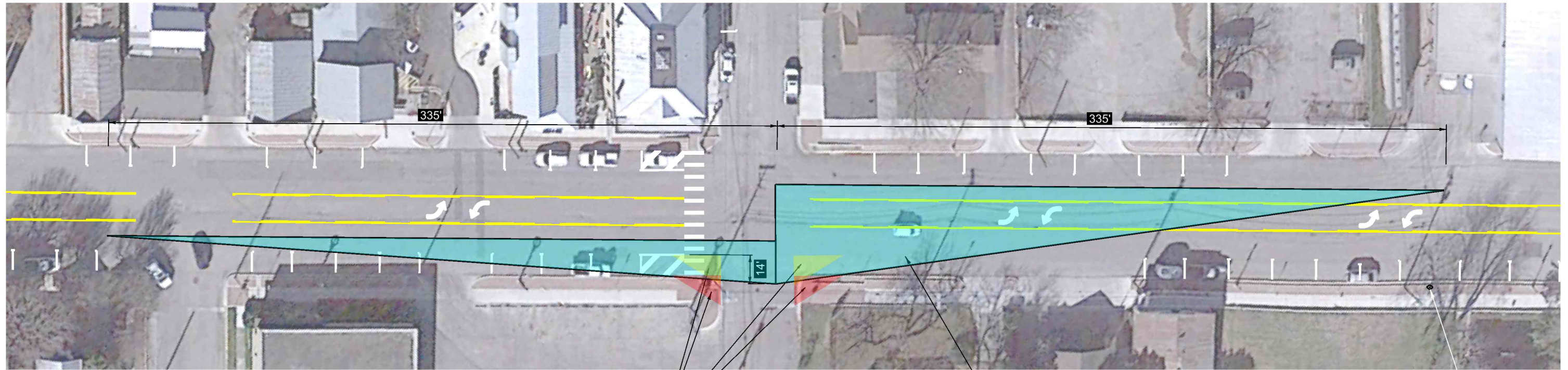
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ENGINEERING DIVISION

SAN ANTONIO ST & N. MARKET AVE.
SIGHT DISTANCE EXHIBIT

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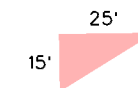
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ZONING SIGHT DISTANCE

ENGINEERING SIGHT DISTANCE

TYPICAL ZONING SIGHT DISTANCE



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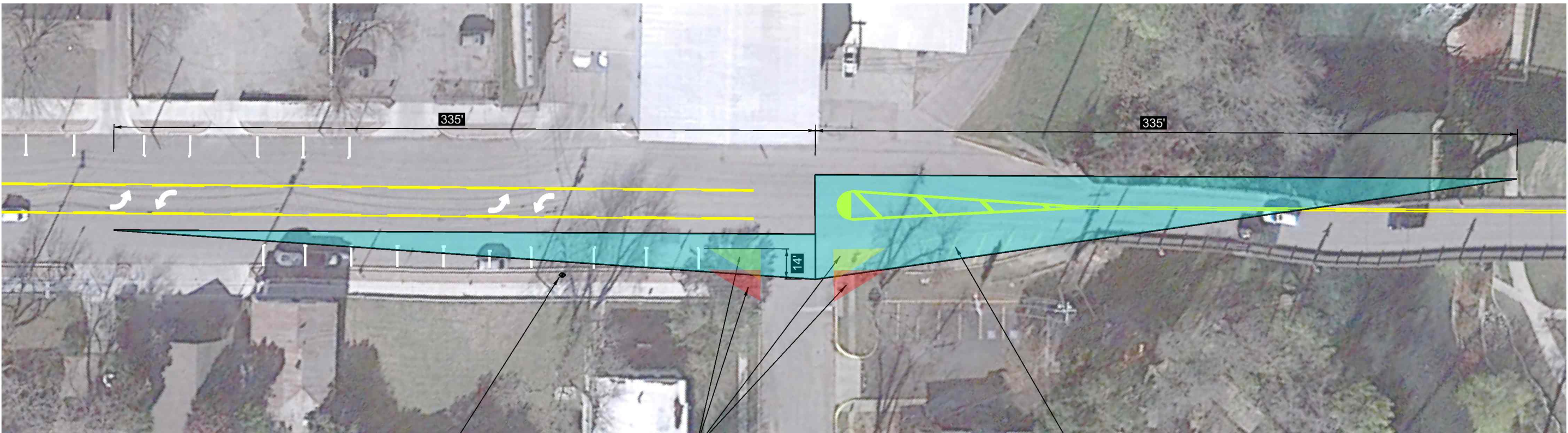


ENGINEERING DIVISION

SAN ANTONIO ST & S. MARKET AVE
SIGHT DISTANCE EXHIBIT

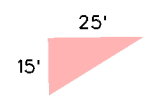
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| COUNTY | PROJECT NO. | |
| COMAL | | |


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TYPICAL ZONING SIGHT DISTANCE



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| NO. | DATE | REVISION | APPROV. |
|  ENGINEERING DIVISION | | | |
| SAN ANTONIO ST. & S. GILBERT AVE. SIGHT DISTANCE EXHIBIT | | | |
| SCALE: 1"=50' | SHEET: 1 OF 1 | APPROVED DATE: | |
| COUNTY | PROJECT NO. | | |
| COMAL | | | |

1/11/2021

Agenda Item No. K)

Presenter

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

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow a single family residential use in the "M-1" Light Industrial District on 0.22 acres out of Lots 240 and 241 NCB 2014, addressed at 394 N. Market Avenue.

BACKGROUND / RATIONALE:

Case No.: SUP20-254

Council District: 5

Applicant/Owner: Leonard & Kay Kobeski
394 N. Market Avenue
New Braunfels, TX 78130
(832) 372-2733 kobeski@att.net

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

City Council held a public hearing on December 14, 2020 and unanimously approved the first reading of the ordinance (6-0-0 with Councilmember Hurta absent).

The subject property is located at the intersection of N. Market Avenue and E. Zink Street, in a predominantly residential block that is currently zoning M-1 Light Industrial. As a pre-1987 "cumulative" zoning district, residential uses were allowed in M-1 when this neighborhood was built.

In 2019, City Council approved amendments to the Zoning Ordinance removing residential as an allowed use in our industrial zoning districts. This action preserved land for industrial development and mitigated compatibility concerns for both residential and industrial property owners.

Existing residential uses in M-1 are now legally non-conforming, and as part of the 2019 revision City Council directed staff to facilitate the rezoning of such residential neighborhoods as appropriate. Staff routinely processes incremental rezoning cases like this one; on a larger scale, neighborhood-wide rezonings will apply residential zoning appropriately, preferably following sub-area, community or neighborhood plans adopted as part of implementing Envision New Braunfels, our Comprehensive Plan. In the meantime, properties that want to pursue alterations, expansion, or reconstruction will be brought into compliance through the rezoning process, at no application cost to the property owner.

This proposed Type 1 Special Use Permit (SUP) will allow the existing single-family residential use of the subject property to become a conforming use, which in turn allows the owners to obtain building permits for a planned addition to their house. Staff recommended this approach as a timely solution until an appropriate rezoning of the full neighborhood can take place.

Surrounding Zoning and Land Use:

North - Across Zink Street, C-2/ Single-family residence

South - M-1 / Single-family residence

East - M-1/ Commercial

West - Across Market Avenue, C-2/ Single-family residence with short-term rental

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 area is predominantly residential in use, with many of the houses constructed in the late 1800s.*);
- 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; (*No affect is anticipated as the existing use will not change.*)
- 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 3.3: Balance commercial centers with stable neighborhoods. Future Land Use: The property is situated within the New Braunfels Sub-Area and in close proximity to a Recreational River Corridor and the Existing Downtown Market Center. |
|--|---|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on December 1, 2020 and unanimously recommended approval of the Special Use Permit (8-0-0 with Commissioner Gibson absent).

STAFF RECOMMENDATION:

Approval.

Notification:

Public hearing notices were sent to owners of 17 properties within 200 feet of the request. The City received 8 responses in favor (#1, 2, 3, 6, 9, 10, 12, 17) and none in objection.

RESOURCE LINKS:

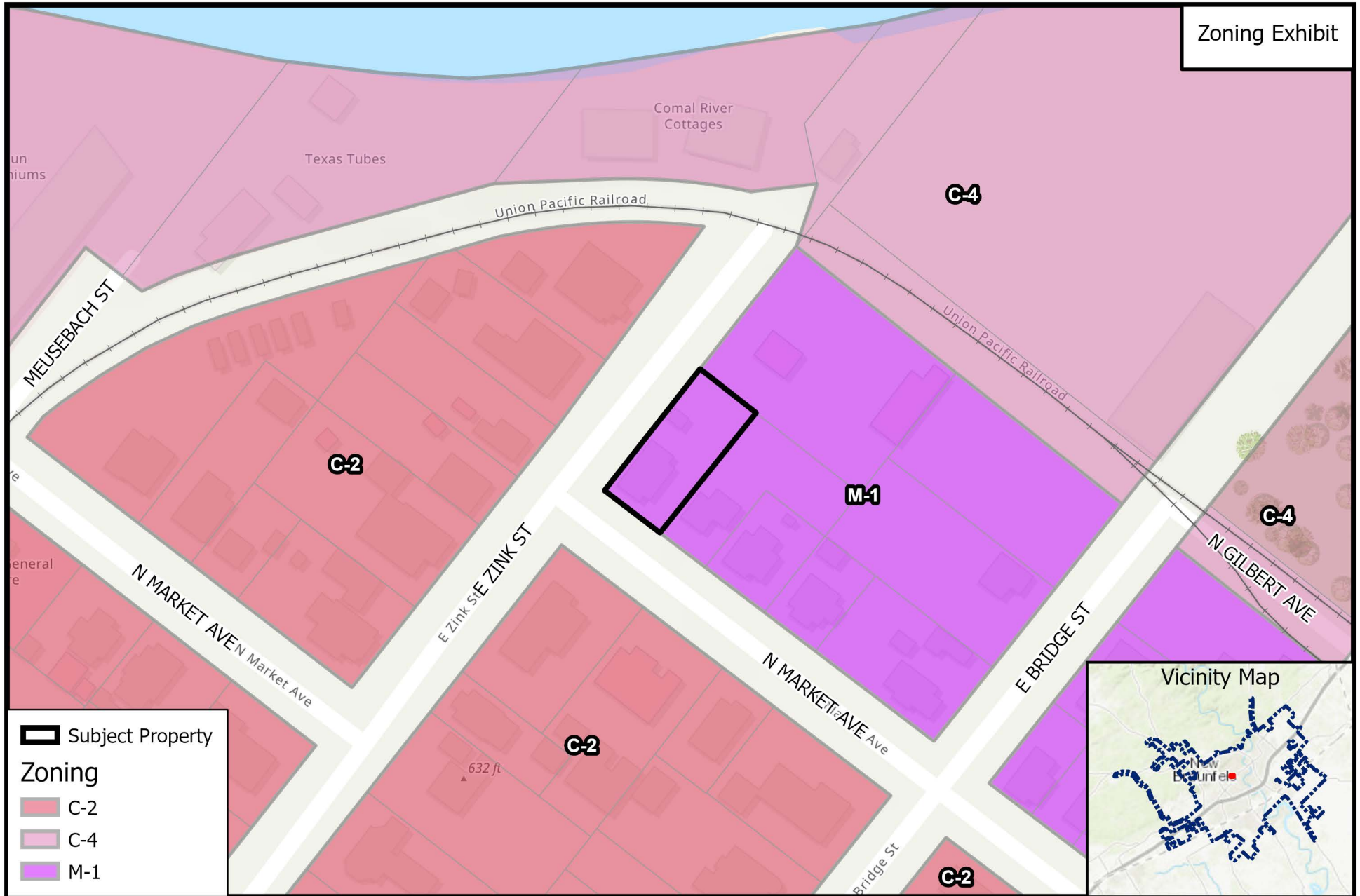
- Chapter 144, Sec. 3.3-11 (M-1) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

ATTACHMENTS:

1. Aerial Map
2. Land Use Maps (Zoning, Existing, Future Land Use)
3. Photograph
4. Notification Map
5. Ordinance






SUP20-254
SUP to allow Residential use in M-1 Zoning



 Subject Property

Zoning

-  C-2
-  C-4
-  M-1

SUP20-254

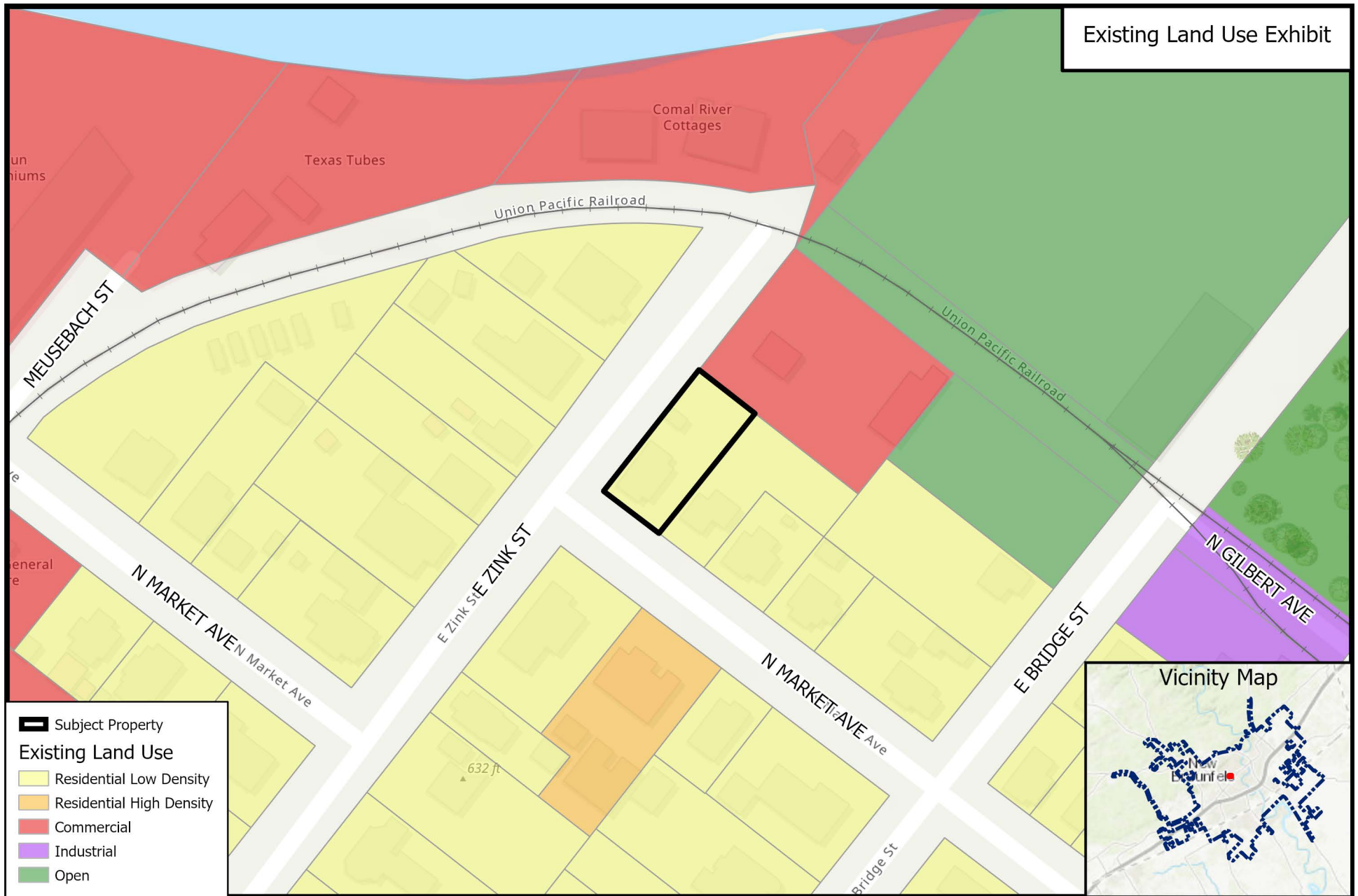
SUP to allow Residential use in M-1 Zoning

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Feet



Source: City of New Braunfels Planning
Date: 11/13/2020

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 any other party 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.



SUP20-254
SUP to allow Residential use in M-1 Zoning

EXISTING CENTERS

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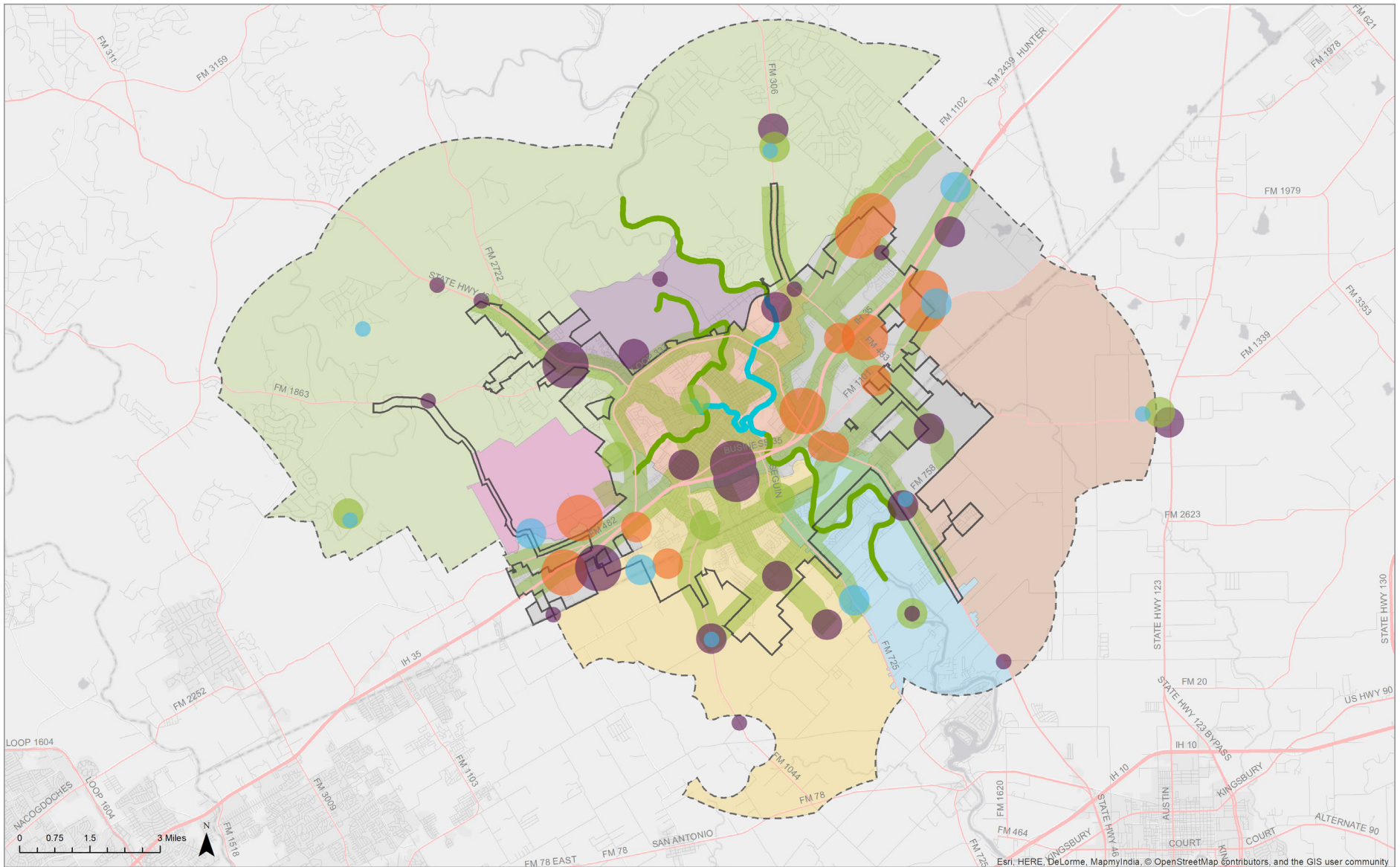
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SUB AREA 8

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](#).



Subject Property

PLANNING COMMISSION – DECEMBER 1, 2020– 6:00PM

Zoom Webinar

Applicant/Owner: Leonard & Kay Kobeski

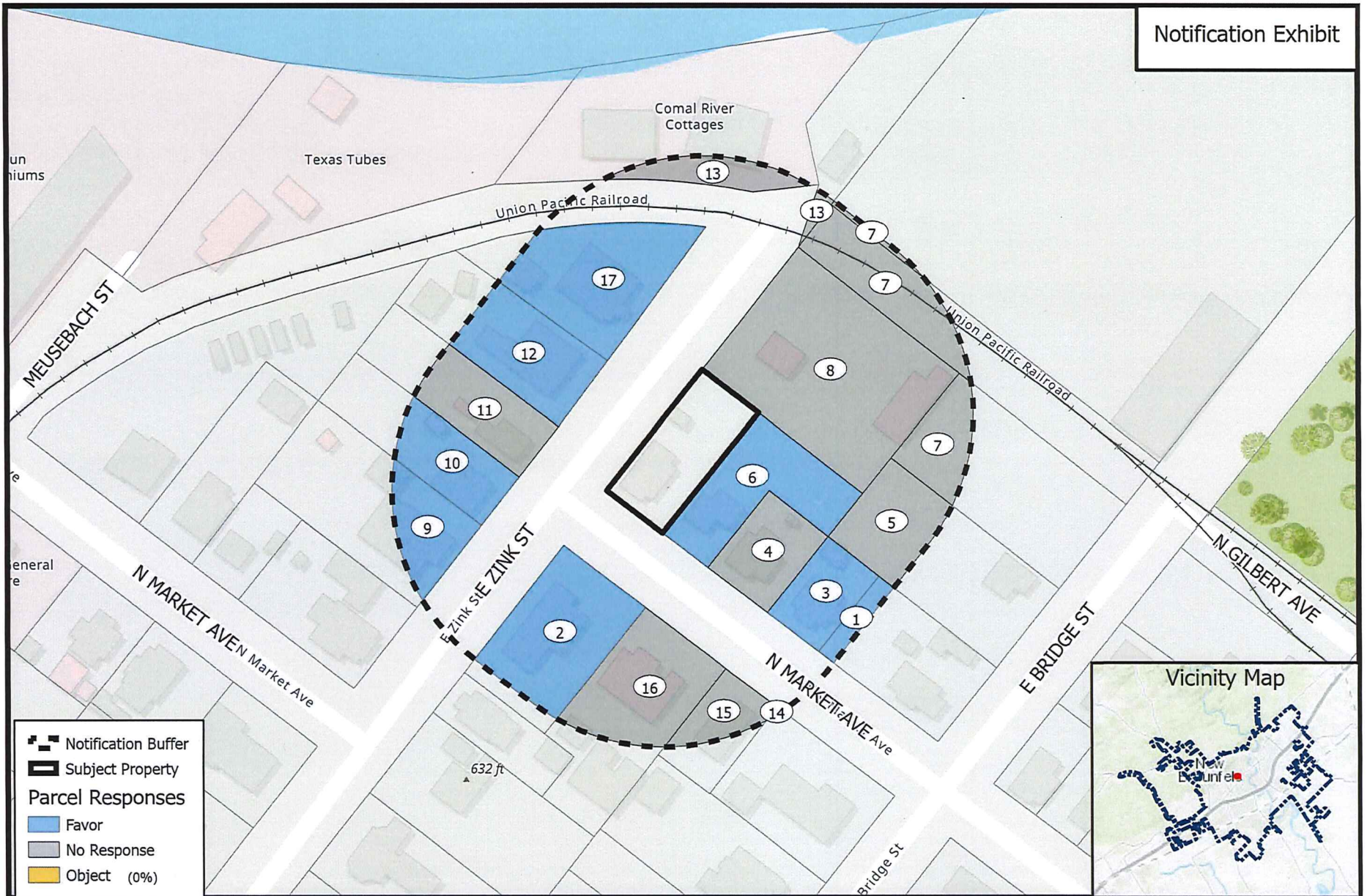
Address/Location: 436 N Union Ave

PROPOSED SPECIAL USE PERMIT – CASE #SUP20-254

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. LEATHERWOOD PAUL W | 10. BOWMAN CRAIG A & KRISTY D |
| 2. BUNNY & EDS ZINK HAUS LLC | 11. NORMAS LAGNIAPPE LLC |
| 3. RIZZATTO JAMES | 12. HURTA JASON E |
| 4. MORALES ELEANOR A | 13. OAKWOOD PROPERTIES |
| 5. RODRIGUEZ SANTIAGO | 14. SIPPEL NOREEN |
| 6. CAMPOS ATANACIO | 15. TIMMERMANN PAMELA HIGHTOWER |
| 7. ADM MILLING CO | 16. PROPERTY OWNERS |
| 8. HERBELIN CARL B | 17. GLADDEN MICHAEL W |
| 9. GOMEZ IGNACIO G & LOUISA | |

SEE NOTIFICATION MAP



SUP20-254
SUP to allow Residential use in M-1 Zoning

Source: City of New Braunfels Planning
 Date: 11/23/2020

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YOUR OPINION MATTERS - DETACH AND RETURN

68

Case: #SUP20-254 (394 Market) hm

Name: Paul Leatherwood

Address: 307 E. Bridge St

Property number on map: 1

I favor: yes

I object: _____
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: _____

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-254 (394 Market) hm

Name: Harry & Betty Phillips

Address: 274 E. Zink St, New Braunfels

Property number on map: 2

I favor: ✓

I object: _____
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Betty Phillips Harry E Phillips

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-254 (394 Market) hm

Name: JAMES V. RIZZATO

Address: _____

Property number on map: 3

I favor: ✓

I object: _____
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: James V. Rizzato

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-254 (394 Market) hm

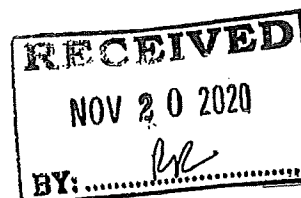
Name: Atanacio CamposAddress: 380 ~~Market~~ N. Market AveProperty number on map: 6

Comments: (Use additional sheets if necessary)

I favor: ☒

I object: _____

(State reason for objection)

Signature: Atanacio Campos

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-254 (394 Market) hm

Name: Ignacio GomezAddress: 251 E ZinkProperty number on map: 9

Comments: (Use additional sheets if necessary)

I favor: yes

I object: _____

(State reason for objection)

Signature: Ignacio Gomez

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-254 (394 Market) hm

Name: Craig and Kristy BowmanAddress: 285 E. Zink St.Property number on map: 10

Comments: (Use additional sheets if necessary)

I favor: ☒

I object: _____

(State reason for objection)

Signature: Kristy Bowman

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-254 (394 Market) hm

Name: JASON HURTA

Address: 329 E. ZINK ST

Property number on map: 12

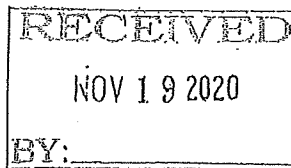
Comments: (Use additional sheets if necessary)

Signature: [Signature]

I favor: ☒

I object: ☐

(State reason for objection)



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-254 (394 Market) hm

Name: MICHAEL & MARTHA GLADEN

Address: 337 E. ZINK

Property number on map: 17

Comments: (Use additional sheets if necessary)

Signature: Michael W. Gladen

I favor: ☒

I object: ☐

(State reason for objection)

for
394 W. market
regoning

Draft Minutes for the December 1, 2020 Planning Commission Regular Meeting

C) SUP20-254 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a single family residential use in the “M-1” Light Industrial District on 0.22 acres out of Lots 240 and 241 NCB 2014, addressed at 394 N Market Avenue. Applicant/Owner: Kay Kobeski; Case Manager: Holly Mullins.

Mrs. Mullins presented and recommended approval.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

Kay Kobeski, 394 N Market Ave, stated she is present to answer any questions for staff.

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

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

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 recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow a single family residential use in the “M-1” Light Industrial District on 0.22 acres out of Lots 240 and 241 NCB 2014, addressed at 394 N Market Avenue 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 SINGLE-FAMILY RESIDENTIAL USE IN THE “M-1” LIGHT INDUSTRIAL DISTRICT, ON 0.22 ACRES OUT OF LOTS 240 AND 241 NCB 2014, ADDRESSED AT 394 N. MARKET AVENUE; 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 single-family residential use; 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 394 N. Market Avenue, to allow single-family residential use in the “M-1” Light Industrial District; **now, therefore;**

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

SECTION 1

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

Being 0.22 acres out of Lots 240 and 241 NCB 2014, addressed at 394 N. Market Avenue, as depicted in Exhibit “A” attached, to allow a single-family residential use in the “M-1” Light Industrial District.

SECTION 2

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

SECTION 3

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 4

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 14th day of December, 2020.

PASSED AND APPROVED: Second reading this 11th day of January, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMANN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

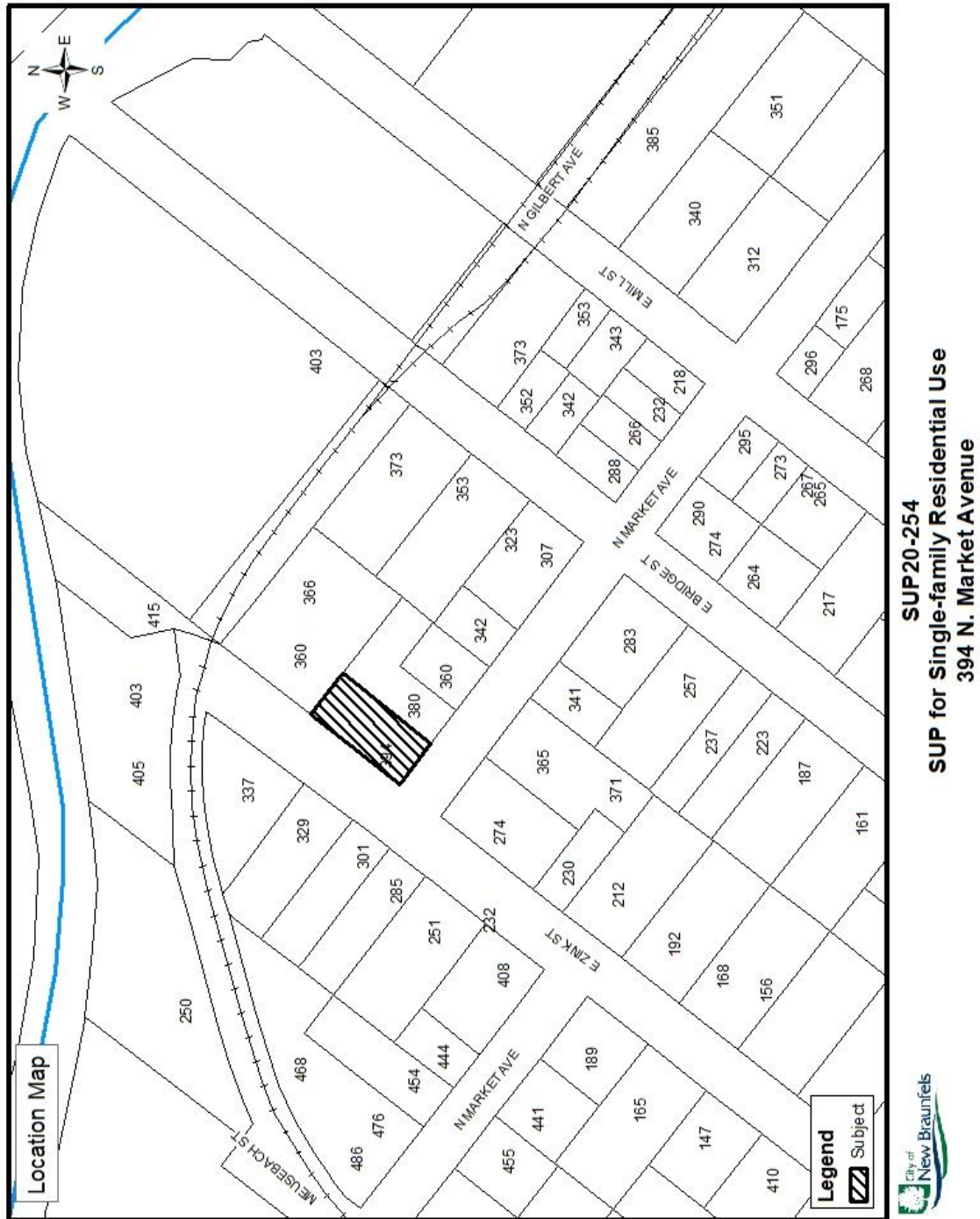


EXHIBIT "A"

1/11/2021

Agenda Item No. L)

Presenter

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

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed amendment to an existing Special Use Permit for an animal shelter to allow an additional building and parking lot for the purpose of spaying and neutering dogs and cats at 3353 Morningside Drive.

BACKGROUND / RATIONALE:

Case No.: SUP20-258

Council District: 1

Owner/Applicant: Humane Society of the New Braunfels Area (Sarah Hammond)
3353 Morningside Drive
New Braunfels, TX 78130
(830) 629-5287 - sarah.hammond@hsnba.org

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

City Council held a public hearing on December 14, 2020 and unanimously approved the first reading of the ordinance (6-0-0, with Councilmember Hurta absent).

The subject property is 16.48 acres, zoned "APD" Agricultural/Pre-Development District with a Type 2 Special Use Permit (SUP) to allow an animal shelter which is currently developed and used by the Humane Society of the New Braunfels Area. Components of the existing animal shelter include dog runs, a large cat room, adoption counseling rooms, separate entrances for animal adoption and animal rescue/drop off, a treatment room, animal play areas, a classroom and conference and storage areas.

The Humane Society of the New Braunfels Area is requesting an amendment to the current SUP to allow the addition of a new building for the purpose of spaying and neutering dogs and cats approximately once a week. The proposed building would be approximately 1,250 square feet (25 feet wide by 50 feet deep) and 10 feet 4 inches tall. The proposed placement of the building on the subject site would meet all minimum setback requirements of APD.

Surrounding Zoning and Land Use:

North - Across Morningside Dr., APD / Single-family residences and undeveloped property

South - APD / Single-family residence, agricultural and natural gas utility improvements
East - APD / Natural gas substation
West - APD and SUP for a pet grooming and kennel boarding business / Single-family residences and agricultural

Determination Factors:

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

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole *(The subject property is located on Morningside Drive, a Major Collector, is not adjacent to any residential neighborhoods nor does it require access through any residential neighborhoods. The proposed additional uses are consistent with the existing uses of the property and the new building and parking lot improvements would be located over 300 feet from the nearest property with a single-family residence and over 650 feet from the nearest lot within a residential neighborhood.)*
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area *(The adequacy of public facilities and utilities to serve the additional demand is evaluated by each provider. CISD has been notified of the request.)*
- How other areas designated for similar development will be affected *(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 *(If the requested SUP amendment is approved, commercial development would be required to adhere to the development standards of the City's Zoning Ordinance. Drainage, utility and traffic impact will be reviewed and addressed through the permitting process.)*
- 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 | Consistent Actions: Action 1.3: Encourage balanced and fiscally responsible land use patterns. Future Land Use Plan: The property lies within the Walnut Springs Sub Area, near existing and future Civic and Outdoor Recreation Centers, and near an existing Employment Center. |
|---|---|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on December 1, 2020 and recommended approval with staff recommendations (8-0-0, with Commissioner Gibson absent).

STAFF RECOMMENDATION:

The proposed uses are consistent with the services of an animal shelter, and the additional building and related parking are minimal in size and located to minimize impact on adjacent property. Therefore, Staff recommends approval of the proposed amendment to the SUP to allow an additional building and parking lot for the purpose of spaying and neutering dogs and cats with conditions as specified below:

1. Development of the project must be in substantial compliance with the approved site plan.

-
2. Site development shall be in compliance with all other standards of the City's Code of Ordinances.
 3. Conditions associated with Ordinance No. 2011-76 remain in effect.

Notification:

Public hearing notices were sent to 12 owners of property within 200 feet of the request. The City has received one response in favor (#11) and one opposed (#3).

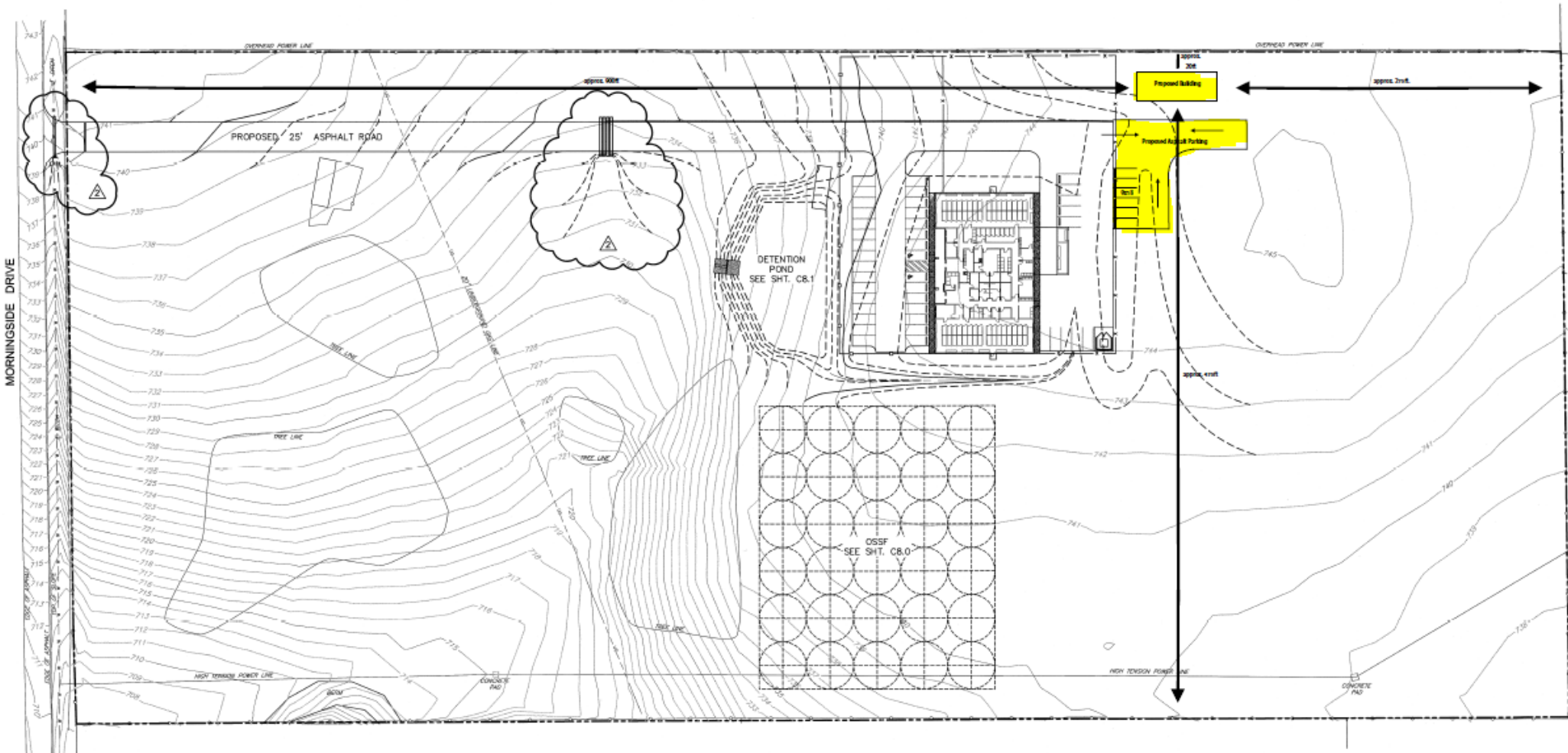
RESOURCE LINKS:


- Chapter 144, Sec. 3.4-1 "APD" Agricultural/Pre-Development District of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 3.6 Special Use Permits of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

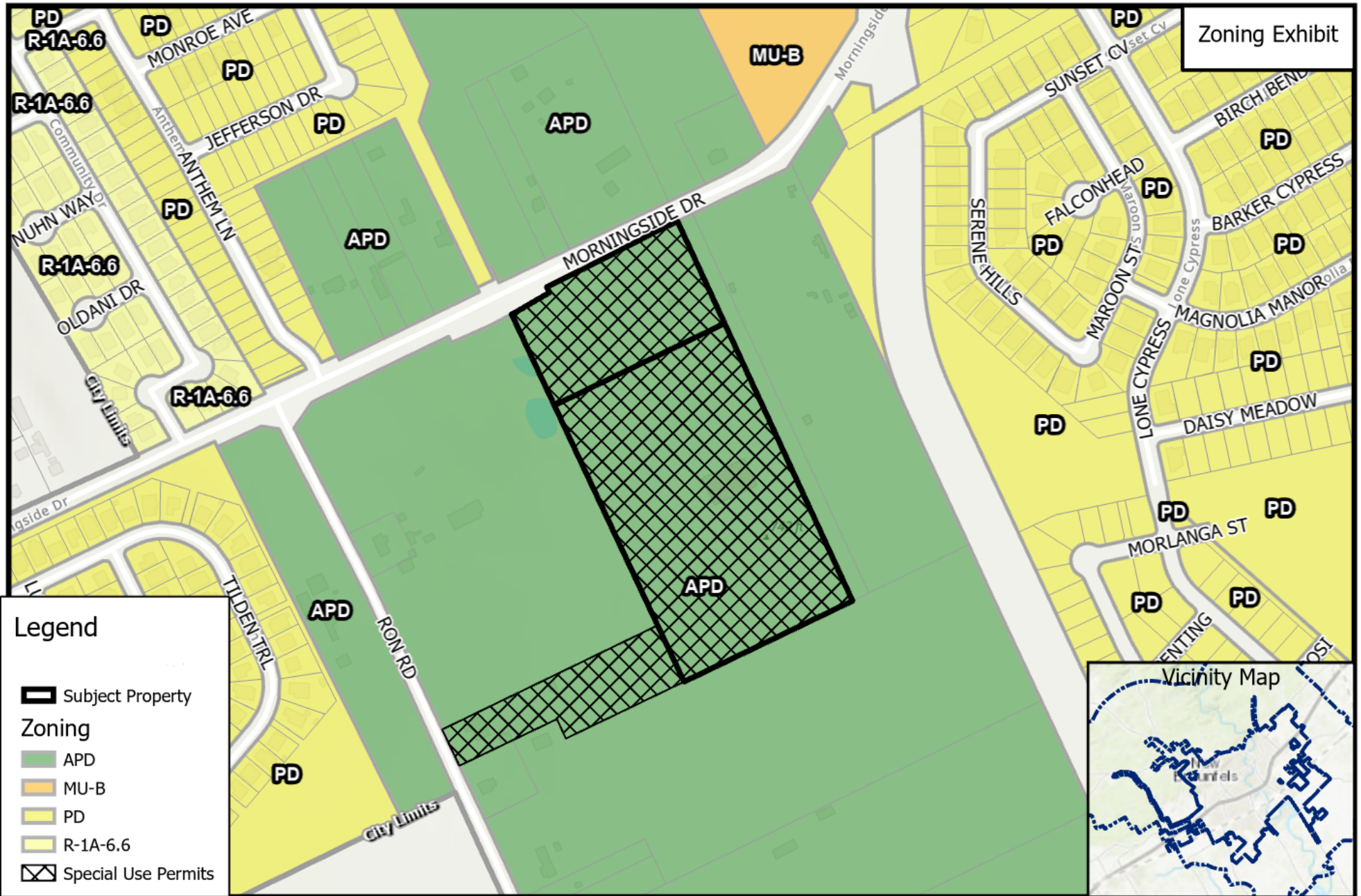
ATTACHMENTS:

1. Aerial Map
2. Proposed Site Plan
3. Land Use Maps (Zoning, Existing and Future Land Use)
4. Existing SUP Ordinance (Ordinance No. 2011-76)
5. Notification List, Map and Notification Response
6. Excerpt of Minutes from the December 1, 2020 Planning Commission Regular Meeting.
7. Ordinance

PROPOSED SITE PLAN



 = Proposed building and parking lot

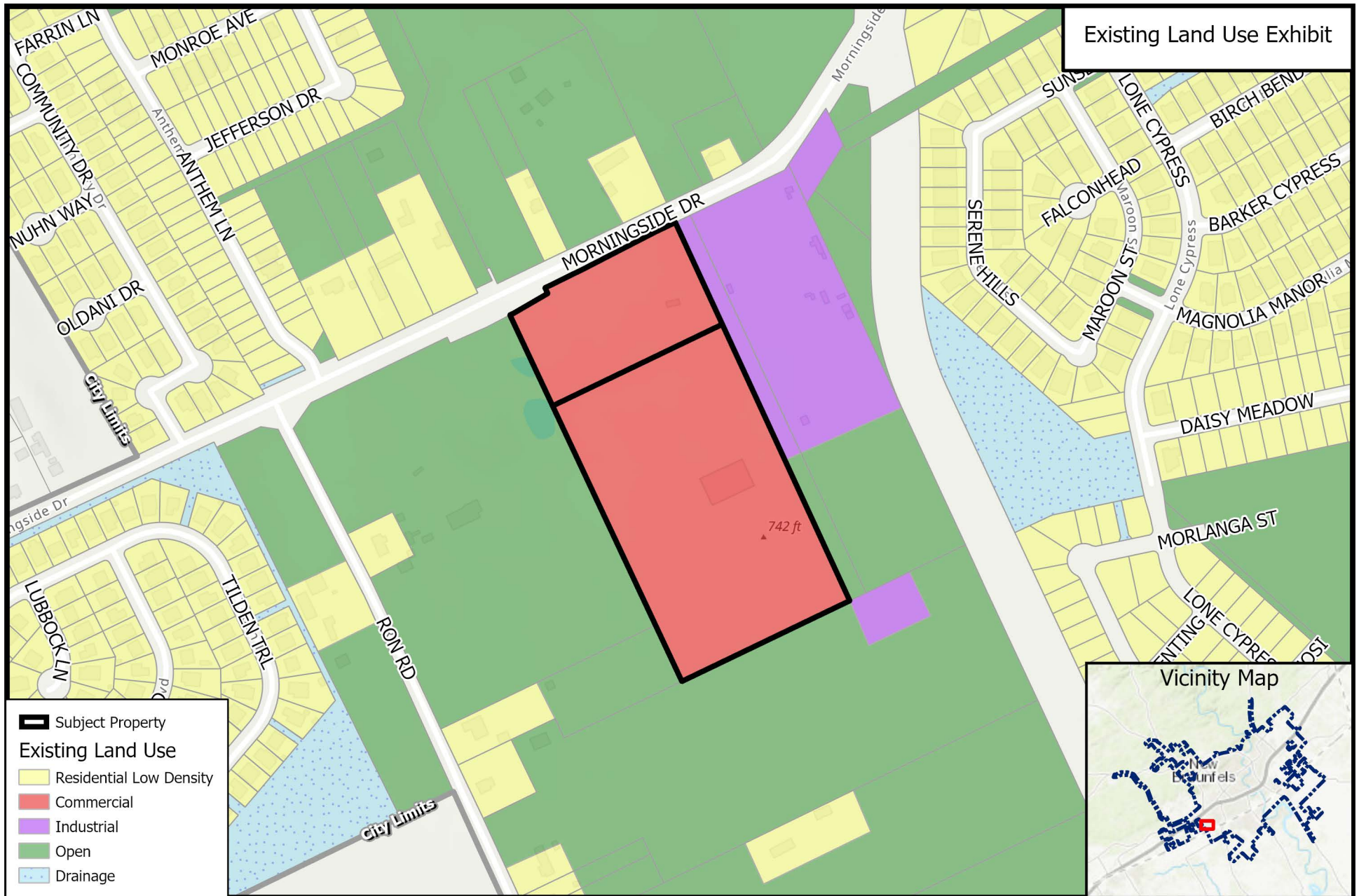


SUP20-258

Amendment to an existing SUP to allow an additional building and parking lot

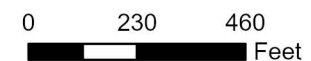
0 230 460 Feet





SUP20-258

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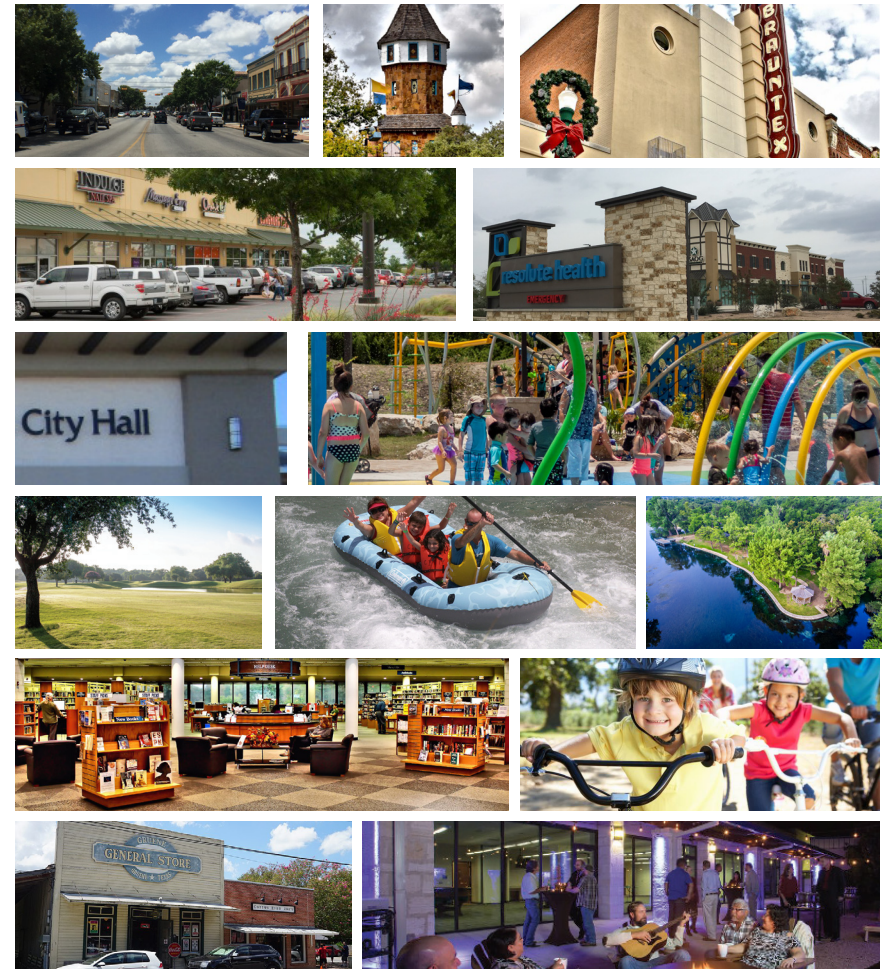
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This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.

ORDINANCE NO. 2011-76

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW AN ANIMAL SHELTER IN THE "APD" AGRICULTURAL/PRE-DEVELOPMENT DISTRICT, LOCATED ON THE EAST SIDE OF MORNINGSIDE DRIVE, APPROXIMATELY 1,000 FEET SOUTHWEST OF THE INTERSECTION OF RUECKLE ROAD AND MORNINGSIDE DRIVE; 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 an animal shelter; and

WHEREAS, the City Council desires to grant a Special Use Permit to 16.48 acres located on the east side of Morningside Drive, approximately 1,000 feet southwest of the intersection of Rueckle Road and Morningside Drive, to allow an animal shelter in the "APD" Agricultural/Pre-Development District; **now therefore,**

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

SECTION 1

THAT Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are revised by adding the following described tract of land as a "Special Use Permit" for the uses and conditions herein described:

"Being 16.48 acres located on the east side of Morningside Drive, approximately 1,000 feet southwest of the intersection of Rueckle Road and Morningside Drive, as described in Exhibit 'A' and delineated in Exhibit 'B', to allow an animal shelter in the "APD" Agricultural/Pre-Development District."

SECTION 2

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

1. Exhibit 'C' shall be considered the adopted site plan. Changes to the site plan will require amendment of the Special Use Permit by City Council.
2. Canines must be kept indoors between the hours of 7:00 P.M. and 8:00 A.M.

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.

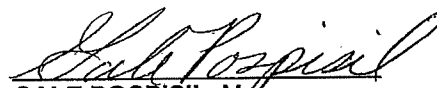
SECTION 5

THIS ordinance will take effect upon the second and final reading.


PASSED AND APPROVED: First Reading this the 26th day of September, 2011.

PASSED AND APPROVED: Second Reading this the 10th October, 2011.

CITY OF NEW BRAUNFELS

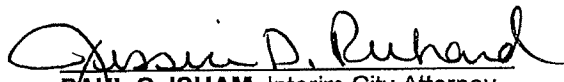

GALE POSPISIL, Mayor

ATTEST:


PATRICK D. ATEN, City Secretary



APPROVED AS TO FORM:


PAUL G. ISHAM, Interim City Attorney
Jessica D. Richard, Assistant

**METES AND BOUNDS DESCRIPTION
OF 16.48 ACRES OF LAND
IN THE JOHN THOMPSON SURVEY NO. 21, A-608
COMAL COUNTY, TEXAS**

All that certain 16.48 acres of land, which is the residue of the 18.178 acre tract described in the deed from William E Wenzel, Individually, and as Sole Devisee, and as Independent Executor of the Estate of Ann Wenzel, Deceased to CLS Company recorded under Document No. 200406019983, in the Official Records of Comal County, Texas, in the John Thompson Survey No. 21, A-608, Comal County, Texas, and more particularly described by metes and bounds as follows: (All bearings are based on the Texas State Plane Coordinate System, South Central Zone)

BEGINNING at a 1/2" iron rod found for the south corner of said 18.178 acre tract, common to the east corner of the 2.632 acre tract described in the deed from Willie Doolittle, et ux to Carlos P. Caballero, et ux recorded under Document No. 200506025964, in the Official Records of Comal County, Texas, and the south corner of the herein described tract, in the northwest line of the 18.75 acre tract described in the deed from Thornton B. Thompson, et ux to Steven Ray Krause, et ux recorded under Volume 433, Page 592, in the Deed Records of Comal County, Texas;

THENCE North 25°10'36" West – 1265.71' (Basis of Bearings), along the southwest line of said 18.178 acre tract, common to the northeast line of said 2.632 acre tract, at 188.56' passing a 3/8" iron rod found for the north corner of said 2.632 acre tract, continuing along said southwest line, common to the northeast line of the 17.671 acre tract described in the deed from Crystal Lynn Zimmermann Kindred, et vir to Lawrence Zimmermann recorded under Document No. 200706022669, in the Official Records of Comal County, Texas, to a 2" iron pipe found at a fence corner post for the west corner of the herein described tract, in the southeast right-of-way line of Morningside Drive;

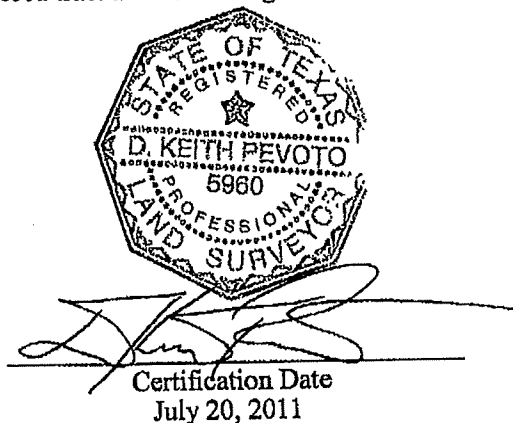
THENCE North 63°14'53" East – 80.25', along said southeast right-of-way line, to a 1/2" found for an angle corner;

THENCE North 64°20'31" East – 489.00', continuing along said southeast right-of-way line, to a 1/2" iron rod set at a fence corner post for the north corner of the herein described tract, in the southwest line of the 1.61 acre tract described in the deed from Oasis Pipe Line Company and Oasis Pipe Line Management Company to Oasis Pipe Line Company Texas L.P. recorded under Document No. 9606025646, in the Official Records of Comal County, Texas;

THENCE South 24°56'40" East – 1267.03', along said southwest line, to the south corner of said 1.61 acre tract, common to the east corner of the herein described tract, at a chain link fence corner post, in the northwest line of aforesaid 18.75 acre tract, from which a chain link fence corner post found for the east corner of said 1.61 acre tract bears North 64°18'54" East – 55.00';

THENCE South 64°18'54" West – 564.09', along the southeast line of said 18.178 acre tract, common to the northwest line of said 18.75 acre tract, at 12.40' passing a 1/2" iron rod found for an angle corner of said 18.75 acre tract, continuing to the **POINT OF BEGINNING** of the herein described tract and containing 16.48 acres of land.

Prepared by:
Kolodzie Surveying Company
Job No. 1314-001-11-530



THIS LEGAL DESCRIPTION IS BASED ON SURVEY CONDUCTED BY KOLODZIE SURVEYING COMPANY
DATED JULY 20, 2011.

EXHIBIT "A"

MORNINGSIDE DRIVE

L1 N 64°20'31" E - 489.00'

JOHN THOMPSON SURVEY NO. 21, A-608

16.48 ACRES

RESIDUE OF
17.671 ACRES
CRYSTAL LYNN ZIMMERMANN KINDRED, ET VR
TO
LAWRENCE ZIMMERMANN
DOCUMENT NO. 200706022669, O.R.C.C.T.

RESIDUE OF
18.178 ACRES
WILLIAM E. WENZEL, INDIVIDUALLY, AND AS SOLE DEVISEE, AND
AS INDEPENDENT EXECUTOR OF THE ESTATE OF ANN WENZEL, DECEASED
TO
CLS COMPANY
DOCUMENT NO. 200406019983, O.R.C.C.T.

(BASIS OF BEARINGS)
N 25°10'36" W - 1265.71'

S 24°56'40" E - 1267.03'

1.61 ACRES
OASIS PIPE LINE COMPANY AND
OASIS PIPE LINE MANAGEMENT COMPANY
TO
OASIS PIPE LINE COMPANY TEXAS L.P.
DOCUMENT NO. 9606025646, O.R.C.C.T.

2.632 ACRES
WILLIE DOOLITTLE, ET UX
TO
CARLOS P. CABALLERO, ET UX
DOCUMENT NO. 200506025964, O.R.C.C.T.

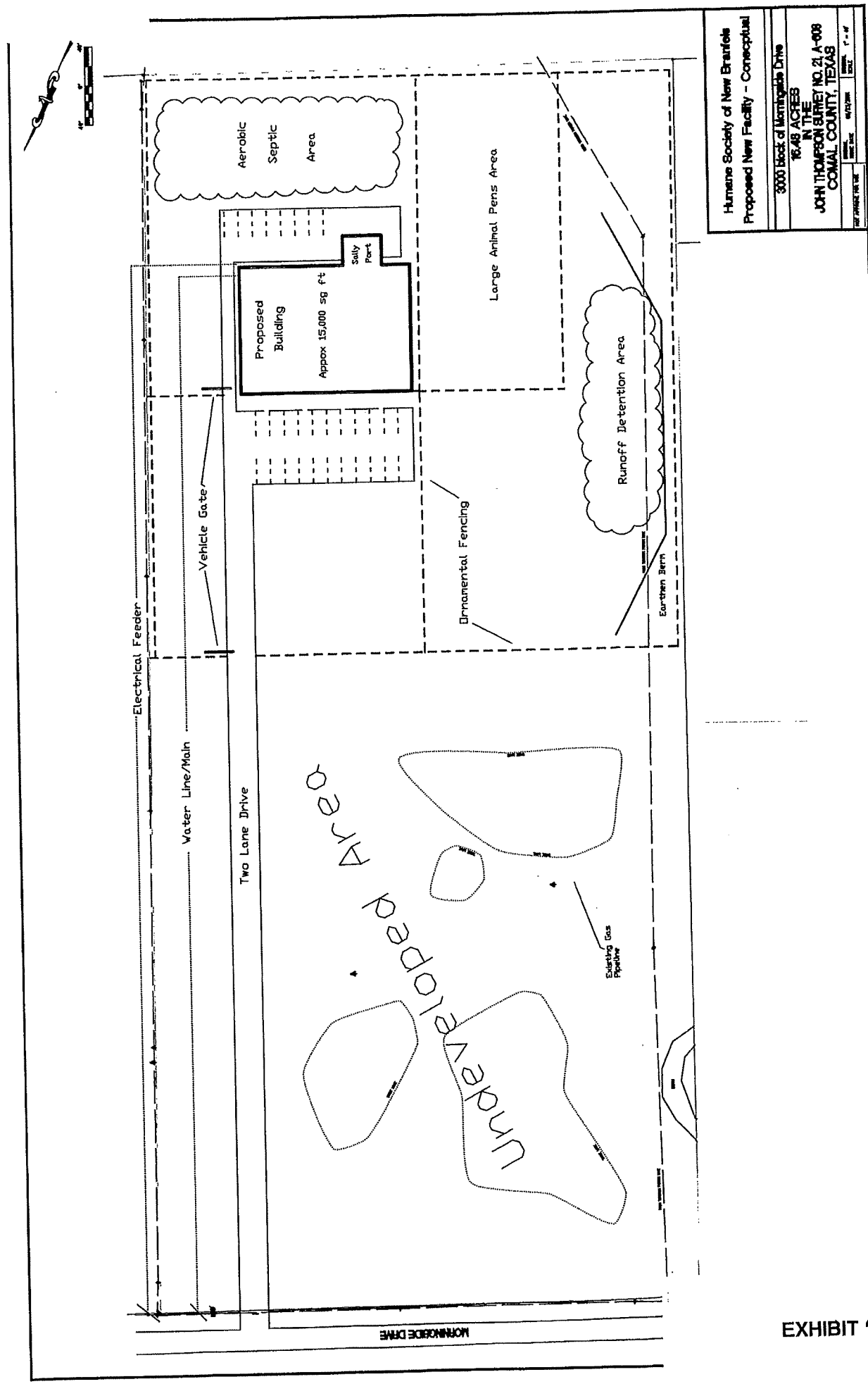
POB S 64°18'54" W - 564.09'

18.75 ACRES
THORNTON B. THOMPSON, ET UX
TO
STEVEN RAY KRAUSE, ET UX
VOL. 433, PG. 592, D.R.C.C.T.

K LODZIE SURVEYING

197 EAST MILL STREET • NEW BRAUNFELS
TX 78130

EXHIBIT "B"



| | | | |
|--|------|-------------|-------|
| Humane Society of New Brantley Proposed New Facility - Conceptual | | | |
| 3000 Block of Morningstar Drive | | 16.48 ACRES | |
| IN THE | | | |
| JOHN THOMPSON SURVEY NO. 21, A-008 | | | |
| COMAL COUNTY, TEXAS | | | |
| DATE PREPARED FOR USE | DATE | BY | SCALE |

EXHIBIT "C"

PLANNING COMMISSION – DECEMBER 1, 2020– 6:00PM

Zoom Webinar

Applicant/Owner: Human Society of New Braunfels Area

Address/Location: 3353 Morningside Drive

PROPOSED SPECIAL USE PERMIT – CASE #SUP20-258

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”.

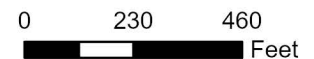
- | | |
|-------------------------------------|---|
| 1. RESENDEZ MARIO V & TREVINO JESUS | 7. OASIS PIPELINE CO TEXAS LP |
| 2. ROSALES MARISA L | 8. KINDRED CRYSTAL LYNN |
| 3. LAGUNAS SANTIAGO & DORA | 9. ENTERPRISE TEXAS PIPELINE LP |
| 4. CABALLERO CARLOS P & TAMMY | 10. HERITAGE PARK RESIDENTIAL COMMUNITY INC |
| 5. KOEHLER JUDY LYNN | 11. RUECKLE COMMERCIAL HOLDINGS LLC |
| 6. FLYK ANTHONY & MARGARET | 12. MESA ISAAC |

SEE NOTIFICATION MAP



SUP20-258

Amendment to an existing SUP to allow an additional building and parking lot



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-258 / Address: 3353 Morningside Dr. / Case Manager: MG

Name: Fred Heimer

I favor: ✓

Address: 130 S. Seguin Ave

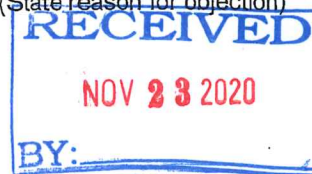
Property number on map: 11

I object: _____

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Fred Heimer



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-258 / Address: 3353 Morningside Dr. / Case Manager: MG



Name: Santiago + Dora Lagunas
 Address: 3350 Morningside Dr.
 Property number on map: 3

I favor: _____

I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Santiago Lagunas

*Too much traffic + confusion
 on people not knowing where
 they are. All ready 100 daily
 cars come in the drive.
 Too Much traffic*

Draft Minutes for the December 1, 2020 Planning Commission Regular Meeting

D) SUP20-258 Public hearing and recommendation to City Council regarding a proposed amendment to an existing Special Use Permit for an animal shelter to allow an additional building and parking lot for the purpose of spaying and neutering dogs and cats at 3353 Morningside Drive. Applicant/Owner: Humane Society of the New Braunfels Area (Sarah Hammond); Case Manager: Matt Greene.

Mr. Greene presented and recommended approval of the request with three conditions.

Chair Edwards asked if there were any questions for staff.

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

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

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 recommend approval to City Council of the proposed amendment to an existing Special Use Permit for an animal shelter to allow an additional building and parking lot for the purpose of spaying and neutering dogs and cats at 3353 Morningside Drive with staff recommendations. Motion carried (8-0-0).

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING APPROVAL TO ALLOW AN ADDITIONAL BUILDING AND PARKING LOT AS AN AMENDMENT TO ORDINANCE NUMBER 2011-76, A TYPE 2 SPECIAL USE PERMIT ALLOWING AN ANIMAL SHELTER IN THE “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT ON 16.48 ACRES OUT OF THE JOHN THOMPSON SURVEY NO. 21, A-608, COMAL COUNTY, TEXAS, ADDRESSED AT 3553 MORNINGSIDE DRIVE; 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 the proposed uses; and

WHEREAS, the City Council desires to allow an additional building and parking lot for the purpose of spaying and neutering dogs and cats as an approved amendment to Ordinance Number 2011-76, a Type 2 Special Use Permit that allows an animal shelter in the “APD” Agricultural/Pre-Development District on 16.48 acres of land out of the John Thompson Survey No. 21, A-608, Comal County, Texas, addressed at 3553 Morningside Drive.

WHEREAS, the requested amendment is in accordance with Envision New Braunfels, the City’s Comprehensive Plan; **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 "Type 2 Special Use Permit" for the uses and conditions herein described:

Being 16.48 acres of land out of the John Thompson Survey No. 21, A-608, Comal County, Texas, addressed at 3553 Morningside Drive, as described in Exhibit "A" and delineated in Exhibit "B", to allow an additional building and parking lot for the purpose of spaying and neutering dogs and cats with the previously authorized animal shelter in the "APD" Agricultural/Pre-Development District.

SECTION 2

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

1. Exhibit "C" shall be considered the adopted site plan. Development of the project must be in substantial compliance with the approved site plan.
2. Site development shall be in compliance with all other standards of the City's Code of Ordinances.
3. Conditions associated with Ordinance Number 2011-76 shall remain in effect, Exhibit "D".

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 14th day of December, 2020.

PASSED AND APPROVED: Second reading this 11th day of January, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

**METES AND BOUNDS DESCRIPTION
OF 16.48 ACRES OF LAND
IN THE JOHN THOMPSON SURVEY NO. 21, A-608
COMAL COUNTY, TEXAS**

All that certain 16.48 acres of land, which is the residue of the 18.178 acre tract described in the deed from William E Wenzel, Individually, and as Sole Devisee, and as Independent Executor of the Estate of Ann Wenzel, Deceased to CLS Company recorded under Document No. 200406019983, in the Official Records of Comal County, Texas, in the John Thompson Survey No. 21, A-608, Comal County, Texas, and more particularly described by metes and bounds as follows: (All bearings are based on the Texas State Plane Coordinate System, South Central Zone)

BEGINNING at a 1/2" iron rod found for the south corner of said 18.178 acre tract, common to the east corner of the 2.632 acre tract described in the deed from Willie Doolittle, et ux to Carlos P. Caballero, et ux recorded under Document No. 200506025964, in the Official Records of Comal County, Texas, and the south corner of the herein described tract, in the northwest line of the 18.75 acre tract described in the deed from Thornton B. Thompson, et ux to Steven Ray Krause, et ux recorded under Volume 433, Page 592, in the Deed Records of Comal County, Texas;

THENCE North 25°10'36" West – 1265.71' (Basis of Bearings), along the southwest line of said 18.178 acre tract, common to the northeast line of said 2.632 acre tract, at 188.56' passing a 3/8" iron rod found for the north corner of said 2.632 acre tract, continuing along said southwest line, common to the northeast line of the 17.671 acre tract described in the deed from Crystal Lynn Zimmermann Kindred, et vir to Lawrence Zimmermann recorded under Document No. 200706022669, in the Official Records of Comal County, Texas, to a 2" iron pipe found at a fence corner post for the west corner of the herein described tract, in the southeast right-of-way line of Morningside Drive;

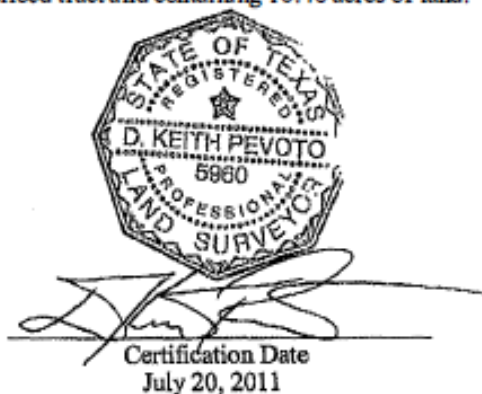
THENCE North 63°14'53" East – 80.25', along said southeast right-of-way line, to a 1/2" found for an angle corner;

THENCE North 64°20'31" East – 489.00', continuing along said southeast right-of-way line, to a 1/2" iron rod set at a fence corner post for the north corner of the herein described tract, in the southwest line of the 1.61 acre tract described in the deed from Oasis Pipe Line Company and Oasis Pipe Line Management Company to Oasis Pipe Line Company Texas L.P. recorded under Document No. 9606025646, in the Official Records of Comal County, Texas;

THENCE South 24°56'40" East – 1267.03', along said southwest line, to the south corner of said 1.61 acre tract, common to the east corner of the herein described tract, at a chain link fence corner post, in the northwest line of aforesaid 18.75 acre tract, from which a chain link fence corner post found for the east corner of said 1.61 acre tract bears North 64°18'54" East – 55.00';

THENCE South 64°18'54" West – 564.09', along the southeast line of said 18.178 acre tract, common to the northwest line of said 18.75 acre tract, at 12.40' passing a 1/2" iron rod found for an angle corner of said 18.75 acre tract, continuing to the **POINT OF BEGINNING** of the herein described tract and containing 16.48 acres of land.

Prepared by:
Kolodzie Surveying Company
Job No. 1314-001-11-530



**THIS LEGAL DESCRIPTION IS BASED ON SURVEY CONDUCTED BY KOLODZIE SURVEYING COMPANY
DATED JULY 20, 2011.**

EXHIBIT "A"

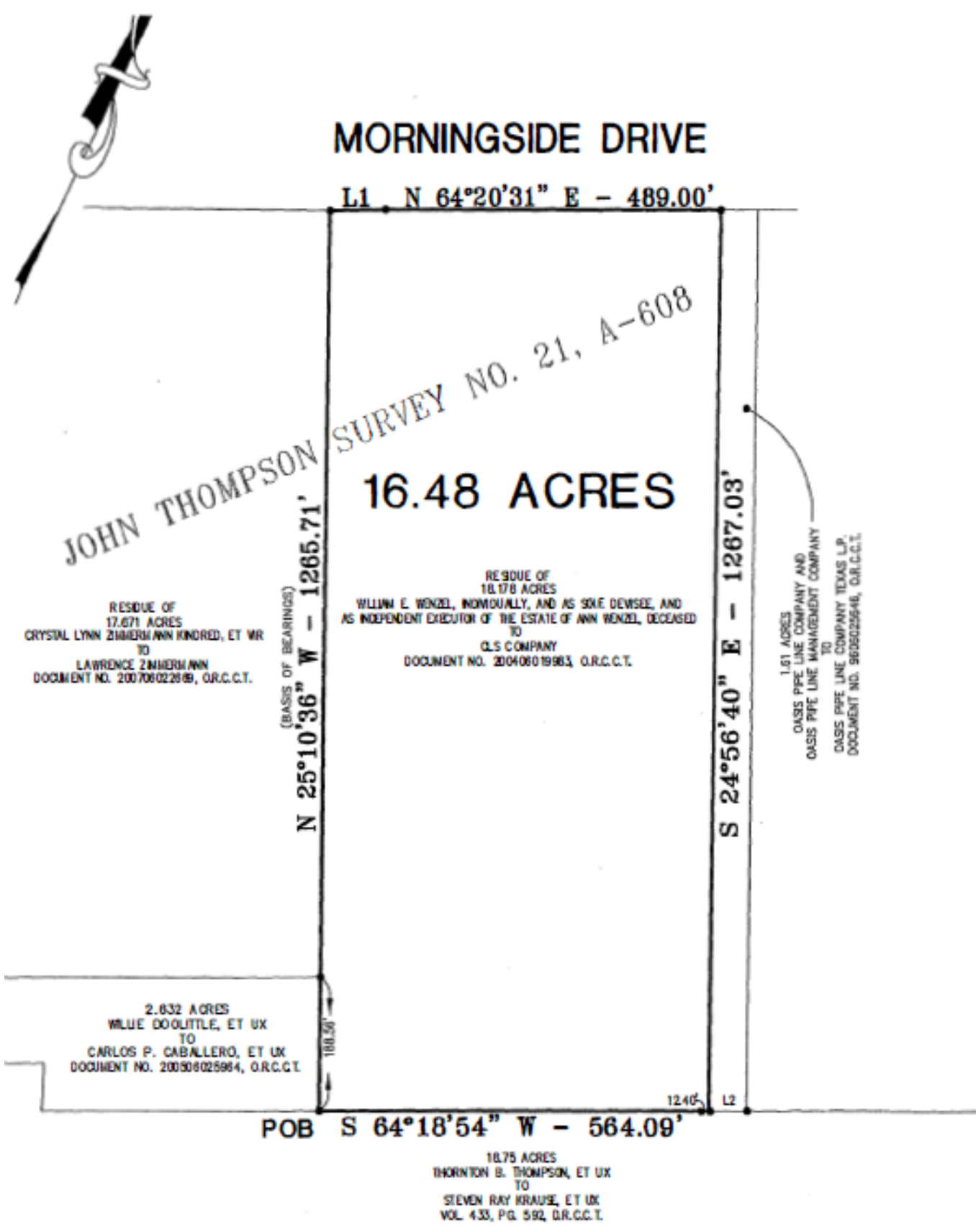
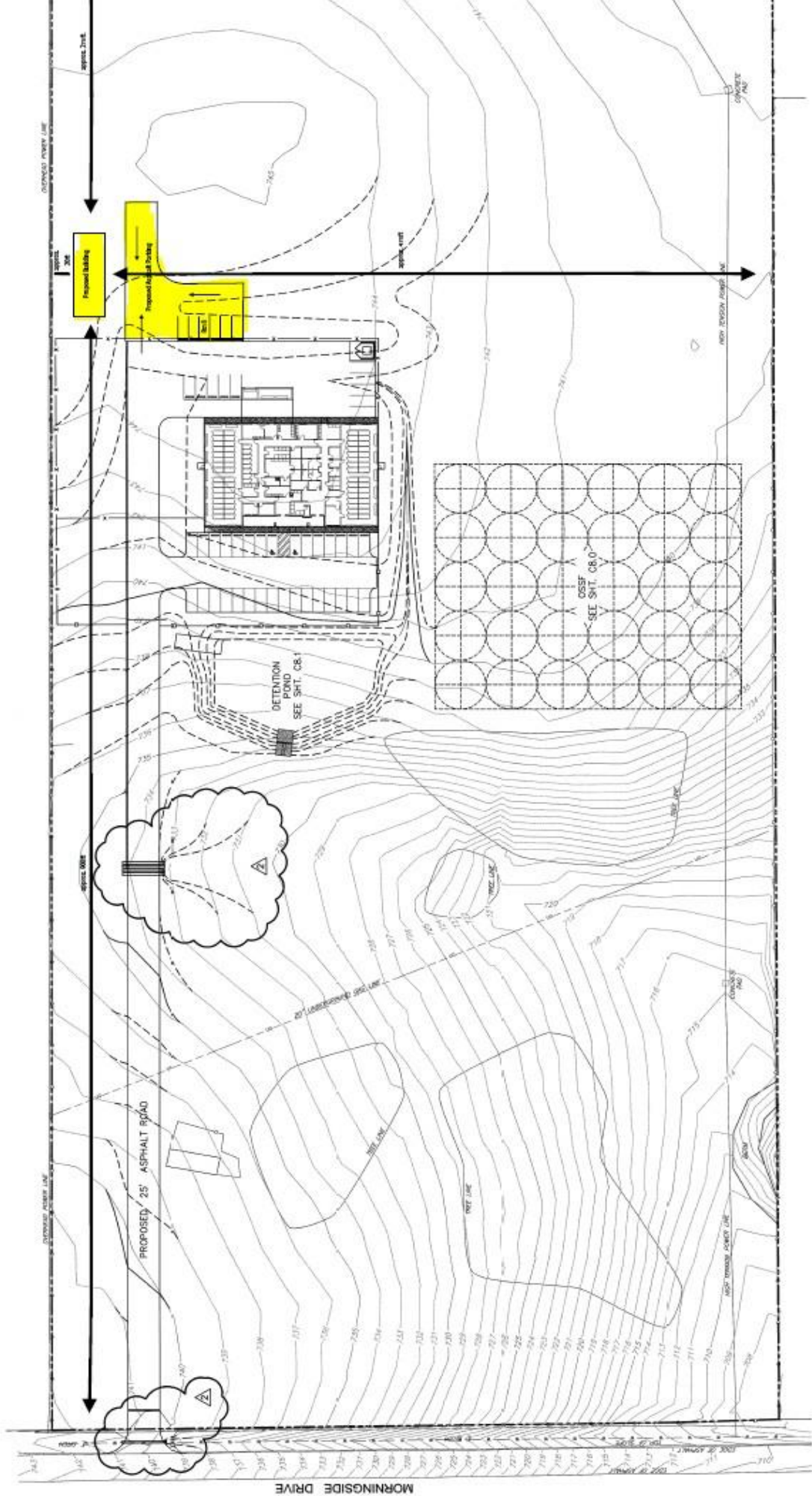


EXHIBIT "B"

SITE PLAN



 = Proposed building and parking lot

EXHIBIT "C"

ORDINANCE NO. 2011-76

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW AN ANIMAL SHELTER IN THE "APD" AGRICULTURAL/PRE-DEVELOPMENT DISTRICT, LOCATED ON THE EAST SIDE OF MORNINGSIDE DRIVE, APPROXIMATELY 1,000 FEET SOUTHWEST OF THE INTERSECTION OF RUECKLE ROAD AND MORNINGSIDE DRIVE; 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 an animal shelter; and

WHEREAS, the City Council desires to grant a Special Use Permit to 16.48 acres located on the east side of Morningside Drive, approximately 1,000 feet southwest of the intersection of Rueckle Road and Morningside Drive, to allow an animal shelter in the "APD" Agricultural/Pre-Development District; **now therefore,**

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

SECTION 1

THAT Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are revised by adding the following described tract of land as a "Special Use Permit" for the uses and conditions herein described:

"Being 16.48 acres located on the east side of Morningside Drive, approximately 1,000 feet southwest of the intersection of Rueckle Road and Morningside Drive, as described in Exhibit 'A' and delineated in Exhibit 'B', to allow an animal shelter in the "APD" Agricultural/Pre-Development District."

SECTION 2

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

1. Exhibit 'C' shall be considered the adopted site plan. Changes to the site plan will require amendment of the Special Use Permit by City Council.
2. Canines must be kept indoors between the hours of 7:00 P.M. and 8:00 A.M.

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.

PASSED AND APPROVED: First Reading this the 26th day of September, 2011.

PASSED AND APPROVED: Second Reading this the 10th October, 2011.

CITY OF NEW BRAUNFELS

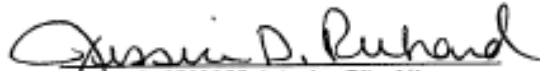

GALE POSPISIL, Mayor

ATTEST:


PATRICK D. ATEN, City Secretary



APPROVED AS TO FORM:


~~PAUL G. ISHAM~~, Interim City Attorney
Jessica D. Richard, Assistant

**METES AND BOUNDS DESCRIPTION
OF 16.48 ACRES OF LAND
IN THE JOHN THOMPSON SURVEY NO. 21, A-608
COMAL COUNTY, TEXAS**

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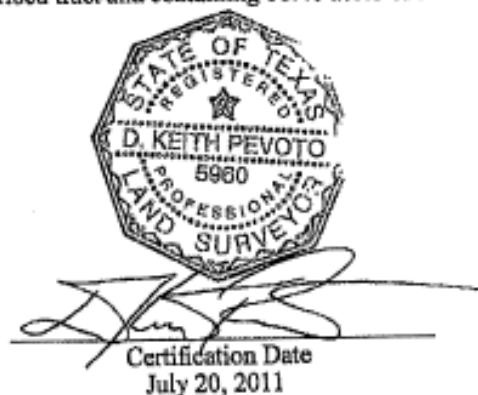
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THENCE North 64°20'31" East - 489.00', continuing along said southeast right-of-way line, to a 1/2" iron rod set at a fence corner post for the north corner of the herein described tract, in the southwest line of the 1.61 acre tract described in the deed from Oasis Pipe Line Company and Oasis Pipe Line Management Company to Oasis Pipe Line Company Texas L.P. recorded under Document No. 9606025646, in the Official Records of Comal County, Texas;

THENCE South 24°56'40" East - 1267.03', along said southwest line, to the south corner of said 1.61 acre tract, common to the east corner of the herein described tract, at a chain link fence corner post, in the northwest line of aforesaid 18.75 acre tract, from which a chain link fence corner post found for the east corner of said 1.61 acre tract bears North 64°18'54" East - 55.00';

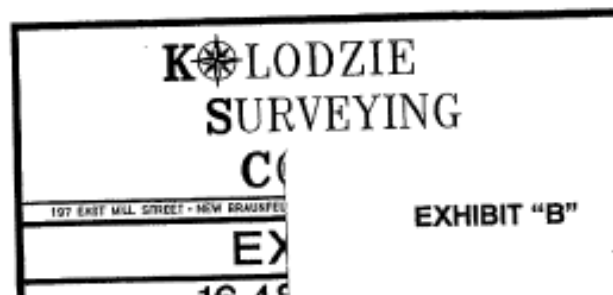
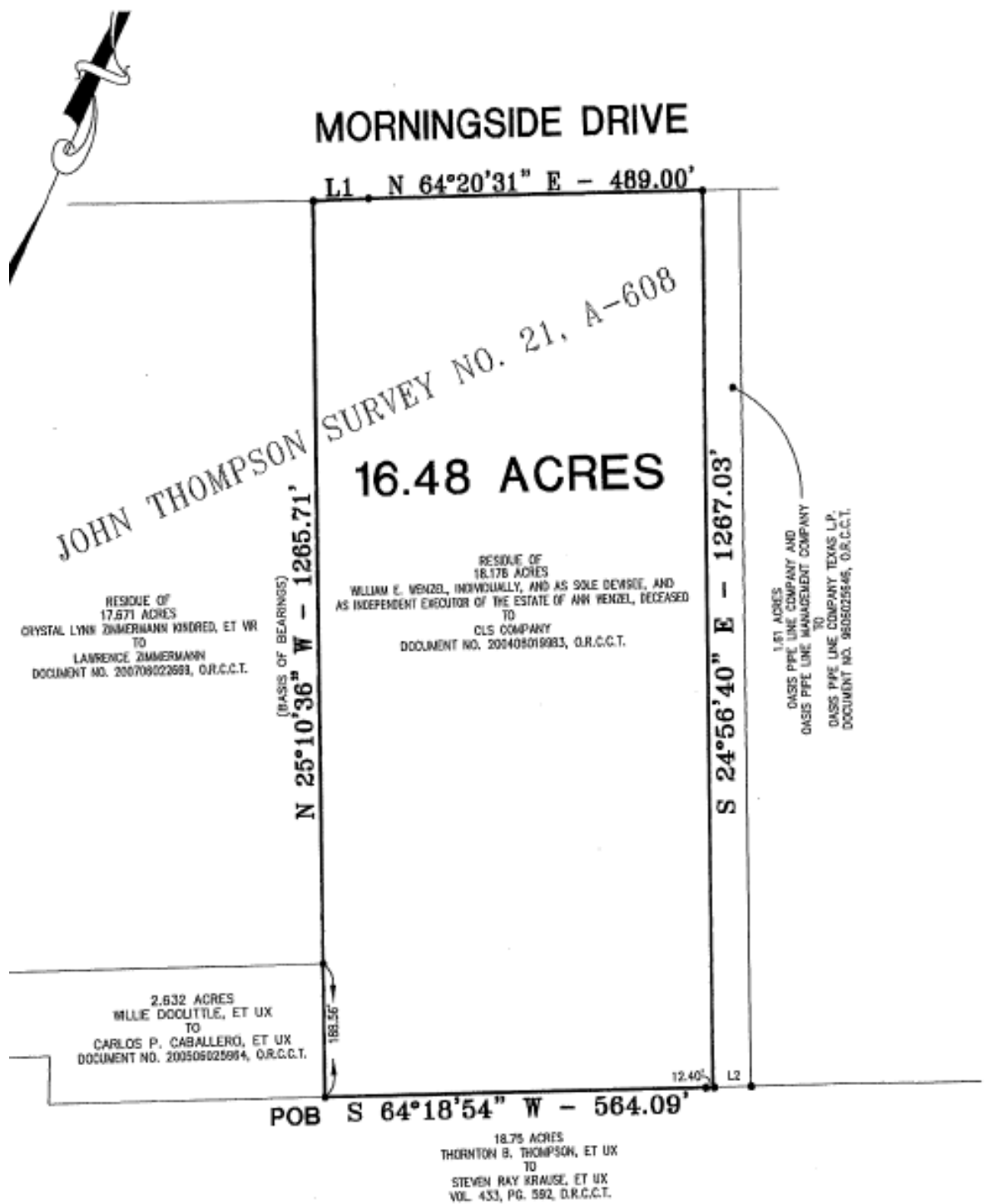
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Prepared by:
Kolodzie Surveying Company
Job No. 1314-001-11-530



THIS LEGAL DESCRIPTION IS BASED ON SURVEY CONDUCTED BY KOLODZIE SURVEYING COMPANY
DATED JULY 20, 2011.

EXHIBIT "A"



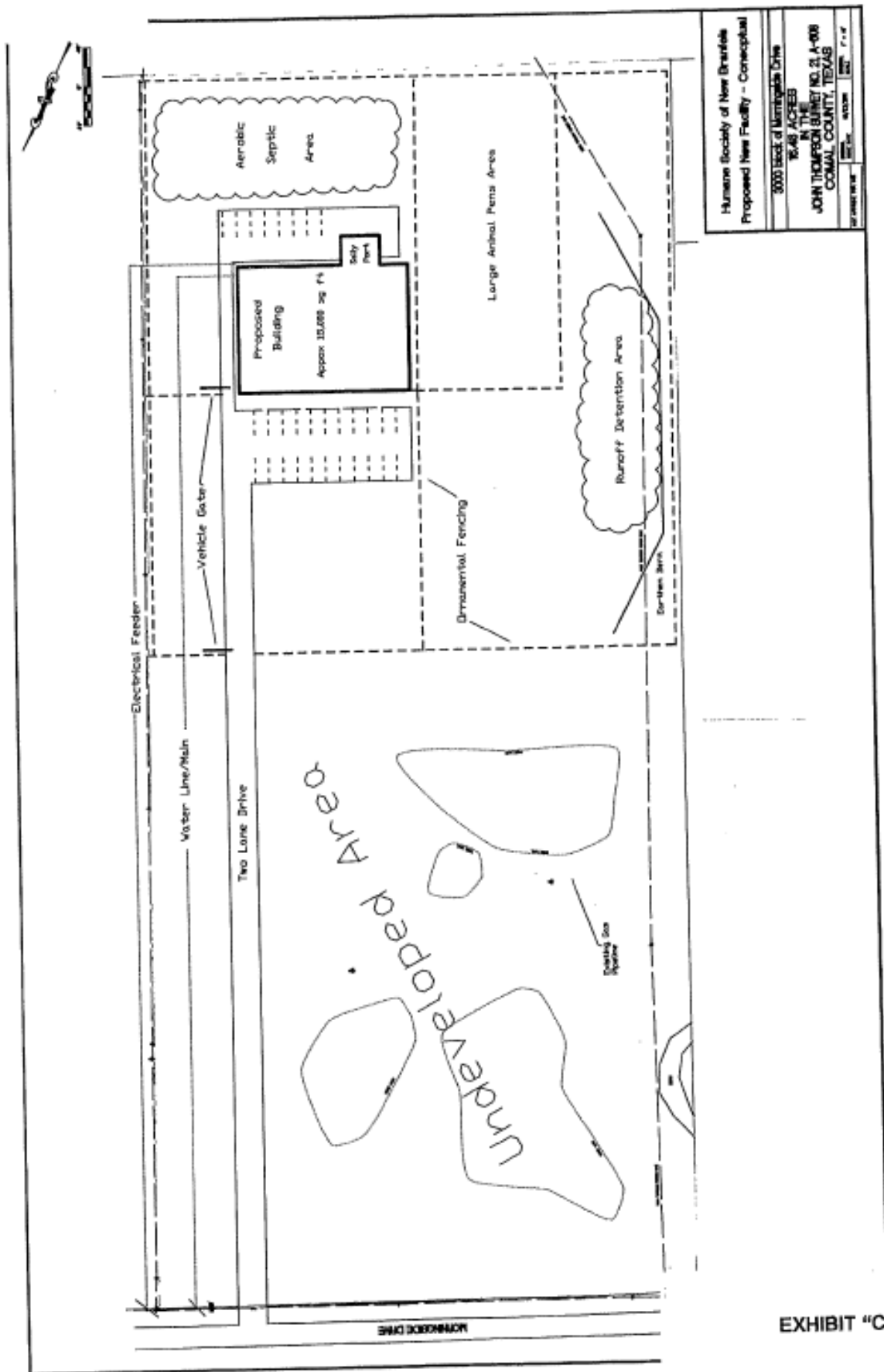


EXHIBIT "C"

1/11/2021

Agenda Item No. M)

Presenter/Contact

*Sandy Paulos, Assistant Chief Financial Officer
(830) 221-4387 - spaulos@nbtexas.org*

SUBJECT:

Approval of the second and final reading of an ordinance establishing a credit card processing reimbursement fee for the use of credit and debit cards as a form of payment for fees, fines, court costs and other charges; repealing all ordinances in conflict, containing a savings clause; and declaring an effective date.

BACKGROUND / RATIONALE:

At the November 2019 City Council retreat, staff was directed to develop various cost control strategies in response to Senate Bill 2. Senate Bill 2 passed during the 86th and impacts the rate of General Fund property tax growth on existing properties. One of the strategies presented at the retreat was the implementation of a credit card reimbursement fee.

The use of credit/debit cards has increased significantly over the past several years. In fact, from FY 2017 to FY 2020, merchant service fees paid by the City have increased by approximately \$145,000 or 117%. Many cities/governmental entities assess a credit card reimbursement fee on some or all of the services they provide. If approved by City Council, the fee is anticipated to result in approximately \$220,000 in annual savings.

At the November 2019 retreat, staff was directed to develop a plan for implementation of the fee and bring forward to City Council once complete. An update was provided to City Council at their July 2020 virtual retreat. The full implementation plan was presented to city council at the November 9th council meeting. City Council then gave direction to move forward with the implementation of the fee.

At the November 23rd City Council meeting, the item was presented for first reading. The City Council had several questions as well as considerations for an additional exemption. As a result, the item was postponed for action until the December 14th regular meeting. At the December 14th regular meeting, staff presented the information requested as well as an amendment to the ordinance to include an additional exemption for the remittance of regulatory fees collected by a third party on the City's behalf. The consensus from Council was to include the proposed amendment for the additional exemption. City Council approved unanimously 5-0.

Below is a list of highlights of the proposed reimbursement fee:

- Set at 2.75% (intended only to cover costs currently being paid by the City)
- Enterprise Funds, Das Rec memberships and Library Services are currently excluded from assessment of the fee. **As mentioned above, the attached ordinance includes an additional exemption for the remittance of regulatory fees collected by a third party on the City's behalf.**

-
- Free e-check option will be offered at every location the reimbursement fee is charged

If approved by City Council, the implementation of the fee will adhere to the schedule below:

- First reading of ordinance establishing fee: December 14
- Second reading of ordinance establishing fee: January 11
- Education/marketing for existing/new customers: January - April
- Activation of reimbursement fee: May 1, 2021

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

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

FISCAL IMPACT:

As mentioned above, credit/debit card usage has increased significantly over the past several years. This has resulted in a corresponding increase to the merchant service fees paid by the City of New Braunfels. The proposed fee is projected to generate approximately \$220,000 in annual savings once implemented.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval

ORDINANCE NO. 2020 - ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS TO ESTABLISH A CREDIT CARD PROCESSING REIMBURSEMENT FEE FOR THE USE OF CREDIT AND DEBIT CARDS AS A FORM OF PAYMENT FOR FEES, FINES, COURT COSTS AND OTHER CHARGES; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Section 132 of the Texas Local Government Code provides that the governing body of a municipality may authorize the collection of fees, fines, court costs and other charges by credit card or similar device; and

WHEREAS, the City Council and the City of New Braunfels, Texas finds that the acceptance of credit cards and similar devices is beneficial for the citizens by providing greater flexibility relating to payment options and promotes prompt payment of fees, court costs, and other charges; and

WHEREAS, the City Council has further investigated and determined that it is in the best interest of the City and its citizens to charge a Credit Card Processing Reimbursement Fee to offset the costs of providing this service as set forth below.

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

SECTION 1: Effective May 1, 2021, a per transaction fee shall be added to all payments made to the City using a credit or debit card. The exceptions to this will be Airport, Solid Waste, Civic/Convention Center, Golf Course, Library, Das Rec memberships, as well as any remittance of a regulatory fee imposed by the City and collected by a third party. The amount of the fee shall be at the average annual fee charged to the City, to be reevaluated and adjusted as needed.

SECTION 2: The City hereby approves the establishment of a credit and debit card per transaction fee equivalent to 2.75% of the total transaction, excluding any third-party payment processors which collect fees separately.

SECTION 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4: All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 5: All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6: In accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

SECTION 7: This Ordinance shall become adopted upon its second reading, signature required by City Charter, 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 _____ day of _____, 2020.

PASSED AND APPROVED: Second reading this _____ day of _____, 2021.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Rusty Brockman, Mayor

ATTEST:

Caitlin Krobot, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney

1/11/2021

Agenda Item No. A)

Presenter/Contact*Caitlin Krobot, City Secretary*
(830) 221-4006 - ckrobot@nbtexas.org**SUBJECT:**

Discuss and consider approval of the appointment of one individual to the River Advisory Committee for a term ending December 8, 2023.

BACKGROUND / RATIONALE:

The River Advisory Committee consists of three (3) members representing local river, attraction/destination, and tourism professionals; one (1) member representing the Parks and Recreation Advisory Board; and three (3) at-large citizens (with specific requirements).

Notice of vacancy for the at-large position (with no interest in a river-related tourism business and must live on the Comal River) was posted from October 16, 2020 to December 17, 2020.

Three qualified applications were submitted for the at-large position:

- Ben Buchanan
- Dick Hillyer (incumbent)
- Lynn Norvell

Ben Buchanan currently serves on the Heritage Committee.

Dick Hillyer currently serves on the River Advisory Committee and was on the San Antonio Street Bridge Steering Committee and 2018 Bond Committee.

Lynn Norvell currently serves on the New Braunfels Library Foundation and as an alternate on the Zoning Board of Adjustments.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A.

STAFF RECOMMENDATION:

Staff recommends approval of the appointment of one individual to the River Advisory Committee for a term ending December 8, 2023.

1/11/2021

Agenda Item No. B)

Presenter/Contact

Ylida Capriccioso, Park Development Manager
(830) 221-4350 - ycapriccioso@nbtexas.org

SUBJECT:

Discussion and possible action regarding an update to the 2010 Citywide Hike and Bike Trail plan.

BACKGROUND / RATIONALE:

In 2010, the City of New Braunfels adopted the Hike and Bike Trail (HBT) Plan to create a trail and greenway planning tool to enhance the City's transportation and park network. That Plan identified existing and proposed on- and off-street park connections to neighborhood/community parks, schools, and commerce. This effort was later incorporated in the 2012 Regional Transportation Plan to identify transit and bike/pedestrian needs, alternative transportation networks and connections.

Today, both planning document efforts have provided the City of New Braunfels with the tools to locate, design, and implement linear parks, non-vehicular connections to residential and commercial development, and roadway bike/pedestrian facilities.

However, the City's population has continued to grow since the adoption. To address this and the growing interest in hike and bike trails, this document provides an interim update to the ten-year old HBT Plan. This Plan update includes:

- updating the City's inventory of completed trail projects,
- incorporates newly adopted planning studies, and
- introduces new trail opportunities.

The HBT Update gives City staff, elected officials, development, and citizens current information on trail corridor planning efforts and will be a planning tool to assist the City in acquiring land for hike and bike trail corridors.

A presentation on the updated HBT Plan was provided to City Council on August 24, 2020, and staff will provide an overview at the Council meeting. A copy of the presentation will be provided prior to the meeting.

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

| | | | |
|-------------------------------------|-----|-------------------------------|---|
| <input checked="" type="checkbox"/> | Yes | Envision New Braunfels | Prioritize existing city-owned land and future land acquisition decisions to focus investments in a greenway system that achieves a contiguous network. |
|-------------------------------------|-----|-------------------------------|---|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Parks and Recreation Advisory Board recommended approval of the plan at their meeting on July 21, 2020.

The Planning Commission approved the plan at their meeting on September 2, 2020.

STAFF RECOMMENDATION:

Staff recommends approval of the updated Hike and Bike Trail Plan.

1/11/2021

Agenda Item No. C)

Presenter/Contact

Ylida Capriccioso, Park Development Manager
(830) 221-4350 - ycapriccioso@nbtexas.org

SUBJECT:

Discuss and consider approval of the purchase of all-ability playground equipment/swings for Fischer Park with Park & Play Structures through Buy Board Contract 592-19.

BACKGROUND / RATIONALE:

The 2019 Bond program allocated \$500,000 for the purchase of all-ability park amenities at existing City parks. An additional \$200,000 from interest earned from the 2013 Bond proceeds has been identified for the project as well bringing the total budget for all-abilities play equipment to \$700,000. Play structures and amenities have recently been installed at both Landa Park and Morningside Park.

Staff is recommending the purchase and installation of swings, including inclusive style swings, at Fischer Park with Park & Play Structures. The City will utilize a Buy Board Contract with Park & Play Structures which complies with the competitive procurement requirements. This equipment will be paid for with funds remaining from the bond project. Estimated cost for the purchase and installation of play equipment including site prep, shade, safety surfacing and 20% contingency is \$88,176.

Once ordered, equipment should be delivered for installation in late Feb/early March depending on production schedules.

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

| | | | |
|---|--|---|--|
| X | | Strategic Priorities - Quality of Life | Expand recreational, arts and cultural enrichment opportunities. |
|---|--|---|--|

FISCAL IMPACT:

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

COMMITTEE RECOMMENDATION:

The Parks and Recreation Advisory Board has been briefed on the proposed equipment for Fischer Park and were supportive, although no official vote was taken.

STAFF RECOMMENDATION:

Staff recommends the purchase of play equipment for Fischer Park.

1/11/2021

Agenda Item No. D)

Presenter/Contact

Jennifer Gates, Grants Coordinator
(830) 221-4383 - JGates@nbtexas.org

SUBJECT:

Public hearing and possible direction to staff regarding funding recommendations for the CDBG-CV Grant Program utilizing an additional allocation of funds from the U.S. Department of Housing and Urban Development, and the associated CARES Act Substantial Amendment to the approved CDBG Program Year 2019 Annual Action Plan to incorporate CDBV-CV Round 3 funding.

BACKGROUND / RATIONALE:

The City of New Braunfels has been fortunate to receive an additional allocation of funds to the City's Community Development Block Grant (CDBG) grant program from the U.S. Department of Housing and Urban Development (HUD) that is to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis. In April 2020, the CARES Act provided \$243,102 in Community Development Block Grant Coronavirus (CDBG-CV) Round 1 funds to the City and in September 2020, the City received notification of an additional \$423,819 in CDBG-CV Round 3 funding.

CDBG-CV funds may be used for a wide range of activities that must be associated with COVID-19, and all eligible activities must meet one of the three National Objectives: 1) Benefit low to moderate-income persons, 2) Aid in the prevention of slums and blight, or 3) Meet other urgent community needs such as disaster relief. Eligible activities include, but are not limited to, emergency rent/utility assistance, food distribution, provision of testing, diagnosis, or other services at a fixed or mobile location, and provision of short-term working capital assistance to small businesses to enable retention of jobs held by low- and moderate-income persons. CDBG-CV grant funding must only be used to support residents affected by COVID-19.

CDBG-CV ROUND 1 FUNDING (\$243,102): In April, the City released a widely publicized Request for Applications (RFA) to receive responses from nonprofit agencies and other eligible entities for participation in the CDBG-CV Round 1 grant program. Applications were available for 3 categories: Public Services, Public Facilities, and Assistance to Businesses. The City subsequently received applications from 5 local non-profit agencies for a variety of eligible activities within the Public Services category for a total of \$312,025.

It is important to note that, unlike the City's annual CDBG funding, there are no percentage caps for the allocation of CDBG-CV funds. Therefore, funding is equally available to all categories, including Public Services.

All applications were reviewed by an internal committee consisting of several City staff members and the City's CDBG consultant and, in accordance with HUD guidelines, a portion of previously unallocated CDBG Program Year 2019 (PY19) funding was reallocated to supplement the CDBG-CV program, thereby allowing the City to award the full amounts requested by the applicants. The currently awarded CDBG-CV subrecipients are as follows:

| TOTAL CDBG-CV FUNDING AVAILABLE: \$ 243,102 ALLOCATED + \$68,923 PY19 FUNDS | |
|--|----------------------|
| Name of Organization Description of Activity | Awarded |
| CASA of Central Texas, Inc. <i>court advocacy services for victims of child abuse</i> | \$ 55,600.00 |
| Comal County Habitat for Humanity <i>housing and utility assistance</i> | \$ 136,425.00 |
| Crisis Center of Comal County <i>food/shelter assistance for victims of domestic violence</i> | \$ 10,000.00 |
| Family Life Center <i>housing and utility assistance</i> | \$ 10,000.00 |
| San Antonio Food Bank <i>emergency food distribution</i> | \$ 100,000.00 |
| TOTAL AWARDED AMOUNT | \$ 312,025.00 |

In addition to CDBG-CV funding, the City also provided a portion of its allocation from the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") Coronavirus Relief Fund ("CRF") to local nonprofit organizations via the City's COVID-19 Nonprofit Organization Business Interruption Grant Program ("NBI Grant Program"). After a competitive application process, a total of 21 grants were awarded, including the following:

| COVID-19 NONPROFIT BUSINESS INTERRUPTION GRANT PROGRAM | |
|--|---------------|
| Name of Organization | Awarded |
| Comal County Habitat for Humanity | \$ 50,000.00 |
| Crisis Center of Comal County | \$ 100,000.00 |
| Family Life Center | \$ 25,000.00 |
| Family Promise of Greater New Braunfels | \$ 25,000.00 |
| The Salvation Army - New Braunfels Corps | \$ 50,000.00 |

CDBG-CV ROUND 3 FUNDING (\$413,819): Consistent with the City's previous distribution of funding to the community, the City released another RFA in late November to request applications from nonprofit agencies and other eligible entities for participation in the CDBG-CV Round 3 grant program. Applications were again available for 3 categories: Public Services, Public Facilities, and Assistance to Businesses. The City subsequently received applications from 8 local non-profit

agencies for a variety of activities within the Public Services category for a total of \$942,779.

All applications have again been reviewed by an internal committee consisting of several City staff members and the City's CDBG consultant and, after an initial screening of the eligibility of the requested activities, the committee discussed several funding options, such as a proportional distribution of the available funds (OPTION 1), consideration of other funding sources such as previous CDBG-CV and NBI Grant Program awards, and duplication of proposed activities (OPTION 2), and consideration of multiple factors such as other funding sources, current provision of COVID-19-related services to the community, and direct support of the City's recently adopted CDBG 5-Year Consolidation Plan (OPTION 3).

The internal committee recommends Option 3 as it offers support to nonprofit agencies who are providing critical services to the community but have not previously received CDBG-CV or NBI Grant Program funding; and to CDBG-CV Round 1 subrecipients who are currently providing residents with critical food/shelter and housing/utility assistance. The provision of additional funding for current CDBG-CV Round 1 subrecipients will allow for the continuation of services rather than creating a risk of interruption in services if they were to be assumed by new subrecipients.

OPTION 1: PROPORTIONAL DISTRIBUTION

| TOTAL CDBG-CV ROUND 3 FUNDING AVAILABLE: \$ 423,819 | | | |
|--|----------------------|----------------------|----------------------|
| Name of Organization Description of Activity | Funding Requested | Eligible Amount | OPTION 1 |
| Big Brothers Big Sisters of South Texas, Inc. salary support for Branch Coordinator (no direct client services) | \$ 10,000.00 | \$ - | \$ - |
| Comal County Habitat for Humanity housing and utility assistance | \$ 101,325.00 | \$ 101,325.00 | \$ 58,291.54 |
| Crisis Center of Comal County food/shelter assistance for victims of domestic violence | \$ 10,000.00 | \$ 10,000.00 | \$ 5,752.93 |
| Family Life Center housing and utility assistance | \$ 20,000.00 | \$ 20,000.00 | \$ 11,505.86 |
| Family Promise of Greater New Braunfels longterm rental assistance | \$ 184,000.00 | \$ 60,000.00 | \$ 34,517.57 |
| Hope Hospice staff and personal protective equipment required to serve clients during COVID-19 | \$ 168,784.00 | \$ 168,784.00 | \$ 97,100.22 |
| New Braunfels Housing Partners food and shelter assistance for homeless residents | \$ 230,167.00 | \$ 230,167.00 | \$ 132,413.41 |
| The Salvation Army - New Braunfels Corps housing and utility assistance | \$ 218,503.00 | \$ 146,425.00 | \$ 84,237.48 |
| TOTAL | \$ 942,779.00 | \$ 736,701.00 | \$ 423,819.00 |

OPTION 2: DISTRIBUTION OF FUNDING EXCLUDING ORGANIZATIONS WHO RECEIVED CDBG -CV ROUND 1 FUNDS

| TOTAL CDBG-CV ROUND 3 FUNDING AVAILABLE: \$ 423,819 | | | |
|--|----------------------|----------------------|----------------------|
| Name of Organization Description of Activity | Funding Requested | Eligible Amount | OPTION 2 |
| Big Brothers Big Sisters of South Texas, Inc. salary support for Branch Coordinator (no direct client services) | \$ 10,000.00 | \$ - | \$ - |
| Comal County Habitat for Humanity housing and utility assistance | \$ 101,325.00 | \$ 101,325.00 | \$ - |
| Crisis Center of Comal County food/shelter assistance for victims of domestic violence | \$ 10,000.00 | \$ 10,000.00 | \$ - |
| Family Life Center housing and utility assistance | \$ 20,000.00 | \$ 20,000.00 | \$ - |
| Family Promise of Greater New Braunfels longterm rental assistance | \$ 184,000.00 | \$ 60,000.00 | \$ 7,228.18 |
| Hope Hospice staff and personal protective equipment required to serve clients during COVID-19 | \$ 168,784.00 | \$ 168,784.00 | \$ 168,784.00 |
| New Braunfels Housing Partners food and shelter assistance for homeless residents | \$ 230,167.00 | \$ 230,167.00 | \$ 230,167.00 |
| The Salvation Army - New Braunfels Corps housing and utility assistance | \$ 218,503.00 | \$ 146,425.00 | \$ 17,639.82 |
| TOTAL | \$ 942,779.00 | \$ 736,701.00 | \$ 423,819.00 |

COMMITTEE-RECOMMENDED OPTION 3: DISTRIBUTION OF FUNDING TO ORGANIZATIONS WHO HAVE NOT PREVIOUSLY RECEIVED CDBG-CV OR CITY GRANT FUNDING, AND TO CDBG-CV ROUND 1 SUBRECIPIENTS

| TOTAL CDBG-CV ROUND 3 FUNDING AVAILABLE: \$ 423,819 | | | |
|--|----------------------|----------------------|----------------------|
| Name of Organization Description of Activity | Funding Requested | Eligible Amount | OPTION 3 |
| Big Brothers Big Sisters of South Texas, Inc. salary support for Branch Coordinator (no direct client services) | \$ 10,000.00 | \$ - | \$ - |
| Comal County Habitat for Humanity housing and utility assistance | \$ 101,325.00 | \$ 101,325.00 | \$ 54,912.00 |
| Crisis Center of Comal County food/shelter assistance for victims of domestic violence | \$ 10,000.00 | \$ 10,000.00 | \$ 5,419.00 |
| Family Life Center housing and utility assistance | \$ 20,000.00 | \$ 20,000.00 | \$ 10,839.00 |
| Family Promise of Greater New Braunfels longterm rental assistance | \$ 184,000.00 | \$ 60,000.00 | \$ - |
| Hope Hospice staff and personal protective equipment required to serve clients during COVID-19 | \$ 168,784.00 | \$ 168,784.00 | \$ 122,482.00 |
| New Braunfels Housing Partners food and shelter assistance for homeless residents | \$ 230,167.00 | \$ 230,167.00 | \$ 230,167.00 |
| The Salvation Army - New Braunfels Corps housing and utility assistance | \$ 218,503.00 | \$ 146,425.00 | \$ - |
| TOTAL | \$ 942,779.00 | \$ 736,701.00 | \$ 423,819.00 |

To utilize CDBG-CV funding, the City is required by HUD to submit a CARES Act Substantial Amendment to the current PY19 Annual Action Plan that was approved by City Council on July 22,

2019. The CARES Act Substantial Amendment will formally incorporate the City's additional allocation of CDBG-CV funding and describes the eligible activities that will be provided by local non-profit organizations in support of residents affected by COVID-19.

HUD typically requires a 30-day comment period for the Substantial Amendment process; however, HUD has reduced the public comment period for the CARES Act Substantial Amendment to 5 days in order to expedite the availability of funding to communities. The comment period for the CARES Act Substantial Amendment is January 8 to January 12. Additionally, there is one public hearing that will occur on January 11 during the City Council meeting, prior to the submission of the CARES Act Substantial Amendment. This allows for citizens to comment on the information proposed in the CARES Act Substantial Amendment to the approved CDBG Program Year 2019 Annual Action Plan. A full draft of the amendment is available for review at the City Secretary's Office at the New Braunfels' City Hall, at the New Braunfels Central Public Library, and on the City's CDBG-CV website, nbtexas.org/CDBG-CV, during this timeframe. It is anticipated that the finalized CARES Act Substantial Amendment will be presented to City Council for approval on January 25 and delivered to HUD for their review/approval no later than January 26, 2021.

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

| | | | |
|-------------------------------------|-----|----------------------|---|
| <input checked="" type="checkbox"/> | Yes | Strategic Priorities | Protect the integrity of our neighborhoods. |
|-------------------------------------|-----|----------------------|---|

FISCAL IMPACT:

No fiscal impact to the City as this is an allocation of federal funding.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Public hearing and possible direction to staff regarding funding recommendations for the CDBG-CV Grant Program utilizing an additional allocation of funds from the U.S. Department of Housing and Urban Development, and the associated CARES Act Substantial Amendment to the approved CDBG Program Year 2019 Annual Action Plan to incorporate CDBV-CV Round 3 funding.

1/11/2021

Agenda Item No. E)

Presenter/Contact

Greg Malatek, Public Works Director
(830) 221-4020 - gmalatek@nbtexas.org

SUBJECT:

Public hearing and first reading of an ordinance amending Chapter 126, Division 2 of the City of New Braunfels Code of Ordinances for parking restrictions on Loma Vista Street between Heynis South and Becker Street.

BACKGROUND / RATIONALE:

Council District: 1

City Council voted to create a new no parking zone on Monday through Friday from 8:00 a.m. to 5:00 p.m. on the Loma Vista Street frontage of the property at 2798 Becker Street and on the south side of Loma Vista Street from 238 to 254 Loma Vista Street at their meeting on December 14, 2020.

After the signs were placed for the new no parking zone, the property owner at 2731 Heynis South requested that the frontage of their property on Loma Vista Street also be included in the no parking zone. The property owner submitted a signed petition for this request.

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

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

FISCAL IMPACT:

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

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously voted that a signed petition be created before any further action is taken on any requested parking restrictions at their meeting on October 8, 2020.

STAFF RECOMMENDATION:

Staff recommends approval of the inclusion of the frontage on Loma Vista Street at 2731 Heynis South in the existing no parking zone on Loma Vista Street because a signed petition was received from the property owner.

ORDINANCE NO. 2021-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, AMENDING SECTION 126-346 TO RESTRICT
PARKING ON A PORTION OF LOMA VISTA STREET.**

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 the City of New Braunfels Code of Ordinances Section 126-346 (f) is hereby amended as follows:

- (125) On the north side of Loma Vista Street between Heynis South and Becker Street. Such no parking zone is effective Monday through Friday, from 8:00 a.m. to 5:00 p.m.

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 _____, 2021.

PASSED AND APPROVED: Second reading this the _____ day of _____, 2021.

CITY OF NEW BRAUNFELS, TEXAS

RUSTY BROCKMAN, MAYOR

ATTEST:

CAITLIN KROBOT, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY

DECEMBER 23, 2020

WE ARE ROBERT & SANDRA
HEYNIS. WE OWN TWO
duplexes. ONE LOCATED ON THE
CORNER OF HEYNIS N. AND ONE ON
THE CORNER OF HEYNIS S & BOTH ARE
OFF LOMA VISTA. WE WISH NO
PARKING SIGNS TO BE PASTED ON
LOMA VISTA. ANY QUESTIONS CALL
830-660-1875. OR 830-660-1059

THANK YOU,
Robert & Sandra Heynis.



Requested Addition to No Parking Zone on Loma Vista Street

1/11/2021

Agenda Item No. F)

Presenter/Contact

*Garry Ford, Assistant Public Works Director/City Engineer
(830) 221-4020 - gford@nbtexas.org*

SUBJECT:

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

BACKGROUND / RATIONALE:

Council District: 5

Upon review of the existing signs for Parking by Permit Area G, staff realized that signs were posted for this Parking by Permit Area on the north side of Lindheimer Avenue between Comal Avenue and Guada Coma Drive without this area being included in the existing ordinance. This proposed ordinance amendment will add this area that already has signs posted into the existing Parking by Permit Area G.

No petitions were received for this amendment; however, this area is a contiguous residential area and matches the schedule of existing parking by permit areas. Additionally, no changes will be made to the existing schedule of Parking by Permit Area G, which is daily between 8:00 a.m. to 8:00 p.m., from May 1 to September 30.

The Council Meeting is a public hearing for this consideration. Notices of the public hearing were mailed to all property owners (as shown on the latest tax roll) within a 300 foot radius of the proposed area that already has existing signs.

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

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

FISCAL IMPACT:

Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY 20-21 approved streets and drainage budget.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of amending Parking by Permit Area G to include the north side of Lindheimer Avenue between Comal Avenue and Guada Coma Drive.

ORDINANCE NO. 2021-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, AMENDING SECTION 126-354 (c) TO AMEND
PARKING BY PERMIT AREA G.**

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:

(8) Area G, between the hours of 8:00 a.m. and 8:00 p.m. from May 1st through September 30th.

d. On the north side of Lindheimer Avenue from the intersection with Comal Avenue to Guada Coma Drive.

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 _____, 2021.

PASSED AND APPROVED: Second reading this the _____ day of _____, 2021.

CITY OF NEW BRAUNFELS, TEXAS

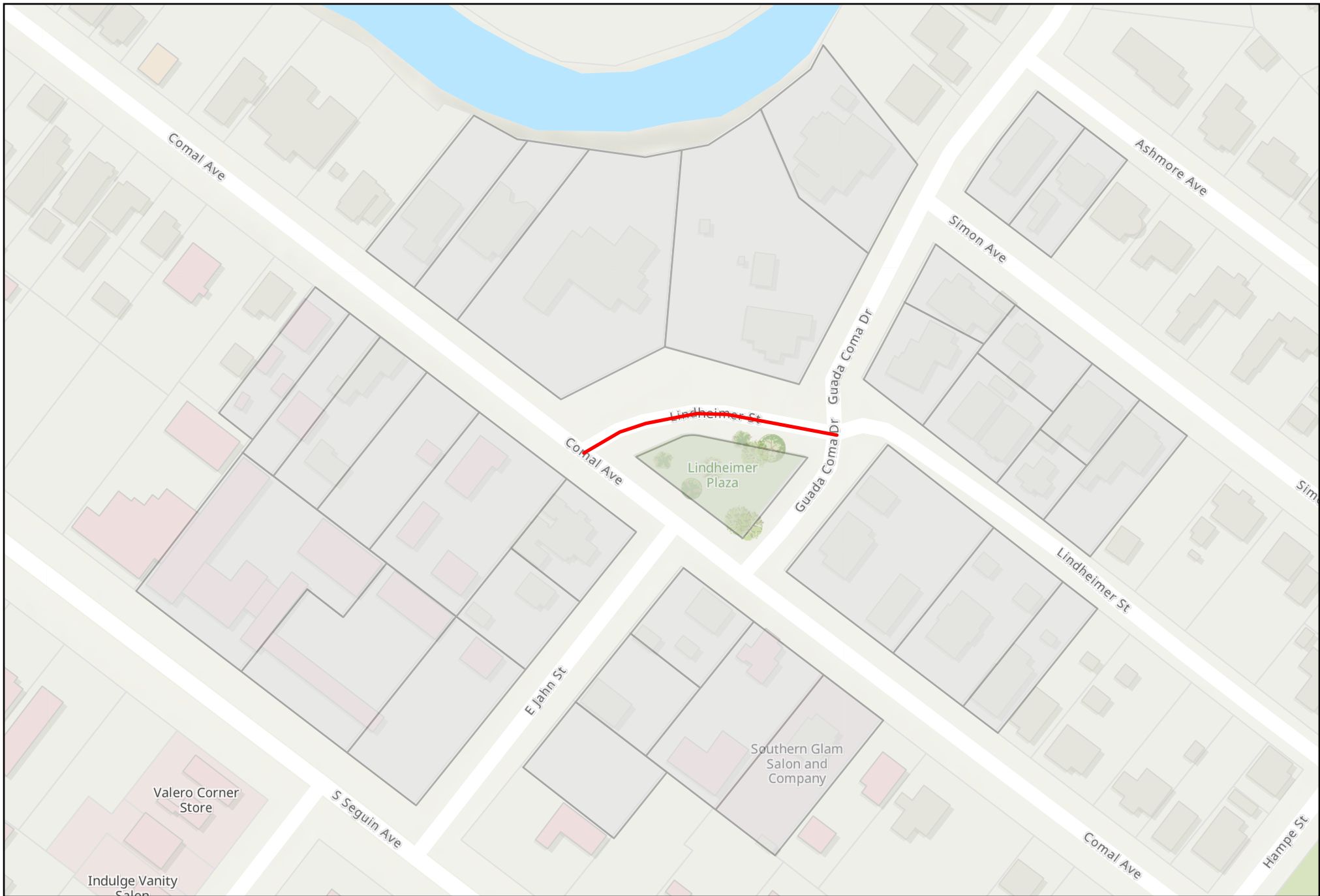
RUSTY BROCKMAN, MAYOR

ATTEST:

CAITLIN KROBOT, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY



Parking by Permit Area G

1/11/2021

Agenda Item No. G)

Presenter/Contact

Garry Ford, Assistant Public Works Director/City Engineer
(830) 221-4020 - gford@nbtexas.org

SUBJECT:

Public hearing and first reading of an ordinance amending Section 126-186 of the Code of Ordinances to prohibit through truck traffic on West Mill Street between Academy Avenue and Walnut Avenue.

BACKGROUND / RATIONALE:

Council Districts: 1 & 6

The Engineering Division received a request from a citizen to establish a No Through Truck restriction on W Mill Street between Academy Avenue and Walnut Avenue due to concerns related to through truck traffic in a residential area. W Mill Street has a posted speed limit of 30 mph, is a local residential street and has homes fronting the roadway.

Through truck restrictions apply to any truck that is traveling and not bound for a destination along the specified roadway. Delivery or service trucks driving to a destination along a route with through truck restrictions are not prohibited from these roads because they are not through truck traffic. The term 'truck' is defined in Section 126-1 of the Code of Ordinances:

Truck means any motor vehicle designed, used or maintained primarily for the transport of property. For purposes of this section, the following are not included within the definition of a truck:

- (1) Light trucks, including any truck with a manufacturer's rated carrying capacity not to exceed 2,000 pounds and including those trucks commonly known as pickup trucks, panel delivery trucks, vans and carryall trucks.*
- (2) Recreational vehicles and passenger buses.*

Observations were conducted along this portion of W Mill Street at multiple times throughout the day over the course of the week of February 24-28, 2020 and again during the week of September 21-25, 2020. During the February observations, some trucks were observed due to the San Antonio Street construction and the September observations yielded no through trucks observed.

The attached traffic study summary provides the crash history review and more details about the site investigations. Staff does not recommend restricting through truck traffic on W Mill Street between Academy Avenue and Walnut Avenue at this time.

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

N/A

FISCAL IMPACT:

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

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously opposed the creation of a through truck restriction on W Mill Street between Academy Avenue and Walnut Avenue at their meeting on November 19, 2020.

STAFF RECOMMENDATION:

Staff does not recommend through truck traffic restrictions on W Mill Street between Academy Avenue and Walnut Avenue at this time.

Traffic Study Summary

Date: September 25, 2020
Prepared By: Jessica Perry, E.I.T., Engineer
Request: Install “No Thru Trucks” signs on Mill Street between Walnut Avenue and Academy Avenue
Recommendation: “No Thru Trucks” signs not recommended

Background

Mill Street is currently controlled by a two-way stop at Walnut Avenue and an all-way stops at Santa Clara Avenue and Academy Avenue. The posted speed limit on Mill Street is 30 miles per hour (mph).

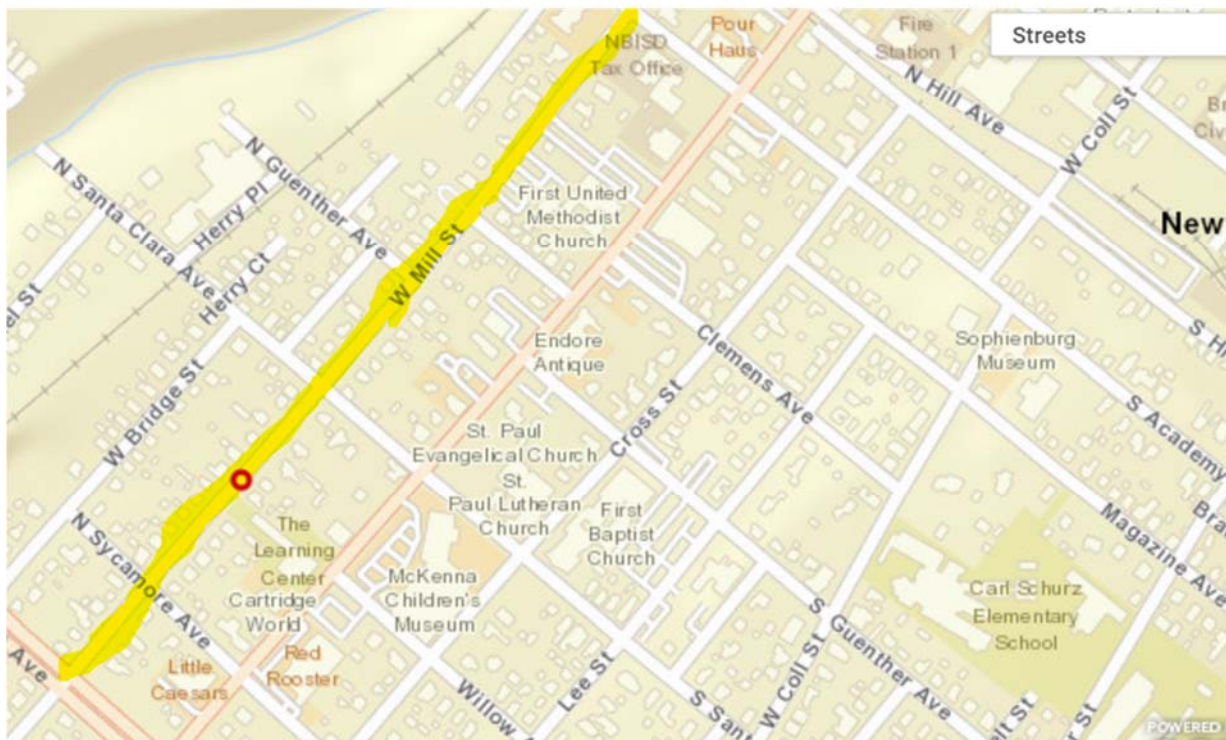


Figure 1. Mill Street between Walnut Avenue and Academy Avenue

An engineering study was completed in February 2020 and September 2020 to evaluate the installation of “No Thru Trucks” signs on Mill Street between Walnut Avenue and Academy Avenue. The study was completed due to a complaint associated with through trucks.

Guidance

Sections 2B.39 and 5B.04 of the Texas Manual on Uniform Traffic Control Devices (TMUTCD) provide support and guidance for the application of “No Trucks” (R5-2) signs. “No Trucks” signs are used to give notice to road users that State or local statutes or ordinances exclude designated types of traffic from using particular roadways or facilities. There is no specific guidance for when this sign should be installed. Therefore, engineering judgment should be used.

Section 126-1 of the City of New Braunfels Code of Ordinances provides a definition for “trucks”:

Truck means any motor vehicle designed, used or maintained primarily for the transport of property. For purposes of this section, the following are not included within the definition of a truck: (1) Light trucks, including any truck with a manufacturer's rated carrying capacity not to exceed 2,000 pounds and including those trucks commonly known as pickup trucks, panel delivery trucks, vans and carryall trucks. (2) Recreational vehicles and passenger buses.

Site Investigation

Multiple site investigations were conducted along Mill Street at multiple times throughout the day – during AM, midday and PM peak times – over the course of the week of February 24-28, 2020, and the week of September 21-25, 2020. The investigation included a review of the road characteristics and pedestrian activity.

This street is located within a residential area, parallel to and in between San Antonio Street and Bridge Street. There are generally lots of small construction projects (i.e. driveways) in and around this area. There is some pedestrian, cyclist, and golf cart activity throughout the day.

Crash History

Traffic crash data for 2017 through 2020 was found through TxDOT’s Crash Records Information System. There were two reported crashes near the intersection of Mill Street and Sycamore Avenue, and one reported crash near Mill Street and Guenther Avenue during this time. One crash was due to drunk and distracted driving, two crashes were due to distracted driving.

Data Collection

Traffic and pedestrian activity were observed during the week of February 24-28, 2020, and the week of September 21-25, 2020 along Mill Street between Walnut Avenue and Academy Avenue. The September data collection occurred during the Covid-19 pandemic, but otherwise represents typical traffic conditions.

The results of this study show that a “No Trucks” or “No Thru Trucks” sign is not warranted. In February, some trucks and a backhoe were seen on Mill Street due to the San Antonio Street construction and some NBU utility work on Academy, but that construction is now over. In September, zero trucks were seen on Mill Street.

Recommendation

A thru truck restriction on Mill Street is not recommended by staff at this time.

ORDINANCE NO. 2021-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-186 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO RESTRICT THROUGH TRUCK TRAFFIC ON WEST MILL STREET BETWEEN ACADEMY AVENUE AND WALNUT AVENUE.

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 Chapter 126 of the City of New Braunfels Code of Ordinances is hereby amended as follows:

Sec. 126-186. – Through trucks prohibited.

Through trucks are prohibited on the following roads:

(32) West Mill Street between Academy Avenue and Walnut Avenue.

II.

All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only. All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

III.

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

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 _____, 2021.

PASSED AND APPROVED: Second reading this the _____ day of _____, 2021.

CITY OF NEW BRAUNFELS, TEXAS

RUSTY BROCKMAN, MAYOR

ATTEST:

CAITLIN KROBOT, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY

1/11/2021

Agenda Item No. H)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 38 acres out of Subdivision No. 112 of the A.M. Esnaurizar Eleven League Grant, located on SH 46 South, adjacent to Stonegate Subdivision, from "APD" Agricultural/Pre-Development District and "PD" Planned Development District to "ZH-A" Zero Lot Line Home District.

BACKGROUND / RATIONALE:

Case No.: PZ20-0203

Council District: 2

Owner/Applicant: Brass Real Estate Growth Fund IV LP (Rick Rodriguez)
100100 San Pedro, Ste. 450
San Antonio, TX 78216
(210) 860-9224 - erinsandoval@wginc.com

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

The subject property is comprised of approximately 38 acres on the east side of State Highway 46 South adjacent to the Stonegate Subdivision and Wendover Farms Subdivision (platted as Saengerhalle Subdivision). The property was annexed into the City in 2001 and zoned "APD" Agricultural Pre-Development District, and rezoned to "R-1A" Single Family District in 2003, with the exception of a 1-acre tract and a 2-acre tract which remained APD. In 2004, most of the property was rezoned to "PD" Planned Development District, for a proposed development known as "Bailey's Pond", consisting of 120 single family residential lots with a minimum lot size of 5,700 square feet. To date, the property has not been master planned, platted or developed.

The applicant is currently requesting a rezoning of the property to "ZH-A" Zero Lot Line Home District. A comparison of development standards between the existing APD and PD districts and the ZH-A district are included in this report as attachment 3.

ZH-A zoning would allow the development of a residential subdivision with single family detached homes on minimum forty-foot wide / 100-foot deep lots, with a minimum lot area of 4,000 square feet each. The ZH-A District may be developed with typical 5-foot side setbacks on both sides of the lot, or houses may also be constructed with a zero setback on one side and a 10-foot setback on the

other side, allowing for a variety of detached housing types. The developer must determine at time of platting which setbacks are to be utilized and note them on the plat.

In 2018, approximately 37 acres directly south of the subject property were rezoned from APD to ZH-A and are planned to be developed as the Hidden Springs Subdivision with an estimated 118 residential lots. The master plan for Hidden Springs indicated the use of the typical 5-foot side setback.

Surrounding Zoning and Land Use:

North - APD and R-2A / Single family residences (Stonegate Subdivision) and a cemetery

South - APD, ZH-A and R-1A-6.6 / Single-family residences (Wendover Farms Subdivision) and undeveloped

East - Outside City Limits / Undeveloped (master planned as Spring Valley Subdivision for single family residential development)

West - R-3H / Undeveloped and a 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 proposed zoning for single family residential development is compatible and consistent with zoning and uses in the immediate area*).
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The adequacy of public facilities and utilities to serve the additional demand is evaluated by each provider. CISD and utility providers have been notified of the proposed rezoning*).
- How other areas designated for similar development will be affected (*The proposed zoning change should not negatively affect other areas designated for similar development; however, continued suburban style single-family detached residential development of the large vacant tracts along State Highway 46 will contribute to utility demands and increased traffic as future residents travel to goods and services*).
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*There should be no other factors that will substantially affect the public health, safety, morals, or general welfare. Drainage, utility and traffic impact issues will be reviewed and addressed through the platting process*).
- 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 | Consistent Actions Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 3.13: Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities and price points can be provided across the community as well as within individual developments. Future Land Use Plan: The property lies within the Oak Creek Sub Area near existing Civic and Employment Centers. A future Employment Center is predicted nearby on State Highway 46. |
|---|---|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on December 1, 2020 and recommended approval (5-3-0, with Commissioners Reaves, Mathis and Meyer in opposition and Commissioner Gibson absent).

STAFF RECOMMENDATION:

Approval. The applicant's requested zoning district would be compatible with the surrounding residential neighborhoods and it would meet actions and recommendations in Envision New Braunfels as well as the Workforce Housing Study.

Notification:

Public hearing notices were sent to 92 owners of property within 200 feet of the request. The City has received 6 responses opposed from #'s 2, 5, 9, 13, 14 and 71 and none in favor.

RESOURCE LINKS:

- Chapter 144, Sec. 3.4-1 "APD" Agricultural/Pre-Development District, of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Secs. 3.4-9 "ZH-A" Zero Lot Line Home District, of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Secs. 3-5 Planned Development Districts, of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

ATTACHMENTS:

1. Aerial Map
2. PD Ordinance No. 2004-03
3. APD, PD and ZH-A Development Standards Comparison Table
4. Land Use Maps (Zoning, Existing and Future Land Use)
5. Notification List and Map
6. Excerpt of Minutes from the December 1, 2020 Planning Commission Regular Meeting
7. Draft Ordinance

ORDINANCE NO. 2004- 03

AN ORDINANCE AMENDING SECTIONS 4.1 AND 4.2, APPENDIX "A" OF THE CODE OF ORDINANCES, CITY OF NEW BRAUNFELS, TEXAS BY REZONING A 35.82 ACRE TRACT OF LAND OUT OF SUBDIVISION NO. 112 OF THE A. M. ESNAURIZAR ELEVEN LEAGUE GRANT, LOCATED ON SH 46 SOUTH ADJACENT TO STONEGATE SUBDIVISION, FROM "R-1A SINGLE FAMILY DISTRICT" TO "PDD PLANNED DEVELOPMENT DISTRICT" AND ADOPTING A DETAIL PLAN; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

WHEREAS, in keeping with the spirit and objectives of the "PDD Planned Development District", the City Council has given due consideration to all components of said district; and

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

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of a 35.82 acre tract of land out of Subdivision No. 112 of the A. M. Esnaurizar Eleven League Grant, located on SH 46 South adjacent to Stonegate Subdivision, from "R-1A Single Family District" to "PDD Planned Development District"; now, therefore;

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

SECTION 1

THAT Sections 4.1 and 4.2, Appendix "A" of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are amended by changing the following described tract of land from "APD Agricultural/Pre-Development District" to "PDD Planned Development District":

"Being a 35.82 acre tract of land out of Subdivision No. 112 of the A. M. Esnaurizar Eleven League Grant, located on SH 46 South adjacent to Stonegate Subdivision, as delineated on Exhibit "A" and described on Exhibit "B".

SECTION 2

THAT the Zoning Maps of the City of New Braunfels be amended to indicate the previously described change.

SECTION 3

THAT development standards, as shown on Exhibit "C", consisting of four pages, is adopted as the detail plan for this Planned Development.

SECTION 4

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 5

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

SECTION 6

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 7

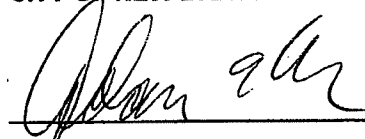
THIS ordinance will take effect upon the third and final reading of same.

PASSED AND APPROVED: First Reading this the 12th day of January, 2004.

PASSED AND APPROVED: Second Reading this the 26th day of January, 2004.

PASSED AND APPROVED: Third and Final Reading this the 9th day of February, 2004

CITY OF NEW BRAUNFELS



ADAM E. CORK, Mayor



ATTEST


MICHAEL A. RESENDEZ, City Secretary

APPROVED AS TO FORM:


CHARLES E. ZECH, City Attorney

U:\Planning\Ordinances\Zone Changes\Brass Real Est PDD.ord.doc

BAILEY'S POND

Prepared By:
Robert H. Bretz, P.E.
815 Pacific
San Antonio, Texas 78216
210.882.8921 (Voice)
210.308.0628 (Fax)

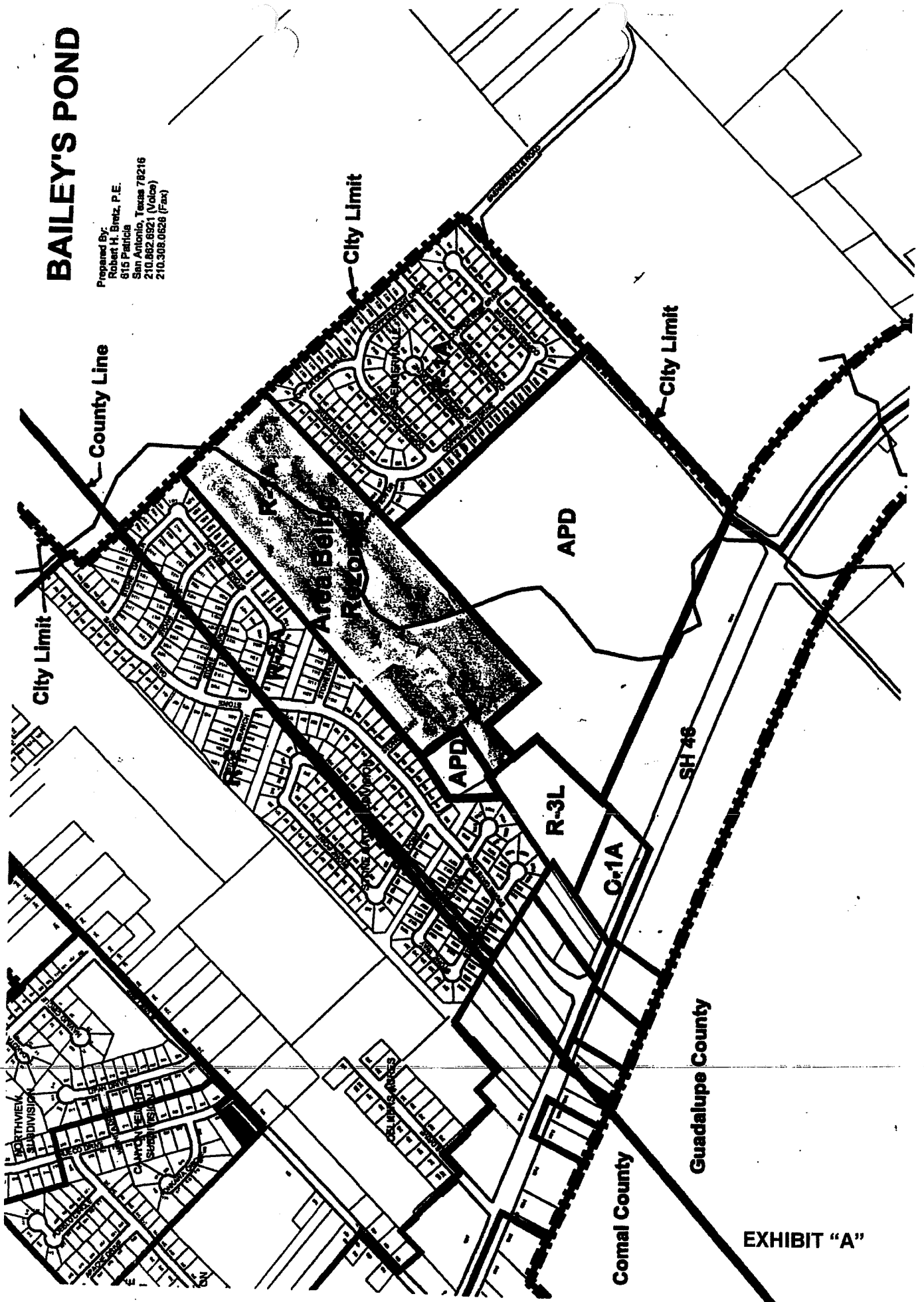


EXHIBIT "A"

**Metes and Bounds Description
Of a
35.818 Acre Tract
A.M. Esnaurizar Eleven League Grant
Guadalupe County, Texas.**

Metes and bounds description of all that certain 35.818 acre tract or parcel of land and being situated in the A.M. Esnaurizar Eleven League Grant, Guadalupe, County, Texas and being a portion of a 48.807 acre tract as described by a deed recorded in VOLUME 1512, PAGE 790 of the official public records of Guadalupe County, Texas and being more particularly described as follows:

BEGINNING: at a ½" iron rod, found marking the northwest corner of the aforesaid 48.807 acre tract also marking the northeast corner of the Stone Gate Unit 4 Subdivision, New Braunfels, Comal County, Guadalupe County, Texas as shown by a plat recorded in VOLUME 13, PAGE 378 of the deed and plat records of Comal County and VOLUME 6, PAGE 339 of the deed and plat records of Guadalupe County, Texas and also lying southwest line of a 50.005 acre tract as described by a deed recorded VOLUME 1006 PAGE 595 of the official public records of Comal County and VOLUME 1129 PAGE 880 of the official public records of Guadalupe County, Texas;

THENCE: S 45°50'25" E, with the common line of the aforesaid 48.807 acre tract and the 50.005 acre tract, for a distance of 640.98 feet to a 1/2" iron rod found marking the northeast corner of the aforesaid 48.807 acre tract, the west corner of a 23.761 acre tract as described by a deed recorded VOLUME 729, PAGE 1397 of the official public records of Comal County, Texas and the northeast corner of the Saengerhalle Subdivision Unit Two as shown by a plat recorded in VOLUME 6, PAGE 508 of the deed and plat records of Guadalupe County, Texas;

THENCE: S 44°52'15" W, with the common line of the aforesaid 48.807 acre tract and the aforesaid Saengerhalle Subdivision Unit Two, for a distance of 1061.28 acre tract to a ½" iron rod found marking the northwest corner of the said Saengerhalle Unit Two Subdivision;

THENCE: S 44°52'09" W, with the common line of the said 48.807 acre tract and the remainder of a 95 acre tract as described by a deed recorded in VOLUME 1243 PAGE 973, 989 of the official public records of Guadalupe County, Texas, for a distance of 681.24 feet to a ½" iron rod found for corner and also marking the north corner of a 10.337 acre tract as described by a deed recorded in VOLUME 412, PAGE 3 of the official public records of Guadalupe County, Texas;

THENCE: S 45°03'37" W, the northwest line of the said 10.337 acre tract also being the southeast line of the aforesaid 48.807 acre tract, for a distance of 528.07 feet to a 1/2" iron rod found marking the east corner of a 2.089 acre tract as described by a deed recorded in VOLUME 1198, PAGE 386 of the official public records of Guadalupe County, Texas;

THENCE: N 38°06'45" W, with the northeast line of the said 2.089 acre tract, for a distance of 421.86 feet to a ½" iron rod found marking the north corner of the aforesaid 2.089 acre tract;

THENCE: S 34°32'20" W, with the northwest line of the aforesaid 2.089 acre tract, for a distance of 238.20 feet to a ½" iron rod found marking the west corner of the said 2.089 acre tract;

THENCE: N 42°23'30" W, across the neck of the aforesaid 48.807 acre tract, for a distance of 154.83 feet to a ½" iron rod found marking the south corner of a 2.00 acre tract as described by a deed recorded in VOLUME 1343, PAGE 163 of the official public records of Guadalupe County, Texas;

THENCE: N 53°17'15", with the southeast line of the said 2.00 acre tract, for a distance of 299.86 feet to a ½" iron rod marking the east corner of the said 2.00 acre tract;

THENCE: N 32°34'46" W, with the northeast line of the said 2.00 acre tract, for a distance of 123.58 feet to a ½" iron rod found marking the south corner of a 0.50 acre cemetery tract as described by a deed recorded in VOLUME 82, PAGE 131 of the official public records of Guadalupe County, Texas;

THENCE: N 55°36'12" E, with the southeast line of the said 0.50 acre cemetery tract for a distance of 124.83 feet to a ½" iron rod found marking the east corner of the said 0.50 acre cemetery tract;

THENCE: N 32°39'38" W, the northeast line of the said 0.50 acre cemetery tract, for a distance of 182.48 feet to a ½" iron rod found marking the north corner of the said 0.50 acre cemetery tract and also lying on the southeast line of the Stone Gate Subdivision Unit 3 as shown by a plat recorded in VOLUME 13, PAGE 284 of the deed and plat records of Comal County and VOLUME 6, PAGE 289 of the deed and plat records of Guadalupe County, Texas;


THENCE: N 48°31'40" E, with the southeast line of aforesaid Stone Gate Subdivision Unit 3 and the northwest line of the aforesaid 48.807 acre tract for a distance of 412.02 feet to a point for corner;

THENCE: N 48°28'18" E, the common line of the aforesaid Stone Gate Subdivision Unit 3 and 4 and the aforesaid 48.807 acre tract, for a distance of 1544.39 feet to the POINT OF BEGINNING and containing 35.818 acres (1,560,214 square feet) of land, more or less.

The bearings shown on this plat are based on GPS observations and are grid bearings, Texas State Plane Coordinate System, south central zone, NAD 83, U.S. foot, the combined scale factor = 0.9998559 Based on TxDOT control monument S0950080.

This description is to be used for the purpose of obtaining rezoning and should not be used for the conveyance or transfer of property.

Prepared By:

 November 17, 2003
Mark R. Paulson
Registered Professional
Land Surveyor No. 2099

Detailed Planned Development Plan For a 35.82 Acre Tract of Land

Site Location

The proposed Planned Development is for a 35.82 Acre tract of land located on the Southeast side of New Braunfels. The site is located in Guadalupe County, approximately 1100' northeast of State Highway 46 immediately south of the Comal County line. The tract lies between the Stone Gate Subdivision to the north and Sangerhalle Subdivision to the south.

Site Characteristics

The Site is traversed along the center by Three Mile Creek with slopes of 1% to 4% towards the creek. A portion of the site is currently used as horse pasture with the remainder being fallow with native grasses and scrub brush. In the Creek, about the center of the site, there is a natural spring. In the area of the spring, there is a substantial tree stand. Separate from the grove of trees and adjacent to an existing house is a 65" Oak estimated to be over 400 year old. A lot will be crated around the house and tree for preservation. Existing barns and sables will be removed.

The intent of the planned development is to create open space along the Creek to preserve as many of the heritage trees as possible. Open space will be used to create a common area with the largest trees, creek and spring as amenities. Road alignment has been set to miss most of the trees; only eight trees fall within the proposed right-of-way. Fifty-eight are within the limit of the drainage improvements to Three Mile Creek and strict adherence to the drainage criteria will account for their loss. Seventy-two trees will be preserved with most in the common area.

The site is also traversed by a 60' wide Lower Colorado River Authority Electrical Transmission Easement, a 30' Oasis Gas Pipeline easement and a 20' NBU Sanitary Sewer Easement. Three Mile Creek will require a 136' wide drainage right-of-way. These easements bisect the site and create numerous irregular segments.

Surrounding Land Use

This tract is situated between two existing single family residential subdivision; Stone Gate to the north and Sangerhalle to the Southeast. Along the East line and Southwest portion of the site is undeveloped land currently being either fallow field or used as pasture. To the west are 4 parcels, a 2.08 acre tract with a single residence, an undeveloped 2 acre tract, a 0.5 acre Cemetery tract and a 12.9 acre site that is currently undeveloped. The 12.9 acre tract, situated between this site and SH 46, is zoned R-3L and has an approved Special Use Permit for Multifamily development.

Proposed Lane Use

The proposed land use for this site is for single family residential.

General Thoughtfare

This tract does not have frontage on a major throughfare. Currently, paved access to the site is through the residential streets associated with the existing subdivisions; Stone Court, Stone Path and Stone Arch have been stubbed to the northerly line of this tract and Copper View has been stubbed to the southerly line. Street alignments are designed to meet the existing roads. Two roads are proposed that run the length of the site. The southerly road will end at the east property line with a cul-de-sac and Right-of-way allocated for future extension to the east. The northerly road will end in a cul-de-sac toward the eastern end of the site.

The north road will also end in a temporary cul-de-sac at the west end of the site with Right-of-way allocated for future extension to the west. The alignment is such that it can be extended across the 12.9 acre Multi-family tract to State Highway 46. In order for this road to be extended, the Site Plan for the SUP will need to be revised and approved. The owner of that tract has agreed to begin the revision process.

Development Standards

| | |
|---------------------|--|
| Minimum Lot Area: | 5700 sf (Interior)/6700 sf (Corner) |
| Minimum Lot Width: | 52' (Interior Lots at Front Building Set Back) 62' (Corner Lots at Front Building Set Back) 35' (Irregular and cul-de-sac lots at ROW) |
| Minimum Lot Depth: | 95' (measured at center of lot) |
| Building Set Back: | Front - 25' Side - 5' (interior) 15' (Corner Lot adjacent to Street) Rear - 20' |
| Tract Area: | 35.82 Ac. Gross 6.01 Ac. Drainage ROW 29.81 Ac. Net |
| Yield: | 120 Single Family Residential Lots |
| Density: | 3.35 Lots/Ac. (Gross)/4.03 Lots/Ac. (Net) |
| Open Space: | ~3 Ac. |
| Zoning Requested: | Planned Development District |
| Off-Street Parking: | Minimum of 2 Spaces per Residence |
| Building Height: | 2 stories with floor areas in scale with the comparable to the adjacent subdivisions |
| Price Range: | Lots are projected to sell for ~\$20,000; House Prices range will be comparable to the adjacent subdivisions. |
| * Impervious Cover: | Impervious cover of the lots will range between 25% and 35%, generally within the same range as the adjacent subdivisions. |
| Street/Drainage: | The development will have streets with 50' Rights-of-way and 34' paving section; 4' sidewalks will be located within the 8' parkway set 1' off the Property line. All street and drainage design and construction will be in accordance with City of New Braunfels Criteria and Standards. |
| Water and Sewer: | An existing 12" NBU sanitary sewer main traversed the site and has capacity and depth to service the development; 8" water mains are stubbed to the site from the adjacent subdivisions. All new sewer and water services will be constructed by the developer in accordance New Braunfels Utilities standards and will be dedicated to New Braunfels Utilities. |
| Electric: | Electric service to the site provided will be provided by New Braunfels Utilities, |
| Telephone: | Telephone service to the site provided will be provided by SBC |
| Cable Service: | Cable Television service to the site provided will be provided by Time Warner |

* 2400 sf requires 2 stories
 Along gate looks 50%

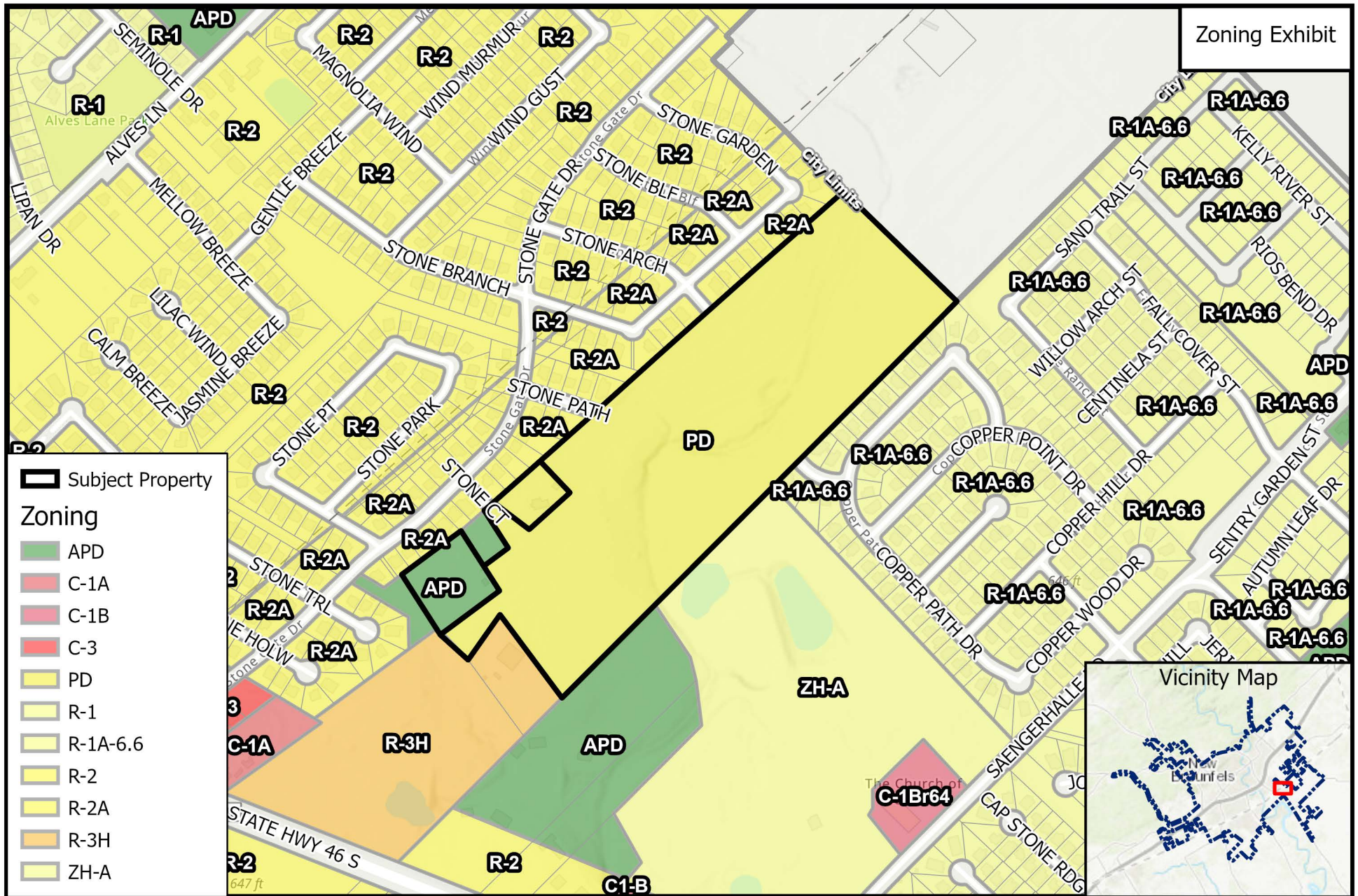
Responsible Parties

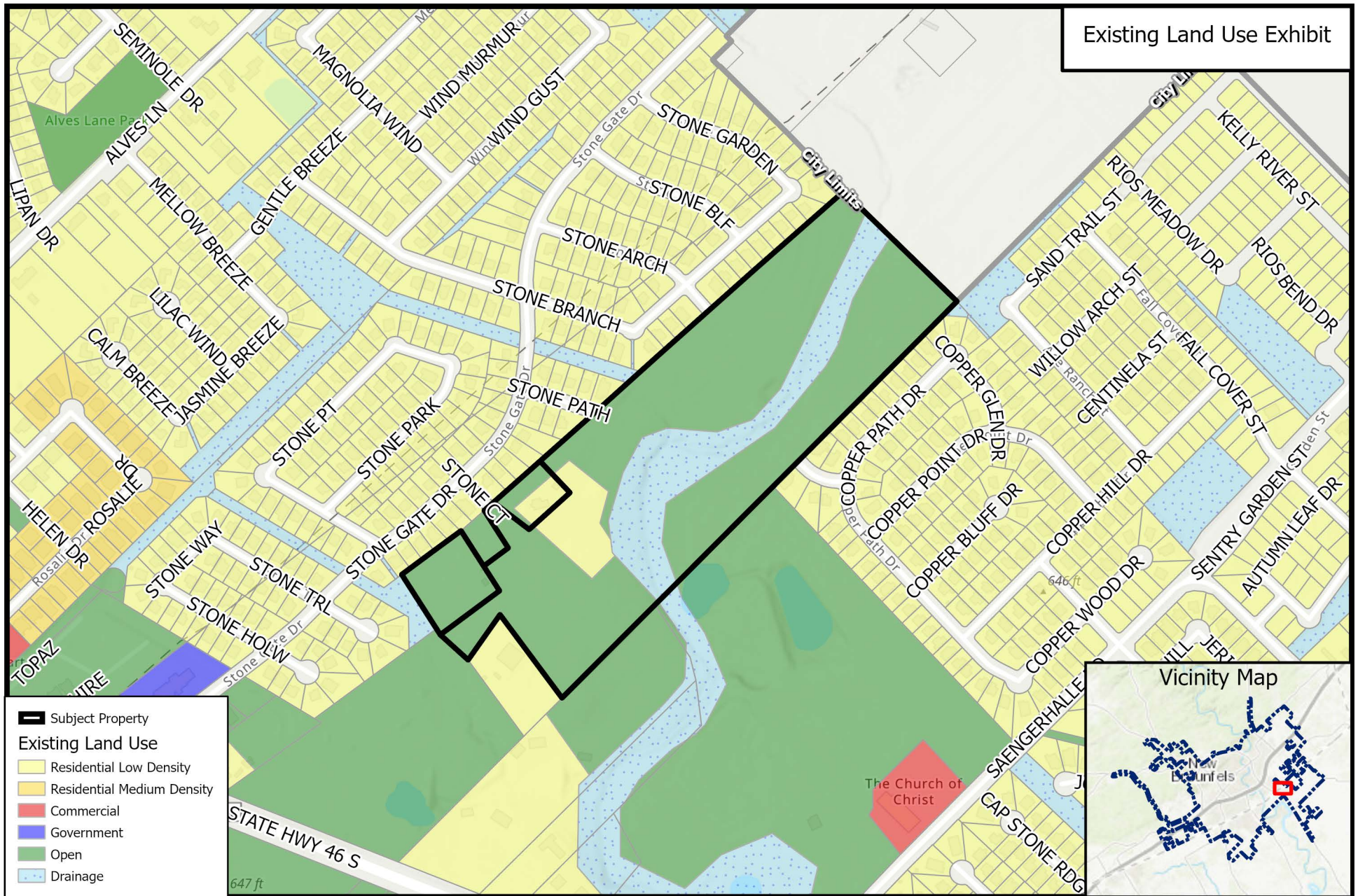
Developer: Brass Real Estates Fund IV
Mr. J. Rick Rodriguez
14427 Brook Hollow, PMB 336
San Antonio, Texas 78232
210.545.2181 (Voice)
210.499.5495 (Fax)

Engineer: Robert H. Bretz, P.E.
Consulting Civil Engineer
615 Patricia
San Antonio, Texas 78216
210.862.6921 (Voice)
210.308.0626 (Fax)
rbretz@swbell.net

PD AND ZH-A DISTRICT DEVELOPMENT STANDARDS COMPARISON TABLE

| | APD | PD | ZH-A |
|-----------------------|---|--|---|
| Max. height | 35 ft. | 2-stories with floor areas in scale with and comparable to the adjacent subdivisions | 35 ft. |
| Front setback | 25 ft. | 25ft. | A minimum front yard of ten feet shall be provided to the front of the house. If front entry garages/carports are provided, a minimum front yard of 20 feet shall be provided to the garage/carport. |
| Interior side setback | 10 ft. | 5 ft. | There shall be no side building setback required on one side of the lot and a minimum of ten feet in the opposite side yard. If the side of the lot abuts any other residential zoning district, that side building setback shall have a minimum depth of ten feet. The dwelling on the "no side building setback required" side may be off-set from the property line by no more than one foot. However, a provision can be made for five-foot setbacks on both sides if it meets all applicable building codes. |
| Corner side setback | 15 ft. where the rear lot lines coincide with the rear lot lines of the adjacent lots. 25 ft. where the rear lines coincide with the side lot lines of the adjacent lots | 15 ft. | Buildings on corner lots shall provide a minimum exterior side building setback of ten feet. If entry to a garage/carport is provided on the exterior side a minimum yard of 20 feet shall be provided to the garage/carport. |
| Rear setback | 30 ft. | 20 ft. | If rear entry garages/carports are provided from an alley, the rear building setback shall have a minimum depth of 20 feet. If no alley is provided and garage/carport entries are from the front, the rear building setback shall have a minimum depth of ten feet. If the rear of the lots abut any other residential zoning district, the rear building setback shall have a minimum depth of 20 feet. |
| Lot width | 100 ft. | 52 ft. for interior lots at setback line 62 ft. for corner lots at setback line 35 ft. for irregular & cul-de-sac lots at R.O.W. | 40 ft. |
| Lot area | 15,000 sq. ft. | 5,700 sq. ft. interior lot 6,700 sq. ft. corner lot | 4,000 sq. ft. |
| Lot depth | 100 ft. | 95 ft. | 100 ft. |
| Parking | 2 off-street spaces | 2 off-street spaces | 2 off-street spaces |





PZ20-0203
Proposed rezoning from PD & APD to ZH-A

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

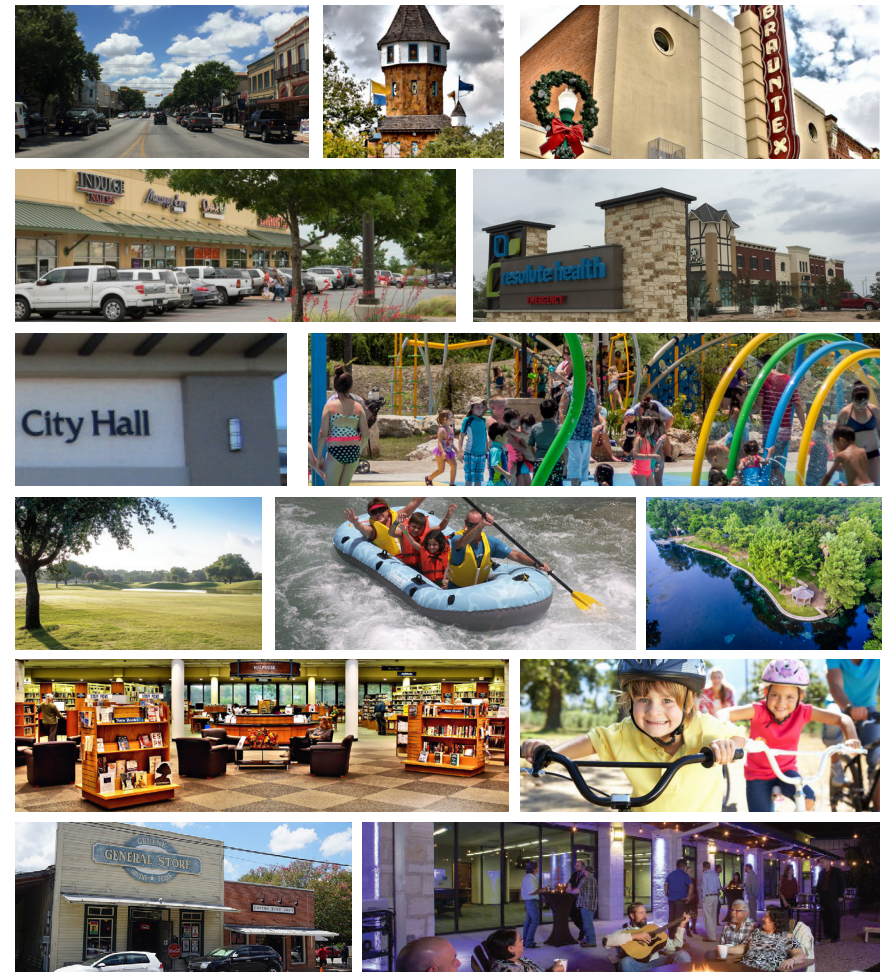
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

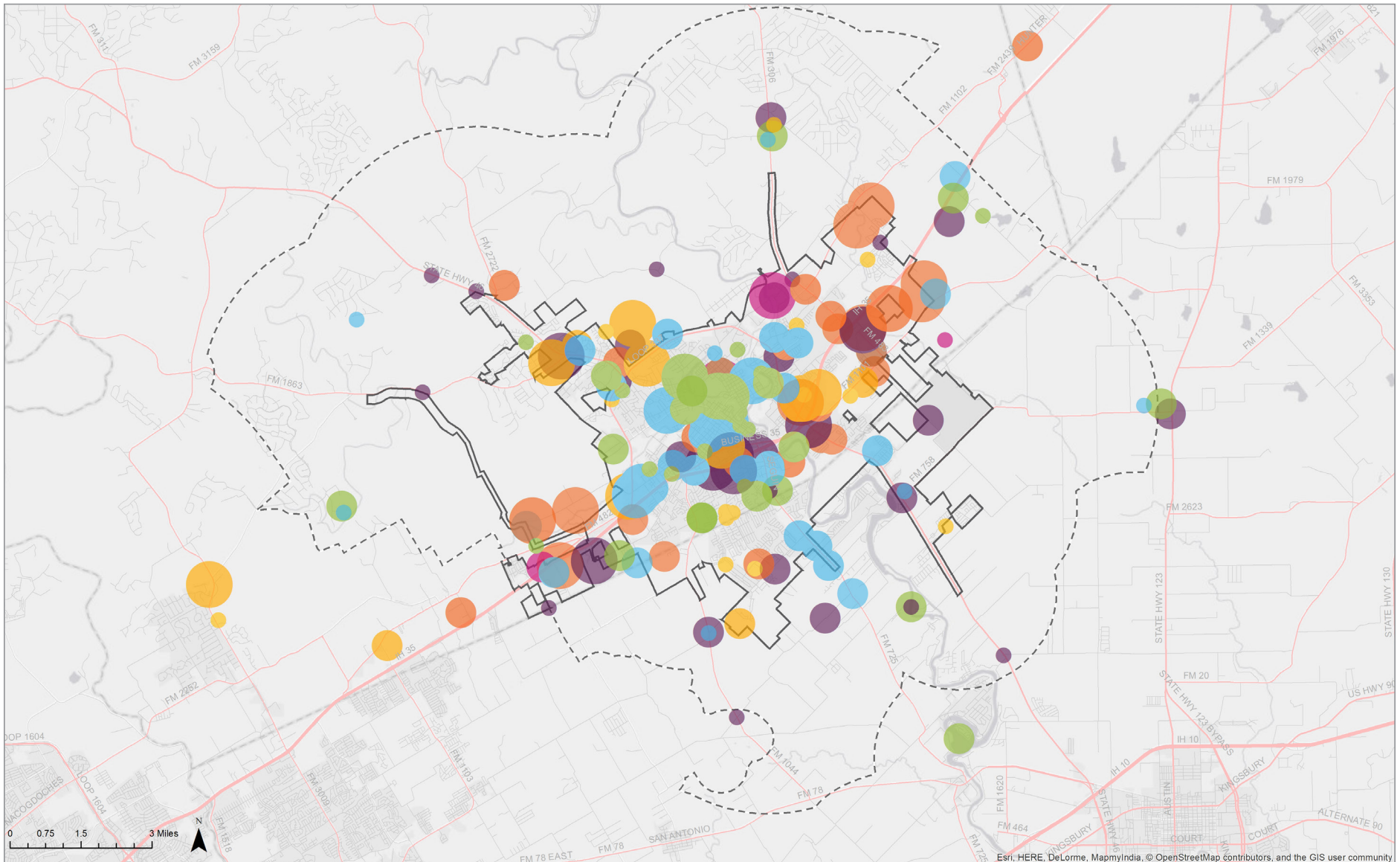
EDUCATION CENTER

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.

PLANNING COMMISSION – DECEMBER 1, 2020– 6:00PM

Zoom Webinar

Applicant/Owner: Brass Real Estate Growth Fund IV LP (Rick Rodriguez)

Address/Location: Approximately 38 acres out of Subdivision No. 112 of the A.M. Esnaurizar Eleven League Grant, located on SH 46 S adjacent to Stonegate Subdivision

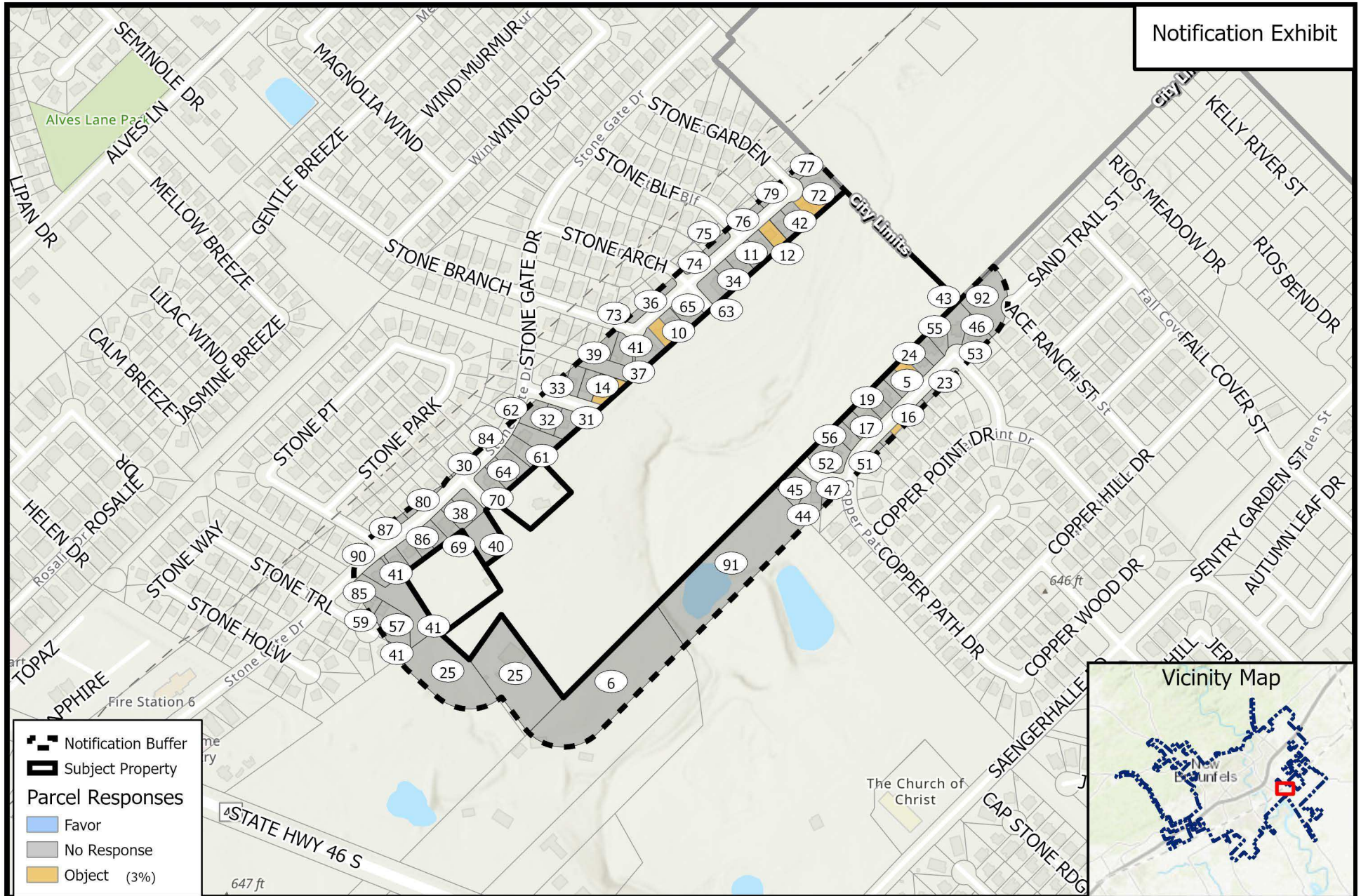
PROPOSED ZONE CHANGE – CASE #PZ20-0203

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. VILLAGOMEZ HECTOR H | 21. VASQUEZ JUAN & ANGELINA |
| 2. MERCADO CARLOS | 22. YTUARTE MICHELLE & JERRY GUERRERO |
| 3. DEWOOD NICHOLAS | 23. ELDRED DANIEL PATRICK |
| 4. STARR SHANNON L | 24. WINCHESTER PERRY EUGENE |
| 5. COBIA CORPORATION | 25. GILLETTE HOLDINGS LTD |
| 6. BOYDSTON LEONARD A | 26. MURRELL ROBERT A & SANTOS |
| 7. DARLEY RONALD S & BIANCA N | 27. GARZA JOSE L & ADRIANA |
| 8. TIBBS LAURY A | 28. VOIGT DAVID G |
| 9. SIERRA SHERYL D | 29. CLAY ROBERT & TERESA D |
| 10. DELEON MARIA L | 30. CASTANEDA PATRICIA G |
| 11. BAUER DANIEL P JR & JILL K | 31. CARBAJAL LUIS A & MARIA A |
| 12. WELCH BRANDON & STACEY | 32. VELASQUEZ RAMIRO |
| 13. KNUDSTRUP JAMES C & TERESA L | 33. HERNANDEZ JOSEPH H & ADDISON |
| 14. KELLEY ALISHA R | 34. MANWILL DAVID & MARIE |
| 15. HERNANDEZ IVAN F | 35. HOOVER STEVEN W |
| 16. 372COPPERPATHNBTX LLC | 36. JUNGMAN BRANDON L |
| 17. CHAVEZ ARMANDO & ANGEL | 37. KAUFMAN AND BROAD LONE STAR LP |
| 18. HPA JV TEXAS | 38. HUDSON HOLLY S & JERRY N |
| 19. RANSLEBEN DWAYNE | 39. RAMIREZ JORGE L MOYA |
| 20. YOUNTS MEGAN MARIE | 40. SAUR CARL F - CEMETERY |
| | 41. NULL |

- | | |
|---|---|
| 42. LUJAN REBECCA K | 67. RODRIGUEZ FRANK JR & ANDREA ERDMANN |
| 43. HILL DAVID L | 68. EZELL LEE & JAMIE |
| 44. PLANT KYLE & KELSEY | 69. CASTANON JOSE PABLO & GRACIELA |
| 45. DAUGHERTY ADAM P & CATHERINE | 70. SHUBIN JENNIFER |
| 46. RODRIGUEZ ARTURO JR | 71. HINOJOSA DAVID |
| 47. PEREZ JACOB F | 72. LOPEZ ROBERT & JULIETA |
| 48. HINOJOSA CASI M'LIS | 73. HERNANDEZ J ANTONIO G & MARITZA G |
| 49. VALENZUELA JESUS & ZEFERINA | 74. HERNANDEZ GERONIMO |
| 50. CONNER TIMOTHY & AMANDA | 75. MACKE JOSEPH |
| 51. POCAIGUE FRANCISCO B & CHASTITY M | 76. BROWN JERRY M & CARRIE J |
| 52. KNEUPPER KEVIN W | 77. ESTRADA WILFREDO & CATALINA |
| 53. RUNKLE MATTHEW J | 78. BABES ED & RUTH |
| 54. NOLEN VALERIE | 79. RAY REBECCA S |
| 55. REESE JACOB & DENAY WIMBERLY | 80. SODDERS PROPERTIES LLC |
| 56. RYDER TOMMY R & SUSAN | 81. PARRISH RICHARD G & DIANA BENTURA |
| 57. CAMPOS DANIEL & FAITH | 82. TWD DYNAMIC LLC |
| 58. GONZALES RENE JR & TINA J | 83. BLAKELY ESTHER |
| 59. GILBRETH MICHELE | 84. RICARTE GILBERT L & JERRIE A |
| 60. FLORES JESSE J & ANGELICA V | 85. HENSARLING LARRY D & RHONDA J |
| 61. FORTNEY THOMAS | 86. PACHECO OLIVIA & PRUDENCIO V CALDERON |
| 62. WORDEN RYAN & KAREN | 87. WGH TEXAS LLC |
| 63. CASTANEDA CATHERINE M | 88. GOMEZ JULIAN & ROSA E |
| 64. GODINEZ MARIA CONCEPCION | 89. BULLOCK ROY & SOFIA |
| 65. MALAGON AGUSTIN P & ANGELINA E & FELIX MALAGON | 90. JANCA CLAYTON DEAN |
| 66. ESCALANTE TATIANA | 91. AC 483 LTD |
| | 92. SAENGERHALLE HOMEOWNERS ASSOCIATION INC |

SEE NOTIFICATION MAP

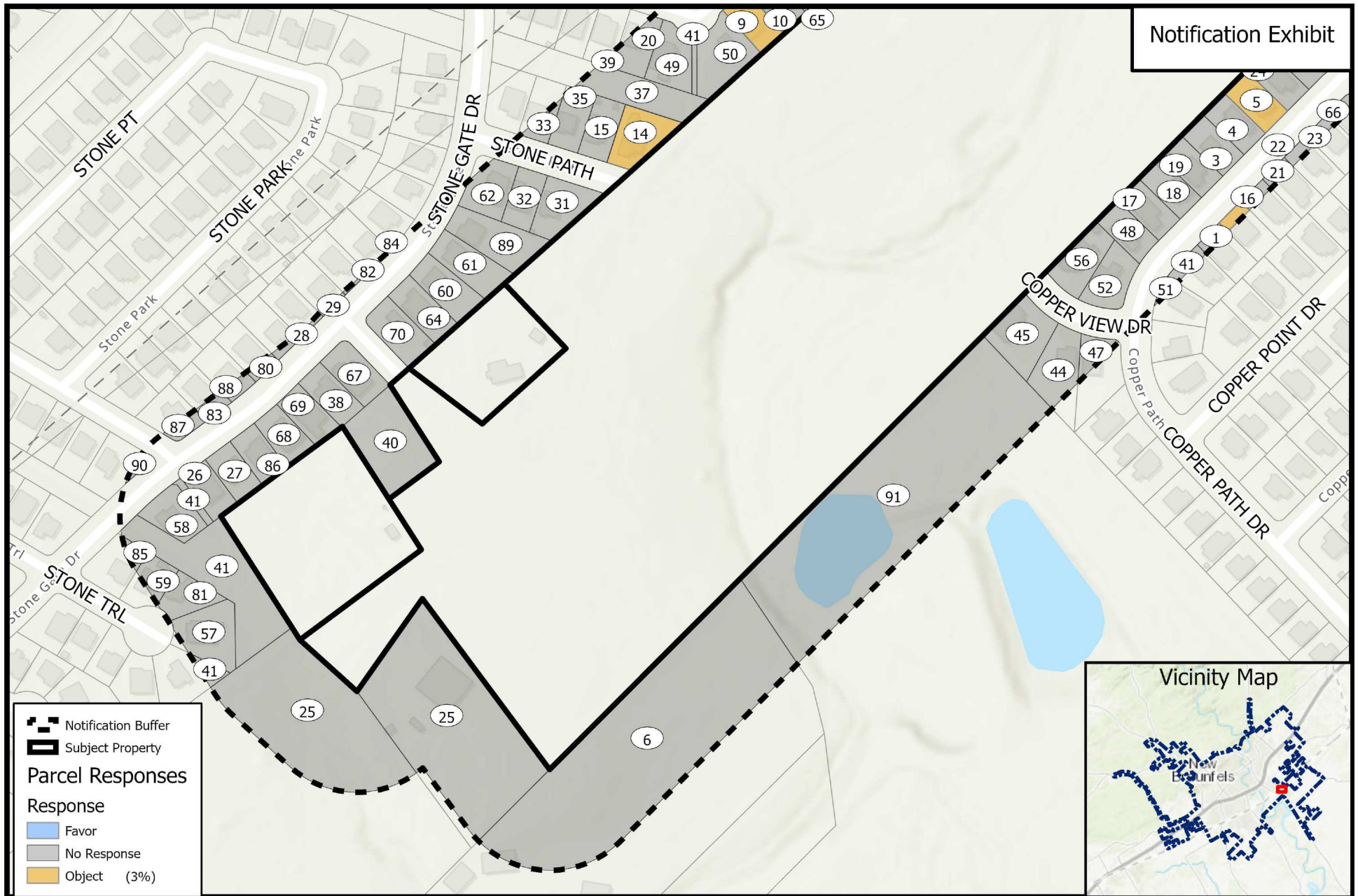


PZ20-0203

Rezoning from PD to ZH-A

0 310 620 Feet



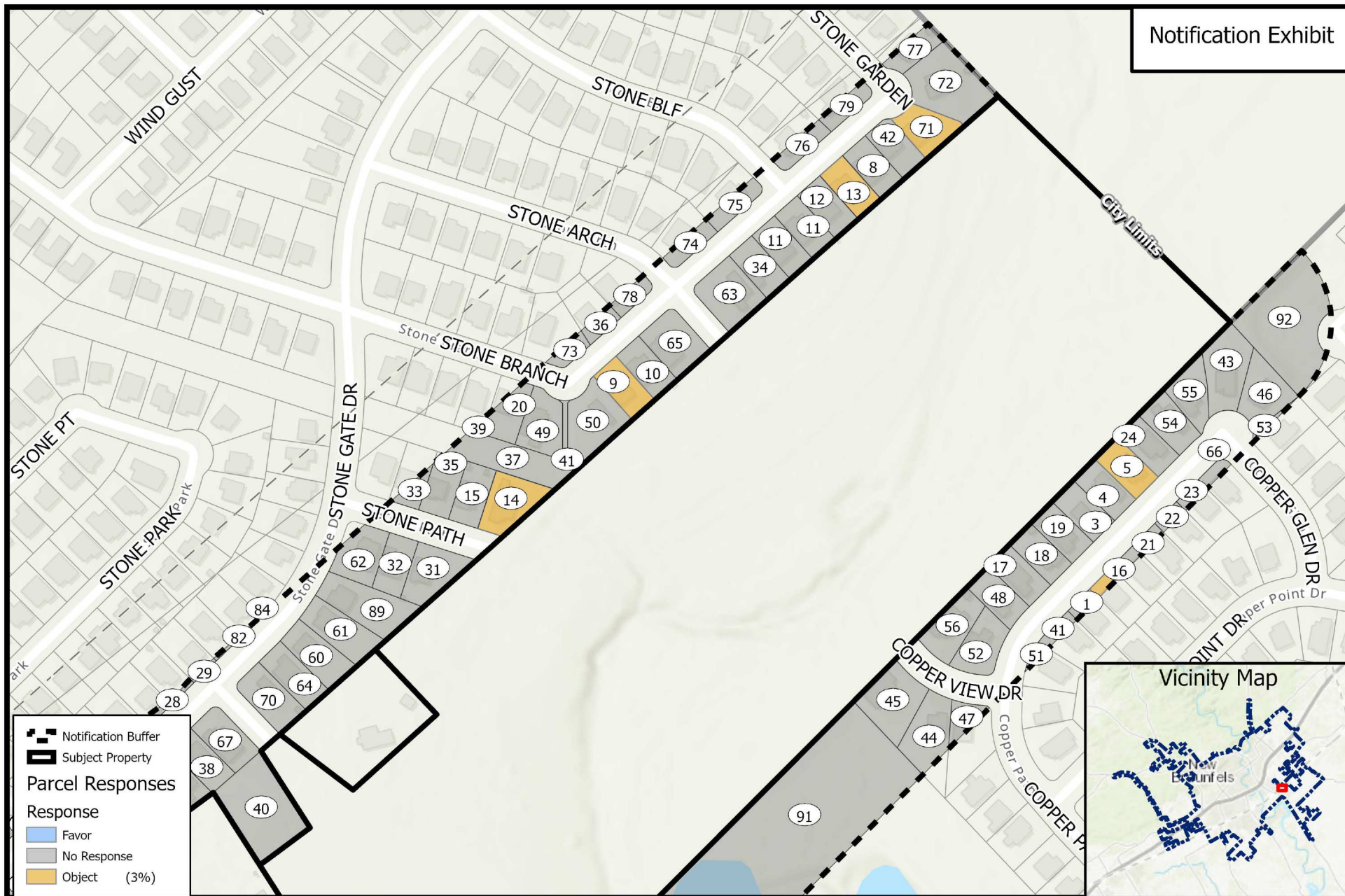


PZ20-0203
Rezoning from PD to ZH-A

Source: City of New Braunfels Planning
Date: 11/23/2020



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



PZ20-0203

Rezoning from PD to ZH-A

0 150 300 Feet



RECEIVED

NOV 10 2020

BY:

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0203 (MG)

Name: Carlos Mercado

I favor: _____

Address: 368 Copper Path Dr.

Property number on map: 2

I object: X cm

(State reason for objection)

Comments: (Use additional sheets if necessary)

I am not in favor, this area has been saturated with subdivisions, we have a new development already in the works on Saengerale Rd. Traffic is already horrific, I understand they are working on trying to widen 46, but with traffic coming in from Seguin and all these new developments, it will still be a mess. How about adding some restaurant business, etc.

Signature: _____

Matt Greene

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED

OCT 23 2020

BY:

Case: #PZ20-0203 (MG)

Name: COBIA CORPORATION

I favor: _____

Address: 381 COPPER PATH

Property number on map: 5

I object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

TOO MUCH DENSITY

Signature: James Lee, SECRETARY - COBIA CORPORATION

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0203 (MG)

Name:

Address:

Property number on map:

Comments: (Use additional sheets if necessary)

Signature:



I favor:

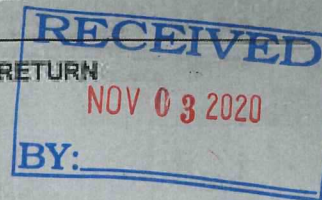
I object:

(State reason for objection)

We will be flooded if
you build more houses in
this area. There is a dry
creek there that helps absorb
rain.

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0203 (MG)



Name: Sheryl Sierra
 Address: 1136 Stone Branch
 Property number on map: 9

I favor: _____

I object: X SS

(State reason for objection)

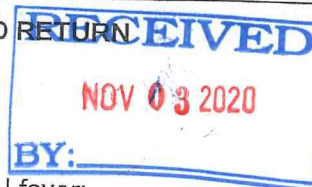
Comments: (Use additional sheets if necessary)

Guy w/ orange vest walking
 around property marking trees yesterday
 Looks like they don't care about
 the hearing!!

Signature: Sheryl Sierra

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0203 (MG)



Name: Teresa L. Knudstrup
 Address: 1256 Stone Branch
 Property number on map: 13

I favor: _____

I object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

The development of the Property in
 Question would cause Drainage issues
 and could cause water flow to Back up
 in to Our Property.

Signature: Teresa Knudstrup

We've seen this happen with
 other subdivisions and are concerned
 about Possible flooding.

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0203 (MG)

Name: Aisha Kelley

Address: 1123 Stone Path

Property number on map: 14

Comments: (Use additional sheets if necessary)

Signature: _____



I favor: _____

I object: ✓

(State reason for objection)

Drainage will be a problem

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0203 (MG)

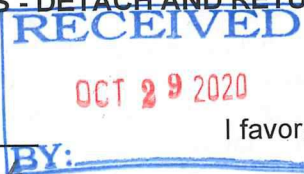
Name: David Hinojosa

Address: 1274 Stone Branch

Property number on map: 21

Comments: (Use additional sheets if necessary)

Signature: D. Hinojosa



I favor: _____

I object: ✓

(State reason for objection)

Traffic, Flooding, Wildlife
See attached Page

RECEIVED

OCT 29 2020

BY:

Case: # PZ20-0203 (MG) David Hinojosa

My three main concerns are traffic, flooding, and wildlife.

The main street in and out of Stonegate Sub. is already congested with traffic. If this proposed subdivision connects to Wendover Farms, the residents of Wendover Farms and the other Subdivisions on that side of Three Mile Creek will drive through the streets in Stonegate Sub. as a shortcut to congested Hwy 46.

The back of my house faces the Three Mile Creek. In the last 8 years during big rain events, I have witnessed the dry creek turn into a raging river. All of the subdivisions near Alves have drain into this creek. As more and more subdivisions build around us, there is less soil to absorb the rain water that drains into the Three Mile Creek resulting in higher creek levels. I would not purchase a home in the Three Mile Creek area for fear of being flooded. How will the homeowners buy insurance?

The Three Mile Creek area has a lot of deer and other wildlife. It is the only wooded area for miles around.

Draft Minutes for the December 1, 2020 Planning Commission Regular Meeting

B) PZ20-0203 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 38 acres out of Subdivision No. 112 of the A.M. Esnaurizar Eleven League Grant, located on SH 46 South, adjacent to Stonegate Subdivision, from “APD” Agricultural/Pre-Development District and “PD” Planned Development District to “ZH-A” Zero Lot Line Home District. Applicant/Owner: Rick Rodriguez, Brass Real Estate Growth Fund IV LP; Case Manager: Matt Greene.

Mr. Greene presented and recommended staff approval.

Chair Edwards asked if there were any questions for staff.

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

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

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

Motion by Vice Chair Laskowski, seconded by Commissioner Tubb, to recommend approval to City Council of the proposed rezoning of approximately 38 acres out of Subdivision No. 112 of the A.M. Esnaurizar Eleven League Grant, located on SH 46 South, adjacent to Stonegate Subdivision, from “APD” Agricultural/Pre-Development District and “PD” Planned Development District to “ZH-A” Zero Lot Line Home District. Motion carried (5-3-0) with Commissioner Reaves, Commissioner Mathis, and Commissioner Meyer in opposition.

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 38 ACRES OUT OF SUBDIVISION NO. 112 OF THE A.M. ESNAURIZAR ELEVEN LEAGUE GRANT, LOCATED ON STATE HIGHWAY 46 SOUTH, ADJACENT TO STONEGATE SUBDIVISION, FROM “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT AND “PD” PLANNED DEVELOPMENT DISTRICT TO “ZH-A” ZERO LOT LINE HOME DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

WHEREAS, in keeping with the spirit and objectives of the “ZH-A” Zero Lot Line Home District, the City Council has given due consideration to all components of said district; and

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

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

WHEREAS, the City Council desires to amend the Zoning Map by rezoning approximately 38 acres, out of Subdivision No. 112 of the A.M. Esnaurizar Eleven League Grant, located on State Highway 46 South, adjacent to Stonegate Subdivision, from “APD” Agricultural/Pre-Development District and “PD” Planned Development District to “ZH-A” Zero Lot Line Home District, **now, therefore;**

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following described tract of land from “APD” Agricultural/Pre-Development District and “PD” Planned Development District to “ZH-A” Zero Lot Line Home District:

Approximately 38 acres out of Subdivision No. 112 of the A.M. Esnaurizar Eleven League Grant, Located on State Highway 46 South, adjacent to Stonegate Subdivision as described in Exhibit “A” and delineated in Exhibit “B” attached.

SECTION 2

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First reading this 11th day of January, 2021.

PASSED AND APPROVED: Second reading this 8th day of February, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

LEGAL DESCRIPTION OF 37.803 ACRES

Being 37.803 acre out of Subdivision No. 112 of the A.M. Esnaurizar Eleven League Grant, Guadalupe County, Texas, being that certain 35.80 acre tract of land as described in Document No. 2016005292 of the Official Public Records of Guadalupe County, Texas and said 37.803 acre tract of land being more particularly described as follows:

BEGINNING at a ½" iron pin found for the Easterly corner of Stone Gate Subdivision, Unit 4, as recorded in Volume 13, Page 378-379 of the Map and Plat Records of Guadalupe County, Texas, being in the Southwesterly line of a 35.681 acre tract of land as described in Document No. 2016009259 of the Official Public Records of Guadalupe County, Texas, and being the Northerly corner of this herein described 37.803 acre tract of land;

Thence departing the Easterly corner of said Stone Gate Subdivision, Unit 4, and with the Southwesterly line of said 35.681 acre tract of land, S 45° 48' 29" E a distance of 640.68 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the Southerly corner of said 35.6810 acre tract, being the Westerly corner of Saengerhalle Subdivision, Unit 3, as recorded in Volume 8, Page 612 of the Map and Plat Records of Guadalupe County, Texas, being the Northerly corner of Saengerhalle Subdivision, Unit 2, as recorded in Volume 6, Page 507-508 of the Map and Plat Records of Guadalupe County, Texas, and being the Easterly corner of this herein described 37.803 acre tract of land;

Thence along the Northwesterly line of said Saengerhalle Subdivision, Unit 2, S 44° 50' 42" W a distance of 1060.82 feet to a ½" iron pin found for the Westerly corner of said Saengerhalle Subdivision, Unit 2, being the Northerly corner of a 40.892 acre tract of land conveyed to AC 483 LTD as described in Volume 2413, Page 820 of the Official Public Records of Guadalupe County, Texas, and being in the Southeasterly line of this herein described 37.803 acre tract of land;

Thence along the Northwesterly line of said 40.892 acre tract of land, S 44° 53' 41" W a distance of 681.05 feet to a ½" iron pin found for the Westerly corner of said 40.892 acre tract of land, being the Northerly corner of a 10.337 acre tract of land conveyed to Leonard A. Boydston as described in Volume 412, Page 3 of the Official Public Records of Guadalupe County, Texas, and being in the Southeasterly line of this herein described 37.803 acre tract of land;

Thence along the Northwesterly line of said 10.337 acre tract of land, S 45° 08' 31" W a distance of 528.39 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for a point in the Northwesterly line of said 10.337 acre tract, being the Easterly corner of a 2.089 acre tract of land conveyed to Gillette Holdings LTD., and being the Southeasterly corner of this herein described 37.803 acre tract of land;

Thence departing the Northwesterly line of said 10.337 acre tract of land, and with the Northeasterly line of said 2.089 acre tract of land, N 38° 03' 54" W a distance of 420.94 feet to a ½" iron pin found for the Northerly corner of said 2.089 acre tract, and being an interior corner of this herein described 37.803 acre tract of land;

EXHIBIT "A" (PG. 1)

Thence with the Northwesterly line of said 2.089 acre tract of land, S 34° 29' 53" W a distance of 238.15 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the Westerly corner of said 2.089 acre tract of land, being the Northeasterly line of the remainder of a 48.807 acre tract of land conveyed to Brass Real Estate Growth Fund IV LP as described in Volume 1512, Page 790 of the Official Public Records of Guadalupe County, Texas, and being a Southwesterly corner of this herein described 37.803 acre tract of land;

Thence with the Northeasterly line of said remainder of 48.807 acre tract of land, N 42° 24' 20" W a distance of 155.06 feet to a ½" iron pin found for the Easterly corner of Stone Gate Subdivision, Unit 1, as recorded in Volume 6, Page 89 of the Map and Plat Records of Guadalupe County, Texas, being the Southerly corner a 2.00 acre tract of land conveyed to Allen Sowersby as described in Document No. 2017002377 of the Official Public Records of Guadalupe County, Texas, and being a Westerly corner of this herein described 37.803 acre tract of land;

Thence with the common line of said Stone Gate Subdivision and said Sowersby 2.00 acre tract of land, N 32° 40' 59" W a distance of 291.21 feet to a ½" iron pin found in the South east line of Stone Gate Unit 2 Subdivision, and being the Northwest corner of said Sowersby 2.00 acre tract of land;

Thence with the Southeasterly line of Stone gate Unit 2 and Unit 3, the Northwesterly line of said Sowersby 2 acres, N 53° 25' 57" E, a distance of 300.11 feet to a point for the Northeasterly corner of said Sowersby 2.00 acre tract of land, being the Northwesterly corner of the Carl F. Saur Cemetery Tract, for a corner;

Thence departing said Stone Gate Unit 2, and with the Northeasterly line of said Sowersby 2.00 acre tract of land and the Southwesterly line of said Carl Saur Cemetery tract, S 32° 45' 17" E, a distance of 166.58 feet to a ½" iron pin found for the Southwesterly corner of said Carl Saur Cemetery Tract;

Thence along the Southeasterly line of said Carl F. Saur Cemetery Tract, N 55° 36' 10" E a distance of 125.00 feet to a ½" iron pin found for the Easterly corner of said Carl F. Saur Cemetery Tract, and being an interior corner of this herein described 35.804 acre tract of land;

Thence along the Northeasterly line of said Carl F. Saur Cemetery Tract, N 32° 41' 46" W a distance of 182.53 feet to a ½" iron pin found for the Northerly corner of said Carl F. Saur Cemetery Tract, being a point on the Southeasterly line of Stone Gate Subdivision, Unit 3, as recorded in Volume 6, Page 289-290 of the Map and Plat Records of Guadalupe County, Texas, and being a Westerly corner of this herein described 37.803 acre tract of land;

Thence along the Southeasterly line of Stone Gate Subdivision, Unit 3, N 48° 31' 50" E a distance of 430.81 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the Easterly corner of said Stone Gate Subdivision, Unit 3, being the Southerly corner of said Stone Gate Subdivision, Unit 4, and being in the Northwesterly line of this herein described 37.803 acre tract of land;

Thence along the Southeasterly line of said Stone Gate Subdivision, Unit 4, N 48° 27' 56" E a distance of 1525.36 feet to the POINT OF BEGINNING and containing this herein described 37.803 acre tract of land.

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), N.A.D 1983.



1/11/2021

Agenda Item No. A)

Deliberate the appointment, evaluation, duties, discipline, or removal of the City Manager and the City Attorney in accordance with Section 551.074 of the Texas Government Code.