



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



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

MONDAY, JANUARY 25, 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/89332004990>
or call (833) 926-2300 Webinar ID: 893 3200 4990

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: MAYOR PRO TEM MEADOWS

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

PROCLAMATIONS:

- | | |
|--|-----------------------|
| A) Mentoring Month | 21-55 |
| B) Stalking Awareness Month Proclamation | 21-62 |

PRESENTATIONS:

- A) Presentation on Mayor's Monarch Pledge including [20-939](#)
review of 2019-20 activities and preview of 2021
activities.
Sonja Mlenar, Nature Center Supervisor

1. MINUTES

- A) Discuss and consider approval of the minutes of the [21-76](#)
regular City Council meeting of January 11, 2021.

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 Mayoral appointment of one individual to [21-47](#)
the New Braunfels Housing Authority Board of
Commissioners for a term ending January 22, 2023.
Caitlin Krobot, City Secretary
- B) Approval of the appointment of two individuals to the [21-59](#)
Landa Park Golf Course Advisory Board.
Caitlin Krobot, City Secretary
- C) Approval of a resolution authorizing the City Manager to [21-32](#)
enter an Interlocal Agreement with Comal County to
provide Household Hazardous Waste Collection events
for the City of New Braunfels and Comal County.
Michael Mundell, Solid Waste Manager
- D) Approval of the appointment of Kathy Meurin to the [20-916](#)
CTTC Advisory Board as Chairperson for a two year
term.
Jeff Jewell, Director of Economic and Community Development
- E) Approval of the ratification to cancel the second [21-74](#)
December City Council meeting of 2020 and to cancel
the second December City Council meeting of 2021.
Caitlin Krobot, City Secretary
- F) Approval of a contract with Sustainable Modular [21-52](#)
Management for modular office building for Public
Works.
Matthew Eckmann, Facilities and Real Estate Manager
- G) Approval of a contract with the Bojorquez Law Firm, P.C., [21-61](#)
for legal services related to the 2020 Census and

possible redistricting.

Valeria Acevedo, City Attorney

- H) Approval for the submission of the Amended Program [21-69](#)
Year 2019 Community Development Block Grant Annual
Action Plan and its associated CARES Act Substantial
Amendment to the U.S. Department of Housing and
Urban Development to support the CDBG-CV Round 3
Grant Program.

Jennifer Gates, Grants Coordinator

Ordinances

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

- I) Approval of the first reading of an ordinance ordering a [21-85](#)
Regular Election to be held in the City of New Braunfels
on May 1, 2021, for Regular City Officers; and
establishing an Early Voting Location and Polling Places
for this Election; and making provisions for the conduct
of the Election.

Caitlin Krobot, City Secretary

- J) Approval of the second and final reading of an ordinance [21-37](#)
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

- K) Approval of the second and final reading of an ordinance [21-65](#)
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

- L) Approval of the second and final reading of an ordinance [21-66](#)
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

4. **INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Approval of a resolution for the submission of an [21-72](#) application to the Texas Parks & Wildlife Department, Recreational Trail Grant Program for the provision of funding for the Alligator Creek, and authorization for the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.

Stacey Dicke, Parks and Recreation Director

- B) Public hearing and first reading of an ordinance ordering [21-75](#) a special election to be held in the City of New Braunfels on May 1, 2021, for proposed amendments to the City Charter; and establishing an Early Voting Location and Polling Places for this Election; and making provisions for the conduct of the Election.

Caitlin Krobot, City Secretary

- C) Public hearing and consideration of approval of a [21-40](#) variance request to allow a proposed business, addressed at 344 Landa Street, to provide alcohol sales (wine and beer, no onsite consumption) within 300 feet of a church.

Maddison O'Kelley, Assistant Planner

- D) Public hearing and first reading of an ordinance [21-28](#) regarding a proposed rezoning to apply a Type 1 Special Use Permit to allow an RV resort on approximately 28 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 24 acres out of the J M Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue.

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

- E) Public hearing and first reading of an ordinance [21-34](#) regarding a proposed rezoning to apply a Special Use Permit on approximately 23 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306, to allow multifamily high-density residential use in the "C-1" Local Business District and "M-1" Light Industrial District.

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

- F) Public hearing and first reading of an ordinance [21-27](#) regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-3 Commercial District, addressed at 262 East Nacogdoches Street.
Christopher J. Looney, AICP, Planning and Development Services Director
- G) Public hearing and first reading of an ordinance for a [21-49](#) proposed rezoning to apply a Special Use Permit to allow a seven-unit, townhouse style residential development on approximately 0.7 of an acre located at the southwestern terminus of the 2300 block of Michigan Street.
Christopher J. Looney, AICP, Planning and Development Services Director
- H) Public hearing and first reading of an ordinance [21-36](#) regarding a proposed rezoning of approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, from "R-1A-6.6" Single Family District to "R-1A-5.5" Single Family District.
Christopher J. Looney, AICP, Planning and Development Services Director
- I) Public hearing and consideration of a proposed [21-48](#) amendment to the Veramendi Development & Design Control Document.
Christopher J. Looney, AICP, Planning and Development Services Director
- J) Public hearing and consideration of a request for a [21-42](#) waiver to the Subdivision Platting Ordinance to not require sidewalk construction along Jarratt Drive and Louella Street for the Senaido Dual Crossing Subdivision.
Christopher J. Looney, AICP, Planning and Development Services Director
- K) Public hearing and consideration of a request for a [21-11](#) Conditional Sign Permit for The Plant Haus to allow a proposed freestanding pole sign to exceed the maximum adopted sign face area and height standards, in the 'C-1' Local Business District, addressed at 956 N. Walnut Avenue.
Christopher J. Looney, AICP, Planning and Development Services Director

- L) Public hearing and first reading of an ordinance [21-33](#) regarding a proposed rezoning to apply a Special Use Permit to allow duplexes in the “APD” Agricultural/Pre-Development District on approximately 0.938 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, Guadalupe County, Texas, addressed at 187 Prairie View Lane.

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

- M) Public hearing and first reading of an ordinance [21-35](#) regarding a proposed rezoning of approximately 5.996 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, addressed at 689 Orion Drive, from “M-1A” Light Industrial District to “R-1A-6.6” Single-Family District.

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

- N) Public hearing and first reading of an ordinance [21-43](#) regarding proposed revisions to the Solms Landing Planned Development (“SLPD”) concept plan and development standards, on approximately 98 acres out of the A M Esnaurizar A-20 Survey, addressed at 253 S. Kowald Lane.

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

- O) Public hearing and consideration of a resolution [21-29](#) accepting 102.68 acres out of the A.M. Esnaurizar A-20 Survey, located on FM 758 approximately 1,000 feet west of State Highway 123 North, into the City of New Braunfels extraterritorial jurisdiction (ETJ).

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

- P) Public hearing and first reading of an ordinance [20-919](#) amending Chapter 144 Zoning, Sections on Definitions, Zoning Districts, Walnut Special District, Land Use Matrix, Parking, Accessory Structures, and General Provisions and Exceptions for Yard Setbacks, and Rear Yard Requirements.

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 purchase, exchange, lease or value of [21-90](#) real estate in accordance with Section 551.072 of the Texas Government Code:
 - Union Pacific Railroad
- B) Deliberate the appointment, evaluation, duties, discipline, [21-91](#) or removal of the Associate Municipal Judge 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

1/25/2021

Agenda Item No. A)



Proclamation

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

WHEREAS, January 2021 will mark the 19th anniversary of National Mentoring Month, an annual campaign to focus attention on the need for mentors, as well as how each of us can work together to increase the number of mentors and help ensure positive outcomes for our young people.

WHEREAS, New Braunfels, Texas, honors these volunteer mentors who support young people by showing up for them every day and demonstrating their commitment to helping them thrive; and

WHEREAS, mentoring programs like Communities in Schools of South Texas Mentoring Program make our communities and our state stronger by driving impactful relationships that increase social capital for young people and providing invaluable support networks; and

WHEREAS, during the COVID-19 pandemic, mentoring programs have been filling gaps for young people and families, connecting them with resources, ensuring that mentoring relationships continue virtually, and ensuring that physical distancing does not mean social disconnection; and

WHEREAS, mentoring plays many roles in career exploration, workplace skills, healthy relationships, communication, positive self-esteem, emotional well-being, and growth, and almost half of today's young adults report having had a mentor in their youth with those rates rising steadily; and

WHEREAS, students who meet regularly with their mentor are 52% less likely to skip a day of school, 46% less likely to start using drugs, 27% less likely to start drinking than their peers, and 55% more likely to be enrolled in college than those who did not have a mentor; and

WHEREAS, National Mentoring Month is the time of year to celebrate, elevate, and encourage mentoring across our state and to recruit caring adult mentors in New Braunfels, Texas.

NOW, THEREFORE, I, RUSTY BROCKMAN, Mayor of the City of New Braunfels, do hereby proclaim the month of January 2021 as

MENTORING MONTH

and recognize Communities in Schools of South Central Texas for their continued support, and call upon our citizens, public officials, educators, and business and community leaders to observe this month with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed on this the 25th day of January 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/25/2021

Agenda Item No. B)



Proclamation

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

WHEREAS, under the laws of all fifty states, the U.S. Territories, the District of Columbia, and federal government, stalking is a crime; and

WHEREAS, the crime of stalking violates an individual's privacy and dignity, security and humanity, due to unwanted, repeated surveillance of personal whereabouts, choices, property and communication; and

WHEREAS, the problems of stalking are not confined to any group or groups of people, but cut across all economic, racial and societal barriers, and are most often directly related to domestic violence and sexual assault cases; and

WHEREAS, the impact of stalking is wide ranging, directly effecting individuals here in this community, throughout the United States and the world, with victims of stalking, these individuals have a higher rate of loss work, psychological distress, and lost productivity than the general population, and

WHEREAS, women are not only targets; young children, men and the elderly also are victims, statistics show that 3 in 4 women killed by an intimate partner were stalked by them first, and it is important to note that the emotional scars of stalking victims are long-lasting; and

WHEREAS, laws, policy and community awareness around stalking must be continuously increased and prevention requires collaborative effort by organizations, individuals, employers and peers alike.

NOW, THEREFORE, I, RUSTY BROCKMAN, Mayor of the City of New Braunfels, do hereby recognize the month of January 2021 as

STALKING AWARENESS MONTH

in New Braunfels, we call upon all citizens, community agencies, religious organizations, medical facilities and businesses to increase their participation in our effort to prevent stalking, thereby strengthening the communities in which we live.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 25th day of January 2021.

CITY OF NEW BRAUNFELS

BY: _____
RUSTY BROCKMAN, Mayor

1/25/2021

Agenda Item No. A)

Presenter/Contact

Sonja Mlenar, Nature Center Supervisor
(830) 221-350 - smlenar@nbtexas.org

SUBJECT:

Presentation on Mayor's Monarch Pledge including review of 2019-20 activities and preview of 2021 activities.

BACKGROUND / RATIONALE:

The City of New Braunfels adopted the Mayor's Monarch Pledge with the approval of a proclamation on April 8, 2019. The purpose of the pledge is to create awareness regarding the decline of the monarch butterfly population which has declined over 90% in recent years. Through the National Wildlife Federation's Mayors' Monarch Pledge, U.S. cities, municipalities, and other communities are committing to create habitat for the monarch butterfly and pollinators, and to educate residents about how they can make a difference at home and in their community.

All of the required action items for the 2019-2020 year were accomplished. The 2021 program requires completion of three actions to qualify, and completion of eight action items to obtain Leadership Circle status. Staff is proposing actions that will include the City of New Braunfels in the Leadership Circle status. These action items include:

- Public communication effort to plant monarch gardens.
- Host a monarch butterfly festival to promote conservation, as well as cultural awareness and recognition.
- Host a native seed or plant sale, giveaway or swap.
- Maintain a monarch and pollinator friendly demonstration garden.
- Add native milkweed.
- Recognition for being wildlife friendly by participating in other wildlife and habitat conservation efforts.
- Help monitor monarch migration and health.
- Invasive species removal that will support the re-establishment of native habitats for monarch butterflies and other pollinators.

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

| | | | |
|---|-----|-------------|--|
| X | Yes | 2020 Vision | Create and preserve boulevards, trees, developed park land, clean rivers, historic buildings and safe, happy citizens. |
|---|-----|-------------|--|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

[Enter Committee Recommendation Here]

STAFF RECOMMENDATION:

Staff recommends adoption of the Mayor's Monarch Pledge for 2021.



**MAYORS
MONARCH
PLEDGE**

Mayors' Monarch Pledge Survey

Open Pledge Period: December 1 – March 31

Thanks for your interest in taking the National Wildlife Federation Mayors' Monarch Pledge this year. Only mayors and heads of local and tribal government (or their staff designees) may fill out this pledge form. Please note: the survey will not save and will need to be completed in one sitting.

Information from this form will be used to create a public community profile page to showcase your mayor's progress and efforts in the program.

Please be sure to read the pledge language and FAQ before taking the pledge. If you have any questions, you can email us at mayorsmonarchpledge@nwf.org.

Mayor's Basic Information

If you are not a "mayor," or the head of local or tribal government, please enter your name and appropriate title here.

Title

First Name

Last Name

Email Address

Community Name

*If your community doesn't have an official name, consider using the following formats:
Town of Herndon, City of Fairfax, etc.*

City

State

Mayor's Mailing Address

Address Line 1

Address Line 2

City

State

Zip Code

Staff Point of Contact Information

Please provide your professional title in the space below.

Please note that the Staff Point of Contact you entered below will be the default user for your community profile. Please make sure you enter a valid email address.

Title

First Name

Last Name

Email

Note: This email address is your log in account.

Phone Number

Pledge Summary

Please type a description of your community, your community's efforts and/or interest in committing to monarch and pollinator conservation. This information will populate on your community's profile page, but can be updated and edited after this survey is submitted. See below for a sample description.

Example Description: Exampleville is a city in central Virginia with a population of roughly 50,000. The city is nestled in the Green Ridge Mountains and is home to the beautiful Exampleville Regional Park and many community gardens. Mayor Smith of Exampleville, VA has committed to saving the monarch butterfly and other pollinators with their signing of the Mayors' Monarch Pledge and looks forward to engaging residents in building more pollinator habitat throughout the city.

Action Item Selections

Each year, you must commit to at least 3 Action Items from this list which you will report on at the end of the year. At least 1 action must be taken from the “Program & Demonstration Gardens” section.

Communications and Convening

- ☐ Issue a Proclamation to raise awareness about the decline of the monarch butterfly and the species’ need for habitat.

Example Activities:

1. *Issue a Monarch Day Pledge*
2. *Incorporate monarchs into your Earth Day, Pollinator Week or other proclamation*

- ☐ Launch or maintain a public communication effort to encourage residents to plant monarch gardens at their homes or in their neighborhoods. (If you have community members who speak a language other than English, we encourage you to also communicate in that language; Champion Pledges must communicate in that language.)
- ☐ Engage with community garden groups and urge them to plant native milkweeds and nectar-producing plants.
- ☐ Engage with city parks and recreation, public works, sustainability, and other relevant staff to identify opportunities to revise and maintain mowing programs and milkweed / native nectar plant planting programs.
- ☐ Engage with gardening leaders and partners (e.g., Master Naturalists, Master Gardeners, Nature Centers, Native Plant Society Chapters) to support monarch butterfly conservation.

Example Activities:

1. *Develop community gardens with local gardening leaders*
 2. *Host programming and other activities with Nature Centers*
 3. *Coordinate and collaborate with local gardening groups at schools, colleges, and universities*
- ☐ Engage with Homeowners Associations (HOAs), Community Associations or neighborhood organizations to identify opportunities to plant monarch gardens and revise maintenance and mowing programs.
 - ☐ Engage with developers, planners, and landscape architects to identify opportunities to create monarch habitat.

- ☐ Create a community-driven educational conservation strategy that focuses on and benefits local, underserved residents.

Example Activities:

1. *Conduct outreach and support habitat / green space improvements in underserved communities.*
2. *Develop brochures in different languages*

- ☐ Create a community art project to enhance and promote monarch and pollinator conservation as well as cultural awareness and recognition.

Example Activities:

1. *Host photo contests*
2. *Commission murals*
3. *Create and show films and documentaries*
4. *Support public art installations*
5. *Collaborate with local artists, including school, college, and university art departments to create community-wide art*

Program and Demonstration Gardens

- ☐ Host or support a native seed or plant sale, giveaway or swap.
- ☐ Facilitate or support a milkweed seed collection and propagation effort.
- ☐ Plant or maintain a monarch and pollinator-friendly demonstration garden at City Hall or another prominent community location.
- ☐ Convert abandoned lots to monarch habitat.
- ☐ Plant milkweed and pollinator-friendly native nectar plants in medians and public rights-of-way.
- ☐ Launch or maintain an outdoor education program in school gardens that builds awareness and creates habitat by engaging students, teachers, and the community in planting native milkweed and pollinator-friendly native nectar plants (i.e., National Wildlife Federation's Eco-Schools USA Schoolyard Habitats program and Monarch Mission curriculum).

Example Activities:

1. [Eco-Schools USA Schoolyard Habitats](#)
2. [PK-12 Monarch Mission Curriculum](#) (English and Spanish)
3. [National Wildlife Federation Campus Pollinator Pledge](#)

- ☐ Earn or maintain recognition for being a wildlife-friendly city by participating in other wildlife and habitat conservation efforts (i.e., National Wildlife Federation's Community Wildlife Habitat program).

Example Activities:

1. Join the [Community Wildlife Habitat](#)

- ☐ Host or support a monarch neighborhood challenge to engage neighborhoods and homeowners' associations within the community to increase awareness and/or create habitat for the monarch butterfly.

Example Activities:

1. Host photo challenges
2. Create property certification challenges
3. Collaborate with schools, universities, and colleges to host joint awareness and habitat creation challenges

- ☐ Initiate or support community science (or citizen science) efforts that help monitor monarch migration and health.

Example Activities:

1. [Citizen Science Opportunities](#) (Monarch Joint Venture)
2. NWF's Monarch Stewards Program Certification
3. Engage with local colleges and universities science departments to host community-wide opportunities

- ☐ Add or maintain native milkweed and nectar producing plants in public community gardens.
- ☐ Launch, expand, or continue an invasive species removal program that will support the re-establishment of native habitats for monarch butterflies and other pollinators.
- ☐ Host or support a city monarch butterfly festival to promote monarch and pollinator conservation, as well as cultural awareness and recognition
- ☐ Display educational signage at monarch gardens and pollinator habitat beyond monarch demonstration gardens.

Example Activities:

1. [Neighborhood Garden Signs \(Victory Garden of Tomorrow\)](#)
2. Create plant labels or interpretive language for community gardens, parks, prairie habitat, rights-of-way, etc.

Systems Change

Please select the actions that you will begin to work on this year, are in progress, or have already been completed.

- ☐ Remove milkweed from the list of noxious plants in city weed / landscaping ordinances (if applicable).
- ☐ Change weed or mowing ordinances to allow for native prairie and plant habitats.
- ☐ Increase the percentage of native plants, shrubs and trees that must be used in city landscaping ordinances and encourage use of milkweed, where appropriate.
- ☐ Direct city property managers to consider the use of native milkweed and nectar plants at city properties, where appropriate.
- ☐ Integrate monarch butterfly conservation into the city's Park Master Plan, Sustainability Plan, Climate Resiliency Plan or other city plans.
- ☐ Change ordinances so pesticide, herbicide, insecticide or other chemicals used in the community are not harmful to pollinators.

Example Activities:

1. *Work with local school districts to eliminate or minimize the use of pesticides, herbicides, and insecticides on school properties*
2. *Adopt Integrated Pest Management (IPM) practices*

- ☐ Adopt ordinances that support reducing light pollution.
- ☐ California Specific: Pass a resolution to protect over-wintering monarch butterfly habitat on public and private lands.

Questions or Comments

Do you have any questions or comments?



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/25/2021

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, January 11, 2021

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) - Present

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

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

PRESENTATIONS:

A) 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.

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City Council meeting of December 14, 2020.

Mayor Brockman read the aforementioned caption.

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

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.

Monday, January 11, 2021 New Braunfels City Council Regular Meeting

Wayne Rudolph and George Green spoke during Citizens Communications.

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 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.
- B) Approval of a contract with GTS Technology Solutions to support the replacement of the City's network infrastructure and associated equipment
- C) 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.
- D) 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.
- E) Approval of the City of New Braunfels FY 2020 Fourth Quarter Investment Report.
- F) Approval of modification to professional services contract with Pape-Dawson Engineers, Inc. to complete Phase 2 of the City's Accessibility ADA Transition Plan.
- G) Approval of a ratification for a contract price increase with M&S

Engineering for design changes to Alves Lane Improvements Project engineering contract.

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

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 to amend Section 126-346 to establish no parking zones on E San Antonio Street at Comal Avenue and S Gilbert Avenue.
- K) 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.
- L) 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.
- M) 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.

Mayor Brockman read the aforementioned captions.

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

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the appointment of one individual to

the River Advisory Committee for a term ending December 8, 2023.
Mayor Brockman read the aforementioned caption.

Caitlin Krobot presented the item.

Ben Buchanan was selected via a 5-2 vote with Mayor Brockman and Mayor Pro Tem Meadows in favor of Dick Hillyer.

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

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

Mayor Brockman read the aforementioned caption.

Ylda Capriccioso presented the item.

Mayor Pro Tem Meadows moved to approve the item. Councilmember Hoyt seconded the motion which passed 6-1 with Councilmember Bowers opposing via roll call vote.

- C) 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.

Mayor Brockman read the aforementioned caption.

Stacey Dicke presented the item.

Mayor Pro Tem Meadows moved to approve the item. Councilmember Bowers seconded the motion which was approved unanimously via roll call vote.

- D) 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.

Mayor Brockman read the aforementioned caption.

Jennifer Gates presented the item.

Dick Hillyer spoke on the item during the Public Hearing.

**Mayor Pro Tem Meadows motioned to approve the item.
Councilmember Hurta seconded the motion which passed
unanimously via roll call vote.**

- E) 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.

Item 4E was considered in advance of Item 4A at the request of Councilmember Hines.

Mayor Brockman read the aforementioned caption.

Greg Malatek presented the item.

No one spoke during the Public Hearing.

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

- F) 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.

Mayor Brockman read the aforementioned caption.

Greg Malatek presented the item.

No one spoke during the Public Hearing.

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

- G) 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.

Mayor Brockman read the aforementioned caption.

Greg Malatek presented the item.

No one spoke during the Public Hearing.

The item died due to a lack of motion.

- H) 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.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

Taylor Allen and Shawn Smith spoke during the Public Hearing.

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

5. EXECUTIVE SESSIONS

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

- A) Deliberate 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.

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 7:57 p.m. to 9:51 p.m.

6. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY

Monday, January 11, 2021 New Braunfels City Council Regular Meeting

ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

City Council reconvened into Open Session at 9:52 p.m.

No vote or action was taken.

7. ADJOURNMENT

The meeting adjourned at 9:52 p.m.

Date Approved: January 25, 2020

Rusty Brockman, Mayor

Attest:

Caitlin Krobot, City Secretary

1/25/2021

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Approval of the Mayoral appointment of one individual to the New Braunfels Housing Authority Board of Commissioners for a term ending January 22, 2023.

BACKGROUND / RATIONALE:

The New Braunfels Housing Authority Board of Commissioners is comprised of five members serving two-year staggered terms, with at least one member being a Housing Authority tenant and the remainder serving at-large.

One applicant was nominated by the Mayor for one Housing Authority Board vacancy:

- Colette Nies

Applicants' current & prior service on Boards and Commissions

Colette Nies currently serves on the Heritage Commission and is a past member of CDAC and City University.

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 New Braunfels Housing Authority Board of Commissioners for a term ending January 22, 2023.



12-02-20A10:54 RCVD

APPLICATION FOR APPOINTMENT TO BOARD/COMMISSION

NAME OF BOARD/COMMISSION THAT YOU ARE INTERESTED IN: Housing Authority Board of Commissioners

PLEASE PROVIDE ANY SPECIFIC REQUIRED POSITION OR QUALIFICATIONS YOU POSSESS THAT MAY QUALIFY YOU FOR MEMBERSHIP OF THIS BOARD/COMMISSION (YOU MAY ATTACH A RESUME): Have listened in on past zoom meeting.

I am a citizen familiar with affordable housing policies and root causes of financial hardships. I have extensive experience in non-profit management, inequities in affordable housing, as well as interagency mediation and communication that may benefit the dialogue between residents and the HABC.

NAME (PLEASE PRINT): Nies Colette

(LAST)

(FIRST)

(MIDDLE)

HOME STREET/MAILING ADDRESS: 473 Basel

NEW BRAUNFELS, TX78130

(ZIP)

PREFERRED PHONE: 512-466-3715

CELL PHONE: 512-466-3715

OCCUPATION/POSITION: Energy/SW/Theologian

BUSINESS CONTACT PHONE: _____

(IF RETIRED, PLEASE INDICATE FORMER OCCUPATION)

E-MAIL ADDRESS: colettenies@gmail.com

FAX NUMBER: _____

ARE YOU A RESIDENT OF THE CITY OF NEW BRAUNFELS?

☒ YES☐ NO

IF NO, ARE YOU A RESIDENT OF THE CITY'S EXTRA TERRITORIAL JURISDICTION (ETJ)?

☐ YES☐ NO☐ N/A

HAVE YOU PARTICIPATED IN CITY UNIVERSITY? ☒ YES ☐ NO IF YES, WHEN? 2018

ARE YOU CURRENTLY OR HAVE YOU EVER SERVED ON ANY CITY BOARD OR COMMISSION? ☒ YES ☐ NO

IF YES, PLEASE LIST EACH BOARD AND DATES OF MEMBERSHIP — ADDITIONAL SHEETS MAY BE ADDED, IF NEEDED.

Austin Downtown Community Court Advisory Committee (2007-2009)

Community Development Advisory Committee (2015-2016)

Heritage Commission (2016-current)

DO YOU HAVE A BUSINESS ASSOCIATION WITH ANY MEMBER OF THE BOARD FOR WHICH YOU ARE APPLYING? IF SO, PLEASE DESCRIBE:
No

DO YOU HAVE ANY RELATIVES THAT WORK FOR THE CITY OF NEW BRAUNFELS? ☐ YES ☒ NO

IF YES, LIST THEIR NAME AND POSITION: _____

PLEASE NOTE THAT THIS APPLICATION IS ONLY VALID FOR THE VACANCIES FOR WHICH YOU ARE APPLYING. IF YOU WISH TO APPLY FOR VACANCIES IN THE FUTURE, YOU WILL NEED TO FILE A NEW APPLICATION AT THAT TIME.

SIGNATURE: [Signature]

DATE: 11/19/2020



COLETTE NIES, MDIV, MSSW

COLETTENIES@GMAIL.COM

512.466.3715

2010 - Current

Adjunct Professor/Speaker

Teach on issues pertaining to Ecological Theology, root causes of poverty, affordable housing, social justice, polity and religion, food sovereignty, Ancient Hebrew and Koine Greek, social unrest, grief, racial reconciliation, wisdom literature, water/air quality issues, ethics of land protection, regenerative agriculture, and wildlife conservation.

2007 - Current

Colette Von Hanna Energy LLC - Owner

Energy Researcher – Built company to lead teams, project coordination, and be title agent for ranchers, land owners, & numerous exploration / production companies in the energy sector in plays in north, west & south TX, NM, IA & CO, such as: Tide Energy LLC, Santa Rosa Energy, NTEX Land Services, KDM Operating, Revolution Pipeline, Eagle Land Services, Anadarko, EOG, Comstock, & Devon Energy. Main responsibilities included surface and mineral title, curative research, leasing, HBP units, lease checks in oil and gas, solar, and wind for acquisitions. Created frameworks for scheduling permits, ratifying leases, contract negotiation, maintain consistent communication, and oversee competitor lands & production status.

8/2016 – 8/2017

CHRISTUS Santa Rosa Health System, New Braunfels & San Antonio, TX

Chaplain Resident

Provided spiritual care for CHRISTUS Children's Hospital in Pediatric Oncology and Rehab, and CHRISTUS Santa Rosa in New Braunfels in Geriatrics in ICU, ER, Surgical, and IMCU2, as well as on-call for all 5 hospitals; Integral member of the Palliative Care team; Worked with interdisciplinary teams to provide spiritual and emotional care to patients, families, and associates; Designed/implemented healing, prayer, and memorial services for associates and families, grief counseling, and provided unique insight into trauma, bereavement, ethics, and mission. Provided all patients with Advanced Planning directives / consults, as well as end of life pain management alternatives.

1/2016 – 5/2016

University Health System Hospital, San Antonio, TX

Chaplain (CPE)

Provided Chaplaincy / Spiritual Care services in a Level One Trauma hospital serving 32 counties. Worked primarily with Labor and Delivery, ER, Medical, ICU, NICU, and PICU. Created rituals for fetal demise and infant deaths.

National Association of Social Workers / Texas Chapter

Government Relations

Registered lobbyist and researcher for policy revolving around the profession of Social Workers; Created complex demographics presentations of member database for long range planning; Testified in hearings in the House and Senate Interim in 2010 on sex trafficking, the unhoused, aging in place, mental health care, health care, and food insecurity; Consistent communication to members, the Board and the Executive Director; Created numerous white papers for research held in national archive; Published essays in NASW journal.

Travis County Health and Human Services & Veteran Services

South Rural Community Center – Del Valle, TX

Social Worker

Maintained accurate client files/records for compliance; Case-managed referrals, did home visits, led crisis counseling, and distributed basic needs assistance in high poverty, rural areas; Facilitated weekly small groups with undocumented seniors to strengthen community relationships; Analyzed food distribution issues to coordinate solutions with surrounding communities, state, and national coalitions to approach poverty challenges.

Constructores Para Christo – Piedras Negras, Mexico

International Missionary / Project Manager

Organized/transported all materials and built 29 homes in a foreign economy; Managed and trained each construction team while overseeing and building at four separate sites weekly; Demonstrated excellent communication skills by managing over 150 new volunteers weekly. Designed and sold jewelry in Mexico to fund scholarship for local women and children to attend school.

Peace Action – Chiapas, Mexico

International Missionary / Conflict Resolution Specialist

Data analysis for the war in Chiapas enacted by NAFTA in 1994; Primary researcher up to 2010 for the bilateral agreements included in free trade that further destabilize second and third world countries, as well as how free trade increases immigration problems and the strain on social services; Documentation of torture and abuse cases by displaced indigenous tribes; Mediation of peace treaties to inform communities of their democratic rights.

New Braunfels Heritage Commission - Current

Appointed by City Council

Serve as an advisory capacity in an advisory capacity on matters relating to heritage and historic preservation activities, events and projects that will benefit the citizens of the city.

New Braunfels Community Development Advisory Committee

Appointed by City Council

Serve as an advisory capacity on matters relating to the community development block grant program funds, making recommendations for the expenditure of those funds for eligible projects designed to assist low and moderate income citizens and eliminate slum and blight within the city, and projects that will benefit citizens.

Clinton Global Initiative

Human Rights Facilitator

Theme Team director for over 250 graduate facilitators in the Human Rights forum; Used complex, digital media to critique, simplify and reduce over 2,000 questions an hour to five poignant points; Created brief for President Clinton on the forum to have tangible ways to solve international and domestic problems.

Faith Poverty Roundtable

Southeast Quadrant Co-Founder

Co-founded the Southeast Quadrant Food Committee to increase access to rural areas of Austin; Facilitated monthly meetings to create and organize a food distribution pilot program; Consulted with churches, social service agencies, individual donors, and state agencies to distribute grant funding.

EDUCATION:

Memphis Theological Seminary (Current Student)

-**Doctorate of Ministry** – Land, Food, Ethics, and Faith Formation

University of Texas in Austin

-**Masters of Social Work** – Community Administration Leadership

-**Portfolio in Non-Profit Management** from RGK School of Public Affairs

Austin Presbyterian Theological Seminary

-**Masters of Divinity**

-Focus in Ecological Theology; Pastoral Care of the Dying

University of North Texas

-**Bachelor of Fine Arts**

4 CPE Units (1600 hours of clinical Chaplaincy accreditation complete 2017)

SKILLS / AFFILIATIONS:

Presbyterian Chaplain, Certified Texas Master Naturalist, Farm & Food Leadership Conference, Adjunct Professor, Organic Farmers and Gardeners Association, Flow-Charts, Microsoft Word, Excel, Numbers and Access, ACPE, National Association of Social Workers (NASW), Social Workers for Disaster Response, strategic partnerships. TX Exes Alumni, NRCAT, Presbyterians for Earth Care, UT Rowing Team, Young Professionals In Energy, Meditech, Drilling Info Proficient, Advanced Watershed Certification, Policy Analyst

1/25/2021

Agenda Item No. B)

Presenter/Contact
Caitlin Krobot, City Secretary
(830) 221-4010 - ckrobot@nbtexas.org

SUBJECT:

Approval of the appointment of two individuals to the Landa Park Golf Course Advisory Board.

BACKGROUND / RATIONALE:

The Landa Park Golf Course Advisory Board is made up of seven members serving three-year staggered terms; one member each from the Landa Ladies Golf Association and the New Braunfels Golf Association, the Landa Legends and four at-large members. The change of one at-large position to one Landa Legends position was approved by City Council on December 14, 2020.

At this same meeting, Nathan Novsek was appointed as an at-large member. Mr. Novsek has since resigned his appointment to the board so that a Landa Legends representative can be placed on the board. Mr. Novsek has been encouraged, and is interested, in applying for an at-large position in the future.

The Landa Legends are recommending Jerry Heinemeyer for this position.

The second vacancy is for an unexpired term for a representative of the New Braunfels Golf Association (NBGA). The NBGA is recommending Fred Wainwright for this position.

Vacancies were posted November 18, 2020 through January 15, 2021.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the approval of the appointment of Jerry Heinemeyer for the Landa Legends position and Fred Wainwright for the New Braunfels Golf Association position.



APPLICATION FOR APPOINTMENT TO BOARD/COMMISSION

NAME OF BOARD/COMMISSION THAT YOU ARE INTERESTED IN: _____

PLEASE PROVIDE ANY SPECIFIC REQUIRED POSITION OR QUALIFICATIONS YOU POSSESS THAT MAY QUALIFY YOU FOR MEMBERSHIP OF THIS BOARD/COMMISSION (YOU MAY ATTACH A RESUME): _____

NAME (PLEASE PRINT): WAINWRIGHT FREDEKICK W
(LAST) (FIRST) (MIDDLE)

HOME STREET/MAILING ADDRESS: 7 ROSSRIDGE SAN ANTONIO TX 78248
(ZIP)

PREFERRED PHONE: 210 823 1590 CELL PHONE: _____

OCCUPATION/POSITION: CYBER SECURITY BUSINESS CONTACT PHONE: _____
(IF RETIRED, PLEASE INDICATE FORMER OCCUPATION)

E-MAIL ADDRESS: Fred.Wainwright@gmail.com FAX NUMBER: _____

ARE YOU A RESIDENT OF THE CITY OF NEW BRAUNFELS? BIRTH DATE: _____
☐ YES ☒ NO

IF NO, ARE YOU A RESIDENT OF THE CITY'S EXTRA TERRITORIAL JURISDICTION (ETJ)?
☐ YES ☒ NO ☐ N/A

HAVE YOU PARTICIPATED IN CITY UNIVERSITY? ☐ YES ☒ NO IF YES, WHEN? _____

ARE YOU CURRENTLY OR HAVE YOU EVER SERVED ON ANY CITY BOARD OR COMMISSION? ☐ YES ☒ NO

IF YES, PLEASE LIST EACH BOARD AND DATES OF MEMBERSHIP – ADDITIONAL SHEETS MAY BE ADDED, IF NEEDED.

DO YOU HAVE A BUSINESS ASSOCIATION WITH ANY MEMBER OF THE BOARD FOR WHICH YOU ARE APPLYING? IF SO, PLEASE DESCRIBE:
N/A

DO YOU HAVE ANY RELATIVES THAT WORK FOR THE CITY OF NEW BRAUNFELS? ☐ YES ☒ NO

IF YES, LIST THEIR NAME AND POSITION: _____

PLEASE NOTE THAT THIS APPLICATION IS ONLY VALID FOR THE VACANCIES FOR WHICH YOU ARE APPLYING. IF YOU WISH TO APPLY FOR VACANCIES IN THE FUTURE, YOU WILL NEED TO FILE A NEW APPLICATION AT THAT TIME. I FURTHER UNDERSTAND THAT THE CITY OF NEW BRAUNFELS MAY CONDUCT A THOROUGH BACKGROUND INVESTIGATION.

SIGNATURE: Fred Wainwright DATE: 2 Dec 2020



APPLICATION FOR APPOINTMENT TO BOARD/COMMISSION

NAME OF BOARD/COMMISSION THAT YOU ARE INTERESTED IN: Landa Park Golf Advisory Board

PLEASE PROVIDE ANY SPECIFIC REQUIRED POSITION OR QUALIFICATIONS YOU POSSESS THAT MAY QUALIFY YOU FOR MEMBERSHIP OF THIS BOARD/COMMISSION (YOU MAY ATTACH A RESUME): President of Landa Legends Golf Association. Born in New Braunfels June 7, 1948 Retired 2007 - 40 years in data processing for Continental Airlines (EDS) and Gulf Oil/Chevron.

BBA from University of Houston - Business

US Army 1971-1973

NAME (PLEASE PRINT): Heinemeyer Gerald Wayne
(LAST) (FIRST) (MIDDLE)

HOME STREET/MAILING ADDRESS: 3207 Hunter Road New Braunfels, Texas 78132
(ZIP)

PREFERRED PHONE: 830-837-3546 CELL PHONE: same

OCCUPATION/POSITION: Retired - Data Processing BUSINESS CONTACT PHONE: _____
(IF RETIRED, PLEASE INDICATE FORMER OCCUPATION)

E-MAIL ADDRESS: gheinemeyer@satx.rr.com FAX NUMBER: _____

ARE YOU A RESIDENT OF THE CITY OF NEW BRAUNFELS?

☐ YES ☒ NO

IF NO, ARE YOU A RESIDENT OF THE CITY'S EXTRA TERRITORIAL JURISDICTION (ETJ)?

☒ YES ☐ NO ☐ N/A

HAVE YOU PARTICIPATED IN CITY UNIVERSITY? ☐ YES ☒ NO IF YES, WHEN? _____

ARE YOU CURRENTLY OR HAVE YOU EVER SERVED ON ANY CITY BOARD OR COMMISSION? ☐ YES ☒ NO

IF YES, PLEASE LIST EACH BOARD AND DATES OF MEMBERSHIP – ADDITIONAL SHEETS MAY BE ADDED, IF NEEDED.

DO YOU HAVE A BUSINESS ASSOCIATION WITH ANY MEMBER OF THE BOARD FOR WHICH YOU ARE APPLYING? IF SO, PLEASE DESCRIBE:
No

DO YOU HAVE ANY RELATIVES THAT WORK FOR THE CITY OF NEW BRAUNFELS? ☐ YES ☒ NO

IF YES, LIST THEIR NAME AND POSITION: _____

PLEASE NOTE THAT THIS APPLICATION IS ONLY VALID FOR THE VACANCIES FOR WHICH YOU ARE APPLYING. IF YOU WISH TO APPLY FOR VACANCIES IN THE FUTURE, YOU WILL NEED TO FILE A NEW APPLICATION AT THAT TIME.

SIGNATURE: Gerald Wayne Heinemeyer DATE: 01/13/2021

1/25/2021

Agenda Item No. C)

Presenter/Contact

Michael Mundell, Solid Waste Manager
(830) 221-4040 - @nbtexas.org

SUBJECT:

Approval of a resolution authorizing the City Manager to enter an Interlocal Agreement with Comal County to provide Household Hazardous Waste Collection events for the City of New Braunfels and Comal County.

BACKGROUND / RATIONALE:

In February of 2020 the City partnered with Comal County in providing a Household Hazardous Waste Collection (HHWC) event in the parking lot of City Hall at 550 Landa St. During the event there were 302 participants, there were 12 tons of Household Hazardous Waste (HHW) diverted from the landfill and safely disposed of or recycled. The City of New Braunfels and Comal County wish to renew the agreement through December 31, 2021. The next HHWC will be held February 20, 2021, at 550 Landa St. from 8:00 am to 12:00 pm. This Interlocal agreement will allow the City of New Braunfels and Comal County to share in the cost of providing these services to their residents.

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

| | | | |
|---|-----|----------------------------|---|
| X | Yes | City Plan/Council Priority | Strategic Priorities: Quality of Life - 16. Protect the Integrity of Our Neighborhoods. |
|---|-----|----------------------------|---|

FISCAL IMPACT:

Funding to support these events have been incorporated into the FY 2021 Solid Waste operating budget. Therefore, sufficient funds are available.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a resolution authorizing the City Manager to enter an Interlocal Agreement with Comal County to provide Household Hazardous Waste Collection events for the City of New Braunfels and Comal County.

RESOLUTION 2021-R_____

A RESOLUTION OF THE CITY COUNCIL OF NEW BRAUNFELS, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH COMAL COUNTY TO PROVIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENTS FOR THE CITY OF NEW BRAUNFELS AND COMAL COUNTY.

WHEREAS, The City of New Braunfels and Comal County wish to provide an environmentally sound household hazardous waste collection and disposal method for their residents; and

WHEREAS, the City of New Braunfels, and Comal County, on October 1, 2019 entered into an agreement to participate in and fund household hazardous waste collection events; and

WHEREAS, the City of New Braunfels and Comal County wish to continue to encourage the environmentally sound collection and disposal of household hazardous waste;

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

THAT, the City of New Braunfels City Council authorizes its City Manager to enter into an Interlocal Agreement with Comal County for the purpose of providing and funding household hazardous waste collection events.

ADOPTED AND APPROVED on this the 25th day of January 2021.

City of New Braunfels, Texas

RUSTY BROCKMAN, Mayor

Attest:

CAITLIN KROBOT, City Secretary

1/25/2021

Agenda Item No. D)

Presenter/Contact

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

SUBJECT:

Approval of the appointment of Kathy Meurin to the CTTC Advisory Board as Chairperson for a two year term.

BACKGROUND / RATIONALE:

The cities of New Braunfels and Seguin rotate the Chairperson of the Central Texas Technology Center (CTTC) position every two years according to the CTTC bylaws:

SECTION II. - MEMBERSHIP

A. Appointment - The Committee shall consist of ten (10) members. Five (5) members shall be appointed by the City Council of the City of New Braunfels and five (5) members shall be appointed by the City Council of the City of Seguin. For the first two (2) years, the Chairman will be appointed by the City of Seguin, and the Vice-Chairman will be appointed by the City of New Braunfels. After the first two (2) years and each two (2) years thereafter, appointments shall be reversed.

In 2019 and 2020, the chairperson hailed from Seguin and for 2021 and 2022, the chairperson will be from New Braunfels. The CTTC Advisory Board has selected Kathy Meurin to serve as the Chair and this action would ratify that selection by the CTTC Advisory Board.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The CTTC board has voted to appoint Kathy Meurin as the Chairperson.

STAFF RECOMMENDATION:

Staff recommends ratification of the appointment.

1/25/2021

Agenda Item No. E)

Presenter/Contact
Caitlin Krobot, City Secretary
ckrobot@nbtexas.org

SUBJECT:

Approval of the ratification to cancel the second December City Council meeting of 2020 and to cancel the second December City Council meeting of 2021.

BACKGROUND / RATIONALE:

Historically, City Council has cancelled the second regular City Council meeting in December due to its proximity to the holidays.

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

This item is for administrative purposes only.

FISCAL IMPACT:

There is no fiscal impact.

COMMITTEE RECOMMENDATION:

This item is for Council consideration.

STAFF RECOMMENDATION:

Staff recommends approval.

1/25/2021

Agenda Item No. F)

Presenter/Contact

Matthew Eckmann, Facilities and Real Estate Manager
(830) 221-4089 - MEckmannt@nbtexas.org

SUBJECT:

Approval of a contract with Sustainable Modular Management for modular office building for Public Works.

BACKGROUND / RATIONALE:

Staff has recommended the replacement of the office and locker room space currently located within the fleet service center behind the municipal building at 424 S. Castell Ave. The existing facilities are in very poor condition, including many safety hazards. The FY 2021 budget allocated funds for the purchase of a modular building to replace the existing aged and damaged Fleet Office, Solid Waste breakroom and restroom facilities located within the fleet service building at 424 S. Castell Ave. The fleet center will eventually be relocated to the FM 306 facility and the advantage of a portable building will allow the unit to be repurposed or resold once it is no longer needed. The contract will provide a 23'6" x 60' modular building, delivery, setup and installation. The building will include the required office space, locker room, break room and restroom facilities. This will provide city staff with safe and functional facilities and work environment.

The total cost for the contract with Sustainable Modular Management to purchase and install is \$122,673. Sustainable Modular Management authorized through a cooperative Buy Board Contract and complies with competitive procurement requirements

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

| | | |
|-----|------------------------------|---|
| Yes | Strategic Priorities: | Use a variety of funding sources for operational and capital needs. |
|-----|------------------------------|---|

FISCAL IMPACT:

The FY 2021 Solid Waste Fund allocated \$150,000 to support the purchase described above. Therefore sufficient funds are available.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a contract with Sustainable Modular Management for modular office building for Public Works.

1/25/2021

Agenda Item No. G)

Presenter/Contact

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

SUBJECT:

Approval of a contract with the Bojorquez Law Firm, P.C., for legal services related to the 2020 Census and possible redistricting.

BACKGROUND / RATIONALE:

With the 2020 federal census completed, the City of New Braunfels must begin the analysis for redistricting. The proposed law firm has successfully guided several cities, counties, and special districts through the process following the 2000 and 2010 censuses. It is reasonable to anticipate that modifications will need to be made to the city's single-member districts if the new census reveals population shifts, migration influxes, or diminishment in certain areas or neighborhoods. Typically, the process of redistricting involves addressing concerns regarding racial and ethnic demographics, politics, the law, and often competing community interests.

In addition to achieving proportional balance under the ***One Person / One Vote*** standard, this firm will ensure the City's continued compliance with the ***U.S. Voting Rights Act, Texas law***, and the ***Home Rule Charter***. The firm will follow its standard procedure which will involve the:

- Analysis of the census results
- Determination by the City Council
- Establishment of City Council criteria
- Exploration of options for district lines
- Educating the public on the process
- Engagement of the citizenry
- Consultations with special interests
- Consideration of alternative plans
- Providing public notifications
 - Publishing public notices
 - Conducting public hearings
 - Legal assessment of options
 - Recommendations by my firm
 - Adoption of a plan by the City Council

If retained, Mr. Bojorquez plans to hold a City Council workshop that will assist City Council and the public in understanding this endeavor. The firm will utilize a GIS/Mapping/Demographic specialist, Jeremy McMahan, who has prior experience with the 2010 Census and has helped Mr. Bojorquez

achieve solid results in the past for clients. They have arranged for updated software, new online engagement tools, and options for creating draft plans with city officials and constituents.

This firm will bill on an hourly basis as set forth in the attached agreement. The cost estimate depends on the amount of changes in the 2020 Census from the 2010 Census, and the resulting redistricting that may be required. Depending on the changes and complexities, the final cost could fall within a range of \$20,000-\$90,000. Once the work is underway, the firm will have a better cost estimate.

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

N/A

FISCAL IMPACT:

There is currently funding allocated for outside legal services in the FY 2021 City Attorney's Office General Fund budget. In the event that the total legal services budget needs to be amended, a budget amendment will be brought forward for City Council consideration. However, there are currently funds available to support the purchase as described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the contract.

STANDARD TERMS OF ENGAGEMENT

This document establishes the standard terms of our engagement as your attorneys. Unless modified in writing by mutual consent, these terms will be an integral part of our agreement. Therefore, we ask that you carefully review this statement and contact us promptly if you have any questions. We suggest that you retain this document in your file.

I. Our Relationship

1. Identity of Client

The *Bojorquez Law Firm, PC* ("Firm") will be representing the interests of the *City of New Braunfels* ("Client") as an organization.

2. Nature of Representation

While in the future we may be directed to represent the Client on other matters, our present relationship can be described as follows:

Legal guidance regarding the Redistricting process, including analysis, recommendations, and mapping/GIS/ demographic services.

3. Scope of Work

The Firm shall evaluate 2020 Census data as applied to the Client, and provide guidance for achieving proportional balance under the constitutional One Person / One Vote standard, continued compliance with the U.S. Voting Rights Act, Texas law, and conformance to New Braunfel's Home Rule Charter.

As the client, it is imperative that you have a clear understanding of the services the Firm will provide. Any questions that you have should be dealt with promptly. We will provide services related only to matters as to which we have been specifically engaged. The Firm will at all times act on your behalf to the best of our ability. Any expressions on our part concerning the outcome of the Client's municipal matters are expressions of our best professional judgment but are not guarantees. Such opinions are necessarily limited by our knowledge of the facts and are based on the state of the law at the time they are expressed. We cannot guarantee the success of any given matter, but we will strive to represent your interests professionally and efficiently.

4. Client Responsibilities

The Client agrees to cooperate fully with the Firm and to provide us promptly with all information known or available to you relevant to our representation. The Client agrees to pay our invoices in accordance with these STANDARD TERMS OF ENGAGEMENT.

5. Responsibilities of the Bojorquez Law Firm

The Firm is committed to meeting the Client's legal needs. In doing so, the Firm will act competently and in a timely manner; protect the Client's privileged information and ensure appropriate confidentiality; promote the Client's interests; discuss the Client's objectives and how they should best be achieved; and provide information about the work to be done, who will do it, when the work is expected to be completed and the way the services will be provided. The Firm will comply with Section 2252.908 of the Texas Government Code and file the Disclosure of Interested Parties. The Firm verifies that the Firm does not boycott Israel and will not boycott Israel during the term of this agreement.

6. Ethical Conflict of Interest Disclosure

The representation of more than one (1) municipal entity may present special ethical considerations under the *Texas Rules of Disciplinary Conduct*. The Firm may undertake representation of multiple municipal entities if the Client agrees in writing after consultation about the risks of joint representation. The Client may also consult with legal counsel other than the Firm regarding this representation.

A potential conflict could arise with respect to the subject matter of this representation. Based on the information now available at this time, the Firm is not aware of any actual conflicts among the Client and any other municipal entity. If the Client becomes aware of anything that may suggest an actual conflict of interest, please bring it to the Firm's attention immediately.

If circumstances arise during the course of this matter that require or make it desirable that any of the clients obtain separate representation in this matter, the Firm would be free to continue to represent the remaining members of the client group in this matter. By signing these **STANDARD TERMS OF ENGAGEMENT** and accepting our joint representation, the Client agrees that, if it becomes necessary or desirable for the Client to retain other counsel, the Client will not seek to disqualify the Firm from continuing to represent the remaining members of the client group.

II. Fees, Billing and Administrative

1. Fees for Services

The charges for professional services provided by the Firm will typically be based upon the following: (1) the time devoted to the matter; (2) the novelty and difficulty of the questions presented; (3) the requisite experience, reputation and

skill requested to deal with those questions; (4) time limitations imposed by the circumstances; (5) and the quality of the results obtained. Fees and costs for particular matters are unpredictable and we have made no commitment concerning maximum fees or costs. Unless otherwise indicated in writing, our fees for legal services are determined on the basis of the hourly rates of the respective attorney that will perform the services. These rates may vary depending on the expertise and experience of the individual. We adjust these rates from time to time, increasing them as the individuals gain experience and expertise and to reflect current economic conditions. We will notify you in writing if this fee structure is modified.

Hourly Rates: All billings shall be as follows, and are invoiced in increments of one-tenth (.10) hours (i.e., in six-minute increments):

| Attorney / Service | Billing Rate |
|---|---------------------|
| Managing Attorney (<i>Alan Bojorquez</i>) | \$285.00 per hour |
| Of Counsel Attorney | \$250.00 per hour |
| Senior Associate Attorney | \$225.00 per hour |
| Associate Attorney | \$200.00 per hour |
| Junior Associate Attorney | \$185.00 per hour |
| Land Planner | \$135.00 per hour |
| Paralegal/Law Clerk | \$100.00 per hour |
| Redistricting Demographer: | \$150.00 per hour |

2. Fee Estimate

Based upon our Firm's prior experience with Redistricting municipalities, it is reasonable to anticipate that project costs can range from **\$20,000- \$90,000** for professional services fees and related expenses. Variables that could affect the actual expenses include the degree of deviation under the current districting system when considered in terms of 2020 Census data, number of maps the Client wants prepared, the number of public meetings or hearings the Client wants us to conduct (virtually or in-person), and the nature of consultations with special interest groups (i.e., advocacy groups, neighborhood associations, etc.).

An estimate is just that, and the fees and expenses required are ultimately a function of many conditions over which we have little or no control. All estimates made by the Firm shall be subject to the Client's agreement and understanding that such estimates do not constitute maximum or fixed fee quotations and that the ultimate cost is frequently more or less than the amount estimated.

3. Other Charges and Handling Fees

All out-of-pocket expenses (such as telephone charges, copying charges, travel expenses, courier expenses, etc.) incurred by the Firm in connection with representing you will be billed to you as a separate item on your monthly statement.

4. Billing Procedures & Terms of Payment

Our billing period begins on the 27th of the month and ends on the 26th day of the following month. We will render monthly statements to you for legal services and expenses. We usually mail these statements toward the beginning of the month, following the latest date covered in the statement. Each statement is payable within thirty (30) days of its stated date and must be paid in U.S. Dollars. If any statement is not paid within thirty (30) days after its stated date, interest at the rate of six percent (6%) per month and eighteen percent (18%) per annum will accrue on the balance due. However, if at any time eighteen percent (18%) per annum exceeds the highest interest rate permitted by applicable law, then the interest rate that will be applied to any overdue amounts will be reduced to the maximum rate permitted under applicable law. If you have any questions or concerns about any statement that we submit to you for payment, please contact us at your earliest convenience so that we can resolve any problems without delay. If unresolved, overdue invoices may result in discontinuation of representation of the Client. Typically, such issues can be resolved to the satisfaction of both sides with little formality.

5. Retainers

No retainer is required for this representation. However, if the Client becomes unreasonably delinquent in making timely payments, the Firm reserves the right to request a reasonable retainer from which to draw upon for future payments.

6. Retention of Documents

Although we will attempt to retain for a reasonable time copies of most documents generated by this Firm, we cannot be held responsible in any way for failure to do so, and we hereby expressly disclaim any such responsibility or liability. You must ultimately retain all originals and copies you desire among your own files for future reference. After our representation expires or terminates, we will provide you or a successor attorney whom you designate in writing with in a reasonable time with copies of any or all client paper and electronic files still in our possession that you may request in writing, at your sole expense for locating, reviewing, copying and delivering the requested materials.

7. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, United States of America. Venue of any case or controversy arising under or pursuant to this Agreement shall be in Comal or Guadalupe counties, Texas, United States of America.

III. Termination of Services

You have the right to terminate our services at any time upon providing written notice to us. Upon receipt of written notice from you, we will immediately cease to render

additional services to the extent we can do so without jeopardizing your legal interests or our ethical obligations.

We reserve the right to discontinue work on pending matters or terminate our attorney-client relationship with you at any time that payment of your account becomes delinquent. We also reserve the right to withdraw when obligated by the *Texas Rules of Disciplinary Conduct*.

Additionally, if you fail to follow our advice and counsel, or otherwise fail to cooperate reasonably with us, we reserve the right to withdraw from representing you upon short notice, regardless of the then-status of your matter. No termination shall relieve you of the obligation to pay fees and expenses incurred prior to such termination. Unless otherwise agreed in writing, representation will cease upon your payment in full of all fees due, and my Firm's conveyance of your files to the destination you designate. The Firm's files (work product) will be retained at the Firm.

IV. Internal Revenue Service (IRS) and Texas Workforce Commission (TWC) Status

1. Independent Contractor (IC)

For purposes of federal income tax or social security withholdings, the Firm is an IC responsible for payment of its own taxes and not an employee of the Client. The Firm, and not the Client, is obligated to arrange for the required federal withholdings of the Firm's employees. Below is a summary of the IC versus employee requirements and a good general overview of how our services will be provided.

2. The Internal Revenue Service

The IRS assesses three (3) factors of the employer/individual relationship: behavioral control, financial control, and relationship of the worker and firm to determine who is an employee and who is an Independent Contractor. (*See* IRS Form SS-8). Again, depending on the type of business and the services performed, not all sections of the form may apply, and the weight assigned to a specific factor may vary depending on the facts.

3. The Texas Workforce Commission

The TWC has adapted the old IRS twenty-factor test, known as the "direction or control" test to determine who is an employee and who is an IC (*see* TWC Form C-8). Depending on the type of business and the services performed, not all of the twenty common law factors may apply, and the weight assigned to a specific factor may vary depending upon the facts. Below are considerations for the TWC's twenty-factor test, which also generally address issues of behavioral control, financial control, and relationship of the worker and firm.

(a) Financial Control

In general, an employee is usually paid for their time, whereas an independent contractor is usually paid by the job. An employee usually does not negotiate their pay, whereas an independent contractor usually negotiates their pay to ensure a profit. An employee is not expected to invest in the business they work for so the employer takes care of tax matters and expenses, whereas an independent contract is investing in their independent business so the IC takes care of all expenses and taxes.

(b) Relationship of Worker & Business Entity

In general, an employee does not usually advertise their services, whereas an IC does. An employee carries business cards that reflect the employer's name, whereas an IC carries business cards that reflect the IC's business name. An employee is primarily reached at the employer's phone number, whereas an IC is primarily reached at their business phone number.

(c) Behavioral Control

In general, an employer contracting for IC services is normally interested in the end result, not in the details of how the work is done. The employer should have no interest in how the IC allocates his or her time, or who the IC hires to assist (other than requiring proper licensure).

V. Questions

If during the course of our representation you have any questions about any aspect of our arrangements, please feel entirely free to raise those questions. The Firm wants all of our clients to have a clear and satisfactory understanding about every aspect of our billing and payment policies. Accordingly, we encourage an open and frank discussion of any or all of the matters mentioned in this document.

Signature Page Follows

VI. Acceptance of and Consent to the Standard Terms and Engagement

If this arrangement is acceptable to you, please sign these Terms and return to the Firm at your earliest convenience. We are truly honored that you are willing to make our Firm part of your team.

AGREED TO & ACCEPTED:

by: _____
Robert Camareno, City Manager
City of New Braunfels

date: _____

by:  _____
Alan Bojorquez, Managing Attorney
Bojorquez Law Firm, PC

date: January 12, 2021

Please sign and return to the Bojorquez Law by email to:
bmitchell@texasmunicipallawyers.com

1/25/2021

Agenda Item No. H)

Presenter/Contact

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

SUBJECT:

Approval for the submission of the Amended Program Year 2019 Community Development Block Grant Annual Action Plan and its associated CARES Act Substantial Amendment to the U.S. Department of Housing and Urban Development to support the CDBG-CV Round 3 Grant Program.

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 was distributed to the community in after a competitive Request for Application (RFA) process that resulted in grant awards to 5 local non-profit organizations in June 2020 for the provision of a variety of public services. With the addition of previously unallocated CDBG funds, CDBG-CV Round 1 grant funds were awarded to Casa of Central Texas, Inc. (\$55,600) for court advocacy services, Comal County Habitat for Humanity (\$136,425) for housing and utility assistance, Crisis Center of Comal County (\$10,000) for food/shelter assistance, Family Life Center (\$10,000) for housing and utility assistance, and San Antonio Food Bank (\$100,000) for emergency food distribution.

Consistent with the City's previous distribution of funding, the City released another RFA in late November 2020 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 organizations for a variety of activities within the Public Services category for a total of \$942,779.

All applications were reviewed by an internal committee consisting of several City staff members and the City's CDBG consultant and during their review, the committee discussed funding recommendations based upon multiple factors including, but not limited to, overall HUD-eligibility of requested activities/programs, delivery and types of critical services provided by the agency to support residents affected by COVID-19, the organization's experience and capacity in managing the proposed activity/program, any previous coronavirus-related funds awarded to the organization by the City, and the proposed activity/program's direct support of the City's recently adopted CDBG 5-Year Consolidation Plan.

After extensive consideration, the committee's recommendations for the distribution of CDBG-CV Round 3 funds are as follows:

| TOTAL CDBG-CV ROUND 3 FUNDING AVAILABLE: \$ 423,819 | |
|--|----------------------|
| Name of Organization Description of Activity | Recommended Award |
| Comal County Habitat for Humanity <i>housing and utility assistance</i> | \$ 54,912 |
| Crisis Center of Comal County <i>food/shelter assistance for victims of domestic violence</i> | \$ 5,419 |
| Family Life Center <i>housing and utility assistance</i> | \$ 10,839 |
| Hope Hospice <i>staff and personal protective equipment required to serve clients during COVID-19</i> | \$ 122,482 |
| New Braunfels Housing Partners <i>food and shelter assistance for homeless residents</i> | \$ 230,167 |
| TOTAL | \$ 423,819 |

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 was from January 8 to January 12, allowing citizens the opportunity to comment on the information proposed in the drafted Amended CDBG Program Year 2019 Annual Action Plan. A full draft of the Amended Program Year 2019 Community Development Block Grant Annual Action Plan was 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. Additionally, there was one public hearing that occurred on January 11, 2021 during the regular City Council meeting.

No comments were received during the public comment period, therefore, upon receipt of City Council approval, the finalized Amended Program Year 2019 Community Development Block Grant Annual Action Plan and its associated CARES Act Substantial Amendment will be delivered to HUD 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:

While there is no direct fiscal impact because the programs described above will be fully supported by the federal allocation; indirect costs, such as administrative services to support the program will be supported by the General Fund.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval for the submission of the Amended Program Year 2019 Community Development Block Grant Annual Action Plan and its associated CARES Act Substantial Amendment to the U.S. Department of Housing and Urban Development to support the CDBG-CV Round 3 Grant Program.

1/25/2021

Agenda Item No. I)

Presenter/Contact
Caitlin Krobot, City Secretary
ckrobot@nbtexas.org

SUBJECT:

Approval of the first reading of an ordinance ordering a Regular Election to be held in the City of New Braunfels on May 1, 2021, for Regular City Officers; and establishing an Early Voting Location and Polling Places for this Election; and making provisions for the conduct of the Election.

BACKGROUND / RATIONALE:

The uniform election date in May for municipal election is May 1, 2021. Terms for Councilmembers in districts 3 and 4 will expire in May 2021.

Early voting will occur at the Comal County elections Office, 396 N. Seguin Avenue.

Election Day locations will be at:

District 1 - Westside Community Center, 2932 S IH 35 Frontage Road

District 2 - New Braunfels First Church of the Nazarene, 210 W. Klein Road

District 3 - Seniors Center of Comal County, 655 Landa Street

District 4 - Christ Presbyterian Church, 1620 Common Street

District 5 - Comal county Goodwin Annex, 1297 Church Hill Drive

District 6 - Walnut Springs Elementary School. 1900 S Walnut Avenue

The polling places are pending finalized coordination with the Comal County elections department and the ISD contracts and may be subject to change.

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

This item is for informational purposes.

FISCAL IMPACT:

The cost for an election is approximately \$18,968.40 for election workers, supplies, and training. (This amount is subject to change after the polling places are established).

COMMITTEE RECOMMENDATION:

This item is for Council consideration.

STAFF RECOMMENDATION:

Staff recommends approval.

Approval of the first reading of an ordinance ordering a general election to be held in the City of New Braunfels on May,1 2021, for the election of district 3 and district 4 councilmembers; and establishing an Early Voting Location and Polling Places for this Election; and making ORDINANCE NO. 2021-XX

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS ORDERING A REGULAR ELECTION TO BE HELD IN THE CITY OF NEW BRAUNFELS, TEXAS, ON MAY 1, 2021, FOR DISTRICT NUMBERS 3 AND 4 OF THE NEW BRAUNFELS CITY COUNCIL

WHEREAS, the City of New Braunfels, Texas (“City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government code; and

WHEREAS, the City of New Braunfels Charter provides that city elections shall be held in accordance with laws of the State of Texas; and

WHEREAS, Section 41.001(a) of the Texas Election Code establishes the first Saturday in May as a uniform election date for the purposes of conducting a General Election; and

WHEREAS, Section 3.004(b) of the Texas Election Code provides that the governing body of a municipality shall be the authority to order a General Election for the purposes of electing members to the governing body; and

WHEREAS, Texas Government Code, Chapter 791, authorizes local governments to contract with one another and with agencies of the state for various governmental functions including those in which the contracting parties are mutually interested; and

WHEREAS, the City will enter into joint election agreements and contracts for election services with Comal County pursuant to Texas Election Code (“Code) Sections 31.092 and 271.002;

WHEREAS, the City Council of the City of New Braunfels, Texas authorizes the Mayor to sign the order calling the General Election and any subsequent orders adjusting the polling locations, dates and times that are subject to change due to agreements with Comal County Elections Department and other joint election agreements up until the final posting deadline of such notice pursuant Texas Election Code (“Code”) § 4.003(a)(b) and (c).

WHEREAS, the laws of the State of Texas, provide that the next ensuing first Saturday in May, there shall be elected the following officials for this City.

- A. One City Councilmember from **District Number 3** to be elected by a majority of those votes cast.

- B. One City Councilmember from **District Number 4** to be elected by a majority of those votes cast.

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

SECTION I CALL OF A REGULAR MUNICIPAL ELECTION

THAT a regular election be held on the 1st day of May 2021, in the City of New Braunfels, Texas, for the purpose of electing regular City officers as listed below.

- A. One City Councilmember from District Number 3 to be elected by a majority of those votes cast.
- B. One City Councilmember from District Number 4 to be elected by a majority of those votes cast.

SECTION II EARLY VOTING BY PERSONAL APPEARANCE (Subject to Change)

THAT the main polling place for early voting by personal appearance for the election is:

| | |
|-------------------------------|--|
| Comal County Elections Office | 396 North Seguin Avenue, New Braunfels |
|-------------------------------|--|

Early voting by personal appearance shall be conducted between the hours and dates as follows:

| Dates | Time |
|---|-------------|
| Monday, April 19, 2021–Tuesday April 27, 2021 | TIME TBD |

SUBJECT TO CHANGE

SECTION III EARLY VOTING BY MAIL

THAT early voting by mail ballot shall be conducted in accordance with applicable provisions of the Texas Election Code.

- A. The address of the Comal County Elections Office, 396 North Seguin Avenue, New Braunfels, Texas 78130, shall be the early voting clerk's mailing address to which ballot applications and ballots voted by mail may be sent for the City for Comal County residents.

**SECTION IV
POLLING PLACES
(Subject to Change)**

THAT the polling places listed below shall be open on Election Day from 7:00 a.m. to 7:00 p.m. on Tuesday, May 1, 2021:

- A. For Comal County, at such locations as determined and posted by the Comal County Elections Officers. Initial Polling Places have been designated below and are expected to be confirmed.

| | | |
|------------|--|----------------------------|
| District 1 | Westside Community Center | 2932 S IH 35 Frontage Road |
| District 2 | New Braunfels First Church of the Nazarene | 210 W. Klein Road |
| District 3 | Seniors Center of Comal County | 655 Landa Street |
| District 4 | Christ Presbyterian Church | 1620 Common Street |
| District 5 | Comal County Goodwin Annex | 1297 Church Hill Drive |
| District 6 | Walnut Springs Elementary School | 1900 S. Walnut Avenue |

**SECTION V
METHOD OF VOTING**

THAT use of Hart DRE Verity Touch, Access Touch, and controller voting system, as the term is defined in the Texas Election Code, shall be utilized in connection with the election for Comal County residents. This system shall be utilized for early voting as well as for district voting conducted on Election Day. Cynthia Jaqua is appointed as programmer, and she shall prepare a program for the automatic tabulating equipment. Ample voting equipment shall be provided for early voting and in the specific districts on Election Day. The central counting station is established as the Comal County Elections Office.

**SECTION VI
APPOINTMENT OF PRESIDING JUDGES**

THAT the County Election office of Comal County will appoint the Early Voting Ballot Board, a Presiding Judge for the Early Voting Ballot Board, and a Presiding Judge for the Central Counting Station.

SECTION VII GOVERNING LAW

THAT the election will be held in accordance with the provisions of the Charter of the City of New Braunfels and the laws of the State of Texas. Notice of the election, including a Spanish translation thereof, will be published at least once in the local newspaper in accordance with the Texas Election Code and will be posted on the bulletin board at City Hall at 550 Landa Street, New Braunfels, Texas.

SECTION VIII TESTING OF AUTOMATIC TABULATING EQUIPMENT

THAT testing of the automatic tabulating equipment will be performed and notice thereof will be given in accordance with the Texas Election Code. Each County shall designate the tabulating equipment and personnel required under the Election Code.

SECTION IX COMPENSATION FOR ELECTION WORKERS

THAT the rate of compensation for all polling workers will be decided by the Comal County Election Offices.

PASSED, ADOPTED, AND APPROVED this the 25th day of JANUARY 2021.

CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS

RUSTY BROCKMAN, MAYOR

SHANE HINES,
Councilmember District 1

JUSTIN MEADOWS,
Mayor Pro-Tem District 2

HARRY BOWERS,
Councilmember District 3

MATTHEW E. HOYT,
Councilmember District 4

JASON HURTA,
Councilmember District 5

JAMES BLAKEY,
Councilmember District 6

Attest:

CAITLIN KROBOT, City Secretary

1/25/2021

Agenda Item No. J)

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 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

City Council held a public hearing on January 11, 2021 and unanimously approved the first reading of the applicant’s request.

The subject approximately 38-acre property is off the east side of State Highway 46 South between the Stonegate and Wendover Farms neighborhoods. 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 | 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

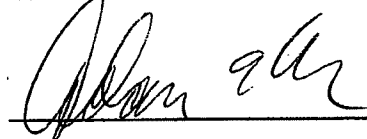
THIS ordinance will take effect upon the third and final reading of same.

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)

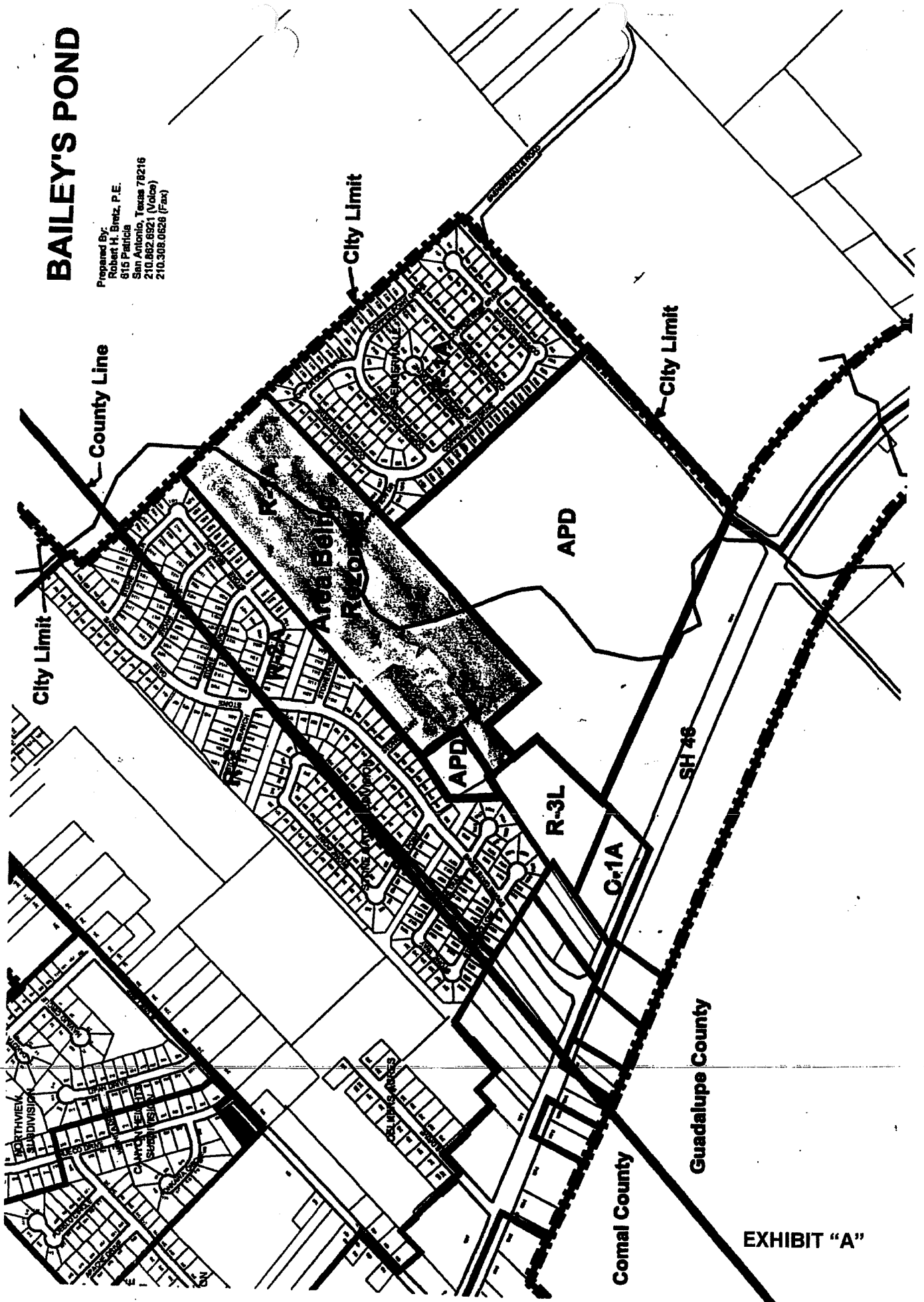


EXHIBIT "A"

**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

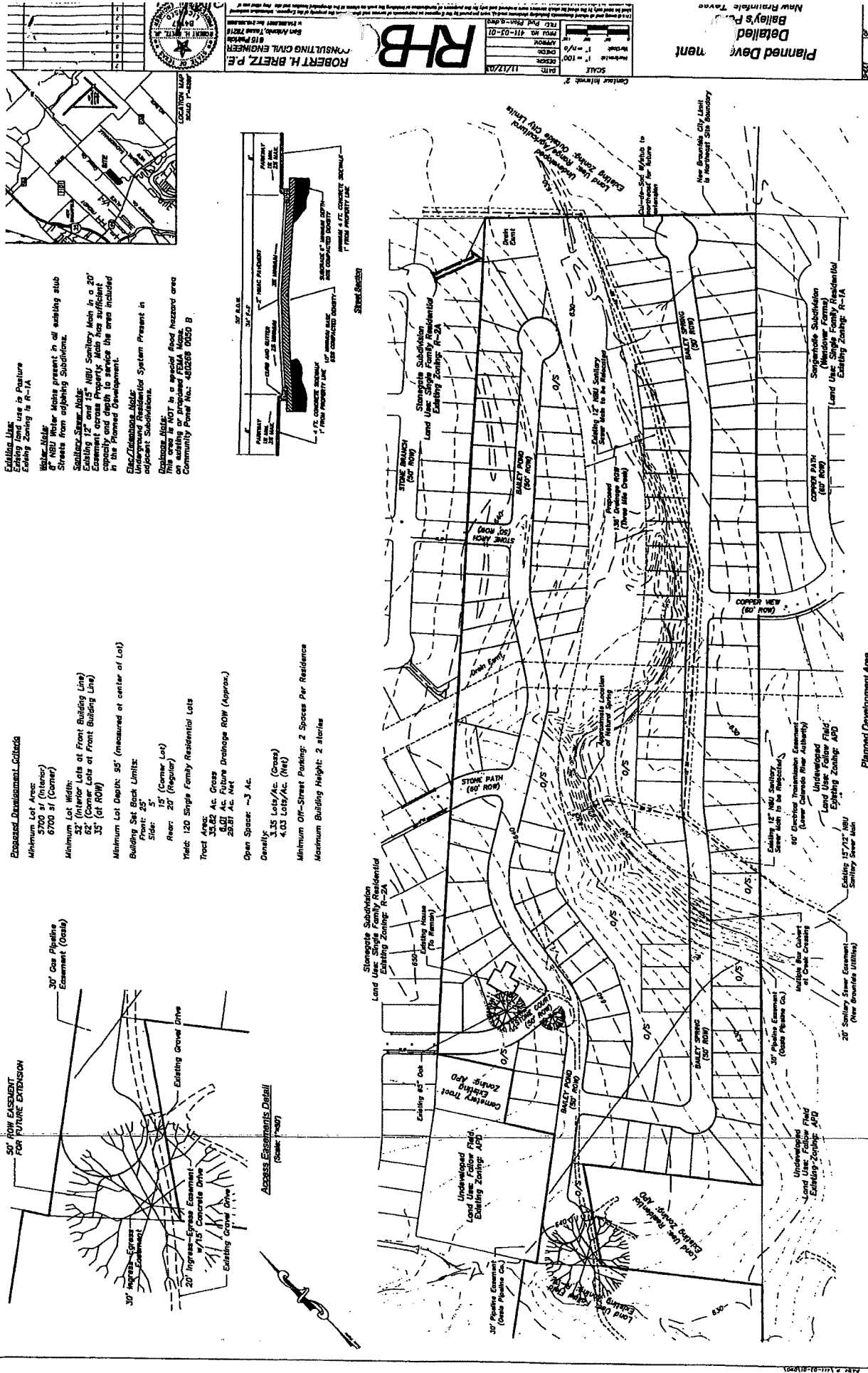
| | |
|---------------------|--|
| Minimum Lot Area: | 5700 sf (Interior)/6700 sf (Corner) |
| Minimum Lot Width: | 52' (Interior Lots at Front Building Set Back) 62' (Corner Lots at Front Building Set Back) 35' (Irregular and cul-de-sac lots at ROW) |
| Minimum Lot Depth: | 95' (measured at center of 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

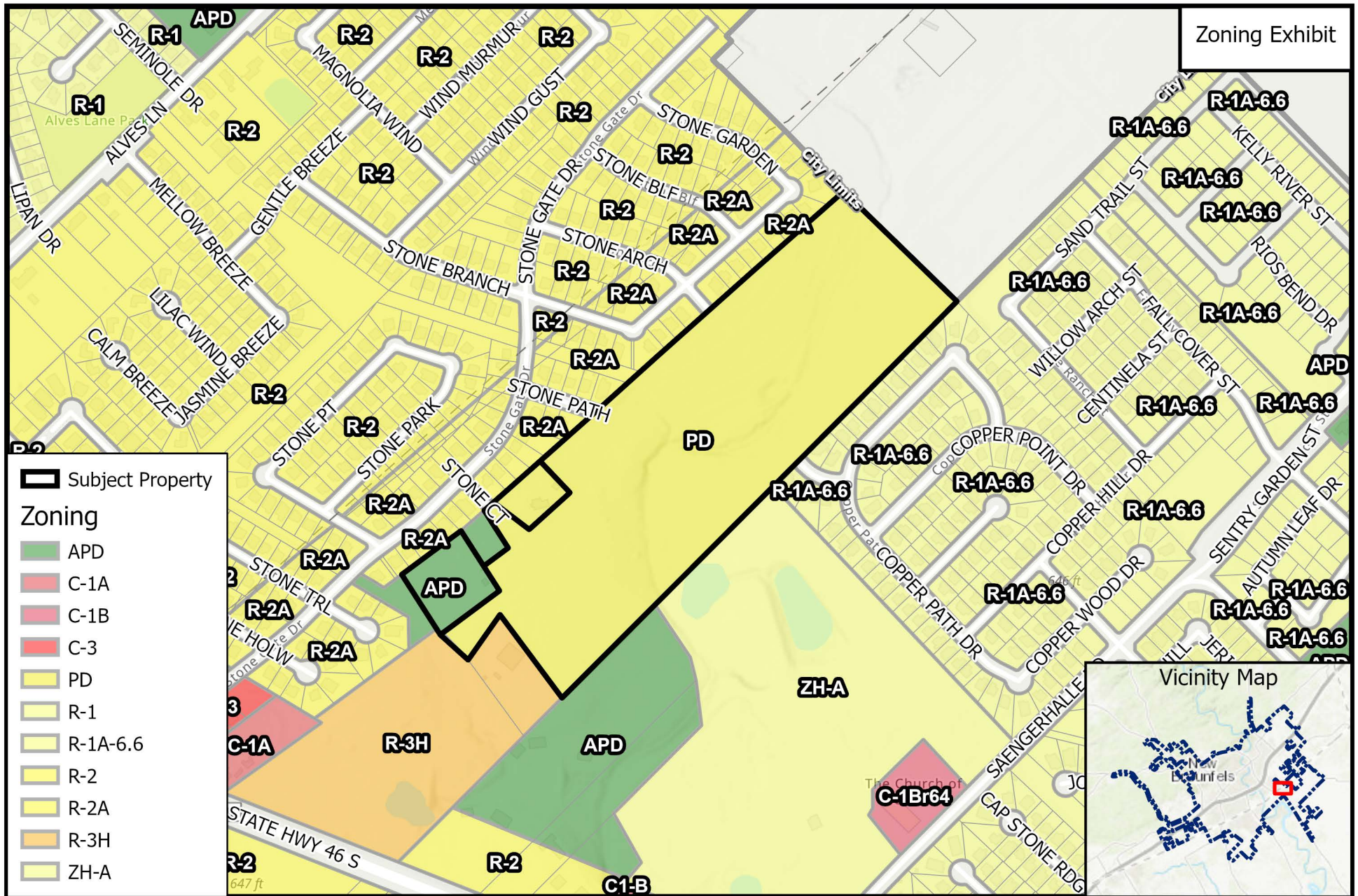
Developer: Brass Real Estates Fund IV
Mr. J. Rick Rodriguez
14427 Brook Hollow, PMB 336
San Antonio, Texas 78232
210.545.2181 (Voice)
210.499.5495 (Fax)

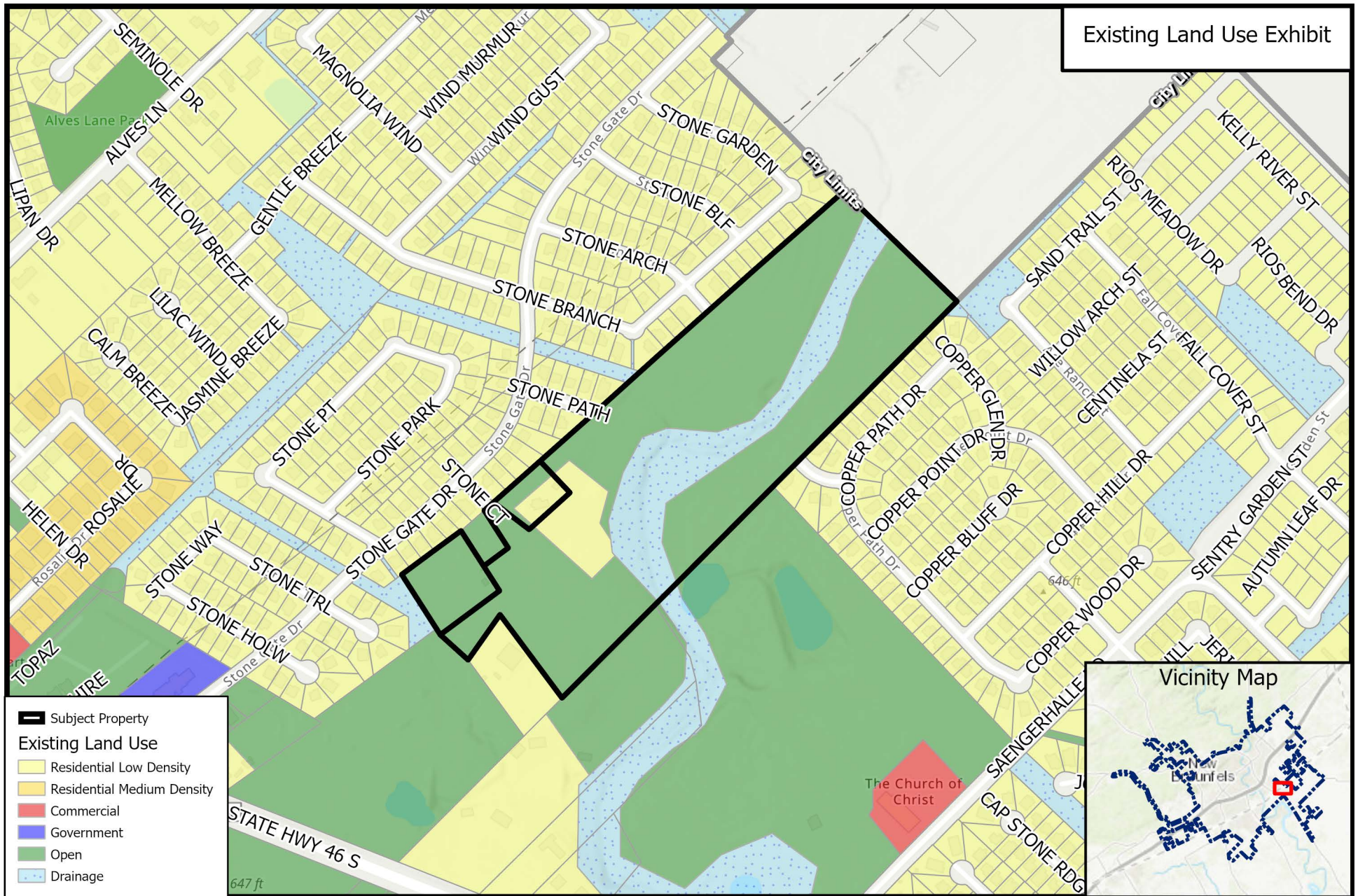
Engineer: Robert H. Bretz, P.E.
Consulting Civil Engineer
615 Patricia
San Antonio, Texas 78216
210.862.6921 (Voice)
210.308.0626 (Fax)
rbretz@swbell.net



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 |





EXISTING CENTERS

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

EMPLOYMENT CENTER

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

MARKET CENTER

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

MEDICAL CENTER

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

CIVIC CENTER

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

OUTDOOR RECREATION CENTER

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

EDUCATION CENTER

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

TOURIST/ENTERTAINMENT CENTER

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



FUTURE LAND USE PLAN

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

TRANSITIONAL MIXED-USE CORRIDOR

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

OUTDOOR RECREATION CENTER

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

EMPLOYMENT CENTER

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

MARKET CENTER

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

CIVIC CENTER

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

SUB AREA 1

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

SUB AREA 2

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

SUB AREA 3

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

SUB AREA 4

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

SUB AREA 5

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

SUB AREA 6

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

SUB AREA 7

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

SUB AREA 8

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

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

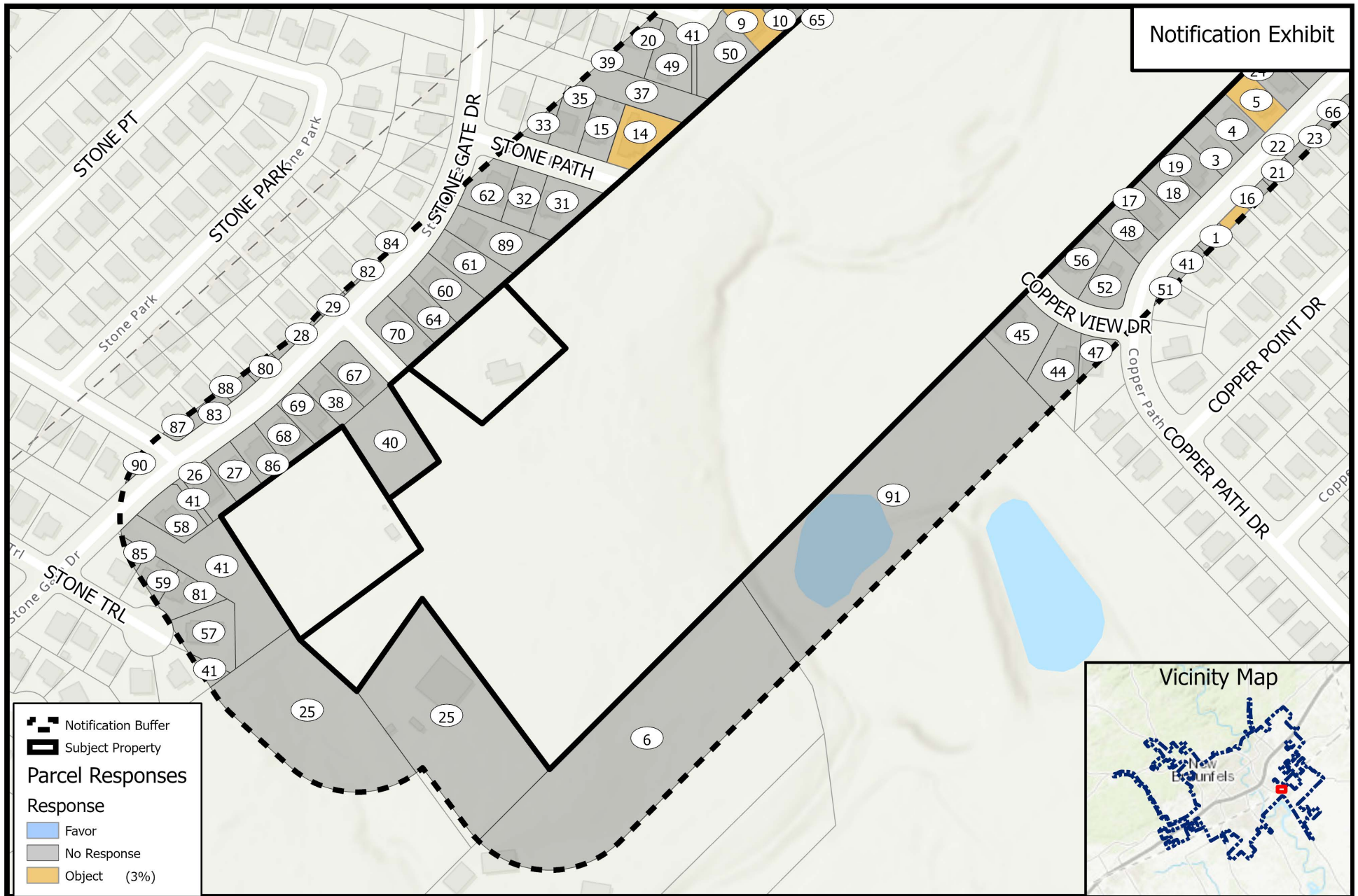
PROPOSED ZONE CHANGE – CASE #PZ20-0203

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 |

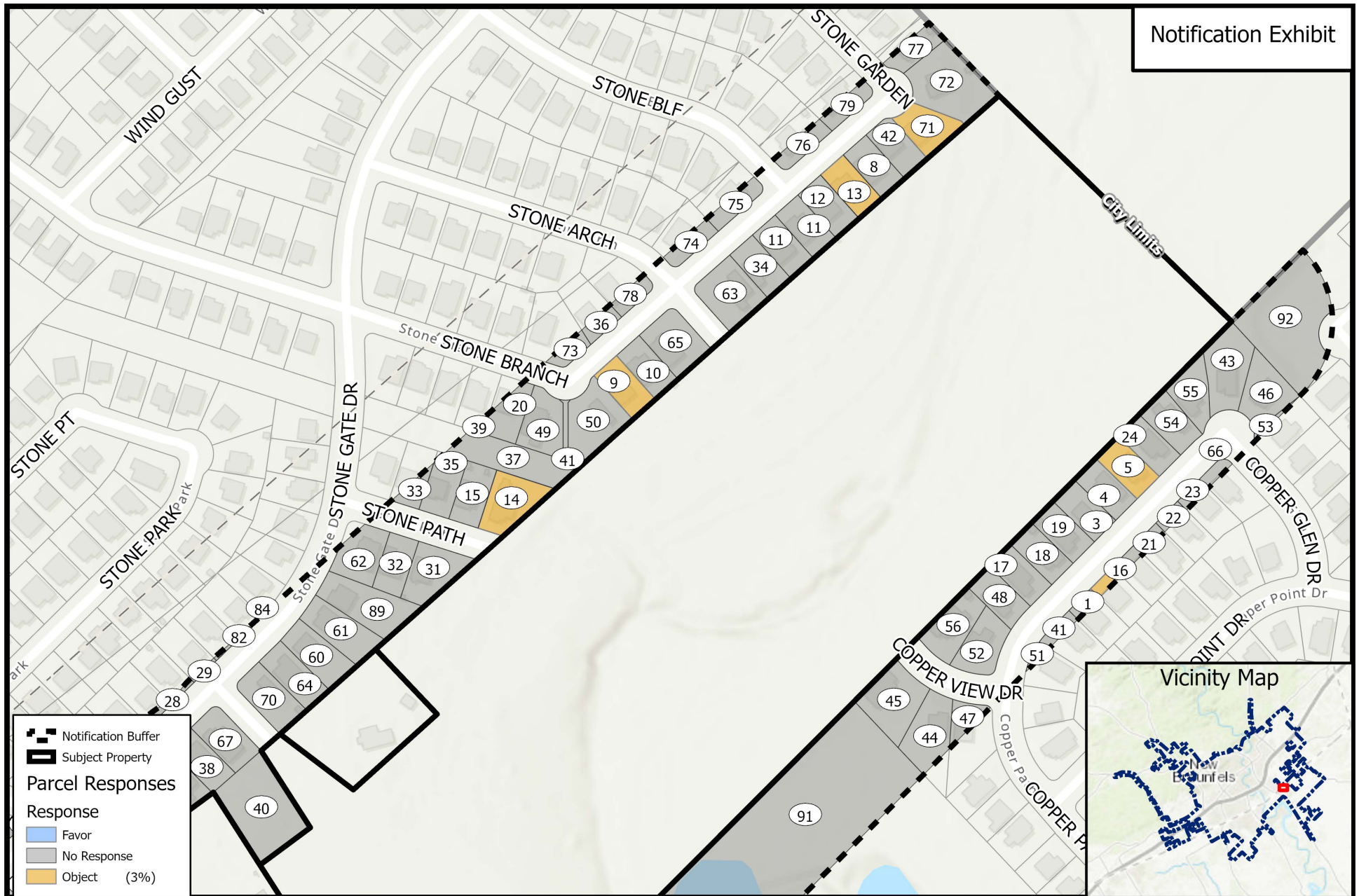
SEE NOTIFICATION MAP



PZ20-0203 Rezoning from PD to ZH-A

0 150 300
Feet





RECEIVED
NOV 10 2020
BY: _____

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0203 (MG)

Name: Carlos Mercado
Address: 368 Copper Path Dr.
Property number on map: 2

I favor: _____
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
Address: 381 COPPER PATH
Property number on map: 5

I favor: _____
I object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

TOO MUCH DENSITY

Signature: [Signature], SECRETARY - COBIA CORPORATION

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0203 (MG)

Name:

Sheryl D. Sierra

Address:

1136 Stone Branch

Property number on map:

9

Comments: (Use additional sheets if necessary)

Signature:

Sheryl D. Sierra



I favor:

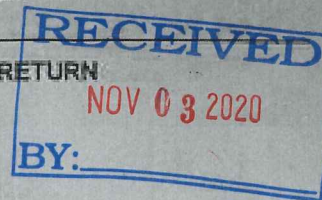
I object:

(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)

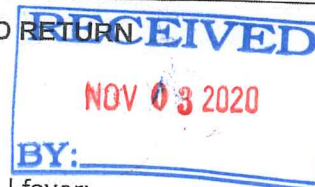
Comments: (Use additional sheets if necessary)

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 am 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: [Signature]



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.

EXHIBIT "B"

1/25/2021

Agenda Item No. K)

Presenter/Contact

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

SUBJECT:

Approval 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 Heynis South and Becker Street.

BACKGROUND / RATIONALE:

Council District: 1

City council unanimously approved the 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 on January 11, 2021.

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



1/25/2021

Agenda Item No. L)

Presenter/Contact

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

SUBJECT:

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

BACKGROUND / RATIONALE:

Council District: 5

City Council unanimously approved the 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 on January 11, 2021.

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:

None, as the signs are already posted.

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

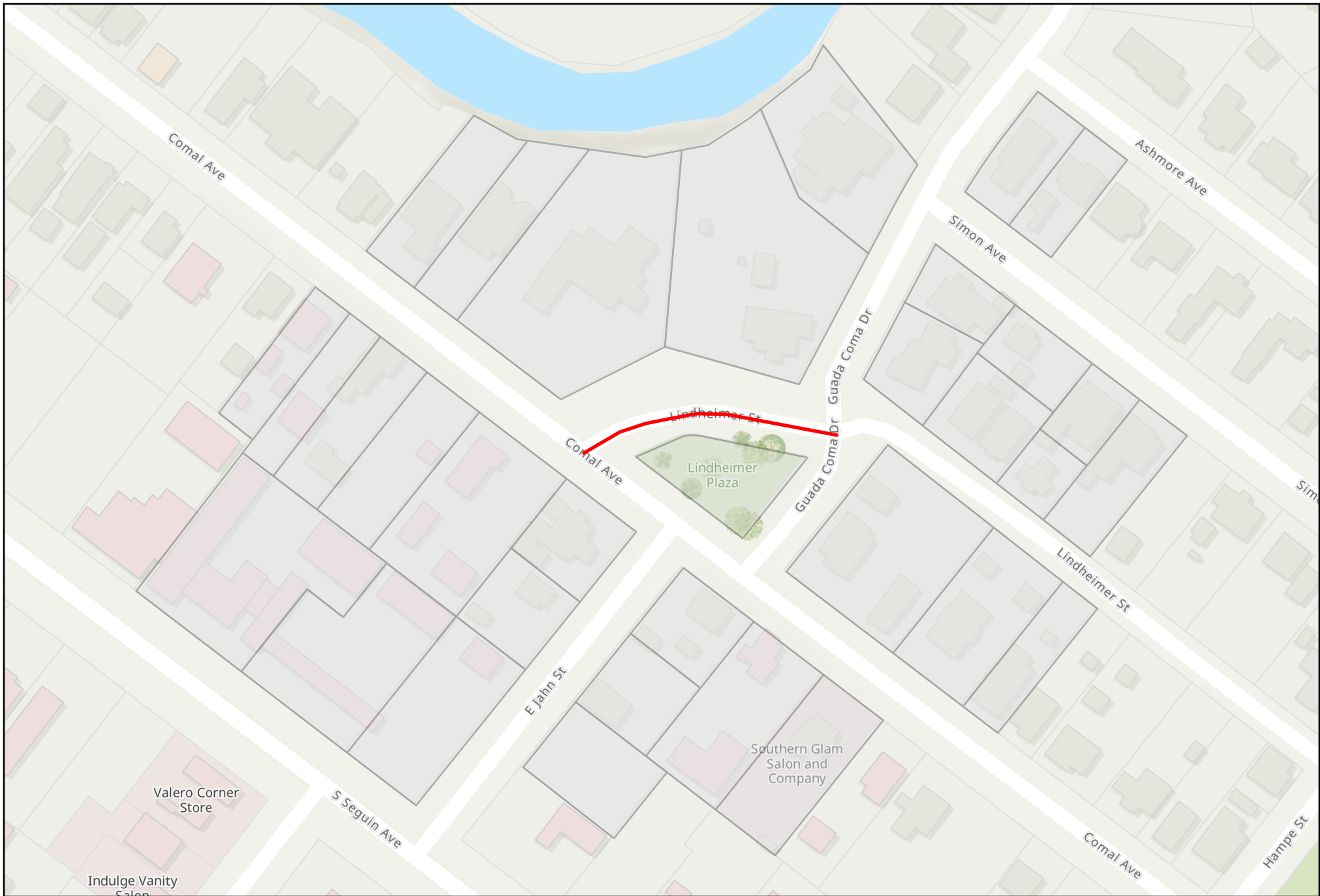
RUSTY BROCKMAN, MAYOR

ATTEST:

CAITLIN KROBOT, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY



Parking by Permit Area G



1/25/2021

Agenda Item No. A)

Presenter/Contact

Stacey Dicke, Parks and Recreation Director
(830) 221-4350 - sdicke@nbtexas.org

SUBJECT:

Approval of a resolution for the submission of an application to the Texas Parks & Wildlife Department, Recreational Trail Grant Program for the provision of funding for the Alligator Creek, and authorization for the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.

BACKGROUND / RATIONALE:

The New Braunfels City Council strategic priorities include using a variety of funding sources for operational and capital needs. If approved by Council, staff will submit a grant application on behalf of the Parks and Recreation Department ("PARD") to the Texas Parks & Wildlife Department, Recreational Trail Grant Program to provide funding for the hike and bike trail extensions within the Alligator Creek Watershed.

The requested grant funding for Alligator Creek Trail supports the recently approved 2020 Hike and Bike Trail (HBT) Plan. Alligator Creek Trail is identified as an opportunity area in the HBT Plan. The Plan proposes 10-foot concrete multi-use trails that will connect to existing developer installed hike and bike trail, Goodwin Lane multi-use paths, through 46-acres of natural area, and connect to FM 306 and eventually toward central New Braunfels. Although these trails have not been designed yet, staff is working on a proposal for an Alligator Creek Trail Master Plan that will be presented for City Council consideration in February.

This Alligator Creek Trail segment is supported by staff of the Great Springs Project, a proposed trail corridor connecting four of Texas Great Springs: Barton Springs, San Marcos Springs, Comal Springs and San Antonio Springs. Great Springs Project staff has volunteered to assist with submission of the grant application.

The Recreational Trail Grant Program is an 80/20 matching grant for up to \$250,000. Staff will request a total grant award amount of \$250,000; matching funds will be supported by the value of a private land dedication along Alligator Creek. The grant submission deadline is February 1, 2021.

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:

Staff will request a total grant award amount of \$250,000; matching funds will be supported by the

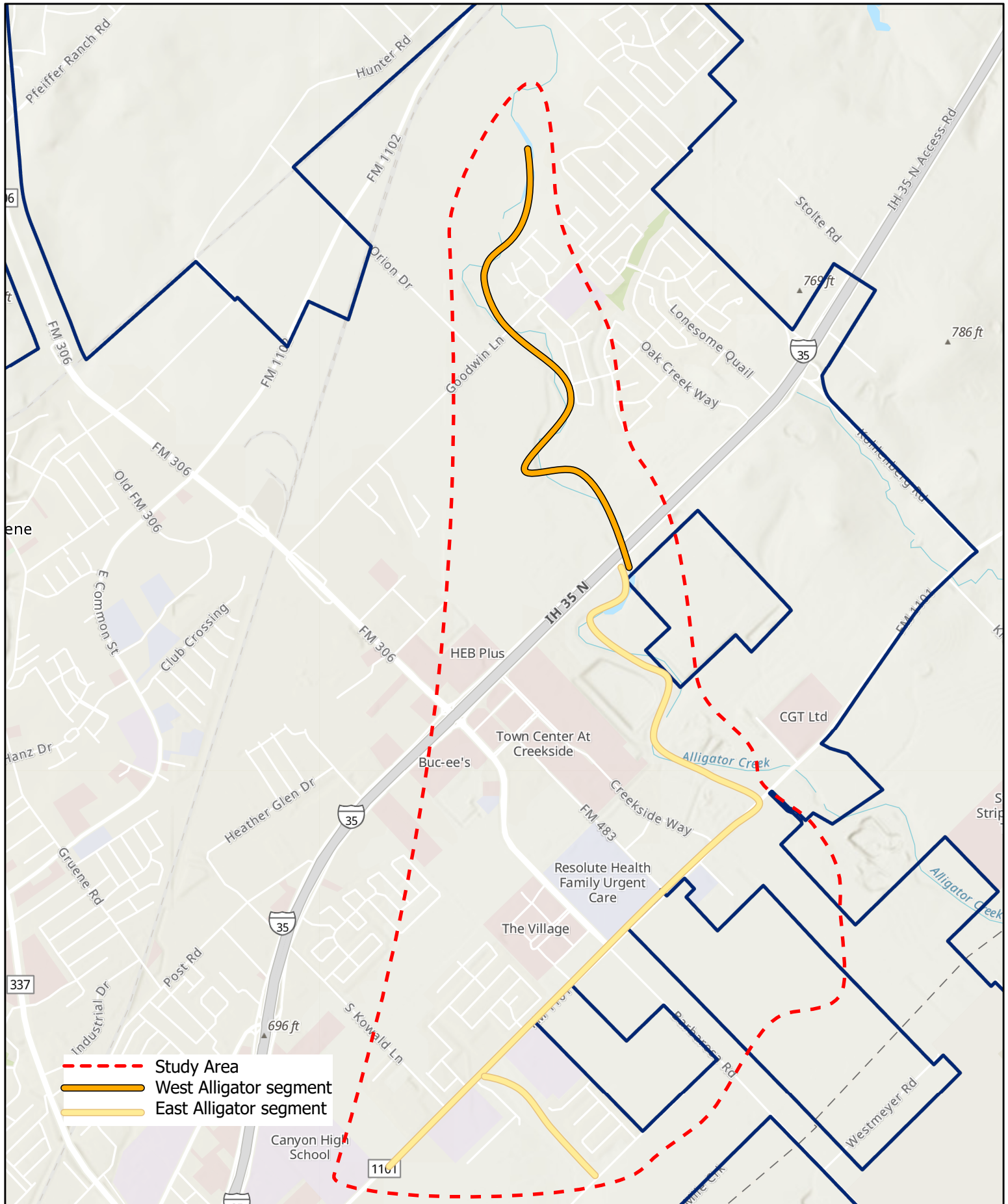
value of 46 acres of private land to be dedicated to the City.

COMMITTEE RECOMMENDATION:

The Parks and Recreation Advisory Board voted to support this resolution at their meeting on January 19, 2021.

STAFF RECOMMENDATION:

Staff recommends approval of a resolution for the submission of an application to the Texas Parks & Wildlife Department, Recreational Trail Grant Program for the provision of funding for hike and bike trail extensions within the Alligator Creek watershed, and authorization for the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.



Alligator Creek Trail Study Area



RESOLUTION 2021-R_____

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING UNDER THE TEXAS PARKS & WILDLIFE DEPARTMENT ("DEPARTMENT"), RECREATIONAL TRAIL GRANT PROGRAM AND AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF NEW BRAUNFELS ("CITY") IN ALL MATTERS RELATED TO THIS GRANT, INCLUDING EXECUTION OF ALL REQUIRED DOCUMENTATION ASSOCIATED WITH ANY RESULTING AWARD.

WHEREAS, the City of New Braunfels certifies that it is fully eligible to receive assistance under the Program; and

WHEREAS, the City of New Braunfels is desirous of authorizing an official to represent and act for the City in dealing with the Department concerning the Program;

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

THAT, the City of New Braunfels hereby certifies that it is eligible to receive assistance under the Program, and that notice of the application has been posted according to local public hearing requirements.

THAT, the City of New Braunfels hereby certifies that the matching share for this application is readily available at this time.

THAT, the City of New Braunfels hereby designates the City Manager as the City's authorized official who will act on the City's behalf in dealing with the Department for the purposes of the Program including execution of all required documentation associated with any resulting award.

THAT, the City of New Braunfels hereby specifically authorizes the official to make application to the Department concerning the Alligator Creek Trail which will create multi-use trails within the Alligator Creek watershed in the City of New Braunfels which portions will be dedicated for public park and recreation purposes in perpetuity upon recording of the official plat of the property in the real property records of Comal County, Texas. Projects with federal monies may have differing requirements.

ADOPTED AND APPROVED on this the 25th day of January 2021.

City of New Braunfels, Texas

RUSTY BROCKMAN, Mayor

Attest:

CAITLIN KROBOT, City Secretary

1/25/2021

Agenda Item No. B)

Presenter/Contact
Caitlin Krobot, City Secretary
ckrobot@nbtexas.org

SUBJECT:

Public hearing and first reading of an ordinance ordering a special election to be held in the City of New Braunfels on May 1, 2021, for proposed amendments to the City Charter; and establishing an Early Voting Location and Polling Places for this Election; and making provisions for the conduct of the Election.

BACKGROUND / RATIONALE:

The uniform election date in May for municipal elections is May 1, 2021.
Early voting will occur at the Comal County Elections Office, 396 N. Seguin Avenue.

Election Day locations will be at:

- District 1 - Westside Community Center, 2932 S IH 35 Frontage Road
- District 2 - New Braunfels First Church of the Nazarene, 210 W. Klein Road
- District 3 - Seniors Center of Comal County, 655 Landa Street
- District 4 - Christ Presbyterian Church, 1620 Common Street
- District 5 - Comal County Goodwin Annex, 1297 Church Hill Drive
- District 6 - Walnut Springs Elementary School, 1900 S. Walnut Avenue

Propositions (A-R) for the City Charter are attached in Exhibit A.

The polling places are pending finalized coordination with the Comal County elections department and the ISD contracts and may be subject to change.

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

This item is for information purposes.

FISCAL IMPACT:

The cost estimate for an election is approximately \$18,968.40 for election workers, supplies, and training. (This amount is subject to change after the polling places are established).

COMMITTEE RECOMMENDATION:

This item is for Council consideration.

STAFF RECOMMENDATION:

Staff recommends approval.

Proposition A

This item removes the 3-year gap currently required between a Councilperson's second and third term. This item does not change the length of time a resident can serve on City Council (which is a lifetime total of 3 terms or 9 years).

Proposition B

This item gives City Council additional authority when a Council seat becomes vacant for 12 months or less. Their options would be limited to:

- leaving the seat vacant until the next regular election,
- appointing a temporary replacement until the next regular election,
- or calling for a special election (which is the current requirement).

This item does not change the requirement for a special election if the vacancy will be for longer than 12 months.

Proposition C

This item allows for penalties and forfeiture of office if a Council Member intentionally attempts to circumvent an adopted term limit by resigning or forfeiting their position in order to avoid the term limits established in the Charter.

Proposition D

This item clarifies the role of the Mayor during an emergency or disaster. Specifically, it allows the Mayor to have access to all of the abilities granted by state law in order to keep the peace and respond to the situation. This item also gives the Mayor the ability to appoint additional help, if necessary, during those times of emergency or disaster.

Proposition E

This item adds to the Charter the current practice of making the Mayor Pro Tem primarily responsible for coordinating City Council's annual evaluations of the City Manager, the City Attorney, and the Municipal Court Judge.

Proposition F

This item clarifies the residency requirement for the City Manager and the City Attorney, giving them up to 120 days after their appointment to establish themselves as a resident of the city.

Proposition G

This item adds to the Charter the current practice of requiring the City Manager to annually provide City Council with a 5-year Financial Forecast and a 5-year Capital Improvement Plan.

Proposition H

This item updates the Charter so that it matches state law by adjusting the City Manager's authority to contract for budgeted items with a limit of up to \$50,000 (instead of the current \$25,000). Anything over that limit would still require City Council approval.

Proposition I

This item allows the City Manager, at his/her discretion, to consent and allow council members to interact with individual department heads without violating the charter.

Proposition J

This item updates the Charter so that it matches state law and the current city practice regarding the appointment and removal of the Municipal Court Judge by City Council. It also allows the Municipal Court Judge up to 120 days after his/her appointment to establish residency in the City. This item also requires that the Municipal Court Clerk be appointed by the City Manager.

Proposition K

This item gives the City Secretary a total of 20 days to present a recall petition to City Council, instead of the current requirement of 5 days, to allow sufficient time to provide all required documentation for the recall.

Proposition L

This item repeals and removes the section of the Charter that establishes and regulates the city's Department of Taxation, which no longer exists due to state regulations.

Proposition M

This item allows for corrections of grammar, spelling, gender references, and syntax, as well as allowing for future corrections and the renumbering of the Charter, without the need for additional Charter amendment elections, as long as such changes do not change the substance of the provision.

Proposition N

This item addresses where certain city records are published or posted. In addition to the current requirements it mandates that certain records be published on the city's website.

Proposition O

This item changes how many times certain types of ordinances must be read by City Council for approval. This item also clarifies the effective dates for all ordinances, and addresses publication requirements for all ordinances.

Proposition P

This item updates the discrimination provision in the Charter to include categories encompassed by federal and state law such as a prohibition on discrimination based on color, national origin, age, disability, veteran status, genetic information, or any other protected classification which state or federal law prohibits as a basis for such appointment or removal.

Proposition Q

This item adds a succession plan to the Charter in the case of emergency or disaster where a quorum of City Council can no longer serve due to injury or death. This section establishes an interim quorum of City Council through automatic but temporary appointments in order to handle city issues during the crisis.

Proposition R

This item clarifies the restrictions and guidelines on campaign activities by city employees and city officials. Specifically, it restricts participation in political campaigning or related activities during work hours or while representing the city or their position with the city. Additionally, this change regulates off-duty political participation when the City Manager believes it is causing an unreasonable disruption to city operations.

ORDINANCE NO. 2021 - _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF NEW BRAUNFELS, TEXAS, ON MAY 1, 2021 TO SUBMIT PROPOSITIONS TO THE REGISTERED VOTERS OF THE CITY OF NEW BRAUNFELS, TEXAS, FOR PROPOSED AMENDMENTS TO THE CITY CHARTER.

WHEREAS, the City Council of the City of New Braunfels, Texas, on February 10, 2020, by majority vote on a second final and reading of an ordinance, opted to submit to the registered voters of the City of New Braunfels, Texas, on May 2, 2020, a uniform election date in the State of Texas, in accordance with Section 9.004 of the Texas Local Government Code and Section 4.01 of the New Braunfels City Charter, and in accordance with other applicable laws, ballot propositions for proposed amendments to the City Charter; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a statewide emergency due to the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the Mayor for the City of New Braunfels ordered and signed a Declaration of Local Disaster for New Braunfels, Texas; and

WHEREAS, the Governor's executive orders and proclamations suspended portions of the Texas Election Code; and

WHEREAS, the Governor of the State of Texas suspended the May 2, 2020, election and authorized local governmental entities to postpone and reschedule/move any ordered elections to November 3, 2020; and

WHEREAS, the City Council had already called the special election prior to the declaration of local disaster, and the public had already been provided notices of the election and charter provisions; and

WHEREAS, the City Council for the City of New Braunfels passed Ordinance 2020-31 postponing the May 2, 2020, election and rescheduled/moved it to November 3, 2020, pursuant to state law and the authorizations provided for by the Governor's executive orders; and

WHEREAS, the City Council after receiving, reviewing and considering the cost estimates of holding the special election in conjunction with the national presidential election scheduled for November 3, 2020, found that it was not fiscally responsible to hold the special election at this time as such estimated costs are several times the costs associated with holding the special election during the May 2021 election; and

WHEREAS, the November 3, 2020 election officials confirmed that there are additional early voting days mandated, due to COVID-19 regulations, for the November 3, 2020 presidential election. This is only one factor amongst many contributing to the higher cost; and

WHEREAS, the City Council of the City of New Braunfels, Texas desired to hold the special election and intended to hold the special election on charter amendments, but must act responsibly with taxpayer funds in setting a date for such election; and

WHEREAS, The City Council approved an ordinance canceling the November 3, 2020 charter amendment special election and granted the Mayor of the City of New Braunfels the authority to sign the order of cancellation of the November 3, 2020 special election; and

WHEREAS, such order was signed by the Mayor on August 17, 2020 at a Special meeting; and

WHEREAS, the City Council of the City of New Braunfels, Texas authorizes the Mayor to sign the order calling the Special Election and any subsequent orders adjusting the polling locations, dates and times that are subject to change due to agreements with Comal County Elections Department and other joint election agreements up until the final posting deadline of such notice pursuant Texas Election Code (“Code”) § 4.003(a)(b) and (c); and

WHEREAS, the City Council of the City of New Braunfels, Texas now desires to call a special election for the May 2021 election to consider such proposed charter amendments, which will provide a significant savings to taxpayers while still allowing the special election to consider the charter amendment propositions.

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

**SECTION I
CALL OF A SPECIAL MUNICIPAL ELECTION**

THAT a special election be held in the City of New Braunfels, Texas on the first Saturday of the month of May, 2021, the same being the 1st day in May for the purpose of submitting the following measures contained in Exhibit A, attached and fully incorporated into this ordinance. Such measures are proposed charter amendments and their language is incorporated to this order by reference herein.

**SECTION II
EARLY VOTING BY PERSONAL APPEARANCE
(Subject to Change)**

THAT the main polling place for early voting by personal appearance for the election is:

| | |
|-------------------------------|--|
| Comal County Elections Office | 396 North Seguin Avenue, New Braunfels |
|-------------------------------|--|

Early voting by personal appearance shall be conducted between the hours and dates as follows:

| Dates | Time |
|---|-------------|
| Monday, April 19, 2021–Tuesday April 27, 2021 | TIME TBD |

SUBJECT TO CHANGE

SECTION III EARLY VOTING BY MAIL

THAT early voting by mail ballot shall be conducted in accordance with applicable provisions of the Texas Election Code.

- A. The address of the Comal County Elections Office, 396 North Seguin Avenue, New Braunfels, Texas 78130, shall be the early voting clerk’s mailing address to which ballot applications and ballots voted by mail may be sent for the City for Comal County residents.

SECTION IV POLLING PLACES (Subject to Change)

THAT the polling places listed below shall be open on Election Day from 7:00 a.m. to 7:00 p.m. on Saturday, May 1st, 2021:

- A. For Comal County, at such locations as determined and posted by the Comal County Elections Officers. Initial Polling Places have been designated below and are expected to be confirmed.

| | | |
|------------|--|----------------------------|
| District 1 | Westside Community Center | 2932 S IH 35 Frontage Road |
| District 2 | New Braunfels First Church of the Nazarene | 210 W. Klein Road |
| District 3 | Seniors Center of Comal County | 655 Landa Street |
| District 4 | Christ Presbyterian Church | 1620 Common Street |
| District 5 | Comal County Goodwin Annex | 1297 Church Hill Drive |
| District 6 | Walnut Springs Elementary School | 1900 S. Walnut Avenue |

SUBJECT TO CHANGE

SECTION V METHOD OF VOTING

THAT use of Hart DRE Verity Touch, Access Touch, and controller voting system, as the term is defined in the Texas Election Code, shall be utilized in connection with the election for Comal County residents. This system shall be utilized for early voting as well as for district voting conducted on Election Day. Cynthia Jaqua is appointed as programmer, and she shall prepare a program for the automatic tabulating equipment. Ample voting equipment shall be provided for early voting and in the specific districts on Election Day. The central counting station is established as the Comal County Elections Office.

SECTION VI APPOINTMENT OF PRESIDING JUDGES

THAT the County Election office of Comal County will appoint the Early Voting Ballot Board, a Presiding Judge for the Early Voting Ballot Board, and a Presiding Judge for the Central Counting Station.

SECTION VII GOVERNING LAW

THAT the election will be held in accordance with the provisions of the Charter of the City of New Braunfels and the laws of the State of Texas. Notice of the election, including a Spanish translation thereof, will be published at least once in the local newspaper in accordance with the Texas Election Code and will be posted on the bulletin board at City Hall at 550 Landa Street, New Braunfels, Texas.

SECTION VIII TESTING OF AUTOMATIC TABULATING EQUIPMENT

THAT testing of the automatic tabulating equipment will be performed and notice thereof will be given in accordance with the Texas Election Code. Each County shall designate the tabulating equipment and personnel required under the Election Code.

SECTION IX COMPENSATION FOR ELECTION WORKERS

THAT the rate of compensation for all polling workers will be decided by the Comal County Election Offices.

PASSED AND APPROVED: this _____ day of _____ 2021

CITY COUNCIL OF THE CITY OF
NEW BRAUNFELS, TEXAS

RUSTY BROCKMAN, MAYOR

ATTEST:

ANDREW A. LYONS III
Assistant City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO
City Attorney

Exhibit A

PROPOSITION A

SHALL SECTION 3.01 OF THE CITY CHARTER BE AMENDED TO CHANGE TERM LIMITS FOR ALL CITY COUNCIL MEMBERS SO A THIRD TERM MAY RUN CONSECUTIVELY VERSUS THE CURRENT TWO (2) CONSECUTIVE TERM LIMIT BUT KEEPING THE LIFETIME LIMIT OF THREE (3) TERMS OR NINE (9) YEARS, AS CURRENTLY ALLOWED?

FOR _____

AGAINST _____

This proposition would allow a Council Member to serve three (3) consecutive three (3) year terms instead of only two (2) consecutive terms; the limit of a total of three (3) year terms will remain unchanged. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 3.01. - Number, selection and term.

The legislative and governing body of the City shall consist of seven (7) Councilpersons and shall be known as the "Council of the City of New Braunfels," and who shall each serve a term of three (3) years.

The City of New Braunfels shall by ordinance be divided into six (6) districts. Each district shall to the extent reasonably possible be equally populated and the City Council shall maintain such equality of population, as from time to time deemed necessary, by ordinance. The districts shall be designated Number 1, 2, 3, 4, 5 and 6. The qualified voters of each district shall elect one (1) Councilmember for each of the six (6) districts. The six (6) Councilmembers so elected from each district shall have been a resident of the district from which the Councilmember is elected for no less than six (6) months prior to filing for office and must continue to reside in said district for his or her entire term of office.

The Mayor of the City of New Braunfels shall be elected by the qualified voters of the City at large and elections for the Mayor shall be held pursuant to Article IV, Elections, of the City Charter of New Braunfels, Texas.

Each Councilperson shall hold office until his or her successor is elected and qualified. Candidates elected at the municipal election shall take office at the regular City Council meeting, the same being at the first regular meeting held after the meeting in which the election returns are canvassed and the result of the election is officially declared.

~~No current or future elected official shall serve more than two (2) consecutive three (3) year terms of office and no more than three (3), three (3) year terms during a lifetime. No~~
elected official shall serve more than three (3) consecutive three (3) year terms of office

and no more than three (3) terms during a lifetime. However, years or time of service that an elected official may serve in filling an unexpired term or a partial term of office shall not be counted toward the above limitations.

The proposition on the ballot shall state as follows:

PROPOSITION A

“SHALL SECTION 3.01 OF THE CITY CHARTER BE AMENDED TO CHANGE TERM LIMITS FOR ALL CITY COUNCIL MEMBERS SO A THIRD TERM MAY RUN CONSECUTIVELY VERSUS THE CURRENT TWO (2) CONSECUTIVE TERM LIMIT BUT KEEPING THE LIFETIME LIMIT OF THREE (3) TERMS OR NINE (9) YEARS, AS CURRENTLY ALLOWED?”

FOR

AGAINST

PROPOSITION B

SHALL SECTION 3.06 OF THE CITY CHARTER BE AMENDED TO CHANGE THE QUALIFICATIONS AND CONDITIONS FOR FILLING VACANCIES ON THE CITY COUNCIL SO THAT VACANCIES OF TWELVE (12) MONTHS OR LESS CAN BE FILLED, AT THE DISCRETION OF CITY COUNCIL, BY APPOINTMENT OF COUNCIL, LEFT VACANT FOR THE BALANCE OF THE TERM, OR HAVE A SPECIAL ELECTION CALLED TO FILL THE VACANCY WHILE VACANCIES OVER TWELVE (12) MONTHS DURATION WILL CONTINUE TO REQUIRE A SPECIAL ELECTION ?

FOR

AGAINST

This proposition would allow City Council to use its discretion for vacancies on City Council of 12 months or less to either appoint a temporary replacement, leave the position vacant until the next election or call a special election to fill the position. For vacancies of over 12 months, a special election would still be required to be called with 120 days pursuant to state statute.

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 3.06. - Vacancies.

~~Vacancies on the council arising for any causes shall be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur, or as otherwise provided by the laws of the State of Texas.~~

All vacancies on City Council, regardless of cause, with unexpired terms of more than twelve (12) months shall be filled by special election pursuant to state law. All vacancies with unexpired terms of twelve (12) months or less may be filled, at the discretion of City Council, by appointment of the City Council upon a majority vote, may be left vacant for the remainder of the unexpired term or filled by a special election pursuant to state law. An office holder who has forfeited the office under this Charter is ineligible to be appointed to fill an unexpired term created by such forfeiture.

The proposition on the ballot shall state as follows:

PROPOSITION B

“SHALL SECTION 3.06 OF THE CITY CHARTER BE AMENDED TO CHANGE THE QUALIFICATIONS AND CONDITIONS FOR FILLING VACANCIES ON THE CITY COUNCIL SO THAT VACANCIES OF TWELVE (12) MONTHS OR LESS CAN BE FILLED, AT THE DISCRETION OF CITY COUNCIL, BY APPOINTMENT OF COUNCIL, LEFT VACANT FOR THE BALANCE OF THE TERM, OR HAVE A SPECIAL ELECTION CALLED TO FILL THE VACANCY WHILE VACANCIES OVER TWELVE (12) MONTHS DURATION WILL CONTINUE TO REQUIRE A SPECIAL ELECTION ?”

FOR

AGAINST

PROPOSITION C

SHALL SECTION 12.03(a)(6) OF THE CITY CHARTER BE ADOPTED AND SECTION 12.03(b) BE AMENDED TO PROHIBIT AND PENALIZE COUNCIL MEMBERS FROM INTENTIONALLY RESIGNING FROM HIS/HER POSITION AND RUNNING IN A SUBSEQUENT ELECTION TO CIRCUMVENT TERM LIMITS?

FOR

AGAINST

This proposition would allow for penalties and forfeiture if a Council Member intentionally uses the ability to resign his/her position and then re-run to avoid the term limits provisions. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 12.03. - Prohibitions.

(a) *Activities prohibited.*

(6) No member of the City Council may knowingly or intentionally attempt to circumvent an adopted term limit by resigning or forfeiting their position in order to avoid the established term limit of three (3) three (3) year terms.

(b) *Penalties.* Any person who by himself or with others violates any of the provisions of paragraphs (1) through (3) of the preceding subsection (a) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars (\$100.00). Any person who by himself or with others violates any of the provisions of paragraphs (4) through (6) of the preceding subsection (a) shall be guilty of an offense and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars (\$100.00). Any person convicted under this section shall be ineligible for a period of five (5) years thereafter to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit his office or position.

The proposition on the ballot shall state as follows:

PROPOSITION C

“SHALL SECTION 12.03(a)(6) OF THE CITY CHARTER BE ADOPTED AND SECTION 12.03(b) BE AMENDED TO PROHIBIT AND PENALIZE COUNCIL MEMBERS FROM INTENTIONALLY RESIGNING FROM HIS/HER POSITION AND RUNNING IN A SUBSEQUENT ELECTION TO CIRCUMVENT TERM LIMITS?”

FOR

AGAINST

PROPOSITION D

SHALL SECTION 3.05(c) OF THE CITY CHARTER BE AMENDED TO CLARIFY THE POWER OF THE MAYOR DURING A TIME OF EMERGENCY TO APPOINT ADDITIONAL HELP, PROVIDE AUTHORIZATION FOR SUCH HELP AND UTILIZE ALL ABILITIES AUTHORIZED BY STATE LAW?

FOR _____

AGAINST _____

This proposition would update the charter language in times of emergency, clarifies the role of the mayor to appoint additional help, provide proper authorization for such additional help to perform duties, and utilize all of the authorities authorized by state law in times of emergency or disaster. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

Sec. 3.05. - Mayor and Mayor Pro Tem.

...

(c) *Emergency powers of Mayor.* Whenever the Mayor shall deem it necessary in order to enforce the laws of the City, or to avert danger, or to protect life or property, in case of riot, outbreak, calamity or public disturbance, or when he has reason to fear any serious violation of law or order, outbreak, or any other danger to the City of New Braunfels or the inhabitants thereof, ~~he shall summon into service as a special police force, all or as many of the citizens as in his judgment and discretion may be necessary and proper; and such summons may be made by proclamation or orders addressed to the citizens generally, or those of any ward of the City or subdivision thereof, or such summons may be by personal notification. Such summons shall be made pursuant to a proclamation by the Mayor that an emergency exists in the City of New Braunfels.~~ he/she shall proclaim the emergency and shall utilize such powers and authorizations allowed by local, state and federal law needed to keep the peace and respond to such emergency. During such emergency, the police department of the City of New Braunfels, and such other ~~special police as have been summoned by the Mayor,~~ keepers of the peace and emergency responders as shall be appointed, deputized, or enlisted by the Mayor shall be subject to the orders of the Mayor, and shall perform such duties as he may require. The Mayor shall have authority during the continuance of such emergency to make and enforce such rules, regulations, and orders as are necessary to preserve the public health, safety, and welfare from the threatened danger. During such emergency, such rules, regulations and orders shall have the force and effect of law.

The proposition on the ballot shall state as follows:

PROPOSITION D

“SHALL SECTION 3.05(c) OF THE CITY CHARTER BE AMENDED TO CLARIFY THE POWER OF THE MAYOR DURING A TIME OF EMERGENCY TO APPOINT ADDITIONAL HELP, PROVIDE AUTHORIZATION FOR SUCH HELP AND UTILIZE ALL ABILITIES AUTHORIZED BY STATE LAW?”

FOR

AGAINST

PROPOSITION E

SHALL SECTION 3.05(b) OF THE CITY CHARTER BE AMENDED TO PLACE ADDITIONAL DUTIES ON THE MAYOR PRO TEM TO BE PRIMARILY RESPONSIBLE FOR THE ANNUAL EVALUATIONS OF THE CITY MANAGER, CITY ATTORNEY AND MUNICIPAL COURT JUDGE, WHO REPORT TO CITY COUNCIL, AS IS CURRENT PRACTICE?

FOR _____

AGAINST _____

This proposition assigns the primary responsibility of ensuring annual evaluations for charter officials (City Manager, City Attorney, Municipal Court Judge) who report to the City Council upon the mayor pro tem position. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

Sec. 3.05. - Mayor and Mayor Pro Tem.

...

(b) *Election of Mayor Pro Tem.* At its first regular meeting following the meeting at which the official election returns are canvassed and the results are declared of each year, the City Council shall elect from among its members a Mayor Pro Tem who shall serve at the pleasure of the City Council, and he shall perform all the duties of Mayor in the absence or disability of the Mayor. Mayor Pro Tem shall have the duty to implement, coordinate, and strive for completion of the annual evaluations of the City Manager, City Attorney and Municipal Court Judge, unless directed otherwise by resolution. The City Council may, by resolution, provide standards, procedures, and instruction on such annual evaluations.

...

The proposition on the ballot shall state as follows:

PROPOSITION E

“SHALL SECTION 3.05(b) OF THE CITY CHARTER BE AMENDED TO PLACE ADDITIONAL DUTIES ON THE MAYOR PRO TEM TO BE PRIMARILY RESPONSIBLE FOR THE ANNUAL EVALUATIONS OF THE CITY MANAGER, CITY ATTORNEY AND MUNICIPAL COURT JUDGE, WHO REPORT TO CITY COUNCIL, AS IS CURRENT PRACTICE?”

FOR _____

AGAINST _____

PROPOSITION F

SHALL SECTIONS 7.01(a) AND 8.04 OF THE CITY CHARTER BE AMENDED TO CLARIFY RESIDENCY REQUIREMENTS FOR THE CITY MANAGER AND CITY ATTORNEY TO ALLOW UP TO ONE HUNDRED TWENTY (120) DAYS AFTER APPOINTMENT TO ESTABLISH RESIDENCY IN THE CITY?

FOR _____

AGAINST _____

This proposition allows the City Manager and the City Attorney up to 120 days after his/her appointment to establish residency in the City. It corrects a problem from the past where such officials hired from out of town were required to immediately obtain housing in the City when appointed. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 7.01. - City Manager.

(a) *Appointment and qualifications.* The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. He shall be chosen by the City Council solely on the basis of his executive and administrative training, experience, ability, and character, and need not when appointed, be a resident of the City of New Braunfels; however, the City Manager must be a resident of the City within one hundred twenty (120) days of his/her appointment and shall have his/her principal residence in the City continuously while holding that office. No member of the City Council shall during the time of which he is elected and for one (1) year thereafter, be appointed City Manager.

Sec. 8.04. - City Attorney.

The City Council shall appoint a licensed attorney of the State of Texas to be the City Attorney. He shall receive for his services such compensation as may be fixed by the City Council for regular and special duties and shall hold his office at the pleasure of the City Council. The City Attorney or such other attorney selected by him with the approval of the City Council shall represent the City in all litigations and prosecutions in Municipal Court. There may be such Assistant City Attorneys as may be authorized by the City Council. Such Assistant City Attorneys shall be authorized to act for and on behalf of the City Attorney, including representing the City in all litigations and prosecutions in Municipal Court. The City Attorney shall reside within the City Limits of the City of New Braunfels or become a resident of the City within one hundred twenty (120) days of his/her appointment.

The proposition on the ballot shall state as follows:

PROPOSITION F

“SHALL SECTIONS 7.01(a) AND 8.04 OF THE CITY CHARTER BE AMENDED TO CLARIFY RESIDENCY REQUIREMENTS FOR THE CITY MANAGER AND CITY ATTORNEY TO ALLOW UP TO ONE HUNDRED TWENTY (120) DAYS AFTER APPOINTMENT TO ESTABLISH RESIDENCY IN THE CITY?”

FOR

AGAINST

PROPOSITION G

SHALL SECTION 7.01(d) OF THE CITY CHARTER BE ADDED TO IMPOSE AN OBLIGATION UPON THE CITY MANAGER TO SUBMIT ANNUALLY TO CITY COUNCIL A FIVE (5) YEAR FINANCIAL FORECAST AND A FIVE (5) YEAR CAPITAL IMPROVEMENT PLAN, AS IS CURRENT PRACTICE?

FOR

AGAINST

This proposition codifies a current practice requiring the City Manager to annually submit a five year financial forecast and a five year capital improvement plan to the City Council to allow for better planning. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

Sec. 7.01. - City Manager.

(d) The City Manager shall prepare and submit annually to the City Council a five (5) year financial forecast and a five (5) year capital improvement program with appropriate timing ahead of the submission of the “proposed budget” to Council as referenced in Section 9.02.

The proposition on the ballot shall state as follows:

PROPOSITION G

“SHALL SECTION 7.01(d) OF THE CITY CHARTER BE ADDED TO IMPOSE AN OBLIGATION UPON THE CITY MANAGER TO SUBMIT ANNUALLY TO CITY COUNCIL A FIVE (5) YEAR FINANCIAL FORECAST AND A FIVE (5) YEAR CAPITAL IMPROVEMENT PLAN, AS IS CURRENT PRACTICE?”

FOR

AGAINST

PROPOSITION H

SHALL SECTION 9.17 OF THE CITY CHARTER BE AMENDED TO ADJUST CITY MANAGER AUTHORITY FOR COMPETITIVE BIDDING AND PURCHASING FOR BUDGETED ITEMS CURRENTLY SET AT \$25,000.00 TO ALIGN WITH STATE LAW LIMITS, WHICH ARE CURRENTLY SET AT \$50,000.00 AND TO ADJUST AUTOMATICALLY UPON A CHANGE IN STATE LAW?

FOR _____

AGAINST _____

This proposition synchronizes the Charter provisions with state law requirements on the City Manager's authority to contract without competitive bidding being utilized for budgeted items and allows for changes made by the Legislature without requiring a Charter election. The City Manager's current authority is \$25,000.00, while current state law limits such authority to \$50,000.00. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 9.17. - Purchases, Sales and Contracts.

All purchases made, and contracts entered into, by the City, and all sales, exchanges or other dispositions of property of any kind or character owned by the City, shall be accomplished pursuant to the requirements and procedures of the constitution and laws of the State of Texas, and any ordinance, resolution or motion by the City Council not inconsistent with such constitution and laws. The City Manager shall have the authority to contract for expenditures without further approval of the City Council for all budgeted items ~~not exceeding twenty-five thousand dollars (\$25,000.00)~~ that do not equal or exceed the minimum amount required for mandatory competitive bidding/purchasing set by state law. At the time this charter provision was amended, state law defined such minimum as any amount over fifty thousand dollars (\$50,000.00).

The proposition on the ballot shall state as follows:

PROPOSITION H

“SHALL SECTION 9.17 OF THE CITY CHARTER BE AMENDED TO ADJUST CITY MANAGER AUTHORITY FOR COMPETITIVE BIDDING AND PURCHASING FOR BUDGETED ITEMS CURRENTLY SET AT \$25,000.00 TO ALIGN WITH STATE LAW LIMITS, WHICH ARE CURRENTLY SET AT \$50,000.00 AND TO ADJUST AUTOMATICALLY UPON A CHANGE IN STATE LAW? ”

FOR _____

AGAINST _____

PROPOSITION I

SHALL SECTION 3.08(c) OF THE CITY CHARTER BE AMENDED TO AUTHORIZE THE CITY MANAGER, IN HIS/HER DISCRETION, TO ALLOW COUNCIL MEMBERS TO INTERACT WITH INDIVIDUAL DEPARTMENT HEADS, WITHOUT VIOLATING THE CITY CHARTER?

FOR _____

AGAINST _____

This proposition would allow the City Manager, at his/her discretion, to consent and allow council members to interact with individual department heads without violating the charter. This allows each City Manager the ability to decide what is more efficient for the City in individual circumstances while still protecting the Council-City Manager form of government. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 3.08. - Prohibitions.

...

(c) *Interference with administration.* Except for the purpose of inquiries and investigations, unless otherwise provided in this Charter or as authorized in writing by the City Manager prior to action, the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately.

The proposition on the ballot shall state as follows:

PROPOSITION I

“SHALL SECTION 3.08(c) OF THE CITY CHARTER BE AMENDED TO AUTHORIZE THE CITY MANAGER, IN HIS/HER DISCRETION, TO ALLOW COUNCIL MEMBERS TO INTERACT WITH INDIVIDUAL DEPARTMENT HEADS, WITHOUT VIOLATING THE CITY CHARTER?”

FOR _____

AGAINST _____

PROPOSITION J

SHALL SECTIONS 8.02 AND 8.03 OF THE CITY CHARTER BE AMENDED FOR THE APPOINTMENT OF MUNICIPAL COURT JUDGES, PROVIDE FOR REMOVAL OF ANY MUNICIPAL COURT JUDGE AND PROVIDE FOR APPOINTMENT OF THE MUNICIPAL COURT CLERK TO COMPLY WITH STATE LAW AND CURRENT PRACTICE?

FOR _____

AGAINST _____

This proposition brings the municipal court judge and municipal court clerk positions into conformity with current state law, allows the municipal court judge the ability to appoint temporary replacements, provides for removal authority by the Council when needed, and removes the City Secretary from being the court clerk and allows the City Manager to appoint the court clerk. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 8.02. - Judge of the Municipal Court.

~~The judge of said court shall be a licensed, resident attorney of the City of New Braunfels, appointed by the City Council and shall receive such salary as may be fixed by the City Council. In case of the disability or absence of the judge of the Municipal Court, the City Council shall appoint a temporary municipal court judge who shall also be a licensed, resident attorney. The judge of said court shall hold his or her office pursuant to the laws of the State of Texas.~~

(a) The City Council shall appoint a presiding judge for the Municipal Court. The Presiding Judge of the Municipal Court shall be a licensed attorney appointed for a term set by ordinance, but for not less than two years. Any municipal court judge must reside within the City of New Braunfels, or becomes a resident within one hundred twenty (120) days of his/her appointment. All judges shall receive such compensation as may be fixed by the City Council.

(b) The presiding judge may appoint a temporary judge in case of absence. The City Council may, by ordinance, adopt authorizations and procedures for the appointment, compensation, and qualifications of any associate judges.

(c) Removal of Judge. The City Council shall have the authority to remove the presiding judge and any associate judges. All judges may be removed with or without cause. The City Council may, by ordinance, provide for procedures pertaining to any removal.

Sec. 8.03. - Clerk of the Municipal Court.

~~The City Secretary or an Assistant City Secretary shall be ex-officio clerk of said court.~~
The City Manager shall appoint the Clerk of the Municipal Court. The clerk of said court and his or her deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally do and perform any and all acts usual and necessary by the clerk of the court in issuing process of said court and conducting the business thereof.

The proposition on the ballot shall state as follows:

PROPOSITION J

“SHALL SECTIONS 8.02 AND 8.03 OF THE CITY CHARTER BE AMENDED FOR THE APPOINTMENT OF MUNICIPAL COURT JUDGES, PROVIDE FOR REMOVAL OF ANY MUNICIPAL COURT JUDGE AND PROVIDE FOR APPOINTMENT OF THE MUNICIPAL COURT CLERK TO COMPLY WITH STATE LAW AND CURRENT PRACTICE?”

FOR

AGAINST

PROPOSITION K

SHALL SECTION 5.05 OF THE CITY CHARTER BE AMENDED TO CHANGE THE NUMBER OF DAYS AFTER SUBMISSION OF A RECALL PETITION THE CITY SECRETARY MUST PRESENT TO THE CITY COUNCIL FROM FIVE (5) DAYS TO TWENTY (20) DAYS TO ALLOW SUFFICIENT TIME TO PROVIDE ALL REQUIRED DOCUMENTS FOR THE RECALL?

FOR

AGAINST

This proposition would change the number of days the City Secretary has to submit a recall petition to the City Council from five (5) days to twenty (20) days to be more in conformity with other cities' charters and ordinances. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 5.05. - Presentation of petition to City Council.

Within ~~five (5)~~ twenty (20) days after the date of filing of the papers constituting the recall petition, the person performing the duties of City Secretary shall present such petition to the City Council of the City of New Braunfels at a special meeting called for this purpose.

The proposition on the ballot shall state as follows:

PROPOSITION K

“SHALL SECTION 5.05 OF THE CITY CHARTER BE AMENDED TO CHANGE THE NUMBER OF DAYS AFTER SUBMISSION OF A RECALL PETITION THE CITY SECRETARY MUST PRESENT TO THE CITY COUNCIL FROM FIVE (5) DAYS TO TWENTY (20) DAYS TO ALLOW SUFFICIENT TIME TO PROVIDE ALL REQUIRED DOCUMENTS FOR THE RECALL?”

FOR

AGAINST

PROPOSITION L

SHALL SECTION 9.18 OF THE CITY CHARTER BE REPEALED AND REMOVE THE DEPARTMENT OF TAXATION, WHICH NO LONGER EXISTS DUE TO STATE REGULATIONS?

FOR

AGAINST

Due to state law regulations, the City no longer utilizes a department of taxation. As a result, this proposition removes this provision and avoids confusion as to the department's existence. This proposition would repeal the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

~~Sec. 9.18. Department of Taxation.~~

~~There shall be established a Department of Taxation to assess and collect taxes, the head of which shall be the City Tax Assessor Collector, which office shall be filled by appointment by the City Manager with concurrence of the City Council.~~

~~The City Tax Assessor Collector shall give a surety bond for faithful performance of his duties, including compliance with all controlling provisions of the State Law bearing upon the functions of his office, in a sum which shall be fixed by the City Council at not less than fifty thousand dollars (\$50,000.00).~~

~~The City Council may, in the interest of economy and efficiency, contract with another political subdivision to handle the assessment and/or collection of taxes.~~

~~The City Tax Assessor Collector may be removed from office by the City Manager with the concurrence of the City Council.~~

The proposition on the ballot shall state as follows:

PROPOSITION L

“SHALL SECTION 9.18 OF THE CITY CHARTER BE REPEALED AND REMOVE THE DEPARTMENT OF TAXATION, WHICH NO LONGER EXISTS DUE TO STATE REGULATIONS?”

FOR

AGAINST

PROPOSITION M

SHALL SECTIONS 1.01, 3.02, 3.05(b)-(c), 3.08(a)-(b), 3.10, 4.05, 5.03, 7.01(a), 7.01(c)(4), 7.03(a), 8.04 AND 12.13 OF THE CITY CHARTER BE AMENDED TO MAKE CORRECTIONS TO TYPOGRAPHICAL ERRORS, SYNTAX, GRAMMAR AND GENDER REFERENCES, AND ALLOW FOR FUTURE CORRECTIONS AND RENUMBERING OF CHARTER WITHOUT A CHARTER ELECTION?

FOR _____

AGAINST _____

This proposition allows the City Council to correct typographical and grammar errors and renumber charter provisions without the need for an election, as long as such changes do not change the substance of the provision and also proceeds to correct several typographical and grammar errors as well as gender references in the current text of the charter. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 1.01. - Preamble.

All the inhabitants of the City of New Braunfels, Comal County, Texas, residing within the boundaries and limits of said City as are herein established or may hereafter be established, shall be a political subdivision of the State of Texas, incorporated under and to be known by the name and style of the "City of New Braunfels" with such powers, rights and duties as provided in this Home Rule Charter in accordance with the statutes of the State of Texas. Within this charter, a word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. Words used in the present or past tense include the future as well as the present or past.

Sec. 3.02. - Qualifications.

Each member of the City Council shall be a resident citizen of the City of New Braunfels, shall be a qualified voter of the State of Texas, shall have been such resident citizen of the City of New Braunfels for a period of not less ~~then~~ than twelve (12) months immediately prior to election day, and shall not be indebted to the City of New Braunfels; provided, however, that any person with the above qualifications, except as to residence, who shall have been a resident for a period of not less than twelve (12) months immediately preceding his or her election of any of the territory not formerly within the corporate limits of said city, but which is annexed under the provisions of section 1.04 of this charter, shall be

eligible for said office. An elected officer must continue to reside in the City of New Braunfels for his or her entire term. If any elected officer fails to maintain the foregoing qualifications, or shall be absent from three (3) consecutive regularly scheduled meetings without valid excuse, the City Council must at its next regular meeting declare a vacancy to exist and shall fill said vacancy as set forth in section 3.06 of this charter.

Sec. 3.05. - Mayor and Mayor Pro Tem.

(b) *Election of Mayor Pro Tem.* At its first regular meeting following the meeting at which the official election returns are canvassed and the results are declared of each year, the City Council shall elect from among its members a Mayor Pro Tem who shall serve at the pleasure of the City Council, and he/she shall perform all the duties of Mayor in the absence or disability of the Mayor.

(c) *Emergency powers of Mayor.* Whenever the Mayor shall deem it necessary in order to enforce the laws of the City, or to avert danger, or to protect life or property, in case of riot, outbreak, calamity or public disturbance, or when he/she has reason to fear any serious violation of law or order, outbreak, or any other danger to the City of New Braunfels or the inhabitants thereof, he/she shall summon into service as a special police force, all or as many of the citizens as in his/her judgment and discretion may be necessary and proper; and such summons may be made by proclamation or orders addressed to the citizens generally, or those of any ward of the City or subdivision thereof, or such summons may be by personal notification. Such summons shall be made pursuant to a proclamation by the Mayor that an emergency exists in the City of New Braunfels. During such emergency, the police department of the City of New Braunfels, and such special police as have been summoned by the Mayor, shall be subject to the orders of the Mayor, and shall perform such duties as he/she may require, and shall have the same power while on duty as the regular police of the City of New Braunfels. The Mayor shall have authority during the continuance of such emergency to make and enforce such rules, regulations, and orders as are necessary to preserve the public health, safety, and welfare from the threatened danger. During such emergency, such rules, regulations and orders shall have the force and effect of law.

Sec. 3.08. - Prohibitions.

(a) *Holding other office.* Except where authorized by law, no Council ~~person~~man shall hold any other City office or employment by the City during the term for which he/she was elected to the City Council, and no former Council ~~person~~man shall hold any compensated appointive city office or employment until one (1) year after the expiration of the term for which he/she was elected to the City Council.

(b) *Appointments and removals.* Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the City Manager or any of his/her subordinates are empowered to appoint, unless otherwise provided in this Charter, but the City Council may express its

views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

Sec. 3.10. - Ordinances in general.

The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, before any ordinance shall be adopted.

Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject, but general appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. All ordinances shall be read in open meeting of the City Council on two (2) separate days provided that all readings of any ordinance may be by descriptive caption only except that one (1) member of the council may require a complete reading of any ordinance upon first reading thereof. Any ordinance necessary to protect the public's peace, health, safety and general welfare, may be passed as an emergency and become effective at once upon one (1) reading of the City Council, upon the approval of a majority vote of the City Council members at said reading.

The City Attorney shall approve each ordinance in writing or shall file with the City Secretary his/her written legal objections thereto. Every ordinance enacted by the City Council shall be signed by the Mayor, Mayor Pro Tem, or by two (2) council members, and shall be filed with and recorded by the City Secretary before the same shall become effective.

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every penal and of every other ordinance required by law or this Charter to be published, by causing the descriptive title or caption of the same to be published at least one time within ten (10) days after final passage thereof in some newspaper of general circulation in the City. The City Secretary shall note on every ordinance and on the record thereof, the dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section.

Sec. 4.05. - Election by majority.

At any regular or special municipal election, the candidates in each of the six (6) districts on the ballot as required in Section 3.01, who shall have received the majority of votes cast in such election for such district ~~distance~~ shall be declared elected. In the event no such candidate for a designated district on the City Council receives a majority of the votes cast for that district in the regular or special election, a runoff election shall be held between the two (2) candidates who received the greatest number of votes for such district. Such runoff election shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections. At any regular or special municipal election for the election of the Mayor at large pursuant to Section 3.01, the candidate on the ballot who shall have received the most number of votes cast in such election shall be declared elected. In the event of a tie between or among any of the candidates for Mayor receiving the most votes, then a runoff election shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections, except such vote shall be by plurality.

Sec. 5.03. - Form of recall petition.

The recall petition mentioned above must be addressed to the City Council of the City of New Braunfels, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated. ~~and, if~~ **If** there be more than one (1) ground, such as for incompetency, misconduct or malfeasance in office, the petition shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of the matters and things with which he/she is charged. The signature shall be verified by oath in the following form:

"State of Texas) (County of Comal)

I, _____, being first duly sworn, on oath depose and say that I am one (1) of the signers of the above petition and that the statements made therein are true and each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

| | |
|--|-------|
| | _____ |
|--|-------|

Sworn and subscribed to before me this _____ day of _____, ~~19~~**20**_____.

| | |
|--|---|
| | _____ Notary Public in and for Comal County, Texas." |
|--|---|

Sec. 7.01. - City Manager.

(a) *Appointment and qualifications.* The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. He/She shall be chosen by the City Council solely on the basis of his/her executive and administrative training, experience, ability, and character, and need not when appointed, be a resident of the City of New Braunfels. No member of the City Council shall during the time of which he/she is elected and for one (1) year thereafter, be appointed City Manager.

(c) *Powers and duties.* The powers herein conferred upon the City Manager by the City Council shall be the following:

...

(4) To perform such other duties as may be prescribed by this Charter or required of him/her by the City Council, not inconsistent with the provisions of this Charter.

Sec. 7.03. - Department of Police.

There shall be established and maintained a Department of Police to preserve order within the City and to secure the residents of said City from violence and the property therein from injury or loss.

(a) *Chief of Police.* The Chief of Police shall be the Chief Administrative Officer of the Department of Police. The Police Chief shall be appointed by the City Manager, and he/she may be removed from office by the City Manager.

Sec. 8.04. - City Attorney.

The City Council shall appoint a licensed attorney of the State of Texas to be the City Attorney. He/she shall receive for his/her services such compensation as may be fixed by the City Council for regular and special duties and shall hold his/her office at the pleasure of the City Council. The City Attorney or such other attorney selected by him/her with the approval of the City Council shall represent the City in all litigations and prosecutions in Municipal Court. There may be such Assistant City Attorneys as may be authorized by the City Council. Such Assistant City Attorneys shall be authorized to act for and on behalf of the City Attorney, including representing the City in all litigations and prosecutions in Municipal Court. The City Attorney shall reside within the City Limits of the City of New Braunfels.

Sec. 12.13. - Amending the Charter.

This Charter may be amended by any method permitted by general state law regarding the amendment of charters of home rule municipalities, including but not limited to Chapter 9 of the Local Government Code. The City Council may provide, by ordinance, regulations and procedures for the implementation and enforcement of this Charter. In order to preserve coherency, the City Council shall have the power, by ordinance, to renumber and rearrange all articles, sections, and paragraphs of the Charter, or any amendments thereto, create and adjust a table of contents, or to correct minor grammar or spelling errors, and upon the passage of any such ordinance, a copy thereof, certified by the City Manager, shall be forwarded to the Secretary of State for filing.

The proposition on the ballot shall state as follows:

PROPOSITION M

“SHALL SECTIONS 1.01, 3.02, 3.05(b)-(c), 3.08(a)-(b), 3.10, 4.05, 5.03, 7.01(a), 7.01(c)(4), 7.03(a), 8.04 AND 12.13 OF THE CITY CHARTER BE AMENDED TO MAKE CORRECTIONS TO TYPOGRAPHICAL ERRORS, SYNTAX, GRAMMAR AND GENDER REFERENCES, AND ALLOW FOR FUTURE CORRECTIONS AND RENUMBERING OF CHARTER WITHOUT A CHARTER ELECTION?”

FOR

AGAINST

PROPOSITION N

SHALL SECTIONS 4.01, 9.06 AND 9.11 OF THE CITY CHARTER BE AMENDED TO REQUIRE PUBLICATION OF CERTAIN CITY RECORDS ON THE CITY WEBSITE IN ADDITION TO ANY OTHER NOTIFICATION REQUIRED BY LAW?

FOR _____

AGAINST _____

This proposition would require certain types of information listed (election notices and budget information) be posted on the City's website in addition to any other notification required by law. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 4.01. - Elections.

Regular City elections shall be held annually on the uniform election date in May of each year as determined by future legislatures of the State of Texas, at which time officers will be elected to fill those offices which become vacant that year. The City Council may, by ordinance or resolution, order a special election, fix the date and place for holding same, and provide all means for holding such special election. Notice of the election shall be published in a newspaper published in the City of New Braunfels, such publication to be not earlier than the thirtieth (30th) day nor later than the tenth (10th) day before the election date or otherwise as provided by law. The same notice shall be published on the City Website. In the order, ordinance or resolution of the City Council calling any election at which a Councilperson shall be elected, the City Council shall, in calling such election, designate the place on the ballot for each vacancy to be filled at such election. A regular election is defined as an election other than a primary election that regularly occurs at fixed dates. A special election is defined as an election that is not a regular election or a primary election.

Sec. 9.06. - Notice of public hearing on budget.

At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in a newspaper in the City of New Braunfels and on the City's website a summary of the proposed budget and a notice of the hearing setting forth the time and place thereof at least ten (10) days before the date of such hearing, which hearing shall be set not later than thirty (30) days prior to the beginning of the next fiscal year.

Sec. 9.11. - Effective date of budget, certification, copies made available.

Upon final adoption, the budget shall be in effect for the next ensuing fiscal year. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named. A

copy of the budget, as finally adopted, shall be filed with the person performing the duties of City Secretary and the County Clerk of Comal County. The final budget shall be reproduced so that such copies shall be permanent copies, and the copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations. A digital copy of the final budget shall be made available on the City's website.

The proposition on the ballot shall state as follows:

PROPOSITION N

“SHALL SECTIONS 4.01, 9.06 AND 9.11 OF THE CITY CHARTER BE AMENDED TO REQUIRE PUBLICATION OF CERTAIN CITY RECORDS ON THE CITY WEBSITE IN ADDITION TO ANY OTHER NOTIFICATION REQUIRED BY LAW?”

FOR

AGAINST

PROPOSITION O

SHALL SECTION 3.10 OF THE CITY CHARTER BE AMENDED TO ADJUST THE NUMBER OF ORDINANCE READING REQUIREMENTS FOR ONLY CERTAIN ORDINANCES, CLARIFY EFFECTIVE DATES FOR ALL ORDINANCES AND ADDRESS PUBLICATION REQUIREMENTS FOR ALL ORDINANCES TO BETTER ALLOW COMPLIANCE WITH STATE LAW DEADLINES?

FOR _____

AGAINST _____

This proposition would allow certain types of ordinances expressly listed (election ordinances, canvassing ordinances, etc.) to be passed on one reading in order to better allow compliance with state law deadlines. It also provides for effective dates of ordinances if not otherwise specified by the ordinance and publications which are required by state law. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

Sec. 3.10. - Ordinances in general.

The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, before any ordinance shall be adopted.

Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject, but general appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. Unless authorized for a single reading by this charter, All ordinances shall be read in open meeting of the City Council on two (2) separate days provided that all readings of any ordinance may be by descriptive caption only except that one (1) member of the council may require a complete reading of any ordinance upon first reading thereof. All ordinances, unless otherwise provided by law or by the terms of such ordinance, shall take effect immediately upon final passage thereof. An ordinance imposing any criminal penalty for any violation of its provisions shall take effect ten (10) days after publication. Any ordinance necessary to protect the public's peace, health, safety and general welfare, may be passed as an emergency and become effective at once upon one (1) reading of the City Council, upon the approval of a majority vote of the City Council members at said reading. Further, any ordinance calling or canvassing an election, ordinances required by state law to approve a contract, annexation ordinances where such annexation first requires at least two (2) public hearings, ordinances setting a tax rate as required by state law, and ordinances adopting a budget if at least two (2) budget workshops or public hearings have occurred to discuss the

pending budget may be passed and become effective upon one (1) reading of the City Council.

The City Attorney shall approve each ordinance in writing or shall file with the City Secretary his written legal objections thereto. Every ordinance enacted by the City Council shall be signed by the Mayor, Mayor Pro Tem, or by two (2) council members, and shall be filed with and recorded by the City Secretary before the same shall become effective.

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every penal ordinance and of every other ordinance required by law or this Charter to be published, by causing the descriptive title or caption and summary of the penalty of the same to be published at least one time within ten (10) days after final passage thereof in some newspaper of general circulation in the City or to be submitted to City's publisher for codified ordinances. The City Secretary shall note on every ordinance and on the record thereof, the dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section.

The proposition on the ballot shall state as follows:

PROPOSITION O

“SHALL SECTION 3.10 OF THE CITY CHARTER BE AMENDED TO ADJUST THE NUMBER OF ORDINANCE READING REQUIREMENTS FOR ONLY CERTAIN ORDINANCES, CLARIFY EFFECTIVE DATES FOR ALL ORDINANCES AND ADDRESS PUBLICATION REQUIREMENTS FOR ALL ORDINANCES TO BETTER ALLOW COMPLIANCE WITH STATE LAW DEADLINES?”

FOR _____
AGAINST _____

PROPOSITION P

SHALL SECTION 12.03(a)(1) OF THE CITY CHARTER BE AMENDED TO UPDATE PROHIBITIONS ON DISCRIMINATION TO INCLUDE CATEGORIES ENCOMPASSED BY FEDERAL AND STATE LAW BUT NOT CURRENTLY LISTED IN THE CITY CHARTER?

FOR _____

AGAINST _____

This proposition updates the discrimination provision in the City Charter to include categories encompassed by federal and state law such as a prohibition on discrimination based on national origin, age, disability, veteran status, and genetic information. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 12.03. - Prohibitions.

(a) *Activities prohibited.*

(1) In appointments to and removal from any City office or employment, persons shall not be favored or discriminated against because of race, sex, political or religious opinions, or religious affiliations, color, national origin, age, disability, veteran status, genetic information, or any other protected classification which state or federal law prohibits as a basis for such appointment or removal.

The proposition on the ballot shall state as follows:

PROPOSITION P

“SHALL SECTION 12.03(a)(1) OF THE CITY CHARTER BE AMENDED TO UPDATE PROHIBITIONS ON DISCRIMINATION TO INCLUDE CATEGORIES ENCOMPASSED BY FEDERAL AND STATE LAW BUT NOT CURRENTLY LISTED IN THE CITY CHARTER?”

FOR _____

AGAINST _____

PROPOSITION Q

SHALL SECTION 3.09(d) OF THE CITY CHARTER BE ADOPTED TO ALLOW FOR A SUCCESSION PLAN IN CASE OF EMERGENCIES OR DISASTERS TO PROVIDE A MECHANISM TO ESTABLISH AN INTERIM QUORUM OF CITY COUNCIL WHEN A QUORUM CANNOT BE CONVENED DUE TO THE INJURY OR DEATH OF A QUORUM OF ITS MEMBERS?

FOR

AGAINST

This proposition would provide authority for potential situations where, due to disaster or emergencies, the City Council cannot be convened due to the injury or death of a quorum of its members. This allows for an automatic, temporary appointment and temporary powers in order to call an election and handle city matters during the emergency or disaster. This proposition would adopt the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 3.09. - City Council meetings and procedure.

(d) In the event that a legal quorum of the elected City Council cannot be convened due to a disaster resulting in multiple injuries, deaths, or incapacity of officers, the surviving City Council members and the chairs and vice-chairs, or president and vice-president of the following boards, shall constitute an interim City Council for purposes of meeting in numbers sufficient to constitute an interim City Council quorum, within fifteen (15) days of such disaster, or as provided in the Texas Election Code, and shall call for an election to fill all vacant City Council positions. Such constituted interim City Council shall serve until the requested election occurs and shall possess all powers possessed by the elected City Council. Such qualifying boards, in order of succession, shall be the (1) New Braunfels Economic Development Corporation, (2) Planning Commission, (3) Transportation and Traffic Advisory Board, (4) Zoning Board of Adjustment, and (5) Parks and Recreation Advisory Board. The elected City Council may pass, by ordinance, such succession procedures and authorizations as it deems necessary.

The proposition on the ballot shall state as follows:

PROPOSITION Q

“SHALL SECTION 3.09(d) OF THE CITY CHARTER BE ADOPTED TO ALLOW FOR A SUCCESSION PLAN IN CASE OF EMERGENCIES OR DISASTERS TO PROVIDE A MECHANISM TO ESTABLISH AN INTERIM QUORUM OF CITY COUNCIL WHEN A QUORUM CANNOT BE CONVENED DUE TO THE INJURY OR DEATH OF A QUORUM OF ITS MEMBERS?”

FOR

AGAINST

PROPOSITION R

SHALL SECTION 12.03(a)(4) OF THE CITY CHARTER BE AMENDED TO CHANGE AND CLARIFY THE RESTRICTIONS AND REGULATIONS ON CAMPAIGN ACTIVITIES BY CITY EMPLOYEES AND OFFICIALS WHEN ON DUTY OR OTHERWISE REPRESENTING THE CITY AND REGULATE OFF DUTY POLITICAL PARTICIPATION WHEN SUCH PARTICIPATION CAUSES UNREASONABLE DISRUPTION TO CITY OPERATIONS?

FOR _____

AGAINST _____

This proposition updates the charter language to prohibit campaign political activity of city employees while on duty or otherwise representing the City or their position. Employees off duty political participation will not be restricted unless such participation will cause an unreasonable disruption to the city's operations. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 12.03. - Prohibitions.

(a) *Activities prohibited.*

...

(4) ~~No person who holds any compensated City position shall solicit or receive any contribution to the campaign funds of any candidate for municipal office or take any part in the management, affairs, or political campaign of any municipal candidate.~~ No person who holds any compensated City position shall participate in political campaigning or related activities during work hours, while otherwise representing the City or their position. The City will not generally restrict or regulate employees off-duty political participation, unless the City Manager believes such participation will cause an unreasonable disruption to the City's operations. The City Council may adopt ordinances consistent with this section.

...

The proposition on the ballot shall state as follows:

PROPOSITION R

“SHALL SECTION 12.03(a)(4) OF THE CITY CHARTER BE AMENDED TO CHANGE AND CLARIFY THE RESTRICTIONS AND REGULATIONS ON CAMPAIGN ACTIVITIES BY CITY EMPLOYEES AND OFFICIALS WHEN ON DUTY OR OTHERWISE REPRESENTING THE CITY AND REGULATE OFF DUTY POLITICAL PARTICIPATION WHEN SUCH PARTICIPATION CAUSES UNREASONABLE DISRUPTION TO CITY OPERATIONS?”

FOR _____

AGAINST _____

Muestra A
PROPUESTA A

¿DEBERÁ LA SECCIÓN 3.01 DE LA CARTA DE LA CIUDAD, SER MODIFICADA PARA CAMBIAR LOS LÍMITES DE MANDATO DE TODOS LOS MIEMBROS DEL CONSEJO DE LA CIUDAD CON EL FIN DE QUE SE PUEDA DESEMPEÑAR UN TERCER TÉRMINO CONSECUTIVO, EN VEZ DEL ACTUAL LÍMITE DE DOS (2) TÉRMINOS CONSECUTIVOS, PERO CONSERVÁNDOSE EL LÍMITE VITALICIO DE TRES (3) TÉRMINOS O NUEVE (9) AÑOS, TAL COMO ACTUALMENTE SE PERMITE?

A FAVOR

EN CONTRA

Esta propuesta permitiría que un miembro del Consejo de la Ciudad sirviera tres (3) términos consecutivos de tres (3) años, en vez de sólo dos (2) términos consecutivos, el límite de un total de tres (3) términos de tres (3) años permanecería sin cambiar. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misa elección.

Sec. 3.01. – Número, selección y término.

El cuerpo legislativo y regidor de la Ciudad consistirá en siete (7) personas concejales que se denominarán él “Consejo de la Ciudad de New Braunfels” y quienes, cada uno, ejercerá un término de tres (3) años.

La Ciudad de New Braunfels, por ordenanza, se dividirá en seis (6) distritos. Cada distrito, en la mayor medida razonablemente posible será poblada con el mismo número de habitantes, y el Consejo de la Ciudad mantendrá tal ecuanimidad de población como, de tiempo en vez, se determine necesario, por ordenanza. Estos distritos se designarán Números 1, 2, 3, 4, 5, y 6. El número de votantes calificados de cada distrito elegirán un (1) Concejál para cada uno de los seis (6) distritos. Los seis (6) Concejales elegidos de cada distrito deberán haber sido residente en ese distrito del cual el Concejál es elegido por no menos de seis (6) meses, previo a presentarse para el cargo y deberán seguir residiendo en dicho distrito por el término completo de su puesto.

El Alcalde de la Ciudad de New Braunfels será elegido por los votantes calificados de la Ciudad y las elecciones para Alcalde serán conforme al Artículo IV, Elecciones, de la Carta de la Ciudad de New Braunfels, Texas.

Cada Consejal ejercerá su puesto hasta que su sucesor sea elegido y calificado. Los candidatos electos en la elección municipal ejercerán su puesto en la junta regular del Consejo de la Ciudad, siendo esta la primera junta regular efectuada después de la junta en la cual los resultados finales de las elecciones y el resultado de la elección se declare de manera oficial.

~~Ningún oficial, actual o futuro, servirá más de dos (2) términos consecutivos de tres (3) años y no más de tres (3) términos de tres (3) años durante su vida.~~ Ningún oficial elegido servirá más de tres (3) términos de oficio consecutivos de tres (3) años y no más de tres (3) términos durante una vida. Sin embargo, los años o periodo de servicio que un oficial puede servir en suplir un término en plena vigencia o un término de puesto parcial no será contando en el contexto de las limitaciones expuestas anteriormente.

PROPUESTA A

“¿DEBERÁ LA SECCIÓN 3.01 DE LA CARTA DE LA CIUDAD, SER MODIFICADA PARA CAMBIAR LOS LÍMITES DE MANDATO DE TODOS LOS MIEMBROS DEL CONSEJO DE LA CIUDAD CON EL FIN DE QUE SE PUEDA DESEMPEÑAR UN TERCER TÉRMINO CONSECUTIVO, EN VEZ DEL ACTUAL LÍMITE DE DOS (2) TÉRMINOS CONSECUTIVOS, PERO CONSERVÁNDOSE EL LÍMITE VITALICIO DE TRES (3) TÉRMINOS O NUEVE (9) AÑOS, TAL COMO ACTUALMENTE SE PERMITE?”

A FAVOR

EN CONTRA

PROPUESTA B

¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.06 DE LA CARTA DE LA CIUDAD CON EL PROPÓSITO DE CAMBIAR LAS CALIFICACIONES Y CONDICIONES, CON EL FIN DE LLENAR VACANTES EN EL CONSEJO DE LA CIUDAD PARA QUE LAS VACANTES DE DOCE (12) MESES O MENOS SE PUEDAN LLENAR, A DISCRECIÓN DEL CONSEJO DE LA CIUDAD, POR NOMBRAMIENTO DEL CONSEJO, VACANTES POR EL RESTO DEL TÉRMINO, O LLEVAR A CABO UNA ELECCIÓN ESPECIAL EFECTUADA PARA LLENAR LA VACANTE MIENTRAS QUE LAS VACANTES DE MÁS DE DOCE (12) MESES SEGUIRÁN REQUIRIENDO UNA ELECCIÓN ESPECIAL?

A FAVOR _____

EN CONTRA _____

Esta propuesta permitiría que el Consejo de la Ciudad implemente su discreción para vacantes en el Consejo de la Ciudad de 12 meses o menos ya sea para nombrar un suplente temporal, dejar el puesto vacante hasta la próxima elección, u ordenar una elección especial para llenar el puesto. Para vacantes de más de 12 meses, se seguiría requiriendo una elección especial dentro de 120 días, conforme el estatuto estatal.

Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 3.06.—Vacantes.

~~Los vacantes en el Consejo que surjan por cualquier motivo se llenarán por voto mayoritario de los votantes calificados en una elección especial ordenada por este motivo dentro de ciento veinte (120) días después de que tal vacante o vacantes ocurran, o según se disponga de manera alternativa por las leyes del estado de Texas.~~

Todas las vacantes en el Consejo de la Ciudad, sin importar la causa, con términos en plena vigencia de más de doce (12) meses se llenarán por medio de una elección especial conforme la ley estatal. Todas las vacantes con términos en plena vigencia de doce (12) meses o menos, se podrán llenar, a discreción del Consejo de la Ciudad por medio de voto mayoritario, se podrán dejar vacantes por el resto del término vigente o llenado por elección especial conforme a la ley estatal. Un funcionario que haya perdido el puesto bajo esta Carta no es elegible para ser nombrado para llenar un término vigente creado por tal pérdida.

La propuesta en la boleta declarará los siguiente:

PROPUESTA B

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.06 DE LA CARTA DE LA CIUDAD CON EL PROPÓSITO DE CAMBIAR LAS CALIFICACIONES Y CONDICIONES, CON EL FIN DE LLENAR VACANTES EN EL CONSEJO DE LA CIUDAD PARA QUE LAS VACANTES DE DOCE (12) MESES O MENOS SE PUEDAN LLENAR, A DISCRECIÓN DEL CONSEJO DE LA CIUDAD, POR NOMBRAMIENTO DEL CONSEJO, VACANTES POR EL RESTO DEL TÉRMINO, O LLEVAR A CABO UNA ELECCIÓN ESPECIAL EFECTUADA PARA LLENAR LA VACANTE MIENTRAS QUE LAS VACANTES DE MÁS DE DOCE (12) MESES SEGUIRÁN REQUIRIENDO UNA ELECCIÓN ESPECIAL?”

A FAVOR

EN CONTRA

PROPUESTA C

¿SE DEBERÁ ADOPTAR LA SECCIÓN 12.03(a)(6) Y MODIFICAR LA SECCIÓN 12.03(b) DE LA CARTA DE LA CIUDAD CON EL FIN DE PROHIBIR Y PENALIZAR LOS MIEMBROS DEL CONSEJO POR RENUNCIAR INTENCIONALMENTE SU PUESTO Y POSTULARSE EN UNA ELECCIÓN SUBSECUENTE PARA CIRCUNVENIR LOS LÍMITES DE LOS TÉRMINOS?

A FAVOR _____

EN CONTRA _____

Esta propuesta permitiría penalización y pérdida si un miembro del Consejo usa su habilidad de renunciar su puesto de manera intencional y después volver a postularse para así evitar las disposiciones de los límites de término. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 12.03.—Prohibiciones.

(a) *Actividades Prohibidas.*

(6) Ningún miembro del Consejo de la Ciudad deberá, de manera deliberada o intencional intentar circunvenir un límite de término adoptado por medio de renunciar o perder su puesto para así evitar el límite de términos establecidos de tres (3) términos de tres (3) años cada uno.

(b) *Penalizaciones.* Cualquier persona quien sólo o con otros, viola cualquiera de estas disposiciones de los incisos (1) al (3) de la subsección precedente (a) serán culpables de un delito menor y al dictarse la sentencia condenatoria del delito menor, será castigado por una multa de no más de cien (\$100.00) dólares. Cualquier persona que sólo o con otros, viola cualquiera de las disposiciones de los incisos (4) a (6) de la subsección precedente (a) serán culpables de un delito y al dictarse la sentencia condenatoria del delito, será castigado por una multa de no más de cien (\$100.00) dólares. Cualquier persona condenada bajo esta sección no será elegible, por un periodo de cinco (5) años después del delito, de tener cualquier cargo o puesto de la Ciudad y, si este es ya un oficial o empleado de la Ciudad, perderá inmediatamente su oficio o puesto.

La propuesta en la boleta declarará los siguiente:

PROPUESTA C

“¿SE DEBERÁ ADOPTAR LA SECCIÓN 12.03(a)(6) Y MODIFICAR LA SECCIÓN 12.03(b) DE LA CARTA DE LA CIUDAD CON EL FIN DE PROHIBIR Y PENALIZAR LOS MIEMBROS DEL CONSEJO POR RENUNCIAR INTENCIONALMENTE SU PUESTO Y POSTULARSE EN UNA ELECCIÓN SUBSECUENTE PARA CIRCUNVENIR LOS LÍMITES DE LOS TÉRMINOS?”

A FAVOR

EN CONTRA

PROPUESTA D

¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.05(c) DE LA CARTA DE LA CIUDAD PARA ESCLARECER EL PODER DEL ALCALDE DURANTE UN PERIODO DE EMERGENCIA PARA NOMBRAR AYUDA ADICIONAL, PROPORCIONAR AUTORIZACIÓN PARA TAL AYUDA, Y UTILIZAR TODAS LAS HABILIDADES AUTORIZADAS POR LA LEY ESTATAL?

A FAVOR _____

EN CONTRA _____

Esta propuesta actualizaría el lenguaje de la Carta en tiempo de emergencia y esclarece el papel del alcalde para nombrar ayuda adicional, proporcionar la autorización apropiada para ayuda adicional para desempeñar sus deberes, y utilizar todas las autoridades autorizadas por la ley estatal en tiempos de emergencia o desastre. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 3.05.—Alcalde y Alcalde Temporal.

...

(c) *Facultades del Alcalde en tiempo de emergencia.* Toda vez que el Alcalde lo determine necesario para imponer las leyes de la Ciudad, o para prevenir peligro, o proteger la vida o bienes, en caso de disturbios, brote, calamidad, o desorden público, o cuando tiene él motivo de temer cualquier violación seria de la ley u orden, brote, o cualquier otro peligro a la Ciudad de New Braunfels o habitantes de ésta, ~~él convocará a servir como una fuerza policiaca especial, todos o cuantos ciudadanos fueran, a su juicio y discreción, necesarios y apropiados; y tal convocatoria se podrá efectuar, por proclamación u orden dirigido a los ciudadanos en general, o aquellos de cualquier distrito de la Ciudad o fraccionamiento de la misma, o tal convocatoria se podrá hacer por notificación personal. Tal convocatoria se efectuará conforme a una proclamación declarada por el Alcalde que existe una emergencia en la Ciudad de New Braunfels.~~ **el/ella proclamará la emergencia y utilizará tales poderes y autorizaciones permitidos por las leyes locales, estatales, y federales necesarias para mantener la paz y responder a tal emergencia.** Durante tal emergencia, el departamento de policía de New Braunfels, y demás ~~policía especial que el Alcalde haya convocado,~~ **guardianes de la paz y personal de auxilio tal como se nombrarán, comisionarán, o enrolados por el Alcalde,** estarán sujetos a las órdenes del Alcalde y ejecutarán tales deberes como sean necesarios. El Alcalde tendrá la autoridad por lo que dure la emergencia para crear e implementar tales reglas, reglamentos, y órdenes que sean necesarias para conservar la salud pública, la seguridad, y el bienestar del peligro que amenaza. Durante tal emergencia, tales reglas, reglamentos, y órdenes tendrán la fuerza y efecto de ley.

La propuesta en la boleta declarará los siguiente:

PROPUESTA D

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.05(c) DE LA CARTA DE LA CIUDAD PARA ESCLARECER EL PODER DEL ALCALDE DURANTE UN PERIODO DE EMERGENCIA PARA NOMBRAR AYUDA ADICIONAL, PROPORCIONAR AUTORIZACIÓN PARA TAL AYUDA, Y UTILIZAR TODAS LAS HABILIDADES AUTORIZADAS POR LA LEY ESTATAL?”

A FAVOR

EN CONTRA

PROPUESTA E

¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.05(b) DE LA CARTA DE LA CIUDAD PARA OTORGARLE DEBERES ADICIONALES AL ALCALDE TEMPORAL PARA QUE SEA ÉSTE PRINCIPALMENTE RESPONSABLE POR LAS EVALUACIONES ANUALES DEL ADMINISTRADOR DE LA CIUDAD, EL ABOGADO DE LA CIUDAD, Y EL JUEZ DE LA CORTE MUNICIPAL, QUIENES REPORTAN AL CONSEJO DE LA CIUDAD, TAL COMO SE PRACTICA ACTUALMENTE?

A FAVOR _____

EN CONTRA _____

Esta propuesta asigna la responsabilidad principal de asegurar las evaluaciones para oficiales de la Ciudad (Administrador de la Ciudad, Abogado de la Ciudad, Juez de la Corte Municipal) que reportan al Consejo de la Ciudad al asumir el puesto de Alcalde temporal. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 3.05.—Alcalde y Alcalde Temporal.

...

(b) *Elección del Alcalde Temporal.* En su primera junta regular después de la junta en la cual se presentan los resultados oficiales de las elecciones, y se declaren los resultados de cada año, el Consejo de la Ciudad deberá elegir, de sus miembros, un Alcalde Temporal quien servirá a discreción del Consejo de la Ciudad, y éste ejecutará todos los deberes de Alcalde a falta o discapacidad del Alcalde. El Alcalde Temporal tendrá el deber de implementar, coordinar, y esforzarse para la conclusión de las evaluaciones anuales del Administrador de la Ciudad, el Abogado de la Ciudad, y el Juez de la Corte Municipal, al menos que se dirija lo inverso por medio de resolución. El Consejo de la Ciudad podrá, por medio de resolución, proporcionar estándares, procedimientos, e instrucciones en tales evaluaciones anuales.

...

La propuesta en la boleta declarará los siguiente:

PROPUESTA E

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.05(b) DE LA CARTA DE LA CIUDAD PARA OTORGARLE DEBERES ADICIONALES AL ALCALDE TEMPORAL PARA

QUE SEA ÉSTE PRINCIPALMENTE RESPONSABLE POR LAS EVALUACIONES ANUALES DEL ADMINISTRADOR DE LA CIUDAD, EL ABOGADO DE LA CIUDAD, Y EL JUEZ DE LA CORTE MUNICIPAL, QUIENES REPORTAN AL CONSEJO DE LA CIUDAD, TAL COMO SE PRACTICA ACTUALMENTE?”

A FAVOR

EN CONTRA

PROPUESTA F

¿SE DEBERÁN MODIFICAR LAS SECCIONES 7.01(a) Y 8.04 DE LA CARTA DE LA CIUDAD CON EL FIN DE ESCLARECER LOS REQUISITOS DE RESIDENCIA PARA EL ADMINISTRADOR DE LA CIUDAD Y EL ABOGADO DE LA CIUDAD PARA PERMITIR HASTA CIENTO VEINTE (120) DÍAS DESPUÉS DEL NOMBRAMIENTO PARA ESTABLECER RESIDENCIA EN LA CIUDAD?

A FAVOR _____

EN CONTRA _____

Esta propuesta le permite al Administrador de la Ciudad y al Abogado de la Ciudad hasta ciento veinte (120) días después de su nombramiento para establecer residencia en la Ciudad. Esto corrige un problema del pasado donde se les requería a tales oficiales contratados de fuera de la Ciudad, obtener vivienda en la Ciudad inmediatamente tras ser nombrado. Esta propuesta modificaría las secciones y subsecciones especificadas, alistadas enseguida, de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 7.01.—Administrador de la Ciudad.

(a) *Nombramiento y calificaciones.* El Consejo de la Ciudad nombrará un Administrador de la Ciudad, mismo que será el oficial administrativo y ejecutivo principal de la Ciudad y responderá al Consejo de la Ciudad por la administración de todos los asuntos de la Ciudad. Él será seleccionado por el Consejo de la Ciudad únicamente a base de su capacitación ejecutiva y administrativa, experiencia, habilidad, y carácter, y al momento de ser nombrado, no será necesario ser residente de la Ciudad de New Braunfels; sin embargo, el Administrador de la Ciudad dentro de ciento veinte (120) días de su nombramiento y su residencia principal deberá ser continuamente en la Ciudad mientras desempeña las responsabilidades de su puesto. Ningún miembro del Consejo de la Ciudad, durante el periodo por el cual fue electo(a) y por un (1) año después de éste, será nombrando Administrador de la Ciudad.

Sec. 8.04.—Abogado de la Ciudad.

El Consejo de la Ciudad nombrará un abogado, con licencia profesional para ejercer derecho en el Estado de Texas, para ser Abogado de la Ciudad. Él, recibirá por sus servicios tal compensación como se fije por el Consejo de la Ciudad para los deberes regulares y especiales y tendrá su puesto a discreción del Consejo de la Ciudad. El Abogado de la Ciudad, u otro abogado por él seleccionado con la aprobación del Consejo de la Ciudad representará la Ciudad en todo litigio, y proceso jurídico en Corte Municipal. Podrá haber Abogados Adjuntos de la Ciudad autorizados por el Consejo de la Ciudad. Tales Abogados

Adjuntos de la Ciudad estarán facultados para ejecutar por y de parte del Abogado de la Ciudad, incluyendo la representación de la Ciudad en todo litigio y proceso jurídico en Corte Municipal. El Abogado de la Ciudad residirá dentro de los límites de la Ciudad de la Ciudad de New Braunfels o se hará residente de la Ciudad dentro de ciento veinte (120) días de su nombramiento.

La propuesta en la boleta declarará los siguiente:

PROPUESTA F

“¿SE DEBERÁN MODIFICAR LAS SECCIONES 7.01(a) Y 8.04 DE LA CARTA DE LA CIUDAD CON EL FIN DE ESCLARECER LOS REQUISITOS DE RESIDENCIA PARA EL ADMINISTRADOR DE LA CIUDAD Y EL ABOGADO DE LA CIUDAD PARA PERMITIR HASTA CIENTO VEINTE (120) DÍAS DESPUÉS DEL NOMBRAMIENTO PARA ESTABLECER RESIDENCIA EN LA CIUDAD?”

A FAVOR

EN CONTRA

PROPUESTA G

¿SE DEBERÁ AÑADIR LA SECCIÓN 7.01(d) A LA CARTA DE LA CIUDAD PARA IMPONER UNA OBLIGACIÓN AL ADMINISTRADOR DE LA CIUDAD PARA QUE ANUALMENTE PRESENTE AL CONSEJO DE LA CIUDAD, UN PROYECCIÓN FINANCIERA DE CINCO (5) AÑOS Y UN PLAN DE MEJORAS DE CAPITAL A CINCO (5) AÑOS, TAL COMO SE PRACTICA ACTUALMENTE?

A FAVOR

EN CONTRA

Esta propuesta codifica una práctica actual que requiere que el Administrador de la Ciudad anualmente presente una proyección financiera de cinco años y un plan de mejoras de capital a cinco años al Consejo de la Ciudad para permitir mejor planificación. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 7.01.—Administrador de la Ciudad.

(d) El Administrador de la Ciudad preparará y presentará, anualmente, al Consejo de la Ciudad una proyección financiera de cinco (5) años y un programa de mejoras de capital a cinco años con los tiempos apropiados antes de presentar el “presupuesto que se propone” al Consejo tal como se le refiere en la Sección 9.02.

La propuesta en la boleta declarará los siguiente:

PROPUESTA G

“¿SE DEBERÁ AÑADIR LA SECCIÓN 7.01(d) A LA CARTA DE LA CIUDAD PARA IMPONER UNA OBLIGACIÓN AL ADMINISTRADOR DE LA CIUDAD PARA QUE ANUALMENTE PRESENTE AL CONSEJO DE LA CIUDAD, UN PROYECCIÓN FINANCIERA DE CINCO (5) AÑOS Y UN PLAN DE MEJORAS DE CAPITAL A CINCO (5) AÑOS, TAL COMO SE PRACTICA ACTUALMENTE?”

A FAVOR

EN CONTRA

PROPUESTA H

¿SE DEBERÁ MODIFICAR LA SECCIÓN 9.17 DE LA CARTA DE LA CIUDAD CON EL FIN DE AJUSTAR LA AUTORIDAD DEL ADMINISTRADOR DE LA CIUDAD PARA LICITACIÓN PÚBLICA Y COMPRAS DE ARTÍCULOS YA INCLUIDOS EN EL PRESUPUESTO, ACTUALMENTE FIJADO A \$25,000.00 PARA ALINEARSE AL LOS LÍMITES IMPUESTOS POR EL ESTADO, LOS CUALES ACTUALMENTE ESTÁN FIJADOS A \$50,000.00 Y AJUSTARSE AUTOMÁTICAMENTE AL HABER UN CAMBIO EN LA LEY ESTATAL?

A FAVOR _____

EN CONTRA _____

Esta propuesta sincroniza las disposiciones de la Carta con los requisitos de la ley estatal en la autoridad del Administrador de la Ciudad para contratar sin que se utilice la licitación publica para los artículos ya incluidos en el presupuesto y permite los cambios implementados por la Legislatura sin requerir una elección de Carta. La actual autoridad del Administrador de la Ciudad es de \$25,000.00, mientras que la ley estatal actual limita dicha autoridad a \$50,000.00. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 9.17.—Compras, Ventas y Contratos.

Todas las compras hechas, y contratos celebrados por parte de la Ciudad, y todas las ventas, intercambios o demás disposiciones de cualquier índole siendo propiedad de la Ciudad, se efectuará conforme los requisitos y procedimientos de la constitución y leyes del Estado de Texas, y cualquier ordenanza, resolución, o moción por parte del Consejo de la Ciudad no inconsistente con tal constitución y leyes. El Administrador de la Ciudad tendrá la autoridad de contratar para gastos, sin más aprobación del Consejo de la ciudad para todo articulo ya incluido en el presupuesto ~~que no excederá veinticinco mil (\$25,000.00) dólares~~ que no equivalen ni exceden la cantidad mínima requerida para la licitación pública/compras obligatorias fijada por ley estatal. Al momento que se modificó esta disposición de la Carta, la ley estatal definió tal mínimo como cualquier cantidad en exceso de cincuenta mil (\$50,000.00) dólares.

La propuesta en la boleta declarará los siguiente:

PROPUESTA H

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 9.17 DE LA CARTA DE LA CIUDAD CON EL FIN DE AJUSTAR LA AUTORIDAD DEL ADMINISTRADOR DE LA CIUDAD PARA LICITACIÓN PÚBLICA Y COMPRAS DE ARTÍCULOS YA INCLUIDOS EN EL PRESUPUESTO, ACTUALMENTE FIJADO A \$25,000.00 PARA ALINEARSE AL LOS LÍMITES IMPUESTOS POR EL ESTADO, LOS CUALES ACTUALMENTE ESTÁN FIJADOS A \$50,000.00 Y AJUSTARSE AUTOMÁTICAMENTE AL HABER UN CAMBIO EN LA LEY ESTATAL?”

A FAVOR

EN CONTRA

PROPUESTA I

¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.08(c) DE LA CARTA DE LA CIUDAD PARA AUTORIZAR AL ADMINISTRADOR DE LA CIUDAD, A SU DISCRECIÓN, PERMITIR QUE LOS MIEMBROS DEL CONSEJO INTERACTÚEN CON LOS JEFES DE DEPARTAMENTO SIN VIOLAR LA CARTA DE LA CIUDAD?

A FAVOR _____

EN CONTRA _____

Esta propuesta le permitiría al Administrador de la Ciudad, a su discreción, consentir y permitir a los miembros del Consejo interactuar con los jefes individuales de los departamentos sin violar la Carta. Esto otorga a cada Administrador de la Ciudad la habilidad de decidir qué es más eficaz para la Ciudad en circunstancias individuales mientras que protege la forma de gobierno de Consejo-Administrador Ciudad. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 3.08.—Prohibiciones.

...

(c) *Interferencia con la administración.* Salvo por el propósito de consultas e investigaciones, a menos que se indique lo inverso en esta Carta **o según se autorice por escrito por el Administrador de la Ciudad antes de efectuarse**, el Consejo de la Ciudad o sus miembros abordarán trámites con los oficiales de la Ciudad y con empleados quienes están sujetos a la dirección y supervisión del Administrador de la Ciudad sólo por medio del Administrador de la Ciudad, y ni el Consejo de la ciudad ni sus miembros ordenarán a ningún oficial o empleado, sea en público o en privado.

La propuesta en la boleta declarará los siguiente:

PROPUESTA I

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.08(c) DE LA CARTA DE LA CIUDAD PARA AUTORIZAR AL ADMINISTRADOR DE LA CIUDAD, A SU DISCRECIÓN, PERMITIR QUE LOS MIEMBROS DEL CONSEJO INTERACTÚEN CON LOS JEFES DE DEPARTAMENTO SIN VIOLAR LA CARTA DE LA CIUDAD?”

A FAVOR _____

EN CONTRA _____

PROPUESTA J

¿SE DEBERÁN MODIFICAR LAS SECCIONES 8.02 Y 8.03 DE LA CARTA DE LA CIUDAD PARA EL NOMBRAMIENTO DE LOS JUECES DE LA CORTE MUNICIPAL, Y PROVEER PARA LA REMOCIÓN DE CUALQUIER JUEZ DE CORTE MUNICIPAL Y PROVEER PARA EL NOMBRAMIENTO DE UN SECRETARIO DE LA CORTE MUNICIPAL QUE CUMPLA CON LA LEY ESTATAL Y LA PRÁCTICA ACTUAL?

A FAVOR _____

EN CONTRA _____

Esta propuesta alinea los puestos de juez de corte municipal y secretario de la corte municipal con la actual ley estatal, le otorga al juez de la corte municipal la habilidad de nombrar suplentes temporales, provee la autoridad de remoción por parte del Consejo, cuando sea necesario, y remueve el Secretario de la Ciudad del puesto de Secretario de la Corte y permite que el Administrador de la Ciudad nombre el Secretario de la Corte. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 8.02.—Juez de la Corte Municipal.

~~El juez de dicha corte será abogado con licencia profesional para ejercer derecho en el Estado de Texas, residente de la Ciudad de New Braunfels, nombrado por el Consejo de la Ciudad y recibirá tal sueldo como se pueda fijar por el Consejo de la Ciudad. En caso de discapacidad o ausencia del juez de la Corte Municipal, el Consejo de la Ciudad nombrará un juez de la corte municipal, temporal, quien también será un abogado con licencia profesional y residente. El juez de dicha corte tendrá su puesto conforme las leyes del Estado de Texas.~~

(a) El Consejo de la Ciudad nombrará un juez presidente para la Corte Municipal. El Juez Presidente de la Corte Municipal será abogado con licencia profesional para ejercer derecho, nombrado por un término que se fijará por ordenanza, pero no por menos de dos años. Cualquier Juez de la Corte Municipal deberá residir dentro de la Ciudad de New Braunfels, o hacerse residente dentro de ciento veinte (120) días de su nombramiento. Todos los Jueces recibirán compensación tal como lo fije el Consejo de la Ciudad.

(b) El juez presidente podrá nombrar un juez temporal en caso de una ausencia. El Consejo de la Ciudad podrá, por ordenanza, adoptar autorizaciones y

procedimientos para tal nombramiento, compensación, y calificaciones de cualquiera de los jueces auxiliares.

(c) Remoción de juez. El Consejo de la Ciudad tendrá la autoridad de remover el juez presidente, y cualquier juez auxiliar. Todos los jueces se podrán remover con o sin causa. El Consejo de la Ciudad podrá, por ordenanza, estipular los procesos para cualquier remoción.

Sec. 8.03.—Secretario de la Corte Municipal.

~~El Secretario de la Ciudad o un Secretario Adjunto de la Ciudad será secretario exoficio de dicha corte.~~ El Administrador de la Ciudad nombrará el Secretario de la Corte Municipal. El Secretario de dicha Corte y sus adjuntos tendrán el poder de administrar juramentos, y declaraciones juradas, hacer certificados, añadir el sello de dicha Corte, y por lo general, efectuar y llevar a cabo todo y cualquier acto usual y necesario del secretario de la corte en ejecutar el proceso de dicha corte y los trámites relevantes.

La propuesta en la boleta declarará los siguiente:

PROPUESTA J

“¿SE DEBERÁN MODIFICAR LAS SECCIONES 8.02 Y 8.03 DE LA CARTA DE LA CIUDAD PARA EL NOMBRAMIENTO DE LOS JUECES DE LA CORTE MUNICIPAL, Y PROVEER PARA LA REMOCIÓN DE CUALQUIER JUEZ DE CORTE MUNICIPAL Y PROVEER PARA EL NOMBRAMIENTO DE UN SECRETARIO DE LA CORTE MUNICIPAL QUE CUMPLA CON LA LEY ESTATAL Y LA PRÁCTICA ACTUAL?”

A FAVOR

EN CONTRA

PROPUESTA K

¿SE DEBERÁ MODIFICAR LA SECCIÓN 5.05 DE LA CARTA DE LA CIUDAD CON EL FIN DE CAMBIAR EL NÚMERO DE DÍAS DESPUÉS DE LA PRESENTACIÓN DE UNA SOLICITUD DE REVOCACIÓN QUE EL SECRETARIO DE LA CIUDAD DEBE PRESENTARLA AL CONSEJO DE LA CIUDAD DE CINCO (5) A VEINTE (20) DÍAS PARA PERMITIR SUFICIENTE TIEMPO PARA PROPORCIONAR TODOS LOS DOCUMENTOS REQUERIDOS PARA LA REVOCACIÓN?

A FAVOR _____

EN CONTRA _____

Esta propuesta cambiaría el número de días que tiene el Secretario de la Ciudad para presentar una solicitud para revocación al Consejo de la Ciudad de cinco (5) a veinte (20) días para lograr mayor conformidad con las Cartas y ordenanzas de otras ciudades. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 5.05.—Presentación de la solicitud al Consejo de la Ciudad.

Dentro de ~~cinco (5)~~ veinte (20) días después de la fecha en la cual se presentaron los documentos que constituyeran la solicitud para revocación, la persona que efectúa los deberes de Secretario de la Ciudad presentará dicha solicitud al Consejo de la Ciudad de New Braunfels en una junta especial convocada para este propósito.

La propuesta en la boleta declarará lo siguiente:

PROPUESTA K

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 5.05 DE LA CARTA DE LA CIUDAD CON EL FIN DE CAMBIAR EL NÚMERO DE DÍAS DESPUÉS DE LA PRESENTACIÓN DE UNA SOLICITUD DE REVOCACIÓN QUE EL SECRETARIO DE LA CIUDAD DEBE PRESENTARLA AL CONSEJO DE LA CIUDAD, DE CINCO (5) A VEINTE (20) DÍAS PARA PERMITIR SUFICIENTE TIEMPO PARA PROPORCIONAR TODOS LOS DOCUMENTOS REQUERIDOS PARA LA REVOCACIÓN?”

A FAVOR _____

EN CONTRA _____

PROPUESTA L

¿SE DEBERÁ REVOCAR LA SECCIÓN 9.18 DE LA CARTA DE LA CIUDAD Y REMOVER EL DEPARTAMENTO DE IMPUESTOS, EL CUAL YA NO EXISTE DEBIDO A LOS REGLAMENTOS ESTATALES?

A FAVOR

EN CONTRA

Debido a los reglamentos estatales, la Ciudad ya no utiliza un departamento de impuestos. Como resultado, esta propuesta remueve esta disposición y evita la confusión en cuanto a la existencia del departamento. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

~~Sec. 9.18. Departamento de Impuestos.~~

~~Se establecerá un Departamento de Impuestos para evaluar y recolectar impuestos, el jefe de cual será un Asesor y Recaudador de Impuestos de la Ciudad, cuyo departamento será llenado medio de nombramiento, por el Administrador de la Ciudad con la concurrencia del Consejo de la Ciudad.~~

~~El Asesor y Recaudador de Impuestos de la Ciudad proporcionará un bono de fianza para el fiel desempeño de sus deberes incluyendo el cumplimiento de todas las disposiciones de la Ley Estatal relevante las funciones de su puesto, por una cantidad que se fijará por el Consejo de la Ciudad y no menos de \$50,000.00.~~

~~El Consejo de la Ciudad podrá, en beneficio de la economía y de la eficacia, contratar con otro fraccionamiento político para gestionar la evaluación y/o recolección de impuestos.~~

~~El Asesor y Recaudador de Impuestos de la Ciudad podrá ser removido de su puesto por el Administrador de la Ciudad con la concurrencia del Consejo de la Ciudad.~~

La propuesta en la boleta declarará los siguiente:

PROPUESTA L

“¿SE DEBERÁ REVOCAR LA SECCIÓN 9.18 DE LA CARTA DE LA CIUDAD Y REMOVER EL DEPARTAMENTO DE IMPUESTOS, EL CUAL YA NO EXISTE DEBIDO A LOS REGLAMENTOS ESTATALES?”

A FAVOR

EN CONTRA

PROPUESTA M

¿SE DEBERÁN MODIFICAR LAS SECCIONES 1.01, 3.02, 3.05 (b)-(c), 3.08(a)-(b), 3.10, 4.05, 5.03, 7.01(a), 7.01(c)(4), 7.03(a), 8.04 Y 12.13 DE LA CARTA DE LA CIUDAD CON EL FIN DE CORREGIR ERRORES TIPOGRÁFICOS, SINTÁCTICOS, DE GRAMÁTICA Y DE REFERENCIAS A GÉNERO, Y PERMITIR FUTURAS CORRECCIONES Y RENUMERAR LA CARTA SIN UNA ELECCIÓN DE CARTA?

A FAVOR _____

EN CONTRA _____

Esta propuesta le permita al Consejo de la Ciudad corregir errores tipográficos y gramaticales y renumerar las disposiciones de la Carta sin la necesidad de una elección, siempre y cuando tales cambios no cambien la sustancia de la disposición y a la vez corrija varios errores tipográficos y gramaticales al igual que referencias a género en el actual texto de la Carta. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 1.01.—Preámbulo.

Todos los habitantes de la Ciudad de New Braunfels, Condado de Comal, Texas, que residen dentro de las fronteras y límites de dicha Ciudad tal como se establece por la presente o podrá establecerse en el futuro, será una subdivisión del Estado de Texas, incorporado bajo y denominado por el nombre y estilo de “City of New Braunfels” (Ciudad de New Braunfels), con tales poderes, derechos, y deberes como se establecen en estos Estatutos Municipales conforme a los estatutos del Estado de Texas. Dentro de esta carta, una palabra que exprese sólo el género masculino extenderá y aplicará a hembras y a empresas, asociaciones y corporaciones al igual que a varones. Una palabra que exprese sólo número singular extenderá y se aplicará a varias personas y cosas al igual de a una persona o cosa. Las palabras que se usan en tiempo presente o pasado incluirán el futuro al igual que el presente o pasado.

Sec. 3.03.—Cualificaciones.

Cada miembro del Consejo de la Ciudad será residente ciudadano de la Ciudad de New Braunfels, será votante calificado del Estado de Texas, habrá sido tal residente ciudadano de la Ciudad de New Braunfels por un periodo de no menos de (el texto en inglés corrige el error entre las palabras ‘then’ y ‘than’ optando por ‘than’ en el texto en inglés) doce (12) meses inmediatamente previo al día de elecciones, y no estará endeudada a la Ciudad de New Braunfels, siempre y cuando, tal persona con las cualificaciones indicadas, excepto las de residencia, quien haya sido residente por un periodo de no menos de doce (12) meses

inmediatamente antes de su elección en cualquier territorio no previamente dentro de los límites del municipio de dicha ciudad, pero cual es anexada bajo las disposiciones de la Sección 1.04 de esta Carta, será elegible para dicho puesto. Un oficial electo debe continuar residiendo en la Ciudad de New Braunfels por su término entero. Si cualquier oficial electo falla en la mantenencia de las cualificaciones previamente expuestas, o es ausente en tres (3) juntas reglares consecutivas de horario regular, sin una excusa válida, el Consejo de la ciudad debe, en su próxima junta regular, declarar una vacante y llenará dicha vacante tal como se estipula en la Sección 3.06 de esta Carta.

Sec. 3.05.—Alcalde y Alcalde Temporal.

(c) *Elección del Alcalde Temporal.* En su primera junta regular después de la junta en la cual se reporten los resultados oficiales de la elección y se declaren los resultados de cada año, el Consejo de la Ciudad elegirá, de entre sus miembros, un Alcalde Temporal quien servirá a discreción del Consejo de la Ciudad, y el/ella ejecutará todos los deberes de Alcalde a falte o discapacidad del Alcalde.

(b) *Facultades de emergencia para el Alcalde.* Toda vez que el Alcalde lo determine necesario para imponer las leyes de la Ciudad, o para prevenir peligro, o proteger la vida o bienes, en caso de disturbios, brote, calamidad, o desorden público, o cuando tiene él/ella motivo de temer cualquier violación seria de la ley u orden, brote, o cualquier otro peligro a la Ciudad de New Braunfels o habitantes de ésta, él/ella convocará a servir como una fuerza policiaca especial, todos o cuantos ciudadanos fueran, al juicio de él/ella su juicio y discreción, necesarios y apropiados; y tal convocatoria se podrá efectuar, por proclamación u orden dirigido a los ciudadanos en general, o aquellos de cualquier distrito de la Ciudad o fraccionamiento de la misma, o tal convocatoria se podrá hacer por notificación personal. Tal convocatoria se efectuará conforme a una proclamación declarada por el Alcalde que existe una emergencia en la Ciudad de New Braunfels. Durante tal emergencia, el Departamento de Policía, y tal policía especial como se haya convocado por el Alcalde, será sujeta a las órdenes del Alcalde, y ejercerá los deberes que el/ella requiera, y tendrá el mismo poder mientras esté ejerciendo su puesto tal como la policía regular de la Ciudad de New Braunfels. El Alcalde tendrá la autoridad, durante tal emergencia de establecer e implementar reglas, reglamentos, y órdenes como sea necesario para conservar la salud pública, la seguridad, y el bienestar del peligro que amenaza. Durante tales emergencias, tales reglas, reglamentos, y órdenes tendrán la plena fuerza y efecto de la ley.

Sec. 3.08.—Prohibiciones.

(a) *Desempeñar otro puesto.* Salvo cuando sea autorizado por ley, ningún miembro del Consejo (en inglés se cambiaría la palabra ‘councilman’: masculino, por ‘councilperson’: neutro) tendrá ningún otro puesto o empleo en la Ciudad durante el término para el cual el/ella se eligió al Consejo de la Ciudad, y ningún miembro previo del Consejo (en inglés se cambiaría la palabra ‘councilman’: masculino, por ‘councilperson’: neutro) tendrá ningún puesto o empleo municipal por nombramiento. remunerado hasta un (1) año después de que se venza el término para el cual el/ella se eligió por el Consejo de la Ciudad.

(b) *Nombramientos y Remociones.* Ni el Consejo de la ciudad ni sus miembros, de ninguna manera, dictan el nombramiento o remoción de cualquier oficial administrativo o empleado que el Administrador de la Ciudad o cualquier de los subalternos que el/ella es facultado para nombrar, al menos que se estipule lo contrario en esta Carta, pero el Consejo de la Ciudad podrá expresar sus opiniones libre y plenamente con el Administrador de la Ciudad referente al nombramiento y remoción de tales oficiales y empleados.

Sec. 3.10.—Ordenanzas en general.

El Consejo de la Ciudad legislará exclusivamente por medio de ordenanza, y la cláusula promulgante de cada ordenanza será SEA ORDENADO POR EL CONSEJO DE LA CIUDAD DE NEW BRAUNFELS, antes de que se adopte cualquier ordenanza.

Cada ordenanza propuesta o resolución, se introducirá por escrito o de forma impresa y no tratará más de un tema, sin embargo, aquellas ordenanzas de asignaciones generales podrán abordar varios temas y cuentas por las cuales se asignarían fondos. Se les dará lectura a todas las ordenanzas en una junta abierta del Consejo de la Ciudad en dos (2) días separados, siempre y cuando todas las lecturas de cualquier ordenanza sean de un resumen descriptivo solamente, salvo un (1) miembro del Consejo podrá requerir la lectura completa de cualquier ordenanza tras la primera lectura de la misma. Cualquier ordenanza necesaria para proteger la paz pública, la salud, seguridad, y bienestar general podrá ser adoptada en una emergencia y entrar en vigor tras una (1) lectura por el Consejo de la Ciudad, tras la aprobación de un voto mayoritario por los miembros del Consejo del Ciudad en dicha lectura.

El Abogado de la Ciudad aprobará cada ordenanza por escrito o presentará las objeciones legales a la misma que el/ella tenga con el Secretario de la Ciudad. Cada ordenanza promulgada por el Consejo de la Ciudad se firmará por el Alcalde, Alcalde Temporal, o por dos (2) miembros del Consejo de la Ciudad previo a que entre en vigor.

Salvo se estipule, por ley o por esta Carta, lo contrario, el Secretario de la Ciudad notificará de la promulgación de cada ordenanza penal y de cualquier otro tipo tal como se requiere por ley o por esta Carta, de publicarse, con el mismo título descriptivo o encabezado del mismo de ser publicado por lo menos una (1) vez dentro de diez (10) días después de adoptarse definitivamente, en algún periódico de circulación general en la Ciudad. El Secretario de la Ciudad señalará en cada ordenanza y de manera oficial, las fechas, y medio de publicación, y tal señalamiento será evidencia prima facie del cumplimiento con los requisitos de esta sección.

Sec. 4.05.—Elección por mayoría.

En cualquier elección municipal regular o especial, los candidatos en cada uno de los seis (6) distritos en lo boleta, tal como se requiere en la Sección 3.01, habiendo recibido la mayoría de los votos emitidos en dicha elección para tal ~~distrito~~ ~~distancia~~ será declarado electo. En caso de que ningún candidato para un distrito designado en el Consejo de la Ciudad reciba una mayoría de los votos emitidos en la elección regular o especial, una

elección de desempate se llevará a cabo entre los dos (2) candidatos que recibieron el mayor número de votos en cada distrito. Tal elección de desempate se llevará a cabo conforme las leyes del Estado de Texas que regula las elecciones municipales. En cualquier elección municipal regular o especial, para la elección de Alcalde conforme la Sección 3.01, el candidato en la boleta que ha recibido el mayor número de votos emitidos en la elección será declarado electo. En caso de un empate entre cualquiera de los candidatos para Alcalde que recibiera la mayoría de los votos, entonces se llevaría a cabo una elección de desempate conforme con las leyes del Estado de Texas que regulan las elecciones municipales, salvo que tal voto será efectuado por pluralidad.

Sec. 5.03.—Forma de la solicitud para revocación.

La solicitud para revocación mencionada anteriormente se deberá dirigir al Consejo de la Ciudad de la Ciudad de New Braunfels, deberá de manera clara y específicamente identificar los fundamentos sobre los que tal solicitud para revocación se argumenta. ~~y si~~ **Si** existe más de un (1) fundamento, por ejemplo, por incompetencia, mal comportamiento, o malversación de oficio, la solicitud deberá declarar de manera específica cada fundamento con certeza para así permitirle al oficial a quien se le acusa, aviso de los asuntos y hechos de los que se le acusa a él/ella. La firma se verificará bajo juramento de la siguiente manera:

“Estado de Texas (Condado de Comal)

Yo, _____, habiendo sido debidamente juramentado, declaro y digo que soy uno (1) de los infrascritos de la presente solicitud y que las declaraciones hechas en la misma son verdaderas y que cada firma que aparece en ésta se hizo ante mi el día y fecha que declara haberse hecho, y juro solemnemente, que la misma es la firma genuina de la persona cuyo nombre afirma ser.

Jurado y firmado ante mi este _____ día de _____, ~~19~~**20**_____.

Notario Público en y para el Condado de Comal, Texas.”

Sec. 7.01.—Administrador de la Ciudad.

(a) *Nombramiento y cualificaciones.* El Consejo de la Ciudad nombrará un Administrador de la Ciudad, mismo que será el oficial administrativo y ejecutivo principal de la Ciudad y responderá al Consejo de la Ciudad por la administración de todos los asuntos de la Ciudad. Él/ella será seleccionado por el Consejo de la Ciudad únicamente a base de la capacitación ejecutiva y administrativa, experiencia, habilidad, y carácter que él/ella posee, y al momento de ser nombrado, no será necesario ser residente de la Ciudad de New Braunfels. Ningún miembro del Consejo de la Ciudad, durante el periodo por el cual él/ella fue electo(a) y por un (1) año después de éste, será nombrando Administrador de la Ciudad.

(c) *Poderes y responsabilidades.* Los poderes otorgados al Administrador de la Ciudad por la presente, por el Consejo de la Ciudad serán los siguientes:

(4) Ejecutar otros deberes tal como se podrían establecer por esta Carta o requerido de el/ella por el Consejo de la Ciudad, no inconsistente con las disposiciones de esta Carta.

Sec. 7.03—Departamento de Policía.

Se establecerá y mantendrá un Departamento de Policía para conservar el orden en la Ciudad y asegurar a los residentes de dicha Ciudad de violencia y la propiedad de ésta, de daño o pérdida.

(a) *Jefe de Policía.* El Jefe de Policía será el Administrador Ejecutivo del Departamento de Policía. El Jefe de Policía será nombrado por el Administrador de la Ciudad y el/ella se podrá remover de su cargo por el Administrador de la Ciudad.

Sec. 8.04.—Abogado de la Ciudad.

El Consejo de la Ciudad nombrará un abogado con licencia de ejercer derecho en el Estado de Texas, para ser el Abogado de la Ciudad. Él/ella recibirá por los servicios de él/ella tal como se fijará por el Consejo de la Ciudad para deberes regulares y especiales y tendrá el puesto de él/ella a discreción del Consejo de la Ciudad. El Abogado de la Ciudad u otro Abogado seleccionado por él/ella, con la aprobación del Consejo de la Ciudad, representará a la Ciudad en todo litigio y proceso jurídico en Corte Municipal. El Abogado de la Ciudad residirá dentro de los límites de la Ciudad de New Braunfels.

Sec. 12.13.—Modificar la Carta.

Se podrá modificar esta Carta por cualquier método permitido por ley general del Estado referente a la modificación de cartas de estatutos municipales, incluyendo, pero no limitado al capítulo 9 de la ley local. El Consejo de la Ciudad podrá, por ordenanza, reglamento y procedimiento para la implementación y ejecución de esta Carta. Con el fin de conservar coherencia, el Consejo de la Ciudad tendrá el poder, por ordenanza, de reenumerar y reorganizar los artículos, secciones, e incisos de la Carta, o de cualquier modificación de la misma, crear y ajustar un índice, o corregir errores menores de gramática u ortografía, y tras adoptarse cualquier ordenanza, una copia de ésta, certificada por el Administrador de la Ciudad, se enviará al Secretario para que se registre con el Secretario de Estado.

La propuesta en la boleta declarará los siguiente:

PROPUESTA M

“¿SE DEBERÁN MODIFICAR LAS SECCIONES 1.01, 3.02, 3.05 (b)-(c), 3.08(a)-(b), 3.10, 4.05, 5.03, 7.01(a), 7.01(c)(4), 7.03(a), 8.04 Y 12.13 DE LA CARTA DE LA CIUDAD CON EL FIN DE CORREGIR ERRORES TIPOGRÁFICOS, SINTÁCTICOS, DE GRAMÁTICA Y DE REFERENCIAS A GÉNERO, Y PERMITIR FUTURAS CORRECCIONES Y RENUMERAR LA CARTA SIN UNA ELECCIÓN DE CARTA?”

A FAVOR

EN CONTRA

PROPUESTA N

¿SE DEBERÁN MODIFICAR LAS SECCIONES 4.01, 9.06 Y 9.11 DE LA CARTA DE LA CIUDAD CON EL FIN DE REQUERIR LA PUBLICACIÓN DE CIERTOS REGISTROS DE LA CIUDAD EN LA PÁGINA WEB DE LA CIUDAD ADEMÁS DE CUALQUIER OTRA NOTIFICACIÓN REQUERIDA POR LEY?

A FAVOR _____

EN CONTRA _____

Esta propuesta requeriría que ciertos tipos de información listada (notificaciones de elecciones e información presupuestaria) fuera publicada en la página web de la Ciudad además de cualquier otra notificación requerida por ley. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 4.01.—Elecciones.

Las elecciones municipales regulares se deberán celebrar anualmente en la fecha de elecciones uniforme en mayo de cada año como se determina por futuras legislaturas del Estado de Texas, momento en el cual los oficiales de ser elegidos para llenar esos puestos que resultaron vacantes ese año. El consejo de la Ciudad podrá, por ordenanza o resolución, ordenar una elección especial. Notificación de la elección se publicará en un periódico que se publica en New Braunfels, dicha publicación no se efectuará antes del treintavo (30º) día y no más tarde que el decimo (10º) día antes de la fecha de la elección o tal como se indique por ley. La misma notificación se publicará en la página web de la Ciudad. En tal orden, ordenanza, o resolución el Consejo de la Ciudad que ordene una elección en la cual se elija un miembro del Consejo de la Ciudad, el Consejo de la Ciudad designará el lugar en la boleta para cada vacante que se propone llenar. Una elección regular se define como una elección excepto una elección primaria la cual se lleva a cabo regularmente en fechas fijas. Una elección especial se define como una elección que no es ni una elección regular ni una elección primaria.

Sec. 9.06.—Notificación de audiencia pública sobre el presupuesto.

En la junta del Consejo de la Ciudad en la cual se presenta el presupuesto, el Consejo de la Ciudad, fijará la hora y ubicación de una audiencia pública y publicará, en un periódico en la Ciudad de New Braunfels y en la página web de la Ciudad, un resumen de el presupuesto que se propone y una notificación de la audiencia en la cual se establece la hora y la ubicación de la misma al menos diez (10) días antes de la fecha de la audiencia, la audiencia se fijará a no más de treinta (30) días antes del comienzo del nuevo año fiscal.

Sec. 9.11.—Fecha efectiva del presupuesto, certificación, copias a disposición del público.

Tras la aprobación final, el presupuesto será vigente por el siguiente año fiscal. Desde la fecha efectiva del presupuesto, las varias cantidades declaradas en éste como gastos proyectados se asignarán a los varios objetos y propósitos nombrados en la misma. Una copia del presupuesto, en su forma final, se registrará con la persona que ejecute los deberes de Secretario de la Ciudad y el Secretario del Condado del Condado de Comal. El presupuesto final se reproducirá de tal manera que las copias serán copias permanentes, y las copias se harán disponibles para el uso de todas las oficinas, departamentos, y agencias, y para el uso de personas interesadas y organizaciones cívicas. Una copia digital del presupuesto final se hará disponible en la página web de la Ciudad.

La propuesta en la boleta declarará los siguiente:

PROPUESTA N

“¿SE DEBERÁN MODIFICAR LAS SECCIONES 4.01, 9.06 Y 9.11 DE LA CARTA DE LA CIUDAD CON EL FIN DE REQUERIR LA PUBLICACIÓN DE CIERTOS REGISTROS DE LA CIUDAD EN LA PÁGINA WEB DE LA CIUDAD ADEMÁS DE CUALQUIER OTRA NOTIFICACIÓN REQUERIDA POR LEY?”

A FAVOR

EN CONTRA

PROPUESTA O

¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.10 DE LA CARTA DE LA CIUDAD CON EL FIN DE AJUSTAR EL NÚMERO DE REQUISITOS DE LA LECTURA DE ORDENANZAS PARA SÓLO CIERTAS ORDENANZAS, PARA ESCLARECER LAS FECHAS EFECTIVAS PARA TODAS LAS ORDENANZAS, Y PARA ABORDAR LOS REQUISITOS PARA TODAS LAS ORDENANZAS, PARA PERMITIR MEJOR CUMPLIMIENTO CON LAS FECHAS LÍMITE DE LA LEY ESTATAL?

A FAVOR _____

EN CONTRA _____

Esta propuesta permitiría ciertos tipos de ordenanzas listadas expresamente (ordenanzas de elecciones, ordenanzas de campañas políticas, etc.) de adoptarse tras una lectura para permitir el mejor cumplimiento con las fechas límite estipuladas por la ley estatal. También permite las fechas efectivas de ordenanzas, si no es especificado lo contrario por la ordenanza o publicaciones que se requieren por ley estatal. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 3.10.—Ordenanzas en general.

El Consejo de la Ciudad legislará exclusivamente por medio de ordenanza, y la cláusula promulgante de cada ordenanza será, SEA ORDENADO POR EL CONSEJO DE LA CIUDAD DE NEW BRAUNFELS, antes de que se adopte cualquier ordenanza.

Cada ordenanza propuesta o resolución, se introducirá por escrito o de forma impresa y no tratará más de un tema, sin embargo, aquellas ordenanzas de asignaciones generales podrán abordar varios temas y cuentas por las cuales se asignarían fondos. Al menos que se autorice por lectura única por esta Carta, Se les dará lectura a todas las ordenanzas en una junta abierta del Consejo de la Ciudad en dos (2) días separados, siempre y cuando todas las lecturas de cualquier ordenanza sean de un resumen descriptivo solamente, salvo un (1) miembro del Consejo podrá requerir la lectura completa de cualquier ordenanza tras la primera lectura de la misma. Todas las ordenanzas, al menos que se provea por ley o por los términos de tal ordenanza, entrarán en vigor inmediatamente tras la adopción de la misma. Una ordenanza que impone penalización criminal por cualquier violación de sus disposiciones entrará en vigor diez (10) días después de la publicación. Cualquier ordenanza necesaria para proteger la paz pública, la salud, seguridad, y bienestar general podrá ser adoptada en una emergencia y entrar en vigor tras una (1) lectura por el Consejo de la Ciudad, tras la aprobación de un voto mayoritario por los miembros del Consejo del Ciudad en dicha lectura. Además, cualquier ordenanza que ordene o revise una elección, requerido por ley estatal para aprobar un contrato, ordenanzas de anexo, requiere primero

dos (2) audiencias públicas, ordenanzas que fijan una tasa tal como se requiere por ley estatal, una ordenanza que adopte un presupuesto si al menos dos (2) talleres de presupuesto o audiencias públicas han ocurrido para discutir el presupuesto pendiente pueda ser aprobada y entrar en vigor tras una (1) lectura por el Consejo de la Ciudad.

El Abogado de la Ciudad aprobará cada ordenanza por escrito o presentará las objeciones legales a la misma que el/ella tenga con el Secretario de la Ciudad. Cada ordenanza promulgada por el Consejo de la Ciudad se firmará por el Alcalde, Alcalde Temporal, o por dos (2) miembros del Consejo de la Ciudad previo a que entre en vigor.

Salvo se estipule, por ley o por esta Carta, lo contrario, el Secretario de la Ciudad notificará de la promulgación de cada ordenanza penal y de cualquier otra tipo tal como se requiere por ley o por esta Carta, de publicarse, con el mismo título descriptivo o encabezado y resumen de la penalización, del mismo de ser publicado por lo menos una (1) vez dentro de diez (10) días después de adoptarse definitivamente, en algún periódico de circulación general en la Ciudad o ser presentado al editor para ordenanzas codificadas?? El Secretario de la Ciudad señalará en cada ordenanza y de manera oficial, las fechas, y medio de publicación, y tal señalamiento será evidencia prima facie del cumplimiento con los requisitos de esta sección.

PROPUESTA O

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.10 DE LA CARTA DE LA CIUDAD CON EL FIN DE AJUSTAR EL NÚMERO DE REQUISITOS DE LA LECTURA DE ORDENANZAS PARA SÓLO CIERTAS ORDENANZAS, PARA ESCLARECER LAS FECHAS EFECTIVAS PARA TODAS LAS ORDENANZAS, Y PARA ABORDAR LOS REQUISITOS PARA TODAS LAS ORDENANZAS, PARA PERMITIR MEJOR CUMPLIMIENTO CON LAS FECHAS LÍMITE DE LA LEY ESTATAL?”

A FAVOR

EN CONTRA

PROPUESTA P

¿SE DEBERÁ MODIFICAR LA SECCIÓN 12.03(a)(1) DE LA CARTA DE LA CIUDAD PARA ACTUALIZAR LAS PROHIBICIONES ACERCA DE LA DISCRIMINACIÓN PARA QUE INCLUYAN LAS CATEGORÍAS INCLUIDAS EN LAS LEYES FEDERALES Y ESTATALES PERO NO ACTUALMENTE LISTADAS EN LA CARTA DE LA CIUDAD?

A FAVOR _____

EN CONTRA _____

Esta propuesta actualiza la disposición de discriminación en la Carta de la Ciudad para que incluya las categorías incluidas en las leyes federales y estatales, por ejemplo, la prohibición de la discriminación basada en el origen nacional, edad, discapacidad, estado de veterano, e información genética. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 12.03.—Prohibiciones.

(a) *Actividades Prohibidas.*

(1) En cuanto a los nombramientos y remociones de cualquier puesto o empleo de la Ciudad, no se favorecerá, ni se discriminará contra el color, nacionalidad, origen, edad, discapacidad, estado de veterano, información genética, o cualquier otra clasificación protegida que la ley federal prohíbe como fundamento para tal nombramiento o remoción.

La propuesta en la boleta declarará los siguiente:

PROPUESTA P

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 12.03(a)(1) DE LA CARTA DE LA CIUDAD PARA ACTUALIZAR LAS PROHIBICIONES ACERCA DE LA DISCRIMINACIÓN PARA QUE INCLUYAN LAS CATEGORÍAS INCLUIDAS EN LAS LEYES FEDERALES Y ESTATALES PERO NO ACTUALMENTE LISTADAS EN LA CARTA DE LA CIUDAD?”

A FAVOR _____

EN CONTRA _____

PROPUESTA Q

¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.09(d) DE LA CARTA DE LA CIUDAD PARA PERMITIR UN PLAN DE SUCESIÓN EN CASO DE EMERGENCIAS O DESASTRES PARA PROPORCIONAR UN MECANISMO PARA ESTABLECER UN CUÓRUM INTERINO DEL CONSEJO DE LA CIUDAD CUANDO UN CUÓRUM NO PUEDE SER CONVOCADO DEBIDO A LA LESIÓN O MUERTE DE UN CUÓRUM DE SUS MIEMBROS?

A FAVOR _____

EN CONTRA _____

Esta propuesta otorgaría autoridad para situaciones potenciales en la cuales, a causa de desastre o emergencias, el Consejo de la Ciudad no puede ser convocado debido a una lesión o muerte de un cuórum o uno de sus miembros. Esto permite un nombramiento automático, temporal y facultades temporales para ordenar una elección y gestionar los asuntos de la ciudad durante emergencias o desastres. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 3.09.—Juntas del Consejo de la Ciudad y procedimiento.

(d) En caso que un cuórum del Consejo electo de la Ciudad no se pueda convocar debido a un desastre resultando en lesiones múltiples, muertes, o incapacidades de sus oficiales, los miembros sobrevivientes y los coordinadores y coordinadores adjuntos, o presidentes y vicepresidentes de las siguientes mesas, constituirán un Consejo temporal de la Ciudad con el propósito de reunirse en números suficientes para constituir un cuórum de Consejo de la Ciudad temporal, dentro de quince (15) días de tal desastre, o como se declare en el Código Electoral de Texas, y ordenará una elección para llenar todos los puestos vacantes del Consejo de la Ciudad. Dicho Consejo de la Ciudad servirá hasta que la elección ordenada se lleve a cabo y poseerá todas las facultades poseídas por el Consejo de la Ciudad elegido. Las mesas que cualifican, en orden de sucesión serán la (1) Corporación de Desarrollo Económico de New Braunfels, (2) la Comisión de Planificación, (3) Consejo Asesor de Transporte y Tráfico, (4) Consejo de Zonificación y Regulación, y (5) Consejo Asesor de Parques y Recreación. El Consejo de la Ciudad podrá adoptar, por ordenanza, cada procedimiento y autorizaciones que considere necesario.

La propuesta en la boleta declarará los siguiente:

PROPUESTA Q

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.09(d) DE LA CARTA DE LA CIUDAD PARA PERMITIR UN PLAN DE SUCESIÓN EN CASO DE EMERGENCIAS O DESASTRES PARA PROPORCIONAR UN MECANISMO PARA ESTABLECER UN CUÓRUM INTERINO DEL CONSEJO DE LA CIUDAD CUANDO UN CUÓRUM NO PUEDE SER CONVOCADO DEBIDO A LA LESIÓN O MUERTE DE UN CUÓRUM DE SUS MIEMBROS?”

A FAVOR

EN CONTRA

PROPUESTA R

¿SE DEBERÁ MODIFICAR LA SECCIÓN 12.03(a)(4) DE LA CARTA DE LA CIUDAD CON EL FIN DE CAMBIAR Y ESCLARECER LAS RESTRICCIONES Y REGLAMENTOS EN LAS ACTIVIDADES POR PARTE DE LOS EMPLEADOS Y OFICIALES DE LA CIUDAD CUANDO ESTÁN EJERCIENDO SU OFICIO O GENERALMENTE REPRESENTANDO LA CIUDAD, Y REGULAR LA PARTICIPACIÓN POLÍTICA CUANDO NO FUNJAN DE MANERA OFICIAL CUANDO DICHA PARTICIPACIÓN CAUSA INTERRUPCIÓN IRRACIONABLE A LAS OPERACIONES MUNICIPALES?

A FAVOR _____

EN CONTRA _____

Esta propuesta actualiza el lenguaje de la Carta para así prohibir actividad política de campaña de los empleados de la ciudad mientras están desempeñando sus deberes oficiales o generalmente representando la ciudad o su puesto. No se limitará la actividad política de los empleados en tiempo libre salvo si tal participación causa una interrupción irracional a las operaciones de la ciudad. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 12.03.—Prohibiciones.

(a) Actividades Prohibidas.

...

(4) ~~Ninguna persona que tiene cualquier puesto compensado por la Ciudad podrá solicitar o recibir ninguna contribución a los fondos de campaña de ningún candidato para oficio municipal, asuntos, o campaña política de ningún candidato municipal.~~ Ninguna persona que tiene cualquier puesto municipal participará en campañas políticas o actividades relacionadas durante horas hábiles, mientras generalmente representa la Ciudad o representa su puesto. La Ciudad, por lo general, no limita o regula la participación política de los empleados en tiempo libre salvo que el Administrador de la Ciudad considere que tal participación causaría una interrupción irracional a las operaciones de la Ciudad. El Consejo de la Ciudad podrá aprobar ordenanzas conforme con esta sección.

...

La propuesta en la boleta declarará los siguiente:

PROPUESTA R

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 12.03(a)(4) DE LA CARTA DE LA CIUDAD CON EL FIN DE CAMBIAR Y ESCLARECER LAS RESTRICCIONES Y REGLAMENTOS EN LAS ACTIVIDADES POR PARTE DE LOS EMPLEADOS Y OFICIALES DE LA CIUDAD CUANDO ESTÁN EJERCIENDO SU OFICIO O GENERALMENTE REPRESENTANDO LA CIUDAD, Y REGULAR LA PARTICIPACIÓN POLÍTICA CUANDO NO FUNJAN DE MANERA OFICIAL CUANDO DICHA PARTICIPACIÓN CAUSA INTERRUPCIÓN IRRACIONABLE A LAS OPERACIONES MUNICIPALES?”

A FAVOR

EN CONTRA

ORDINANCE NO. 2021 - _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF NEW BRAUNFELS, TEXAS, ON MAY 1, 2021 TO SUBMIT PROPOSITIONS TO THE REGISTERED VOTERS OF THE CITY OF NEW BRAUNFELS, TEXAS, FOR PROPOSED AMENDMENTS TO THE CITY CHARTER.

WHEREAS, the City Council of the City of New Braunfels, Texas, on February 10, 2020, by majority vote on a second final and reading of an ordinance, opted to submit to the registered voters of the City of New Braunfels, Texas, on May 2, 2020, a uniform election date in the State of Texas, in accordance with Section 9.004 of the Texas Local Government Code and Section 4.01 of the New Braunfels City Charter, and in accordance with other applicable laws, ballot propositions for proposed amendments to the City Charter; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a statewide emergency due to the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the Mayor for the City of New Braunfels ordered and signed a Declaration of Local Disaster for New Braunfels, Texas; and

WHEREAS, the Governor's executive orders and proclamations suspended portions of the Texas Election Code; and

WHEREAS, the Governor of the State of Texas suspended the May 2, 2020, election and authorized local governmental entities to postpone and reschedule/move any ordered elections to November 3, 2020; and

WHEREAS, the City Council had already called the special election prior to the declaration of local disaster, and the public had already been provided notices of the election and charter provisions; and

WHEREAS, the City Council for the City of New Braunfels passed Ordinance 2020-31 postponing the May 2, 2020, election and rescheduled/moved it to November 3, 2020, pursuant to state law and the authorizations provided for by the Governor's executive orders; and

WHEREAS, the City Council after receiving, reviewing and considering the cost estimates of holding the special election in conjunction with the national presidential election scheduled for November 3, 2020, found that it was not fiscally responsible to hold the special election at this time as such estimated costs are several times the costs associated with holding the special election during the May 2021 election; and

WHEREAS, the November 3, 2020 election officials confirmed that there are additional early voting days mandated, due to COVID-19 regulations, for the November 3, 2020 presidential election. This is only one factor amongst many contributing to the higher cost; and

WHEREAS, the City Council of the City of New Braunfels, Texas desired to hold the special election and intended to hold the special election on charter amendments, but must act responsibly with taxpayer funds in setting a date for such election; and

WHEREAS, The City Council approved an ordinance canceling the November 3, 2020 charter amendment special election and granted the Mayor of the City of New Braunfels the authority to sign the order of cancellation of the November 3, 2020 special election; and

WHEREAS, such order was signed by the Mayor on August 17, 2020 at a Special meeting; and

WHEREAS, the City Council of the City of New Braunfels, Texas authorizes the Mayor to sign the order calling the Special Election and any subsequent orders adjusting the polling locations, dates and times that are subject to change due to agreements with Comal County Elections Department and other joint election agreements up until the final posting deadline of such notice pursuant Texas Election Code (“Code”) § 4.003(a)(b) and (c); and

WHEREAS, the City Council of the City of New Braunfels, Texas now desires to call a special election for the May 2021 election to consider such proposed charter amendments, which will provide a significant savings to taxpayers while still allowing the special election to consider the charter amendment propositions.

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

**SECTION I
CALL OF A SPECIAL MUNICIPAL ELECTION**

THAT a special election be held in the City of New Braunfels, Texas on the first Saturday of the month of May, 2021, the same being the 1st day in May for the purpose of submitting the following measures contained in Exhibit A, attached and fully incorporated into this ordinance. Such measures are proposed charter amendments and their language is incorporated to this order by reference herein.

**SECTION II
EARLY VOTING BY PERSONAL APPEARANCE
(Subject to Change)**

THAT the main polling place for early voting by personal appearance for the election is:

| | |
|-------------------------------|--|
| Comal County Elections Office | 396 North Seguin Avenue, New Braunfels |
|-------------------------------|--|

Early voting by personal appearance shall be conducted between the hours and dates as follows:

| Dates | Time |
|---|-------------|
| Monday, April 19, 2021–Tuesday April 27, 2021 | TIME TBD |

SUBJECT TO CHANGE

SECTION III EARLY VOTING BY MAIL

THAT early voting by mail ballot shall be conducted in accordance with applicable provisions of the Texas Election Code.

- A. The address of the Comal County Elections Office, 396 North Seguin Avenue, New Braunfels, Texas 78130, shall be the early voting clerk’s mailing address to which ballot applications and ballots voted by mail may be sent for the City for Comal County residents.

SECTION IV POLLING PLACES (Subject to Change)

THAT the polling places listed below shall be open on Election Day from 7:00 a.m. to 7:00 p.m. on Saturday, May 1st, 2021:

- A. For Comal County, at such locations as determined and posted by the Comal County Elections Officers. Initial Polling Places have been designated below and are expected to be confirmed.

| | | |
|------------|--|----------------------------|
| District 1 | Westside Community Center | 2932 S IH 35 Frontage Road |
| District 2 | New Braunfels First Church of the Nazarene | 210 W. Klein Road |
| District 3 | Seniors Center of Comal County | 655 Landa Street |
| District 4 | Christ Presbyterian Church | 1620 Common Street |
| District 5 | Comal County Goodwin Annex | 1297 Church Hill Drive |
| District 6 | Walnut Springs Elementary School | 1900 S. Walnut Avenue |

SUBJECT TO CHANGE

SECTION V METHOD OF VOTING

THAT use of Hart DRE Verity Touch, Access Touch, and controller voting system, as the term is defined in the Texas Election Code, shall be utilized in connection with the election for Comal County residents. This system shall be utilized for early voting as well as for district voting conducted on Election Day. Cynthia Jaqua is appointed as programmer, and she shall prepare a program for the automatic tabulating equipment. Ample voting equipment shall be provided for early voting and in the specific districts on Election Day. The central counting station is established as the Comal County Elections Office.

SECTION VI APPOINTMENT OF PRESIDING JUDGES

THAT the County Election office of Comal County will appoint the Early Voting Ballot Board, a Presiding Judge for the Early Voting Ballot Board, and a Presiding Judge for the Central Counting Station.

SECTION VII GOVERNING LAW

THAT the election will be held in accordance with the provisions of the Charter of the City of New Braunfels and the laws of the State of Texas. Notice of the election, including a Spanish translation thereof, will be published at least once in the local newspaper in accordance with the Texas Election Code and will be posted on the bulletin board at City Hall at 550 Landa Street, New Braunfels, Texas.

SECTION VIII TESTING OF AUTOMATIC TABULATING EQUIPMENT

THAT testing of the automatic tabulating equipment will be performed and notice thereof will be given in accordance with the Texas Election Code. Each County shall designate the tabulating equipment and personnel required under the Election Code.

SECTION IX COMPENSATION FOR ELECTION WORKERS

THAT the rate of compensation for all polling workers will be decided by the Comal County Election Offices.

PASSED AND APPROVED: this _____ day of _____ 2021

CITY COUNCIL OF THE CITY OF
NEW BRAUNFELS, TEXAS

RUSTY BROCKMAN, MAYOR

ATTEST:

ANDREW A. LYONS III
Assistant City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO
City Attorney

Exhibit A

PROPOSITION A

SHALL SECTION 3.01 OF THE CITY CHARTER BE AMENDED TO CHANGE TERM LIMITS FOR ALL CITY COUNCIL MEMBERS SO A THIRD TERM MAY RUN CONSECUTIVELY VERSUS THE CURRENT TWO (2) CONSECUTIVE TERM LIMIT BUT KEEPING THE LIFETIME LIMIT OF THREE (3) TERMS OR NINE (9) YEARS, AS CURRENTLY ALLOWED?

FOR _____

AGAINST _____

This proposition would allow a Council Member to serve three (3) consecutive three (3) year terms instead of only two (2) consecutive terms; the limit of a total of three (3) year terms will remain unchanged. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 3.01. - Number, selection and term.

The legislative and governing body of the City shall consist of seven (7) Councilpersons and shall be known as the "Council of the City of New Braunfels," and who shall each serve a term of three (3) years.

The City of New Braunfels shall by ordinance be divided into six (6) districts. Each district shall to the extent reasonably possible be equally populated and the City Council shall maintain such equality of population, as from time to time deemed necessary, by ordinance. The districts shall be designated Number 1, 2, 3, 4, 5 and 6. The qualified voters of each district shall elect one (1) Councilmember for each of the six (6) districts. The six (6) Councilmembers so elected from each district shall have been a resident of the district from which the Councilmember is elected for no less than six (6) months prior to filing for office and must continue to reside in said district for his or her entire term of office.

The Mayor of the City of New Braunfels shall be elected by the qualified voters of the City at large and elections for the Mayor shall be held pursuant to Article IV, Elections, of the City Charter of New Braunfels, Texas.

Each Councilperson shall hold office until his or her successor is elected and qualified. Candidates elected at the municipal election shall take office at the regular City Council meeting, the same being at the first regular meeting held after the meeting in which the election returns are canvassed and the result of the election is officially declared.

~~No current or future elected official shall serve more than two (2) consecutive three (3) year terms of office and no more than three (3), three (3) year terms during a lifetime. No~~
elected official shall serve more than three (3) consecutive three (3) year terms of office

and no more than three (3) terms during a lifetime. However, years or time of service that an elected official may serve in filling an unexpired term or a partial term of office shall not be counted toward the above limitations.

The proposition on the ballot shall state as follows:

PROPOSITION A

“SHALL SECTION 3.01 OF THE CITY CHARTER BE AMENDED TO CHANGE TERM LIMITS FOR ALL CITY COUNCIL MEMBERS SO A THIRD TERM MAY RUN CONSECUTIVELY VERSUS THE CURRENT TWO (2) CONSECUTIVE TERM LIMIT BUT KEEPING THE LIFETIME LIMIT OF THREE (3) TERMS OR NINE (9) YEARS, AS CURRENTLY ALLOWED?”

FOR

AGAINST

PROPOSITION B

SHALL SECTION 3.06 OF THE CITY CHARTER BE AMENDED TO CHANGE THE QUALIFICATIONS AND CONDITIONS FOR FILLING VACANCIES ON THE CITY COUNCIL SO THAT VACANCIES OF TWELVE (12) MONTHS OR LESS CAN BE FILLED, AT THE DISCRETION OF CITY COUNCIL, BY APPOINTMENT OF COUNCIL, LEFT VACANT FOR THE BALANCE OF THE TERM, OR HAVE A SPECIAL ELECTION CALLED TO FILL THE VACANCY WHILE VACANCIES OVER TWELVE (12) MONTHS DURATION WILL CONTINUE TO REQUIRE A SPECIAL ELECTION ?

FOR

AGAINST

This proposition would allow City Council to use its discretion for vacancies on City Council of 12 months or less to either appoint a temporary replacement, leave the position vacant until the next election or call a special election to fill the position. For vacancies of over 12 months, a special election would still be required to be called with 120 days pursuant to state statute.

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 3.06. - Vacancies.

~~Vacancies on the council arising for any causes shall be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur, or as otherwise provided by the laws of the State of Texas.~~

All vacancies on City Council, regardless of cause, with unexpired terms of more than twelve (12) months shall be filled by special election pursuant to state law. All vacancies with unexpired terms of twelve (12) months or less may be filled, at the discretion of City Council, by appointment of the City Council upon a majority vote, may be left vacant for the remainder of the unexpired term or filled by a special election pursuant to state law. An office holder who has forfeited the office under this Charter is ineligible to be appointed to fill an unexpired term created by such forfeiture.

The proposition on the ballot shall state as follows:

PROPOSITION B

“SHALL SECTION 3.06 OF THE CITY CHARTER BE AMENDED TO CHANGE THE QUALIFICATIONS AND CONDITIONS FOR FILLING VACANCIES ON THE CITY COUNCIL SO THAT VACANCIES OF TWELVE (12) MONTHS OR LESS CAN BE FILLED, AT THE DISCRETION OF CITY COUNCIL, BY APPOINTMENT OF COUNCIL, LEFT VACANT FOR THE BALANCE OF THE TERM, OR HAVE A SPECIAL ELECTION CALLED TO FILL THE VACANCY WHILE VACANCIES OVER TWELVE (12) MONTHS DURATION WILL CONTINUE TO REQUIRE A SPECIAL ELECTION ?”

FOR

AGAINST

PROPOSITION C

SHALL SECTION 12.03(a)(6) OF THE CITY CHARTER BE ADOPTED AND SECTION 12.03(b) BE AMENDED TO PROHIBIT AND PENALIZE COUNCIL MEMBERS FROM INTENTIONALLY RESIGNING FROM HIS/HER POSITION AND RUNNING IN A SUBSEQUENT ELECTION TO CIRCUMVENT TERM LIMITS?

FOR

AGAINST

This proposition would allow for penalties and forfeiture if a Council Member intentionally uses the ability to resign his/her position and then re-run to avoid the term limits provisions. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 12.03. - Prohibitions.

(a) *Activities prohibited.*

(6) No member of the City Council may knowingly or intentionally attempt to circumvent an adopted term limit by resigning or forfeiting their position in order to avoid the established term limit of three (3) three (3) year terms.

(b) *Penalties.* Any person who by himself or with others violates any of the provisions of paragraphs (1) through (3) of the preceding subsection (a) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars (\$100.00). Any person who by himself or with others violates any of the provisions of paragraphs (4) through (6) of the preceding subsection (a) shall be guilty of an offense and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars (\$100.00). Any person convicted under this section shall be ineligible for a period of five (5) years thereafter to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit his office or position.

The proposition on the ballot shall state as follows:

PROPOSITION C

“SHALL SECTION 12.03(a)(6) OF THE CITY CHARTER BE ADOPTED AND SECTION 12.03(b) BE AMENDED TO PROHIBIT AND PENALIZE COUNCIL MEMBERS FROM INTENTIONALLY RESIGNING FROM HIS/HER POSITION AND RUNNING IN A SUBSEQUENT ELECTION TO CIRCUMVENT TERM LIMITS?”

FOR

AGAINST

PROPOSITION D

SHALL SECTION 3.05(c) OF THE CITY CHARTER BE AMENDED TO CLARIFY THE POWER OF THE MAYOR DURING A TIME OF EMERGENCY TO APPOINT ADDITIONAL HELP, PROVIDE AUTHORIZATION FOR SUCH HELP AND UTILIZE ALL ABILITIES AUTHORIZED BY STATE LAW?

FOR _____

AGAINST _____

This proposition would update the charter language in times of emergency, clarifies the role of the mayor to appoint additional help, provide proper authorization for such additional help to perform duties, and utilize all of the authorities authorized by state law in times of emergency or disaster. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

Sec. 3.05. - Mayor and Mayor Pro Tem.

...

(c) *Emergency powers of Mayor.* Whenever the Mayor shall deem it necessary in order to enforce the laws of the City, or to avert danger, or to protect life or property, in case of riot, outbreak, calamity or public disturbance, or when he has reason to fear any serious violation of law or order, outbreak, or any other danger to the City of New Braunfels or the inhabitants thereof, ~~he shall summon into service as a special police force, all or as many of the citizens as in his judgment and discretion may be necessary and proper; and such summons may be made by proclamation or orders addressed to the citizens generally, or those of any ward of the City or subdivision thereof, or such summons may be by personal notification. Such summons shall be made pursuant to a proclamation by the Mayor that an emergency exists in the City of New Braunfels.~~ he/she shall proclaim the emergency and shall utilize such powers and authorizations allowed by local, state and federal law needed to keep the peace and respond to such emergency. During such emergency, the police department of the City of New Braunfels, and such other ~~special police as have been summoned by the Mayor,~~ keepers of the peace and emergency responders as shall be appointed, deputized, or enlisted by the Mayor shall be subject to the orders of the Mayor, and shall perform such duties as he may require. The Mayor shall have authority during the continuance of such emergency to make and enforce such rules, regulations, and orders as are necessary to preserve the public health, safety, and welfare from the threatened danger. During such emergency, such rules, regulations and orders shall have the force and effect of law.

The proposition on the ballot shall state as follows:

PROPOSITION D

“SHALL SECTION 3.05(c) OF THE CITY CHARTER BE AMENDED TO CLARIFY THE POWER OF THE MAYOR DURING A TIME OF EMERGENCY TO APPOINT ADDITIONAL HELP, PROVIDE AUTHORIZATION FOR SUCH HELP AND UTILIZE ALL ABILITIES AUTHORIZED BY STATE LAW?”

FOR

AGAINST

PROPOSITION E

SHALL SECTION 3.05(b) OF THE CITY CHARTER BE AMENDED TO PLACE ADDITIONAL DUTIES ON THE MAYOR PRO TEM TO BE PRIMARILY RESPONSIBLE FOR THE ANNUAL EVALUATIONS OF THE CITY MANAGER, CITY ATTORNEY AND MUNICIPAL COURT JUDGE, WHO REPORT TO CITY COUNCIL, AS IS CURRENT PRACTICE?

FOR _____

AGAINST _____

This proposition assigns the primary responsibility of ensuring annual evaluations for charter officials (City Manager, City Attorney, Municipal Court Judge) who report to the City Council upon the mayor pro tem position. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

Sec. 3.05. - Mayor and Mayor Pro Tem.

...

(b) *Election of Mayor Pro Tem.* At its first regular meeting following the meeting at which the official election returns are canvassed and the results are declared of each year, the City Council shall elect from among its members a Mayor Pro Tem who shall serve at the pleasure of the City Council, and he shall perform all the duties of Mayor in the absence or disability of the Mayor. Mayor Pro Tem shall have the duty to implement, coordinate, and strive for completion of the annual evaluations of the City Manager, City Attorney and Municipal Court Judge, unless directed otherwise by resolution. The City Council may, by resolution, provide standards, procedures, and instruction on such annual evaluations.

...

The proposition on the ballot shall state as follows:

PROPOSITION E

“SHALL SECTION 3.05(b) OF THE CITY CHARTER BE AMENDED TO PLACE ADDITIONAL DUTIES ON THE MAYOR PRO TEM TO BE PRIMARILY RESPONSIBLE FOR THE ANNUAL EVALUATIONS OF THE CITY MANAGER, CITY ATTORNEY AND MUNICIPAL COURT JUDGE, WHO REPORT TO CITY COUNCIL, AS IS CURRENT PRACTICE?”

FOR _____

AGAINST _____

PROPOSITION F

SHALL SECTIONS 7.01(a) AND 8.04 OF THE CITY CHARTER BE AMENDED TO CLARIFY RESIDENCY REQUIREMENTS FOR THE CITY MANAGER AND CITY ATTORNEY TO ALLOW UP TO ONE HUNDRED TWENTY (120) DAYS AFTER APPOINTMENT TO ESTABLISH RESIDENCY IN THE CITY?

FOR _____

AGAINST _____

This proposition allows the City Manager and the City Attorney up to 120 days after his/her appointment to establish residency in the City. It corrects a problem from the past where such officials hired from out of town were required to immediately obtain housing in the City when appointed. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 7.01. - City Manager.

(a) *Appointment and qualifications.* The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. He shall be chosen by the City Council solely on the basis of his executive and administrative training, experience, ability, and character, and need not when appointed, be a resident of the City of New Braunfels; however, the City Manager must be a resident of the City within one hundred twenty (120) days of his/her appointment and shall have his/her principal residence in the City continuously while holding that office. No member of the City Council shall during the time of which he is elected and for one (1) year thereafter, be appointed City Manager.

Sec. 8.04. - City Attorney.

The City Council shall appoint a licensed attorney of the State of Texas to be the City Attorney. He shall receive for his services such compensation as may be fixed by the City Council for regular and special duties and shall hold his office at the pleasure of the City Council. The City Attorney or such other attorney selected by him with the approval of the City Council shall represent the City in all litigations and prosecutions in Municipal Court. There may be such Assistant City Attorneys as may be authorized by the City Council. Such Assistant City Attorneys shall be authorized to act for and on behalf of the City Attorney, including representing the City in all litigations and prosecutions in Municipal Court. The City Attorney shall reside within the City Limits of the City of New Braunfels or become a resident of the City within one hundred twenty (120) days of his/her appointment.

The proposition on the ballot shall state as follows:

PROPOSITION F

“SHALL SECTIONS 7.01(a) AND 8.04 OF THE CITY CHARTER BE AMENDED TO CLARIFY RESIDENCY REQUIREMENTS FOR THE CITY MANAGER AND CITY ATTORNEY TO ALLOW UP TO ONE HUNDRED TWENTY (120) DAYS AFTER APPOINTMENT TO ESTABLISH RESIDENCY IN THE CITY?”

FOR _____

AGAINST _____

PROPOSITION G

SHALL SECTION 7.01(d) OF THE CITY CHARTER BE ADDED TO IMPOSE AN OBLIGATION UPON THE CITY MANAGER TO SUBMIT ANNUALLY TO CITY COUNCIL A FIVE (5) YEAR FINANCIAL FORECAST AND A FIVE (5) YEAR CAPITAL IMPROVEMENT PLAN, AS IS CURRENT PRACTICE?

FOR

AGAINST

This proposition codifies a current practice requiring the City Manager to annually submit a five year financial forecast and a five year capital improvement plan to the City Council to allow for better planning. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

Sec. 7.01. - City Manager.

(d) The City Manager shall prepare and submit annually to the City Council a five (5) year financial forecast and a five (5) year capital improvement program with appropriate timing ahead of the submission of the “proposed budget” to Council as referenced in Section 9.02.

The proposition on the ballot shall state as follows:

PROPOSITION G

“SHALL SECTION 7.01(d) OF THE CITY CHARTER BE ADDED TO IMPOSE AN OBLIGATION UPON THE CITY MANAGER TO SUBMIT ANNUALLY TO CITY COUNCIL A FIVE (5) YEAR FINANCIAL FORECAST AND A FIVE (5) YEAR CAPITAL IMPROVEMENT PLAN, AS IS CURRENT PRACTICE?”

FOR

AGAINST

PROPOSITION H

SHALL SECTION 9.17 OF THE CITY CHARTER BE AMENDED TO ADJUST CITY MANAGER AUTHORITY FOR COMPETITIVE BIDDING AND PURCHASING FOR BUDGETED ITEMS CURRENTLY SET AT \$25,000.00 TO ALIGN WITH STATE LAW LIMITS, WHICH ARE CURRENTLY SET AT \$50,000.00 AND TO ADJUST AUTOMATICALLY UPON A CHANGE IN STATE LAW?

FOR _____

AGAINST _____

This proposition synchronizes the Charter provisions with state law requirements on the City Manager's authority to contract without competitive bidding being utilized for budgeted items and allows for changes made by the Legislature without requiring a Charter election. The City Manager's current authority is \$25,000.00, while current state law limits such authority to \$50,000.00. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 9.17. - Purchases, Sales and Contracts.

All purchases made, and contracts entered into, by the City, and all sales, exchanges or other dispositions of property of any kind or character owned by the City, shall be accomplished pursuant to the requirements and procedures of the constitution and laws of the State of Texas, and any ordinance, resolution or motion by the City Council not inconsistent with such constitution and laws. The City Manager shall have the authority to contract for expenditures without further approval of the City Council for all budgeted items ~~not exceeding twenty-five thousand dollars (\$25,000.00)~~ that do not equal or exceed the minimum amount required for mandatory competitive bidding/purchasing set by state law. At the time this charter provision was amended, state law defined such minimum as any amount over fifty thousand dollars (\$50,000.00).

The proposition on the ballot shall state as follows:

PROPOSITION H

“SHALL SECTION 9.17 OF THE CITY CHARTER BE AMENDED TO ADJUST CITY MANAGER AUTHORITY FOR COMPETITIVE BIDDING AND PURCHASING FOR BUDGETED ITEMS CURRENTLY SET AT \$25,000.00 TO ALIGN WITH STATE LAW LIMITS, WHICH ARE CURRENTLY SET AT \$50,000.00 AND TO ADJUST AUTOMATICALLY UPON A CHANGE IN STATE LAW? ”

FOR _____

AGAINST _____

PROPOSITION I

SHALL SECTION 3.08(c) OF THE CITY CHARTER BE AMENDED TO AUTHORIZE THE CITY MANAGER, IN HIS/HER DISCRETION, TO ALLOW COUNCIL MEMBERS TO INTERACT WITH INDIVIDUAL DEPARTMENT HEADS, WITHOUT VIOLATING THE CITY CHARTER?

FOR

AGAINST

This proposition would allow the City Manager, at his/her discretion, to consent and allow council members to interact with individual department heads without violating the charter. This allows each City Manager the ability to decide what is more efficient for the City in individual circumstances while still protecting the Council-City Manager form of government. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 3.08. - Prohibitions.

...

(c) *Interference with administration.* Except for the purpose of inquiries and investigations, unless otherwise provided in this Charter or as authorized in writing by the City Manager prior to action, the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately.

The proposition on the ballot shall state as follows:

PROPOSITION I

“SHALL SECTION 3.08(c) OF THE CITY CHARTER BE AMENDED TO AUTHORIZE THE CITY MANAGER, IN HIS/HER DISCRETION, TO ALLOW COUNCIL MEMBERS TO INTERACT WITH INDIVIDUAL DEPARTMENT HEADS, WITHOUT VIOLATING THE CITY CHARTER?”

FOR

AGAINST

PROPOSITION J

SHALL SECTIONS 8.02 AND 8.03 OF THE CITY CHARTER BE AMENDED FOR THE APPOINTMENT OF MUNICIPAL COURT JUDGES, PROVIDE FOR REMOVAL OF ANY MUNICIPAL COURT JUDGE AND PROVIDE FOR APPOINTMENT OF THE MUNICIPAL COURT CLERK TO COMPLY WITH STATE LAW AND CURRENT PRACTICE?

FOR _____

AGAINST _____

This proposition brings the municipal court judge and municipal court clerk positions into conformity with current state law, allows the municipal court judge the ability to appoint temporary replacements, provides for removal authority by the Council when needed, and removes the City Secretary from being the court clerk and allows the City Manager to appoint the court clerk. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 8.02. - Judge of the Municipal Court.

~~The judge of said court shall be a licensed, resident attorney of the City of New Braunfels, appointed by the City Council and shall receive such salary as may be fixed by the City Council. In case of the disability or absence of the judge of the Municipal Court, the City Council shall appoint a temporary municipal court judge who shall also be a licensed, resident attorney. The judge of said court shall hold his or her office pursuant to the laws of the State of Texas.~~

(a) The City Council shall appoint a presiding judge for the Municipal Court. The Presiding Judge of the Municipal Court shall be a licensed attorney appointed for a term set by ordinance, but for not less than two years. Any municipal court judge must reside within the City of New Braunfels, or becomes a resident within one hundred twenty (120) days of his/her appointment. All judges shall receive such compensation as may be fixed by the City Council.

(b) The presiding judge may appoint a temporary judge in case of absence. The City Council may, by ordinance, adopt authorizations and procedures for the appointment, compensation, and qualifications of any associate judges.

(c) Removal of Judge. The City Council shall have the authority to remove the presiding judge and any associate judges. All judges may be removed with or without cause. The City Council may, by ordinance, provide for procedures pertaining to any removal.

Sec. 8.03. - Clerk of the Municipal Court.

~~The City Secretary or an Assistant City Secretary shall be ex-officio clerk of said court.~~
The City Manager shall appoint the Clerk of the Municipal Court. The clerk of said court and his or her deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally do and perform any and all acts usual and necessary by the clerk of the court in issuing process of said court and conducting the business thereof.

The proposition on the ballot shall state as follows:

PROPOSITION J

“SHALL SECTIONS 8.02 AND 8.03 OF THE CITY CHARTER BE AMENDED FOR THE APPOINTMENT OF MUNICIPAL COURT JUDGES, PROVIDE FOR REMOVAL OF ANY MUNICIPAL COURT JUDGE AND PROVIDE FOR APPOINTMENT OF THE MUNICIPAL COURT CLERK TO COMPLY WITH STATE LAW AND CURRENT PRACTICE?”

FOR

AGAINST

PROPOSITION K

SHALL SECTION 5.05 OF THE CITY CHARTER BE AMENDED TO CHANGE THE NUMBER OF DAYS AFTER SUBMISSION OF A RECALL PETITION THE CITY SECRETARY MUST PRESENT TO THE CITY COUNCIL FROM FIVE (5) DAYS TO TWENTY (20) DAYS TO ALLOW SUFFICIENT TIME TO PROVIDE ALL REQUIRED DOCUMENTS FOR THE RECALL?

FOR

AGAINST

This proposition would change the number of days the City Secretary has to submit a recall petition to the City Council from five (5) days to twenty (20) days to be more in conformity with other cities' charters and ordinances. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 5.05. - Presentation of petition to City Council.

Within ~~five (5)~~ twenty (20) days after the date of filing of the papers constituting the recall petition, the person performing the duties of City Secretary shall present such petition to the City Council of the City of New Braunfels at a special meeting called for this purpose.

The proposition on the ballot shall state as follows:

PROPOSITION K

“SHALL SECTION 5.05 OF THE CITY CHARTER BE AMENDED TO CHANGE THE NUMBER OF DAYS AFTER SUBMISSION OF A RECALL PETITION THE CITY SECRETARY MUST PRESENT TO THE CITY COUNCIL FROM FIVE (5) DAYS TO TWENTY (20) DAYS TO ALLOW SUFFICIENT TIME TO PROVIDE ALL REQUIRED DOCUMENTS FOR THE RECALL?”

FOR

AGAINST

PROPOSITION L

SHALL SECTION 9.18 OF THE CITY CHARTER BE REPEALED AND REMOVE THE DEPARTMENT OF TAXATION, WHICH NO LONGER EXISTS DUE TO STATE REGULATIONS?

FOR

AGAINST

Due to state law regulations, the City no longer utilizes a department of taxation. As a result, this proposition removes this provision and avoids confusion as to the department's existence. This proposition would repeal the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

~~Sec. 9.18. Department of Taxation.~~

~~There shall be established a Department of Taxation to assess and collect taxes, the head of which shall be the City Tax Assessor Collector, which office shall be filled by appointment by the City Manager with concurrence of the City Council.~~

~~The City Tax Assessor Collector shall give a surety bond for faithful performance of his duties, including compliance with all controlling provisions of the State Law bearing upon the functions of his office, in a sum which shall be fixed by the City Council at not less than fifty thousand dollars (\$50,000.00).~~

~~The City Council may, in the interest of economy and efficiency, contract with another political subdivision to handle the assessment and/or collection of taxes.~~

~~The City Tax Assessor Collector may be removed from office by the City Manager with the concurrence of the City Council.~~

The proposition on the ballot shall state as follows:

PROPOSITION L

“SHALL SECTION 9.18 OF THE CITY CHARTER BE REPEALED AND REMOVE THE DEPARTMENT OF TAXATION, WHICH NO LONGER EXISTS DUE TO STATE REGULATIONS?”

FOR

AGAINST

PROPOSITION M

SHALL SECTIONS 1.01, 3.02, 3.05(b)-(c), 3.08(a)-(b), 3.10, 4.05, 5.03, 7.01(a), 7.01(c)(4), 7.03(a), 8.04 AND 12.13 OF THE CITY CHARTER BE AMENDED TO MAKE CORRECTIONS TO TYPOGRAPHICAL ERRORS, SYNTAX, GRAMMAR AND GENDER REFERENCES, AND ALLOW FOR FUTURE CORRECTIONS AND RENUMBERING OF CHARTER WITHOUT A CHARTER ELECTION?

FOR _____

AGAINST _____

This proposition allows the City Council to correct typographical and grammar errors and renumber charter provisions without the need for an election, as long as such changes do not change the substance of the provision and also proceeds to correct several typographical and grammar errors as well as gender references in the current text of the charter. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 1.01. - Preamble.

All the inhabitants of the City of New Braunfels, Comal County, Texas, residing within the boundaries and limits of said City as are herein established or may hereafter be established, shall be a political subdivision of the State of Texas, incorporated under and to be known by the name and style of the "City of New Braunfels" with such powers, rights and duties as provided in this Home Rule Charter in accordance with the statutes of the State of Texas. Within this charter, a word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. Words used in the present or past tense include the future as well as the present or past.

Sec. 3.02. - Qualifications.

Each member of the City Council shall be a resident citizen of the City of New Braunfels, shall be a qualified voter of the State of Texas, shall have been such resident citizen of the City of New Braunfels for a period of not less ~~then~~ than twelve (12) months immediately prior to election day, and shall not be indebted to the City of New Braunfels; provided, however, that any person with the above qualifications, except as to residence, who shall have been a resident for a period of not less than twelve (12) months immediately preceding his or her election of any of the territory not formerly within the corporate limits of said city, but which is annexed under the provisions of section 1.04 of this charter, shall be

eligible for said office. An elected officer must continue to reside in the City of New Braunfels for his or her entire term. If any elected officer fails to maintain the foregoing qualifications, or shall be absent from three (3) consecutive regularly scheduled meetings without valid excuse, the City Council must at its next regular meeting declare a vacancy to exist and shall fill said vacancy as set forth in section 3.06 of this charter.

Sec. 3.05. - Mayor and Mayor Pro Tem.

(b) *Election of Mayor Pro Tem.* At its first regular meeting following the meeting at which the official election returns are canvassed and the results are declared of each year, the City Council shall elect from among its members a Mayor Pro Tem who shall serve at the pleasure of the City Council, and he/she shall perform all the duties of Mayor in the absence or disability of the Mayor.

(c) *Emergency powers of Mayor.* Whenever the Mayor shall deem it necessary in order to enforce the laws of the City, or to avert danger, or to protect life or property, in case of riot, outbreak, calamity or public disturbance, or when he/she has reason to fear any serious violation of law or order, outbreak, or any other danger to the City of New Braunfels or the inhabitants thereof, he/she shall summon into service as a special police force, all or as many of the citizens as in his/her judgment and discretion may be necessary and proper; and such summons may be made by proclamation or orders addressed to the citizens generally, or those of any ward of the City or subdivision thereof, or such summons may be by personal notification. Such summons shall be made pursuant to a proclamation by the Mayor that an emergency exists in the City of New Braunfels. During such emergency, the police department of the City of New Braunfels, and such special police as have been summoned by the Mayor, shall be subject to the orders of the Mayor, and shall perform such duties as he/she may require, and shall have the same power while on duty as the regular police of the City of New Braunfels. The Mayor shall have authority during the continuance of such emergency to make and enforce such rules, regulations, and orders as are necessary to preserve the public health, safety, and welfare from the threatened danger. During such emergency, such rules, regulations and orders shall have the force and effect of law.

Sec. 3.08. - Prohibitions.

(a) *Holding other office.* Except where authorized by law, no Council ~~person~~man shall hold any other City office or employment by the City during the term for which he/she was elected to the City Council, and no former Council ~~person~~man shall hold any compensated appointive city office or employment until one (1) year after the expiration of the term for which he/she was elected to the City Council.

(b) *Appointments and removals.* Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the City Manager or any of his/her subordinates are empowered to appoint, unless otherwise provided in this Charter, but the City Council may express its

views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

Sec. 3.10. - Ordinances in general.

The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, before any ordinance shall be adopted.

Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject, but general appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. All ordinances shall be read in open meeting of the City Council on two (2) separate days provided that all readings of any ordinance may be by descriptive caption only except that one (1) member of the council may require a complete reading of any ordinance upon first reading thereof. Any ordinance necessary to protect the public's peace, health, safety and general welfare, may be passed as an emergency and become effective at once upon one (1) reading of the City Council, upon the approval of a majority vote of the City Council members at said reading.

The City Attorney shall approve each ordinance in writing or shall file with the City Secretary his/her written legal objections thereto. Every ordinance enacted by the City Council shall be signed by the Mayor, Mayor Pro Tem, or by two (2) council members, and shall be filed with and recorded by the City Secretary before the same shall become effective.

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every penal and of every other ordinance required by law or this Charter to be published, by causing the descriptive title or caption of the same to be published at least one time within ten (10) days after final passage thereof in some newspaper of general circulation in the City. The City Secretary shall note on every ordinance and on the record thereof, the dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section.

Sec. 4.05. - Election by majority.

At any regular or special municipal election, the candidates in each of the six (6) districts on the ballot as required in Section 3.01, who shall have received the majority of votes cast in such election for such district ~~distance~~ shall be declared elected. In the event no such candidate for a designated district on the City Council receives a majority of the votes cast for that district in the regular or special election, a runoff election shall be held between the two (2) candidates who received the greatest number of votes for such district. Such runoff election shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections. At any regular or special municipal election for the election of the Mayor at large pursuant to Section 3.01, the candidate on the ballot who shall have received the most number of votes cast in such election shall be declared elected. In the event of a tie between or among any of the candidates for Mayor receiving the most votes, then a runoff election shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections, except such vote shall be by plurality.

Sec. 5.03. - Form of recall petition.

The recall petition mentioned above must be addressed to the City Council of the City of New Braunfels, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated. ~~and, if~~ **If** there be more than one (1) ground, such as for incompetency, misconduct or malfeasance in office, the petition shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of the matters and things with which he/she is charged. The signature shall be verified by oath in the following form:

"State of Texas) (County of Comal)

I, _____, being first duly sworn, on oath depose and say that I am one (1) of the signers of the above petition and that the statements made therein are true and each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

| | |
|--|-------|
| | _____ |
|--|-------|

Sworn and subscribed to before me this _____ day of _____, ~~19~~**20**_____.

| | |
|--|---|
| | _____ Notary Public in and for Comal County, Texas." |
|--|---|

Sec. 7.01. - City Manager.

(a) *Appointment and qualifications.* The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. He/She shall be chosen by the City Council solely on the basis of his/her executive and administrative training, experience, ability, and character, and need not when appointed, be a resident of the City of New Braunfels. No member of the City Council shall during the time of which he/she is elected and for one (1) year thereafter, be appointed City Manager.

(c) *Powers and duties.* The powers herein conferred upon the City Manager by the City Council shall be the following:

...

(4) To perform such other duties as may be prescribed by this Charter or required of him/her by the City Council, not inconsistent with the provisions of this Charter.

Sec. 7.03. - Department of Police.

There shall be established and maintained a Department of Police to preserve order within the City and to secure the residents of said City from violence and the property therein from injury or loss.

(a) *Chief of Police.* The Chief of Police shall be the Chief Administrative Officer of the Department of Police. The Police Chief shall be appointed by the City Manager, and he/she may be removed from office by the City Manager.

Sec. 8.04. - City Attorney.

The City Council shall appoint a licensed attorney of the State of Texas to be the City Attorney. He/she shall receive for his/her services such compensation as may be fixed by the City Council for regular and special duties and shall hold his/her office at the pleasure of the City Council. The City Attorney or such other attorney selected by him/her with the approval of the City Council shall represent the City in all litigations and prosecutions in Municipal Court. There may be such Assistant City Attorneys as may be authorized by the City Council. Such Assistant City Attorneys shall be authorized to act for and on behalf of the City Attorney, including representing the City in all litigations and prosecutions in Municipal Court. The City Attorney shall reside within the City Limits of the City of New Braunfels.

Sec. 12.13. - Amending the Charter.

This Charter may be amended by any method permitted by general state law regarding the amendment of charters of home rule municipalities, including but not limited to Chapter 9 of the Local Government Code. The City Council may provide, by ordinance, regulations and procedures for the implementation and enforcement of this Charter. In order to preserve coherency, the City Council shall have the power, by ordinance, to renumber and rearrange all articles, sections, and paragraphs of the Charter, or any amendments thereto, create and adjust a table of contents, or to correct minor grammar or spelling errors, and upon the passage of any such ordinance, a copy thereof, certified by the City Manager, shall be forwarded to the Secretary of State for filing.

The proposition on the ballot shall state as follows:

PROPOSITION M

“SHALL SECTIONS 1.01, 3.02, 3.05(b)-(c), 3.08(a)-(b), 3.10, 4.05, 5.03, 7.01(a), 7.01(c)(4), 7.03(a), 8.04 AND 12.13 OF THE CITY CHARTER BE AMENDED TO MAKE CORRECTIONS TO TYPOGRAPHICAL ERRORS, SYNTAX, GRAMMAR AND GENDER REFERENCES, AND ALLOW FOR FUTURE CORRECTIONS AND RENUMBERING OF CHARTER WITHOUT A CHARTER ELECTION?”

FOR

AGAINST

PROPOSITION N

SHALL SECTIONS 4.01, 9.06 AND 9.11 OF THE CITY CHARTER BE AMENDED TO REQUIRE PUBLICATION OF CERTAIN CITY RECORDS ON THE CITY WEBSITE IN ADDITION TO ANY OTHER NOTIFICATION REQUIRED BY LAW?

FOR _____

AGAINST _____

This proposition would require certain types of information listed (election notices and budget information) be posted on the City's website in addition to any other notification required by law. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 4.01. - Elections.

Regular City elections shall be held annually on the uniform election date in May of each year as determined by future legislatures of the State of Texas, at which time officers will be elected to fill those offices which become vacant that year. The City Council may, by ordinance or resolution, order a special election, fix the date and place for holding same, and provide all means for holding such special election. Notice of the election shall be published in a newspaper published in the City of New Braunfels, such publication to be not earlier than the thirtieth (30th) day nor later than the tenth (10th) day before the election date or otherwise as provided by law. The same notice shall be published on the City Website. In the order, ordinance or resolution of the City Council calling any election at which a Councilperson shall be elected, the City Council shall, in calling such election, designate the place on the ballot for each vacancy to be filled at such election. A regular election is defined as an election other than a primary election that regularly occurs at fixed dates. A special election is defined as an election that is not a regular election or a primary election.

Sec. 9.06. - Notice of public hearing on budget.

At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in a newspaper in the City of New Braunfels and on the City's website a summary of the proposed budget and a notice of the hearing setting forth the time and place thereof at least ten (10) days before the date of such hearing, which hearing shall be set not later than thirty (30) days prior to the beginning of the next fiscal year.

Sec. 9.11. - Effective date of budget, certification, copies made available.

Upon final adoption, the budget shall be in effect for the next ensuing fiscal year. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named. A

copy of the budget, as finally adopted, shall be filed with the person performing the duties of City Secretary and the County Clerk of Comal County. The final budget shall be reproduced so that such copies shall be permanent copies, and the copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations. A digital copy of the final budget shall be made available on the City's website.

The proposition on the ballot shall state as follows:

PROPOSITION N

“SHALL SECTIONS 4.01, 9.06 AND 9.11 OF THE CITY CHARTER BE AMENDED TO REQUIRE PUBLICATION OF CERTAIN CITY RECORDS ON THE CITY WEBSITE IN ADDITION TO ANY OTHER NOTIFICATION REQUIRED BY LAW?”

FOR

AGAINST

PROPOSITION O

SHALL SECTION 3.10 OF THE CITY CHARTER BE AMENDED TO ADJUST THE NUMBER OF ORDINANCE READING REQUIREMENTS FOR ONLY CERTAIN ORDINANCES, CLARIFY EFFECTIVE DATES FOR ALL ORDINANCES AND ADDRESS PUBLICATION REQUIREMENTS FOR ALL ORDINANCES TO BETTER ALLOW COMPLIANCE WITH STATE LAW DEADLINES?

FOR _____

AGAINST _____

This proposition would allow certain types of ordinances expressly listed (election ordinances, canvassing ordinances, etc.) to be passed on one reading in order to better allow compliance with state law deadlines. It also provides for effective dates of ordinances if not otherwise specified by the ordinance and publications which are required by state law. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election

Sec. 3.10. - Ordinances in general.

The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, before any ordinance shall be adopted.

Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject, but general appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. Unless authorized for a single reading by this charter, All ordinances shall be read in open meeting of the City Council on two (2) separate days provided that all readings of any ordinance may be by descriptive caption only except that one (1) member of the council may require a complete reading of any ordinance upon first reading thereof. All ordinances, unless otherwise provided by law or by the terms of such ordinance, shall take effect immediately upon final passage thereof. An ordinance imposing any criminal penalty for any violation of its provisions shall take effect ten (10) days after publication. Any ordinance necessary to protect the public's peace, health, safety and general welfare, may be passed as an emergency and become effective at once upon one (1) reading of the City Council, upon the approval of a majority vote of the City Council members at said reading. Further, any ordinance calling or canvassing an election, ordinances required by state law to approve a contract, annexation ordinances where such annexation first requires at least two (2) public hearings, ordinances setting a tax rate as required by state law, and ordinances adopting a budget if at least two (2) budget workshops or public hearings have occurred to discuss the

pending budget may be passed and become effective upon one (1) reading of the City Council.

The City Attorney shall approve each ordinance in writing or shall file with the City Secretary his written legal objections thereto. Every ordinance enacted by the City Council shall be signed by the Mayor, Mayor Pro Tem, or by two (2) council members, and shall be filed with and recorded by the City Secretary before the same shall become effective.

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every penal ordinance and of every other ordinance required by law or this Charter to be published, by causing the descriptive title or caption and summary of the penalty of the same to be published at least one time within ten (10) days after final passage thereof in some newspaper of general circulation in the City or to be submitted to City's publisher for codified ordinances. The City Secretary shall note on every ordinance and on the record thereof, the dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section.

The proposition on the ballot shall state as follows:

PROPOSITION O

“SHALL SECTION 3.10 OF THE CITY CHARTER BE AMENDED TO ADJUST THE NUMBER OF ORDINANCE READING REQUIREMENTS FOR ONLY CERTAIN ORDINANCES, CLARIFY EFFECTIVE DATES FOR ALL ORDINANCES AND ADDRESS PUBLICATION REQUIREMENTS FOR ALL ORDINANCES TO BETTER ALLOW COMPLIANCE WITH STATE LAW DEADLINES?”

FOR _____

AGAINST _____

PROPOSITION P

SHALL SECTION 12.03(a)(1) OF THE CITY CHARTER BE AMENDED TO UPDATE PROHIBITIONS ON DISCRIMINATION TO INCLUDE CATEGORIES ENCOMPASSED BY FEDERAL AND STATE LAW BUT NOT CURRENTLY LISTED IN THE CITY CHARTER?

FOR _____

AGAINST _____

This proposition updates the discrimination provision in the City Charter to include categories encompassed by federal and state law such as a prohibition on discrimination based on national origin, age, disability, veteran status, and genetic information. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 12.03. - Prohibitions.

(a) *Activities prohibited.*

(1) In appointments to and removal from any City office or employment, persons shall not be favored or discriminated against because of race, sex, political or religious opinions, or religious affiliations, color, national origin, age, disability, veteran status, genetic information, or any other protected classification which state or federal law prohibits as a basis for such appointment or removal.

The proposition on the ballot shall state as follows:

PROPOSITION P

“SHALL SECTION 12.03(a)(1) OF THE CITY CHARTER BE AMENDED TO UPDATE PROHIBITIONS ON DISCRIMINATION TO INCLUDE CATEGORIES ENCOMPASSED BY FEDERAL AND STATE LAW BUT NOT CURRENTLY LISTED IN THE CITY CHARTER?”

FOR _____

AGAINST _____

PROPOSITION Q

SHALL SECTION 3.09(d) OF THE CITY CHARTER BE ADOPTED TO ALLOW FOR A SUCCESSION PLAN IN CASE OF EMERGENCIES OR DISASTERS TO PROVIDE A MECHANISM TO ESTABLISH AN INTERIM QUORUM OF CITY COUNCIL WHEN A QUORUM CANNOT BE CONVENED DUE TO THE INJURY OR DEATH OF A QUORUM OF ITS MEMBERS?

FOR

AGAINST

This proposition would provide authority for potential situations where, due to disaster or emergencies, the City Council cannot be convened due to the injury or death of a quorum of its members. This allows for an automatic, temporary appointment and temporary powers in order to call an election and handle city matters during the emergency or disaster. This proposition would adopt the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 3.09. - City Council meetings and procedure.

(d) In the event that a legal quorum of the elected City Council cannot be convened due to a disaster resulting in multiple injuries, deaths, or incapacity of officers, the surviving City Council members and the chairs and vice-chairs, or president and vice-president of the following boards, shall constitute an interim City Council for purposes of meeting in numbers sufficient to constitute an interim City Council quorum, within fifteen (15) days of such disaster, or as provided in the Texas Election Code, and shall call for an election to fill all vacant City Council positions. Such constituted interim City Council shall serve until the requested election occurs and shall possess all powers possessed by the elected City Council. Such qualifying boards, in order of succession, shall be the (1) New Braunfels Economic Development Corporation, (2) Planning Commission, (3) Transportation and Traffic Advisory Board, (4) Zoning Board of Adjustment, and (5) Parks and Recreation Advisory Board. The elected City Council may pass, by ordinance, such succession procedures and authorizations as it deems necessary.

The proposition on the ballot shall state as follows:

PROPOSITION Q

“SHALL SECTION 3.09(d) OF THE CITY CHARTER BE ADOPTED TO ALLOW FOR A SUCCESSION PLAN IN CASE OF EMERGENCIES OR DISASTERS TO PROVIDE A MECHANISM TO ESTABLISH AN INTERIM QUORUM OF CITY COUNCIL WHEN A QUORUM CANNOT BE CONVENED DUE TO THE INJURY OR DEATH OF A QUORUM OF ITS MEMBERS?”

FOR

AGAINST

PROPOSITION R

SHALL SECTION 12.03(a)(4) OF THE CITY CHARTER BE AMENDED TO CHANGE AND CLARIFY THE RESTRICTIONS AND REGULATIONS ON CAMPAIGN ACTIVITIES BY CITY EMPLOYEES AND OFFICIALS WHEN ON DUTY OR OTHERWISE REPRESENTING THE CITY AND REGULATE OFF DUTY POLITICAL PARTICIPATION WHEN SUCH PARTICIPATION CAUSES UNREASONABLE DISRUPTION TO CITY OPERATIONS?

FOR _____

AGAINST _____

This proposition updates the charter language to prohibit campaign political activity of city employees while on duty or otherwise representing the City or their position. Employees off duty political participation will not be restricted unless such participation will cause an unreasonable disruption to the city's operations. This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 12.03. - Prohibitions.

(a) *Activities prohibited.*

...

(4) ~~No person who holds any compensated City position shall solicit or receive any contribution to the campaign funds of any candidate for municipal office or take any part in the management, affairs, or political campaign of any municipal candidate.~~ No person who holds any compensated City position shall participate in political campaigning or related activities during work hours, while otherwise representing the City or their position. The City will not generally restrict or regulate employees off-duty political participation, unless the City Manager believes such participation will cause an unreasonable disruption to the City's operations. The City Council may adopt ordinances consistent with this section.

...

The proposition on the ballot shall state as follows:

PROPOSITION R

“SHALL SECTION 12.03(a)(4) OF THE CITY CHARTER BE AMENDED TO CHANGE AND CLARIFY THE RESTRICTIONS AND REGULATIONS ON CAMPAIGN ACTIVITIES BY CITY EMPLOYEES AND OFFICIALS WHEN ON DUTY OR OTHERWISE REPRESENTING THE CITY AND REGULATE OFF DUTY POLITICAL PARTICIPATION WHEN SUCH PARTICIPATION CAUSES UNREASONABLE DISRUPTION TO CITY OPERATIONS?”

FOR _____

AGAINST _____

Muestra A
PROPUESTA A

¿DEBERÁ LA SECCIÓN 3.01 DE LA CARTA DE LA CIUDAD, SER MODIFICADA PARA CAMBIAR LOS LÍMITES DE MANDATO DE TODOS LOS MIEMBROS DEL CONSEJO DE LA CIUDAD CON EL FIN DE QUE SE PUEDA DESEMPEÑAR UN TERCER TÉRMINO CONSECUTIVO, EN VEZ DEL ACTUAL LÍMITE DE DOS (2) TÉRMINOS CONSECUTIVOS, PERO CONSERVÁNDOSE EL LÍMITE VITALICIO DE TRES (3) TÉRMINOS O NUEVE (9) AÑOS, TAL COMO ACTUALMENTE SE PERMITE?

A FAVOR _____
EN CONTRA _____

Esta propuesta permitiría que un miembro del Consejo de la Ciudad sirviera tres (3) términos consecutivos de tres (3) años, en vez de sólo dos (2) términos consecutivos, el límite de un total de tres (3) términos de tres (3) años permanecería sin cambiar. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misa elección.

Sec. 3.01. – Número, selección y término.

El cuerpo legislativo y regidor de la Ciudad consistirá en siete (7) personas concejales que se denominarán él “Consejo de la Ciudad de New Braunfels” y quienes, cada uno, ejercerá un término de tres (3) años.

La Ciudad de New Braunfels, por ordenanza, se dividirá en seis (6) distritos. Cada distrito, en la mayor medida razonablemente posible será poblada con el mismo número de habitantes, y el Consejo de la Ciudad mantendrá tal ecuanimidad de población como, de tiempo en vez, se determine necesario, por ordenanza. Estos distritos se designarán Números 1, 2, 3, 4, 5, y 6. El número de votantes calificados de cada distrito elegirán un (1) Concejál para cada uno de los seis (6) distritos. Los seis (6) Concejales elegidos de cada distrito deberán haber sido residente en ese distrito del cual el Concejál es elegido por no menos de seis (6) meses, previo a presentarse para el cargo y deberán seguir residiendo en dicho distrito por el término completo de su puesto.

El Alcalde de la Ciudad de New Braunfels será elegido por los votantes calificados de la Ciudad y las elecciones para Alcalde serán conforme al Artículo IV, Elecciones, de la Carta de la Ciudad de New Braunfels, Texas.

Cada Consejal ejercerá su puesto hasta que su sucesor sea elegido y calificado. Los candidatos electos en la elección municipal ejercerán su puesto en la junta regular del Consejo de la Ciudad, siendo esta la primera junta regular efectuada después de la junta en la cual los resultados finales de las elecciones y el resultado de la elección se declare de manera oficial.

~~Ningún oficial, actual o futuro, servirá más de dos (2) términos consecutivos de tres (3) años y no más de tres (3) términos de tres (3) años durante su vida.~~ Ningún oficial elegido servirá más de tres (3) términos de oficio consecutivos de tres (3) años y no más de tres (3) términos durante una vida. Sin embargo, los años o periodo de servicio que un oficial puede servir en suplir un término en plena vigencia o un término de puesto parcial no será contando en el contexto de las limitaciones expuestas anteriormente.

PROPUESTA A

“¿DEBERÁ LA SECCIÓN 3.01 DE LA CARTA DE LA CIUDAD, SER MODIFICADA PARA CAMBIAR LOS LÍMITES DE MANDATO DE TODOS LOS MIEMBROS DEL CONSEJO DE LA CIUDAD CON EL FIN DE QUE SE PUEDA DESEMPEÑAR UN TERCER TÉRMINO CONSECUTIVO, EN VEZ DEL ACTUAL LÍMITE DE DOS (2) TÉRMINOS CONSECUTIVOS, PERO CONSERVÁNDOSE EL LÍMITE VITALICIO DE TRES (3) TÉRMINOS O NUEVE (9) AÑOS, TAL COMO ACTUALMENTE SE PERMITE?”

A FAVOR

EN CONTRA

PROPUESTA B

¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.06 DE LA CARTA DE LA CIUDAD CON EL PROPÓSITO DE CAMBIAR LAS CALIFICACIONES Y CONDICIONES, CON EL FIN DE LLENAR VACANTES EN EL CONSEJO DE LA CIUDAD PARA QUE LAS VACANTES DE DOCE (12) MESES O MENOS SE PUEDAN LLENAR, A DISCRECIÓN DEL CONSEJO DE LA CIUDAD, POR NOMBRAMIENTO DEL CONSEJO, VACANTES POR EL RESTO DEL TÉRMINO, O LLEVAR A CABO UNA ELECCIÓN ESPECIAL EFECTUADA PARA LLENAR LA VACANTE MIENTRAS QUE LAS VACANTES DE MÁS DE DOCE (12) MESES SEGUIRÁN REQUIRIENDO UNA ELECCIÓN ESPECIAL?

A FAVOR _____

EN CONTRA _____

Esta propuesta permitiría que el Consejo de la Ciudad implemente su discreción para vacantes en el Consejo de la Ciudad de 12 meses o menos ya sea para nombrar un suplente temporal, dejar el puesto vacante hasta la próxima elección, u ordenar una elección especial para llenar el puesto. Para vacantes de más de 12 meses, se seguiría requiriendo una elección especial dentro de 120 días, conforme el estatuto estatal.

Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 3.06.—Vacantes.

~~Los vacantes en el Consejo que surjan por cualquier motivo se llenarán por voto mayoritario de los votantes calificados en una elección especial ordenada por este motivo dentro de ciento veinte (120) días después de que tal vacante o vacantes ocurran, o según se disponga de manera alternativa por las leyes del estado de Texas.~~

Todas las vacantes en el Consejo de la Ciudad, sin importar la causa, con términos en plena vigencia de más de doce (12) meses se llenarán por medio de una elección especial conforme la ley estatal. Todas las vacantes con términos en plena vigencia de doce (12) meses o menos, se podrán llenar, a discreción del Consejo de la Ciudad por medio de voto mayoritario, se podrán dejar vacantes por el resto del término vigente o llenado por elección especial conforme a la ley estatal. Un funcionario que haya perdido el puesto bajo esta Carta no es elegible para ser nombrado para llenar un término vigente creado por tal pérdida.

La propuesta en la boleta declarará los siguiente:

PROPUESTA B

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.06 DE LA CARTA DE LA CIUDAD CON EL PROPÓSITO DE CAMBIAR LAS CALIFICACIONES Y CONDICIONES, CON EL FIN DE LLENAR VACANTES EN EL CONSEJO DE LA CIUDAD PARA QUE LAS VACANTES DE DOCE (12) MESES O MENOS SE PUEDAN LLENAR, A DISCRECIÓN DEL CONSEJO DE LA CIUDAD, POR NOMBRAMIENTO DEL CONSEJO, VACANTES POR EL RESTO DEL TÉRMINO, O LLEVAR A CABO UNA ELECCIÓN ESPECIAL EFECTUADA PARA LLENAR LA VACANTE MIENTRAS QUE LAS VACANTES DE MÁS DE DOCE (12) MESES SEGUIRÁN REQUIRIENDO UNA ELECCIÓN ESPECIAL?”

A FAVOR

EN CONTRA

PROPUESTA C

¿SE DEBERÁ ADOPTAR LA SECCIÓN 12.03(a)(6) Y MODIFICAR LA SECCIÓN 12.03(b) DE LA CARTA DE LA CIUDAD CON EL FIN DE PROHIBIR Y PENALIZAR LOS MIEMBROS DEL CONSEJO POR RENUNCIAR INTENCIONALMENTE SU PUESTO Y POSTULARSE EN UNA ELECCIÓN SUBSECUENTE PARA CIRCUNVENIR LOS LÍMITES DE LOS TÉRMINOS?

A FAVOR _____

EN CONTRA _____

Esta propuesta permitiría penalización y pérdida si un miembro del Consejo usa su habilidad de renunciar su puesto de manera intencional y después volver a postularse para así evitar las disposiciones de los límites de término. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 12.03.—Prohibiciones.

(a) *Actividades Prohibidas.*

(6) Ningún miembro del Consejo de la Ciudad deberá, de manera deliberada o intencional intentar circunvenir un límite de término adoptado por medio de renunciar o perder su puesto para así evitar el límite de términos establecidos de tres (3) términos de tres (3) años cada uno.

(b) *Penalizaciones.* Cualquier persona quien sólo o con otros, viola cualquiera de estas disposiciones de los incisos (1) al (3) de la subsección precedente (a) serán culpables de un delito menor y al dictarse la sentencia condenatoria del delito menor, será castigado por una multa de no más de cien (\$100.00) dólares. Cualquier persona que sólo o con otros, viola cualquiera de las disposiciones de los incisos (4) a (6) de la subsección precedente (a) serán culpables de un delito y al dictarse la sentencia condenatoria del delito, será castigado por una multa de no más de cien (\$100.00) dólares. Cualquier persona condenada bajo esta sección no será elegible, por un periodo de cinco (5) años después del delito, de tener cualquier cargo o puesto de la Ciudad y, si este es ya un oficial o empleado de la Ciudad, perderá inmediatamente su oficio o puesto.

La propuesta en la boleta declarará los siguiente:

PROPUESTA C

“¿SE DEBERÁ ADOPTAR LA SECCIÓN 12.03(a)(6) Y MODIFICAR LA SECCIÓN 12.03(b) DE LA CARTA DE LA CIUDAD CON EL FIN DE PROHIBIR Y PENALIZAR LOS MIEMBROS DEL CONSEJO POR RENUNCIAR INTENCIONALMENTE SU PUESTO Y POSTULARSE EN UNA ELECCIÓN SUBSECUENTE PARA CIRCUNVENIR LOS LÍMITES DE LOS TÉRMINOS?”

A FAVOR

EN CONTRA

PROPUESTA D

¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.05(c) DE LA CARTA DE LA CIUDAD PARA ESCLARECER EL PODER DEL ALCALDE DURANTE UN PERIODO DE EMERGENCIA PARA NOMBRAR AYUDA ADICIONAL, PROPORCIONAR AUTORIZACIÓN PARA TAL AYUDA, Y UTILIZAR TODAS LAS HABILIDADES AUTORIZADAS POR LA LEY ESTATAL?

A FAVOR _____

EN CONTRA _____

Esta propuesta actualizaría el lenguaje de la Carta en tiempo de emergencia y esclarece el papel del alcalde para nombrar ayuda adicional, proporcionar la autorización apropiada para ayuda adicional para desempeñar sus deberes, y utilizar todas las autoridades autorizadas por la ley estatal en tiempos de emergencia o desastre. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 3.05.—Alcalde y Alcalde Temporal.

...

(c) *Facultades del Alcalde en tiempo de emergencia.* Toda vez que el Alcalde lo determine necesario para imponer las leyes de la Ciudad, o para prevenir peligro, o proteger la vida o bienes, en caso de disturbios, brote, calamidad, o desorden público, o cuando tiene él motivo de temer cualquier violación seria de la ley u orden, brote, o cualquier otro peligro a la Ciudad de New Braunfels o habitantes de ésta, ~~él convocará a servir como una fuerza policiaca especial, todos o cuantos ciudadanos fueran, a su juicio y discreción, necesarios y apropiados; y tal convocatoria se podrá efectuar, por proclamación u orden dirigido a los ciudadanos en general, o aquellos de cualquier distrito de la Ciudad o fraccionamiento de la misma, o tal convocatoria se podrá hacer por notificación personal. Tal convocatoria se efectuará conforme a una proclamación declarada por el Alcalde que existe una emergencia en la Ciudad de New Braunfels.~~ **el/ella proclamará la emergencia y utilizará tales poderes y autorizaciones permitidos por las leyes locales, estatales, y federales necesarias para mantener la paz y responder a tal emergencia.** Durante tal emergencia, el departamento de policía de New Braunfels, y demás ~~policía especial que el Alcalde haya convocado,~~ **guardianes de la paz y personal de auxilio tal como se nombrarán, comisionarán, o enrolados por el Alcalde,** estarán sujetos a las órdenes del Alcalde y ejecutarán tales deberes como sean necesarios. El Alcalde tendrá la autoridad por lo que dure la emergencia para crear e implementar tales reglas, reglamentos, y órdenes que sean necesarias para conservar la salud pública, la seguridad, y el bienestar del peligro que amenaza. Durante tal emergencia, tales reglas, reglamentos, y órdenes tendrán la fuerza y efecto de ley.

La propuesta en la boleta declarará los siguiente:

PROPUESTA D

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.05(c) DE LA CARTA DE LA CIUDAD PARA ESCLARECER EL PODER DEL ALCALDE DURANTE UN PERIODO DE EMERGENCIA PARA NOMBRAR AYUDA ADICIONAL, PROPORCIONAR AUTORIZACIÓN PARA TAL AYUDA, Y UTILIZAR TODAS LAS HABILIDADES AUTORIZADAS POR LA LEY ESTATAL?”

A FAVOR

EN CONTRA

PROPUESTA E

¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.05(b) DE LA CARTA DE LA CIUDAD PARA OTORGARLE DEBERES ADICIONALES AL ALCALDE TEMPORAL PARA QUE SEA ÉSTE PRINCIPALMENTE RESPONSABLE POR LAS EVALUACIONES ANUALES DEL ADMINISTRADOR DE LA CIUDAD, EL ABOGADO DE LA CIUDAD, Y EL JUEZ DE LA CORTE MUNICIPAL, QUIENES REPORTAN AL CONSEJO DE LA CIUDAD, TAL COMO SE PRACTICA ACTUALMENTE?

A FAVOR _____

EN CONTRA _____

Esta propuesta asigna la responsabilidad principal de asegurar las evaluaciones para oficiales de la Ciudad (Administrador de la Ciudad, Abogado de la Ciudad, Juez de la Corte Municipal) que reportan al Consejo de la Ciudad al asumir el puesto de Alcalde temporal. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 3.05.—Alcalde y Alcalde Temporal.

...

(b) *Elección del Alcalde Temporal.* En su primera junta regular después de la junta en la cual se presentan los resultados oficiales de las elecciones, y se declaren los resultados de cada año, el Consejo de la Ciudad deberá elegir, de sus miembros, un Alcalde Temporal quien servirá a discreción del Consejo de la Ciudad, y éste ejecutará todos los deberes de Alcalde a falta o discapacidad del Alcalde. El Alcalde Temporal tendrá el deber de implementar, coordinar, y esforzarse para la conclusión de las evaluaciones anuales del Administrador de la Ciudad, el Abogado de la Ciudad, y el Juez de la Corte Municipal, al menos que se dirija lo inverso por medio de resolución. El Consejo de la Ciudad podrá, por medio de resolución, proporcionar estándares, procedimientos, e instrucciones en tales evaluaciones anuales.

...

La propuesta en la boleta declarará los siguiente:

PROPUESTA E

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.05(b) DE LA CARTA DE LA CIUDAD PARA OTORGARLE DEBERES ADICIONALES AL ALCALDE TEMPORAL PARA

QUE SEA ÉSTE PRINCIPALMENTE RESPONSABLE POR LAS EVALUACIONES ANUALES DEL ADMINISTRADOR DE LA CIUDAD, EL ABOGADO DE LA CIUDAD, Y EL JUEZ DE LA CORTE MUNICIPAL, QUIENES REPORTAN AL CONSEJO DE LA CIUDAD, TAL COMO SE PRACTICA ACTUALMENTE?”

A FAVOR

EN CONTRA

PROPUESTA F

¿SE DEBERÁN MODIFICAR LAS SECCIONES 7.01(a) Y 8.04 DE LA CARTA DE LA CIUDAD CON EL FIN DE ESCLARECER LOS REQUISITOS DE RESIDENCIA PARA EL ADMINISTRADOR DE LA CIUDAD Y EL ABOGADO DE LA CIUDAD PARA PERMITIR HASTA CIENTO VEINTE (120) DÍAS DESPUÉS DEL NOMBRAMIENTO PARA ESTABLECER RESIDENCIA EN LA CIUDAD?

A FAVOR _____

EN CONTRA _____

Esta propuesta le permite al Administrador de la Ciudad y al Abogado de la Ciudad hasta ciento veinte (120) días después de su nombramiento para establecer residencia en la Ciudad. Esto corrige un problema del pasado donde se les requería a tales oficiales contratados de fuera de la Ciudad, obtener vivienda en la Ciudad inmediatamente tras ser nombrado. Esta propuesta modificaría las secciones y subsecciones especificadas, alistadas enseguida, de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 7.01.—Administrador de la Ciudad.

(a) *Nombramiento y calificaciones.* El Consejo de la Ciudad nombrará un Administrador de la Ciudad, mismo que será el oficial administrativo y ejecutivo principal de la Ciudad y responderá al Consejo de la Ciudad por la administración de todos los asuntos de la Ciudad. Él será seleccionado por el Consejo de la Ciudad únicamente a base de su capacitación ejecutiva y administrativa, experiencia, habilidad, y carácter, y al momento de ser nombrado, no será necesario ser residente de la Ciudad de New Braunfels; sin embargo, el Administrador de la Ciudad dentro de ciento veinte (120) días de su nombramiento y su residencia principal deberá ser continuamente en la Ciudad mientras desempeña las responsabilidades de su puesto. Ningún miembro del Consejo de la Ciudad, durante el periodo por el cual fue electo(a) y por un (1) año después de éste, será nombrando Administrador de la Ciudad.

Sec. 8.04.—Abogado de la Ciudad.

El Consejo de la Ciudad nombrará un abogado, con licencia profesional para ejercer derecho en el Estado de Texas, para ser Abogado de la Ciudad. Él, recibirá por sus servicios tal compensación como se fije por el Consejo de la Ciudad para los deberes regulares y especiales y tendrá su puesto a discreción del Consejo de la Ciudad. El Abogado de la Ciudad, u otro abogado por él seleccionado con la aprobación del Consejo de la Ciudad representará la Ciudad en todo litigio, y proceso jurídico en Corte Municipal. Podrá haber Abogados Adjuntos de la Ciudad autorizados por el Consejo de la Ciudad. Tales Abogados

Adjuntos de la Ciudad estarán facultados para ejecutar por y de parte del Abogado de la Ciudad, incluyendo la representación de la Ciudad en todo litigio y proceso jurídico en Corte Municipal. El Abogado de la Ciudad residirá dentro de los límites de la Ciudad de la Ciudad de New Braunfels o se hará residente de la Ciudad dentro de ciento veinte (120) días de su nombramiento.

La propuesta en la boleta declarará los siguiente:

PROPUESTA F

“¿SE DEBERÁN MODIFICAR LAS SECCIONES 7.01(a) Y 8.04 DE LA CARTA DE LA CIUDAD CON EL FIN DE ESCLARECER LOS REQUISITOS DE RESIDENCIA PARA EL ADMINISTRADOR DE LA CIUDAD Y EL ABOGADO DE LA CIUDAD PARA PERMITIR HASTA CIENTO VEINTE (120) DÍAS DESPUÉS DEL NOMBRAMIENTO PARA ESTABLECER RESIDENCIA EN LA CIUDAD?”

A FAVOR

EN CONTRA

PROPUESTA G

¿SE DEBERÁ AÑADIR LA SECCIÓN 7.01(d) A LA CARTA DE LA CIUDAD PARA IMPONER UNA OBLIGACIÓN AL ADMINISTRADOR DE LA CIUDAD PARA QUE ANUALMENTE PRESENTE AL CONSEJO DE LA CIUDAD, UN PROYECCIÓN FINANCIERA DE CINCO (5) AÑOS Y UN PLAN DE MEJORAS DE CAPITAL A CINCO (5) AÑOS, TAL COMO SE PRACTICA ACTUALMENTE?

A FAVOR _____

EN CONTRA _____

Esta propuesta codifica una práctica actual que requiere que el Administrador de la Ciudad anualmente presente una proyección financiera de cinco años y un plan de mejoras de capital a cinco años al Consejo de la Ciudad para permitir mejor planificación. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 7.01.—Administrador de la Ciudad.

(d) El Administrador de la Ciudad preparará y presentará, anualmente, al Consejo de la Ciudad una proyección financiera de cinco (5) años y un programa de mejoras de capital a cinco años con los tiempos apropiados antes de presentar el “presupuesto que se propone” al Consejo tal como se le refiere en la Sección 9.02.

La propuesta en la boleta declarará los siguiente:

PROPUESTA G

“¿SE DEBERÁ AÑADIR LA SECCIÓN 7.01(d) A LA CARTA DE LA CIUDAD PARA IMPONER UNA OBLIGACIÓN AL ADMINISTRADOR DE LA CIUDAD PARA QUE ANUALMENTE PRESENTE AL CONSEJO DE LA CIUDAD, UN PROYECCIÓN FINANCIERA DE CINCO (5) AÑOS Y UN PLAN DE MEJORAS DE CAPITAL A CINCO (5) AÑOS, TAL COMO SE PRACTICA ACTUALMENTE?”

A FAVOR _____

EN CONTRA _____

PROPUESTA H

¿SE DEBERÁ MODIFICAR LA SECCIÓN 9.17 DE LA CARTA DE LA CIUDAD CON EL FIN DE AJUSTAR LA AUTORIDAD DEL ADMINISTRADOR DE LA CIUDAD PARA LICITACIÓN PÚBLICA Y COMPRAS DE ARTÍCULOS YA INCLUIDOS EN EL PRESUPUESTO, ACTUALMENTE FIJADO A \$25,000.00 PARA ALINEARSE AL LOS LÍMITES IMPUESTOS POR EL ESTADO, LOS CUALES ACTUALMENTE ESTÁN FIJADOS A \$50,000.00 Y AJUSTARSE AUTOMÁTICAMENTE AL HABER UN CAMBIO EN LA LEY ESTATAL?

A FAVOR _____

EN CONTRA _____

Esta propuesta sincroniza las disposiciones de la Carta con los requisitos de la ley estatal en la autoridad del Administrador de la Ciudad para contratar sin que se utilice la licitación publica para los artículos ya incluidos en el presupuesto y permite los cambios implementados por la Legislatura sin requerir una elección de Carta. La actual autoridad del Administrador de la Ciudad es de \$25,000.00, mientras que la ley estatal actual limita dicha autoridad a \$50,000.00. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 9.17.—Compras, Ventas y Contratos.

Todas las compras hechas, y contratos celebrados por parte de la Ciudad, y todas las ventas, intercambios o demás disposiciones de cualquier índole siendo propiedad de la Ciudad, se efectuará conforme los requisitos y procedimientos de la constitución y leyes del Estado de Texas, y cualquier ordenanza, resolución, o moción por parte del Consejo de la Ciudad no inconsistente con tal constitución y leyes. El Administrador de la Ciudad tendrá la autoridad de contratar para gastos, sin más aprobación del Consejo de la ciudad para todo articulo ya incluido en el presupuesto ~~que no excederá veinticinco mil (\$25,000.00) dólares~~ que no equivalen ni exceden la cantidad mínima requerida para la licitación pública/compras obligatorias fijada por ley estatal. Al momento que se modificó esta disposición de la Carta, la ley estatal definió tal mínimo como cualquier cantidad en exceso de cincuenta mil (\$50,000.00) dólares.

La propuesta en la boleta declarará los siguiente:

PROPUESTA H

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 9.17 DE LA CARTA DE LA CIUDAD CON EL FIN DE AJUSTAR LA AUTORIDAD DEL ADMINISTRADOR DE LA CIUDAD PARA LICITACIÓN PÚBLICA Y COMPRAS DE ARTÍCULOS YA INCLUIDOS EN EL PRESUPUESTO, ACTUALMENTE FIJADO A \$25,000.00 PARA ALINEARSE AL LOS LÍMITES IMPUESTOS POR EL ESTADO, LOS CUALES ACTUALMENTE ESTÁN FIJADOS A \$50,000.00 Y AJUSTARSE AUTOMÁTICAMENTE AL HABER UN CAMBIO EN LA LEY ESTATAL?”

A FAVOR

EN CONTRA

PROPUESTA I

¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.08(c) DE LA CARTA DE LA CIUDAD PARA AUTORIZAR AL ADMINISTRADOR DE LA CIUDAD, A SU DISCRECIÓN, PERMITIR QUE LOS MIEMBROS DEL CONSEJO INTERACTÚEN CON LOS JEFES DE DEPARTAMENTO SIN VIOLAR LA CARTA DE LA CIUDAD?

A FAVOR _____

EN CONTRA _____

Esta propuesta le permitiría al Administrador de la Ciudad, a su discreción, consentir y permitir a los miembros del Consejo interactuar con los jefes individuales de los departamentos sin violar la Carta. Esto otorga a cada Administrador de la Ciudad la habilidad de decidir qué es más eficaz para la Ciudad en circunstancias individuales mientras que protege la forma de gobierno de Consejo-Administrador Ciudad. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 3.08.—Prohibiciones.

...

(c) *Interferencia con la administración.* Salvo por el propósito de consultas e investigaciones, a menos que se indique lo inverso en esta Carta **o según se autorice por escrito por el Administrador de la Ciudad antes de efectuarse**, el Consejo de la Ciudad o sus miembros abordarán trámites con los oficiales de la Ciudad y con empleados quienes están sujetos a la dirección y supervisión del Administrador de la Ciudad sólo por medio del Administrador de la Ciudad, y ni el Consejo de la ciudad ni sus miembros ordenarán a ningún oficial o empleado, sea en público o en privado.

La propuesta en la boleta declarará los siguiente:

PROPUESTA I

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.08(c) DE LA CARTA DE LA CIUDAD PARA AUTORIZAR AL ADMINISTRADOR DE LA CIUDAD, A SU DISCRECIÓN, PERMITIR QUE LOS MIEMBROS DEL CONSEJO INTERACTÚEN CON LOS JEFES DE DEPARTAMENTO SIN VIOLAR LA CARTA DE LA CIUDAD?”

A FAVOR _____

EN CONTRA _____

PROPUESTA J

¿SE DEBERÁN MODIFICAR LAS SECCIONES 8.02 Y 8.03 DE LA CARTA DE LA CIUDAD PARA EL NOMBRAMIENTO DE LOS JUECES DE LA CORTE MUNICIPAL, Y PROVEER PARA LA REMOCIÓN DE CUALQUIER JUEZ DE CORTE MUNICIPAL Y PROVEER PARA EL NOMBRAMIENTO DE UN SECRETARIO DE LA CORTE MUNICIPAL QUE CUMPLA CON LA LEY ESTATAL Y LA PRÁCTICA ACTUAL?

A FAVOR _____

EN CONTRA _____

Esta propuesta alinea los puestos de juez de corte municipal y secretario de la corte municipal con la actual ley estatal, le otorga al juez de la corte municipal la habilidad de nombrar suplentes temporales, provee la autoridad de remoción por parte del Consejo, cuando sea necesario, y remueve el Secretario de la Ciudad del puesto de Secretario de la Corte y permite que el Administrador de la Ciudad nombre el Secretario de la Corte. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 8.02.—Juez de la Corte Municipal.

~~El juez de dicha corte será abogado con licencia profesional para ejercer derecho en el Estado de Texas, residente de la Ciudad de New Braunfels, nombrado por el Consejo de la Ciudad y recibirá tal sueldo como se pueda fijar por el Consejo de la Ciudad. En caso de discapacidad o ausencia del juez de la Corte Municipal, el Consejo de la Ciudad nombrará un juez de la corte municipal, temporal, quien también será un abogado con licencia profesional y residente. El juez de dicha corte tendrá su puesto conforme las leyes del Estado de Texas.~~

(a) El Consejo de la Ciudad nombrará un juez presidente para la Corte Municipal. El Juez Presidente de la Corte Municipal será abogado con licencia profesional para ejercer derecho, nombrado por un término que se fijará por ordenanza, pero no por menos de dos años. Cualquier Juez de la Corte Municipal deberá residir dentro de la Ciudad de New Braunfels, o hacerse residente dentro de ciento veinte (120) días de su nombramiento. Todos los Jueces recibirán compensación tal como lo fije el Consejo de la Ciudad.

(b) El juez presidente podrá nombrar un juez temporal en caso de una ausencia. El Consejo de la Ciudad podrá, por ordenanza, adoptar autorizaciones y

procedimientos para tal nombramiento, compensación, y calificaciones de cualquiera de los jueces auxiliares.

(c) Remoción de juez. El Consejo de la Ciudad tendrá la autoridad de remover el juez presidente, y cualquier juez auxiliar. Todos los jueces se podrán remover con o sin causa. El Consejo de la Ciudad podrá, por ordenanza, estipular los procesos para cualquier remoción.

Sec. 8.03.—Secretario de la Corte Municipal.

~~El Secretario de la Ciudad o un Secretario Adjunto de la Ciudad será secretario exoficio de dicha corte.~~ El Administrador de la Ciudad nombrará el Secretario de la Corte Municipal. El Secretario de dicha Corte y sus adjuntos tendrán el poder de administrar juramentos, y declaraciones juradas, hacer certificados, añadir el sello de dicha Corte, y por lo general, efectuar y llevar a cabo todo y cualquier acto usual y necesario del secretario de la corte en ejecutar el proceso de dicha corte y los trámites relevantes.

La propuesta en la boleta declarará los siguiente:

PROPUESTA J

“¿SE DEBERÁN MODIFICAR LAS SECCIONES 8.02 Y 8.03 DE LA CARTA DE LA CIUDAD PARA EL NOMBRAMIENTO DE LOS JUECES DE LA CORTE MUNICIPAL, Y PROVEER PARA LA REMOCIÓN DE CUALQUIER JUEZ DE CORTE MUNICIPAL Y PROVEER PARA EL NOMBRAMIENTO DE UN SECRETARIO DE LA CORTE MUNICIPAL QUE CUMPLA CON LA LEY ESTATAL Y LA PRÁCTICA ACTUAL?”

A FAVOR

EN CONTRA

PROPUESTA K

¿SE DEBERÁ MODIFICAR LA SECCIÓN 5.05 DE LA CARTA DE LA CIUDAD CON EL FIN DE CAMBIAR EL NÚMERO DE DÍAS DESPUÉS DE LA PRESENTACIÓN DE UNA SOLICITUD DE REVOCACIÓN QUE EL SECRETARIO DE LA CIUDAD DEBE PRESENTARLA AL CONSEJO DE LA CIUDAD DE CINCO (5) A VEINTE (20) DÍAS PARA PERMITIR SUFICIENTE TIEMPO PARA PROPORCIONAR TODOS LOS DOCUMENTOS REQUERIDOS PARA LA REVOCACIÓN?

A FAVOR _____

EN CONTRA _____

Esta propuesta cambiaría el número de días que tiene el Secretario de la Ciudad para presentar una solicitud para revocación al Consejo de la Ciudad de cinco (5) a veinte (20) días para lograr mayor conformidad con las Cartas y ordenanzas de otras ciudades. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 5.05.—Presentación de la solicitud al Consejo de la Ciudad.

Dentro de ~~cinco (5)~~ veinte (20) días después de la fecha en la cual se presentaron los documentos que constituyeran la solicitud para revocación, la persona que efectúa los deberes de Secretario de la Ciudad presentará dicha solicitud al Consejo de la Ciudad de New Braunfels en una junta especial convocada para este propósito.

La propuesta en la boleta declarará lo siguiente:

PROPUESTA K

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 5.05 DE LA CARTA DE LA CIUDAD CON EL FIN DE CAMBIAR EL NÚMERO DE DÍAS DESPUÉS DE LA PRESENTACIÓN DE UNA SOLICITUD DE REVOCACIÓN QUE EL SECRETARIO DE LA CIUDAD DEBE PRESENTARLA AL CONSEJO DE LA CIUDAD, DE CINCO (5) A VEINTE (20) DÍAS PARA PERMITIR SUFICIENTE TIEMPO PARA PROPORCIONAR TODOS LOS DOCUMENTOS REQUERIDOS PARA LA REVOCACIÓN?”

A FAVOR _____

EN CONTRA _____

PROPUESTA L

¿SE DEBERÁ REVOCAR LA SECCIÓN 9.18 DE LA CARTA DE LA CIUDAD Y REMOVER EL DEPARTAMENTO DE IMPUESTOS, EL CUAL YA NO EXISTE DEBIDO A LOS REGLAMENTOS ESTATALES?

A FAVOR

EN CONTRA

Debido a los reglamentos estatales, la Ciudad ya no utiliza un departamento de impuestos. Como resultado, esta propuesta remueve esta disposición y evita la confusión en cuanto a la existencia del departamento. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

~~Sec. 9.18. Departamento de Impuestos.~~

~~Se establecerá un Departamento de Impuestos para evaluar y recolectar impuestos, el jefe de cual será un Asesor y Recaudador de Impuestos de la Ciudad, cuyo departamento será llenado medio de nombramiento, por el Administrador de la Ciudad con la concurrencia del Consejo de la Ciudad.~~

~~El Asesor y Recaudador de Impuestos de la Ciudad proporcionará un bono de fianza para el fiel desempeño de sus deberes incluyendo el cumplimiento de todas las disposiciones de la Ley Estatal relevante las funciones de su puesto, por una cantidad que se fijará por el Consejo de la Ciudad y no menos de \$50,000.00.~~

~~El Consejo de la Ciudad podrá, en beneficio de la economía y de la eficacia, contratar con otro fraccionamiento político para gestionar la evaluación y/o recolección de impuestos.~~

~~El Asesor y Recaudador de Impuestos de la Ciudad podrá ser removido de su puesto por el Administrador de la Ciudad con la concurrencia del Consejo de la Ciudad.~~

La propuesta en la boleta declarará los siguiente:

PROPUESTA L

“¿SE DEBERÁ REVOCAR LA SECCIÓN 9.18 DE LA CARTA DE LA CIUDAD Y REMOVER EL DEPARTAMENTO DE IMPUESTOS, EL CUAL YA NO EXISTE DEBIDO A LOS REGLAMENTOS ESTATALES?”

A FAVOR

EN CONTRA

PROPUESTA M

¿SE DEBERÁN MODIFICAR LAS SECCIONES 1.01, 3.02, 3.05 (b)-(c), 3.08(a)-(b), 3.10, 4.05, 5.03, 7.01(a), 7.01(c)(4), 7.03(a), 8.04 Y 12.13 DE LA CARTA DE LA CIUDAD CON EL FIN DE CORREGIR ERRORES TIPOGRÁFICOS, SINTÁCTICOS, DE GRAMÁTICA Y DE REFERENCIAS A GÉNERO, Y PERMITIR FUTURAS CORRECCIONES Y RENUMERAR LA CARTA SIN UNA ELECCIÓN DE CARTA?

A FAVOR _____

EN CONTRA _____

Esta propuesta le permita al Consejo de la Ciudad corregir errores tipográficos y gramaticales y renumerar las disposiciones de la Carta sin la necesidad de una elección, siempre y cuando tales cambios no cambien la sustancia de la disposición y a la vez corrija varios errores tipográficos y gramaticales al igual que referencias a género en el actual texto de la Carta. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 1.01.—Preámbulo.

Todos los habitantes de la Ciudad de New Braunfels, Condado de Comal, Texas, que residen dentro de las fronteras y límites de dicha Ciudad tal como se establece por la presente o podrá establecerse en el futuro, será una subdivisión del Estado de Texas, incorporado bajo y denominado por el nombre y estilo de “City of New Braunfels” (Ciudad de New Braunfels), con tales poderes, derechos, y deberes como se establecen en estos Estatutos Municipales conforme a los estatutos del Estado de Texas. Dentro de esta carta, una palabra que exprese sólo el género masculino extenderá y aplicará a hembras y a empresas, asociaciones y corporaciones al igual que a varones. Una palabra que exprese sólo número singular extenderá y se aplicará a varias personas y cosas al igual de a una persona o cosa. Las palabras que se usan en tiempo presente o pasado incluirán el futuro al igual que el presente o pasado.

Sec. 3.03.—Cualificaciones.

Cada miembro del Consejo de la Ciudad será residente ciudadano de la Ciudad de New Braunfels, será votante calificado del Estado de Texas, habrá sido tal residente ciudadano de la Ciudad de New Braunfels por un periodo de no menos de (el texto en inglés corrige el error entre las palabras ‘then’ y ‘than’ optando por ‘than’ en el texto en inglés) doce (12) meses inmediatamente previo al día de elecciones, y no estará endeudada a la Ciudad de New Braunfels, siempre y cuando, tal persona con las cualificaciones indicadas, excepto las de residencia, quien haya sido residente por un periodo de no menos de doce (12) meses

inmediatamente antes de su elección en cualquier territorio no previamente dentro de los límites del municipio de dicha ciudad, pero cual es anexada bajo las disposiciones de la Sección 1.04 de esta Carta, será elegible para dicho puesto. Un oficial electo debe continuar residiendo en la Ciudad de New Braunfels por su término entero. Si cualquier oficial electo falla en la mantenencia de las cualificaciones previamente expuestas, o es ausente en tres (3) juntas reglares consecutivas de horario regular, sin una excusa válida, el Consejo de la ciudad debe, en su próxima junta regular, declarar una vacante y llenará dicha vacante tal como se estipula en la Sección 3.06 de esta Carta.

Sec. 3.05.—Alcalde y Alcalde Temporal.

(c) *Elección del Alcalde Temporal.* En su primera junta regular después de la junta en la cual se reporten los resultados oficiales de la elección y se declaren los resultados de cada año, el Consejo de la Ciudad elegirá, de entre sus miembros, un Alcalde Temporal quien servirá a discreción del Consejo de la Ciudad, y el/ella ejecutará todos los deberes de Alcalde a falte o discapacidad del Alcalde.

(b) *Facultades de emergencia para el Alcalde.* Toda vez que el Alcalde lo determine necesario para imponer las leyes de la Ciudad, o para prevenir peligro, o proteger la vida o bienes, en caso de disturbios, brote, calamidad, o desorden público, o cuando tiene él/ella motivo de temer cualquier violación seria de la ley u orden, brote, o cualquier otro peligro a la Ciudad de New Braunfels o habitantes de ésta, él/ella convocará a servir como una fuerza policiaca especial, todos o cuantos ciudadanos fueran, al juicio de él/ella su juicio y discreción, necesarios y apropiados; y tal convocatoria se podrá efectuar, por proclamación u orden dirigido a los ciudadanos en general, o aquellos de cualquier distrito de la Ciudad o fraccionamiento de la misma, o tal convocatoria se podrá hacer por notificación personal. Tal convocatoria se efectuará conforme a una proclamación declarada por el Alcalde que existe una emergencia en la Ciudad de New Braunfels. Durante tal emergencia, el Departamento de Policía, y tal policía especial como se haya convocado por el Alcalde, será sujeta a las órdenes del Alcalde, y ejercerá los deberes que el/ella requiera, y tendrá el mismo poder mientras esté ejerciendo su puesto tal como la policía regular de la Ciudad de New Braunfels. El Alcalde tendrá la autoridad, durante tal emergencia de establecer e implementar reglas, reglamentos, y órdenes como sea necesario para conservar la salud pública, la seguridad, y el bienestar del peligro que amenaza. Durante tales emergencias, tales reglas, reglamentos, y órdenes tendrán la plena fuerza y efecto de la ley.

Sec. 3.08.—Prohibiciones.

(a) *Desempeñar otro puesto.* Salvo cuando sea autorizado por ley, ningún miembro del Consejo (en inglés se cambiaría la palabra ‘councilman’: masculino, por ‘councilperson’: neutro) tendrá ningún otro puesto o empleo en la Ciudad durante el término para el cual el/ella se eligió al Consejo de la Ciudad, y ningún miembro previo del Consejo (en inglés se cambiaría la palabra ‘councilman’: masculino, por ‘councilperson’: neutro) tendrá ningún puesto o empleo municipal por nombramiento. remunerado hasta un (1) año después de que se venza el término para el cual el/ella se eligió por el Consejo de la Ciudad.

(b) *Nombramientos y Remociones.* Ni el Consejo de la ciudad ni sus miembros, de ninguna manera, dictan el nombramiento o remoción de cualquier oficial administrativo o empleado que el Administrador de la Ciudad o cualquier de los subalternos que el/ella es facultado para nombrar, al menos que se estipule lo contrario en esta Carta, pero el Consejo de la Ciudad podrá expresar sus opiniones libre y plenamente con el Administrador de la Ciudad referente al nombramiento y remoción de tales oficiales y empleados.

Sec. 3.10.—Ordenanzas en general.

El Consejo de la Ciudad legislará exclusivamente por medio de ordenanza, y la cláusula promulgante de cada ordenanza será SEA ORDENADO POR EL CONSEJO DE LA CIUDAD DE NEW BRAUNFELS, antes de que se adopte cualquier ordenanza.

Cada ordenanza propuesta o resolución, se introducirá por escrito o de forma impresa y no tratará más de un tema, sin embargo, aquellas ordenanzas de asignaciones generales podrán abordar varios temas y cuentas por las cuales se asignarían fondos. Se les dará lectura a todas las ordenanzas en una junta abierta del Consejo de la Ciudad en dos (2) días separados, siempre y cuando todas las lecturas de cualquier ordenanza sean de un resumen descriptivo solamente, salvo un (1) miembro del Consejo podrá requerir la lectura completa de cualquier ordenanza tras la primera lectura de la misma. Cualquier ordenanza necesaria para proteger la paz pública, la salud, seguridad, y bienestar general podrá ser adoptada en una emergencia y entrar en vigor tras una (1) lectura por el Consejo de la Ciudad, tras la aprobación de un voto mayoritario por los miembros del Consejo del Ciudad en dicha lectura.

El Abogado de la Ciudad aprobará cada ordenanza por escrito o presentará las objeciones legales a la misma que el/ella tenga con el Secretario de la Ciudad. Cada ordenanza promulgada por el Consejo de la Ciudad se firmará por el Alcalde, Alcalde Temporal, o por dos (2) miembros del Consejo de la Ciudad previo a que entre en vigor.

Salvo se estipule, por ley o por esta Carta, lo contrario, el Secretario de la Ciudad notificará de la promulgación de cada ordenanza penal y de cualquier otro tipo tal como se requiere por ley o por esta Carta, de publicarse, con el mismo título descriptivo o encabezado del mismo de ser publicado por lo menos una (1) vez dentro de diez (10) días después de adoptarse definitivamente, en algún periódico de circulación general en la Ciudad. El Secretario de la Ciudad señalará en cada ordenanza y de manera oficial, las fechas, y medio de publicación, y tal señalamiento será evidencia prima facie del cumplimiento con los requisitos de esta sección.

Sec. 4.05.—Elección por mayoría.

En cualquier elección municipal regular o especial, los candidatos en cada uno de los seis (6) distritos en lo boleta, tal como se requiere en la Sección 3.01, habiendo recibido la mayoría de los votos emitidos en dicha elección para tal ~~distrito~~ ~~distancia~~ será declarado electo. En caso de que ningún candidato para un distrito designado en el Consejo de la Ciudad reciba una mayoría de los votos emitidos en la elección regular o especial, una

elección de desempate se llevará a cabo entre los dos (2) candidatos que recibieron el mayor número de votos en cada distrito. Tal elección de desempate se llevará a cabo conforme las leyes del Estado de Texas que regula las elecciones municipales. En cualquier elección municipal regular o especial, para la elección de Alcalde conforme la Sección 3.01, el candidato en la boleta que ha recibido el mayor número de votos emitidos en la elección será declarado electo. En caso de un empate entre cualquiera de los candidatos para Alcalde que recibiera la mayoría de los votos, entonces se llevaría a cabo una elección de desempate conforme con las leyes del Estado de Texas que regulan las elecciones municipales, salvo que tal voto será efectuado por pluralidad.

Sec. 5.03.—Forma de la solicitud para revocación.

La solicitud para revocación mencionada anteriormente se deberá dirigir al Consejo de la Ciudad de la Ciudad de New Braunfels, deberá de manera clara y específicamente identificar los fundamentos sobre los que tal solicitud para revocación se argumenta. ~~y si~~ **Si** existe más de un (1) fundamento, por ejemplo, por incompetencia, mal comportamiento, o malversación de oficio, la solicitud deberá declarar de manera específica cada fundamento con certeza para así permitirle al oficial a quien se le acusa, aviso de los asuntos y hechos de los que se le acusa a él/ella. La firma se verificará bajo juramento de la siguiente manera:

“Estado de Texas (Condado de Comal)

Yo, _____, habiendo sido debidamente juramentado, declaro y digo que soy uno (1) de los infrascritos de la presente solicitud y que las declaraciones hechas en la misma son verdaderas y que cada firma que aparece en ésta se hizo ante mi el día y fecha que declara haberse hecho, y juro solemnemente, que la misma es la firma genuina de la persona cuyo nombre afirma ser.

Jurado y firmado ante mi este _____ día de _____, ~~19~~**20**_____.

Notario Público en y para el Condado de Comal, Texas.”

Sec. 7.01.—Administrador de la Ciudad.

(a) *Nombramiento y cualificaciones.* El Consejo de la Ciudad nombrará un Administrador de la Ciudad, mismo que será el oficial administrativo y ejecutivo principal de la Ciudad y responderá al Consejo de la Ciudad por la administración de todos los asuntos de la Ciudad. Él/ella será seleccionado por el Consejo de la Ciudad únicamente a base de la capacitación ejecutiva y administrativa, experiencia, habilidad, y carácter que él/ella posee, y al momento de ser nombrado, no será necesario ser residente de la Ciudad de New Braunfels. Ningún miembro del Consejo de la Ciudad, durante el periodo por el cual él/ella fue electo(a) y por un (1) año después de éste, será nombrando Administrador de la Ciudad.

(c) *Poderes y responsabilidades.* Los poderes otorgados al Administrador de la Ciudad por la presente, por el Consejo de la Ciudad serán los siguientes:

(4) Ejecutar otros deberes tal como se podrían establecer por esta Carta o requerido de el/ella por el Consejo de la Ciudad, no inconsistente con las disposiciones de esta Carta.

Sec. 7.03—Departamento de Policía.

Se establecerá y mantendrá un Departamento de Policía para conservar el orden en la Ciudad y asegurar a los residentes de dicha Ciudad de violencia y la propiedad de ésta, de daño o pérdida.

(a) *Jefe de Policía.* El Jefe de Policía será el Administrador Ejecutivo del Departamento de Policía. El Jefe de Policía será nombrado por el Administrador de la Ciudad y el/ella se podrá remover de su cargo por el Administrador de la Ciudad.

Sec. 8.04.—Abogado de la Ciudad.

El Consejo de la Ciudad nombrará un abogado con licencia de ejercer derecho en el Estado de Texas, para ser el Abogado de la Ciudad. Él/ella recibirá por los servicios de él/ella tal como se fijará por el Consejo de la Ciudad para deberes regulares y especiales y tendrá el puesto de él/ella a discreción del Consejo de la Ciudad. El Abogado de la Ciudad u otro Abogado seleccionado por él/ella, con la aprobación del Consejo de la Ciudad, representará a la Ciudad en todo litigio y proceso jurídico en Corte Municipal. El Abogado de la Ciudad residirá dentro de los límites de la Ciudad de New Braunfels.

Sec. 12.13.—Modificar la Carta.

Se podrá modificar esta Carta por cualquier método permitido por ley general del Estado referente a la modificación de cartas de estatutos municipales, incluyendo, pero no limitado al capítulo 9 de la ley local. El Consejo de la Ciudad podrá, por ordenanza, reglamento y procedimiento para la implementación y ejecución de esta Carta. Con el fin de conservar coherencia, el Consejo de la Ciudad tendrá el poder, por ordenanza, de reenumerar y reorganizar los artículos, secciones, e incisos de la Carta, o de cualquier modificación de la misma, crear y ajustar un índice, o corregir errores menores de gramática u ortografía, y tras adoptarse cualquier ordenanza, una copia de ésta, certificada por el Administrador de la Ciudad, se enviará al Secretario para que se registre con el Secretario de Estado.

La propuesta en la boleta declarará los siguiente:

PROPUESTA M

“¿SE DEBERÁN MODIFICAR LAS SECCIONES 1.01, 3.02, 3.05 (b)-(c), 3.08(a)-(b), 3.10, 4.05, 5.03, 7.01(a), 7.01(c)(4), 7.03(a), 8.04 Y 12.13 DE LA CARTA DE LA CIUDAD CON EL FIN DE CORREGIR ERRORES TIPOGRÁFICOS, SINTÁCTICOS, DE GRAMÁTICA Y DE REFERENCIAS A GÉNERO, Y PERMITIR FUTURAS CORRECCIONES Y RENUMERAR LA CARTA SIN UNA ELECCIÓN DE CARTA?”

A FAVOR

EN CONTRA

PROPUESTA N

¿SE DEBERÁN MODIFICAR LAS SECCIONES 4.01, 9.06 Y 9.11 DE LA CARTA DE LA CIUDAD CON EL FIN DE REQUERIR LA PUBLICACIÓN DE CIERTOS REGISTROS DE LA CIUDAD EN LA PÁGINA WEB DE LA CIUDAD ADEMÁS DE CUALQUIER OTRA NOTIFICACIÓN REQUERIDA POR LEY?

A FAVOR _____

EN CONTRA _____

Esta propuesta requeriría que ciertos tipos de información listada (notificaciones de elecciones e información presupuestaria) fuera publicada en la página web de la Ciudad además de cualquier otra notificación requerida por ley. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 4.01.—Elecciones.

Las elecciones municipales regulares se deberán celebrar anualmente en la fecha de elecciones uniforme en mayo de cada año como se determina por futuras legislaturas del Estado de Texas, momento en el cual los oficiales de ser elegidos para llenar esos puestos que resultaron vacantes ese año. El consejo de la Ciudad podrá, por ordenanza o resolución, ordenar una elección especial. Notificación de la elección se publicará en un periódico que se publica en New Braunfels, dicha publicación no se efectuará antes del treintavo (30º) día y no más tarde que el decimo (10º) día antes de la fecha de la elección o tal como se indique por ley. La misma notificación se publicará en la página web de la Ciudad. En tal orden, ordenanza, o resolución el Consejo de la Ciudad que ordene una elección en la cual se elija un miembro del Consejo de la Ciudad, el Consejo de la Ciudad designará el lugar en la boleta para cada vacante que se propone llenar. Una elección regular se define como una elección excepto una elección primaria la cual se lleva a cabo regularmente en fechas fijas. Una elección especial se define como una elección que no es ni una elección regular ni una elección primaria.

Sec. 9.06.—Notificación de audiencia pública sobre el presupuesto.

En la junta del Consejo de la Ciudad en la cual se presenta el presupuesto, el Consejo de la Ciudad, fijará la hora y ubicación de una audiencia pública y publicará, en un periódico en la Ciudad de New Braunfels y en la página web de la Ciudad, un resumen de el presupuesto que se propone y una notificación de la audiencia en la cual se establece la hora y la ubicación de la misma al menos diez (10) días antes de la fecha de la audiencia, la audiencia se fijará a no más de treinta (30) días antes del comienzo del nuevo año fiscal.

Sec. 9.11.—Fecha efectiva del presupuesto, certificación, copias a disposición del público.

Tras la aprobación final, el presupuesto será vigente por el siguiente año fiscal. Desde la fecha efectiva del presupuesto, las varias cantidades declaradas en éste como gastos proyectados se asignarán a los varios objetos y propósitos nombrados en la misma. Una copia del presupuesto, en su forma final, se registrará con la persona que ejecute los deberes de Secretario de la Ciudad y el Secretario del Condado del Condado de Comal. El presupuesto final se reproducirá de tal manera que las copias serán copias permanentes, y las copias se harán disponibles para el uso de todas las oficinas, departamentos, y agencias, y para el uso de personas interesadas y organizaciones cívicas. Una copia digital del presupuesto final se hará disponible en la página web de la Ciudad.

La propuesta en la boleta declarará los siguiente:

PROPUESTA N

“¿SE DEBERÁN MODIFICAR LAS SECCIONES 4.01, 9.06 Y 9.11 DE LA CARTA DE LA CIUDAD CON EL FIN DE REQUERIR LA PUBLICACIÓN DE CIERTOS REGISTROS DE LA CIUDAD EN LA PÁGINA WEB DE LA CIUDAD ADEMÁS DE CUALQUIER OTRA NOTIFICACIÓN REQUERIDA POR LEY?”

A FAVOR

EN CONTRA

PROPUESTA O

¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.10 DE LA CARTA DE LA CIUDAD CON EL FIN DE AJUSTAR EL NÚMERO DE REQUISITOS DE LA LECTURA DE ORDENANZAS PARA SÓLO CIERTAS ORDENANZAS, PARA ESCLARECER LAS FECHAS EFECTIVAS PARA TODAS LAS ORDENANZAS, Y PARA ABORDAR LOS REQUISITOS PARA TODAS LAS ORDENANZAS, PARA PERMITIR MEJOR CUMPLIMIENTO CON LAS FECHAS LÍMITE DE LA LEY ESTATAL?

A FAVOR _____

EN CONTRA _____

Esta propuesta permitiría ciertos tipos de ordenanzas listadas expresamente (ordenanzas de elecciones, ordenanzas de campañas políticas, etc.) de adoptarse tras una lectura para permitir el mejor cumplimiento con las fechas límite estipuladas por la ley estatal. También permite las fechas efectivas de ordenanzas, si no es especificado lo contrario por la ordenanza o publicaciones que se requieren por ley estatal. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 3.10.—Ordenanzas en general.

El Consejo de la Ciudad legislará exclusivamente por medio de ordenanza, y la cláusula promulgante de cada ordenanza será, SEA ORDENADO POR EL CONSEJO DE LA CIUDAD DE NEW BRAUNFELS, antes de que se adopte cualquier ordenanza.

Cada ordenanza propuesta o resolución, se introducirá por escrito o de forma impresa y no tratará más de un tema, sin embargo, aquellas ordenanzas de asignaciones generales podrán abordar varios temas y cuentas por las cuales se asignarían fondos. Al menos que se autorice por lectura única por esta Carta, Se les dará lectura a todas las ordenanzas en una junta abierta del Consejo de la Ciudad en dos (2) días separados, siempre y cuando todas las lecturas de cualquier ordenanza sean de un resumen descriptivo solamente, salvo un (1) miembro del Consejo podrá requerir la lectura completa de cualquier ordenanza tras la primera lectura de la misma. Todas las ordenanzas, al menos que se provea por ley o por los términos de tal ordenanza, entrarán en vigor inmediatamente tras la adopción de la misma. Una ordenanza que impone penalización criminal por cualquier violación de sus disposiciones entrará en vigor diez (10) días después de la publicación. Cualquier ordenanza necesaria para proteger la paz pública, la salud, seguridad, y bienestar general podrá ser adoptada en una emergencia y entrar en vigor tras una (1) lectura por el Consejo de la Ciudad, tras la aprobación de un voto mayoritario por los miembros del Consejo del Ciudad en dicha lectura. Además, cualquier ordenanza que ordene o revise una elección, requerido por ley estatal para aprobar un contrato, ordenanzas de anexo, requiere primero

dos (2) audiencias públicas, ordenanzas que fijan una tasa tal como se requiere por ley estatal, una ordenanza que adopte un presupuesto si al menos dos (2) talleres de presupuesto o audiencias públicas han ocurrido para discutir el presupuesto pendiente pueda ser aprobada y entrar en vigor tras una (1) lectura por el Consejo de la Ciudad.

El Abogado de la Ciudad aprobará cada ordenanza por escrito o presentará las objeciones legales a la misma que el/ella tenga con el Secretario de la Ciudad. Cada ordenanza promulgada por el Consejo de la Ciudad se firmará por el Alcalde, Alcalde Temporal, o por dos (2) miembros del Consejo de la Ciudad previo a que entre en vigor.

Salvo se estipule, por ley o por esta Carta, lo contrario, el Secretario de la Ciudad notificará de la promulgación de cada ordenanza penal y de cualquier otra tipo tal como se requiere por ley o por esta Carta, de publicarse, con el mismo título descriptivo o encabezado y resumen de la penalización, del mismo de ser publicado por lo menos una (1) vez dentro de diez (10) días después de adoptarse definitivamente, en algún periódico de circulación general en la Ciudad o ser presentado al editor para ordenanzas codificadas?? El Secretario de la Ciudad señalará en cada ordenanza y de manera oficial, las fechas, y medio de publicación, y tal señalamiento será evidencia prima facie del cumplimiento con los requisitos de esta sección.

PROPUESTA O

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.10 DE LA CARTA DE LA CIUDAD CON EL FIN DE AJUSTAR EL NÚMERO DE REQUISITOS DE LA LECTURA DE ORDENANZAS PARA SÓLO CIERTAS ORDENANZAS, PARA ESCLARECER LAS FECHAS EFECTIVAS PARA TODAS LAS ORDENANZAS, Y PARA ABORDAR LOS REQUISITOS PARA TODAS LAS ORDENANZAS, PARA PERMITIR MEJOR CUMPLIMIENTO CON LAS FECHAS LÍMITE DE LA LEY ESTATAL?”

A FAVOR

EN CONTRA

PROPUESTA P

¿SE DEBERÁ MODIFICAR LA SECCIÓN 12.03(a)(1) DE LA CARTA DE LA CIUDAD PARA ACTUALIZAR LAS PROHIBICIONES ACERCA DE LA DISCRIMINACIÓN PARA QUE INCLUYAN LAS CATEGORÍAS INCLUIDAS EN LAS LEYES FEDERALES Y ESTATALES PERO NO ACTUALMENTE LISTADAS EN LA CARTA DE LA CIUDAD?

A FAVOR _____

EN CONTRA _____

Esta propuesta actualiza la disposición de discriminación en la Carta de la Ciudad para que incluya las categorías incluidas en las leyes federales y estatales, por ejemplo, la prohibición de la discriminación basada en el origen nacional, edad, discapacidad, estado de veterano, e información genética. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 12.03.—Prohibiciones.

(a) *Actividades Prohibidas.*

(1) En cuanto a los nombramientos y remociones de cualquier puesto o empleo de la Ciudad, no se favorecerá, ni se discriminará contra el color, nacionalidad, origen, edad, discapacidad, estado de veterano, información genética, o cualquier otra clasificación protegida que la ley federal prohíbe como fundamento para tal nombramiento o remoción.

La propuesta en la boleta declarará los siguiente:

PROPUESTA P

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 12.03(a)(1) DE LA CARTA DE LA CIUDAD PARA ACTUALIZAR LAS PROHIBICIONES ACERCA DE LA DISCRIMINACIÓN PARA QUE INCLUYAN LAS CATEGORÍAS INCLUIDAS EN LAS LEYES FEDERALES Y ESTATALES PERO NO ACTUALMENTE LISTADAS EN LA CARTA DE LA CIUDAD?”

A FAVOR _____

EN CONTRA _____

PROPUESTA Q

¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.09(d) DE LA CARTA DE LA CIUDAD PARA PERMITIR UN PLAN DE SUCESIÓN EN CASO DE EMERGENCIAS O DESASTRES PARA PROPORCIONAR UN MECANISMO PARA ESTABLECER UN CUÓRUM INTERINO DEL CONSEJO DE LA CIUDAD CUANDO UN CUÓRUM NO PUEDE SER CONVOCADO DEBIDO A LA LESIÓN O MUERTE DE UN CUÓRUM DE SUS MIEMBROS?

A FAVOR _____

EN CONTRA _____

Esta propuesta otorgaría autoridad para situaciones potenciales en la cuales, a causa de desastre o emergencias, el Consejo de la Ciudad no puede ser convocado debido a una lesión o muerte de un cuórum o uno de sus miembros. Esto permite un nombramiento automático, temporal y facultades temporales para ordenar una elección y gestionar los asuntos de la ciudad durante emergencias o desastres. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 3.09.—Juntas del Consejo de la Ciudad y procedimiento.

(d) En caso que un cuórum del Consejo electo de la Ciudad no se pueda convocar debido a un desastre resultando en lesiones múltiples, muertes, o incapacidades de sus oficiales, los miembros sobrevivientes y los coordinadores y coordinadores adjuntos, o presidentes y vicepresidentes de las siguientes mesas, constituirán un Consejo temporal de la Ciudad con el propósito de reunirse en números suficientes para constituir un cuórum de Consejo de la Ciudad temporal, dentro de quince (15) días de tal desastre, o como se declare en el Código Electoral de Texas, y ordenará una elección para llenar todos los puestos vacantes del Consejo de la Ciudad. Dicho Consejo de la Ciudad servirá hasta que la elección ordenada se lleve a cabo y poseerá todas las facultades poseídas por el Consejo de la Ciudad elegido. Las mesas que cualifican, en orden de sucesión serán la (1) Corporación de Desarrollo Económico de New Braunfels, (2) la Comisión de Planificación, (3) Consejo Asesor de Transporte y Tráfico, (4) Consejo de Zonificación y Regulación, y (5) Consejo Asesor de Parques y Recreación. El Consejo de la Ciudad podrá adoptar, por ordenanza, cada procedimiento y autorizaciones que considere necesario.

La propuesta en la boleta declarará los siguiente:

PROPUESTA Q

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.09(d) DE LA CARTA DE LA CIUDAD PARA PERMITIR UN PLAN DE SUCESIÓN EN CASO DE EMERGENCIAS O DESASTRES PARA PROPORCIONAR UN MECANISMO PARA ESTABLECER UN CUÓRUM INTERINO DEL CONSEJO DE LA CIUDAD CUANDO UN CUÓRUM NO PUEDE SER CONVOCADO DEBIDO A LA LESIÓN O MUERTE DE UN CUÓRUM DE SUS MIEMBROS?”

A FAVOR

EN CONTRA

PROPUESTA R

¿SE DEBERÁ MODIFICAR LA SECCIÓN 12.03(a)(4) DE LA CARTA DE LA CIUDAD CON EL FIN DE CAMBIAR Y ESCLARECER LAS RESTRICCIONES Y REGLAMENTOS EN LAS ACTIVIDADES POR PARTE DE LOS EMPLEADOS Y OFICIALES DE LA CIUDAD CUANDO ESTÁN EJERCIENDO SU OFICIO O GENERALMENTE REPRESENTANDO LA CIUDAD, Y REGULAR LA PARTICIPACIÓN POLÍTICA CUANDO NO FUNJAN DE MANERA OFICIAL CUANDO DICHA PARTICIPACIÓN CAUSA INTERRUPCIÓN IRRACIONABLE A LAS OPERACIONES MUNICIPALES?

A FAVOR _____

EN CONTRA _____

Esta propuesta actualiza el lenguaje de la Carta para así prohibir actividad política de campaña de los empleados de la ciudad mientras están desempeñando sus deberes oficiales o generalmente representando la ciudad o su puesto. No se limitará la actividad política de los empleados en tiempo libre salvo si tal participación causa una interrupción irracional a las operaciones de la ciudad. Esta propuesta modificaría las secciones y subsecciones especificadas alistadas enseguida de la siguiente manera: las palabras subrayadas indican las modificaciones que se añaden y las palabras tachadas indican modificaciones que se eliminan. El resto de las secciones y subsecciones sin modificaciones alistadas permanecerán sin cambio y en pleno vigor y efecto salvo que se modifique expresamente por otra propuesta adoptada durante la misma elección.

Sec. 12.03.—Prohibiciones.

(a) Actividades Prohibidas.

...

(4) ~~Ninguna persona que tiene cualquier puesto compensado por la Ciudad podrá solicitar o recibir ninguna contribución a los fondos de campaña de ningún candidato para oficio municipal, asuntos, o campaña política de ningún candidato municipal.~~ Ninguna persona que tiene cualquier puesto municipal participará en campañas políticas o actividades relacionadas durante horas hábiles, mientras generalmente representa la Ciudad o representa su puesto. La Ciudad, por lo general, no limita o regula la participación política de los empleados en tiempo libre salvo que el Administrador de la Ciudad considere que tal participación causaría una interrupción irracional a las operaciones de la Ciudad. El Consejo de la Ciudad podrá aprobar ordenanzas conforme con esta sección.

...

La propuesta en la boleta declarará los siguiente:

PROPUESTA R

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 12.03(a)(4) DE LA CARTA DE LA CIUDAD CON EL FIN DE CAMBIAR Y ESCLARECER LAS RESTRICCIONES Y REGLAMENTOS EN LAS ACTIVIDADES POR PARTE DE LOS EMPLEADOS Y OFICIALES DE LA CIUDAD CUANDO ESTÁN EJERCIENDO SU OFICIO O GENERALMENTE REPRESENTANDO LA CIUDAD, Y REGULAR LA PARTICIPACIÓN POLÍTICA CUANDO NO FUNJAN DE MANERA OFICIAL CUANDO DICHA PARTICIPACIÓN CAUSA INTERRUPCIÓN IRRACIONABLE A LAS OPERACIONES MUNICIPALES?”

A FAVOR

EN CONTRA

1/25/2021

Agenda Item No. C)

Presenter/Contact*Maddison O'Kelley, Assistant Planner*
(830) 221-4056 - mokelley@nbtexas.org**SUBJECT:**

Public hearing and consideration of approval of a variance request to allow a proposed business, addressed at 344 Landa Street, to provide alcohol sales (wine and beer, no onsite consumption) within 300 feet of a church.

BACKGROUND / RATIONALE:**Case No.:** CS20-319**Council District:** 3**Applicant/Owner:** Robert Pineda
344 Landa Street
New Braunfels, TX 78130**Staff Contact:** Maddison O'Kelley
(830) 221-4056
mokelley@nbtexas.org

The subject property is located on Landa street and is zoned "C-1" Local Business District. There is an existing 800 square foot commercial structure on the property that was constructed in 2009. The applicant is proposing to occupy the existing building and open a retail cheese shop with beer and wine sales. In a letter provided to staff, the applicant states there will be no liquor sold, nor consumption of any alcoholic beverages on the property. The applicable Texas Alcoholic Beverage Commission (TABC) permit type for this business is considered a "Wine and Beer Retailer's Off-Premise Permit (BQ)" under which all alcoholic products must be sold in their unbroken original containers and no on-premise consumption is permitted. The proposed use is considered a retail land use under New Braunfels' Zoning Ordinance and is permitted within the "C-1" zoning district.

Title 4, Chapter 109, Subchapter C, Section 109.33(a)(1) of the Texas Local Government Code (TxLGC) states cities may enact regulations prohibiting the sale of alcoholic beverages within a specified distance of protected land uses such as churches, schools, and hospitals. There are different distance requirements dependent on the type of protected use.

In 2012, City Council adopted amendments to the Zoning Ordinance to establish Sec. 144-5.18 Sale of Alcoholic Beverages. The ordinance mirrored the authorized distance requirements set forth in Section 109.33 of the Texas Local Government Code. Sec. 144-5.1.8 states "a place of business

where alcoholic beverages are sold shall be prohibited within 300 feet of a church, private or public school, daycare center or child-care facility or public hospital. The measurement of this distance shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.”

The front door of the subject structure is measured as 187.47 feet from the front door of the River City Vineyard Community Church, addressed at 358 Landa Street. This distance was measured from the front door of each structure to their respective front property lines and along Landa Street, as required by the Zoning Ordinance. Therefore, the proposed business is not permitted to sell wine and beer, because it is within 300 feet of a church.

The applicant is requesting a variance to allow the sale of alcohol at the subject property. Section 109.33(e) of the same subchapter of the Local Government Code states the governing board of a city or town that has enacted required distances between businesses that sell alcohol and protected uses may also allow variances to the regulations, if the governing body determines that enforcement of the regulation in a particular instance is:

- not in the best interest of the public;
- constitutes waste or inefficient use of land or other resources;
- creates an undue hardship on an applicant for a license or permit;
- does not serve its intended purpose, is not effective or necessary;
- or for any other reason the governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

Because the TxLGC authorizes the governing body of a city to grant a variance to this requirement, the City Council is the authorized body to approve or deny the request.

Surrounding Zoning and Land Use:

North - R-1/ Single-Family Residence

South - Across Landa Street, C-1 / Government Recreation Building

East - C-1A/ Commercial

West - C-1/ Commercial

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

| | |
|--|--|
| City Plan/Council Priority: Envision New Braunfels Comprehensive Plan | Consistent Actions: Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure. Action 3.6: Pro actively provide a regulatory environment that remains business and resident friendly. Future Land Use: The property is situated within the New Braunfels Sub-Area. It is located within <i>Existing</i> Civic, Market, Employment, Education, Tourist/Entertainment, Outdoor Recreation, and Medical Centers and in <i>Planned</i> Civic, Education, and Outdoor Recreation Centers. |
|--|--|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 5, 2021 and recommended approval (9-0-0).

STAFF RECOMMENDATION:

N/A

Notification:

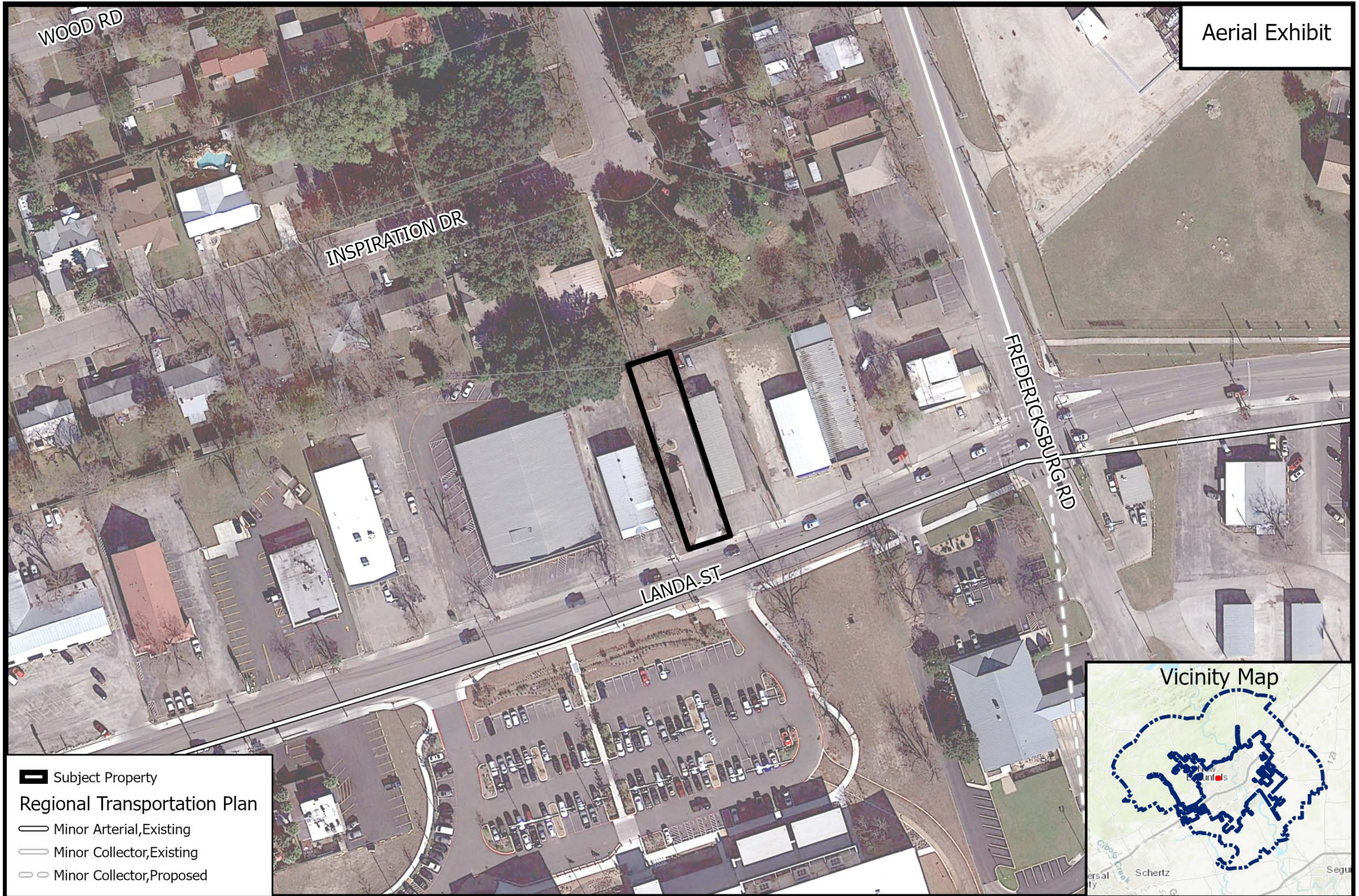
Public hearing notices were sent to owners of 16 properties within 200 feet of the request, including the property owner of the protected use. To date, the City has received one response in objection from the property labeled as #3 on the response map. A representative for the River City Vineyard Church provided a response indicating the church is in favor of the request.

RESOURCE LINKS:

- Chapter 144, Sec. 3.3-7 (C-1) of the City's Code of Ordinances:
<[https://gismaps.nbtexas.org/ZoningOrdinance/Sec. 3.3-7 C-1 \(2012\).pdf](https://gismaps.nbtexas.org/ZoningOrdinance/Sec. 3.3-7 C-1 (2012).pdf)>
- Sec. 144-5.18 Sale of Alcoholic Beverages of the City's Code of Ordinances:
<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?>
- Texas Local Government Code, Title 4, Chapter 109 (Alcoholic Beverage Code)
<<https://statutes.capitol.texas.gov/Docs/AL/htm/AL.109.htm>>

ATTACHMENTS:

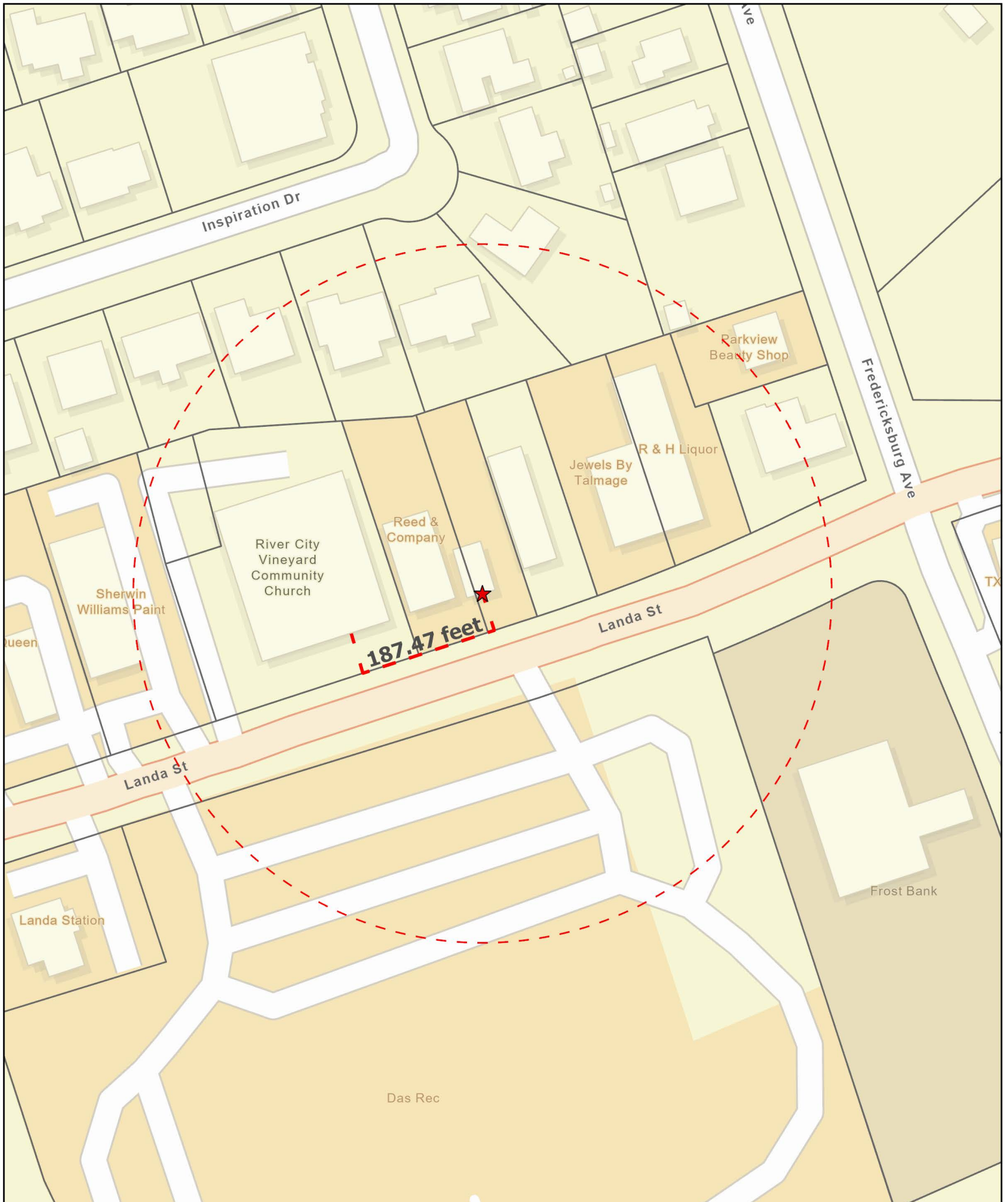
1. Aerial Map
2. Map Exhibit of Distance to Church
3. Applicant Request Letter
4. Notification Map



CS20-319

Variance to Allow Alcohol Sales Near Protected Use





Robert Pineda
344 Landa St.
New Braunfels, TX 78130

December 12, 2020

Ms. Caitlin Krobot
City Secretary
550 Landa Street
New Braunfels, TX 78130

Re: Sale of Alcoholic Beverage Distance Limitation Variance.

Dear Ms. Krobot,

As stated in Title 4, Subchapter C, Section 109.33(e), I would like to request a variance to the distance limitation in 109.33(a)(1) for my business's property located at 344 Landa St., New Braunfels, Texas, 78130.

My rationale for this is based on the following;

1. The sale of wine and beer is integral to the success of our new business's plan. Eliminating the potential revenue from these sales would be an undue hardship to our small business.
2. Our business is intending to apply for the TABC Wine and Beer Off-Premise Permit. There will be no liquor sold, nor consumption of any alcoholic beverages on our property.
3. A liquor store is within the same 300ft distance to the church. I am aware that this liquor store may be grandfathered from section 144-5.18, however I do not feel as though the sale of wine and beer from our business at this location will have a negative impact on the health, safety, or welfare of the surrounding community.

If you have any questions or concerns to my request, please feel free to contact me. I can be reached anytime by the information provided below.

Thank you for your time and consideration,

Robert Pineda

Robert "Bob" Pineda

Cell: (512)-300-1215

Email: bobby.pineda09@gmail.com

CC: Christopher Looney, Director of Planning and Development Services,
City of New Braunfels, Texas.

PLANNING COMMISSION – JANUARY 5TH, 2021– 6:00PM

Zoom Webinar

Applicant/Owner: Robert Pineda

Address/Location: 344 Landa Street

CASE #CS20-319

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. 352 LANDA LLC | 9. COUSER JACQUELYN SAHM |
| 2. KEB ENTERPRISES LLC | 10. VALENTINE ENTERTAINMENT LLC |
| 3. KRAFT DENNIS N & JUDY | 11. S2 VENTURES LLC |
| 4. SCHORN JEROME G & HELEN M | 12. FUENTES OLGA I VEGA |
| 5. HULL HENRY A & LINDA | 13. COCHRAN AMANDA |
| 6. EARTH PROPERTIES LLC | 14. NEW BRAUNFELS CITY OF |
| 7. MCCRARY BILLY D & TERRI W | 15. KEER COMMERCIAL LLC |
| 8. FERRELL CHARLES FAMILY TRUST | 16. FROST NATIONAL BANK |

SEE NOTIFICATION MAP

DETACH & RETURN THIS PORTION IF YOU WISH TO SUBMIT WRITTEN COMMENT

Case: CS20-319 (Pineda) MO

Name: Judy Kraft
Address: 343 Inspiration Drive
Circled property number from map: #3

Comments: (Use additional sheets if necessary)

Signature: Judy Kraft

I favor: _____

I object: ☒ ☒
(State reason for objection)

R+H Liquor is
right there

Traffic exiting





CS20-319

Variance to Allow Alcohol Sales Near Protected Use



0 75 150
Feet



Scott Tjernagel
358 Landa St.
New Braunfels, TX 78130

January 12, 2021

Mr. Robert Pineda
344 Landa St.
New Braunfels, TX 78130

Dear Mr. Pineda,

Per our phone conversation on January 9th, 2021, River City Vineyard Community Church has no concerns about the sale of alcoholic beverages at your property's location and is in favor of your distance variance request.

Thank you,

Scott Tjernagel
River City Vineyard Church

1/25/2021

Agenda Item No. D)

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 to apply a Type 1 Special Use Permit to allow an RV resort on approximately 28 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 24 acres out of the J M Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue.

BACKGROUND / RATIONALE:

Case No.: SUP20-300

Council District: 1

Applicant: James Ingalls, PE
Moeller & Associates
2021 SH 46 West, Suite 105
New Braunfels, TX 78132
(830) 358-7127 jamesingalls@ma-tx.com

Owner: Gary Henry
Liberty Partnership Ltd.
600 N. Hickory Avenue
New Braunfels, TX 78130

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

The subject property is located west of North Walnut Avenue, between the two sets of Union Pacific railroad tracks. It consists of approximately 28 acres, zoned as follows:

- 18.5 acres zoned M-1 Light Industrial (unplatted);
- 5 acres zoned R-2 Single and Two-family (unplatted); and
- 4.43 acres of C-1 Local Business District (Lot 1D-R Walnut Heights)

Over 50% of the property (approximately 16 acres) is located within the Dry Comal Creek floodway and/or 1% annual chance floodplain.

The Special Use Permit (SUP) request was originally submitted as a Type 2 SUP with a site plan for the resort. Staff did not have sufficient information to fully evaluate the feasibility of the site plan as it relates to the floodplain, access, and other concerns. Providing this information will require a drainage study which is an additional expense for the applicant without knowing if the use itself would

be acceptable at this location.

Therefore, staff recommended the applicant split their request into two SUPs. This initial request is being submitted as a Type 1 SUP to first allow the proposed use of the property as an RV resort. If an RV resort is found to generally be acceptable at this location, staff recommends a condition the applicant submit a follow-up Type 2 application with a detailed site plan and complete information for it to be further evaluated for safety in the flood zones.

Considerations unique to this property and proposed use:

- Platted Lot 1D-R has two points of access from Walnut Avenue: one is adjacent to the railroad right-of-way where a raised median prohibits left turns into or out of the property; and, the other is a 60-foot wide shared access driveway with the medical office on Lot 1C. (The applicant intends to utilize only the shared access drive. This will be reviewed with the Type 2 SUP application.)
- The unplatted portion of the property currently has access only from the terminus of Bavarian Drive. (The applicant intends to create a gated emergency-only access at this point. This will be reviewed with the Type 2 SUP application.)
- The site is situated between Dry Comal Creek and the railroad tracks, with approximately 12 acres located outside the floodplain, limiting development options.
- Dry Comal Creek is known as a flash flood area where at times there is little advance warning of rising water. Other RV parks in the community that are in or near floodways incorporate and adopt formal emergency evacuation plans.
- Another SUP request for an RV park within the City limits (FM 306/Hunter Road) met with substantial neighborhood objection, as did a previous SUP request on a portion of the subject property for a dance hall.)
- Because most of the property sits over 750 feet from Walnut Avenue, it may not be well-suited for retail and other commercial uses where high visibility is important. Likewise, the flood prone areas make most of the property unsuitable for permanent residential or commercial structures.

Surrounding Zoning and Land Use:

North - Across railroad, M-1, R-3/ Commercial, Multifamily

South - R-2, R-3, C-1 / Multifamily, Single-family residences

East - Across Walnut, M-1/ Commercial

West - M-1/ Undeveloped

Determination Factors:

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

- Whether the permitted uses will be appropriate in the immediate area and their relationship to the area and to the City as a whole *(The site takes access from a Principal Arterial, Walnut Avenue. The proposed RV resort provides a use where the few permanent structures can be located outside of the floodway/floodplain while allowing development of the remainder of the property. If the use is approved, specific details of the site plan will be reviewed for appropriateness and compliance with City codes and development standards. Approval of the Type 1 SUP does not guarantee approval of the second Type 2 SUP, as the second SUP is specific to the site development and related impacts on the surrounding property and community.);*

- 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 of the use with these elements. Site development impacts will be reviewed with the Type 2 SUP, if submitted.);*
- 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; *(Floodplain and drainage issues, as well as access, will be specifically addressed with the site plan as part of the Type 2 SUP to follow if the proposed use is approved with the Type 1 SUP.)*
- Consistency with the Comprehensive Plan:

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

| | |
|--|---|
| City Plan/Council Priority: Envision New Braunfels Comprehensive Plan | Consistent Actions: Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure. Action 1.14: Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions. Future Land Use: The property is situated within the New Braunfels Sub-Area, along a Scenic River Corridor, and with access from the nearby Mixed-Use Transitional Corridor. |
|--|---|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 5, 2021 and voted unanimously to recommend approval of the request with staff recommendations. (9-0-0)

STAFF RECOMMENDATION:

Approval of the proposed use as a Type 1 SUP with the following conditions:

- A Type 2 SUP application with detailed site plan addressing all City code requirements including but not limited to access, drainage, and flooding emergencies.
- Any proposed deviations to the code must be submitted and approved prior to issuance of permits or development of the subject property as an RV resort.

Notification:

Public hearing notices were sent to owners of 43 properties within 200 feet of the request. To date, the City has received 5 responses in favor (#1, 21, 24, 25, 27) and none in objection. Three citizens spoke in objection at the Planning Commission hearing but did not provide written responses.

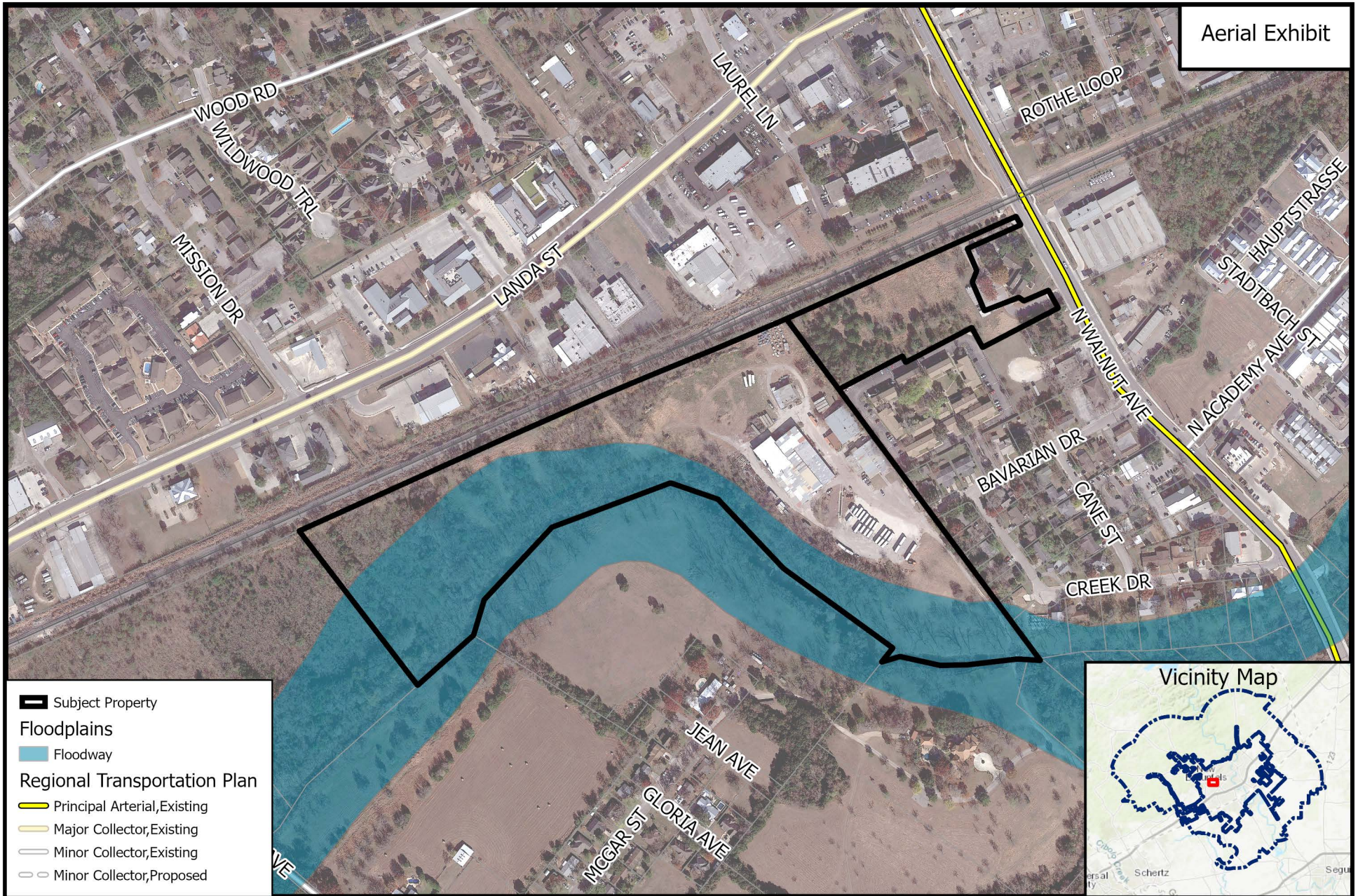
RESOURCE LINKS:

- Chapter 144, Sec. 3.3-2 (R-2), Sec. 3.3-7 (C-1) and Sec. 3.3-11 (M-1) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

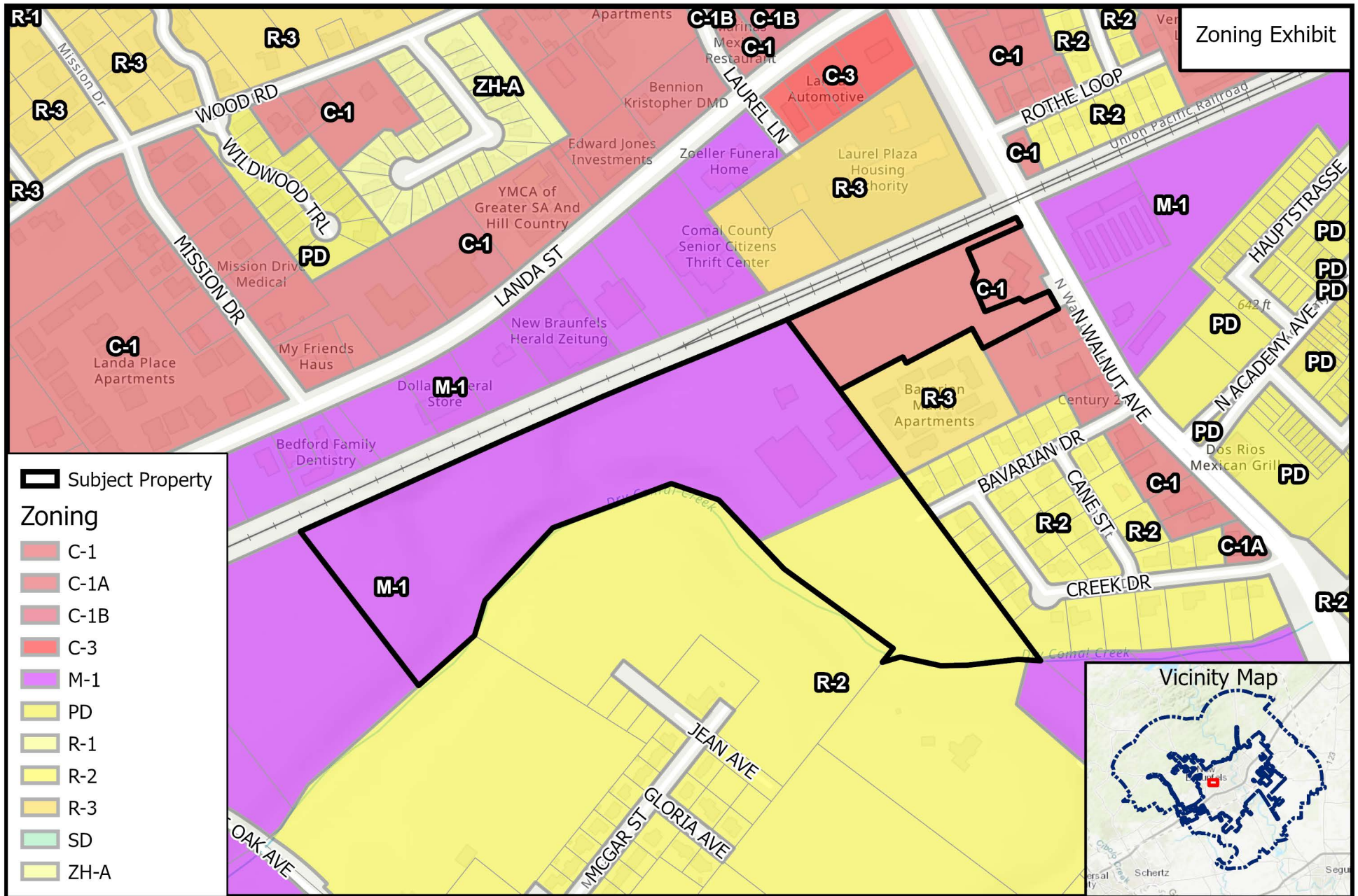
-
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

ATTACHMENTS:

1. Aerial Map
2. Land Use Maps (Zoning, Existing, and Future Land Use)
3. Notification Map
4. Planning Commission Minutes
5. Ordinance

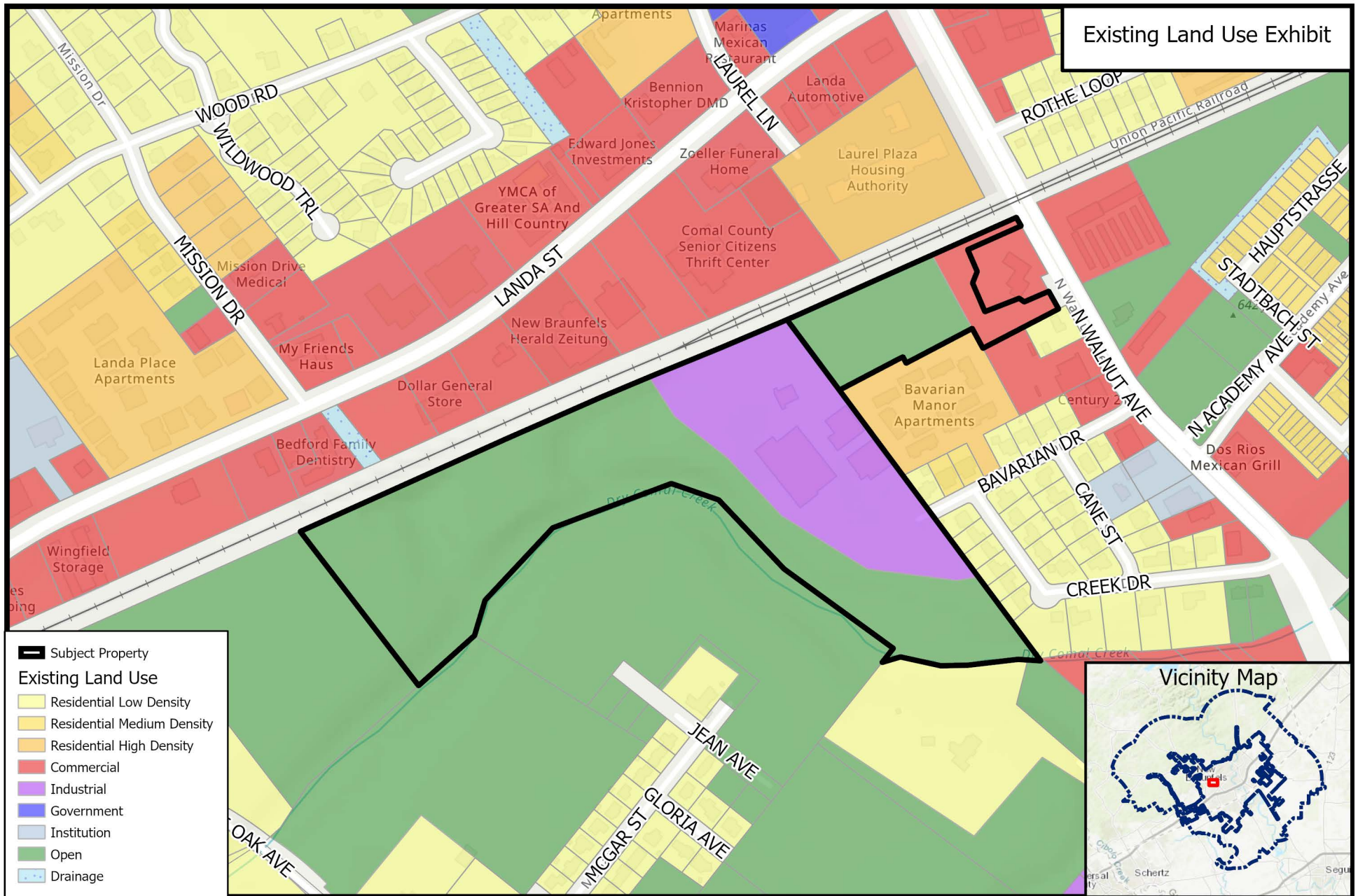


SUP20-300
SUP to allow for an RV resort



SUP20-300
SUP to allow for an RV resort





EXISTING CENTERS

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

EMPLOYMENT CENTER

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

MARKET CENTER

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

MEDICAL CENTER

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

CIVIC CENTER

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

OUTDOOR RECREATION CENTER

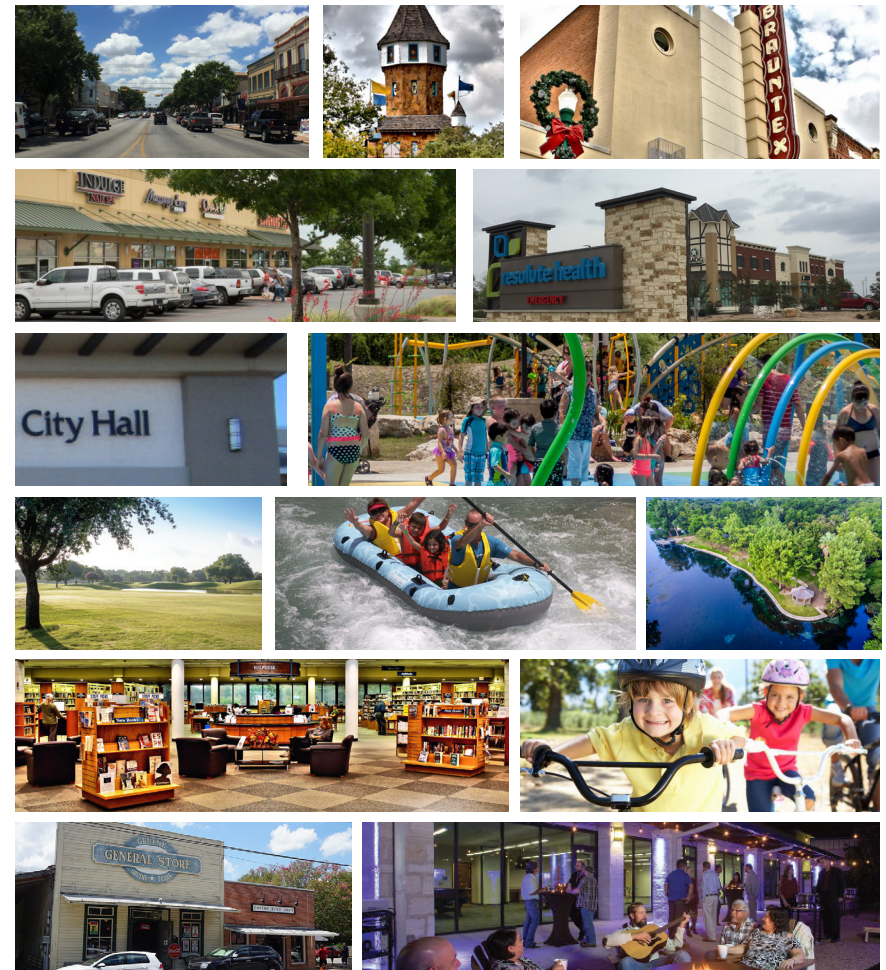
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

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

TOURIST/ENTERTAINMENT CENTER

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



FUTURE LAND USE PLAN

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

TRANSITIONAL MIXED-USE CORRIDOR

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

OUTDOOR RECREATION CENTER

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

EMPLOYMENT CENTER

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

MARKET CENTER

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

CIVIC CENTER

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

SUB AREA 1

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

SUB AREA 2

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

SUB AREA 3

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

SUB AREA 4

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

SUB AREA 5

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

SUB AREA 6

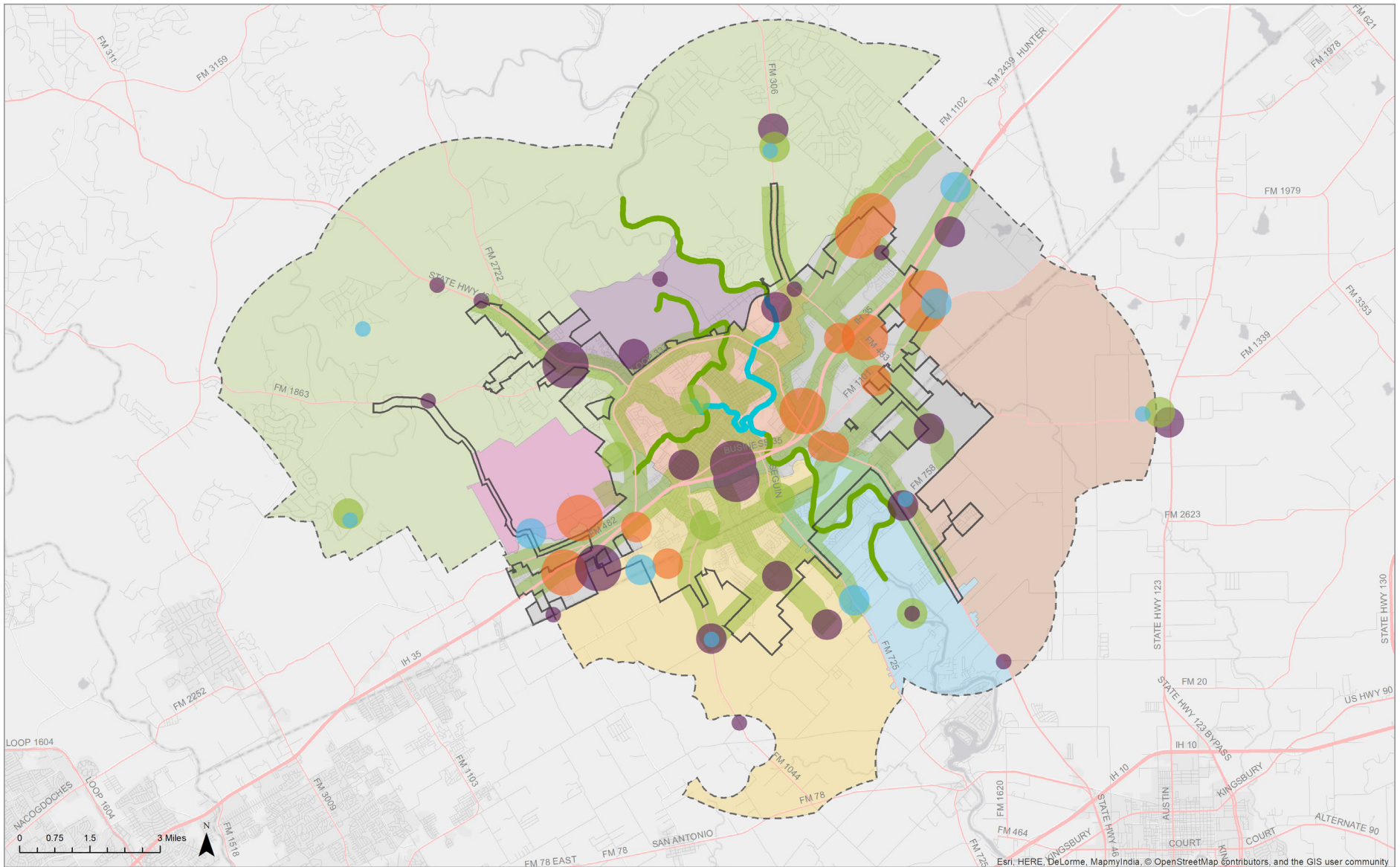
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

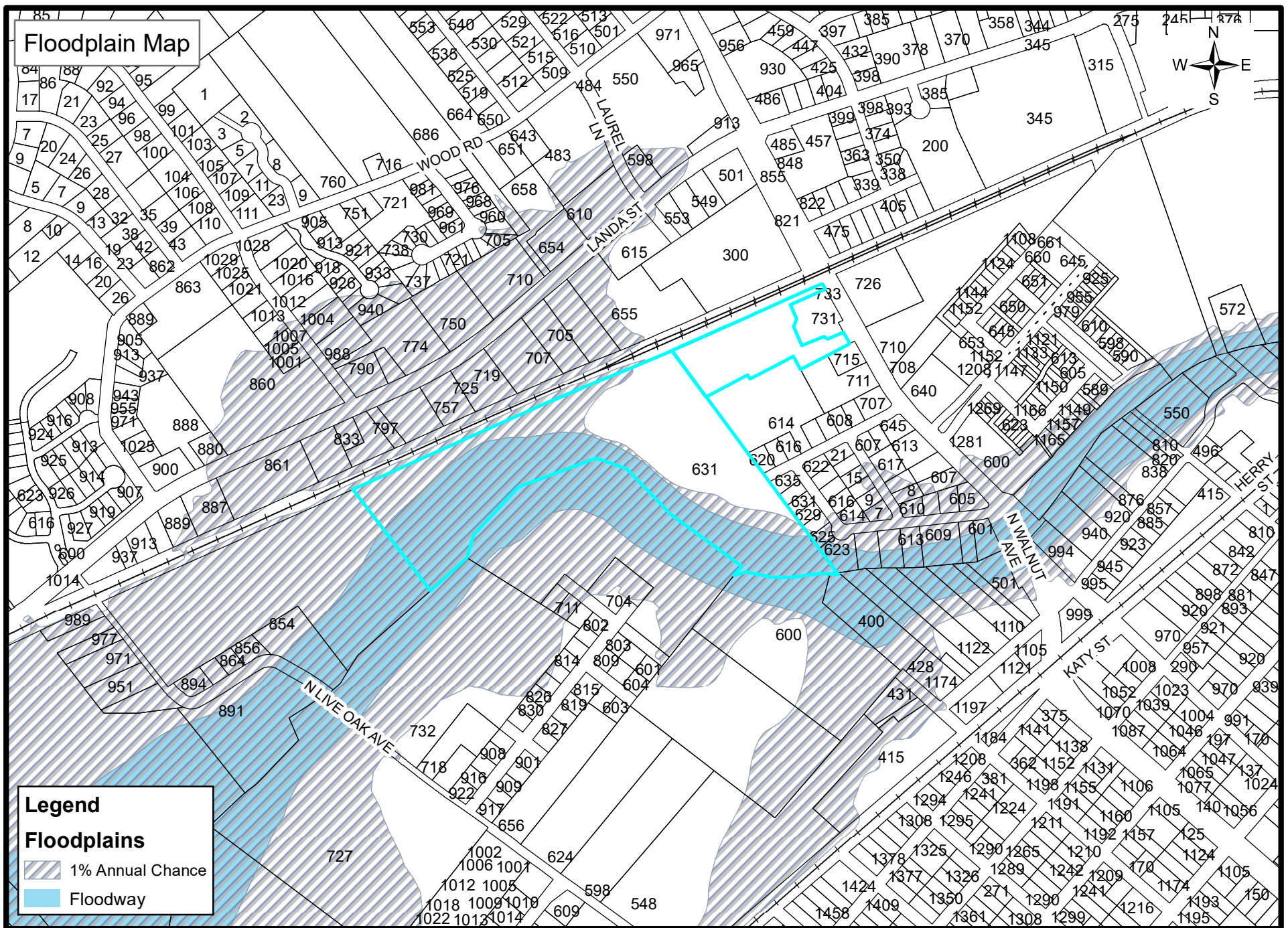
Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

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



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](#).



ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 1 SPECIAL USE PERMIT TO ALLOW AN RV RESORT ON APPROXIMATELY 28 ACRES CONSISTING OF LOT 1D-R WALNUT HEIGHTS SUBDIVISION AND APPROXIMATELY 24 ACRES OUT OF THE J. M. VERAMENDI A-2 SURVEY, LOCATED IN THE 700 BLOCK OF N. WALNUT 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 an RV resort; 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 on approximately 28 acres in the 700 block of N. Walnut Avenue to allow an RV resort in the M-1 Light Industrial, C-1 Local Business and R-2 Single and Two-family Districts; **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 1 Special Use Permit" for the uses and conditions herein described:

Being Lot 1D-R Walnut Heights Subdivision and approximately 24 acres out of the J. M. Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue, as depicted in Exhibit "A" and described in Exhibit "B" attached, to allow an RV resort in the M-1, C-1 and R-2 districts..

SECTION 2

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

1. Submittal of a Type 2 Special Use Permit application with detailed site plan addressing all City code requirements, including but not limited to access, drainage and flooding emergencies.
2. Any proposed deviations to the code must be submitted and approved with the Type 2 Special Use Permit prior to issuance of permits or development of the subject property as an RV resort.

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 25th 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

EXHIBIT "A"

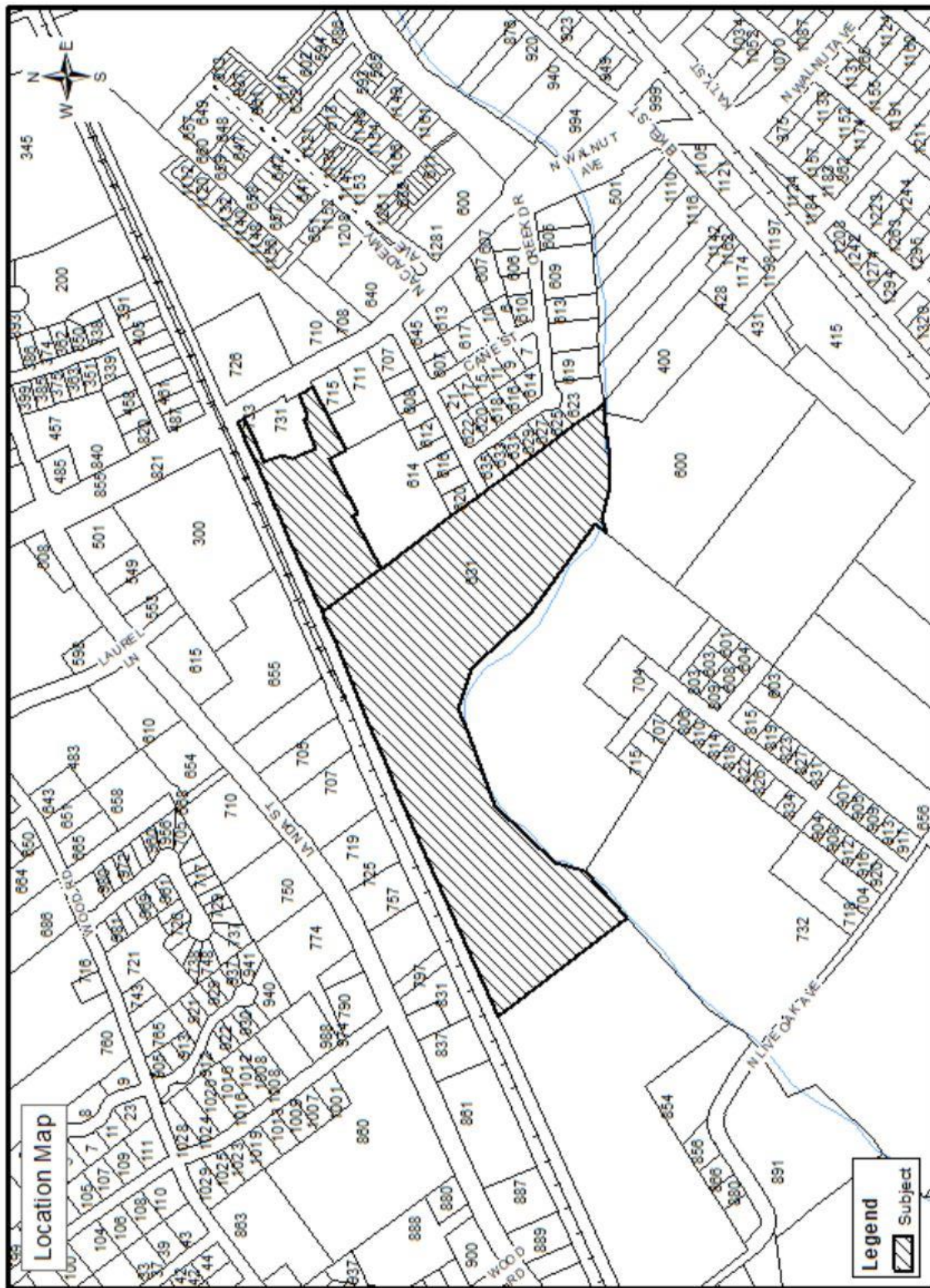


EXHIBIT "B"

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATED IN COMAL COUNTY, TEXAS, AND BEING 23.582 ACRES OF LAND OUT OF THE J. M. VERAMENDI TWO LEAGUE SURVEY, ABSTRACT NO. 1, AND ALSO BEING THE SAME TRACTS OF LAND CALLED 4.46 ACRES, RECORDED IN VOLUME 97, PAGES 452,-453, OF THE DEED RECORDS, AND A 20.0 ACRE TRACT RECORDED IN VOLUME 95, PAGES 580-581 OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND IN THE SOUTH R.O.W. LINE OF MISSOURI-PACIFIC RAILROAD, SAID POINT BEING THE WEST CORNER OF ABOVE REFERENCED 4.46 ACRE TRACT, FOR THE WEST CORNER OF THIS TRACT;

THENCE NO. 67° 04' 44" E. 1613.82 FEET ALONG SAID R.O.W. LINE TO A FENCE CORNER IN SAME, SAID POINT BEING THE NORTH CORNER OF SAID 20.0 ACRE TRACT, FOR THE NORTH CORNER OF THIS TRACT;

THENCE S. 35° 48' 53" E. 514.02 FEET AND S. 35° 26' 43" E. 843.20 FEET ALONG THE NORTHEAST FENCE LIEN OF ABOVE REFERENCED 20.0 ACRE TRACT TO A POINT ON THE NORTH BANK OF COMAL CREEK FOR THE EAST CORNER OF THIS TRACT;

THENCE UPSTREAM ALONG THE MEANDER OF COMAL CREEK AS FOLLOWS:

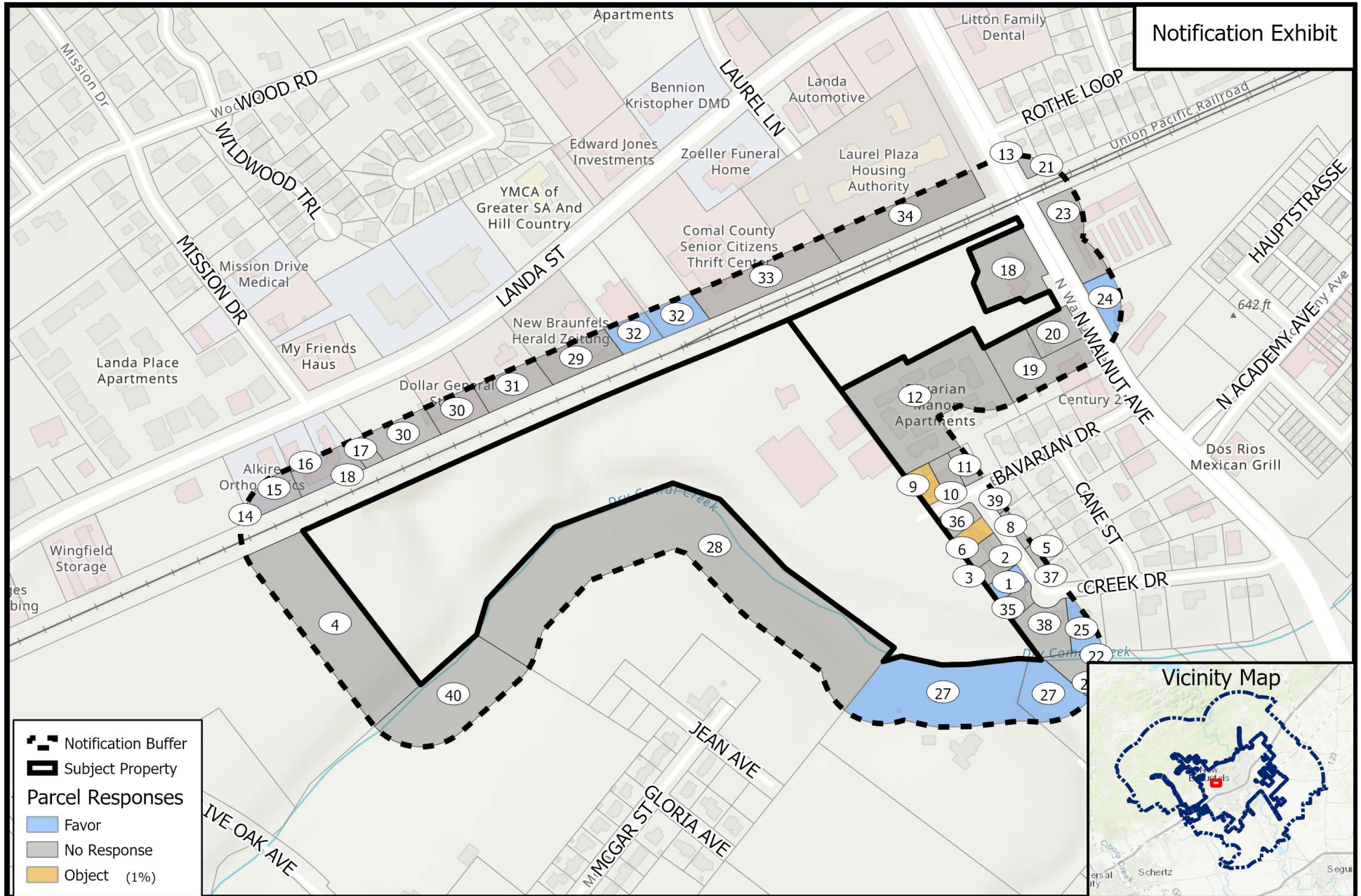
S. 84° 18' 42" W. 236.74 FEET;
S. 81° 31' 31" W. 30.03 FEET;
N. 80° 14' 57" W. 186.61 FEET;
S. 76° 14' 03" W. 22.74 FEET;
S. 69° 06' 21" W. 38.77 FEET;
N. 58° 47' 46" W. 17.87 FEET;
N. 10° 07' 22" W. 81.82 FEET;
N. 54° 47' 12" W. 464.02 FEET;
N. 17° 48' 45" W. 85.98 FEET;
N. 46° 13' 12" W. 200.80 FEET;
N. 75° 17' 12" W. 101.09 FEET;
S. 70° 11' 02" W. 420.64 FEET;
S. 42° 03' 48" W. 328.95 FEET;
S. 19° 47' 50" W. 109.94 FEET;
S. 45° 31' 14" W. 119.44 FEET; TO A POINT ON THE NORTH BANK OF COMAL CREEK FOR A CORNER OF THIS TRACT;

THENCE N. 37° 23' 47" W. 580.10 FEET TO THE PLACE OF BEGINNING AND CONTAINING 23.582 ACRES OF LAND, MORE OR LESS, ACCORDING TO A SURVEY MADE ON THE GROUND IN MARCH, 1978, UNDER THE SUPERVISION OF S. CRAIG HOLLMIG, REGISTERED PROFESSIONAL ENGINEER, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES.

Filed and Recorded
Official Public Records
Joy Streater, County Clerk
Comal County, Texas
07/29/2014 01:08:24 PM
TERRI 3 Page(s)
201406025695



Joy Streater



PLANNING COMMISSION – JANUARY 5, 2020– 6:00PM

Zoom Meeting

Applicant/Owner: James Ingalls

Address/Location: Approximately 28 acres in the 700 block of N. Walnut Avenue (see exhibit)

PROPOSED SPECIAL USE PERMIT – CASE #SUP20-300

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. ARREDONDO GLORIA & ROBERTO | 22. HANSMANN ROY L ET AL |
| 2. ELIAS JESUS | 23. SYDENSTRICKER DELORES JEAN |
| 3. SODDERS PROPERTIES LLC | 24. CLASSEN WAYNE |
| 4. TRISTAN BRANDON & CLAUDIA | 25. TALCOTT THOMAS L & CATHY C |
| 5. DEAN BARBARA H | 26. SCHRIEWER PROPERTIES LLC |
| 6. THOMAS MARILYN | 27. WALNUT CENTRE LLC |
| 7. PITTMAN JEANETTE | 28. WILLEFORD DWAYNE S |
| 8. WOOLSEY ASHLEY N | 29. NB 24 HOUR CLUB |
| 9. DUNLAP RUTH K | 30. HENRY GARY L & JANA G |
| 10. RENEAU SHAWN M | 31. RIEDEL BRANDON & AMBER H |
| 11. RENEAU NATHAN | 32. 7075PLS LP |
| 12. T G 104 INC | 33. ARC DGNBFTX001 LLC |
| 13. NEWMAN JOEL | 34. SOGGY PESO INVESTMENTS LLC |
| 14. AGARITA PROPERTIES LTD | 35. JLFH INVESTMENTS LLC |
| 15. GATHANY FAMILY LTD PARTNERSHIP | 36. COMAL COUNTY SENIOR CITIZENS FOUNDATION |
| 16. KNEUPER S J & R R LIVING TRUST | 37. HOUSING AUTHORITY OF CITY OF N B |
| 17. NEW BRAUNFELS CITY OF | 38. RECTOR ROBERT J & SARAH |
| 18. BEDFORD DONALD B ET AL | 39. JENNY COX III LP |
| 19. MORRISON RON & CAROLYN C | 40. CINOTTO DAVID J & CHRISTINA M |
| 20. PUREBRAUN LLC | 41. CRUZ J REFUGIO |
| 21. STAR PARTNERSHIP | 42. WOOLSEY JULIE R |
| | 43. PFEFFER SHANE D & SHEILA M |

SEE MAP

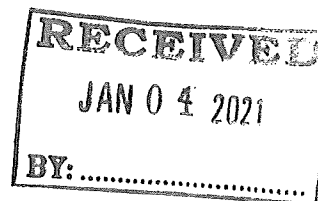
YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-300 hm

Name: Roberto & Gloria ArredondoAddress: 627 Creek Drive, NB, TXProperty number on map: II favor: ✓✓

I object: _____ (State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Roberto Arredondo
Gloria Arredondo

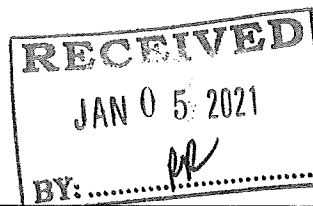
YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-300 hm

Name: WAYNE CLASSENAddress: Roth LoopProperty number on map: 2124 on sheetI favor: X

I object: _____ (State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Wayne Classen

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-300 hm

Name: Tom HovestadtAddress: 710 N. WalnutProperty number on map: 24I favor: ✓

I object: _____ (State reason for objection)

Comments: (Use additional sheets if necessary)

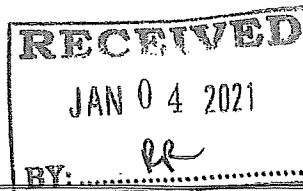
Signature: MT Hovestadt

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-300 hm

Name: Thomas & Cathy Talcott I favor: ☒Address: 1122 Eikel + 1174 Eikel? I object: _____ (State reason for objection)Property number on map: 25 Comments: (Use additional sheets if necessary)

This will be a 1st class low density business, which is much preferred over high-density rooftops.

Signature: Cathy Talcott

YOUR OPINION MATTERS - DETACH AND RETURN

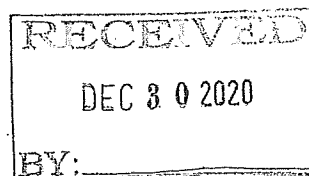
Case: #SUP20-300 hm

Name: GARY HENRYI favor: ☒Address: 600 N. HICKORY, NB

I object: _____ (State reason for objection)

Property number on map: 27

Comments: (Use additional sheets if necessary)

Signature: G. Henry

YOUR OPINION MATTERS - DETACH AND RETURN

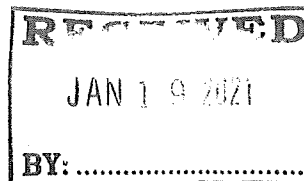
Case: #SUP20-300 hm

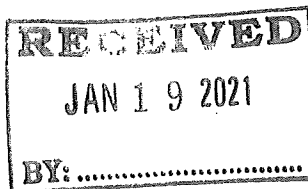
Name: FRANK HAMPEL, MB I favor: ☒Address: 705-LANDA

I object: _____ (State reason for objection)

Property number on map: 32

Comments: (Use additional sheets if necessary)

Signature: F. Hampel



I am surprised at the short notice given to property owners to object to this devastating change. The timing could NOT have been worse. I received notice about this proposal two days before Christmas! I was NOT contacted about the December 17th presentation by mail or by phone.

I object to the proposed zoning change because:

My property value will go DOWN.

The land in the proposal is in the flood plane. Rain water or flood water cannot be absorbed into concrete. The runoff could be considerable.

No thru traffic access.

No utilities.

This will lead to massive construction to a neighborhood not designed for massive destruction.

I have NOT spent 30 years paying for a property to have it devalued for an RV Park.

The creek is NOT a recreational creek. The creek water is stagnant water possibly containing chemical waste and at least one water moccasin. The water is brown and has a foamy surface.

To my knowledge, the owners of this land are NOT in residence in New Braunfels. They have no way of knowing how the property will be managed or maintained.

This is a residential neighborhood with small children and pets. Dump trucks and construction equipment should NOT be a part of this neighborhood.

This is an area abundant in wildlife. Of course, they are NEVER considered, but deer and other wildlife were here FIRST.

An RV Park should be on the highway NOT in a residential neighborhood.

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-300 hm

Name: Marilyn Thomas

Address: 633 Creek Drive

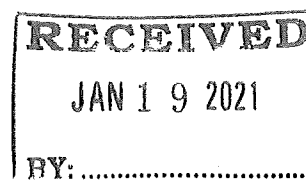
Property number on map: 6

I favor: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Marilyn Thomas



JAN 19 2021

290

Case: #SUP20-299 hm

Name: CATHY VALDERRAMAAddress: 10014 TOLMAN ST.Property number on map: #9

I favor: _____

BY: _____

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: _____

270 E. NACOGDOCHES

I object to this type of property because it is not beneficial to the neighborhood. I am having some construction done on my house in the near future, for this to become once again my homestead. I really as an older adult don't need people

coming and going at all hours with this kind of property. Over the years, this house has been a constant nuisance with people of all kinds inhabiting the house. If it is not used as a homestead, it would certainly be better as a business than a short term rental. In the summer now the traffic is bad, and parking now has backed up to my house because, at least now there is restricted parking towards the river. I know that short term rental AB+B's are the latest fad, but as a born and raised New Braunfels person I think, just because it may good for city taxes, it is bad for quality of life.

Thanks for at least reading this. I could not attend on Jan 5 because I was in the hospital.

Cathy Valderama

1/25/2021

Agenda Item No. E)

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 to apply a Special Use Permit on approximately 23 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306, to allow multifamily high-density residential use in the "C-1" Local Business District and "M-1" Light Industrial District.

BACKGROUND / RATIONALE:

Case No.: SUP20-284

Council District: 4

Owner: Noland and Vera Koepp, Ltd. Partnership
2755 Hunter Rd.
New Braunfels, TX 78132
(830) 608-4658 - debbie@fapcollc.com

Applicant: HMT Engineering & Surveying (Thor Thornhill)
290 S. Castell Ave.
New Braunfels, TX 78130
(830) 625-8555 - plats@hmtnb.com

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

The subject property is comprised of approximately 23 acres on the southwest corner of the intersection of E. Common Street and Old FM 306 and is currently unimproved and utilized for agricultural purposes. The applicant is requesting approval of a Special Use Permit (SUP) to allow development of multifamily high-density residential use, at up to 24 units per acre. If approved, it would be appropriate for multifamily at this location to adhere to the multifamily development standards of the R-3H District. As the base zoning would remain, non-residential uses would also continue to be allowed on the site.

Surrounding Zoning and Land Use:

North - M-1 and across Old FM 306, M-1 / Agricultural and across Old FM 306, multifamily development and a bank

South - Across E. Common St., R-3L, ZHA and "Vineyard at Gruene" Planned Development District / Multifamily development and single-family residences
 East - M-1 and across unimproved Waterway Lane, M-1 and C-1 / NBU utility lot and across unimproved Waterway Lane, retail and office development, a rehabilitation hospital, a 55+ multifamily development, a senior assisted living facility and an undeveloped lot
 West - Across E. Common St., C-1A / Undeveloped agricultural land

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 multifamily use is consistent with the mixture of zoning districts and multifamily/commercial uses in the area and has direct access to Common Street, a Principal Arterial. The inclusion of appropriate supporting non-residential uses within the proposed project would provide flexibility for the long-term success of the site.)*
- 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. Traffic signal improvements at the intersection of E. Common Street and Old FM 306 currently are in final engineering design as part of the Roadway Impact Fee program. However, construction funding has not yet been identified and timing of the project is unknown at this time. Development of the subject property will require a TIA which will determine if any improvements are required to be made by the developer to accommodate traffic associated with the proposed multifamily development.)*
- How other areas designated for similar development will be affected *(The proposed land use should not negatively impact other areas designated for similar development when developed in compliance with proposed conditions and current development standards.)*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(None identified. Drainage, utility and traffic impact will be reviewed and addressed through the platting and permitting processes.)*
- 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 3.1: Plan for healthy jobs/housing balance. Conflicting Actions: Action 3.18: Encourage multifamily to disperse throughout the community rather than to congregate in masse. Future Land Use Plan: The property lies within the New Braunfels Sub Area near Existing Employment, Market, Tourist/Entertainment and Education Centers and in the vicinity of proposed Future Market Centers along a Transitional Mixed-Use Corridor. |
|---|---|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 5, 2021 and recommended approval with staff recommendations (8-1-0, with Commissioner Mathis opposed).

STAFF RECOMMENDATION:

Approval. Multifamily would be compatible and consistent with development and zoning in the surrounding area, with the following condition:

- Site development must adhere to the multifamily development standards of the “R-3H” Multifamily High-Density zoning district.

Notification:

Public hearing notices were sent to 14 owners of property within 200 feet of the request. The City received one response in opposition from number 10 and one another response in opposition from a resident outside the 200-foot notification area. No responses in favor have been received.

RESOURCE LINKS:

- Chapter 144, Sec. 3.3-7 “C-1” Local Business District:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Sec. 3.3-11 “M-1” Light Industrial District:
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?
- Chapter 144, Secs. 3.4-5 “R-3H” Multifamily High Density District of the City’s Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

ATTACHMENTS:

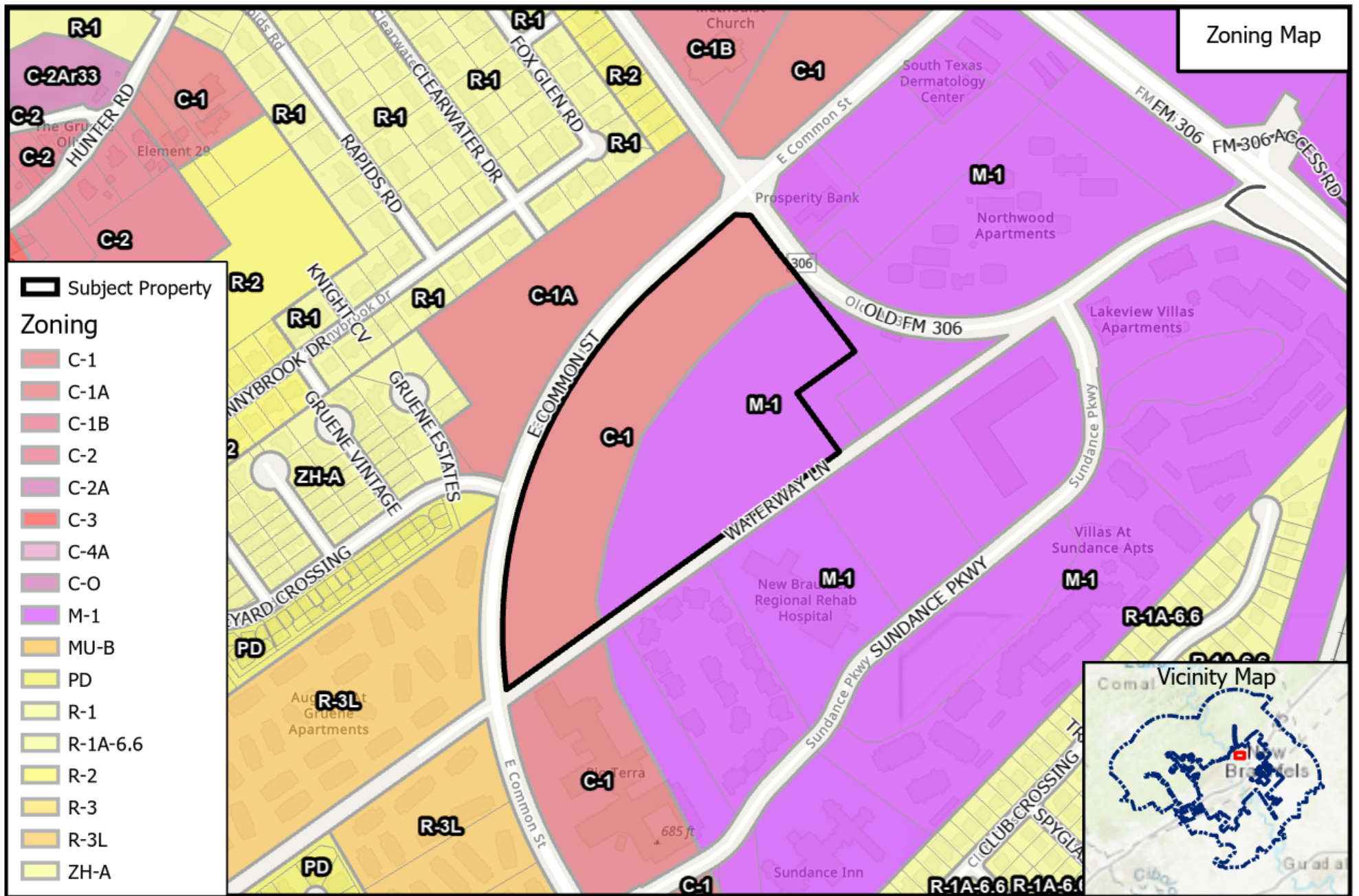
1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. Notification List, Map and Response
4. Excerpt of Minutes from the January 5, 2021 Planning Commission Regular Meeting
5. Ordinance



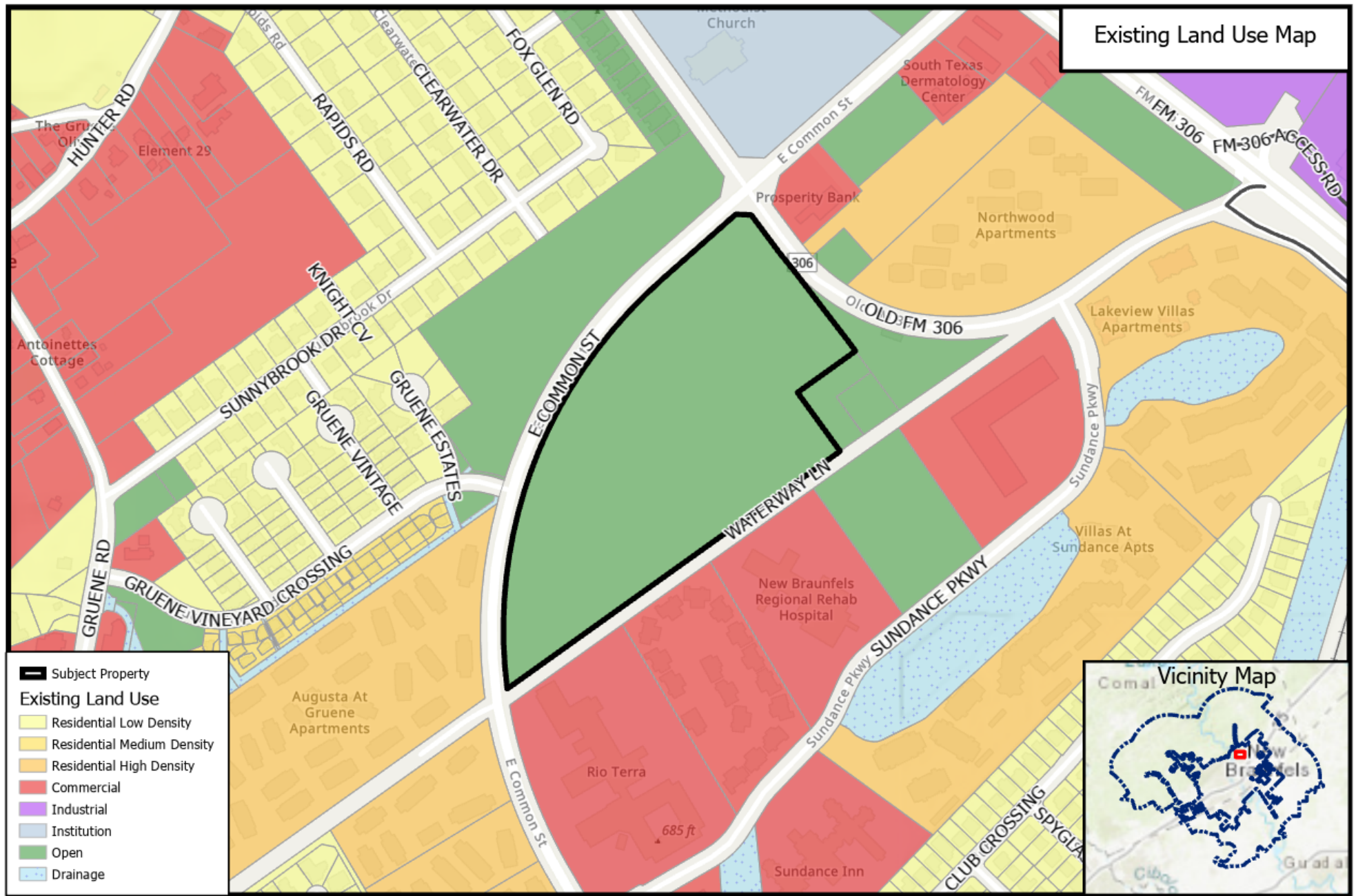
SUP20-284

SUP to allow for high density multi-family

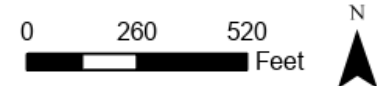




SUP20-284
SUP to allow for high density multi-family



SUP20-284
SUP to allow for high density multi-family



Path: \\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2020\SUP20-284 - E Common St

Source: City of New Braunfels Planning
 Date: 12/16/2020

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 is at that party's risk and without liability to the City of New Braunfels. 296 officials or employees for any discrepancies, errors, or variances which may exist.

EXISTING CENTERS

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

EMPLOYMENT CENTER

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

MARKET CENTER

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

MEDICAL CENTER

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

CIVIC CENTER

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

OUTDOOR RECREATION CENTER

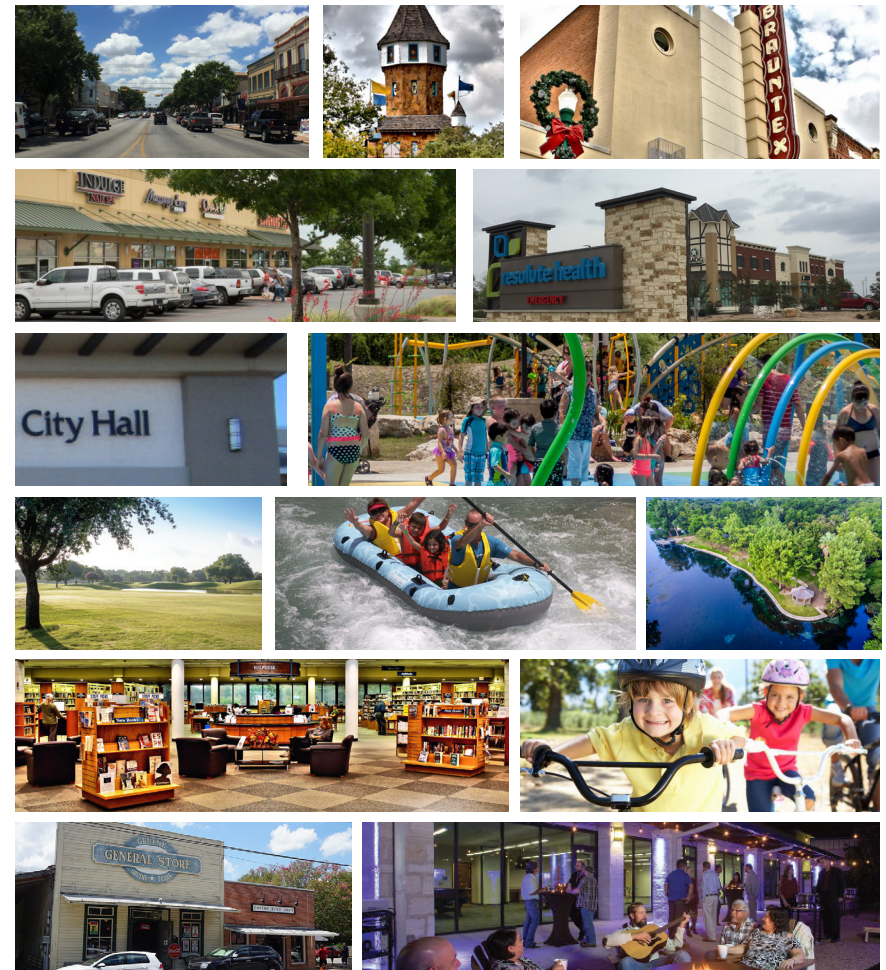
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

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

TOURIST/ENTERTAINMENT CENTER

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



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.

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

SUB AREA 3

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

SUB AREA 4

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

SUB AREA 5

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

SUB AREA 6

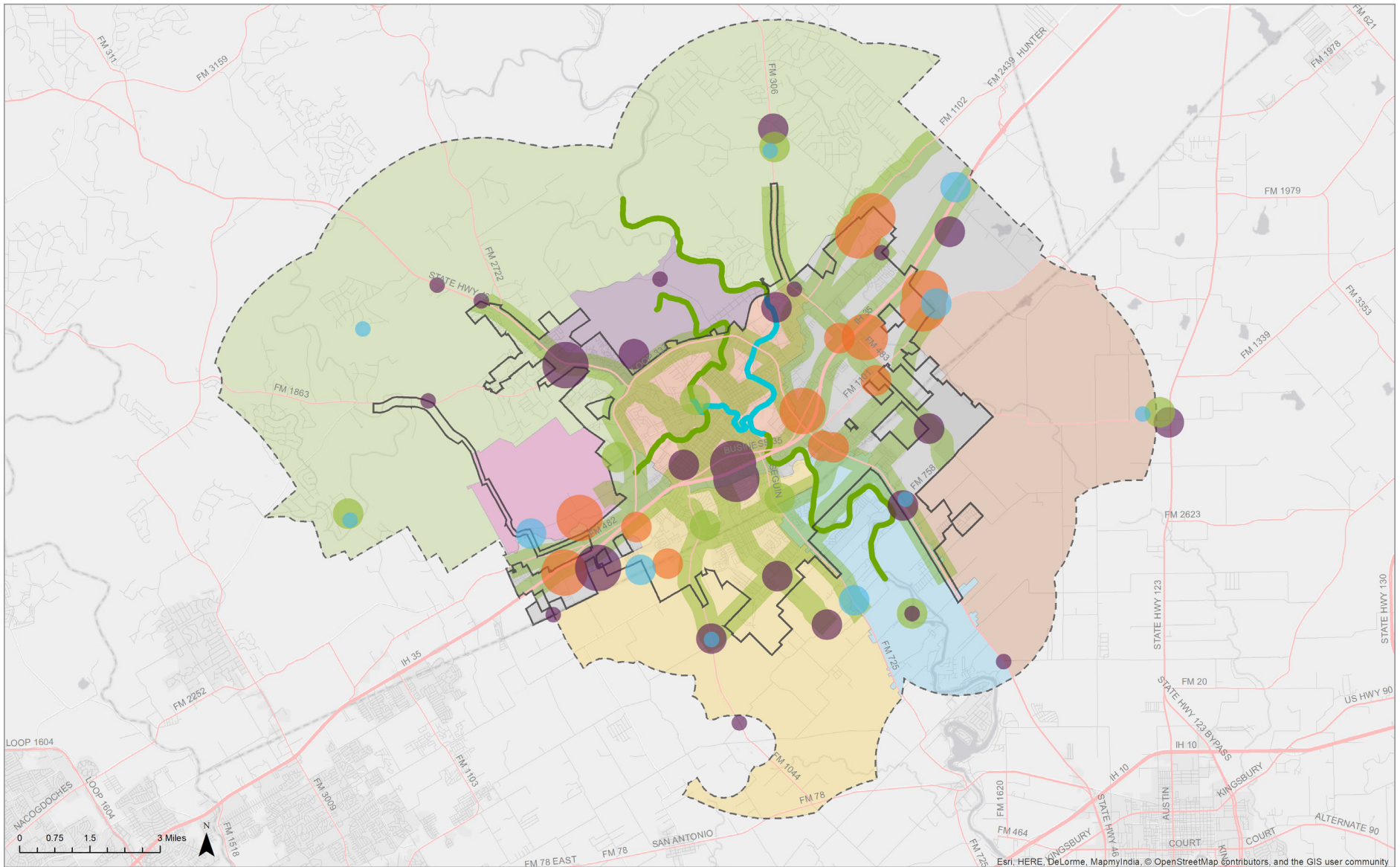
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

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

SUB AREA 8

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



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

PLANNING COMMISSION – JANUARY 5, 2020– 6:00PM

Zoom Meeting

Applicant/Owner: HMT Engineering & Surveying, agent for Noland and Vera Koepp, Ltd Partnership, owner

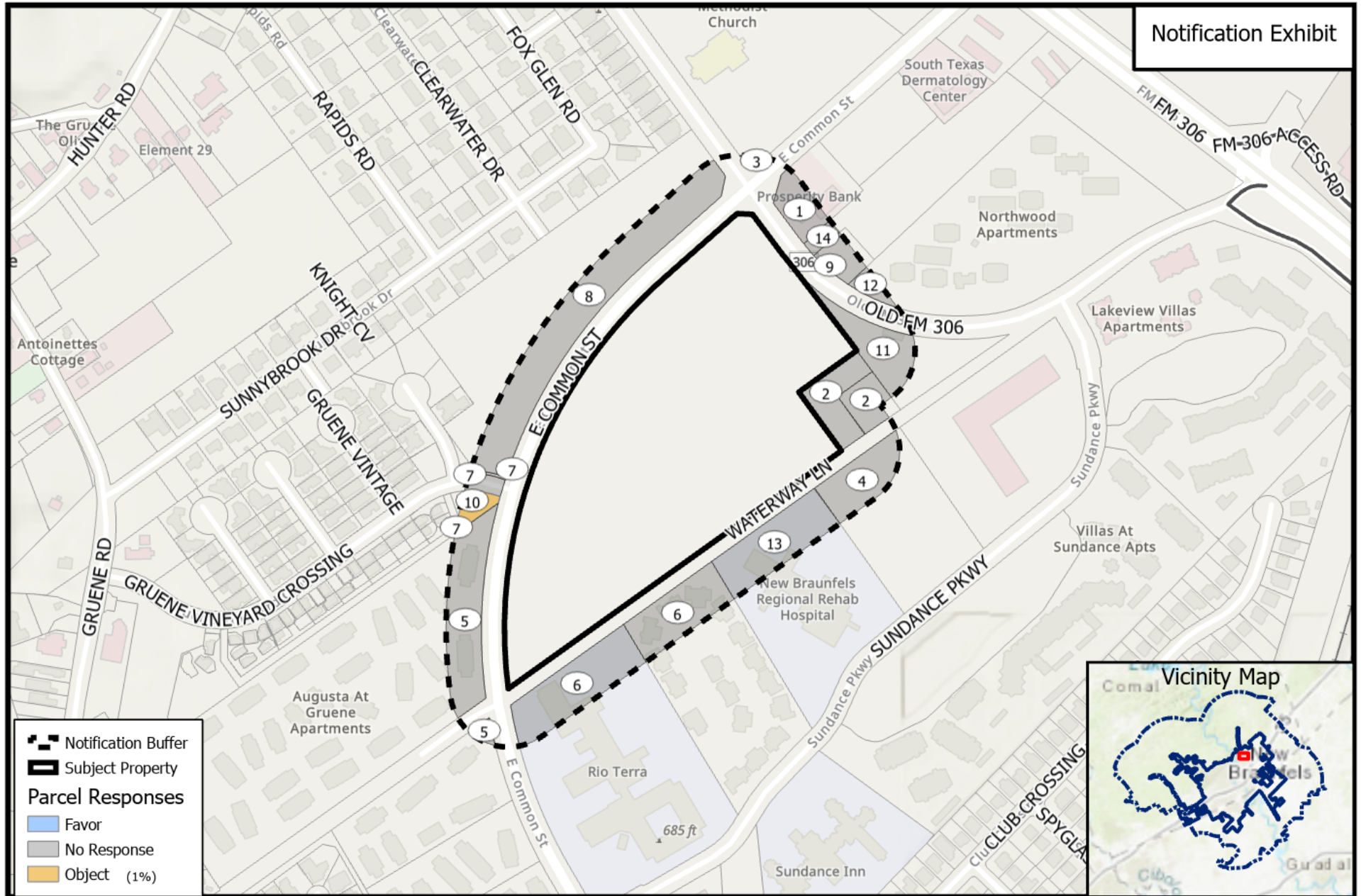
Address/Location: Approximately 23 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306

PROPOSED SPECIAL USE PERMIT – CASE #SUP20-284

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”.

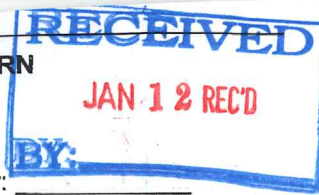
- | | |
|-------------------------------------|---|
| 1. FIRST VICTORIA NATIONAL BANK | 8. KOEPP NOLAND & VERA LTD PRTNRSHP LTD |
| 2. NEW BRAUNFELS UTILITIES | 9. ROTHCHILD INVESTMENT CORP |
| 3. GRUENE UNITED METHODIST CHURCH | 10. NEW DAY CUSTOM HOMES LLC |
| 4. PROPERTY OWNER | 11. RAHE JAMES JR & TERRI L |
| 5. AUGUSTA GRUENE APARTMENTS LP | 12. NEW BRAUNFELS APARTMENTS LTD |
| 6. WELLTOWER TCG RIDEA LANDLORD LLC | 13. MPT OF COMAL COUNTY LLC |
| 7. VINEYARD AT GRUENE POA | 14. NEW BRAUNFELS APARTMENTS II LLC |

SEE MAP



SUP20-284 **SUP to allow for high density multi-family**

YOUR OPINION MATTERS - DETACH AND RETURN



Case: #SUP20-284 (MG)

Name: Theresa Youngin - New Dry Creek Home

I favor: _____

Address: 101 Paseo del Rio Sgmn, 78155

Property number on map: #10 - Lot 71

I object: ✓

Comments: (Use additional sheets if necessary)

(State reason for objection)

Signature: Theresa Youngin

Common Street could not bear
the heavy load of traffic that
this project will create. Causing
a dangerous ingress/egress

From: [Charles Broussard](#)
To: [Matt Greene](#)
Cc: [Barbara Broussard](#)
Subject: Re: SUP20-284
Date: Tuesday, January 5, 2021 4:22:43 PM
Attachments: [EmailLogo-Small_c6d86cff-0062-47bb-89b0-351933562e2d.png](#)
[facebook_e078b806-932a-4345-a222-52843c4a2a78.png](#)
[twitter_18db307e-2a37-41c2-b4fd-1376bcb3dfd4.png](#)
[instagram_59f46ed4-523c-47da-a034-86de8a4782fc.png](#)

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

Mr. Greene,

Thank you for your time today. We live in the subdivision across the street from this proposed change. We feel it will lower our property value and will be a burden for entering and exiting our subdivision. We are against this. We cannot join the meeting today as we are on the road but please record our strong opposition to this proposed change.

Charles & Barbara Broussard
1228 Gruene Valley Cir.
New Braunfels, Tx 78130

Thank you,

Charles Broussard
817-371-5068

Sent from my iPhone

On Jan 5, 2021, at 4:11 PM, Matt Greene <MGreene@nbtexas.org> wrote:



Do you have a question about a permit? Check out the [Citizen Portal](#).
We encourage you to keep up with the progress on our new comprehensive plan by visiting www.envisionnewbraunfels.org and liking our [facebook page](#).

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

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

Draft Minutes for the January 5, 2021 Planning Commission Regular Meeting

G) SUP20-284 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit on approximately 23 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306, to allow multifamily high-density residential use in the “C-1” Local Business District and “M-1” Light Industrial District. Owner: Noland and Vera Koepp, Ltd. Partnership Applicant: HMT Engineering & Surveying (Thor Thornhill); Case Manager: Matt Greene.

Mr. Greene presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed for clarification on height restrictions for multifamily, traffic issues, and density.

Chair Edwards asked if the applicant would like to speak.

Chris Crim, 290 S Castell, stated the intent behind the request.

Discussion followed on clarification for the proposed multifamily development.

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

Mike Phelan, 1224 Gruene Valley Circle, stated traffic as a concern.

Ron Riffel, 1728 Gruene Vineyard Crossing, stated traffic and property values as a concern.

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

Motion by Commissioner Sonier, seconded by Commissioner Gibson, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit on approximately 23 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306, to allow multifamily high-density residential use in the “C-1” Local Business District and “M-1” Light Industrial District. Motion carried (8-0-1) with Commissioner Mathis in opposition.

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING APPROVAL OF A TYPE 1 SPECIAL USE PERMIT ALLOWING MULTIFAMILY HIGH-DENSITY RESIDENTIAL USE IN THE “C-1” LOCAL BUSINESS DISTRICT AND “M-1” LIGHT INDUSTRIAL DISTRICT ON APPROXIMATELY 23 ACRES OUT OF THE A.P. FUQUAY SURVEY NO. 35, ABSTRACT NO. 155, COMAL COUNTY, TEXAS, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF E. COMMON STREET AND OLD FM 306; 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 use; and

WHEREAS, the City Council desires to grant approval of a Type 1 Special Use Permit allowing multifamily high-density residential use in the “C-1” Local Business District and “M-1” Light Industrial District on approximately 23 acres of land out of the A.P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306.

WHEREAS, the request 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 1 Special Use Permit" for the uses and conditions herein described:

Being approximately 23 acres of land out of the A.P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306 as described in Exhibit "A" and delineated in Exhibit "B", to allow multifamily high-density residential use in the "C-1" Local Business District and "M-1" Light Industrial District.

SECTION 2

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

1. Site development for multifamily use must adhere to the multifamily development standards of the "R-3H" Multifamily High-Density zoning district.

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 25th 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

METES AND BOUNDS DESCRIPTION
FOR A 22.338 ACRE TRACT

Being a 22.338 acre tract located in the A.P. Fuquay Survey No. 35, Abstract No. 155, Comal County Texas. Also being a portion of the remainder of Tract 7, "Exhibit G", a called 82.53 acre tract, recorded in Document No. 200506019928, Official Public Records of Comal County, Texas. said Tract being more particularly described as follows:

BEGINNING at a ½" iron rod with cap "HMT" set in the Northwest line of Waterway Lane (52.5' R.O.W.) for a Northeast corner of the herein described tract, being the Southernmost corner of a called 0.920 acre tract conveyed to New Braunfels Utilities, recorded in Document No. 201806034608 of the Official Public Records of Comal County, from which a ½" iron rod found for the Easternmost corner of said 82.53 acre tract and the Easternmost corner of a called 0.516 acre tract conveyed to New Braunfels Utilities, recorded in Vol. 616, Pg. 822 of the Comal County Deed Records bears North 54°18'07" East, a distance of 249.72 feet;

THENCE with the South line of said 82.53 acre tract and the North line of Waterway Lane (also called Koepp Lane) South 54°18'07" West, a distance of 1398.73 feet to a ½" iron rod with cap "HMT" set in the East margin of Common Street, for the Southeast corner of Parcel 11 – a 3.779 acre tract conveyed to the City of New Braunfels for Common Street in Volume 753, Page 60, Comal County Deed Records;

THENCE into and across said 82.53 acre tract, with the South line of said Parcel 11, the following three calls:

- 1.) Along a curve to the right, with a radius of 1597.02 feet, arc length of 1551.44 feet and a chord bearing North 20°39'44" East, a distance of 1491.15 feet to a 1" square bar found;
- 2.) North 48°29'16" East, a distance of 321.94 feet to a ½" iron rod with cap "HMT" set for a flare corner at the Southeast intersection of Common Street and Old FM 306;
- 3.) Along the flare corner South 87°06'07" East, a distance of 84.67 feet to a ½" iron rod with cap "HMT" set for the flare corner and the Southeast corner of said Parcel 11, lying in the West line of a called 0.221 acre tract, conveyed to the State of Texas for Old FM 306 (Previously known as Hancock Road) Road widening, recorded in Volume 100, Page 407 Comal County Deed Records;

THENCE with the West line of Old FM 306 and said 0.221 of an acre tract, the following two calls:

- 1.) South 36°32'55" East, a distance of 161.79 feet to a ½" iron rod with cap "HMT" set;
- 2.) Along a curve to the left, with a radius of 753.10 feet, an arc length of 132.66 feet and a chord bearing South 43°52'54" East, a distance of 132.49 feet to a ½" iron rod with cap "HMT" set for the Southernmost corner of said 0.221 acre tract, lying in the Northeast line of said 82.53 acre tract;

THENCE with the Northeast line of said 82.53 acre tract, and the Southwest line of a called 1.621 acre tract, recorded in Volume 764, Pg. 806 of the Comal County Deed Records, South 35°37'52" East, a distance of 262.73 feet to a punch mark found in concrete for the Northernmost corner of said 0.920 acre tract;

THENCE into and across said 82.53 acre tract with the West line of said 0.920 acre tract, the following two calls:

- 1.) South 54°18'46" West, a distance of 251.14 feet to a ½" iron rod with cap "HMT" set;
- 2.) South 35°56'00" East, a distance of 250.25 feet to the POINT OF BEGINNING and containing 22.338 acres of land in Comal County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83.

EXHIBIT "A"

1/25/2021

Agenda Item No. F)

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 to apply a Special Use Permit to allow short term rental of a single-family residence in the C-3 Commercial District, addressed at 262 East Nacogdoches Street.

BACKGROUND / RATIONALE:

Case No.: SUP20-299

Council District: 5

Applicant/Owner: Aurora Hayes
11030 Endicott Lane
Houston, TX 77035
(713) 416-6640
hayesa73@sbcglobal.net

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

The subject property is located two blocks east of Seguin Avenue, between Business 35 and the railroad tracks, and is zoned C-3 Commercial District. The property contains an 830 square foot residence with detached garage.

The applicant is requesting a Special Use Permit (SUP) to allow short term rental (STR) of the property. The house has 2 bedrooms and 1 bath. Per the Zoning Ordinance, maximum occupancy of an STR with one bathroom is limited to 5 occupants.

The minimum off-street parking requirement for this proposed STR is 2 spaces, or one per sleeping room. The existing 90-foot long driveway can accommodate at least three cars. The Zoning Ordinance requires all parking areas to be paved. The driveway may have been paved at one time, but there is little asphalt remaining today. The applicant states the driveway is so compacted that it is "essentially paved" and there is no present tracking of material into the right-of-way. She is requesting a code deviation as part of the SUP to not be required to repave the existing drive and increase impervious cover so close to the river.

Section 144-5.1 of the Zoning Ordinance requires all off-street parking areas to be properly graded

for drainage; surfaced with concrete, asphaltic concrete, or asphalt; and maintained in good condition, free of weeds, dust, trash and debris. To address varying development, geologic and geographic situations, the City Engineer, at his or her discretion, may allow the use of substitute materials, such as pavestone or permeable pavement.

Recently, City Council has approved two short-term rental SUPs with deviations to the paving requirement. One (534 Cross River Street) was required to construct a concrete approach from the street pavement to the property line; the other (436 N. Union Avenue) was allowed to maintain an existing rock area adjacent to the concrete driveway for overflow parking and maneuvering.

If the SUP zoning is approved, a separate short-term rental permit is also required.

Surrounding Zoning and Land Use:

North - Across Nacogdoches Street, C-3/ Single-family residence

South - C-3/ Single-family residence

East - C-3/ Single-family residence

West - C-3/ Single-family residence

Determination Factors:

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

- Whether the permitted uses will be appropriate in the immediate area and their relationship to the area and to the City as a whole (*The site is centrally located within a short drive to many visitor attractions, and in an area containing a mix of residential and commercial uses, including two existing STRs.*);
- 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 (*Short term rental standards help to ensure proper measures are in place to protect public health, safety and neighboring properties.*); and
- Whether the request is consistent with the Comprehensive Plan.

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

| | |
|---|--|
| City Plan/Council Priority: Envisions New Braunfels Comprehensive Plan | Action 1.3 Encourage balanced and fiscally responsible land use patterns. Action 1.14 Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions. Future Land Use: The property is situated within the New Braunfels Sub-Area, in close proximity to a Recreational River Corridor and Existing Tourist/Entertainment, and Outdoor Recreation Centers. |
|---|--|

FISCAL IMPACT:

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

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 5, 2021 and voted unanimously to recommend approval with staff recommended conditions. (9-0-0)

STAFF RECOMMENDATION:

Approval in accordance with the ordinance requirements, including the following conditions:

1. The residential character of the property must be maintained.
2. Off-street parking for at least two cars (9' x 36') will be paved with asphalt, concrete, or other material approved by the City Engineer, and the driveway approach paved with concrete per City standards.
3. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
4. Occupancy is limited to a maximum of 5 guests.
5. All other standards of the Zoning Ordinance will also be met.

Notification:

Public hearing notices were sent to 15 owners of property within 200 feet of the request. The City received one response in favor (#12) and one in objection (#1).

RESOURCE LINKS:

- Chapter 144, Sec. 3.3-7 (C-1) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_C H144ZO_ARTIIIZODI_S144-3.3ZODIREPRZOPRJU221987
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_C H144ZO_ARTIIIZODI_S144-3.6SPUSPE
- Chapter 144, Sec. 5.17 (Short-term Rental) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_C H144ZO_ARTVDEST_S144-5.17SHTEREOC

ATTACHMENTS:

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



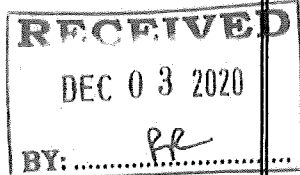
SUP20-299
SUP to allow for short term rental



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

CC/Cash/Check No.: 122
Case No.: 50P20-299
Amount Recd. \$ 1,565.00
Receipt No.: 24562

Submittal date - office use only



Special Use Permit for Short Term Rental Application

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

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

Name: Aurora Hayes
Mailing Address: 11030 Endicott Lane
Telephone: _____ Fax: _____ Mobile: 713-416-6640
Email: hayesa73@sbcglobal.net

2. Property Address/Location: 262 E. Nacogdoches New Braunfels 78130

3. Legal Description:
Name of Subdivision: New Khueker Addition
Lot(s): 5 Block(s): 1050 Acreage: 0.1915

4. Existing Use of Property: Residential / Personal A1

5. Current Zoning: C3 Commercial / Residential

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

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

6. Proposed Special Use Permit*: Type 1 _____ OR Type 2 ☒
*see page 4 for Information regarding Type 1 and Type 2 Special Use Permits

7. Explain how the proposed Short-Term Rental use will be well suited for the neighborhood (attach additional or supporting information if necessary): Having a short-term Rental use will allow more visitors to enjoy what New Braunfels has to offer. This will bring in more revenue for the city through surrounding businesses - (ie restaurants, shops, tubing, farmer's market, movie theatre, etc.)

1 CAR GARAGE
12 ft. wide x 20.3 ft.
long

BACK
DOOR

From the fence to the side of the driveway it is
25 ft. wide. Plenty of room for 2 cars side by
side

BEDROOM

KITCHEN

DINING

ONE FLOOR-HOUSE
IS 830.06 Sq.Ft.

LIVING ROOM ALL OPEN
CONCEPT

BATHROOM

DRIVEWAY IS FILLED IN FOR
BETTER VIEW

IT IS 16 ft. wide and 93 ft.
long from the pole to the
garage doors.

Plenty of space for the
required amount of 3 vehicles

BEDROOM

FRONT
DOOR

FRONT PORCH

12'

34.3'

December 23, 2020

1. Paved by definition is- A piece of ground covered with concrete, asphalt, stones, or bricks. (my driveway has a base of bulk all purpose sand, covered with pavestone specifically crushed blue stone that has been seasoned for decades therefore by definition it is a paved driveway.
2. Although it APPEARS there is no currently pavement/surface, if you would do further inspection, then it will no longer appear to be unpaved. You will find that it is indeed paved.
3. After the conclusion of further inspection, it will be apparent that it is a hard surface IE a road or a driveway.
4. Based on the facts that I have stated, I know that you will agree that my home at 262 E Nacogdoches is in full compliance.

Pavement by definition-

: **material (such as stone, tar, or concrete)** that is used to form the **hard surface of a road, driveway, etc.** : the hard surface of a road, driveway, etc.

See the full definition for paving in the English Language Learners Dictionary

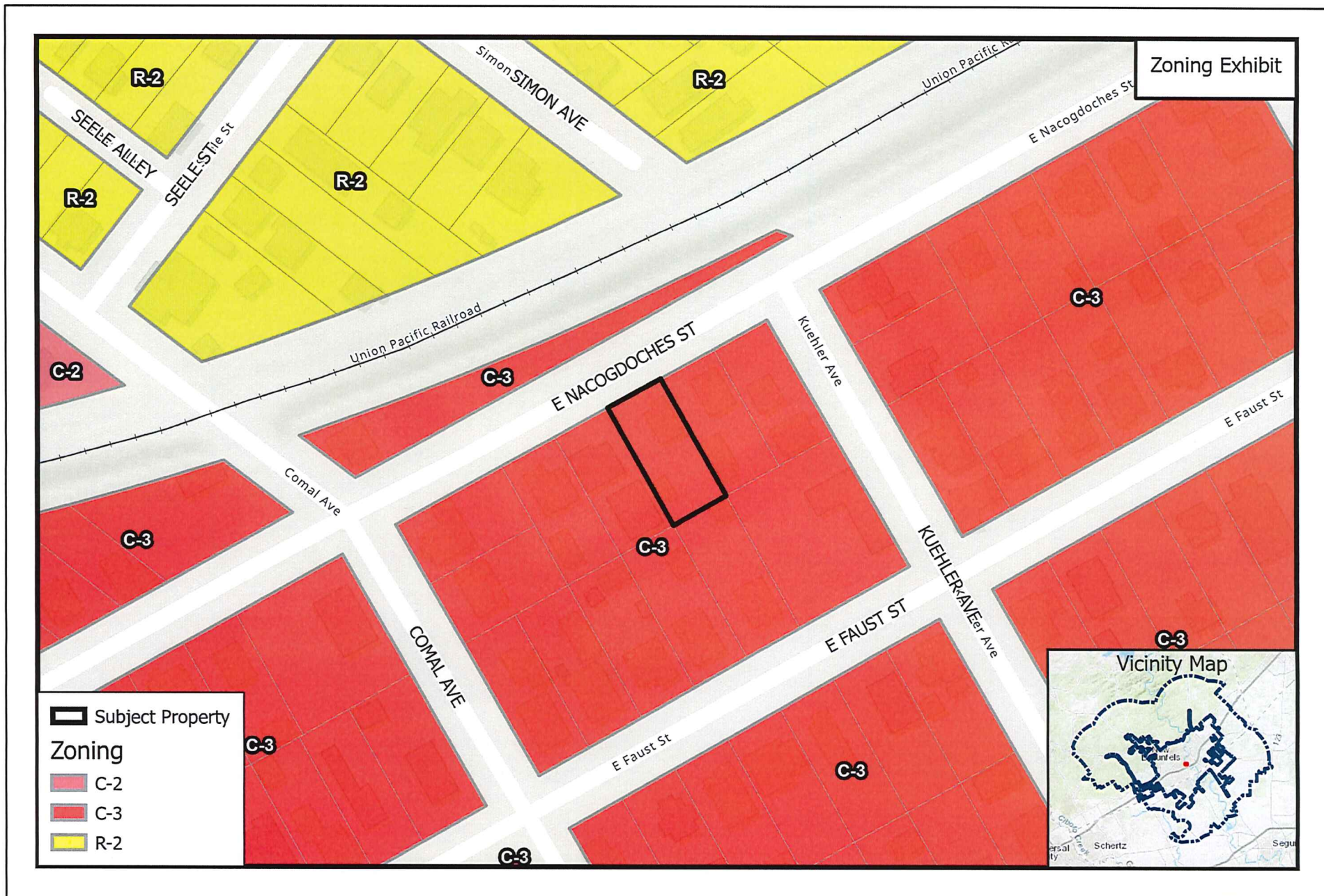
[Paving | Definition of Paving by Merriam-Webster](#)



www.merriam-webster.com/dictionary/paving

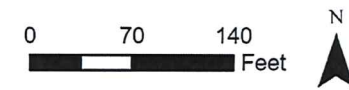
Happy Holidays!

Aurora Hayes

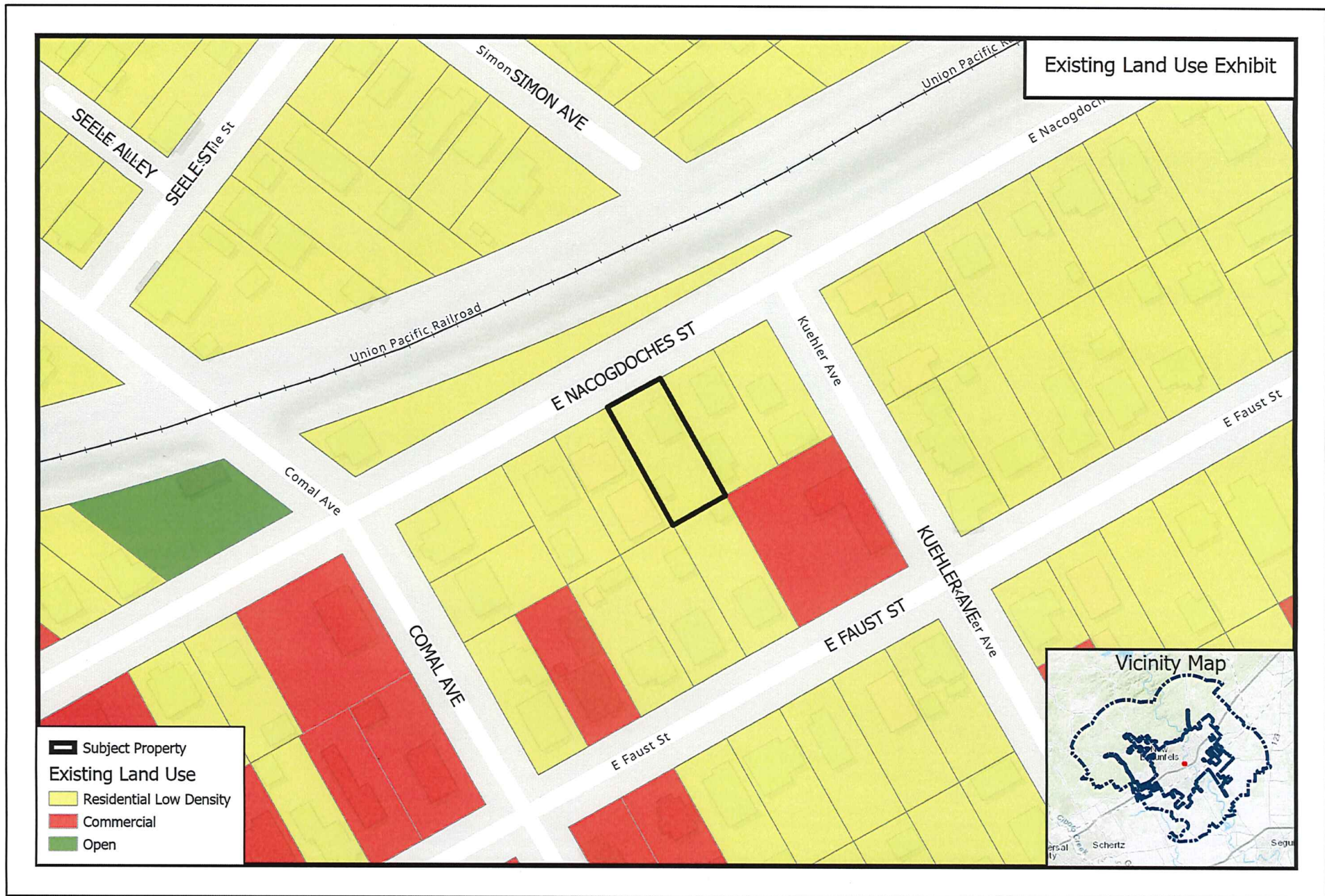


SUP20-299 SUP to allow for short term rental

Source: City of New Braunfels Planning
Date: 12/16/2020



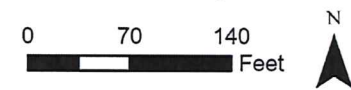
DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of New Braunfels, its officials or employees for any discrepancies, errors, or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



SUP20-299
SUP to allow for short term rental

Path: \\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2020\SUP20-299 - 262 E

Source: City of New Braunfels Planning
 Date: 12/16/2020



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

EXISTING CENTERS

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

EMPLOYMENT CENTER

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

MARKET CENTER

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

MEDICAL CENTER

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

CIVIC CENTER

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

OUTDOOR RECREATION CENTER

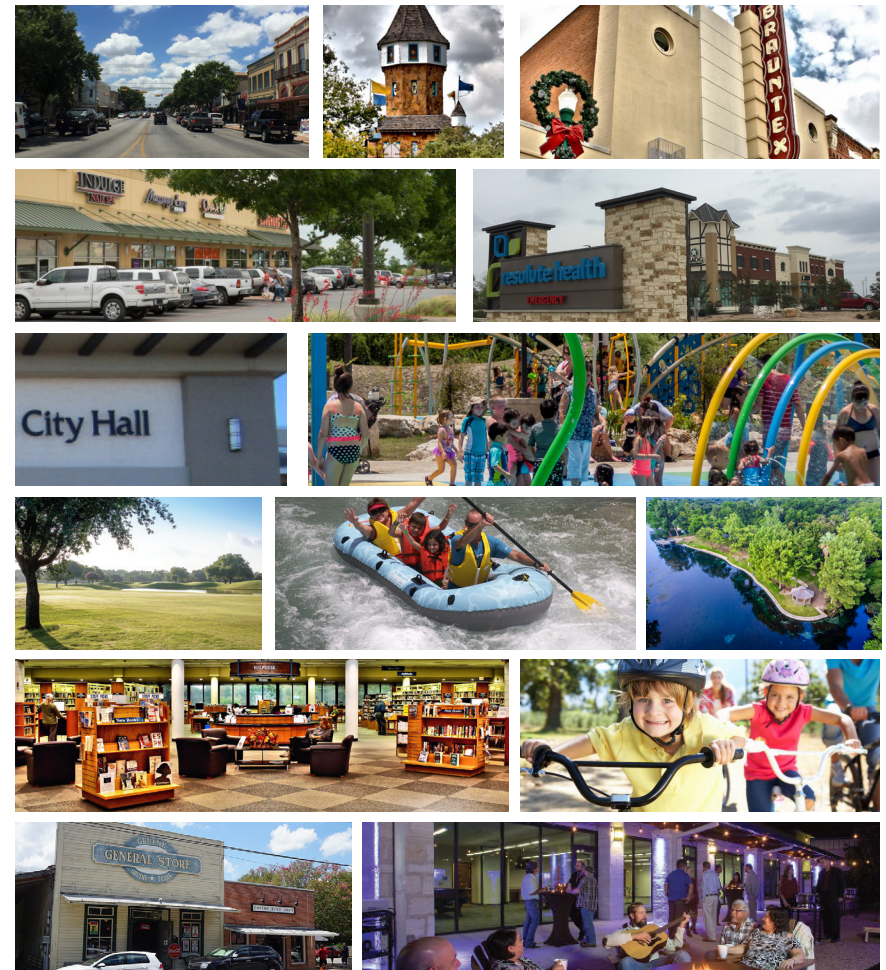
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

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

TOURIST/ENTERTAINMENT CENTER

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



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 – JANUARY 5, 2021– 6:00PM

Zoom Meeting

Applicant/Owner: Aurora Hayes

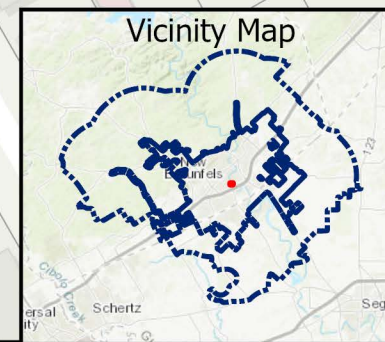
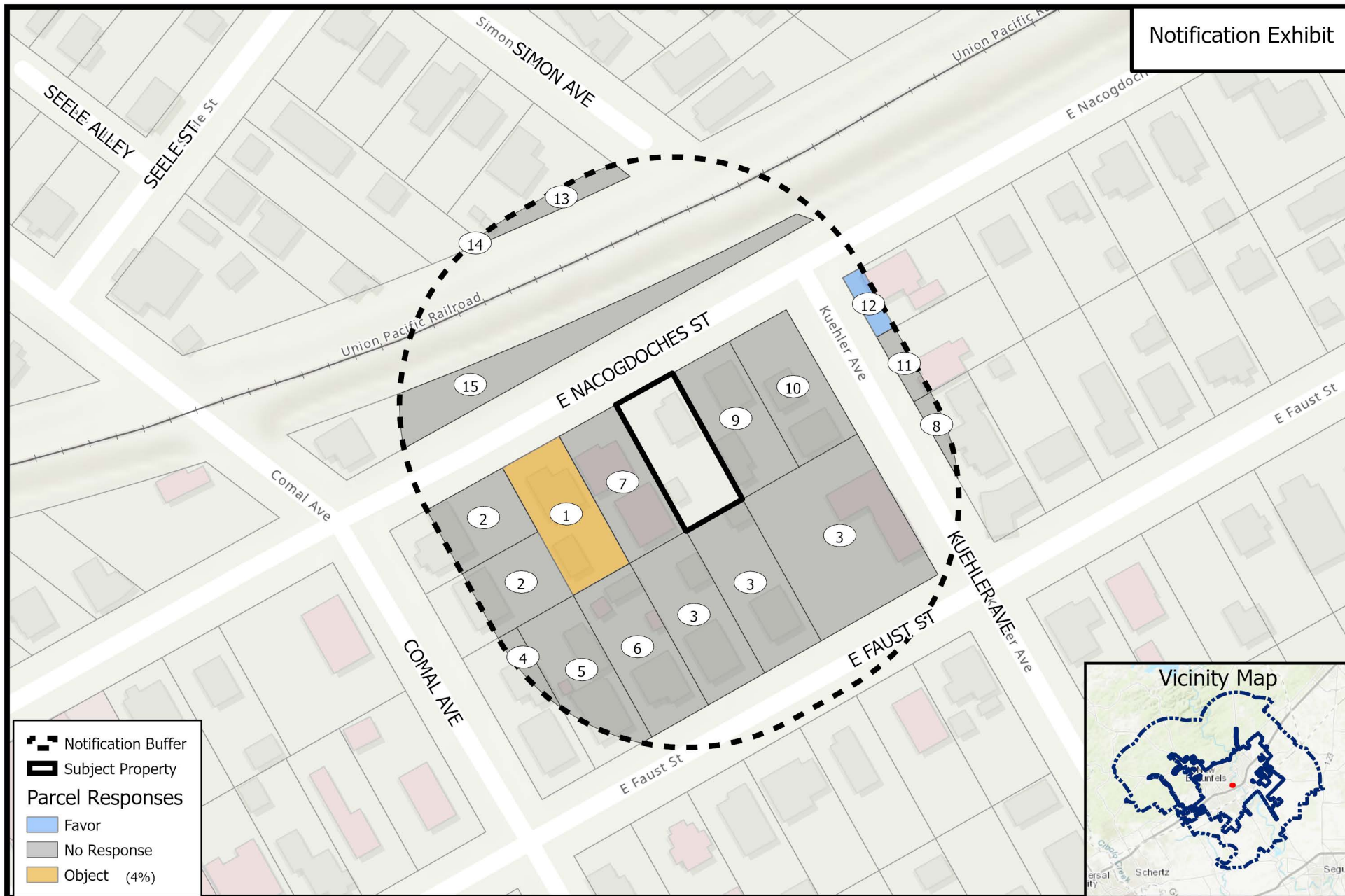
Address/Location: 262 E. Nacogdoches Street

PROPOSED SPECIAL USE PERMIT – CASE #SUP20-299

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. YOUNG RICHARD & KATIE | 9. VALDERRAMA CATHY L H |
| 2. LOPEZ FRANCES | 10. WIRT KEVIN S & KELLE P |
| 3. DOYLE FRANCIS W & MARGARET J RVCBL LVNG TRST | 11. DERKACZ PROPERTIES LLC |
| 4. SAENZ DIANA | 12. CASTILLO OSCAR & MARTHA O |
| 5. PANOZZO DARRELL | 13. SILVA LUCAS M & MARIA M |
| 6. BYRD ANDREA L | 14. COLEMAN DOROTHY E |
| 7. RICHTER RENATE E | 15. MEZA CLARA |
| 8. GRIMM DORIS M | |

SEE MAP



Development Planning Division
YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-299 hm

Name: Oscar & Martha Castillo

Address: 917 KUEHLER AVE

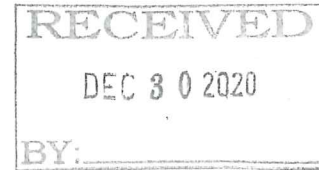
Property number on map: 12

I favor: X

I object: _____ (State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Martha Castillo
[Signature]



Richard and Katie Young
220 E. Nacogdoches St.
Property No. 1
Case: SUP20-299 hm



Planning Commission:

We are objecting to the zoning change request being made to the property at 262 E. Nacogdoches St. by Aurora Hayes.

We have seen what has happened to other neighborhoods who have had short-term rentals brought in among quiet, long-term residents. These rentals are generally used by people who come to our river and town to party and drink without much respect for others.

The house next door to us is Renate's Grooming and Boarding. She only boards small dogs and there is seldom a problem. But if the dogs are disturbed during the night, there is a lot of barking which wakes us and other close neighbors. We feel certain that these vacation renters will keep late hours and cause a lot of uproar.

We have a quiet, peaceful street, please help us to keep it that way.

Sincerely,
Richard Young
Katie Young
Richard and Katie Young



Subject Property



Driveway

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A SPECIAL USE PERMIT TO ALLOW THE SHORT-TERM RENTAL OF A SINGLE-FAMILY DWELLING IN THE “C-3” COMMERCIAL DISTRICT, ON LOT 5 CITY BLOCK 1050, ADDRESSED AT 262 E. NACOGDOCHES STREET; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

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

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

WHEREAS, the City Council desires to grant a Special Use Permit at 262 E. Nacogdoches Street, to allow short term rental of a single-family dwelling in the “C-3” Commercial District; **now, therefore;**

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

SECTION 1

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

Being Lot 5 City Block 1050, addressed at 262 E. Nacogdoches Street, as depicted in Exhibit “A” attached, to allow a short-term rental in the “C-3” Commercial District.

SECTION 2

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

1. The residential character and appearance of the property must be maintained.
2. Off-street parking for at least two cars will be paved with concrete, asphalt, or other material approved by the City Engineer, and the driveway approach paved with concrete per City standards.
3. The property will remain in compliance with the approved site plan illustrated in Exhibit "B". Any significant changes to the site plan will require a revision to the SUP.
4. Occupancy of the short-term rental is limited to five (5) guests.
5. All standards of the Zoning Ordinance will be met, and a separate Short-Term Rental Permit is required.

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 25th 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

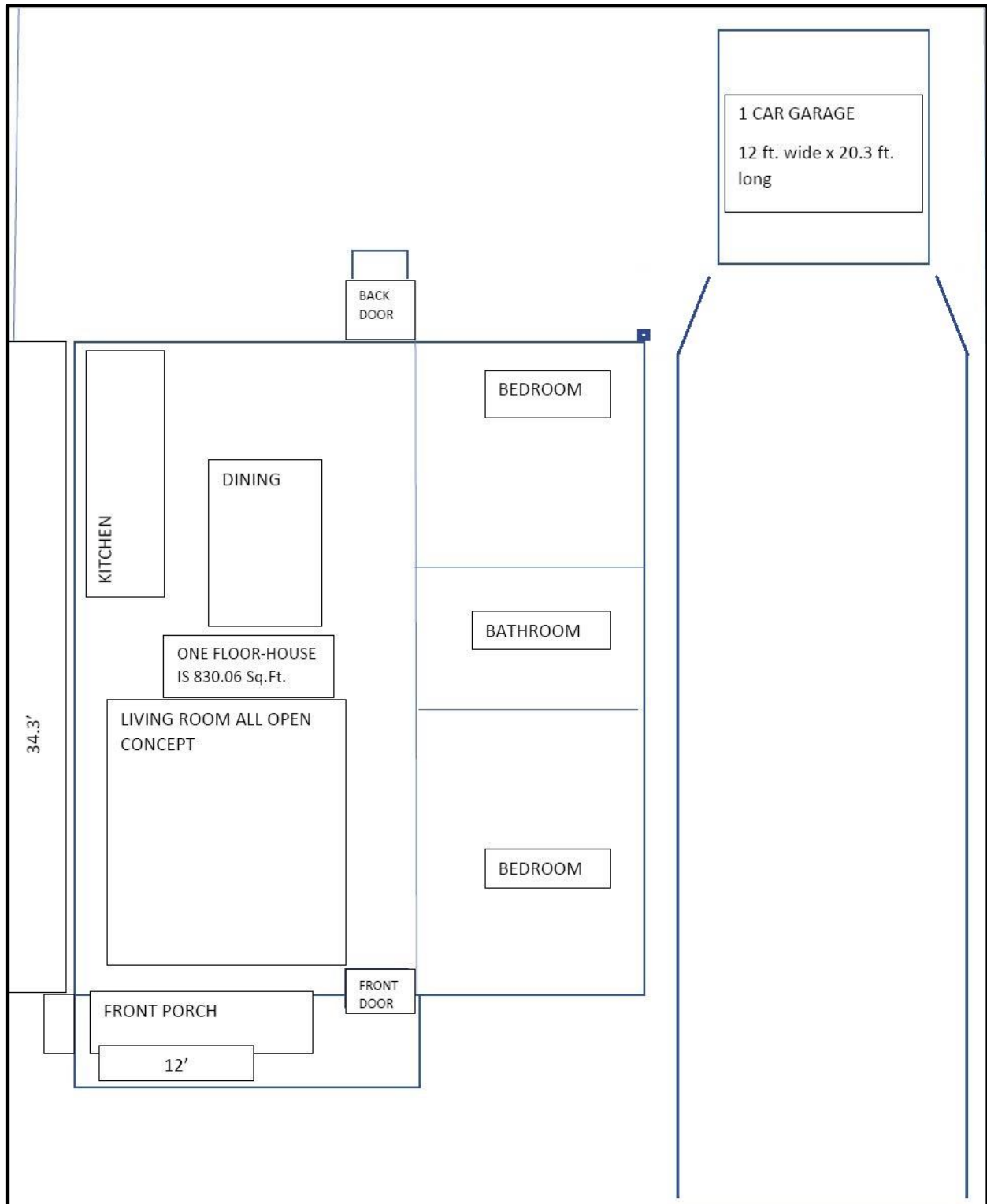
EXHIBIT "A"



SUP20-299
262 Nacogdoches Street
SUP for Short Term Rental

EXHIBIT "A"

EXHIBIT "B"



1/25/2021

Agenda Item No. G)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance for a proposed rezoning to apply a Special Use Permit to allow a seven-unit, townhouse style residential development on approximately 0.7 of an acre located at the southwestern terminus of the 2300 block of Michigan Street.

BACKGROUND / RATIONALE:

Case No.: SUP20-291

Council District: 4

Applicant:

Brian Mendez

Urban Civil
190 S. Seguin Ave.
New Braunfels, TX 78130
(830) 606-3913
bmendez@urbancivil.com

Owner:

Comal County Habitat for Humanity

(Crystal Moore)
1269 Industrial Drive
New Braunfels, TX 78130
(830) 625-4025
crystal@comalhabitat.org

Staff Contact:

Matthew Simmont, AICP
(830) 221-4058
msimmont@nbtexas.org

The approximately 0.7 of an acre vacant, unplatted tract has frontage at the dead end of Michigan Street, adjacent to the Union Pacific Railroad tracks. The property was rezoned to ZH-A in 2018 to allow for residential development more consistent with the surrounding residential community. The adjacent neighborhood is zoned M-1 Light Industrial District where the average lot size on this block is about 5,000 square feet.

The proposed Type 2 Special Use Permit (SUP) would allow for proposed infill development to construct 7 new single-family dwelling units. As shown on the submitted site plan, the applicant intends to plat the property into 9 lots with Lots 1-7 each containing a single-family dwelling in townhouse style, and Lots 8 & 9 to be improved with parking (15 proposed spaces) and drainage facilities. The residential lots (Lots 1-7) are not proposed to have street frontage; access to Michigan

Street will be guaranteed through common Lots 8 & 9. The project will also require the applicant to dedicate and construct an extension of Michigan Street to include a compliant turnaround that will accommodate service and emergency vehicles.

The applicant has indicated the intent of the submitted design is to allow for a development that will offer new opportunities for affordable home ownership in the neighborhood.

The SUP process provides an opportunity for site-specific consideration of certain uses or activities that might otherwise be incompatible with adjacent uses or existing land use patterns. SUPs can be approved with conditions to achieve compatibility and protect neighboring properties.

Surrounding Zoning and Land Use:

| | |
|---------|--|
| North - | Across railroad, M-1/ Manufactured home park |
| South - | M-1/ Single-family residences |
| East - | M-1/ Single-family residences |
| West - | M-1/ Single-family residences |

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 small-lot residential use is appropriate and compatible for this 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 (*NBISD was sent notice of this request. The adequacy of public facilities and utilities to serve the property is evaluated by each provider at the platting and permitting stages.*);
- How other areas designated for similar development will be affected (*The proposed zoning change should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*None identified. Drainage, utility and traffic impact issues will be reviewed and addressed through the platting process. The proposed turnaround on Michigan Street will improve access for emergency and service vehicles on this block.*); and
- Whether the request is consistent with the Comprehensive Plan: *see below*

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

| | |
|---|---|
| City Plan/Council Priority: Envision New Braunfels Comprehensive Plan Workforce Housing Study | 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. Action 3.30: Encourage and incentivize workforce/affordable housing to attract new workforce entrants and young families. Action 3.31: Adopt policies and ordinances supportive of workforce housing, creating opportunities that make investment in workforce housing more feasible for private and nonprofit developers. Future Land Use Plan: The property is situated in the Oak Creek Sub-Area and near an intersection of two Transitional Mixed-Use Corridors. Ensure through city zoning and other required legal entitlements related to housing construction that new types of housing products (small-lot, duplex, townhome, etc.) are allowed by regulations. |
|---|---|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 5, 2021 and recommended approval of the request with the staff recommended conditions (9-0-0).

STAFF RECOMMENDATION:

Small-lot, townhouse style development would be appropriate at this location for the following reasons:

1. The property is surrounded on three sides by existing, stable single-family residential use on small lots, many of which are less than 5,000 square feet. The proposed development will make efficient use of this property with a residential infill development that will extend Michigan Street and provide a code compliant turnaround.
2. The proposed development will provide sufficient off-street parking and drainage detention facilities to serve the residential use of the property.

Therefore, staff recommends approval. The proposed development addresses several Comprehensive Plan priorities, Workforce Housing Study goals, and is appropriately planned to be compatible with existing adjacent land uses. The SUP process allows the establishment of specific development standards for the uses allowed on the property to ensure compatible and orderly development. To that end, staff's recommendation of approval includes the following conditions:

1. Correct the Michigan Street labeling on the site plan.
2. Correct the directional orientation of the north arrow on the site plan.
3. To address adjacent privacy concerns, no second story access/doorways are permitted along the northeast facing elevation of proposed Lots 2-7. In addition, second story windows along the northeast facing elevation of proposed Lots 2-7 shall be non-transparent. Transparent clerestory windows are allowed.
4. Four-foot-wide sidewalks shall be constructed along both sides of Michigan Street and shall be within the right of way or contained within a pedestrian access easement to allow public access along the roadway.
5. The identified chain link fence facing Michigan Avenue shall be a maximum of four and one-half feet in height and remain a minimum of 50% open.
6. Development is to be permitted in substantial compliance with the approved site plan, Exhibit

'B'. All remaining site development standards as required by Chapter 144, City of New Braunfels Code of Ordinances remain in effect.

7. An off-site parking agreement shall be approved and maintained to guarantee resident access to the proposed shared parking area ensuring they meet the minimum number of parking spaces required for each dwelling unit.

8. A homeowner's association shall be established to own and maintain Lots 8 & 9.

9. An updated master plan reflecting the approved site plan must be submitted with the final plat application.

Notification:

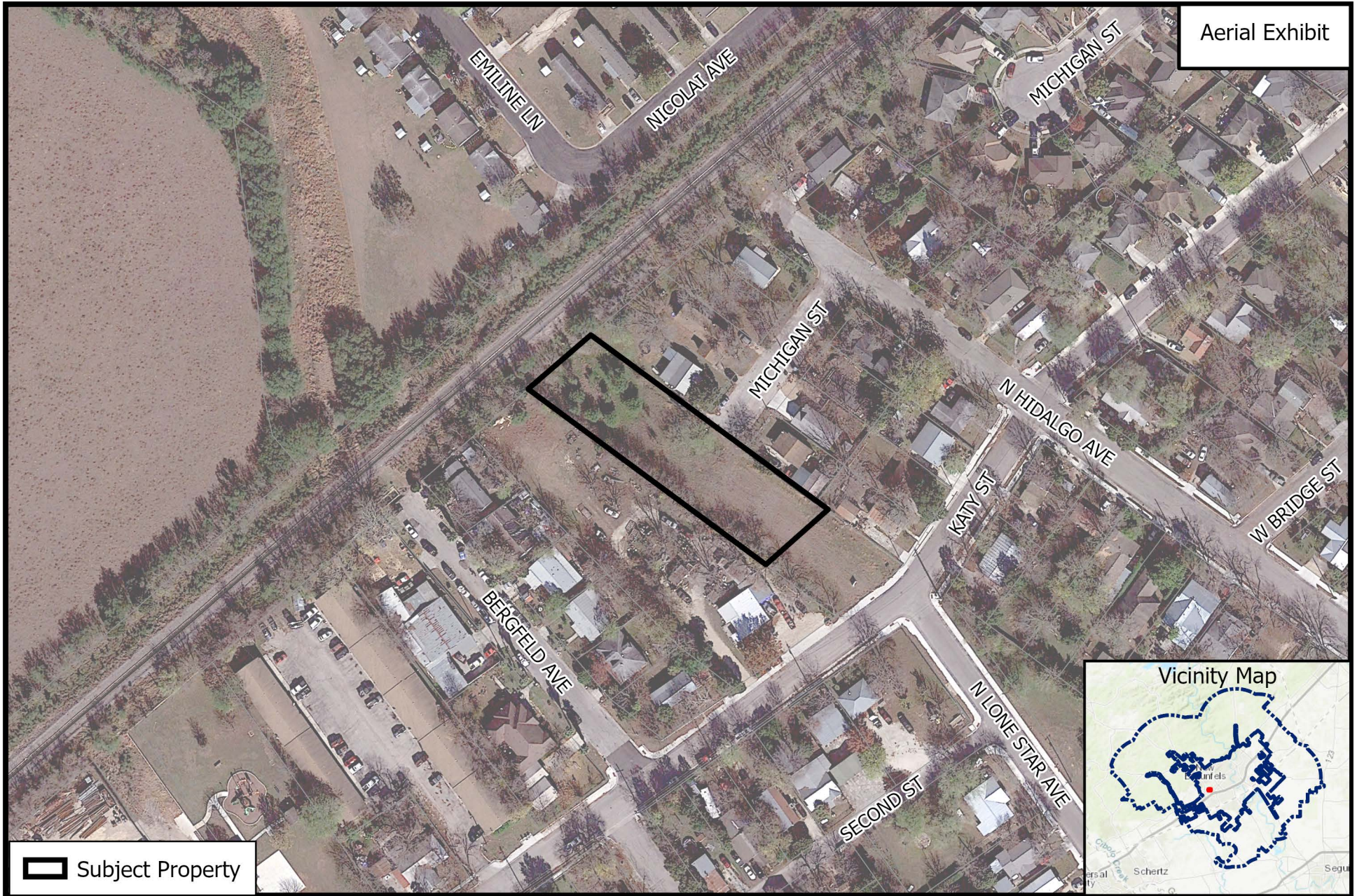
Public hearing notices were sent to 27 owners of property within 200 feet. The City has received no responses in favor and 4 in objection (# 1, 8, 18 & 25).

RESOURCE LINKS:

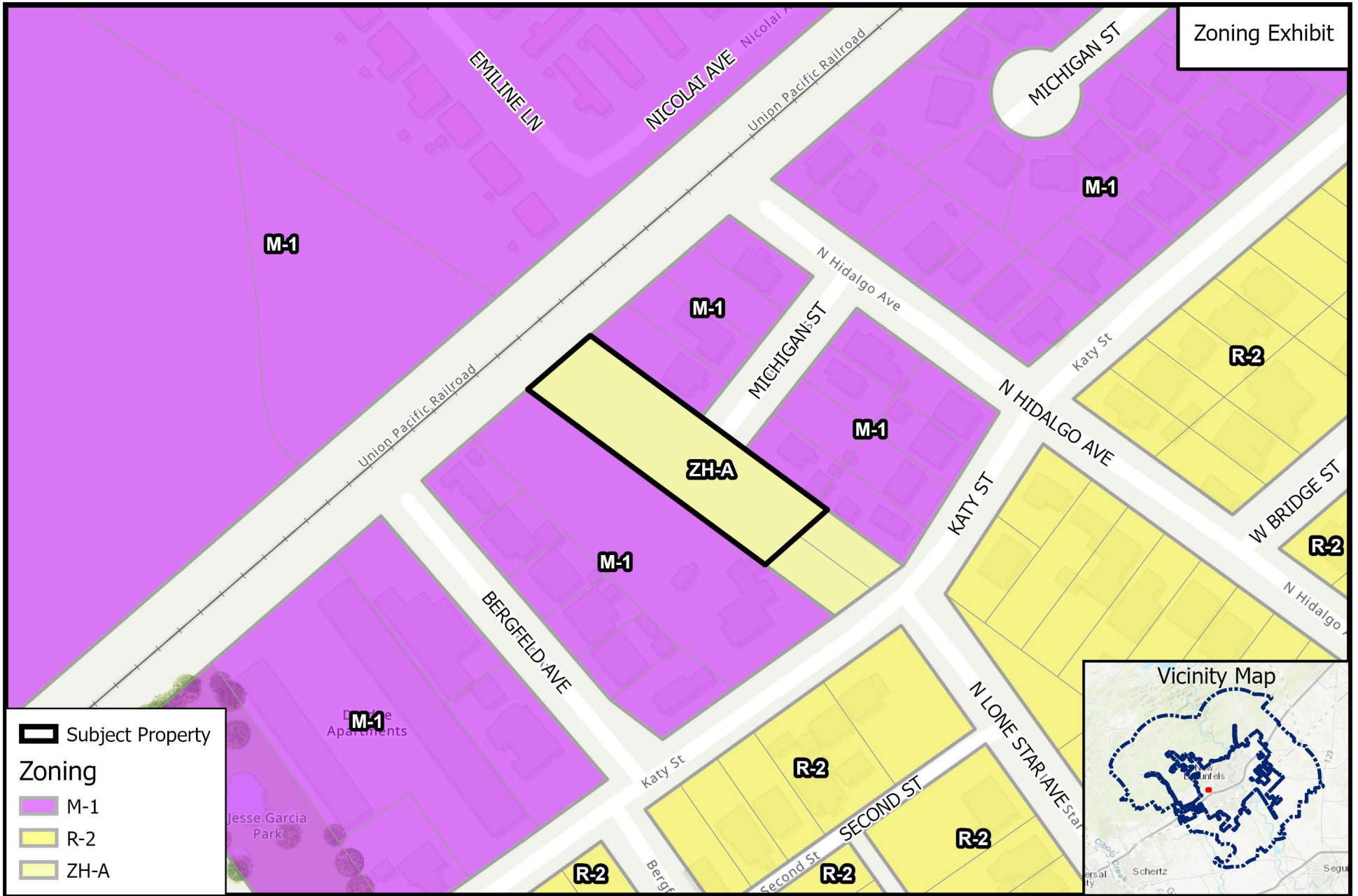
- Chapter 144, Section 3.4-9. *"ZH-A" Zero Lot Line Home District* of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Section 3.6 (SUP) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

ATTACHMENTS:

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. Proposed Site Plan
4. Preliminary Building Plan
5. Planning Commission Meeting Draft Minutes
6. Notification List, Map and Responses



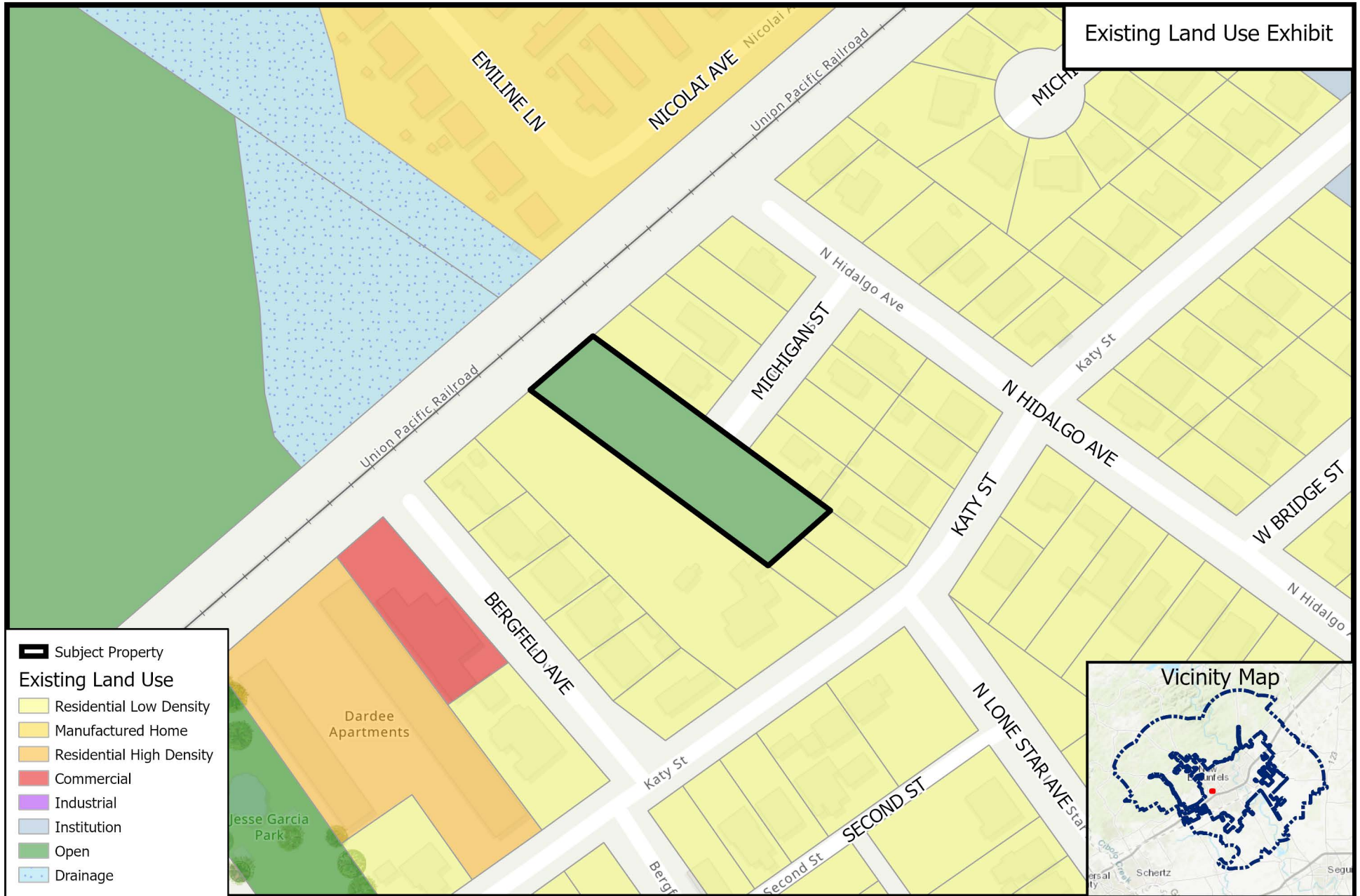
SUP20-291
SUP to allow for residential development



SUP20-291 SUP to allow for residential development

0 80 160
Feet





SUP20-291
SUP to allow for residential development

EXISTING CENTERS

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

EMPLOYMENT CENTER

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

MARKET CENTER

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

MEDICAL CENTER

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

CIVIC CENTER

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

OUTDOOR RECREATION CENTER

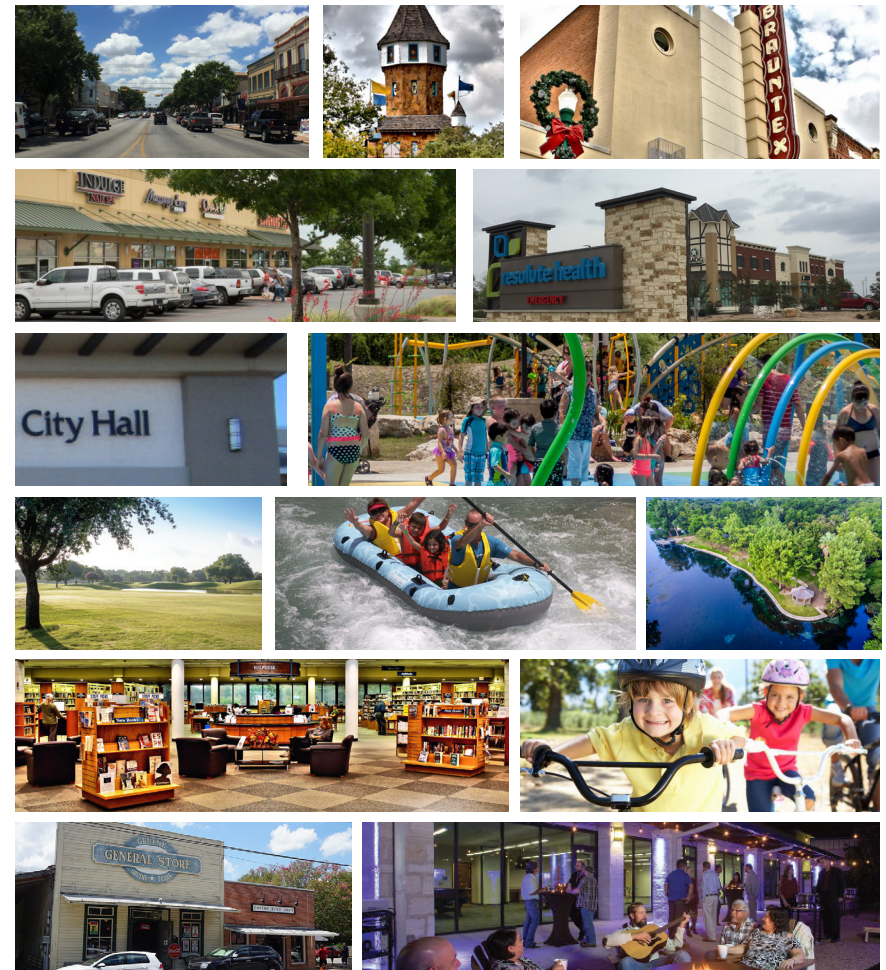
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

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

TOURIST/ENTERTAINMENT CENTER

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



FUTURE LAND USE PLAN

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

TRANSITIONAL MIXED-USE CORRIDOR

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

OUTDOOR RECREATION CENTER

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

EMPLOYMENT CENTER

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

MARKET CENTER

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

CIVIC CENTER

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

SUB AREA 1

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

SUB AREA 2

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

SUB AREA 3

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

SUB AREA 4

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

SUB AREA 5

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

SUB AREA 6

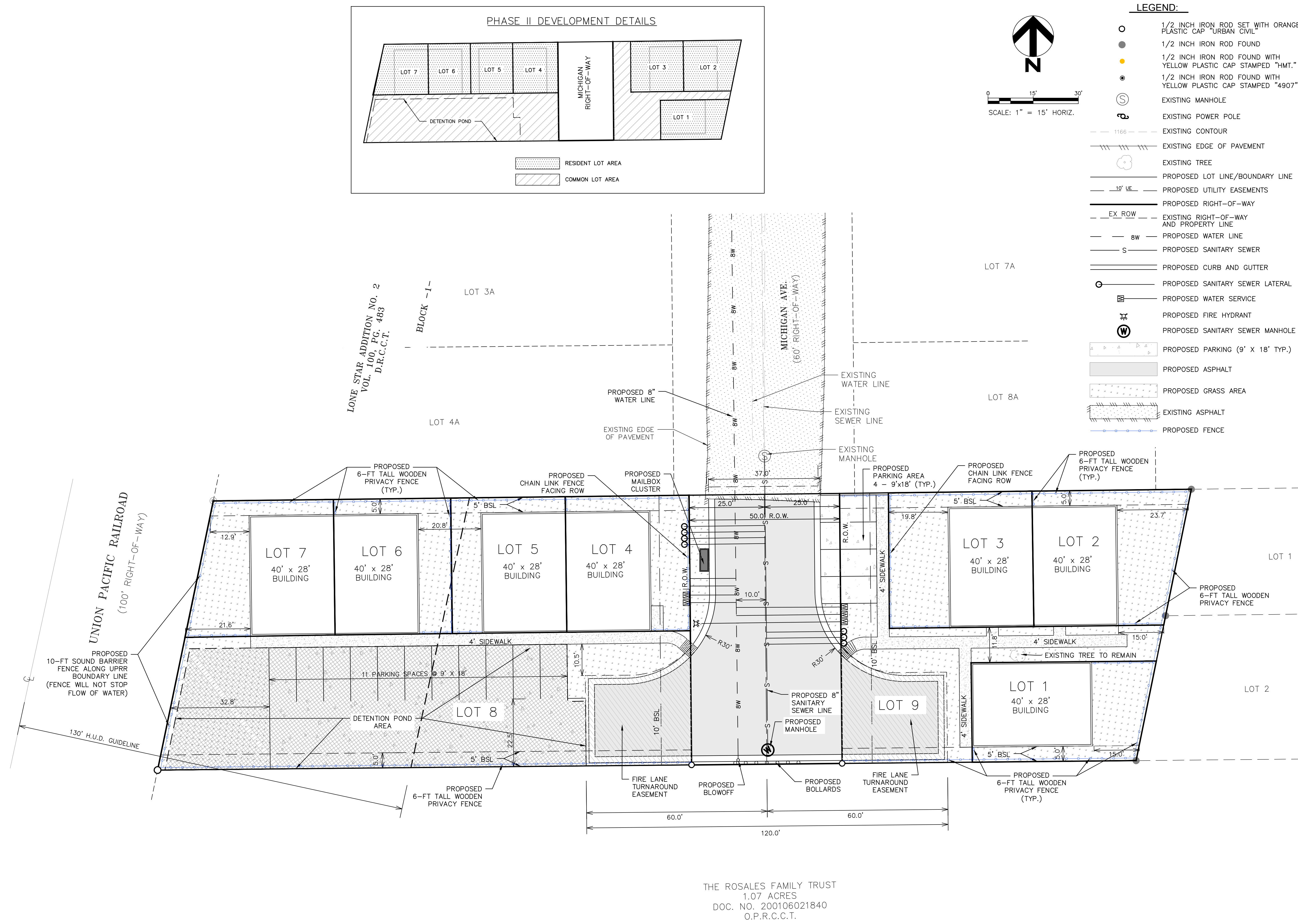
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Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

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



GENERAL NOTES:

1. PRIOR TO THE COMMENCEMENT OF ANY WORK, THE CONTRACTOR SHALL CAREFULLY STUDY THE CONTRACT DOCUMENTS AND ALL EXISTING ON-SITE CONDITIONS. THE CONTRACTOR SHALL REPORT TO KOKANEE SOLUTIONS ANY ERRORS, INCONSISTENCIES OR OMISSIONS PRIOR TO THE COMMENCEMENT OF ANY WORK IN QUESTION.

2. REPORT ALL DISCREPANCIES, ERRORS, OR OMISSIONS IN THE DOCUMENTS TO KOKANEE SOLUTIONS OR BUILDER PRIOR TO THE ORDERING OF ANY MATERIALS AND/OR COMMENCEMENT OF CONSTRUCTION.

3. ALL WORK SHALL BE PERFORMED AND COMPLETED IN STRICT COMPLIANCE WITH ALL APPLICABLE CODES AND/OR REGULATIONS HAVING JURISDICTION OVER THE WORK AND SHALL BE PERFORMED IN A GOOD WORKMANSHIP LIKE MANNER IN ACCORDANCE WITH ACCEPTED TRADE STANDARDS BY EXPERIENCED CRAFTSMEN SKILLED IN THEIR RESPECTIVE TRADES.

4. THESE DRAWINGS INDICATE THE GENERAL SCOPE OF THE PROJECT IN TERMS OF THE DESIGN CONCEPT, THE DIMENSIONS OF THE BUILDING, THE MAJOR ARCHITECTURAL ELEMENTS. AS SCOPE DOCUMENTS, THESE DRAWINGS DO NOT NECESSARILY INDICATE OR DESCRIBE ALL WORK REQUIRED FOR FULL PERFORMANCE AND COMPLETION OF THE REQUIREMENTS OF THE PROJECT. THE GENERAL CONTRACTOR SHALL FURNISH ALL ITEMS REQUIRED FOR THE PROPER EXECUTION AND TIMELY COMPLETION OF THE WORK.

5. GENERAL CONTRACTOR ACCEPTS FULL RESPONSIBILITY FOR PLANS SHOULD ANY CHANGES BE MADE TO THESE PLANS BY THE GENERAL CONTRACTOR OR ANY OF THEIR REPRESENTATIVES.

6. FINAL SELECTIONS FOR ALL FINISHES, FINISH MATERIALS, COLORS, TEXTURES, ETC. SHALL BE MADE BY THE OWNER.

7. DOOR AND WINDOW ROUGH OPENINGS SHALL BE SUCH THAT OUTSIDE EDGES OF ADJACENT DOOR, WINDOW, AND TRANSOM TRIM IS ALIGNED, UNLESS NOTED OTHERWISE. INSTALL DOORS AND WINDOWS PER MANUFACTURER'S INSTRUCTIONS.

8. WINDOW SIZES GIVEN ARE APPROXIMATE UNIT SIZES. VERIFY ACTUAL SIZES AND ROUGH OPENING REQUIREMENTS WITH WINDOW MANUFACTURER.

9. PROVIDE ATTIC VENTING AS REQUIRED BY LOCAL CODES.

10. TEMPERED GLASS SHALL BE USED AT WINDOWS ABOVE BATHS, SHOWERS, ANY WINDOWS IN DOORS, ANY WINDOWS WITHIN 24" OF DOORS, AND AT ALL WINDOWS GREATER THE 9 SQUARE FEET THAT ARE WITHIN 18" OF THE FLOOR.

11. ALL ANGLED WALLS 45° UNLESS OTHERWISE NOTED.

12. DO NOT SCALE DRAWINGS. USE WRITTEN DIMENSIONS ONLY. PLEASE REPORT ERRORS OR QUESTIONS TO KOKANEE SOLUTIONS FOR CLARIFICATION.

13. MECHANICAL, ELECTRICAL AND PLUMBING SHOWN ON THE PLAN ARE SCHEMATIC AND INDICATE INTENT AND SCOPE OF WORK ONLY. EACH SUBCONTRACTOR IS RESPONSIBLE FOR INSTALLING EQUIPMENT WHICH MEETS ALL APPLICABLE CODES.

14. ALL DIMENSIONS ARE TO FACE OF FRAME UNLESS NOTED OTHERWISE.

15. ALL UNBRACED STUD WALLS IN EXCESS OF 11'-0" TALL WILL BE MIN. OF 2X6 CONSTRUCTION UNLESS OTHERWISE NOTED. ALL OTHER WOOD STUD WALLS WILL BE 2X4 CONSTRUCTION UNLESS NOTED OTHERWISE.

16. PROVIDE SOUND ATTENUATING BATTS AROUND ALL BATHROOMS AND MECHANICAL EQUIPMENT SPACES, TYPICAL.

17. VERIFY AND COORDINATE ALL HVAC AND PLUMBING VENTS, DUCTS AND REGISTERS WITH STRUCTURAL DRAWINGS AND NOTES PRIOR TO CONSTRUCTION.

18. ALL ELEVATION PLATE HEIGHTS INDICATED ARE NOMINAL DIMENSIONS.

19. DOOR LOCATIONS - UNLESS NOTED OTHERWISE, PLACE DOORS 6" FROM ADJACENT WALL OR IN CENTER OF TWO ADJACENT WALLS SUCH AS IN A HALLWAY.

20. VERIFY FINAL SLAB DROPS WITH FINAL FLOOR MATERIAL SELECTIONS BY OWNER.

21. FINAL WINDOW SIZES MAY VARY WITH MANUFACTURER CHOSEN. IF WINDOW SIZE CHANGES MORE THAN 4" , PLEASE NOTIFY KOKANEE SOLUTIONS FOR CONFIRMATION OF SIZE FOR DESIGN INTENT.

22. ROOF VENT- PLACE ALL VERTICAL PIPES TO REAR OF BUILDING WHERE POSSIBLE.

23. ROOF OVERHANGS- ALL ROOF OVERHANGS ARE MEASURED FROM THE OUTSIDE FACE OF FRAMING STUDS.

24. DOORS FROM THE GARAGE INTO THE RESIDENCE SHALL BE EITHER 1 3/8" SOLID WOOD, 1 3/8" SOLID STEEL, 1 3/8" HONEYCOMB STEEL, OR 20 MINUTE FIRE RATED.

25. GARAGES WITH HABITABLE ROOMS ABOVE MUST USE 5/8" TYPE X GYPSUM BOARD OR EQUIVALENT TO SEPARATE ALL HABITABLE SPACES.

26. WHEN PLAN INCLUDES ELEVATOR, BUILDER TO VERIFY ALL SPECIFICATIONS INC. ELECTRICAL, PHONE, AND PIT REQUIREMENTS WITH THE MANUFACTURER.

27. WINDOW SIZES SHOWN AT EGRESS AREAS MEET GENERAL EGRESS REQUIREMENTS, HOWEVER BUILDER TO VERIFY WITH INDIVIDUAL MANUFACTURER.

28. EXTERIOR PLASTER- INSTALL PER LOCAL CODES- THIS SHALL INCLUDE CONTROL JOINTS AS PER ASTM C1063 AND WEEP SCREEDS PER ASTM C926.

29. ATTIC ACCESS- PROVIDE MINIMUM 22" X 30" ACCESS AS NOTED AND WHERE REQUIRED BY CODE.

30. FOR ALL CITY OF AUSTIN PERMITTED PROJECTS ONE FIRST FLOOR POWDER OR BATH MUST HAVE MINIMUM 30" CLEAR OPENINGS AND BLOCKING AT WALLS FOR FUTURE HAND RAILS.

31. DROP INDICATORS ARE FROM CONCRETE TO CONCRETE UNLESS DOORS SWING TOWARDS THE OUTSIDE. THEN 1 1/2" DROP MAXIMUM FINISH TO FINISH.

| SQUARE FOOTAGE (SINGLE UNIT) | |
|--|---------|
| MAIN LEVEL LIVING | 1056 SF |
| UPPER LEVEL LIVING | 520 |
| TOTAL LIVABLE | 1576 SF |
| COVERED FRONT PORCH SLAB | 64 SF |
| TOTAL SLAB | 1120 SF |
| TOTAL COVERED | 1640 SF |
| UNCOVERED REAR STOOP | 16 SF |
| MOTOR COURT SLAB | TBD SF |
| WALKWAY SLABS | TBD SF |
| AC UNIT/ GD SLAB | TBD SF |
| DRIVEWAY(TO PROP. LINE) | TBD± SF |
| ACTUAL FLATWORK WILL VARY DEPENDANT TO SITE CONDITIONS | |

ABBREVIATIONS

AFF Above Finish Floor
Addn. Additional
A.H.U. Air Handling Unit
Alum. Aluminum
Approx. Approximate
Arch. Architect, Architectural

Bm. Beam
Brq. Bearing
Blkg. Blocking
Bd. Board
Bldg. Building
B.L. Building Line
B.O.B. Bottom of Beam
B.O.S. Bottom of Steel

Cab. Cabinet
Cant. Cantilever
Cpt. Carpet
Clg. Ceiling
C.L. Ceiling
C.T. Ceramic Tile
Clo. Closet
Col. Column
Conc. Concrete
C.M.U. Concrete Masonry Unit
C.J. Control Joint
Cont. Continuous

Det. Detail
Dia. Diameter
Dim. Dimension
DBL. Double
Dn. Down
D.S. Downspout
Dwg. Drawing
DR Dryer
D.W. Dishwasher

Ea. Each
E.J. Expansion Joint
Elec. Electrical
Elev. Elevation
Equip. Equipment
Exist. Existing
Ex. Expansion
Ext. Extension
Exh. Exhaust fan

F.A.R Framing As Required
FL.D. Floor Drain
Fdn. Foundation
Fin. Finish
Fkt. Fixture
Flex. Flexible
Flr. Floor
Ftg. footing
Furr. Furring
F.D. Furr Down
F.V. Field verify
F.F. Finish floor

Ga. Gauge
Galv. Galvanized
Gen. General
Gl. Glass, glazing
Gyp. Gypsum

H.B. Hose Bib
H.C. Hollow Core
Hdw. Hardware
Hd. Head
Horiz. Horizontal
Ht. Height
H.H. Head height

I.M. Ice Maker
I.D. Inside Diameter
Insul. Insulation

Jst. Joist
Jnt. Joint

Lam. Laminate
Lav. Lavatory
Lt. Light
Lins. Linens

Manf. Manufacturer
Mas. Masonry
Max. Maximum
M.C. Medicine Cabinet
Matl. Material
Mech. Mechanical
Mtl. Metal
Mfr. Manufacturer
Micro. Microwave
M.W. Microwave
Min. Minimum
Mir. Mirror
Misc. Miscellaneous
M.O. Masonry opening
Mtd. Mounted

N.I.C. Not Included
Nom. Nominal

O.C. On Center
O.D. Outside Diameter
Off. Office
Opng. Opening
Opp. Opposite
O.T.O. Out to Out

Pc. Piece
PDR. Powder
PL Plate
P.Lam. Plastic Laminate
Plmg. Plumbing
Pnlg. Paneling
Pnt. Paint
P.T. Pressure Treated
P.V.C. Polyvinyl Chloride

Q.T. Quarry tile
Qtr. Quarter

R. Radius, Riser
R.D. Roof Drain
Re: Refer
Ref. Reference
Refr. Refrigerator
Reinf. Reinforce
Reqd. Required
Rm. Room
R.O. Rough opening
R.H. Ridge Height

S.C. Solid Core
Sched. Schedule
Sect. Section
Sht. Sheet
Shtg. Sheathing
Sim. Similar
Spec. Specifications
S.S. Stainless steel
Std. Standard
Stl. Steel
Struct. Structural
Susp. Suspended

Tele. Telephone
Temp. Tempered
Thld. Threshold
Toil. Toilet
Typ. Typical
T.O.B. Top of Beam
T.O.W. Top of Wall
T.O.S. Top of Steel

U.N.O. Unless Noted Otherwise
Util. Utility

W.I.C. Walk In Closet
W/ With
Wd. Wood
Wind. Window
W Washer
W.H. Water Heater
W.R. Water Resistant
W.W.M. Welded wire Mesh

1R/1S 1 Rod 1shelf
2R/2S 2 Rod 2shelves
1R/2S 1 Rod 2shelves

To the best of my knowledge these plans are drawn to comply with owner's and/ or builder's specifications and any changes made on them after prints are made will be done at the owner's and / or builder's expense and responsibility. The contractor shall verify all dimensions and enclosed drawing. KOKANEE SOLUTIONS, LLC is not liable for errors once construction has begun. While every effort has been made in the preparation of this plan to avoid mistakes, the maker can not guarantee against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereafter.

HOMEOWNER & CONTRACTOR: TO VERIFY ALL DIMENSIONS, STRUCTURAL DETAILS, AND BUILDING CODES, AND GRADE REQUIREMENTS.

Effective September 1, 2016, the state of Texas will adopt 2015 IRC, Chapter 11 of the Energy Efficiency Code. Contractor and Homeowner to confirm compliance in the prescribed requirements. Please review at:

Link to Chapter 11:

<http://codes.iccsafe.org/app/book/content/2015-I-Codes/2015%20IRC%20HTML/Chapter%2011.html>

Link to the Legislation, Texas House Bill 1736:

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=84R&Bill=HB1736>

MEMBER



AMERICAN INSTITUTE of BUILDING DESIGN



| LAYOUT PAGE TABLE | |
|-------------------|---------------------|
| LABEL | TITLE |
| A0 | PROJECT OVERVIEW |
| A1 | PLOT PLAN |
| A2 | FLOOR PLAN |
| A3 | EXTERIOR ELEVATIONS |
| A3.1 | EXTERIOR ELEVATIONS |
| A4 | INTERIOR ELEVATIONS |
| A5 | FOUNDATION PLAN |
| A6 | ROOF PLAN |
| A7.2 | ROOF FRAMING |
| E1 | ELECTRICAL |



| REVISION TABLE | |
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| NUMBER | DATE |
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NEW PROJECT FOR:

COMAL COUNTY HABITAT FOR HUMANITY
LOT 1 & 6 MICHIGAN STREET
NEW BRAUNFELS, TX 78130

PROJECT #: 20-022_DLR FP1



DRAWINGS PROVIDED BY:

KOKANEE SOLUTIONS, LLC
421 S. SEGUN AVE SUITE A
NEW BRAUNFELS, TX 78130
830.481.4025 www.kcsotexas.com

DATE:

9/21/2020

SCALE:

1/4" = 1' UNO

SHEET:

A0
Project Overview



NOTES:

- ACTUAL FLATWORK WILL VARY DEPENDANT TO SITE CONDITIONS
-VERIFY GRADES & LANDSCAPE



| REVISION TABLE | | |
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| NUMBER | DATE | REVISED BY DESCRIPTION |
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NEW PROJECT FOR:

COMAL COUNTY HABITAT FOR HUMANITY
LOT 7 & 6 MICHIGAN STREET
NEW BRAUNFELS, TX 78130

PROJECT #: 20-
022_DLDR
FP1



DRAWINGS PROVIDED BY:

KOKANEE SOLUTIONS, LLC
421 S. SEGUIN AVE SUITE A
NEW BRAUNFELS, TX 78130
830.481.9025 www.KoSoTexas.com

DATE:

4/21/2020

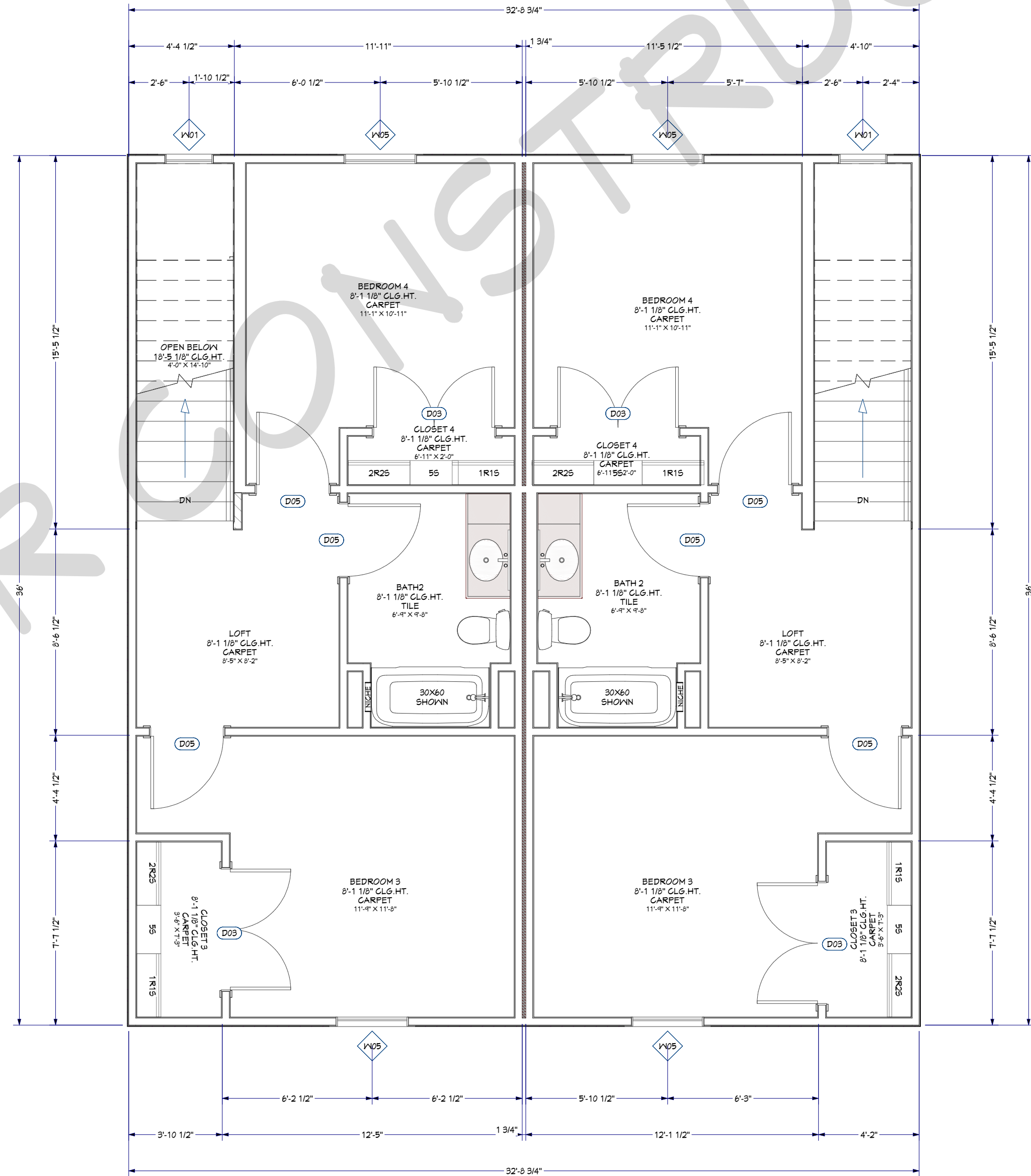
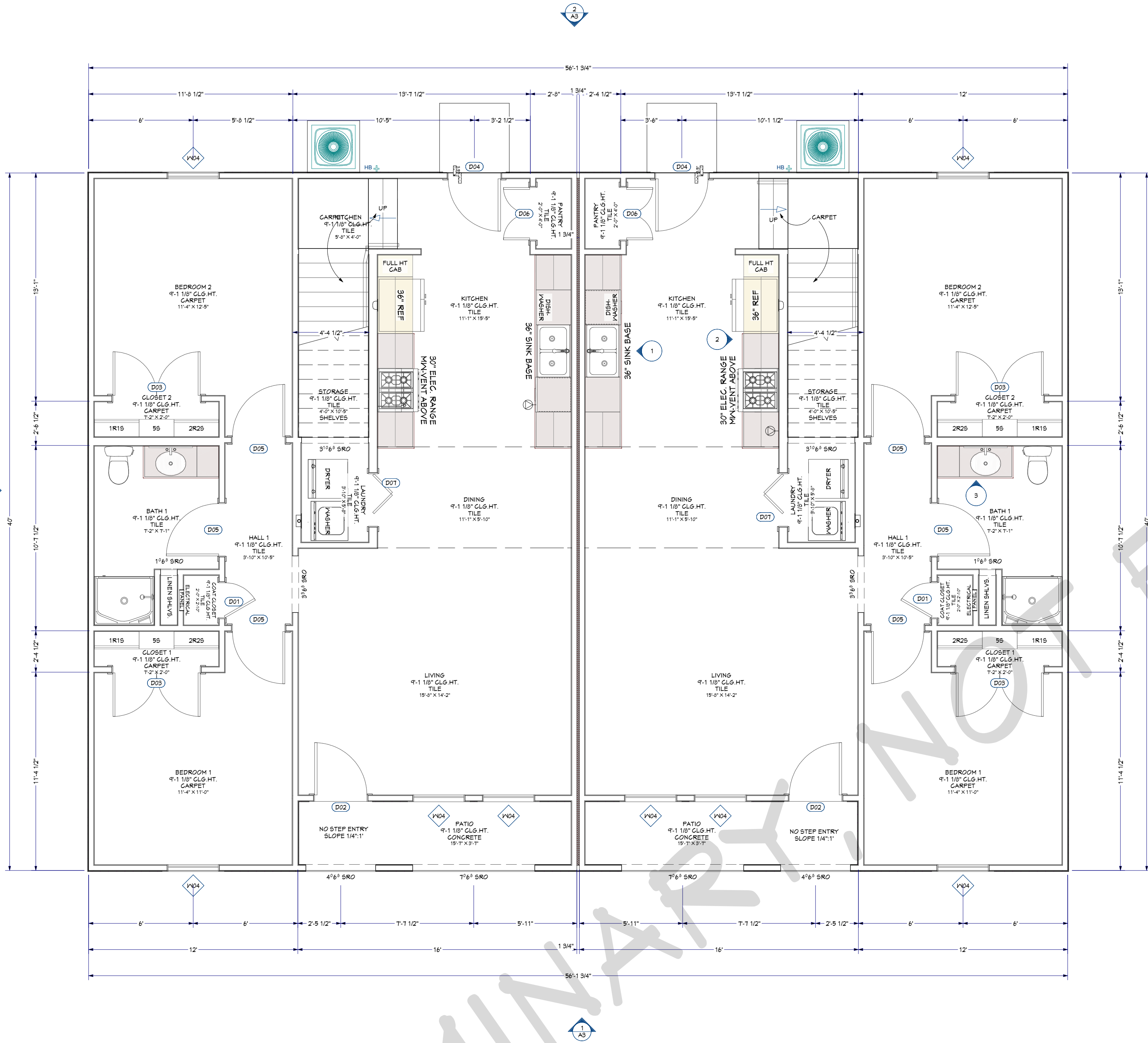
SCALE:

$$1/4'' = 1' \text{ UNO}$$

SHEET:

A1

ot Plan



| REVISION TABLE | | DESCRIPTION |
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NEW PROJECT FOR:
COMAL COUNTY HABITAT FOR HUMANITY
LOT 1 & 6 MICHIGAN STREET
NEW BRAUNFELS, TX 78130

PROJECT #: 20-022-DLDR
FP1



DRAWINGS PROVIDED BY:
KOKANE SOLUTIONS, LLC
421 S. SEGUN AVE SUITE A
NEW BRAUNFELS, TX 78130
830.481.4025 www.kosoltx.com

DATE:

9/21/2020

SCALE:

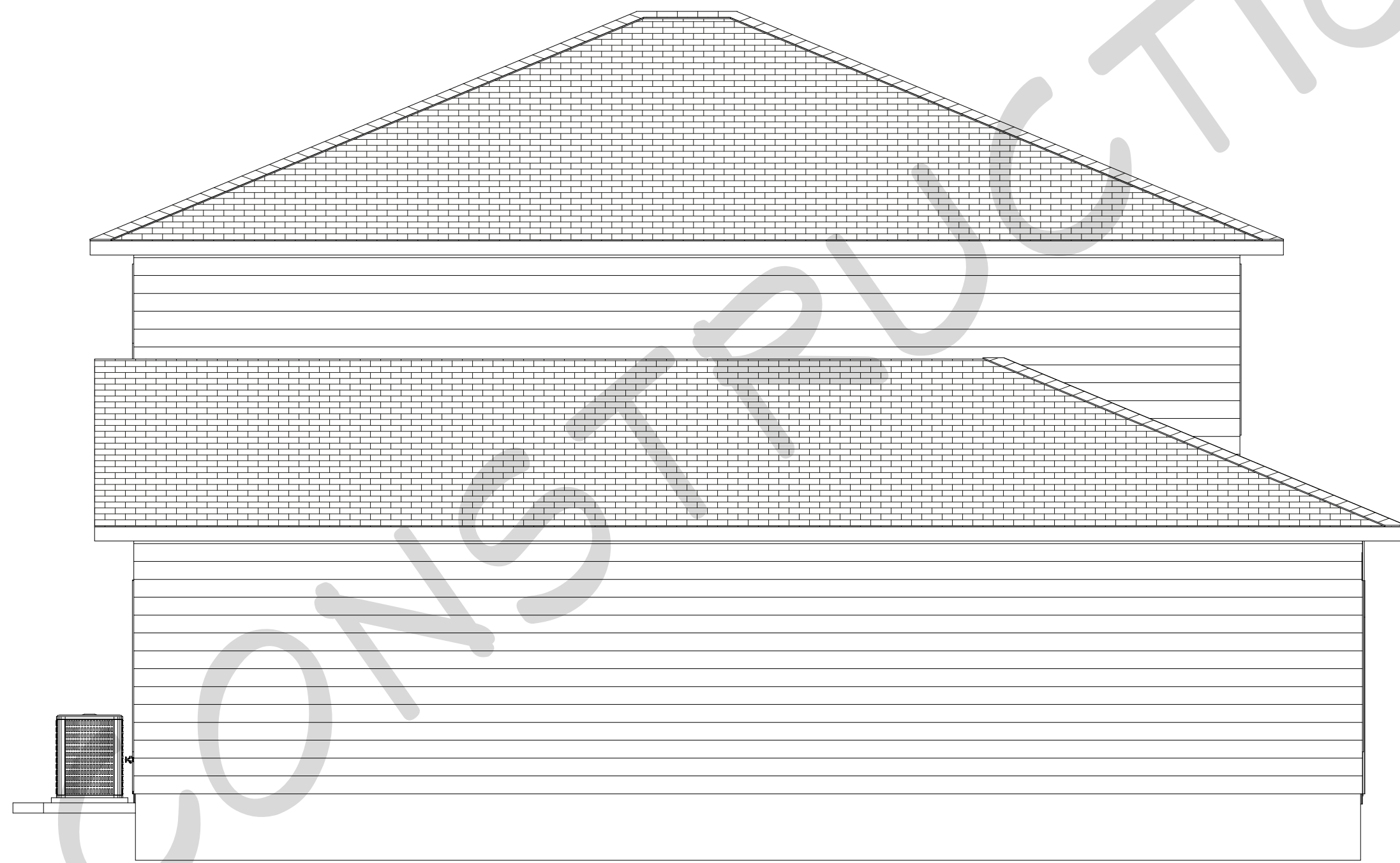
1/4" = 1' UNO

SHEET:

A2
Floor Plan



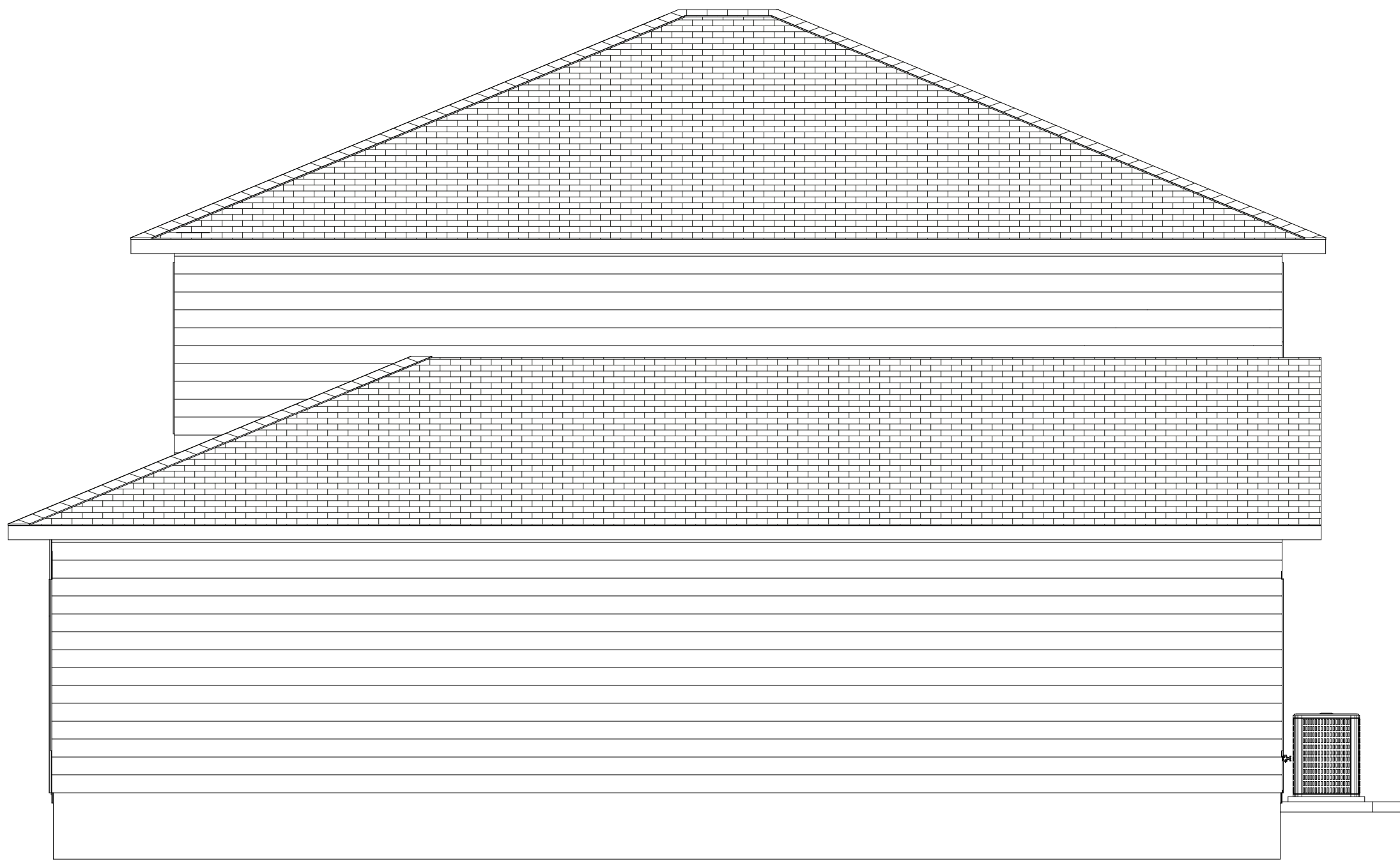
1
A3 FRONT ELEVATION
1/4" = 1'



3
A3 LEFT ELEVATION
1/4" = 1'



2
A3 REAR ELEVATION
1/4" = 1'



4
A3 RIGHT ELEVATION
1/4" = 1'



| REVISION TABLE | | DESCRIPTION |
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NEW PROJECT FOR:
COMAL COUNTY HABITAT FOR HUMANITY
LOT 1 & 6 MICHIGAN STREET
NEW BRAUNFELS, TX 78130

PROJECT #: 20-022_DLDR
FP1



DRAWINGS PROVIDED BY:
KOKANEE SOLUTIONS, LLC
421 S. SEGUN AVE SUITE A
NEW BRAUNFELS, TX 78130
830.481.4025 www.kcsotexas.com

DATE:

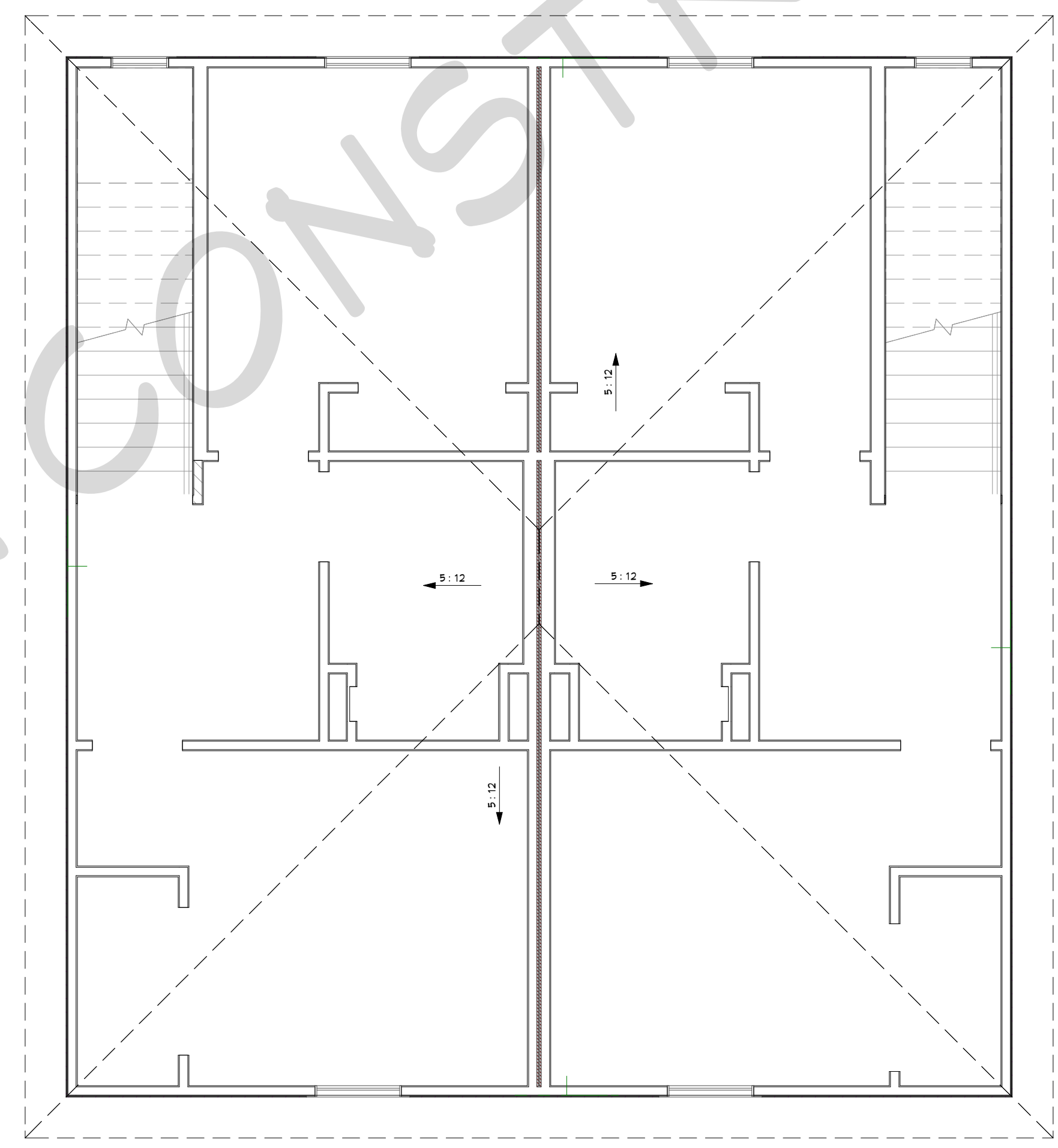
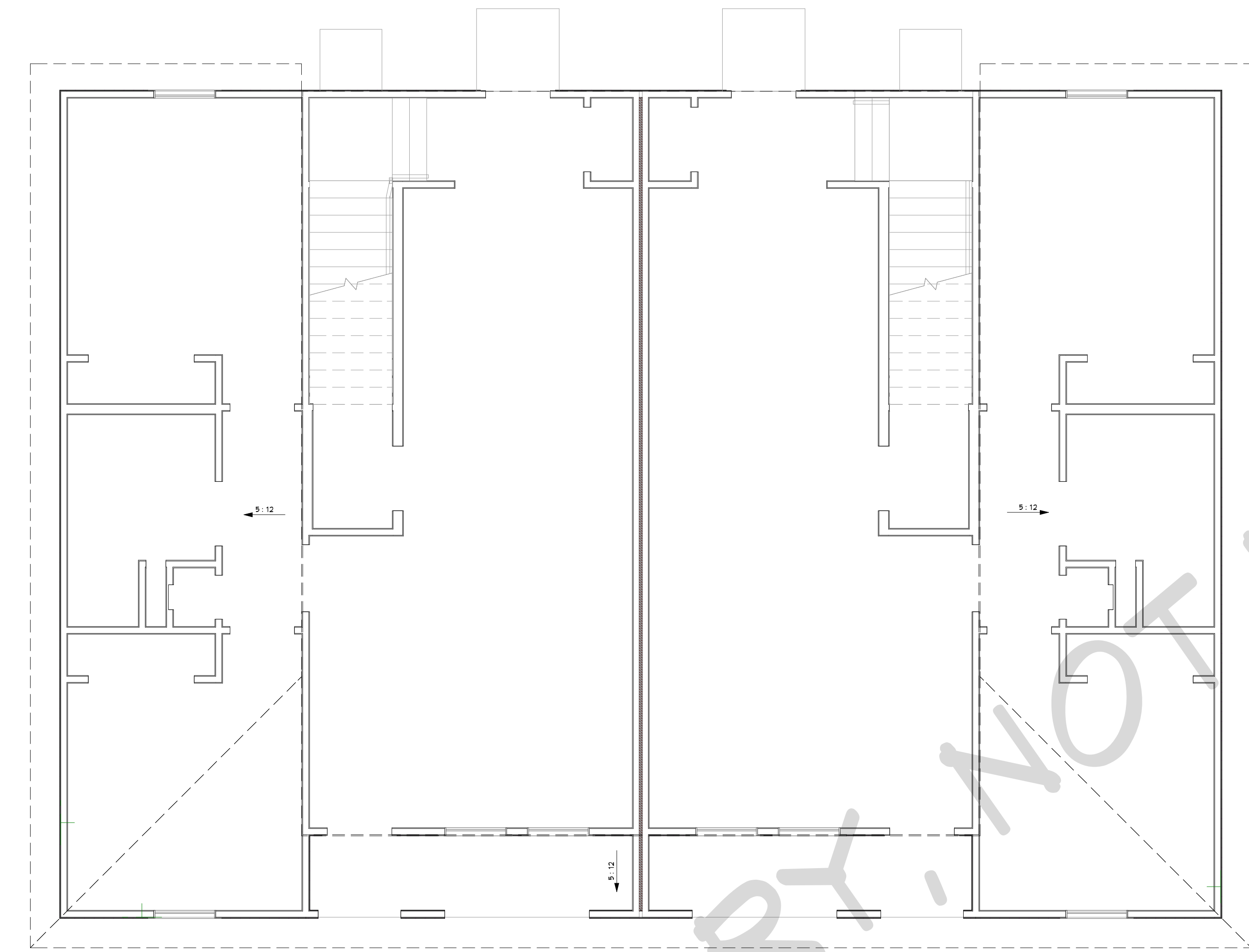
9/21/2020

SCALE:

1/4" = 1' UNO

SHEET:

A3
Exterior Elevations



| MATERIAL | QUANTITY | UNIT |
|--------------|----------|------|
| 1/2" DRYWALL | TBD | SF |
| 5/8" DRYWALL | TBD | SF |
| CARPET | TBD | SF |
| T&G | TBD | SF |
| WOOD FLOOR | TBD | SF |
| SIDING-LAP | TBD | SF |
| SIDING-S&B | TBD | SF |
| ROOFING | TBD | SF |
| SOFFIT | TBD | SF |



KOKANEE SOLUTIONS
Custom Home Design

| NUMBER | DATE | REVISION | DESCRIPTION |
|--------|------|----------|-------------|
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NEW PROJECT FOR:

COMAL COUNTY HABITAT FOR HUMANITY
LOT 1 & 6 MICHIGAN STREET
NEW BRAUNFELS, TX 78130

PROJECT #:

20-022_DLDR
FP1



Comal County
Habitat
for Humanity

DRAWINGS PROVIDED BY:

KOKANEE SOLUTIONS, LLC
421 S. SEGUN AVE SUITE A
NEW BRAUNFELS, TX 78130
830-481-1025 www.kcsotexas.com

DATE:

9/21/2020

SCALE:

1/4" = 1' UNO

SHEET:

A6
Roof Plan

Draft Minutes for the January 5, 2021 Planning Commission Regular Meeting

I) SUP20-291 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a seven-unit, townhouse style residential development on approximately 0.7 acre located at the southwestern terminus of the 2300 block of Michigan Street. Applicant: Brian Mendez – Urban Civil; Owner: Habitat for Humanity (Crystal Moore); Case Manager: Matthew Simmont.

Mr. Simmont presented and recommended approval with nine conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Commissioner Sonier voiced support for the development.

Discussion followed on parking and clarification on the nature of the development.

Chair Edwards asked if the applicant would like to speak.

Bryan Mendez, 190 S Seguin St, Urban Civil, stated his is available to answer any questions.

Discussion followed on the intent and reasoning for rezoning from ZHA.

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 Gibson, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow a seven-unit, townhouse style residential development on approximately 0.7 acre located at the southwestern terminus of the 2300 block of Michigan Street. Motion carried (9-0-0).

PLANNING COMMISSION – JANUARY 5, 2021– 6:00PM

Zoom Meeting

Applicant/Owner: Habitat for Humanity

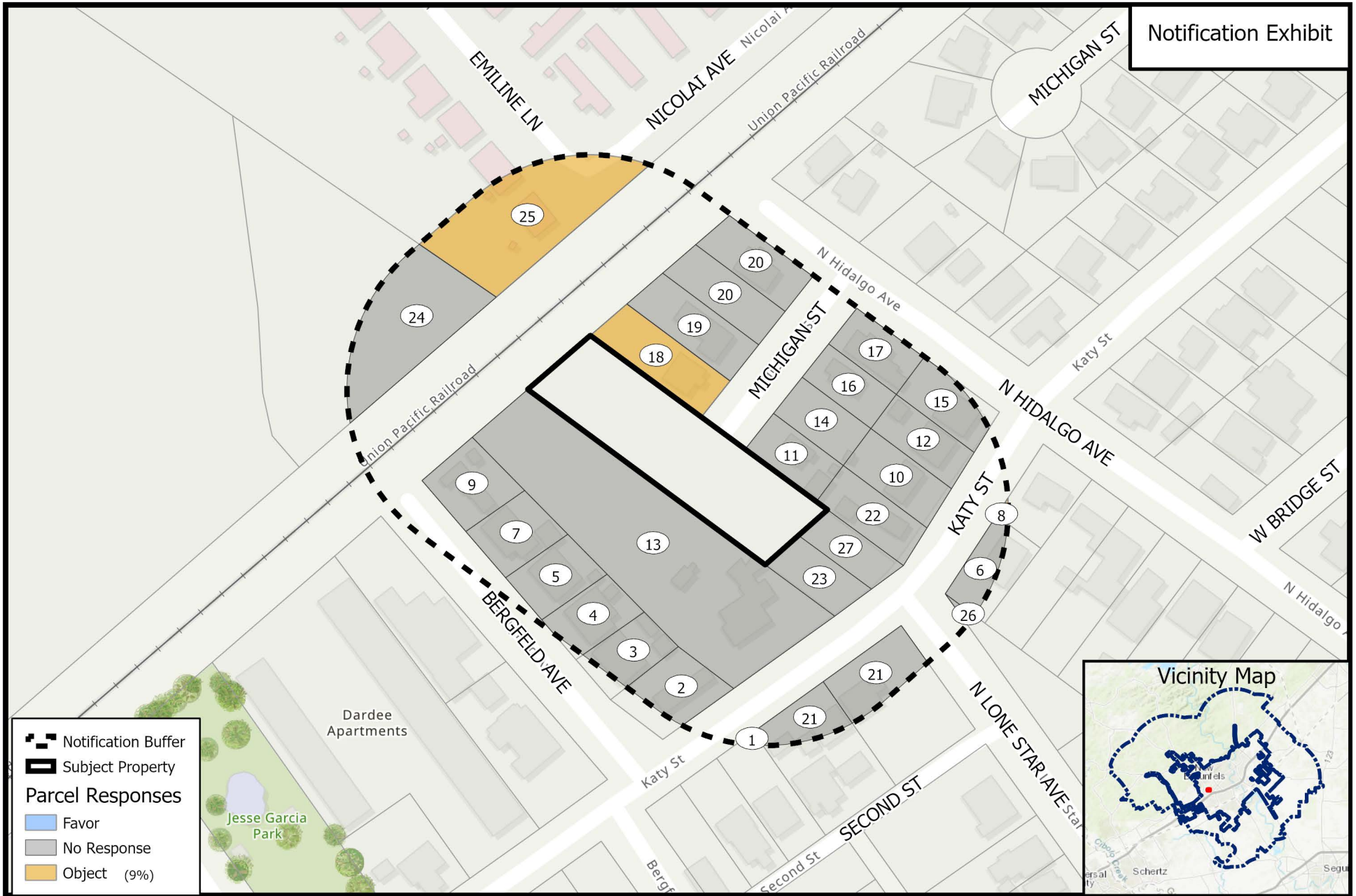
Address/Location: Southwest of the 2300 block of Michigan Street

PROPOSED SPECIAL USE PERMIT – CASE #SUP20-291

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. MILLETT CAROLE FAYE | 15. GARZA ARTURO & BELIA |
| 2. HERRERA JESUS & NORMA C | 16. GOMEZ MIGUEL & EDITH |
| 3. VALENCIA MARIA H | 17. YANEZ JESSE & MARTA |
| 4. LAGUNAS LYDIA | 18. MILLETT DOLORES ESTATE OF |
| 5. CANALES CHRISTOPHER J L & XIOLA R HUIZAR-CANALES | 19. KASBERG RANDY |
| 6. DELACERDA CARLOS & ESMERALDA | 20. GONZALEZ BALTAZAR T |
| 7. RODRIGUEZ GEORGE & NORA | 21. MARTINEZ RAFAEL L |
| 8. SANDOVAL PILAR | 22. RODRIGUEZ SANTOS III & GRISELDA |
| 9. SANTELLAN SANDY & SANTIAGA | 23. GUTIERREZ STEPHENIE |
| 10. RODRIGUEZ SANTOS III | 24. NEW BRAUNFELS CITY OF |
| 11. MEDINA MARGARITA | 25. BAVARIAN VILLAGE INC |
| 12. LOPEZ TERESA | 26. CAG ESSENTIALS LLC |
| 13. ROSALES FAMILY TRUST | 27. COMAL COUNTY HABITAT FOR HUMANITY |
| 14. CHAPA MARTHA | |

SEE MAP



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-291 ms

Name: Timothy E. MillettAddress: 567 Beverly LaneProperty number on map: 1 and 18

I favor: _____

I object: X (State reason for objection)

Comments: (Use additional sheets if necessary)

RECEIVED

JAN 13 2021

BY: W

I do not approve of the townhouse development to create a disruption of the scenic, peaceful and tranquility of neighborhood with crowding of structures on land. Traffic increase on small cul-de-sac street not needed. Family owned properties with little city services provided for over fifty years. Overdevelopment of land for area will be created.

Signature: Timothy E. Millett

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-291 ms

Name: Pilar B. Sandoval Jr.Address: 389 N HIDALGO AVEProperty number on map: 8

I favor: _____

I object: NO (State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Pilar B. Sandoval

RECEIVED

DEC 29 2020

BY: _____

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-291 ms

Name: Barbera WrobelAddress: Bavian Village IncProperty number on map: 25

I favor: _____

I object: X (State reason for objection)

Comments: (Use additional sheets if necessary)

Project for a 7 unit is in a area where there are only single family homes. This project would look out of place and tower over all the other homes. 3 houses could be built on this lot and blend in with the neighbor. They need to rethink their plan.

Barbera Wrobel

RECEIVED

DEC 29 2020

BY: _____

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW A SEVEN-UNIT, TOWNHOUSE STYLE RESIDENTIAL DEVELOPMENT IN THE “ZH-A” ZERO LOT LINE HOME DISTRICT ON APPROXIMATELY 0.7 ACRE LOCATED AT THE SOUTHWESTERN TERMINUS OF THE 2300 BLOCK OF MICHIGAN STREET; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, the property is located in an area suitable for a townhouse style residential development; 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 the southwestern terminus of the 2300 block of Michigan Street, to allow a townhouse style residential development in the “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 adding the following

tract of land as a "Special Use Permit" for the uses and conditions herein described:

Approximately 0.7 acres located at the southwestern terminus of the 2300 block of Michigan Street, as delineated in Exhibit "A".

SECTION 2

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

1. Correct the Michigan Street labeling on the site plan.
2. Correct the directional orientation of the north arrow on the site plan.
3. To address adjacent privacy concerns, no second story access/doorways are permitted along the northeast facing elevation of proposed Lots 2-7. In addition, second story windows along the northeast facing elevation of proposed Lots 2-7 shall be non-transparent. Transparent clerestory windows are allowed.
4. Four-foot-wide sidewalks shall be constructed along both sides of Michigan Street and shall be within the right of way or contained within a pedestrian access easement to allow public access along the roadway.
5. The identified chain link fence facing Michigan Avenue shall be a maximum of four and one-half feet in height and remain a minimum of 50% open.
6. Development is to be permitted in substantial compliance with the approved site plan, Exhibit 'B'. All remaining site development standards as required by Chapter 144, City of New Braunfels Code of Ordinances remain in effect.
7. An off-site parking agreement shall be approved and maintained to guarantee resident access to the proposed shared parking area ensuring they meet the minimum number of parking spaces required for each dwelling unit.
8. A homeowner's association shall be established to own and maintain Lots 8 & 9.
9. An updated master plan reflecting the approved site plan must be submitted with the final plat application.

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 25th day of January, 2021.

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

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

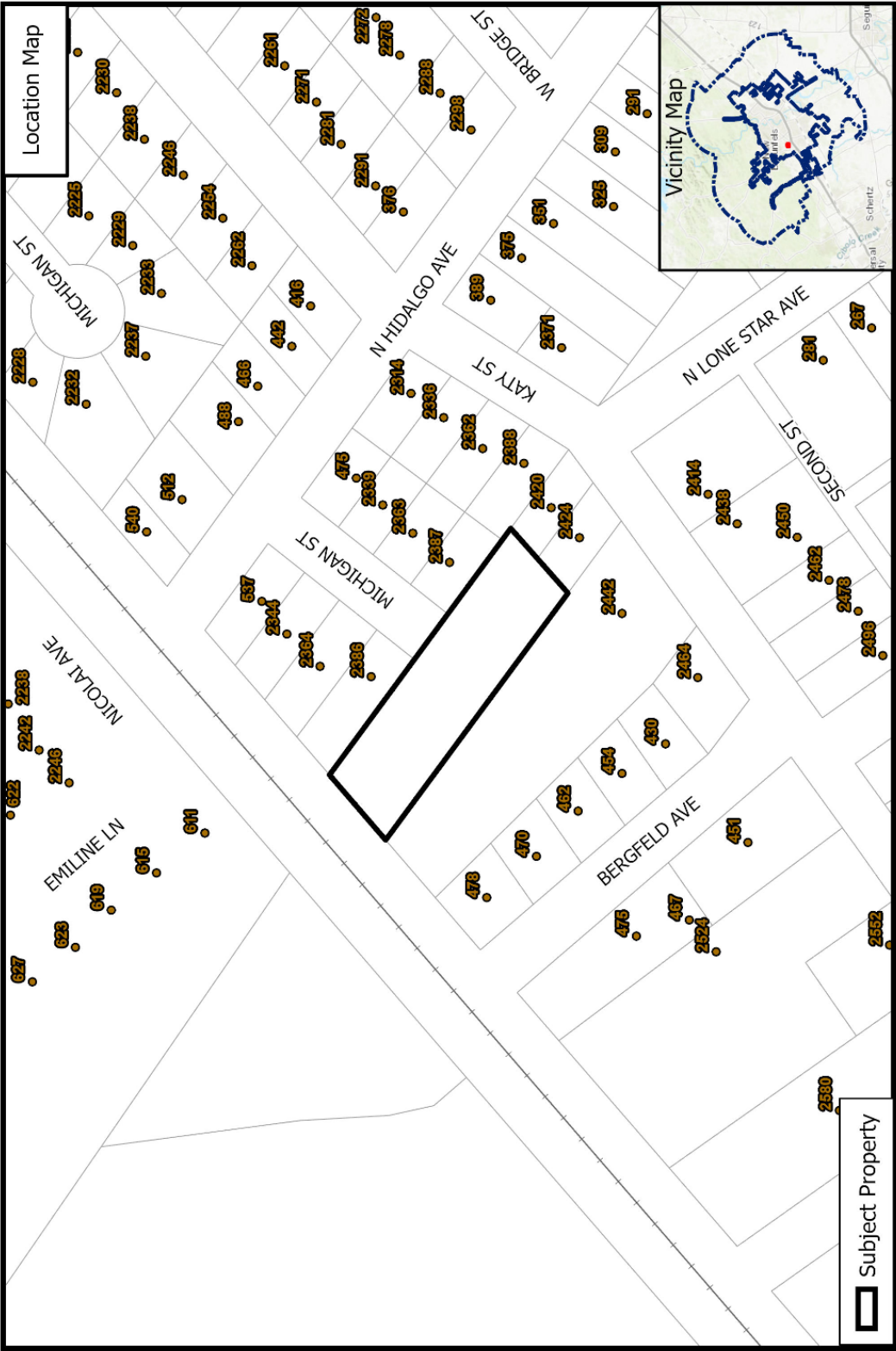
ATTEST:

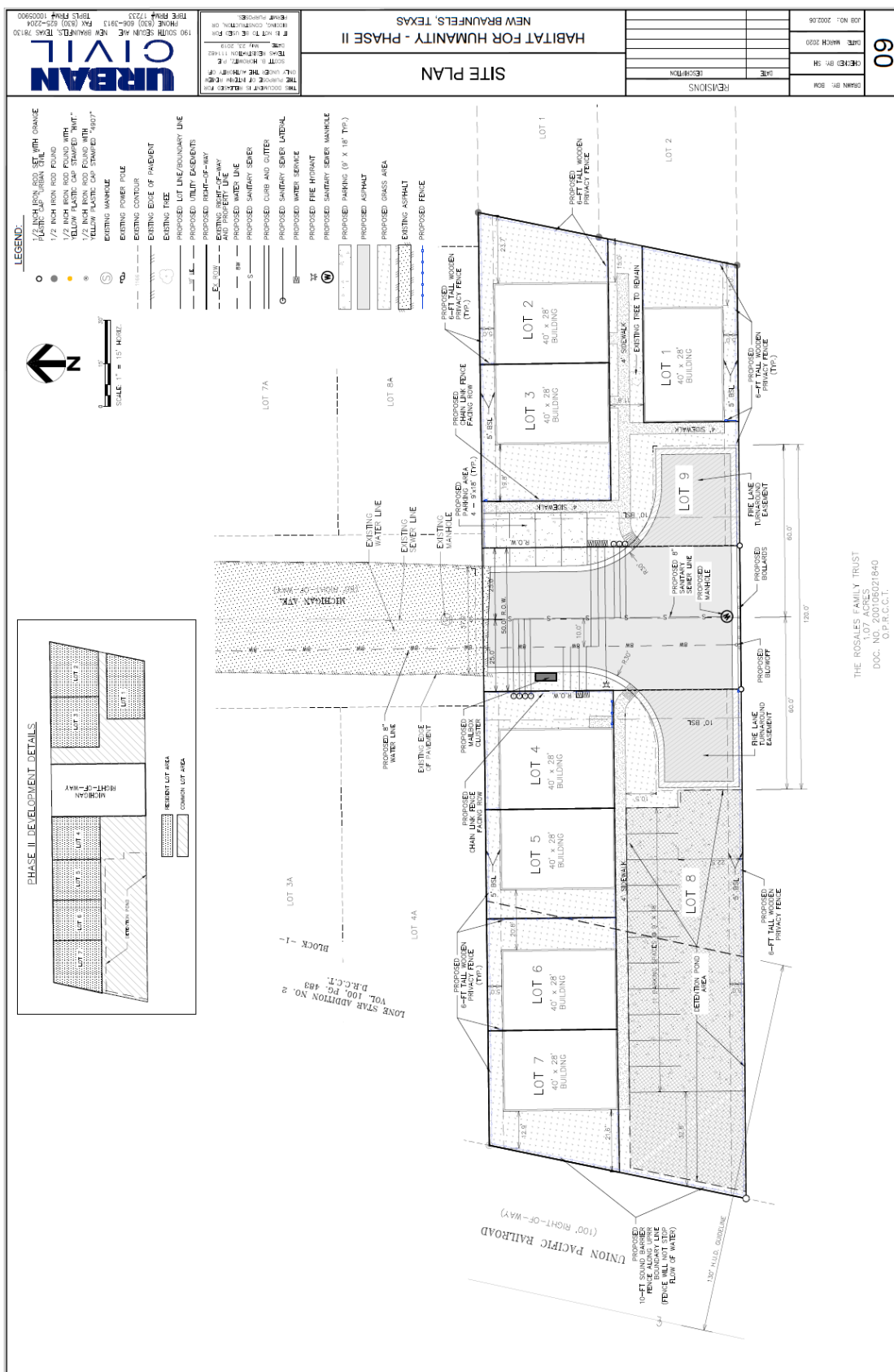
CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"





1/25/2021

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 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, from "R-1A-6.6" Single Family District to "R-1A-5.5" Single Family District.

BACKGROUND / RATIONALE:

Case No.: PZ20-0285

Council District: 4

Owner: Milestone Conrads Development, Ltd. (Chesley Swann III, Vice President)
P.O. Box 6862
San Antonio, TX 78209
(210) 771-9072 - cis@me.com

Applicant: HMT Engineering & Surveying (Chris Van Herde, P.E.)
290 S. Castell Ave.
New Braunfels, TX 78130
(830) 625-8555 - plats@nbtexas.org

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

The subject property is comprised of approximately 19.735 acres on the north side of Conrads Lane, east of the Union Pacific Railroad tracks, and is currently zoned "R-1A-6.6" Single-Family District. It is presently undeveloped but is a part of the approved Cloud Country Subdivision master plan for single family residential lots.

The applicant indicates the intent of the rezoning is to maintain the sales price of homes within the overall subdivision; land prices have increased so 60-foot wide lots will have higher sales prices. The same request for 24.54 acres of an undeveloped portion of the subdivision was approved by City Council in May, 2020.

Surrounding Zoning and Land Use:

North - Outside City Limits / Agricultural and undeveloped

South - Across Conrads Ln., APD / Agricultural and undeveloped
 East - R-1A-5.5 and R-1A-6.6 / single-family residences
 West - Outside City Limits / Union Pacific Railroad, Ministorage and outside storage facility and single-family residences

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 *(Should the request be approved, use of the property as single-family residential will remain the same as is allowed today, but slightly denser. It would be compatible with neighboring single-family developments, and consistent with new subdivisions on the edges of the city).*
- 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 impact on existing streets will be reviewed through the platting process. The adequacy of public facilities and utilities to serve any 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).*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare *(None identified. Drainage, utility and traffic impact will be reviewed and addressed through the platting 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 Workforce Housing Study | 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 and future Employment and Market Centers. Ensure through city zoning and other required legal entitlements related to housing construction that new types of housing products (small lot, duplex, townhome, etc.) are allowed by regulations. |
|---|---|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 5, 2021 and recommended approval (8-1-0, with Commissioner Tubb opposed).

STAFF RECOMMENDATION:

Approval. Single-family residential use is already allowed on this site in an approved master plan. R-1A-5.5 would allow opportunities for lot size and housing type variety, while nearby existing and future Employment and Market Centers can accommodate future mixed use, including jobs.

Notification:

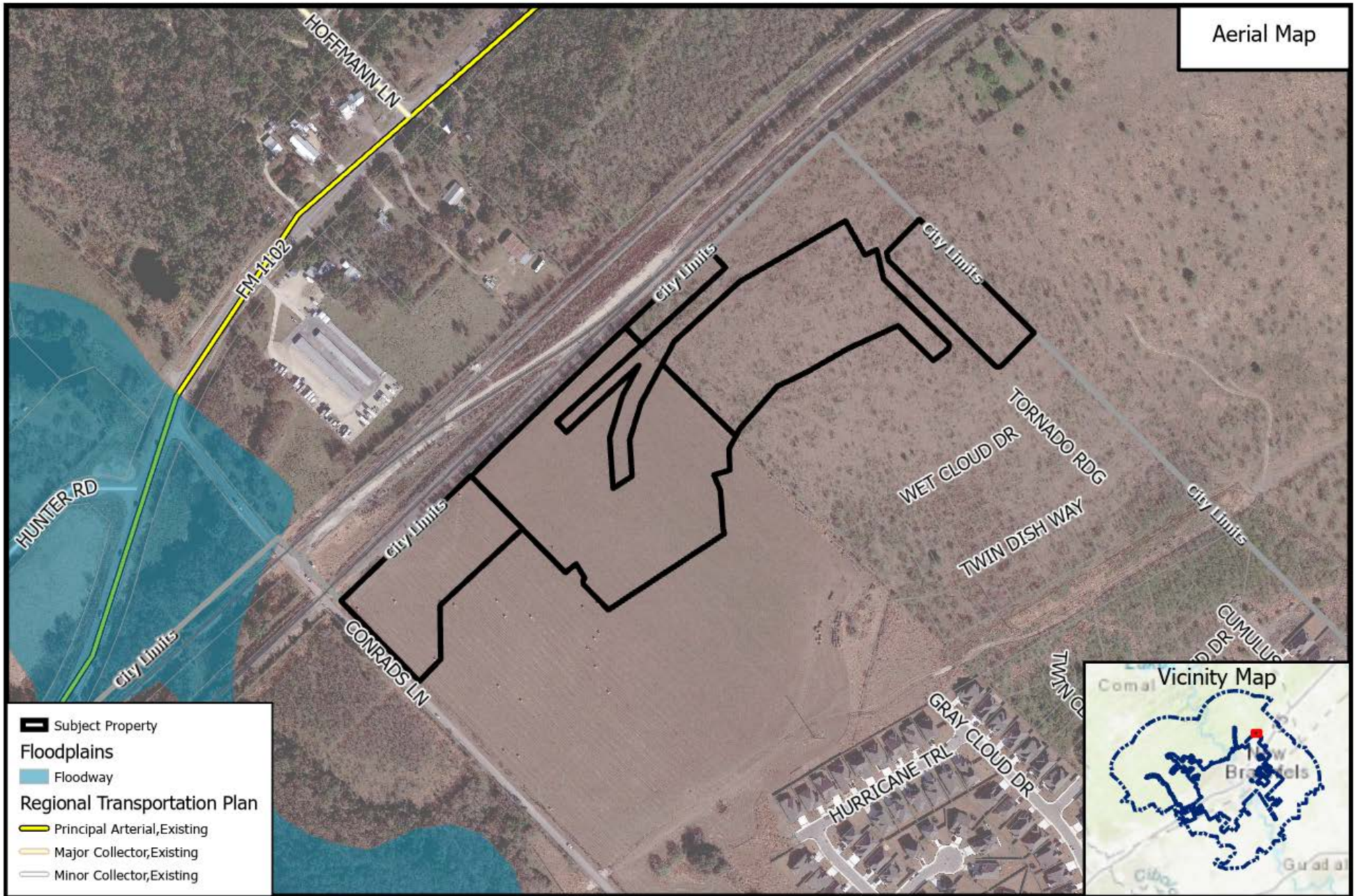
Public hearing notices were sent to 4 owners of property within 200 feet of the request. The City has received no responses at this time.

RESOURCE LINKS:

- Chapter 144, Sec. 3.4-2 “R-1A-6.6” Single-Family District, of the City’s Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Secs. 3.4-2 “R-1A-5.5” Single-Family Residential District, 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 and Future Land Use)
3. Notification List and Map
4. Excerpt of Minutes from the January 5, 2021 Planning Commission Regular Meeting
5. Ordinance

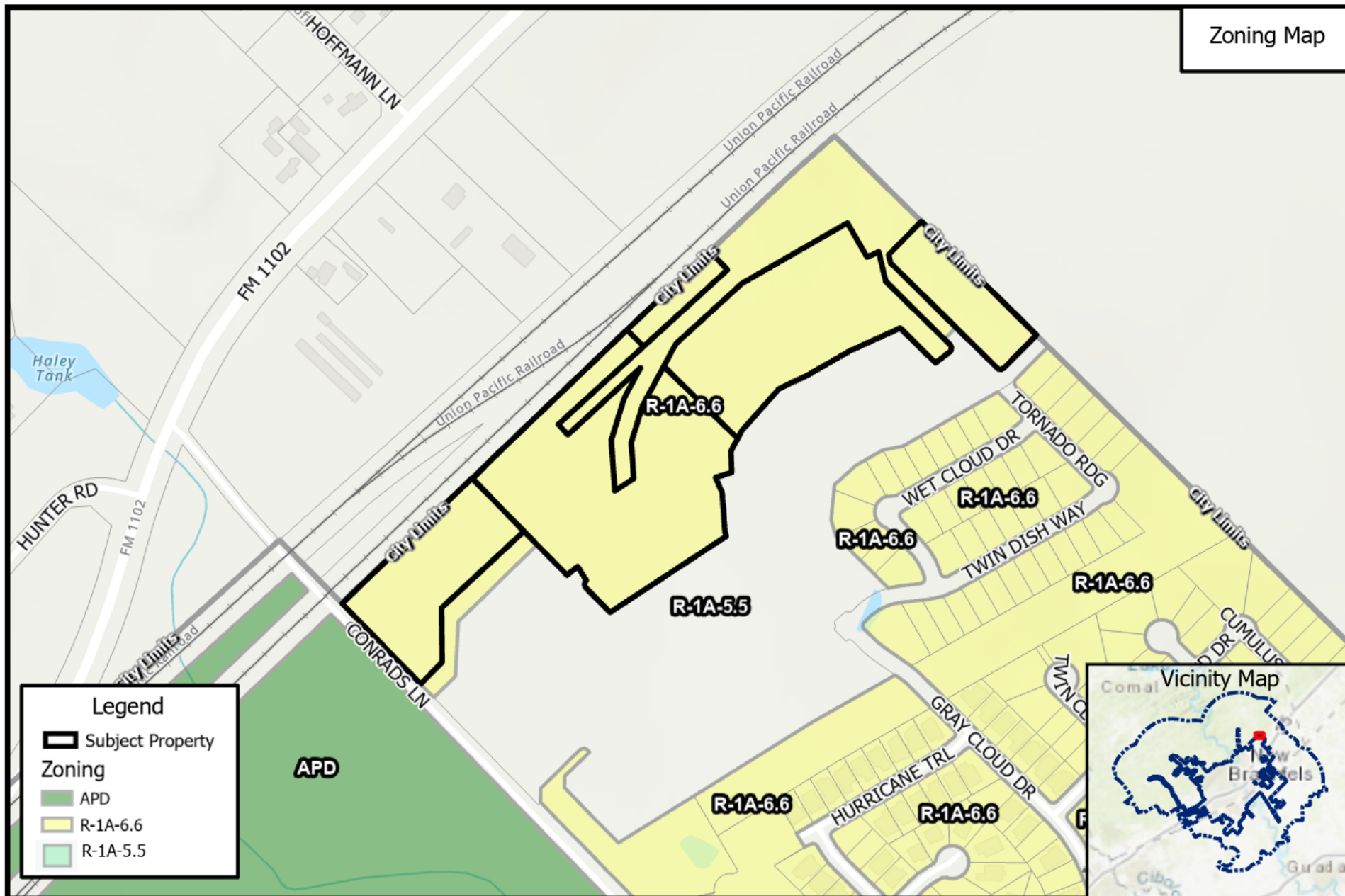


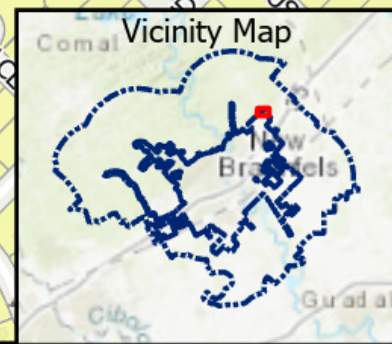
PZ20-0285
R-1A-6.6 to R-1A-5.5



Source: City of New Braunfels Planning
 Date: 12/16/2020

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 else is at that party's risk and without liability to the City of New Braunfels or its officials or employees for any discrepancies, errors, or variances which may exist.





PZ20-0285
R-1A-6.6 to R-1A-5.5



EXISTING CENTERS

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

EMPLOYMENT CENTER

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

MARKET CENTER

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

MEDICAL CENTER

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

CIVIC CENTER

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

OUTDOOR RECREATION CENTER

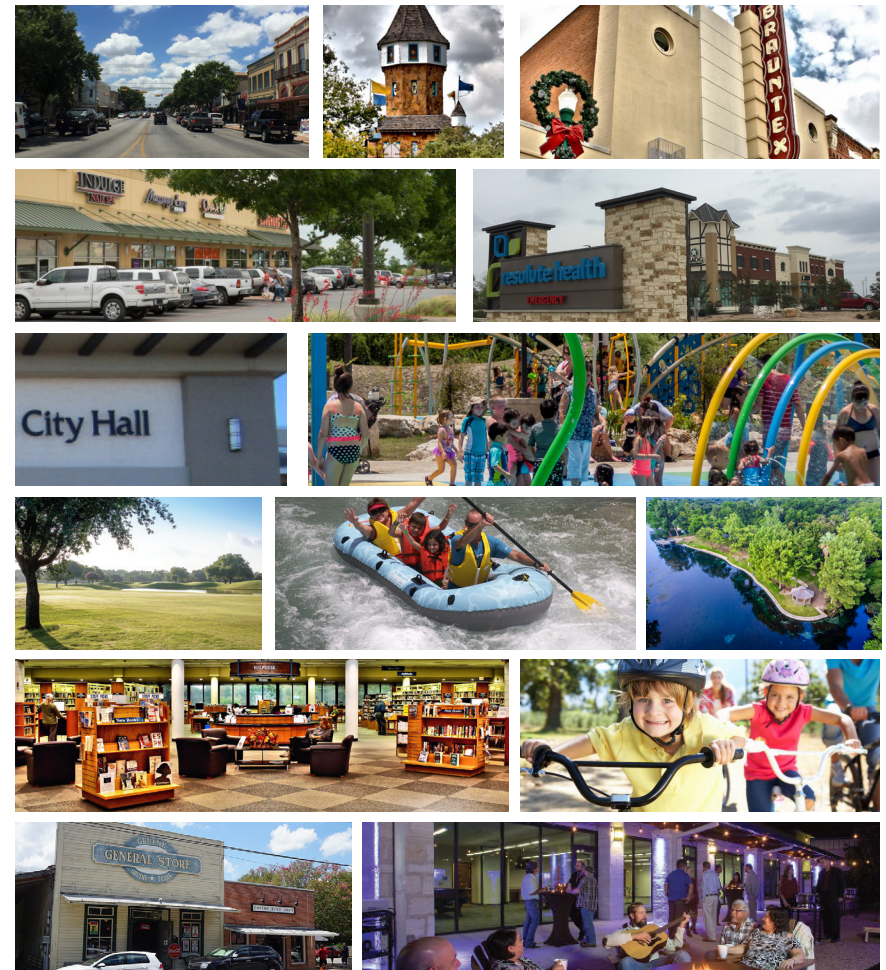
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

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

TOURIST/ENTERTAINMENT CENTER

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



FUTURE LAND USE PLAN

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

TRANSITIONAL MIXED-USE CORRIDOR

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

OUTDOOR RECREATION CENTER

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

EMPLOYMENT CENTER

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

MARKET CENTER

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

CIVIC CENTER

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

SUB AREA 1

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

SUB AREA 2

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

SUB AREA 3

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

SUB AREA 4

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

SUB AREA 5

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

SUB AREA 6

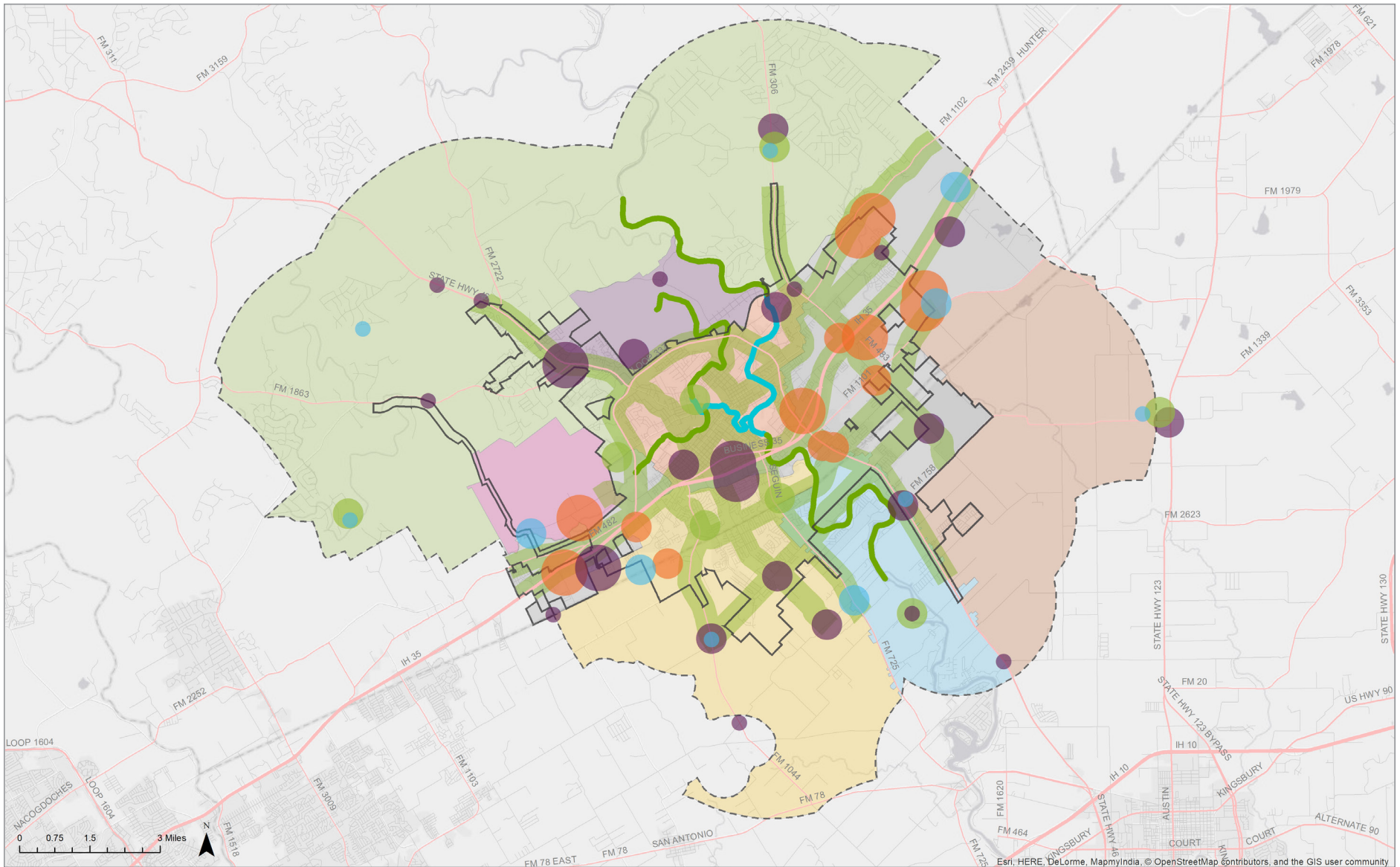
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

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

SUB AREA 8

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



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

PLANNING COMMISSION – JANUARY 5, 2020– 6:00PM

Zoom Meeting

Applicant/Owner: HMT Engineering & Surveying

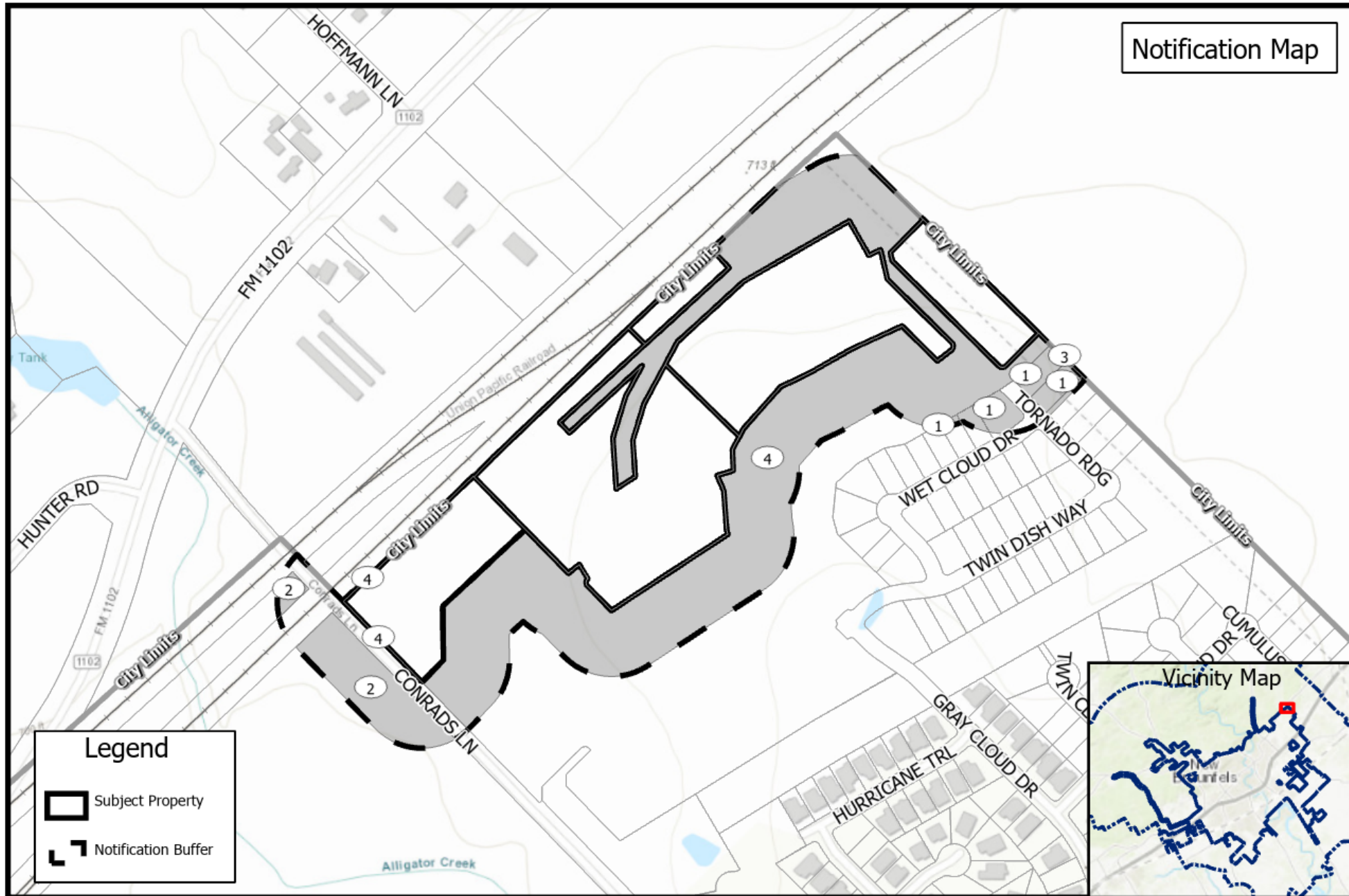
Address/Location: Approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way

PROPOSED ZONE CHANGE – CASE #PZ20-0285

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. PROPERTY OWNERS
2. RAHE LEE WAYNE
3. STATE OF TEXAS FBO PERMANENT SCHOOL FUND
4. MILESTONE CONRADS DEVELOPMENT LTD

SEE MAP



Draft Minutes for the January 5, 2021 Planning Commission Regular Meeting

C) PZ20-0285 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, from “R-1A-6.6” Single Family District to “R-1A-5.5” Single Family District. Owner: Milestone Conrads Development (Chesley Swann III, Vice President); Applicant: HMT Engineering & Surveying (Stephen Hanz, COO); Case Manager: Matt Greene.

Mr. Greene presented and recommended approval.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

Chris Van Heerde, 290 S Castell Ave, HMT, provided clarification on the request.

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 Meyer, to recommend approval to City Council of the proposed rezoning of approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, from “R-1A-6.6” Single Family District to “R-1A-5.5” Single Family District with staff recommendations. Motion carried (8-0-1) with Commissioner Tubbs in opposition.

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 19.735 ACRES OUT OF THE ORILLA RUSSELL SURVEY, A-485 AND THE NANCY KENNER SURVEY, A-306, COMAL COUNTY, TEXAS, LOCATED SOUTH OF THE INTERSECTION OF GRAY CLOUD DRIVE AND TWIN DISH WAY, FROM “R-1A-6.6” SINGLE-FAMILY DISTRICT TO “R-1A-5.5” SINGLE-FAMILY RESIDENTIAL 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 “R-1A-5.5” Single-Family Residential 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 19.735 acres, out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, from “R-1A-6.6” Single-Family District to “R-1A-5.5” Single-Family Residential 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 “R-1A-6.6” Single-Family District to “R-1A-5.5” Single-Family Residential District:

Approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, located on State Highway 46 South, 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 25th 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 19.735 ACRES

METES AND BOUNDS DESCRIPTION FOR A 1.739 ACRE TRACT OF LAND EXHIBIT A – FOR ZONING

Being a 1.739 acre tract of land located in the Nancy Kenner Survey, Abstract 306, Comal County, Texas, being the same tract called 1.739 acres, recorded in Document No. 202006051851, Official Public Records, Comal County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a 1/2" iron rod with cap stamped "4233" found in the Southeast Right of Way line of the Union Pacific Railroad Line for the West corner of a called 236.822 acre tract recorded on Document No. 200606053121, Official Public Records, Comal County, Texas, and the north corner of 33.110 acre tract recorded in Document No. 201906041434, Official Public Records, Comal County, Texas;

THENCE departing the Southeast Right of Way line of the Union Pacific Railroad Line, with the Southwest line of said 236.822 acre tract and the northeast line of said 33.110 acre tract, S 45°23'36" E, a distance of 367.13 feet to the POINT OF BEGINNING of the herein described tract;

THENCE with the southwest line of said 236.822 acre tract, S 45°23'36" E, a distance of 490.00 feet to a point being a corner of said 33.110 acre tract, for a corner of the herein described tract, from which a 1/2" iron rod with cap stamped "HMT" found for the easternmost corner of said 33.110 acre tract bears S 45°23'36" E, a distance of 50.00 feet;

THENCE with the common line of said 33.110 acre tract, the following five calls:

- 1) S 44°36'21" W, a distance of 140.00 feet to a point for a corner and the beginning of a curve to the right;
- 2) Along a curve to the right, having a radius of 15.00 feet, an arc length of 23.56 feet, and a chord bearing S 89°36'21" W, a distance of 21.21 feet to a point for a corner;
- 3) N 45°23'39" W, a distance of 453.51 feet to a point for a corner;
- 4) N 13°03'48" W, a distance of 25.43 feet to a point for a corner;
- 5) N 44°36'21" E, a distance of 141.40 feet to the POINT OF BEGINNING and containing 1.739 acres of land in Comal County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83.

Written November 27th, 2020.

FOR ZONING PURPOSES ONLY.

EXHIBIT "A" (PAGE 1)

METES AND BOUNDS DESCRIPTION
FOR A 17.996 ACRE TRACT OF LAND
EXHIBIT A - FOR ZONING

Being a 17.996 acre tract of land located in the Orilla Russell Survey, Abstract No. 485, and the Nancy Kenner Survey, Abstract No. 306, Comal County, Texas, being part of a called 33.110 acre tract, recorded in Document No. 201906041434, Official Public Records, Comal County, Texas, and all of a called 14.031 acre tract, called Tract "A", recorded in Document No. 202006051851, Official Public Records, Comal County, Texas, said 17.996 acre tract of land being more particularly described as follows:

BEGINNING at a found 1/2" iron pin with cap "Kolodzie" in the Southeast right of way line of the Union Pacific Railroad, the Northeast right of way line of Conrads Lane, same point being the Western corner of the aforementioned 33.110 acre tract, recorded in Document No. 201906041434, Official Public Records, Comal County, Texas;

THENCE departing the Northeast right of way line of Conrads Lane, with the Southeast right of way line of the Union Pacific Railroad, the following two (2) calls:

1. N 46°16'07" E, a distance of 1193.42 feet to a found 3" pipe post for a corner;
2. N 46°30'13" E, a distance of 349.68 feet to a point for a North corner of the aforementioned 14.031 acre tract, same point being a North corner of said 33.110 acre tract, and a Northern corner of the4 herein described tract;

THENCE departing the Southeast right of way line of the Union Pacific Railroad, with the common boundary line between said 14.031 acre tract and 33.110 acre tract, the following forty (40) calls:

1. S 43°21'09" E, a distance of 77.03 feet to a point for a corner;
2. S 47°36'10" W, a distance of 694.35 feet to a point for a corner;
3. S 42°42'14" E, a distance of 42.95 feet to a point for a corner;
4. N 47°17'46" E, a distance of 299.70 feet to a point for a corner;
5. S 28°17'20" W, a distance of 104.82 feet to a point for a corner;
6. S 17°05'17" W, a distance of 132.68 feet to a point for a corner;
7. S 03°52'52" E, a distance of 154.79 feet to a point for a corner;
8. N 56°46'10" E, a distance of 68.84 feet to a point for a corner;
9. N 03°52'52" W, a distance of 109.80 feet to a point for a corner;
10. N 17°03'43" E, a distance of 115.85 feet to a point for a corner;
11. N 28°17'20" E, a distance of 213.72 feet to a point for a corner;
12. N 47°36'10" E, a distance of 270.78 feet to a point for a corner;
13. N 60°09'22" E, a distance of 368.60 feet to a point for a corner;
14. S 29°49'10" E, a distance of 119.60 feet to a point for a corner;
15. N 65°18'58" E, a distance of 39.09 feet to a point for a corner
16. S 13°03'48" E, a distance of 91.52 feet to a point for a corner;
17. S 45°23'39" E, a distance of 273.94 feet to a point for a corner and the beginning of a curve to the right;

EXHIBIT "A" (PAGE 2)

18. Along a curve to the right, having a radius of 15.00 feet, an arc length of 23.56 feet, and a chord bearing S 00°23'39" E, a distance of 21.21 feet to a point for a corner;
19. S 44°36'21" W, a distance of 4.40 feet to a point for a corner and the beginning of a curve to the right;
20. Along a curve to the right, having a radius of 175.00 feet, an arc length of 47.57 feet, and a chord bearing S 52°23'36" W, a distance of 47.42 feet;
21. S 60°10'50" W, a distance of 3.75 feet to a point for a corner;
22. N 45°23'39" W, a distance of 150.45 feet to a point for a corner;
23. S 65°30'32" W, a distance of 167.67 feet to a point for a corner;
24. S 60°10'50" W, a distance of 144.11 feet to a point for a corner;
25. S 64°20'09" W, a distance of 99.72 feet to a point for a corner;
26. S 41°34'50" W, a distance of 167.87 feet to a point for a corner;
27. S 28°17'20" W, a distance of 72.56 feet to a point for a corner;
28. S 02°17'24" E, a distance of 64.26 feet to a point for a corner and the beginning of a curve to the left;
29. Along a curve to the left, having a radius of 225.00 feet, an arc length of 51.10 feet, and a chord bearing S 73°00'11" W, a distance of 50.99 feet;
30. S 23°30'11" E, a distance of 50.00 feet to a point for a corner;
31. S 04°08'36" E, a distance of 117.96 feet to a point for a corner;
32. S 13°58'37" E, a distance of 15.26 feet to a point for a corner;
33. S 56°46'10" W, a distance of 420.95 feet to a point for a corner;
34. N 44°21'10" W, a distance of 104.07 feet to a point for a corner and the beginning of a curve to the right;
35. Along a curve to the right, having a radius of 15.00 feet, an arc length of 26.47 feet, and a chord bearing N 06°12'30" E, a distance of 23.17 feet to a point for a corner;
36. N 33°13'50" W, a distance of 50.00 feet to a point;
37. S 56°46'10" W, a distance of 3.39 feet to a point for a corner and the beginning of a curve to the left;
38. Along a curve to the left, having a radius of 150.00 feet, an arc length of 29.09 feet, and a chord bearing S 51°12'51" W, a distance of 29.04 feet to a point for a corner;
39. S 45°39'31" W, a distance of 9.82 feet to a point for a corner;
40. N 44°19'51" W, a distance of 130.00 feet to a point in the Southwest line of the aforementioned 14.031 acre tract, same point lying in an interior line of the aforementioned 33.110 acre tract, for a corner of the herein described tract;

THENCE departing the Southwest line of said 14.031 acre tract, over and across said 33.110 acre tract, the following three (3) calls:

1. S 45°39'31" W, a distance of 333.70 feet to a point for a corner;
2. S 02°58'35" W, a distance of 165.71 feet to a point for a corner;
3. S 45°43'40" W, a distance of 92.07 feet to a point in the Northeast right of way line of Conrads Lane, same point lying in the Southwest line of said 33.110 acre tract, for a Southern corner of the herein described tract;

THENCE with the Northeast right of way line of Conrads Lane and the the Southwest line of said 33.110 acre tract, the following two (2) calls:

EXHIBIT "A" (PAGE 3)

1. N 44°16'20" W, a distance of 340.10 feet to a found 1/2" iron pin for a corner;
2. N 44°00'58" W, a distance of 59.32 feet to the POINT OF BEGINNING, containing 17.996 acres of land in Comal County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83.

Written November 27th, 2020.

FOR ZONING PURPOSES ONLY.

EXHIBIT "A" (PAGE 4)

[illegible]

| LINE TABLE | | | LINE TABLE | | |
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| C8 | 23.56 | 16.00 | 5007.537"E | | 7.21 |
| C9 | 47.12 | 17.00 | 50222.58"W | | 17.42 |
| C10 | 51.10 | 22.00 | 507320.17"W | | 50.89 |
| C11 | 26.43 | 18.00 | 50373.20"E | | 23.17 |
| C12 | 29.03 | 15.00 | 50517.57"W | | 29.04 |
| C13 | 23.56 | 15.00 | 507350.27"W | | 7.21 |

1/25/2021

Agenda Item No. I)

Presenter

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

SUBJECT:

Public hearing and consideration of a proposed amendment to the Veramendi Development & Design Control Document.

BACKGROUND / RATIONALE:

Case No.: ORD20-301

Council District: Outside City Limits

**Developer&
Applicant:**

Peter James, Chief Executive Officer

ASA Properties
387 W. Mill Street
New Braunfels, TX 78130
(832) 515-6587
peter@asaproperties.us.com

Staff Contact: Matthew Simmont, AICP
(830) 221-4058
msimmont@nbtexas.org

The Veramendi master planned community encompasses over 2,400 acres within the Comal County Water Improvement District #1. A Development Agreement for the Veramendi project (Word-Borchers Ranch Joint Venture) was approved by the New Braunfels City Council in February 2013. The Development Agreement and its Exhibits contain documents that set the regulatory framework, timeframes and development standards for future development on the Veramendi property.

Pursuant to the Veramendi Development Agreement, the Development & Design Control Document (DDCD) has been approved to establish principles, objectives, standards and procedures for design and development at Veramendi. The idea was for a development pattern that borrowed more from New Urbanist styles than post World War II suburban sprawl styles.

The applicant is seeking to revise the DDCD to increase the maximum length allowed for alleys and service drives to add flexibility for neighborhood layouts. The applicant is currently designing a neighborhood with alley access lots and a shared common green at the front which provides housing type variety while preserving a significant stand of highly valued oak trees. However, the existing alley length development standard would limit this design at this location.

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

| | |
|---|---|
| City Plan/Council Priority: Word-Borchers Ranch Joint Venture Development Agreement Envision New Braunfels Comprehensive Plan | Allow for advancement of the Veramendi project in accordance with the Development Agreement. Action 3.16: Review and revise regulations that inadvertently inhibit creative housing options or workforce housing alternatives. |
|---|---|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION

The Planning Commission held a public hearing on January 5, 2021 and recommended approval (9-0-0).

STAFF RECOMMENDATION:

Approval. The DDCCD's current alley standard limits the flexibility originally intended for Veramendi. The applicant's proposed revisions to the design standards for alleys and service drives are in compliance with the Guiding Principles, would encourage and allow creative flexibility for alleys which provide additional connections and mobility options, and will meet the spirit and intent of Veramendi for improved and innovative neighborhoods.

Notification:

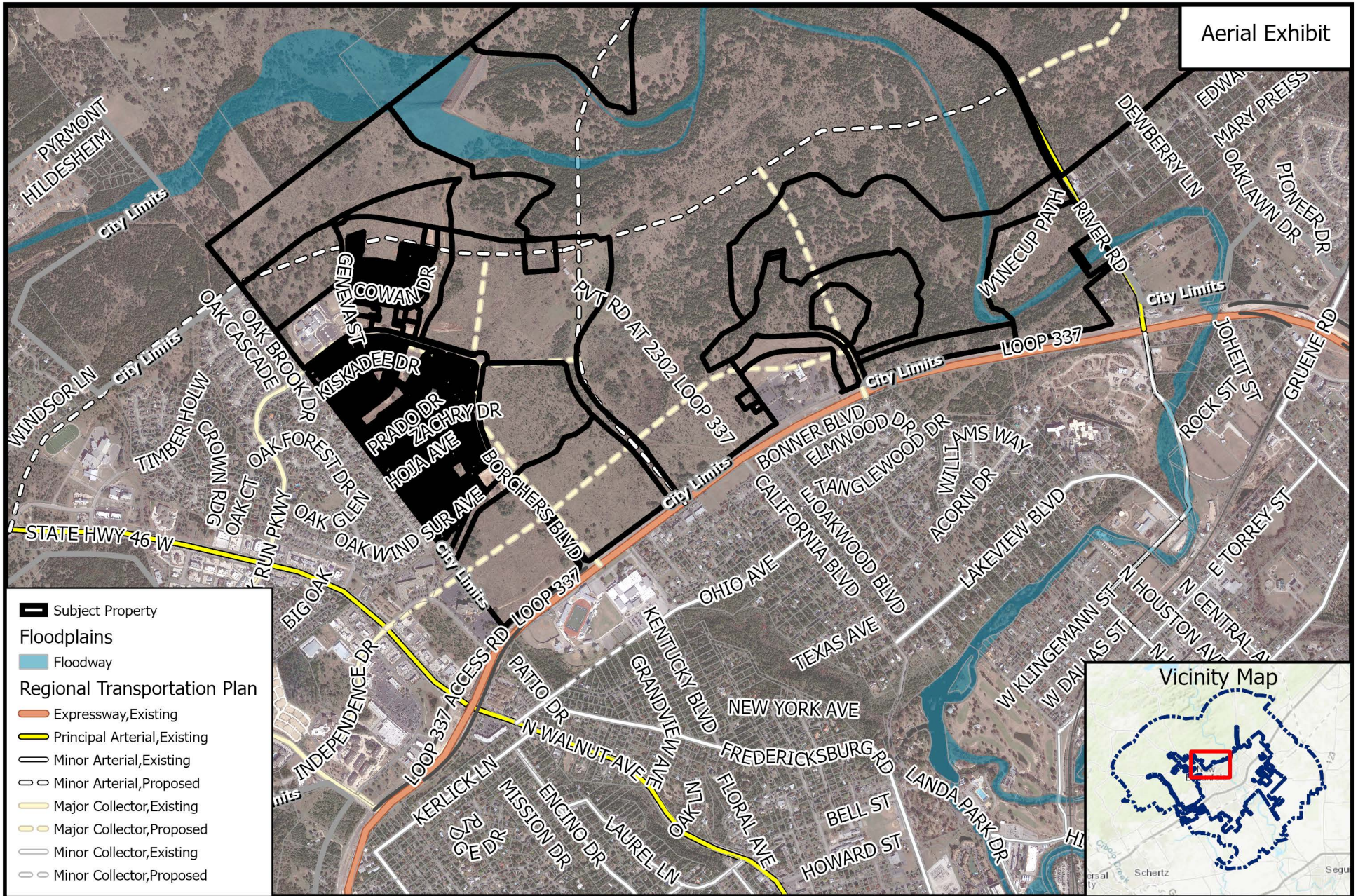
Public hearing notices were sent to 95 owners of property within 200 feet. The City has received no responses.

RESOURCE LINKS:

- Veramendi Development Agreement and Development & Design Control Document (DDCCD): <https://www.nbtexas.org/DocumentCenter/View/17409/DDCD-v31-FINAL-low-res>

ATTACHMENTS:

1. Aerial Map
2. Applicant's Summary and Proposed Changes to the DDCCD
3. Draft Planning Commission Meeting Minutes
4. Notification List, Map and Responses





November 25, 2020

Mr. Christopher J. Looney
Director Planning & Community Development
City of New Braunfels
550 Landa Street
New Braunfels, Texas 78130

Via: Delivery

Dear Chris,

VERAMENDI DEVELOPMENT & DESIGN CONTROL CODUMENT (DDCD)
REQUEST FOR AMENDMENT

We submit this request to amend the Veramendi Development & Design Control Document (DDCD).

Included with this request:

- Written response explaining the proposed amendments.
- Proposed amendment as redline of current DDCCD Page 108

We trust this information is sufficient to allow for your review and subsequent approval of this request to amend the Veramendi DDCCD.

If you require any additional information, please contact us at (832) 515.6578 or emily.lane@asaproperties.us.com.

Sincerely,
ASA PROPERTIES

Peter James
Chief Executive Officer

VERAMENDI DEVELOPMENT & DESIGN CONTROL DOCUMENT: REQUEST FOR AMENDMENT

1.1 BACKGROUND

The Veramendi Development & Design Control Document (DDCD) is Exhibit E of the Development Agreement and was first approved by City Council on April 22, 2013.

In the most recent submittal, an area of land is being platted that contains a significant stand of high valued oak trees. In order to save, highlight, and incorporate these trees into the subdivision design, an alley has been proposed as access for a row of lots along a block with a length of approximately 550 feet. This exceeds the DDCD minimum standard creating an undue burden on the potential of the property. If not amended, this would not only make the opportunity infeasible for this product and design, but also eliminate these substantial trees. This current requirement discards a creative solution for this and future layouts and waives the universally desired enhanced streetscape that comes with alley loaded product. Within this amendment, we, in working with City Staff, are proposing that the maximum length of an alley be increased to 750 feet to match the requirement set forth in the DDCD for local street block length.

1.2 PROPOSED AMENDMENT

| <i>Section 14.3.7 Alleys and Service Drives</i> |
|--|
| Summary of Proposed Amendment: 1.3 Alleys and service drives shall not exceed 750 ft. in length without providing access at the midsection of the alley to a public street. |
| Response: This proposed maximum length will be inline with the requirement set forth in the City Code and will allow for more variety and creative product design in lot layout, tree preservation, and final constructed experience of the development. |

14.3.7 Alleys and Service Drives

| MINIMUM DEVELOPMENT STANDARD | | ALTERNATIVE DEVELOPMENT STANDARD GUIDANCE |
|------------------------------|--|---|
| General | <p>1.1 Any lot may be accessed by an alley or service drive. Alleys shall be identified as public or private on the Plat. If designated as a private alley, the following shall be added as a Plat Note: "All private alleys shall be maintained the HOA or POA".</p> <p>1.2 Alley pavement and ROW widths shall comply with Section 14.3.5, Development Standard 13.1. For the purpose of this Development Standard, service drives shall comply with the pavement and ROW widths required for an alley.</p> <p>1.3 Alleys and service drives shall not exceed <u>450-750</u> ft. in length without providing access at the midsection of the alley to a public street.</p> <p>1.4 Where two alleys or utility easements intersect or turn at a right angle, a cut off or corner clip of not less than 10 ft. from the normal intersection of the lot line or easement boundary line shall be provided along each lot line or easement boundary line.</p> | <p>Guiding Principle Objectives: 3.2 VI, VII; 7.2 I. Code Purpose: 13.2 I, II, III.</p> |

14.3.8 Accessways

| MINIMUM DEVELOPMENT STANDARD | | ALTERNATIVE DEVELOPMENT STANDARD GUIDANCE |
|------------------------------|--|---|
| General | <p>1.1 Accessways shall be consistent with an approved Sector Plan.</p> <p>1.2 Where additional accessways are required at the plat stage, such accessways shall comply with Section 13.3.5.</p> | <p>Guiding Principle Objectives: 3.2 II, VI. Code Purpose: 13.2 I, II, III.</p> |

14.3.9 Utility Easements

| MINIMUM DEVELOPMENT STANDARD | | ALTERNATIVE DEVELOPMENT STANDARD GUIDANCE |
|------------------------------|---|--|
| Location & Design | <p>1.1 The location and design specification of utility easements shall be consistent with an approved Sector Plan.</p> <p>1.2 Where additional easements are required at the plat stage, such easements shall comply with Section 1.1.1.</p> | <p>Guiding Principle Objectives: 8.2 I, II. Code Purpose: 13.2 I, II, III.</p> |

Draft Minutes for the January 5, 2021 Planning Commission Regular Meeting

T) ORD20-301 Public hearing and recommendation to City Council regarding a proposed amendment to the Veramendi Development Design & Control Document. *Applicant & Developer: Peter James, Chief Executive Officer - ASA Properties; Case Manager: Matthew Simmont.*

Mr. Simmont presented and recommended approval.

Chair Edwards asked if there were any questions for staff.

Commissioner Reaves asked if any alleyways in the subdivision are adjacent to the Oak Run Subdivision.

Discussion followed.

Chair Edwards asked if the applicant would like to speak.

Garrett Mechler, 387 West Mill, clarified the intent behind the request.

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

No one spoke.

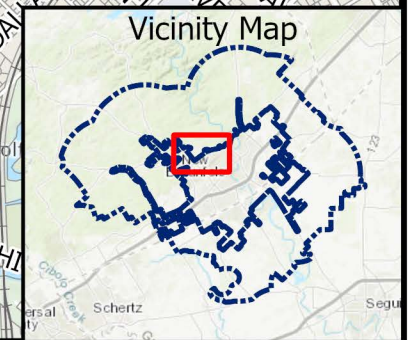
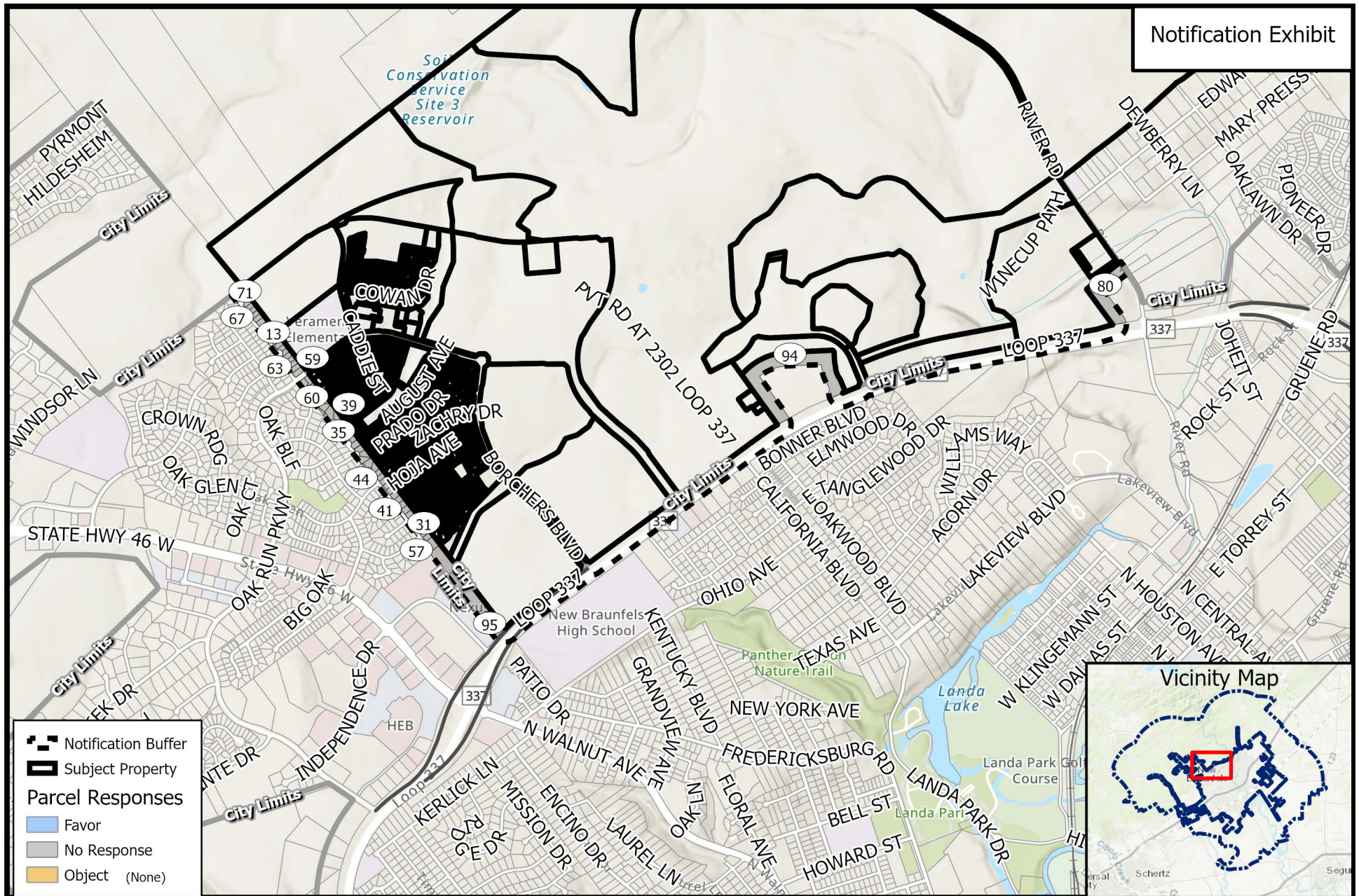
Chair Edwards asked if anyone wanted to speak in opposition.

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 Gibson, to recommend approval to City Council of the proposed amendment to the Veramendi Development Design & Control Document. Motion carried (9-0-0).



PLANNING COMMISSION – JANUARY 5, 2021– 6:00PM

Zoom Meeting

PROPOSED AMENDMENT – CASE #ORD20-301

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. BLUM DEE | 49. NOWAK RAYMOND A & LINDA E |
| 2. PRIBYL JO ANN H | 50. BYNUM HOWARD D & VICKIE S |
| 3. LIGHTSEY JEFFREY L & MOLLY B | 51. BRAWNER THOMAS F |
| 4. RANSLEBEN MARY K & DWAYNE A | 52. WELCH SCOTT M & JANE |
| 5. HARRISON MATTHEW R & SHERRY G | 53. SAMPSON STEPHEN M & LINDA J |
| 6. PERRO DONALD A & JO ANN M | 54. STAPLETON THOMAS M & MARTHA L |
| 7. BROWN TOMMY A & LINDA | 55. MCCALL BARRY |
| 8. RADFORD BRANDON D & AMANDA | 56. OAKRUN PROPERTY OWNERS ASSOCIATION |
| 9. PORTER CHARLES T & KAREN K | 57. STARNES JESSICA & JASON |
| 10. COLLINS CRAIG E & STACEE R | 58. GRACE JAMES & KATHRYN RVCBL TRST ET AL |
| 11. RHODES PATRICK D & KATHERINE A | 59. WITHERELL ALLEN D & COURTNEY F |
| 12. ONEAL-MELLEN PATRICIA A & JAMES E MELLEN | 60. MONK JOHN A & MARY L |
| 13. PATEL SUNITBHAI A & BHAVINIBEN S | 61. WHITE MELISSA |
| 14. MOORE GERARD G & TRAYCE B | 62. OLSON JOHN D & KRISTI J SIMMONS |
| 15. GARNER TODD L & CARI A | 63. MONKS CORY & SARAH |
| 16. SMALLWOOD ROBERT A & CHRISTINE B | 64. DAVEY PETER F & TERESA A |
| 17. PRENAVO SCOTT A & AMY M | 65. HARRELL MICHAEL S & JULIANNE P |
| 18. JACKSON TRAMELL & TARNISHA | 66. JOHNSON-CHILCOTE JUDY RVCBL LVNG TRST |
| 19. GOERGES EDWARD A & DIANNE S | 67. MELANSON FAMILY TRUST 1-08-2018 |
| 20. MEASELLS MICHAEL M & MARIANNA C | 68. POOL LANCE R & STEPHANIE A |
| 21. KENNEY ERNEST & KATHERINE M | 69. ALLEN AMY & GARY |
| 22. HARRIS RANDALL W | 70. CHRISTIAN MARK W & KIMBERLY J |
| 23. HOLUB GARY G & LEIGH A | 71. DRUMMER CORINNE C |
| 24. HAAS WILLIAM N & VICKI L GRAY | 72. PLOCICA TIMOTHY J & THERESA F |
| 25. BERGER DAVID C | 73. MEJIAS CARLOS E & WANDA N |
| 26. PROPERTY OWNER | 74. BORNMANN DIANE |
| 27. LEVETT L MARTIN & SHARON A | 75. DALE THOMAS D & CLARA J |
| 28. RICKS FLETCHER W & MARY R | 76. VILLARREAL ALBERT & REBECCA M |
| 29. FIGUEROA ARTURO G III & REBECA M | 77. DIRBA JOHN & ERICA |
| 30. TOMLINSON MARK R | 78. TOLLE CAROL |
| 31. FUSSELL JOSHUA S & DESIREE N | 79. COSTELLO JOSEPH M & CONNIE S |
| 32. KUPFERNAGEL ALAN W & SUZANNE E | 80. BEYER JEFFREY S & MELODIE A |
| 33. HAAS ROBERT N & RANDI G H | 81. GREGG JASON G & TARA |
| 34. BEASLEY DEBBIE | 82. DUNKLE CHRISTOPHER & ANGELA |
| 35. PENNYPACKER-TUCKER DEBORAH A LIVING TRUST | 83. SCHUMUCKER CHRISTOPHER J |
| 36. NAJAR JACK C | 84. HILL JAMES W & REBECCA L |
| 37. JIMENEZ RUDY | 85. NEW BRAUNFELS SERVICE CENTER LTD |
| 38. SMITH KENNETH D | 86. FOGERTY MICHAEL & SUSAN M |
| 39. ELSWICK ROBERT | 87. BRAWNER DONALD L & KARAN D |
| 40. RAINEY MONTY L & DENISE M | 88. PEREZ MARTY LESLIE M & EMILIO MARTY |
| 41. DARRYL STARR | 89. HARRIS JAMES R & JANET |
| 42. HOLTZ KIMBERLY R | 90. ELMORE COREY & LINDSAY |
| 43. PARKS PATRICIA JANE | 91. ONTIVEROS LUIS & SYLVIA |
| 44. BACHER BYRON L & JULIE | 92. STREET BARRY J SR & BLANCHE C |
| 45. PRESLEY ROBERT K & JUDITH A | 93. HARRIS STEVE L & TERESA |
| 46. STROUT ROBERT E & SUSAN J | 94. OAKWOOD BAPTIST CHURCH OF NB |
| 47. DAVIS ZACHARY & MEGAL PAL | 95. NEW BRAUNFELS OFFICE LTD |
| 48. MIKA MARTIN T & ANNA | |

1/25/2021

Agenda Item No. J)

Presenter

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

SUBJECT:

Public hearing and consideration of a request for a waiver to the Subdivision Platting Ordinance to not require sidewalk construction along Jarratt Drive and Louella Street for the Senaido Dual Crossing Subdivision.

BACKGROUND / RATIONALE:

Case #: PL-20-022

| | | |
|--------|---|--|
| Owner: | Senaido Rodriguez, Sr. 1617 Michigan Street New Braunfels, TX 78130 | Senaido Rodriguez, Jr. 1886 W. Mill Street New Braunfels, TX 78130 |
|--------|---|--|

Ron & Clare Carrillo
P.O. Box 690483
San Antonio, TX 78269

Engineer: Scott Horowitz, P.E.
Urban Civil
190 S. Seguin Avenue
New Braunfels, TX 78130
(830) 606-3913
shorowitz@urbancivil.com

Case Manager: Holly Mullins
(830) 221-4054
hmullins@nbtexas.org

The subject property is located along IH-35 South between Old Highway 81 and Rusch Lane, north of the Snake Farm and Zoo. An approximately 100-foot wide strip along the frontage road is within the city limits, with the remainder in the ETJ in Comal County. The land is currently undeveloped and the applicant's Senaido plat proposes three residential lots, each about 2 acres in size. The applicant intends to have vehicular driveways into each residential lot directly from the current dead-ends of Jarratt Drive and Louella Street.

Section 118-49 of the Subdivision Platting Ordinance requires four-foot wide sidewalks:

1. Along the IH-35 frontage road, and
2. Along the portion of Jarratt Drive adjacent to the subject property.

-
3. Along the portion of Louella Street adjacent to the subject property.

The applicant requested a waiver from this requirement. The Planning Commission denied the waiver along IH-35, but recommended approval of the other two. The Subdivision Platting ordinance indicates that any sidewalk waiver requests recommended for approval by the Planning Commission be brought forward to City Council for final consideration. If the Planning Commission denies the waiver request, that denial stands.

The ordinance authorizes waivers to be granted when:

1. an undue hardship will result from strict compliance with the ordinance, or
2. when the purpose of the regulation may be served to a greater extent by an alternative proposal, so that substantial justice may be done, and the public interest is secured.

The ordinance also states a waiver may not be approved unless it is found that:

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

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

| | |
|--|--|
| City Plan/Council Priority: Envision New Braunfels Comprehensive Plan | Action 6.4: Consider how each new development project impacts the transportation system and ensure appropriate mitigation is implemented. Action 7.5: Continue development of sidewalks and trails to increase interconnectivity by 5 percent each year to support reduction of carbon footprint. Action 7.19: Improve connectivity for all modes of transportation including bicycles. |
|--|--|

FISCAL IMPACT:

Sidewalks not constructed or escrowed with development may have to be constructed later at taxpayer expense.

COMMITTEE RECOMMENDATION:

On January 5, 2021 the Planning Commission voted unanimously to approve a waiver to not require construction of sidewalks along Jarratt Street and Louella Drive.

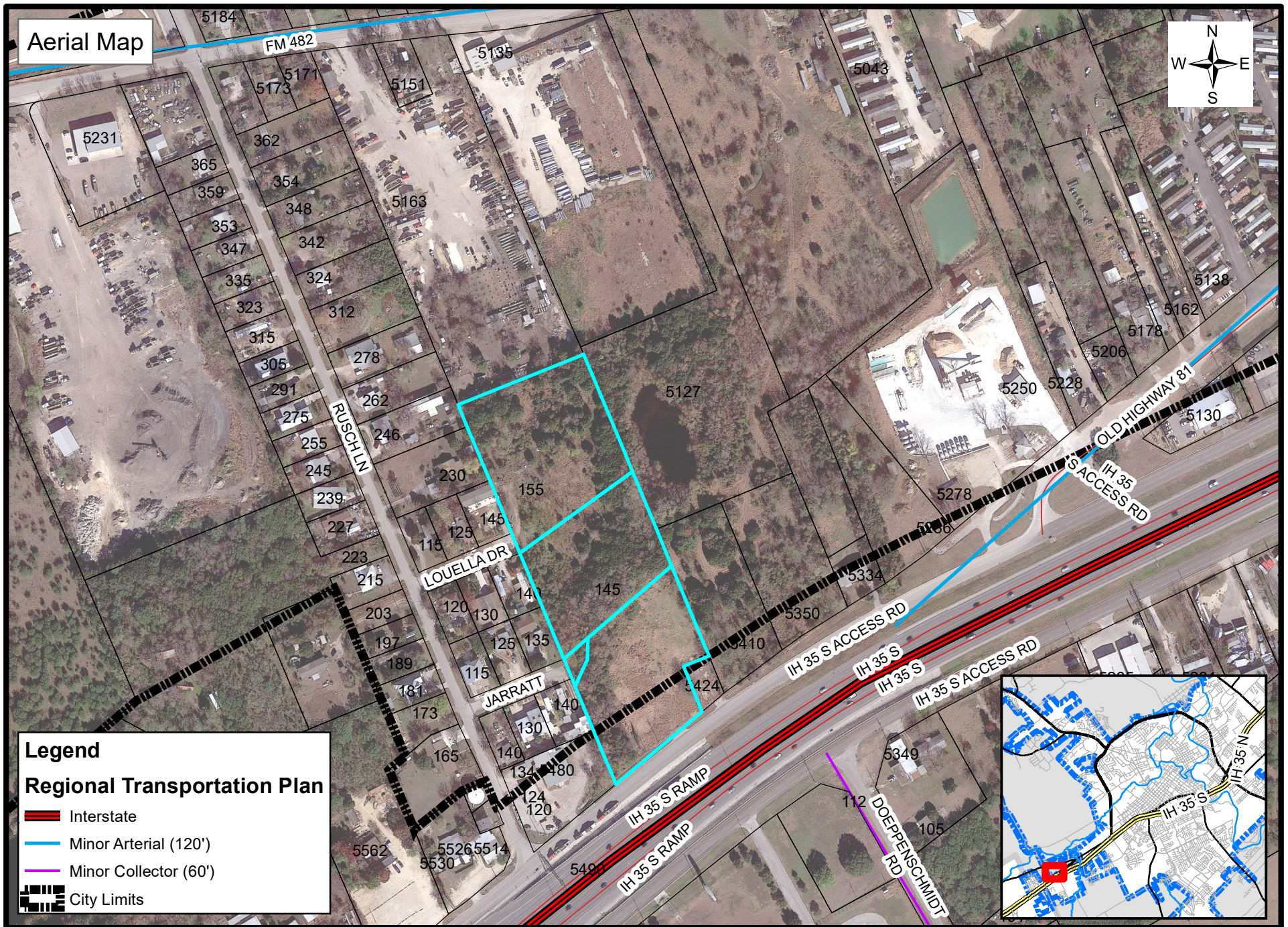
STAFF RECOMMENDATION:

Approval. Jarratt Street and Louella Drive end at the proposed subdivision and do not provide further connectivity for vehicles or pedestrians. The only right-of-way adjacent to Lots 2 and 3 will be on either side of the driveway. Because of the importance of sidewalks to the public, the City would typically recommend the developer construct sidewalks or escrow funds for future construction. However, staff does not oppose the waiver for Jarratt Street and Louella Drive due to the limited length of sidewalk that would be constructed on either side of the driveway, and the fact that no County road improvement projects with connecting sidewalks for the two subject streets are likely in

the next ten years to justify an escrow of funds.

Attachments:

1. Aerial Map
2. Waiver Request
3. Photographs
4. Plat Exhibit



URBANCIVIL™

November 19, 2020

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

RE: Senaido Dual Crossing Subdivision LOC20-0023

To whom it may concern:

We are submitting a final plat for submittal. The existing tracts being platted have existing road frontage. There are no public improvements needed. We are submitting the following waiver requests for the Senaido Dual Crossing Subdivision.

-Waiver to Sec. 118-49.-Sidewalks. There are no existing sidewalks in the subdivision. Adding sidewalks to the proposed lots is not sensible currently.

-Waiver to Sec. 118-51-Water, sewer, and drainage facilities. The proposed lots 2 and 3 are outside the city limits, and lot 1 is partially in the city limits. Sanitary sewer lines would need to be extended for tie-in and a pump station would be needed. An onsite septic facility would be more feasible for the proposed lot. NBU has reviewed the site and existing utilities in the area and do agree with this conclusion.

Please do not hesitate to contact me should you have any questions regarding this application submittal, or if additional information is needed.

Sincerely,



Brian Mendez
Urban Civil

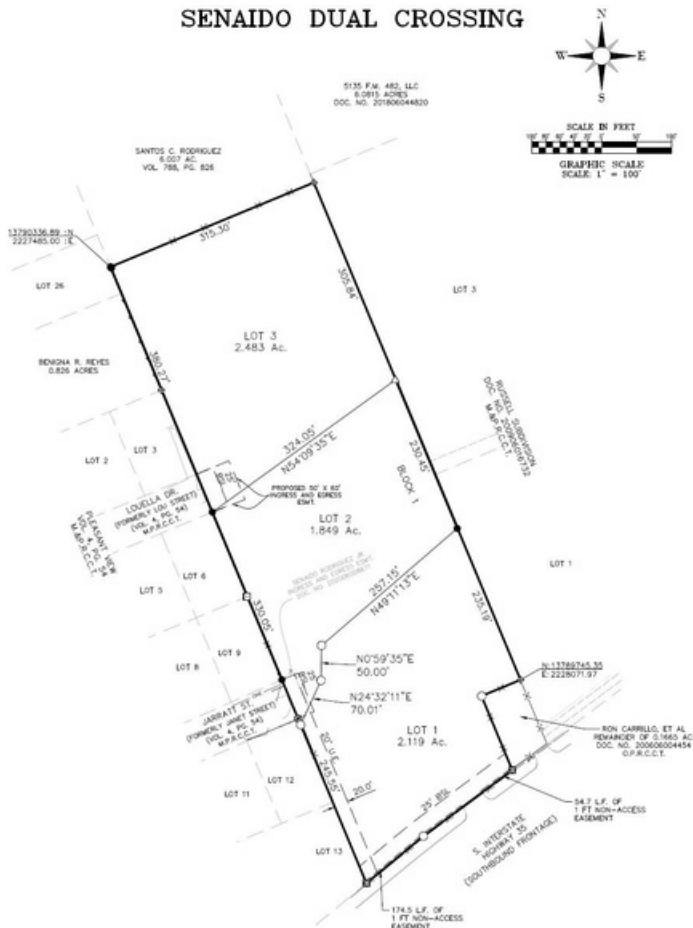


Jarratt Drive at the subject property



Louella Street at the subject property

SENAIDO DUAL CROSSING



1/25/2021

Agenda Item No. K)

Presenter

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

SUBJECT:

Public hearing and consideration of a request for a Conditional Sign Permit for The Plant Haus to allow a proposed freestanding pole sign to exceed the maximum adopted sign face area and height standards, in the 'C-1' Local Business District, addressed at 956 N. Walnut Avenue.

BACKGROUND / RATIONALE:

Case No.: CS20-0293

Council District: 3

Applicant: Lydell Toye (U.S. Signs)
258 Trade Center Drive
New Braunfels, TX 78130
ussignsnb@gmail.com

Staff Contact: Maddison O'Kelley, Assistant Planner
(830) 221-4056
MOKelley@nbtexas.org

The subject property is comprised of two lots totaling approximately two acres, and located on N. Walnut Avenue. The property has 362.81 feet of frontage and is zoned 'C-1' Local Business District. The current use of the property is a plant nursery.

New Braunfels' Sign Ordinance allows sign types and sizes based upon the zoning district and specific street frontage. The subject property is allowed the following signage:

- The C-1 zoning district allows either:
 - One low-profile pole sign up to 6 feet in height and 20 square feet in area, with a 10-foot minimum setback; **or**
 - One freestanding monument sign up to 8 feet in height and 32 square feet in area (including the monument structure), with a 10-foot minimum setback.

The Conditional Sign Permit process is intended to:

1. allow an applicant flexibility in creating alternative signage designs to complement a development's unique characteristics;
2. increase sign area and/or height in lieu of multiple signs they would otherwise be allowed; and/or
3. allow additional signage due to unusual constraints associated with the property.

Through this process, City Council can consider such requests within the context of a specific location.

Proposal

A legally nonconforming pole sign located within the parking lot on the property was struck and damaged by an oversized vehicle last year. The sign was considered legally nonconforming because it had a larger sign area and height than allowed and was located within the required 10-foot setback. The Sign Ordinance states that, in the event that the alteration, modification or improvement to a nonconforming sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location, it shall be eliminated or made to conform to the regulations of the Sign Ordinance. The cost to reconstruct the existing sign would exceed 60 percent of the cost to erect a new sign, therefore a new sign that complies with the sign regulations for 'C-1' is required.

The applicant is proposing to demolish the existing damaged pole sign and construct a new low-profile pole sign on the property that is the same area and height as the existing sign and is relocated out of the parking lot to be set back 34 feet from the property line. The sign is designed to provide enough area for four lines of marquee copy area.

The applicant's proposal includes:

- A proposed sign face measuring approximately 64 square feet, exceeding the maximum sign area of 20 square feet for a low-profile pole sign in the C-1 district by 44 square feet, and;
- An overall sign height that measures 15 feet in height, exceeding the maximum height of 6 feet for a low-profile pole sign in the C-1 district by 9 feet.
- Locating the proposed sign 34 feet from the front property line and therefore bringing the setback of the sign into compliance.

The sign is proposed to be relocated in order to ensure it is not prone to damage from vehicles accessing the parking lot. The applicant cites the increased sign area and height as necessary in order to maintain visibility due to the setback of the new sign. The applicant further states that oversized vehicles such as trucks and freight trucks frequent the location regularly and would block the visibility of the proposed sign if it is required to maintain the maximum height and area permitted.

There is currently an outstanding commercial permit application to expand the existing parking lot on the subject property. The parking lot is proposed to extend along the property's front property line along N. Walnut Avenue.

Surrounding Zoning and Land Use:

North - C-1 and R-2

South - C-1

East - C-1 and R-2

West - Across Walnut Avenue, C-1B

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

| | |
|---|--|
| City Plan/ Council Priority: Chapter 106 of the City's Code of Ordinances | Sec. 106-2 Purposes and Objectives. Encourage the effective use of signs as a means of communication in the City; maintain and enhance the community's overall aesthetic environment and the City's ability to attract sources of economic development and growth; improve pedestrian and traffic safety; minimize the possible adverse effects of signs on nearby public and private property; enable effective outdoor advertising. |
|---|--|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

As stated above, the Conditional Sign Permit process is intended to allow an applicant flexibility to create alternative signage designs to complement a development's unique characteristics, and for City Council to consider such designs in the context of a specific location. If the sign is moved out of the existing and proposed parking lot to meet the minimum setback of 10 feet required for new signage, it will need to be located closer to the main structure where its visibility may be impacted by parked and moving vehicles due to the limited space for a parking area at this site. Staff recommends approval as the proposed sign's setback would be brought into compliance and the likelihood of the sign's proposed area and height to create an unfavorable impact appears to be minimal.

Should City Council approve the Conditional Sign Permit for this site, Staff recommends the followings conditions:

1. No additional freestanding sign may be permitted on either lot without approval of a Conditional Sign Permit by City Council.
2. Any outstanding permits for improvements on the property must be issued prior to approval of the proposed sign.

RESOURCE LINKS

- Chapter 106 Sign Ordinance, Sec 106-8(d) Conditional Sign Permit:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 106 Sign Ordinance, Sec 106-14(a) Sign Dimensional Standards:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 106 Sign Ordinance, Sec 106-7(2) Nonconforming sign standards
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

Attachments:

1. Aerial Map
2. Application
3. Proposed Sign Elevation Plan

-
4. Proposed Site Plan
 5. Applicant Written Rationale for Request
 6. Comparison Table Showing Allowable Sign vs. Requested Sign



CS21-0293
Plant Haus Conditional Sign Permit





**Planning & Community Development Department
Planning Division**

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

CC/Cash/Check No.: _____ Case No.: _____
Amount Recd. \$ _____
Receipt No.: _____
Council Date: _____

Submittal date – office use only

Conditional Sign Permit Application

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

1. **Applicant** - If business owner or coordinator of special event, so state. If agent or other relationship, a letter of authorization must be furnished from owner when application is submitted.

Name: LYDELL TOYE

Mailing Address: 258 TRADE CT. DRIVE

Email Address: USSIGNSNB@GMAIL.COM

Telephone: 830-629-4411 Mobile: 830-743-1599

2. **Property Address/Location:** 956 WALNUT

3. **Existing signs on property:** 0

4. **Number of requested signs:** 1

5. **Dimension & height of sign(s):** 8'x8'x15'

6. **Business or event to be advertised:** PLANT HAUS

7. **Reason for request (please explain in detail and attach additional pages if needed):**

18 W/KEVER HIT EXISTING SIGN STRUCTURE. OWNER WANTS TO
MOVE BACK OUT OF VEHICLE TRAFFIC & DRIVEWAY.

8. **ATTACHMENTS:** (The following items must be submitted with the application)

For review purposes electronic submittal of plans in PDF format and photographs is preferred.

- ☐ A \$772.00 fee. (\$750 application fee + \$22.00 technology fee (3%))
- ☐ A scaled site plan showing the proposed location of the sign(s) on the property.
- ☐ A map showing the distance from sign(s) to business or event if signs are off-premise.
- ☐ A sketch showing the contents, dimensions and construction materials of the sign(s).
- ☐ Photographs of the property where the sign(s) will be located.
- ☐ Photographs of the property depicting the proposed sign(s) superimposed/photoshopped in their proposed locations.
- ☐ Agent letter (if applicable).

The undersigned hereby requests a conditional sign permit for the location(s) described above.

[Signature]
Signature of Owner(s)/Agent

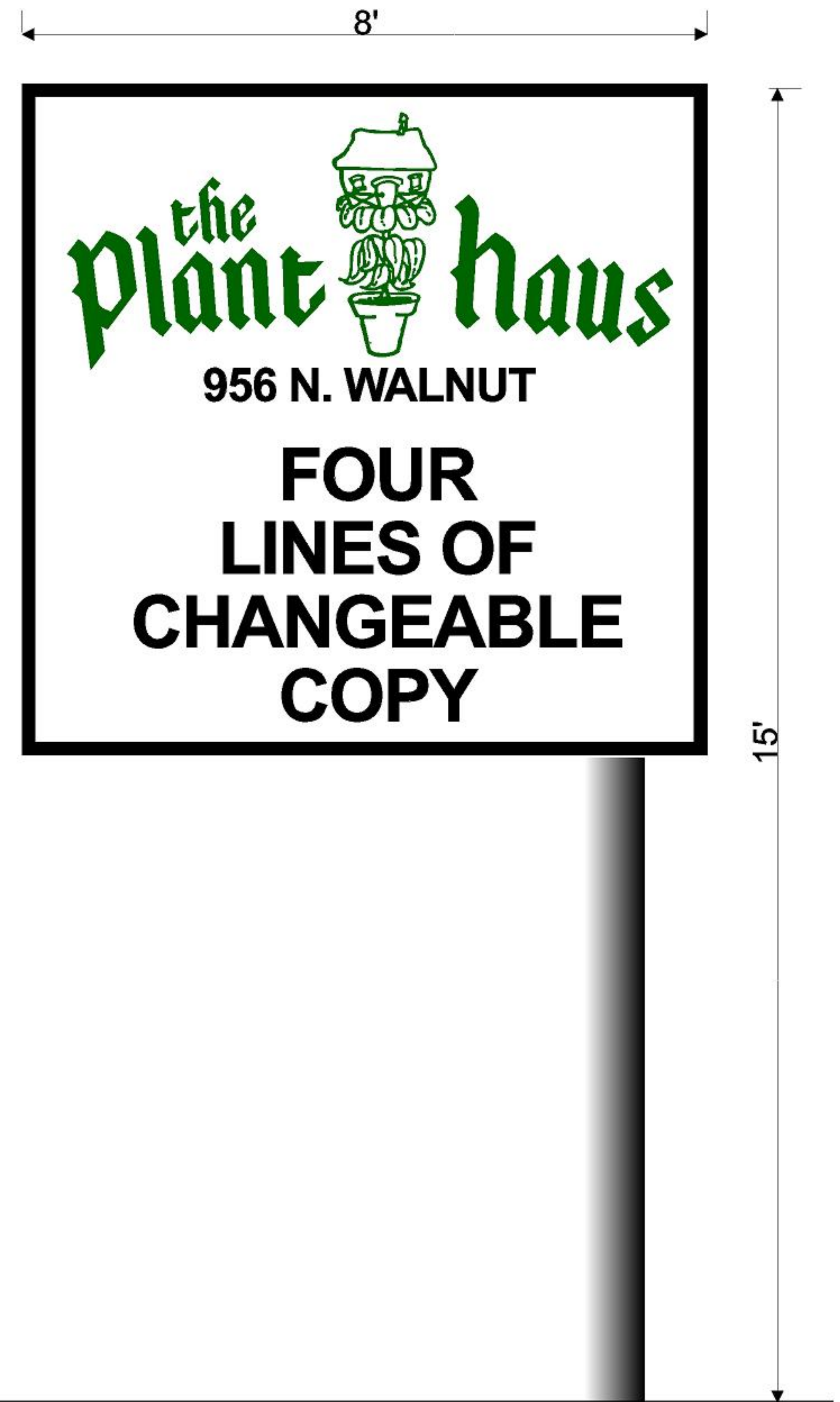
12/10/20
Date



Existing sign before truck hit structure



Manufacture 1- 8'x8' double sided internally illuminated LED electrical sign cabinet as per rendering. Cabinet will have 7328 white acrylic faces with vinyl graphics and tracking for 6" changeable copy letters. Sign installed on single pole which will be flag pole mount. Sign will be same height as previous sign, 15'.



State License TSCL 18159

258 TRADE CENTER DRIVE
NEW BRAUNFELS, TEXAS 78130
830.629.4411 FAX 830.629.8099
ussigns@sbcglobal.net • www.ussignsnb.com



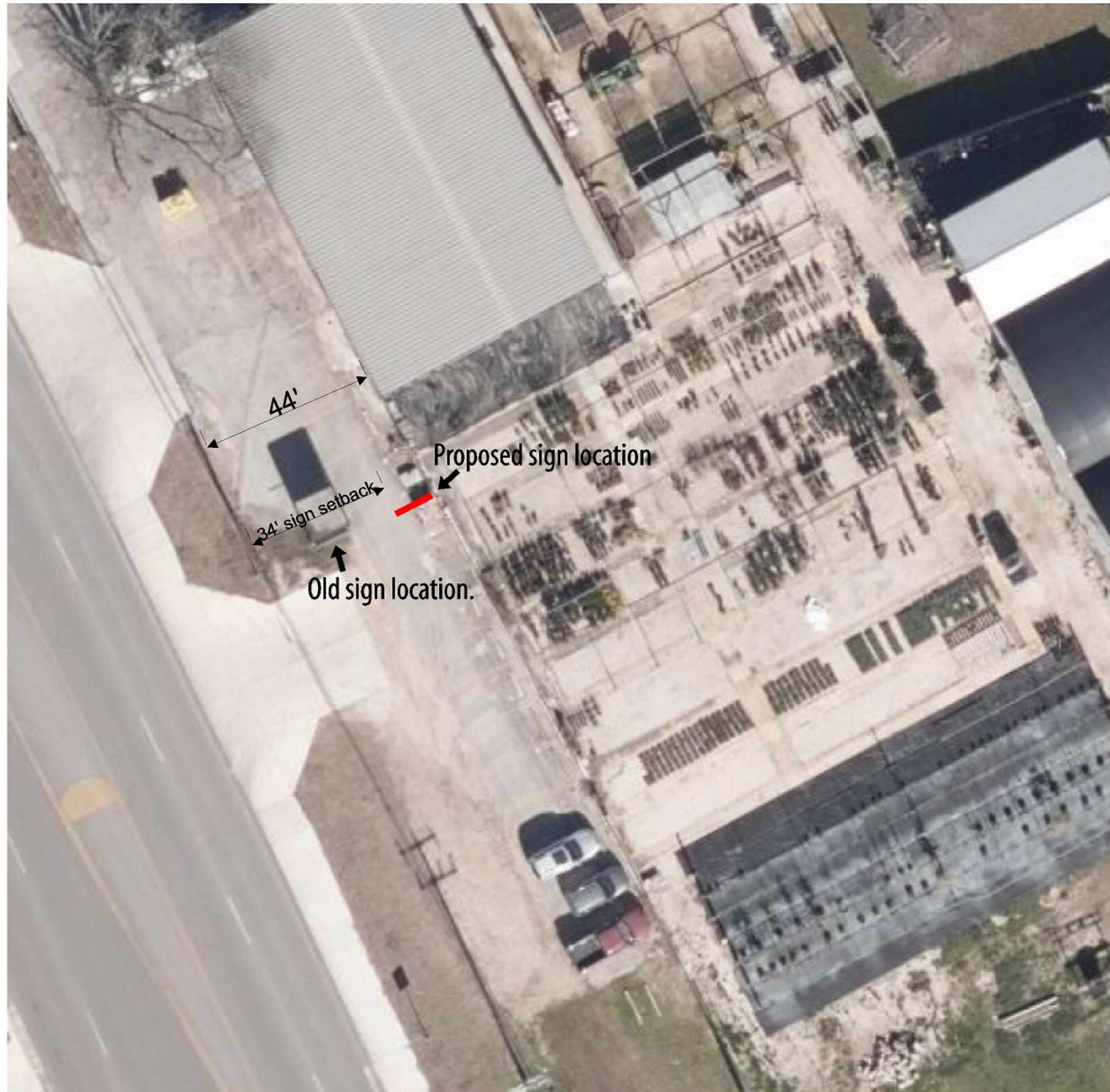
Client **The Plant Haus 956 Walnut St.**

Approval

Date

All drawings submitted are property of U.S. Signs until purchased by The Client. No alterations or distributions can be made without written consent from U.S. Signs

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.



258 TRADE CENTER DRIVE
NEW BRAUNFELS, TEXAS 78130
830.629.4411 FAX 830.629.8099
ussignnb@gmail.com • www.ussignsnb.com



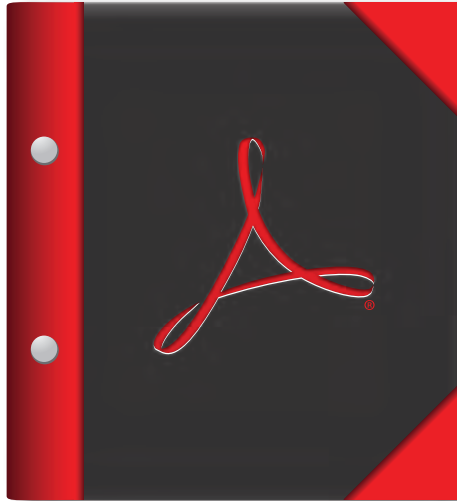
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COMPARISON CHART OF ALLOWED AND PROPOSED SIGNAGE

| Allowed per Sign Ordinance in the C-1 District | | | Conditional Sign Permit |
|--|---------------|------------------|-------------------------|
| SIGN TYPE | Monument Sign | Low Profile Pole | Low-Profile Pole Sign |
| AREA | 32 sq. ft. | 20 sq. ft. | 64 sq. ft. |
| HEIGHT | 8 ft. | 6 ft. | 15 ft. |
| SETBACK | 10 ft. | 10 ft. | 34 ft. |
| NUMBER | 1 | 1 | 1 |

ATTACHMENT 6

1/25/2021

Agenda Item No. L)

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 to apply a Special Use Permit to allow duplexes in the "APD" Agricultural/Pre-Development District on approximately 0.938 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, Guadalupe County, Texas, addressed at 187 Prairie View Lane.

BACKGROUND / RATIONALE:

Case No.: SUP20-289

Council District: 2

Applicant: Moeller & Associates (James Ingalls, P.E.)
2021 SH 46 W, Ste. 105
New Braunfels, TX 78132
(830) 358-7127 - jamesingalls@ma-tx.com

Owner: Dianna Lynn Scott
187 Prairie View
New Braunfels, TX 78130
(830) 660-4328

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

The subject property is comprised of 0.938 of an acre (40,859 sq. ft.) on the west side of the terminus of Prairie View Lane, a local street off State Highway 46 East. It is developed with a single-family residence constructed in 1960. Prairie View Lane is a narrow roadway approximately 1,200 feet in length to its dead-end without a turn-around that serves primarily large lot single family residences with some undeveloped parcels used for agricultural purposes. A commercial property fronts State Highway 46 East at the entrance to the neighborhood, and a plumbing contractor's office approved through a Special Use Permit (SUP) in 2013 lies in the middle of the block on the south side of Prairie View Lane.

The applicant recently applied to rezone the property to "C-2A" Central Business District. That request was denied by City Council in November 2020. The applicant is now seeking an SUP for duplexes.

The applicant's original SUP application included requests for approval of both duplexes and office/warehouse. The applicant withdrew the office/warehouse portion of the request after the January 5, 2021 Planning Commission meeting.

If approved for duplexes, it would be appropriate for development to adhere to the standards for two-family dwellings in the "R-2A" Single-Family and Two-Family District. For R-2A, the minimum lot width required for a duplex lot is 60 feet. The subject property is approximately 180 feet wide at the 25-foot front setback, which would allow for subdivision of the property into a maximum of 3 duplex lots (6 dwelling units total).

Surrounding Zoning and Land Use:

North - APD / Single-family residence and undeveloped property

South - APD / Single-family residence

East - Across Prairie View Ln., APD / Agricultural

West - R-1A-6.6 / Single-Family Homes and Drainage Easement

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 immediate area is dominated by residential and agricultural uses and Prairie View Lane is a Local Street. Duplex development would blend with the existing uses and proposed elementary school in the area.*)
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*The adequacy of public facilities and utilities to serve the additional demand is evaluated by each provider. CISD has been notified of the request and has a new elementary school planned on the 50-acre tract across the street from the subject property that will be accessed from SH 46.*)
- How other areas designated for similar development will be affected (*Duplexes should not negatively affect the area.*)
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*The duplex use should not have any negative effects.*)
- 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 Workforce Housing Study 2018 | 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 and Future Civic and Market Centers to the southeast at the intersection of SH 46 and FM 758. Workforce Housing Study Recommendations: Ensure through city zoning and other required legal entitlements related to housing construction that new types of housing products (small lot, duplex, townhome, etc.) are allowed by regulations. |
|--|---|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 5, 2021 and recommended denial of the Special Use Permit request for office warehouse use, and approval of the request for duplex use with staff recommendations (9-0-0). The applicant has indicated he would like to proceed with the SUP request for duplexes only.

STAFF RECOMMENDATION:

Staff recommends approval of the SUP request to allow duplexes on the subject property with the condition that the development adhere to the "R-2A" Single-Family and Two-Family duplex development standards, as the use is compatible with the existing low-density development in the immediate area and would be in accordance with Envision New Braunfels and the 2018 Workforce Housing Study.

Notification:

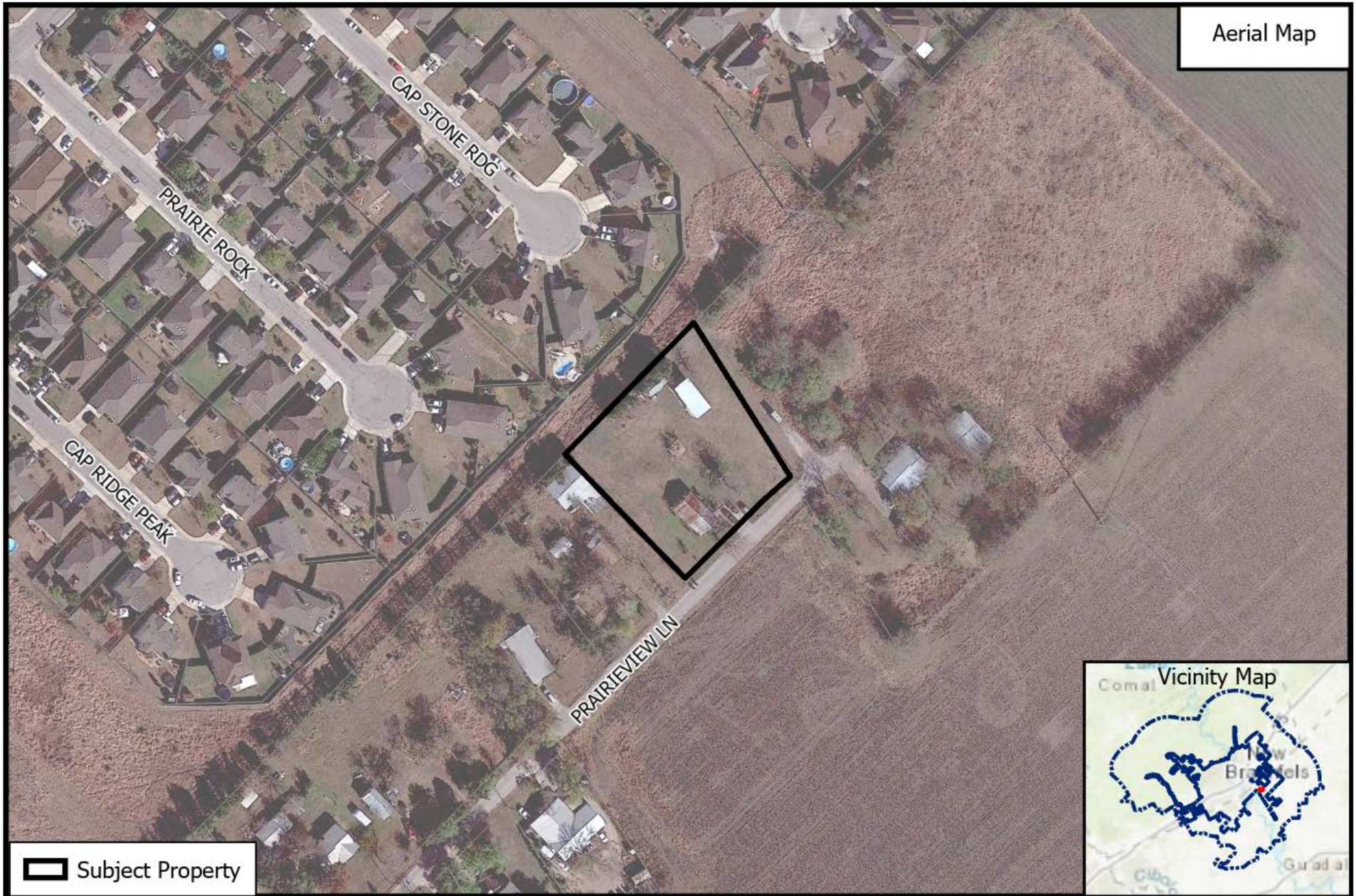
Public hearing notices were sent to 12 owners of property within 200 feet of the request. The City has received no responses at this time.

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. 3.6 Special Use Permits of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Secs. 3.4-3 "R-2A" Single-Family and Two-Family District of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

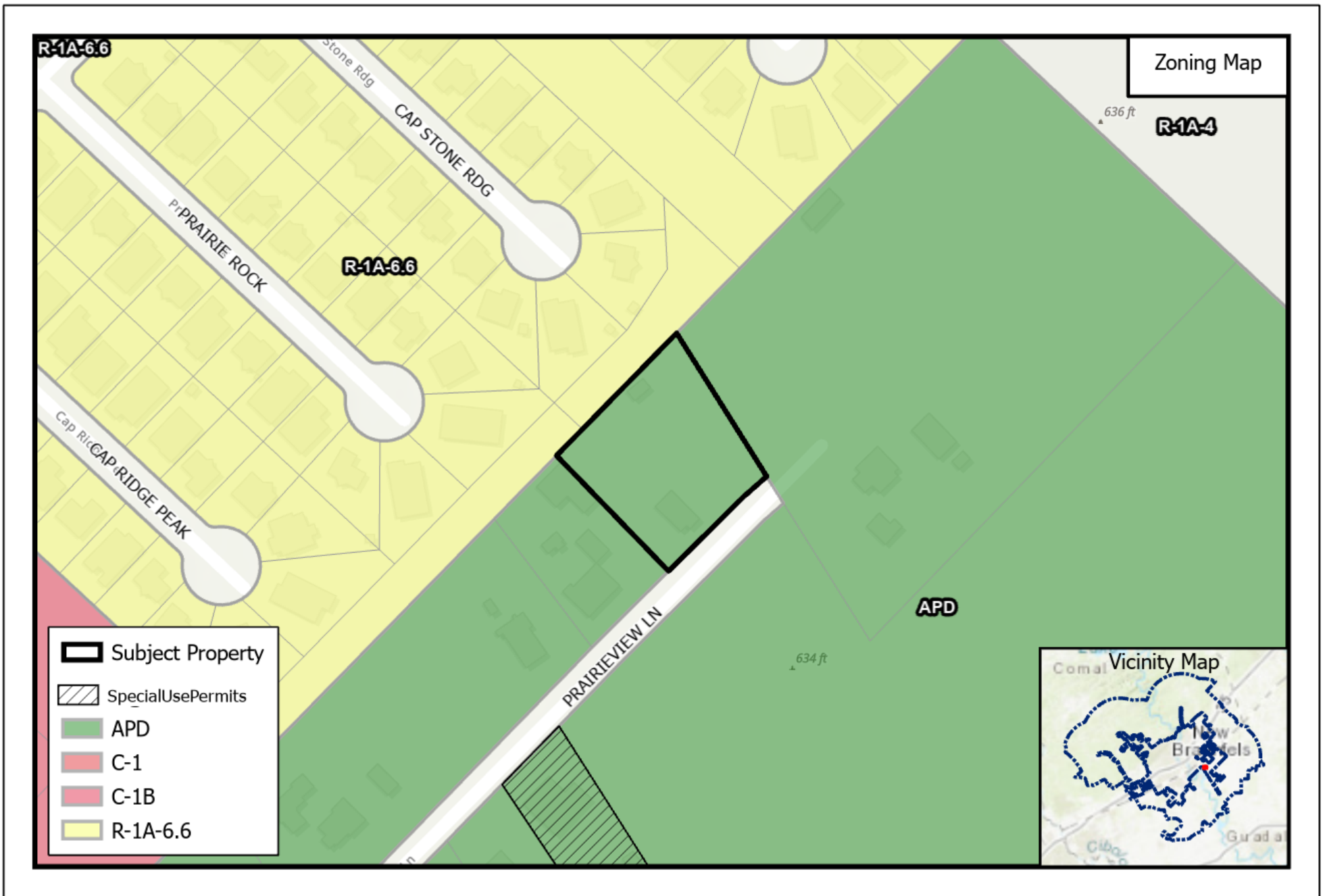
ATTACHMENTS:

1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. Notification List and Map
4. Excerpt of Minutes from the January 5, 2021 Planning Commission Regular Meeting
5. Ordinance

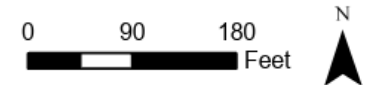


SUP20-289
SUP to allow duplexes in APD



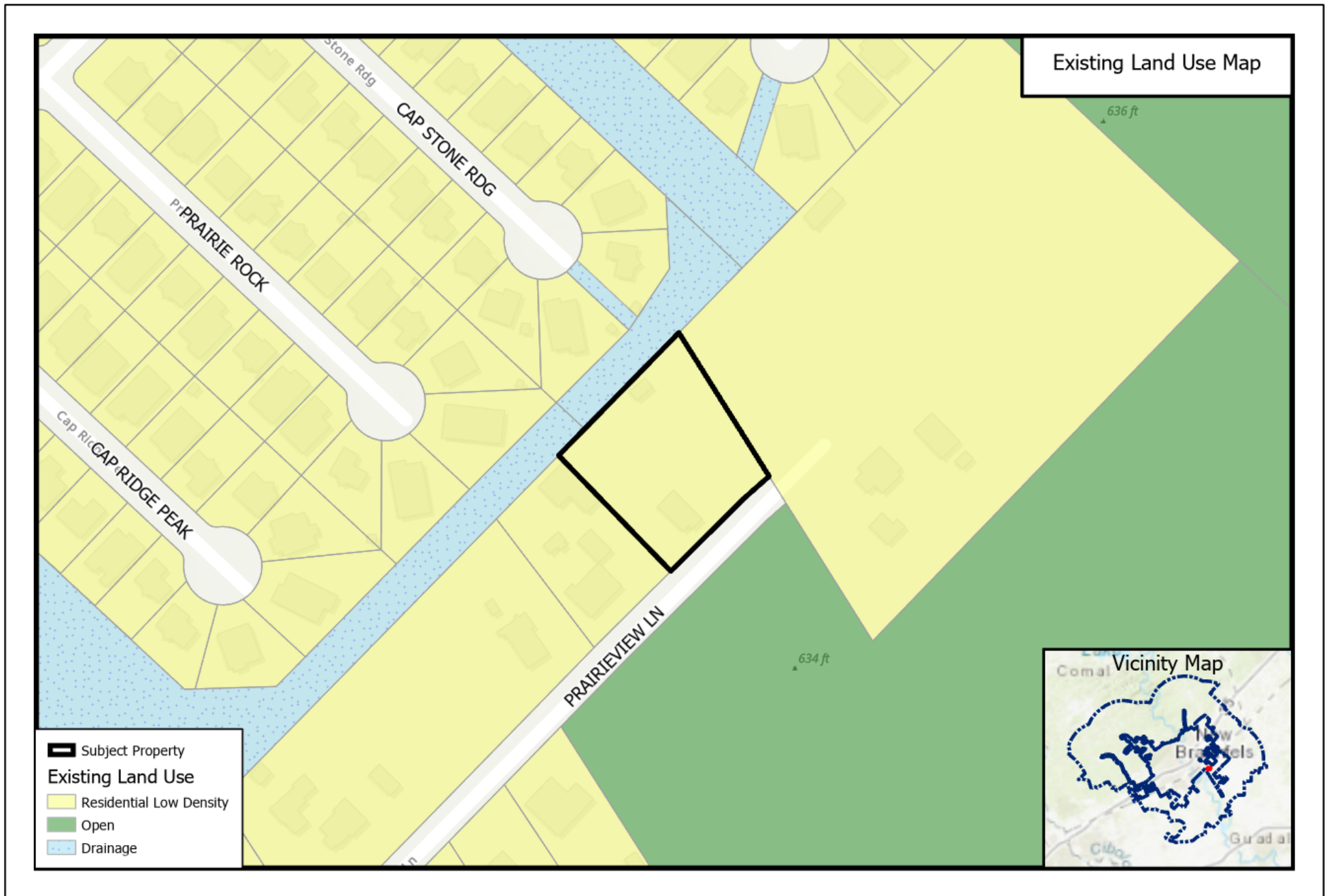


SUP20-289 **SUP to allow duplexes in APD**



Source: City of New Braunfels Planning
 Date: 1/6/2021

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SUP20-289
SUP to allow duplexes in APD

0 90 180 Feet



Path:
 \\file-04\Users\$\Planning\mgreene\Desktop\Temp Files\Prairie View Ln SUP Ord

Source: City of New Braunfels Planning
 Date: 1/6/2021

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EXISTING CENTERS

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

EMPLOYMENT CENTER

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

MARKET CENTER

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

MEDICAL CENTER

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

CIVIC CENTER

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

OUTDOOR RECREATION CENTER

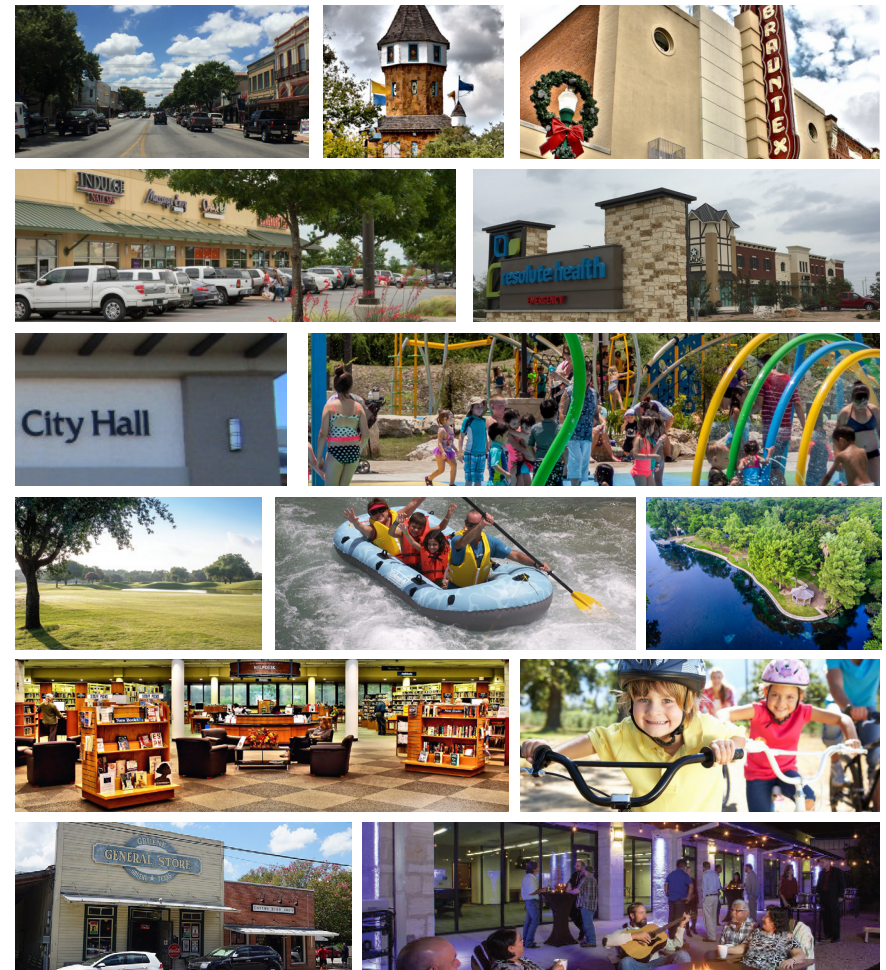
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

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

TOURIST/ENTERTAINMENT CENTER

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



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.

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SUB AREA 1

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

SUB AREA 2

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

SUB AREA 3

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

SUB AREA 4

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

SUB AREA 5

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

SUB AREA 6

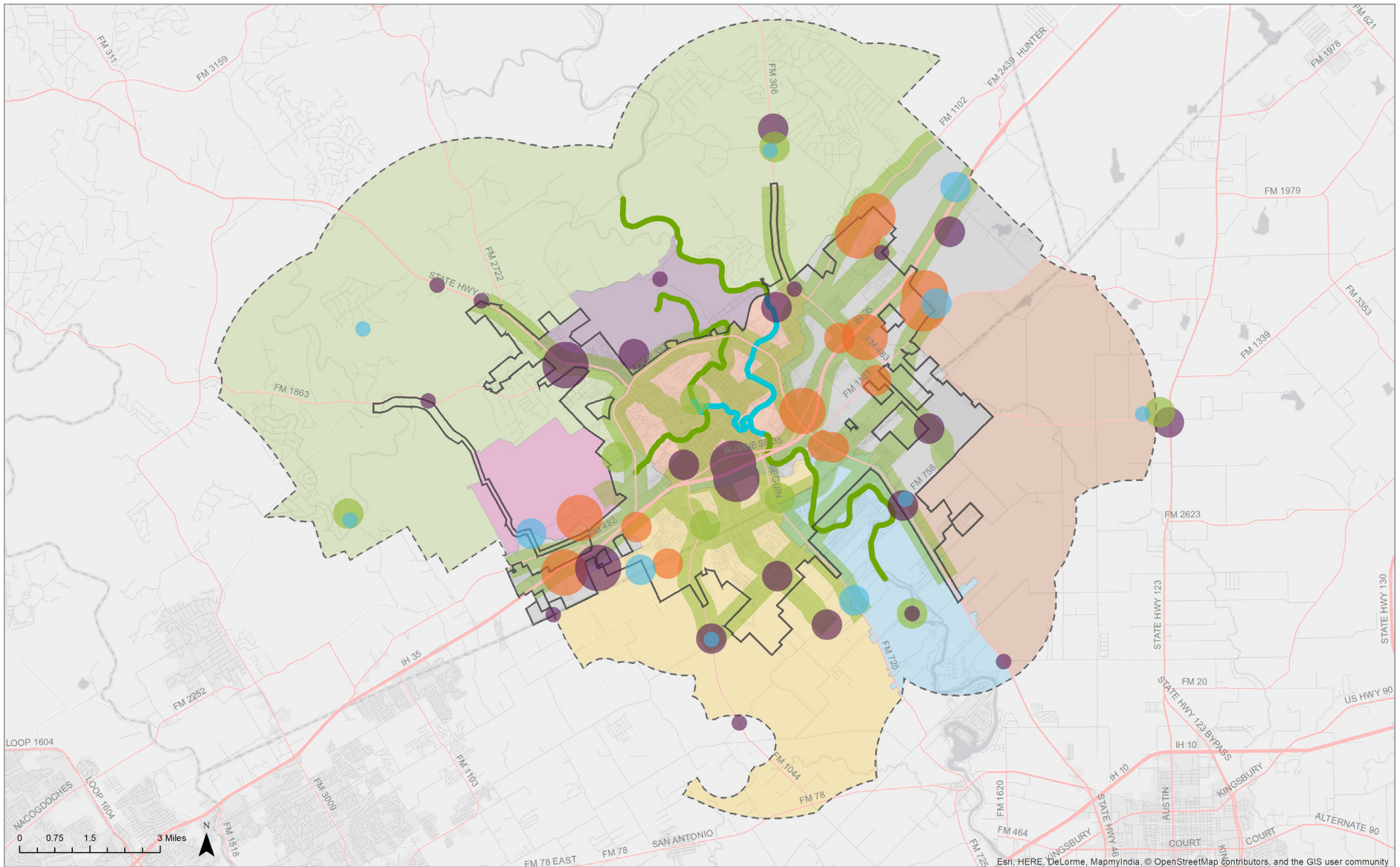
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

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

SUB AREA 8

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



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

PLANNING COMMISSION – JANUARY 5, 2020– 6:00PM

Zoom Meeting

Applicant/Owner: Moeller and Associates, agent for Dianna Lynn Scott, owner

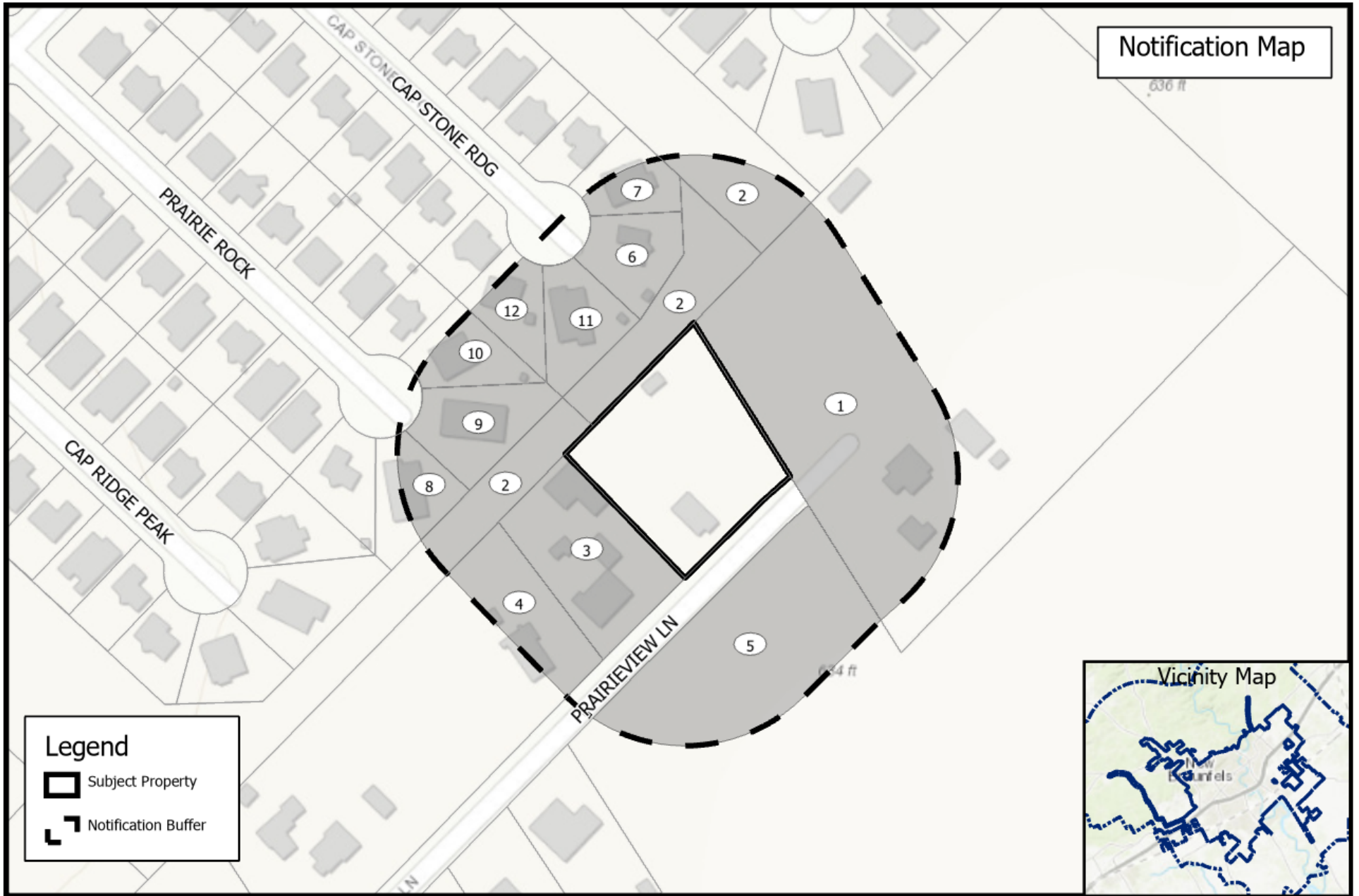
Address/Location: 187 Prairie View Road (approximately 0.9379 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107)

PROPOSED SPECIAL USE PERMIT – CASE #SUP20-289

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. KRUEGER RONALD DALE ETAL | 7. MENDEZ DANIEL & ANGELA GUADIAN-MENDEZ |
| 2. CAPROCK ASSOCIATION INC | 8. SANDERS JONATHAN CHRISTOPHER & TAWNIA |
| 3. MITCHAN CAROLYN LYND | 9. PRYOR DENNIS C & ROSEANNE E BARRY-PRYOR |
| 4. PIETSCH ARLEN W & J E | 10. GOMEZ JOSE & MARTHA HERRERA |
| 5. COMAL INDEPENDENT SCHOOL DISTRICT | 11. DENTON SIMON |
| 6. LOBASSO AMANDA LAUREN & ANDREW CHRISTOPHER | 12. SCHMIDT DARRYL W |

SEE MAP



Draft Minutes for the January 5, 2021 Planning Commission Regular Meeting

H) SUP20-289 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow duplexes (two-family dwellings) or office/warehouse use in the “APD” Agricultural/Pre-Development District on approximately 0.938 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, addressed at 187 Prairie View Road. Applicant: Moeller & Associates (James Ingalls, P.E.) Owner: Dianna Lynn Scott; Case Manager: Matt Greene.

Mr. Greene presented and recommended approval of the SUP request to allow duplexes on the subject property with conditions as outlined in the staff report and recommends denial of the request for office/warehouse use.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

There was no reply from the applicant.

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 Mathis, to recommend approval to City Council the proposed rezoning to apply a Special Use Permit to allow duplexes (two-family dwellings), and recommend denial to allow office/warehouse use in the “APD” Agricultural/Pre-Development District on approximately 0.938 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, addressed at 187 Prairie View Road with staff recommendations.

Discussion followed on clarification of the motion. Motion carried (9-0-0).

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING APPROVAL OF A TYPE 1 SPECIAL USE PERMIT ALLOWING DUPLEXES IN THE “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT ON APPROXIMATELY 0.938 ACRES OUT OF THE A.M. ESNAURIZAR ELEVEN LEAGUE GRANT, SUBDIVISION NO. 107, GUADALUPE COUNTY, TEXAS, ADDRESSED AT 187 PRAIRIE VIEW LANE; 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 use; and

WHEREAS, the City Council desires to grant approval of a Type 1 Special Use Permit allowing duplexes in the “APD” Agricultural/Pre-Development District on approximately 0.938 acres of land out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, Guadalupe County, Texas, addressed at 187 Prairie View Lane.

WHEREAS, the request 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 1 Special Use Permit” for the uses and conditions herein described:

Being approximately 0.938 acres of land out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, Guadalupe County, Texas, addressed at 187 Prairie View Lane, as described in Exhibit “A” and delineated in Exhibit “B”, to allow duplexes in the “APD” Agricultural/Pre-Development District.

SECTION 2

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

- 1. Site development for duplex use must adhere to the “R-2A” Single-Family and Two-Family duplex development standards.

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 25th 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



METES AND BOUNDS DESCRIPTION
FOR A
0.9379 ACRE TRACT OF LAND
"ZONING"

Being that certain 0.9379 acres of land out of the A.M. Esnaurizar Eleven League Grant Subdivision No. 107 in Guadalupe County, Texas, and being that same tract of land as described in Volume 1495 Page 762 of the Official Public Records of Guadalupe County, Texas, and said 0.9379 of an acre tract of land being described as follows:

BEGINNING at a point in the Northwest line of Subdivision No. 107 of the AM. Esnaurizar Eleven League Grant, and being in the Southeasterly line of Lot 66, Cap Rock Unit Two as recorded in Volume 7, Page 339 of the Map and Plat Records of Guadalupe County, Texas, and being the Westerly corner of a 6.2 acre tract of land as described in Volume 1909 Page 455 of the Official Public Records; said point being located N 46° 00' E. 1248 feet from the intersection of the Northwest line of said Subdivision No. 107 and the Northeast line of State Highway No. 46;

THENCE departing said Lot 66, and with the Southwest line of said 6.2 acres tract of land, S 32° 24' E, 208.00 feet to a point for the East corner of this tract, and being in the Northwest line of Prairie View Lane;

THENCE S. 46° 00' W, with the Northwest line of said Prairie View Lane and Southeast line of this 0.9379 acre tract of land, 183.00 feet to a point for the East corner of a 0.973 of an acre tract conveyed to Lawrence Mitchan and wife in Volume 2296, Page 791 of the Official Public Records of Guadalupe County, Texas;

THENCE N. 42° 04' 54" W., with the Northeast line of said 0.973 acre tract, a total distance of 203.87 feet to a point in the Southeast line of Lot 66 Cap Rock Unit One as recorded in Volume 7 Page 270-271 of the Map and Plat Records of Guadalupe County, Texas, and being the Northwest corner of this tract of land;

THENCE N 46°00' E, with the Southeast line of said Lot 66, the Northwesterly line of said 0.9379 acre tract of land, 218.00 feet to the PLACE OF BEGINNING, and containing this 0.9379 of an acre of land.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Bearings based on the Deed recorded in Volume 2640 Page 1495 of the Official Records of Guadalupe County, Texas.

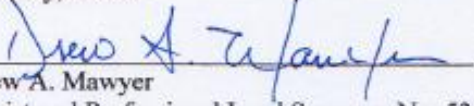
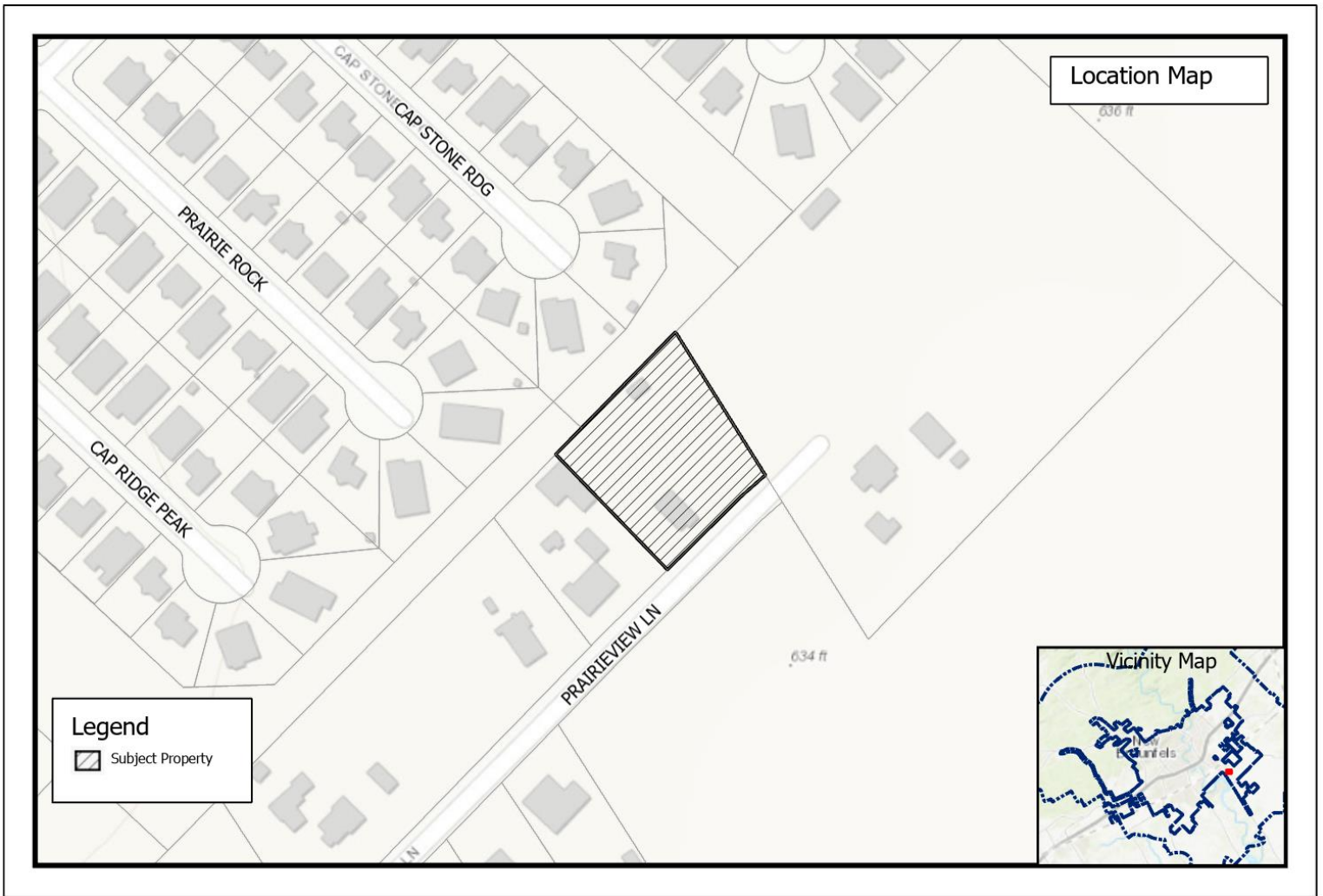

Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
5151 W SH 46, New Braunfels, Texas, 78132
MOE402-0.9379 Ac- 082820



EXHIBIT "A"



SUP20-289
SUP to allow duplexes in APD



Path: \\file-04\Users\$\Planning\mgreene\Desktop\Temp Files\Prairie View Ln SUP Ord

Source: City of New Braunfels Planning
 Date: 1/6/2021

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1/25/2021

Agenda Item No. M)

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 5.996 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, addressed at 689 Orion Drive, from "M-1A" Light Industrial District to "R-1A-6.6" Single-Family District.

BACKGROUND / RATIONALE:

Case No.: PZ20-0292

Council District: 4

Owner/Applicant: Robert Whipkey
689 Orion Drive
New Braunfels, TX 78130
(210) 844-6608 - rnpkey@gmail.com

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

The subject property is comprised of approximately 5.996 acres on the south side of Orion Drive between the Union Pacific Railroad tracks and Goodwin Lane. A single-family dwelling and outbuildings, constructed in 1975, are on the site.

The property was annexed into the City in 2001 and zoned "M-1A" Light Industrial District with the annexation. Single-family residential was an allowed use in the M-1A District until adoption of the updated Zoning Ordinance in 2006. M-1A allows non-residential uses such as light manufacturing, offices, personal and professional services, medical offices and clinics, mini-warehousing and studios. The current single-family residence is considered nonconforming.

Nonconforming Uses and Structures

The Zoning Ordinance states a nonconforming building shall not be permitted to be restored or used for such purpose if the building is damaged or destroyed and the expense of restoration exceeds 75% of the replacement cost of the building at the time the damage occurred. The building shall be treated as a new building and conform to all the regulations of the district in which it is located should the reconstruction cost exceed 75% of the replacement cost. The Zoning Ordinance also states nonconforming use of land may be continued, provided no such nonconforming use shall be

expanded or extended, and that if such nonconforming use of land or any portion thereof is discontinued or changed, any future use of land shall be in conformity with the provisions of the Zoning Ordinance. These rules, standard across most cities, are intended to result in conformity across the community over time.

The applicant purchased the property in 1999 and is currently in the process of refinancing. The applicant indicated their lender won't approve the refinancing until there is a guarantee the home would be allowed to be reconstructed on the property should it be destroyed. Therefore, the applicant submitted a request to rezone the subject property to R-1A-6.6 to allow the current residence to become a conforming use and structure, which the lender is requiring for the applicant to obtain approval of the refinancing application.

With R-1-A-6.6, should the property owner or a future property owner decide to pursue subdividing the property, it is large enough to allow for the subdivision and development of up to approximately 20 single-family residential lots.

Surrounding Zoning and Land Use:

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

South - APD / Single-family residences and undeveloped

East - APD and MU-B with an SUP to allow single or two-family dwellings within the first 150 of depth of the property / single-family residence and duplexes

West - M-1A with an SUP to allow a manufactured home community / Undeveloped

Determination Factors:

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

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (*With recent rezoning activity in the area, the proposed zoning is compatible with zoning and uses in the immediate area which consists of a mixture of single-family residential development with varying lot sizes, duplexes and a future manufactured home community. The duplex subdivision to the east received approval of a zoning change in 2013 to MU-B with an SUP to allow single or two-family dwellings within the first 150 feet of depth of the property adjacent to Orion Drive. The 45-acre tract immediately adjacent the west boundary of the subject property received approval of an SUP earlier this year for up to 280 manufactured homes with specific development standards.*)
- 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 any 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.*)
- 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 Employment, Market and Education Centers and between two future Transitional Mixed-Use Corridors and Market and Employment Centers. |
|---|---|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 5, 2021 and unanimously recommended approval (9-0-0).

STAFF RECOMMENDATION:

Approval. Recent rezonings in the general vicinity are transitioning this area from industrial to residential, accommodating the rapid population growth of our community. Additionally, this request will simply allow the property owner to meet the requirements of their lending institution.

Notification:

Public hearing notices were sent to 8 owners of property within 200 feet of the request. The City has received no responses at this time.

RESOURCE LINKS:

- Chapter 144, Sec. 3.4-2 "R-1A-6.6" Single-Family District, of the City's Code of Ordinances: https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
- Chapter 144, Secs. 3.4-18 "M1-A" Light Industrial District, of the City's Code of Ordinances: https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

ATTACHMENTS:

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2. Land Use Maps (Zoning, Existing and Future Land Use)
3. Notification List and Map
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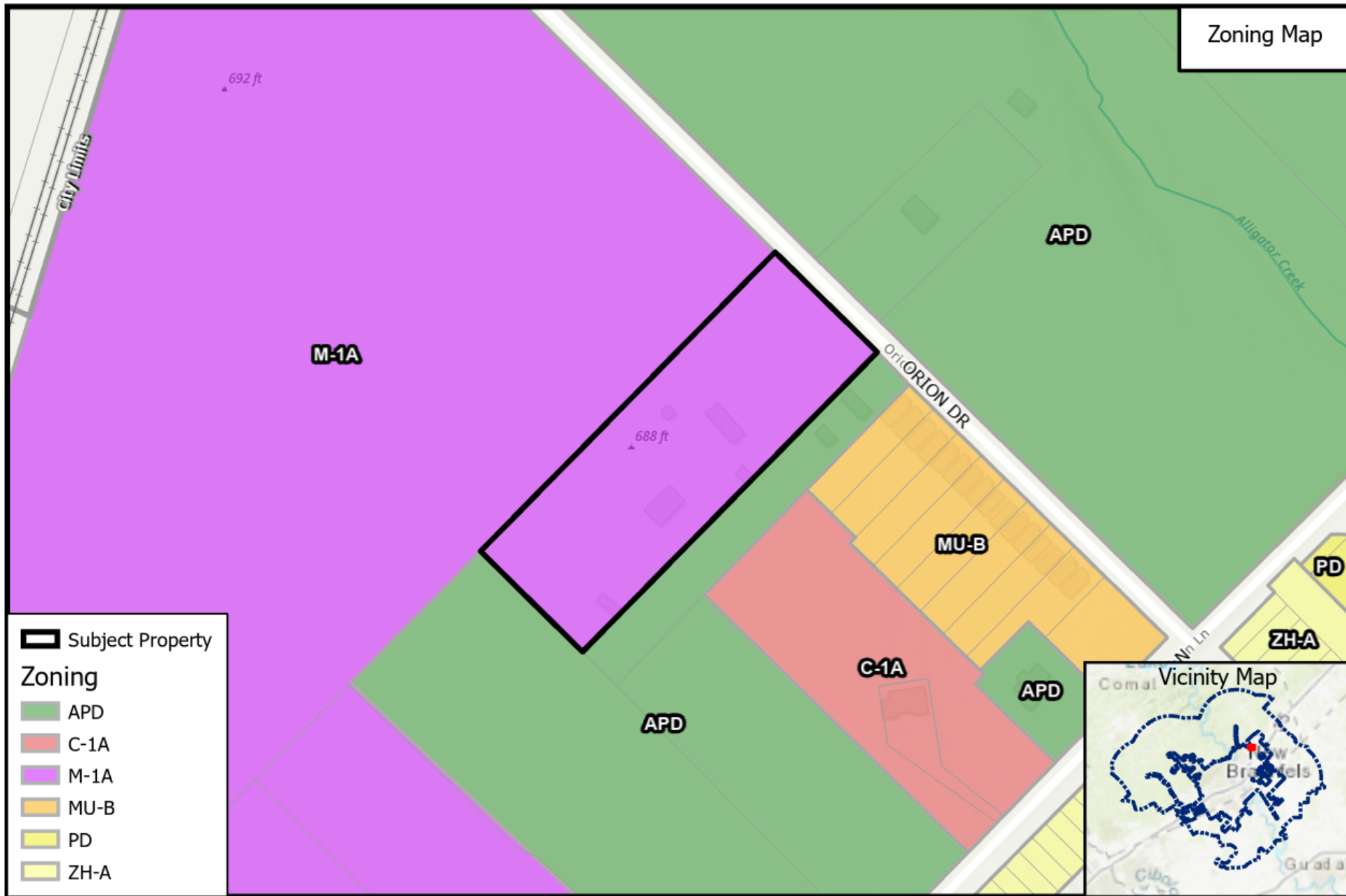


PZ20-0292
M-1A to R1-A 6.6



Source: City of New Braunfels Planning
 Date: 12/16/2020

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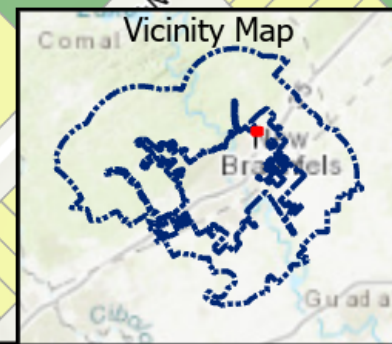
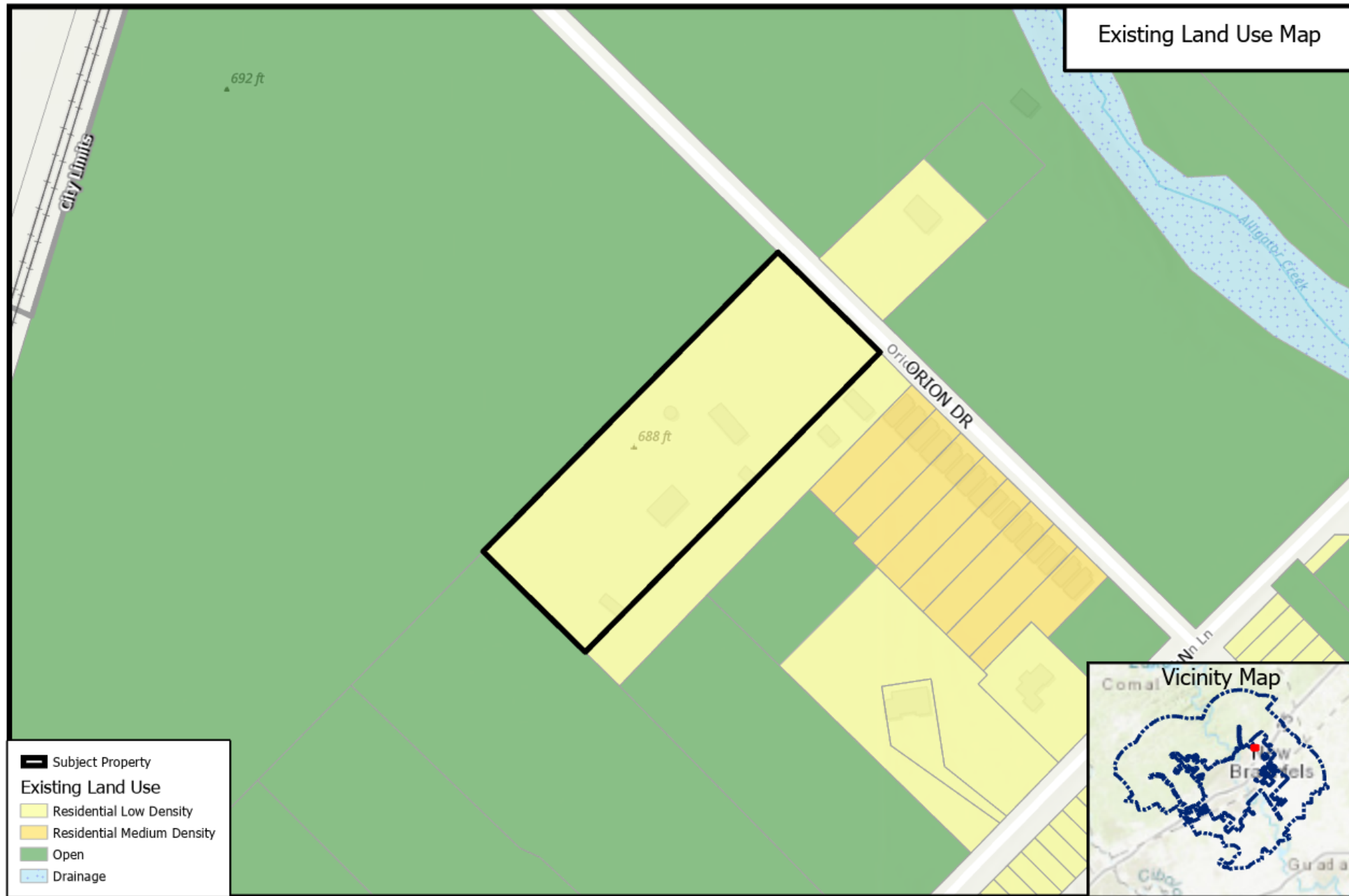
PZ20-0292
M-1A to R1-A 6.6



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Source: City of New Braunfels Planning
 Date: 12/16/2020

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PZ20-0292
M-1A to R1-A 6.6



EXISTING CENTERS

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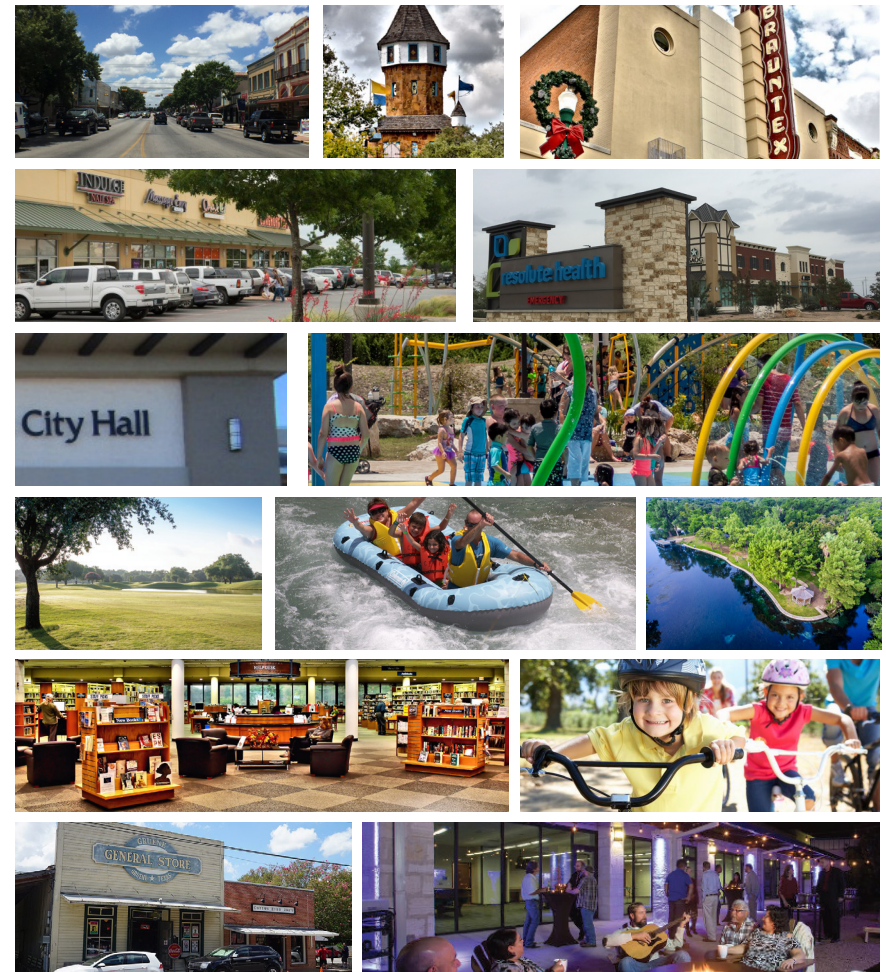
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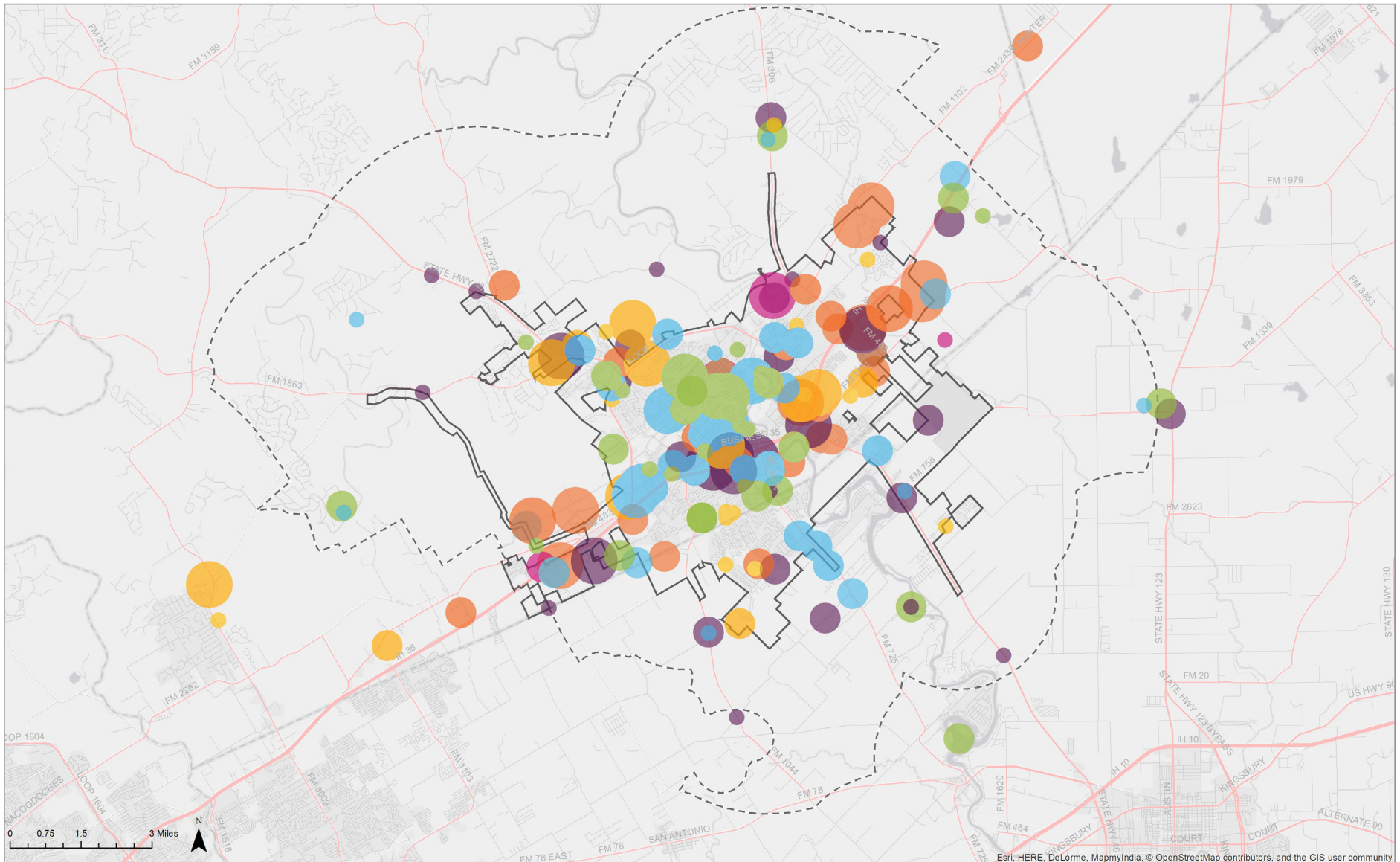
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Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

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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.

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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.

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

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

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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.

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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.

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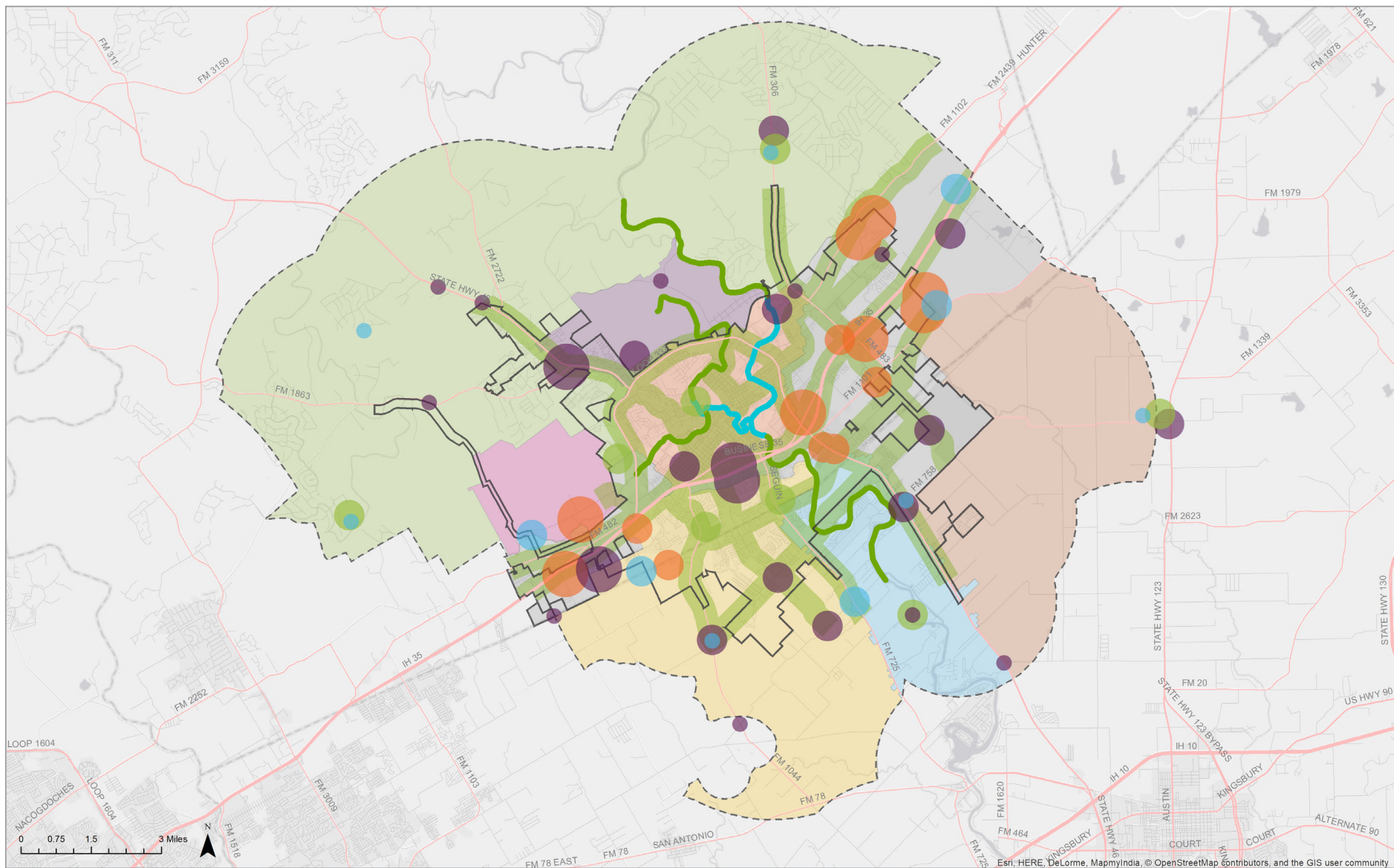
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SUB AREA 8

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](#).

PLANNING COMMISSION – JANUARY 5, 2020– 6:00PM

Zoom Meeting

Applicant/Owner: Robert Whipkey

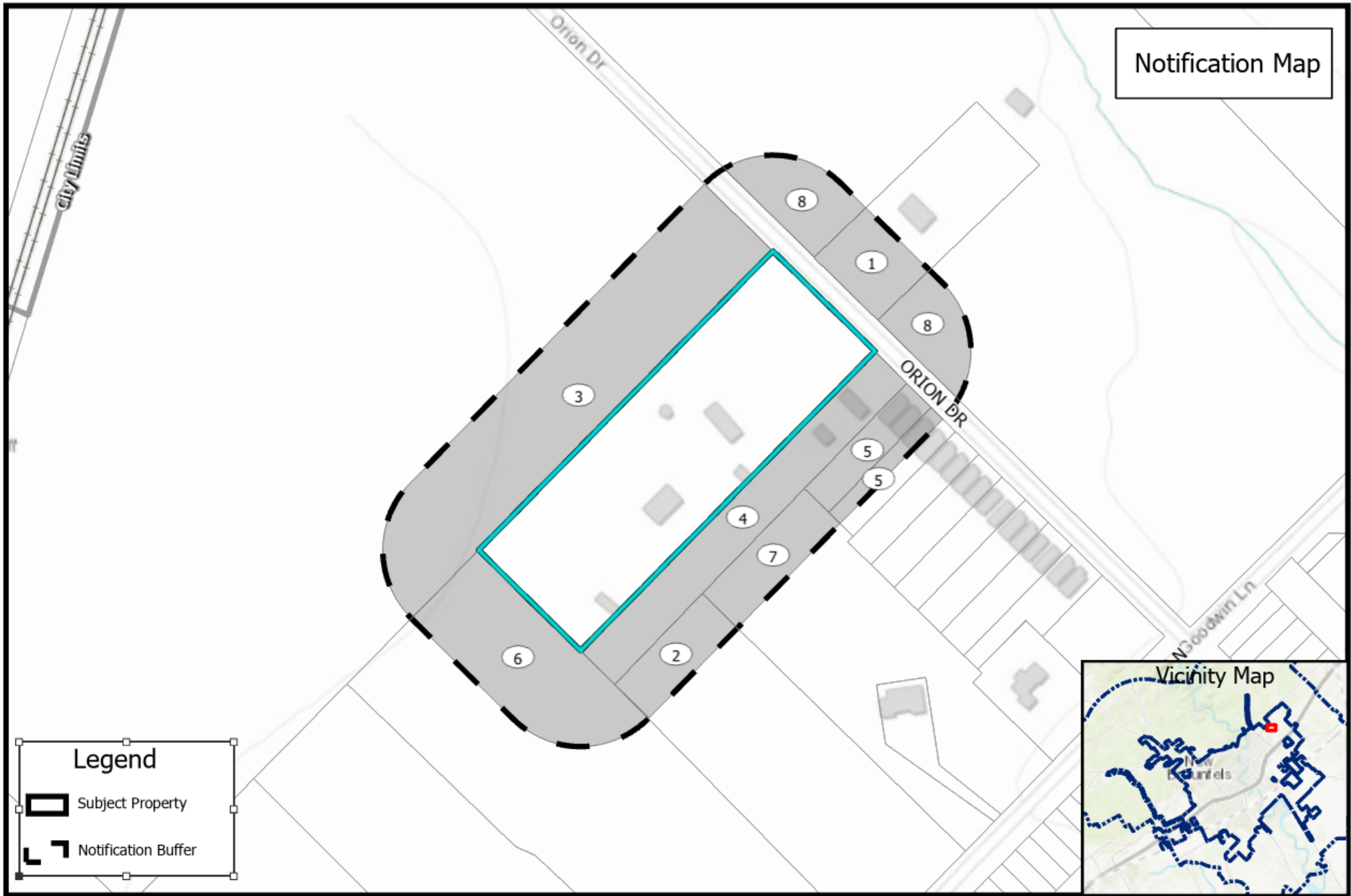
Address/Location: 689 Orion Dr.

PROPOSED ZONE CHANGE – CASE #PZ20-0292

The circled numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as “Subject Property”.

- | | |
|--|--|
| 1. MICHIE REXFORD J & SALLY A WEITZ-MICHIE | 5. SADDLER DAVID L & CRYSTAL M SADDLER |
| 2. CASTRO ANTONIO ET AL | 6. LEHMANN LARRY W & MARY ANN |
| 3. SCHMIDT KENNETH W | 7. TARBUTTON EDWARD III |
| 4. SEBA PETER E | 8. E B INDUSTRIES |

SEE MAP



PZ20-0292
M-1A to R1-A 6.6



Source: City of New Braunfels Planning
 Date: 12/16/2020

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 other than the City of New Braunfels is at that party's risk and without liability to the City of New Braunfels or its officials or employees for any discrepancies, errors, or variances which may exist.

Draft Minutes for the January 5, 2021 Planning Commission Regular Meeting

D) PZ20-0292 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 5.996 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, addressed at 689 Orion Drive, from “M-1A” Light Industrial District to “R-1A-6.6” Single-Family District. Applicant: Robert Whipkey; Case Manager: Matt Greene.

Mr. Greene presented and recommended 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.

Chris Van Heerde, 290 S Castell, stated support for the request in the form of public comment.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if the applicant would like to speak.

Robert Whipkey, 689 Orion Drive, stated intent behind the request.

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

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed rezoning of approximately 5.996 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, addressed at 689 Orion Drive, from “M-1A” Light Industrial District to “R-1A-6.6” Single-Family District. Motion carried (9-0-0).

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 5.996 ACRES OUT OF THE ORILLA RUSSELL NO. 2, ABSTRACT NO. 485, COMAL COUNTY, TEXAS, ADDRESSED AT 689 ORION DRIVE, FROM “M-1A” LIGHT INDUSTRIAL DISTRICT TO “R-1A-6.6” SINGLE-FAMILY 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 “R-1A-6.6” Single-Family 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 5.996 acres, out of the Orilla Russell Survey, No. 2, Abstract No. 485, Comal County, Texas, addressed at 689 Orion Drive, from “M-1A” Light Industrial District to “R-1A-6.6” Single-Family District, **now, therefore**;

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following described tract of land from “M-1A” Light Industrial District to “R-1A-6.6” Single-Family District:

Approximately 5.996 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, addressed at 689 Orion Drive, as delineated in Exhibit “A” attached.

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First reading this 25th 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

1/25/2021

Agenda Item No. N)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance regarding proposed revisions to the Solms Landing Planned Development ("SLPD") concept plan and development standards, on approximately 98 acres out of the A M Esnaurizar A-20 Survey, addressed at 253 S. Kowald Lane.

BACKGROUND / RATIONALE:

Case No.: PZ20-0295

Council District: 5

Applicant: James Mahan
Solms Landing Development, LLC
648 Castell Avenue
New Braunfels, TX 78130
(830) 387-4110 jmahan@southtexascapital.com

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

The subject property consists of 98 acres of undeveloped land between Creekside Crossing (FM 306) and Kowald Lane. Solms Landing Planned Development ("SLPD") concept plan and development standards were approved by City Council in 2017, as a mixed-use development with a base zoning of MU-B High Intensity Mixed Use. The developer states the intent of SLPD is to bring together restaurants, shopping, lodging and a variety of residential options with open spaces that encourage internal walkability and pedestrian connection to other parts of the Creekside area. A final plat for single-family residences, Unit 1A, has been recorded, and construction of Sophie Lane, the Minor Collector, is underway.

This applicant is requesting several revisions to their Development Standards:

- Increase the maximum height of non-residential buildings from 100 feet to 120 feet. The proposed maximum height is consistent with the base MU-B zoning district, and complies with the Airport Hazard Zoning Overlay at this location.
- Revise the preferred uses in Zone 3 (approximately 10 acres) from neighborhood commercial to single-family residential to align with the recorded plat for Unit 1A.
- Increase maximum lot building coverage for residential and multifamily uses from 60% to 80% to accommodate smaller lots. The MU-B base zoning district sets a maximum building coverage of 50% (or 60% if covered parking is provided). Greater lot coverage is typical for

urban style mixed-use infill developments and the impact of increased impervious cover will be reviewed and mitigated through the platting and building permit processes.

- Add definitions for “condominium” and “detached condominium” (page 40). This refers mainly to the form of property ownership while the land use will remain multifamily residential.
- Add short-term rental of detached condominiums as an allowed use. The short-term rental of structures other than a single or two-family dwelling does not require approval of a Special Use Permit or a separate short-term rental permit. Note: property owners will need to register with the City for online payment of hotel occupancy taxes.

Proposed changes to the Concept Plan include:

Street realignment

- The original plan included a street connection to the IH-35 frontage road; however, a driveway at that location was denied by TxDOT so the street has been replaced with a “Common Space/Drainage Easement” designation. The originally planned hike and bike trail to IH-35 should remain along this common space.
- A street connection to Lot 1 Creekside Fire Station has been added as requested by the City.

Dwelling Units

- The maximum number of dwelling units, being a combination of single-family and multifamily, is increasing from 675 to 984. The applicant states this increase is to allow for live-work units and condominiums, which were not viable “for sale” housing options in 2017.

Density

- The method the applicant uses for calculating residential density was changed from including only the acreage of residential areas to an overall gross density for the entire development. This changed the density figure in the Land Use Table from 15.63 units per acre to 10.04 units per acre, although the maximum number of units is increasing. The MU-B base zoning district has no maximum residential density limit.

Land Use Zones

- The area of Zone II (high density residential and neighborhood commercial) has increased and is now proposed to be more interspersed with Zone I (Vertical Mixed Use).

If these changes to the Concept Plan and Development Standards are approved, the applicant will return with a revised Detail Plan to show how the changes specifically fit into the development and promote the SLPD vision, and a revised Master Plan.

Surrounding Zoning and Land Use:

North - M-1A/ Commercial

South - Across Kowald, R-2, C-3/ Residential, commercial, agricultural

East - West Village PD, Creekside Wellness PD/ Single-family; commercial

West - B-1B, MU-B/ Manufactured home community, mini warehouse storage

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 (*Permitted uses in SLPD remain a mix of residential and commercial, complementing the existing development trends in the Creekside area. Increased housing units, vertical development and density are encouraged by the Comprehensive Plan, and facilitate workforce housing as recommended in the Workforce Housing Study.*);
- 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 uses should not impact other areas designated for similar development.*);

- Any other factors that will substantially affect the public health, safety, morals, or general welfare; *(There should be no other factors that substantially affect the public health, safety, morals or general welfare. Drainage and utility issues will be addressed through the platting process.)*
- 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 2.33: Encourage vertical growth and development of key areas to take advantage of infrastructure capacity, maintain the core, and discourage sprawl. Action 3.22: Encourage venues within walking distance of neighborhoods and schools. Future Land Use Plan: The subject property is located in the Oak Creek Sub Area, along a transitional mixed-use corridor, and within an existing Market Center. Note: the applicant wrote their original development standards in 2017, before adoption of Envision New Braunfels in 2018; hence, their listing of the 2006 Comprehensive Plan goals they align with in their proposed development standards. |
|--|---|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

Revisions to the Traffic Impact Analysis (TIA) resulting from the removal of the street connection to IH-35 and the increased dwelling units were approved by the City's Public Works Department on January 4, 2021. The Planning Commission did not have an opportunity to review this approval prior to their meeting.

The Planning Commission held a public hearing on January 5, 2021 and recommended denial of the request. (8-1-0) with Commissioner Gibson in opposition.

STAFF RECOMMENDATION:

Increased housing units, vertical development and density are encouraged by the Comprehensive Plan, and facilitate workforce housing as recommended in the Workforce Housing Study. Therefore, staff recommends approval of the revisions with the following conditions:

1. Document specifically how all proposed changes comply with or enhance the original vision of the SLPD.
2. Revise Detached Condominium standards (page 40) to remove specific distances between buildings and the reference to "firewall", and instead state all structures will comply with the applicable Building Code at the time of building permit application submittal. (Clarify with the City prior to development whether the condos will be constructed under the IRC or IBC.)
3. Label Zones in the Development Standards as I, II and III to match the Concept Plan.
4. Update drawings in pages 29, 30 and 31 of the Development Standards to reflect the revised Zone boundaries.

Notification:

Public hearing notices were sent to owners of 67 properties within 200 feet of the request. To date, the City has received no responses in favor and one in objection (#51).

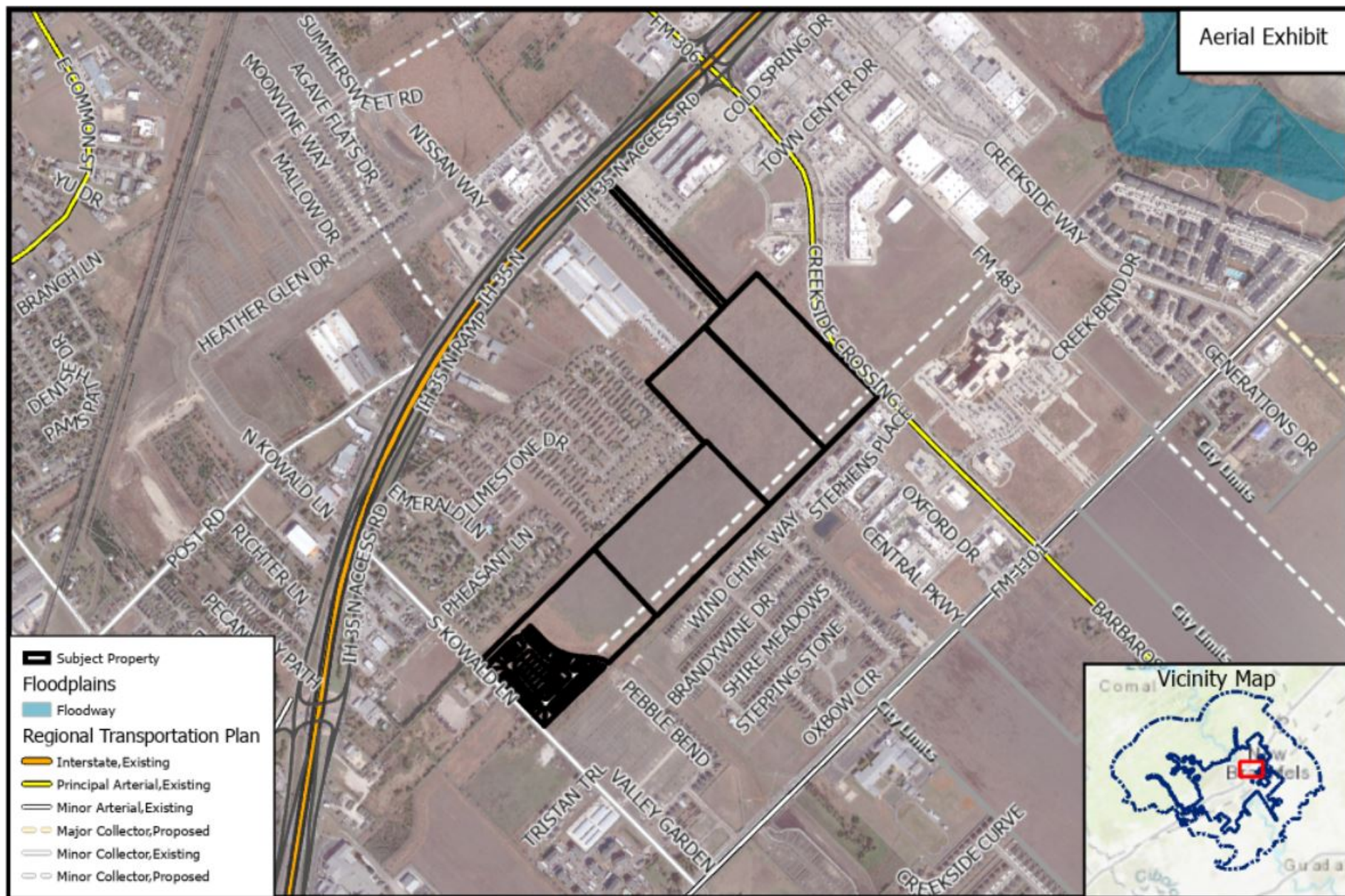
RESOURCE LINKS:

- Chapter 144, Sec. 3.5 (Planned Development Districts) of the City's Code of Ordinances: [https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=CHOR_144_3.5)
- Chapter 144, Sec. 3.4-11 (MU-B) of the City's Code of Ordinances: [https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=CHOR_144_3.4-11)

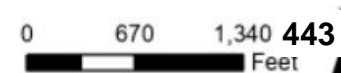
ATTACHMENTS:

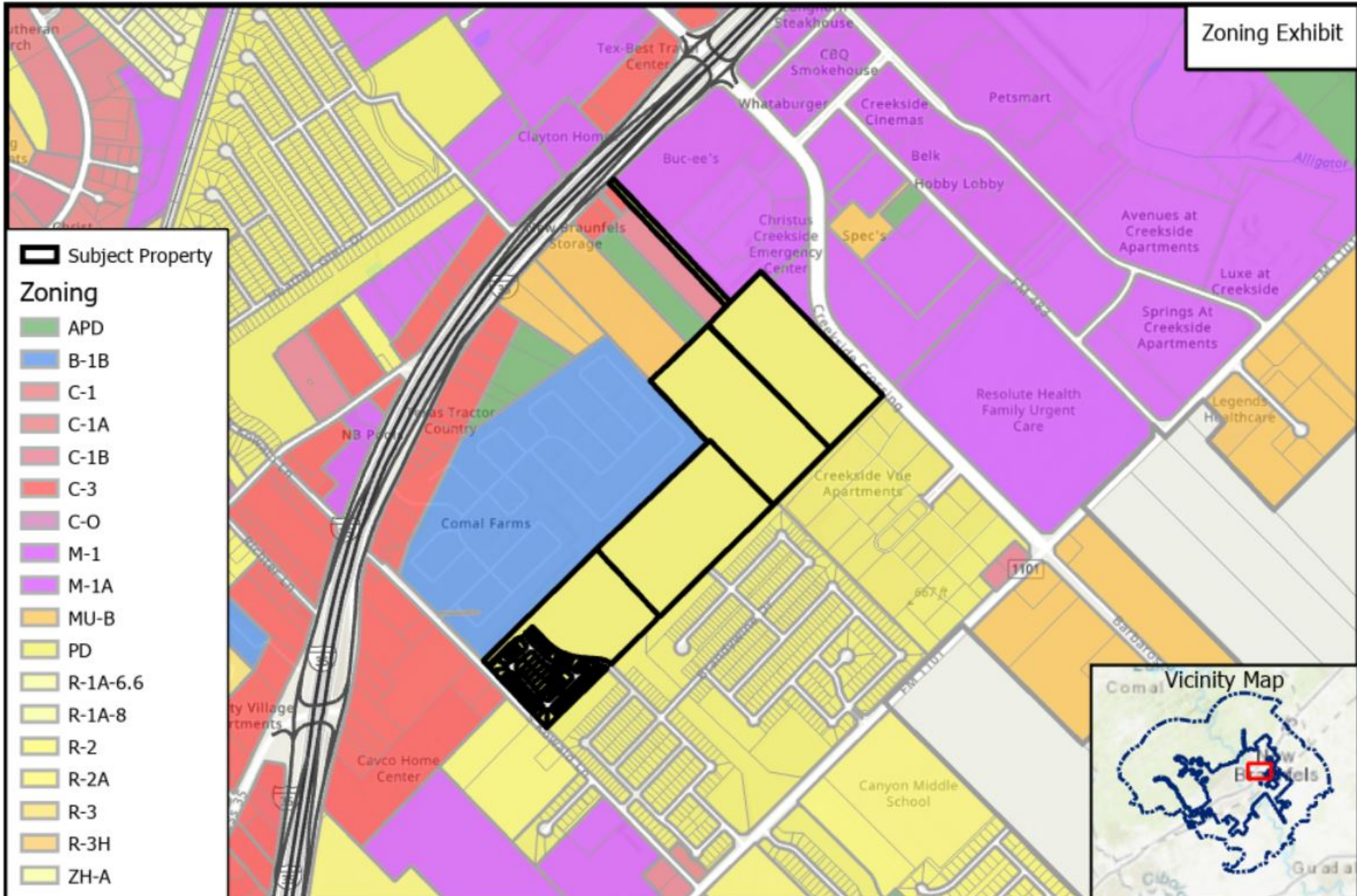
1. Aerial Map
2. Land Use Maps (Zoning, Existing, Future Land Use)

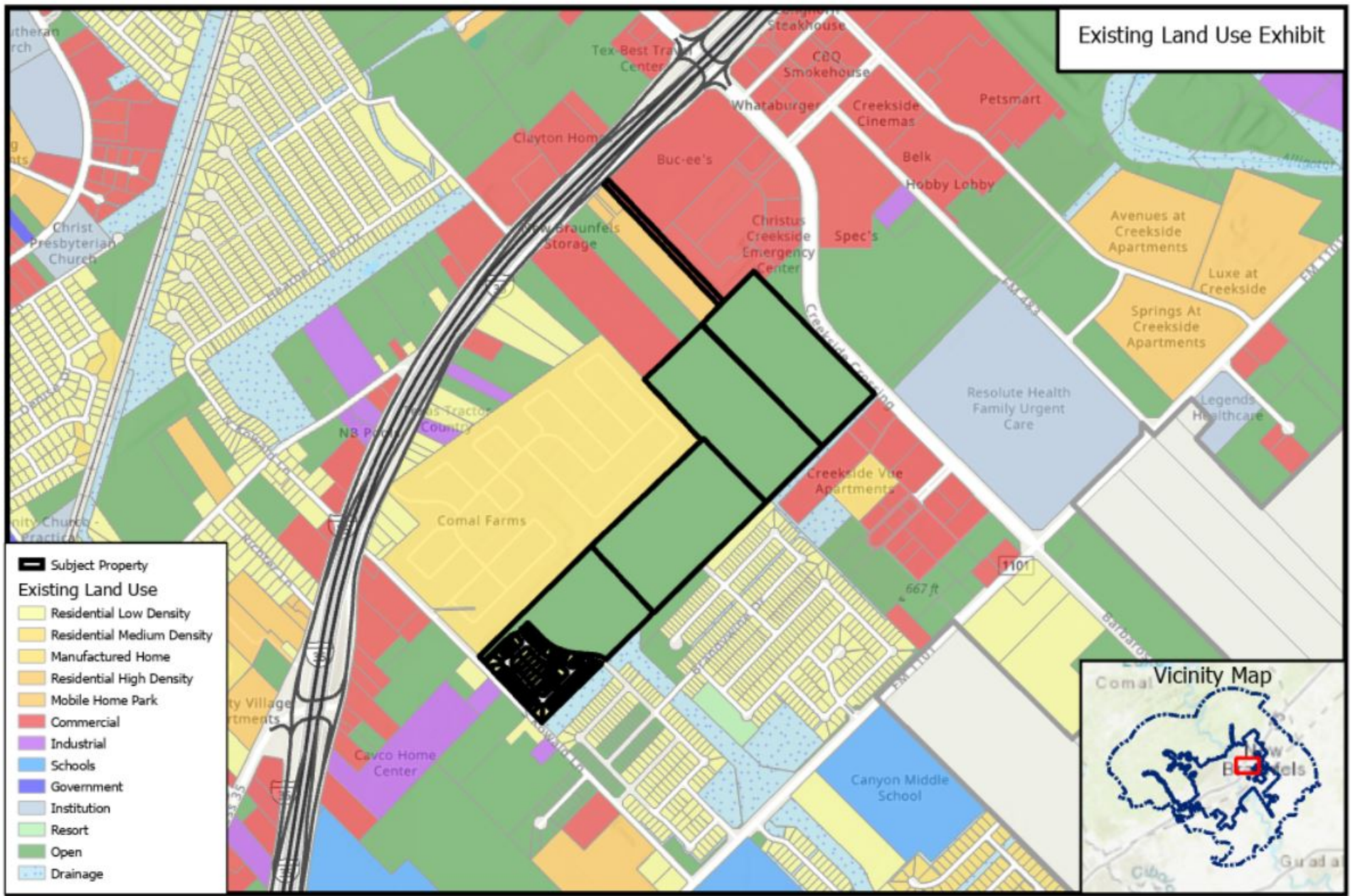
-
3. Proposed and Approved Concept Plans
 4. Notification Map
 5. Draft Planning Commission Minutes
 6. Ordinance including red-lined development standards exhibit



PZ20-0295
Amendment to PD







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.

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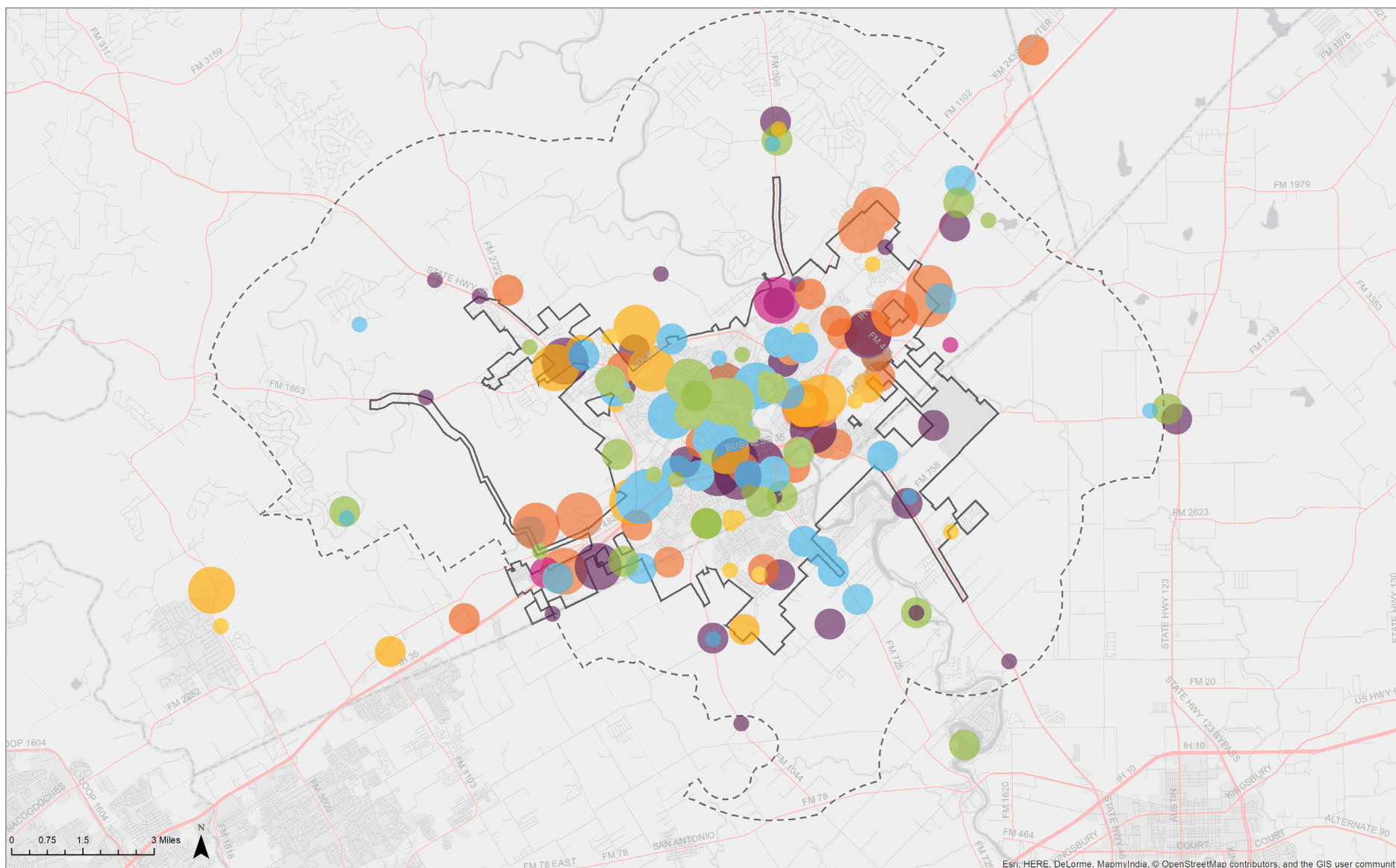
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GENERAL NOTES

1. THE PROPOSED LAND USE WITHIN THIS CONCEPT PLAN IS A MIXED USED DEVELOPMENT INCLUDING COMMERCIAL, MULTI-FAMILY, AND HIGH DENSITY RESIDENTIAL.
2. THIS CONCEPT PLAN PROPOSES A 60' RIGHT-OF-WAY MINOR COLLECTOR WITH MULTIFAMILY/COMMERCIAL USE TO CONFORM TO THE NEW BRAUNFELS 2012 REGIONAL TRANSPORTATION PLAN. ALL STREETS OUTSIDE OF THE MINOR COLLECTOR WILL BE THE TYPICAL 50' RIGHT-OF-WAY RESIDENTIAL COLLECTOR / NO PARKING UNLESS OTHERWISE SHOWN.
3. ALL PUBLIC STREETS WILL BE CONSTRUCTED TO THE CITY OF NEW BRAUNFELS DESIGN STANDARDS.
4. ELECTRIC AND UTILITY EASEMENT LOCATIONS WILL BE DETERMINED DURING THE ENGINEERING DESIGN PHASE OF THE PROJECT. EASEMENTS WILL BE RECORDED WITH THE FINAL PLAT FOR EACH LOT.



LOCATION MAP
N.T.S.

KFW
ENGINEERS + SURVEYING
10000 Highway 281, Suite 100
New Braunfels, TX 78130
Phone #: (210) 979-8444 • Fax #: (210) 979-8441
TBPE Firm #: 9513 • TBPE S Firm #: 1012300

ISSUE DATE

REVISIONS

**SOLMS LANDING - CONCEPT PLAN
PLANNED DEVELOPMENT DISTRICT
NEW BRAUNFELS, TX.**

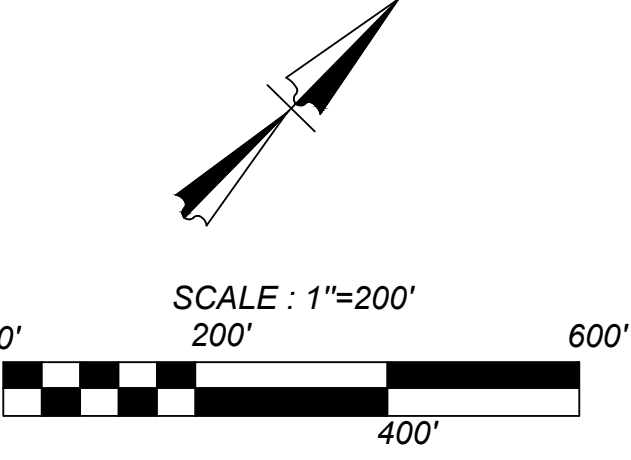
JOB NO. 583-01-01

DATE: DECEMBER 2016

DRAWN: NR CHECKED: BW

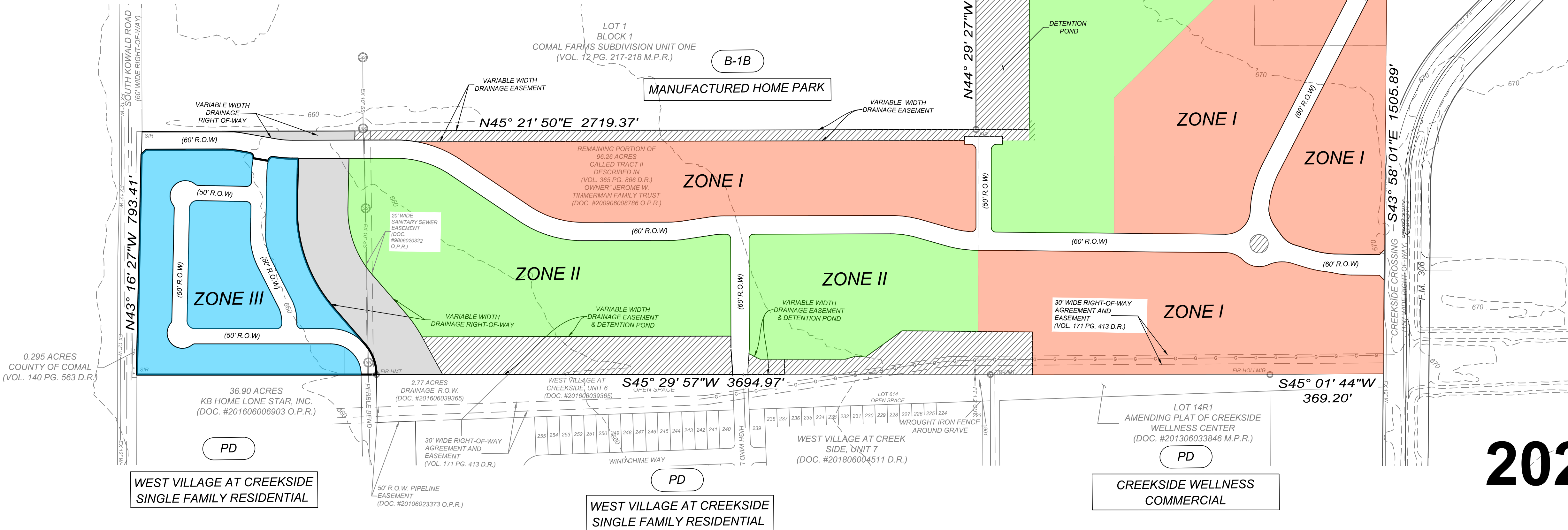
SHEET NUMBER:

PDD



| LAND USE | ACRES | DWELLING UNITS | REQUIRED PARKLAND DEDICATION | DENSITY (DWELLING UNITS/ACRE) |
|---------------------------------------|--------|----------------|------------------------------|-------------------------------|
| DRAINAGE/Common AREA | 12.070 | - | - | - |
| UNIT 1A - SINGLE FAMILY RESIDENTIAL | 9.850 | 60 | 0.4 | 6.09 |
| COMMERCIAL | 17.990 | - | - | - |
| HIGH DENSITY RESIDENTIAL | 10.920 | 110 | 0.73 | 10.07 * |
| MIXED USE (COMMERCIAL & MULTI-FAMILY) | 24.570 | 472 | 3.15 | 19.21 * |
| MULTI-FAMILY | 11.270 | 342 | 2.28 | 30.35 * |
| DRAINAGE R.O.W. | 3.280 | - | - | - |
| PUBLIC R.O.W. (STREETS) | 8.020 | - | - | - |
| TOTAL = | 97.97 | 984 | 6.56 | 10.04 |

* NOTE: INDIVIDUAL DENSITY REPRESENTED ABOVE IS CALCULATED BASED ON THE OVERALL COMBINED ACREAGE FOR EACH GENERAL LAND USE, AND IS NOT INTENDED TO BE THE MAXIMUM DENSITY FOR EACH MULTI-FAMILY AND/OR HIGH DENSITY RESIDENTIAL PARCEL. MAXIMUM DENSITY FOR EACH MULTI-FAMILY AND/OR HIGH DENSITY RESIDENTIAL PARCEL SHALL BE BASED ON THE ZONING STANDARDS AND GUIDELINES FOR THE SOLMS LANDING PLANNED DEVELOPMENT DISTRICT.

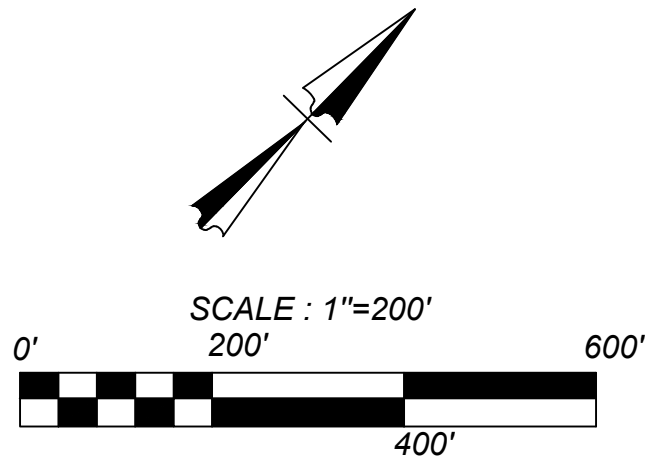


OWNER/DEVELOPER:
SOLMS LANDING, LLC
648 S CASTELL AVE
NEW BRAUNFELS, TX
PHONE: (830) 387-4110

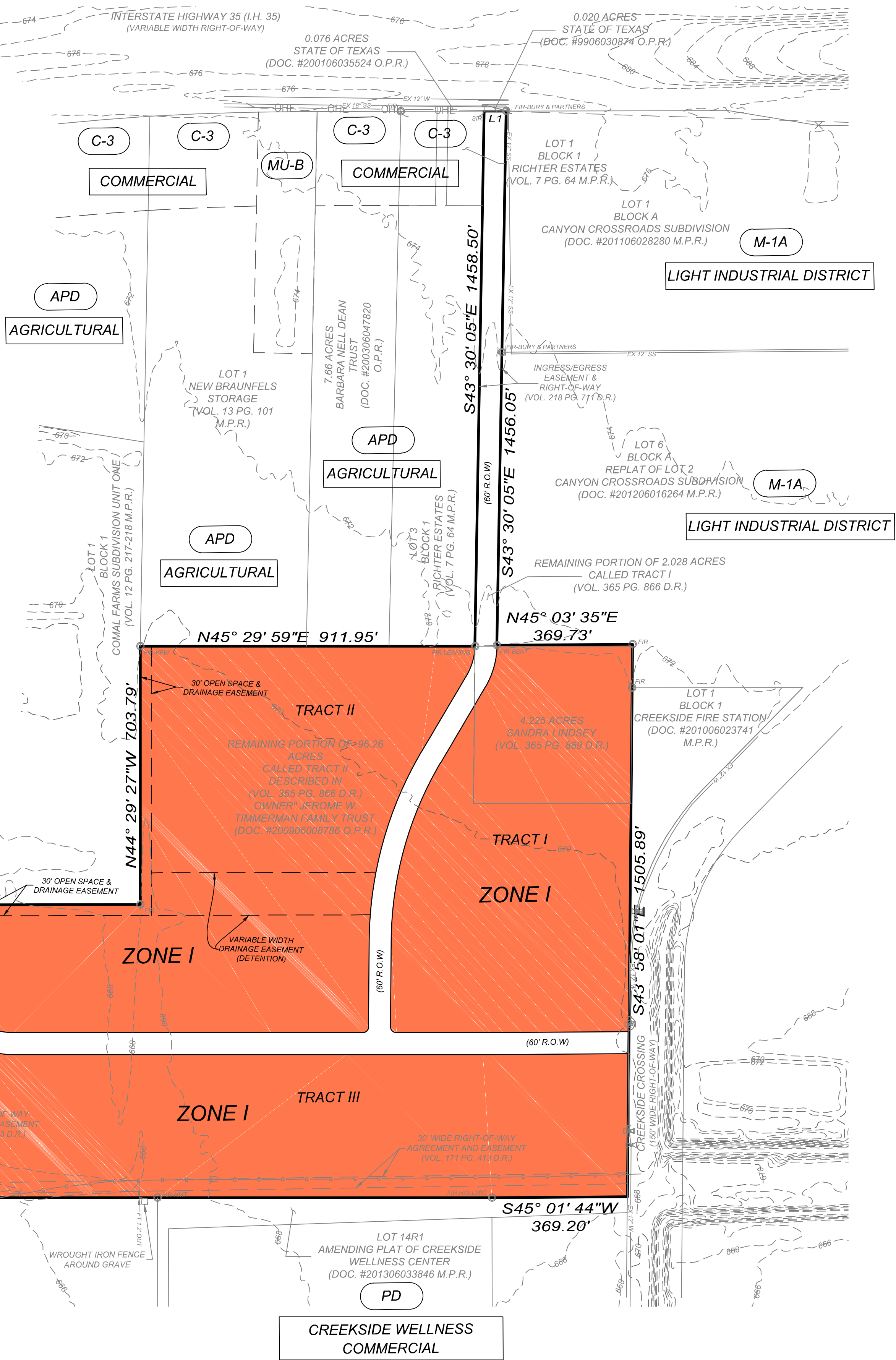
ENGINEER:
KFW ENGINEERS
3421 PAESANOS PKWY, STE. 200
SAN ANTONIO, TX 78231
PHONE: (210) 979-8444
FAX: (210) 979-8441

2020

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| LAND USE | ACRES | DWELLING UNITS | PARKLAND DEDICATION | DENSITY (DWELLING UNITS/ACRE) |
|---|--------------|----------------|---------------------|-------------------------------|
| DRAINAGE/OPEN SPACE | 7.996 | - | - | - |
| PUBLIC FACILITY | 3.685 | - | - | - |
| COMMERCIAL | 30.905 | - | - | - |
| MIXED USE (COMMERCIAL & HIGH DENSITY RESIDENTIAL) | 16.69 | 150 | 1.00 | 8.99 |
| MIXED USE (COMMERCIAL & MULTI-FAMILY) | 26.497 | 525 | 3.50 | 19.81 |
| DRAINAGE R.O.W. | 2.295 | - | - | - |
| PUBLIC R.O.W. (STREETS) | 9.902 | - | - | - |
| TOTAL = | 97.97 | 675 | 4.50 | 15.63 |



- LEGEND**
- = BOUNDARY
 - = MU-B ZONE I
 - = MU-B ZONE II
 - = MU-B ZONE III
 - = PROJECTED RIGHT-OF-WAY
 - = SURROUNDING ZONING
 - = SURROUNDING LAND USE
 - = EXISTING SEWER LINE
 - = EXISTING SEWER MANHOLE
 - = EXISTING WATER MAIN
 - = EXISTING GAS MAIN
 - = EXISTING FIRE HYDRANT
 - = EXISTING OVERHEAD UTILITY
 - = EXISTING OVERHEAD ELECTRIC
 - = EXISTING 2' CONTOURS

| Line Table | | |
|------------|--------|-------------|
| LINE # | LENGTH | DIRECTION |
| L1 | 60.01' | N45°22'17"E |

OWNER/DEVELOPER:
SOLMS LANDING, LLC
648 S CASTELL AVE
NEW BRAUNFELS, TX
PHONE: (830) 387-4110

ENGINEER:
KFW ENGINEERS
3421 PAESANOS PKWY, STE. 200
SAN ANTONIO, TX 78231
PHONE: (210) 979-8444
FAX: (210) 979-8441



CONCEPT PLAN - SOLMS LANDING
PLANNED DEVELOPMENT DISTRICT
NEW BRAUNFELS, TX.

JOB NO. 583-01-01
DATE: DECEMBER 2016
DRAWN: NR CHECKED: BW
SHEET NUMBER:

PDD

ISSUE DATE:

REVISIONS:

2017

PLANNING COMMISSION – JANUARY 5, 2020– 6:00PM

Zoom Meeting

Applicant/Owner: James Mahan, Solms Landing Development, LLC.

Address/Location: Approximately 98 acres addressed at 253 S. Kowald Lane

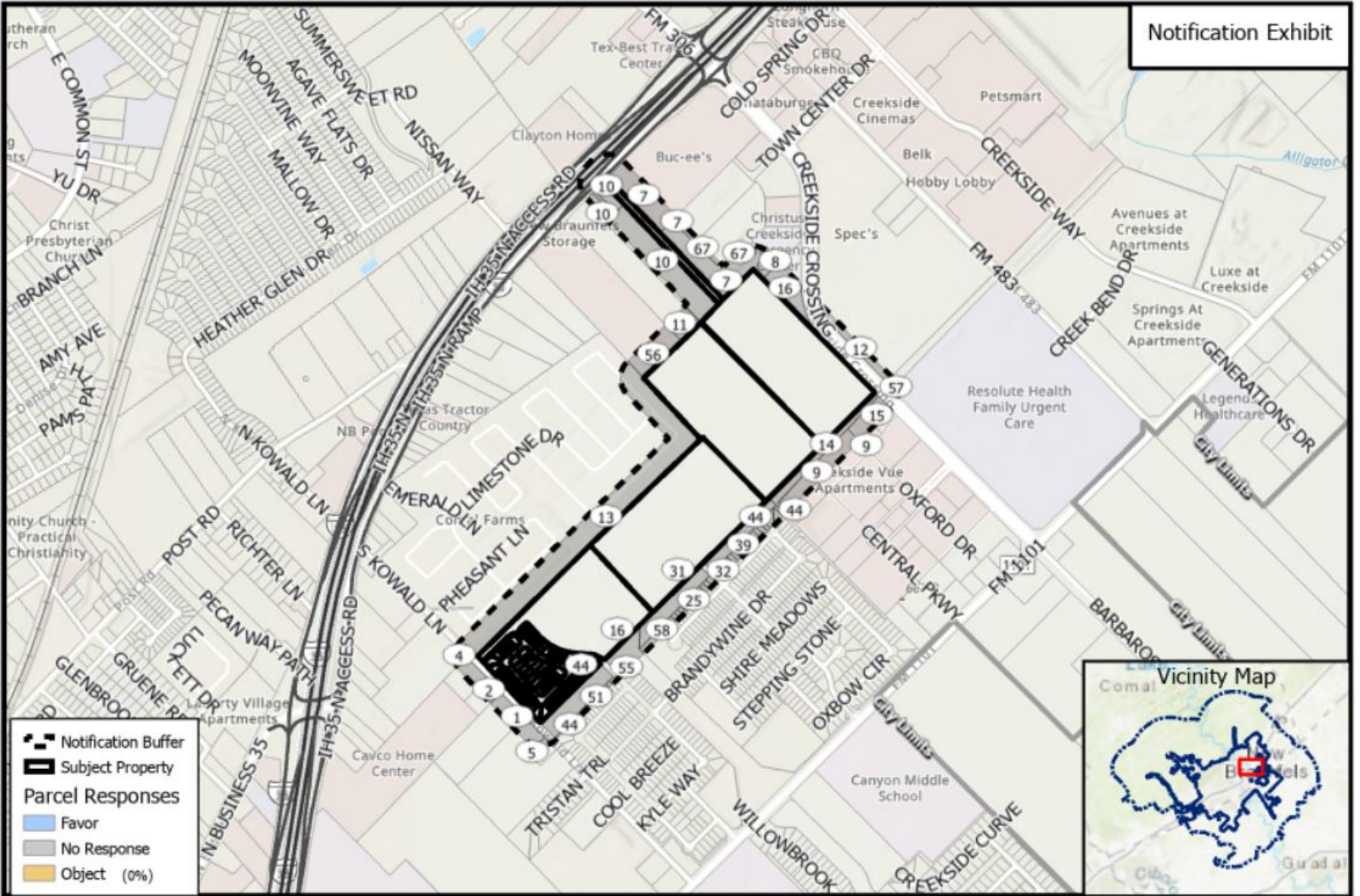
PROPOSED ZONE CHANGE – CASE #PZ20-0295

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. HALL JULIE L ET AL | 21. COLES PROPERTIES LTD |
| 2. WETZ WILLIAM & BILLY WARD | 22. BRYANT MATTHEW W |
| 3. WARD BILLY & WETZ WILLIAM N | 23. HERZOG DEREK S & SARAH R |
| 4. J E PROPERTIES LP | 24. SCHRAMM MICHAEL II |
| 5. ENTERPRISE TEXAS PIPELINE LP | 25. CASON LAYCE |
| 6. PRADE CONNIE A | 26. BROWN DAMIAN |
| 7. BUC EES LTD & TURNER FAMILY PRTNRSH LP | 27. JONES KATHLYN E & JOHN E |
| 8. MCKEE RICHARD W RVCBL TRST 5-03-1994 | 28. BECERRA JOSE & MARCELA |
| 9. PROPERTY OWNERS | 29. BLANKENSHIP KATE E & BRODY |
| 10. RBNT INVESTMENTS LLC | 30. CEH RANDI L & STEVE J |
| 11. DEAN BARBARA NELL | 31. WEST VILLAGE AT CREEKSIDE (NB) HOA INC |
| 12. A L 95 CREEKSIDE TOWN CENTER LP | 32. GENNUSA CHESKA & ANTHONY |
| 13. CP COMAL FARMS LTD PRTNRSH | 33. HERNANDEZ LORI A & ATILANO JR |
| 14. CWC306 MASTER COMMUNITY INC | 34. CRUZ STEPHANIE L & STEVE |
| 15. BENGALI MONIS 3 LLC | 35. K I RANDY & GEORGINA |
| 16. NEW BRAUNFELS CITY OF | 36. PERNICANO KEVIN & PATRICIA |
| 17. BENNETT TAYLOR & THOMAS | 37. GOMEZ JULIAN V III |
| 18. HERNANDEZ ANDREA | 38. FLORES RENE & LILIANA D |
| 19. GUTIERREZ KELSEY M | 39. EPPERSON ZACHARY S |
| 20. PIERCE ADRIENNE E | 40. GUERRERO LUIS DE LEON |

- | | |
|---------------------------------------|--|
| 41. BRADLEY ERIK P & LEAH R | 55. DAILEY HAROLD G JR & MARY K |
| 42. GOMEZ ENRIQUE G & OLGA D G MAXIMO | 56. NEW BRAUNFELS STORAGE LTD |
| 43. EICKHOFF SABRINA & BRANDON FULLER | 57. CENTRAL TEXAS CORRIDOR HOSPITAL CO LLC |
| 44. KB HOME LONE STAR INC | 58. HICKSON ASHLEE |
| 45. GARCIA VANESSA M & JUAN A JR | 59. PADRON LALO & ALMA |
| 46. BOYD KAITLIN N & CALEB A MOLEND | 60. STINDT TROY E JR & HEATHER M |
| 47. MARMOLEJO ANISSA | 61. WILBURN RAY A JR & ASHLEY N |
| 48. KINGSBERY JENI M | 62. ESCOBEDO BERNARDO A & BRIANA |
| 49. COUGHENOUR GERALD W & SHIRLEY | 63. BYLER KASEY T & CHELSEA T |
| 50. JENKINS SANDRA K | 64. PORTER BRIAN L & DANA R |
| 51. GOULDING PETER | 65. BOSH JARRID N |
| 52. WILLIAMSON MERLE K & CHRISTINE M | 66. RODGERS MATTHEW A & CATHERINE E |
| 53. RAMZINSKI SHARLA & JOSHUA | 67. BLAKE AT NEW BRAUNFELS LLC |
| 54. REEDER THOMAS P & DEBORA L | |

SEE MAP



PZ20-0295
Amendment to PD



RECEIVED

455

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0295 hm

Name: Peter GouldingAddress: 1941 Brook BendProperty number on map: 51I favor: ☒

I object: _____ (State reason for objection)

Comments: (Use additional sheets if necessary)

Simple Request
we DO NOT want the Streets
to Connect with our Neighborhood.

Thank You

Signature: Peter Goulding

Draft Minutes for the January 5, 2021 Planning Commission Regular Meeting

E) PZ20-0295 Public hearing and recommendation to City Council regarding proposed revisions to the Solms Landing Planned Development ("SLPD") concept plan and development standards, on approximately 98 acres out of the A M Esnaurizar A-20 Survey, addressed at 253 S. Kowald Lane. Applicant: James Mahan; Case Manager: Holly Mullins.

Mrs. Mullins presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on the concerns listed in the staff report and how these have been resolved.

Vice Chair Laskowski expressed concerns over density, traffic, and impact on adjacent neighborhoods.

Discussion followed.

Chair Edwards asked if the applicant would like to speak.

Burt Wellmann, KFW, 15818 Turfway Park, addressed traffic and density concerns.

Discussion followed.

James Mahan, 173 Oak Canopy Court, addressed density concerns.

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

Kevin Pernicano, 2071 Windchime Way, asked for clarification on what each of the Zone classifications stand for on the presented concept plan.

Cameron Dunlavy, Sun Communities Inc., asked for clarification on the potential development.

Mr. Mahan provided clarification.

Chair Edwards closed the public hearing.

Discussion followed on the TIA approval.

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

Motion by Commissioner Meyer, seconded by Commissioner Tubb, to recommend denial to City Council of the proposed revisions to the Solms Landing Planned Development ("SLPD") concept plan and development standards, on approximately 98 acres out of the A M Esnaurizar A-20 Survey, addressed at 253 S Kowald Lane. Motion carried (8-0-1) with Commissioner Gibson in opposition.

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS APPROVING REVISIONS TO THE SOLMS LANDING PLANNED DEVELOPMENT ("SLPD") CONCEPT PLAN AND DEVELOPMENT STANDARDS, ON APPROXIMATELY 98 ACRES OUT OF THE A. M. ESNAURIZAR A-1 SURVEY, ADDRESSED AT 253 S. KOWALD LANE; 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 requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan; and

WHEREAS, the City Council desires to approve revisions to the Solms Landing Planned Development ("SLPD") concept plan and development standards as adopted by City Council in Ordinance 2017-31; **now, therefore;**

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

SECTION 1

THAT the Solms Landing Planned Development ("SLPD") concept plan and development standards adopted by City Council in Ordinance 2017-31 are hereby revised by adopting the Concept Plan attached as Exhibit "A" and the Development Standards as attached in Exhibit "B".

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 25th 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

EXHIBIT “B”

(Attached separately. Will be combined following 1st reading)



SOLMS LANDING
NEW BRAUNFELS, TX

Planned Development District

Zoning Standards and Guidelines

12/22/2020

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THE VISION OF SOLMS LANDING

VISION

Solms Landing, named after the founder of New Braunfels, Prince Carl of Solms-Braunfels, will integrate the cultural history of New Braunfels into a modern mixed use development.

Spanning 98 acres the development will bring together a variety of local and national cuisines, a boutique hotel, upscale shopping, and a variety of high end living options. Centered around a proposed park, the development will provide guests and residents walkability to a variety of dining, shopping and entertainment options.

Residents of Solms Landing will have the ability to choose between ownership and leasing. Through a variety of living options such as high end Townhomes, Loft style apartments and multifamily above retail, Solms Landing will provide a solution to residents searching for an urban style living option within the Texas Hill Country.

Solms Landing aims to maintain the cultural appeal of New Braunfels that has made the city a top destination for growing families and retirees alike. The project will establish architectural standards to ensure a uniform design throughout the development as well as integrate over 1.5 miles of biking and walking trails that take you through the history and heritage of New Braunfels from its beginning.

Once fully developed, Solms Landing will be a \$250 Million development featuring a variety of high end shopping, national and local restaurants, luxury apartments and townhomes and a variety of greenspace and parks.

INTENT & GENERAL DEVELOPMENT PRINCIPLES

INTRODUCTION

To ensure that Solms Landing remains a cohesive development of consistently high quality, Solms Landing Development has carefully created Architectural Design Guidelines that provide a design framework for businesses and residences that will be a part of this wonderful new addition to the City of New Braunfels.

The Architectural Design Guidelines are not always absolute or prescriptive and they encourage design creativity and diversity within a range of styles. Their fundamental intent is to maintain an environment of uncompromising quality while empowering owners to create custom designs reflective of their individual tastes and that can satisfy their functional requirements.

GENERAL DEVELOPMENT PRICIPLES

The Solms Landing plan envisions a vibrant urban district that builds on the area's history and character and compliments the adjacent Creekside Shopping Center, Resolute Hospital Facility and numerous established businesses in the adjacent area. Walkability to and from the "Landing" and the surrounding shopping areas is a key element in the master plan.

This document includes a comprehensive set of development standards and guidelines that include the following:

- Buildings and Sites – Addresses the height, orientation, and facade design of buildings and parking facilities.
- Streetscapes – Includes standards and guidelines for the design of public sidewalks and waterfront walkways.
- Private Parks and Plazas – Provides basic standards and guidelines for the design of pocket parks, community parks, urban plazas and other gathering spaces.

INTENT & GENERAL DEVELOPMENT PRINCIPLES

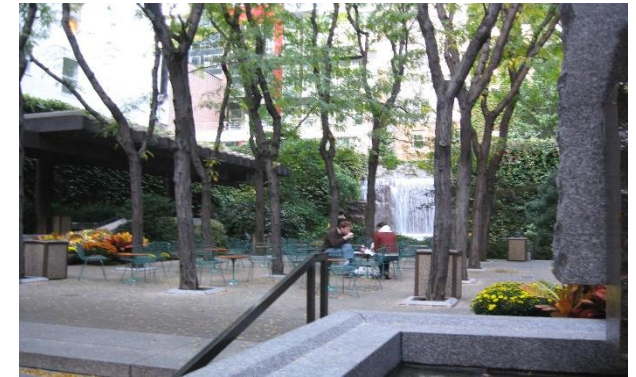
ARCHITECTURAL DESIGN CONCEPT

The existing character of the land is one of history; one that is intrinsically connected to the movement of settlers to the area, of their German homeland and their connection to the rivers that brought so much to their community.

This movement in time shall be an important part of the overall design. By linking pockets of green space along a spine of water (in this case, pocket-parks connected by a drainage features and bio-swales) developers are creating a metaphor of the community that is historically and currently linked by the rivers, the Comal and the Guadalupe.



Photographs depict guidelines & are only intended to help the user visualize guiding principles



INTENT & GENERAL DEVELOPMENT PRINCIPLES

ARCHITECTURAL DESIGN CONCEPT CONT.

Links such as this, certainly have their place in history. A prime example in today's world is the Las Ramblas in Barcelona, where the whole day can be spent lounging in outdoor cafes, watching people, buying flowers, viewing artwork and enjoying friends and family.

Design elements shall be a mixture locally found materials, such as limestone and wood, but they shall be used as accents on a modern form. The developers are seeking to create a re-interpretation of the forms the original German settlers used (and remembered from their homeland such fatchwork); a fresh new upscale look using familiar components.

The application of these materials, forms and spaces shall be assembled with the intent of creating a development that represents quality, integrity, history and education; a space that is a destination for visitors, a place to live, a place to work, a place to walk, and overall, a place that the entire community can be proud of.



INTENT & GENERAL DEVELOPMENT PRINCIPLES

RELATIONSHIP TO OTHER REGULATORY DOCUMENTS

The Solms Landing Planned Development District is a mixed use development with a base zoning of “MU-B high intensity mixed use district” under Chapter 144 of the city of New Braunfels Zoning Ordinance. The goal of this document is to minimize references to external documents and as a result the base line MUB zoning and all amendments have been attached to this document in Appendix 1.

Pertinent sections of the MUB guidelines have been adopted as a foundation to these development standards. In order to insure the quality of Solms Landing additional restrictions and standards have been outlined in the following document. Whenever there appears to be a conflict between the Solms Landing PDD and the base zoning, the requirements specifically set forth in this document shall prevail unless otherwise stated.

THE PDD IN THE CONTEXT OF THE CITY OF NEW BRAUNFELS

The proposed Solms Landing PDD is a roughly 98 acre master planned mixed use development located east of IH-35, adjacent to the Creekside Village development and directly across FM 306 from the Town Center at Creekside.

The development is within walking distance to Resolute Hospital and within a 5 minute drive to a number of other key employers such as Rush Enterprises, Comal ISD, and the recently announced CGT. Important uses within the area include elementary, middle and a high school as well as the New Braunfels Regional Airport and Central Texas Technology Center.

INTENT & GENERAL DEVELOPMENT PRINCIPLES

RELATIONSHIP TO 2018 COMPREHENSIVE PLAN

Solms Landing will incorporate many of the goals set out by the city of New Braunfels under the 2018 Comprehensive Plan. Some of these goals include but are not limited to the following:

- **Strategy 1: Support Vibrant Centers:** By incorporating a variety of uses into an integrated development Solms Landing will create the sense of community and place the city is looking for. Housing units both within the Solms Landing development and the greater Creekside area will have the ability to walk to a variety of shops, dining and future employers.
- **Strategy 2: Activate Neighborhoods:** Solms Landing will provide a variety of housing options creating a development that provides a housing solution for a variety of socio economic backgrounds and age groups. Condominiums and Live Work units will be delivered at price points below the median home price allowing for a high quality yet affordable housing alternative for first time home buyers. These housing options will be fully integrated into the overall walkable mixed use development.
- **Strategy 3: Balance Jobs, Education and Housing Choices:** Solms Landing has plans for a variety of office uses. These will include Neighborhood commercial designed for local small businesses, Live work designed for entrepreneurs, and Class A commercial office designed for large scale regional or national employers. All of these will be located within a close proximity to housing and schools creating an optimal live work balance
- **Strategy 4 Innovate in Parks & Public Spaces:** Not only will Solms Landing have trails throughout the development but it will also connect to hike and bike trails planned along FM 306 and currently in use at Resolute Health. In addition there will be a variety of open spaces throughout the development able to accommodate outdoor events such as yoga in the park, outdoor farmers markets as well as regional year round events.
- **Strategy 5: Bolster Resilient Infrastructure:** Solms Landing drainage channel was built to accommodate more than 300 acres of upstream drainage including runoff from IH-35. All drainage and detention channels were constructed to accommodate the future growth in the area while at the same time preserving land through storm drains and a master planned system. When complete Solms Landing will bring a variety of new greenspaces and trees to an area that current has very few trees.
- **Strategy 7: Connect All:** Solms Landing will connect to the existing Sidewalk plan along Creekside way as well as Resolute Health. In addition our hike and bike network is designed with a future connection through West Village at Creekside in mind. The master planned community will encourage walkability throughout the development by implementing a number of traffic calming measures. These measures include a roundabout as well as pedestrian islands and crosswalk locations.

INTENT & GENERAL DEVELOPMENT PRINCIPLES

RELATIONSHIP TO 2006 COMPREHENSIVE PLAN

Solms Landing will incorporate many of the goals set out by the city of New Braunfels under the 2006 Comprehensive Plan. Some of these goals include but are not limited to the following:

- Goal 2 is to encourage the mixing of land uses which is the fundamental vision for Solms Landing. By incorporating a variety of uses into an integrated development Solms Landing will create the sense of community and place the city is looking for
- Goal 3 is to encourage innovative designs such as cluster developments. Solms Landing will be a high density development that encourages vertical rather than horizontal development allowing for green space and interconnectivity of hike and bike trails
- Goal 9 asks for better regulation of non residential developments. The guidelines set forth in this document call for a higher level of standards and development guidelines than what is required under current city zoning
- Goal 14 discusses the need for additional trails and greenbelts throughout the city. Not only will Solms Landing have trails throughout the development but it will also connect to hike and bike trails planned along FM 1101 and currently in use at Resolute Health
- Goal 25 encourages pedestrian and bike transportation throughout the community. Solms Landing will accomplish this by being a walkable community and by incorporating a variety of walking and biking trails throughout the development and to adjoining properties
- Goal 36 and 39 will be addressed by creating a mixed use development not currently offered in the Texas Hill Country. This will act as a complimentary development to the product offerings already available at Creekside allowing for new tenants and businesses to come to the area
- Goal 44 will be addressed by creating a development with a variety of shopping, dining and entertainment options that cater to a variety of age groups including kids, young adults, and retirees.
- Goal 80 will be addressed by creating a set of pocket parks where local art and cultural references can be displayed. The team at Solms Landing will look to work with Parks and Rec as well as the New Braunfels Art Commission to implement these designs

DEVELOPMENT REVIEW PROCESS

PROJECTS SUBJECT TO REVIEW

All construction projects within the development with the exception of interior construction are subject to review by the Architectural Review (AR) team that includes the POA Board and other Developer members. All buildings, streets and public spaces are also subject to review, and all should reflect exceptional design quality. The AR shall review all projects that require interpretation or discretionary judgment with respect to the project's compliance with standards and guidelines.

EXCEPTIONAL DESIGN

The AR team may recommend for approval, buildings of exceptional design that do not comply with certain standards and guidelines provided that the buildings conform to the Intent and General Development Principles. Parks, plazas, sidewalks, paths, and other publicly accessible spaces should also reflect exceptional design quality and are subject to compliance with the Development Standards and Guidelines.

CONCEPTUAL PHASE DISCUSSION

One of the most important roles of the AR team is to provide informal guidance to developers of significant projects during the conceptual design phase. These discussions take place during calls and work sessions, and provide an opportunity for early AR input that should facilitate timely design review and approval of the final design phase. All private developers of significant projects are encouraged to present their conceptual plans to the AR team for review.



BUILDINGS AND PERIPHERAL SITES

INTENT AND PRINCIPLES

INTRODUCTION

This section includes development standards and guidelines related to the orientation and configuration of buildings and building sites. The form and scale of a building is one of the most important factors in the creation of a viable mixed use development. The purpose of these standards is to ensure high quality, sustainable development that adapts to changing conditions over time. The following principles provide the basis for the development standards and guidelines.

- Design all sites and buildings, and the lower floors of buildings in particular, so that they promote pedestrian activity and provide an active, continuous pedestrian-oriented street edge along public sidewalks.
- Design buildings and sites to provide visual variety and enhance the overall sense of place.
- Regulate building heights and orientation so as to protect and enhance views to and from established landmarks, natural features and skylines.
- Choose exterior building materials that are important to shaping a coherent urban form. In addition to visual attractiveness, exterior building materials serve as the primary form of the interior space of the building.
- Ensure the building facades visible from public spaces contribute to an attractive streetscape and skyline.
- Locate surface parking, individual garages and parking garages to reduce their visual impact.

BUILDINGS

VERTICAL MIXED USE OVERLAY (VMU)

The purpose of a vertical mixed use (VMU) overlay is designed to allow the development of vertical mixed use (VMU) buildings. Vertical mixed use elements will be incorporated throughout the development.

A VMU building will meet the following requirements:

- A use on the ground floor must be different from a use on an upper floor.
- The second floor may be designed to have the same use as the ground floor so long as there is at least one more floor above the second floor that has a different use from the first two floors.
- At least one of the floors shall contain residential dwelling units or office space.

Ground-Floor Commercial Uses Allowed:

- Any commercial uses allowed in the base zoning district within proposed PDD may be allowed at the ground-floor level in VMU buildings.

Compatibility and Neighborhood Standards:

- All VMU buildings will conform to the standards of the base zoning



BUILDINGS

STANDARDS FOR BUILDING PRESENTATION TO STREETS AND GREENSPACE FRONTAGE

- Building Orientation – Orient all future development to the street or greenspace.
- Ground Floor Residential Frontages – Ground floor residential uses shall provide a clear delineation between public and private space through the use of a patio, landscaped yard, or raised landing. Such delineation shall not conflict with any pertinent accessibility requirements.

AWNINGS, GALLERIES, ARCADES AND BALCONIES

- Guideline for Awnings, Galleries and Arcades – Awnings, galleries or arcades are encouraged for all ground floor commercial uses so as to provide pedestrian protection and visual interest.
- Gallery and Arcade Width Standard – Galleries and arcades shall be a minimum of 6 feet in width.
- Balcony Guideline – Balconies are encouraged and should be designed as an integral part of the building and should not appear to have been tacked-on to the exterior.

BUILDINGS

ROOF GUIDELINES

- Parapet roofs or low-sloped roofs are preferred.
- Pitched roofs with slopes greater than 6:12 are primarily for residential and multifamily applications
- Utilizing rooftops for restaurants, bars, amenities, and gardens is allowable.

MECHANICAL EQUIPMENT STANDARDS

- Exhaust / venting, trash containers and noise-generating mechanical systems shall not be placed adjacent to the walkway in a manner that diminishes the comfort of pedestrians.
- Ventilation devices shall not be located in the pedestrian zone.

SCREENING STANDARDS

- Mechanical Equipment and Dumpsters whether located on the ground or rooftop shall be screened from public view.

WINDOWS AND OPENINGS

- Ground floor restaurants, bars and retail are encouraged to have windows and doors that can be opened to provide direct access to the sidewalk or public space.

BUILDINGS

FLOOR HEIGHT STANDARDS

Ground Floors of Nonresidential Buildings- Minimum 12 feet, measured floor to floor

Ground Floors of Residential Buildings- Minimum 8 feet measured floor to ceiling

Upper Floors All Buildings- Minimum 8 feet measured floor to ceiling. Parking structures are exempt from this requirement

HEIGHT STANDARDS

Unless otherwise stated in Zone specific standards, the height requirements will be as follows:

- Non-Residential uses- 120 feet
- Multi Family Dwellings- 100 feet
- Townhomes- 30 feet
- Zero Lot Line Homes- 30 feet



BUILDINGS

Maximum Building Coverage

- Building Coverage ratio for non-residential uses is not to exceed 80%
- Building Coverage ratio for residential uses is not to exceed 60%

Maximum Floor to Area Ratio for Non-Residential Uses

- Maximum floor to area ratio is not to exceed 5 : 1

Minimum Parking Standards

- Parking ratios will adhere to city guidelines dependent upon end use tenant mix based on requirements laid out in Section 5.1-3 of Planning's Zoning Ordinance
- Solms Landing will incorporate a variety of end users in an integrated mixed use development. As a result a variety parking elements will be incorporated such as street parking, shared parking lots, designated parking and potential parking structures

PERIPHERAL SITES

INTRODUCTION

Residents and visitors of Solms Landing will experience the first high density mixed use development in the Texas Hill Country. Solms Landing foresees a network of pocket parks each incorporating an element of New Braunfels heritage, gathering spaces, and walking trails throughout the 98 acres. These trails will connect to existing walking and biking trails in the area resulting in a wide variety of options for users. The development of the parks and open spaces will be based on the following principles:

- Connect green spaces to establish an unified network of pocket parks, green spaces and walking trails
- Include elements that cater to a variety of age groups including young children, teens and the elderly



PERIPHERAL SITES

GREENSPACE EXPERIENCE PRINCIPLES

- Build a distinctive and diverse network of public spaces and environments that avoid long uninterrupted monotonous designs. Include both formal and informal spaces and their neighborhood connectors to reflect or complement the adjoining neighborhoods. Ensure comfort during hot weather with trees and other provisions for shade, water fountains, benches and areas for rest. Ensure that buildings and other components of the built environment frame and complement greenspaces and public spaces. Ensure a sustainable, clean and easily maintained environment Incorporate public art into the street and adjacent realm.

PEDESTRIAN GUIDELINES

- Pedestrian passages should be attractive, safe and inviting to encourage use.
- Outdoor dining is encouraged
- Secondary storefront entrances are encouraged

PARKING GUIDELINES

- Shared, structured parking facilities are strongly encouraged

Low Impact Development

DESIGN PRINCIPLES

- One of the priorities of Solms Landing, a high density mixed use development, is to implement a “Low Impact Development” throughout the site by creating gathering spaces and “pervious” walkability through contiguous trails, pocket parks and strategically placed open spaces. The use of these gathering spaces will help create the vision of a Vibrant Urban District while addressing the walkability to and from the “Landing” and the surrounding shopping areas.

POCKET PARKS

- The pocket parks shall be designed to incorporate rain gardens by the use of “disconnection” of impervious surfaces and building downspouts to direct rainwater runoff through vegetated strips/areas. This will allow the low to moderate storm events to percolate through the engineered or natural in-situ soils prior to the runoff becoming concentrated. By providing the use of pocket parks and rain gardens, this practice will help reduce the total runoff volume (generated by the increase in impervious cover) by decreasing the time of concentration and promoting runoff infiltration. Having these areas will also promote a plant-based filtration that will help remove pollutants conveyed through surface runoff; therefore, enhancing the water quality aspect of the proposed development as well.

PARKING GUIDELINES

- In addition to providing the pervious trails and walkways; landscaped parking lot islands, planting beds, and vegetated filter strips will also be provided throughout various areas to enhance the overall “beautification” of this development. The planting beds and/or vegetated filter strips will also serve as a landscape buffer between the parking lots and “business development” areas. The overall use of the landscape buffers will greatly help in the reduction of impervious cover as well.

Low Impact Development

SIDEWALKS AND TRAILS

- While concrete sidewalks are a common means of walkability and will be provided adjacent to the proposed streets and buildings within this development, it is the intention to also create a “pervious” means of walkability throughout various areas complimenting the proposed walkways and trails. By using pavers or pavestones in lieu of concrete, the openings or spacing of the pavers will encourage infiltration.

DRAINAGE AND DETENTION

- Due to the natural / existing conditions of this site, a large low in the topography conveys sizeable upstream and offsite drainage areas through the current property. To continue the natural drainage paths of this site, this development will preserve the natural low and will maintain a vegetated design for the newly constructed channels. Limiting the use of impervious improvements within these areas will help maintain the natural filtration and pollutant removal.
- As an aspect and importance of major developments, this development will provide vegetated detention facilities to help alleviate the increase of peak runoff volumes due to the increase in impervious cover of the site. Not only will the detention facilities help mitigate the increase in runoff volumes, it will also provide a detention time for the overall site runoff. This detention time will encourage the removal of pollutants by sedimentation and infiltration through the soils; therefore, again promoting the water quality aspect of the proposed development as well.



OPEN SPACE DESIGN

OPEN SPACE DESIGN

INTRODUCTION

An integrated, high-quality, public realm will be one of the crucial elements to Solms Landing's success. The public walkways along streets and green space will be the public space most often utilized by residents, workers, and visitors. The standards and guidelines in this section are intended to create a vision for furnishing the public spaces while allowing for creativity and flexibility.

- Incorporate a variety of walkways that are integrated throughout the development
- Select furniture and fixtures that match the design and aesthetic of the project
- Design amenities that reflect the time and culture of the era being represented and respect the local history
- Select lighting systems that represent the overall design and feel of the project



OPEN SPACE DESIGN

Elements of a Streetscape

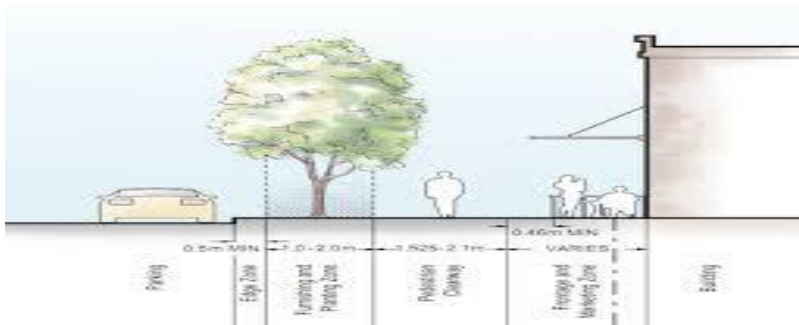
The Frontage Zone is located directly next to buildings, walls or property lines fronting a street or peripheral site. This area usually includes items such as:

- Greenery
- Benches
- Outdoor retail or dining seating

The Pedestrian Walkway serves as the space utilized for walking and should be kept clear of items such as benches or greenery. Zone should be able to accommodate all types of mobility including wheelchair access.

The Furnishing Zone is located between the Pedestrian Walkway and areas designated for parking. This zone will be utilized items such as the following:

- Utility Poles
- Bikes and News Racks
- Street Trees
- Waste receptacles



OPEN SPACE DESIGN

WALKWAY OBJECTIVES

- Focus pedestrian circulation at the street level.
- Use sidewalks and streets as a linear park system.

STREETSCAPE FURNISHINGS STANDARDS

- Permanent elements shall NOT be located in the Pedestrian Way.
- Benches shall be compatible with other benches along a block
- Benches shall be constructed of a durable material.
- Other streetscape furnishings such as bike racks, trash cans and other movable objects shall be compatible with existing furnishing along the block.

GREENWAY STANDARD

- A continuous walkway or public use area shall be located along the greenway.
- Ornamentation should be minimized so as to reduce distractions of views and vistas.



OPEN SPACE FURNISHINGS

LANDSCAPE Developments that are set back from the street shall incorporate landscaping such as bushes, flowers and other plantings.

- Durability of materials at street level are important.
- Therefor, pots and planters shall be of 50% clay, concrete, ceramic, resin or masonry materials.
- Potted plants shall be compatible in scale and design with the immediate surrounding area.
- Pots shall not interfere with the pedestrian way.

GREENWAY TREE STANDARDS *(Note: Ideally all trees should be planted between November and February).*

- Street trees can be either deciduous or evergreen, but must be approved beforehand by the AR Team.
- Irrigation shall be provided to ensure the life of the tree.
- Trees shall be a minimum of 2" caliper.

ACCEPTABLE TREES AND BUSHES

- Refer to the City of New Braunfels' Zoning Ordinance Section 5.2 for acceptable trees and bushes.

OPEN SPACE FURNISHINGS

LIGHTING STANDARDS

- Pedestrian lights shall be spaced a maximum of 60 feet apart in the urban greenway areas.
- Pedestrian lights shall be made of steel, aluminum, or any other material that is proven to be equally durable, cost effective and easy to maintain.
- Pedestrian light poles shall provide easy serviceability, maintenance and replacement.
- Light source height shall not exceed 16 feet above grade.

BOLLARD STANDARDS

- Concealed mounting.
- 24" to 30" in height.
- Compatible with other street scape features.
- Removable bollards shall be provided where necessary for emergency / service functions.

PAVING MATERIAL STANDARDS

Paving materials shall be easy to maintain, attractive and sustainable. The materials shall not detract from the primary purpose of the space. Appropriate materials include the following:

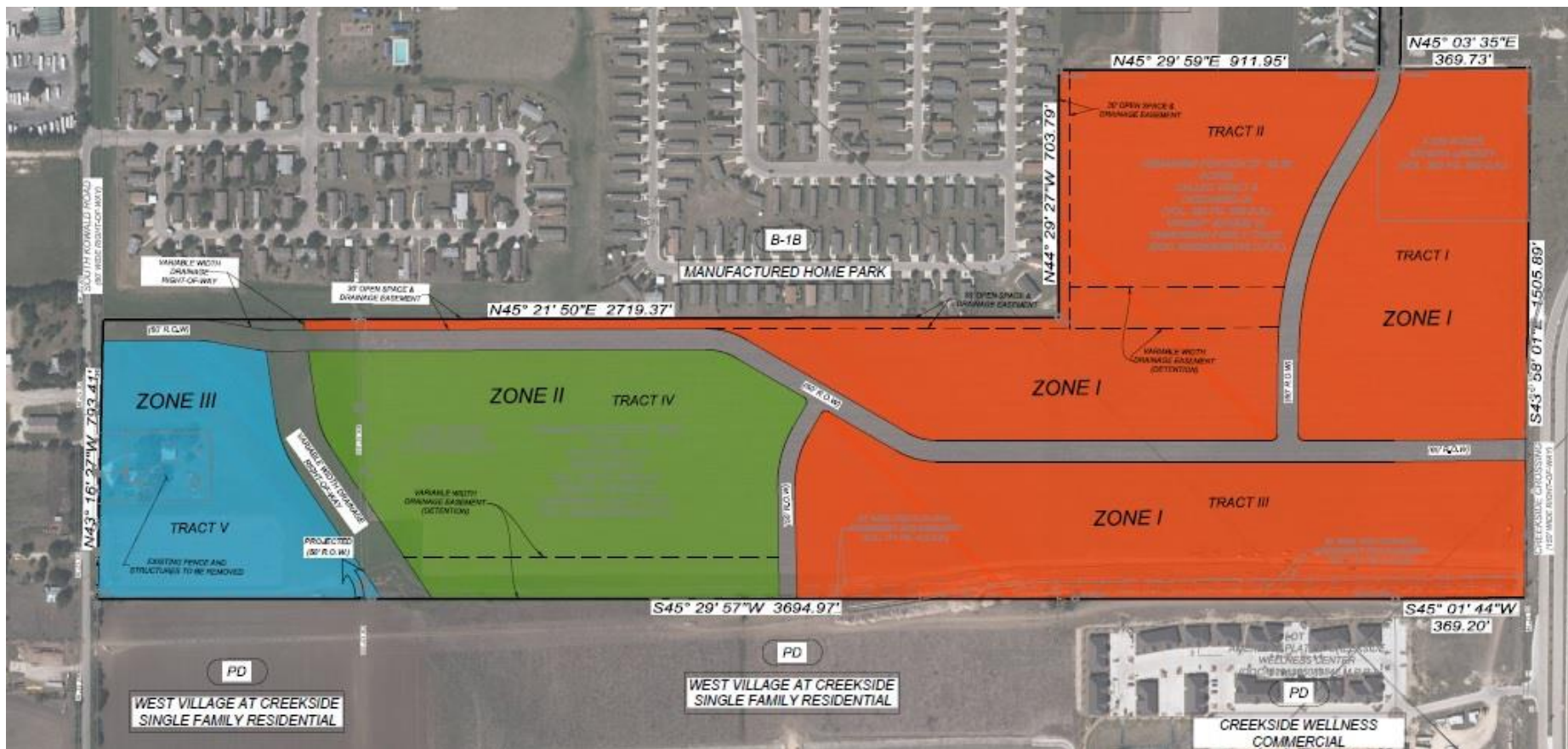
- Concrete / Pervious Concrete
- Crushed stone meeting TDLR requirements- only allowed on trails within the private property and not authorized for public sidewalks or for parking without approval from the City Engineer pursuant to Section 5.1-1 of the Zoning Ordinance.
- Masonry Pavers
- Composite Decking
- Any other similarly primary material that meets and is in compliance with City Design Standards

OPEN SPACE FURNISHINGS

PUBLIC ART GUIDELINES

- Developers are encouraged to integrate art into the design process for buildings and adjoining greenway features.
- The City of New Braunfels' Arts Commission may assist with identifying appropriate artists and / or advise on processes for projects.
- Pocket parks will be preferred location to incorporate art and cultural aspects
- Utilizing historical and cultural aspects of New Braunfels into the artistic aspects will be encouraged





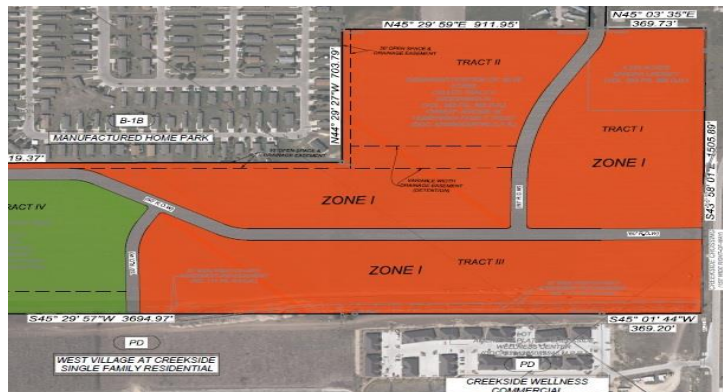
ZONE SPECIFIC STANDARDS AND GUIDELINES

ZONE SPECIFIC STANDARDS AND GUIDELINES

ZONE 1

Zone 1 within Solms Landing will be the preferred zone for Vertical Mixed Use. This zone will incorporate a variety of uses including but not limited to retail shopping and dining, flex office space, a boutique hotel, and national tenant retail. In addition to the standard requirements previously laid out in these guidelines the following standards will apply:

- Development shall include layering of building heights and styles increasing in height as development moves away from the public right-of-way. Styles of buildings shall vary in design elements, scale, height, building orientation and features to prevent a monotone feel
- Provide connectivity to existing walking trails on adjacent properties at Creekside, Resolute Health, and Creekside Village
- Create a balance between height and density of vertical mixed use and greenspace
- Encourage structured parking where economically feasible
- Create a park space where visitors and residents can gather for events such as festivals, artisan fairs, and concerts



ZONE SPECIFIC STANDARDS AND GUIDELINES

ZONE 2

Zone 2 within Solms Landing will be the preferred zone for high density residential. In addition to height density residential this zone will look to incorporate neighborhood retail, zero lot line residential, and elements of greenspace and parks. In addition to the standard requirements previously laid out in these guidelines the following standards will apply:

- Maximum height for Non-Residential is 120- and for Multi Family is 100 feet
- Create integrated network of trails and pocket parks between Zones 1 and 3
- Provide connectivity to existing bike and walking trails in West Village at Creekside and new trails planned on FM 1101
- Create connector road to West Village at Creekside via planned right of ways

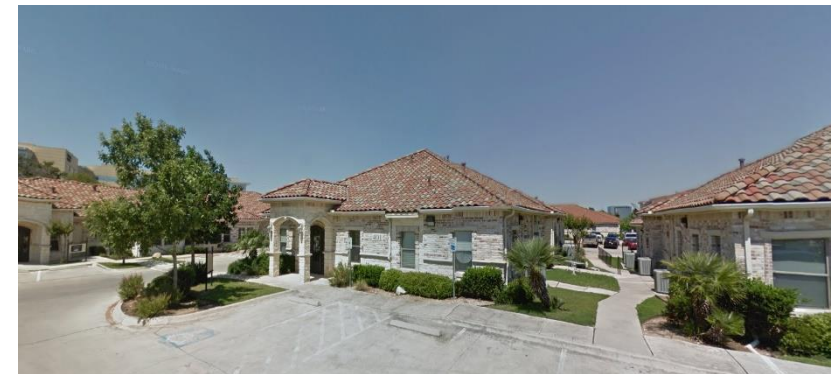
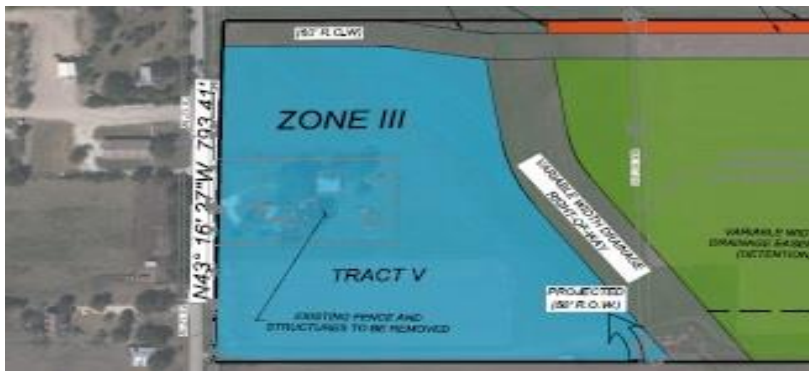


ZONE SPECIFIC STANDARDS AND GUIDELINES

ZONE 3

Zone 3 within Solms Landing will be the preferred zone for single family residential. This zone will incorporate a for sale living option that is integrated into the overall development via trails and sidewalk. These modern farmhouses will provide the ability for patrons to live in the development but still have a n degree of privacy should they not want to live in one of the more integrated options. In addition to the standard requirements previously laid out in these guidelines the following standards will apply:

- Maximum height for Non-Residential is 120- and for Multi Family is 100 feet
- Create integrated network of trails and pocket parks in coordination with Zone 2
- Provide connectivity to existing bike and walking trails in West Village at Creekside and new trails planned on FM 1101
- Create connector road to West Village at Creekside via planned right of ways



APPENDIX 1

MU-B" high intensity mixed use district.

Purpose. The MU-B High Intensity Mixed Use District is intended to provide for a mixture of more intense retail, office, and industrial uses in close proximity to enable people to live, work and shop in a single location. Bed-and-breakfast establishments could also be located in this district. Pedestrian walkways and open areas are desired in order to promote a pedestrian-friendly environment.

Authorized uses. Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows

| | |
|--|---|
| (1) Uses permitted by right: | Multifamily (apartments/condominiums – at least five units) |
| Residential uses: | Residential use in buildings with the following non-residential |
| Accessory building/structure | uses |
| Bed and breakfast inn (see Sec. 5.6) | Townhouse (at least five lots) |
| Boardinghouse/lodging house | Zero lot line / patio homes |
| Community home (see definition) | |
| Dormitory (in which individual rooms are for rental) | |
| Hospice | |

APPENDIX 1 CONT.

Non-residential uses:

Accounting, auditing, bookkeeping, and tax preparations
Adult day care (no overnight stay)
Adult day care (with overnight stay)
Ambulance service (private)
Amphitheater
Amusement devices/arcade (four or more devices)
Amusement services or venues (indoors) (see Sec. 5.13)
Amusement services or venues (outdoors)
Animal grooming shop
Answering and message services
Antique shop
Armed services recruiting center
Art dealer / gallery
Artist or artisan's studio
Assembly/exhibition hall or areas
Assisted living facility / retirement home
Athletic fields
Bakery (retail)
Bank, savings and loan, or credit union
Bar/Tavern
Barber/beauty College (barber or cosmetology school or college)
Barber/beauty shop, haircutting (non-college)
Battery charging station

Bicycle sales and/or repair
Billiard / pool facility
Bio-medical facilities
Book binding
Book store
Bowling alley/center (see Sec. 5.13)
Bus passenger stations
Cafeteria / café / delicatessen
Campers' supplies

APPENDIX 1 CONT.

Non-residential uses:

Child day care / children's nursery (business)
Church/place of religious assembly
Civic/conference center and facilities
Clinic (dental)
Clinic (emergency care)
Clinic (medical)
Club (private)
Coffee shop
Commercial amusement concessions and facilities
Communication equipment - installation and/or repair
Computer and electronic sales
Computer repair
Confectionery store (retail)
Consignment shop
Convenience store with or without fuel sales
Country club (private)
Credit agency
Curio shops
Custom work shops
Dance hall / dancing facility (see Sec. 5.13)
Day camp
Department store
Drapery shop / blind shop

Driving range
Drug sales/pharmacy
Electronic assembly/high tech manufacturing
Fair ground
Farmers market (produce market - wholesale)
Fire Station
Florist
Food or grocery store with or without fuel sales
Food processing (no outside public consumption)
Fraternal organization/civic club (private club)
Frozen food storage for individual or family use
Furniture sales (indoor)
Golf course (public or private)
Golf course (miniature)
Governmental building or use with no outside storage
Handicraft shop

APPENDIX 1 CONT.

Non-residential uses:

Hardware store
Health club (physical fitness; indoors only)
Heating and air-conditioning sales / services
Home repair and yard equipment retail and rental outlets
Hospital, general (acute care/chronic care)
Hospital, rehabilitation
Hotel/motel
Hotels/motels - extended stay (residence hotels)
Ice delivery stations (for storage and sale of ice at retail only)
Kiosk (providing a retail service)
Laboratory equipment manufacturing
Laundromat and laundry pickup stations
Leather products manufacturing
Limousine / taxi service
Market (public, flea)
Martial arts school
Medical supplies and equipment
Microbrewery (onsite manufacturing and sales)
Motion picture studio, commercial film
Motion picture Theater (indoors)
Motion picture Theater (outdoors, drive-in)
Museum
Needlework shop
Nursing/convalescent home/sanitarium
Offices, brokerage services
Offices, business or professional
Offices, computer programming and data processing
Offices, consulting
Offices, engineering, architecture, surveying or similar

Offices, health services
Offices, insurance agency
Offices, legal services - including court reporting
Offices, medical offices
Offices, real estate
Offices, security/commodity brokers, dealers, exchanges and financial services
Park and/or playground (private or public)
Parking lots (for passenger car only) (not as incidental to the main use)
Parking structure / public garage
Pet shop / supplies (10,000 sq. ft. or less)
Pet store (more than 10,000 sq. ft.)
Photo engraving plant
Photographic printing/duplicating/copy shop or printing shop
Photographic studio (no sale of cameras or supplies)
Photographic supply

APPENDIX 1 CONT.

Non-residential uses:

Public recreation/services building for public park/playground areas

Publishing/printing company (e.g., newspaper)

Radio/television shop, electronics, computer repair

Rappelling facilities

Recreation buildings (public or private)

Recycling kiosk

Refreshment/beverage stand

Research lab (non-hazardous)

Restaurant with drive through

Restaurant/prepared food sales

Retail store and shopping center

Retirement home/home for the aged

Rodeo grounds

School, K-12 (public or private)

School, vocational (business/commercial trade)

Security monitoring company

Security systems Installation Company

Shopping center

Specialty shops in support of project guests and tourists

Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)

Tailor shop

Tattoo or body piercing studio

Telemarketing agency

Telephone exchange (office and other structures)

Tennis court (commercial)

Theater (non-motion picture; live drama)

Travel agency

University or college (public or private)

Upholstery shop (non-auto)

Used or second hand merchandise/furniture store

Veterinary hospital with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential

Video rental / sales

Waterfront amusement facilities – swimming / wading pools /bathhouses

Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

Wholesale sales offices and sample rooms

Woodworking shop (ornamental)

Any comparable business or use not included in or excluded from any other district described herein.

APPENDIX 1

(2) Conflict. In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.

(b) Maximum height, minimum area and setback requirements:

- (1) Non-residential uses.
 - (i) Height. 120 Feet
 - (ii) Front building setback. No front building setback required.
 - (iii) Side building setback. No side building setback is required.
 - (iv) Rear building setback. Five feet minimum with an additional two feet required for each story above 24 feet, up to a maximum setback of 25 feet; there shall be no encroachment or overhangs into this required rear building setback.
 - (v) Residential setback. Where a non-residential building or a multifamily development of more than three units abuts a one or two family use or zoning district, the setback from the residential property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
 - (vi) Minimum lot area. The minimum internal lot area shall be 6,000 square feet or 7,000 square feet for a corner lot.
 - (viii) Minimum lot frontage: 60 feet.
 - (ix) Lot depth. 100 feet.
 - (x) Parking. See Section 5.1 for other permitted uses' parking.
- (2) Multifamily dwellings.
 - (i) Height. 100 Feet
 - (ii) Front building setbacks. 25 feet.
 - (iii) Rear building setback. 25 feet.
 - (iv) Side building setback. A side building setback of 20 feet shall be provided. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots.

APPENDIX 1

- (v) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (vi) Parking and accessory uses. Parking may encroach into the interior side and rear building setback as long as a solid screening fence or wall of six to eight feet in height is erected along the interior side and rear property lines. Accessory uses such as swimming pools, tennis courts and playgrounds will not be permitted within any required yard.
- (vii) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.
- (viii) Density. No maximum.
- (ix) Lot area 20,000 square feet.
- (x) Lot coverage. The combined area of all yards shall not be less than 20 percent of the total lot or tract
- (xi) Distance between structures. There shall be a minimum of 10 feet between structures side by side; a minimum of 20 feet between structures side by front or rear; a minimum of 40 feet between structures front to front; a minimum of 20 feet between structures backing rear to rear, and a minimum of 20' between structures front to rear.
- (xiii) Lot depth. 100 feet.
- (xiv) Parking.

For apartments, apartment hotel units and other multifamily dwellings, off-street parking spaces shall be provided in accord with the following schedule:

- 1. One-bedroom apartment or unit . . . 1 1/2 spaces
 - 2. Two-bedroom apartment or unit . . . 2 spaces
 - 3. Each Additional bedroom . . . 1/2 space
 - 4. Each dwelling unit provided exclusively for low income elderly occupancy . . . 3/4 space ("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards.)
- (xv) When lots are adjacent to drainage ways or easements that cannot be developed and are at least 25 feet wide, there will be a 5-foot side and rear setback.

APPENDIX 1

An addition to this Multifamily dwelling:

2.1) Condominiums - means a form of real property with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of the portions. Real property is a condominium only if one or more of the common elements are directly owned in undivided interests by the unit owners. Real property is not a condominium if all of the common elements are owned by a legal entity separate from the unit owners, such as a corporation, even if the separate legal entity is owned by the unit owners.

(i) Detached Condominiums.

Detached condominiums shall be grouped in pods of no less than 2 and no greater than 10. These pods are not required to be attached but instead can be grouped together. Each building pod shall be at least 20 feet from any other pod group, measured from the nearest point of their foundation.

Distance between structures. There shall be a minimum of 7 feet between structures side by side; a minimum of 7 feet between structures side by front or rear; a minimum of 14 feet between structures front to front; a minimum of 9 feet between structures backing rear to rear, and a minimum of 20' between structures front to rear.

- (i) In the event that the distance between two structures is less than 10 feet, a firewall will be required on the walls adjacent to the areas where the distance is less than 10 feet.

Accessory buildings shall be a minimum of 8 feet from condominium structures.

Detached condominiums shall be permitted the use of short term rentals.

Each detached condominium will be allowed 1 accessory building.

APPENDIX 1

(3) Townhouses.

- (i) Height. 30 feet
- (ii) Front building setback. 10 feet. If front entry garages/carports are provided, a minimum front yard of 20 feet shall be provided to the garage/carport.
- (iii) Side building setback. No side building setbacks are required for interior lots except the minimum distance between two building groups shall be 20 feet and the minimum distance between a building group and any abutting subdivision boundary or zoning district boundary line shall be 20 feet. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street, except where the rear lot line of a corner lot coincides with a side lot line of an adjacent lot, then 25-foot minimum side yards adjacent to the street shall be provided.
- (iv) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed.
- (v) Rear building setback. No building shall be constructed closer than ten feet from the rear property line. If the rear of the lots abut any other residential zoning district, the rear building setback shall have a minimum depth of 20 feet.
- (vi) Width of lot. Interior lots shall have a minimum width of 25 feet. Corner lots shall have a minimum width of 40 feet except where the rear lot line of a corner lot coincides with a side lot line of an adjacent lot, then the corner lot shall have a minimum width of 50 feet.
- (vii) Lot depth. 100 feet.
- (viii) Lot area per family. 2,500 square feet.
- (ix) Common open space. A minimum of 250 square feet of common open space per lot shall be provided within the townhouse project. In computing the required common open space, individually owned townhouse lots, required front, rear, or side setbacks, streets, alleys, or public rights-of-way of any kind, vehicular drives, parking areas, service drives, or utility easements containing or permitting overhead pole carried service shall not be included. Drainage easements and detention ponds may be used in computing common open space.
- (x) Building group. There shall be no less than five lots. There shall be no less than two nor more than eight individual dwelling units in each building or dwelling group. Each building group shall be at least 20 feet from any other building group, measured from the nearest points of their foundations. Each building or building group shall be at least 20 feet from any subdivision or zoning district boundary line. (xi) Accessory buildings. Any detached accessory buildings permitted, except carports open on at least two sides, shall be set at least three feet away from the side lot line unless their walls are equal in fire resistance to the common walls of the main structure. Detached carports, open on at least two sides, may be built to the property line with no common wall required. Rear building setback for an accessory building shall be three feet. Any accessory building permitted in district "R-1" shall be permitted in district "TH."
- (xii) Parking. There shall be at least two off-street parking spaces for each townhouse.

APPENDIX 1

(4) Zero lot line / patio homes.

- (i) Height. 30 feet.
- (ii) Front building setback. 10 feet. If front entry garages/carports are provided, a minimum front yard of 20 feet shall be provide to the garage/carport.
- (iii) Side building setback. There shall be no side building setback required on one side of the lot and a minimum of 10 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 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. **Patio homes may have the option to be built with 5 foot setbacks on each side in which case homes will be built on lots with 5-foot wide interior side setbacks.**
- (iv) Corner lots. Buildings on corner lots shall provide a minimum exterior side building setback of 10 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.
- (v) Rear building setback. 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 10 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.
- (vi) Width of lot. 35 feet.
- (vii) Lot area. 3000 square feet.
- (viii) Lot depth. 80 feet.
- (ix) Minimum area zoned. Not less than three lots with common side lot lines will be zoned for zero lot line homes. When facing on the same street within the same block, mixing of ZH structures and other residential structures will not be allowed. However, this does not preclude other residential uses on one side of a street with ZH uses on the opposite side of the street within the same block or different blocks.
- (x) Zero lot line wall. No door or window openings shall be built into the side wall facing the zero lot line except those that are more than three feet from the property line and screened by a masonry wall at least eight feet in height so that the opening(s) is not visible from the adjoining property. (See Illustration 3, “ZH-A”district)
- (xi) Maintenance, drainage and overhang easement. A maintenance, drainage and overhang easement of five feet shall be provided on each lot that is adjacent to a lot with a zero setback allowance. This easement shall be for the purpose of maintaining the wall and foundation that is adjacent to one side property line to provide for proper maintenance and drainage.
- (xii) Overhang. Eaves and gutters may overhang the zero lot line side of the lot by no more than 18 inches. If there is an overhang over the lot line, a gutter is required such that roof runoff shall not be deposited over the lot line onto adjoining property.
- (xiii) Parking. There shall be at least two off-street parking spaces for each zero lot line home. See Section 5.1 for other permitted uses’ parking.

APPENDIX 1

(5) Additional Standards- Whenever there appears to be a conflict between the Solms Landing PDD and the base zoning, the requirements specifically set forth in this document shall prevail unless otherwise stated.

- (i) Design-
 - The AR team may recommend for approval, buildings of exceptional design that do not comply with certain standards and guidelines provided that the buildings conform to the Intent and General Development Principles.
 - Design all sites and buildings, and the lower floors of buildings in particular, so that they promote pedestrian activity and provide an active, continuous pedestrian-oriented street edge along public sidewalks.
 - Design buildings and sites to provide visual variety and enhance the overall sense of place.
 - Regulate building heights and orientation so as to protect and enhance views to and from established landmarks, natural features and skylines.
 - Choose Primary Materials in compliance with Section 5.22-4 of the New Braunfels standards that are important to shaping a coherent urban form. In addition to visual attractiveness, exterior building materials serve as the primary form of the interior space of the building.
 - Ensure the building facades visible from public spaces contribute to an attractive streetscape and skyline.
 - Locate surface parking, individual garages and parking garages to reduce their visual impact.
- (ii) Vertical Mixed Use-
 - A use on the ground floor must be different from a use on an upper floor.
 - The second floor may be designed to have the same use as the ground floor so long as there is at least one more floor above the second floor that has a different use from the first two floors.
 - At least one of the floors shall contain residential dwelling units or office space.
 - Any commercial uses allowed in the base zoning district within proposed PDD may be allowed at the ground-floor level in VMU buildings.
 - All VMU buildings will conform to the standards of the base zoning

APPENDIX 1

- (iii) Building Standards-
 - Galleries and arcades shall be a minimum of 6 feet in width
 - Utilizing rooftops for restaurants, bars, amenities, and gardens is allowable.
 - Exhaust / venting, trash containers and noise-generating mechanical systems shall not be placed adjacent to the walkway in a manner that diminishes the comfort of pedestrians.
 - Ventilation devices shall not be located in the pedestrian zone.
 - Mechanical Equipment and Dumpsters whether located on the ground or rooftop shall be screened from public view.
 - Ground Floors of Nonresidential Buildings- Minimum 12 feet, measured floor to floor
 - Ground Floors of Residential Buildings- Minimum 8 feet measured floor to ceiling
 - Upper Floors All Buildings- Minimum 8 feet measured floor to ceiling. Parking structures are exempt from this requirement
 - Unless otherwise stated in Zone specific standards, the height requirements will be as follows:
 - **Non-Residential uses- 120 feet**
 - Multi Family Dwellings- 100 feet
 - Townhomes- 30 feet
 - Zero Lot Line Homes- 30 feet
 - **Building Coverage ratio for non-residential uses is not to exceed 80%**
 - **Building Coverage ratio for residential uses is not to exceed 80%**
 - Maximum floor to area ratio is not to exceed 5: 1
 - Impervious coverage will not have a limit and can be engineered for up to 100%
- (iv) Greenspace Standard-
 - A continuous walkway or public use area shall be located along the greenway.
 - Connect green spaces to establish an unified network of pocket parks, green spaces and walking trails

APPENDIX 1

- (v) Landscaping
 - Developments that are set back from the street shall incorporate landscaping such as bushes, flowers and other plantings.
 - Pots and planters shall be of 50% clay, concrete, ceramic, resin or masonry materials.
 - Irrigation shall be provided to ensure the life of the tree.
 - Trees shall be a minimum of 2" caliper.
 - Refer to the City of New Braunfels' Zoning Ordinance Section 5.2 for acceptable trees and bushes.
- (vi) Lighting Standards
 - Pedestrian lights shall be spaced a maximum of 60 feet apart in the urban greenway areas.
 - Pedestrian lights shall be made of steel, aluminum, or any other material that is proven to be equally durable, cost effective and easy to maintain.
 - Pedestrian light poles shall provide easy serviceability, maintenance and replacement.
 - Light source height shall not exceed 16 feet above grade.
- (vii) Bollard Standards
 - Concealed mounting.
 - 24" to 30" in height.
 - Removable bollards shall be provided where necessary for emergency / service functions.
- (viii) Paving Materials- Paving materials shall be easy to maintain, attractive and sustainable. The materials shall not detract from the primary purpose of the space. Appropriate materials include the following:
 - Concrete / Pervious Concrete
 - Crushed stone meeting TDLR requirements- only allowed on trails within the private property and not authorized for public sidewalks or for parking without approval from the City Engineer pursuant to Section 5.1-1 of the Zoning Ordinance.
 - Masonry Pavers
 - Composite Decking
 - Any other similarly primary material that meets and is in compliance with City Design Standards

APPENDIX 1

- (ix) Residential Standards-
 - Ground floor residential uses shall provide a clear delineation between public and private space through the use of a patio, landscaped yard, or raised landing. Such delineation shall not conflict with any pertinent accessibility requirements
 - Zero lot line homes and townhomes will be designed with front porch configurations that front onto a private or public street or onto a pedestrian open space with a pedestrian walkway.
- (x) Parking Standards-
 - Parking ratios will adhere to city guidelines dependent upon end use tenant mix based on requirements laid out in Section 5.1-3 of Planning's Zoning Ordinance
 - Parking lots shall provide cross access across property lines to adjacent parking lots to encourage internal circulation and reducing on street conflicts. This cross access can be utilized to meet minimum city parking requirements through a cross access agreement
 - Landscaped parking lot islands, planting beds, and vegetated filter strips will be provided throughout various areas to enhance the overall "beautification" of this development.
 - Planting beds and/or vegetated filter strips will serve as a landscape buffer between the parking lots and "business development" areas
- (xi) Zone 1
 - Development shall include layering of building heights and styles increasing in height as development moves away from the public right-of-way. Styles of buildings shall vary in design elements, scale, height, building orientation and features to prevent a monotone feel
 - Maximum height for Non-Residential is 120- and for Multi Family is 100 feet
- (xii) Zone 2
 - Maximum height for Non-Residential is 120- and for Multi Family is 100 feet
- (xiii) Zone 3
 - Maximum height for Non-Residential is 120- and for Multi Family is 100 feet

1/25/2021

Agenda Item No. O)

Presenter

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

SUBJECT:

Public hearing and consideration of a resolution accepting 102.68 acres out of the A.M. Esnaurizar A-20 Survey, located on FM 758 approximately 1,000 feet west of State Highway 123 North, into the City of New Braunfels extraterritorial jurisdiction (ETJ).

BACKGROUND / RATIONALE:

Case No.: CS20-0257

| | | |
|---------------|--|---|
| Owner: | Barry & Joan Jaroszewski 10370 N. State Highway 123 Seguin, TX 78155 (830) 743-2642 | ACEM Investments LLC Rebecca Jaroszewski 425 Plane Lane Marion, TX 78124 |
|---------------|--|---|

Applicant: Pinnacle Oversight, LLC - Drew Hubbard
1286 River Road
New Braunfels, TX 78130
(817) 454-6683 drew@pinnacleoversight.com

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

The subject properties are located along FM 758 and straddle the boundary line between the City of New Braunfels ETJ and that of the City of Seguin's. Both properties are located within the "Secondary Release Area" as mutually agreed upon by both cities in the Interlocal Cooperation Agreement of December, 2018.

The City of Seguin has released the property from their ETJ and the property owners are requesting the entire 102.68 acres be added to the City of New Braunfels ETJ. This will simplify the development review process for a proposed residential subdivision and allow it to be reviewed and approved in its entirety by the City of New Braunfels.

FISCAL IMPACT:

Limited to application of ordinances applicable in the ETJ, including but not limited to staff time spent reviewing development applications in an expanded ETJ.

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 5, 2021 and voted unanimously to recommend acceptance of the property. (9-0-0)

STAFF RECOMMENDATION:

Acceptance in accordance with the 2018 ETJ exchange agreement with Seguin. Additionally, having the entirety of the property in one city's ETJ facilitates streamlined development services for the property owners.

ATTACHMENTS:

- Location Map
- Request Letter and Seguin Release
- Resolution

October 22, 20

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

Re: Inclusion in New Braunfels Extraterritorial Jurisdiction

Dean Mr. Looney,

I write to formally request the City of New Braunfels to immediately extend their extraterritorial jurisdiction boundary to include my entire 82.68 acres tract described below and shown on the Exhibit "A" attached.

It appears that my property is split between the City of Seguin's ETJ and the City of New Braunfels's ETJ; however, all 82.68 acres will be included in the New Braunfels ETJ after the "secondary exchange" noted in the approved Interlocal Cooperation Agreement Setting Boundary and Extraterritorial Jurisdiction agreement between the City of New Braunfels and the City of Seguin.

82.43 Acres:

Property ID: 56313

Legal Description: **ABS: 20 SUR: A M ESNAURIZAR 82.4300 AC.**

Geographic ID: **2G0020-0000-84100-0-00**

.25 Acres:

Property ID: 56314

Legal Description: **ABS: 20 SUR: A M ESNAURIZAR 0.2500AC**

Geographic ID: **2G0020-0000-84110-0-00**

Thank you in advanced.

Respectfully,

Barry Jaroszewski

A handwritten signature in black ink, appearing to be 'Barry Jaroszewski', written over a horizontal line.

October 23, 2020

City of New Braunfels
Planning and Community Development Department
550 Landa St.
New Braunfels, TX 78130

Re: Inclusion in New Braunfels Extraterritorial Jurisdiction

Mr. Looney,

I write to formally request the City of New Braunfels to immediately extend their extraterritorial jurisdiction boundary to include my 20 acres of land described below and shown on the Exhibit "A" attached.

All 20 acres are set to be included in the New Braunfels ETJ after the "secondary exchange" noted in the approved Interlocal Cooperation Agreement Setting Boundary and Extraterritorial Jurisdiction agreement between the City of New Braunfels and the City of Seguin.

19 Acres:

Property ID: 55547

Legal Description: ABS: 20 SUR: A M ESNAURIZAR 19.0000 AC.

Geographic ID: 2G0020-0000-41710-0-00

1 Acre:

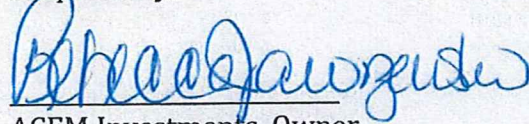
Property ID: 55548

Legal Description: ABS: 20 SUR: ESNAURIZAR A M 1.0000AC

Geographic ID: 2G0020-0000-41720-0-00

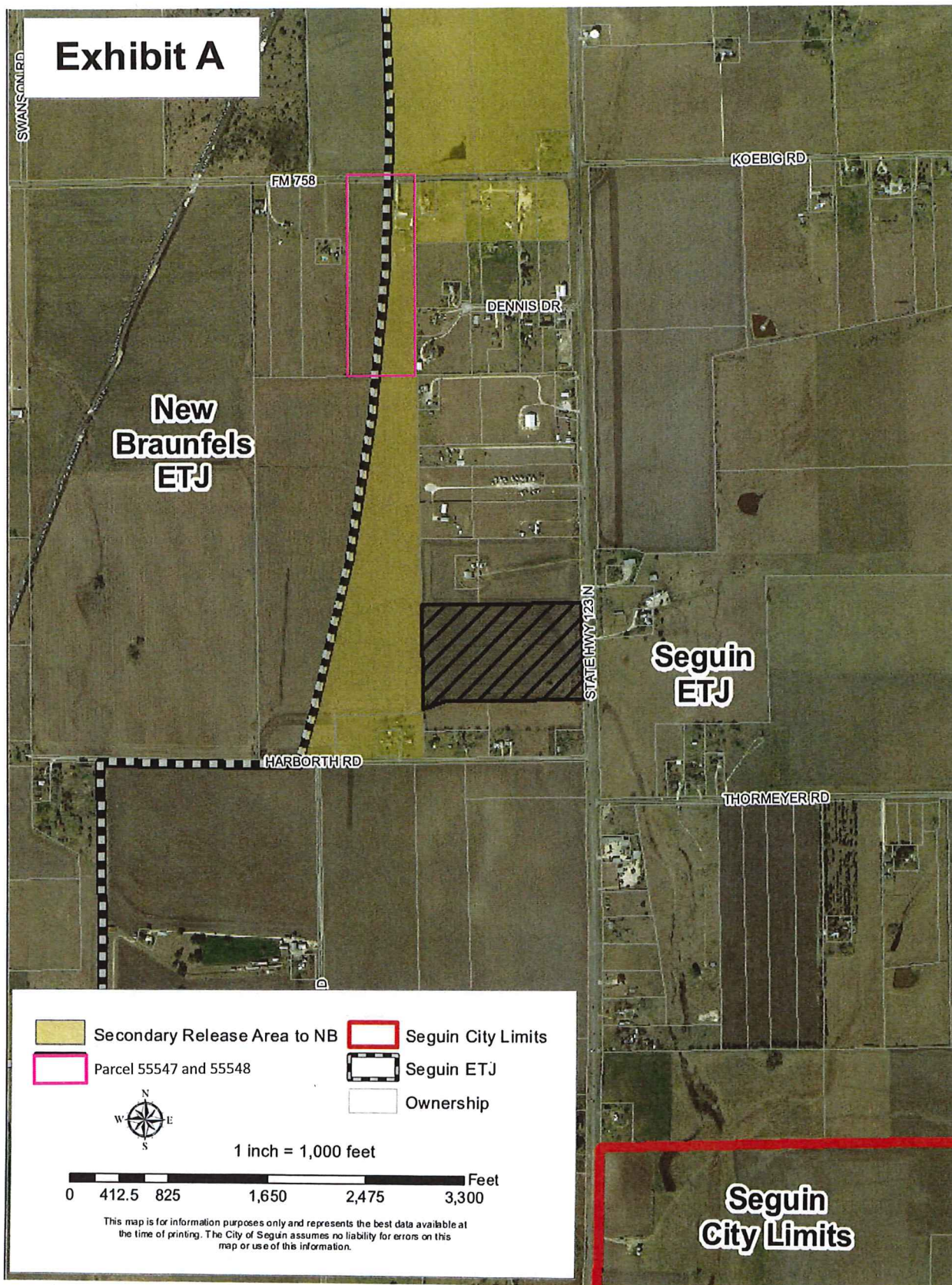
Thank you in advanced.

Respectfully,



ACEM Investments, Owner

Exhibit A





PLANNING & CODES

December 11, 2020

City of New Braunfels
555 Landa St.
New Braunfels, TX 78130

To Whom it May Concern:

The Seguin City Council entered into an Interlocal Cooperation Agreement with the City of New Braunfels in December 2018 to define a portion of the boundary of the Extraterritorial Jurisdiction (ETJ) between the two cities. As part of the agreement, a "Secondary Release Area" was established in which properties would be automatically released to New Braunfels at such time that the properties can be included within the City of New Braunfels' ETJ.

The property owners of four tracts within the "Secondary Release Area" have formally requested voluntary inclusion into the New Braunfels ETJ. The parcels are as follows:

19 ACRES:

Property ID: 55547; Geographic ID: 2G0020-0000-41710-0-00

1 ACRE:

Property ID: 55548; Geographic ID: 2G0020-0000-41720-0-00

82.43 ACRES:

Property ID: 56313; Geographic ID: 2G0020-0000-84100-0-00

0.25 ACRES:

Property ID: 56314; Geographic ID: 2G0020-0000-84110-0-00

Upon the request of the property owners the City of Seguin formally releases these four parcels from its ETJ automatically and immediately upon the City of New Braunfels' acceptance of the properties into their ETJ. No further action from the Seguin City Council is required.

Sincerely,

A handwritten signature in blue ink that reads "P. Centeno".

Pamela Centeno
Director of Planning & Codes
City of Seguin

RESOLUTION NO. 2021-R _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS ACCEPTING 102.68 ACRES OF LAND OUT OF THE A. M. ESNAURIZAR A-20 SURVEY, LOCATED ON FM 758 APPROXIMATELY 1,000 FEET WEST OF SH 123 NORTH, INTO THE CITY OF NEW BRAUNFELS EXTRATERRITORIAL JURISDICTION; PROVIDING FOR NOTICE; PROVIDING OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, Barry Jaroszewski, Joan Jaroszewski and Rebecca Jaroszewski (herein the “petitioners”), being the owners of certain property located within Guadalupe County, Texas, have petitioned the City of New Braunfels, Texas (herein the “City”) a home-rule municipality, for acceptance of said property into the Extraterritorial Jurisdiction (herein the “ETJ”); and

WHEREAS, the subject property is adjacent to and partially within the existing City of New Braunfels ETJ boundary; and

WHEREAS, the subject property is located within the “Secondary Release Area” established by the City of New Braunfels and the City of Seguin in the Interlocal Cooperation Agreement of December, 2018; and

WHEREAS, the City has the authority under Section 42.022 of the Texas Local Government Code to accept property into the ETJ at the property owner’s request;

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

SECTION 1

Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2

The City Council of New Braunfels, Texas, hereby accepts the property being 102.68 acres of land out of the A.M. Esnaurizar A-20 Survey, located on FM 758 approximately 1,000 feet west of SH 123 North, more fully described in the attached Exhibit A, into the New Braunfels ETJ.

SECTION 3

Open Meetings. It is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chap. 551, Tex. Gov’t. Code.

PASSED, APPROVED AND EFFECTIVE this the 25th day of January, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

EXHIBIT "A"

82.43 Acres:

Property ID: 56313

Legal Description: ABS: 20 SUR: A M ESNAURIZAR 82.4300 AC.

Geographic ID: 200 020-0000-84100-0-00

.25 Acres:

Property ID: 56314

Legal Description: ABS: 20 SUR: AM ESNAURIZAR 0.2500AC

Geographic ID: 2G0020-0000-84110-0-00

19 Acres:

Property ID: 55547

Legal Description: ABS: 20 SUR : A M ESNAURIZAR 19.0000 AC.

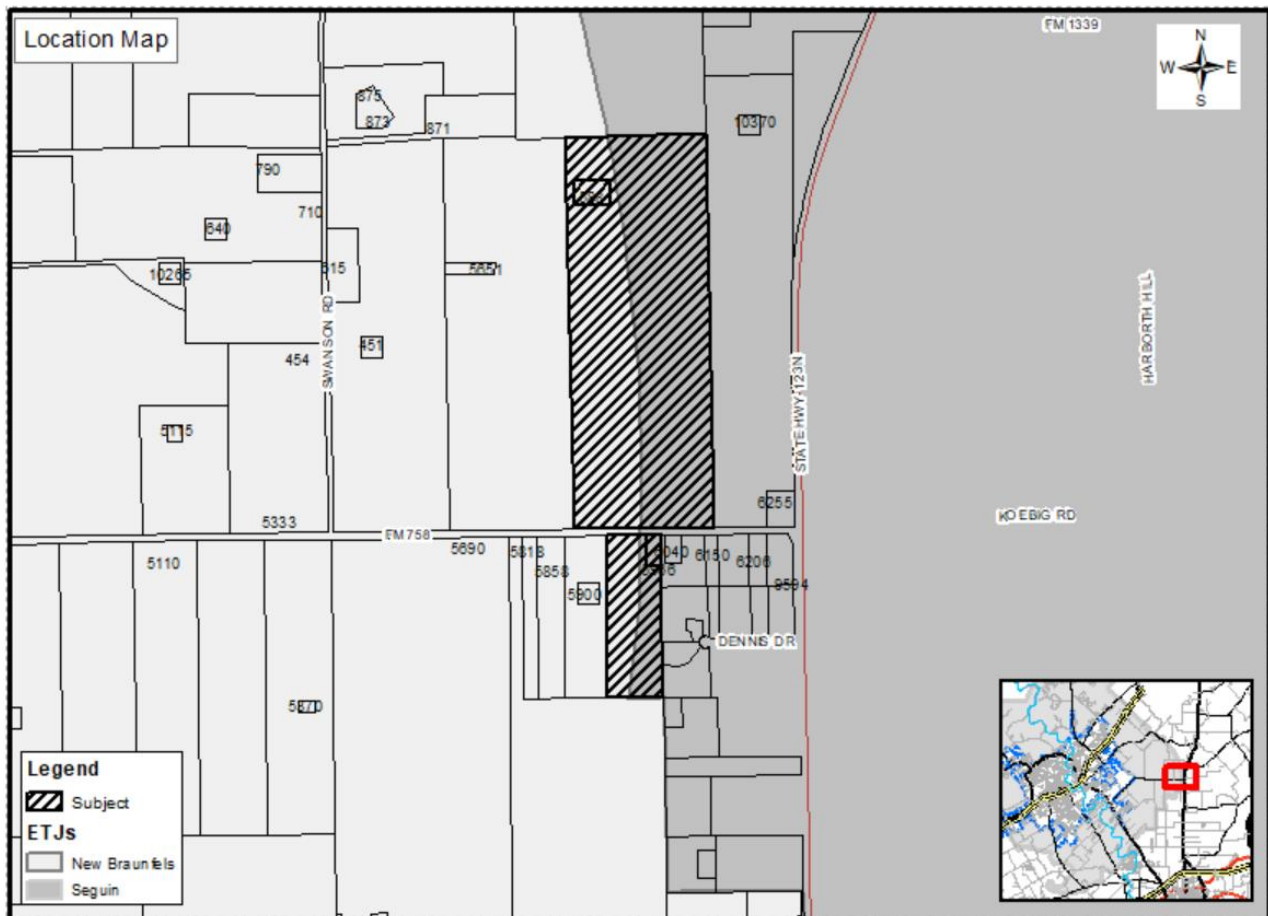
Geographic ID: 2G0020-0000-41710-0-00

1 Acre:

Property ID: 55548

Legal Description: ABS: 20 SUR: ESNAURIZAR AM 1.0000AC

Geographic ID: 2G0020-0000-41 720-0-00



1/25/2021

Agenda Item No. P)

Presenter

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

Public hearing and first reading of an ordinance amending Chapter 144 Zoning, Sections on Definitions, Zoning Districts, Walnut Special District, Land Use Matrix, Parking, Accessory Structures, and General Provisions and Exceptions for Yard Setbacks, and Rear Yard Requirements.

BACKGROUND / RATIONALE:

Council District: All

Staff Contact: Jean Drew, Senior Planner
(830) 221-4652
jdrew@nbtexas.org

This collection of proposed ordinance updates codify formal interpretations issued over the last few years, and address emerging terms and trends regarding popular businesses or new uses.

The definitions were updated, and zoning districts where the defined uses are appropriate were determined by evaluating similar uses, as allowed in Section 4.1-2 of Chapter 144. They were also included in the Land Use Matrix Section 4.2. Parking standards were also identified for the new uses. The Building Design Standards included for the Walnut Special District, in Section 3.8-7e, are temporarily suspended to comply with HB 2439. Clarification relative to setbacks and number of allowed accessory buildings was made relative to structures with no walls, such as outdoor fireplaces. Section 5.21 was updated to clarify exceptions allowed for front porches encroaching within required yard setbacks, and rear yard requirements for lots abutting drainage easements.

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

| | |
|--|---|
| City Plan/Council Priority: Envision New Braunfels Comprehensive Plan | Action 1.11: Update policies and codes to achieve development patterns that implement the goals of Envision New Braunfels. Action 3.6: Pro-actively provide a regulatory environment that remains business and resident friendly. |
|--|---|

FISCAL IMPACT:

These proposed code revisions are anticipated to provide clarity to the public regarding allowed uses, required parking, accessory structures and required setbacks and yards. While these are customer service-oriented revisions, and should facilitate the development process, no fiscal impact is anticipated from these updates and revisions.

STAFF RECOMMENDATION:

Approval. These updates are based on formal interpretations that have been adopted over the last few years. Codifying these revisions will assist in transparency, enhance customer service, and further consistency for development across the community and region.

ATTACHMENTS

1. Draft proposed final ordinance revisions for the listed sections.
2. Planning Commission minutes

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING SECTION 1.4; SECTION 3.3; SECTION 3.4; SECTION 3.8; SECTION 4.2; SECTION 5.1, SECTION 5.4; AND SECTION 5.21; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

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

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

WHEREAS, the Comprehensive Plan, Envision New Braunfels, has multiple action items supporting updates that improve regulations, including Action Item 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan; and Action Item 3.6: Pro-actively provide a regulatory environment that remains business and resident friendly.

WHEREAS, the City Council has directed that regulations dealing with the use and development of land be reviewed by the Planning Commission to make recommendations concerning improving those regulations; and

WHEREAS, the Planning Commission held a public hearing on December 1, 2020 and recommended approval of the proposed amendments; and

WHEREAS, the City Council held a public hearing on said amendments on January 11, 2021; and

WHEREAS, the City Council hereby finds and determines that regularly updating the code for clarification provides improved customer service and is in the best interest of the citizens of New Braunfels.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT Chapter 144, Zoning, Section 1.4 Definitions, is hereby amended with additions as underlined and deletions as stricken:

Sec. 144-1.4. - Definitions.

For the purpose of this chapter, certain words and terms as used herein are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and vice versa; the word "building" includes the word "structure;" the word "shall" is mandatory and not directory; the term "used for" includes the meaning "designed for" or "Intended for"

Accessory structure or use means a subordinate structure or building having a use customarily incident to and located on the lot occupied by the main residential building; or a use customarily incident to the main residential use of the property. This term is not applicable for Commercial property, as multiple buildings are allowed on commercial lots where each is considered a main structure and is subject to the restrictions of the zoning district.

Active/Independent senior living facility means a facility that contains dwelling units, accessory uses, and support services specifically designed for occupancy by persons 55 years of age or older who are fully ambulatory or who require no medical or personal assistance or supervision, as well as accommodations for people who require only limited or intermittent medical or personal assistance.

Amphitheatre means an open-air venue used for entertainment, performance, ceremonies, or sports. Amphitheaters may or may not have fixed or designated seating, partial or temporary roof, or be under tents.

Assisted Living Facility – A special combination of housing, support services, personalized assistance, and health care designed to respond to the individual needs of those who require help with activities of daily living. A facility with a central or private kitchen, dining, recreational and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

Corporation includes any officer, employee or agent of a corporation.

Department means the department, division or personnel otherwise designated by

the city manager to administer or enforce any or all of the provisions of this Chapter.

Dripline means a vertical line extending from the outermost portion of the tree canopy to the ground.

Government agency means any department, agent, or employee of the City of New Braunfels, County of Comal, County of Guadalupe, State of Texas, United States Government as well as any public utility, school district or other political subdivision of the State of Texas.

Height means the vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. The average finished grade is calculated by averaging the midpoints of the four finished exterior walls of the building.

Landscaped Area means the area of a lot which is devoted to and consists of plant material adaptable to this region, including but not limited to trees, shrubs, grass, vines, ground cover, and other plant materials, along with planters, brick, stone walkways, natural forms, water forms, and other landscape features, but not including any paved area of smooth concrete or asphalt.

Lot, double frontage means any lot, not a corner lot, with frontage on two streets that are parallel to each other or within 45 degrees of being parallel to each other. When there is a non-access easement along a property line adjacent one of the streets of a platted double frontage lot, the property line with said easement it is to be considered the rear lot line for purposes of this ordinance and is subject to the rear building setback.

Microbrewery means a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

Microdistillery means an establishment that produces up to 100,000 gallons of distilled alcohol, such as whiskey, rum, gin, vodka, and other spirits.

Oak wilt means a disease caused by the fungus *Ophiostoma fagacearum* (*Ceratocystis fagacearum*).

Owner means the person or entity having legal title to the property or a lessee, agent, employee or other person acting on behalf of the title holder with authorization to do so.

Parking lot means a paved surface designed and ordinarily used for parking of employee and customer passenger vehicles. The term does not include parking garages, or any area used for the sale, display or storage of motor vehicles or areas where vehicle dealerships park their inventory.

Personal services mean establishments providing individual services related to non-medical personal care needs, including a beauty salon (with or without cosmetics and permanent cosmetics), barber shop, tanning salon, day spa, and massage services by masseurs and masseuses, and related incidental retail sales.

Planning director means the director of the planning and ~~community~~ development services department or his/her designee.

Planning and ~~community~~ development services director means the director of the planning and ~~community~~ development services department or his/her designee.

Public property means all parks, esplanades, traffic islands, municipal and utility easements and rights-of-way, and miscellaneous property owned by the city.

Public trees mean all trees and shrubs having 50% or more of its diameter, measured at existing grade, resting on public property.

Retail Establishment, Large Scale means a development comprised of multiple business establishments designed as a large-scale commercial center with a cumulative area in business is 100,000 square feet or more offering a shopping environment and providing services or entertainment for the general public. The multiple businesses may be housed in one or more buildings and located on one or more lots; however, the lots involved must be contiguous with one another, and constitute a single cohesive development. If more than one lot is involved, an off-site parking agreement to guarantee use of the available parking must be approved by the City.

Removal as applied to trees means uprooting, severing the main trunk of the tree or any act which causes, or may reasonably be expected to cause the tree to die, including but not limited to, damage inflicted upon the root system by machinery, storage of materials, or soil compaction: substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.

Residential district means the following zoning districts: R-1, R-1A-43.5, R-1A-12, R-1A-8, R-1A-6.6, [R-1A-5.5, R-1A-4](#), R1AR-2, R-2A, B-1, B-1A, TH, TH-A, ZH, ZH-A, SND-1, ADSD and WNSD. This includes all special and planned development districts identified as residential unless otherwise specified within the special district.

[Street yard](#) is the area of a lot that lies between the street right-of-way line and the actual front wall line of a building, as such building wall line extends from the outward corners of the building, parallel to the street, until such imaginary extensions of such front building wall intersect the side property lines.

[Temporary housing](#) means housing for a time period of 6-24 months for individuals/families who do not have current accommodations.

[Transient housing](#) – short term accommodations for visitors or travelers, such as a hotel or motel.

[Tree](#) is a woody plant having a well-defined stem, trunk, or multi-trunk and a more or less definitely formed crown, usually attaining a mature height of at least eight feet. For purposes of this article, the following publications may be used as a reference in defining which plants may be classified as trees:

- (1) [Texas Trees, A Friendly Guide](#), by Paul W. Cox and Patty Leslie, Corona Publishing.
- (2) [A Field Guide to Texas Trees](#), by Benny J. Simpson, Texas Monthly Press.
- (3) [Trees of Central Texas](#), by Robert A. Vines, University of Texas Press, Austin, 1984.
- (4) [Landa Park Arboretum, Harry Landa Self-Guiding Tree Trail and Growing Guide](#), published by Landa Park, New Braunfels, Texas.

[Tree canopy coverage](#) includes the percentage of the parking lot area covered by the tree canopy. The area of the tree canopy is the sum of the drip-line areas of all trees within the lot plus the portion of the drip-line area that lies within the lot for trees on the perimeter of the lot.

[Xeriscape](#) is a set of garden design and landscape maintenance principles that promote good horticultural practices, efficient use of water, and means water-conserving drought-tolerant landscaping.

(Ord. No. 2012-49, § 1(Exh. A), 9-10-12; Ord. No. 2016-75, § 1, 12-12-16; Ord. No. 2017-06, § 1, 1-9-17; Ord. No. 2017-77, § 1, 10-23-17; Ord. No. 2017-78, § 1, 10-23-17; Ord. No. 2018-21, § 2, 3-26-18; Ord. No. 2018-76, § 1, 11-12-18; Ord. No. 2019-78, § 1, 11-11-19; Ord. No. 2020-20, § 1, 3-9-20)

Editor's note— Ord. No. 2018-21, § 2, adopted March 26, 2018, redesignated the former section 144-1.3 as section 144-1.4. The historical notation has been preserved for reference purposes.

SECTION 2

THAT Chapter 144, Zoning, Sections 3.3-7, C, -1, Local business district, 3.3-8, C-2, General business district, 3.3-9, C-3 Commercial district, 3.3-10, C-4 Resort Commercial District, 3.3-11 M-1 Light Industrial District, and 3.3-12, M-2, Heavy Industrial District are hereby amended with additions as underlined and deletions as stricken:

3.3-7. "C-1" local business district.

The following regulations shall apply in all "C-1" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

- (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Personal Services

3.3-8. "C-2" general business district.

The following regulations shall apply in all "C-2" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

- (1) *Uses permitted by right.*

- (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Personal Services

3.3-9. "C-3" commercial district.

The following regulations shall apply in all "C-3" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:
 - (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales).

Personal Services

3.3-10. "C-4" resort commercial district.

The following regulations shall apply in all "C-4" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:
 - (1) *Uses permitted by right.*

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

3.3-11. "M-1" light industrial district.

The following regulations shall apply in all "M-1" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:
 - (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

3.3-12. "M-2" heavy industrial district.

The following regulations shall apply in all "M-2" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:
 - (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

SECTION 3

THAT Chapter 144, Zoning, Sections 3.4-10, MU-A, Low Intensity Mixed Use District, 3.4-11 MU-B High Intensity Mixed Use District, 3.4-12, C1-A, Neighborhood Business District, 3.4-13, C-1B, General Business District, 3.3-14, C-2A Central Business District, 3.4-15, C4-A, Resort Commercial District, 3.3-16, C-4B Resort Facilities District, 3.4-17, CO, Commercial Office District, 3.4-18, M-1A, Light Industrial District, and 3.4-

19, M-2A, Heavy Industrial District are hereby amended with additions as underlined and deletions as stricken:

3.4-10. "MU-A" low intensity mixed use district.

Purpose. The MU-A low intensity mixed use district is intended to provide for a mixture of retail, office, and residential uses in close proximity to enable people to live, work and shop in a single location. Bed-and-breakfast establishments could also be located in this district. Pedestrian walkways and open areas are desired in order to promote a pedestrian-friendly environment.

Authorized uses. Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

- (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Personal Services

3.4-11. "MU-B" high intensity mixed use district.

Purpose. The MU-B high intensity mixed use district is intended to provide for a mixture of more intense retail, office, and industrial uses in close proximity to enable people to live, work and shop in a single location. Bed-and-breakfast establishments could also be located in this district. Pedestrian walkways and open areas are desired in order to promote a pedestrian-friendly environment.

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

- (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

3.4-12. "C-1A" neighborhood business district.

Purpose. This district is established to provide office, business and professional services, and light retail and commercial uses to serve adjacent neighborhoods. The uses found in the neighborhood business district are generally clustered at major intersections of collector streets near the perimeters of residential neighborhoods. No major shopping or office centers are included in this district. No use that is noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas shall be included in this district. The following regulations shall apply in all "C-1A" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:
 - (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Personal Services

3.4-13. "C-1B" general business district.

Purpose. The general business district is established to provide areas for a broad range of office and retail uses. This district should generally consist of retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate high traffic volumes generated by general retail uses. The following regulations shall apply in all "C-1B" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:
 - (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

[Micro distillery \(onsite manufacturing and/or sales\)](#)

[Personal Services](#)

3.4-14. "C-2A" central business district.

Purpose. This high density mixed use district is intended for central business district (CBD) uses. Any expansion of the existing "C-2" zoning would be limited to those changing areas that abut the core CBD. The following regulations shall apply in all "C-2A" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

- (1) *Uses permitted by right*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

[Micro distillery \(onsite manufacturing and/or sales\)](#)

[Personal Services](#)

3.4-15. "C-4A" resort commercial district.

Purpose. This zoning classification is intended to be developed as resort commercial property with the purpose to serve tourists, vacationing public, conference center attendees, sports related programs and support service facilities including garden office, retail and specialty shops. The following regulations shall apply in all "C-4A" districts:

- (a) *Authorized uses.* Uses permitted by right and by special use permit shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

- (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

3.4-16. "C-4B" resort facilities district.

Purpose. This zoning classification is applicable to land not fronting on, or having access to, rivers and streams such as the Comal River, Comal Springs, and Guadalupe River. It applies to land, ten acres and greater, developed as resort commercial property with the purpose to serve tourists, vacationing public, conference center attendees, sports related programs and support service facilities including garden office, retail and specialty shops. The primary reason for classification of these uses separately from standard commercial uses is to allow recognition of their individual characteristics and to call attention to their influence on the economic base of the community. The following regulations shall apply in all "C-4B" districts:

Rezoning to this district shall not be allowed after November 8, 2006.

- (a) *Authorized uses.* Uses permitted are as follows:

Uses permitted by right:

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

3.4-17. "C-O" commercial office district.

Purpose. The commercial office district is established to create a mixed use district of professional offices and residential use. The regulations set forth in this article are intended to encourage adaptive reuse of buildings or new office developments of the highest character in areas that are compatible and sensitive to the surroundings and ensure historic integrity. Such uses should not generate excess additional traffic or access problems.

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

- (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Personal Services

3.4-18. "M-1A" light industrial district.

Purpose. The M-1A light industrial district is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, distribution, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation. The following regulations shall apply in all "M-1A" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

- (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

3.4-19. "M-2A" heavy industrial district.

Purpose. The M-2A heavy industrial district is intended primarily for the conduct of heavy manufacturing, assembling and fabrication activities that do not typically depend upon frequent customer or client visits. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad. The following regulations shall apply in all "M-2A" districts:

- (a) *Authorized uses.* Uses permitted by right and by special use permit shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:
 - (1) *Uses permitted by right.*

~~-Barber/beauty shop, haircutting (non-college)-~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

SECTION 4

THAT Chapter 144, Zoning, Section 3.8 Special Districts, is hereby amended with additions as underlined and deletions as stricken:

Section 144-3.8. - Special districts.

3.8-7. *Special District—Walnut Neighborhood.*

- e) *Building design standards.* This section below ((1) regarding building materials is suspended until authorized by a change in state law or case law.
The intent is to keep the existing building to maintain the traditional neighborhood streetscape setting. Additions or new structures for residential, mixed-use or non-residential uses must maintain and enhance the residential feel by complying with the following standards.

(1) *Material.*

- (A) The same, similar or complimentary material shall be used on additions to existing structures.
- (B) The existing housing stock along Walnut is an eclectic mix of building types and materials which is encouraged to continue. Styles include Minimal Traditional, Craftsman, Neo Classical Revival, Ranch, Tudor Revival, and Vernacular.

Materials include stucco, rock, brick, and wood siding with various roof materials such as standing metal seam, composition shingle and Spanish tile. New construction shall utilize materials that are complimentary to the other structures within the block. Cementous fiber board planks (i.e. hardi-plank) may be utilized in lieu of wood siding.

SECTION 5

THAT Chapter 144, Zoning, Section 4.2, Land Use Matrix,
are hereby amended with additions as underlined and deletions as stricken:

Sec. 144-4.2. - Land use matrix.

| LEGEND | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---------------------------|-----|-----|-----|----|----|-----|-----|-----|-----|-----|-----|----------------------------|-----------|---------|--------|----------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|----|------|------|---|
| P - The land use is permitted by right in the zoning district indicated. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| - The land use is prohibited in the zoning district indicated (Blank). | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NOTE: Unless otherwise noted in this chapter, an application for a special use permit may be made for any land use not permitted in any district, except PD. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Types of Land Uses | Pre-1987 Zoning Districts | | | | | | | | | | | | Post-1987 Zoning Districts | | | | | | | | | | | | | | | | | | | | | | |
| | R-1 | R-2 | R-3 | B-1 | TH | ZH | C-1 | C-2 | C-3 | C-4 | M-1 | M-2 | APD | R-1A-43.5 | R-1A-12 | R-1A-8 | R-1A-6.6 | R-2A | R-3L | R-3H | B-1A | B-1B | TH-A | ZH-A | MU-A | MU-B | C-1A | C-1B | C-2A | C-4A | C-4B | CO | M-1A | M-2A | |
| ***** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Barber/beauty shop, haircutting (non-college) | | | | | | | P | P | P | | P | P | | | | | | | | | | | | | P | P | P | P | P | P | P | P | P | P | P |
| ***** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Manufactured home—HUD Code compliant (see Texas Occupations Code ch. 1201) | | | | P | | | P | P | P | | | | | | | | | | | | P | P | | | | | | | | | | P | | | |
| Manufactured home park—HUD Code compliant (see Texas Occupations Code ch. 1201) | | | | | | | | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Manufactured home subdivision—HUD Code compliant (Texas Occupations Code ch 1201) | | | | | | | | | | | | | | | | | | | | | P | | | | | | | | | | | | P | | |
| ***** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|--|--|--|--|--|--|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Micro brewery (onsite mfg. and/or sales) | | | | | | | | P | P | P | P | P | | | | | | | | | | | | | | | | | P | | | P | P | P | P | | | P | P |
| Micro distillery (onsite mfg. and/or sales) | | | | | | | | P | P | P | P | P | | | | | | | | | | | | | | | | | P | | | P | P | P | P | | | P | P |
| ***** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Personal Services | | | | | | | | P | P | P | | P | P | | | | | | | | | | | | | | | P | P | P | P | P | P | P | P | P | P | P | P |
| ***** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

(Ord. No. 2012-49, § 1(Exh. A), 9-10-12; Ord. No. 2017-78, § 2, 10-23-17; Ord. No. 2019-01, § 1, 1-14-19; Ord. No. 2019-55, § 5, 8-26-19; Ord. No. 2019-69, § 1, 10-14-19; Ord. No. 2019-76, § 5, 11-11-19)

SECTION 6

THAT Chapter 144, Zoning, Section 5.1, Parking, loading, stacking and vehicular circulation is hereby amended with additions as underlined and deletions as stricken:

Sec. 144-5.1. - Parking, loading, stacking and vehicular circulation.

5.1-1. General provisions.

- (e) *Construction and maintenance.* Off-street parking facilities shall be constructed, maintained and operated in accord with the following specifications:

(12) Curbside pickup, ADA parking, and all other specially designated or reserved parking shall count toward the total minimum required parking for a specific use.

- (j) *Valet parking.*

- (5) *Valet parking operations.*

- (viii) Valet parking operations may only be conducted in areas shown on an approved valet parking plan. In an event that all of the parking spaces available in that parking plan are in use, the valet parking operations may use other available spaces in the subject parking lot. Under no circumstances will these parking spaces outside the approved valet parking plan be reserved at any time. Valet parking operations outside the approved plan area shall cease when vacancies occur within the approved plan area. Valet parking located on a separate parcel cannot count toward commercial off-street parking requirements unless an off-site parking agreement is approved allowing cars to be parked on a separate lot.

5.1-3. Schedule of required spaces.

- (c) For each structure designed for any of the following uses, or for any like use, no less than the number of parking spaces required shall be provided according to the following schedule:

| PERMITTED USE | MINIMUM VEHICLE SPACES |
|--|---|
| <u>Active/Independent Senior Living Facility</u> | <u>1.33 per unit</u> |
| Adult care facility | One for each two employees or staff members, PLUS One space for each five adults for which the facility is licensed by the state |
| ***** | |
| <u>Electronic Assembly-High Tech over 100,000 SF</u> | <u>1 for each 3000 sq. ft. of gross floor area</u> |
| Electrical repair shop | One for each 400 sq. ft. of gross floor area |
| ***** | |
| Office and service uses | One for each 300 sq. ft. of gross floor area |
| <u>Office (HQ with no customer traffic)</u> | <u>One for each 400 sq. ft. gross floor area</u> |
| ***** | |
| <u>Temporary Housing</u> | <u>One space per 1 bedroom unit/studio; 1.5 spaces per 2 bedroom unit; 2 spaces per 3 bedroom unit</u> |
| ***** | |

(Ord. No. 2012-49, § 1(Exh. A), 9-10-12; Ord. No. 2016-75, § 2, 12-12-16; Ord. No. 2017-80, § 2, 10-23-17; Ord. No. 2018-21, § 2, 3-26-18; Ord. No. 2019-78, § 3, 11-11-19)

SECTION 7

THAT Chapter 144, Zoning, Section 5.4 Accessory uses and structures, is hereby amended with additions as underlined and deletions as stricken:

Section 5.4 Accessory uses and structures

- (a) *General.* Accessory buildings are subordinate buildings detached from the main building, the use of which is incidental to and used only in conjunction with the main building. Accessory buildings include, but are not limited to, an automobile storage garage, storage building (for storage belonging to the owner or tenant), greenhouse

or home workshop, and shall not be utilized for human habitation. Residential outdoor fireplaces must also meet the minimum accessory structure setbacks.

- (b) *Front yard/location requirement.* Any accessory building hereafter constructed or placed on any lot shall provide a front yard of 60 feet or shall be located behind the main building, whichever is less.
- (c) *Side building setback requirement.* Except for townhouses, there shall be a side building setback on each side of an accessory building not less than five feet. In the case of a corner lot, the exterior side setbacks for the particular zoning district shall govern. Townhouse accessory building setback is a minimum of three feet.
- (d) *Rear building setback requirement.* The depth of the rear yard shall be at least three feet. The building(s) shall not occupy more than 30 percent of the rear yard. In the case of a through lot, the depth of the rear yard shall be 25 feet.
- (e) *Height.* The height of the accessory building shall not exceed the height of the main building.
- (f) *Maximum number of buildings per lot.* In no instance shall more than two detached accessory buildings be allowed on one lot. Outdoor fireplaces and covered patios (with roof but no side walls) are considered structures subject to setbacks but are not considered accessory buildings for the purpose of determining the maximum number of accessory buildings in the yard.
- (g) *Building spacing.* As per adopted building codes.
- (h) *Accessory dwellings.* A secondary living space that is on-site with a primary living space is allowed and may be contained within the same structure as the primary dwelling or may be contained in a separate structure. A guest house and a garage loft are examples of accessory dwellings. No compensation may be paid for occupying the accessory dwelling. Separate kitchen facilities such as a stove, oven or dishwasher are not allowed in accessory dwelling.
- (i) *Accessory equipment requirements.* Air conditioning compressors, swimming pool pumps and similar accessory structures shall observe all front and exterior side yard setbacks specified for the particular zoning district in which the property is located. A minimum interior side building setback and rear building setback of three feet shall be observed, unless otherwise approved by the building official in accordance with the city adopted building codes.

(Ord. No. 2012-49, § 1(Exh. A), 9-10-12)

SECTION 8

THAT Chapter 144, Zoning, Section 5.21, General provisions and exceptions; use, height and area regulations.is hereby amended with additions as underlined and deletions as stricken:

Section 5.21 General provisions and exceptions; use, height and area regulations

5.21-3. Yard and setback exceptions.

- (a) *Front setback determination.* In any zoning district where lots on the same side of the street between two intersecting streets are developed with varying front yard depths and no plat has been filed showing a setback line, the front setback shall be determined by the planning director.
- (b) *Official line and measurement.* Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the depth or width of such yard shall be measured from such official line to the nearest line of the building.
- (c) *Open yard.* Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves, provided that none of the above projections shall extend into a required yard more than 24 inches. In residential districts, canopies or open porches having a roof area not exceeding ~~60~~ 120 square feet may project a maximum of six feet into the required front or side yard. In zero lot line districts canopies or open porches having a roof area not exceeding 120 square feet may project a maximum of five feet into the required side building setback, except in the case of a corner lot, where the required side yard is adjacent to the street, no encroachment may be allowed.
- (d) *Exterior stairway.* Any exterior stairway, open or enclosed, may project not more than four feet into a required rear building setback.
- (e) *Commercially or industrially zoned lots.* No rear building setback shall be required on any lot commercially or industrially zoned, the rear line of which adjoins a railway right-of-way or which has a rear railway tract connection, provided the lot is not utilized for residential purposes.
- (f) *Computing the depth of a rear yard.* In computing the depth of a rear yard for any building where such yard abuts a dedicated alley or a drainage easement which is open-space and cannot be built upon, one-half of the width of such alley or easement may be assumed to be a portion of the rear yard.

5.21-4. Lot width and area exceptions.

- (a) A lot or parcel has less than the required width or area prescribed for the particular zoning district and the lot or parcel was in separate ownership or platted prior to September 25, 1967, the lot area or width requirement will not prohibit erection of a one-family dwelling.
- (b) Non-habitable residential or commercial lots (e.g. utility infrastructure lots, drainage lots, landscape lots, etc.) are not required to meet the minimal

dimensional standards of the zoning ordinance but must provide for adequate access for maintenance of the lot.

(Ord. No. 2012-49, § 1(Exh. A), 9-10-12; Ord. No. 2013-6, § II, 1-28-1

SECTION 9

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 10

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 11

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

SECTION 12

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

SECTION 13

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

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

PASSED AND APPROVED: Second reading this the.....January 25, 2021

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

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

F) ORD19-249 Public hearing and recommendation of an ordinance amending Chapter 144, Zoning, Section 144-1.4, Definitions, to include new use terms; Sections 3.3 and 3.4 Zoning districts and regulations for property zoned prior to and subsequent to June 22, 1987, and Section 3.8, Walnut Special District, to temporarily suspend Building Design Standards; Section 4.2, Land Use Matrix, to identify districts allowing the new uses; Section 5.1, Parking, to identify parking standards for new uses and to clarify parking requirements; Section 5.4 to clarify accessory structure requirements; and, Section 5.21, General Provisions, to clarify exceptions for front porches in yard setbacks, and to clarify rear yard requirements for lots abutting drainage easements. Case Manager: Jean Drew.

Mrs. Drew presented on the proposed ordinance changes.

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 Sonier, seconded by Vice Chair Laskowski, to recommend approval to City Council of the proposed ordinance amending Chapter 144, Zoning, Section 144-1.4, Definitions, to include new use terms; Sections 3.3 and 3.4 Zoning districts and regulations for property zoned prior to and subsequent to June 22, 1987, and Section 3.8, Walnut Special District, to temporarily suspend Building Design Standards; Section 4.2, Land Use Matrix, to identify districts allowing the new uses; Section 5.1, Parking, to identify parking standards for new uses and to clarify parking requirements; Section 5.4 to clarify accessory structure requirements; and, Section 5.21, General Provisions, to clarify exceptions for front porches in yard setbacks, and to clarify rear yard requirements for lots abutting drainage easements. Motion carried (8-0-0).



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/25/2021

Agenda Item No. A)



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/25/2021

Agenda Item No. B)

Deliberate the appointment, evaluation, duties, discipline, or removal of the Associate Municipal Judge in accordance with Section 551.074 of the Texas Government Code.