



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



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

MONDAY, OCTOBER 11, 2021 at 6:00 PM

Rusty Brockman, Mayor	Lawrence Spradley, Councilmember (District 4)
Shane Hines, Councilmember (District 1)	Jason E. Hurta, Councilmember (District 5)
Justin Meadows, Mayor Pro Tem (District 2)	James Blakey, Councilmember (District 6)
Harry Bowers, Councilmember (District 3)	Robert Camareno, City Manager

MISSION STATEMENT

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

AGENDA - AMENDED OCTOBER 8, 2021

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) | Gruene Music Wine Fest Campaign Month | 21-940 |
| B) | National Arts and Humanities Awareness Month | 21-1011 |

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.

PRESENTATIONS:

- | | | |
|----|--|-------------------------|
| A) | Presentation of National Gold Medal Finalist Plaque from the American Academy of Park and Recreation Administrators (AAPRA) and National Recreation and Park Association (NRPA)
Stacey Dicke, Parks and Recreation Director | 21-1019 |
| B) | Presentation on the New Braunfels Transit Study | 21-1014 |

Garry L. Ford, Assistant Public Works Director/City Engineer

- C) Presentation of 2020 Census Data and Maps for the City [21-1016](#)
of New Braunfels

Neil Rose, GISP, GIS Manager

- D) 2021 River Season Presentation [21-954](#)

Amy Niles, River Operations Manager

1. **MINUTES**

- A) Consideration and approval of the minutes for Special [21-1033](#)
Session September 27, 2021, Executive Session
September 27, 2021, and Regular Session September
27, 2021.

Caitlin Krobot, City Secretary

2. **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. Citizens must be present to pull an item.

Resolutions & Action Items

- A) Approval of a resolution to rename the airport to New [21-986](#)
Braunfels National Airport
Dr. Robert Lee, Airport Director
- B) Approval for City Manager to enter into an Advanced [21-1025](#)
Funding Agreement (AFA) with TXDOT for the
development and design to implement traffic safety
features at County Line Road and Hanz Drive.
Garry Ford, City Engineer/Asst Public Works Director
- C) Approval of a purchase with Stryker Sales Corporation [21-1003](#)
for durable medical equipment for the New Braunfels Fire
Department, to declare the replaced equipment as
surplus.
Matthew Bushnell, Assistant Fire Chief
- D) Approval of the purchase of furniture and equipment for [21-1031](#)
the new Police Station with Southwest Solutions Group,
Inc. and Sorinex Exercise Equipment, Inc. and to declare
the replaced equipment as surplus.

Garry Ford, Assistant Public Works Director

Ordinances

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

- E) Approval of the second and final reading of an ordinance [21-1012](#) regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the “C-1” Local Business District, addressed at 1370 Church Hill Drive.

Jean Drew, AICP, CNU-A, Planning & Development Services Assistant Director

- F) Approval of the second and final reading of an ordinance [21-1013](#) regarding a proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 614 & 720 W. Zipp Road from “R-1A-6.6” Single Family District to the following zoning districts with additional conditions: “R-1A-6.6” Single-Family, “R-1A-4” Single-Family Small Lot, “C-1A” Neighborhood Business and “C-1B” General Business.

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

- G) Approval of the second and final reading of an ordinance [21-1018](#) regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the “C-3” Commercial District, addressed at 291 School Avenue.

Jean Drew, AICP, CNU-A, Planning & Development Services Assistant Director

- H) Approval of the second and final reading of an ordinance [21-1020](#) regarding the proposed rezoning of approximately 7.6 acres out of the A. M. Esnaurizar A-1 Survey, addressed at 2100 IH-35 North, from “APD AH” Agricultural/Pre-Development, Airport Hazard Overlay District and “C-3 AH” Commercial, Airport Hazard Overlay District to “C-1B AH” General Business, Airport Hazard Overlay District.

Jean Drew, AICP, CNU-A; Planning and Development Services Assistant Director

- I) Approval of the second and final reading of an ordinance [21-1021](#) regarding a proposed rezoning to apply a Special Use

Permit to allow residential use in the M-2 Heavy Industrial District and short term rental of a single-family residence on Lot 3 Milltown Extension 1, addressed at 757 Oasis Street.

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

- J) Approval of the second and final reading of an ordinance [21-1022](#) regarding the proposed abandonment of approximately 7,231 square feet (0.166 acres) of unimproved public right-of-way, located between Hill Avenue and the terminus of Garden Street.

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

- K) Approval of the second and final reading of an ordinance [21-1024](#) establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government Code, Chapter 143.

Becca Miears, Human Resources Director

3. **INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Discuss and Consider approval of a Resolution of the City of New Braunfels, Texas, Determining Costs of the Proposed Public Improvements in the Solms Landing Public Improvement District, Approving a Proposed Assessment Roll, Calling a Public Hearing, Authorizing Publication of a Notice of Such Hearing and Making Related Findings and Determinations, in Accordance With Chapter 372 of the Texas Local Government Code [21-944](#)

Jared Werner, Chief Financial Officer

- B) Discuss and consider approval of an ordinance [21-1023](#) authorizing the issuance of City of New Braunfels, Texas General Obligation Refunding Bonds in an amount not to exceed \$24,160,000 in one or more series; approving an official statement, a paying agent/registrar agreement, a bond purchase agreement, and an escrow agreement as needed for the sale of bonds; establishing the procedures for selling and delivering one or more series of the bonds; providing for the approval of this ordinance on one reading only as authorized by state law; and authorizing other matters relating to the bonds.

Jared Werner, Chief Financial Officer

- C) Discuss and consider approval of a contract with the [21-975](#) Center for Public Safety Management to conduct a staffing analysis of the City's Police Department services.

Robert Camareno, City Manager

- D) Public hearing and first reading of an ordinance [21-379](#) amending Section 126-368 to revise the starting date for water recreation loading zones on W Lincoln Street, Liebscher Drive, and S Gilbert Street from May 1 to March 1.

Garry Ford, Jr., Assistant Public Works Director/City Engineer

- E) Discuss and consider approval of a Resolution for [21-1061](#) nomination(s) to the Comal County Appraisal District Board of Directors.

Caitlin Krobot, City Secretary

4. EXECUTIVE SESSIONS

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

- A) Deliberate pending/contemplated litigation, settlement [21-1051](#) offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:
- J3 Company's construction contract for Klein Road reconstruction project
- B) Deliberate the appointment, evaluation, duties, discipline, [21-1052](#) or removal of the Municipal Court 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).

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

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.

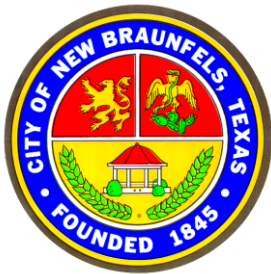


City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

10/11/2021

Agenda Item No. A)



Proclamation

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

WHEREAS, the Gruene Music & Wine Fest campaign for the United Way of Comal County is an annual fundraising event which began in 1987 in the Gruene Historic District located on the northern end of New Braunfels as a means of providing funds for United Way of Comal County and to help celebrate Texas Wine Month; and

WHEREAS, the events feature live Texas & Americana music and brings together a selection of wine producers from across the state for sampling by event patrons; and

WHEREAS, the events promote the beautiful and National Register designated historic district of Gruene, and the businesses therein; and

WHEREAS, the fundraising events are held throughout October at Gruene Hall and The Grapevine in Gruene, and will again benefit United Way of Comal County; and

WHEREAS, events feature music by Aaron Watson, Wade Bowen, Cody Canada, Jamie Lin Wilson, Vincent Neil Emerson, Kaitlin Butts, Max and Heather Stalling, Joshua Ray Walker, Grouchy Like Riley, Eric Middleton, Phil Luna and more. A catered dinner by Gristmill River Restaurant & Bar, a silent auction, the “Great Guitar Auction”, wine samplings and prize drawings; and

WHEREAS, the local community is welcome to attend the events and participate in all the fundraising these events offer.

NOW, THEREFORE, I, Rusty Brockman, Mayor of the City of New Braunfels, Texas, do hereby proclaim October 2021 as

“GRUENE MUSIC & WINE FEST CAMPAIGN MONTH”

In New Braunfels and I urge all citizens to participate in and enjoy the fun activities planned for the occasion, and extend our appreciation to all who have worked so hard to make this event one of the highlights of Texas Wine Month and the United Way Campaign of Comal County which supports health & human services in our county.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 11th day of October 2021.

CITY OF NEW BRAUNFELS, TEXAS

BY: _____
Rusty Brockman, Mayor



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

10/11/2021

Agenda Item No. B)



Proclamation

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

WHEREAS, the COVID-19 pandemic has had a devastating impact on America’s arts sector, with 99% of producing and presenting organizations having canceled events and artists being among the most severely affected segment of the nation’s workforce; yet notwithstanding this fact, the arts have helped collectively lead us throughout the darkest times of the pandemic—lifting our spirits, unifying communities, and jump-starting the economy;

WHEREAS, The Brauntex Performing Arts Theatre Association alongside the nation’s 120,000 nonprofit arts organizations, the National Endowment for the Arts, the National Endowment for the Humanities, and the nation’s 4,500 local arts agencies, have designated October as National Arts and Humanities Awareness Month;

WHEREAS, the arts and humanities embody much of the accumulated wisdom, intellect, and imagination of humankind;

WHEREAS, the arts and humanities enhance and enrich the lives of every American;

WHEREAS, the arts and humanities play a unique role in the lives of our families, our communities, and our country;

WHEREAS, The Brauntex Performing Arts Theatre Association celebrates the value and importance of culture in the lives of its community members and the health of a thriving community during National Arts and Humanities Awareness Month;

WHEREAS, the nation’s arts and culture sector—nonprofit, commercial, education—is a \$919.7 billion industry that supports 5.2 million jobs—4.3% of the nation’s economy—and boasts a \$33 billion international trade surplus;

WHEREAS, the nonprofit arts industry alone generates \$166.3 billion in economic activity annually—spending by organizations and their audiences—which supports 4.6 million jobs and generates \$27.5 billion in government revenue;

WHEREAS, every attendee to an arts event spends \$31.47 per person, per event, beyond the cost of admission on items such as meals, parking, and lodging—a vital income source for local businesses and economies;

NOW, THEREFORE I, Rusty Brockman, Mayor of the City of New Braunfels, Texas, do hereby proclaim October 2021 as

National Arts and Humanities Awareness Month

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the October 11, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

10/11/2021

Agenda Item No. A)

PRESENTER:

Stacey Dicke, Parks and Recreation Director

SUBJECT:

Presentation of National Gold Medal Finalist Plaque from the American Academy of Park and Recreation Administrators (AAPRA) and National Recreation and Park Association (NRPA)

DEPARTMENT: Parks and Recreation

COUNCIL DISTRICTS IMPACTED: N/A

BACKGROUND INFORMATION:

The Parks and Recreation Department was named a finalist for the National Gold Medal Award, one of four finalists in the population category 75,001 - 150,000.

The National Gold Medal Award honors public park and recreation agencies and state park systems throughout the United States and armed forces recreation programs worldwide that demonstrate excellence in long-range planning, resource management and innovative approaches to delivering superb park and recreation services with fiscally sound business practices.

The National Gold Medal Award Program is governed and administered by the American Academy for Park and Recreation Administration (AAPRA) in partnership with the National Recreation and Park Association (NRPA).

The four finalists in our population category were Provo, Utah (Gold Medal recipient), South Bend, Indiana, Waukegan, Illinois and New Braunfels, Texas.

The plaque will be presented by National Gold Medal Judge Rick Atkins, Parks and Recreation Director, City of Round Rock.

ISSUE:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:
N/A

10/11/2021

Agenda Item No. B)

PRESENTER:

Garry L. Ford, Assistant Public Works Director/City Engineer

SUBJECT:

Presentation on the New Braunfels Transit Study

DEPARTMENT: Public Works**COUNCIL DISTRICTS IMPACTED:** All**BACKGROUND INFORMATION:**

The New Braunfels Transit Study was funded through the Alamo Area Metropolitan Planning Organization (MPO) Unified Planning Work Program in August 2018 to evaluate public transportation service options in the City of New Braunfels and potentially between San Antonio, Seguin and San Marcos. Consulting firm KFH was contracted to develop the study, which kicked off in May 2019.

The study was guided by an Oversight Committee comprised of representatives from City of New Braunfels, Alamo Area Council of Governments, City of Seguin, Comal County, MPO, Texas Department of Transportation, and VIA Metropolitan Transit.

The primary tasks included:

- Public outreach including stakeholder interviews and briefings, focus groups, community meetings, and surveys
- Review of existing transit services
- Review of existing and future transit needs
- Develop strategies for improving public transit

The study was completed and approved by the MPO's Transportation Policy Board on May 24, 2021. The Final Report is available at www.nbtexas.org/transit <<http://www.nbtexas.org/transit>>.

ISSUE:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:
N/A

10/11/2021

Agenda Item No. C)

PRESENTER:

Neil Rose, GISP, GIS Manager

SUBJECT:

Presentation of 2020 Census Data and Maps for the City of New Braunfels

DEPARTMENT: Information Technology

COUNCIL DISTRICTS IMPACTED: N/A

BACKGROUND INFORMATION:

The Census - which is taken every 10 years - is the official population count of the United States and its five territories: American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

The data collected from the Census is used by governments from local to federal, businesses, trade associations, and more. It impacts things such as redistricting, locations of new businesses, and federal funding - which goes to public works such as roads, schools, and hospitals.

All persons living in the United States are constitutionally required to fill out the Census survey. There are no citizenship-related questions included in the survey.

Census data contributes to determining how many seats the United States House of Representatives each state gets.

The Census was completed between April 1, 2020 and October 31, 2020. Redistricting data was released August 19, 2021 with the complete summary data tables to be released towards the end of 2021.

ISSUE:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

N/A

10/11/2021

Agenda Item No. D)

PRESENTER:

Amy Niles, River Operations Manager

SUBJECT:

2021 River Season Presentation

DEPARTMENT: City Administration, River Operations

COUNCIL DISTRICTS IMPACTED: [Enter Text Here]

BACKGROUND INFORMATION:

[Enter Text Here]

ISSUE:

[Enter Text Here]

FISCAL IMPACT:

[Enter Text Here]

RECOMMENDATION:

[Enter Text Here]

10/11/2021

Agenda Item No. A)

PRESENTER:

Caitlin Krobot, City Secretary

SUBJECT:

Consideration and approval of the minutes for Special Session September 27, 2021, Executive Session September 27, 2021, and Regular Session September 27, 2021.

DEPARTMENT: City Secretary

]

**MINUTES - DRAFT
OF THE NEW BRAUNFELS CITY COUNCIL - EXECUTIVE SESSION
REGULAR MEETING OF MONDAY, SEPTEMBER 27, 2021**

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

Mayor Brockman called the meeting to order at 5:00 p.m.

CALL OF ROLL: CITY SECRETARY

Present 7 - Mayor Rusty Brockman, Councilmember Shane Hines, Mayor Pro Tem Justin Meadows, Councilmember Harry Bowers, Councilmember Lawrence Spradley, Councilmember Jason Hurta, and Councilmember James E. Blakey

1. 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 real estate in accordance with Section 551.072 of the Texas Government Code, specifically
 - Surplus City Property

Mayor Brockman read the aforementioned caption and recessed into executive session at 5:01 p.m.

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).

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

Mayor Brockman reconvened into open session at 5:21 p.m.

No action was taken.

ADJOURNMENT

Mayor Brockman adjourned at 5:21 p.m.

By: _____
RUSTY BROCKMAN, MAYOR

Attest:

CAITLIN KROBOT, CITY SECRETARY

**MINUTES - DRAFT
OF THE NEW BRAUNFELS SPECIAL CITY COUNCIL
REGULAR MEETING OF MONDAY, SEPTEMBER 27, 2021**

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

Mayor Brockman called the meeting to order at 4:00 p.m.

CALL OF ROLL: CITY SECRETARY

Councilmember Blakey arrived at 4:01 p.m.

Present 7 - Mayor Rusty Brockman, Councilmember Shane Hines, Councilmember Justin Meadows, Councilmember Harry Bowers, Councilmember Lawrence Spradley, Mayor Pro Tem Jason Hurta, and Councilmember James E. Blakey

1. WORKSHOP

A) Presentation, update and possible direction to staff regarding the development of the City's Capital Improvement Plan and the composition of the 2023 Bond Advisory Committee.

Robert Camareno gave opening remarks for Jared Werner and Garry Ford who presented this item providing a PowerPoint and answered questions from Council.

Discussion and direction was given for the composition of the future 2023 Bond Advisory Committee.

B) Presentation, discussion and possible staff direction concerning Board and Commission Ad Hoc Committee.

Jordan Matney presented this item.

It was the consensus to create a review sub committee - an Ad Hoc committee comprised of 3 councilmembers who would work with staff liaisons. Councilmembers Hurta, Spradley, and Blakey volunteered to serve on the committee.

C) Endorsement of the Unified Development Code Citizens Advisory Committee composition.

Chris Looney presented this item and addressed questions from Council.

The consensus from council was to move forward with staffs recommendation.

Monday, September 27, 2021 New Braunfels Special City Council Regular Meeting

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).

4. ADJOURNMENT

Mayor Brockman adjourned the meeting at 4:51 p.m.

By: _____
RUSTY BROCKMAN, MAYOR

Attest:

CAITLIN KROBOT, CITY SECRETARY

**MINUTES - DRAFT
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, SEPTEMBER 27, 2021**

AGENDA

CALL TO ORDER

Mayor Brockman called the meeting to order at 6:00 p.m.

CALL OF ROLL: CITY SECRETARY

Present: 7 - Mayor Rusty Brockman, Councilmember Shane Hines, Mayor Pro Tem Justin Meadows, Councilmember Harry Bowers, Councilmember Lawrence Spradley, Councilmember Jason Hurta, and Councilmember James E. Blakey

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

INVOCATION: COUNCILMEMBER HINES

Councilmember Hines provided the invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

Mayor Brockman led the Pledge of Allegiance and the Salute to the Texas flag.

PROCLAMATIONS:

A) Serve Spot and Big Serve

Mayor Brockman presented the proclamation.

B) Living Legends of New Braunfels

Mayor Brockman presented the proclamation.

C) First Responder and Health Care Worker Recognition

Mayor Brockman presented the proclamation.

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 allowed the first individual to speak and then paused Citizens Communications to hear Presentation A. Mayor Brockman then returned to Citizens Communications.

The following individuals spoke at this time: Becky Bracewell, Susie Mitchell, Russell Hausenfluck, Easton Smith, Janet Madigan, Timothy Davis, Crista Lindsey, Denise Mills,

PRESENTATIONS:

A) Presentation of Medal of Valor to Firefighter Tate Parker

Matthew Bushnell presented this award and gave moving remarks of Tate Parker's heroism.

B) Presentation and update on Development Services Fund and Process Improvements

Jordan Matney presented this item and answered questions from Council.

1. MINUTES

A) Consideration of the approval of the minutes for Special Budget Workshop on September 9, 2021, Special Redistricting Workshop on September 13, 2021, Executive Session on September 13, 2021, and General Session on September 13, 2021.

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

2. 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. Citizens must be present to pull an item.

Resolutions & Action Items

A) A resolution of the City Council of the City of New Braunfels, Texas approving and adopting the Texas Term Sheet and authorizing the city manager to execute all related documents, including the Subdivision Settlement Participation and Release Forms.

B) Approval of a resolution for the determination of right-of-way of E. Common Street, identified as a Principal Arterial in the City of New Braunfels Regional Transportation Plan, between the intersections with Gruene Road and FM 306.

C) Approval of a purchase with Professional Turf Products, L.P. and Deere & Company for Parks and Recreation and Landa Park Golf Course maintenance equipment and to declare the existing equipment as surplus.

- D) Approval to renew the following annual contracts, as allowed for by their contract language: Road Construction Work and Employee Benefit Consulting Services.
- E) Approval of a purchase with Musco Sports Lighting, LLC to replace the lighting infrastructure for the Landa Park Sand Volleyball Courts
- F) Approval of a purchase with GTS Technology Solutions, Inc for networking equipment to support the Westside Community Center Library, Fire Station 7 and Fire Training facilities being constructed as part of the 2019 Bond Program and the Creekside TIRZ No. 1, and to authorize the City Manager to execute any change orders up to the contingency amount.
- G) Approval of a contract with Maintenance Management of San Marcos to perform cemetery maintenance services at the Comal and New Braunfels Cemeteries.
- H) Approval of a contract with Knight Security Systems for the purchase of video surveillance equipment, video management services and access controls equipment and service for the new buildings being constructed as part of the 2019 bond program and Fire Station #7 and Fire Training Center, and to authorize the City Manager to execute any change orders up to the contingency amount.
- I) Approval of annual contracts with Bakers Heavy Equipment Repair, LLC, Cesar's Bodywork and More LLC, Christian Brothers Automotive - New Braunfels, Kahlig Enterprises Inc. d/b/a Bluebonnet Motors and N & L Best Deal Tire & Service 1 LLC to provide vehicle parts and/or vehicle repair services on an as-needed basis by various City departments.
- K) Approval of a resolution of the City of New Braunfels, Texas, amending Resolution No. 2021-R-38 by extending the deadline for New Braunfels Utilities and Southstar at Mayfair, LP, Developer, to execute a Utility Agreement as a condition precedent to the creation of Comal County Water Improvement District No. 3, located in the City's Extraterritorial Jurisdiction.

- L) Approval of and authorization for the City Manager to execute a 0.604-acre Public Utility Easement between the City of New Braunfels and New Braunfels Utilities located on a 100.007 acre tract out of the A.M. Esnaurizar Survey, No. 1, Abstract No. 98, Comal County, Texas, located within the property boundary of the New Braunfels Regional Airport.

Ordinances

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

- M) Approval of the first reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government Code, Chapter 143.
- N) Approval of the first reading of an ordinance regarding the proposed abandonment of approximately 7,231 square feet (0.166 acres) of unimproved public right-of-way, located between Hill Avenue and the terminus of Garden Street.
- P) Approval of the second and final reading of an ordinance amending Section 126-346 of the City of New Braunfels Code of Ordinances to restrict parking on the east side of Hudson Lane from Hanz Drive to Bellesop Boulevard, on the west side of Hudson Lane from Hanz Drive to the intersection with the first alleyway, and on the north side of Bellesop Boulevard.
- Q) Approval of the second and final reading of an ordinance amending Section 126-346 of the City of New Braunfels Code of Ordinances to establish no parking zones in Prince Solms Park.
- R) Approval of the second and final reading of an ordinance amending Section 126-136 of the City of New Braunfels Code of Ordinances to extend the existing school zone on Avery Parkway.

Approval of the Consent Agenda

Mayor Brockman read the aforementioned Consent Agenda Items A-I, K-N, and P-R. Items J and O were pulled from Consent Agenda.

Councilmember Bowers moved to approve Consent Agenda Items A-I, K-N, and P-R. Councilmember Hines seconded the motion which passed unanimously.

3. INDIVIDUAL ITEMS FOR CONSIDERATION

- J) Approval of the Development Agreement for Roadway Impact Fee Offsets between City and SA Kosta Brown, Ltd., developer of Creekside Farms Subdivision, authorizing payment of excess costs for construction of a section of Orion Drive and additional right of way, and to authorize the City Manager to execute the Development Agreement.

This item was pulled from the Consent Agenda.

Mayor Brockman read the aforementioned caption.

Garry Ford presented this item.

The following individuals spoke to this item: Timothy Davis and David Gonzalez.

Councilmember Spradley moved to approve the item. Mayor ProTem Meadows seconded the motion which passed unanimously.

- O) Approval of the second and final reading of an ordinance designating a geographic area within the City of New Braunfels as a reinvestment zone for tax increment financing purposes pursuant to Chapter 311 of the Texas Tax Code to be known as Tax Increment Reinvestment Zone Number Three (3), City of New Braunfels; describing the property parcels included in the zone; containing findings and provisions related to the creation of the zone; providing a date for the termination of the zone; providing that the zone take effect immediately upon passage of the ordinance; providing a severability clause; providing for publication; and declaring an effective date.

This item was pulled from Consent Agenda.

Mayor Brockman read the aforementioned caption.

Jeff Jewell presented this item.

The following individuals spoke to this item: Wayne Rudolph, Timothy Davis and Nathan Manlove.

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

Mayor Brockman took a break at 8:43 p.m.

Mayor Brockman returned into open session at 8:52 p.m.

A) Public Hearing on the proposed tax rate for the City of New Braunfels for tax year 2021

Mayor Brockman read the aforementioned caption.

Jared Werner presented this item.

The following individuals spoke to this item: Ryan Garcia and Timothy Davis

No action needed at this time.

B) Approval of the second and final reading of an ordinance adopting the FY 2022 Operating Budget and Plan of Municipal Services.

Mayor Brockman read the aforementioned caption.

Jared Werner presented this item.

Councilmember Bowers stated "I move to adopt the Fiscal Year 2022 Operating Budget and Plan of Municipal Services including the Budget Order and attachments included in that order." Councilmember Hurta seconded the motion which passed unanimously.

C) Approval of the second and final reading of an ordinance adopting the 2021 ad valorem tax rates.

Mayor Brockman read the aforementioned caption.

Jared Werner presented this item.

The following individuals spoke to this item:

Councilmember Spradley stated "I move that the property tax rate for tax year 2021 be decreased by the adoption of a total ad valorem property tax rate of .475376 per \$100 of assessed taxable valuation, which is effectively an 5.6% increase in the tax rate, with .227983 for debt service and .247393 cents for operations and maintenance."

Councilmember Hines seconded the motion which passed unanimously.

- D) Approval of a resolution of the City of New Braunfels ratifying the increase in revenue generated by the 2021 property tax rate included in the FY 2022 Annual Budget.

Mayor Brockman read the aforementioned caption.

Jared Werner presented this item.

Councilmember Hurta stated "I move to ratify the property tax revenue increase reflected in the Fiscal Year 2022 Operating Budget and Plan of Municipal Services." Councilmember Spradley seconded the motion which passed unanimously.

- E) Consideration of the creation of a redistricting committee

Mayor Brockman read the aforementioned caption.

Valeria Acevedo presented this item.

The consensus is to have a 10 member committee with seven being appointed by the councilmembers for their districts and three being at large. Applications will be required of the three at large.

Councilmember Hines moved to approve the redistricting committee with ten (10) members, seven being appointed and three at large. Councilmember Hurta seconded the motion which passed unanimously.

- F) Public hearing and consideration of a variance request to allow a proposed business, addressed at 111 S. Union Avenue, to provide alcohol sales (wine and beer, off-premises consumption) within 300 feet of a children's daycare.

Mayor Brockman read the aforementioned caption.

Jean Drew presented this item.

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

- G) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of

the A-103, Sarah Dewitt Survey, addressed at 614 & 720 W. Zipp Road from "R-1A-6.6" Single Family District to the following zoning districts with additional conditions: "R-1A-6.6" Single-Family, "R-1A-4" Single-Family Small Lot, "C-1A" Neighborhood Business and "C-1B" General Business.

Mayor Brockman read the aforementioned caption.

Chris Looney presented this item.

The following individuals spoke to this item: Caren Murch

Councilmember Hines moved to approve the item with applicant proposed conditions and not approving the 2nd story windows prohibition that was recommended by the Planning Commission. Mayor ProTem Meadows seconded the motion which passed unanimously.

H) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow residential use in the M-2 Heavy Industrial District and short term rental of a single-family residence on Lot 3 Milltown Extension 1, addressed at 757 Oasis Street.

Mayor Brockman read the aforementioned caption.

Chris Looney presented this item.

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

I) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 7.6 acres out of the A. M. Esnaurizar A-1 Survey, addressed at 2100 IH-35 North, from "APD AH" Agricultural/Pre-Development, Airport Hazard Overlay District and "C-3 AH" Commercial, Airport Hazard Overlay District to "C-1B AH" General Business, Airport Hazard Overlay District.

Mayor Brockman read the aforementioned caption.

Jean Drew presented this item.

Mayor ProTem Meadows moved to approve the item. Councilmember Bowers seconded the motion which passed unanimously.

- J) 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 dwelling in the “C-1” Local Business District, addressed at 1370 Church Hill Drive.

Mayor Brockman read the aforementioned caption.

Jean Drew presented this item.

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

- K) 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 dwelling in the “C-3” Commercial District, addressed at 291 School Avenue.

Mayor Brockman read the aforementioned caption.

Jean Drew presented this item.

Councilmember Hines moved to approve the item with staff recommendations and conditions. Councilmember Bowers seconded the motion which passed unanimously.

4. 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 real estate in accordance with Section 551.072 of the Texas Government Code, specifically
- Surplus City Property

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).

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

No action was taken at this time.

ADJOURNMENT

Mayor Brockman adjourned at 10:00 p.m.

By: _____
RUSTY BROCKMAN, MAYOR

Attest:

CAITLIN KROBOT, CITY SECRETARY

10/11/2021

Agenda Item No. A)

PRESENTER:

Dr. Robert Lee, Airport Director

SUBJECT:

Approval of a resolution to rename the airport to New Braunfels National Airport

DEPARTMENT: Airport**COUNCIL DISTRICTS IMPACTED:** All**BACKGROUND INFORMATION:**

The New Braunfels airport has been a part of the National Plan of Integrated Airport Systems (NPIAS) since 1969 when the Federal Government deeded the airport to the City. NPIAS airports are grouped by statute into two major categories: primary and nonprimary. Non-primary airports are further grouped into five categories: national, regional, local, basic, and unclassified. These are based on existing activity (e.g., the number and types of based aircraft and volume and types of flights), geographic factors, and public interest functions. National airports are located in metropolitan areas near major business centers and support the national and state system by providing communities with access to national and international markets throughout the United States and the World. These airports provide pilots with attractive alternatives to the busy primary airports. In 2021 the FAA reclassified New Braunfels Regional Airport as a National Airport making it one of only 92 airports in the U.S. with this classification.

ISSUE:

Airport renaming to reflect new classification as a National Airport

FISCAL IMPACT:

None

RECOMMENDATION:

On 15 September 2021 the Airport Advisory Board unanimous recommended renaming the airport to reflect the National classification. Staff recommends the name change.

RESOLUTION NO. 2021-R_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPROVING A RECOMMENDATION TO RENAME THE NEW BRAUNFELS REGIONAL AIRPORT TO THE NEW BRAUNFELS NATIONAL AIRPORT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the New Braunfels Airport (“Airport”) has been a part of the National Plan of Integrated Airport Systems (“NPIAS”) since 1969; and

WHEREAS, the Federal Aviation Administration reclassified the Airport from a regional airport to a national airport within the NPIAS; and.

WHEREAS, the New Braunfels Airport Advisory Board recommended approval of renaming the Airport on September 15, 2021.

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

SECTION 1: That the recommendation to rename the Airport, the New Braunfels National Airport is hereby approved.

SECTION 2: That this Resolution shall become effective from and after the date of its passage.

SECTION 3. That this Resolution provides authority for the City Manager to execute all documentation to fulfill the purposes of this Resolution.

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2021.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Rusty Brockman, Mayor

ATTEST:

Caitlin Krobot, City Secretary

10/11/2021

Agenda Item No. B)

PRESENTER:

Garry Ford, City Engineer/Asst Public Works Director

SUBJECT:

Approval for City Manager to enter into an Advanced Funding Agreement (AFA) with TXDOT for the development and design to implement traffic safety features at County Line Road and Hanz Drive.

DEPARTMENT: Engineering/Capital Programs Department**COUNCIL DISTRICTS IMPACTED:** 2, 4, 6**BACKGROUND INFORMATION:**

Engineering staff prepared an application to the Alamo Area Metropolitan Planning Organization and was awarded funding through the Hazard Safety Improvement Program (HSIP) for the implementation of new and/or improved safety features at critical intersections within the City. Staff gathered historic data from NBPD that showed increased pedestrian incidents or traffic accidents to incorporate into the AAMPO application and were awarded funding for the following intersections: County Line & Walnut; County Line & Fischer Ranch Road; and Hanz Drive & Gruene Road.

- County Line & Walnut will include an addition of a turn lane, improved vehicle radar, improved handicap ramps & push buttons, restriping
- County Line & Fischer Ranch Road will include the removal of the All-Way Stop signs and install new traffic signals, new pedestrian handicap ramps and push buttons, restriping
- Hanz Drive and Gruene Road will improve the All-Way Stop intersection to include advance stop-sign warnings, flashing LED stop signs at the intersection, HC ramps, restriping

ISSUE:

Provides a system of convenient and safe transportation facilities through comprehensive, cooperative and continuing transportation system planning and development.

FISCAL IMPACT:

Per the AFA, TXDOT will be responsible for bidding and cost of construction up to \$601,588. The City will be responsible for design, state design-review and construction-cost overruns.

Kimley Horn has previously been procured as the City design consultant through funds from roadway impact fees. Initial opinions of probable construction cost are estimated at \$720,000, therefore the City will be responsible for anything over the federal ceiling of \$601,588.

Project Construction Cost	\$720,000
Federal HSIP participation:	(\$601,588)
City participation:	\$118,412
Project contingency and overruns	\$80,000
Total	\$

There are sufficient roadway impact funds (Service Area 5) to support the City portion of this project (up to \$198,412).

RECOMMENDATION:

Staff recommends approval for City Manager to enter into an Advanced Funding Agreement (AFA) with TXDOT for the development and design to implement traffic safety features at County Line Road and Hanz Drive.

TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	AFA Not Used For Research & Development	

STATE OF TEXAS §

COUNTY OF TRAVIS §

ADVANCE FUNDING AGREEMENT
For
Hazard Elimination/Safety Project – Traffic Signal Improvements
Off-System

THIS AGREEMENT (Agreement) is made by and between the State of Texas, acting by and through the **Texas Department of Transportation** called the “State”, and the **City of New Braunfels**, acting by and through its duly authorized officials, called the “Local Government”. The State and Local Government shall be collectively referred to as “the parties” hereinafter.

WITNESSETH

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes, and

WHEREAS, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision, and

WHEREAS, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds, and

WHEREAS, the Texas Transportation Commission has codified 43 TAC, Rules 15.50-15.56 that describe federal, state, and local responsibilities for cost participation in highway improvement and other transportation projects, and

WHEREAS, the Texas Transportation Commission passed Minute Order Number **115814** authorizing the State to undertake and complete a highway improvement or other transportation project generally described as **traffic signal improvements**. The portion of the project work covered by this Agreement is identified in the Agreement, Article 3, Scope of Work (Project), and

WHEREAS, the Governing Body of the Local Government has approved entering into this Agreement by resolution, ordinance, or commissioners court order dated **{Enter Date of Resolution}**, which is attached to and made a part of this Agreement as Attachment A, Resolution, Ordinance, or Commissioners Court Order (Attachment A). A map showing the Project location appears in Attachment B, Location Map Showing Project (Attachment B), which is attached to and made a part of this Agreement.

TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
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NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, to be by them respectively kept and performed as set forth in this Agreement, it is agreed as follows:

AGREEMENT

1. Responsible Parties:

For the Project covered by this Agreement, the parties shall be responsible for the following work as stated in the article of the Agreement referenced in the table below:

1.	Local Government	Utilities	Article 8
2.	Local Government	Environmental Assessment and Mitigation	Article 9
3.	Local Government	Architectural and Engineering Services	Article 11
4.	State	Construction Responsibilities	Article 12
5.	Local Government	Right of Way and Real Property	Article 14

2. Period of the Agreement

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until the Project is completed or unless terminated as provided below.

3. Scope of Work

The scope of work for the Project consists of safety enhancement projects in various locations around New Braunfels to include: installing intersection advanced warning signals and signs on Hanz Dr. at Gruene Rd.; improving traffic signals with flashing yellow arrow, radar backplates, and detection and improve school zone by upgrading to audible pedestrian signals on Walnut Ave. at County Line Rd.; installing traffic signal on W. County Line Rd at Dove Creek Crossing Dr.

4. Project Sources and Uses of Funds

The total estimated cost of the Project is shown in Attachment C, Project Budget (Attachment C) which is attached to and made a part of this Agreement.

- A. If the Local Government will perform any work under this Agreement for which reimbursement will be provided by or through the State, the Local Government must complete training. If federal funds are being used, the training must be completed before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled "Local Government Project Procedures and Qualification for the Texas Department of Transportation" and retains qualification in accordance with applicable TxDOT procedures. Upon request, the Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not

TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	<i>AFA Not Used For Research & Development</i>	

- continuously designated in writing a qualified individual to work actively on or to directly oversee the Project.
- B. The expected cash contributions from the federal government, the State, the Local Government, or other parties are shown in Attachment C. The State will pay for only those Project costs that have been approved by the Texas Transportation Commission. For projects with federal funds, the State and the federal government will not reimburse the Local Government for any work performed before the federal spending authority is formally obligated to the Project by the Federal Highway Administration (FHWA). After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for 100% of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
 - C. Attachment C shows, by major cost categories, the cost estimates and the party responsible for performing the work for each category. These categories may include but are not limited to: (1) costs of real property; (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other local project costs.
 - D. The State will be responsible for securing the federal and State share of the funding required for the development and construction of the local Project. If the Local Government is due funds for expenses incurred, these funds will be reimbursed to the Local Government on a cost basis.
 - E. The Local Government will be responsible for all non-federal or non-State participation costs associated with the Project, unless otherwise provided for in this Agreement or approved otherwise in an amendment to this Agreement. For items of work subject to specified percentage funding, the Local Government shall only in those instances be responsible for all Project costs that are greater than the maximum State and federal participation specified in Attachment C and for overruns in excess of the amount specified in Attachment C to be paid by the Local Government.
 - F. The budget in Attachment C will clearly state all items subject to fixed price funding, specified percentage funding, and the periodic payment schedule, when periodic payments have been approved by the State.
 - G. When the Local Government bears the responsibility for paying cost overruns, the Local Government shall make payment to the State within thirty (30) days from the receipt of the State's written notification of additional funds being due.
 - H. When fixed price funding is used, the Local Government is responsible for the fixed price amount specified in Attachment C. Fixed prices are not subject to adjustment unless (1) differing site conditions are encountered; (2) further definition of the Local Government's requested scope of work identifies greatly differing costs from those estimated; (3) work requested by the Local Government is determined to be ineligible for federal participation; or (4) the adjustment is mutually agreed to by the State and the Local Government.
 - I. Prior to the performance of any engineering review work by the State, the Local Government will pay to the State the amount specified in Attachment C. At a

TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	<i>AFA Not Used For Research & Development</i>	

- minimum, this amount shall equal the Local Government's funding share for the estimated cost of preliminary engineering performed or reviewed by the State for the Project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction cost.
- J. The State will not execute the contract for the construction of the Project until the required funding has been made available by the Local Government in accordance with this Agreement.
 - K. Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation" or may use the State's Automated Clearing House (ACH) system for electronic transfer of funds in accordance with instructions provided by TxDOT's Finance Division. The funds shall be deposited and managed by the State and may only be applied by the State to the Project.
 - L. The State will not pay interest on any funds provided by the Local Government.
 - M. If a waiver for the collection of indirect costs for a service project has been granted under 43 TAC §15.56, the State will not charge the Local Government for the indirect costs the State incurs on the Project, unless this Agreement is terminated at the request of the Local Government prior to completion of the Project.
 - N. If the Local Government is an Economically Disadvantaged County (EDC) and if the State has approved adjustments to the standard financing arrangement, this Agreement reflects those adjustments.
 - O. Where the Local Government is authorized to perform services under this Agreement and be reimbursed by the State, the Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice, in a form and containing all items required by the State, no more frequently than monthly and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.
 - P. Upon completion of the Project, the State will perform a final accounting of the Project costs for all items of work with specified percentage funding. Any funds due by the Local Government, the State, or the federal government for these work items will be promptly paid by the owing party.
 - Q. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this Agreement or indirectly through a subcontract under this Agreement. Acceptance of funds directly under this Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
 - R. Payment under this Agreement beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this Agreement shall be terminated immediately with no liability to either party.

TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	<i>AFA Not Used For Research & Development</i>	

5. Termination of This Agreement

This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless:

- A. The Agreement is terminated in writing with the mutual consent of the parties;
- B. The Agreement is terminated by one party because of a breach, in which case any costs incurred because of the breach shall be paid by the breaching party;
- C. The Local Government elects not to provide funding after the completion of preliminary engineering, specifications, and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the Project; or
- D. The Agreement is terminated by the State because the parties are not able to execute a mutually agreeable amendment when the costs for Local Government requested items increase significantly due to differing site conditions, determination that Local government requested work is ineligible for federal or state cost participation, or a more thorough definition of the Local Government's proposed work scope identifies greatly differing costs from those estimated. The State will reimburse Local Government remaining funds to the Local Government within ninety (90) days of termination; or
- E. The Project is inactive for thirty-six (36) consecutive months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this Agreement.

6. Amendments

Amendments to this Agreement due to changes in the character of the work, terms of the Agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

7. Remedies

This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

8. Utilities

The party named in Article 1, Responsible Parties, under AGREEMENT shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable state laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or State funds for the cost of required utility work. The Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, the Local Government shall provide, at the State's request, a certification stating that the Local Government has completed the adjustment of all utilities that must be adjusted before construction is commenced.

TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	AFA Not Used For Research & Development	

9. Environmental Assessment and Mitigation

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects. The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. The identification and assessment of any environmental problems associated with the development of a local project governed by this Agreement.
- B. The cost of any environmental problem's mitigation and remediation.
- C. Providing any public meetings or public hearings required for the environmental assessment process. Public hearings will not be held prior to the approval of the Project schematic.
- D. The preparation of the NEPA documents required for the environmental clearance of this Project.

If the Local Government is responsible for the environmental assessment and mitigation, before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

10. Compliance with Accessibility Standards

All parties to this Agreement shall ensure that the plans for and the construction of all projects subject to this Agreement are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

11. Architectural and Engineering Services

The party named in Article 1, Responsible Parties, under AGREEMENT has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable State's *Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. For projects on the State highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the State highway system, the design shall, at a minimum, conform to applicable American Association of State Highway and Transportation Officials (AASHTO) design standards.

In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if the Project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by Disadvantaged Business Enterprises (DBEs), ADA, and environmental matters. If the Local Government is the responsible party, the Local Government shall submit its procurement selection process for prior approval by the State. All professional services contracts must be reviewed and approved by the State prior to execution by the Local Government.

TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	<i>AFA Not Used For Research & Development</i>	

12. Construction Responsibilities

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. Advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.
- B. If the State is the responsible party, the State will use its approved contract letting and award procedures to let and award the construction contract.
- C. If the Local Government is the responsible party, the Local Government shall submit its contract letting and award procedures to the State for review and approval prior to letting.
- D. If the Local Government is the responsible party, the State must concur with the low bidder selection before the Local Government can enter into a contract with the vendor.
- E. If the Local Government is the responsible party, the State must review and approve change orders.
- F. Upon completion of the Project, the party responsible for constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion and submit certification(s) sealed by a professional engineer(s) licensed in the State of Texas.
- G. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

13. Project Maintenance

The Local Government shall be responsible for maintenance of locally owned roads and locally owned facilities after completion of the work. The State shall be responsible for maintenance of the State highway system after completion of the work if the work was on the State highway system, unless otherwise provided for in existing maintenance agreements with the Local Government.

14. Right of Way and Real Property

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the provision and acquisition of any needed right of way or real property.

The Local Government shall be responsible for the following:

- A. Right of way and real property acquisition shall be the responsibility of the Local Government. Title to right of way and other related real property must be

TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	<i>AFA Not Used For Research & Development</i>	

- acceptable to the State before funds may be expended for the improvement of the right of way or real property.
- B. If the Local Government is the owner of any part of the Project site under this Agreement, the Local Government shall permit the State or its authorized representative access to occupy the site to perform all activities required to execute the work.
 - C. All parties to this Agreement will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title 42 U.S.C.A. Section 4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying the real property to the Local Government and benefits applicable to the relocation of any displaced person as defined in 49 CFR Section 24.2(g). Documentation to support such compliance must be maintained and made available to the State and its representatives for review and inspection.
 - D. The Local Government shall assume all costs and perform necessary requirements to provide any necessary evidence of title or right of use in the name of the Local Government to the real property required for development of the Project. The evidence of title or rights shall be acceptable to the State, and be free and clear of all encroachments. The Local Government shall secure and provide easements and any needed rights of entry over any other land needed to develop the Project according to the approved Project plans. The Local Government shall be responsible for securing any additional real property required for completion of the Project.
 - E. In the event real property is donated to the Local Government after the date of the State's authorization, the Local Government will provide all documentation to the State regarding fair market value of the acquired property. The State will review the Local Government's appraisal, determine the fair market value and credit that amount towards the Local Government's financial share. If donated property is to be used as a funding match, it may not be provided by the Local Government. The State will not reimburse the Local Government for any real property acquired before execution of this Agreement and the obligation of federal spending authority.
 - F. The Local Government shall prepare real property maps, property descriptions, and other data as needed to properly describe the real property and submit them to the State for approval prior to the Local Government acquiring the real property. Tracings of the maps shall be retained by the Local Government for a permanent record.
 - G. The Local Government agrees to make a determination of property values for each real property parcel by methods acceptable to the State and to submit to the State a tabulation of the values so determined, signed by the appropriate Local Government representative. The tabulations shall list the parcel numbers, ownership, acreage and recommended compensation. Compensation shall be shown in the component parts of land acquired, itemization of improvements acquired, damages (if any) and the amounts by which the total compensation will be reduced if the owner retains improvements. This tabulation shall be accompanied by an explanation to support the determined values, together with

TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	AFA Not Used For Research & Development	

a copy of information or reports used in calculating all determined values. Expenses incurred by the Local Government in performing this work may be eligible for reimbursement after the Local Government has received written authorization by the State to proceed with determination of real property values. The State will review the data submitted and may base its reimbursement for parcel acquisitions on these values.

- H. Reimbursement for real property costs will be made to the Local Government for real property purchased in an amount not to exceed eighty percent (80%) of the cost of the real property purchased in accordance with the terms and provisions of this Agreement. Reimbursement will be in an amount not to exceed eighty percent (80%) of the State's predetermined value of each parcel, or the net cost of the parcel, whichever is less. In addition, reimbursement will be made to the Local Government for necessary payments to appraisers, expenses incurred in order to assure good title, and costs associated with the relocation of displaced persons and personal property as well as incidental expenses.
- I. If the Project requires the use of real property to which the Local Government will not hold title, a separate agreement between the owners of the real property and the Local Government must be executed prior to execution of this Agreement. The separate agreement must establish that the Project will be dedicated for public use for a period of not less than 10 (ten) years after completion. The separate agreement must define the responsibilities of the parties as to the use of the real property and operation and maintenance of the Project after completion. The separate agreement must be approved by the State prior to its execution. A copy of the executed agreement shall be provided to the State.

15. Insurance

If this Agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

16. Notices

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

Local Government:	State:
City of New Braunfels ATTN: City Manager 550 Landa St. New Braunfels, TX 78130	Texas Department of Transportation ATTN: Director of Contract Services 125 E. 11 th Street Austin, TX 78701

TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	<i>AFA Not Used For Research & Development</i>	

Invoicing, payment, and project inquiries should be sent to the following address:

Texas Department of Transportation
ATTN: Director of Transportation Planning & Development
4615 NW Loop 410
San Antonio, TX 78229-5126

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this Agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

17. Legal Construction

If one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

18. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party, and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

19. Ownership of Documents

Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data and information prepared under this Agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State, in the format directed by the State, on a monthly basis or as required by the State. The originals shall remain the property of the Local Government. .

20. Compliance with Laws

The parties to this Agreement shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this Agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

21. Sole Agreement

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	<i>AFA Not Used For Research & Development</i>	

22. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the cost principles established in 2 CFR 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

23. Procurement and Property Management Standards

The parties to this Agreement shall adhere to the procurement and property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. The State must pre-approve the Local Government's procurement procedures for purchases to be eligible for state or federal funds.

24. Inspection of Books and Records

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the FHWA and the U.S. Office of the Inspector General or their duly authorized representatives for review and inspection at its office during the Agreement period and for seven (7) years from the date of final reimbursement by FHWA under this Agreement or until any impending litigation or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

25. Civil Rights Compliance

The parties to this Agreement are responsible for the following:

- A. Compliance with Regulations: Both parties will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this Agreement.
- B. Nondiscrimination: The Local Government, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the Agreement covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Local Government for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this Agreement and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	AFA Not Used For Research & Development	

- D. Information and Reports: The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local Government will so certify to the State or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
- E. Sanctions for Noncompliance: In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this Agreement, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
1. withholding of payments to the Local Government under the Agreement until the Local Government complies and/or
 2. cancelling, terminating, or suspending of the Agreement, in whole or in part.
- F. Incorporation of Provisions: The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or is threatened with, litigation with a subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

26. **Pertinent Non-Discrimination Authorities**

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).

TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	<i>AFA Not Used For Research & Development</i>	

- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the federal-aid recipients, subrecipients and contractors, whether such programs or activities are federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- I. The Federal Aviation Administration’s Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).
- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

27. Disadvantaged Business Enterprise (DBE) Program Requirements

If federal funds are used:

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The Local Government shall adopt, in its totality, the State’s federally approved DBE program.
- C. The Local Government shall incorporate into its contracts with subproviders an appropriate DBE goal consistent with the State’s DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall submit its proposed scope of services and quantity estimates to the State to allow the State to establish a DBE goal for each Local Government contract with a subprovider. The Local Government shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State’s DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the

TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	AFA Not Used For Research & Development	

Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.

- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate.*

28. Debarment Certifications

If federal funds are used, the parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this Agreement, the Local Government certifies that it and its principals are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this Agreement shall require any party to a subcontract or purchase order awarded under this Agreement to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

If state funds are used, the parties are prohibited from making any award to any party that is debarred under the Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter G, Rule §20.585 and the Texas Administrative Code, Title 43, Part 1, Chapter 9, Subchapter G.

TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	AFA Not Used For Research & Development	

29. Lobbying Certification

If federal funds are used, in executing this Agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

30. Federal Funding Accountability and Transparency Act Requirements

If federal funds are used, the following requirements apply:

- A. Any recipient of funds under this Agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This Agreement is subject to the following award terms: <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.
- B. The Local Government agrees that it shall:
 1. Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than \$25,000 in federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://www.sam.gov/portal/public/SAM/>
 2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows federal government to track the distribution of federal money. The DUNS may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform;> and

TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	AFA Not Used For Research & Development	

3. Report the total compensation and names of its top five executives to the State if:
 - i. More than 80% of annual gross revenues are from the federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

31. Single Audit Report

If federal funds are used:

- A. The parties shall comply with the single audit report requirements stipulated in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- B. If threshold expenditures of \$750,000 or more are met during the fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division by email at singleaudits@txdot.gov.
- C. If expenditures are less than the threshold during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Compliance Division as follows: "We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the Project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the Agreement, unless otherwise amended or the Project has been formally closed out and no charges have been incurred within the current fiscal year.

32. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this Agreement on behalf of the entity represented.

Each party is signing this Agreement on the date stated under that party's signature.

THE STATE OF TEXAS

THE LOCAL GOVERNMENT

Kenneth Stewart
Director of Contracts Services

Robert Camareno
City Manager

Date

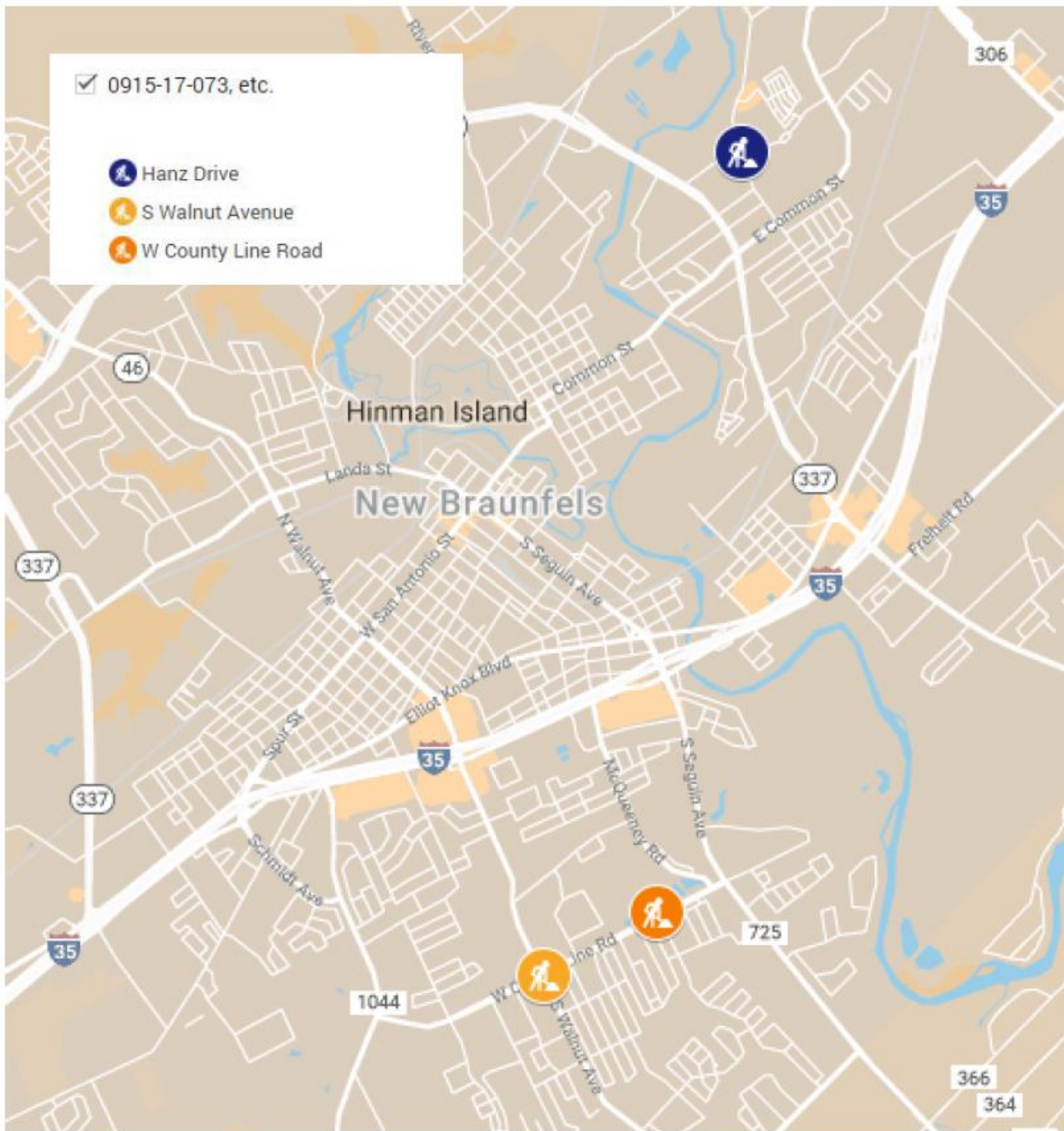
Date

TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	<i>AFA Not Used For Research & Development</i>	

ATTACHMENT A
RESOLUTION, ORDINANCE, OR COMMISSIONERS COURT ORDER

TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	AFA Not Used For Research & Development	

ATTACHMENT B LOCATION MAP SHOWING PROJECT

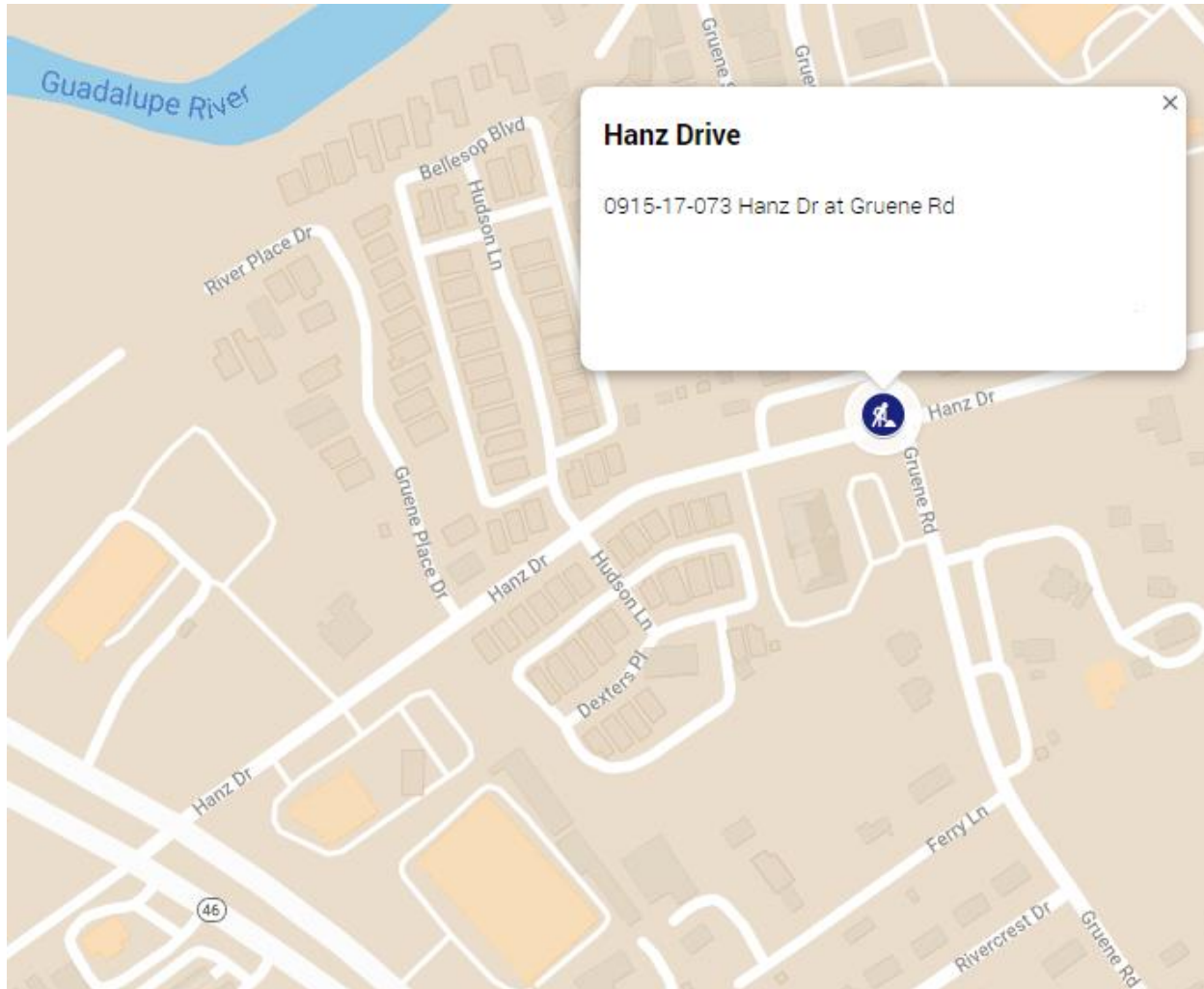


TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	AFA Not Used For Research & Development	

Project Location

Primary Roadway: Hanz Dr
County: Comal

Limits: Hanz Dr at Gruene Rd
Control Section: 0915-17-073 Work Code(s): 124

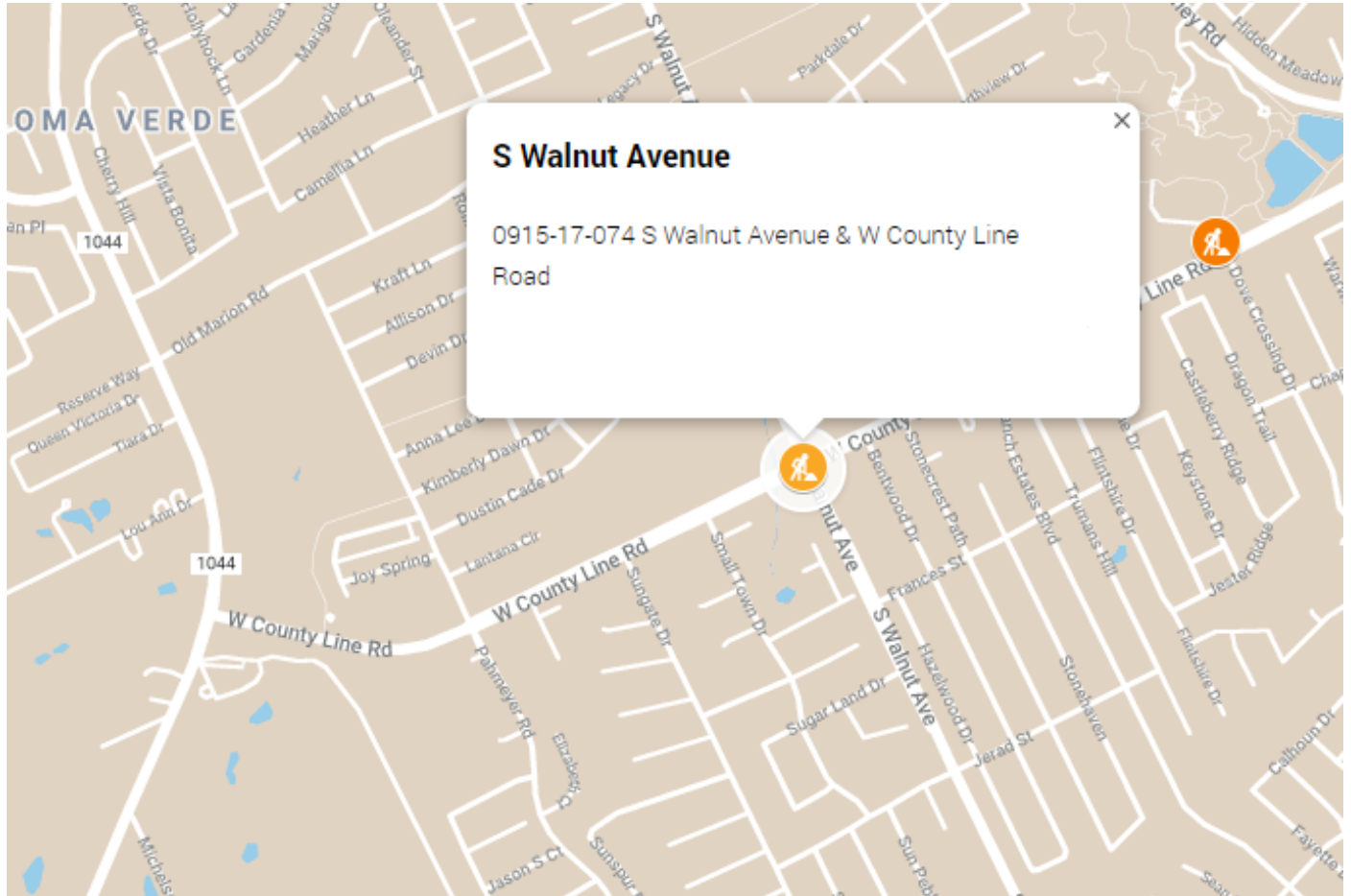


TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	AFA Not Used For Research & Development	

Project Location

Primary Roadway: S Walnut Ave
County: Comal

Limits: Walnut Ave at County Line Rd
Control Section: 0915-17-074 Work Code(s): 108, 133

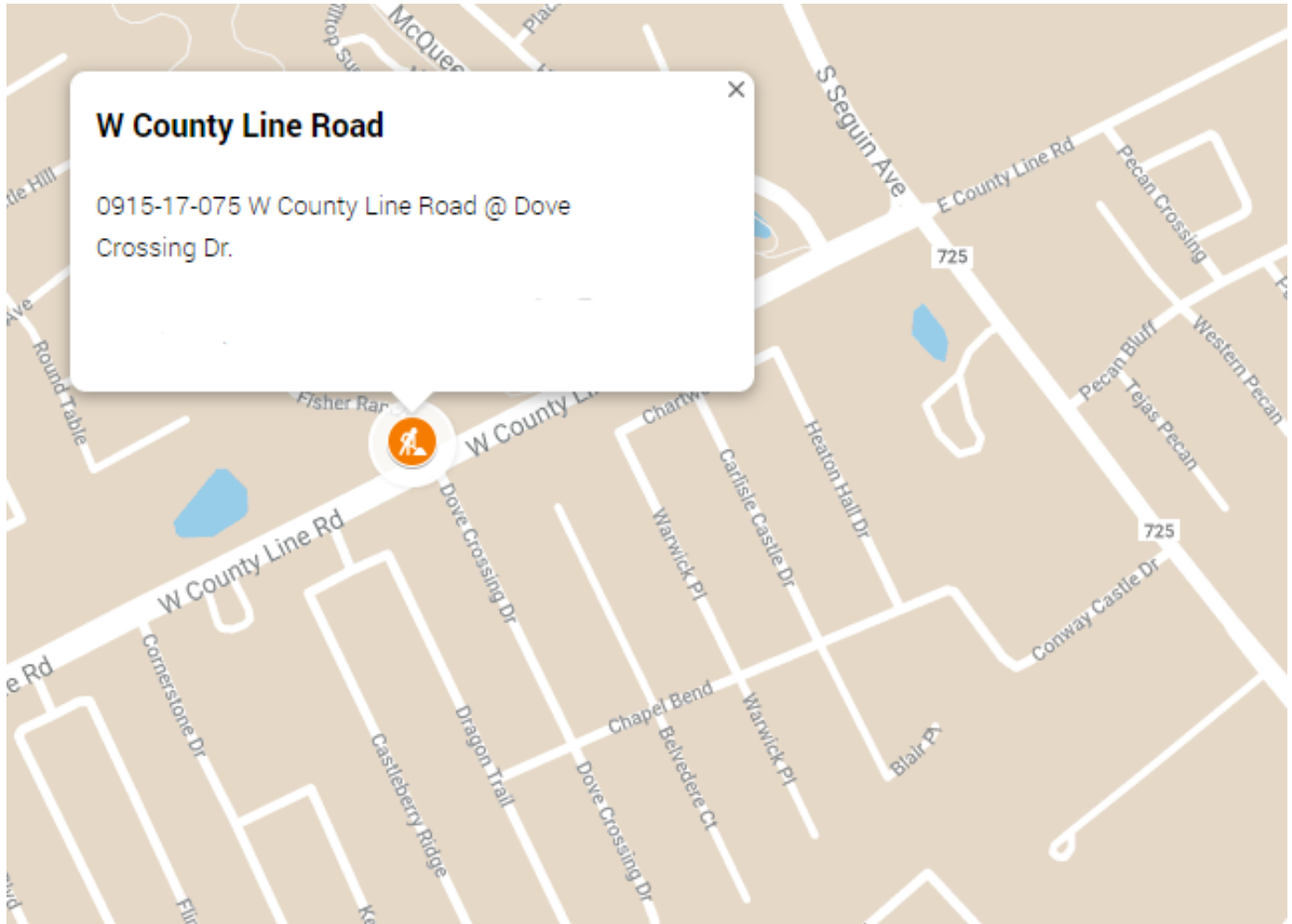


TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	AFA Not Used For Research & Development	

Project Location

Primary Roadway: W County Line Rd
County: Comal

Limits: County Line Rd at Dove Crossing Dr
Control Section: 0915-17-075 Work Code(s): 107



TxDOT:		Federal Highway Administration:	
CSJ #	0915-17-073, 0915-17-074, 0915-17-075	CFDA No.	20.205
District #	SAT (15)	CFDA Title	Highway Planning and Construction
Code Chart 64 #	29900		
Project Name	HSIP Traffic Signal Improvements	AFA Not Used For Research & Development	

ATTACHMENT C PROJECT BUDGET

Costs will be allocated based on 100% Federal funding and 0% Local government funding until the federal funding reaches the maximum obligated amount. The Local government will then be responsible for 100% of the costs.

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
Engineering (by Local Government)	\$21,329	0%	\$0	0%	\$0	100%	\$21,329
Environmental (by Local Government)	\$3,878	0%	\$0	0%	\$0	100%	\$3,878
Right of Way (by Local Government)	\$1,641	0%	\$0	0%	\$0	100%	\$1,641
Construction (by State) 0915-17-073 on Hanz @ Gruene	\$54,491	100%	\$54,491	0%	\$0	0%	\$0
Construction (by State) 0915-17-074 on Walnut @ County Line	\$202,511	100%	\$202,511	0%	\$0	0%	\$0
Construction (by State) 0915-17-075 on County Line @ Dove Crossing	\$344,586	100%	\$344,586	0%	\$0	0%	\$0
Subtotal	\$628,436	\$601,588		\$0		\$26,848	
Environmental Direct State Costs (20%)	\$591	0%	\$0	0%	\$0	100%	\$591
Right of Way Direct State Costs (20%)	\$591	0%	\$0	0%	\$0	100%	\$591
Engineering Direct State Costs (40%)	\$1,181	0%	\$0	0%	\$0	100%	\$1,181
Utility Direct State Costs (20%)	\$591	0%	\$0	0%	\$0	100%	\$591
Construction Direct State Costs (0.56%)	\$2,235	0%	\$0	0%	\$0	100%	\$2,235
Indirect State Costs (4.77%)	\$29,976	0%	\$0	100%	\$29,976	0%	\$0
Subtotal	\$35,164	\$0		\$29,976		\$5,188	
TOTAL	\$663,600	\$601,588		\$29,976		\$32,036	

Notwithstanding Article 4.I., the Local Government shall pay the State the total amount of **\$5,188** and shall remit the payment to the State no later than 30 days following the execution of this Agreement. This is an estimate. The final amount of Local Government participation will be based on actual costs.

10/11/2021

Agenda Item No. C)

PRESENTER:

Matthew Bushnell, Assistant Fire Chief

SUBJECT:

Approval of a purchase with Stryker Sales Corporation for durable medical equipment for the New Braunfels Fire Department, to declare the replaced equipment as surplus.

DEPARTMENT: Fire Department**COUNCIL DISTRICTS IMPACTED:** City Wide**BACKGROUND INFORMATION:**

The Fire Department is requesting replacement for durable medical equipment that is beyond its recommended life span. The manufacturer will no longer certify the devices and can only inspect and repair the device if replacement parts are available. The following units need to be replaced to avoid the risk of response failure.

The Fire Department has standardized to the Stryker equipment, Power cots/stretchers and LUCAS chest compression devices. The Power cots and power load systems raise, lower and load patients into, and remove patients from, our ambulances in a manner that is both safer for the patient and our personnel. Since moving to power load systems, the incidence of injuries related to moving patients has declined significantly. The LUCAS device is an automated chest compression and ventilation device that delivers consistent, clinically appropriate chest compressions to cardiac arrest patients that takes the place of two responders during a cardiac arrest call. Use of the device leads to better patient outcomes.

Staff are recommending replacement of eight (8) power stretchers, one (1) power load systems, eight (8) LUCAS devices and their associated maintenance and repair plans. The Stryker equipment is a sole source provider in the emergency response services market. The Fire Department will trade-in replaced equipment (8 LUCAS chest compression units and 8 Powerpro ambulance cots) for a purchase credit of \$44,000. The total purchase cost of the medical equipment is \$248,798. Staff requests approval for the City Manager to execute contract modifications up to his authority as designated by City Ordinance 2.1.

ISSUE:

Continue to ensure the protection of citizens' lives and property

FISCAL IMPACT:

The funding for this purchase is part of the FY 2022 operating budget for the Fire Department, therefore sufficient funds are available for this purchase.

RECOMMENDATION:

Staff recommends approval of a purchase with Stryker Sales Corporation for durable medical equipment for the New Braunfels Fire Department, to declare the replaced equipment as surplus.

10/11/2021

Agenda Item No. D)

PRESENTER:

Garry Ford, Assistant Public Works Director

SUBJECT:

Approval of the purchase of furniture and equipment for the new Police Station with Southwest Solutions Group, Inc. and Sorinex Exercise Equipment, Inc. and to declare the replaced equipment as surplus.

DEPARTMENT: Police Department**COUNCIL DISTRICTS IMPACTED:** City-wide**BACKGROUND INFORMATION:**

The 2019 Bond authorized the construction of the Police Station and Veterans Memorial Project. The City Council approved a contract with Joeris General Contractors December 2020 and the notice to proceed was issued January 2021. The project includes allowances for required Furniture Fixtures and Equipment, (FF&E).

The furniture recommendations have been developed through the cooperation of city staff, PGAL (architect) and a variety of vendors in consideration of staff needs, design esthetics, durability, maintainability, and pricing. Given current lead times in the industry, staff is coordinating purchases to ensure delivery aligns with the completion of the construction.

Southwest Solutions Group, Inc. was selected to provide lockers and high-density shelving. Lockers are provided throughout the building in the dressing rooms, armory rooms, evidence rooms, and offices. High-density shelving is primarily for records storage. Sorinex Exercise Equipment, Inc. was selected to provide the gym equipment. The total purchase cost for these requests is \$788,739. The City will utilize cooperative agreements to procure the best pricing. Staff is also asking for approval for the City Manager to execute contract modifications up to his authority as designated by City Ordinance 2.1.

Vendor	Items	Cooperative Agreement	Cost
Southwest Solutions Group, Inc.	Lockers and high-density shelving	Sourcewell 010920-SPC	\$651,698
Sorinex Exercise Equipment, Inc	Exercise Equipment	BuyBoard #583-19	\$137,041
TOTAL REQUEST			\$788,739

ISSUE:

Strategic Priorities: Continue an ongoing program of infrastructure construction and maintenance.

FISCAL IMPACT:

Funding for these costs have been incorporated into the project budgets within the 2019 bond program, therefore, sufficient funds are available to approve the purchase as described above.

RECOMMENDATION:

Staff recommends approval of the purchase of furniture and equipment for the new Police Station with Southwest Solutions Group, Inc. and Sorinex Exercise Equipment, Inc. and to declare the replaced furniture and equipment as surplus.

10/11/2021

Agenda Item No. E)

PRESENTER:

Jean Drew, AICP, CNU-A, Planning & Development Services Assistant Director

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the "C-1" Local Business District, addressed at 1370 Church Hill Drive.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** 5**BACKGROUND INFORMATION:**

Case #: SUP21-305

Applicant/

Owner: Heritage Society of New Braunfels
Justin Ball, Director
1370 Church Hill Drive
New Braunfels, TX 78130
(830) 625-0641 director@nbheritagesociety.org

Staff Contact: Matthew Simmont
(830) 221-4058 msimmont@nbtexas.org

City Council held a public hearing on September 27, 2021 and approved the first reading of the applicant's requested rezoning/SUP ordinance with recommended conditions (7-0).

The subject property is located northeast of the intersection of Church Hill Drive and Broadway. The approximately 9.4-acre tract is the site of Heritage Village and the Museum of Texas Handmade Furniture and contains 11 structures that serve the mission to preserve the history of New Braunfels.

The applicant is requesting a Special Use Permit (SUP) to allow short term rental (STR) of a residence (one-bedroom apartment) on the property that is located in a structure that also contains a barn and cabinet shop. The apartment has 1 bedroom and 1 bathroom. Per the Zoning Ordinance, maximum occupancy of an STR with 1 bedroom and 1 bathroom is limited to 4 occupants.

The minimum off-street parking requirement for this proposed STR is 1 space, or one per sleeping room. The existing gravel driveway and parking areas on the property can accommodate the required parking.

Short-term rental standards in the Zoning Ordinance help to ensure proper measures are in place to protect public health, safety and neighboring properties. If the SUP is approved, short-term rental registration and online payment of hotel occupancy taxes are also required.

Surrounding Zoning and Land Use:

North - R-2 / Single-family residences (Rhine Terrace subdivision)

South - C-1 and R-2 (Across Church Hill Dr.) / New Braunfels Conservation Society and Comal County offices and facilities

East - R-2 / Comal ISD education buildings

West - C-1 / Single family residences

ISSUE:

The proposed short-term rental is consistent with the following actions from Envision New Braunfels:

- *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.
- *Action 3.22:* Encourage venues within walking distance of neighborhoods and schools.
- *Action 3.35:* Support local non-profits whose mission includes Comprehensive Plan goals.

The property is situated in the Oak Creek Sub-Area, near an intersection of two Transitional Mixed-Use Corridors, is within Existing Employment, Market, Civic and Education Centers, and within a Future Employment Center.

FISCAL IMPACT:

If approved, short term rental of the property will be subject to local and state hotel occupancy tax.

RECOMMENDATION:

The Planning Commission held a public hearing on September 8, 2021 and recommended approval with a revised condition of approval that the occupancy be limited to a maximum of 2 guests (8-0) with Commissioner Gibson absent.

Staff recommends approval. Use of the existing dwelling on the property would provide additional options for heritage tourism in the city and would complement the overall mix of uses in this area. The location would allow easy access to main thoroughfares and visitor destinations without adding vehicular traffic to a residential neighborhood. Staff recommends approval in accordance with the Zoning Ordinance requirements for short term rentals that are intended to protect the surrounding residential neighborhood, plus the following conditions.

1. The heritage tourism character of the property must be maintained.
2. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
3. Occupancy is limited to a maximum of 2 guests.
4. The applicant will register the short-term rental and create an account for online payment of hotel occupancy taxes.
5. All other standards of the Zoning Ordinance will be met.

Mailed notification as required by state statute:

Public hearing notices were sent to owners of 28 properties within 200 feet of the request. The City has received one response (#5) in objection from an owner of property within the notification area.

Resource Links:

- Chapter 144, Section 3.3-7. “C-1” Local Business District of the City’s Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIIZODI_S144-

[3.4ZODIREPRZOSUJU221987>](#)

- Chapter 144, Section 3.6 (SUP) of the City's Code of Ordinances:

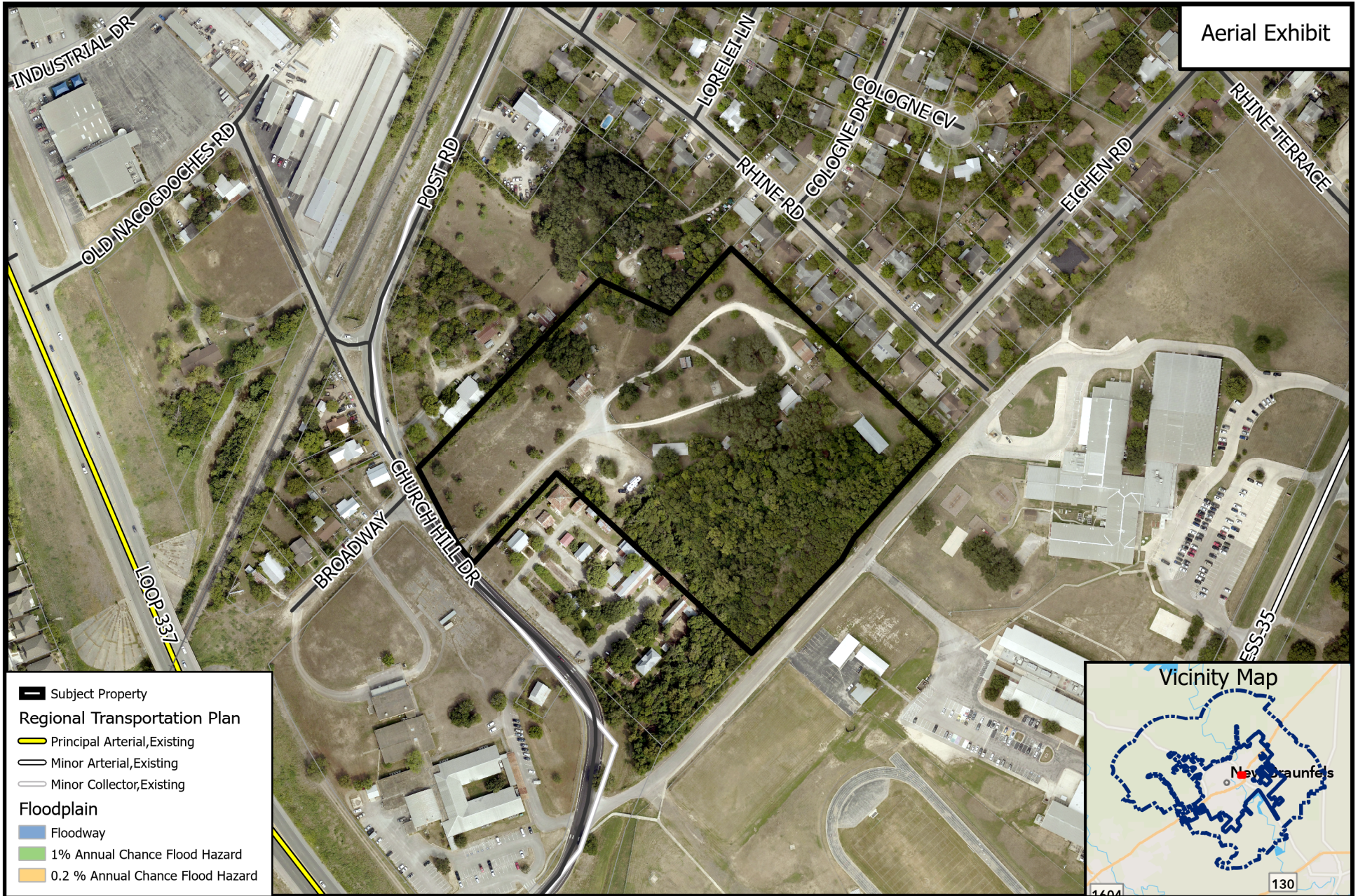
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIIZODI_S144-3.6SPUSPE

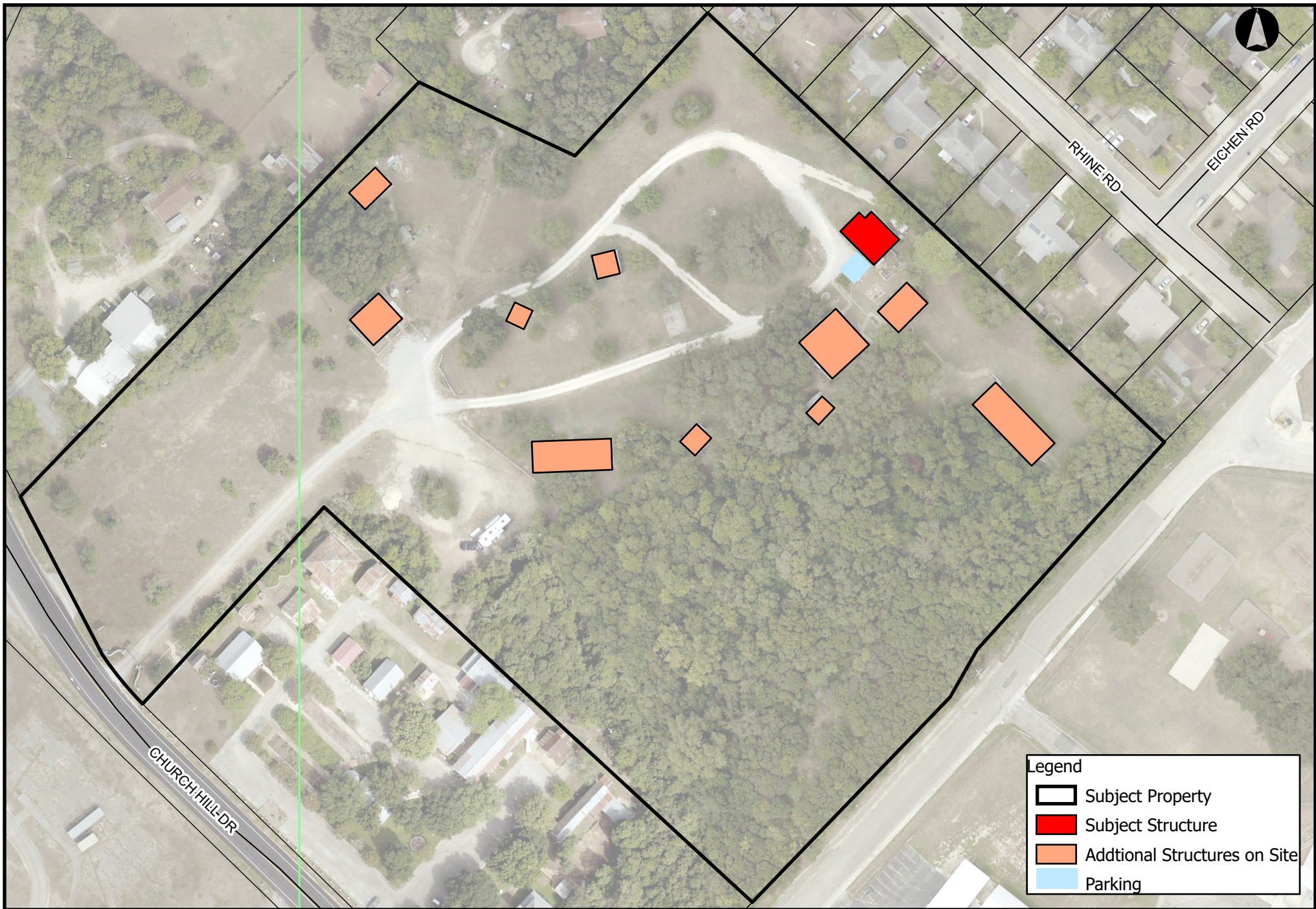
- Chapter 144, Section 5.17 Short term rental or occupancy of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTVDEST_S144-5.17SHTEREOC

Attachments:

1. Aerial Map
2. Site Plan - entire property
3. Site Plan - zoomed into subject structure
4. Floor Plan
5. Land Use Maps (Zoning, Existing Land Use, Short Term Rental Vicinity, Future Land Use Plan)
6. Notification List, Map and Responses
7. Draft Planning Commission Meeting Minutes
8. Ordinance

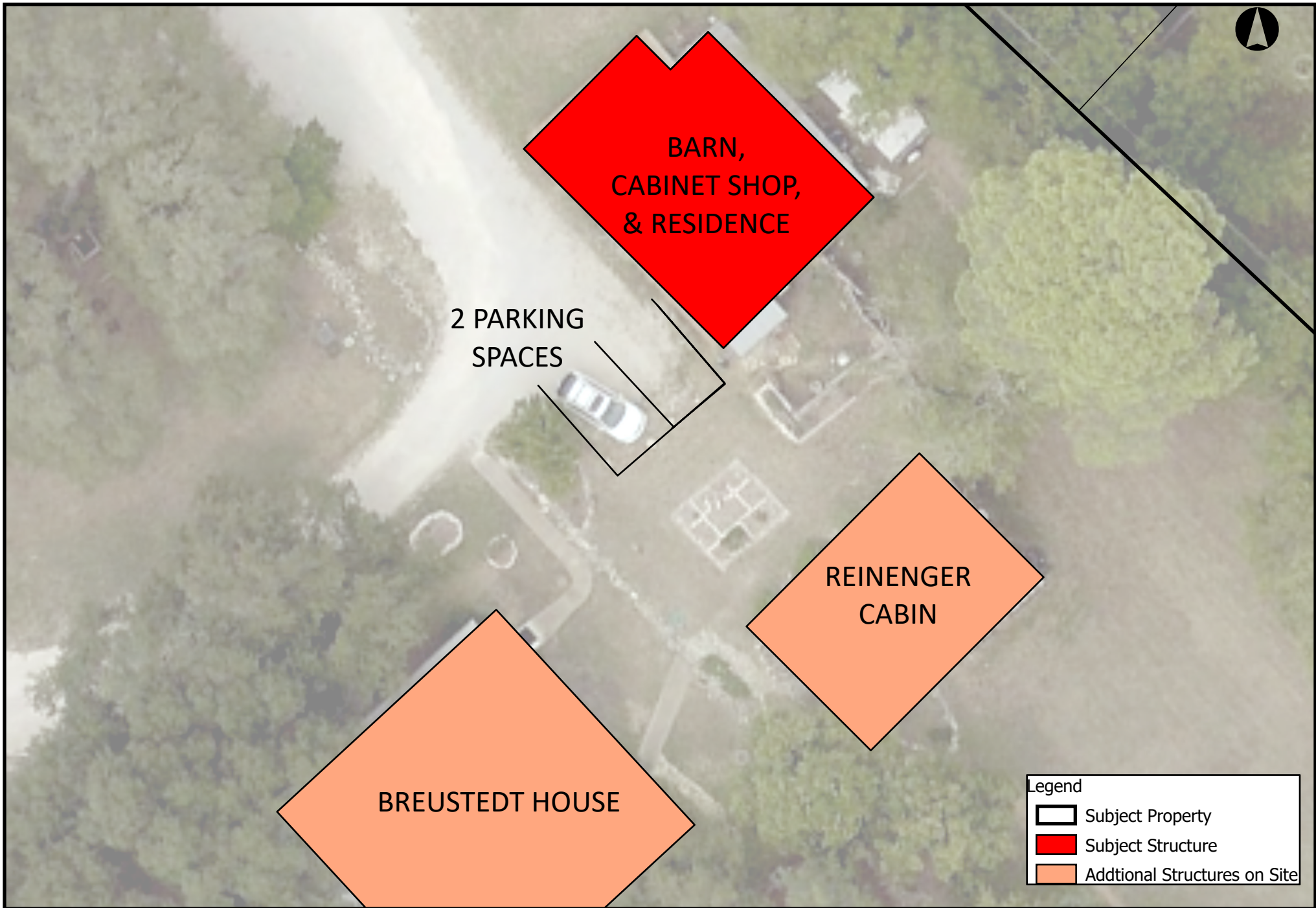




1370 Church Hill Drive Site Exhibit

Source: City of New Braunfels GIS
Date: 8/18/2021

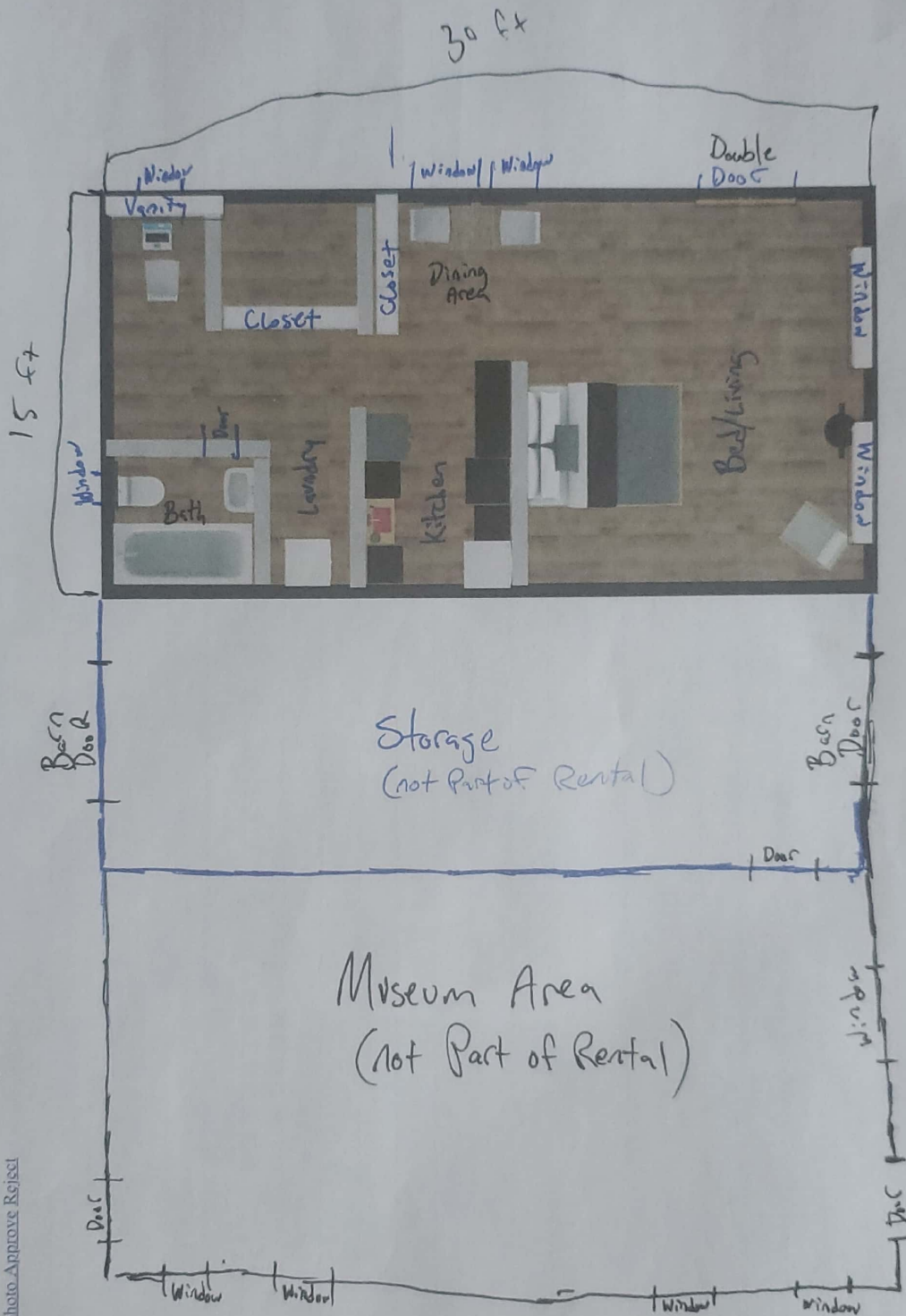
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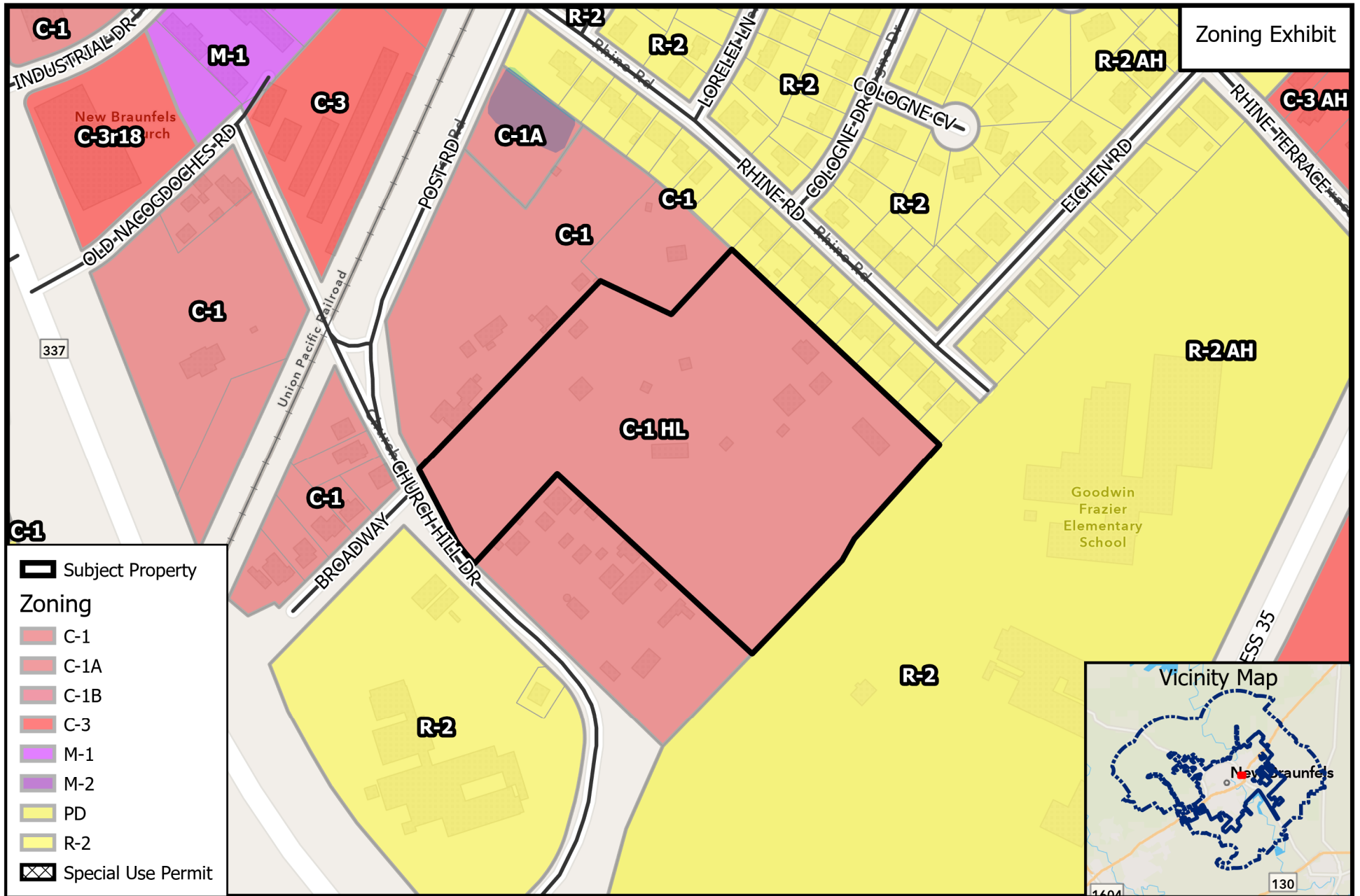


1370 Church Hill Drive
Site Exhibit

Query

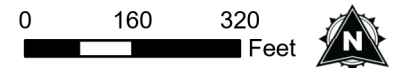
- air conditioner
- New My rooms Save Save as... Take a 3D photo
- Manual Tips from other users Watch tutorial videos Shortcuts Display overview tips
- Your 3D rooms Profile Newsfeed Log-out
- Take a 3D photo Approve Reject

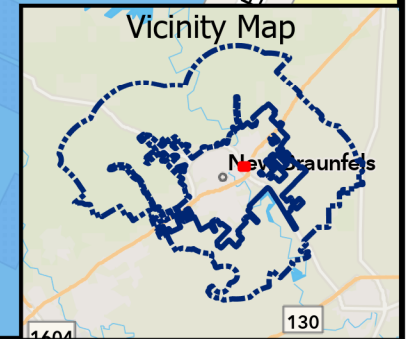
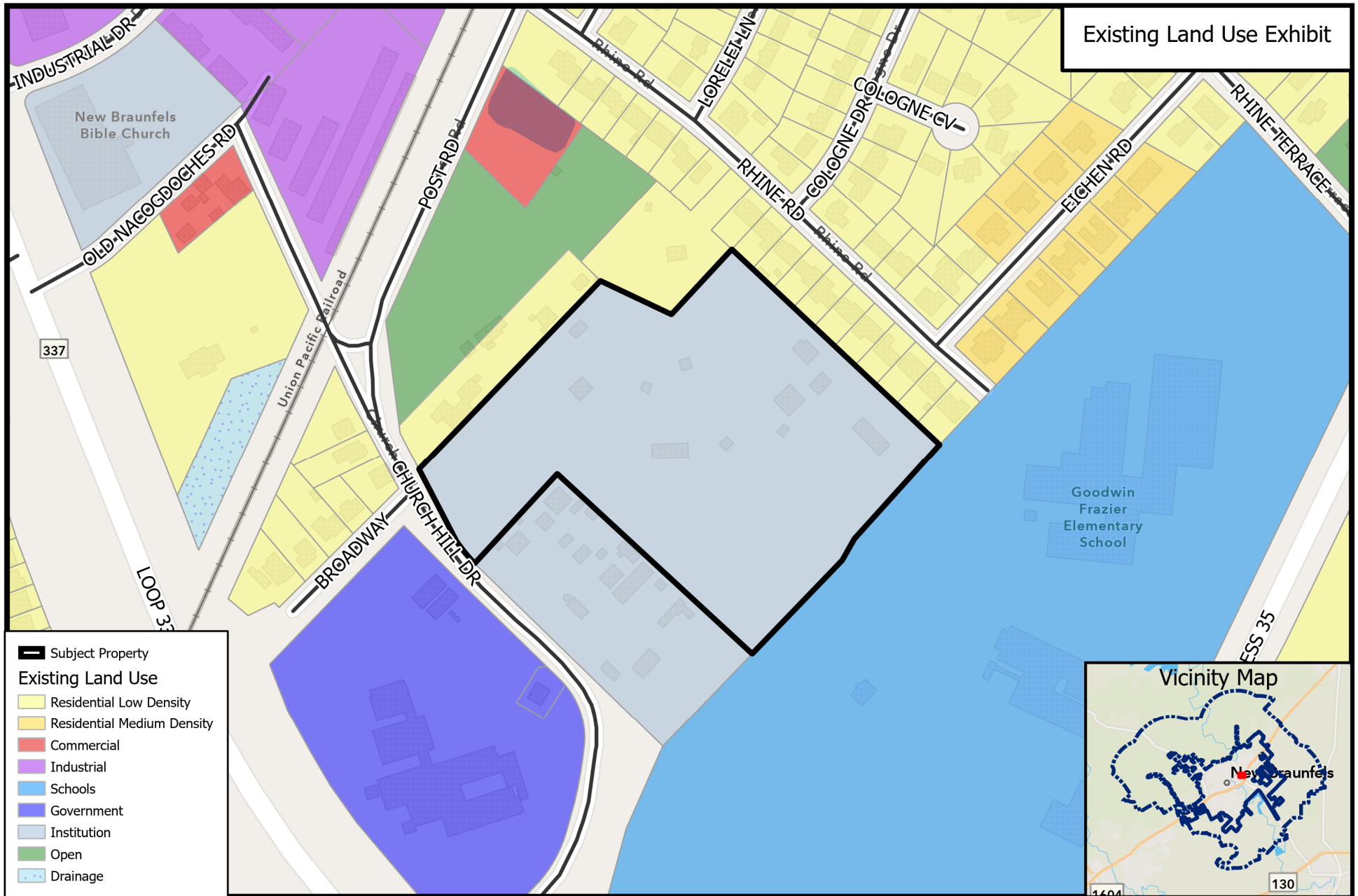




SUP21-305

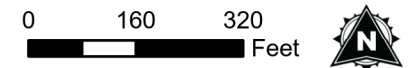
Special use permit for short term rental

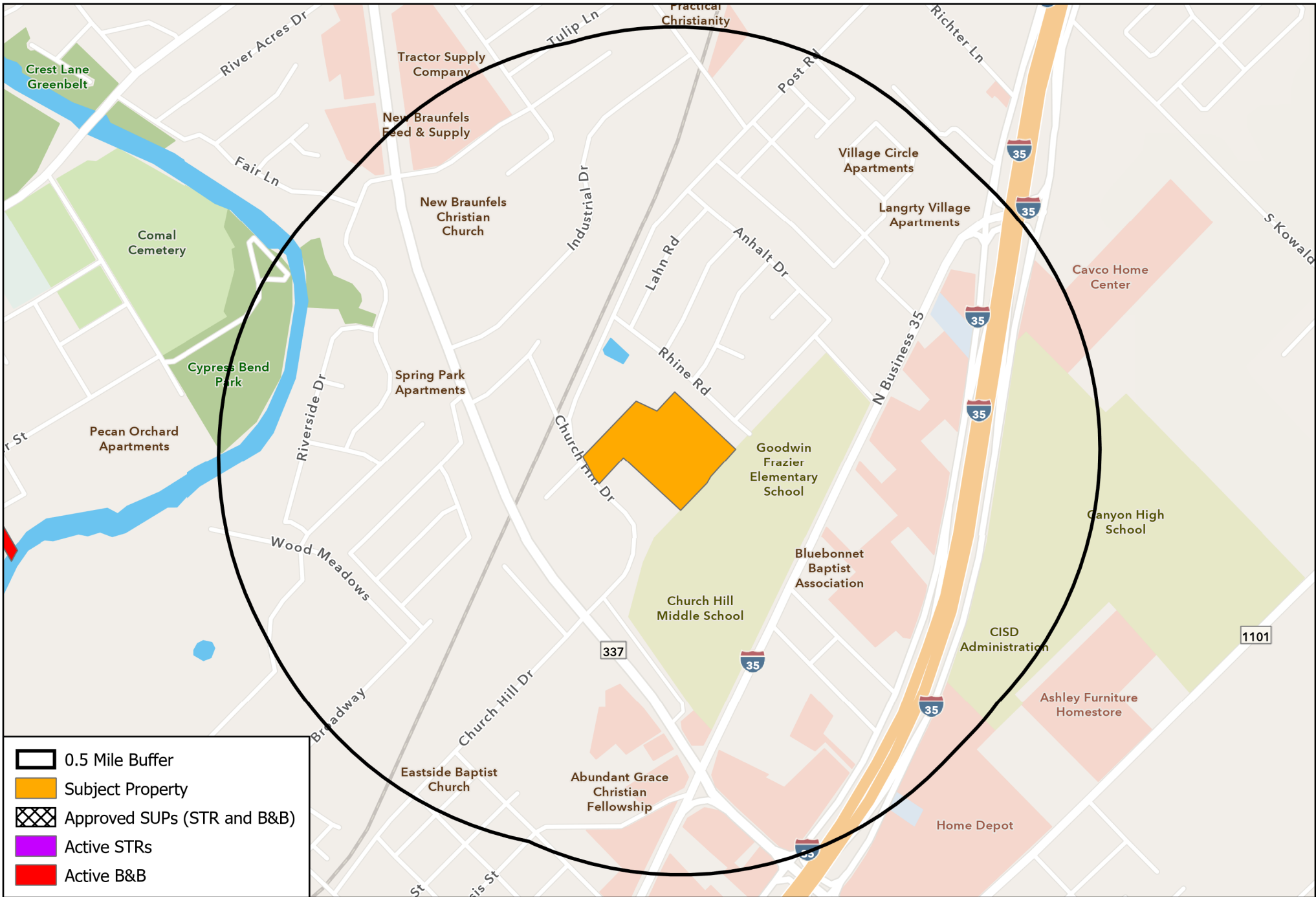




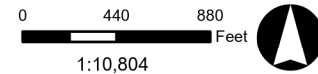
SUP21-305

Special use permit for short term rental





SUP21-305 1370 Churchhill Dr



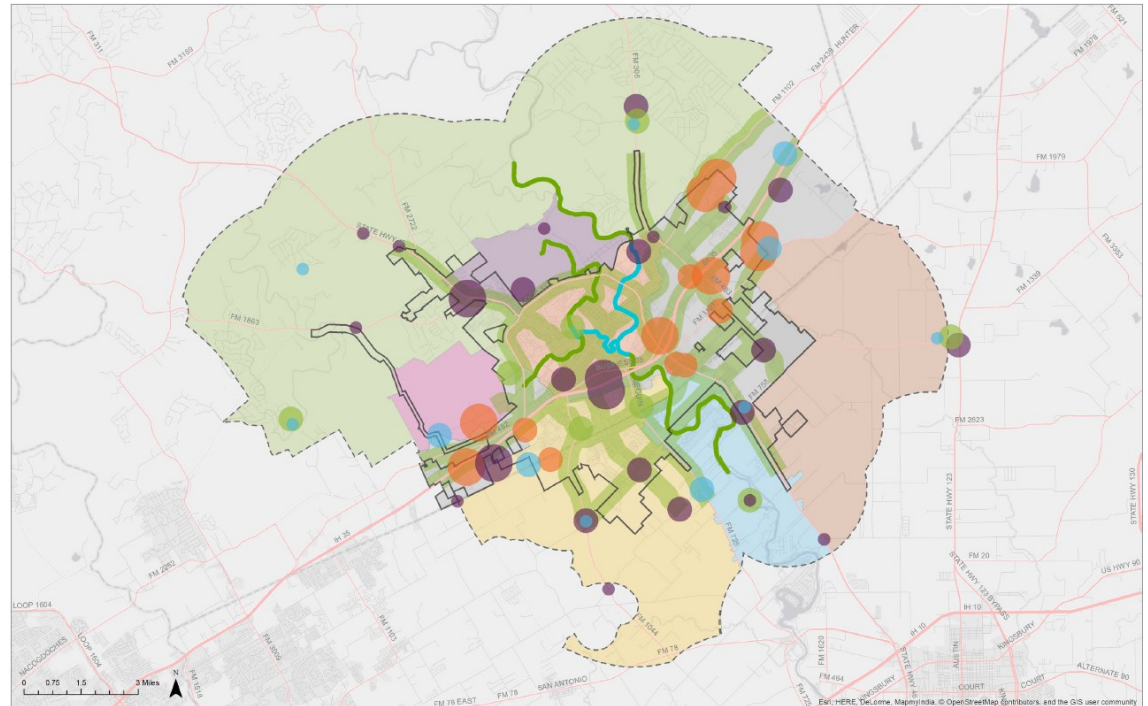


Envision New Braunfels

A SPECIAL PLACE BY DESIGN

- ◆ Located in the Oak Creek Sub-Area
- ◆ At the intersection of two Transitional Mixed-Use Corridors
- ◆ Within Existing Employment, Market, Civic and Education Centers
- ◆ Within a Future Employment Center

Future Land Use Map



- **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.
- **Action 3.22:** Encourage venues within walking distance of neighborhoods and schools.
- **Action 3.35:** Support local non-profits whose mission includes Comprehensive Plan goals.

PLANNING COMMISSION – SEPTEMBER 8, 2021 – 6:00PM

Zoom & City Hall Council Chambers

Applicant/Owner: Heritage Society of New Braunfels, owner (Justin Ball, Director)

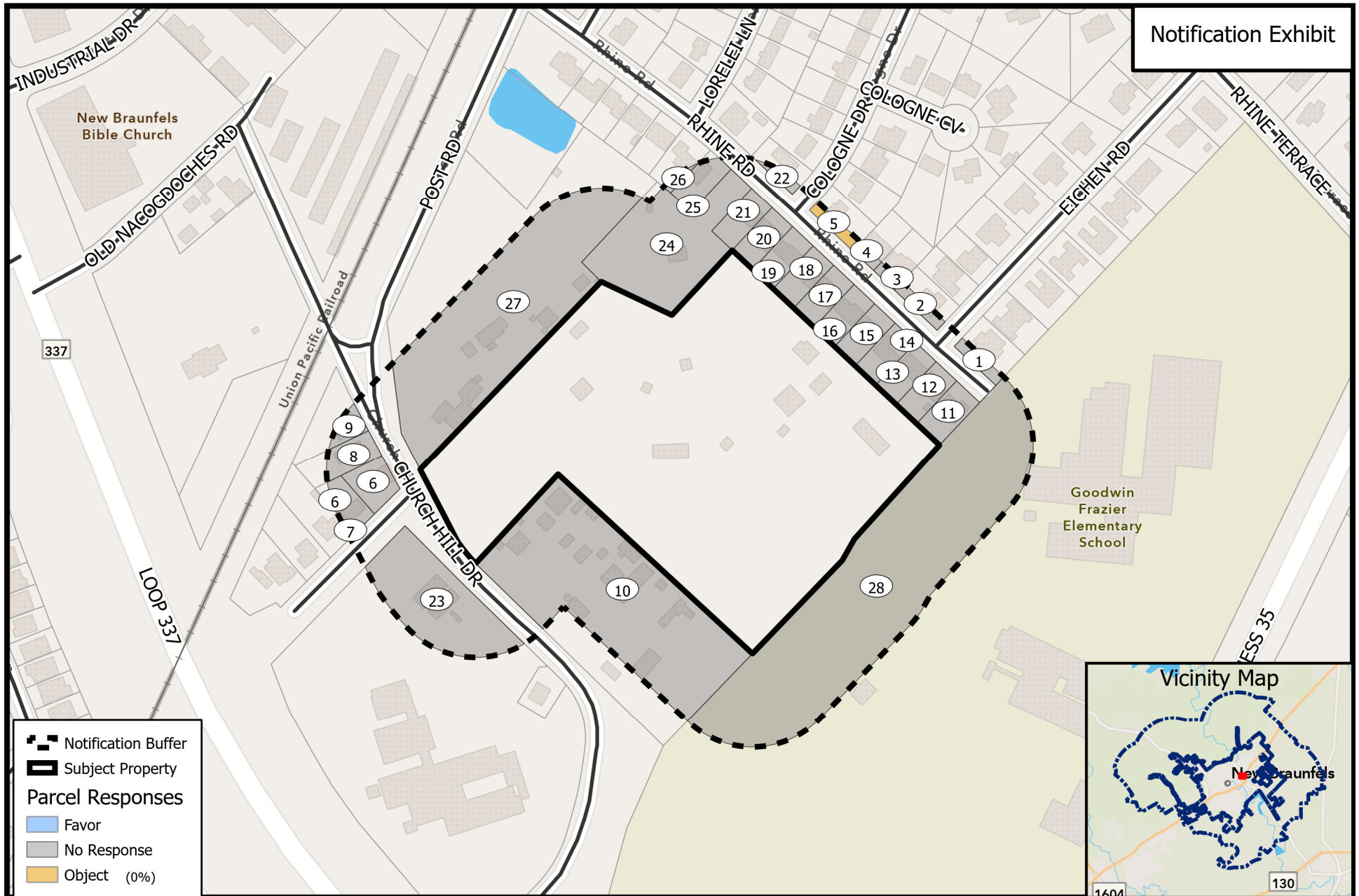
Address/Location: 1370 Church Hill Dr.

PROPOSED SPECIAL USE PERMIT – CASE #SUP21-305

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. PINKSTON ROBERT L & JAMIE L PINKSTON | 15. STORCH CHARLES L JR & KATRINA M |
| 2. MORALES JOE JR | 16. ARNOLDS BOYDEAN M |
| 3. STRACHE WALTER R JR & GABRIELE M | 17. LOPEZ JOSE RENE |
| 4. RODRIGUEZ ANTHONY J & RITA G | 18. ALBA DIANA |
| 5. CEJKA GARY W & REBECCA J | 19. SCHMIDTZINSKY HENRY F & DOROTHY L |
| 6. HERNANDEZ VICTORIA | 20. RAMOS ROBERTO & ALVES |
| 7. HEARD LUCIA A | 21. FLORES MAXIMILIANO L |
| 8. BALL ALINA P & JUSTIN L | 22. FLORES ORALIA M |
| 9. MORENO AGAPITO & SONIA A | 23. COMAL COUNTY OF |
| 10. N B CONSERVATION SOCIETY INC | 24. NAVARRO ANDRES III |
| 11. JOHNSON DIANNA LYNN | 25. LEAL MANUEL III |
| 12. SPICER NELDA RUTH | 26. KELLY MIREILLE G |
| 13. OVERSTREET GLORIA J | 27. KRAUSE STEVEN RAY |
| 14. SHAMROCK LIVING TRUST | 28. COMAL I S D |

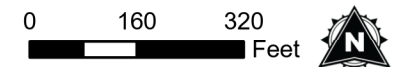
SEE MAP



- Notification Buffer
- Subject Property
- Parcel Responses**
- Favor
- No Response
- Object (0%)

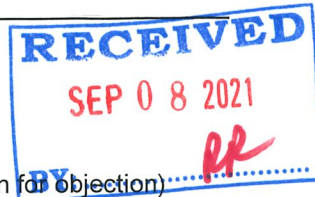
SUP21-305

Special use permit for short term rental



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

YOUR OPINION MATTERS - DETACH AND RETURN



Case: #SUP21-305 ms

Name: GARY CEJKA

Address: 1502 Cedar St

Property number on map: 5

I favor: _____

I object: ☒ (State reason for objection) _____

Comments: (Use additional sheets if necessary)

we do NOT need
additional rentals in the area.

Signature: Gary Cejka

#5

Draft Minutes for the September 8, 2021 Planning Commission Regular Meeting

H) SUP21-305 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the “C-1” Local Business District, addressed at 1370 Church Hill Drive. Applicant: Justin Ball, Heritage Society of New Braunfels; Case Manager: Matthew Simmont.

Mr. Simmont presented.

Vice Chair Laskowski asked for clarification on the bedroom on the site plan.

Discussion followed regarding the intent of defining bedrooms in the short term rental ordinance.

Chair Edwards asked for clarification on the square foot area of the building.

Mr. Simmont stated approximately 400 square feet.

Commissioner Sonier stated he believed the occupancy should be restricted to two occupants.

Commissioner Tubb asked for clarification on the age of occupants, as defined in the zoning code.

Mrs. Snell clarified an occupant is any person over the age of three years old.

Chair Edwards invited the applicant to speak.

No one spoke.

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

William Rogers, 16 La Mesa Drive, expressed concerns regarding fire-rating of the building and allowing dwelling in buildings similar to the subject structure.

Mrs. Snell clarified the apartment portion of the subject structure is existing.

Justin Ball, 1425 Church Hill drive, stated he was the applicant. Mr. Ball described the intent of the request and provided a brief history of the subject structure. Mr. Ball stated he would be willing to limit the maximum occupancy to two guests. Mr. Ball further described the intent of the request and his desire to promote sustainability of existing improvements on the property.

Commissioner Sonier asked for clarification on the existing electronic gate installed on the property.

Mr. Ball stated the guests would receive a remote to open the electronic gate and gain access to the property.

Chair Edwards closed the public hearing.

Discussion followed regarding the proposed occupancy.

Motion by Commissioner Sonier, seconded by Vice Chair Laskowski, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the “C-1” Local Business District, addressed at 1370 Church Hill Drive with staff recommendations and a condition of approval to limit the maximum occupancy to two occupants. Motion carried (8-0-0).

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-1” LOCAL BUSINESS DISTRICT, BEING 9.4 ACRES OF LAND, MORE OR LESS, OUT OF SUBDIVISION NO. 119, BLOCK 75, NEIGHBORSVILLE, ADDRESSED AT 1370 CHURCH HILL DRIVE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, the property is located in an area suitable for residential use and 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 1370 Church Hill Drive, to allow residential use and short term rental of a single-family dwelling in the “C-1” Local Business District; **now, therefore;**

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

SECTION 1

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

Being 9.4 acres of land, more or less, out of Subdivision No. 119, Block 75, Neighborsville, addressed at 1370 Church Hill Drive, as depicted in Exhibit “A” attached, to allow residential use and short term rental in the “C-1” Local Business District.

SECTION 2

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

1. The heritage tourism character of the property must be maintained.
2. 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.
3. Occupancy of the short term rental is limited to a maximum of two (2) guests.
4. The applicant will register the short term rental and create an account for online payment of hotel occupancy taxes.
5. All other standards of the Zoning Ordinance will be met.

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First reading this 27th day of September, 2021.

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

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

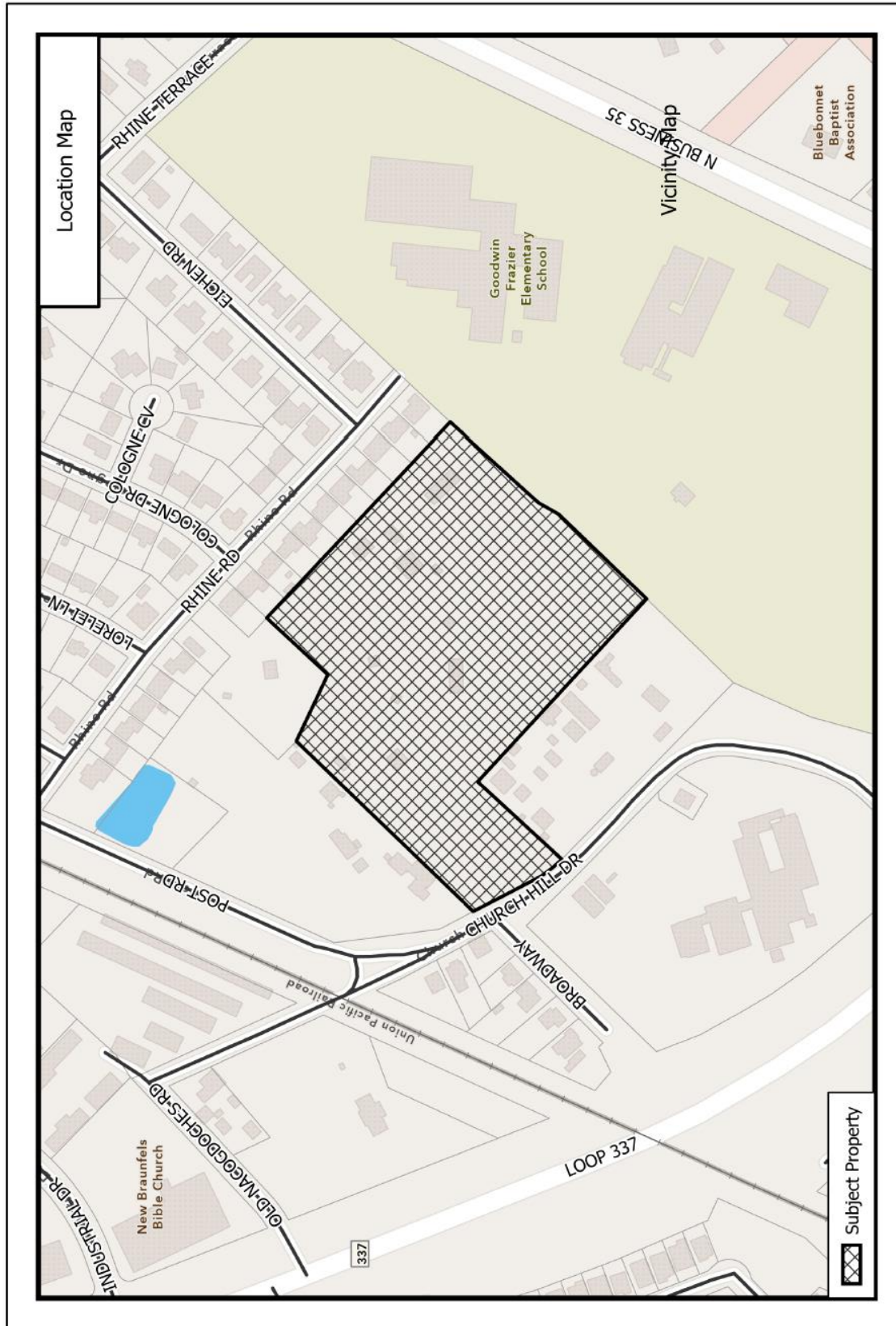
ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"



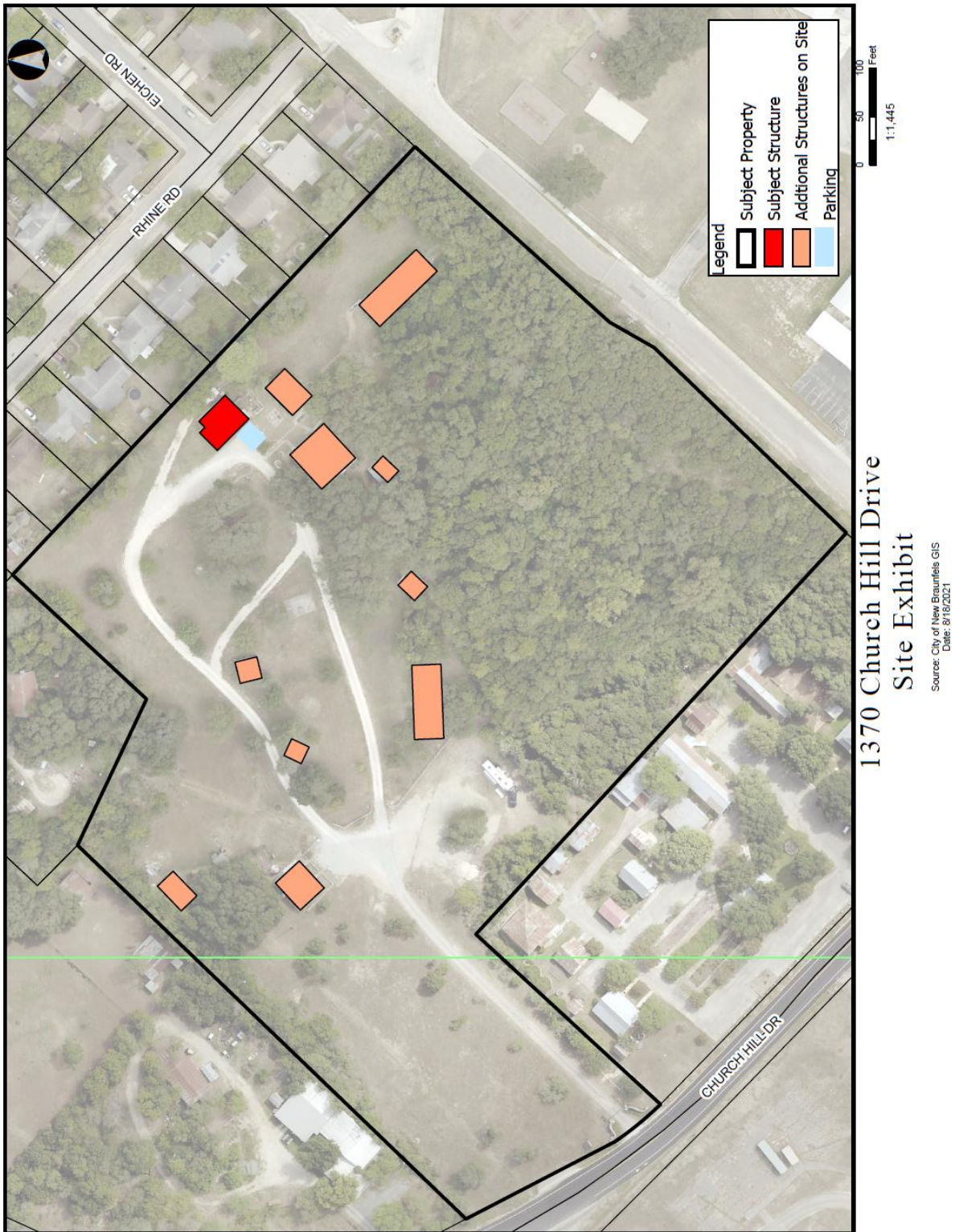
SUP21-305

Special use permit for short term rental

Path:
\\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2021\SUP21-305 - 1370 Church

Source: City of New Braunfels Planning
Date: 9/8/2021

EXHIBIT "B"



Site Plan

10/11/2021

Agenda Item No. F)

PRESENTER:

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

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 614 & 720 W. Zipp Road from "R-1A-6.6" Single Family District to the following zoning districts with additional conditions: "R-1A-6.6" Single-Family, "R-1A-4" Single-Family Small Lot, "C-1A" Neighborhood Business and "C-1B" General Business.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** 2**BACKGROUND INFORMATION:**

Case #: SUP21-269

Applicant: Land Consultants, Ltd. Co.
Caren Williams-Murch
5618 South Old Bastrop Highway
San Marcos, TX 78666
(512) 757-7006 caren@landconsultantsltd.com

Owner: SatCharan Holdings, LLC
Ravi Sahota
P.O. Box 592233
San Antonio, TX 78259
(830) 832-7284 ravisahota@gmail.com

Staff Contact: Matthew Simmont
(830) 221-4058 msimmont@nbtexas.org

City Council held a public hearing on September 27, 2021 and unanimously approved the first reading of the applicant's requested rezoning with the applicant's proposed additional conditions, summarized in the bullet points below (7-0-0).

- **Non-residential buildings in C-1A District limited to one story.**
- **No dumpsters allowed in front yard of C-1A District along residential street.**
- **Increased landscaping requirements for C-1A District along residential street.**

The approximately 50-acre tract is located south of the intersection of South Walnut Avenue and West Klein Road. The subject property is approximately 871 feet wide and extends southeast to West Zipp Road. A portion of the property is currently improved with two single-family residences with most of the property being undeveloped.

The applicant's proposed Type 2 Special Use Permit (SUP) would designate four zoning districts that allow for single-family residential and non-residential development on the property, subject to proposed development standards, conditions and site plan restrictions. The attached site plan indicates the proposed boundaries of each zoning district.

The applicant has indicated this request will bring together an assortment of compatible commercial and residential uses with the construction of the new arterial intersection of Walnut Avenue and Klein Road. The developer's plans include the extension of South Walnut Avenue, a Principal Arterial on the City's thoroughfare plan (up to 120 feet of right-of-way width), from Klein Road to Zipp Road.

Surrounding Zoning and Land Use:

North - Across W. Klein Rd., C-1B & APD / Single-family residence and undeveloped
South - Across W. Zipp Rd., Outside City Limits / Single family residences
East - APD / Single family residences
West - R-1A-6.6 / Ridgmont Subdivision - single family residences

ISSUE:

The subject property is currently zoned R-1A-6.6; a zoning district that is intended for development of primarily detached, single-family residences and accessory uses on lots of at least 6,600 square feet. The zoning districts that are included in the applicant's proposal would allow for a mix of uses to include the following:

- *R-1A-6.6* - single-family residences and accessory structures on lots of at least 6,600 square feet.
- *R-1A-4* - single family residences and accessory structures on lots of at least 4,000 square feet.
- *C-1A* - retail, office, and professional services to serve adjacent neighborhoods.
- *C-1B* - a broad range of retail, office and professional services located along or at the intersection of major collectors or thoroughfares.

The proposed rezoning is consistent with the following actions from Envision New Braunfels and the 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.
- *Action 3.22*: Encourage venues within walking distance of neighborhoods and schools.
- *Workforce Housing Study Recommendation*: 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.

The subject property is situated in the Walnut Springs Sub-Area, at an intersection of two Transitional Mixed-Use Corridors, is within an Existing Employment Center, near an Existing Education Center, and within a Future Market Center.

FISCAL IMPACT:

N/A

RECOMMENDATION:

The Planning Commission held a public hearing on September 8, 2021 and recommended approval with an additional condition that no second story porch, balcony or windows are permitted that would be adjacent to properties in the Ridgmont Subdivision (7-1) with Commissioner Tubb in opposition and Commissioner

Gibson absent.

Staff recommends approval as the applicant requests without the additional Planning Commission recommended condition. Restricting second story openings can lead to undesirable architectural urban design and would result in inequitable zoning standards in the area. Furthermore, this additional restriction may result in conflicts with building code requirements related to safe egress from second story rooms without varied second story articulation.

The applicant's intent with the identified zoning districts is to encourage mixed use while providing predictability with the type and variety of uses allowed and where. It will encourage an integrated mix of uses that are beneficial to the neighborhood and Existing Education and Employment Centers and will assist with buildout of the Future Market Center to serve the neighborhood. The proposed development standards and site plan help to ensure that the type and scale of development is appropriate with existing and future adjacent land uses, creating opportunities for walkable scale development which is consistent with current trends as well as Envision New Braunfels. In addition, the development standards will serve to increase pedestrian mobility and enhance the streetscape along the extension of Walnut Avenue.

Notification as required by state statute:

Public hearing notices were sent to owners of 50 properties within 200 feet of the request. The City has received three responses in favor (#1, 2 & 40) and three responses in objection (#20, 27 & 36) from owners of property within the notification area.

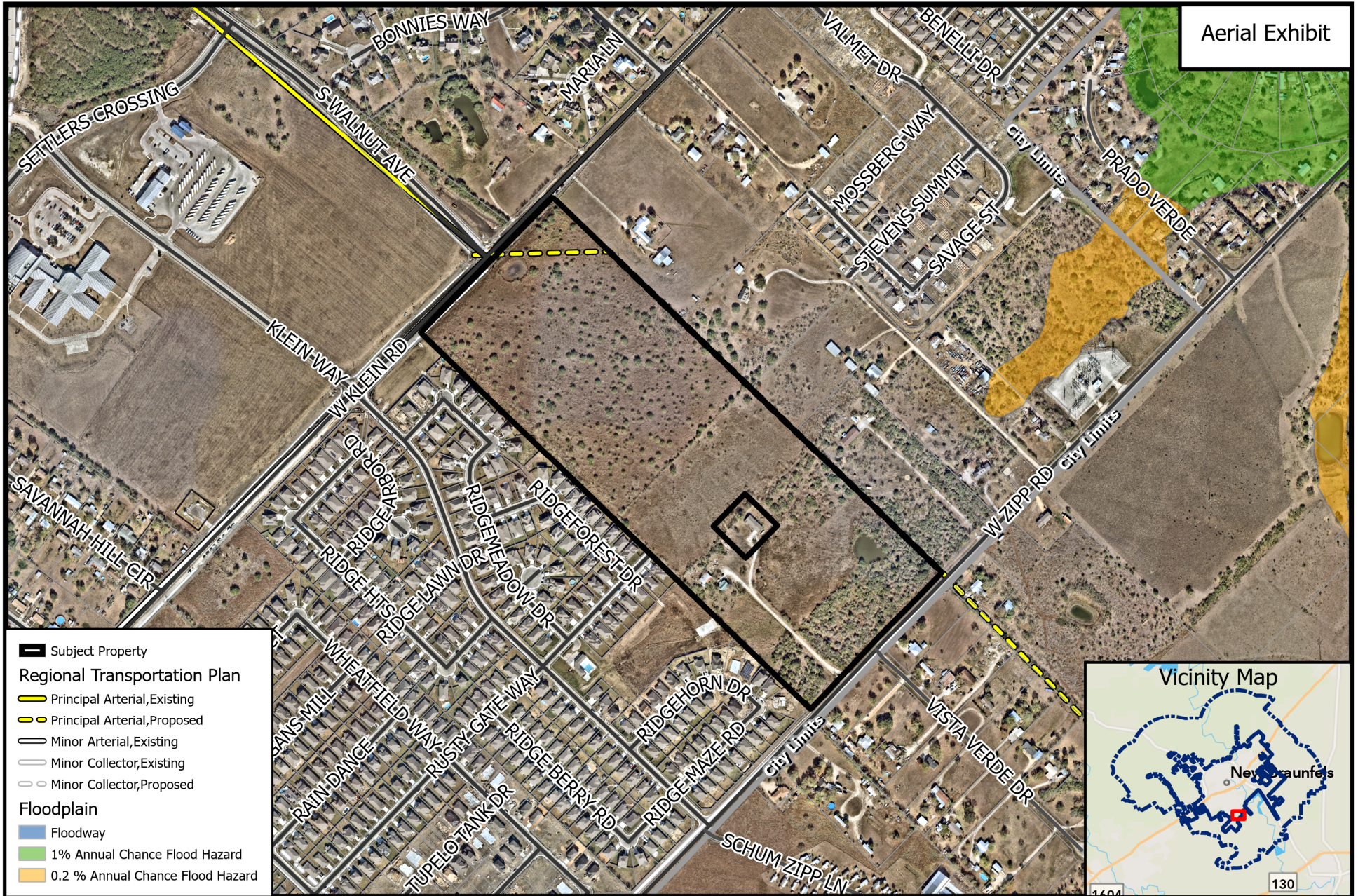
Resource Links:

- Chapter 144, Section 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?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987>
- Chapter 144, Section 3.4-2. "*R-1A-4*" *Single-Family Small Lot Residential District* of the City's Code of Ordinances:
<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987>
- Chapter 144, Section 3.4-12. "*C-1A*" *Neighborhood Business District* of the City's Code of Ordinances:
<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987>
- Chapter 144, Section 3.4-13. "*C-1B*" *General Business District* of the City's Code of Ordinances:
<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987>
- Chapter 144, Section 3.6 (SUP) of the City's Code of Ordinances:
<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.6SPUSPE>

Attachments:

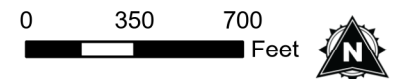
1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. District Comparison Chart
4. Proposed Site Plan and Development Standards

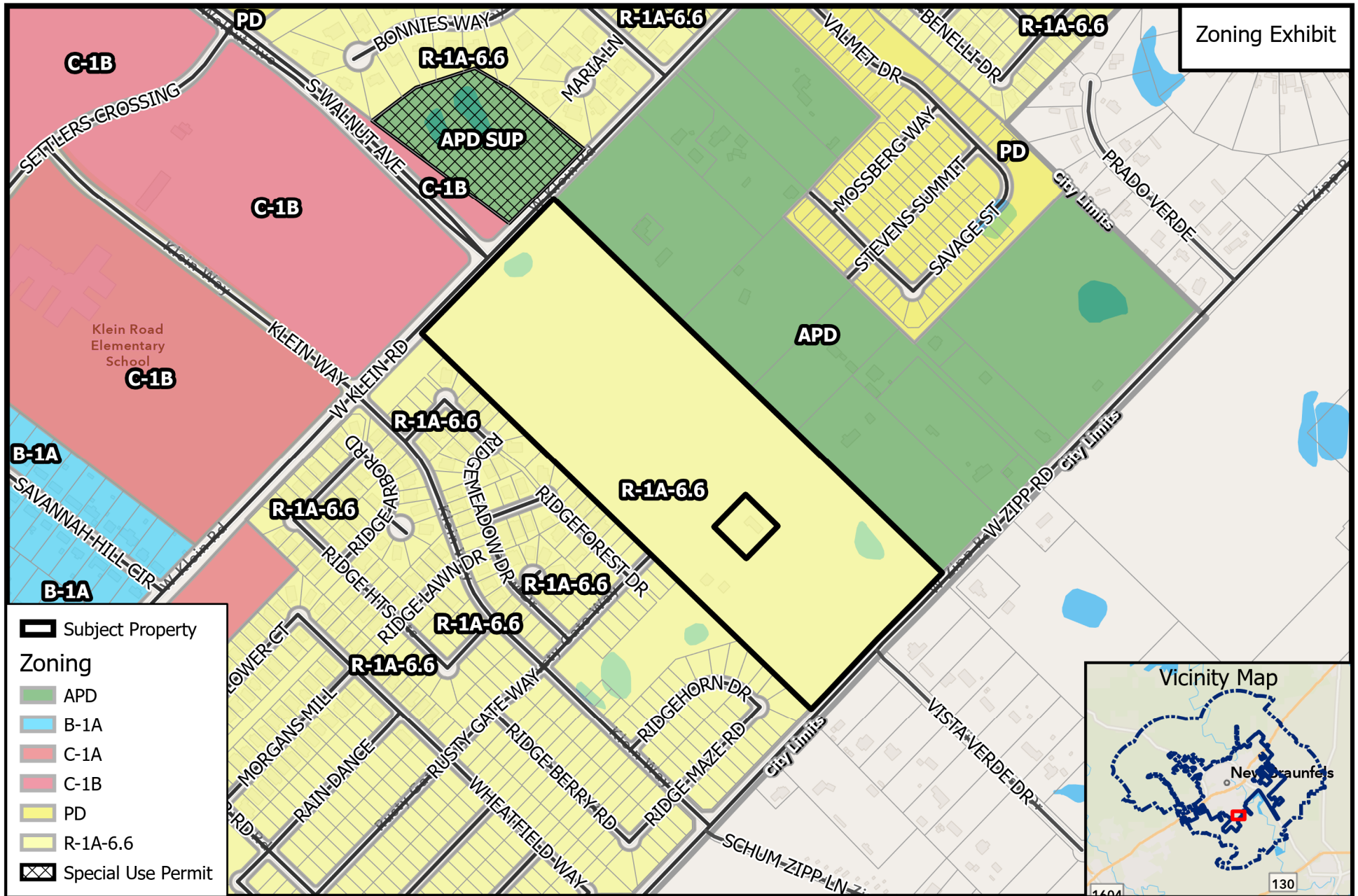
-
5. Traffic Impact Analysis (TIA) Worksheet
 6. Notification List, Map and Responses
 7. Draft Planning Commission Meeting Minutes
 8. Ordinance



SUP21-269

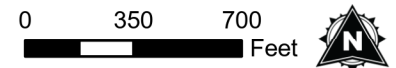
SUP request to include multiple districts





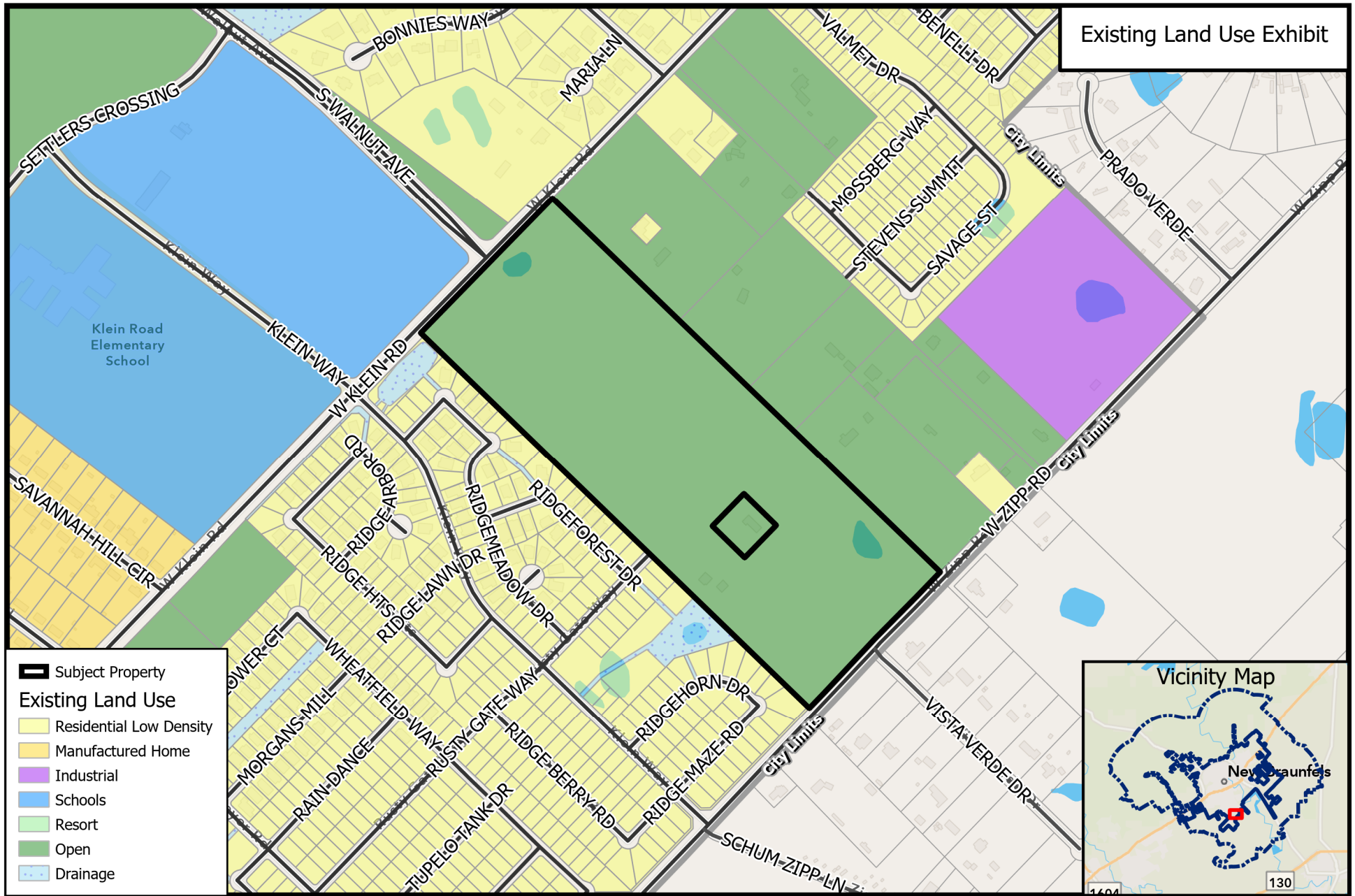
SUP21-269

SUP request to include multiple districts



Source: City of New Braunfels Planning
Date: 8/19/2021

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



SUP21-269

SUP request to include multiple districts

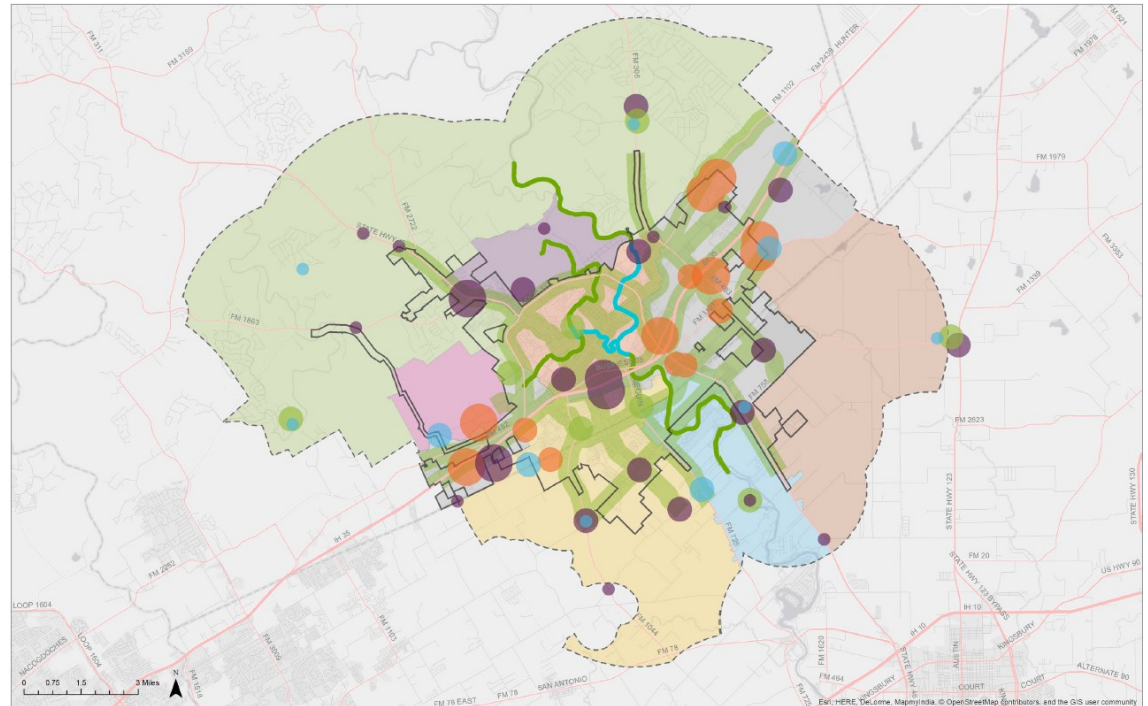


Envision
New Braunfels

A SPECIAL PLACE BY DESIGN

- ◆ Located in the Walnut Springs Sub-Area
- ◆ At the intersection of two Transitional Mixed-Use Corridors
- ◆ Within Existing Employment Center
- ◆ Near Existing Education Center
- ◆ Within a Future Market Center

Future Land Use Map



- **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.
- **Action 3.22:** Encourage venues within walking distance of neighborhoods and schools.
- **Workforce Housing Study Recommendation:** 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.

P = Permitted Use	Existing	Proposed	Proposed	Proposed
	R-1A-6.6	R-1A-4	C-1A	C-1B
Accessory building/structure (see section 144-5.4)	P	P	P	P
Accessory dwelling (one accessory dwelling per lot, no kitchen)	P	P		
Accounting, auditing, bookkeeping, and tax preparations			P	P
Adult day care (no overnight stay)			P	P
Adult day care (with overnight stay)			P	P
Ambulance service (private)				P
Amusement devices/arcade (four or more devices)			P	P
Amusement services or venues (indoors) (see section 144-5.13)				P
Amusement services or venues (outdoors)				P
Animal grooming shop			P	P
Answering and message services			P	P
Antique shop			P	P
Appliance repair			P	P
Armed services recruiting center			P	P
Art dealer/gallery			P	P
Artist or artisans studio			P	P
Assembly/exhibition hall or areas				P
Assisted living facility/retirement home			P	P
Auction sales (non-vehicle)				P
Auto leasing			P	P
Auto repair as an accessory use to retail sales				P
Auto supply store for new and factory rebuilt parts			P	P
Auto tire repair/sales (indoor)			P	P
Automobile driving school (including defensive driving)				P
Bakery (retail)			P	P
Bank, savings and loan, or credit union			P	P
Bar/tavern (no outdoor music)			P	P
Bar/tavern				P
Barber/beauty college (barber or cosmetology school or college)				P
Barber/beauty shop, haircutting (non-college)			P	P
Barns and farm equipment storage (related to agricultural uses)	P	P	P	P
Battery charging station			P	P
Bed and breakfast inn (see section 144-5.6)			P	P
Bicycle sales and/or repair			P	P
Billiard/pool facility				P
Bingo facility			P	P
Bio-medical facilities				P
Book binding			P	P
Book store			P	P
Broadcast station (with tower) (see section 144-5.7)				P
Cafeteria/cafe/delicatessen			P	P
Campers' supplies			P	P
Car wash (self-service; automated)				P
Car wash, full service (detail shop)				P
Carpenter, cabinet, or pattern shops				P
Carpet cleaning establishments				P
Caterer			P	P





P = Permitted Use	Existing	Proposed	Proposed	Proposed
	R-1A-6.6	R-1A-4	C-1A	C-1B
Cemetery and/or mausoleum			P	P
Check cashing service			P	P
Child day care/children's nursery (business)			P	P
Church/place of religious assembly	P	P	P	P
Civic/conference center and facilities				P
Cleaning, pressing and dyeing (non-explosive fluids used)			P	P
Clinic (dental)			P	P
Clinic (emergency care)			P	P
Clinic (medical)			P	P
Club (private)				P
Coffee shop			P	P
Communication equipment—Installation and/or repair			P	P
Community building (associated with residential uses)	P	P		
Community home (see definition)	P	P	P	P
Computer and electronic sales			P	P
Computer repair			P	P
Confectionery store (retail)			P	P
Consignment shop			P	P
Contractor's temporary on-site construction office	P	P	P	P
Convenience store with gas sales				P
Convenience store without gas sales			P	P
Country club (private)				P
Credit agency			P	P
Curio shops			P	P
Custom work shops			P	P
Day camp				P
Department store			P	P
Drapery shop/blind shop			P	P
Drug store/pharmacy			P	P
Electrical repair shop			P	P
Electrical substation			P	P
Exterminator service				P
Family home adult care	P	P		
Family home child care	P	P		
Farmers market (produce market—wholesale)				P
Farms, general (crops) (see chapter 6 and section 144-5.9)	P	P	P	P
Farms, general (livestock/ranch) (see chapter 6 and section 144-5.9)	P	P	P	P
Feed and grain store				P
Filling station (gasoline tanks must be below the ground)				P
Florist			P	P
Food or grocery store with gasoline sales				P
Food or grocery store without gasoline sales			P	P
Fraternal organization/civic club (private club)				P
Frozen food storage for individual or family use			P	P
Funeral home/mortuary				P
Furniture sales (indoor)				P
Garden shops and greenhouses			P	P

P = Permitted Use	Existing	Proposed	Proposed	Proposed
	R-1A-6.6	R-1A-4	C-1A	C-1B
Golf course (public or private)	P	P	P	P
Golf course (miniature)				P
Government building or use with no outside storage (outside storage allowed in M-2 and M-2A)	P	P	P	P
Greenhouse (commercial)			P	P
Handicraft shop			P	P
Hardware store			P	P
Health club (physical fitness; indoors only)			P	P
Heating and air-conditioning sales/services			P	
Home occupation (see section 144-5.5)	P	P		
Hospice			P	P
Hospital, general (acute care/chronic care)				P
Hospital, rehabilitation			P	P
Hotel/motel				P
Hotels/motels—Extended stay (residence hotels)				P
Ice delivery stations (for storage and sale of ice at retail only)				P
Kiosk (providing a retail service)			P	P
Laundromat and laundry pickup stations			P	P
Laundry, commercial (without self-serve)				P
Laundry/dry cleaning (drop off/pick up)			P	P
Laundry/washateria (self-serve)			P	P
Lawnmower sales and/or repair			P	P
Limousine/taxi service				P
Locksmith			P	P
Maintenance/janitorial service				P
Major appliance sales (indoor)				P
Martial arts school			P	P
Medical supplies and equipment				P
Micro brewery (onsite mfg. and/or sales)				P
Mini-warehouse/self-storage units (no boat and RV storage permitted)				P
Mini-warehouse/self-storage units with outside boat and RV storage				P
Motion picture studio, commercial film				P
Motion picture theater (indoors)				P
Motion picture theater (outdoors, drive-in)				P
Moving storage company				P
Museum			P	P
Needlework shop			P	P
Nursing/convalescent home/sanitarium			P	P
Offices, brokerage services			P	P
Offices, business or professional			P	P
Offices, computer programming and data processing			P	P
Offices, consulting			P	P
Offices, engineering, architecture, surveying or similar			P	P
Offices, health services			P	P
Offices, insurance agency			P	P
Offices, legal services, including court reporting			P	P
Offices, medical offices			P	P

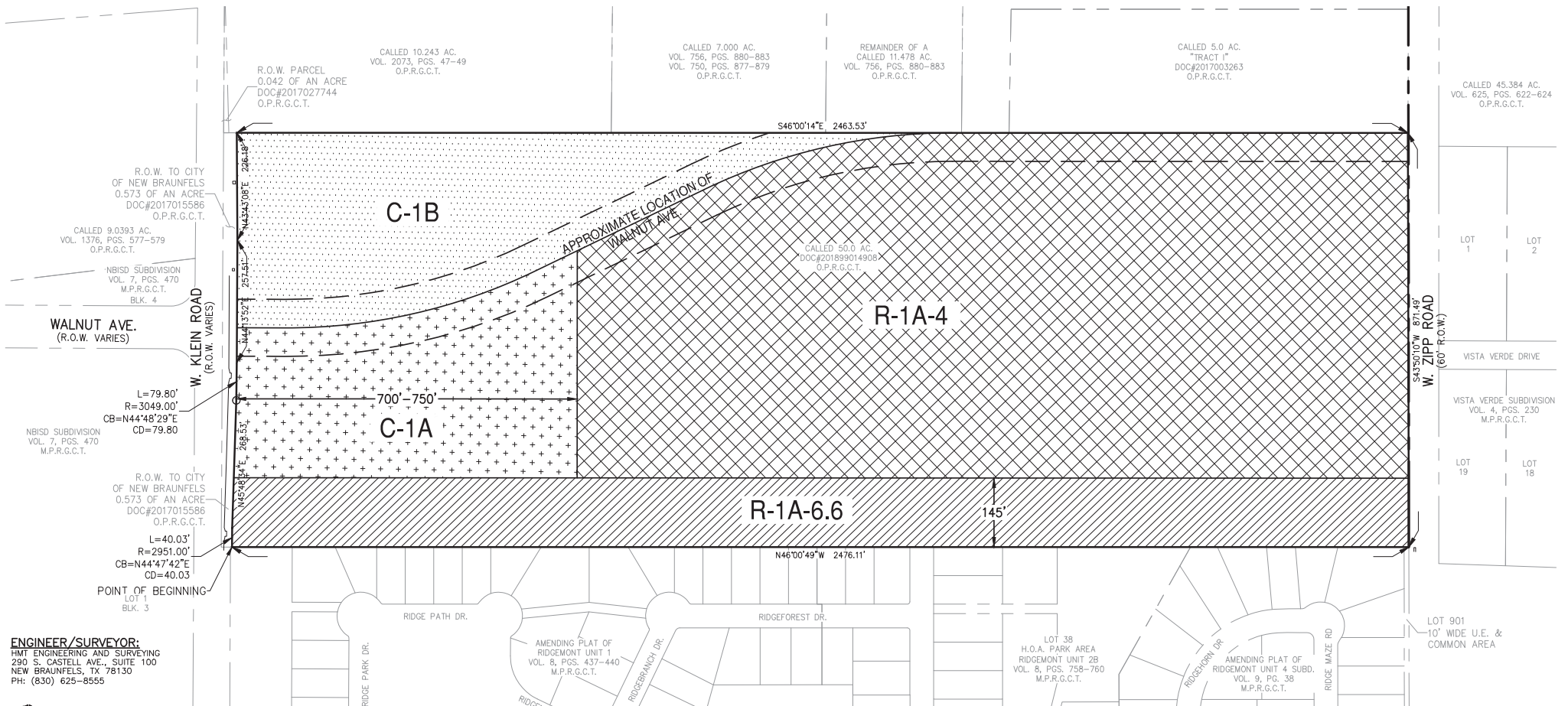
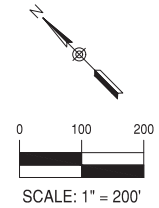
P = Permitted Use	Existing	Proposed	Proposed	Proposed
	R-1A-6.6	R-1A-4	C-1A	C-1B
Offices, real estate			P	P
Offices, security/commodity brokers, dealers, exchanges and financial services			P	P
One-family dwelling, detached	P	P		
Park and/or playground (private and public)	P	P	P	P
Parking lots (for passenger car only) (not as incidental to the main use)			P	P
Parking structure/public garage			P	P
Pawn shop			P	P
Personal watercraft sales (primarily new/repair)				P
Pet shop/supplies (less than 10,000 sq. ft.)			P	P
Pet store (over 10,000 sq. ft.)				P
Photographic printing/duplicating/copy shop or printing shop			P	P
Photographic studio (no sale of cameras or supplies)			P	P
Photographic supply			P	P
Plant nursery (no retail sales on site)			P	P
Plant nursery (retail sales/outdoor storage)			P	P
Plumbing shop				P
Portable building sales				P
Public recreation/services building for public park/playground areas	P	P	P	P
Publishing/printing company (e.g., newspaper)				P
Quick lube/oil change/minor inspection			P	P
Radio/television shop, electronics, computer repair			P	P
Recreation buildings (private)			P	P
Recreation buildings (public)	P	P	P	P
Recycling kiosk			P	P
Refreshment/beverage stand			P	P
Research lab (non-hazardous)				P
Restaurant/prepared food sales			P	P
Restaurant with drive-through service			P	P
Retail store and shopping center without drive-through service (50,000 sq. ft. bldg. or less)			P	P
Retail store and shopping center with drive-through service (50,000 sq. ft. bldg. or less)			P	P
Retail store and shopping center (more than 50,000 sq. ft. bldg.)				P
Retirement home/home for the aged			P	P
RV/travel trailer sales				P
School, K-12 public or private	P	P	P	P
School, vocational (business/commercial trade)			P	P
Security monitoring company (no outside storage or installation)			P	P
Security systems installation company			P	P
Shoe repair shops			P	P
Shooting gallery—Indoor (see section 144-5.13)				P
Shopping center			P	P
Single-family industrialized home (see section 144-5.8)	P	P		
Specialty shops in support of project guests and tourists			P	P
Studio for radio or television, without tower (see zoning district for tower authorization)				P
Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)			P	P

P = Permitted Use	Existing	Proposed	Proposed	Proposed
	R-1A-6.6	R-1A-4	C-1A	C-1B
Tailor shop (see home occupation)			P	P
Tattoo or body piercing studio				P
Taxidermist				P
Telemarketing agency			P	P
Telephone exchange buildings (office only)			P	P
Tennis court (commercial)				P
Theater (non-motion picture; live drama)			P	P
Tool rental			P	P
Travel agency			P	P
University or college (public or private)			P	P
Upholstery shop (non-auto)				P
Vacuum cleaner sales and repair			P	P
Vehicle storage facility				P
Veterinary hospital (no outside animal runs or kennels)			P	P
Video rental/sales			P	P
Waterfront amusement facilities—Swimming/wading pools/bathhouses				P
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system	P	P	P	P
Woodworking shop (ornamental)			P	P

LEGEND

-  = "R-1A-6.6" SINGLE FAMILY DISTRICT
-  = "R-A1-4" SINGLE FAMILY DISTRICT
-  = "C-1A" NEIGHBORHOOD BUSINESS DISTRICT
-  = "C-1B" GENERAL BUSINESS DISTRICT

TYPE 2 SUP SITE PLAN



ENGINEER/SURVEYOR:
HMT ENGINEERING AND SURVEYING
290 S. CASTELL AVE., SUITE 100
NEW BRAUNFELS, TX 78130
PH: (830) 625-8555

HMT ENGINEERING & SURVEYING
290 S. CASTELL AVE., STE. 100
NEW BRAUNFELS, TX 78130
TBPE FIRM F-10961
TBPLS FIRM 10153600

Special Use Permit Conditions / Development Standards

1. A sidewalk that is at least 10 feet in width and separated from the roadway curb by a landscaping area of at least 7 feet in width (furnishing zone) is required along the south side of Walnut Avenue.
2. Street trees (1, minimum 3-inch diameter tree, for every 40 feet of roadway frontage) are required to be planted in the furnishing zone. If street trees are not permitted within the furnishing zone due to utility easement restrictions, they must be planted no more than 10 feet from the edge of the required sidewalk. The street trees requirement fulfills the landscaping requirements under Section 144-5.3-1(b)(7)(i)(2), City of New Braunfels Code of Ordinances – *Street Frontage Trees and Shrubs*.
3. During the design phase of the extension of Walnut Avenue, if it is determined that the developer is to install landscaped medians, the medians will include code- and city spec-compliant irrigation for the City's long-term maintenance.
4. Non-residential buildings in the "C-1A" Neighborhood Business District will be limited to 1 story or a maximum height of 35 feet.
5. In no case shall a dumpster or dumpster enclosure be placed between the front façade of a building and any street between the "R-1A-6.6" Single Family and "C-1A" Neighborhood Business Districts.
6. For non-residential uses adjacent to any street between the "R-1A-6.6" Single-Family and "C-1A" Neighborhood Business Districts, the following requirements will apply:
 - a. *Street frontage landscape buffer area*. A minimum seven(7)-foot wide landscape buffer adjacent to the right-of-way is required.
 - b. *Street frontage fence*. A fence with concrete posts that is at least 50 percent open and no taller than 54 inches will be installed within or adjacent to the landscape buffer, subject to sight distance standards.
 - c. *Street frontage shade trees*. A minimum of one, minimum one and one-half inch diameter tree, shall be installed for every 40 feet (or portion thereof) of street frontage using trees from the approved plant list (Appendix A). Shade trees must be used, unless near utility lines where ornamental trees must be used, as required in Section 144-5.3-1(b)(6)ii.
 - d. *Street frontage understory trees*. A minimum of one ornamental tree shall be installed for every 160 feet (or portion thereof) of street frontage using trees from the approved plant list (Appendix A).
 - e. *Street frontage shrubs*. A minimum of eight (8), five-gallon or three-foot tall shrubs shall be planted for every 40 feet (or portion thereof) of street frontage.
 - f. The above requirements (a-e) fulfill the landscaping requirements under Section 144-5.3-1(b)(7)(i)(1) & (2), City of New Braunfels Code of Ordinances – Street frontage landscape buffer area and Street frontage trees and shrubs.
7. All other zoning standards and requirements in Chapter 144, City of New Braunfels Code of Ordinances shall apply independently to each base zoning district as identified on the Type 2 Site Plan.
8. The following list of uses are allowed on the portion of the property designated "C-1B" General Business District (non-preferred uses have been removed from the base zoning district):

Residential uses:

Accessory building /structure.
Assisted living facility/retirement home.
Bed and breakfast inn (see section 144-5.6).
Community home (see definition).
Hospice.

Non-residential uses:

Accounting, auditing, bookkeeping, and tax preparations.
Adult day care (no overnight stay).
Adult day care (with overnight stay).

Ambulance service (private).

Amusement devices/arcade (four or more devices).

Amusement services or venues (indoors).

Amusement services or venues (outdoors).

Animal grooming shop.

Answering and message services.

Antique shop.

Appliance repair.

Armed services recruiting center.

Art dealer/gallery.

Artist or artisan's studio.
 Assembly/exhibition hall or areas.
 Auction sales (non-vehicle).
 Auto leasing.
 Auto supply store for new and factory rebuilt parts.
 Auto tire repair/sales (indoor).
 Automobile driving school (including defensive driving).
 Bakery (retail).
 Bank, savings and loan, or credit.
 Bar/tavern.
 Barber/beauty college (barber or cosmetology school or college).
 Barns and farm equipment storage (related to agricultural uses).
 Battery charging station.
 Bicycle sales and/or repair.
 Billiard/pool facility.
 Bingo facility.
 Bio-medical facilities.
 Book binding.
 Book store.
 Broadcast station (with tower) see section 144-5.7).
 Cafeteria/café/delicatessen.
 Campers' supplies.
 Car wash (self service; automated).
 Car wash, full service (detail shop).
 Carpenter, cabinet, or pattern shops.
 Carpet cleaning establishments.
 Caterer.
 Cemetery and/or mausoleum.
 Check cashing service.
 Child day care/children's nursery (business).
 Church/place of religious assembly.
 Civic/conference center and facilities.
 Cleaning, pressing and dyeing (non-explosive fluids used).
 Clinic (dental).
 Clinic (emergency care).
 Clinic (medical).
 Club (private).
 Coffee shop.
 Communication equipment – Installation and/or repair.
 Computer and electronic sales.
 Computer repair.
 Confectionary store (retail).
 Consignment shop.
 Contractor's temporary on-site construction office (only with permit from building official: see section 144-5.10).
 Convenience store with or without fuel sales.
 Country club (private).
 Credit agency.
 Curio shops.
 Custom work shops.
 Day camp.
 Department store.
 Drapery shop/blind shop.
 Drug sales/pharmacy.
 Electrical repair shop.
 Electrical substation.
 Exterminator service.
 Farmers market (produce market – wholesale).
 Farms, general (crops) (see chapter 6 and section 144-5.9).
 Farms, general (livestock/ranch)(see chapter 6 and section 144-5.9).
 Feed and grain store.
 Filling station (fuel tanks must be below the ground).
 Florist.
 Food or grocery store with or without fuel sales.
 Fraternal organization/civic club (private club).
 Frozen food storage for individual or family use.
 Funeral home/mortuary.
 Furniture sales (indoor).
 Garden shops and greenhouses.
 Golf course (public or private).
 Golf course (miniature).
 Greenhouse.
 Handicraft shop.
 Hardware store.
 Health club (physical fitness; indoors only).
 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).
 Laundromat and laundry pickup stations.
 Laundry, commercial (without self serve).
 Laundry/dry cleaning (drop off/pick up).
 Laundry/washateria (self serve).
 Lawnmower sales and/or repair.
 Limousine/taxi service.
 Locksmith.
 Maintenance/janitorial service.
 Major appliance sales (indoor).
 Martial arts school.
 Medical supplies and equipment.
 Micro brewery (onsite manufacturing and/or sales).
 Micro distillery (onsite manufacturing and/or sales).
 Mini-warehouse/self storage units with outside boat and RV storage.
 Mini-warehouse/self-storage units (no outside boat and RV storage permitted).
 Motion picture studio, commercial film.
 Motion picture theater (indoors).
 Motion picture theater (outdoors, drive-in).
 Moving storage company.
 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 (public or private).
 Parking lots (for passenger car only) (not as incidental to the main use).
 Parking structure/public garage.
 Pawn shop.
 Personal services.
 Personal watercraft sales (primarily new/repair).
 Pet shop/supplies (10,000 square feet or less).
 Pet store (more than 10,000 square feet).
 Photographic printing/duplicating/copy shop or printing shop.
 Photographic studio (no sale of cameras or supplies).
 Photographic supply.
 Plant nursery.
 Plant nursery (retail sales/outdoor storage).
 Plumbing shop.
 Portable building sales.
 Public recreation/services building for public park/playground areas.
 Publishing/printing company (e.g. newspaper).
 Quick lube/oil change/minor inspection.
 Radio/television shop, electronics, computer repair.
 Recreation buildings (private).
 Recreation buildings (public).
 Recycling kiosk.
 Refreshment/beverage stand.
 Research lab (non-hazardous).
 Restaurant.

Restaurant/prepared food sales.
 Retail store and shopping center.
 Retirement home/home for the aged.
 School, K-12 (public or private).
 School, vocational (business/commercial trade).
 Security monitoring company.
 Security systems installation company (with outside storage).
 Shoe repair shops.
 Shopping center.
 Specialty shops in support of project guests and tourists.
 Studio for radio or television (without tower).
 Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.).
 Tailor shop.
 Tattoo or body piercing studio.
 Taxidermist.
 Telemarketing agency.
 Telephone exchange buildings (office only).
 Tennis court (commercial).
 Theater (non-motion picture; live drama).
 Tool rental.
 Travel agency.
 University or college (public or private).
 Upholstery shop (non-auto).
 Used or second hand merchandise/furniture store.
 Vacuum cleaner sales and repair.
 Vehicle storage facility.
 Veterinary hospital (no outside animal runs or kennels).
 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.
 Woodworking shop (ornamental).
 Any comparable business or use not included in or excluded from any other district described herein.

CITY OF NEW BRAUNFELS TRAFFIC IMPACT ANALYSIS (TIA) WORKSHEET

Complete this worksheet as a requirement for zoning, master plan, plat and permit as specified in City of New Braunfels Code of Ordinances Sections 114-99 and 118-46.
Note: The Code provides the minimum information for a TIA report and it is recommended that a scoping meeting be scheduled with the Engineering Division.

Section 1: General Information

General Information									
Project Name: 48-Acres Klein Road								Date: 08/02/2021	
Subdivision Plat Name:					Project Address/Location:				
Location?		<input checked="" type="checkbox"/> City of New Braunfels <input type="checkbox"/> New Braunfels ETJ			<input type="checkbox"/> Comal County			<input checked="" type="checkbox"/> Guadalupe County	
Owner Name: SatCharan Holdings LLC					Owner Email: ravisahota@gmail.com				
Owner Address: PO Box 592233, San Antonio, TX 78259					Owner Phone: (830) 832-7284				
Preparer Company: HMT Engineering & Surveying									
Preparer Name: Chris Crim, PE					Preparer Email: chris@hmtnb.com				
Preparer Address: 290 S. Castell Avenue, Suite 100, NBTX 78130					Preparer Phone: (830) 625-8555				
TIA Report scoping meeting with City Engineering Division staff?					TIA Worksheet/Report approved with previous zoning, plan, plat or permit?				
<input type="checkbox"/> Yes. Date: <input type="checkbox"/> No.					<input checked="" type="checkbox"/> No. Complete Page 1 only. <input type="checkbox"/> Yes. Complete Pages 1 and 2.				
Application Type or Reason for TIA Worksheet/Report									
<input checked="" type="checkbox"/> Zoning/Concept Plan/Detail Plan <input type="checkbox"/> Master Plan <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Permit <input type="checkbox"/> Other									
TIA Submittal Type (A TIA Worksheet is required with all zoning, plan, plat and permit applications)									
<input type="checkbox"/> TIA Worksheet Only (100 peak hour trips or less)					<input checked="" type="checkbox"/> Level 1 TIA Report (101-500 peak hour trips)				
<input type="checkbox"/> TIA Worksheet Only – Previous TIA Report Approved					<input type="checkbox"/> Level 2 TIA Report (501-1,000 peak hour trips)				
<input type="checkbox"/> TIA Worksheet Only – Previous TIA Report not required (supporting documentation may be required)					<input type="checkbox"/> Level 3 TIA Report (1,001 or more peak hour trips)				

Section 2: Proposed Land Use and Trip Information for Application

Unit	Land Use	ITE Code ¹	ITE Unit ²	Est. Project Units	Critical Peak Hour	AM Peak Hour Rate	PM Peak Hour Rate	WKND Peak Hour Rate	Daily Trip Rate	AM Peak Hour Trips	PM Peak Hour Trips	WKND Peak Hour Trips	Daily Trips
	Super Convenience Market/Gas Station	960	Fuel Positions	10	AM	28.08	22.96	23.26	230.52	281	230	233	2,306
	Shopping Center	820	1000 SF	24	SAT	0.94	3.81	4.50	37.75	23	91	108	906
	Single-Family Detached Housing	210	Dwelling Unit	142	PM	0.74	0.99	0.93	9.44	105	141	132	1,340
<i>Total from additional tabulation sheet (if necessary):</i>													
Total:										409	462	473	4,552

¹Institute of Transportation Engineers (ITE) Trip Generation, 10th Edition or most recent; ²E.g., Dwelling Units, Acres, Employees, KSF, etc.

Internal Use Only	Reviewed by:			Date:
	<input type="checkbox"/> TIA Worksheet is acceptable.	<input type="checkbox"/> TIA Worksheet requires corrections.	<input type="checkbox"/> TIA Report required.	<input type="checkbox"/> TIA Report not required.

Approved TIA Worksheet/Report				
Project Name:				
Preparer Company:		Preparer Name:		Date:
Type:	<input type="checkbox"/> TIA Worksheet Only	<input type="checkbox"/> Level 1 TIA Report	<input type="checkbox"/> Level 2 TIA Report	<input type="checkbox"/> Level 3 TIA Report
Approved with:	<input type="checkbox"/> Zoning/Concept Plan/Detail Plan	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Plat	<input type="checkbox"/> Permit <input type="checkbox"/> Other

Unit	Land Use	Status ³	ITE Code ¹	ITE Unit ²	Est. Project Units	Critical Peak Hour	AM Peak Hour Rate	PM Peak Hour Rate	WKND Peak Hour Rate	Daily Trip Rate	AM Peak Hour Trips	PM Peak Hour Trips	WKND Peak Hour Trips	Daily Trips
Total from additional tabulation sheet (if necessary):														
Total:														

³Specify current *approved* status of unit: PLAN – Zoning/Concept Plan/Detail Plan/Master Plan, PP – Preliminary Plat, FP – Final Plat, P – Permit, C – Completed, A – With this Application (current)

Approved TIA Conformance	AM Peak Hour Trips	PM Peak Hour Trips	WKD Peak Hour Trips	Daily Trips
Approved development total:				
Updated development total:				
Difference development total:				
New TIA Report Required?				
Increase in Peak Hour Trips over 100?		<input checked="" type="checkbox"/> Yes. New TIA Report required to be approved prior to approval. <input type="checkbox"/> No.		

Mitigation Measures	Unit
1.	
2.	
3.	
4.	

PLANNING COMMISSION – SEPTEMBER 8, 2021 – 6:00PM

Zoom & City Hall Council Chambers

Applicant/Owner: Land Consultants, Ltd, Co. (Caren Williams-Murch), agent for SatCharan Holdings LLC (Ravi Sahota), owner

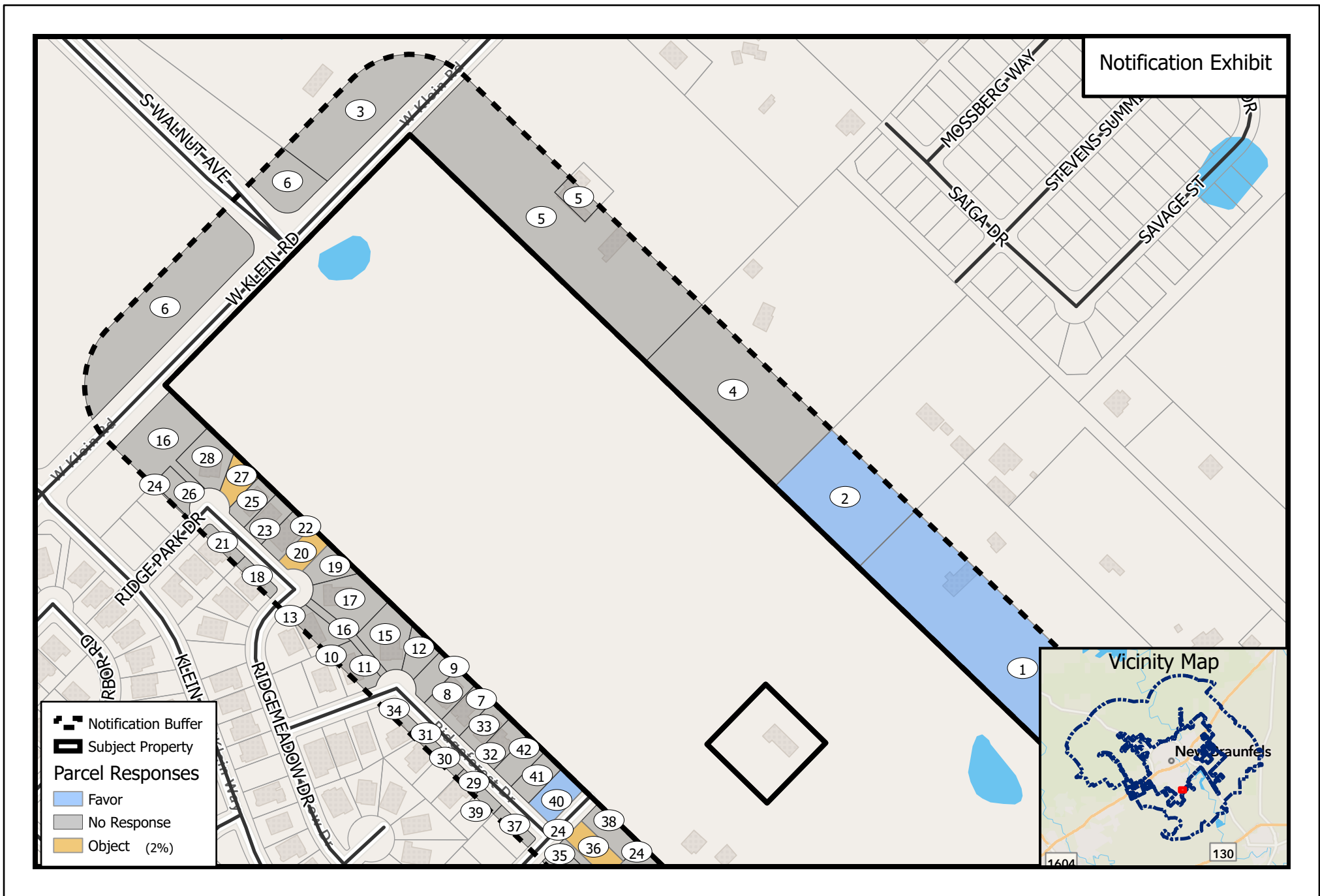
Address/Location: 614 & 720 W Zipp Rd

PROPOSED SPECIAL USE PERMIT – CASE #SUP21-269

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”.

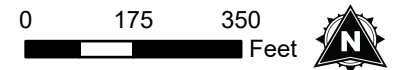
- | | |
|---|--|
| 1. ELLIS BRENDA | 26. ESCOBAR DANIEL SANTOS |
| 2. KRETZMEIER PAUL H | 27. STEVENSON RICHARD ROY & LAUREN MAE |
| 3. SCRIBNER TERI | 28. STONE GREG |
| 4. ZAVALA JUAN F & LINDA S | 29. SCHOENHERR DUANE & GLORIA |
| 5. HAMBRICK GRACE | 30. WILLIAMS JASON & DANNALYN |
| 6. NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT | 31. MASON JERMAINE S & TONYA S |
| 7. HARRISON MATTHEW T & SANDRA V | 32. YANEZ ROBERT JR & KELLI-ANNE P BARROW |
| 8. YOUNG GLEN & JAMIE | 33. AMESCUA KRISTIN M & CODY J YORK |
| 9. PROFFITT ROBERT S & JENNIFER M | 34. KOKKEBY SEAN & STEPHANIE |
| 10. CRISSY ANGELA G & JOANN M HOLLIDAY | 35. GERELL-STILES APRIL R & GREGORY E STILES |
| 11. CAVAZOS JESUS ELI & MELISSA DENISE | 36. BUSHBY FRANCIS RUSSELL & SYLVIA LEA |
| 12. KLEIN JANET WALL | 37. GUNN BARBARA |
| 13. GUILLEN KRISTEN | 38. MOORE ROBERT EUGENE & MONICA C |
| 14. HAHN AARON | 39. WARD LEE ALAN & KIMBERLEY MARIE |
| 15. MARES EILEEN R | 40. RITSON BARBARA S & GREGG E |
| 16. RIDGEMONT HOME OWNERS ASSOCIATION INC | 41. MELVIN LISA D |
| 17. ROBLES TOM R & PAULA MERRILL ROBLES | 42. SOLIS HECTOR JR & CLAUDIA R |
| 18. GUERRA-TREVINO NORMA & RUBEN TREVINO | 43. RODRIGUEZ ROBERT LEE & NAISHCA MARIE MOODY |
| 19. SCOTT RANDY J & LISA M | 44. RUNDELL BRENDON M & LOURDES |
| 20. BRAY DEBORAH E | 45. WINBERG BRYAN |
| 21. HOOKER CLINTON DAVID & KATHERINE J | 46. FREKING JONATHAN & SHYANN MORGAN |
| 22. WOLF ANDREW S & DALLAS | 47. TOWNSEND JONATHAN ANDREW & HANNAH MICHELE |
| 23. VALENZUELA MARTHA | 48. RAYGOZA BRENDAN C |
| 24. PULTE HOMES OF TEXAS LP | 49. DAVIS MEGAN L & TEXAS J |
| 25. CANTON CHRISTOPHER MICHAEL & JYOTI KAY CANTON | 50. FLASHER MARIA L & BENJAMIN M |

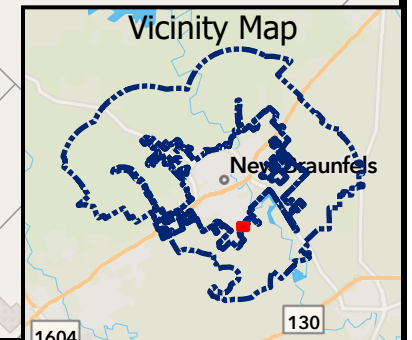
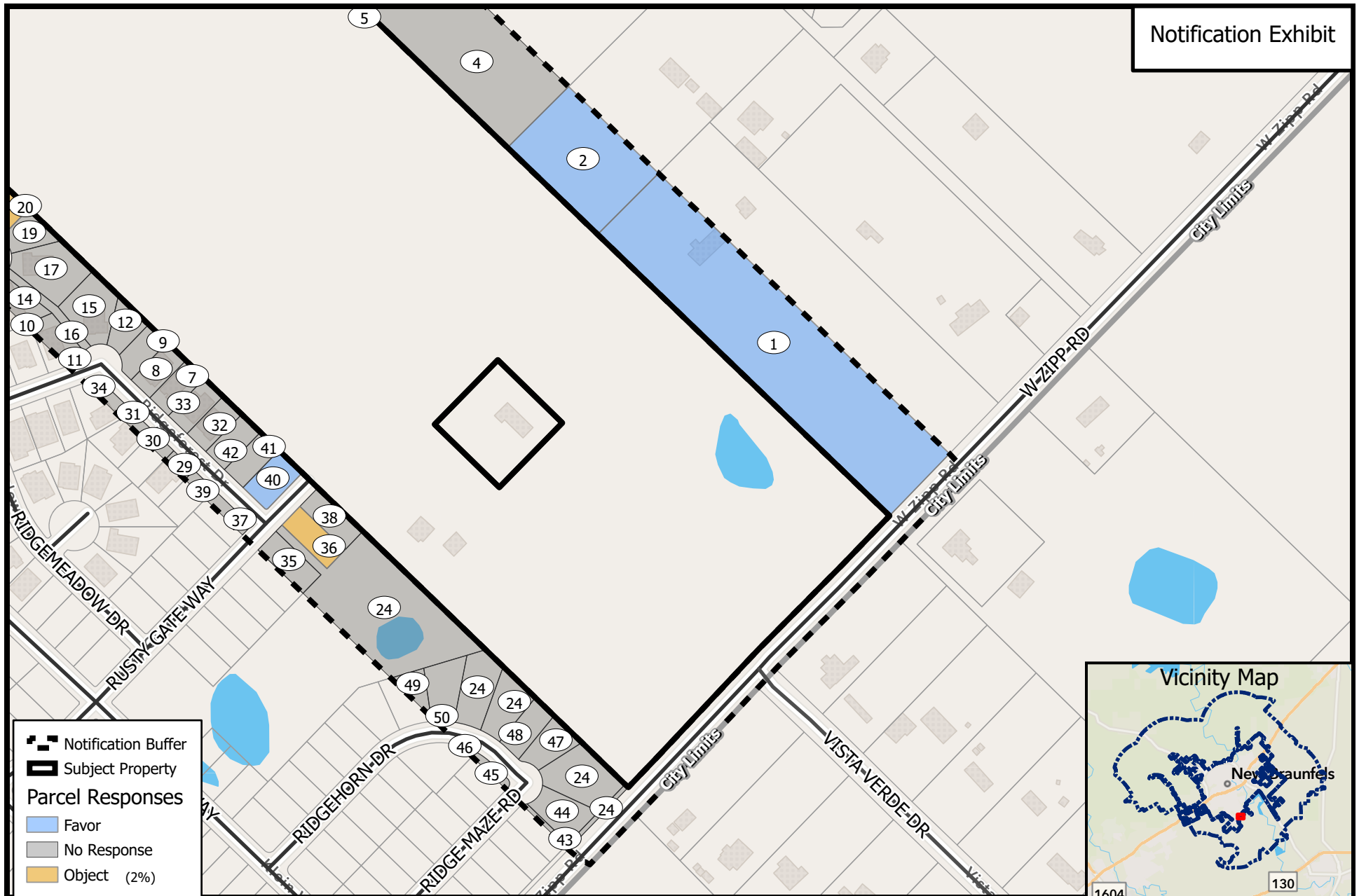
SEE MAP



SUP21-269

SUP request to include multiple districts





YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-269 ms

Name: Brenda EllisAddress: 590 W. Zipp Rd - NB. TX 78130Property number on map: 1I favor: ☒I object: ☐ (State reason for objection)

Comments: (Use additional sheets if necessary)

RECEIVED

SEP 07 2021

BY: W

You list my property AS 5 ACRES. The
CORRECT amount is 7.84 ACRES

Signature: Brenda Ellis

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-269 ms

Name: Paul H. KretzmeierAddress: 546 W. Zipp Rd.Property number on map: 2I favor: ☒I object: ☐ (State reason for objection)

Comments: (Use additional sheets if necessary)

RECEIVED

SEP 02 2021

BY: PRSignature: Paul H. Kretzmeier

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-269 ms

Name: DEBORAH E. BRAYAddress: 2725 RIDGE PATH DR.Property number on map: #20I favor: ☐I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

RECEIVED

SEP 07 2021

BY: PRSignature: Deborah E. Bray

I disagree with the necessity and the
request for the commercial development
of this property. It should remain zoned
as R-1A-6.6. Of note, I do acknowledge
the new/current zoning proposal is an
improvement over the last proposal presented
in JUE 2021.

From: [Lauren Baggett](#)
To: planning@nbtx.org; [Matthew W. Simmont](#)
Subject: Rezone of #SUP21-269
Date: Friday, September 3, 2021 4:49:53 PM

#27

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.

Hello,

I'm writing this to hopefully reach the members of the planning committee in regards to the upcoming meeting on September 8th the property zone change at 614 & 720 W. Zipp Road.

I reside at 2709 Ridge Path Dr with my husband Richard Stevenson, we are property number 27 on the map in the notification mail out. I am writing to ask that you do not pass this zoning change as proposed. We do feel that this is a good deal but for those of us who have homes closer to Klien we are not getting the same deal as the rest of the neighborhood. If the homes that are build behind us are one story then we will still be able to look out and see business'. We purchased our homes knowing that the property directly behind us would be developed and the only reason we bought our home was because the land behind us was and is zoned residential (R-1A).

I've chatted with developer friends and even they stated that the strip directly behind our homes most likely won't be homes but an entrance way to the neighborhood, in which case we most definitely will see the C1-A behind our homes.

I'm asking the committee to place a condition on the SUP so that at minimum the whole property line backing this field in the Ridgemont community will have two rows of homes behind their yards. This is the fair and right thing to do since we purchased our homes with the intention of having homes behind us. This would push the C1-A to the north side of Walnut or make those businesses' no longer visible from all of our backyards. We do not mind the homes behind us having windows and balconies looking into our yards, it's not ideal but that is how neighborhoods work. We always knew that homes would be built behind us but it's not right that the applicant is only "pleasing" half of our community by limiting the R1-A on the south side near Klien to one row of homes then C1-A.

I appreciate your time in reading this and hope you have a wonderful weekend.

-Lauren Stevenson
210-237-2802

From: GRITSON@satx.rr.com
To: Matthew W. Simmont
Cc: ["britson@satx.rr.com"](mailto:britson@satx.rr.com)
Subject: Case #SUP21-269 ms
Date: Tuesday, September 7, 2021 8:01:09 AM

#40

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

Good Day Mr. Simmont,

We are in favor of the SUP 21-269 request for 614 & 720 W. Zipp Road. Ms. Caren Williams-Murch, Land Consultants Ltd provided a proposed engineering layout to five members of the HOA on 18 Aug 21 and the layout was also posted to HOA community webpage for all to view. The plan showed engineers conception of the property and how the C-1B General Business, C-1A Neighborhood, R-1A-6.6 Single Family, and R-1A-4 Single Family Small Lot could be planned to address the concerns of the homeowners in Ridgemont.

Appreciate the proposed buyer and consultant listening to the concerns of the Ridgemont homeowners and working to provide a solution that could work for all.

v/r Gregg and Barb Ritson
2773 Ridgeforest Drive
Property #40

RECEIVED

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-269 ms

SEP - 2 2021

Name: F. RUSSELL BUSHBY

I favor: _____

Initial: _____

Address: 597 RUSTY GATE WAY

I object: ☒ (State reason for objection)

Property number on map: 36

Comments: (Use additional sheets if necessary)

ALL THE DEVELOPMENT ALONG W. KLEIN ROAD HAS BEEN FOR SINGLE FAMILY HOUSING. IT SHOULD STAY THAT WAY. I DON'T HAVE A PROBLEM WITH R-1A-4 FOR SINGLE FAMILY SMALL LOT SO YOUNG COUPLES STARTING OUT CAN AFFORD TO BUY THEIR FIRST HOME.

Signature: F. Russell Bushby

Draft Minutes for the September 8, 2021 Planning Commission Regular Meeting

B) SUP21-269 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 614 & 720 W. Zipp Road from “R-1A-6.6” Single Family District to the following zoning districts with additional conditions: “R-1A-6.6” Single-Family, “R-1A-4” Single-Family Small Lot, “C-1A” Neighborhood Business and “C-1B” General Business. Applicant: Land Consultants Ltd., Co. - Caren Williams-Murch; Case Manager: Matthew Simmont.

Mr. Simmont presented.

Chair Edwards asked if there were any questions for staff.

Commissioner Reaves asked for clarification on a condition of approval that was recommended on a previous special use permit request by the applicant that restricted windows and balconies on second story buildings within the development.

Mr. Simmont stated the condition is not currently listed as a staff recommendation but can be included in the Commission's recommendation to City Council as a condition of approval.

Discussion followed.

Vice Chair Laskowski asked for clarification on access to the property connecting to Walnut Avenue.

Mr. Simmont stated an access layout has not been provided to staff as the design for access is typically included with master plans.

Discussion followed regarding access and block length.

Chair Edwards asked if the applicant would like to speak.

Caren Williams-Murch introduced herself as the applicant and described the history of the previous special use permit request to the Commission. Ms. Williams -Murch indicated multiple meetings with neighbors had been conducted and the project proposal had been altered to accommodate separation and distancing of two-story buildings from residential property adjacent to the subject property. She further indicated the C-1A district had been selected to ensure neighborhood friendly uses would be allowed within the commercial area.

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

Lauren Stevenson, 2709 Ridgepath Drive, identified her property as number 27 on the notification map. She stated she believes the proposal is a fair compromise but expressed concerns regarding the proposed commercial uses closer to Klein Road. She asked the Commission to consider ensuring homes would be built between the adjacent residential property and the proposed commercial property.

Jyoti Canton, 2713 Ridgepath Drive, identified her property as number 25 on the notification map, expressed concerns regarding the proposed site plan being unclear and the proposed buffering between the existing residential uses and proposed commercial uses.

Chair Edwards closed the public hearing.

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

Discussion followed regarding the conditions of approval.

Motion by Commissioner Reaves, seconded by Commissioner Sonier, to recommend approval to City Council of proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 614 & 720 W. Zipp Road from "R-1A-6.6" Single Family District to the following zoning districts with additional conditions: "R-1A-6.6" Single-Family, "R-1A-4" Single-Family Small Lot, "C-1A" Neighborhood Business and "C-1B" General Business with staff recommendations and a condition to restrict windows and balconies from being constructed on the second story of buildings adjacent to the residential properties on Ridgepath Drive and Ridgeforest Drive. Motion carried (7-1-0) with Commissioner Tubb in opposition.

DRAFT

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW A VARIETY OF RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT ON APPROXIMATELY 49.5 ACRES OUT OF THE A-103, SARAH DEWITT SURVEY, ADDRESSED AT 614 & 720 WEST ZIPP ROAD; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, the property is located in an area suitable for a variety of residential and non-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 614 & 720 W. Zipp Road, to allow uses allowed in the following zoning districts: "R-1A-6.6" Single-Family "R-1A-4" Single-Family Small Lot Residential, "C-1A" Neighborhood Business and "C-1B" General Business; **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 49.5 acres out of the A-103 Sarah Dewitt Survey, addressed at 614 & 720 West Zipp Road, as delineated on Exhibit "A" and described in Exhibit "B", attached.

SECTION 2

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

1. A sidewalk that is at least 10 feet in width and separated from the roadway curb by a landscaping area of at least 7 feet in width (furnishing zone) is required along the south side of Walnut Avenue.
2. Street trees (1, minimum 3-inch diameter tree, for every 40 feet of roadway frontage) are required to be planted in the furnishing zone. If street trees are not permitted within the furnishing zone due to utility easement restrictions, they must be planted no more than 10 feet from the edge of the required sidewalk. The street trees requirement fulfills the landscaping requirements under Section 144-5.3-1(b)(7)(i)(2), City of New Braunfels Code of Ordinances – *Street Frontage Trees and Shrubs*.
3. During the design phase of the extension of Walnut Avenue, if it is determined that the developer is to install landscaped medians, the medians will include code- and city spec-compliant irrigation for the City's long-term maintenance.
4. Non-residential buildings in the "C-1A" Neighborhood Business District will be limited to 1 story or a maximum height of 35 feet.
5. In no case shall a dumpster or dumpster enclosure be placed between the front façade of a building and any street between the "R-1A-6.6" Single Family and "C-1A" Neighborhood Business Districts.
6. For non-residential uses adjacent to any street between the "R-1A-6.6" Single-Family and "C-1A" Neighborhood Business Districts, the following requirements will apply:
 - a. *Street frontage landscape buffer area*. A minimum seven (7)-foot wide landscape buffer adjacent to the right-of-way is required.
 - b. *Street frontage fence*. A fence with concrete posts that is at least 50 percent open and no taller than 54 inches will be installed within or adjacent to the landscape buffer, subject to sight distance standards.
 - c. *Street frontage shade trees*. A minimum of one, minimum one and one-half inch diameter tree, shall be installed for every 40 feet (or portion thereof) of street frontage using trees from the approved plant list (Appendix A). Shade trees must be used, unless near utility lines where ornamental trees must be used, as required in Section 144-5.3-1(b)(6)ii.
 - d. *Street frontage understory trees*. A minimum of one ornamental tree shall be installed for every 160 feet (or portion thereof) of street frontage using trees from the approved plant list (Appendix A).
 - e. *Street frontage shrubs*. A minimum of eight (8), five-gallon or three-foot tall shrubs shall be planted for every 40 feet (or portion thereof) of street frontage.
 - f. The above requirements (a-e) fulfill the landscaping requirements under Section 144-5.3-1(b)(7)(i)(1) & (2), City of New Braunfels Code of Ordinances – *Street frontage landscape buffer area and Street frontage trees and shrubs*.
7. All other zoning standards and requirements in Chapter 144, City of New Braunfels Code of Ordinances shall apply independently to each base zoning district as identified on the Type 2 Site Plan.
8. The following list of uses are allowed on the portion of the property designated "C-1B" General Business District (non-preferred uses have been removed from the base zoning district):

Residential uses:

Accessory building /structure.

Assisted living facility/retirement home.

Bed and breakfast inn (see section 144-5.6).

Community home (see definition).

Hospice.

Non-residential uses:

Accounting, auditing, bookkeeping, and tax preparations.
Adult day care (no overnight stay).
Adult day care (with overnight stay).
Ambulance service (private).
Amusement devices/arcade (four or more devices).
Amusement services or venues (indoors).
Amusement services or venues (outdoors).
Animal grooming shop.
Answering and message services.
Antique shop.
Appliance repair.
Armed services recruiting center.
Art dealer/gallery.
Artist or artisan's studio.
Assembly/exhibition hall or areas.
Auction sales (non-vehicle).
Auto leasing.
Auto supply store for new and factory rebuilt parts.
Auto tire repair/sales (indoor).
Automobile driving school (including defensive driving).
Bakery (retail).
Bank, savings and loan, or credit.
Bar/tavern.
Barber/beauty college (barber or cosmetology school or college).
Barns and farm equipment storage (related to agricultural uses).
Battery charging station.
Bicycle sales and/or repair.
Billiard/pool facility.
Bingo facility.
Bio-medical facilities.
Book binding.
Book store.
Broadcast station (with tower) see section 144-5.7).
Cafeteria/café/delicatessen.
Campers' supplies.
Car wash (self service; automated).
Car wash, full service (detail shop).
Carpenter, cabinet, or pattern shops.
Carpet cleaning establishments.
Caterer.
Cemetery and/or mausoleum.
Check cashing service.
Child day care/children's nursery (business).
Church/place of religious assembly.
Civic/conference center and facilities.

Cleaning, pressing and dyeing (non-explosive fluids used).
Clinic (dental).
Clinic (emergency care).
Clinic (medical).
Club (private).
Coffee shop.
Communication equipment – Installation and/or repair.
Computer and electronic sales.
Computer repair.
Confectionary store (retail).
Consignment shop.
Contractor's temporary on-site construction office (only with permit from building official: see section 144-5.10).
Convenience store with or without fuel sales.
Country club (private).
Credit agency.
Curio shops.
Custom work shops.
Day camp.
Department store.
Drapery shop/blind shop.
Drug sales/pharmacy.
Electrical repair shop.
Electrical substation.
Exterminator service.
Farmers market (produce market – wholesale).
Farms, general (crops) (see chapter 6 and section 144-5.9).
Farms, general (livestock/ranch)(see chapter 6 and section 144-5.9).
Feed and grain store.
Filling station (fuel tanks must be below the ground).
Florist.
Food or grocery store with or without fuel sales.
Fraternal organization/civic club (private club).
Frozen food storage for individual or family use.
Funeral home/mortuary.
Furniture sales (indoor).
Garden shops and greenhouses.
Golf course (public or private).
Golf course (miniature).
Greenhouse.
Handicraft shop.
Hardware store.
Health club (physical fitness; indoors only).
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).
 Laundromat and laundry pickup stations.
 Laundry, commercial (without self serve).
 Laundry/dry cleaning (drop off/pick up).
 Laundry/washateria (self serve).
 Lawnmower sales and/or repair.
 Limousine/taxi service.
 Locksmith.
 Maintenance/janitorial service.
 Major appliance sales (indoor).
 Martial arts school.
 Medical supplies and equipment.
 Micro brewery (onsite manufacturing and/or sales).
 Micro distillery (onsite manufacturing and/or sales).
 Mini-warehouse/self storage units with outside boat and RV storage.
 Mini-warehouse/self-storage units (no outside boat and RV storage permitted).
 Motion picture studio, commercial film.
 Motion picture theater (indoors).
 Motion picture theater (outdoors, drive-in).
 Moving storage company.
 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 (public or private).
 Parking lots (for passenger car only) (not as incidental to the main use).
 Parking structure/public garage.
 Pawn shop.
 Personal services.
 Personal watercraft sales (primarily new/repair).
 Pet shop/supplies (10,000 square feet or less).
 Pet store (more than 10,000 square feet).
 Photographic printing/duplicating/copy shop or printing shop.

Photographic studio (no sale of cameras or supplies).
 Photographic supply.
 Plant nursery.
 Plant nursery (retail sales/outdoor storage).
 Plumbing shop.
 Portable building sales.
 Public recreation/services building for public park/playground areas.
 Publishing/printing company (e.g. newspaper).
 Quick lube/oil change/minor inspection.
 Radio/television shop, electronics, computer repair.
 Recreation buildings (private).
 Recreation buildings (public).
 Recycling kiosk.
 Refreshment/beverage stand.
 Research lab (non-hazardous).
 Restaurant.
 Restaurant/prepared food sales.
 Retail store and shopping center.
 Retirement home/home for the aged.
 School, K-12 (public or private).
 School, vocational (business/commercial trade).
 Security monitoring company.
 Security systems installation company (with outside storage).
 Shoe repair shops.
 Shopping center.
 Specialty shops in support of project guests and tourists.
 Studio for radio or television (without tower).
 Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.).
 Tailor shop.
 Tattoo or body piercing studio.
 Taxidermist.
 Telemarketing agency.
 Telephone exchange buildings (office only).
 Tennis court (commercial).
 Theater (non-motion picture; live drama).
 Tool rental.
 Travel agency.
 University or college (public or private).
 Upholstery shop (non-auto).
 Used or second hand merchandise/furniture store.
 Vacuum cleaner sales and repair.
 Vehicle storage facility.
 Veterinary hospital (no outside animal runs or kennels).
 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.
Woodworking shop (ornamental).

Any comparable business or use not included in or excluded from any other district described herein.

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First reading this 27th day of September, 2021.

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

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

6



EXHIBIT "B"



290 S. Castell Avenue, Ste. 100
New Braunfels, TX 78130
(830) 625-8555
TBPE-FIRM F-10961
TBPLS FIRM 10153600

METES AND BOUNDS DESCRIPTION FOR A 49.359 ACRE TRACT OF LAND

Being a 49.359 acre tract of land located in the Sarah DeWitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas, being the residue of a called 50.00 acre tract, recorded in Document No. 201899014908, Official Public Records, Guadalupe County, Texas, said 49.359 acre tract of land being more particularly described as follows:

BEGINNING at a found 1/2" iron pin with cap stamped "RPLS 4907" in the Southeast right of way line of W. Klein Road, for the Southernmost corner of a called 0.573 of an acre right of way tract to the city of New Braunfels, recorded in Document No. 2017015586 Official Public Records of Guadalupe County, Texas, same point lying in the Northeast line of Lot 1, Amending Plat of Ridgemont Unit 1, recorded in Volume 8, Pages 437-440, Map and Plat Records, Guadalupe County, Texas, and the Southwestern line of said 50.00 acre tract;

THENCE departing the Northeast line of Lot 1, Amending Plat of Ridgemont Unit 1, with the Southeastern line of said 0.573 of an acre tract and the Southeast right of way line of W. Klein Road, the following five (5) calls:

1. Along the arc of a curve to the right, having a radius of 2951.00 feet, an arc length of 40.03 feet and a chord bearing of N 44°47'42" E, a distance of 40.03 feet to a found 1/2" iron pin with cap stamped "RPLS 4907" for a corner;
2. N 45°48'34" E, a distance of 268.53 feet to a set 1/2" iron pin with cap stamped "HMT" for a corner, and the beginning of a curve;
3. Along the arc of a curve to the left, having a radius of 3049.00 feet, an arc length of 79.80 feet and a chord bearing of N 44°48'29" E, a distance of 79.80 feet to a found 1/2" iron pin with cap stamped "RPLS 4907" for a corner;
4. N 44°13'52" E, a distance of 257.51 feet to a found 1/2" iron pin with cap stamped "RPLS 4907" for a corner;
5. N 43°43'08" E, a distance of 226.18 feet to a found 1/2" iron pin with cap stamped "RPLS 4907" in the Southeast right of way line of W. Klein Road, same point lying in the Southwest line of a called 10.243 acre tract, recorded in Volume 2073, Pages 47-49, Official Public Records, Guadalupe County, Texas, same point being the Northeastern corner of the aforementioned 0.573 of an acre tract, and the Northernmost corner of the herein described tract;

THENCE departing the Southeast right of way line of W. Klein Road, with the Southwest line of said 10.243 acre tract, continuing with the Southwest lines of a called 7.00 acre tract recorded in Volume 756, Pages 880-883, and in Volume 750, Pages 877-879, Official Public Records, Guadalupe County, Texas, the remainder of a called 11.478 acre tract recorded in Volume 756, Pages 880-883, Official Public Records, Guadalupe County, Texas, a called 2.84 acre tract, known as "Tract II", recorded in Document No. 2017003263, Official Public Records, Comal County, Texas, and a called 5.0 acre tract, known as "Tract I", recorded in Document No. 2017003263, Official Public Records, Comal County, Texas, S 46°00'14" E, passing a found 1/2" iron pin (no cap) at 1238.50, continuing a total distance of 2463.53 feet to a found 1" iron pipe in the Northwest right of way line of W. Zipp Road for the Southernmost corner of said 5.0 acre tract, and the Easternmost corner of the herein described tract;

EXHIBIT "B"



290 S. Castell Avenue, Ste. 100
New Braunfels, TX 78130
(830) 625-8555
TBPE-FIRM F-10961
TBPLS FIRM 10153600

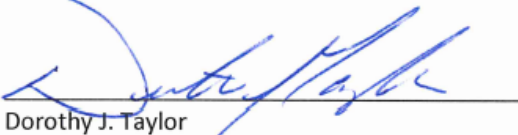
THENCE with the Northwest right of way line of W. Zipp Road, S 43°50'10" W, a distance of 871.49 feet to a found 60D nail for an Eastern corner of Lot 901, Amending Plat of Ridgemont Unit 4, recorded in Volume 9, Page 38, Map and Plat Records, Guadalupe County, Texas, same point being the Southernmost corner of the herein described tract;

THENCE departing the Northwest right of way line of W. Zipp Road, with the Northeast line of the said Amending Plat of Ridgemont Unit 4, continuing with the Northeast line of Ridgemont Unit 2B, recorded in Volume 8, Pages 758-760, Map and Plat Records, Guadalupe County, Texas, and the Northeast line of the aforementioned Amending Plat of Ridgemont Unit 1, recorded in Volume 8, Pages 437-440, Map and Plat Records, Guadalupe County, Texas, N 46°00'49" W, a distance of 2476.11 feet to the POINT OF BEGINNING, containing 49.539 acres of land in Guadalupe County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83.

Written October 22, 2020.

Reference survey of said 49.359 acre tract of land prepared this same date.



Dorothy J. Taylor

Registered Professional Land Surveyor No. 6295

S:\Projects\Title Surveys\Gregory Tract\20-1068 BNDY - 614 W Zipp Road\20-1068 BNDY\M&B\49.539 AC..docx

10-22-20



9



10/11/2021

Agenda Item No. G)

PRESENTER:

Jean Drew, AICP, CNU-A, Planning & Development Services Assistant Director

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the "C-3" Commercial District, addressed at 291 School Avenue.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 1**BACKGROUND INFORMATION:**

Case #: SUP21-267

Applicants/Owners: Peter Flores and Jennifer Yanez
12501 Lamppost Lane
Austin, TX 78727

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

City Council held a public hearing on September 27, 2021 and unanimously approved the first reading of the applicant's requested rezoning/SUP ordinance with recommended conditions (7-0-0).

The subject property is located on the northeast corner of the intersection of School Avenue and the IH 35 westbound access road, is zoned "C-3" Commercial District, and contains a 752 square foot single-family residence constructed in 1950 that was recently remodeled. The entire neighborhood in which the subject property is located is zoned C-3, therefore the area is developed with a mix of residential and non-residential uses.

The applicant is requesting a Special Use Permit (SUP) to allow short term rental (STR) of the property. The house has 2 bedrooms, and one and a half bathrooms. Per the Zoning Ordinance, maximum occupancy of an STR with 2 bedrooms and one and one-half bathrooms is 6 occupants.

The minimum off-street parking requirement for this proposed STR is 2 spaces, or one per sleeping room. The existing paved driveway can accommodate two parked vehicles.

Short term rental standards in the Zoning Ordinance help to ensure proper measures are in place to protect

public health, safety and neighboring properties. If the SUP is approved, short term rental registration and online payment of hotel occupancy taxes are also required.

Surrounding Zoning and Land Use:

North - C-3 / Single-family dwellings

South - Across the IH 35 Access Road, C-3 / Spur Street and IH 35

East - Holy Family Catholic Church

West - Across School Avenue, C-3 / Single-family dwellings

ISSUE:

Short term rental would be consistent with the following actions in the Comprehensive Plan:

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.

The property lies within the Oak Creek Sub Area near existing Civic and Outdoor Recreation Centers and is in close proximity to a future Market Center and Transitional Mixed-Use Corridors.

FISCAL IMPACT:

If approved, short term rental of the property will be subject to local and state hotel occupancy tax.

RECOMMENDATION:

The Planning Commission held a public hearing on September 8, 2021 and recommended approval with staff recommended conditions (8-0-0, with Commissioner Gibson absent).

While this would be the first introduction of a lodging facility in the immediate area, a short-term rental on this property, following all the standards of the Zoning Ordinance, would complement the overall mix of uses in the area. The location would allow easy access to main thoroughfares and visitor destinations without extensive vehicular traffic through the interior of the neighborhood. Staff recommends approval in accordance with the Zoning Ordinance requirements for short term rentals that are intended to protect the surrounding residential neighborhood, plus the following conditions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
3. The applicant will register the short-term rental and create an account for online payment of hotel occupancy taxes.
4. All other standards of the Zoning Ordinance will also be met.

Mailed notification pursuant to state statute:

Public hearing notices were sent to 16 owners of property within 200 feet of the request. To date, staff has received no responses.

Resource Links:

- Chapter 144, Sec. 3.3-9 “C-3” Commercial District of the City’s Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

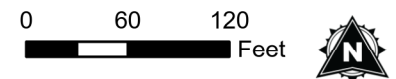
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- Chapter 144, Sec. 3.6 Special Use Permits of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
 - Chapter 144, Sec. 5.17 Short Term Rental of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

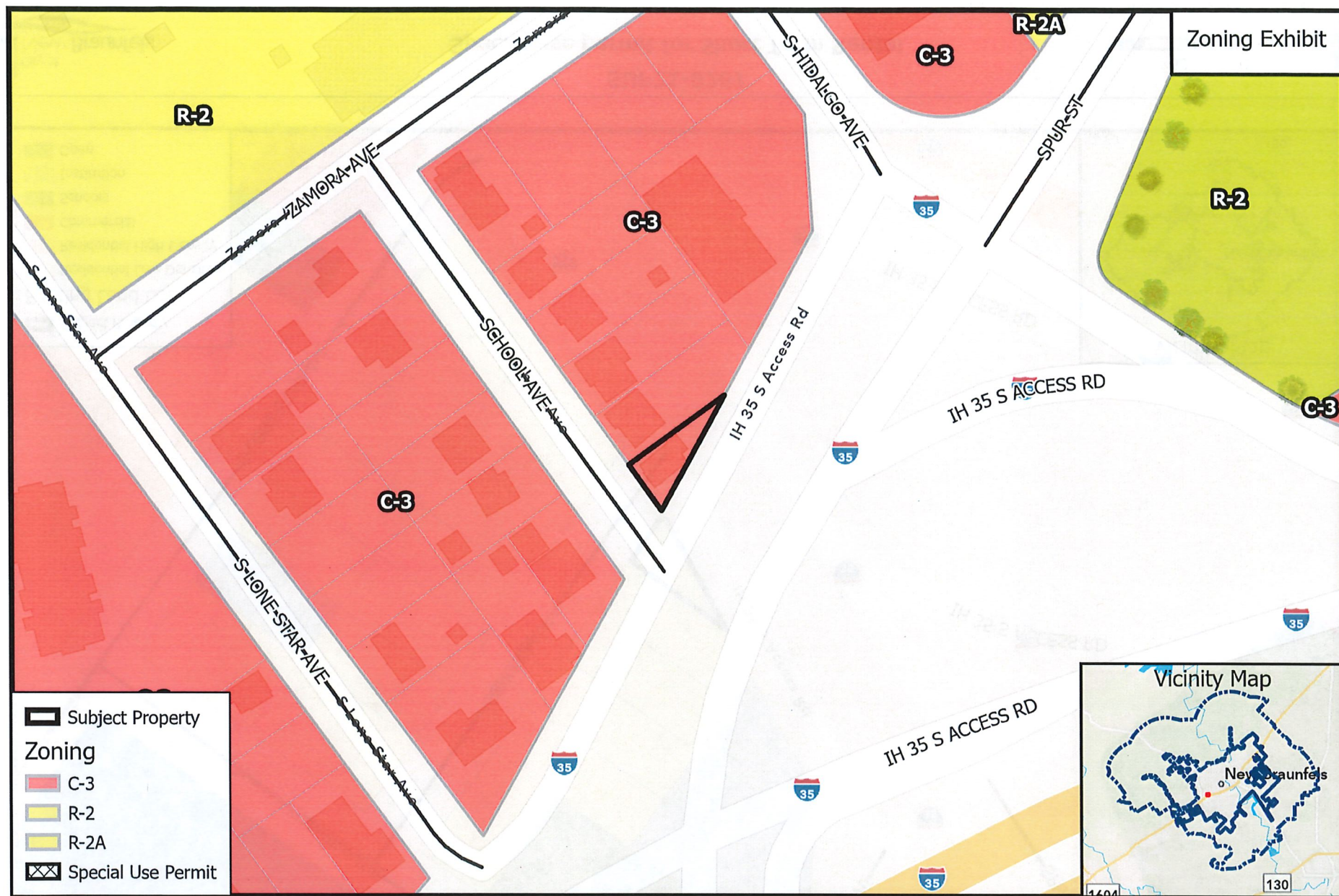
Attachments:

- Aerial Map
- Site Plan
- Floor Plan
- Land Use Maps (Zoning, Existing, Future Land Use, Short Term Rental)
- Notification List and Map
- Photographs
- Excerpt of minutes from the September 8, 2021 Planning Commission Regular Meeting
- Ordinance



SUP21-0267
Special use permit for Short Term Rental

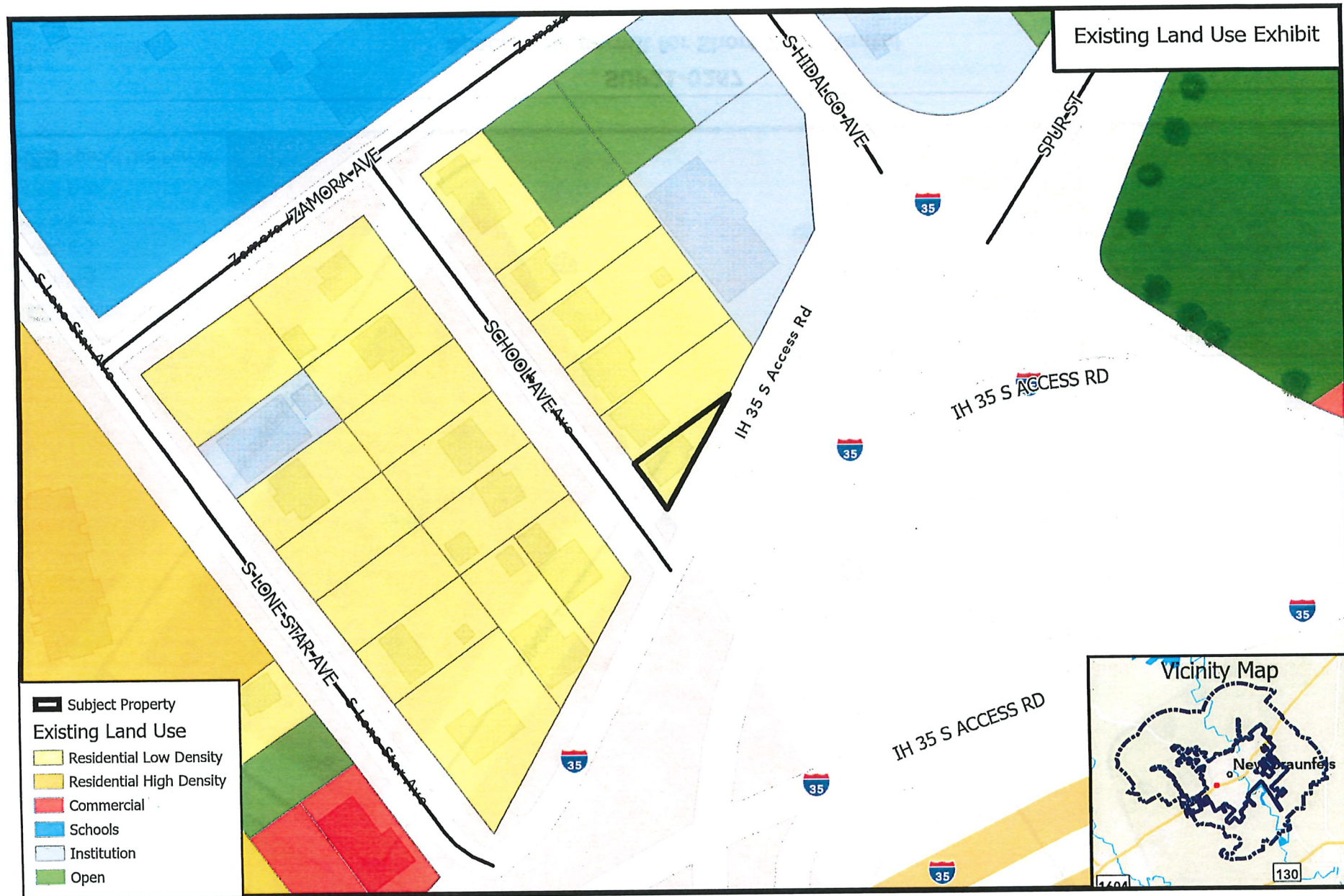




SUP21-0267
Special use permit for Short Term Rental

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 Feet





SUP21-0267
Special use permit for Short Term Rental

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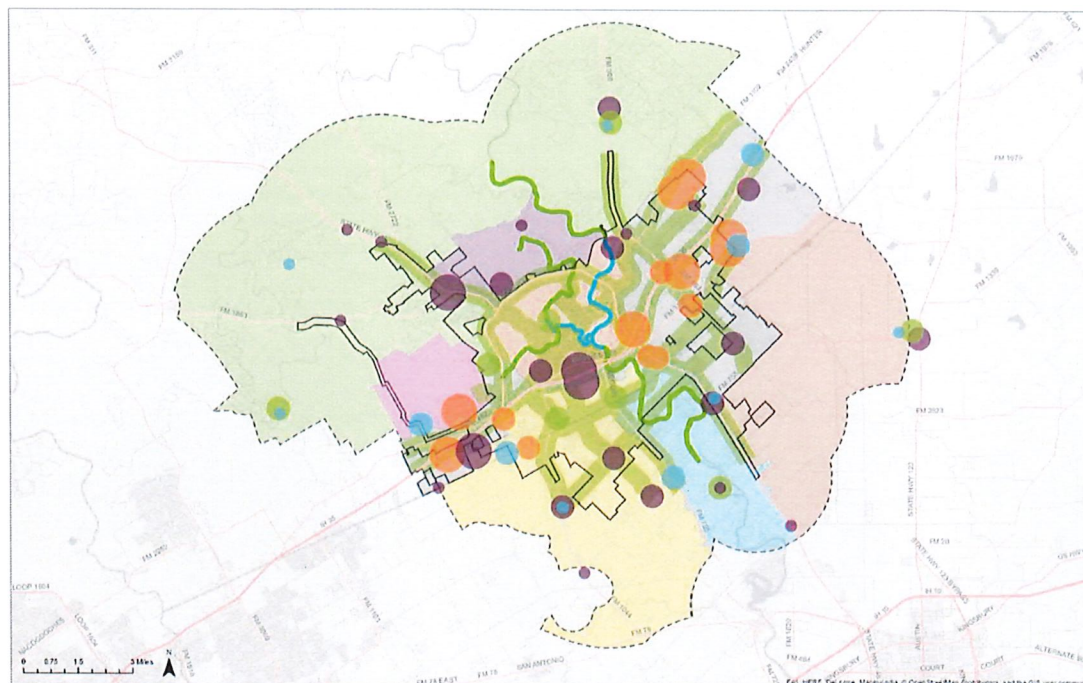


Envision New Braunfels

A SPECIAL PLACE BY DESIGN

- ◆ Located in the Oak Creek Sub-Area
- ◆ Near a Transitional Mixed-Use Corridor
- ◆ Near Existing Outdoor Recreation and Civic Centers and future Market Center

Future Land Use Map



- **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.



Document Path:
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SUP21-0267 Short Term Rental Map

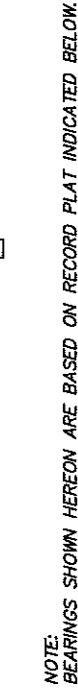
Source: City of New Braunfels GIS
Date: 8/23/2021

0 380 760
Feet
1:9,461



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.

LINE	BEARING	DISTANCE
L1	S 35°48'00" E	11.28'



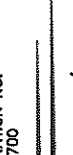
NOTE: THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS, AGREEMENTS, AND/OR SETBACK LINES (IF ANY) AS FOLLOWS: VOLUME 89, PAGE 477, DEED RECORDS, COMAL COUNTY, TEXAS.

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 48091C, Panel No. 0445F, which is Dated 03/02/2009. By scaling from this FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X. Because this is a boundary survey, the surveyor did not take any actions to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD ZONES, which may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <https://mac.fema.gov/fportal>.

LEGEND

= SET 1/2" IRON ROD	= OVERHEAD ELECTRIC	= SEWER MANHOLE
= FND 1/2" IRON ROD	= WIRE FENCE	= ELECTRIC METER
= CONCD INFORMATION	= FND. TYPE II MONUMENT	= WATER METER
= BUILDING SETBACK	= POWER POLE	= CLEANOUT
= CONTROLLING MONUMENT	= SIGN	
B.S.	○	
C.M.	●	
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DRAWN BY: JIC



FIRM REGISTRATION NO.
10111700

**Westar
Alamo**

LAND SURVEYORS, LLC.
P.O. BOX 1645 BOERNE, TEXAS 78006
PHONE (210) 372-9500 FAX (210) 372-9999

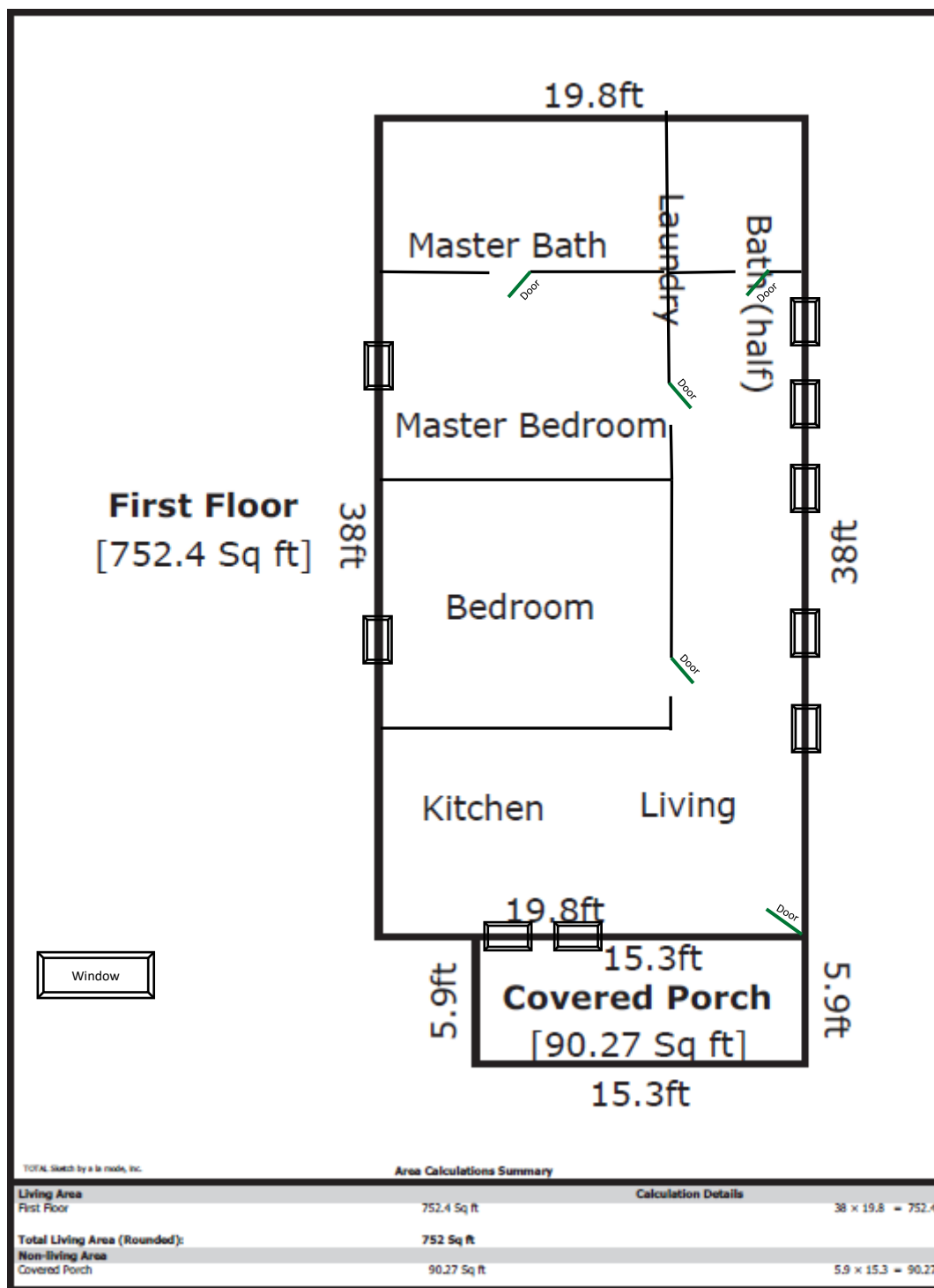


I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5095

CONF. NO.	1840904-NBF	JOB NO.	85776
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TITLE COMPANY: INDEPENDENCE TITLE	DATE: 10/25/2018
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FLOOR PLAN

PLANNING COMMISSION – SEPTEMBER 8, 2021 – 6:00PM

Zoom & City Hall Council Chambers

Applicant/Owner: Peter Flores and Jennifer Yanez

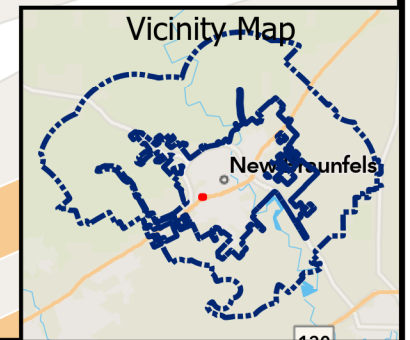
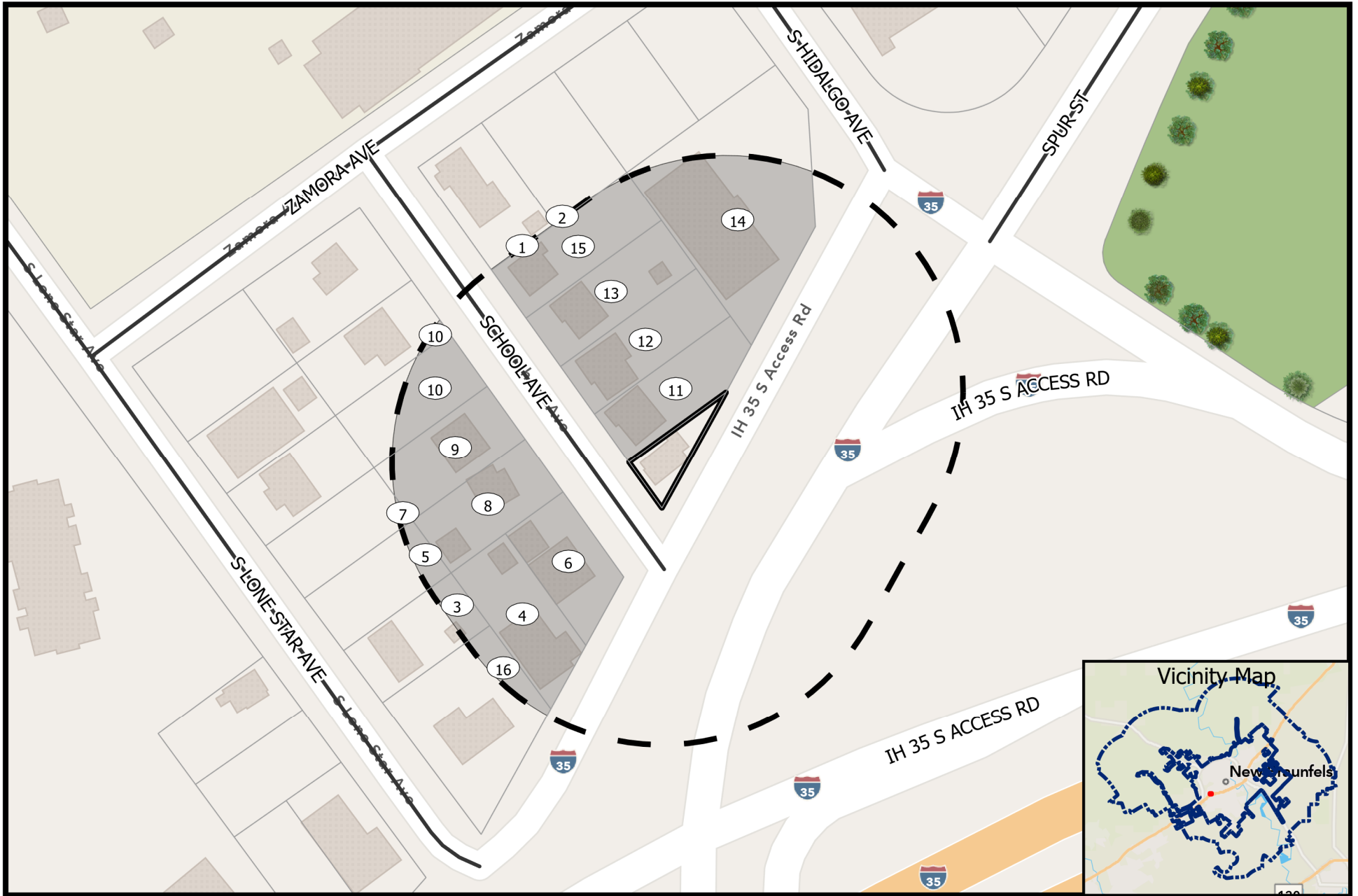
Address/Location: 291 School Ave

PROPOSED SPECIAL USE PERMIT – CASE #SUP21-267

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. LEOS LEONARDO C & MACARIA
2. ARCHBISHOP OF SAN ANTONIO
3. AGUIRRE AGUSTINA P
4. WESCH JOAN M
5. PACHECO DANA LEE CUSTODIAN
6. RODRIGUEZ PEDRO G & ESPERANZA
7. PACHECO DANA L CUSTODIAN
8. CAMACHO JOEL & FRANCISCA C
9. SANCHEZ LUIS A
10. MORALES ROBERT
11. MAYER JESSICA L & RAUL M OLVERA
12. PEREZ ESTHER V
13. SANCHEZ ELOYSA P
14. HOLY FAMILY CHURCH
15. ORTEGON JANET
16. ZUNIGA ANTONIA

SEE MAP



SUP21-0267
Special use permit for Short Term Rental









Draft Minutes for the September 8, 2021 Planning Commission Regular Meeting

F) SUP21-267 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the “C-3” Commercial District, addressed at 291 School Avenue. Applicant: Peter Flores and Jennifer Yanez; Case Manager: Matt Greene.

Commissioner Sonier left the dais at 6:58 pm.

Mr. Greene presented.

Commissioner Sonier returned to the dais at 7:00 pm.

Chair Edwards invited the applicant to present their request.

Peter Flores and Jennifer Yanez, 291 School Avenue, stated they were the applicants and could answer any questions the Commission had.

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

Edward Garcia, 2492 S IH 35, indicated he believed the short-term rental would not fit the character of the neighborhood due to its current character. Mr. Garcia further stated he believed the occupancy should be restricted to 6 occupants to ensure parking is adequate and there are not nuisances created by guests.

Peter Flores and Jennifer Yanez, 291 School Avenue, stated he intended to complement the existing businesses in the neighborhood with the proposed use. The applicant further stated the floor plan will accommodate the accessibility needs of future guests.

Commissioner Anderson-Vie asked the applicants if they were the property owners.

Discussion followed regarding ownership of the property.

Chair Edwards closed the public hearing.

Commissioner Mathis asked for clarification on the required parking for short-term rentals.

Discussion followed.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the “C-3” Commercial District, addressed at 291 School Avenue with staff recommendations. Motion carried (8-0-0).

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A SINGLE FAMILY DWELLING IN THE “C-3” COMMERCIAL DISTRICT ON 0.049 ACRES OUT OF LOT 9, BLOCK 3, BUENA VISTA ADDITION, ADDRESSED AT 291 SCHOOL 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 also recognizes that granting such a permit is possible while promoting the health, safety, and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

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

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

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit for 0.049 acres out of Lot 9, Block 3, Buena Vista Addition, currently addressed at 291 School Avenue, to allow the short-term rental of 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 described tract of land as a “Special Use Permit” for the uses and conditions herein described:

0.049 acres out of Lot 9, Block 3, Buena Vista Addition, currently addressed at 291 School Avenue, as delineated in Exhibit ‘A’.

SECTION 2

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

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan (Exhibit 'B', attached). Any significant changes to the site plan will require a revision to the SUP.
3. Occupancy is limited to a maximum of 6 guests
4. The applicant will register the short-term rental and create an account for online payment of hotel occupancy taxes
5. All standards of the Zoning Ordinance will be met.

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First reading this 27th day of September, 2021.

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

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

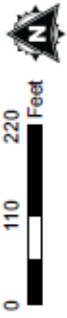
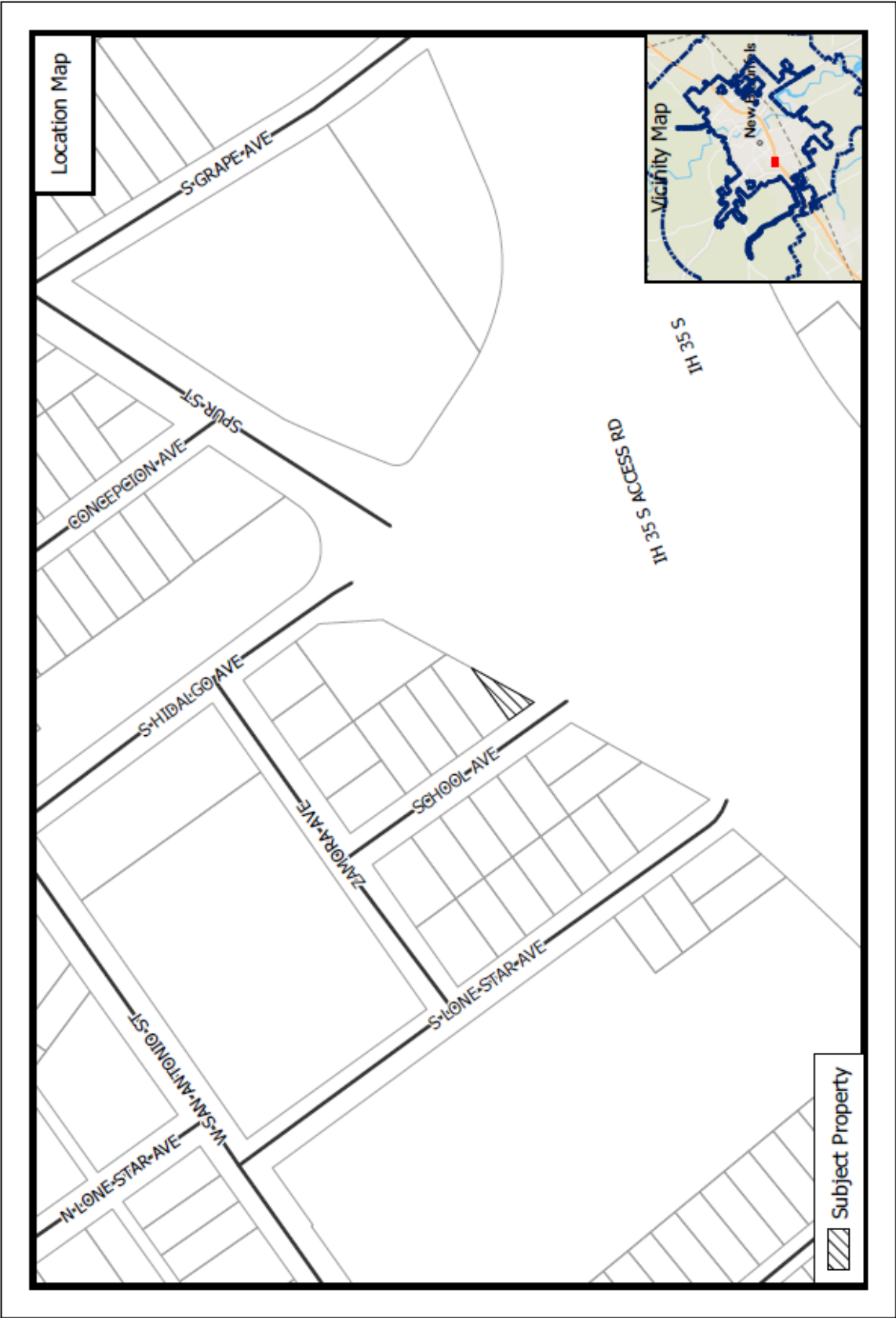
ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT 'A'



SUP21-0267
Special use permit for Short Term Rental



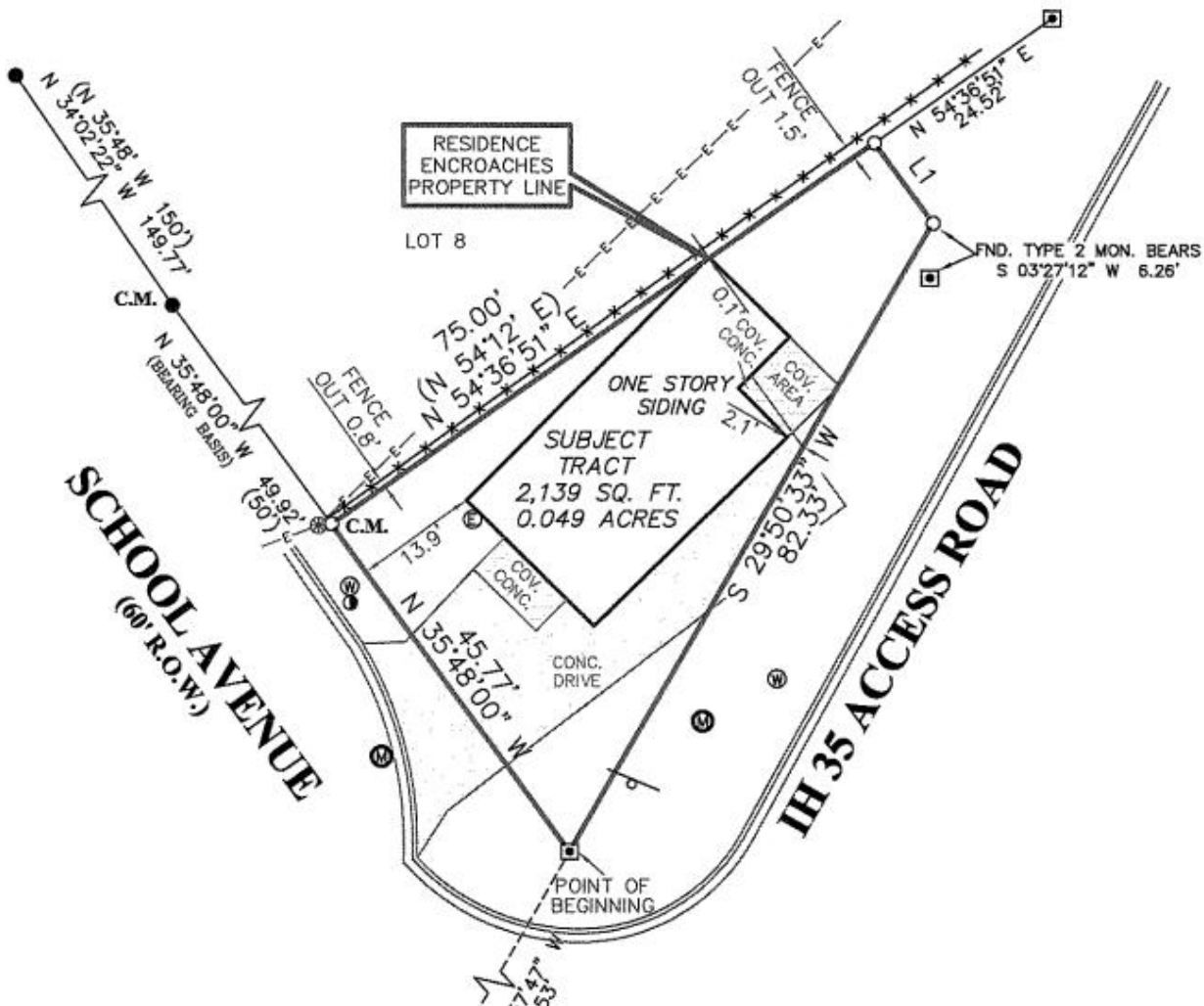
EXHIBIT 'B'

LINE	BEARING	DISTANCE
L1	S 35°48'00" E	11.28'

SITE PLAN



SCALE: 1"=20'



We John F. [Signature] and Yanping Yao [Signature] owners of 291 School Avenue, acknowledge that this site plan submitted for the purposes of rezoning the property is in accordance with all applicable provisions of the Zoning Ordinance. Additionally, I understand that City Council approval of this site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes/Ordinances at the time of plan submittal for building permits. Nor does it relieve me from adherence to any/all state or federal rules and regulations.

10/11/2021

Agenda Item No. H)

PRESENTER:

Jean Drew, AICP, CNU-A; Planning and Development Services Assistant Director

SUBJECT:

Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 7.6 acres out of the A. M. Esnaurizar A-1 Survey, addressed at 2100 IH-35 North, from “APD AH” Agricultural/Pre-Development, Airport Hazard Overlay District and “C-3 AH” Commercial, Airport Hazard Overlay District to “C-1B AH” General Business, Airport Hazard Overlay District.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 5**BACKGROUND INFORMATION:**

Case No.: PZ21-0268

Applicant: Henry A. Daughtry, Jr.
6200 Grissom Road
San Antonio, TX 78238
(210) 845-7350 hdaughtry@aol.com

Owners: Barbara Nell Dean
6616 Creek Drive
New Braunfels, TX 78130

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

City Council held a public hearing on September 27, 2021 and unanimously approved the first reading of the applicant’s requested rezoning ordinance. (7-0-0)

The 7.6-acre subject property is currently undeveloped. It is located on the east side of IH-35 North, south of the FM 306/Creekside Crossing intersection. The front 300 feet of the property was annexed in 1971 and is zoned C-3 Commercial District. The remainder was annexed in 1998 and still has the interim zoning of APD Agriculture/Pre-Development.

The applicant is requesting C-1B General Business District for the entire tract. C-1B is the current district most similar to the existing C-3. A district comparison chart for APD and C-1B is attached.

Surrounding Zoning and Land Use:

North - Across IH-35, M-1 AH/ Auto dealership

South - SLPD AH/ Mixed use planned development

East - C-3 AH, C-1B AH/ Manufactured home park
West - MU-B AH/ Self-storage warehouse

ISSUE:

The C-3 zoning along IH-35 is a cumulative district that allows general commercial uses typically found along highways, as well as residential. The current APD zoning district is intended for newly annexed areas, agricultural uses, and areas where development is premature due to a lack of utility capacity, or where a use has not been determined.

The proposed C-1B district is intended for retail and commercial nodes near intersections of major collectors and thoroughfares to accommodate anticipated traffic volumes.

This area is within the Conical and Horizontal Zones of the Airport Hazard Overlay District for building height. The proposed C-1B zoning limits building height to 75 feet, which is more restrictive than the AH Overlay.

The proposed rezoning is consistent with the following actions from Envision New Braunfels:

- 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.

Future Land Use Plan: The subject property is located in the Oak Creek Sub-Area, along the IH-35 corridor, and in close proximity to market and employment centers.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Committee Recommendation:

The Planning Commission held a public hearing on September 8, 2021 and recommended approval of the request. (7-0-0 with Chair Edwards recused and Commissioner Gibson absent)

Staff Recommendation:

Approval. The requested C-1B zoning is consistent with development trends in the area and is supported by Envision New Braunfels.

Mailed notification pursuant to state statute:

Public hearing notices were sent to owners of four properties within 200 feet of the request. We received three written responses in favor (#1, 2, 4) and none in opposition.

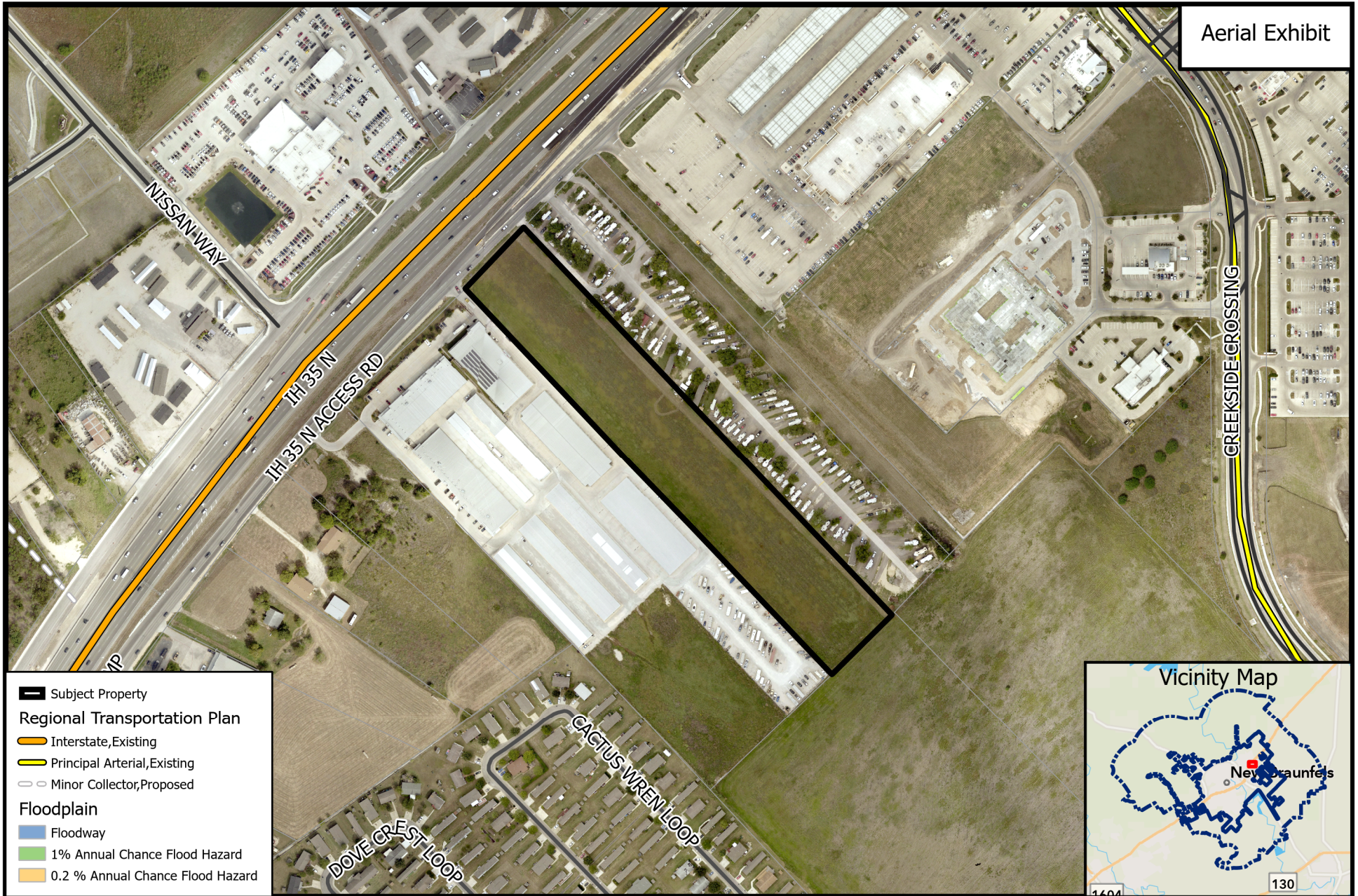
Resource Links:

Section 144-3.4-13. C-1B General Business District

[Chapter 144 - ZONING | Code of Ordinances | New Braunfels, TX | Municode Library](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987)
<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987>

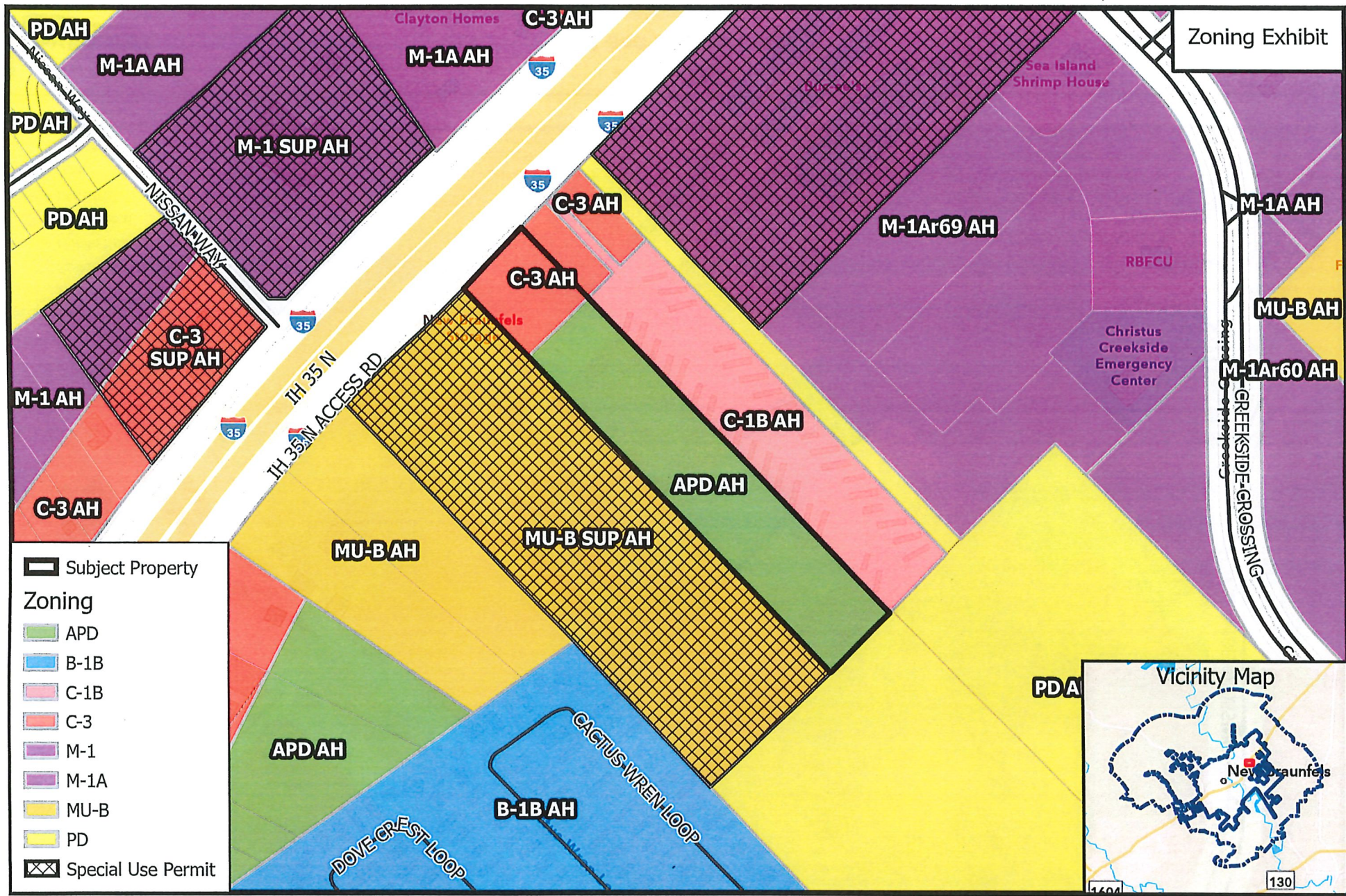
Attachments:

-
1. Aerial Map
 2. Land Use Maps (Zoning, Existing, Airport Overlay, Future Land Use)
 3. District Comparison Chart
 4. TIA Worksheet
 5. Notification Map
 6. Draft Planning Commission Minutes
 7. Ordinance



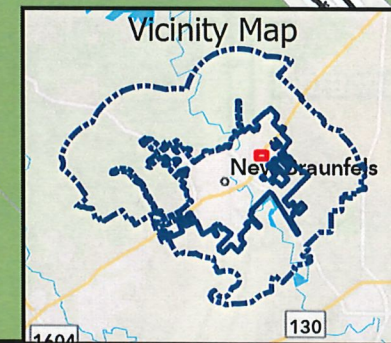
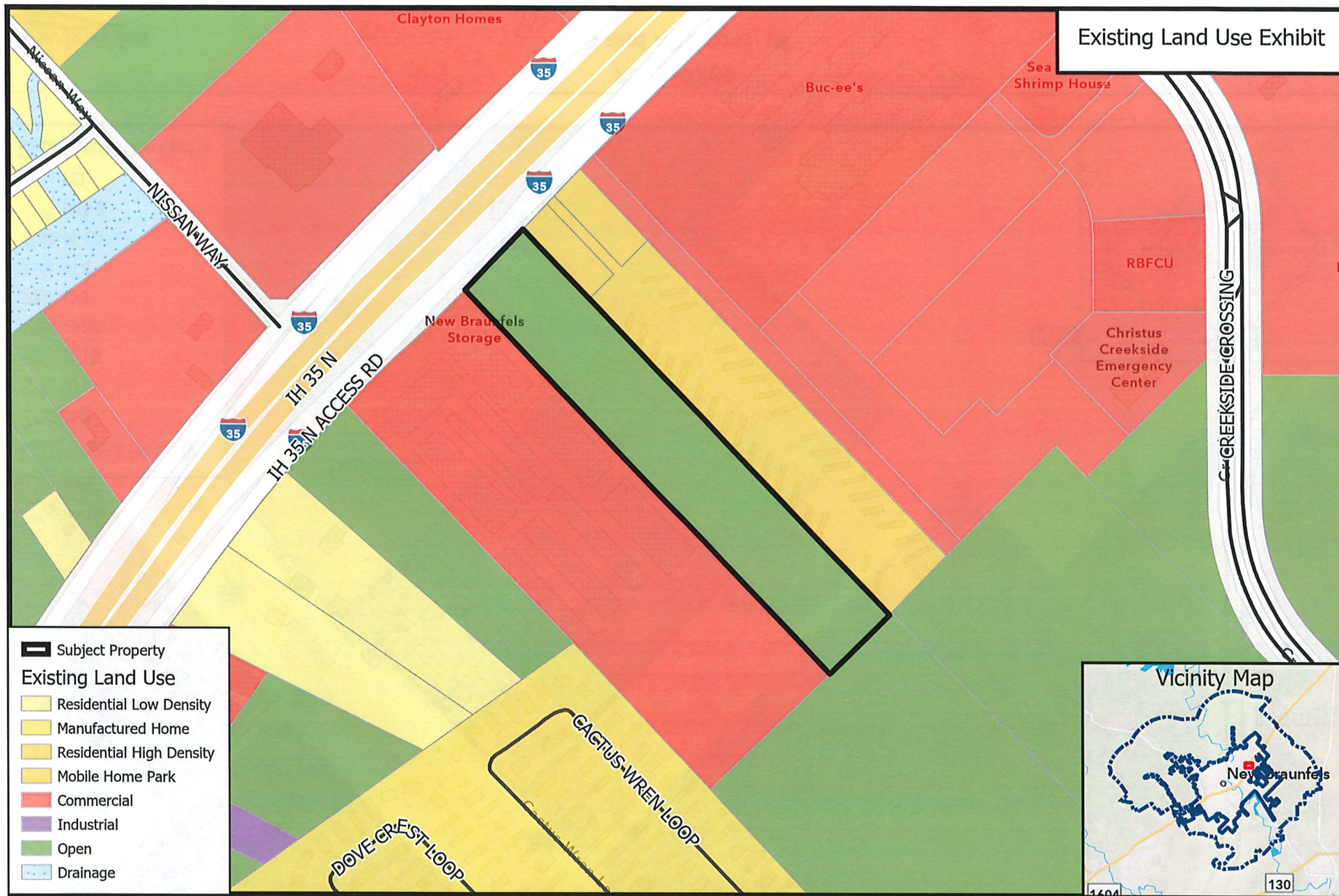
PZ21-0268
C-3 and APD to C-1B





PZ21-0268
C-3 and APD to C-1B





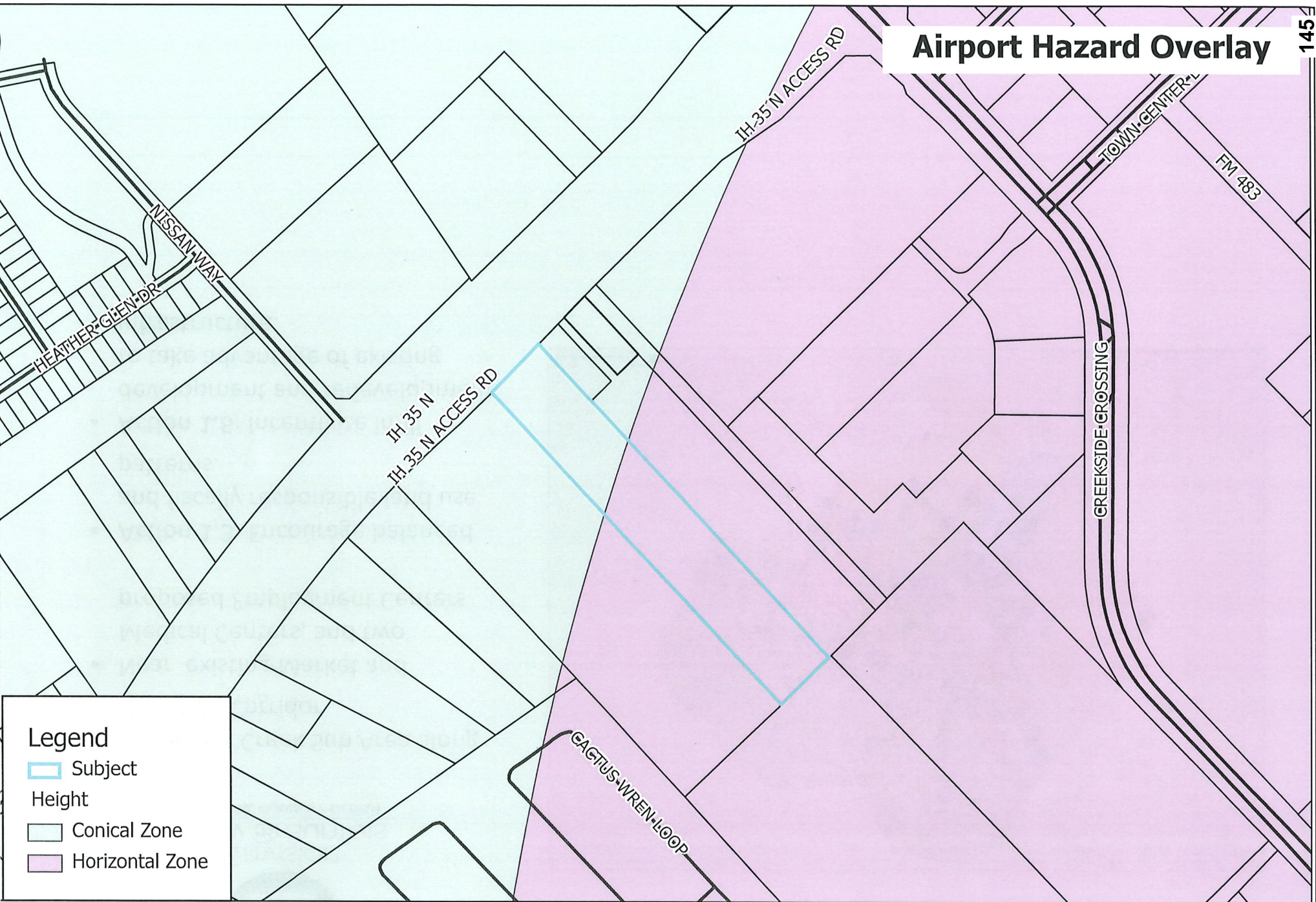
PZ21-0268
C-3 and APD to C-1B






Path:

Source: City of New Braunfels Planning

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

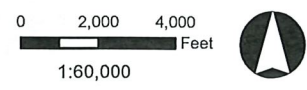


Legend

-  Subject
-  Conical Zone
-  Horizontal Zone



2100 IH-35 North



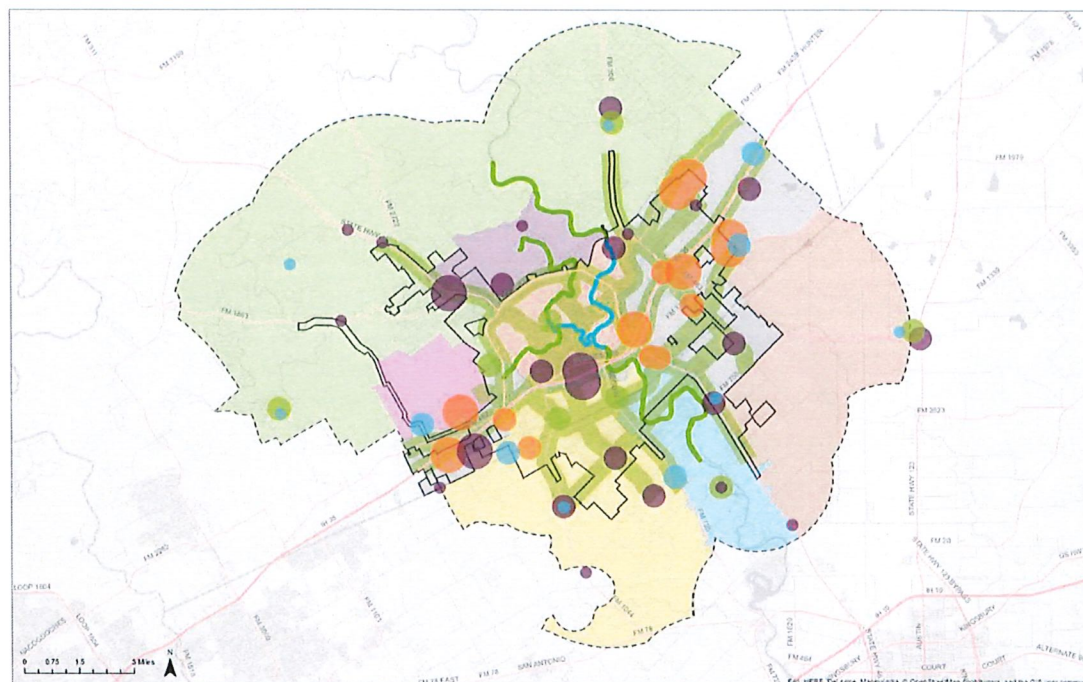


Envision New Braunfels

A SPECIAL PLACE BY DESIGN

- ◆ Located in the Oak Creek Sub-Area
- ◆ Near a Transitional Mixed-Use Corridor
- ◆ Near Existing Outdoor Market and Medical Centers and two proposed Employment Centers

Future Land Use Map



- **Action 1.3:** Encourage balanced and fiscally responsible land use patterns.
- **Action 1.6** Incentivize development and redevelopment to take advantage of existing infrastructure.

	Existing	Proposed
	APD	C-1B
Accessory building/structure (see section 144-5.4)	P	P
Accessory dwelling (one accessory dwelling per lot, no kitchen)	P	
Accounting, auditing, bookkeeping, and tax preparations		P
Acid manufacture		
Adult day care (no overnight stay)		P
Adult day care (with overnight stay)		P
Aircraft support and related services		
Airport		
All-terrain vehicle (ATV) dealer/sales		P
Ambulance service (private)		P
Amphitheaters (outdoor live performances)		P
Amusement devices/arcade (four or more devices)		P
Amusement services or venues (indoors) (see section 144-5.13)		P
Amusement services or venues (outdoors)		P
Animal grooming shop		P
Answering and message services		P
Antique shop		P
Appliance repair		P
Archery range		
Armed services recruiting center		P
Art dealer/gallery		P
Artist or artisans studio		P
Assembly/exhibition hall or areas		P
Assisted living facility/retirement home		P
Athletic fields		P
Auction sales (non-vehicle)		P
Auto body repair, garages (see section 144-5.11)		P
Auto glass repair/tinting (see section 144-5.11)		P
Auto interior shop/upholstery (see section 144-5.11)		P
Auto leasing		P
Auto muffler shop (see section 144-5.11)		P
Auto or trailer sales rooms or yards (see section 144-5.12)		P
Auto or truck sales rooms or yards—Primarily new (see section 144-5.12)		P
Auto paint shop		P
Auto repair as an accessory use to retail sales		P
Auto repair garage (general) (see section 144-5.11)		P
Auto supply store for new and factory rebuilt parts		P
Auto tire repair/sales (indoor)		P
Auto wrecking yards		
Automobile driving school (including defensive driving)		P
Bakery (retail)		P
Bank, savings and loan, or credit union		P
Bar/tavern (no outdoor music)		P
Bar/tavern		P

Barber/beauty college (barber or cosmetology school or college)		P
Barber/beauty shop, haircutting (non-college)		P
Barns and farm equipment storage (related to agricultural uses)	P	P
Battery charging station		P
Bed and breakfast inn (see section 144-5.6)		P
Bicycle sales and/or repair		P
Billiard/pool facility		P
Bingo facility		P
Bio-medical facilities		P
Blacksmith or wagon shops		
Blooming or rolling mills		
Boarding house/lodging house		
Book binding		P
Book store		P
Bottling or distribution plants (milk)		
Bottling works		
Bowling alley/center (see section 144-5.13)		P
Breweries/distilleries and manufacture of alcohol and alcoholic beverages		
Broadcast station (with tower) (see section 144-5.7)		P
Bulk storage of gasoline, petroleum products, liquefied petroleum and flammable liquids (see section 5.27)		
Bus barns or lots		P
Bus passenger stations		P
Cabin or cottage (rental)		
Cabin or cottage (rental for more than 30 days)		
Cafeteria/cafe/delicatessen		P
Campers' supplies		P
Campgrounds		
Canning/preserving factories		
Car wash (self-service; automated)		P
Car wash, full service (detail shop)		P
Carpenter, cabinet, or pattern shops		P
Carpet cleaning establishments		P
Caterer		P
Cement, lime, gypsum or plaster of Paris manufacture		
Cemetery and/or mausoleum	P	P
Check cashing service		P
Chemical laboratories (e.g., ammonia, bleaching powder)		
Chemical laboratories (not producing noxious fumes or odors)		
Child day care/children's nursery (business)		P
Church/place of religious assembly	P	P
Cider mills		
Civic/conference center and facilities		P
Cleaning, pressing and dyeing (non-explosive fluids used)		P
Clinic (dental)		P
Clinic (emergency care)		P
Clinic (medical)		P

Club (private)		P
Coffee shop		P
Cold storage plant		
Commercial amusement concessions and facilities		P
Communication equipment—Installation and/or repair		P
Community building (associated with residential uses)		
Community home (see definition)	P	P
Computer and electronic sales		P
Computer repair		P
Concrete or asphalt mixing plants—Permanent		
Concrete or asphalt mixing plants—Temporary		
Confectionery store (retail)		P
Consignment shop		P
Contractor's office/sales, with outside storage including vehicles		
Contractor's temporary on-site construction office	P	P
Convenience store with gas sales		P
Convenience store without gas sales		P
Cotton ginning or baling works		
Country club (private)	P	P
Credit agency		P
Crematorium		
Curio shops		P
Custom work shops		P
Dance hall/dancing facility (see section 144-5.13)		P
Day camp		P
Department store		P
Distillation of bones		
Dormitory (in which individual rooms are for rental)		
Drapery shop/blind shop		P
Driving range		P
Drug store/pharmacy		P
Duplex/two-family/duplex condominiums		
Electrical generating plant		
Electrical repair shop		P
Electrical substation		P
Electronic assembly/high tech manufacturing		
Electroplating works		
Enameling works		
Engine repair/motor manufacturing re-manufacturing and/or repair		
Explosives manufacture or storage		
Exterminator service		P
Fairground		
Family home adult care	P	
Family home child care	P	
Farmers market (produce market—wholesale)	P	P
Farms, general (crops) (see chapter 6 and section 144-5.9)	P	P

Farms, general (livestock/ranch) (see chapter 6 and section 144-5.9)	P	P
Feed and grain store		P
Fertilizer manufacture and storage		
Filling station (gasoline tanks must be below the ground)		P
Florist		P
Flour mills, feed mills, and grain processing	P	
Food or grocery store with gasoline sales		P
Food or grocery store without gasoline sales		P
Food processing (no outside public consumption)		
Forge (hand)		
Forge (power)		
Fraternal organization/civic club (private club)		P
Freight terminal, rail/truck (when any storage of freight is wholly outside an enclosed building)		
Freight terminal, truck (all storage of freight in an enclosed building)		
Frozen food storage for individual or family use		P
Funeral home/mortuary		P
Furniture manufacture		
Furniture sales (indoor)		P
Galvanizing works		
Garbage, offal or dead animal reduction or dumping		
Garden shops and greenhouses		P
Gas manufacture		
Gas or oil wells		
Golf course (public or private)	P	P
Golf course (miniature)		P
Government building or use with no outside storage (outside storage allowed in M-2 and M-2A)	P	P
Grain elevator	P	
Greenhouse (commercial)		P
Handicraft shop		P
Hardware store		P
Hay, grain, and/or feed sales (wholesale)	P	
Health club (physical fitness; indoors only)		P
Heating and air-conditioning sales/services		
Heavy load (farm) vehicle sales/repair (see section 144-5.14)		P
Heavy manufacturing		
Heliport		
Hides/skins (tanning)		
Home occupation (see section 144-5.5)	P	
Home repair and yard equipment retail and rental outlets		P
Hospice		P
Hospital, general (acute care/chronic care)		P
Hospital, rehabilitation		P
Hotel/motel		P
Hotels/motels—Extended stay (residence hotels)		P
Ice delivery stations (for storage and sale of ice at retail only)		P

Ice plants		
Indoor or covered sports facility		
Industrial laundries		
Iron and steel manufacture		
Junkyards, including storage, sorting, baling or processing of rags		
Kiosk (providing a retail service)		P
Laboratory equipment manufacturing		
Laundromat and laundry pickup stations		P
Laundry, commercial (without self-serve)		P
Laundry/dry cleaning (drop off/pick up)		P
Laundry/washateria (self-serve)		P
Lawnmower sales and/or repair		P
Leather products manufacturing		
Light manufacturing		
Limousine/taxi service		P
Livestock sales/auction	P	
Locksmith		P
Lumber mill		
Lumberyard (see section 144-5.15)		
Lumberyard or building material sales (see section 144-5.15)		
Machine shop		
Maintenance/janitorial service		P
Major appliance sales (indoor)		P
Manufacture of carbon batteries		
Manufacture of paint, lacquer, oil, turpentine, varnish, enamel, etc.		
Manufacture of rubber, glucose, or dextrin		
Manufactured home—HUD Code compliant (see Texas Occupations Code ch. 1201)		
Manufactured home park—HUD Code compliant (see Texas Occupations Code ch. 1201)		
Manufactured home subdivision—HUD Code compliant (see Texas Occupations Code ch. 1201)		
Manufactured home sales		
Manufacturing and processes		
Manufacturing processes not listed		
Market (public, flea)		
Martial arts school		P
Meat or fish packing/storage plants		
Medical supplies and equipment		P
Metal fabrication shop		
Micro brewery (onsite mfg. and/or sales)		P
Mini-warehouse/self-storage units (no boat and RV storage permitted)		P
Mini-warehouse/self-storage units with outside boat and RV storage		P
Monument, gravestone, or marble works (manufacture)		
Motion picture studio, commercial film		P
Motion picture theater (indoors)		P
Motion picture theater (outdoors, drive-in)		P

Motorcycle dealer (primarily new/repair)		P
Moving storage company		P
Moving, transfer, or storage plant		
Multifamily (apartments/condominiums)		
Museum		P
Natural resource extraction and mining		
Needlework shop		P
Nonbulk storage of gasoline, petroleum products and liquefied petroleum		
Nursing/convalescent home/sanitarium		P
Offices, brokerage services		P
Offices, business or professional		P
Offices, computer programming and data processing		P
Offices, consulting		P
Offices, engineering, architecture, surveying or similar		P
Offices, health services		P
Offices, insurance agency		P
Offices, legal services, including court reporting		P
Offices, medical offices		P
Offices, real estate		P
Offices, security/commodity brokers, dealers, exchanges and financial services		P
Oil compounding and barreling plants		
One-family dwelling, detached	P	
Outside storage (as primary use)		
Paint manufacturing		
Paper or pulp manufacture		
Park and/or playground (private and public)	P	P
Parking lots (for passenger car only) (not as incidental to the main use)		P
Parking structure/public garage		P
Pawn shop		P
Personal watercraft sales (primarily new/repair)		P
Pet shop/supplies (less than 10,000 sq. ft.)		P
Pet store (over 10,000 sq. ft.)		P
Petroleum or its products (refining of)		
Photo engraving plant		
Photographic printing/duplicating/copy shop or printing shop		P
Photographic studio (no sale of cameras or supplies)		P
Photographic supply		P
Plant nursery (no retail sales on site)	P	P
Plant nursery (retail sales/outdoor storage)		P
Plastic products molding/reshaping		
Plumbing shop		P
Portable building sales		P
Poultry killing or dressing for commercial purposes		
Propane sales (retail)		
Public recreation/services building for public park/playground areas		P

Publishing/printing company (e.g., newspaper)		P
Quick lube/oil change/minor inspection		P
Radio/television shop, electronics, computer repair		P
Railroad roundhouses or shops		
Rappelling facilities		
Recreation buildings (private)		P
Recreation buildings (public)	P	P
Recycling kiosk		P
Refreshment/beverage stand		P
Rental or occupancy for less than one month (see section 144-5.17)		
Research lab (non-hazardous)		P
Residential use in buildings with non-residential uses permitted in the district		
Restaurant/prepared food sales		P
Restaurant with drive-through service		P
Retail store and shopping center without drive-through service (50,000 sq. ft. bldg. or less)		P
Retail store and shopping center with drive-through service (50,000 sq. ft. bldg. or less)		P
Retail store and shopping center (more than 50,000 sq. ft. bldg.)		P
Retirement home/home for the aged		P
Rock crushers and rock quarries		
Rodeo grounds	P	
RV park		P
RV/travel trailer sales		P
Sand/gravel sales (storage or sales)		
School, K-12 public or private	P	P
School, vocational (business/commercial trade)		P
Security monitoring company (no outside storage or installation)		P
Security systems installation company		P
Sexually oriented business (see chapter 18)		
Sheet metal shop		
Shoe repair shops		P
Shooting gallery—Indoor (see section 144-5.13)		P
Shooting range—Outdoor (see section 144-5.13)		
Shopping center		P
Sign manufacturing/painting plant		P
Single-family industrialized home (see section 144-5.8)	P	
Smelting of tin, copper, zinc or iron ores		
Specialty shops in support of project guests and tourists		P
Stables (as a business) (see chapter 6)	P	
Stables (private, accessory use) (see chapter 6)	P	
Steel furnaces		
Stockyards or slaughtering		
Stone/clay/glass manufacturing		
Storage—Exterior storage for boats and recreational vehicles		P
Storage in bulk		
Structural iron or pipe works		

Studio for radio or television, without tower (see zoning district for tower authorization)		P
Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)		P
Sugar refineries		
Tailor shop (see home occupation)		P
Tar distillation or manufacture		
Tattoo or body piercing studio		P
Taxidermist		P
Telecommunications towers/antennas (see section 144-5.7)		
Telemarketing agency		P
Telephone exchange buildings (office only)		P
Tennis court (commercial)		P
Theater (non-motion picture; live drama)		P
Tire sales (outdoors)		P
Tool rental		P
Townhouse (attached)		
Transfer station (refuse/pick-up)		
Travel agency		P
Truck or transit terminal		
Truck stop		
Tuber entrance and takeout facilities (see section 144-5.13)		
University or college (public or private)		P
Upholstery shop (non-auto)		P
Used or second hand merchandise/furniture store		P
Vacuum cleaner sales and repair		P
Vehicle storage facility		P
Veterinary hospital (no outside animal runs or kennels)		P
Veterinary hospital (with outdoor animal runs or kennels that may not be used between the hours of 9:00 p.m. and 7:00 a.m.)		
Video rental/sales		P
Warehouse/office and storage/distribution center		
Waterfront amusement facilities—Berthing facilities sales and rentals		
Waterfront amusement facilities—Boat fuel storage/dispensing facilities		
Waterfront amusement facilities—Boat landing piers/launching ramps		
Waterfront amusement facilities—Swimming/wading pools/bathhouses		P
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system	P	P
Welding shop		
Wholesale sales offices and sample rooms		P
Wire or rod mills		
Wood distillation plants (charcoal, tar, turpentine, etc.)		
Woodworking shop (ornamental)		P
Wool scouring		
Zero lot line/patio homes		

CITY OF NEW BRAUNFELS TRAFFIC IMPACT ANALYSIS (TIA) DETERMINATION FORM

Complete this form to determine Traffic Impact Analysis requirements.
A site exhibit must be with this form to be considered a complete submittal.

Section 1: General Information

General Information			
Project Name:			Date:
Subdivision Plat Name:		Project Address/Location:	
Location?	<input type="checkbox"/> City of New Braunfels	<input type="checkbox"/> New Braunfels ETJ	<input type="checkbox"/> Comal County <input type="checkbox"/> Guadalupe County
Owner Name:		Owner Email:	
Owner Address:		Owner Phone:	
Preparer Company:			
Preparer Name:		Preparer Email:	
Preparer Address:		Preparer Phone:	
Application Type or Reason for TIA Worksheet/Report			
<input type="checkbox"/> Master Plan <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Commercial Permit <input type="checkbox"/> Zoning			
TIA Submittal Type (A TIA Worksheet is required with <u>all</u> zoning, plan and plat applications)			
<input type="checkbox"/> TIA Worksheet Only (100 peak hour trips or less)		<input type="checkbox"/> Level 1 TIA Report (101-500 peak hour trips)	
<input type="checkbox"/> Level 2 TIA Report (501-1,000 peak hour trips)		<input type="checkbox"/> Level 3 TIA Report (1,001 or more peak hour trips)	
Previously Approved TIA (Required if this project is part of a development with a previously approved TIA report)			
Previously Approved TIA Report Name:			City Approval Date:
TxDOT Access Approved?			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable			

Section 2: Proposed Land Use and Trip Information for Application

Land Use	ITE Code ¹	ITE Unit ²	Est. Project Units	AM Peak Hour Rate	PM Peak Hour Rate	WKND Peak Hour Rate	AM Peak Hour Trips	PM Peak Hour Trips	WKND Peak Hour Trips
Total from additional tabulation sheet (if necessary):									
Total:									

¹Institute of Transportation Engineers (ITE) Trip Generation, 10th Edition or most recent

²E.g., Dwelling Units, Acres, Employees, KSF, etc.

PLANNING COMMISSION – SEPTEMBER 8, 2021 – 6:00PM

Applicant/Owner: Henry Daughtry, agent for Barbara Nell Dean

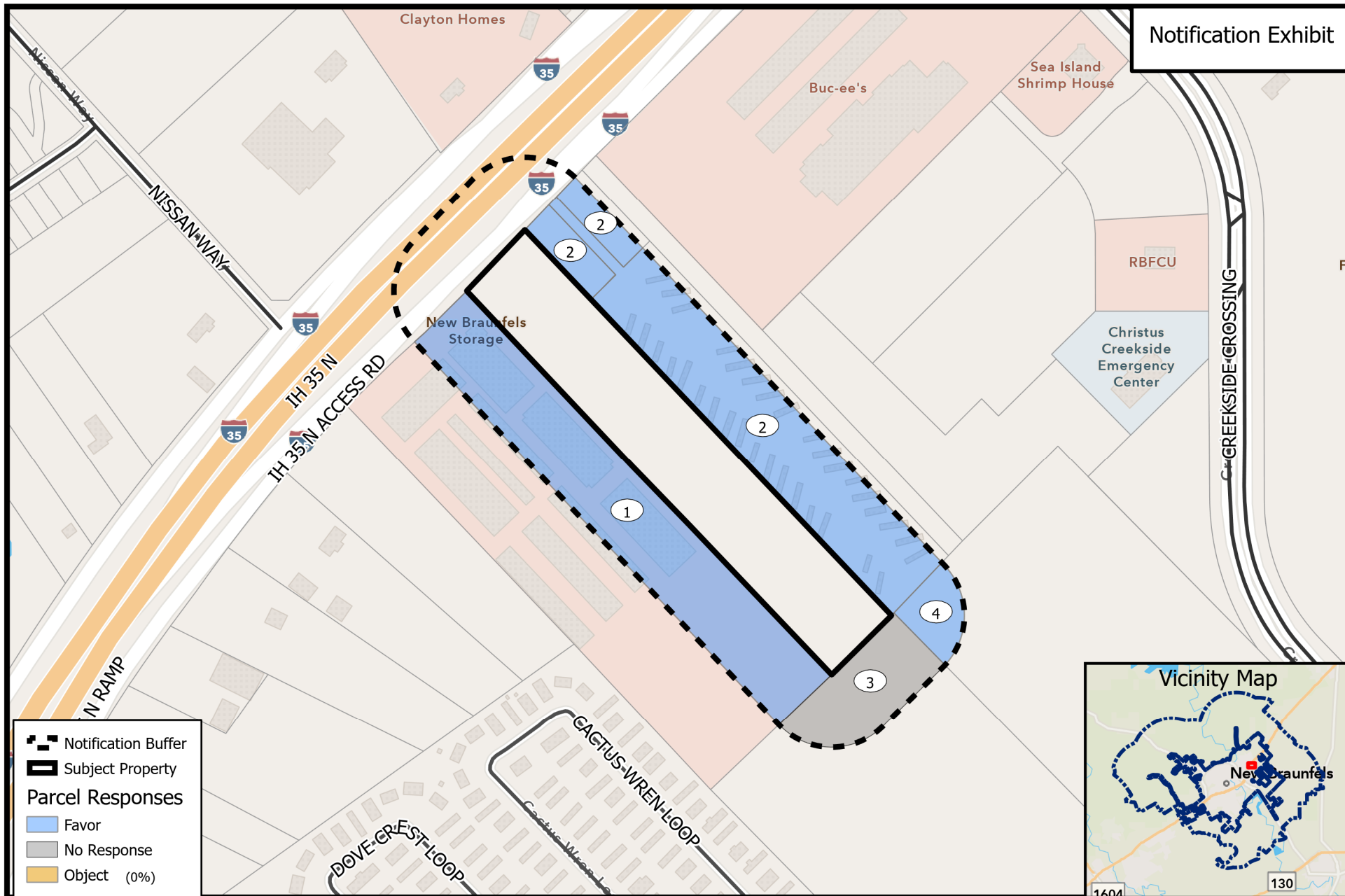
Address/Location: Approx. 7.6 acres addressed at 2100 IH-35 North

PROPOSED ZONE CHANGE – CASE #PZ21-0268

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 “Subject Property”.

1. NEW BRAUNFELS STORAGE LTD
2. RBNT INVESTMENTS LLC
3. SOLMS LANDING DEVELOPMENT LLC
4. TIMMERMANN JEROME W FAMILY TRUST

SEE MAP



PZ21-0268
C-3 and APD to C-1B



Source: City of New Braunfels Planning
 Date: 9/8/2021

DISCLAIMER: This map and information contained in it were developed 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, its officials or employees for any discrepancies, errors, or variances which may exist.

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ21-0268 Daughtry (hm)

Name: New Brannels Storage

I favor: ☒

Address: 2090 N. I-35

I object: _____ (State reason for objection)

Property number on map: 1

Comments: (Use additional sheets if necessary)

be a low impact addition to proposed development will
the City Tax Base.

Signature: Henry Daughtry, Pres of Brannels

RECEIVED

SEP - 8 2021

BY: _____

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ21-0268 Daughtry (hm)

Name: John Carroll

I favor: ☒

Address: 2136 N. I-35

I object: _____ (State reason for objection)

Property number on map: 2

Comments: (Use additional sheets if necessary)

I think the proposed zoning is consistent with
the surrounding property development & will be a
good neighbor to my property

Signature: John Carroll

NB RV Park

RECEIVED

SEP - 8 2021

BY: _____

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ21-0268 Daughtry (hm)

Name: _____

I favor: ☒

Address: _____

I object: _____ (State reason for objection)

Property number on map: 4

Comments: (Use additional sheets if necessary)

Signature: Betty Timmermann

RECEIVED

SEP 0 8 2021

BY: BT

Outside notification
area



September 7, 2021

Holly Mullens, Sr. Planner/New Braunfels Planning Commission:

RE: This letter is in reference to the zoning change of property 21-0268 (including the 1.5 acres located at 2100 N. IH-35, New Braunfels, Texas 78130).

Ms. Mullens,

Laz-Z-Boy supports the zoning change from C3ah/apd ach to C1b ah (Commercial Retail).

We are excited to be bringing a La-Z-Boy location to New Braunfels. We believe this location is an excellent site and request the zoning change as per above.

Thank you!

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Burks", with a stylized flourish at the end.

Bruce Burks
Controller
lzbbruceburks@gmail.com

Draft Minutes for the September 8, 2021 Planning Commission Regular Meeting

E) PZ21-0268 Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 7.6 acres out of the A. M. Esnaurizar A-1 Survey, addressed at 2100 IH-35 North, from “APD AH” Agricultural/Pre-Development, Airport Hazard Overlay District and “C-3 AH” Commercial, Airport Hazard Overlay District to “C-1B AH” General Business, Airport Hazard Overlay District. Applicant: Henry Daughtry; Case Manager: Holly Mullins

Chair Edwards recused himself at 6:53 pm.

Mrs. Mullins presented.

Vice Chair Laskowski invited the applicant to present their request.

Avery Daughtry, 6200 Grissom Road, stated he was the applicant. Mr. Daughtry stated the intent of the request was to allow a furniture store to be constructed on the lot with self-storage located at the rear of property behind the store.

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

William Rogers, 16 La Mesa Drive, expressed concerns regarding construction of self-storage buildings adjacent to the RV park and compliance with buffering requirements in the fire code.

Vice Chair Laskowski closed the public hearing.

Motion by Commissioner Reaves, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed rezoning of approximately 7.6 acres out of the A. M. Esnaurizar A-1 Survey, addressed at 2100 IH-35 North, from “APD AH” Agricultural/Pre-Development, Airport Hazard Overlay District and “C-3 AH” Commercial, Airport Hazard Overlay District to “C-1B AH” General Business, Airport Hazard Overlay District with staff recommendations. Motion carried (7-0-0).

Chair Edwards returned to the dais at 6:58 pm.

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 7.6 ACRES OUT OF THE A. M. ESNAURIZAR A-1 SURVEY, COMAL COUNTY, TEXAS, ADDRESSED AT 2100 IH-35 NORTH, FROM “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT AND “C-3” COMMERCIAL DISTRICT TO “C1-B” GENERAL BUSINESS DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, the City Council desires to amend the Zoning Map by rezoning approximately 7.6 acres out of the A. M. Esnaurizar A-1 Survey, addressed at 2100 IH-35 North, from “APD” Agricultural/Pre-Development District and “C-3” Commercial District to “C-1B” General Business District, **now, therefore**;

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following described tract of land from “APD” and “C-3” Districts to “C-1B” General Business, Airport Hazard Overlay District:

Approximately 7.6 acres out of the A. M. Esnaurizar A-1 Survey, Comal County, Texas, addressed at 2100 IH-35 North, 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 27th day of September, 2021.

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

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

Exhibit "A"

Metes & Bounds Description for 7.6 acres at 2100 IH-35 North

GRANTOR HAS GRANTED, TRANSFERRED, and CONVEYED, and by these presents does GRANT, TRANSFER and CONVEY unto the said Grantee, the interest of the BARBARA NELL DEAN TRUST, as created under the will of Annie Rose Henze, in and to the following described property commonly known as 2100 IH 35 East, New Braunfels, Texas, to-wit:

Beginning at a stake in the Southeast line of the said Albert Soeffje tract of 154 acres, set N. 45° 45' E, 453.6 feet from it's Southwest corner, for the East corner of a tract of 7.65 acres conveyed by Jeff Soeffje et. al. to Lottie Soeffje Wersterfer and for the South corner of this tract;

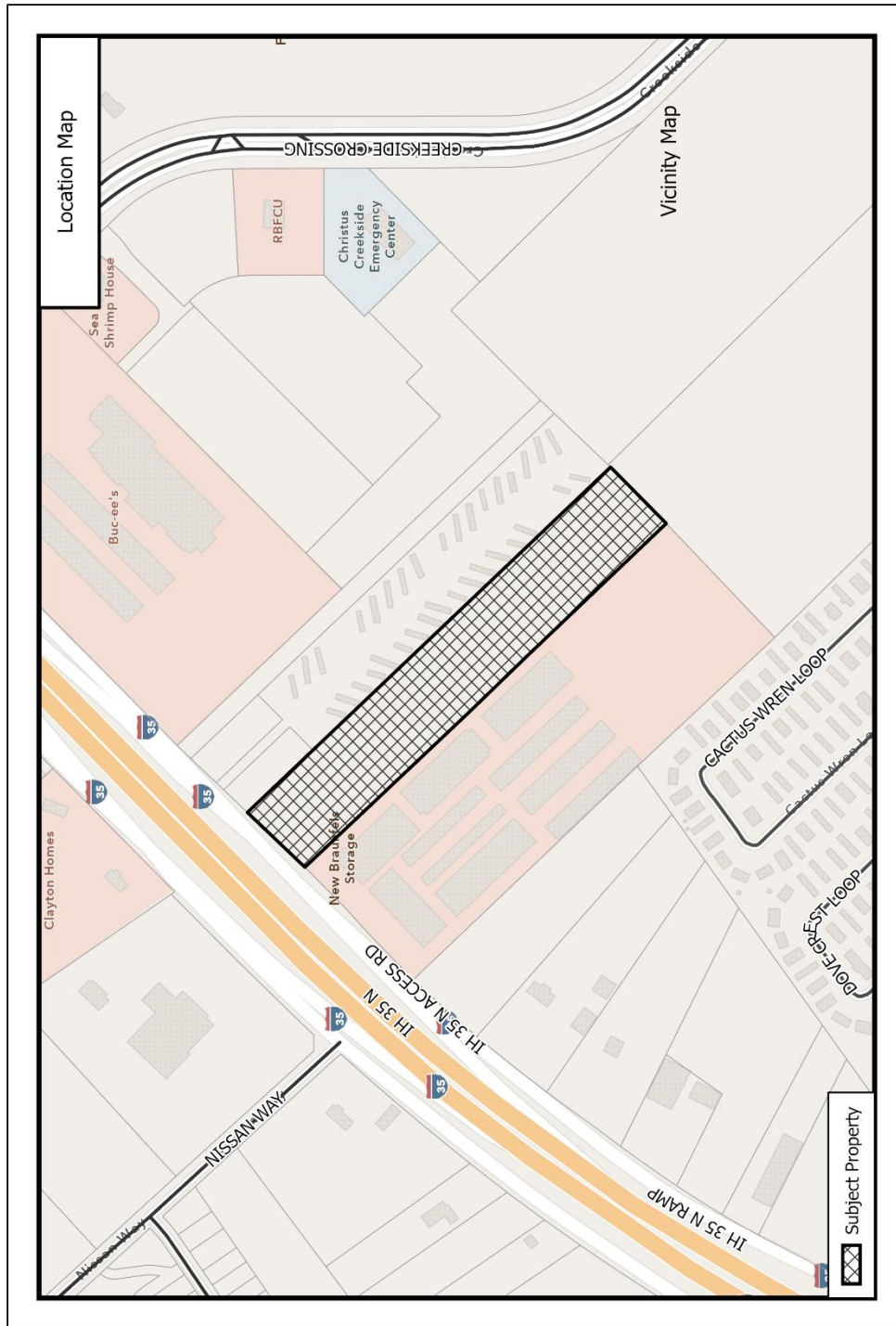
Thence, with the Northeast line of said Lottie Soeffje Wersterfer tract, N. 43° 06' W, 1471 feet to a stake in the Southeast line of U.S. Interstate Highway No. 35 (formerly U.S. 81) for West corner;

Thence, with the Southeast line of said highway, N. 45° 40' E, 227.7 feet to a stake set for West corner of a tract of 7.66 acres conveyed by Jeff Soeffje et al to Minnie Soeffje Pasquale and for North corner of this tract;

Thence, with the Southwest line of said Minnie Soeffje Pasquale tract of 7.66 acres, S. 43° 03' E, 1471.4 feet to a stake in the Southeast line of said Albert Soeffje tract of 154 acres;

Thence, with the Southeast line of said Albert Soeffje tract, S. 45° 45' W, 226.5 feet to the place of beginning, containing 7.66 acres.

EXHIBIT "B"



PZ21-0268
C-3 and APD to C-1B

Source: City of New Braunfels Planning
 Date: 9/8/2021

DISCLAIMER: The 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 omissions which may exist.



Path: \\cfrs-1\Departments\Planning\ZoneChange-SUP-Replat\2021\PZ21-0268 - 2100 N IH-35 -

10/11/2021

Agenda Item No. I)

PRESENTER:

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

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow residential use in the M-2 Heavy Industrial District and short term rental of a single-family residence on Lot 3 Milltown Extension 1, addressed at 757 Oasis Street.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 5**BACKGROUND INFORMATION:**

Case No.: SUP21-270

Applicant/Owner: Cole Riley
Texas Horizon Development, LLC
204 Scott Street
San Marcos, TX 78666
(605) 645-2486 14rileyc@gmail.com

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

City Council held a public hearing on September 27, 2021 and unanimously approved the first reading of the applicant's requested rezoning/SUP ordinance with recommended conditions. (7-0-0)

The subject property is located in the Old Mill neighborhood, just behind Marketplace Shopping Center. This area is currently zoned M-2 Heavy Industrial, as it was adjacent to the textile mill that operated in New Braunfels until the early 2000's. The existing single-family residence was constructed in 1927. This Special Use Permit (SUP) request is to allow short term rental (STR) of the existing residence.

Residential Use

As a pre-1987 "cumulative" zoning district, residential uses were allowed in M-2 when the zoning was applied. In 2019, amendments to the Zoning Ordinance removed residential as an allowed use in all industrial zoning districts. This action was taken to preserve land for industrial development/job creation, and to mitigate compatibility concerns for both residential and industrial property owners that was less of an issue in the early part of the last century.

Existing residential uses in M-2 are now non-conforming, and City Council directed staff to facilitate the rezoning of such residential neighborhoods as appropriate. This will be accomplished on a large scale with neighborhood-wide rezoning cases, potentially following sub-area, community or neighborhood plans adopted as part of implementing Envision New Braunfels, the City's Comprehensive Plan. In the meantime, properties that want to pursue alterations, reconstruction, or expansion of use (such as STR) can be brought into

compliance through the rezoning/SUP process at no application cost to the property owner.

Included in this SUP is a request to properly allow the existing single-family residential use in the M-2 Heavy Industrial zoning district, remedying the non-conforming status.

Short Term Rental

The house is currently being remodeled to include four bedrooms and four bathrooms. Per the Zoning Ordinance, maximum occupancy of the proposed STR is 10 guests (2 per bedroom plus 2 additional guests). At least four off-street parking spaces are required. There is room for a driveway that could accommodate four vehicles; however, it is not currently paved. The applicant is willing to pave the required parking spaces to City standards (permeable pavement, concrete or asphalt with a concrete approach) prior to operating the short-term rental. Note: the gravel area along Oasis Street is within the right-of-way and although street parking is allowed, it does not count toward the off-street parking requirement. A building permit is required for paving.

Surrounding Zoning and Land Use:

North - M-2/ Two-family residence

South - Across Oasis Street, M-2/ Commercial shopping center

East - M-2/ Single-family residence

West - M-2 SUP/ Single-family residence with STR

ISSUE:

When paved parking for at least four vehicles is provided, the proposed SUP will meet all Zoning Ordinance requirements for a short-term rental, and is consistent with the following actions from Envision New Braunfels:

- Action 1.3: Encourage balanced and fiscally responsible land use patterns.
- Action 1.14: Ensure regulations do not unintentionally inhibit the provisions 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 Market and Employment Centers and the Recreational River Corridor.

The proposed STR is centrally located inside Loop 337, within a short drive to many visitor attractions, and in a transitional area around the Old Mill that contains a mix of residential and commercial uses including an event venue. An SUP for short-term rental was approved next door at 747 Oasis Street in June, 2021.

Short term rental standards in the Zoning Ordinance help to ensure proper measures are in place to protect public health, safety and neighboring properties. If the SUP is approved, the registration of the short-term rental and online payment of hotel occupancy taxes are required.

FISCAL IMPACT:

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

RECOMMENDATION:

Committee Recommendation:

The Planning Commission held a public hearing on September 8, 2021 and recommended approval of the request with staff recommendations. (8-0-0 with Commissioner Gibson absent)

Staff recommends approval with the following conditions:

-
1. Off-street parking for at least four vehicles must be paved in accordance with City standards prior to operating the short term rental.
 2. The residential character of the property must be maintained.
 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 10 guests.
 5. The applicant will register the short-term rental and create an account for online payment of hotel occupancy taxes.
 6. All other standards of the Zoning Ordinance will also be met.

Mailed notification pursuant to state statute:

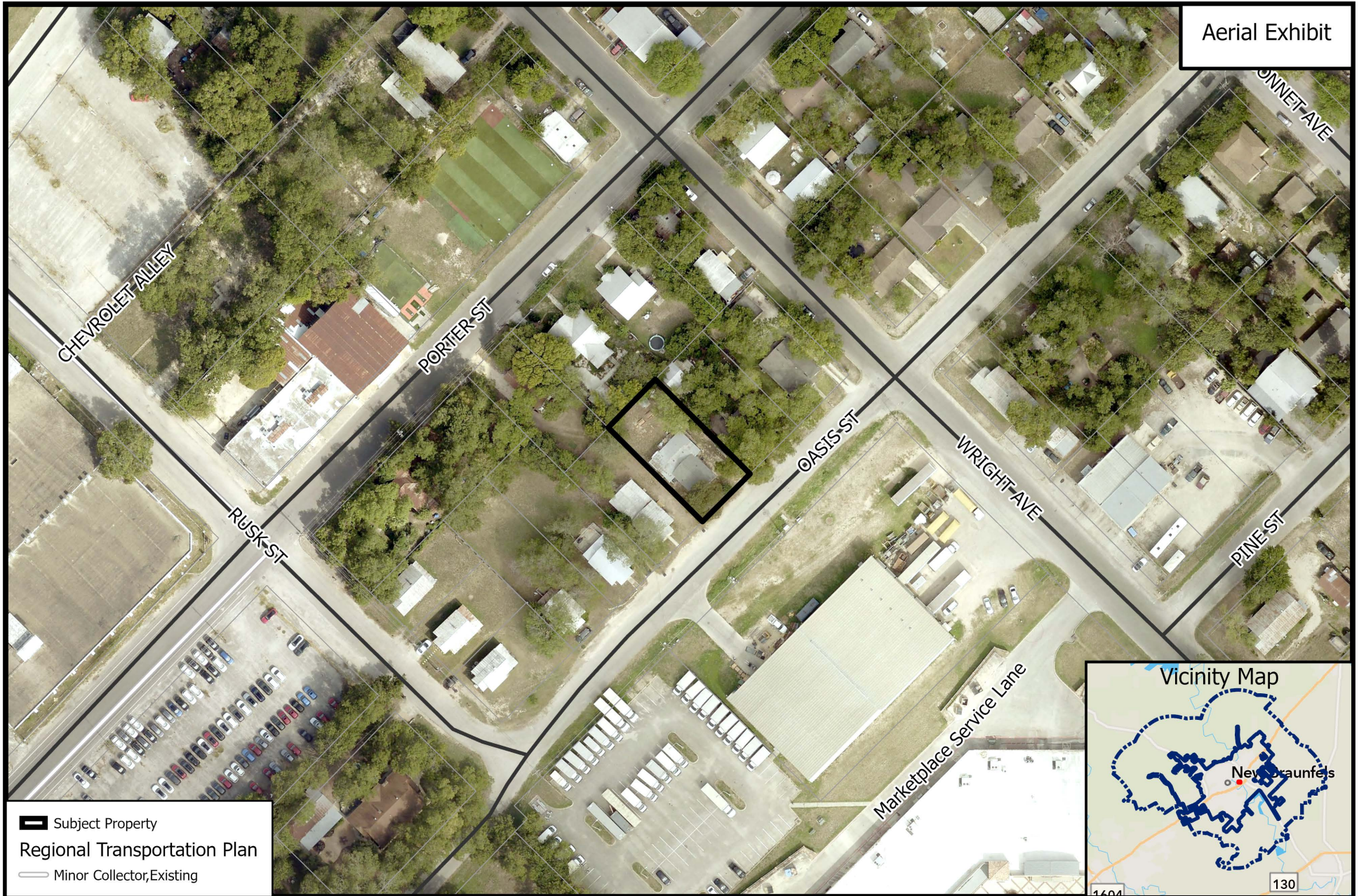
Public hearing notices were sent to 17 owners of property within 200 feet of the request. To date, the City has received no responses.

Resource Links:

- Chapter 144, Sec. 3.3-12 (M-2) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTIIZODI_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=PTIICOOR_C H144ZO_ARTIIZODI_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=PTIICOOR_C H144ZO_ARTVDEST_S144-5.17SHTEREOC

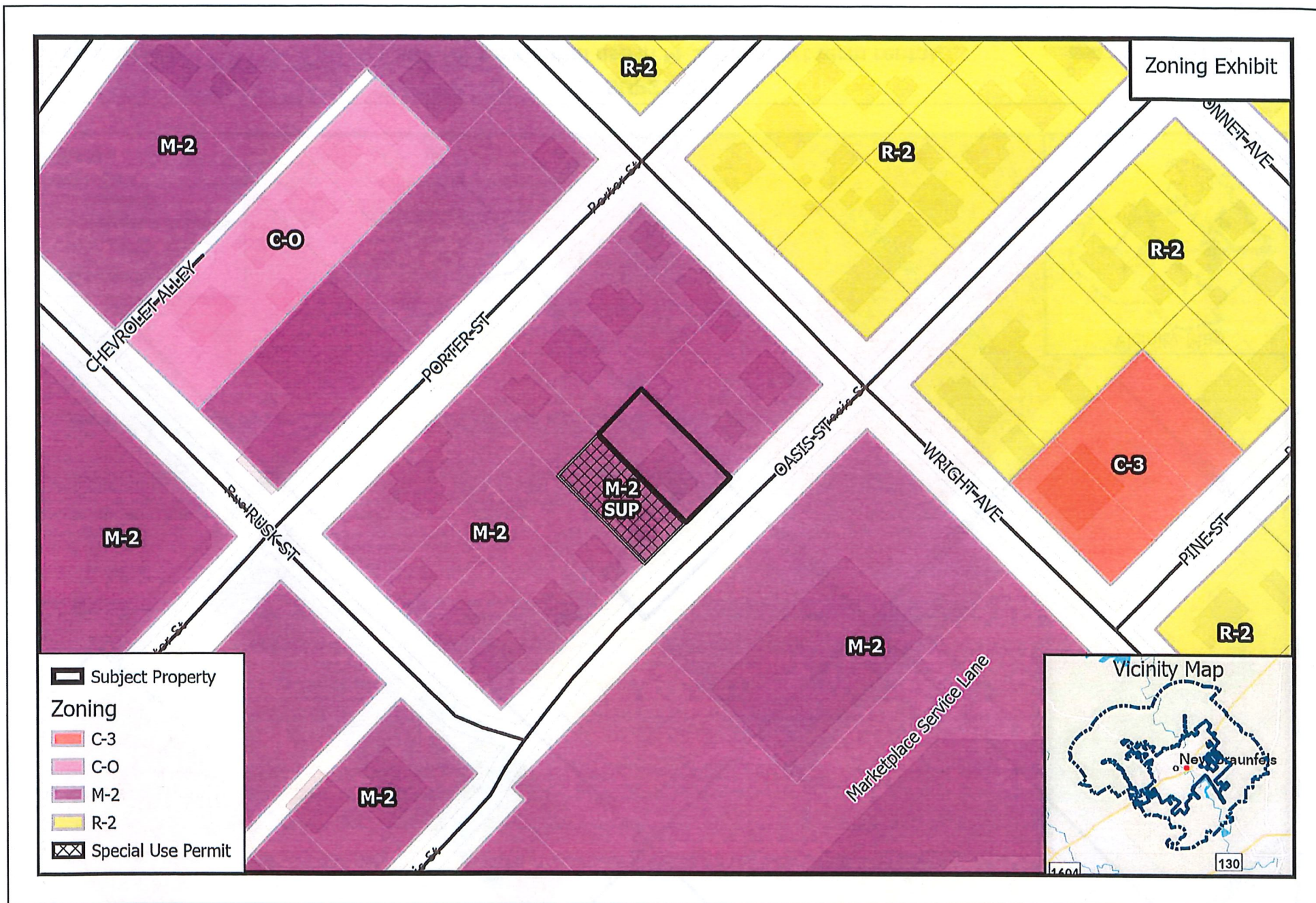
Attachments:

1. Aerial Map
2. Land Use Maps (Zoning, Existing, Future Land Use, STR)
3. Site Plan and Floor Plan
4. Notification Map
5. Photograph
6. Draft Minutes from Planning Commission
7. Ordinance



SUP21-270
SUP for residential use in M-2 and short term rental

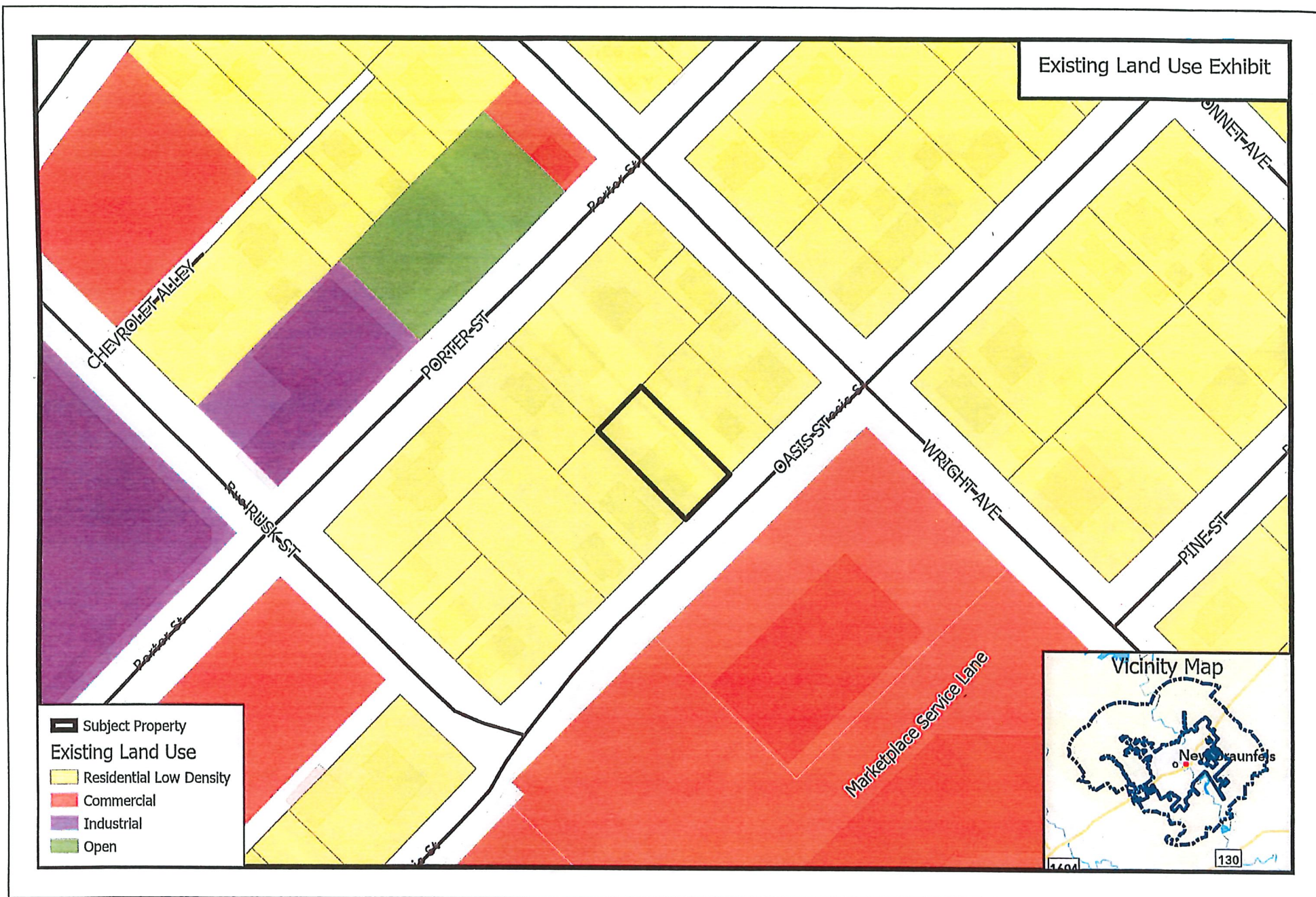




SUP21-270
SUP for residential use in M-2 and short term rental

0 60 120
 Feet





SUP21-270
SUP for residential use in M-2 and short term rental

0 60 120
 Feet



Path:

Source: City of New Braunfels Planning

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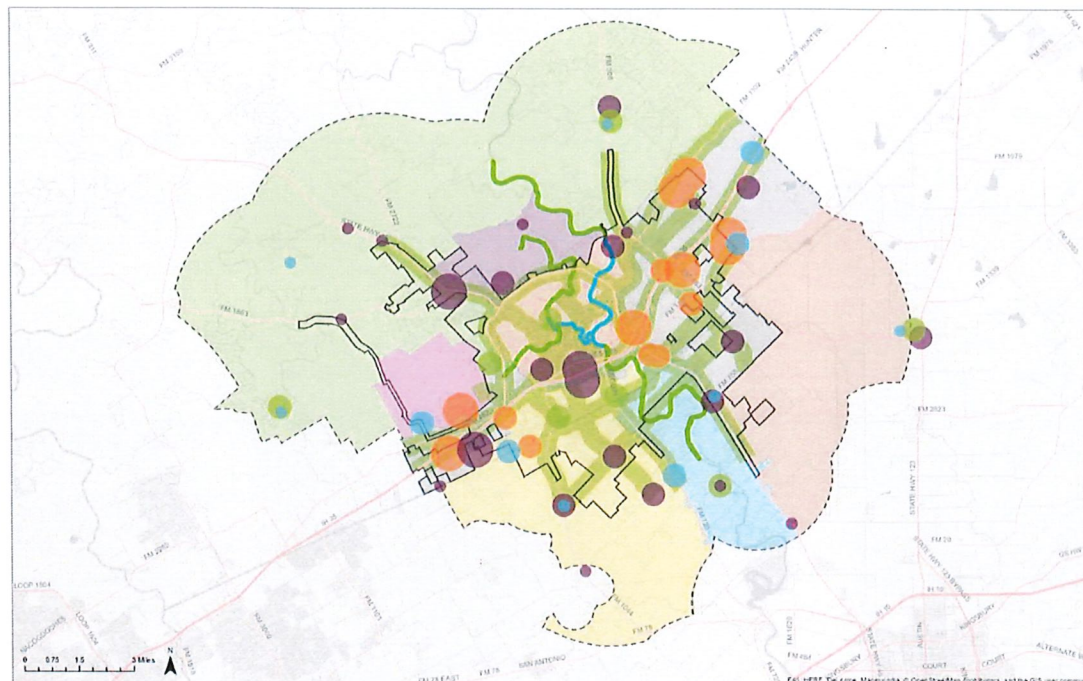


Envision
New Braunfels

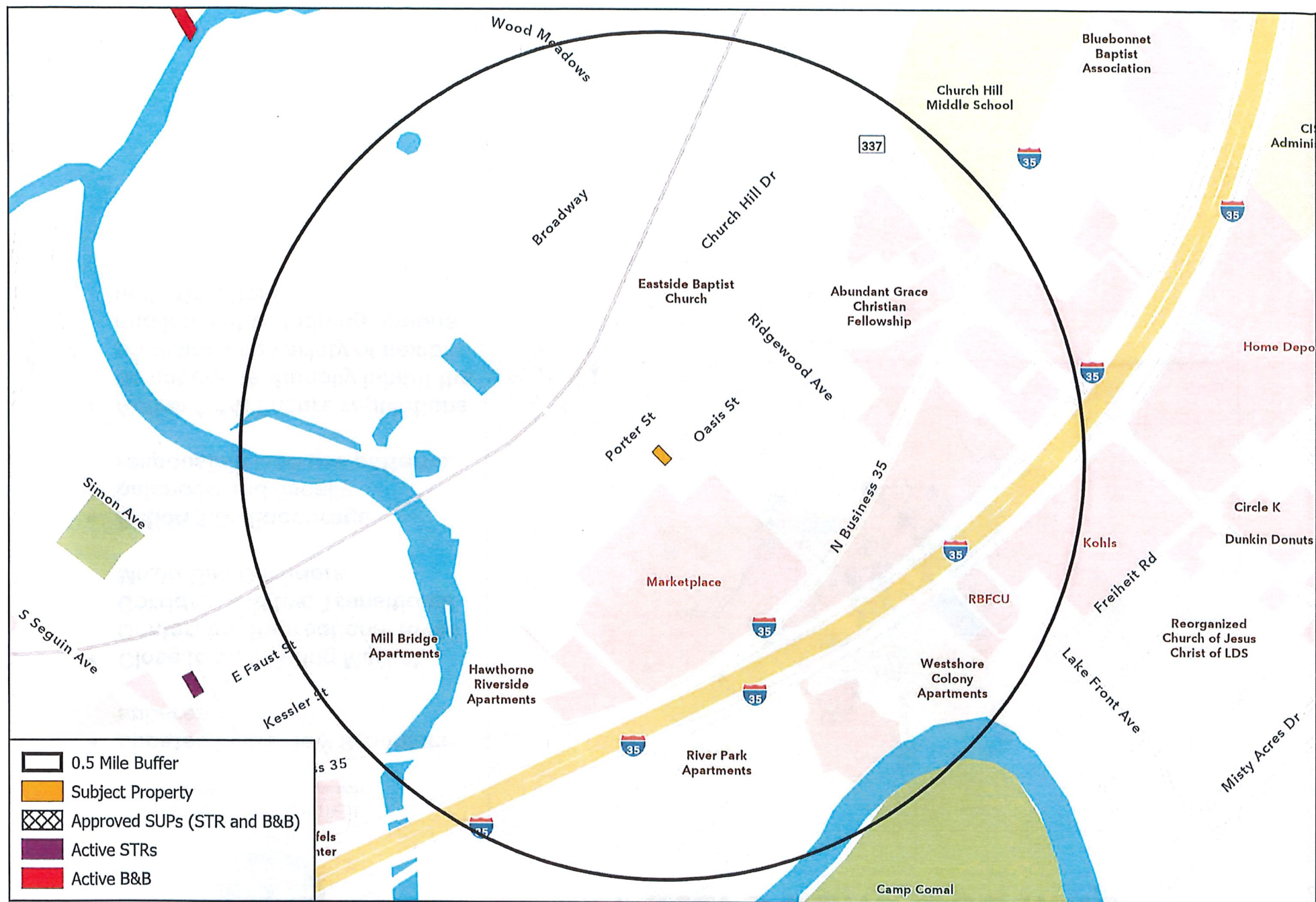
A SPECIAL PLACE BY DESIGN

- ◆ Located in the New Braunfels Sub-Area
- ◆ Near two Transitional Mixed-Use Corridors
- ◆ Near Existing Outdoor Recreation and Market Centers

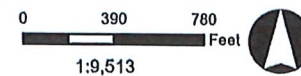
Future Land Use Map

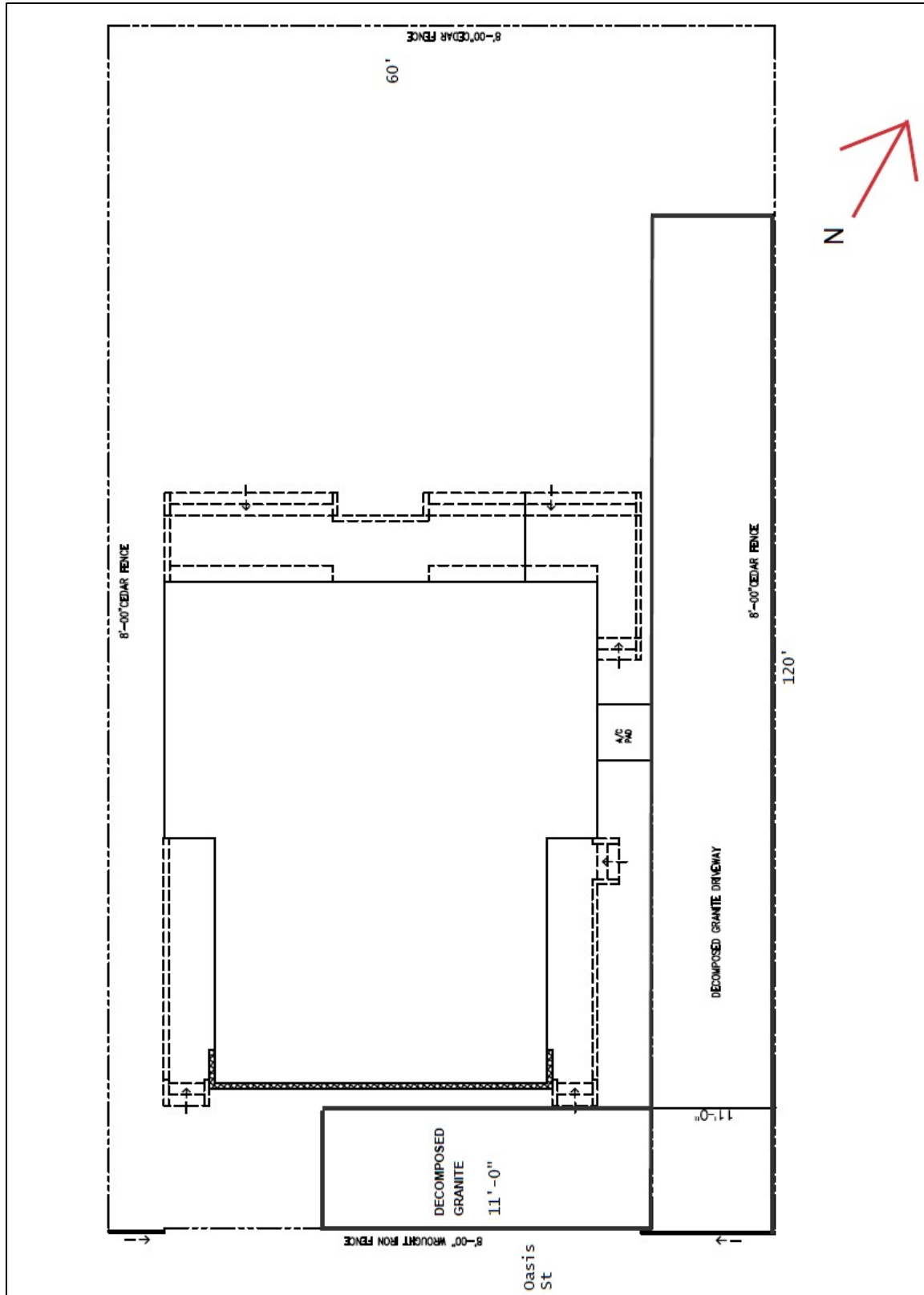


- **Action 1.3:** Encourage balanced and fiscally responsible land use patterns.
- **Action 1.14** Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions

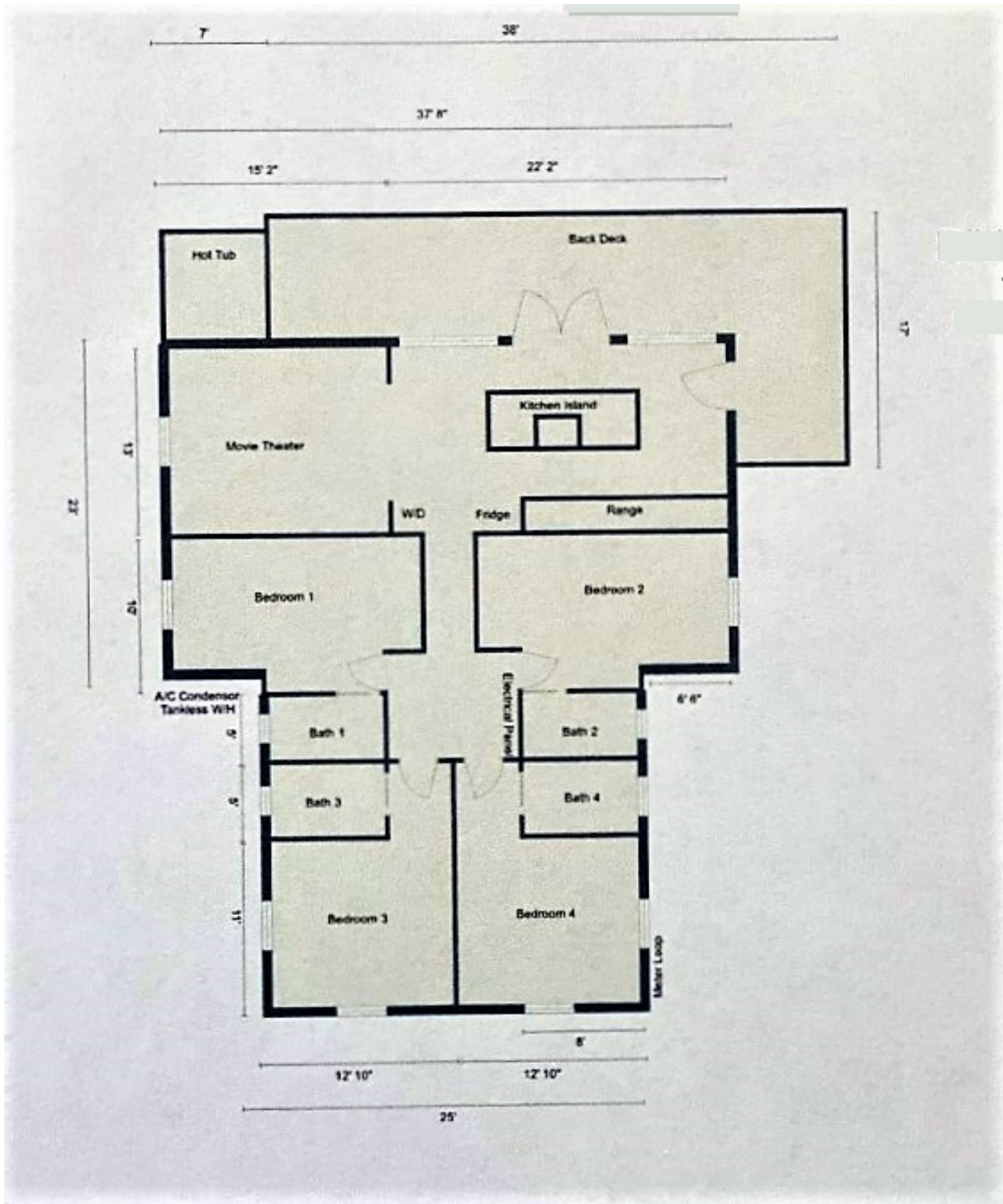


SUP21-270
757 Oasis St





757 Oasis Site Plan



757 Oasis Floor Plan

PLANNING COMMISSION – SEPTEMBER 8, 2021 – 6:00PM

Zoom & City Hall Council Chambers

Applicant/Owner: Cole Riley

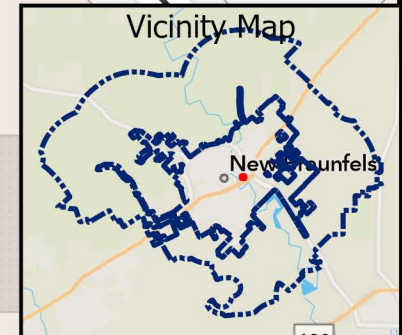
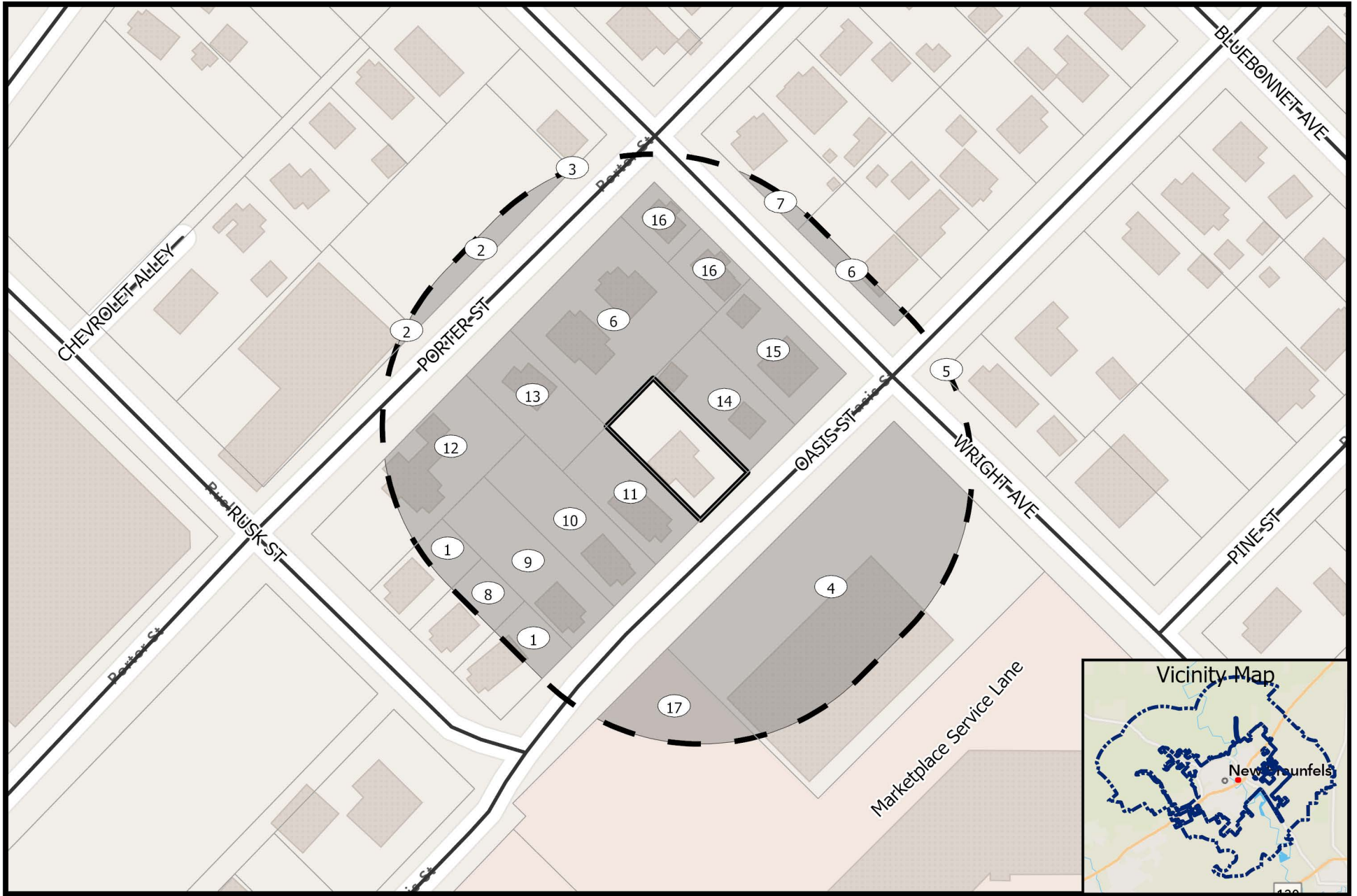
Address/Location: 757 Oasis Street

PROPOSED SPECIAL USE PERMIT – CASE #SUP21-270

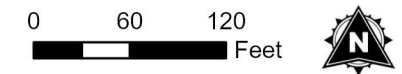
The circled numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as “Subject Property”.

- | | |
|--|---------------------------------------|
| 1. ROSS LARRY & HOLLY | 10. BRUSH JOHN P |
| 2. SPECKMAN FAMILY LTD & STADT CORP | 11. MURILLO GUILLERMO & KATHLEEN LUND |
| 3. URIAS FRANK & MARY | 12. MOORE ROLF E |
| 4. B & C WILLIAMS PROPERTIES LTD ET AL | 13. MOORE ROLF EDWARD |
| 5. REININGER EDWARD K & KAREN D | 14. MARTINEZ RODOLFO E & JOSEFA |
| 6. SPECKMAN FAMILY LTD | 15. PROPERTY OWNER |
| 7. URIAS FRANCISCO R & MARY E | 16. DORRANCE CRAIG & LINDA TRUST |
| 8. ROSS LARRY E & HOLLY R | 17. N B MARKETPLACE LP |
| 9. REGER CHARLES W | |

SEE MAP



SUP21-270
SUP for residential use in M-2 and short term rental



Path: \\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2021\SUP21-269 - 614 & 720 W

Source: City of New Braunfels Planning
 Date: 8/19/2021

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Subject Property – 757 Oasis Street



Driveway is currently unpaved

Draft Minutes for the September 8, 2021 Planning Commission Regular Meeting

G) SUP21-270 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow residential use in the M-2 Heavy Industrial District and short term rental of a single-family residence on Lot 3 Milltown Extension 1, addressed at 757 Oasis Street. Applicant: Texas Horizon Development, LLC; Case Manager: Holly Mullins.

Mrs. Mullins presented.

Chair Edwards invited the applicant to present their request.

No one spoke.

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

No one spoke.

Chair Edwards closed the public hearing.

Commissioner Mathis asked for clarification on the required parking for short-term rentals.

Discussion followed.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow residential use in the M-2 Heavy Industrial District and short term rental of a single-family residence on Lot 3 Milltown Extension 1, addressed at 757 Oasis Street with staff recommendations. Motion carried (8-0-0).

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A SPECIAL USE PERMIT TO ALLOW RESIDENTIAL USE IN THE “M-2” HEAVY INDUSTRIAL DISTRICT AND THE SHORT TERM RENTAL OF A SINGLE-FAMILY DWELLING ON LOT 3 MILLTOWN EXTENSION 1, ADDRESSED AT 757 OASIS 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 residential use and 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 757 Oasis Street, to allow residential use and short term rental of a single-family dwelling in the “M-2” Heavy Industrial District; **now, therefore;**

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

SECTION 1

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

Being Lot 3 Milltown Extension 1, addressed at 757 Oasis Street, as depicted in Exhibit “A” attached, to allow residential use and short term rental in the “M-2” Heavy Industrial District.

SECTION 2

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

1. Off-street parking for at least 4 vehicles must be paved in accordance with City standards prior to operating the short-term rental.
2. The residential character of the property must be maintained.
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 ten (10) guests.
5. The applicant will register the short term rental and create an account for online payment of hotel occupancy taxes.
6. All other standards of the Zoning Ordinance will be met.

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First reading this 27th day of September, 2021.

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

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

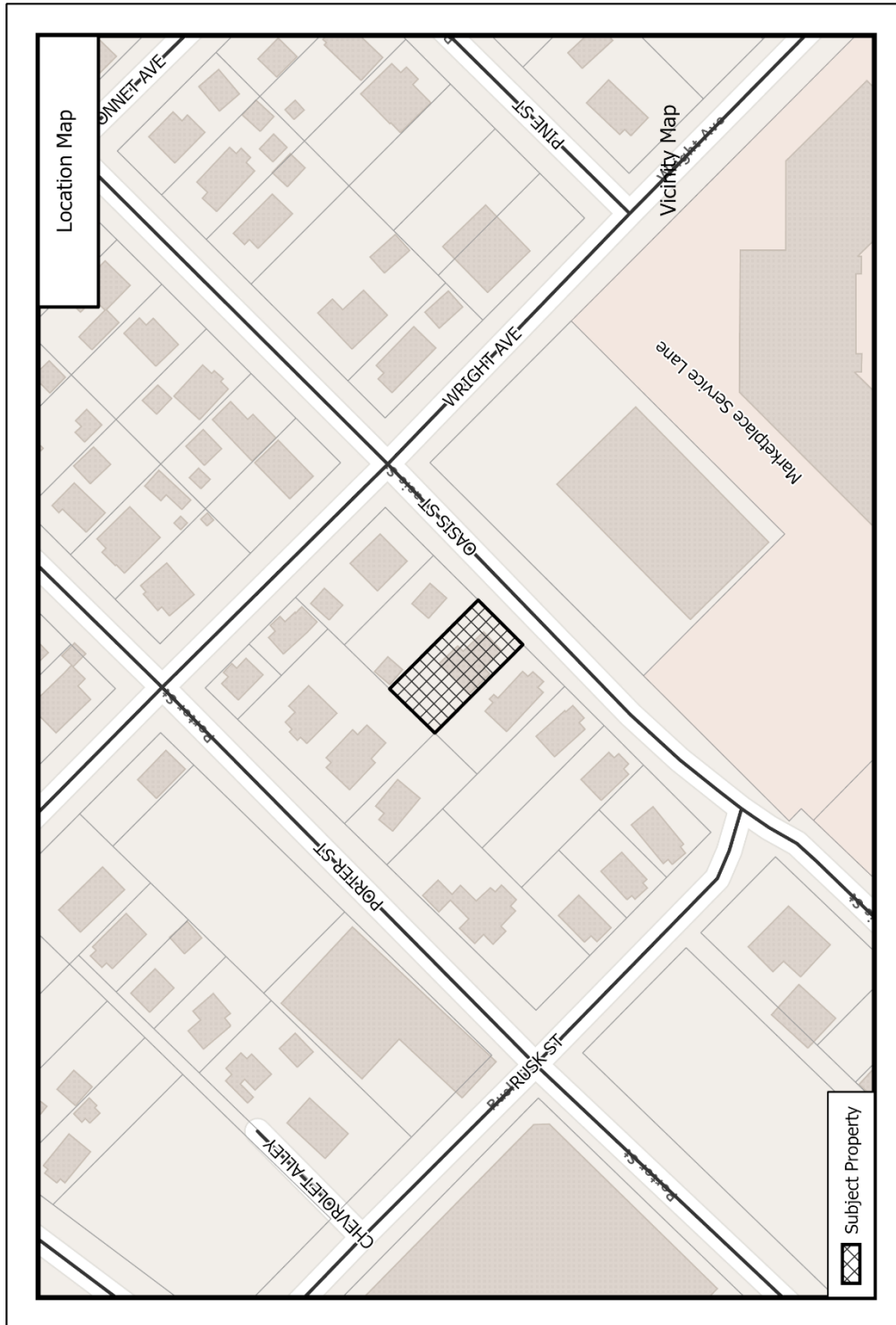
ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"



SUP21-270
SUP for residential use in M-2 and short term rental

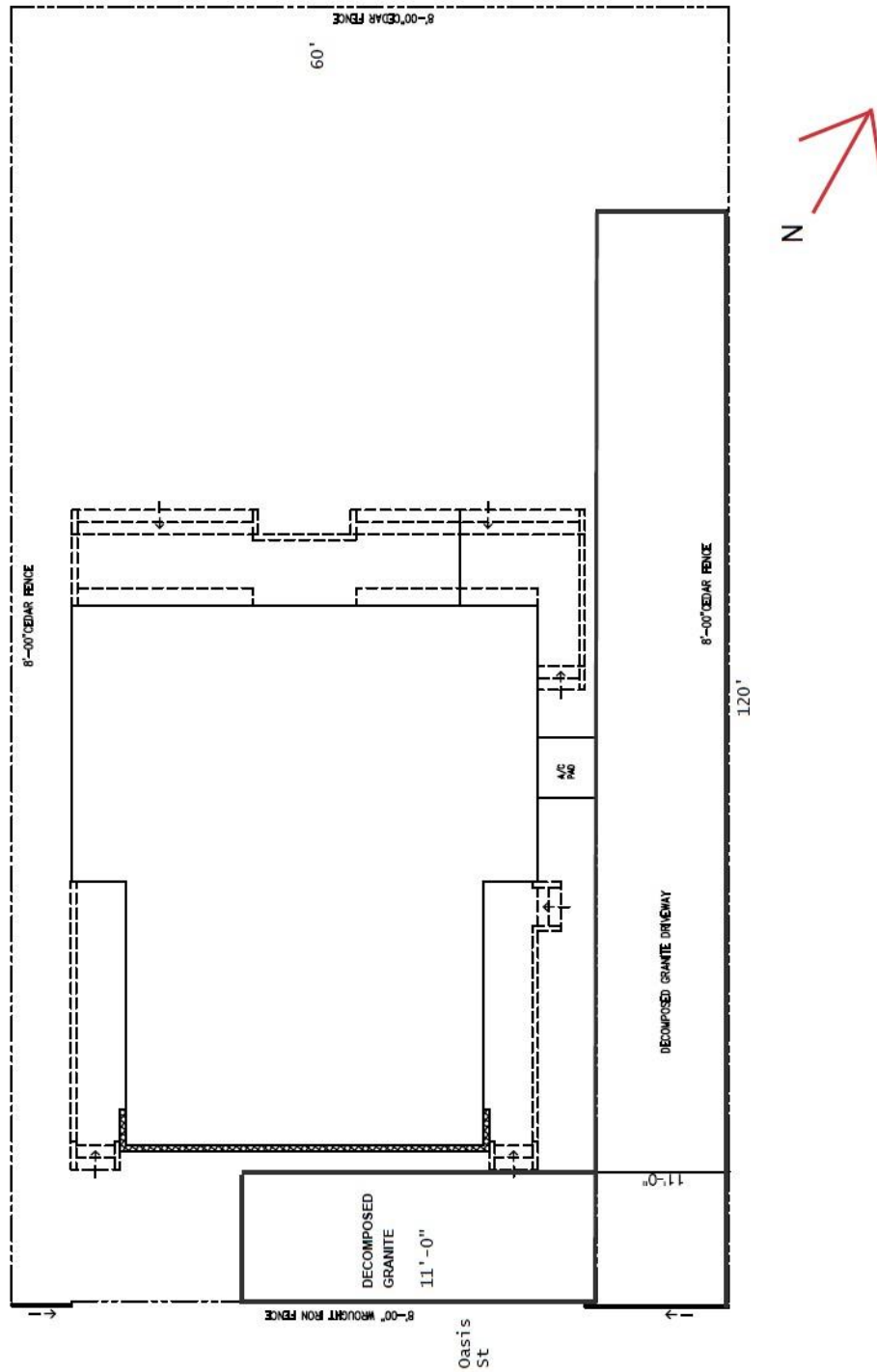
Source: City of New Braunfels Planning
 Date: 8/26/2021

Path: \\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2021\SUP21-270 - 757 Oasis St -

City of New Braunfels

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EXHIBIT "B"



Site Plan

10/11/2021

Agenda Item No. J)

PRESENTER:

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

SUBJECT:

Approval of the second and final reading of an ordinance regarding the proposed abandonment of approximately 7,231 square feet (0.166 acres) of unimproved public right-of-way, located between Hill Avenue and the terminus of Garden Street.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** City Council District 6**BACKGROUND INFORMATION:**

Case No.: CS21-0093

Owner/Applicants:	James Farley	Guillermina Espinosa
	416 S Hill Avenue	386 S Hill Avenue
	New Braunfels, TX 78130	New Braunfels, TX 78130
	Jamesfarley86@gmail.com	eamerica63@gmail.com

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

On September 27, 2021 City Council unanimously approved the first reading of the applicant's requested ordinance. (7-0-0)

The subject property is approximately 7,231 square feet (0.166 acres) of unimproved right-of-way located between Hill Avenue/Union Pacific railroad tracks and Academy Avenue. Garden Street does not cross the railroad tracks, and the portion between the railroad tracks and Castell Avenue was incorporated into the adjacent rail yard and former city hall complex decades prior. The subject property is a remaining portion of the Garden Street right-of-way that once was intended to connect Academy Avenue to Hill Avenue. In 1987 City Council approved the abandonment of a portion of Garden Street where a single-family residence, 397 Academy Avenue, was subsequently built.

Surrounding property is zoned SND-1 Special Neighborhood District and consists primarily of single-family homes, and the Sophienburg Museum.

The applicants each own the lots on both sides of Garden Street right-of-way. They are requesting to purchase the right-of-way and divide the land among themselves and the property owners of 397 Academy Avenue. The configuration will be reviewed as part of the required platting of the property if approved.

The request was reviewed by the City's Public Works, Parks, Police and Fire Departments as well as New

Braunfels Utilities, AT&T, Spectrum and CenterPoint Energy. There was no objection to the abandonment; however, NBU did identify existing utilities within the right-of-way that will require easements if the property is sold and platted.

An appraisal was conducted by an independent appraiser at the City's request. After accounting for multiple easements and encumbrances within the right-of-way, staff and the applicants have agreed on a value of \$25,268. The applicants have agreed to pay this amount if the abandonment is approved by City Council.

If approved, the abandoned right-of-way must be incorporated into the adjacent properties through the platting process within 180 days of City Council's approval. This is to ensure taxpayers are receiving the current value of the property. If not accomplished within this time frame, a new appraisal must be performed.

Surrounding Zoning and Land Use:

North - SND-1 HD/ Single-family residence

South - SND-1 HD/ Single-family residence

East - Across Hill Avenue and railroad tracks, M-1/ Rail yard, City Municipal Building

West - SND-1 HD/ Single-family residence

ISSUE:

The proposed abandonment is consistent with the following actions from Envision New Braunfels:

- 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.

FISCAL IMPACT:

The addition of \$25,268 from the sale of unimproved right-of-way, plus the addition of 0.166 of an acre to the tax rolls.

RECOMMENDATION:

On September 8, 2021 the Planning Commission recommended approval of the request. (8-0-0) with Commissioner Gibson absent.

Multiple City departments and NBU reviewed the request and have no objection to the abandonment if the required utility easements are created with the new plat. Staff recommends approval with the following conditions:

1. The subject property must be included in a plat of the adjacent properties owned by the applicants in compliance with the City's Subdivision Platting standards within 180 days.
2. The plat shall include the following easements:
 - a. A minimum 20-foot wide utility easement, 10 feet on either side of the existing water and wastewater lines.
 - b. A minimum 10-foot wide utility easement for the existing electric secondary line.
3. Ownership transfer of the property will occur by a Deed Without Warranty after the final plat has been approved by the City.
4. Recordation of the final plat will occur after the transfer of ownership of the property.

Resource Links:

Chapter 118-56 Closure, abandonment, and sale of public right-of-way:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIVDEST_S118-56CLABSAPURI-W

Attachments:

Aerial Map

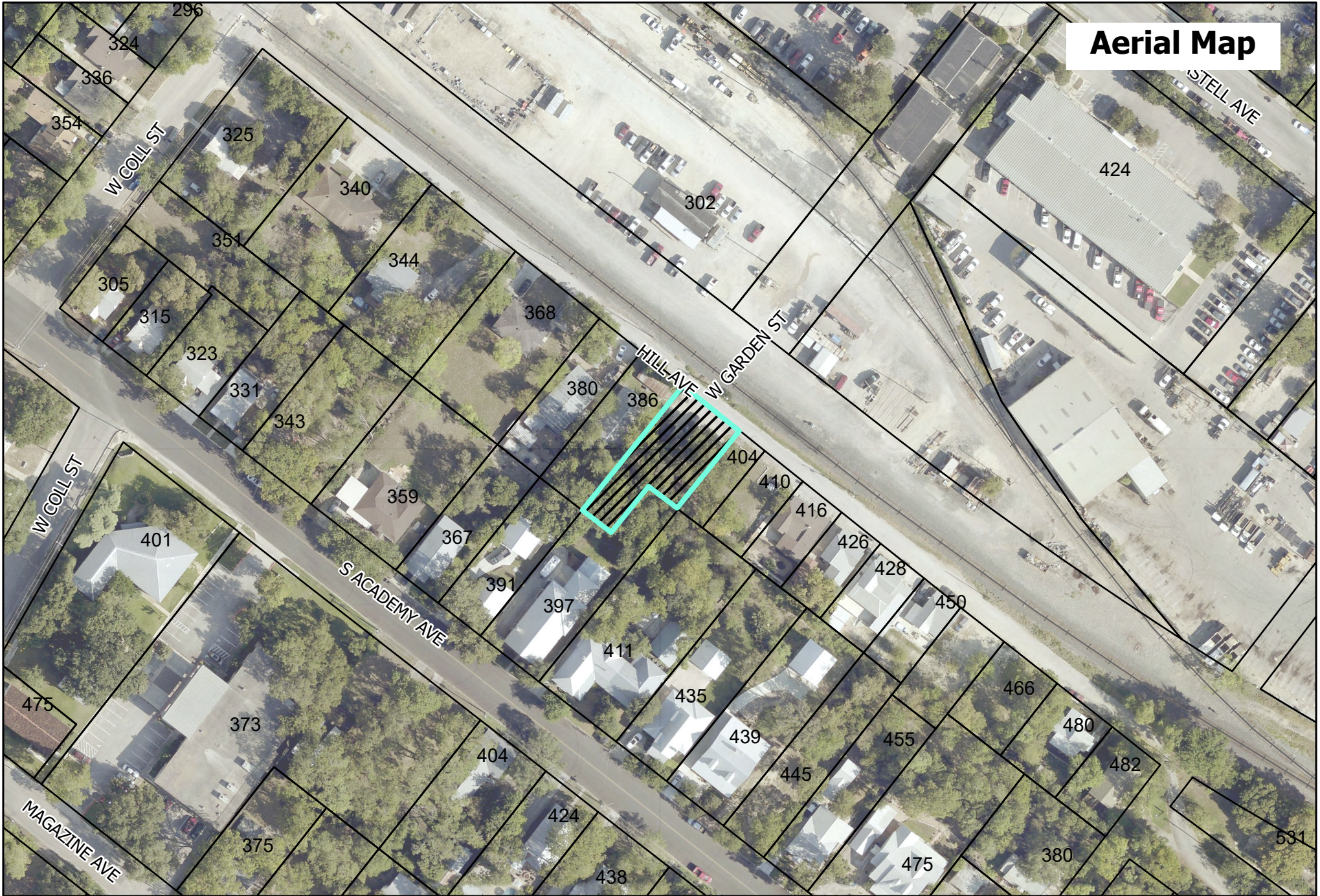
Land Use Maps (Zoning, Existing and Future Land Use)

Survey of Subject Property

Photograph

Draft Planning Commission Minutes

Ordinance



Aerial Map

Garden Street Abandonment



Zoning Map

187

C-2 HL

W. COLL-ST

424

M-1

302

SD - SND-1

SD -
SND-1 SUP

SD -
SND-1 HD

SD -
SND-1 HD

SD - SND-1 HD

SD - SND-1 HD

SD - SND-1
HD HL

SD - SND-1 HD

SD - SND-1 HD

M-1

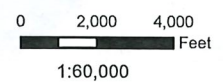
R-3 HD

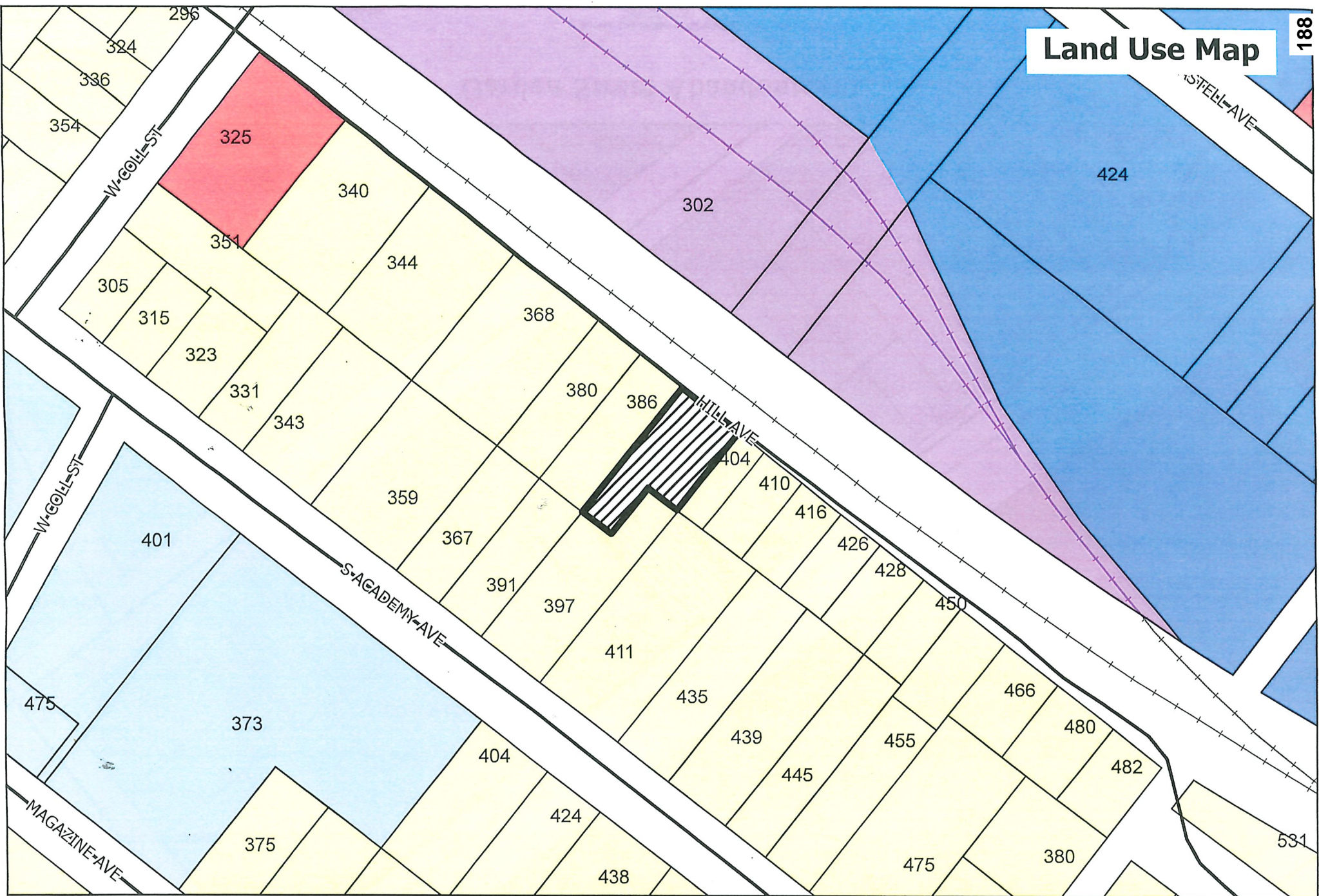
MAGAZINE-AVE

S-ACADEMY-AVE

HILL-AVE

Garden Street Abandonment





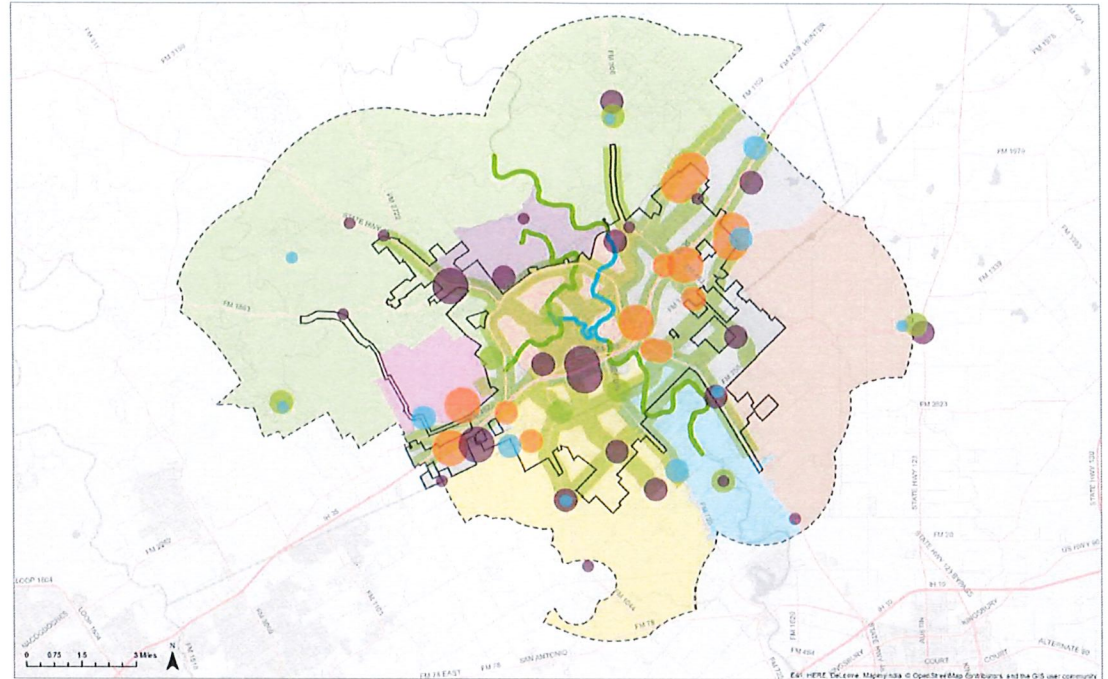


Envision New Braunfels

A SPECIAL PLACE BY DESIGN

- ◆ Located in the New Braunfels Sub-Area
- ◆ Near Existing Market and Civic Centers

Future Land Use Map



- **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

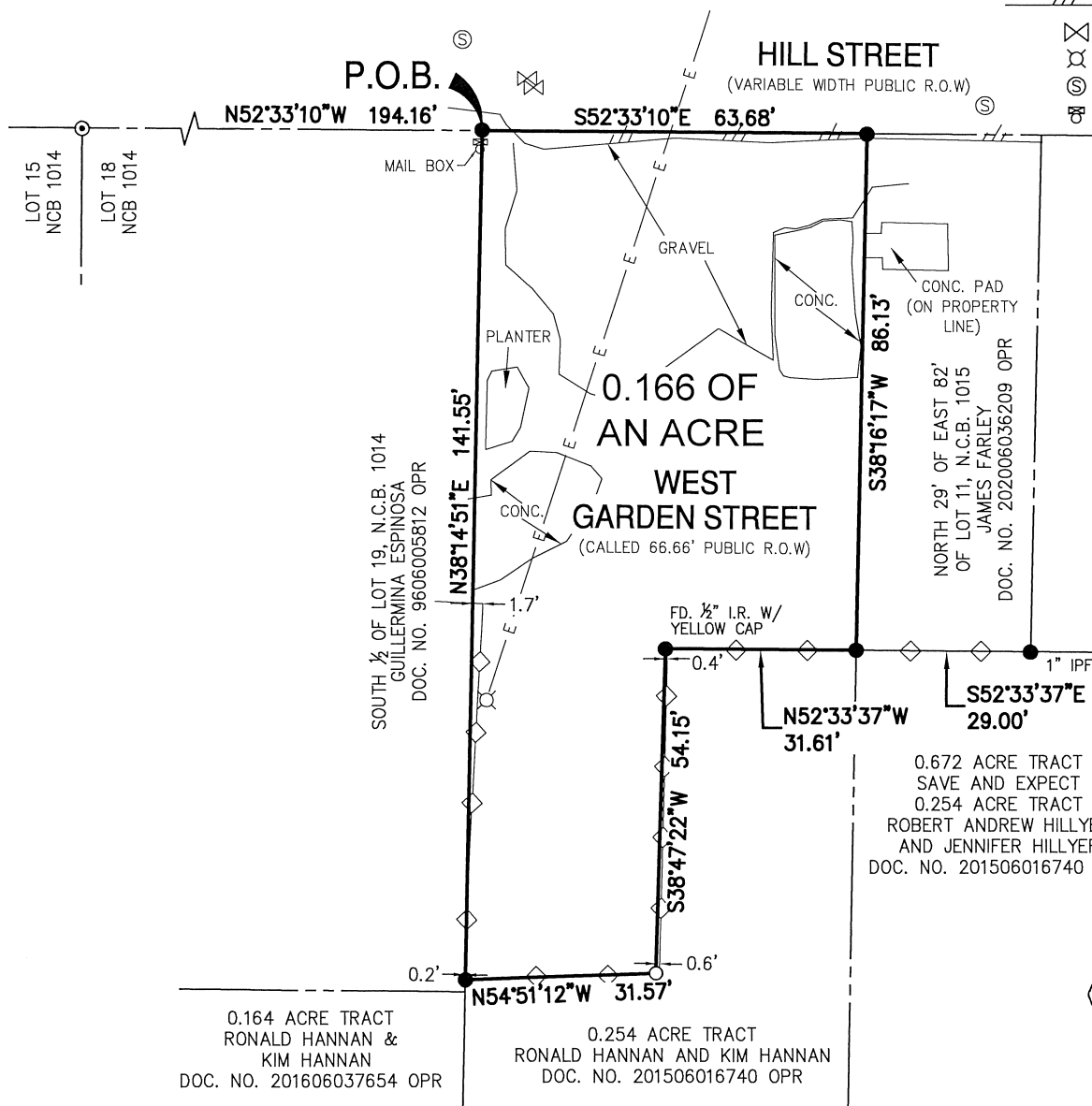
A 0.166 OF AN ACRE TRACT OF LAND BEING A PORTION OF WEST GARDEN STREET AND ADJOINING NEW CITY BLOCK (N.C.B.) 1014 AND N.C.B. 1015 IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS.

SURVEY NOTES:

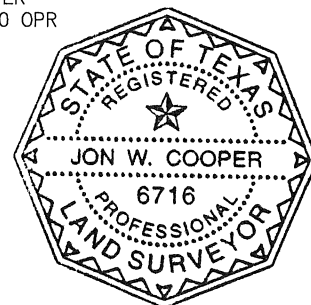
- 1) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
- 2) BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83.
- 3) THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A METES AND BOUNDS DESCRIPTION.

LEGEND:

- = FD. 1/2" IRON ROD UNLESS OTHERWISE NOTED
- = SET 1/2" IRON PIN W/ PLASTIC CAP STAMPED "HMT" UNLESS OTHERWISE NOTED
- ⊙ = FD. RAIL ROAD SPIKE
- R.O.W. = RIGHT-OF-WAY
- P.O.B. = POINT OF BEGINNING
- O.P.R. = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
- E — = OVERHEAD ELECTRIC
- ◇— = CHAIN LINK FENCE
- //— = EDGE OF ASPHALT
- ⊗ = WATER VALVE
- ⊗ = LIGHT POLE
- ⊙ = SANITARY SEWER MANHOLE
- ⊙ = MAILBOX



SCALE: 1"=30'



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION.

THIS 4TH DAY OF JUNE 2021

[Signature] 06/04/21
 JON W. COOPER
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6716
 JONCO@HMTNB.COM

DRAWN BY: JC
 FIELD CREW: JG



290 S. CASTELL AVE., STE. 100
 NEW BRAUNFELS, TX 78130
 TBPE FIRM F-10961
 TBPLS FIRM 10153600





Across Hill Avenue

Draft Minutes for the September 8, 2021 Planning Commission Regular Meeting

J) CS21-0093 Discuss and consider a recommendation to City Council regarding the proposed abandonment of approximately 7,231 square feet (0.166-acre) portion of Garden Street Right-of-Way, located between Hill Avenue and the terminus of Garden Street. Applicant: James Farley and Guillemina Espinosa; Case Manager: Holly Mullins.

Mrs. Mullins presented.

Chair Edwards invited the applicant to present their request.

No one spoke.

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

No one spoke.

Chair Edwards closed the public hearing.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed abandonment of approximately 7,231 square feet (0.166-acre) portion of Garden Street Right-of-Way, located between Hill Avenue and the terminus of Garden Street with staff recommendations. Motion carried (8-0-0).

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS ABANDONING APPROXIMATELY 7,231 SQUARE FEET (0.166 ACRES) OF PUBLIC STREET RIGHT-OF-WAY, LOCATED BETWEEN HILL AVENUE AND THE TERMINUS OF GARDEN STREET, ACCORDING TO THE PROVISIONS OF CHAPTER 253, SECTION 253.001 OF THE TEXAS LOCAL GOVERNMENT CODE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels has street rights to a 7,231 square foot (0.166-acre) tract of land, more or less, being public street right-of-way, located between Hill Avenue and the terminus of Garden Street, and said street right-of-way being in the City of New Braunfels, Texas; and

WHEREAS, the City of New Braunfels, having received a request from James Farley and Guillermina Espinosa petitioning the City to consider the abandonment of said right-of-way; and

WHEREAS, after determining that there is no need for the City of New Braunfels or any other surrounding property owners to retain the street right-of-way, it is the decision of the City Council of the City of New Braunfels that action be taken to release same to James Farley and Guillermina Espinosa in the proper and legal manner; and

WHEREAS, the fair market value of the land is determined to be TWENTY-FIVE THOUSAND TWO HUNDRED SIXTY EIGHT DOLLARS and NO CENTS (\$25,268.00) and thus by making the sale of the land to the abutting property owners, the City of New Braunfels will be complying with all sections of said Chapter 253, Section 253.001, and that the sale of said land in this particular instance has been determined by a fair appraisal and is conclusive of the fair market value thereof; **now, therefore;**

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

SECTION 1

THAT the City of New Braunfels, acting by and through its City Manager shall execute a Deed without Warranty to James Farley and Guillermina Espinosa, conveying all of its right, title and interest in and to the public right-of-way and all rights in and to a 7,231 square foot (0.166-acre) tract of land, more or less, being public street right-of-

way located between Hill Avenue and the terminus of Garden Street, and said street right-of-way being in the City of New Braunfels, Texas. A survey of the property to be conveyed is attached as Exhibit "A" and is described in the attached Exhibit "B". If said Deed Without Warranty is not executed within one hundred and eighty (180) days of the second and final reading of this ordinance, this ordinance shall become null and void and a new application for abandonment shall be required.

SECTION 2

THAT the following conditions apply to the said abandonment:

1. The subject property must be included within a plat of the adjacent properties owned by the applicants in compliance with the City's Subdivision Platting standards within 180 days of the second and final reading of this ordinance.
2. The plat shall include the following easements:
 - a. A minimum 20-foot wide utility easement, 10 feet on either side of the existing water and wastewater lines.
 - b. A minimum 10-foot wide utility easement for the existing electric secondary line.
3. Ownership transfer will occur by a Deed Without Warranty after the final plat has been approved by the City.
4. Recordation of the final plat will occur after the transfer of ownership of the property.

SECTION 3

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

SECTION 4

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

SECTION 5

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 6

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

PASSED AND APPROVED: First reading this 27th day of September, 2021.

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

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

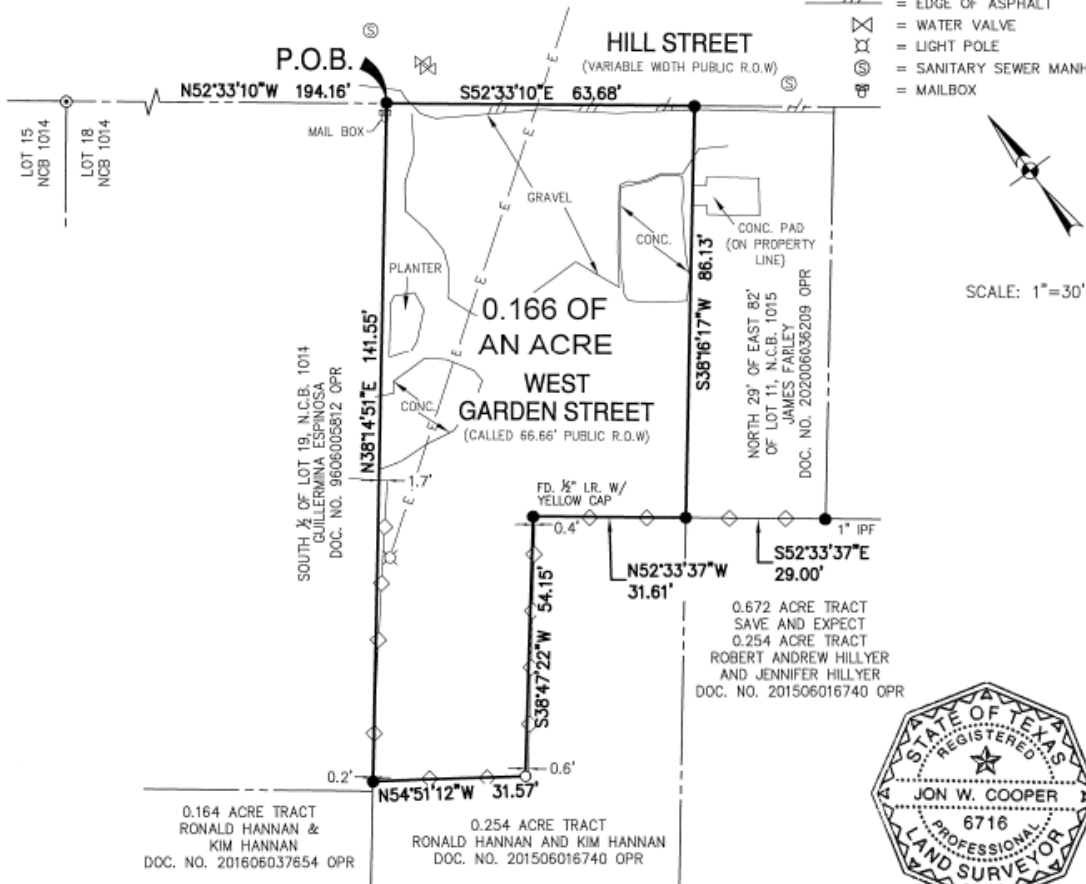
A 0.166 OF AN ACRE TRACT OF LAND BEING A PORTION OF WEST GARDEN STREET AND ADJOINING NEW CITY BLOCK (N.C.B.) 1014 AND N.C.B. 1015 IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS.

SURVEY NOTES:

- 1) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
- 2) BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83.
- 3) THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A METES AND BOUNDS DESCRIPTION.

LEGEND:

- = FD. 1/2" IRON ROD
UNLESS OTHERWISE NOTED
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- ⊞ = MAILBOX



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION.

THIS 4TH DAY OF JUNE 2021

[Signature] 06/04/21
JON W. COOPER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6716
JONCO@HMTNL.COM

DRAWN BY: JC
FIELD CREW: JG



290 S. CASTELL AVE., STE. 100
NEW BRAUNFELS, TX 78130
TBPE FIRM F-10961
TBPLS FIRM 10153600

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION FOR

A 0.166 of an acre tract of land being a portion of West Garden Street and adjoining New City Block (N.C.B.) 1014 and N.C.B. 1015 in the City of New Braunfels, Comal County, Texas. Said 0.166 of an acre tract being more fully described as follows:

BEGINNING: At a found ½" iron rod at the east corner of Lot 19, N.C.B. 1014, and at the westernmost intersection of said West Garden Street and Hill Street, a variable width public right-of-way from which a found rail road spike at the north corner of Lot 18, N.C.B. 1014 and at the east corner of Lot 15, N.C.B. 1014 bears N 52°33'10" W, a distance of 194.16 feet;

THENCE: S 52°33'10" E, crossing said West Garden Street, with the southwest right-of-way line of said Hill Street, a distance of 63.68 feet to a found ½" rod at the southernmost intersection of said West Garden Street and said Hill Street and at the north corner of Lot 11, N.C.B. 1015;

THENCE: S 38°16'17" W, with the southeast right-of-way line of said West Garden Street and the northwest line of said Lot 11, a distance of 86.13 feet to a found ½" iron rod at the west corner of a tract of land described in deed to James Farley recorded in Document No. 202006036209 of the Official Public Records of Comal County, Texas and at the easternmost corner of a called 0.254 acre tract described in deed to Ronald Hannan and Kim Hannan recorded in Document No. 201506016740 of said Official Public Records from which a found 1" iron rod at the south corner of said tract of land to James Farley bears S 52°33'37" E, a distance of 29.00 feet;

THENCE: Over and across said West Garden Street, with the northeast and northwest lines of said 0.254 acre tract, the following bearings and distances:

N 52°33'37" W, a distance of 31.61 feet to a found ½" iron rod with a yellow cap;

S 38°47'22" W, a distance of 54.15 feet to a set ½" iron rod with cap marked "HMT";

N 54°51'12" W, a distance of 31.57 feet to a found ½" iron rod at a northwest corner of said 0.254 acre tract, on the northwest right-of-way line of said West Garden Street and on the southeast line of said Lot 19;

THENCE: N 38°14'51" E, with said line, a distance of 141.55 feet to the POINT OF BEGINNING and containing 0.166 acres of land in the City of New Braunfels, Comal County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83.

Reference exhibit of a 0.166 of an acre tract prepared this same date.



Jon W. Cooper

Registered Professional Land Surveyor No. 6716

S:\Projects\Title Surveys\NCB 1015\Garden Street ROW\21-0486 Bndy and M&B\Word\21-0486 MB 0.166 AC.docx



Job No.: 21-0486
Page 1 of 1

EXHIBIT "B"

10/11/2021

Agenda Item No. K)

PRESENTER:

Becca Miears, Human Resources Director

SUBJECT:

Approval of the second and final reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government Code, Chapter 143.

DEPARTMENT: Human Resources**COUNCIL DISTRICTS IMPACTED:** All**BACKGROUND INFORMATION:*****Fire Department***

There were six additional Firefighter positions included in the proposed budget for the Fire Department. The total number of authorized positions in the Fire Department in the attached ordinance is in accordance with the positions and funding included in the proposed FY 2022 budget.

Police Department

There were four additional Police Officer positions and one additional Sergeant position included in the proposed budget for the Police Department. The total number of authorized positions in the Police Department in the attached ordinance is in accordance with the positions and funding included in the proposed FY 2022 budget.

ISSUE:

N/A

FISCAL IMPACT:

Funding for all positions has been incorporated into the FY 2022 Proposed Budget. Therefore, sufficient funds are available.

RECOMMENDATION:

Staff recommends approval of the ordinance.

ORDINANCE 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ESTABLISHING THE CLASSIFICATION OF EMPLOYEES WITHIN THE NEW BRAUNFELS FIRE AND POLICE DEPARTMENTS AND AUTHORIZING THE NUMBER OF EMPLOYEES IN EACH CLASSIFICATION; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES AND PROVISIONS IN CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels has adopted Civil Service, Chapter 143 of the Texas Local Government Code for its Police and Fire Department employees; and

WHEREAS, pursuant to Chapter 143, the City Council shall establish the classifications of employees and prescribe the number of positions in each classification pursuant to Section 143.021(a) of the Texas Local Government Code; and

WHEREAS, the City Council has approved the number of employees listed below in the appropriate classifications in the Police and Fire Department as a part of the annual budget process; and

WHEREAS, this ordinance modifies the authorized number of positions in each rank consistent with the FY 2022 Adopted Budget, including new positions and reclassifications.

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

I.

The Civil Service classifications and number of positions in each classification in the Fire Department shall be approved and effective as indicated below:

<u>Classification</u>	<u>Effective</u> <u>06/14/2021</u>	<u>Effective</u> <u>10/01/2021</u>
1. Assistant Fire Chief	2	2
2. Battalion Chief	4	4
3. Captain	9	9
4. Lieutenant	22	22
5. Engineer	40	40
6. Firefighter	57	63
<i>Totals</i>	<i>134</i>	<i>140</i>

The classification of Assistant Fire Chief is the rank/classification immediately below the Fire Chief/Department Head. As such, those positions are established by the City Council and will remain positions to which the Department Head may appoint the occupants, in accordance with §143.014 of the Texas Local Government Code. The Fire Chief/Department Head position is not included in the positions listed above.

II.

The civil service classifications and number of positions in each classification in the Police Department shall be approved as follows:

<u>Classification</u>	<u>Effective</u> <u>06/14/2021</u>	<u>Effective</u> <u>10/01/2021</u>
1. Assistant Police Chief	1	1
2. Captain	3	3
3. Lieutenant	5	5
4. Sergeant	18	19
5. Detective	16	16
6. Police Officer	96	104
<i>Totals</i>	<i>139</i>	<i>148</i>

The classification of Assistant Police Chief is the rank/classification immediately below the Police Chief/Department Head. As such, that position is established by the City Council and will remain a position to which the Department Head may appoint the occupant, in accordance with §143.014 of the Texas Local Government Code. The Police Chief/Department Head position is not included in the positions listed above.

III.

Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision, or regulation.

IV.

Repealer: All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

V.

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

VI.

This ordinance shall take effect upon the second and final reading, signatures required by City Charter, and filing with the City Secretary's Office.

PASSED AND APPROVED: First reading this 27th day of September, 2021.

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

CITY OF NEW BRAUNFELS, TEXAS

Rusty Brockman, Mayor

ATTEST:

Caitlin Krobot, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney

10/11/2021

Agenda Item No. A)

PRESENTER:

Jared Werner, Chief Financial Officer

SUBJECT:

Discuss and Consider approval of a Resolution of the City of New Braunfels, Texas, Determining Costs of the Proposed Public Improvements in the Solms Landing Public Improvement District, Approving a Proposed Assessment Roll, Calling a Public Hearing, Authorizing Publication of a Notice of Such Hearing and Making Related Findings and Determinations, in Accordance With Chapter 372 of the Texas Local Government Code

DEPARTMENT: Finance**COUNCIL DISTRICTS IMPACTED:** 5**BACKGROUND INFORMATION:**

The City of New Braunfels, is authorized under Chapter 372 of the Texas Local Government Code to create a Public Improvement District (PID)

Solms Landing Development, LLC and The Jerome W. Timmermann Family Trust filed with the City Secretary of the City a petition on August 9, 2018, requesting the establishment of a public improvement district. following creation, the Original Developers, along with Chupik Properties & Design, Inc. a Texas corporation submitted an amended petition on February 26, 2021 for the sole purpose of increasing the estimated costs of improvements within the District, which was approved by the City Council after conducting a hearing on April 12, 2021.

October 11 Action - The attached resolution determines the estimated costs of the Solms Landing Public Improvement District as described in the Preliminary Service and Assessment Plan (the "SAP") that is attached as an exhibit. The SAP also identifies the improvements/costs eligible for reimbursement (Exhibit A) and also includes the proposed assessment roll, which states the assessment against each parcel of assessable land within the district. The resolution also provides authority to call and post notice of a public hearing on the levying of the assessments within the Solms Landing Public Improvement District. As a reminder, the PID assessments on the property owners within the district is the sole revenue source dedicated to the reimbursement of eligible infrastructure costs within the district.

ISSUE:

N/A

FISCAL IMPACT:

The reimbursement of public infrastructure will eventually be supported by a PID bond issuance. As mentioned above, the only revenue source pledged to these costs are the assessments levied on all properties owners within the development. Therefore, there is no direct fiscal impact to the City of New Braunfels.

RECOMMENDATION:
Approval of the Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF NEW BRAUNFELS, TEXAS, DETERMINING COSTS OF THE PROPOSED PUBLIC IMPROVEMENTS IN THE SOLMS LANDING PUBLIC IMPROVEMENT DISTRICT, APPROVING A PROPOSED ASSESSMENT ROLL, CALLING A PUBLIC HEARING, AUTHORIZING PUBLICATION OF A NOTICE OF SUCH HEARING AND MAKING RELATED FINDINGS AND DETERMINATIONS, IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE

WHEREAS, the City of New Braunfels, Texas (the “City”), is authorized under Chapter 372 of the Texas Local Government Code, as amended (the “Act”), to create a public improvement district;

WHEREAS, Solms Landing Development, LLC and The Jerome W. Timmermann Family Trust (collectively the “Original Developers”) filed with the City Secretary of the City a petition on August 9, 2018 (the “Original Petition”), requesting the establishment of a public improvement district;

WHEREAS, after providing all notices required by the Act and the Texas Government Code Chapter 551, the City Council on January 14, 2019 conducted a public hearing to consider comments for and against the creation of the District and the advisability of the proposed public improvements and, after closing the public hearing, passed and approved Resolution No. 2019-R09 on (the “PID Creation Resolution”) authorizing creation of the Solms Landing Public Improvement District (“District”);

WHEREAS, in accordance with Section 372.010 of the Act, notice of the resolution creating the District was published in the *New Braunfels Herald-Zeitung* on June 6, 2019;

WHEREAS, following creation, the Original Developers, along with Chupik Properties & Design, Inc. a Texas corporation (together with the Original Developers, the “Developers”) submitted an amended petition on February 26, 2021 (together with the Original Petition, the “Petition”) for the sole purpose of increasing the estimated costs of improvements within the District, which was approved by the City Council after conducting a hearing on April 12, 2021;

WHEREAS, the City has reviewed the Preliminary Service and Assessment Plan attached to this Resolution as “**Exhibit A**” and the Proposed Assessment Roll attached as “**Exhibit F**” to such Preliminary Service and Assessment Plan;

WHEREAS, in accordance with Section 372.016 of the Act, the City Council desires to make certain determinations and findings with regard to the total cost of the “Authorized Improvements” set forth in the Preliminary Service and Assessment Plan attached to this Resolution as “**Exhibit A**”;

WHEREAS, in accordance with Section 372.016 of the Act, the City Council also desires to approve the Proposed Assessment Roll, which is included as “**Exhibit F**” to the Preliminary Service and Assessment Plan attached to this Resolution as “**Exhibit A**,” cause the Proposed Assessment Roll to be filed with the City Secretary, and to direct the City Secretary to make the Proposed Assessment Roll available for public inspection and publish notice of the City Council’s intention to consider the proposed assessments at a public hearing, all in accordance with the requirements of the Act.

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

Section 1. The findings set forth in the recitals of this Resolution are found to be true and correct and are incorporated into this Resolution for all purposes by this reference.

Section 2. The City Council hereby finds, declares, and directs:

(a) Determination of Cost. The cost determinations for the proposed Authorized Improvements set forth in the Preliminary Service and Assessment Plan attached to this Resolution as “**Exhibit A**” are hereby approved.

(b) Proposed Assessment Roll. The Proposed Assessment Roll included in the Preliminary Service and Assessment Plan attached to this Resolution as “**Exhibit A**,” stating the assessment against each parcel of assessable land in the District as determined by the method of assessment set forth in said Preliminary Service and Assessment Plan is hereby approved, and the City Council declares that the Proposed Assessment Roll is hereby filed with the City Secretary. The City Council hereby directs the City Secretary to make the Proposed Assessment Roll available for public inspection and publish notice of the City Council’s intention to consider the proposed assessments at a public hearing, which is hereby called for a date as determined by City staff, all in accordance with the requirements of the Act.

Section 3. City Council hereby authorizes and directs City Secretary to take the actions described in Section 2 of this Resolution and authorizes and directs staff to prepare the required resolutions, ordinances, agreements, service and assessment plan, assessment roll and other documents necessary for the City Council to effectuate the PID Creation Resolution and this Resolution.

Section 4. The City Council hereby declares that written notice of the date, hour and place of the meeting at which this Resolution was adopted, was posted and that such meeting was open to the public as required by law at all times when this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 5. This Resolution shall take effect immediately from and after its passage.

EXHIBIT LIST:

Exhibit A – Preliminary Service and Assessment Plan (including the Proposed Assessment Roll)

PASSED & APPROVED by the **CITY COUNCIL** of the **CITY OF NEW BRAUNFELS** on the 11th day of **OCTOBER, 2021** on vote of ____ **AYES**; ____ **NAYS**; ____ **ABSTENTIONS**.

THE CITY OF NEW BRAUNFELS, TEXAS

By: _____
Rusty Brockman, Mayor

ATTEST:

By: _____
Caitlin Krobot, City Secretary

EXHIBIT A

(Preliminary Service and Assessment Plan – including the Proposed Assessment Roll)

Solms Landing Public Improvement District

PRELIMINARY SERVICE AND ASSESSMENT PLAN
OCTOBER 11, 2021



TABLE OF CONTENTS

Table of Contents	1
Introduction	2
Section I: Definitions	3
Section II: The District	9
Section III: Authorized Improvements	9
Section IV: Service Plan	11
Section V: Assessment Plan	11
Section VI: Terms of the Assessments	13
Section VII: Assessment Roll	18
Section VIII: Additional Provisions	18
List of Exhibits	20
Exhibit A-1 – District Legal Description	21
Exhibit A-2 – Improvement Area #1 Legal Description	24
Exhibit B-1 – District Boundary Map	25
Exhibit B-2 – Improvement Area #1 Boundary Map	26
Exhibit C – Authorized Improvements	28
Exhibit D – Service Plan – Five Year Plan	29
Exhibit E – Service Plan – Sources and Uses	30
Exhibit F – Improvement Area #1 Assessment Roll	31
Exhibit G – Improvement Area #1 Annual Installments	33
Exhibit H – Maximum Assessment per Lot Type	34
Exhibit I – Map of Authorized Improvements	35
Exhibit J – Lot Type Classification Map	37
Exhibit K – Unit 1A Plat	38
Exhibit L – Notice of PID Assessment Termination	41
Exhibit M-1 – Lot Type Single-Family Homebuyer Disclosure	44
Exhibit M-2 – Improvement Area #1 Remainder Parcel Buyer Disclosure	50
Exhibit N – Map of City Dedicated ROW	56
Exhibit O – Engineer’s Report	57

INTRODUCTION

Capitalized terms used in this Service and Assessment Plan shall have the meanings given to them in **Section I** unless otherwise defined in this Service and Assessment Plan or unless the context in which a term is used clearly requires a different meaning. Unless otherwise defined, a reference to a “Section” or an “Exhibit” shall be a reference to a Section of this Service and Assessment Plan, or an Exhibit attached to and made a part of this Service and Assessment Plan for all purposes.

On January 14, 2019 the City Council passed and approved Resolution No. 2019-R09 authorizing the creation of the Solms Landing Public Improvement District in accordance with the PID Act, which authorization was effective upon publication as required by the PID Act. The purpose of the District is to finance the Actual Costs of the Authorized Improvements for the benefit of property within the District. The District contains approximately 97.97 acres within the corporate limits of the City, as described legally by metes and bounds on **Exhibit A-1** and as depicted by the map on **Exhibit B-1**.

The PID Act requires a service plan covering a period of at least five years and defining the annual indebtedness and projected cost of the Authorized Improvements. The Service Plan is contained in **Section IV**.

The PID Act requires that the Service Plan include an assessment plan that assesses the Actual Costs of the Authorized Improvements against Assessed Property within the District based on the special benefits conferred on such property by the Authorized Improvements. The Assessment Plan is contained in **Section V**.

The PID Act requires an Assessment Roll that states the Assessment against each Parcel determined by the method chosen by the City. The Assessment against each Assessed Property must be sufficient to pay the share of the Actual Costs apportioned to the Assessed Property and cannot exceed the special benefit conferred on the Assessed Property by the Authorized Improvements. The Improvement Area #1 Assessment Roll is contained in **Exhibit F**.

SECTION I: DEFINITIONS

“Actual Costs” means, with respect to the Authorized Improvements, (a) the costs incurred by or on behalf of Owner for the design, planning, acquisition, installation, construction and/or implementation of such Authorized Improvement, (b) the costs incurred in preparing the construction plans for such Authorized Improvement, (c) the fees paid for obtaining permits, licenses or other governmental approvals for such Authorized Improvement, (d) the costs incurred by or on behalf of the Owner for external professional costs, such as engineering, geotechnical, surveying, land planning, architectural landscapers, appraisals, legal, accounting and similar professional services, (e) all labor, bonds and materials, including equipment and fixtures, incurred by contractors, builders and materialmen in connection with the acquisition, construction or implementation of the Authorized Improvement, and (f) all related permitting, zoning and public approval expenses, architectural, engineering, legal and consulting fees, governmental fees and charges, and miscellaneous expenses.

“Additional Interest” means the amount collected by application of the Additional Interest Rate.

“Additional Interest Rate” means an interest charged on the Assessments not to exceed 0.50% of the actual interest rate charged on PID Bonds pursuant to Section 372.018 of the PID Act.

“Administrator” means the City or the person or independent firm designated by the City who shall have the responsibility provided in this Service and Assessment Plan, the Indenture, or any other agreement or document approved by the City related to the duties and responsibility of the administration of the District.

“Annual Collection Costs” mean the actual or budgeted costs and expenses related to the creation and operation of the District, and the construction, operation, and maintenance of the Authorized Improvements, including, but not limited to, costs and expenses for: (1) the Administrator and City staff; (2) legal counsel, engineers, accountants, financial advisors, and other consultants engaged by the City; (3) calculating, collecting, and maintaining records with respect to Assessments and Annual Installments; (4) preparing and maintaining records with respect to Assessment Rolls and Annual Service Plan Updates; (5) paying, and redeeming PID Bonds; (6) investing or depositing Assessments and Annual Installments; (7) complying with this Service and Assessment Plan and the PID Act with respect to the issuance and sale of PID Bonds, including continuing disclosure requirements; and (8) the paying agent/registrar and Trustee in connection with PID Bonds, including their respective legal counsel. Annual Collection Costs collected but not expended in any year shall be carried forward and applied to reduce Annual Collection Costs for subsequent years.

“Annual Installment” means the annual installment payment of an Assessment as calculated by the Administrator and approved by the City Council, that includes: (1) principal; (2) interest; (3) Annual Collection Costs; and (4) Additional Interest.

“Annual Service Plan Update” means an update to the Service and Assessment Plan prepared no less frequently than annually by the Administrator and approved by the City Council.

“Assessed Property” means any Parcel within the District against which an Assessment is levied.

“Assessment” means an assessment levied against a Parcel and imposed pursuant to an Assessment Ordinance and the provisions herein, as shown on any Assessment Roll, subject to reallocation upon the subdivision of such Parcel or reduction according to the provisions herein and in the PID Act.

“Assessment Ordinance” means any ordinance adopted by the City Council in accordance with the Act that levies an Assessment on Assessed Property within the District, as shown on any Assessment Roll.

“Assessment Plan” means the methodology employed to assess the Actual Costs of the Authorized Improvements against Assessed Property within the District based on the special benefits conferred on such property by the Authorized Improvements, more specifically described in **Section V**.

“Assessment Roll” means any assessment roll for the Assessed Property within the District, including the Improvement Area #1 Assessment Roll, as updated, modified, or amended from time to time in accordance with the procedures set forth herein and in the Act, including updates prepared in connection with the issuance of PID Bonds or in connection with any Annual Service Plan Update.

“Authorized Improvements” mean improvements authorized by Section 372.003 of the Act as more specifically described in **Section III** and depicted on **Exhibit I**.

“Bond Issuance Costs” means the costs associated with issuing PID Bonds, including but not limited to attorney fees, financial advisory fees, consultant fees, appraisal fees, printing costs, publication costs, City costs, capitalized interest, reserve fund requirements, underwriter’s discount, fees charged by the Texas Attorney General, and any other cost or expense directly associated with the issuance of PID Bonds.

“City” means the City of New Braunfels, Texas.

“City Owned Improvements” mean improvements that have already been dedicated to the City. These improvements are not eligible for repayment with PID Bonds.

“City Council” means the governing body of the City.

“County” means Comal County, Texas.

“Delinquent Collection Costs” mean, for a Parcel, interest, penalties, and other costs and expenses authorized by the PID Act that directly or indirectly relate to the collection of delinquent Assessments, delinquent Annual Installments, or any other delinquent amounts due under this SAP, including costs and expenses to foreclose liens.

“District” means the approximately 97.97 acres within the corporate limits of the City, as described legally by metes and bounds on **Exhibit A-1** and as depicted by the map on **Exhibit B-1**.

“District Formation Expenses” means the costs associated with forming the District, including but not limited to 1st year Annual Collection Costs, and any other cost or expense directly associated with the establishment of the District.

“Estimated Buildout Value” means the estimated buildout value of an Assessed Property, and shall be determined by the Administrator and confirmed by the City Council by considering such factors as density, lot size, proximity to amenities, view premiums, location, market conditions, historical sales, builder contracts, discussions with homebuilders, reports from third party consultants, or any other information that may impact value.

“Improvement Area” means specifically defined and designated portions of the District that are developed in phases, including Improvement Area #1.

“Improvement Area #1” means approximately 59.26 acres located within the District, as shown on **Exhibit B-2** and more specifically described in **Exhibit A-2**.

“Improvement Area #1 Annual Installment” means the annual installment payment on the Improvement Area #1 Assessment as calculated by the Administrator and approved by the City Council that includes: (1) principal, (2) interest, (3) Annual Collection Costs, and (4) Additional Interest.

“Improvement Area #1 Assessed Property” means any Parcel within Improvement Area #1 against which an Assessment is levied.

“Improvement Area #1 Assessment” means an Assessment levied against a Parcel within Improvement Area #1 and imposed pursuant to an Assessment Ordinance and the provisions

herein, as shown on the Improvement Area #1 Assessment Roll, subject to reallocation upon the subdivision of such Parcel or reduction according to the provisions herein and in the Act.

“Improvement Area #1 Assessment Roll” means the Assessment Roll for Improvement Area #1 attached as **Exhibit F**, as updated, modified, or amended from time to time in accordance with the procedures set forth herein and in the Act, including updates prepared in connection with the issuance of PID Bonds or in connection with any Annual Service Plan Update.

“Improvement Area #1 Bonds” mean those certain “City of New Braunfels, Texas, Assessment Revenue Bonds, Series 2022 (Solms Landing Public Improvement District Improvement Area #1 Project)”, that are secured by Improvement Area #1 Assessments.

“Improvement Area #1 Improvements” mean Improvement Area #1’s allocable share of the Authorized Improvements.

“Improvement Area #1 Remainder Parcel” means all property located within Improvement Area #1, save and except the Unit 1A Plat.

“Indenture” means an Indenture of Trust entered into in connection with the issuance of PID Bonds, as amended or supplemented from time to time, between the City and the Trustee setting forth terms and conditions related to the PID Bonds.

“Lot” means (1) for any portion of the District for which a subdivision plat has been recorded in the official public records of the County, a tract of land described as a “lot” in such subdivision plat, and (2) for any portion of the District for which a subdivision plat has not been recorded in the official public records of the County, a tract of land anticipated to be described as a “lot” in a final recorded subdivision plat as shown on a concept plan or preliminary plat.

“Lot Type” means a classification of final building Lots with similar characteristics (e.g. lot size, home product, buildout value, etc.), as determined by the Administrator and confirmed and approved by the City Council. In the case of single-family residential Lots, the Lot Type shall be further defined by classifying the residential Lots by the Estimated Buildout Value of the Lot as calculated by the Administrator and confirmed and approved by the City Council.

“Lot Type Condo” means a Lot designated as a single-family condominium residential lot by the Owner, as shown on the map attached as **Exhibit J**.

“Lot Type Live Work” means a Lot designated as a mixed-use residential and commercial lot by the Owner, as shown on the map attached as **Exhibit J**.

“Lot Type Market” means a Lot designated as a commercial lot anticipated to be developed into market space by the Owner, as shown on the map attached as **Exhibit J**.

“Lot Type Multi-Family” means a Lot designated as a multi-family residential lot by the Owner, as shown on the map attached as **Exhibit J**.

“Lot Type Music Venue” means a Lot designated as a commercial lot anticipated to be developed into a music venue by the Owner, as shown on the map attached as **Exhibit J**.

“Lot Type Office” means a Lot designated as a commercial lot anticipated to be developed into office space by the Owner, as shown on the map attached as **Exhibit J**.

“Lot Type Senior Housing” means a Lot designated as an independent senior living residential lot by the Owner, as shown on the map attached as **Exhibit J**.

“Lot Type Single Family” means a Lot designated as a single-family residential lot by the Owner, as shown on the map attached as **Exhibit J**.

“Lot Type Townhome” means a Lot designated as a single-family townhome residential lot by the Owner, as shown on the map attached as **Exhibit J**.

“Maximum Assessment” means, for each Lot Type within the District, an amount that will not exceed the amounts shown on **Exhibit H**. In the event any final plat creates a new Lot Type that differs from what is shown on **Exhibit H**, this Service and Assessment Plan will be updated to reflect the new Lot Type, and the Maximum Assessment for the new Lot Type created by the final plat shall be an amount that results in the average Annual Installment not to exceed \$0.50 per \$100 of estimated buildout value calculated per **Section VI** to such new Lot Type. The Maximum Assessment shall only be calculated upon the filing of a final plat with the County.

“Non-Benefited Property” means Parcels within the boundaries of the District that accrue no special benefit from Authorized improvements as determined by the City Council.

“Notice of Assessment Termination” means a recorded document evidencing the termination of an Assessment, a form of which is attached as **Exhibit L**.

“Owner” means Solms Landing Development, LLC a Texas limited liability company and its successors and assigns.

“Parcel(s)” means a property, within the boundaries of the District, identified by either a tax map identification number assigned by the Comal Appraisal District for real property tax purposes, by

metes and bounds description, by lot and block number in a final subdivision plat recorded in the official public records of the County, or by any other means as determined by the City Council.

“PID Act” means Chapter 372, Texas Local Government Code, as amended.

“PID Bonds” mean bonds issued by the City that are secured by Assessments levied on Assessed Property within the District, including, but not limited to, the Improvement Area #1 Bonds.

“Prepayment” means the payment of all or a portion of an Assessment before the due date thereof. Amounts received at the time of a Prepayment which represent a payment of principal, interest, or penalties on a delinquent installment of Assessment are not to be considered a Prepayment, but rather are to be treated as a payment of the regularly scheduled Assessment.

“Prepayment Costs” mean interest, including Additional Interest, and Annual Collection Costs incurred up to the date of Prepayment.

“Service and Assessment Plan” means this Service and Assessment Plan, as it may be modified, amended, supplemented, and updated from time to time.

“Service Plan” covers a period of at least five years and defines the annual indebtedness and projected costs of the Authorized Improvements, more specifically described in **Section IV**.

“Trustee” means the trustee (or successor trustee) under an Indenture.

“Unit 1A Plat” means the final plat of Solms Landing, Unit 1A which was recorded with the County on September 15, 2020 and is attached as **Exhibit K**.

SECTION II: THE DISTRICT

The District includes approximately 97.97 acres within the corporate limits of the City, as described legally by metes and bounds on **Exhibit A-1** and as depicted by the map on **Exhibit B-1**.

Improvement Area #1 includes approximately 59.26 acres as more particularly described by metes and bounds on **Exhibit A-2** and depicted on **Exhibit B-2**. Development of Improvement Area #1 is anticipated to contain 305 multi-family living units, 112 townhomes, 60 single-family homes, 150 senior living units, 75,000 square feet of office, 40,000 square feet of music venue, 15,000 square feet of market, 95 condos and 50 live work units as shown on the preliminary plat attached as **Exhibit K**.

SECTION III: AUTHORIZED IMPROVEMENTS

The City, based on information provided by the Owner and its engineer and review by the City staff and by third-party consultants retained by the City, determined that the Authorized Improvements confer a special benefit on the Assessed Property. Authorized Improvements will be designed and constructed in accordance with City standards and will be owned and operated by the City once accepted unless specifically stated below. The budget for the Authorized Improvements, as well as the allocation of the Actual Costs of the Authorized Improvements, is shown on **Exhibit C**.

A. Improvement Area #1 Improvements

- *Streets*

Improvements including subgrade stabilization (including soil treatment and compaction), concrete and reinforcing steel for roadways, asphalt roadways, testing, handicapped ramps, streetlights. All related earthwork, excavation, erosion control, retaining walls, intersections, signage, lighting, other materials or work that would be necessary to complete a project, and re-vegetation of all disturbed areas within the right-of-way are included.

- *Drainage*

Improvements including earthen channels, gabion baskets, rock walls, storm drains, swales, curb and drop inlets, piping and boxes, headwalls, detention facilities, concrete flumes, rock rip rap, concrete outfalls, and testing as well as all related earthwork, excavation, and erosion control and all other necessary appurtenances to provide storm drainage for Improvement Area #1.

- *Water*

Improvements including trench excavation and embedment, trench safety, piping, valves, fire hydrant assemblies, service connections, testing, related earthwork, excavation, low impact design features, and erosion control and all other necessary appurtenances required to provide water service to Improvement Area #1.

- *Sanitary Sewer*

Improvements including trench excavation and embedment, trench safety, piping, manholes, lift station improvements and modifications, force mains, service connections, testing, related earthwork, excavation, and erosion control and all other necessary appurtenances required to provide wastewater service to Improvement Area #1.

- *Landscaping, Parks and Trails*

Improvements consist of installation of landscaping, including irrigation, in public open spaces, entryway monuments and signs, establishment and improvement of lakes, parks, open space, fitness stations and trails.

- *City Dedicated ROW*

The Owner dedicated the right of way shown on **Exhibit N** to the City. The right of way is a City Owned Improvement and is not eligible to be reimbursed.

- *District Formation Expenses*

Costs associated with forming the District, including but not limited to 1st year Annual Collection Costs, and any other cost or expense directly associated with the establishment of the District.

- *Soft Costs*

Costs related to designing, constructing, and installing the Authorized Improvements including land planning and design, City fees, jurisdictional permitting, engineering, soil testing, surveying, construction management, testing, and costs and expenses directly associated with forming the District.

B. Bond Issuance Costs

- *Debt Service Reserve Fund*

Equals the amount required to fund a reserve under the Indenture in connection with the issuance of PID Bonds.

- *Capitalized Interest*

Equals the amount of capitalized interest available for payment of interest on PID Bonds as reflected in the Indenture.

- *Underwriter's Discount*
Equals a percentage of the par amount of a particular series of PID Bonds and includes a fee for underwriter's counsel.
- *Cost of Issuance*
Costs associated with issuing PID Bonds, including but not limited to attorney fees, financial advisory fees, consultant fees, appraisal fees, printing costs, publication costs, City costs, fees charged by the Texas Attorney General, and any other cost or expense directly associated with the issuance of PID Bonds.

SECTION IV: SERVICE PLAN

The Act requires the Service Plan to cover a period of at least five years. The Service Plan is required to define the annual projected costs and indebtedness for the Authorized Improvements undertaken within the District during the five-year period. The Service Plan shall be updated in each Annual Service Plan Update. **Exhibit D** summarizes the Service Plan for the District.

Exhibit E summarizes the sources and uses of funds required to construct the Authorized Improvements. The sources and uses of funds shown on **Exhibit E** shall be updated in each Annual Service Plan Update.

SECTION V: ASSESSMENT PLAN

The PID Act requires the City to apportion the Actual Costs of the Authorized Improvements to the Assessed Property based on the special benefit received from the Authorized Improvements. The PID Act provides that such costs may be apportioned: (1) equally per front foot or square foot; (2) according to the value of property as determined by the City, with or without regard to improvements constructed on the property; or (3) in any other manner approved by the City that results in imposing equal shares of such costs on property similarly benefited. The PID Act further provides that the governing body may establish by ordinance or order reasonable classifications and formulas for the apportionment of the cost between the municipality and the area to be assessed and the methods of assessing the special benefits for various classes of improvements.

This section of this Service and Assessment Plan describes the special benefit received by each Assessed Property within the District as a result of the Authorized Improvements and provides the basis and justification for the determination that this special benefit exceeds the amount of the Assessments levied on the Assessed Property for such Authorized Improvements.

The determination by the City of the assessment methodologies set forth below is the result of the discretionary exercise by the City Council of its legislative authority and governmental powers and is conclusive and binding on the Owner and all future owners and developers of the Assessed Property.

A. Assessment Methodology

The City Council, acting in its legislative capacity based on information provided by the Owner and its engineer and reviewed by the City staff and by third-party consultants retained by the City, has determined that the costs of the Improvement Area #1 Improvements shall be allocated 100% to the Improvement Area #1 Assessed Property. Upon subdivision of the Improvement Area #1 Assessed Property, the Actual Costs of the Improvement Area #1 Improvements shall be reallocated based on Estimated Buildout Value as further described in **Section VI**.

B. Assessments

Improvement Area #1 Assessments will be levied on the Improvement Area #1 Assessed Property according to the Improvement Area #1 Assessment Roll, attached hereto as **Exhibit F**. The projected Improvement Area #1 Annual Installments are shown on **Exhibit G**, subject to revisions made during any Annual Service Plan Update.

The Maximum Assessment for each Lot Type is shown on **Exhibit H**.

C. Findings of Special Benefit

The City Council, acting in its legislative capacity based on information provided by the Owner and its engineer and reviewed by the City staff and by third-party consultants retained by the City, has found and determined:

- Improvement Area #1
 1. The costs of the Authorized Improvements equal \$8,980,000 as shown on **Exhibit C**; and
 2. The Improvement Area #1 Assessed Property receives special benefit equal to or greater than the Improvement Area #1 Improvements; and
 3. The Improvement Area #1 Assessed Property will be allocated 100% of the Improvement Area #1 Assessments levied for the Improvement Area #1 Improvements, which equals \$8,980,000 as shown on the Improvement Area #1 Assessment Roll, attached as **Exhibit F**; and
 4. The special benefit (\geq \$8,980,000) received by the Improvement Area #1 Assessed Property from the Improvement Area #1 Improvements is greater than the amount of Improvement Area #1 Assessments (\$8,980,000) levied on the Improvement Area #1 Assessed Property for the Improvement Area #1 Improvements; and

5. At the time the City Council approved the Assessment Ordinance, the Owner owned 100% of the Improvement Area #1 Assessed Property. The Owner acknowledged that the Improvement Area #1 Improvements confer a special benefit on the Improvement Area #1 Assessed Property and consented to the imposition of the Improvement Area #1 Assessments to pay for the Actual Costs associated therewith. The Owner ratified, confirmed, accepted, agreed to, and approved (1) the determinations and findings by the City Council as to the special benefits described herein and in the Assessment Ordinance, (2) the Service and Assessment Plan and the Assessment Ordinance, and (3) the levying of the Improvement Area #1 Assessments on the Improvement Area #1 Assessed Property.

D. Annual Collection Costs

The Annual Collection Costs shall be paid for on a pro rata basis by each Assessed Property based on the amount of outstanding Assessment remaining on the Assessed Property. The Annual Collection Costs shall be collected as part of and in the same manner as Annual Installments in the amounts shown on the Assessment Roll, which may be revised based on Actual Costs incurred in Annual Service Plan Updates.

E. Additional Interest

The interest rate on Improvement Area #1 Assessments levied on the Improvement Area #1 Assessed Property may exceed the interest rate on the Improvement Area #1 Bonds by the Additional Interest Rate. Interest at the rate of the Improvement Area #1 Bonds and the Additional Interest shall be collected as part of each Annual Installment and shall be deposited pursuant to the applicable Indenture.

SECTION VI: TERMS OF THE ASSESSMENTS

A. Reallocation of Assessments

1. Upon Division Prior to Recording of Subdivision Plat

Upon the division of any Assessed Property (without the recording of subdivision plat), the Administrator shall reallocate the Assessment for the Assessed Property prior to the division among the newly divided Assessed Properties according to the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

A = the Assessment for the newly divided Assessed Property

B = the Assessment for the Assessed Property prior to division

C = the Estimated Buildout Value of the newly divided Assessed Property
D = the sum of the Estimated Buildout Value for all the newly divided Assessed Properties

The sum of the Assessments for all newly divided Assessed Properties shall equal the Assessment for the Assessed Property prior to subdivision. The calculation shall be made separately for each newly divided Assessed Property. The reallocation of an Assessment for an Assessed Property that is a homestead under Texas law may not exceed the Assessment prior to the reallocation. Any reallocation pursuant to this section shall be reflected in the next Annual Service Plan Update and update to this Service and approved by the City Council.

2. Upon Subdivision by a Recorded Subdivision Plat

Upon the subdivision of any Assessed Property based on a recorded subdivision plat, the Administrator shall reallocate the Assessment for the Assessed Property prior to the subdivision among the new subdivided Lots based on buildout value according to the following formula:

$$A = [B \times (C \div D)] / E$$

Where the terms have the following meanings:

A = the Assessment for the newly subdivided Lot

B = the Assessment for the Parcel prior to subdivision

C = the sum of the estimated average buildout value of all newly subdivided Lots with the same Lot Type

D = the sum of the estimated average buildout value for all the newly subdivided Lots excluding Non-Benefitted Property

E = the number of Lots with the same Lot Type

Prior to the recording of a subdivision plat, the Owner shall provide the City an Estimated Buildout Value as of the date of the recorded subdivision plat for each Lot created by the recorded subdivision plat.

The sum of the Assessments for all newly subdivided Lots shall not exceed the Assessment for the portion of the Assessed Property subdivided prior to subdivision. The calculation shall be made separately for each newly subdivided Assessed Property. The reallocation of an Assessment for an Assessed Property that is a homestead under Texas law may not exceed the Assessment prior to the reallocation. Any reallocation pursuant to this section shall be reflected in the next Annual Service Plan Update and approved by the City Council.

3. Upon Consolidation

If two or more Lots or Parcels are consolidated, the Administrator shall allocate the Assessments against the Lots or Parcels before the consolidation to the consolidated Lot or Parcel, which allocation shall be approved by the City Council in the next Annual Service Plan Update.

The Assessment for any resulting Lot will not exceed the Maximum Assessment, shown on **Exhibit H** for the applicable Lot Type, and compliance may require a mandatory prepayment of Assessments pursuant to **Section VI.B.**

B. True-up of Assessments if Maximum Assessment Exceeded

If the subdivision of any Assessed Property by a final subdivision plat causes the Assessment per Lot for any Lot Type to exceed the Maximum Assessment, the owner of Assessed Property requesting the subdivision must prepay the portion of the Assessment for each Assessed Property that exceeds the Maximum Assessment in an amount sufficient to reduce the Assessment to the Maximum Assessment.

C. Mandatory Prepayment of Assessments

If Assessed Property is transferred to a person or entity that is exempt from payment of the Assessments, the owner transferring the Assessed Property shall pay to the City or the Administrator on behalf of the City the full amount of the outstanding Assessment, plus Prepayment Costs and Delinquent Collection Costs, if any, for such Assessed Property, prior to the transfer. If the owner of the Assessed Property causes the Assessed Property to become Non-Benefitted Property, the owner causing the change in status shall pay the full amount of the outstanding Assessment, plus Prepayment Costs and Delinquent Collection Costs, if any, prior to the change in status.

D. Reduction of Assessments

If as a result of cost savings or an Authorized Improvement not being constructed, the Actual Costs of completed Authorized Improvements are less than the Assessments, the Assessments shall be reduced on a pro-rata basis such that the sum of the resulting reduced Assessments for all Assessed Property equals the reduced Actual Costs. The Assessments shall not, however, be reduced to an amount less than the outstanding PID Bonds.

The Administrator shall update (and submit to the City Council for review and approval as part of the next Annual Service Plan Update) the Assessment Roll and corresponding Annual Installments to reflect the reduced Assessments.

E. Prepayment of Assessments

The owner of the Assessed Property may pay, at any time, all or any part of an Assessment in accordance with the PID Act. Interest costs from the date of prepayment to the date of redemption of the applicable PID Bonds, if any, may be paid from a reserve established under the applicable Indenture. If an Annual Installment has been billed prior to the Prepayment, the Annual Installment shall be due and payable and shall be credited against the Prepayment.

If an Assessment is pre-paid in full, with Prepayment Costs: (1) the Administrator shall cause the Assessment to be reduced to zero and the Assessment Roll to be revised accordingly; (2) the Administrator shall cause the revised Assessment Roll to be approved by the City Council as part of the next Annual Service Plan Update; (3) the obligation to pay the Assessment and corresponding Annual Installments shall terminate; and (4) the City shall provide the owner with a recordable "Notice of PID Assessment Termination," a form of which is attached as **Exhibit L**.

If an Assessment is pre-paid in part, with Prepayment Costs: (1) the Administrator shall cause the Assessment to be reduced and the Assessment Roll revised accordingly; (2) the Administrator shall cause the revised Assessment Roll to be approved by the City Council as part of the next Annual Service Plan Update; and (3) the obligation to pay the Assessment and corresponding Annual Installments shall be reduced to the extent of the Prepayment made.

F. Prepayment as a Result of Eminent Domain Proceeding or Taking

If any portion of any Parcel of Assessed Property is taken from an owner as a result of eminent domain proceedings or if a transfer of any portion of any Parcel of Assessed Property is made to an entity with the authority to condemn all or a portion of the Assessed Property in lieu of or as a part of an eminent domain proceeding (a "**Taking**"), the portion of the Assessed Property that was taken or transferred (the "**Taken Property**") shall be reclassified as Non-Benefitted Property.

For the Assessed Property that is subject to the Taking as described in the preceding paragraph, the Assessment that was levied against the Assessed Property (when it was included in the Taken Property) prior to the Taking shall remain in force against the remaining Assessed Property (the Assessed Property less the Taken Property), (the "**Remaining Property**") following the reclassification of the Taken Property as Non-Benefitted Property, subject to an adjustment of the Assessment applicable to the Remaining Property after any required Prepayment as set forth below. The owner will remain liable to pay in Annual Installments, or payable as otherwise provided by this Service and Assessment Plan, as updated, or the PID Act, the Assessment that remains due on the Remaining Property, subject to an adjustment in the Assessment applicable to the Remaining Property after any required Prepayment as set forth below. Notwithstanding the foregoing, if the Assessment that remains due on the Remaining Property exceeds the Maximum Assessment, the owner will be required to make a Prepayment in an amount necessary to ensure that the Assessment against the Remaining Property does not exceed the Maximum

Assessment, in which case the Assessment applicable to the Remaining Property will be reduced by the amount of the partial Prepayment. If the City receives all or a portion of the eminent domain proceeds (or payment made in an agreed sale in lieu of condemnation), such amount shall be credited against the amount of prepayment, with any remainder credited against the assessment on the Remainder Property.

In all instances the Assessment remaining on the Remaining Property shall not exceed the Maximum Assessment.

By way of illustration, if an owner owns 100 acres of Assessed Property subject to a \$100 Assessment and 10 acres is taken through a Taking, the 10 acres of Taken Property shall be reclassified as Non-Benefitted Property and the remaining 90 acres of Remaining Property shall be subject to the \$100 Assessment, (provided that this \$100 Assessment does not exceed the Maximum Assessment on the Remaining Property). If the Administrator determines that the \$100 Assessment reallocated to the Remaining Property would exceed the Maximum Assessment on the Remaining Property by \$10, then the owner shall be required to pay \$10 as a Prepayment of the Assessment against the Remaining Property and the Assessment on the Remaining Property shall be adjusted to be \$90.

Notwithstanding the previous paragraphs in this subsection, if the owner notifies the City and the Administrator that the Taking prevents the Remaining Property from being developed for any use which could support the Estimated Buildout Value requirement, the owner shall, upon receipt of the compensation for the Taken Property, be required to prepay the amount of the Assessment required to buy down the outstanding Assessment to the Maximum Assessment on the Remaining Property to support the Estimated Buildout Value requirement. The owner will remain liable to pay the Annual Installments on both the Taken Property and the Remaining Property until such time that such Assessment has been prepaid in full.

G. Payment of Assessment in Annual Installments

Assessments that are not paid in full shall be due and payable in Annual Installments. **Exhibit G** shows the projected Annual Installments for Improvement Area #1. In no case will the Assessment for any Lot Type exceed the Maximum Assessment. Annual Installments are subject to adjustment in each Annual Service Plan Update.

The Administrator shall prepare and submit to the City Council for its review and approval an Annual Service Plan Update to allow for the billing and collection of Annual Installments. Each Annual Service Plan Update shall include updated Assessment Rolls and updated calculations of Annual Installments. Annual Collection Costs shall be allocated pro rata among Assessed Properties for which the Assessments remain unpaid in proportion to the amount of the Annual Installments for the Assessed Property. Annual Installments shall be collected by the City in the same manner and at the same time as ad valorem taxes. Annual Installments shall be subject to

the penalties, procedures, and foreclosure sale in case of delinquencies as set forth in the PID Act and in the same manner as ad valorem taxes for the City. The City Council may provide for other means of collecting Annual Installments. Assessments shall have the lien priority specified in the PID Act.

Sales of the Assessed Property for nonpayment of Annual Installments shall be subject to the lien for the remaining unpaid Annual Installments against the Assessed Property, and the Assessed Property may again be sold at a judicial foreclosure sale if the purchaser fails to timely pay the Annual Installments as they become due and payable.

The City reserves the right to refund PID Bonds in accordance with the PID Act. In the event of a refunding, the Administrator shall recalculate the Annual Installments so that total Annual Installments will be sufficient to pay the refunding bonds, and the refunding bonds shall constitute "PID Bonds."

Each Annual Installment of an Assessment, including interest on the unpaid principal of the Assessment, shall be updated annually. Each Annual Installment shall be due when billed and shall be delinquent if not paid prior to February 1 of the following year. The initial Annual Installments relating to the PID Bonds shall be due when billed and shall be delinquent if not paid prior to February 1, 2022. Failure of an owner of Assessed Property to receive an invoice for an Annual Installment on the property tax bill or otherwise shall not relieve the owner of Assessed Property of the obligation to pay the Assessment. Assessments, or Annual Installments thereof, that are delinquent shall incur Delinquent Collection Costs.

SECTION VII: ASSESSMENT ROLL

The Improvement Area #1 Assessment Roll is attached as **Exhibit F**. The Administrator shall prepare and submit to the City Council for review and approval, proposed revisions to the Improvement Area #1 Assessment Roll and Annual Installments for each Parcel within the Improvement Area #1 Assessed Property as part of each Annual Service Plan Update.

SECTION VIII: ADDITIONAL PROVISIONS

A. Calculation Errors

If the owner of an Assessed Property claims that an error has been made in any calculation required by this Service and Assessment Plan, including, but not limited to, any calculation made as part of any Annual Service Plan Update, the sole and exclusive remedy of the owner of Assessed Property shall be to submit a written notice of error to the Administrator by December 1st of each year following City Council approval of the calculation; otherwise, the owner shall be deemed to have unconditionally approved and accepted the calculation. Upon receipt of a

written notice of error from an owner the Administrator shall provide a written response to the City Council and the owner within 30 days of such referral. The City Council shall consider the owner's notice of error and the Administrator's response at a public meeting, and within 30 days after adjourning such meeting, the City Council shall make a final determination as to whether an error has been made. If the City Council determines that an error has been made, the City Council shall take such corrective action as is authorized by the PID Act, this Service and Assessment Plan, the applicable Assessment Ordinance, or the applicable Indenture, or is otherwise authorized by the discretionary power of the City Council. The determination by the City Council as to whether an error has been made, and any corrective action taken by the City Council, shall be final and binding on the owner and the Administrator.

B. Amendments

Amendments to this Service and Assessment Plan must be made by the City Council in accordance with the PID Act. To the extent permitted by the PID Act, this Service and Assessment Plan may be amended without notice to owners of the Assessed Property: (1) to correct mistakes and clerical errors; (2) to clarify ambiguities; and (3) to provide procedures to collect Assessments, Annual Installments, and other charges imposed by this Service and Assessment Plan.

C. Administration and Interpretation

The Administrator shall: (1) perform the obligations of the Administrator as set forth in this Service and Assessment Plan; (2) administer the District for and on behalf of and at the direction of the City Council; and (3) interpret the provisions of this Service and Assessment Plan. Interpretations of this Service and Assessment Plan by the Administrator shall be in writing and shall be appealable to the City Council by owners of Assessed Property adversely affected by the interpretation. Appeals shall be decided by the City Council after providing an opportunity for all interested parties to be heard at a public meeting of the City Council. Decisions by the City Council shall be final and binding on the owners and developers and their successors and assigns.

D. Severability

If any provision of this Service and Assessment Plan is determined by a governmental agency or court to be unenforceable, the unenforceable provision shall be deleted and, to the maximum extent possible, shall be rewritten to be enforceable. Every effort shall be made to enforce the remaining provisions.

LIST OF EXHIBITS

Exhibit A-1	District Legal Description
Exhibit A-2	Improvement Area #1 Legal Description
Exhibit B-1	District Boundary Map
Exhibit B-2	Improvement Area #1 Boundary Map
Exhibit C	Authorized Improvements
Exhibit D	Service Plan – Five Year Plan
Exhibit E	Service Plan – Sources and Uses
Exhibit F	Improvement Area #1 Assessment Roll
Exhibit G	Improvement Area #1 Annual Installments
Exhibit H	Maximum Assessment per Lot Type
Exhibit I	Map of Authorized Improvements
Exhibit J	Lot Type Classification Map
Exhibit K	Preliminary Plat
Exhibit L	Notice of PID Assessment Termination
Exhibit M-1	Lot Type Single Family Homebuyer Disclosure
Exhibit M-2	Improvement Area #1 Remainder Parcel Homebuyer Disclosure
Exhibit N	Map of City Dedicated ROW
Exhibit O	Engineer's Report

EXHIBIT A-1 – DISTRICT LEGAL DESCRIPTION



FIELD NOTES FOR A 97.97 ACRE TRACT

A 97.97 acre tract of land, situated in the City of New Braunfels, out of the A.M. Esnaurizar Survey No. 1, Abstract 98, Comal County, Texas, and being the remaining portion of a called 2.028 acre tract of land, Tract I, and the remaining portion of a called 96.26 acre tract of land, Tract II, both being described by Deed of Gift of record in Volume 365 Page 866 of the Deed Records of Comal County, Texas and also being all of a called 4.225 acre tract of land as described by Deed of Gift of record in Volume 365 Page 869 of the Deed Records of Comal County, Texas. Said 97.97 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a found $\frac{1}{2}$ " iron rod with a plastic cap stamped "Bury & Partners" in the current southeast right-of-way line of Interstate Highway 35 (I.H. 35), a variable width public right-of-way, for the most easterly corner of a called 0.020 acre tract of land as conveyed to the State of Texas of record in Document No. 9906030874 of the Official Public records of Comal County, Texas, for the most west corner of Lot 1, Block "A", of the Canyon Crossroads Subdivision Plat of record in Document No. 201106028280 of the Map and Plat Records of Comal County, Texas, in the northeast line of said 2.028 acre tract and for the most northerly corner of the tract described herein, from which a found "x" in concrete for the west end of a cutback at the intersection of I.H. 35 and F.M. 306 bears, N 47° 22' 18" E, a distance of 1162.81 feet;

THENCE: S 43° 30' 05" E, departing the southeast right-of-way line of I.H. 35 and along and with the northeast line of said 2.028 acre tract and the southwest line of said Lot 1, at a distance of 657.49 feet passing a found $\frac{1}{2}$ " iron rod with a plastic cap stamped "Bury & Partners" for the south corner of said Lot 1 and the west corner of Lot 6, Block "A", Replat of Lot 2, Canyon Crossroads Subdivision of record in Document No. 201206016264 of the Map and Plat Records of Comal County, Texas, and continuing along and with the southwest line of Lot 6 and the northeast line of said 2.028 acre tract, a total distance of 1456.05 feet to a found $\frac{1}{2}$ " iron rod (bent) for the east corner of said 2.028 acre tract, the south corner of said Lot 6, in the northwest line of said 4.225 acre tract, in the northwest line of said 96.26 acre tract and for an interior corner of the tract described herein;

THENCE: N 45° 03' 35" E, along and with the northwest line of the 4.225 acre tract and the 96.26 acre tract, and the southeast line of Lot 6, a distance of 369.73 feet to a found $\frac{1}{2}$ " iron rod for the an interior corner of Lot 6, the north corner of said 4.225 acre tract and 96.26 acre tract, and a north exterior corner of the tract described herein;

THENCE: S 43° 58' 01" E, along and with a southwest line of said lot 6, the southwest line of Lot 1, Block 1, of the Creekside Fire Station Subdivision Plat of record in Document No. 201006023741 of the Map and Plat Records of Comal County, Texas, the southwest line of a called 5.395 acre tract of land as conveyed to the City of New Braunfels of record in Document No. 200606042906 of the Official Public Records of Comal County, Texas (now known as Creekside Crossing, a 150 foot wide public right-of-way), the northeast line of the 4.225 acre tract and the 96.26 acre tract, a distance of 1505.89 feet to a found $\frac{1}{2}$ " iron rod for the most southerly corner of said 5.395 acre tract, the most westerly corner of a called 6.529 acre tract of land as conveyed to the City of New Braunfels of record in Document No.

Page 1 of 3

200606042905 of the Official Public Records of Comal County, Texas, the most northerly corner of Lot 14R1, of the Amending Plat of Lots 8R, 14R, and 32R of Creekside Wellness Center Establishing Lots 8R1, 14R1 and 32R of Creekside Wellness Center of record in Document no. 201306033846 of the Map and Plat Records of Comal County, Texas, for the east corner of the 96.26 acre tract and the tract described herein, from which a found ½" iron rod with a plastic cap stamped "TEAM" bears, S 38° 38' 50" E, a distance of 0.16 feet;

THENCE: S 45° 01' 44" W, along and with the westerly line of said Lot 14R1, a distance of 369.20 feet to a found ½" iron rod with a plastic cap stamped "Hollmig" for an interior corner of said Lot 14R1 and an exterior corner of the tract described herein;

THENCE: S 45° 29' 57" W, along and with the northwest lines of Lot 14R1, at a distance of 912.00 feet, a found ½" iron rod with a plastic cap stamped "HMT" for the west corner of said Lot 14R1 and the north corner of a called 82.76 acre tract of land as conveyed to KB Home Lone Star Inc., of record in Document No. 201406004602 of the Official Public Records of Comal County, Texas, continuing along and with the northwest line of the 82.76 acre tract, at a distance of 2001.79 feet, a found ½" iron rod with a plastic cap stamped "HMT" for the west corner of said 82.76 acre tract and a northwest exterior corner of a called 36.90 acre tract of land as conveyed to KB Home Lone Star Inc., of record in Document No. 201606006903 of the Official Public Records of Comal County, Texas, and continuing along and with the northwest line of said 36.90 acre tract, a total distance of 3694.97 feet to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" in the northeast right-of-way line of South Kowald Road (also being the northeast line of a called 0.295 acre tract of land as conveyed to the County of Comal of record in Volume 140 Page 563 of the Deed Records of Comal County, Texas), at the most westerly corner of said 36.90 acre tract, in the southeast line of said 96.26 acre tract and for the most southerly corner of the tract described herein;

THENCE: N 43° 16' 27" W, along and with the northeast right-of-way line of South Kowald Road and the 0.295 acre tract, a distance of 793.41 feet to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for the north corner of said 0.295 acre tract, the most southerly corner of Comal Farms Subdivision, Unit One, a plat of record in Volume 12 Pages 217-218 of the Map and Plat Records of Comal County, Texas, in the northwest line of said 96.26 acre tract and for the most westerly corner of the tract described herein;

THENCE: Departing the northeast right-of-way line of South Kowald Road and along and with the common line between said Comal Farms Subdivision and the 96.26 acre tract, the following two (2) courses:

1. N 45° 21' 50" E, a distance of 2719.37 feet to a found ½" iron rod for the most easterly corner of said Comal Farms Subdivision, an interior corner of the 96.26 acre tract and the tract described herein, and
2. N 44° 29' 27" W, a distance of 703.79 feet to a found ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for the south corner of Lot 1 of the New Braunfels Storage Subdivision Plat of record in Volume 13 Page 101 of the Map and Plat Records of Comal County, Texas, a southwest exterior corner of the 96.26 acre tract and the tract described herein;

THENCE: N 45° 29' 59" E, along and with the northwest line of the 96.26 acre tract, the southeast line of said Lot 1, the southeast line of a called 7.66 acre tract of land as conveyed to Barbara Nell Dean of record in Document No. 200306047820 of the Official Public Records of Comal County, Texas and the southeast line of Lot 3, Block 1 of the Richter Estates Subdivision Plat of record in Volume 7 Page 64 of the Map and Plat Records of Comal County, Texas, a distance of 911.95 feet to a point for the west

Page 2 of 3

corner of the 4.225 acre tract, the east corner of said Lot 3, the south corner of the 2.028 acre tract and an interior corner of the tract described herein, from which a found ½" iron rod (leaning) bears, N 19° 09' 21" W, a distance of 0.45 feet;

THENCE: N 43° 30' 05" W, along and with the northeast line of Lot 3 and Lot 1, both of said Richter Estates Subdivision, and the southwest line of the 2.028 acre tract, a distance of **1458.50 feet** to a set ½" iron rod in the current southeast right-of-way line of I.H. 35, for the south corner of the 0.020 acre tract, the most easterly corner of a called 0.076 acre tract of land as conveyed to the State of Texas of record in Document No. 200106035524 of the Official Public records of Comal County, Texas and for a southwest exterior corner of the tract described herein, from which a found ½" iron rod in the current southeast right-of-way line of I.H. 35 and for the south corner of said 0.076 acre tract bears, S 45° 22' 17" W, a distance of 227.32 feet;

THENCE: N 45° 22' 17" E, along and with the current southeast right-of-way line of I.H. 35, also being the southeast line of said 0.020 acre tract, a distance of **60.01 feet** to the **POINT OF BEGINNING** and containing **97.97 acres**, more or less, in the City of New Braunfels, Comal County, Texas. Said tract being described in accordance with a survey prepared by KFW Surveying. Bearings are based on NAD83 (2011) Texas State Plane South Central Zone, 4204. Distances recited herein are surface distances using an average combined scale factor of 0.99985790106.

Job No.: 16-139
Prepared by: KFW Surveying
Date: December 2, 2016
File: S:\Draw 2016\16-139 95 Acres Timmerman Tract - New Braunfels\DOCS\FN - 97.97 Acres



Page 3 of 3

EXHIBIT A-2 – IMPROVEMENT AREA #1 LEGAL DESCRIPTION

EXHIBIT B-1 – DISTRICT BOUNDARY MAP

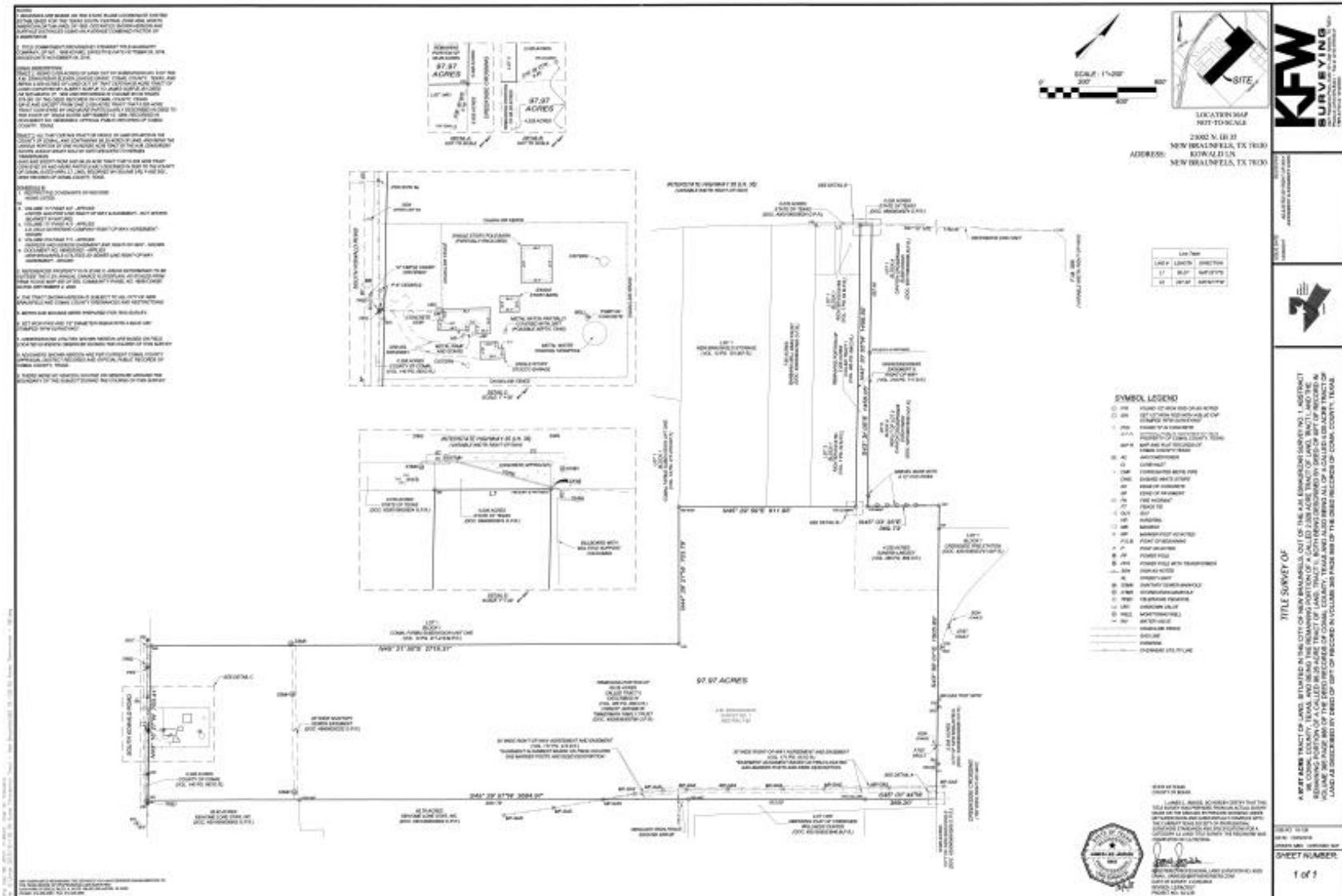


EXHIBIT B-2 – IMPROVEMENT AREA #1 BOUNDARY MAP

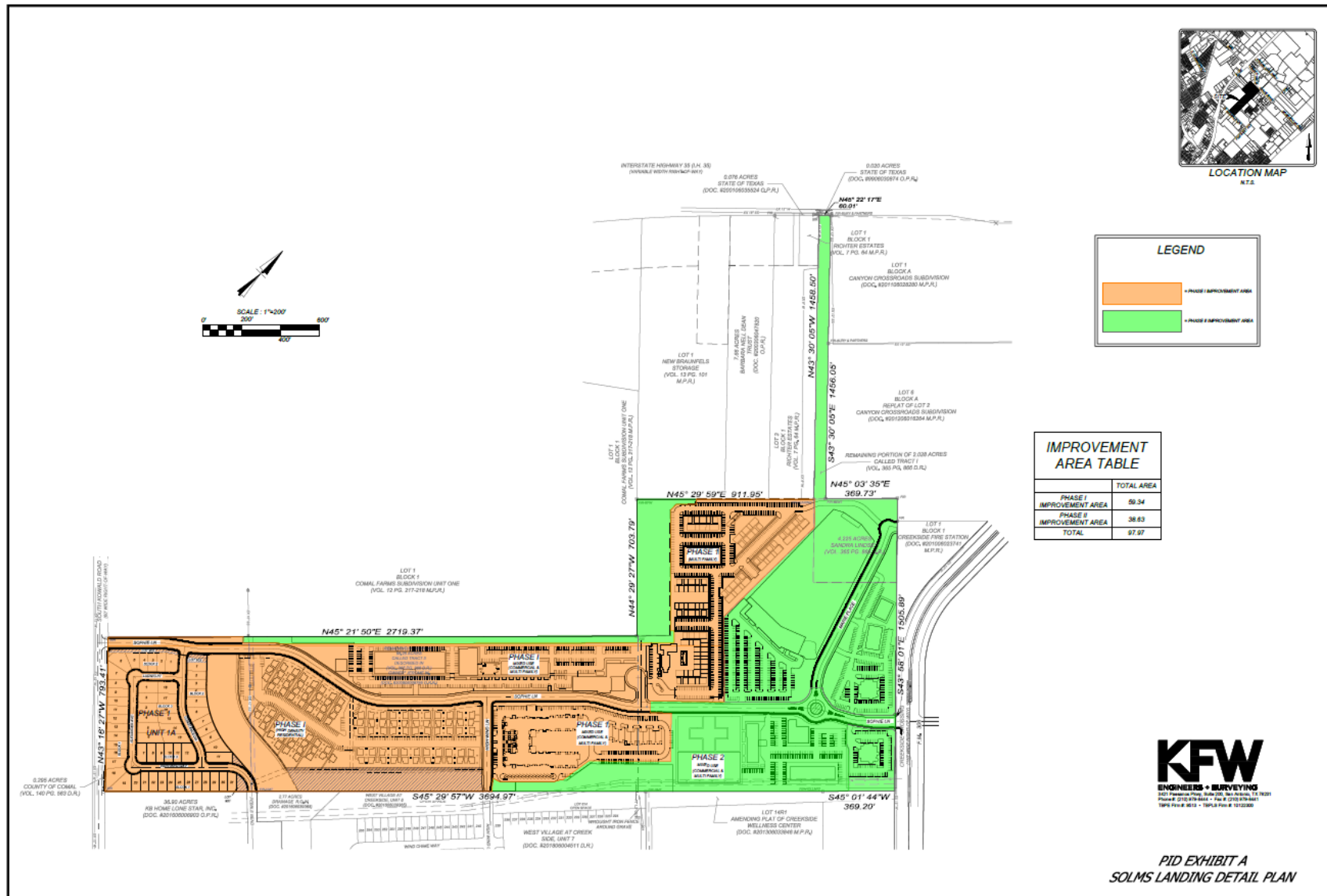


EXHIBIT C – AUTHORIZED IMPROVEMENTS

	Total Costs [a]	City Owned Improvements [a]	Improvement Area #1 Improvements [a]
Streets	\$ 3,568,974	\$ 804,399	\$ 2,764,575
Drainage	1,855,248	68,279	1,786,969
Water	476,899	162,250	314,649
Sanitary Sewer	325,050	179,920	145,130
Landscaping, Parks and Trails	645,181	-	645,181
City Dedicated ROW	556,122	556,122	-
District Formation Expenses [b]	254,086	-	254,086
Soft Costs [c]	1,567,932	226,185	1,341,747
	\$ 9,249,492	\$ 1,997,155	\$ 7,252,337
<i>Bond Issuance Costs</i>			
Debt Service Reserve Fund	\$ 591,838	\$ -	\$ 591,838
Capitalized Interest	327,022	-	327,022
Underwriter Discount	269,400	-	269,400
Cost of Issuance	539,404	-	539,404
	\$ 1,727,663	\$ -	\$ 1,727,663
Total	\$ 10,977,155	\$ 1,997,155	\$ 8,980,000

[a] Per the KFW Engineering Report dated September 2021. City Owned Improvements are not eligible for reimbursement to the Owner.

[b] Includes 1st year Annual Collection Costs of \$30,000.

[c] Inclusive of a 4% project Management Fee.

EXHIBIT D – SERVICE PLAN – FIVE YEAR PLAN

		Improvement Area #1				
Installments Due		1/31/2022	1/31/2023	1/31/2024	1/31/2025	1/31/2026
<i>Improvement Area #1 Bonds</i>						
Principal		\$ -	\$ 146,000.00	\$ 153,000.00	\$ 160,000.00	\$ 168,000.00
Interest		327,021.67	426,550.00	419,615.00	412,347.50	404,747.50
Capitalized Interest		(327,021.67)	-	-	-	-
	(1)	\$ -	\$ 572,550.00	\$ 572,615.00	\$ 572,347.50	\$ 572,747.50
Annual Collection Costs	(2)	\$ -	\$ 30,600.00	\$ 31,212.00	\$ 31,836.24	\$ 32,472.96
Additional Interest	(3)	\$ -	\$ 39,115.00	\$ 44,170.00	\$ 43,405.00	\$ 42,605.00
Total Annual Installment	(4) = (1) + (2) + (3)	\$ -	\$ 642,265.00	\$ 647,997.00	\$ 647,588.74	\$ 647,825.46

EXHIBIT E – SERVICE PLAN – SOURCES AND USES

		Improvement Area #1
Sources of Funds		
Improvement Area #1 Bond Par	\$	8,980,000
Owner Contribution		-
Total Sources	\$	8,980,000
Uses of Funds		
Authorized Improvements	\$	6,998,251
District Formation Expenses		254,086
	\$	7,252,337
<i>Bond Issuance Costs</i>		
Reserve Fund	\$	591,838
Capitalized Interest		327,022
Underwriter's Discount		269,400
Cost of Issuance		539,404
	\$	1,727,663
Total Uses	\$	8,980,000

EXHIBIT F – IMPROVEMENT AREA #1 ASSESSMENT ROLL

Parcel ID	Legal Description	Lot Type	Improvement Area #1		
			Outstanding Assessment	Installment Due 1/31/2022	
438546	SOLMS LANDING 1A, BLOCK 1, LOT 1	Single Family	\$ 21,457.59	\$	-
438547	SOLMS LANDING 1A, BLOCK 1, LOT 2	Single Family	\$ 21,457.59	\$	-
438548	SOLMS LANDING 1A, BLOCK 1, LOT 3	Single Family	\$ 21,457.59	\$	-
438549	SOLMS LANDING 1A, BLOCK 1, LOT 4	Single Family	\$ 21,457.59	\$	-
438550	SOLMS LANDING 1A, BLOCK 1, LOT 5	Single Family	\$ 21,457.59	\$	-
438551	SOLMS LANDING 1A, BLOCK 1, LOT 6	Single Family	\$ 21,457.59	\$	-
438552	SOLMS LANDING 1A, BLOCK 1, LOT 7	Single Family	\$ 21,457.59	\$	-
438553	SOLMS LANDING 1A, BLOCK 1, LOT 8	Single Family	\$ 21,457.59	\$	-
438554	SOLMS LANDING 1A, BLOCK 1, LOT 9	Single Family	\$ 21,457.59	\$	-
438579	SOLMS LANDING 1A, BLOCK 2, LOT 1	Single Family	\$ 21,457.59	\$	-
438580	SOLMS LANDING 1A, BLOCK 2, LOT 2	Single Family	\$ 21,457.59	\$	-
438581	SOLMS LANDING 1A, BLOCK 2, LOT 3	Single Family	\$ 21,457.59	\$	-
438582	SOLMS LANDING 1A, BLOCK 2, LOT 4	Single Family	\$ 21,457.59	\$	-
438583	SOLMS LANDING 1A, BLOCK 2, LOT 5	Single Family	\$ 21,457.59	\$	-
438592	SOLMS LANDING 1A, BLOCK 3, LOT 1	Single Family	\$ 21,457.59	\$	-
438593	SOLMS LANDING 1A, BLOCK 3, LOT 2	Single Family	\$ 21,457.59	\$	-
438594	SOLMS LANDING 1A, BLOCK 3, LOT 3	Single Family	\$ 21,457.59	\$	-
438607	SOLMS LANDING 1A, BLOCK 3, LOT 16	Single Family	\$ 21,457.59	\$	-
438608	SOLMS LANDING 1A, BLOCK 3, LOT 17	Single Family	\$ 21,457.59	\$	-
438609	SOLMS LANDING 1A, BLOCK 3, LOT 18	Single Family	\$ 21,457.59	\$	-
438595	SOLMS LANDING 1A, BLOCK 3, LOT 4	Single Family	\$ 21,457.59	\$	-
438596	SOLMS LANDING 1A, BLOCK 3, LOT 5	Single Family	\$ 21,457.59	\$	-
438597	SOLMS LANDING 1A, BLOCK 3, LOT 6	Single Family	\$ 21,457.59	\$	-
438598	SOLMS LANDING 1A, BLOCK 3, LOT 7	Single Family	\$ 21,457.59	\$	-
438599	SOLMS LANDING 1A, BLOCK 3, LOT 8	Single Family	\$ 21,457.59	\$	-
438600	SOLMS LANDING 1A, BLOCK 3, LOT 9	Single Family	\$ 21,457.59	\$	-
438601	SOLMS LANDING 1A, BLOCK 3, LOT 10	Single Family	\$ 21,457.59	\$	-
438602	SOLMS LANDING 1A, BLOCK 3, LOT 11	Single Family	\$ 21,457.59	\$	-
438603	SOLMS LANDING 1A, BLOCK 3, LOT 12	Single Family	\$ 21,457.59	\$	-
438604	SOLMS LANDING 1A, BLOCK 3, LOT 13	Single Family	\$ 21,457.59	\$	-
438605	SOLMS LANDING 1A, BLOCK 3, LOT 14	Single Family	\$ 21,457.59	\$	-
438606	SOLMS LANDING 1A, BLOCK 3, LOT 15	Single Family	\$ 21,457.59	\$	-
438584	SOLMS LANDING 1A, BLOCK 2, LOT 6	Single Family	\$ 21,457.59	\$	-
438585	SOLMS LANDING 1A, BLOCK 2, LOT 7	Single Family	\$ 21,457.59	\$	-
438586	SOLMS LANDING 1A, BLOCK 2, LOT 8	Single Family	\$ 21,457.59	\$	-
438587	SOLMS LANDING 1A, BLOCK 2, LOT 9	Single Family	\$ 21,457.59	\$	-
438588	SOLMS LANDING 1A, BLOCK 2, LOT 10	Single Family	\$ 21,457.59	\$	-
438589	SOLMS LANDING 1A, BLOCK 2, LOT 11	Single Family	\$ 21,457.59	\$	-
438590	SOLMS LANDING 1A, BLOCK 2, LOT 903	Non-Benefited	\$ -	\$	-
438591	SOLMS LANDING 1A, BLOCK 2, LOT 904	Non-Benefited	\$ -	\$	-
438555	SOLMS LANDING 1A, BLOCK 1, LOT 10	Single Family	\$ 21,457.59	\$	-
438556	SOLMS LANDING 1A, BLOCK 1, LOT 11	Single Family	\$ 21,457.59	\$	-
438557	SOLMS LANDING 1A, BLOCK 1, LOT 12	Single Family	\$ 21,457.59	\$	-
438558	SOLMS LANDING 1A, BLOCK 1, LOT 13	Single Family	\$ 21,457.59	\$	-
438559	SOLMS LANDING 1A, BLOCK 1, LOT 14	Single Family	\$ 21,457.59	\$	-
438560	SOLMS LANDING 1A, BLOCK 1, LOT 15	Single Family	\$ 21,457.59	\$	-
438561	SOLMS LANDING 1A, BLOCK 1, LOT 16	Single Family	\$ 21,457.59	\$	-
438562	SOLMS LANDING 1A, BLOCK 1, LOT 17	Single Family	\$ 21,457.59	\$	-
438563	SOLMS LANDING 1A, BLOCK 1, LOT 18	Single Family	\$ 21,457.59	\$	-
438564	SOLMS LANDING 1A, BLOCK 1, LOT 19	Single Family	\$ 21,457.59	\$	-

Parcel ID	Legal Description	Lot Type	Improvement Area #1	
			Outstanding Assessment	Installment Due 1/31/2022
438565	SOLMS LANDING 1A, BLOCK 1, LOT 20	Single Family	\$ 21,457.59	\$ -
438566	SOLMS LANDING 1A, BLOCK 1, LOT 21	Single Family	\$ 21,457.59	\$ -
438567	SOLMS LANDING 1A, BLOCK 1, LOT 22	Single Family	\$ 21,457.59	\$ -
438568	SOLMS LANDING 1A, BLOCK 1, LOT 23	Single Family	\$ 21,457.59	\$ -
438569	SOLMS LANDING 1A, BLOCK 1, LOT 24	Single Family	\$ 21,457.59	\$ -
438570	SOLMS LANDING 1A, BLOCK 1, LOT 25	Single Family	\$ 21,457.59	\$ -
438571	SOLMS LANDING 1A, BLOCK 1, LOT 26	Single Family	\$ 21,457.59	\$ -
438572	SOLMS LANDING 1A, BLOCK 1, LOT 27	Single Family	\$ 21,457.59	\$ -
438573	SOLMS LANDING 1A, BLOCK 1, LOT 28	Single Family	\$ 21,457.59	\$ -
438574	SOLMS LANDING 1A, BLOCK 1, LOT 29	Single Family	\$ 21,457.59	\$ -
438575	SOLMS LANDING 1A, BLOCK 1, LOT 30	Single Family	\$ 21,457.59	\$ -
438576	SOLMS LANDING 1A, BLOCK 1, LOT 31	Single Family	\$ 21,457.59	\$ -
438577	SOLMS LANDING 1A, BLOCK 1, LOT 901	Non-Benefited	\$ -	\$ -
438578	SOLMS LANDING 1A, BLOCK 1, LOT 902	Non-Benefited	\$ -	\$ -
71838	Improvement Area #1 Remainder Parcel		\$ 1,347,462.76	\$ -
411890	Improvement Area #1 Remainder Parcel		\$ 2,223,535.90	\$ -
425395	Improvement Area #1 Remainder Parcel		\$ 2,134,594.46	\$ -
71839	Improvement Area #1 Remainder Parcel		\$ 1,986,951.68	\$ -
Total			\$ 8,980,000.00	\$ -

Note: For billing purposes only, until a plat has been recorded with the Improvement Area #1 Remainder Parcel, the Annual Installment will be billed to each Tax Parcel within the Improvement Area #1 Remainder Parcel based on the acreage of the Tax Parcel as calculated by the Comal Appraisal District.

EXHIBIT G – IMPROVEMENT AREA #1 ANNUAL INSTALLMENTS

Installments Due	Improvement Area #1 Bond				Annual Collection Costs	Annual Installment
	Principal	Interest [a]	Capitalized Interest	Additional Interest		
2022	\$ -	\$ 327,021.67	\$ (327,021.67)	\$ -	\$ -	\$ -
2023	\$ 146,000.00	\$ 426,550.00	\$ -	\$ 39,115.00	\$ 30,600.00	\$ 642,265.00
2024	\$ 153,000.00	\$ 419,615.00	\$ -	\$ 44,170.00	\$ 31,212.00	\$ 647,997.00
2025	\$ 160,000.00	\$ 412,347.50	\$ -	\$ 43,405.00	\$ 31,836.24	\$ 647,588.74
2026	\$ 168,000.00	\$ 404,747.50	\$ -	\$ 42,605.00	\$ 32,472.96	\$ 647,825.46
2027	\$ 176,000.00	\$ 396,767.50	\$ -	\$ 41,765.00	\$ 33,122.42	\$ 647,654.92
2028	\$ 185,000.00	\$ 388,407.50	\$ -	\$ 40,885.00	\$ 33,784.87	\$ 648,077.37
2029	\$ 194,000.00	\$ 379,620.00	\$ -	\$ 39,960.00	\$ 34,460.57	\$ 648,040.57
2030	\$ 203,000.00	\$ 370,405.00	\$ -	\$ 38,990.00	\$ 35,149.78	\$ 647,544.78
2031	\$ 213,000.00	\$ 360,762.50	\$ -	\$ 37,975.00	\$ 35,852.78	\$ 647,590.28
2032	\$ 224,000.00	\$ 350,645.00	\$ -	\$ 36,910.00	\$ 36,569.83	\$ 648,124.83
2033	\$ 235,000.00	\$ 340,005.00	\$ -	\$ 35,790.00	\$ 37,301.23	\$ 648,096.23
2034	\$ 246,000.00	\$ 328,842.50	\$ -	\$ 34,615.00	\$ 38,047.25	\$ 647,504.75
2035	\$ 259,000.00	\$ 317,157.50	\$ -	\$ 33,385.00	\$ 38,808.20	\$ 648,350.70
2036	\$ 271,000.00	\$ 304,855.00	\$ -	\$ 32,090.00	\$ 39,584.36	\$ 647,529.36
2037	\$ 285,000.00	\$ 291,982.50	\$ -	\$ 30,735.00	\$ 40,376.05	\$ 648,093.55
2038	\$ 299,000.00	\$ 278,445.00	\$ -	\$ 29,310.00	\$ 41,183.57	\$ 647,938.57
2039	\$ 314,000.00	\$ 264,242.50	\$ -	\$ 27,815.00	\$ 42,007.24	\$ 648,064.74
2040	\$ 330,000.00	\$ 249,327.50	\$ -	\$ 26,245.00	\$ 42,847.39	\$ 648,419.89
2041	\$ 346,000.00	\$ 233,652.50	\$ -	\$ 24,595.00	\$ 43,704.34	\$ 647,951.84
2042	\$ 363,000.00	\$ 217,217.50	\$ -	\$ 22,865.00	\$ 44,578.42	\$ 647,660.92
2043	\$ 381,000.00	\$ 199,975.00	\$ -	\$ 21,050.00	\$ 45,469.99	\$ 647,494.99
2044	\$ 400,000.00	\$ 181,877.50	\$ -	\$ 19,145.00	\$ 46,379.39	\$ 647,401.89
2045	\$ 421,000.00	\$ 162,877.50	\$ -	\$ 17,145.00	\$ 47,306.98	\$ 648,329.48
2046	\$ 442,000.00	\$ 142,880.00	\$ -	\$ 15,040.00	\$ 48,253.12	\$ 648,173.12
2047	\$ 464,000.00	\$ 121,885.00	\$ -	\$ 12,830.00	\$ 49,218.18	\$ 647,933.18
2048	\$ 487,000.00	\$ 99,845.00	\$ -	\$ 10,510.00	\$ 50,202.54	\$ 647,557.54
2049	\$ 512,000.00	\$ 76,712.50	\$ -	\$ 8,075.00	\$ 51,206.59	\$ 647,994.09
2050	\$ 538,000.00	\$ 52,392.50	\$ -	\$ 5,515.00	\$ 52,230.73	\$ 648,138.23
2051	\$ 565,000.00	\$ 26,837.50	\$ -	\$ 2,825.00	\$ 53,275.34	\$ 647,937.84
Total	\$ 8,980,000.00	\$ 8,127,899.17	\$ (327,021.67)	\$ 815,360.00	\$ 1,187,042.38	\$ 18,783,279.88

[a] Interest is calculated at a 4.75% rate

Note: The figures shown above are estimates only and subject to change in annual service plan updates. Changes in administrative expenses, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

EXHIBIT H – MAXIMUM ASSESSMENT PER LOT TYPE

Lot Type	Units/Square Feet	Total Assessment	Maximum Assessment per Lot Type [a]
Improvement Area #1			
Multi-Family	305	\$ 1,877,539	\$6,155.87 Per Unit
Townhomes	112	\$ 1,652,234	\$14,752.09 Per Unit
Single Family	60	\$ 1,287,455	\$21,457.59 Per Unit
Senior Housing	200	\$ 1,212,354	\$6,061.77 Per Unit
Office	75,000	\$ 535,099	\$7.13 Per Building Square Foot
Music Venue	40,000	\$ 403,403	\$10.09 Per Square Foot
Market	15,000	\$ 134,378	\$8.96 Per Building Square Foot
Condos	95	\$ 1,206,989	\$12,705.15 Per Unit
Live Work	50	\$ 670,550	\$13,410.99 Per Unit

[a] The Maximum Assessment per Lot Type will be reduced annually by the principal payments made as part of the Annual Installment.

EXHIBIT I – MAP OF AUTHORIZED IMPROVEMENTS

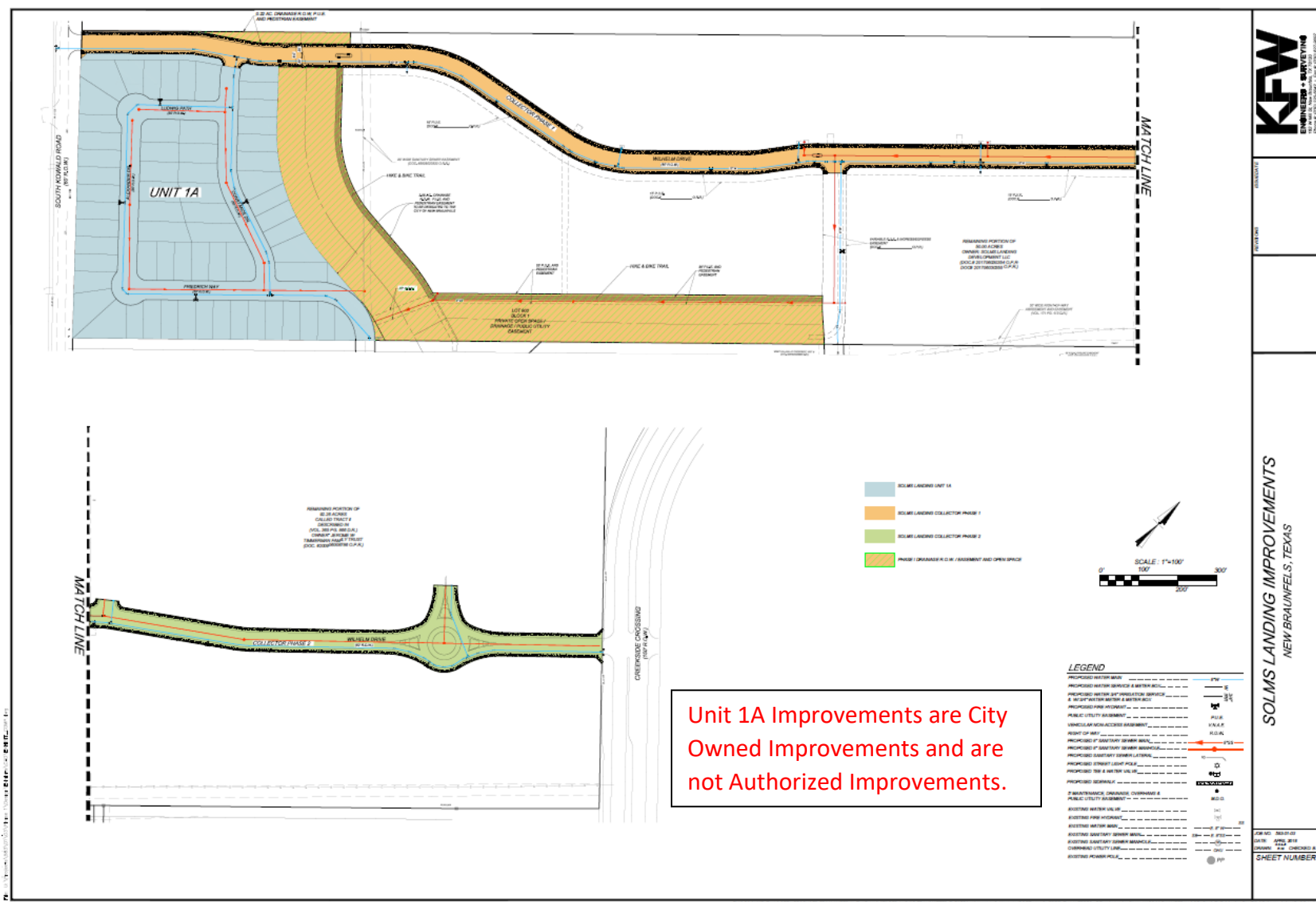


EXHIBIT J – LOT TYPE CLASSIFICATION MAP

- | | | |
|--------------------------------|-------------------------|----------------------------|
| SINGLE FAMILY HOMES (60 UNITS) | LIVE / WORK (125 UNITS) | MUSIC VENUE (40,000 SQFT) |
| TOWNHOMES (110 UNITS) | DOG PARK (5,000 SQFT) | RETAIL (15,000 SQFT) |
| CONDOS (190 UNITS) | MARKET (15,000 SQFT) | FOOD AND BEV (52,000 SQFT) |
| APARTMENTS (305 UNITS) | OFFICE (260,000 SQFT) | |
| SENIOR HOUSING (200 UNITS) | HOTEL (110 KEYS) | |

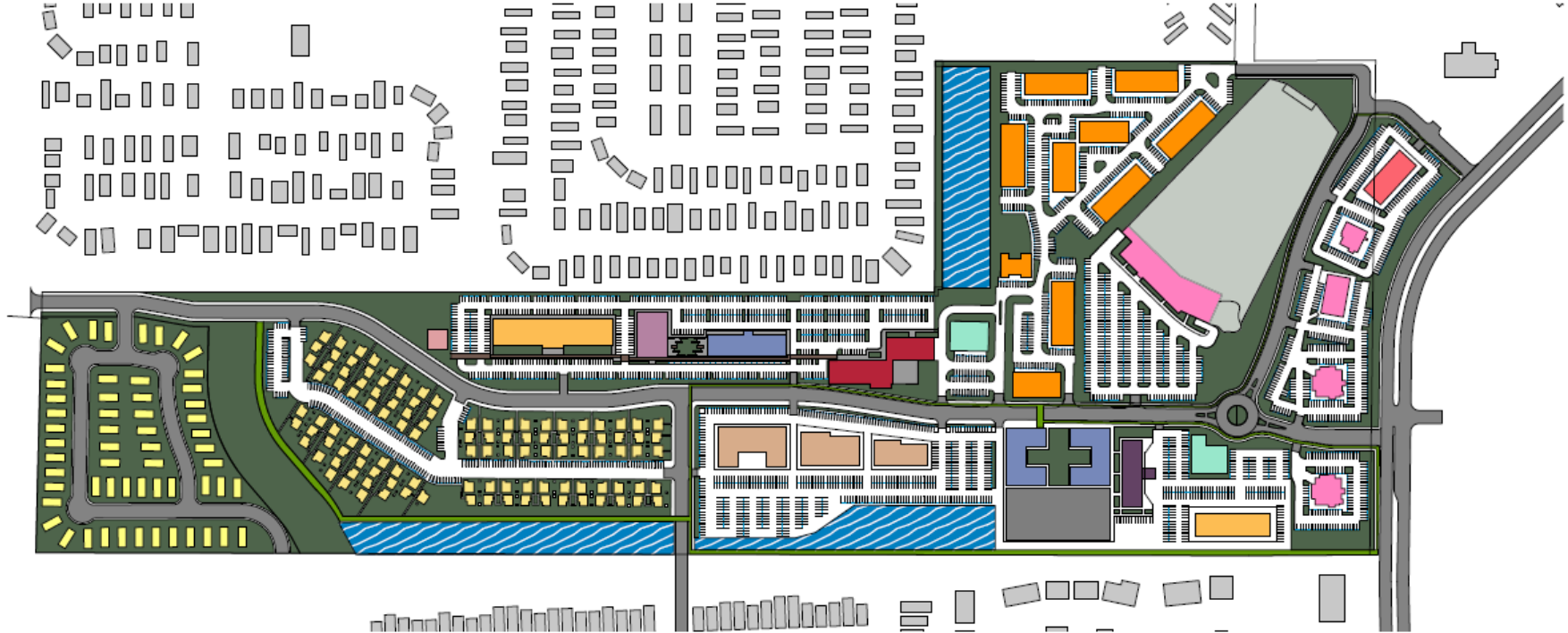


EXHIBIT K – UNIT 1A PLAT

#102000039469

STATE OF TEXAS
COUNTY OF COMAL

I, (ME) THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED AS THE SOLMS LANDING UNIT IS SUBDIVISION TO THE CITY OF NEW BRAUNFELS, COUNTY OF COMAL, TEXAS, AND WHOME NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, DRAINAGE EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

OWNER: JAMES MAHAN
SOLMS LANDING DEVELOPMENT, LLC
648 S CASTELL AVE
NEW BRAUNFELS, TX
PHONE: (830) 387-4110

STATE OF TEXAS
COUNTY OF COMAL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 30th DAY OF JULY 2020 BY JAMES MAHAN

NOTARY PUBLIC

STATE OF TEXAS

MY COMMISSION EXPIRES 10/12/2022

STATE OF TEXAS
COUNTY OF BEHAR

KNOW ALL MEN BY THESE PRESENTS: I, THE UNDERSIGNED, TERESA A. SEIDEL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE UNDER MY SUPERVISION AND IN COMPLIANCE WITH CITY AND STATE SURVEY REGULATIONS AND LAWS AND MAKE OF THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

TERESA A. SEIDEL
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 3672
KFW SURVEYING, LLC
1401 PIEDRAS PARK, SUITE 101
SAN ANTONIO, TEXAS 78231
PHONE: 210-575-8444
FAX: 210-575-8441



APPROVED THIS 5th DAY OF May 20 20 BY THE PLANNING COMMISSION OF THE CITY OF NEW BRAUNFELS, TEXAS

9/4/2020 DATE
Chairman: D. Lee Edwards

APPROVED FOR ACCEPTANCE

2/3/2020 DATE
2/11/2020 DATE
9/17/2020 DATE
NEW BRAUNFELS UTILITIES

FINAL PLAT OF SOLMS LANDING, UNIT 1A

A 8.88 ACRE TRACT OF LAND, SITUATED IN THE CITY OF NEW BRAUNFELS, OUT OF THE ANTONIO MARIA ESNAURRIZAR SURVEY NO. 1, ABSTRACT 86, COMAL COUNTY, TEXAS AND BEING A PORTION OF A CALLED 25.00 ACRE TRACT OF LAND, DESCRIBED IN INSTRUMENT TO SOLMS LANDING DEVELOPMENT, LLC IN DOCUMENT NO. 201706030354 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.

OWNER/DEVELOPER:
SOLMS LANDING DEVELOPMENT, LLC
648 S CASTELL AVE
NEW BRAUNFELS, TX
PHONE: (830) 387-4110

- THE PROPERTY SHALL BE SERVED BY THE FOLLOWING UTILITY PROVIDERS:
NEW BRAUNFELS UTILITIES- WATER, SANITARY SEWER, ELECTRIC
CENTROPOINT ENERGY- GAS
TIME WARNER- CABLE
AT&T- TELEPHONE
- THIS PROPERTY IS LOCATED WITHIN THE COMAL INDEPENDENT SCHOOL DISTRICT
- 4 FOOT PUBLIC SIDEWALKS WILL BE INSTALLED:
• 30.0 FT FROM THE BACK OF CURB, PER CITY STANDARDS BY EACH INDIVIDUAL HOME
DOWNSIDE ADJACENT TO THE TIME OF BUILDING PERMIT AND CONSTRUCTION ALONG
ALEXANDER AVE, LUDWIG PT, CONSTANCE DRIVE, PIEDRAS WAY.
- 30.0 FT FROM THE BACK OF CURB, PER CITY STANDARDS BY THE DEVELOPER AT THE TIME OF
STREET CONSTRUCTION ALONG LOT 801 BLK 1, LOT 803 BLK 1, LOT 804 BLK 2 AND ALONG
PIEDRAS WAY ADJACENT TO THE CALLED REMAINING PORTION OF 34 ACRES OWNED BY
THE SOLMS LANDING DEVELOPMENT, LLC
- 6 FOOT PUBLIC SIDEWALKS WILL BE INSTALLED:
• PER CITY STANDARDS BY THE DEVELOPER ALONG HONOLULU LANE ADJACENT TO THE
PROPERTY OF SOLMS LANDING UNIT 1A AT TIME OF SUBDIVISION CONSTRUCTION
- PER CITY STANDARDS BY THE DEVELOPER ALONG LOT 801 BLK 1 AND LOT 803 BLK 2 ALONG
SOLMS LANE AT TIME OF STREET CONSTRUCTION
- DRAINAGE EASEMENT MEANS A DELINEATED PORTION OF LAND SET ASIDE FOR THE OVERLAND OR
UNDERGROUND TRANSPORT OR STORAGE OF STORM WATER. THIS AREA SHALL NOT HAVE ANY
PERMANENT STRUCTURES, FENCES, OR OTHER OBSTACLES HINDERING THE SAFE TRANSPORT OF
WATER THROUGH THE EASEMENT. ALL DRAINAGE EASEMENTS ARE PRIVATE. MAINTENANCE OF
DRAINAGE EASEMENTS LOCATED WITHIN A LOT SHALL BE RESPONSIBILITY OF THE PROPERTY
OWNER
- THIS SUBDIVISION IS SUBJECT TO THE 2008 CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND
DEVELOPMENT ORDINANCE. THIS PLAT IS APPROVED FOR 1 DWELLING UNIT PER BUILDABLE LOT
WITH A MAXIMUM OF 65 BUILDABLE LOTS AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE
CONSTRUCTED. THE OWNER OF THE LOT SHALL CONTACT THE CITY AND COMPLY WITH THE
ORDINANCE FOR EACH DWELLING UNIT.
- FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114, STREETS, SIDEWALKS, AND OTHER PUBLIC
SPACES OF THE NEW BRAUNFELS CODE OF ORDINANCES
- SUBDIVISION IS SUBJECT TO THE DEVELOPMENT STANDARDS AS DEFINED IN CITY OF NEW
BRAUNFELS ORDINANCE NO. 2017-31. *Puto homes will be built on residential lots with 5-foot wide interior side setbacks.*
- SIDE ENTRY GARAGES MUST BE SETBACK A MINIMUM OF 30 FEET FROM THE CORNER SIDE LOT LINE.
- NO STRUCTURES, WALLS, OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF
DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO UNDESIRABLE TREES, OR OTHER TYPES OF
MODIFICATIONS WHICH ALTER THE CROSS SECTION OF THE DRAINAGE EASEMENTS OR DECREASE THE
HYDRAULIC CAPACITY OF THE EASEMENT, AS APPLICABLE, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE
CITY ENGINEER. THE CITY OF NEW BRAUNFELS AND THE COUNTY SHALL HAVE THE RIGHT OF EGRESS
AND EGRESS OVER ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE
LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID
DRAINAGE EASEMENTS
- THE MAINTENANCE OF PEDESTRIAN EASEMENTS, OPEN SPACES, COMMON AREAS, GREENBELTS, DRAINAGE
EASEMENTS, ADA PARKLAND OR HOMEOWNERS ASSOCIATION PARKLAND, ETC. ARE THE RESPONSIBILITY OF
THE PROPERTY OWNER OR THE HOMEOWNERS ASSOCIATION AND NOT THE RESPONSIBILITY OF THE CITY OF
NEW BRAUNFELS. THESE AREAS ARE DESIGNATED AS LOTS 801 AND 802, BLOCK 1, AND LOT 803 AND LOT 804,
BLOCK 2
- ALL SINGLE FAMILY RESIDENTIAL LOTS WITHIN THIS SUBDIVISION MEET THE REQUIRED MINIMUM SQUARE
FOOTAGE FOR 2800 LOT (UNIMPROVED) HOMES IN ACCORDANCE WITH THE "SOLMS LANDING" PLANNED
DEVELOPMENT DISTRICT DEVELOPMENT STANDARDS, CITY OF NEW BRAUNFELS ORDINANCE NO. 2017-31.
- THIS SUBDIVISION IS LOCATED WITHIN THE HORIZONTAL AND CONICAL ZONE OF THE AIRPORT HAZARD
ZONING OVERLAY DISTRICT AND IS SUBJECT TO THE AIRPORT HAZARD ZONING DISTRICT STANDARDS
AND REGULATIONS
- RESIDENTIAL FINISHED FLOOR ELEVATIONS MUST BE A MINIMUM OF TEN (10) INCHES ABOVE FINISHED
ADJACENT DRAIN
- THE ELEVATION OF THE LOWEST RESIDENTIAL FINISHED FLOOR SHALL BE ELEVATED TO TWELVE (12) INCHES
ABOVE THE 100 YEAR WATER FLOW ELEVATION OF ADJACENT STORMWATER CONVEYANCE STRUCTURES
- LOTS 19 THROUGH 31, BLOCK 1 ARE SUBJECT TO A 30-FOOT REAR BUILDING SETBACK PER PLD
DEVELOPMENT STANDARDS

REMARKS

- MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY
USE OF AN EASEMENT OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES IS SUBJECT
TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS OF THE EASEMENT. MUST NOT ENCROACH OR
INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, ITS SUCCESSORS
AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW
BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN AN ADVANCE WRITTEN
AGREEMENT WITH THE UTILITIES TO USE THE EASEMENT, OR ANY PART OF IT.
- UTILITIES WILL POSSESS A 5 FOOT WIDE SERVICE EASEMENT ALONG THE BUILDING STRUCTURE ALONG THE
SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT MAY VARY DEPENDING UPON LOCATION OF
BUILDING STRUCTURE AND SERVICE.
- UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS
SHALL NOT BE LOCATED WITHIN A FENCED AREA
- EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER/DEVELOPER'S EXPENSE
- DO NOT COMBINE ANY NEW UTILITY EASEMENTS (S) WITH DRAINAGE EASEMENTS (S) OR MAKE CHANGES TO
EXISTING UTILITY EASEMENTS (S) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES



KFW
ENGINEERS + SURVEYING
162 W 44th St, New Braunfels, TX 78130
Phone #: (830) 220-0042 • Fax #: (830) 627-8097
TBE Firm #: 9513 • TSPS Firm #: 10122300

SURVEYOR NOTES

- MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE
SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND
LOT MARKERS WILL BE SET WITH 1/2" DIAMETER REBAR WITH A
BLUE PLASTIC CAP STAMPED "KFW SURVEYING". SET AT ALL
CORNERS AFTER COMPLETION OF UTILITY INSTALLATION AND
STREET CONSTRUCTION UNLESS NOTED OTHERWISE
- BEARINGS AND DISTANCES ARE BASED ON THE STATE PLANE
COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH
CENTRAL ZONE 4004, NORTH AMERICAN DATUM (NAD) OF 1983
- NO PORTION OF ANY LOTS ON THIS PLAT ARE IN THE SPECIAL
FLOOD HAZARD ZONE ACCORDING TO FEMA FLOOD MAP 486 OF
S05, COMMUNITY PANEL NO. 48031C050P, DATED SEPTEMBER 2,
2009.
- THE ELEVATION FOR THIS SURVEY ARE BASED ON NAVD83
(06C0102)
- THE COORDINATES SHOWN HEREON ARE GRID. DISTANCES
SHOWN HEREON ARE SURFACE DISTANCES USING AN AVERAGE
COMBINED SCALE FACTOR OF 0.9999570608

STATE OF TEXAS
COUNTY OF COMAL

I, Bobbie Kepp, DO HEREBY CERTIFY THAT THE FOREGOING
INSTRUMENT WAS FILED FOR RECORD IN THE MAP AND PLAT RECORDS, DOCUMENT
NO. 202000039469, OF COMAL COUNTY, TEXAS ON THE 15 DAY
OF September, A.D. 2020 AT 1:44pm.

WITNESS MY HAND AND OFFICIAL SEAL THIS 15 DAY OF September 20



COUNTY CLERK, COMAL COUNTY, TEXAS
DEPUTY

PREPARED: JULY 2020

PAGE 1 OF 2

#20200039469

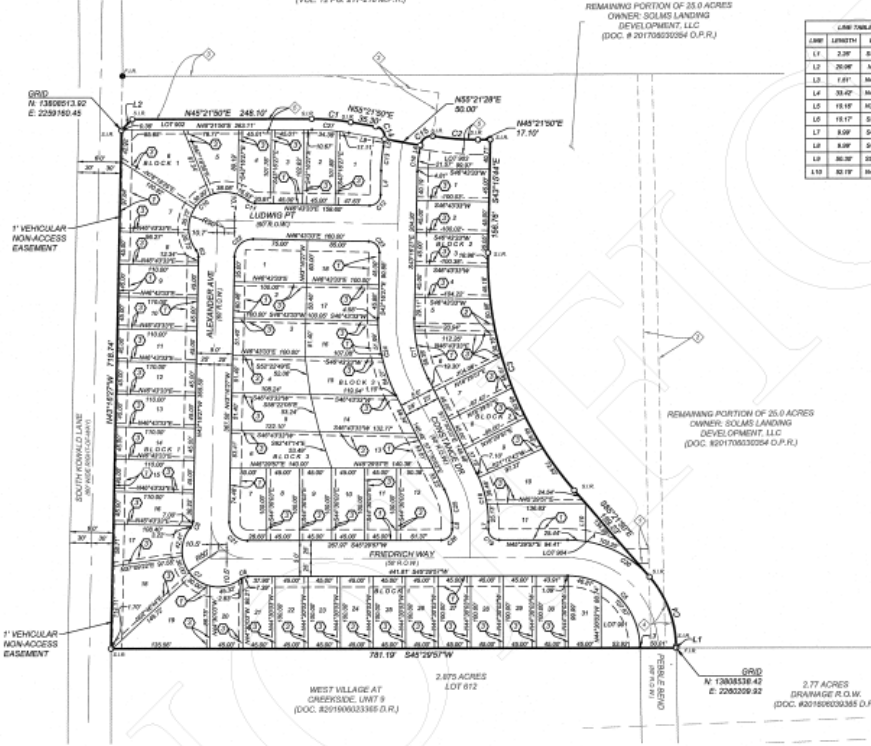
FINAL PLAT OF SOLMS LANDING, UNIT 1A

A 9.85 ACRE TRACT OF LAND, SITUATED IN THE CITY OF NEW BRAUNFELS, OUT OF THE ANTONIO MARIA ENSAURARIZAR SURVEY NO. 1, ABSTRACT 98, COMAL COUNTY, TEXAS AND BEING A PORTION OF A CALLED 25.00 ACRE TRACT OF LAND, DESCRIBED IN INSTRUMENT TO SOLMS LANDING DEVELOPMENT, LLC IN DOCUMENT NO. 20170603054 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.

LOT 1
BLOCK 1
COMAL FARM SUBDIVISION UNIT 1
(VOL. 12 PG. 217-218 M.P.R.)

REMAINING PORTION OF 25.0 ACRES
OWNER: SOLMS LANDING
DEVELOPMENT, LLC
(DOC. # 20170603054 O.P.R.)

REMAINING PORTION OF 25.0 ACRES
OWNER: SOLMS LANDING
DEVELOPMENT, LLC
(DOC. # 20170603054 O.P.R.)



LINE	LENGTH	BEARING
L1	2.39	S89°21'00"W
L2	26.06	N°0°00'00"E
L3	1.81	S47°10'00"W
L4	33.42	S47°10'00"W
L5	18.18	S47°10'00"W
L6	15.17	S29°30'15"E
L7	8.09	S44°30'00"E
L8	8.09	S44°30'00"E
L9	36.30	S89°21'00"W
L10	82.19	S47°10'00"W

CURVE	LENGTH	BEARING	TANGENT	DELTA	CHORD	CHORD BEARING
C1	54.19	210.00°	21.02	8°58'00"	54.04	N40°01'01"E
C2	62.69	210.00°	21.02	8°58'00"	62.65	N40°01'01"E
C3	281.89	407.00°	181.84	40°00'00"	281.86	S84°10'00"E
C4	104.12	180.00°	84.80	40°00'00"	103.81	S89°21'00"W
C5	104.12	180.00°	84.80	40°00'00"	103.81	S89°21'00"W
C6	15.22	15.80°	5.32	30°15'15"	15.02	S29°30'15"E
C7	147.12	83.00°	533.32	109°17'17"	58.68	N40°01'01"E
C8	15.22	15.80°	5.32	30°15'15"	15.02	S29°30'15"E
C9	15.18	15.80°	5.30	30°15'15"	14.99	S29°30'15"E
C10	146.30	33.00°	465.62	157°42'00"	36.42	N°0°00'00"E
C11	15.18	15.80°	5.30	30°15'15"	14.99	S29°30'15"E
C12	23.38	15.80°	10.30	30°15'15"	23.21	N°0°00'00"E
C13	23.87	220.00°	10.30	8°28'15"	23.68	S89°21'00"W
C14	23.38	15.80°	10.30	30°15'15"	23.21	S29°30'15"E
C15	23.48	15.80°	14.82	88°11'54"	21.18	N33°12'47"E
C16	26.30	175.00°	15.22	8°28'15"	26.08	S89°21'00"W
C17	82.21	175.00°	44.00	20°10'00"	81.54	S27°10'15"E
C18	76.69	180.00°	35.81	27°00'00"	75.00	S89°21'00"W
C19	23.38	15.80°	10.30	30°15'15"	23.21	S29°30'15"E
C20	233.30	180.00°	147.70	88°10'15"	216.58	S89°21'00"W
C21	38.87	25.00°	25.81	81°13'00"	38.73	N40°01'01"E
C22	30.27	25.00°	25.81	81°13'00"	30.16	N°0°00'00"E
C23	23.38	15.80°	10.30	30°15'15"	23.21	S29°30'15"E
C24	170.82	220.00°	88.87	20°10'00"	168.73	S89°21'00"W
C25	47.12	180.00°	24.81	27°00'00"	46.86	S89°21'00"W
C26	23.38	15.80°	10.30	30°15'15"	23.21	S29°30'15"E
C27	51.40	285.00°	25.81	10°00'00"	51.42	S89°21'00"W

LEGEND

- F.I.R. = FOUND 1/2" IRON ROD
- S.I.R. = SET 1/2" IRON ROD WITH BLUE CAP STAMPED "KFW SURVEYING"
- R.O.W. = RIGHT-OF-WAY
- O.P.R. = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TX
- M.P.R. = MAP AND PLAT RECORDS OF COMAL COUNTY, TX
- D.R. = DEED AND PLAT RECORDS OF COMAL COUNTY, TX
- P.U.E. = PUBLIC UTILITY EASEMENT

KEY NOTES

- ① 15' PUBLIC UTILITY EASEMENT
- ② 15' PRIVATE DRAINAGE EASEMENT
- ③ 5' MAINTENANCE, DRAINAGE, OVERHANGING AND PUBLIC UTILITY EASEMENT
- ④ 20' SANITARY SEWER EASEMENT (DOC. # 20200603013 O.P.R.)
- ⑤ 20' WIDE SANITARY SEWER EASEMENT (DOC. # 20200603013 O.P.R.)
- ⑥ TEMPORARY EMERGENCY ACCESS EASEMENT (DOC. # 20200603013 O.P.R.)
- ⑦ VARIABLE WIDTH P.U.E. (DOC. # 20200603013 O.P.R.)
- ⑧ 30' PUBLIC UTILITY EASEMENT (DOC. # 20200603013 O.P.R.)



KFW
ENGINEERS + SURVEYING

162 W. 4th St., New Braunfels, TX 78130
Phone #: (830) 220-6042 • Fax #: (830) 627-9087
TBPE Firm #: 5613 • TBPLS Firm #: 10122300

SEE PAGE 1 OF 2 FOR NOTES

PREPARED: JULY 2020

PAGE 2 OF 2

EXHIBIT L – NOTICE OF PID ASSESSMENT TERMINATION



P3Works, LLC
9284 Huntington Square, Suite 100
North Richland Hills, TX 76182

[Date]
Comal County Clerk's Office
Honorable [County Clerk Name]
199 Main Plaza, Suite 2063
New Braunfels, TX 78130

Re: City of New Braunfels Lien Release documents for filing

Dear Ms./Mr. [County Clerk Name],

Enclosed is a lien release that the City of New Braunfels is requesting to be filed in your office. Lien release for [insert legal description]. Recording Numbers: [Plat]. Please forward copies of the filed documents below:

City of New Braunfels
Attn: [City Secretary]
424 S Castell Ave
New Braunfels, TX 78130

Please contact me if you have any questions or need additional information.

Sincerely,
[Signature]

Jon Snyder
P: (817) 393-0353
admin@p3-works.com

AFTER RECORDING RETURN TO:

[City Secretary Name]
424 S Castell Ave
New Braunfels, TX 78130

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

FULL RELEASE OF PUBLIC IMPROVEMENT DISTRICT LIEN

STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF COMAL	§	

THIS FULL RELEASE OF PUBLIC IMPROVEMENT DISTRICT LIEN (this "Full Release") is executed and delivered as of the Effective Date by the City of New Braunfels, Texas, a Texas home rule municipality.

RECITALS

WHEREAS, the governing body (hereinafter referred to as the "City Council") of the City of New Braunfels, Texas (hereinafter referred to as the "City "), is authorized by Chapter 372, Texas Local Government Code, as amended (hereinafter referred to as the "PID Act"), to create public improvement districts within the corporate limits and extraterritorial jurisdiction of the City; and

WHEREAS, on or about January 14, 2019 the City Council for the City, approved Resolution No. 2019-R09, creating the Solms Landing Public Improvement District; and

WHEREAS, the Solms Landing Public Improvement District consists of approximately 97.97 contiguous acres located within the extraterritorial jurisdiction of the City; and

WHEREAS, on or about _____, the City Council, approved Ordinance No. _____, (hereinafter referred to as the "Assessment Ordinance") approving a service and assessment plan and assessment roll for the Property within Improvement Area #1 of the Solms Landing Public Improvement District; and

EXHIBIT M-1 – LOT TYPE SINGLE-FAMILY HOMEBUYER DISCLOSURE

NOTICE OF OBLIGATIONS RELATED TO PUBLIC IMPROVEMENT DISTRICT

A person who proposes to sell or otherwise convey real property that is located in a public improvement district established under Subchapter A, Chapter 372, Local Government Code (except for public improvement districts described under Section 372.005), or Chapter 382, Local Government Code, shall first give to the purchaser of the property this written notice, signed by the seller.

For the purposes of this notice, a contract for the purchase and sale of real property having a performance period of less than six months is considered a sale requiring the notice set forth below.

This notice requirement does not apply to a transfer:

- 1) under a court order or foreclosure sale;
- 2) by a trustee in bankruptcy;
- 3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
- 4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
- 5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
- 6) from one co-owner to another co-owner of an undivided interest in the real property;
- 7) to a spouse or a person in the lineal line of consanguinity of the seller;
- 8) to or from a governmental entity; or
- 9) of only a mineral interest, leasehold interest, or security interest

The following notice shall be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract. In the event a contract of purchase and sale is entered into without the seller having provided the required notice, the purchaser, subject to certain exceptions, is entitled to terminate the contract.

A separate copy of this notice shall be executed by the seller and the purchaser and must be filed in the real property records of the county in which the property is located at the closing of the purchase and sale of the property.

AFTER RECORDING¹ RETURN TO:

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO
NEW BRAUNFELS TEXAS
CONCERNING THE FOLLOWING PROPERTY

STREET ADDRESS

LOT TYPE SINGLE FAMILY PRINCIPAL ASSESSMENT: \$21,457.59

As the purchaser of the real property described above, you are obligated to pay assessments to New Braunfels, Texas, for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within *Solms Landing Public Improvement District* (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City of New Braunfels. The exact amount of each annual installment will be approved each year by the New Braunfels City Council in the annual service plan update for the district. More information about the assessments, including the amounts and due dates, may be obtained from the City of New Braunfels.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

¹ To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Comal County when updating for the Current Information of Obligation to Pay Improvement District Assessment.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE:

DATE:

SIGNATURE OF PURCHASER

SIGNATURE OF PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE:

DATE:

SIGNATURE OF SELLER

SIGNATURE OF SELLER]²

² To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above. The undersigned purchaser acknowledged the receipt of this notice including the current information required by Section 5.0143, Texas Property Code, as amended.

DATE:

DATE:

SIGNATURE OF PURCHASER

SIGNATURE OF PURCHASER

STATE OF TEXAS

§

§

COUNTY OF COMAL

§

The foregoing instrument was acknowledged before me by _____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas]³

³ To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Comal County.

[The undersigned seller acknowledges providing a separate copy of the notice required by Section 5.014 of the Texas Property Code including the current information required by Section 5.0143, Texas Property Code, as amended, at the closing of the purchase of the real property at the address above.

DATE:

DATE:

SIGNATURE OF SELLER

SIGNATURE OF SELLER

STATE OF TEXAS

§

§

COUNTY OF _____

§

The foregoing instrument was acknowledged before me by _____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas]⁴

⁴ To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Comal County.

ANNUAL INSTALLMENTS - LOT TYPE SINGLE FAMILY

Improvement Area #1 Bond						
Installments Due	Principal	Interest [a]	Capitalized Interest	Additional Interest	Annual Collection Costs	Annual Installment
2022	\$ -	\$ 781.41	\$ (781.41)	\$ -	\$ -	\$ -
2023	\$ 348.86	\$ 1,019.24	\$ -	\$ 93.46	\$ 73.12	\$ 1,534.68
2024	\$ 365.59	\$ 1,002.66	\$ -	\$ 105.54	\$ 74.58	\$ 1,548.38
2025	\$ 382.32	\$ 985.30	\$ -	\$ 103.72	\$ 76.07	\$ 1,547.40
2026	\$ 401.43	\$ 967.14	\$ -	\$ 101.80	\$ 77.59	\$ 1,547.97
2027	\$ 420.55	\$ 948.07	\$ -	\$ 99.80	\$ 79.15	\$ 1,547.56
2028	\$ 442.05	\$ 928.09	\$ -	\$ 97.69	\$ 80.73	\$ 1,548.57
2029	\$ 463.56	\$ 907.10	\$ -	\$ 95.48	\$ 82.34	\$ 1,548.48
2030	\$ 485.07	\$ 885.08	\$ -	\$ 93.17	\$ 83.99	\$ 1,547.30
2031	\$ 508.96	\$ 862.04	\$ -	\$ 90.74	\$ 85.67	\$ 1,547.41
2032	\$ 535.24	\$ 837.86	\$ -	\$ 88.20	\$ 87.38	\$ 1,548.69
2033	\$ 561.53	\$ 812.44	\$ -	\$ 85.52	\$ 89.13	\$ 1,548.62
2034	\$ 587.81	\$ 785.76	\$ -	\$ 82.71	\$ 90.91	\$ 1,547.20
2035	\$ 618.88	\$ 757.84	\$ -	\$ 79.77	\$ 92.73	\$ 1,549.23
2036	\$ 647.55	\$ 728.45	\$ -	\$ 76.68	\$ 94.59	\$ 1,547.26
2037	\$ 681.00	\$ 697.69	\$ -	\$ 73.44	\$ 96.48	\$ 1,548.61
2038	\$ 714.46	\$ 665.34	\$ -	\$ 70.04	\$ 98.41	\$ 1,548.24
2039	\$ 750.30	\$ 631.40	\$ -	\$ 66.46	\$ 100.38	\$ 1,548.54
2040	\$ 788.53	\$ 595.76	\$ -	\$ 62.71	\$ 102.38	\$ 1,549.39
2041	\$ 826.76	\$ 558.31	\$ -	\$ 58.77	\$ 104.43	\$ 1,548.27
2042	\$ 867.38	\$ 519.04	\$ -	\$ 54.64	\$ 106.52	\$ 1,547.58
2043	\$ 910.39	\$ 477.84	\$ -	\$ 50.30	\$ 108.65	\$ 1,547.18
2044	\$ 955.79	\$ 434.59	\$ -	\$ 45.75	\$ 110.82	\$ 1,546.96
2045	\$ 1,005.97	\$ 389.19	\$ -	\$ 40.97	\$ 113.04	\$ 1,549.17
2046	\$ 1,056.15	\$ 341.41	\$ -	\$ 35.94	\$ 115.30	\$ 1,548.80
2047	\$ 1,108.72	\$ 291.24	\$ -	\$ 30.66	\$ 117.61	\$ 1,548.23
2048	\$ 1,163.68	\$ 238.58	\$ -	\$ 25.11	\$ 119.96	\$ 1,547.33
2049	\$ 1,223.42	\$ 183.30	\$ -	\$ 19.30	\$ 122.36	\$ 1,548.37
2050	\$ 1,285.54	\$ 125.19	\$ -	\$ 13.18	\$ 124.80	\$ 1,548.72
2051	\$ 1,350.06	\$ 64.13	\$ -	\$ 6.75	\$ 127.30	\$ 1,548.24
Total	\$ 21,457.59	\$ 19,421.50	\$ (781.41)	\$ 1,948.29	\$ 2,836.42	\$ 44,882.39

[a] Interest is calculated at a 4.75% rate

Note: The figures shown above are estimates only and subject to change in annual service plan updates. Changes in administrative expenses, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

EXHIBIT M-2 – IMPROVEMENT AREA #1 REMAINDER PARCEL BUYER DISCLOSURE

NOTICE OF OBLIGATIONS RELATED TO PUBLIC IMPROVEMENT DISTRICT

A person who proposes to sell or otherwise convey real property that is located in a public improvement district established under Subchapter A, Chapter 372, Local Government Code (except for public improvement districts described under Section 372.005), or Chapter 382, Local Government Code, shall first give to the purchaser of the property this written notice, signed by the seller.

For the purposes of this notice, a contract for the purchase and sale of real property having a performance period of less than six months is considered a sale requiring the notice set forth below.

This notice requirement does not apply to a transfer:

- 1) under a court order or foreclosure sale;
- 2) by a trustee in bankruptcy;
- 3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
- 4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
- 5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
- 6) from one co-owner to another co-owner of an undivided interest in the real property;
- 7) to a spouse or a person in the lineal line of consanguinity of the seller;
- 8) to or from a governmental entity; or
- 9) of only a mineral interest, leasehold interest, or security interest

The following notice shall be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract. In the event a contract of purchase and sale is entered into without the seller having provided the required notice, the purchaser, subject to certain exceptions, is entitled to terminate the contract.

A separate copy of this notice shall be executed by the seller and the purchaser and must be filed in the real property records of the county in which the property is located at the closing of the purchase and sale of the property.

AFTER RECORDING¹ RETURN TO:

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO
NEW BRAUNFELS TEXAS
CONCERNING THE FOLLOWING PROPERTY

STREET ADDRESS

IMPROVEMENT AREA #1 REMAINDER PARCEL PRINCIPAL ASSESSMENT:
\$7,692,544.80

As the purchaser of the real property described above, you are obligated to pay assessments to New Braunfels, Texas, for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within *Solms Landing Public Improvement District* (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City of New Braunfels. The exact amount of each annual installment will be approved each year by the New Braunfels City Council in the annual service plan update for the district. More information about the assessments, including the amounts and due dates, may be obtained from the City of New Braunfels.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

¹ To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Comal County when updating for the Current Information of Obligation to Pay Improvement District Assessment.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE:

DATE:

SIGNATURE OF PURCHASER

SIGNATURE OF PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE:

DATE:

SIGNATURE OF SELLER

SIGNATURE OF SELLER]²

² To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above. The undersigned purchaser acknowledged the receipt of this notice including the current information required by Section 5.0143, Texas Property Code, as amended.

DATE:

DATE:

SIGNATURE OF PURCHASER

SIGNATURE OF PURCHASER

STATE OF TEXAS

§

§

COUNTY OF COMAL

§

The foregoing instrument was acknowledged before me by _____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas]³

³ To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Comal County.

[The undersigned seller acknowledges providing a separate copy of the notice required by Section 5.014 of the Texas Property Code including the current information required by Section 5.0143, Texas Property Code, as amended, at the closing of the purchase of the real property at the address above.

DATE:

DATE:

SIGNATURE OF SELLER

SIGNATURE OF SELLER

STATE OF TEXAS

§

§

COUNTY OF _____

§

The foregoing instrument was acknowledged before me by _____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas]⁴

⁴ To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Comal County.

ANNUAL INSTALLMENTS - IMPROVEMENT AREA #1 REMAINDER PARCEL

Improvement Area #1 Bond						
Installments Due	Principal	Interest [a]	Capitalized Interest	Additional Interest	Annual Collection Costs	Annual Installment
2022	\$ -	\$ 280,136.84	\$ (280,136.84)	\$ -	\$ -	\$ -
2023	\$ 125,068.10	\$ 365,395.88	\$ -	\$ 33,507.11	\$ 26,212.90	\$ 550,184.00
2024	\$ 131,064.52	\$ 359,455.14	\$ -	\$ 37,837.38	\$ 26,737.16	\$ 555,094.20
2025	\$ 137,060.93	\$ 353,229.58	\$ -	\$ 37,182.06	\$ 27,271.90	\$ 554,744.48
2026	\$ 143,913.98	\$ 346,719.18	\$ -	\$ 36,496.76	\$ 27,817.34	\$ 554,947.26
2027	\$ 150,767.03	\$ 339,883.27	\$ -	\$ 35,777.19	\$ 28,373.69	\$ 554,801.17
2028	\$ 158,476.70	\$ 332,721.84	\$ -	\$ 35,023.35	\$ 28,941.16	\$ 555,163.05
2029	\$ 166,186.38	\$ 325,194.19	\$ -	\$ 34,230.97	\$ 29,519.99	\$ 555,131.53
2030	\$ 173,896.06	\$ 317,300.34	\$ -	\$ 33,400.04	\$ 30,110.39	\$ 554,706.82
2031	\$ 182,462.37	\$ 309,040.28	\$ -	\$ 32,530.56	\$ 30,712.59	\$ 554,745.79
2032	\$ 191,885.30	\$ 300,373.32	\$ -	\$ 31,618.24	\$ 31,326.85	\$ 555,203.71
2033	\$ 201,308.24	\$ 291,258.76	\$ -	\$ 30,658.82	\$ 31,953.38	\$ 555,179.21
2034	\$ 210,731.18	\$ 281,696.62	\$ -	\$ 29,652.28	\$ 32,592.45	\$ 554,672.53
2035	\$ 221,867.38	\$ 271,686.89	\$ -	\$ 28,598.62	\$ 33,244.30	\$ 555,397.19
2036	\$ 232,146.95	\$ 261,148.19	\$ -	\$ 27,489.28	\$ 33,909.19	\$ 554,693.61
2037	\$ 244,139.78	\$ 250,121.21	\$ -	\$ 26,328.55	\$ 34,587.37	\$ 555,176.91
2038	\$ 256,132.62	\$ 238,524.57	\$ -	\$ 25,107.85	\$ 35,279.12	\$ 555,044.15
2039	\$ 268,982.08	\$ 226,358.27	\$ -	\$ 23,827.19	\$ 35,984.70	\$ 555,152.23
2040	\$ 282,688.17	\$ 213,581.62	\$ -	\$ 22,482.28	\$ 36,704.39	\$ 555,456.46
2041	\$ 296,394.27	\$ 200,153.93	\$ -	\$ 21,068.84	\$ 37,438.48	\$ 555,055.51
2042	\$ 310,956.99	\$ 186,075.21	\$ -	\$ 19,586.86	\$ 38,187.25	\$ 554,806.31
2043	\$ 326,376.34	\$ 171,304.75	\$ -	\$ 18,032.08	\$ 38,951.00	\$ 554,664.17
2044	\$ 342,652.33	\$ 155,801.87	\$ -	\$ 16,400.20	\$ 39,730.02	\$ 554,584.41
2045	\$ 360,641.58	\$ 139,525.89	\$ -	\$ 14,686.94	\$ 40,524.62	\$ 555,379.01
2046	\$ 378,630.82	\$ 122,395.41	\$ -	\$ 12,883.73	\$ 41,335.11	\$ 555,245.07
2047	\$ 397,476.70	\$ 104,410.45	\$ -	\$ 10,990.57	\$ 42,161.81	\$ 555,039.53
2048	\$ 417,179.21	\$ 85,530.30	\$ -	\$ 9,003.19	\$ 43,005.05	\$ 554,717.75
2049	\$ 438,594.98	\$ 65,714.29	\$ -	\$ 6,917.29	\$ 43,865.15	\$ 555,091.72
2050	\$ 460,867.38	\$ 44,881.03	\$ -	\$ 4,724.32	\$ 44,742.45	\$ 555,215.18
2051	\$ 483,996.42	\$ 22,989.83	\$ -	\$ 2,419.98	\$ 45,637.30	\$ 555,043.53
Total	\$ 7,692,544.80	\$ 6,962,608.96	\$ (280,136.84)	\$ 698,462.51	\$ 1,016,857.09	\$ 16,090,336.52

[a] Interest is calculated at a 4.75% rate

Note: The figures shown above are estimates only and subject to change in annual service plan updates. Changes in administrative expenses, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.

EXHIBIT O – ENGINEER’S REPORT

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10/11/2021

Agenda Item No. B)

PRESENTER:

Jared Werner, Chief Financial Officer

SUBJECT:

Discuss and consider approval of an ordinance authorizing the issuance of City of New Braunfels, Texas General Obligation Refunding Bonds in an amount not to exceed \$24,160,000 in one or more series; approving an official statement, a paying agent/registrars agreement, a bond purchase agreement, and an escrow agreement as needed for the sale of bonds; establishing the procedures for selling and delivering one or more series of the bonds; providing for the approval of this ordinance on one reading only as authorized by state law; and authorizing other matters relating to the bonds.

DEPARTMENT: Finance**COUNCIL DISTRICTS IMPACTED:** N/A**BACKGROUND INFORMATION:**

As evidenced with the most recent bond issuance stemming from the 2019 bond program, municipal interest rates remain at historic lows. Previously issued bonds become callable for refunding (refinancing) at a certain point throughout the amortization period. Taking advantage of these refunding opportunities and lower interest rates has been the organization's standard practice and doing so has resulted in significant savings.

The remaining principle on the 2012 and 2013 Certificates of Obligation are now eligible to be refunded. The amount eligible for refunding is \$24,160,000. Based on current interest rates, the refunding of these bonds will generate \$3.5-\$4.5 million in savings. The savings projection is cumulative for 2023-2033. This represents a present value savings of up to 15.08%.

Parameter Sale

The City Council has typically approved parameter sales for New Braunfels Utilities, when the utility has had the need to issue bonds for infrastructure projects. As a recap, the parameter sale method would set minimum parameters of the refunding and designate the City Manager and Chief Financial Officer as the pricing officers.

The attached ordinance establishes the proposed parameters for the 2012/2013 refunding as follows:

1. Maximum Par to be issued: \$24,160,000
2. Maximum Interest Rate: As defined by statute
3. Maximum Maturity: February 1, 2033

4. Minimum Gross Savings: \$3,500,000

If any of the parameters are not met, the designated officials would not have the ability to complete the pricing/refunding.

There are two primary reasons that a parameter sale is recommended for this refunding opportunity. First, the original timeline was to traditionally price the refunding on October 11. However, given that this date is Columbus Day, the markets will be closed. Secondly, interest rates have been rising over the past several weeks, given that rate risk, the parameter sale gives the organization to price as soon as Tuesday, October 12th as opposed to postponing the sale to the 25th.

ISSUE:

N/A

FISCAL IMPACT:

As stated above, the refunding is projected to generate \$3.5-\$4.5 million in savings. The savings will primarily be on bonds that are currently supported by the I&S portion of the property tax rate (77%). However, a portion of the bonds, are supported by the NBEDC (23%). The savings will be passed through proportionally.

The Property Tax supported portion of the bond refunding will be structured to maintain capacity for the City's planned bond issuance in 2022 (selling the remaining bond authorizations from the 2013 and 2019 bond programs) and considering future debt capacity for the potential 2023 bond program.

RECOMMENDATION:

Approval of the ordinance

ORDINANCE NO. 2021-_____

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF NEW BRAUNFELS, TEXAS GENERAL OBLIGATION REFUNDING BONDS IN AN AMOUNT NOT TO EXCEED \$24,160,000 IN ONE OR MORE SERIES; APPROVING AN OFFICIAL STATEMENT, A PAYING AGENT/REGISTRAR AGREEMENT, A BOND PURCHASE AGREEMENT, AND AN ESCROW AGREEMENT AS NEEDED FOR THE SALE OF BONDS; ESTABLISHING THE PROCEDURES FOR SELLING AND DELIVERING ONE OR MORE SERIES OF THE BONDS; PROVIDING FOR THE APPROVAL OF THIS ORDINANCE ON ONE READING ONLY AS AUTHORIZED BY STATE LAW; AND AUTHORIZING OTHER MATTERS RELATING TO THE BONDS

Adopted October 11, 2021

ORDINANCE NO. 2021-_____

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF NEW BRAUNFELS, TEXAS GENERAL OBLIGATION REFUNDING BONDS IN AN AMOUNT NOT TO EXCEED \$24,160,000 IN ONE OR MORE SERIES; APPROVING AN OFFICIAL STATEMENT, A PAYING AGENT/REGISTRAR AGREEMENT, A BOND PURCHASE AGREEMENT AND AN ESCROW AGREEMENT, AS NEEDED FOR THE SALE OF BONDS; ESTABLISHING THE PROCEDURES FOR SELLING AND DELIVERING ONE OR MORE SERIES OF THE BONDS; PROVIDING FOR THE APPROVAL OF THIS ORDINANCE ON ONE READING ONLY AS AUTHORIZED BY STATE LAW; AND AUTHORIZING OTHER MATTERS RELATING TO THE BONDS

THE STATE OF TEXAS	§
COUNTIES OF COMAL AND GUADALUPE	§
CITY OF NEW BRAUNFELS	§

WHEREAS, the City of New Braunfels, Texas (the "City") has previously issued several series of obligations payable from various sources; and

WHEREAS, the City Council of the City deems it advisable and in the best interest of the City to refund the Refunded Obligations, as defined in Exhibit "A" attached hereto, in order to produce a gross debt service savings of at least \$3,500,000 compared to the debt service payments on the Refunded Obligations, net of any City contribution, among other information and terms to be included in a pricing certificate to be executed by the City Manager, acting as the designated pricing officer of the City, or, in the absence of the City Manager, the Director of Finance, all in accordance with the provisions of Chapters 1207 and 1371, of the Texas Government Code; and

WHEREAS, Chapter 1207, Texas Government Code, as amended ("Chapter 1207") authorizes the City to issue refunding bonds and to deposit the proceeds from the sale thereof together with any other available funds or resources, directly with a place of payment (paying agent) for the Refunded Obligations or with a trust company or commercial bank that does not act as depository for the City, and such deposit, if made before such payment dates, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Obligations; and

WHEREAS, Chapter 1207 further authorizes the City to enter into an escrow agreement with a paying agent for the Refunded Obligations or with a trust company or commercial bank that does not act as depository for the City with respect to the safekeeping, investment, reinvestment, administration and disposition of any such deposit, upon such terms and conditions

as the City and such escrow agent may agree, provided that such deposits may be invested and reinvested in Defeasance Securities, as defined herein; and

WHEREAS, the Escrow Agreement hereinafter authorized, constitutes an agreement of the kind authorized and permitted by Chapter 1207; and

WHEREAS, all the Refunded Obligations mature or are subject to redemption prior to maturity within 20 years of the date of the bonds hereinafter authorized: and

WHEREAS, the Bonds authorized by this Ordinance are being issued and delivered pursuant to the City Charter and Chapters 1207 and 1371 of the Texas Government Code, as amended, and other applicable laws: and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Texas Government Code.

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

Section 1. RECITALS. The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section.

Section 2. DEFINITIONS. For all purposes of this Ordinance, except as otherwise expressly provided or unless the context otherwise requires, the terms defined in Exhibit "A" to this Ordinance have the meanings assigned to them in Exhibit "A".

Section 3. AMOUNT, NAME, PURPOSE, AND AUTHORIZATION. The Bonds, each to be designated the "**CITY OF NEW BRAUNFELS, TEXAS GENERAL OBLIGATION REFUNDING BONDS**," in one or more Series are hereby authorized to be issued and delivered in accordance with the Constitution and laws of the State of Texas, particularly Chapters 1207 and 1371, Texas Government Code, as amended, and the Charter of the City. The Bonds shall be issued in the aggregate principal amount not to exceed \$24,160,000 for the purpose of providing funds for (i) refunding the Refunded Obligations and (ii) paying the costs of issuing the Bonds.

Section 4. DATE, DENOMINATION, MATURITIES, NUMBERS, INTEREST AND REDEMPTION. (a) Initially there shall be issued, sold, and delivered hereunder one or more Series of fully registered bonds, without interest coupons, which may be in the form of Current Interest Bonds or Premium Compound Interest Bonds, numbered consecutively from R-1 upward, in the case of Current Interest Bonds, and from PC-1 upward, in the case of Premium Compound Interest Bonds (except the Initial Bond delivered to the Attorney General of the State

of Texas which shall be numbered T-1 and TPC-1 respectively) payable to the respective initial Registered Owners thereof, or to the registered assignee or assignees of said Bonds or any portion or portions thereof, in Authorized Denominations, maturing not later than February 1, 2033, serially or otherwise on the dates, in the years and in the principal amounts, respectively, and dated, as all set forth in the Pricing Certificate to be executed and delivered by the Pricing Officer pursuant to subsection (b) of this section. Each Pricing Certificate is hereby incorporated in and made a part of this Ordinance. The Bonds shall be designated by the year in which they are awarded, and may be in the form of one or more series of Taxable Bonds or Tax-Exempt Bonds, all as set forth in a Pricing Certificate. The authority for the Pricing Officer to execute and deliver a Pricing Certificate for the Bonds shall expire at 5:00 p.m. C.D.T. on October 11, 2022. Bonds priced on or before October 11, 2022 may be delivered to the initial purchaser after such date.

(b) As authorized by Chapter 1207.007, Texas Government Code, as amended, the Pricing Officer is hereby authorized to act on behalf of the City in selling and delivering one or more Series of the Bonds, determining which of the Refundable Obligations shall be refunded and constitute Refunded Obligations under this Ordinance and carrying out the other procedures specified in this Ordinance, including determining the date of the Bonds, any additional or different designation or title by which the Bonds shall be known, whether the Bonds are sold as Taxable Bonds or Tax-Exempt Bonds, the price at which a Series of Bonds will be sold, the years in which the Bonds will mature, the principal amount to mature in each of such years, the aggregate principal amount of Current Interest Bonds and Premium Compound Interest Bonds, the rate or rates of interest to be borne by each such maturity, the interest payment periods, the dates, price, and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, and all other matters relating to the issuance, sale, and delivery of the Bonds and the refunding of the Refunded Obligations, all of which shall be specified in the Pricing Certificate; provided that (i) the price to be paid for the Bonds shall not be less than 90% of the aggregate original principal amount thereof plus accrued interest thereon from its date to its delivery, (ii) none of the Bonds shall bear interest at a rate, or yield in the case of Premium Compound Interest Bonds, greater than the maximum authorized by law, and (iii) the refunding must produce a gross debt service savings of at least \$3,500,000 compared to the debt service payments on the Refunded Obligations, net of any City contribution. In establishing the aggregate principal amount of the Bonds, the Pricing Officer shall establish an amount not to exceed the amount authorized in Section 3, which shall be sufficient to provide for the purposes for which each Series of the Bonds are authorized and to pay the costs of issuing such Series of Bonds.

In satisfaction of Section 1201.022(a)(3), Texas Government Code, the City Council determines that the delegation of the authority to the Pricing Officer to approve the final terms and conditions of each Series of Bonds as set forth in the Ordinance is, and the decisions made by the Pricing Officer pursuant to such delegated authority and incorporated in the Pricing Certificate will be, in the best interests and shall have the same force and effect as if such

determination were made by the City Council and the Pricing Officer is hereby authorized to make and include in a Pricing Certificate an appropriate finding to that effect.

(c) To achieve advantageous borrowing costs for the City, each Series of Bonds shall be sold on a negotiated, placement or competitive basis as determined by the Pricing Officer in the Pricing Certificate. In determining whether to sell a Series of a Bonds by negotiated, placement or competitive sale, the Pricing Officer shall take into account any material disclosure issues which might exist at the time, the market conditions expected at the time of the sale and any other matters which, in the judgment of the Pricing Officer, might affect the net borrowing costs on the Bonds.

If the Pricing Officer determines that a Series of a Bonds should be sold at a competitive sale, the Pricing Officer shall cause to be prepared a notice of sale and official statement in such manner as the Pricing Officer deems appropriate, to make the notice of sale and official statement available to those institutions and firms wishing to submit a bid for the Bonds, to receive such bids, and to award the sale of the Bonds to the bidder submitting the best bid in accordance with the provisions of the notice of sale.

If the Pricing Officer determines that a Series of Bonds should be sold by a negotiated sale or placement, the Pricing Officer shall designate the placement purchaser or the Underwriter(s) for the Bonds as the Pricing Officer deems appropriate to assure that the Bonds are sold on the most advantageous terms to the City. The Pricing Officer, acting for and on behalf of the City, is authorized to enter into and carry out a Bond Purchase Agreement or other agreement for the Bonds to be sold by negotiated sale or placement, with the Underwriter(s) or placement purchasers at such price, with and subject to such terms as determined by the Pricing Officer pursuant to Section 3(b) above. Each Bond Purchase Agreement or other agreement shall be substantially in the form and substance previously approved by the City in connection with the authorization of ad valorem tax debt with such changes as are acceptable to the Pricing Officer.

(d) The Current Interest Bonds shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the FORM OF BONDS set forth in this Ordinance to their respective dates of maturity or redemption at the rates per annum set forth in the Pricing Certificate.

The Premium Compound Interest Bonds shall bear interest from the Issuance Date, calculated on the basis of a 360-day year composed of twelve 30-day months (subject to rounding to the Compounded Amounts thereof), compounded on the Compounding Dates as set forth in the Pricing Certificate, and payable, together with the principal amount thereof, in the manner provided in the Form of Bonds at the rates set forth in the Pricing Certificate. Attached to the Pricing Certificate, if Premium Compound Interest Bonds are to be issued, shall be the Accretion Table. The Accreted Value with respect to any date other than a Compounding Date is the amount set forth on the Accretion Table with respect to the last preceding Compounding Date, plus the portion of the difference between such amount and the amount set forth on the

Accretion Table with respect to the next succeeding Compounding Date that the number of days (based on 30-day months) from such last preceding Compounding Date to the date for which such determination is being calculated bears to the total number of days (based on 30-day months) from such last preceding Compounding Date to the next succeeding Compounding Date.

Section 5. REDEMPTION. (a) Right of Redemption. The City reserves the right, at its option, to redeem the Bonds as set forth in the FORM OF BOND and the Pricing Certificate. The City, at least thirty (30) days before the date of any optional redemption, shall notify the Paying Agent/Registrar of such redemption date and of the amount and maturity of the Bonds to be redeemed.

(b) Notice of Redemption to Bondholder. The Paying Agent/Registrar shall give notice of any redemption of the Bonds by sending notice by first class United States mail, postage prepaid, not less than thirty (30) days before the date fixed for redemption, to the Bondholder at the address shown in the Register. The notice shall state among other things, the redemption date, the redemption price, the place at which the Bonds are to be surrendered for payment, and that the Bonds so called for redemption shall cease to bear interest after the redemption date. Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Bondholder receives such notice. With respect to any optional redemption of the Bonds, unless certain prerequisites to such redemption required by or this Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

(c) Effect of Redemption. Notice of redemption having been given as provided in this Section, the Bonds called for redemption shall become due and payable on the date fixed for redemption and, unless the City defaults in the payment of the principal thereof or accrued interest thereon, such Bonds thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Bond is presented and surrendered for payment on such date. If the Bonds thereof called for redemption are not so paid upon presentation and surrender thereof for redemption, such Bonds thereof shall continue to bear interest at the rate stated on the Bond until paid or until due provision is made for the payment of same.

(d) Conditional Notice of Redemption. With respect to any optional redemption of the Bonds, unless certain prerequisites to such redemption required by this Ordinance have been met

and moneys sufficient to pay the principal of the premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

Section 6. CHARACTERISTICS OF THE BONDS. (a) Registration, Transfer, Conversion and Exchange; Authentication. The City shall keep or cause to be kept at UMB Bank, N.A., Austin, Texas (the "Paying Agent/Registrar") books or records for the registration of the transfer, conversion and exchange of the Bonds (the "Register"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such Bonds or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided within three days of presentation in due and proper form. The Paying Agent/Registrar shall obtain and record in the Register the address of the Registered Owner of each Bond to which payments with respect to the Bond shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The City shall have the right to inspect the Register during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Register confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar shall make a copy of the Register available in the State of Texas. The City shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Bond. Registration of assignments, transfers, conversions and exchanges of Bonds shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in this Ordinance. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

Except as provided in subsection (c) hereof, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign the Bond, and no such Bond shall be deemed to be issued or outstanding unless such Bond is so executed. The Paying Agent/Registrar promptly shall cancel all paid Bonds and Bonds surrendered for conversion and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council or any other body or person so as to accomplish the foregoing conversion and exchange of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bond in the manner prescribed herein, and the Bonds shall be typewritten, photocopied, printed, lithographed, engraved or

produced in any other similar manner, all as determined by the officers executing such bond as evidenced by their execution thereof. Pursuant to Chapter 1201, Texas Government Code, as amended, and particularly Subchapter D thereof, the duty of conversion and exchange of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of the Bonds, the converted and exchanged Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bond which initially was issued and delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(b) Payment of Principal and Interest. The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Bond, all as provided in this Ordinance and in the Pricing Certificate. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Bond, and of all conversions and exchanges of Bonds, and all replacements of Bonds, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) Business Days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Registered Owner appearing on the Register at the close of business on the last Business Day next preceding the date of mailing of such notice.

(c) In General. The Bonds (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the Registered Owner, (ii) may be transferred and assigned, (iii) may be converted and exchanged for another Bond, (iv) shall have the characteristics, (v) shall be signed, sealed, executed and authenticated, (vi) shall be payable as to principal and interest and (vii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the Pricing Certificate and the FORM OF BONDS set forth in this Ordinance. The Bond initially issued and delivered pursuant to this Ordinance is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Bond issued in exchange for any Bond issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF BONDS. On the closing date, the initial Bond representing the entire principal amount of the Bonds, payable to the underwriter, executed by manual or facsimile signature of the Mayor and City Secretary, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, and with the date of delivery inserted thereon by the Paying Agent/Registrar, will be delivered to the underwriter.

(d) Substitute Paying Agent/Registrar. The City covenants with the Registered Owners of the Bonds that at all times while the Bonds are outstanding the City will provide a competent

and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Register (or a copy thereof), along with all other pertinent Bonds and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(e) Book-Entry-Only System. The Bonds issued in exchange for the Bonds initially issued as provided in Section 6(i) shall be issued in the form of a separate single fully registered Bond for each of the maturities thereof registered in the name of Cede & Co., as nominee of the Depository Trust Company of New York ("DTC") and except as provided in subsection (f) hereof, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC participants (the "DTC Participant") or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede&Co. Or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than a Registered Owner, as shown on the Registration Books, of any notice with respect to the Bonds, or (iii) the payment to any DTC Participant or any person, other than a Registered Owner, as shown in the Registration Books of any amount with respect to principal of or interest on the Bonds. Notwithstanding any other provision of this Ordinance to the contrary, but to the extent permitted by law, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person whose name each Bond is registered in the registration Books as the absolute owner of such Bond for the purpose of

payment of principal of and interest, with respect to such Bond, for the purposes of registering transfers with respect to such Bond, and for all other purposes of registering transfers with respect to such Bonds, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the respective Registered Owners, as shown in the Registration Books as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Registration Books, shall receive a Bond evidencing the obligation of the City to make payments of principal, and interest pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record Date the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(f) Successor Securities Depository; Transfer Outside Book-Entry-Only System. In the event that the City determines to discontinue the book-entry system through DTC or a successor or DTC determines to discontinue providing its services with respect to the Bonds, the City shall either (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but shall be registered in the name of the successor securities depository, or its nominee, or in whatever name or names the Registered Owner transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

(g) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the Letter of Representations of the City to DTC.

(h) DTC Blanket Letter of Representations. The City confirms execution of a Blanket Letter of Representations with DTC establishing the Book-Entry-Only System which will be utilized with respect to each Series of the Bonds.

(i) Cancellation of Initial Bond. On the Closing Date, one initial Bond representing the entire principal amount of the Bonds, payable in stated installments to the order of the underwriter of the Bonds or its designee, executed by manual or facsimile signature of the Mayor and City Secretary, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to such

underwriter or its designee. Upon payment for the initial Bond, the Paying Agent/Registrar shall cancel the initial Bond and deliver to DTC or the Paying Agent/Registrar on behalf of such underwriter one registered definitive Bond for each year of maturity of the Bonds, in the aggregate principal amount of all the Bonds for such maturity.

Section 7. FORM OF BONDS. The form of the Bonds, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment, and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Bonds initially issued and delivered pursuant to this Ordinance shall be, respectively, substantially as follows, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance.

FORM OF BONDS

(All blanks and any appropriate or necessary insertions or deletions, to be completed as determined by the Pricing Officer in the Pricing Certificate)

R-	UNITED STATES OF AMERICA STATE OF TEXAS CITY OF NEW BRAUNFELS, TEXAS GENERAL OBLIGATION REFUNDING BOND, SERIES 20_____	PRINCIPAL AMOUNT \$_____
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[FORM OF FIRST PARAGRAPHS OF CURRENT INTEREST BONDS]

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATE OF BOND</u>	<u>CUSIP NO.</u>
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REGISTERED OWNER:

PRINCIPAL AMOUNT:

ON THE MATURITY DATE specified above, the **CITY OF NEW BRAUNFELS, TEXAS** (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), the Principal Amount specified above, and to pay interest thereon (calculated on the basis of a 360-day year of twelve 30-day months) from _____* at the Interest Rate per annum specified above, payable on _____*, and semiannually on each _____* and _____* thereafter to the Maturity Date specified

 * To be completed as determined by the Pricing Officer in the Pricing Certificate. To the extent that the Pricing Certificate relating to the Bonds is inconsistent with any provisions in the Form of Bond or contains information to complete missing information in this Form of Bond, the language in the Pricing Certificate shall be used in the executed Bonds.

above, or the date of redemption prior to maturity; except that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full. Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the Issuer and the securities depository.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the Registered Owner hereof upon presentation and surrender of this Bond at maturity or upon the date fixed for its redemption prior to maturity, at the designated office for payment of UMB Bank, N.A., Austin, Texas which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Issuer required by the Ordinance authorizing the issuance of this Bond (the "Bond Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared on the last business day of the month next preceding each such date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date" which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each Registered Owner appearing on the Registration Books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice. Any accrued interest due upon the redemption of this Bond prior to maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Bond for redemption and payment at the principal office for payment of the Paying Agent/Registrar (unless the redemption date is a regularly scheduled interest payment date, in which case accrued interest on such redeemed Bonds shall be payable in the regular manner described above). The Issuer covenants with the Registered Owner of this Bond that on or before each principal payment date, interest payment date, and accrued interest payment date for this Bond it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" referred to in and maintained by the Bond

Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due. Terms used in this Bond and not otherwise defined shall have the meaning given in the Bond Ordinance.

DURING ANY PERIOD in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the Issuer and the securities depository.

**[FORM OF FIRST PARAGRAPHS
OF PREMIUM COMPOUND INTEREST BOND]**

NO. PC-

**MATURITY
AMOUNT
\$**

INTEREST RATE ISSUANCE DATE DATE OF BONDS MATURITY DATE

REGISTERED OWNER:

MATURITY AMOUNT:

ON THE MATURITY DATE SPECIFIED ABOVE, CITY OF NEW BRAUNFELS, TEXAS (the "City"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the Maturity Amount set forth above, representing the principal amount hereof and accrued and compounded interest hereon. Interest shall accrue on the principal amount hereof from the Issuance Date at the interest rate per annum specified above, calculated on the basis of a 360 day year comprised of twelve 30 day months, compounded semiannually on _____* and _____* of each year commencing _____. For convenience of reference a table of the "Accreted Value" per \$5,000 Maturity Amount is printed on the reverse side of this Bond. The term "Accreted Value" as set forth in the table on the reverse side hereof shall mean the original principal amount plus initial premium per \$5,000 Maturity Amount compounded semiannually on _____* and _____* at the yield shown on such table.

* To be completed as determined by the Pricing Officer in the Pricing Certificate. To the extent that the Pricing Certificate relating to the Bonds is inconsistent with any provisions in this Form of Bond or contains information to complete missing information in this Form of Bond, the language in the Pricing Certificate shall be used in the executed Bonds.

THE MATURITY AMOUNT of this Bond is payable in lawful money of the United States of America, without exchange or collection charges. The Maturity Amount of this Bond shall be paid to the Registered Owner hereof upon presentation and surrender of this Bond at maturity, at the designated office for payment of UMB Bank, N.A., Austin, Texas, which is the "Paying Agent/Registrar" for this Bond, and shall be drawn by the Paying Agent/Registrar on, and solely from, funds of the City required by the order authorizing the issuance of the Bonds (the "Bond Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided, payable to the Registered Owner hereof, as it appears on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. The City covenants with the Registered Owner of this Bond that on or before the Maturity Date for this Bond it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Bond Ordinance, the amounts required to provide for the payment, in immediately available funds of the Maturity Amount, when due. Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

[FORM OF REMAINDER OF EACH BOND]

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, legal holiday, or day on which banking institutions in the city where the principal office for payment of the Paying Agent/Registrar is located are authorized by law or executive order to close, or the United States Postal Service is not open for business (each a "Non-Business Day"), then the date for such payment shall be the next succeeding day which is not a Non-Business Day, and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND is one of a series of Bonds dated as of _____* and authorized to be issued pursuant to the Bond Ordinance adopted by the City Council of the City in the principal amount of \$_____*[constituting \$_____ Current Interest Bonds and \$_____ Premium Compound Interest Bonds]* for the purpose of providing funds for (i) refunding the Refunded Obligations and (ii) paying the costs of issuing the Bonds.

ON _____* **OR ON ANY DATE THEREAFTER**, the Bonds maturing on and after _____* may be redeemed prior to their scheduled maturities, at the option of the City, with funds derived from any available and lawful source, at a redemption price equal to the principal amount to be redeemed plus accrued interest to the date fixed for redemption as a

* To be included only if Current Interest Bonds and Premium Compound Interest Bonds are both issued and completed as determined in the Pricing Certificate.

* To be completed as determined by the Pricing Officer in the Pricing Certificate. To the extent that the Pricing Certificate relating to the Bonds is inconsistent with any provisions in this Form of Bond or contains information to complete missing information in this Form of Bond, the language in the Pricing Certificate shall be used in the executed Bonds.

whole, or from time to time in part, and, if in part, the particular Bonds, or portions thereof, to be redeemed shall be selected and designated by the City, and if less than all of a maturity is to be redeemed the Paying Agent/Registrar shall determine by lot the Bonds, or portions thereof within such maturity to be redeemed (provided that a portion of a Bond may be redeemed only in integral multiples of \$5,000 of principal amount).

[**THE BONDS MATURING ON** _____ ^{*} are subject to mandatory sinking fund redemption by lot prior to maturity in the following amounts on the following dates and at a price of par plus accrued interest to the redemption date ("Term Bonds").

Term Bonds Maturing on _____, 20 ^{*}

<u>Redemption Date</u> [*]	<u>Principal Amount</u> [*]
_____, 20____	\$ _____
_____, 20____ [†]	\$ _____ [†]

[†] Final Maturity

THE PRINCIPAL AMOUNT of the Term Bonds required to be redeemed pursuant to the operation of the mandatory sinking fund redemption provisions shall be reduced, at the option of the City by the principal amount of any Term Bonds of the stated maturity which, at least 50 days prior to a mandatory redemption date, (1) shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, (2) shall have been purchased and canceled by the Paying Agent/Registrar at the request of the City with monies in the Interest and Sinking Fund at a price not exceeding the principal amount of the Term Bonds plus accrued interest to the date of purchase thereof, or (3) shall have been redeemed pursuant to the optional redemption provisions and not theretofore credited against a mandatory sinking fund redemption requirement.]**

AT LEAST 30 days prior to the date fixed for any redemption of Bonds or portions thereof prior to maturity, a written notice of such redemption shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, to the Registered Owner of each Bond to be redeemed at its address as it appeared on the Registration Books maintained by the Paying Agent/Registrar on the day such notice of redemption is mailed. By the date fixed for any such redemption, due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or portions thereof which are to be so redeemed. If such written notice of redemption is mailed and if due provision for such payment is made, all as provided above, the Bonds or portions thereof which are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the Registered Owner to receive the redemption price from the

** Use of Term Bonds, if any, to be determined by the Pricing Officer.

Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Bond shall be redeemed a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Registered Owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the Issuer, all as provided in the Bond Ordinance.

WITH RESPECT TO any optional redemption of the Bonds, unless certain prerequisites to such redemption required by the Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

ALL BONDS OF THIS SERIES are issuable solely as fully registered Bonds, without interest coupons, in the denomination of any integral multiple of \$5,000 (an "Authorized Denomination"). As provided in the Bond Ordinance, this Bond, or any unredeemed portion hereof, may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned, transferred and exchanged for a like aggregate principal amount of fully registered Bonds, without interest coupons, payable to the appropriate Registered Owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate Registered Owner, assignee or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Bond Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Bond may be executed by the Registered Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the Registered Owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for transferring and exchanging any Bond or portion thereof shall be paid by the City, but any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer or exchange as a condition precedent to the

exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or, (ii) with respect to any Bond or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date; provided, however, such limitation of transfer shall not be applicable to an exchange by the Registered Owner of an unredeemed balance of a Bond called for redemption in part.

WHENEVER the beneficial ownership of this Bond is determined by a book entry at a securities depository for the Bonds, the foregoing requirements of holding, delivering or transferring this Bond shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the City, resigns or otherwise ceases to act as such, the City has covenanted in the Bond Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Registered Owners of the Bonds.

IT IS HEREBY certified, recited and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist, and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; that this Bond is payable from ad valorem taxes, within the limits prescribed by law.

BY BECOMING the Registered Owner of this Bond, the Registered Owner thereby acknowledges all of the terms and provisions of the Bond Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Bond Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the Issuer and agrees that the terms and provisions of this Bond and the Bond Ordinance constitute a contract between each Registered Owner hereof and the City.

IN WITNESS WHEREOF, the City has caused this Bond to be signed with the manual or facsimile signature of the Mayor of the City, and countersigned with the manual or facsimile signature of the City Secretary of the City and the official seal of the City has been duly impressed, or placed in facsimile, on this Bond.

(facsimile signature)
City Secretary, City of New Braunfels, Texas
Texas

(facsimile signature)
Mayor, City of New Braunfels,

(CITY SEAL)

**FORM OF REGISTRATION CERTIFICATE
OF THE COMPTROLLER OF PUBLIC ACCOUNTS:**

COMPTROLLER'S REGISTRATION CERTIFICATE:

I hereby certify that this Bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this

(COMPTROLLER'S SEAL)

Comptroller of Public Accounts
of the State of Texas

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

*(To be executed if this Bond is not accompanied by an executed
Registration Certificate of the Comptroller of Public Accounts of the State of Texas)*

It is hereby certified that this Bond has been issued under the provisions of the Bond Ordinance described in the text of this Bond; and that this Bond has been issued in exchange for a bond or bonds, or a portion of a bond or bonds of a series which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated:

UMB BANK, N.A., Austin, Texas
Paying Agent/Registrar

By _____
Authorized Representative

FORM OF ASSIGNMENT:

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned Registered Owner of this Bond, or duly authorized representative or attorney thereof, hereby sells, assigns and transfers this Bond and all rights hereunder unto _____

/_____/

(Assignee's Social Security or

(Please print or typewrite Assignee's name and address,

Taxpayer Identification Number) including zip code)

and hereby irrevocably constitutes and appoints _____ attorney to transfer the registration of this Bond on the Paying Agent/Registrar's Registration Books with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock

Exchange or a commercial bank or trust company.

NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this

Bond in every particular, without alteration or enlargement or any change whatsoever.

INSERTIONS FOR THE INITIAL BONDS

(i) The initial Current Interest Bonds shall be in the form set forth in this Exhibit, except that:

A. immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and "CUSIP NO." shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"ON THE MATURITY DATE SPECIFIED ABOVE, the City of New Braunfels, Texas (the "Issuer"), being a political subdivision, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on _____* in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

Years

Principal Installments

Interest Rates

(Information for the Current Interest Bonds from the Pricing Certificate to be inserted)

* To be completed as determined by the Pricing Officer in the Pricing Certificate. To the extent that the Pricing Certificate relating to the Bonds is inconsistent with any provisions in this Form of Bond or contains information to complete missing information in this Form of Bond, the language in the Pricing Certificate shall be used in the executed Bonds.

The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from _____* at the respective Interest Rate per annum specified above. Interest is payable on _____* and semiannually on each _____* and _____* thereafter to the date of payment of the principal installment specified above; except, that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full."

C. The initial Bond shall be numbered "T-1."

(ii) The Initial Compound Interest Bond shall be in the form set forth in this Section, except that:

A. immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and "CUSIP NO. _____" shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"**THE CITY OF NEW BRAUNFELS, TEXAS** (the "City"), being a political subdivision of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the Payment at Maturity on _____* in each of the years and in installments of the respective Maturity Amounts set forth in the following schedule:

<u>Year</u>	<u>Maturity Amounts</u>	<u>Interest Rates</u>
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(Information for the Premium Compound Interest Bonds from the Pricing Certificate to be inserted)

The amount shown above as the respective Maturity Amounts represent the principal amount hereof and accrued and compounded interest hereon. Interest shall accrue on the principal amount hereof from the Issuance Date at the interest rate per annum specified above, compounded semiannually on _____* and _____* of each year commencing _____*.

* To be completed as determined by the Pricing Officer in the Pricing Certificate. To the extent that the Pricing Certificate relating to the Bonds is inconsistent with any provisions in this Form of Bond or contains information to complete missing information in this Form of Bond, the

For convenience of reference, a table appears on the back of this Bond showing the "Compounded Amount" of the original principal amount plus initial premium, if any, per \$5,000 Maturity Amount compounded semiannually at the yield shown on such table."

C. the Initial Premium Compound Interest Bond shall be numbered "TPC-1."

Section 8. TAX LEVY. A special Interest and Sinking Fund (the "Interest and Sinking Fund") is hereby created solely for the benefit of the Bonds, and the Interest and Sinking Fund shall be established and maintained by the City at an official depository bank of the City. The Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of the City, and shall be used only for paying the interest on and principal of the Bonds. All ad valorem taxes levied and collected for and on account of the Bonds shall be deposited, as collected, to the credit of the Interest and Sinking Fund. During each year while any of the Bonds or interest thereon are outstanding and unpaid, the City Council shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on the Bonds as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of the Bonds as such principal matures (but never less than 2% of the original principal amount of the Bonds as a sinking fund each year); and the tax shall be based on the latest approved tax rolls of the City, with full allowance being made for tax delinquencies and the cost of tax collection. The rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in the City for each year while any of the Bonds or interest thereon are outstanding and unpaid; and the tax shall be assessed and collected each such year and deposited to the credit of the Interest and Sinking Fund. The ad valorem taxes sufficient to provide for the payment of the interest on and principal of the Bonds, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Accrued interest, if any, on the Bonds shall be deposited in the Interest and Sinking Fund.

Section 9. DEFEASANCE OF BONDS. (a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Bond") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption or the establishment of irrevocable provisions for the giving of such notice) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or an eligible trust company or commercial bank for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and

language in the Pricing Certificate shall be used in the executed Bonds.

at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or an eligible trust company or commercial bank for the payment of its services until all Defeased Bonds shall have become due and payable or (3) any combination of (1) and (2). At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of a Bond as aforesaid when proper notice of redemption of such Bond shall have been given or upon the establishment of irrevocable provisions for the giving of such notice, in accordance with this Ordinance. Any money so deposited with the Paying Agent/Registrar or an eligible trust company or commercial bank as provided in this Section may at the discretion of the City Council also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar or an eligible trust company or commercial bank pursuant to this Section which is not required for the payment of such Bond and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City Council.

(c) Notwithstanding any provision of any other Section of this Ordinance which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Bond and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Bond and premium, if any, and interest thereon, with respect to which such money or Defeasance Securities have been so set aside in trust. Until all Defeased Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(d) Notwithstanding anything elsewhere in this Ordinance, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar or an eligible trust company or commercial bank pursuant to this Section for the payment of the Bond and such Bond shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the registered owner of each Bond affected thereby.

(e) Notwithstanding the provisions of subsection (a) immediately above, to the extent that, upon the defeasance of any Defeased Bond to be paid at its maturity, the City retains the right under Texas law to later call that Defeased Bond for redemption in accordance with the provisions of this Ordinance, the City may call such Defeased Bond for redemption upon complying with the provisions of Texas law and upon the satisfaction of the provisions of subsection (a) immediately above with respect to such Defeased Bond as though it was being

defeased at the time of the exercise of the option to redeem the Defeased Bond and the effect of the redemption is taken into account in determining the sufficiency of the provisions made for the payment of the Defeased Bond.

Section 10. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS. (a) Replacement Bonds. In the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new Bond of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for Replacement Bonds. Application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the Registered Owner applying for a replacement bond shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the Registered Owner shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Bonds. Prior to the issuance of any replacement Bond, the Paying Agent/Registrar shall charge the Registered Owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement Bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen, or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) Authority for Issuing Replacement Bonds. In accordance with Subchapter D of Texas Government Code, Chapter 1201, this Section of this Ordinance shall constitute authority for the issuance of any such replacement Bond without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such Bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Bonds in the form and manner and with the

effect, as provided in Section 6(a) of this Ordinance for Bonds issued in conversion and exchange for other Bonds.

Section 11. CUSTODY, APPROVAL, AND REGISTRATION OF BOND; BOND COUNSEL'S OPINION. The Mayor of the City and the City Manager are hereby authorized to have control of the initial Bonds issued and delivered hereunder and all necessary records and proceedings pertaining to the Bond pending its delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bond the Comptroller of Public Accounts (or a deputy designated in writing to act for the Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Bond, and the seal of the Comptroller shall be impressed, or placed in facsimile, on such Certificate. The approving legal opinion of the City's Bond Counsel may, at the option of the City, be printed on the Bond issued and delivered under this Ordinance, but it shall have no legal effect, and shall be solely for the convenience and information of the Registered Owner of the Bonds.

Section 12. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE TAX-EXEMPT BONDS. (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Tax-Exempt Bonds as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(1) to use all of the proceeds of the Tax-Exempt Bonds for the payment of principal, interest and redemption premium on the Refunded Obligations.

(2) to take any action to assure that no more than 10 percent of the proceeds of the Tax-Exempt Bonds or the Refunded Obligations or the projects financed or refinanced therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds of the Tax-Exempt Bonds or the Refunded Obligations or the projects financed or refinanced therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Tax-Exempt Bonds, in contravention of section 141(b)(2) of the Code;

(3) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Tax-Exempt Bonds or the Refunded Obligations or the projects financed or refinanced therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(4) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Tax-Exempt Bonds (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(5) to refrain from taking any action which would otherwise result in the Tax-Exempt Bonds being treated as "private activity Tax-Exempt Bonds" within the meaning of section 141(b) of the Code;

(6) to refrain from taking any action that would result in the Tax-Exempt Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(7) to refrain from using any portion of the proceeds of the Tax-Exempt Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Tax-Exempt Bonds, other than investment property acquired with --

(A) proceeds of the Tax-Exempt Bonds invested for a reasonable temporary period of 3 years or less or, in the case of a current refunding Tax-Exempt Bonds, for a period of 90,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Tax-Exempt Bonds;

(8) to otherwise restrict the use of the proceeds of the Tax-Exempt Bonds or amounts treated as proceeds of the Tax-Exempt Bonds, as may be necessary, so that the Tax-Exempt Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings); and

(9) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Tax-Exempt Bonds) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Tax-Exempt Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (8), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Proceeds. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding Tax-Exempt Bonds, transferred proceeds (if any) and proceeds of the Refunded Obligations expended prior to the date of issuance of the Tax-Exempt Bonds. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Tax-Exempt Bonds, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Tax-Exempt Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Tax-Exempt Bonds, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Tax-Exempt Bonds under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the City Manager or the Mayor to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Tax-Exempt Bonds.

(d) Disposition of Project. The City covenants that the property constituting the projects financed or refinanced with the proceeds of the Tax-Exempt Bonds will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Tax-Exempt Bonds. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the City shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

Section 13. APPROVAL OF OFFERING DOCUMENTS, PAYING AGENT/REGISTRAR AGREEMENT AND ESCROW AGREEMENT. The Pricing Officer is hereby authorized to approve the Preliminary Official Statement, the Official Statement relating to the Bonds and any addenda, supplement or amendment thereto and to deem such documents final in accordance with Rule 15c2-12. The City further approves the

distribution of such Official Statement in the reoffering of a Series of Bonds by the underwriters in final form, with such changes therein or additions thereto as the Pricing Officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof.

The Paying Agent/Registrar Agreement by and between the City and the Paying Agent/Registrar ("Paying Agent Agreement") in substantially the form and substance previously approved by the City Council and the Pricing Officer is hereby authorized and directed to complete, amend, modify and execute the Paying Agent Agreement as necessary.

The discharge and defeasance of Refunded Obligations shall be effectuated pursuant to the terms and provisions of an Escrow Agreement, in the form and containing the terms and provisions as shall be approved by a Pricing Officer, including any insertions, additions, deletions, and modifications as may be necessary (a) to carry out the program designed for the City by the underwriters or purchaser, (b) to maximize the City's present value savings and/or to minimize the City's costs of refunding, (c) to comply with all applicable laws and regulations relating to the refunding of the Refunded Obligations and (d) to carry out the other intents and purposes of this Ordinance; and, the Pricing Officer is hereby authorized to execute and deliver such Escrow Agreement, on behalf of the City, in multiple counterparts.

To maximize the City's present value savings and to minimize the City's costs of refunding, the City hereby authorizes and directs that certain of the Refunded Obligations shall be called for redemption prior to maturity in the amounts, at the dates and at the redemption prices set forth in the Pricing Certificate, and the Pricing Officer is hereby authorized and directed to take all necessary and appropriate action to give or cause to be given a notice of redemption to the holders or paying agent/registrar, as appropriate, of such Refunded Obligations, in the manner required by the documents authorizing the issuance of such Refunded Obligations.

The Pricing Officer and the Escrow Agent are each hereby authorized (a) to subscribe for, agree to purchase, and purchase Defeasance Securities that are permitted investments for a defeasance escrow established to defease Refunded Obligations, and to execute any and all subscriptions, purchase agreements, commitments, letters of authorization and other documents necessary to effectuate the foregoing, and any actions heretofore taken for such purpose are hereby ratified and approved, and (b) to authorize such contributions to the escrow fund as are provided in the Escrow Agreement.

Section 14. INSURANCE PROVISIONS. In connection with the sale of a Series of the Bonds, the City may obtain municipal bond insurance policies from one or more recognized municipal bond insurance organizations (the "Bond Insurer" or "Bond Insurers") to guarantee the full and complete payment required to be made by or on behalf of the City on the Bonds. The Pricing Officer is hereby authorized to sign a commitment letter and/or insurance agreement with any Bond Insurer or Bond Insurers and to pay the premium for the bond insurance policies at the

time of the delivery of the Bonds to the underwriter out of the proceeds of sale of the Bonds or from other available funds and to execute such other documents and certificates as necessary in connection with the bond insurance policies as the Pricing Officer may deem appropriate. Printing on the Bonds covered by the bond insurance policies a statement describing such insurance, in form and substance satisfactory to the Bond Insurer and the Pricing Officer, is hereby approved and authorized. The Pricing Certificate may contain provisions related to the bond insurance policies, including payment provisions thereunder, and the rights of any Bond Insurer or Insurers, and any such provisions shall be read and interpreted as an integral part of this Ordinance.

Section 15. TAXABLE BONDS. (a) To the extent required by the Code and the regulations, it shall be the duty of the Trustee to report to the Owners of the Taxable Bonds and the Internal Revenue Service (i) the amount of "reportable payments," if any, subject to back up withholding during each year and the amount of tax withheld, if any, with respect to the payments on the Taxable Bonds and (ii) the amount of interest or amount treated as interest, such as original issue discount, on the Taxable Bonds required to be included in the gross income of the owners thereof for federal income tax purposes.

(b) It is the intention of the City that the Taxable Bonds not be obligations described in section 103 of the Internal Revenue Code of 1986 interest on which is excludable from the gross income of the holders and in that regard the City agrees not to file a form 8038-G, or any comparable information return relating to tax-exempt obligations, with the Internal Revenue Service.

Section 16. CONTINUING DISCLOSURE UNDERTAKING. (a) Annual Reports. The City shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, within the time period as determined by the Pricing Officer in the Pricing Certificate, financial information and operating data with respect to the City as determined by the Pricing Officer at the time the Bonds are sold. The Pricing Certificate shall specify such financial information and operating data of the general type included in the final Official Statement authorized by Section 13 of this Ordinance. Any financial statements to be so provided shall be (1) prepared in accordance with the accounting principles described in Exhibit "B" hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the City shall provide unaudited financial statements within such period, and audited financial statements for the applicable fiscal year to the MSRB, when and if the audit report on such statements become available.

If the City changes the fiscal year, the City will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this subsection may be set forth in full in one or more documents or may be included by specific reference to any document that is available to the public on the MSRB's internet web site or filed with the SEC. All documents provided to the MSRB pursuant to this subsection shall be accompanied by identifying information as prescribed by the MSRB.

(b) Certain Event Notices. The City shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten business days after the occurrence of the event, of any of the following events with respect to the Bonds:

- A. Principal and interest payment delinquencies;
- B. Non-payment related defaults, if material within the meaning of the federal securities laws;
- C. Unscheduled draws on debt service reserves reflecting financial difficulties;
- D. Unscheduled draws on credit enhancements reflecting financial difficulties;
- E. Substitution of credit or liquidity providers, or their failure to perform;
- F. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other events affecting the tax status of the Bonds;
- G. Modifications to rights of holders of the Bonds, if material within the meaning of the federal securities laws;
- H. Bond calls, if material within the meaning of the federal securities laws;
- I. Defeasances;
- J. Release, substitution, or sale of property securing repayment of the Bonds, if material within the meaning of the federal securities laws;
- K. Rating changes;
- L. Bankruptcy, insolvency, receivership or similar event of the City;
- M. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of

business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material within the meaning of the federal securities laws; and

N. Appointment of a successor or additional trustee or the change of name of a trustee, if material within the meaning of the federal securities laws.

O. Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and

P. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

For these purposes, (a) any event described in the immediately preceding subsection 16(b)(L) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the Issuer in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Issuer, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Issuer, and (b) the Issuer intends the words used in the immediately preceding subsections 16(b)(O) and 16(b)(P) and the definition of Financial Obligation in this section to have the meanings ascribed to them in SEC Release No. 34-83885, dated August 20, 2018.

The City shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with this subsection by the time required. All documents provided to the MSRB pursuant to this subsection shall be accompanied by identifying information as prescribed by the MSRB.

(c) Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give the notice required by this Ordinance of any Bond calls and defeasance that cause the Bonds to be no longer outstanding.

The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or

any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices that it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects relating to the Financing System or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR *MANDAMUS* OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City hereby agrees to undertake such obligation with respect to the Bonds in accordance with the Rule as amended.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (A) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the holders and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with this Section an

explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure requirement if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling the Bonds in the primary offering of the Bonds.

(d) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

"MSRB" means the Municipal Securities Rulemaking Board.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

Section 17. AMENDMENT OF ORDINANCE. The City hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The City may from time to time, without the consent of the Registered Owner, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (v) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (iv) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the City's Bond Counsel materially adversely affect the interests of the holders.

(b) Except as provided in paragraph (a) above, the Registered Owner shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the City; provided, however, that without the consent of the Registered Owner, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in the Bond so as to:

- (1) Make any change in the maturity of the Bond;
- (2) Reduce the rate of interest borne by the Bond;
- (3) Reduce the amount of the principal of, or redemption premium, if any, payable on the Bond;

(4) Modify the terms of payment of principal or of interest or redemption premium on the Bond or impose any condition with respect to such payment; or

(5) Change the requirement with respect to Registered Owner consent to such amendment.

(c) If at any time the City shall desire to amend this Ordinance under this Section, the City shall send by U.S. mail to the Registered Owner a copy of the proposed amendment.

(d) Whenever at any time within one year from the date of publication of such notice the City shall receive an instrument or instruments executed by the Registered Owner, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the City may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the City and the Registered Owner shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the Registered Owner of a Bond pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of such consent, and shall be conclusive and binding upon all future holders of the same Bond during such period. Such consent may be revoked at any time after six months from the date of consent by the Registered Owner who gave such consent, or by a successor in title, by filing notice with the City.

For the purposes of establishing ownership of the Bonds, the City shall rely solely upon the registration of the ownership of such Bonds on the Register kept by the Paying Agent/Registrar.

Section 18. REMEDIES IN EVENT OF DEFAULT. In addition to all the rights and remedies provided by the laws of the State of Texas, it is specifically covenanted and agreed particularly that in the event the City (i) defaults in the payment of the principal, premium, if any, or interest on the Bonds, (ii) declares bankruptcy, or (iii) defaults in the observance or performance of any other of the covenant, agreement or obligation of the City, the failure to perform which materially adversely affects the rights of the owner, including but no limited to, their prospect or ability to be repaid in accordance with this Section and the continuation thereof for a period of 60 days after notice of such default is given by any owner to the City, the following remedies shall be available:

(a) Any owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights to the owner under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the owner hereunder or any combination of such remedies.

(b) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance. The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

Section 19. NO RECOURSE AGAINST CITY OFFICIALS. No recourse shall be had for the payment of principal of or interest on the Bonds or for any claim based thereon or on this Ordinance against any official of the City or any person executing any Bond.

Section 20. FURTHER ACTIONS. The Mayor, the City Manager and all other officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the Bonds. In addition, prior to the initial delivery of the Bonds, the Mayor, the City Manager, the Director of Finance and Bond Counsel are hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance, (ii) obtain a rating from any of the national bond rating agencies or satisfy requirements of any bond insurer, or (iii) obtain the approval of the Bond by the Texas Attorney General's office.

In case any officer of the City whose signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 21. PERFECTION. Chapter 1208, Government Code, applies to the issuance of the Bond and the pledge of ad valorem taxes granted by the City under Section 8 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Bond is outstanding and unpaid such that the pledge of ad valorem taxes granted by the City under Section 8 of this Ordinance is to be subject to the filing requirements

of Chapter 9, Business & Commerce Code, then in order to preserve to the Registered Owner of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

Section 22. INTERPRETATIONS. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Bonds and the validity of the lien on and pledge to secure the payment of the Bonds.

Section 23. INCONSISTENT PROVISIONS. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provisions of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

Section 24. INTERESTED PARTIES. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City and the Registered Owner of the Bonds, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the Registered Owner of the Bonds.

Section 25. SEVERABILITY. The provisions of this Ordinance are severable; and in case any one or more of the provisions of this Ordinance or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, the remainder of this Ordinance nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Section 26. FUNDS AND ACCOUNTS. Notwithstanding anything in this Ordinance to the contrary any funds or accounts created by this Ordinance, other than the Escrow Funds, may be subaccounts of the City's Funds held by the City's depository, and, as such, not held in separate bank accounts, such treatment shall not constitute commingling of the monies in such funds or of funds and the City shall keep full and complete records indicating the monies and investment credited to each such fund.

Section 27. CREDIT AGREEMENT. To the extent permitted by law, the City reserves the right under Chapter 1371 of the Texas Government Code to enter into Credit

Agreements in connection with the Bonds, upon the written opinion of the City's Chief Financial Officer that such Credit Agreements are in the best interest of the City given the market conditions at the time. The Credit Agreements will constitute a Credit Agreement as defined in Chapter 1371 of the Texas Government Code. Any such Credit Agreements must be reviewed and approved by the Attorney General of the State of Texas.

Section 28. REPEALER. All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 29. EFFECTIVE DATE. This Ordinance shall become effective upon the final passage of this Ordinance.

Section 30. PAYMENT OF ATTORNEY GENERAL FEE. The City hereby authorizes the disbursement of a fee equal or lesser of (i) one-tenth of one percent of the principal amount of each Series of the Bonds or (ii) \$9,500, provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The appropriate member of the City's staff is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of each Series of the Bonds.

[Execution Page Follows]

IN ACCORDANCE WITH SECTION 1201.028, TEXAS GOVERNMENT CODE
passed and approved on the 11th day of October, 2021.

Mayor, City of New Braunfels, Texas

ATTEST:

City Secretary, City of New Braunfels, Texas

APPROVED AS TO LEGALITY:

City Attorney, City of New Braunfels, Texas

EXHIBIT A **DEFINITIONS**

As used in this Ordinance, the following terms and expressions shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

"*Accountant*" means an independent certified public accountant or accountants or a firm of an independent certified public accountants, in either case, with demonstrated expertise and competence in public accountancy.

"*Accreted Value*" means, with respect to a Premium Compound Interest Bond, as of any particular date of calculation, the original principal amount thereof, plus all interest accrued and compounded to the particular date of calculation, as determined in accordance with the Pricing Certificate and the Accretion Table attached as an exhibit to a Pricing Certificate relating to the respective Bonds that shows the Accreted Value per \$5,000 maturity amount on the calculation date of maturity to its maturity.

"*Accretion Table*" means the exhibit attached to a Pricing Certificate that sets forth the rounded original principal amounts at the Issuance Date for the Premium Compound Interest Bonds and the Accreted Values and maturity amounts thereof as of each Compounding Date until final maturity.

"*Authorized Denominations*" means the denomination of \$5,000 or any integral multiple thereof with respect to the Current Interest Bonds and in the denomination of \$5,000 in maturity amount or any integral multiple thereof with respect to the Premium Compound Interest Bonds.

"*Bond Insurer*" or "*Insurer*" means the provider of a municipal bond insurance policy, if any, for a Series of the Bonds as determined by the Pricing Officer in the Pricing Certificate or any other entity that insures or guarantees the payment of principal and interest on any Bonds.

"*Bonds*" means one or more Series of Bonds and includes collectively the Premium Compound Interest Bonds and Current Interest Bonds initially issued and delivered pursuant to this Bond order and the Pricing Certificate and all substitute Bonds exchanged therefor, as well as all other substitute bonds and replacement bonds issued pursuant hereto, and the term "Bond" shall mean any of the Bonds.

"*Book-Entry-Only System*" means the book-entry system of bond registration provided in Section 6, or any successor system of book-entry registration.

"*Business Day*" means any day which is not a Saturday, Sunday or a day on which the Paying Agent/Registrar is authorized by law or executive order to remain closed.

"*Cede & Co.*" means the designated nominee and its successors and assigns of The Depository Trust Company, New York.

"City" and "Issuer" mean the City of New Braunfels, Texas, and where appropriate, the City Council.

"City Council" means the governing body of the City.

"Closing Date" means the date of initial delivery of and payment for a Series of Bonds.

"Compounded Amount" means, with respect to a Premium Compound Interest Bond, as of any particular date of calculation, the original principal amount thereof plus all interest accrued and compounded to the particular date of calculation.

"Compounding Dates" means the dates on which interest is compounded on the Premium Compound Interest Bonds as set forth in the Accretion Table attached to a Pricing Certificate.

"Current Interest Bonds" means the Bonds paying current interest and maturing in each of the years and in the aggregate principal amounts set forth in a Pricing Certificate.

"Defeasance Securities" means (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Bonds are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally recognized investment rating firm no less than "AAA" or its equivalent, and (iv) any other then authorized securities or obligations under applicable State law that may be used to defease obligations such as the Bonds.

"Depository" means one or more official depository banks of the City.

"DTC" means The Depository Trust Company, New York, New York and its successors and assigns.

"DTC Participant" means securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

"Escrow Agent" means Regions Bank, Houston, Texas or any successor escrow agent under the Escrow Agreement or such other legally qualified institution as may be determined by the Pricing Officer.

"Escrow Agreement" means one or more agreements by and between the City and the Escrow Agent relating to refunding the Refunded Obligations.

"*Federal Securities*" as used herein means direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America (including Interest Strips of the Resolution Funding Corporation).

"*Fiscal Year*" means the twelve-month accounting period used by the City in connection with the operation of the System, currently ending on September 30 of each year, which may be any twelve consecutive month period established by the City, but in no event may the Fiscal Year be changed more than one time in any three calendar year period.

"*Holder*," "*Holders*," "*Owners*" or "*Registered Owners*" means any person or entity in whose name a Bond is registered in the Security Register, for any Parity Obligation.

"*Initial Bonds*" means the Bonds authorized, issued, and initially delivered as provided in Section 4 of this Ordinance.

"*Insurance Policy*" means an insurance policy issued by any Insurer guaranteeing the scheduled principal of and interest on the Bonds when due.

"*Interest and Sinking Fund*" means the special fund maintained by the provisions of Section 8 of this Ordinance.

"*Interest Payment Date*" means a date on which interest on the Bonds is due and payable.

"*Issuance Date*" means the date of delivery of a Series of Bonds.

"*MSRB*" means the Municipal Securities Rulemaking Board.

"*Ordinance*" means this ordinance finally adopted by the City Council on September 3, 2019.

"*Outstanding*", when used with respect to Bonds, means, as of the date of determination, all Bonds theretofore delivered under this Ordinance, except:

(1) Bonds theretofore cancelled and delivered to the City or delivered to the Paying Agent/Registrar for cancellation;

(2) Bonds deemed paid pursuant to the provisions of Section 9 of this Ordinance;

(3) Bonds upon transfer of or in exchange for and in lieu of which other Bonds have been authenticated and delivered pursuant to this Ordinance

(4) Bonds under which the obligations of the City have been released, discharged or extinguished in accordance with the terms thereof.

"*Permitted Investments*" means any security or obligation or combination thereof permitted under the Public Funds Investments Act, Chapter 2256, Texas Government Code, as

amended or other applicable law.

"Premium Compound Interest Bonds" means the Bonds on which no interest is paid prior to maturity, maturing in various amounts and in the aggregate principal amount as set forth in the Pricing Certificate.

"Pricing Certificate" means a Pricing Certificate of the City's Pricing Officer to be executed and delivered pursuant to Section 4 hereof in connection with the issuance of a Series of Bonds.

"Pricing Officer" means the City Manager, acting as the designated pricing officer of the City to execute the Pricing Certificate. In the absence of the City Manager, the Assistant City Manager or Chief Financial Officer may act as the designated pricing officer of the City to execute the Pricing Certificate.

"Rating Agency" means any nationally recognized securities rating agency which has assigned, at the request of the City, a rating to the Parity Obligations.

"Record Date" means Record Date as defined in Section 7, the Form of Bonds.

"Redemption Date" means a date fixed for redemption of any Bond pursuant to the terms of this Ordinance.

"Refunded Obligations" means those Refundable Obligations designated by the Pricing Officer in the Pricing Certificate to be refunded.

"Refundable Obligations" means all or a portion of the City's outstanding debt obligations.

"Register" or *"Registration Books"* means the registry system maintained on behalf of the City by the Registrar in which are listed the names and addresses of the Registered Owners and the principal amount of Bonds registered in the name of each Registered Owner.

"Replacement Bonds" means the Bonds authorized by the City to be issued in substitution for lost, apparently destroyed, or wrongfully taken Bonds as provided in Section 10 of this Ordinance.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

"Series" means a separate series of Bonds as specified by or pursuant to the terms of this Ordinance and the related Pricing Certificate.

"Taxable Bonds" means a Series of Bonds bearing interest at a taxable rate.

"Tax-Exempt Bonds" means a Series of Bonds bearing interest which is excludable from gross income for Federal taxation purposes pursuant to Section 103 of the Code.

EXHIBIT B
CONTINUING DISCLOSURE
DESCRIPTION OF ANNUAL ACCOUNTING PRINCIPLES

The following information is referred to in Section 16 of this Ordinance.

Accounting Principles

The accounting principles referred to in such Section are the accounting principles described in the notes to the financial statements referred to in the paragraph above.

10/11/2021

Agenda Item No. C)

PRESENTER:

Robert Camareno, City Manager

SUBJECT:

Discuss and consider approval of a contract with the Center for Public Safety Management to conduct a staffing analysis of the City's Police Department services.

DEPARTMENT: City Manager**COUNCIL DISTRICTS IMPACTED:** City Wide**BACKGROUND INFORMATION:**

The Center for Public Safety Management (CPSM) is the exclusive provider of public safety technical assistance for the International City/County Management (ICMA). In an effort for the City of New Braunfels to reevaluate a long-range plan for deployment of and funding Police Department services, it is proposed for CPSM to complete an update to the resource analysis they completed on our behalf in FY 2017. CPSM has a comprehensive approach which can be summarized by ensuring the following major outcomes are accomplished:

- Conduct a data-driven forensic analysis to identify actual workload
- Identify and recommend appropriate staffing levels for every discrete operational and support function in departments
- Examine the department's organizational structure and culture
- Perform gap analysis, comparing the "as is" state of the department to the best practices of industry standards
- Recommend a management framework to ensure accountability, increased efficiency and improved performance.

CPSM has extensive experience in completing these types of analyses, having conducted over 230 studies in 190 communities of all different sizes. In most local governments, the provision of Police, Fire and Emergency Medical Services consumes the largest portion of the operating budgets, and New Braunfels is no different. When facing the challenging task of balancing the needs of all of the City's services against the rising cost of public safety, it is critical that choices and decisions are made based upon the best possible impartial information.

Process and Schedule

To conduct the study, CPSM will deploy a project team to our City. The team will consist of professionals with hundreds of collective years of practical experience managing emergency service agencies, conducting academic research on public safety issues, teaching and training in their fields, writing professional publications and extensive consulting experience, having completed hundreds of projects nationwide. This team will work directly with a City Management appointed employee work group, which will consist of Police personnel as well as representation from the City Manager's Office, Human Resources and Finance. An overview of the schedule and milestones is highlighted below. From project launch to completion, the study is projected to take no longer than 135 days (or 4.5 months) assuming no scheduling delays.

1. Project Launch teleconference
2. Information gathering and data collection
3. Data extraction and analysis
4. Draft data analysis report completed
5. On-Site visits conducted
6. Operations report completed
7. Final report submitted

Fees

The fee to complete the study is \$60,125 plus travel expenditures. A discount was provided to the City of New Braunfels based on the City Manager's Office membership with ICMA.

ISSUE:

Maintain and review benchmarks and strive to meet or exceed agreed upon levels for public safety services delivery

Maintain fiscal stability of City Operations

FISCAL IMPACT:

Funding was included in the Police Department's FY 2022 General Fund budget for this initiative. Therefore, sufficient funds are available to award the contract as described above.

RECOMMENDATION:

Staff recommends approval of a contract with the Center for Public Safety Management to conduct a staffing analysis of Police Department services.

10/11/2021

Agenda Item No. D)

PRESENTER:

Garry Ford, Jr., Assistant Public Works Director/City Engineer

SUBJECT:

Public hearing and first reading of an ordinance amending Section 126-368 to revise the starting date for water recreation loading zones on W Lincoln Street, Liebscher Drive, and S Gilbert Street from May 1 to March 1.

DEPARTMENT: Public Works/River Operations**COUNCIL DISTRICTS IMPACTED:** 5**BACKGROUND INFORMATION:**

The River Operations Manager has requested that the start date for the water recreation loading zones on W Lincoln Street, Liebscher Drive, and S Gilbert Street be revised from May 1 to March 1 to include spring break. A temporary extension from March 12 through May 1, 2021 was authorized by Keith Lane, Interim Chief of Police, on March 12, 2021. This ordinance is to make this change permanent for future years.

Per the River Operations Manager, it would be beneficial for only shuttle vehicles to access the designated zones starting in spring break, which is in March. The way the ordinance is currently written allows for public vehicles to park and leave their cars in the shuttle zones when the zone is not active, creating a potential problem for shuttle operations during spring break.

ISSUE:

The existing dates in the ordinance allows for public vehicles to park and leave their cars in the shuttle zones when the zone is not active, creating a potential problem for shuttle operations during spring break.

FISCAL IMPACT:

The cost to update the dates on the existing signs is approximately \$200. Sufficient funding is available in the FY 2021 approved streets and drainage budget.

RECOMMENDATION:

Staff recommends approval of amending Section 126-386 to revise the starting date for water recreation loading zones on W Lincoln Street, Liebscher Drive, and S Gilbert Street from May 1 to March 1.

Sec. 126-368. Water recreation zones; time limit.

- (a) Reserved.
- (b) It shall be unlawful for any operator to stop or park any vehicle in his possession or under his control on the north side of West Lincoln Street from a point 690 feet west of its intersection with South Union Avenue in a westerly direction a distance of 300 feet, for a longer period of time than 15 minutes; provided however, that these restrictions shall apply only between the hours of 8:00 a.m. and 8:00 p.m., ~~May~~March 1 through September 30. Such 15-minute parking zone is designated a tow-away zone and a 15-minute water recreation public loading zone.
- (c) It shall be unlawful for any operator to stop or park any vehicle (other than a water recreation shuttle vehicle) in his possession or under his control on Liebscher Drive from a point approximately 517 feet from the entrance to the Prince Solms Park parking lot for a distance of 285 feet to a point approximately 232 feet from the entrance to the Prince Solms Park parking lot from 7:00 a.m. to 8:00 p.m. from ~~April~~March 1st to October 31st. Water recreation shuttle vehicles may park in the zone for the purpose of loading and unloading passengers for a period not to exceed 15 minutes. Such 15-minute water recreation shuttle loading zone is designated a tow-away zone.
- (d) It shall be unlawful for any operator to stop or park any vehicle (other than a water recreation shuttle vehicle) in his possession or under his control on the north side of West Lincoln Street from a point 90 feet west of its intersection with South Union Avenue in a westerly direction a distance of 600 feet. Water recreation shuttle vehicles may park in the zone for the purpose of loading and unloading passengers; provided however, that these restrictions shall apply only between the hours of 8:00 a.m. and 8:00 p.m., ~~May~~March 1 through September 30. Such 15-minute water recreation shuttle loading zone is designated a tow-away zone.
- (e) It shall be unlawful for any operator to stop or park any vehicle (other than a water recreation shuttle vehicle) in his possession or under his control on the west side of South Union Avenue from a point 96 feet north of its intersection with West Lincoln Street in a northerly direction a distance of 585 feet. Water recreation shuttle vehicles may park in the zone for the purpose of loading and unloading passengers. Such water recreation shuttle loading zone is designated a tow-away zone.
- (f) It shall be unlawful for any operator to stop or park any vehicle (other than a water recreation shuttle vehicle) in his possession or under his control on the east side of Jesse Guerrero Circle from a point 835 feet from the entrance to Cypress Bend Park and running 1,150 feet around the water recreation shuttle loop back to the point 835 feet from the entrance to Cypress Bend Park, and includes the small parking lot adjacent to the outdoor stage, from May 1 through September 30. This water recreation shuttle zone shall be identified by signage. Such water recreation shuttle loading zone is designated a tow-away zone. An exception designated for water vessels ten minute loading and unloading located 277 feet from the point 835 feet from the entrance of Cypress Bend Park will be allowed Sunday—Friday. (Vessels as defined in section 86-16.)
- (g) (1) It shall be unlawful for any operator to stop or park any vehicle (other than a water recreation shuttle vehicle) in his possession or under his control on the west side of Jesse Guerrero Circle from a point 1,846 feet from the entrance to Cypress Bend Park and running in a northerly direction a distance of 197 feet from May 1 through September 30. Such water recreation shuttle loading zone is designated a tow-away zone. An exception designated for water vessels ten minute loading and unloading located 277 feet from the point 835 feet from the entrance of Cypress Bend Park will be allowed Sunday—Friday.
 - (2) The first parking space in the parking lot at the terminus of the park road in the southern most part of Cypress Bend Park will be designated a ten-minute loading and unloading zone for water vessels only. This loading zone is designated a tow-away zone.
- (h) It shall be unlawful for any operator to stop or park any vehicle (other than a water recreation shuttle vehicle) in his possession or under his control on the south side of Common Street from a point 25 feet east

of its intersection with Liberty Avenue in a easterly direction a distance of 108 feet. Water recreation shuttle vehicles may park in the zone for the purpose of loading and unloading passengers. Such water recreation shuttle loading zone is designated a tow-away zone.

- (i) It shall be unlawful for any operator to stop or park any vehicle (other than a water recreation shuttle vehicle) in his possession or under his control on the east side of Liberty Avenue from the northeast corner of its intersection with W. South Street in a northerly direction a distance of 87 feet. Water recreation shuttle vehicles may park in the zone for the purpose of loading and unloading passengers. Such water recreation shuttle loading zone is designated a tow-away zone.
- (j) Reserved.
- (k) It shall be unlawful for any operator to stop or park any vehicle (other than a water recreation shuttle vehicle) in his possession or under his control on the east side of South Gilbert Street from 80 feet south of East San Antonio Street in a southerly direction a distance of 60 feet from ~~May~~ March 1 to September 30. Water recreation shuttle vehicles may park in the zone for the purpose of loading and unloading passengers. Such water recreation shuttle loading zone is designated a tow-away zone.
- (l) It shall be unlawful for any operator to stop or park any vehicle in his possession or under his control on Liebscher Drive from a point approximately 232 feet from the entrance to the Prince Solms Park parking lot for a distance of 120 feet to a point approximately 112 feet from the entrance to the Prince Solms Park parking lot, for a longer period of time than one minute. Such one-minute parking zone is designated a tow-away zone and a one-minute water recreation public loading zone.
- (m) It shall be unlawful for any operator to stop, stand or park any vehicle (other than vehicles with valid parking permits for Designated Permit Area A) in his possession or under his control to load or unload passengers and water-oriented recreational equipment between the hours of 8:00 a.m. and 12:00 a.m. (midnight) from March 1 to October 31 at the following locations:
 - (1) On both sides of E. Lincoln Street from the intersection of S. Union Avenue in a easterly direction to the end of E. Lincoln Street.
 - (2) On both sides of S. Washington Street from E. Lincoln Street to E. Mather Street.
 - (3) On both sides of Cross River Street from S. Union Avenue to S. Washington Avenue.
 - (4) On both sides of E. Mather Street from S. Union Avenue to S. Washington Street.

(Code 1961, § 23-136.1; Ord. No. 2000-46, § I, 11-27-00; Ord. No. 01-25, § III, 4-9-01; Ord. No. 2001-39, § II, 8-13-01; Ord. No. 2003-32, § I, 5-12-03; Ord. No. 2004-39, § I, 6-14-04; Ord. No. 2006-92, § I, 9-25-06; Ord. No. 2009-05, § I, 2-9-09; Ord. No. 2009-42, § I, 7-27-09; Ord. No. 2013-37, § I, 6-24-13; Ord. No. 2016-01, § I, 1-11-16; Ord. No. 2016-57, § II, 10-17-16; Ord. No. 2016-58, § 1, 10-17-16; Ord. No. 2018-75, § 2, 10-22-18)

ORDINANCE NO. 2021-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-368 TO AMEND THE STARTING DATE FOR WATER RECREATION LOADING ZONES ON W LINCOLN ST, LIEBSCHER DR, AND S GILBERT ST.

WHEREAS, this amendment will expand the days of the year when some water recreation loading zones are effective to begin on March 1 to include spring break.

WHEREAS, regulating this activity will reduce traffic congestion in these areas which is in the best interest of the health, safety and welfare of the community.

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 126-368 is hereby amended as follows:

Sec. 126-368. – Water recreation zones; time limit.

- (a) Reserved.
- (b) It shall be unlawful for any operator to stop or park any vehicle in his possession or under his control on the north side of West Lincoln Street from a point 690 feet west of its intersection with South Union Avenue in a westerly direction a distance of 300 feet, for a longer period of time than 15 minutes; provided however, that these restrictions shall apply only between the hours of 8:00 a.m. and 8:00 p.m., March 1 through September 30. Such 15-minute parking zone is designated a tow-away zone and a 15-minute water recreation public loading zone.
- (c) It shall be unlawful for any operator to stop or park any vehicle (other than a water recreation shuttle vehicle) in his possession or under his control on Liebscher Drive from a point approximately 517 feet from the entrance to the Prince Solms Park parking lot for a distance of 285 feet to a point approximately 232 feet from the entrance to the Prince Solms Park parking lot from 7:00 a.m. to 8:00 p.m. from March 1st to October 31st. Water recreation shuttle vehicles

may park in the zone for the purpose of loading and unloading passengers for a period not to exceed 15 minutes. Such 15-minute water recreation shuttle loading zone is designated a tow-away zone.

- (d) It shall be unlawful for any operator to stop or park any vehicle (other than a water recreation shuttle vehicle) in his possession or under his control on the north side of West Lincoln Street from a point 90 feet west of its intersection with South Union Avenue in a westerly direction a distance of 600 feet. Water recreation shuttle vehicles may park in the zone for the purpose of loading and unloading passengers; provided however, that these restrictions shall apply only between the hours of 8:00 a.m. and 8:00 p.m., March 1 through September 30. Such 15-minute water recreation shuttle loading zone is designated a tow-away zone.
- (e) It shall be unlawful for any operator to stop or park any vehicle (other than a water recreation shuttle vehicle) in his possession or under his control on the west side of South Union Avenue from a point 96 feet north of its intersection with West Lincoln Street in a northerly direction a distance of 585 feet. Water recreation shuttle vehicles may park in the zone for the purpose of loading and unloading passengers. Such water recreation shuttle loading zone is designated a tow-away zone.
- (f) It shall be unlawful for any operator to stop or park any vehicle (other than a water recreation shuttle vehicle) in his possession or under his control on the east side of Jesse Guerrero Circle from a point 835 feet from the entrance to Cypress Bend Park and running 1,150 feet around the water recreation shuttle loop back to the point 835 feet from the entrance to Cypress Bend Park, and includes the small parking lot adjacent to the outdoor stage, from May 1 through September 30. This water recreation shuttle zone shall be identified by signage. Such water recreation shuttle loading zone is designated a tow-away zone. An exception designated for water vessels ten minute loading and unloading located 277 feet from the point 835 feet from the entrance of Cypress Bend Park will be allowed Sunday—Friday. (Vessels as defined in section 86-16.)
- (g) (1) It shall be unlawful for any operator to stop or park any vehicle (other than a water recreation shuttle vehicle) in his possession or under his control on the west side of Jesse Guerrero Circle from a point 1,846 feet from the entrance to Cypress Bend Park and running in a northerly direction a distance of 197 feet from May 1 through September 30. Such water recreation shuttle loading zone is designated a tow-away zone. An exception designated for water vessels ten minute loading and unloading located 277 feet from the point 835 feet from the entrance of Cypress Bend Park will be allowed Sunday—Friday.

(2) The first parking space in the parking lot at the terminus of the park road in the southern most part of Cypress Bend Park will be designated a ten-minute loading and unloading zone for water vessels only. This loading zone is designated a tow-away zone.
- (h) It shall be unlawful for any operator to stop or park any vehicle (other than a water recreation shuttle vehicle) in his possession or under his control on the south side of Common Street from a point 25 feet east of its intersection with

Liberty Avenue in a easterly direction a distance of 108 feet. Water recreation shuttle vehicles may park in the zone for the purpose of loading and unloading passengers. Such water recreation shuttle loading zone is designated a tow-away zone.

- (i) It shall be unlawful for any operator to stop or park any vehicle (other than a water recreation shuttle vehicle) in his possession or under his control on the east side of Liberty Avenue from the northeast corner of its intersection with W. South Street in a northerly direction a distance of 87 feet. Water recreation shuttle vehicles may park in the zone for the purpose of loading and unloading passengers. Such water recreation shuttle loading zone is designated a tow-away zone.
- (j) Reserved.
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- (m) It shall be unlawful for any operator to stop, stand or park any vehicle (other than vehicles with valid parking permits for Designated Permit Area A) in his possession or under his control to load or unload passengers and water-oriented recreational equipment between the hours of 8:00 a.m. and 12:00 a.m. (midnight) from March 1 to October 31 at the following locations:
 - (1) On both sides of E. Lincoln Street from the intersection of S. Union Avenue in a easterly direction to the end of E. Lincoln Street.
 - (2) On both sides of S. Washington Street from E. Lincoln Street to E. Mather Street.
 - (3) On both sides of Cross River Street from S. Union Avenue to S. Washington Avenue.
 - (4) On both sides of E. Mather Street from S. Union Avenue to S. Washington Street.

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:

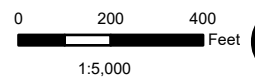
CAITLIN KROBOT, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY



Water Recreation Loading Zone Proposed Effective Date Change





City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

10/11/2021

Agenda Item No. E)

PRESENTER:

Caitlin Krobot, City Secretary

SUBJECT:

Discuss and consider approval of a Resolution for nomination(s) to the Comal County Appraisal District Board of Directors.

DEPARTMENT: City Secretary

COMAL APPRAISAL DISTRICT

900 S. SEGUIN AVENUE
NEW BRAUNFELS, TEXAS 78130

RUFINO H. LOZANO, RPA-RTA-CCA
CHIEF APPRAISER

July 15, 2021

Mr. Robert Camareno
City of New Braunfels
550 Landa Street
New Braunfels, TX 78130

REF: Board of Directors Election

It is time to begin the Board of Directors election process for the 2022-2023 term. Each voting entity may nominate candidates for each position by resolution as stated in the tax code quoted below:

Section 6.03(g) of the Texas Property Tax Code states *"Each taxing unit other than a conservation and reclamation district that is entitled to vote may nominate by resolution adopted by its governing body one candidate for each position to be filled on the board of directors. The presiding officer of the governing body of the unit shall submit the names of the unit's nominees to the chief appraiser before October 15."*

Each candidate must be eligible to serve as stated in the tax code quoted below:

Regarding eligibility, Section 6.03(a) states *"To be eligible to serve on the board of directors, an individual other than a county assessor-collector serving as a nonvoting director must be a resident of the district and must have resided in the district for at least two years immediately preceding the date the individual takes office. An individual who is otherwise eligible to serve on the board is not ineligible because of membership on the governing body of a taxing unit. An employee of a taxing unit that participates in the district is not eligible to serve on the board unless the individual is also a member of the governing body or an elected official of a taxing unit that participates in the district."*

For your convenience we have attached a list of the current Board of Directors and whether or not the member is willing to serve again. Please submit the names of your nominees to this office no later than October 15, 2021 so they may be placed on the official ballot.

Sincerely,



Rufino H. Lozano, RPA-RTA-CCA
Chief Appraiser

COMAL APPRAISAL DISTRICT

900 S. SEGUIN AVENUE
NEW BRAUNFELS, TEXAS 78130

RUFINO H. LOZANO, RPA-RTA-CCA
CHIEF APPRAISER

COMAL APPRAISAL DISTRICT BOARD OF DIRECTORS 2022-2023 TERM

POSITION	MEMBER	NOMINATING ENTITY 2020-2021 YEAR	WILLING TO SERVE 2022-2023
Chairman	Dan Krueger	Comal ISD City of Schertz Boerne ISD	No
Vice Chairman	Wade Cleary	Comal ISD Boerne ISD	No
Secretary	Nancy Pappas	Comal ISD, Boerne ISD	Yes
Member	John Kunz	Comal ISD Boerne ISD	Yes
Member	John Tyler	Comal County CISD Boerne ISD	Yes

RESOLUTION NO. 2021-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS TO NOMINATE CANDIDATE(S) TOWARD THE ELECTION OF THE COMAL APPRAISAL DISTRICT BOARD OF DIRECTORS.

WHEREAS, the City Council of the City of New Braunfels has been advised by the Chief Appraiser of the Comal Appraisal District, that the City may nominate candidate(s) of choice, for the Board of Directors, Comal Appraisal District.

WHEREAS, the City of New Braunfels does not have a candidate(s) at this time.

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

THAT the City Council of the City of New Braunfels shall submit the Official Nomination(s), attached hereto, as issued by the Chief Appraiser, stating their nominations for candidates for the election of the Board of Directors for the Comal Appraisal District for 2022-2023.

PASSED, ADOPTED AND APPROVED this 11th day of October 2021.

CITY OF NEW BRAUNFELS

BY: _____
Rusty Brockman, Mayor

ATTEST:

Caitlin Krobot, City Secretary

10/11/2021

Agenda Item No. A)

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

- J3 Company's construction contract for Klein Road reconstruction project



City Council - Executive Session Agenda Item Report

550 Landa Street
New Braunfels, TX

10/11/2021

Agenda Item No. B)

Deliberate the appointment, evaluation, duties, discipline, or removal of the Municipal Court Judge in accordance with Section 551.074 of the Texas Government Code.