

CITY OF NEW BRAUNFELS, TEXAS CITY COUNCIL MEETING



CITY HALL - COUNCIL CHAMBERS 550 LANDA STREET

MONDAY, SEPTEMBER 27, 2021 at 6:00 PM

Rusty Brockman, Mayor Shane Hines, Councilmember (District 1) Justin Meadows, Mayor Pro Tem (District 2) Harry Bowers, Councilmember (District 3)

Lawrence Spradley, Councilmember (District 4)
Jason E. Hurta, Councilmember (District 5)
James Blakey, Councilmember (District 6)
Robert Camareno, City Manager

MISSION STATEMENT

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

AGENDA

CALL TO ORDER

CALL OF ROLL: CITY SECRETARY

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

INVOCATION: COUNCILMEMBER HINES

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

PROCLAMATIONS:

A)	Serve Spot and Big Serve	<u>21-796</u>
B)	Living Legends of New Braunfels	<u>21-904</u>
C)	First Responder and Health Care Worker Recognition	21-961

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 Medal of Valor to Firefighter Tate Parker	<u>21-941</u>
	Matthew Bushnell, Assistant Fire Chief	

B) Presentation and update on Development Services Fund <u>21-971</u> and Process Improvements

Jordan Matney, Assistant City Manager

1. MINUTES

A) Consideration of the approval of the minutes for Special 21-964 Budget Workshop on September 9. 2021, Special September Redistricting Workshop on 13, 2021, Executive Session on September 13, 2021, and General Session on September 13, 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) A resolution of the City Council of the City of New 21-898
 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.
 Valeria M. Acevedo, City Attorney
- B) Approval of a resolution for the determination of 21-933 right-of-way of E. Common Street. identified Principal Arterial in the City of New Braunfels Regional Transportation Plan. between the intersections with Gruene Road and FM 306. Garry L. Ford, Assistant Public Works Director/City Engineer
- C) Approval of a purchase with Professional Turf Products, 21-959
 L.P. and Deere & Company for Parks and Recreation
 and Landa Park Golf Course maintenance equipment
 and to declare the existing equipment as surplus.

 Stacey Dicke, Parks Director
- D) Approval to renew the following annual contracts, as 21-948 contract allowed for their language: Road by Construction Work and Employee Benefit Consulting Services. Debbie Kimball, Contract Administrator
- E) Approval of a purchase with Musco Sports Lighting, LLC 21-955

to replace the lighting infrastructure for the Landa Park Sand Volleyball Courts

Stacey Dicke, Parks Director

F) Approval of a purchase with GTS Technology Solutions, 21-911 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.

Tony Gonzalez, Director of Information Technology

- G) Approval of a contract with Maintenance Management of <u>21-956</u>
 San Marcos to perform cemetery maintenance services at the Comal and New Braunfels Cemeteries.

 Stacey Dicke, Parks & Recreation Director
- H) Approval of a contract with Knight Security Systems for 21-910 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.

Tony Gonzalez, Director of Information Technology

I) Approval of annual contracts with Bakers Heavy 21-957
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.

Debbie Kimball, Contract Administrator

J) Approval of the Development Agreement for Roadway 21-984
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.

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

K) Approval of a resolution of the City of New Braunfels, 21-967
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.

Jeff Jewell, Economic and Community Development Director

L) Approval of and authorization for the City Manager to 21-993
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.

Matthew Eckmann, Facilities and Real Estate Manager

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 21-966 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
- N) Approval of the first reading of an ordinance regarding 21-918 of the proposed abandonment approximately 7,231 of square feet (0.166 acres) unimproved public right-of-way, located between Hill Avenue and the terminus of Garden Street. Christopher J. Looney, AICP; Planning and Development Services Director
- O) Approval of the second and final reading of an ordinance 21-939 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;

Posted On: 9/22/2021 5:17:53PM

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.

Jeff Jewell, Director of Economic and Community Development

P) Approval of the second and final reading of an ordinance 21-942 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.

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

Q) Approval of the second and final reading of an ordinance <u>21-943</u> amending Section 126-346 of the City of New Braunfels Code of Ordinances to establish no parking zones in Prince Solms Park.

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

R) Approval of the second and final reading of an ordinance 21-917 amending Section 126-136 of the City of New Braunfels Code of Ordinances to extend the existing school zone on Avery Parkway.

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

3. <u>INDIVIDUAL ITEMS FOR CONSIDERATION</u>

- A) Public Hearing on the proposed tax rate for the City of <u>21-968</u>

 New Braunfels for tax year 2021

 Jared Werner, Chief Financial Officer
- B) Approval of the second and final reading of an ordinance <u>21-945</u> adopting the FY 2022 Operating Budget and Plan of Municipal Services.

Jared Werner, Chief Financial Officer

C) Approval of the second and final reading of an ordinance <u>21-946</u> adopting the 2021 ad valorem tax rates.

Jared Werner, Chief Financial Officer

- D) Approval of a resolution of the City of New Braunfels <u>21-947</u> ratifying the increase in revenue generated by the 2021 property tax rate included in the FY 2022 Annual Budget.

 Jared Werner, Chief Financial Officer
- E) Consideration of the creation of a redistricting committee 21-960

 Valeria M. Acevedo, City Attorney
- F) Public hearing and consideration of a variance request to 21-920 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.

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

G) Public hearing and first reading of an ordinance 21-935 regarding a proposed rezoning to apply a Special Use allow residential Permit to а variety of 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 "R-1A-6.6" "R-1A-4" conditions: Single-Family, Single-Family Small Lot, "C-1A" Neighborhood Business and "C-1B" General Business.

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

H) hearing and first reading of ordinance 21-915 an regarding a proposed rezoning to apply a Special Use 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

I) Public hearing and first reading of an ordinance 21-914 regarding the proposed rezoning of approximately 7.6 acres out of the A. M. Esnaurizar A-1 Survey, addressed 2100 IH-35 North, "APD AH" аt from 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
- J) Public hearing and first reading of an ordinance 21-934 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
- K) Public hearing and first reading of an ordinance 21-927 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

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 <u>21-899</u> 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. <u>RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION</u>
RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

ADJOURNMENT

CERTIFICATION

l	hereby	certify	the	above	Notice	of	Meeting	was	posted	on	the	bulletin	board	at	the	New
В	raunfels	City Ha	II.													

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 9/27/2021

550 Landa Street New Braunfels, TX

Agenda Item No. A)



Proclamation

THE STATE OF TEXAS	§
--------------------	---

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, Big Serve Weekend is in its 6th year of partnering with area nonprofits, city offices, and businesses in one of the largest of New Braunfels' City-Wide Volunteer Days, and;

WHEREAS, Big Serve Weekend, October 9-10, is for all New Braunfels citizens in and around our community to volunteer to bring *awareness* and *kindness* to areas of need across our city, and;

WHEREAS, Big Serve Weekend is the catalytic event that inspired church leaders, neighbors, city leaders, and friends to join forces and serve our city more effectively not just through Big Serve, but on a year-round basis through Serve Spot, and;

WHEREAS, <u>servespot.org</u> is host to a Directory of Care of 90+ nonprofits and area agencies as well as a Volunteer Portal with hundreds of volunteer opportunities in town.

WHEREAS, Serve Spot is a collaborative, building and strengthening partnerships between nonprofits, the Church, businesses, residents, neighbors, and old and new friends, and the city for a more hopeful and unified future in New Braunfels, and;

NOW THEREFORE, I, Rusty Brockman, Mayor of the City of New Braunfels, do hereby honor Serve Spot and Big Serve Weekend, October 9 -10, 2021 in New Braunfels, Texas and encourage all citizens to serve our community by volunteering.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 27th day of September 2021.

CITY OF NEW BRAUNFELS, TEXAS
Rusty Brockman, Mayor



City Council Agenda Item Report 9/27/2021

Agenda Item No. B)

City of New Braunfels



Proclamation

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

WHEREAS, Atanacio Campos, Jim Streety, Ray Martinez have been named Living Legends of New Braunfels by the Braunfels Foundation Trust; and

WHEREAS, Atanacio "Nacho" Campos was born on Good Friday, April 15, 1949, in New Braunfels and into a family who valued family, education, hard work, and service. Nacho worked parttime both before and after school at City Bakery. He graduated from New Braunfels High School with a scholarship and work grant and attended Junior College at Schreiner Military Institute in Kerrville. After graduating with an associate degree from Schreiner, he left for the University of Texas at Austin and completed his undergraduate work there with a bachelor's degree in History and was later accepted into law school at the University of Texas. In 1979, Nacho earned a license to practice law as well as completing his master's degree in History, and soon after opened his own practice in Austin. In 1984, Nacho returned to New Braunfels, and served as a Trustee on the Board of New Braunfels Utilities for twenty years and retired from NBU in 2020. During his tenure as Trustee, NBU increased its capacity in every area adding new wastewater plants and thousands of acres-feet of water. For his service to NBU, Nacho received the Robert H. Sohn, P.E., Public Service Award that recognizes individuals whose work helps ensure and advance our community's best interests. As a founding member of the Headwaters at Comal non-profit organization, Nacho helped provide the vision for NBU's conservation legacy. In 2020, the Greater New Braunfels Chamber of Commerce honored Nacho with Honors Hall Recognition for his extraordinary civic contributions. Nacho is married to Sarah Dixon and has three children, Andres, Brian, and Jennifer, five grandchildren, and one great-granddaughter. He still loves to cook and bake and continues to practice law. and provides leadership in the community he loves. His civic contributions to New Braunfels have helped make real the hopes and dreams of his ancestors and of the newest wave of "settlers" coming to New Braunfels every day.

WHEREAS Jim Streety graduated from Smiley High School, and attended Southwest Texas State University in San Marcos. Jim graduated from SWTSU with a degree in Education and finished one year of graduate school. Shortly after marrying his wife Janie, Jim got a coaching job at San Marcos Junior High School. In 1970, an opportunity came along to coach down the road at New Braunfels High School, so Jim and Janie, along with daughter Kimber and son Steven, became Unicorns. Coach Streety started out as an assistant in football, basketball, and track until a short four years later when he became Head Football Coach and Athletic Director. During Coach Streety's seventeen seasons at New Braunfels, the Unicorns had ten playoff teams, four semi-final teams, and a record of 149 wins, 45 losses, and 2 ties. In 1991, Coach Streety accepted the job of Head Football Coach and Athletic Coordinator at Madison High School in San Antonio. Twenty-three years later, with 17 playoff appearances; including 10 quarterfinalist and three semi-finalist teams, Jim Streety returned to the Unicorns as the New Braunfels Independent School District's Athletic Director. Jim Streety's success on the field has paved the way for his impact in other areas as well. A good example of one these partnerships is the alliance between the City of New Braunfels and the New Braunfels Independent School District for refurbishing the playing fields at New Braunfels and Oak Run Middle Schools. He continually works to enhance partnerships between other community leaders for the good of our community's youth. He serves as the president of the Texas High School Coaches Association and as a member and past director of the Texas High School Coaches Association Education Foundation. He served on the board of Habitat for Humanity and volunteered for the Food Bank. He is a deacon at Oakwood Baptist Church and a member of the non-profit Wurstfest Association. Just last year, he was inducted in the Greater New Braunfels Chamber of Commerce Hall of Honor.

WHEREAS, Ray Martinez In 1956 Ramiro "Ray" Martinez graduated from Rotan High School and enrolled at the University of Texas in Austin. After a semester, Ray left school and joined the Army where he was trained as a combat medic serving out his three-year commitment in Germany. After his Military Commitment, Ray returned to Austin and was accepted into the Austin Police Academy. In January of 1961, Ray Martinez became one of only three Hispanic Austin police officers, and later that same year, he married VerNell Schmidtzensky. Ray was awarded the Austin Police Department Medal of Valor, named the Peace Officer of the Year by the National Police Officers Association, and was honored by the National Rifle Association for his heroism on August 1, 1966. In 1968, Ray left the Austin Police Department and was accepted as a Texas Department of Public Safety narcotics agent. In 1973, he applied for and was accepted into the Texas Rangers — again, one of only three Hispanic Rangers. In 1978. Ray was transferred to New Braunfels from his duty station in Laredo, and New Braunfels became home to "Ranger Ray." Ray Martinez's official public service to Texas continued until his retirement in 1991, but his service to New Braunfels was just beginning. As the parents of twin daughters, Janice and Janette, Vernell and Ray started helping with the girls' school activities and functions. He joined the New Braunfels Noon Lions Club, chaired various committees, served as president, and earned the Melvin Jones Fellow and Lions Silver Spur recognitions. He also served as a director of the Comal County Crime Stoppers organization. A Greater New Braunfels Chamber of Commerce member, Ray earned his Blue Coat and Life Membership. He has served as the chair of and is an active member of the Retirees Are Progressive Council and the Military Affairs Committee. In 2002, he was awarded the Chamber's Chair of the Board Award for Community Service and in 2007 was inducted into the Chamber's Honors Hall. In 2018, Ray was recognized as a Pillar of the Community by the New Braunfels Herald Zeitung. Ray is a Senior Opa in the Wurstfest Association, and he and Vernell are members of the Friends of the Library and volunteer at the Saints Peter and Paul Thrift Store. Additionally, Ray has served as President of the Texas Rangers Association and as a director of both the Ranger Association and Foundation. He is a published author and has two buildings in Austin named for him.

WHEREAS the Braunfels Foundation Trust will honor these Living Legends at a luncheon at the McKenna Events Center on October 4, 2021.

NOW, THEREFORE, I, RUSTY BROCKMAN, by virtue of the authority vested in me as Mayor of the City of New Braunfels, do hereby proclaim Atanacio Campos, Jim Streety and Ray Martinez as

LIVING LEGENDS OF NEW BRAUNFELS

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 23rd day of September 2021.

	RUSTY BROCKMAN, Mayor
BY:	
CII	OF NEW DRAUNFELS

CITY OF NEW DOMINERS



City Council Agenda Item Report 9/27/2021

550 Landa Street New Braunfels, TX

Agenda Item No. C)

City of New Braunfels



Proclamation

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

WHEREAS, Between Comal and Guadalupe counties, more than 39,000 cases of COVID-19 have been reported and we've lost nearly 700 members of our community to this disease; and

WHEREAS, during these difficult times, healthcare workers at every level of staffing and emergency medical responders have stepped up to meet the growing medical needs of our community and have sacrificed much to aid in the fight against this pandemic; and

WHEREAS, the responsibility, dedication, and compassion of these individuals has proven that they are not just essential workers but frontline heroes who continue to administer vital services every day in the face of danger and uncertainty; and

WHEREAS, the commitment to protect life, provide quality care, and ensure patient safety is and always has been critical to the welfare of our entire community; but many times their service goes without recognition and without full appreciation of the circumstances they're facing and the drain it has on their mental and physical wellbeing; and

WHEREAS, now, more than ever, healthcare workers and emergency medical responders deserve our deepest gratitude for their tireless commitment to public health and the protection of our community; and

WHEREAS, I encourage all residents to show our continued appreciation for the dedicated healthcare workers and emergency medical responders and do our part to help slow the spread of COVID-19;

NOW, THEREFORE I, RUSTY BROCKMAN, by virtue of the authority vested in me as Mayor of the City of New Braunfels, Texas do hereby recognize

HEALTHCARE WORKERS AND EMERGENCY MEDICAL RESPONDERS

for their service and sacrifice to the health of our community

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 27th day of September 2021

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor



City Council Agenda Item Report 9/27/2021

550 Landa Street New Braunfels, TX

Agenda Item No. A)

PR	ES	EN'	TE	R٠

Matthew Bushnell, Assistant Fire Chief

SUBJECT:

Presentation of Medal of Valor to Firefighter Tate Parker

DEPARTMENT: Fire

COUNCIL DISTRICTS IMPACTED: All

BACKGROUND INFORMATION:

On October 10, 2020, while off duty and in his own personal vehicle, New Braunfels Firefighter Tate Parker arrived at the scene of a motor vehicle accident involving a rolled-over 18-wheeler that was on fire. With the fire rapidly encroaching on the cab, and without regard for his own safety, Firefighter Parker used a personal tool to gain access to the passenger compartment, thus freeing and then helping the driver to safety.

Upon the arrival of the first firefighting units, there was not any survivable space found within the passenger compartment and the victim would certainly have been killed if not for the heroic and selfless actions of Firefighter Parker.

ISSUE:

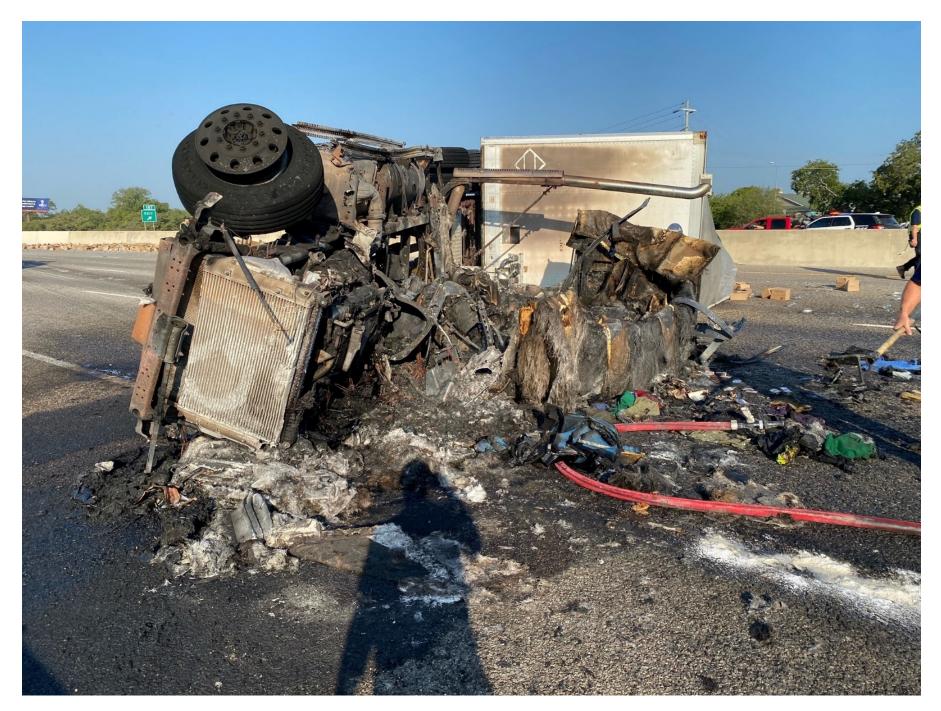
N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

N/A





City Council Agenda Item Report 9/27/2021

550 Landa Street New Braunfels, TX

Agenda Item No. B)

PR		1 1	N T T		n
РΚ	н >	М	N 1	н	ĸ٠

Jordan Matney, Assistant City Manager

SUBJECT:

Presentation and update on Development Services Fund and Process Improvements

DEPARTMENT: Administration

COUNCIL DISTRICTS IMPACTED: All

BACKGROUND INFORMATION:

Staff will provide an update on the Development Services fund and related process improvements.

ISSUE:

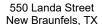
N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

N/A





City Council Agenda Item Report 9/27/2021

Agenda Item No. A)

PRESENTER:

Caitlin Krobot, City Secretary

SUBJECT:

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.

DEPARTMENT: City Secretary

MINUTES - DRAFT OF THE NEW BRAUNFELS CITY COUNCIL - EXECUTIVE SESSION REGULAR MEETING OF MONDAY, SEPTEMBER 13, 2021

AGENDA

CALL TO ORDER

Mayor Brockman called the meeting to order at 5:01 p.m.

CALL OF ROLL: CITY SECRETARY

Councilmember Bowers arrived at 5:12 p.m.

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**

Mayor Brockman recessed into Executive Session at 5:04 p.m.

- 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:
 - · Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet.
 - Discuss legal action regarding possible restrictions on further development of property commonly known as 413 Gruene Rd, New Braunfels 78130, Texas, for use as Disaster Recovery Center for NBU; the property is also described as 2.693 acre tract of land, situated in the Henry Foster Survey, Abstract No 154, Comal County, Texas, conveyed to the City of New Braunfels, recorded in Volume 192, Page 543, Deed Records, Guadalupe County, Texas.

.

- B) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code, specifically
 - Union Pacific property

Mayor Brockman read the aforementioned items.

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. <u>RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.</u>

Mayor Brockman reconvened into open session at 5:47 p.m. No action taken.

ADJOURNMENT

Mayor Brockman adjourned at 5:47 p.m.

	Ву:	
	- y	RUSTY BROCKMAN, MAYOR
Attest:		
CAITLIN KROBOT, CITY SECRETARY		

MINUTES - DRAFT OF THE NEW BRAUNFELS SPECIAL CITY COUNCIL REGULAR MEETING OF MONDAY, SEPTEMBER 13, 2021

AGENDA

CALL TO ORDER

Mayor Brockman called the meeting to order at 4:02 p.m.

CALL OF ROLL: CITY SECRETARY

Present 6 - Mayor Rusty Brockman, Councilmember Shane Hines, Councilmember Justin Meadows, Councilmember Lawrence Spradley, Mayor Pro Tem Jason Hurta, and Councilmember James E. Blakey

Absent 1 - Councilmember Harry Bowers

1. WORKSHOP

A) Presentation on the redistricting process and related matters.

Mrs. Valeria Acevedo introduced Mr. Alan Bojorquez, with Bojorquez Law Firm, who presented this item. Mr. Bojorquez gave a comprehensive overview of a PowerPoint he provided and addressed questions from council.

The following individual spoke to this item: Wayne Peters

Robert Camareno asked for clear direction from Council on whether they want to have a citizen committee for the redistricting process.

Councilmember Hurta stated he would like to see a citizen committee formed for the redistricting process. Mayor Brockman agreed.

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. <u>ADJOURNMENT</u>

Mayor Brockman adjourned at 4:52 p.m.

MINUTES - DRAFT OF THE NEW BRAUNFELS SPECIAL CITY COUNCIL REGULAR MEETING OF THURSDAY, SEPTEMBER 9, 2021

AGENDA

CALL TO ORDER

Mayor Brockman called the meeting to order at 6:01 p.m.

CALL OF ROLL: CITY SECRETARY

Present 6 - Mayor Rusty Brockman, Councilmember Shane Hines,
Councilmember Justin Meadows, Councilmember Harry
Bowers, Councilmember Lawrence Spradley, and Mayor Pro
Tem Jason Hurta

Absent 1 - Councilmember James E. Blakey

INVOCATION: COUNCILMEMBER BLAKEY

Mayor Brockman provided the invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

1. WORKSHOP

A) Public Hearing on the proposed tax rate for the City of New Braunfels for tax year 2021 and announce the meeting date and time of adoption.

Jared Werner presented this item with a brief PowerPoint.

The following individuals spoke to this item: Candace Martinez and William Rogers.

No action taken at this time.

•

B) Public hearing on the FY 2022 Operating Budget and Plan of Municipal Services.

Jared Werner stated he no additional information to provide.

No action taken at this time.

٠

C) Discuss and consider approval of the first reading of an ordinance adopting the 2021 ad valorem tax rates.

Jared Werner restated the proposed tax rate is a reduction of eight tenths compared to

last years fiscal year.

Mayor ProTem Meadows 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 service .247393 cents operations debt and for and maintenance." Councilmember which Bowers seconded the motion passed unanimously via roll call vote.

D) Discuss and consider approval of the first reading of an ordinance adopting the FY 2022 Operating Budget and Plan of Municipal Services.

Jared Werner gave a brief description of the Ordinance and the budget.

Mayor Brockman took the opportunity to thank the Finance Department for their hard work involved in proposing a budget to Council.

Councilmember Hurta stated " I move to adopt the FY 2022 Operating Budget and Plan of Municipal Services including the Budget Order and attachments included in that order." Councilmember Spradley seconded the motion which passed unanimously via roll call vote.

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 at 6:48 p.m.

	By:	
		RUSTY BROCKMAN, MAYOR
Attest:		
CAITLIN KROBOT, CITY SECRETARY		

MINUTES - DRAFT OF THE NEW BRAUNFELS CITY COUNCIL REGULAR MEETING OF MONDAY, SEPTEMBER 13, 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 Rust

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

INVOCATION: MAYOR BROCKMAN

Mayor Brockman 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) National Preparedness Month Mayor Brockman presented the proclamation.
- B) National Hispanic Heritage Month 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.

The following individuals spoke at this time: Sarah Hammond, Linda Scullary, Bekie Bracewell, Jean Henry, Desiree Supulvar, Albert Sardinas, Brandi Steptoe, and Shannon Graham.

PRESENTATIONS:

A) Presentation and possible direction to staff regarding the City's American Rescue Plan Act allocation and establishment of an Ad-Hoc committee to develop investment recommendations to City Council Mayor Brockman read the aforementioned item. Jared Werner presented this item.

City Manager, Robert Camareno recommends the Finance and Audit committee be an ad hoc committee who can begin to work with staff and decide if the committee needs to expand the committee or bring in subject matter resources.

Council agreed with the recommendation made by the City Manager . The consensus of council is to begin to convene meetings of the Finance and Audit committee as an ad hoc committee.

1. MINUTES

A) Discussion and or possible action to approve the minutes of the general city council meeting of August 23, 2021 and the executive session meeting of August 23, 2021.

Mayor Brockman read the aforementioned item.

Councilmember Hurta moved to approve the item. Seconded by Councilmember Bowers which passed unanimously.

Mayor Brockman took a break at 7:00 p.m.

Mayor Brockman returned to open session at 7:12 p.m.

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; a ratification for an application submitted for funding offered by the Texas Department of Transportation, Texas Traffic Safety Program's Selective Traffic Enforcement Program -Comprehensive FY 2022 grant; and authorization for the City Manager to act on behalf of the City in matters as required by the grant.
- B) Approval of a resolution; a ratification for an application submitted for funding offered by the Texas Department of Transportation, Texas Traffic Safety Program's Selective Traffic Enforcement Program Commercial Motor Vehicle FY 2022 grant; and authorization for the City Manager to act on behalf of the City in matters as required by the grant.

This item was approved.

- C) Approval of the New Braunfels Public Library Long Term Master Plan. **This item was approved.**
- D) Approval of a resolution; acceptance of a grant award for funding of the development of a Drainage Area Master Plan utilizing a Texas Water Development Board, Flood Infrastructure Fund grant for Program Year 2020; and authorization for the City Manager to act on behalf of the City in all matters related to this grant.

This item was approved.

E) Approval of a resolution recommending a contract award and project expenditure to Kimley-Horn and Associates, Inc., of up to \$442,000 to prepare a preliminary design and streetscape plan for Castell Avenue, as approved and found by the Board of Directors of the New Braunfels Economic Development Corporation be eligible to an project expenditure required for infrastructure necessary to promote develop new or expanded business enterprises.

This item was approved.

F) Approval of the City of New Braunfels FY 2021 Third Quarter Investment Report.

This item was approved.

G) Approval of a purchase with Bluebonnet Motors, Inc. for thirteen light duty vehicles for various city operations and approval to declare replaced units as surplus.

This item was approved.

H) Approval of a purchase of tasers from Axon Enterprise, Inc. for the Police Department and to declare the existing equipment as surplus for trade in.

This item was approved.

I) Approval of a ratification for an application submitted to the Texas FY Department of Transportation for the 2022 Routine Airport Maintenance Program to request fundina for eliaible airport maintenance expenses; and authorization for the City Manager to act on behalf of the City in matters as required by the grant.

This item was approved.

J) Approval to renew the following annual contracts, as allowed for by their contract language: Administrative Services for

Healthcare-Dental, Administrative Services for Healthcare-Medical and Pharmacy, Stop Loss Insurance, Healthcare Consulting Services, Supply and Service of Portable Toilets, Landscape Services-Parks & Facilities, Landscape Services-Undeveloped Flood Properties and ROW, EMS Medical Billing Cost Recovery Services and Litter Removal Services - Parks.

This item was approved.

K) Approval of reassignment of a contract from Century Asphalt LLC to Texas Materials Group Inc.

This item was approved.

L) Approval of a contract with AJM Packaging Corporation for the purchase of customized green waste collection bags for the Public Works Department.

This item was approved.

M) Approval of annual routine recurring expenditures for FY 2022 in accordance with City Charter Section 9.17.

This item was approved.

N) Approval to purchase equipment for the City's Public Works Streets & Drainage Division, from HOLT.CAT, Freightliner of Austin, Cooper Equipment Company, Nueces Power Equipment and approval to declare any replaced equipment as surplus as trade-ins will generate a cost savings to the City.

This item was approved.

O) Approval of a purchase with NAFECO for personal protective firefighting equipment for the New Braunfels Fire Department.

This item was approved.

P) Approval of a license agreement with Matt Schumann (ParkHaus, LLC) to allow aerial encroachments over the City's right-of way along E. San Antonio Street at the property currently addressed as 173, 189, and 207 E. San Antonio Street in New Braunfels, Texas (also described as City Block 2003, Lot E 8 of S 110 of 35 & W 16 of E 24, and West 47 of Lot 98, being approximately .45 acres).

This item was approved.

Q) Approval of the appointment of Tina Olcott to the Central Texas Technology Center Advisory Board for an unexpired term ending April 26, 2024.

This item was approved.

Ordinances

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

R) 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 a no parking zone on the south side of Elliot Knox Boulevard between South Peach Avenue and Magnolia Avenue.

This item was approved.

S) Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow a duplex on a lot less than 8,000 square feet in area, in the R-2 Single and Two-family District addressed at 2662 Second Street.

This item was approved.

T) Approval of the first 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.

This item was approved.

U) Approval of the first 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.

This item was approved.

Approval of the Consent Agenda

Mayor Brockman read the aforementioned captions.

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

3. INDIVIDUAL ITEMS FOR CONSIDERATION

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

Mayor Brockman read the aforementioned item.

Jared Werner stated this item will be brought back to council September 27, 2021 due to incomplete posting.

Coucilmember Hines moved to postpone this item due the to incomplete postina that is statutorily required. Councilmember Spradley seconded the motion which passed unanimously.

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 item.

Jared Werner stated this item will be brought back to council September 27, 2021 due to incomplete posting.

Coucilmember Hines moved to postpone this item due the incomplete posting that is statutorily required. Councilmember Spradley seconded the motion which passed unanimously.

C) 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 item.

Jared Werner stated this item will be brought back to council September 27, 2021 due to incomplete posting.

Coucilmember Hines moved postpone this due the to item to incomplete posting that is statutorily required. Councilmember Spradley seconded the motion which passed unanimously.

D) Consideration of the second and final reading of an ordinance regarding a proposed rezoning of approximately 7,406 square feet (0.17-acre) being parts of Lots 6 & 7, Block 46, New City Block 4002, Guenther Addition, addressed at 157 S. Guenther Ave., from "SND-1" Special Neighborhood District - 1 to "C-2A" Central Business District.

Mayor Brockman read the aforementioned item.

Christopher Looney presented this item.

The spoke item: following individuals to this Jeff Bly, Robert Morris, Peterman, Brad Worley, Angie Martinez, Tam Joan Pasquali, Mike Scott Walker, Jim Holster, Dan Geisler, Morris, Rick Robbie. Randy Enger, Keith Dalton, Nathan Manlove, and Miles Granzine.

Councilmember Hines moved to approve the item. Councilmember Spradley seconded the motion which passed 6-1.

In Favor:

Mayor Brockman, Councilmember Hines, Mayor Pro Tem Meadows, Councilmember Bowers, Councilmember Spradley, and Councilmember Hurta

Opposed:

Councilmember Blakey

E) Consideration 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 house and garage apartment in the C-1 Local Business District addressed at 556 N. Union Avenue.

Mayor Brockman read the aforementioned caption.

Jean Drew presented this item.

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

F) Public hearing and first reading of an ordinance designating 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 parcels included in the property zone: containing findings 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 providing for publication; and declaring an effective date.

Mayor Brockman read the aforementioned item.

Jeff Jewel presented this item.

The following individuals spoke to this item: Tim Cronan, Nathan Manlove, and David Knuiper.

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

G) Discuss and consider recommended changes to the Bylaws of the Workforce Housing Advisory Committee and approval of the recommendation of Stephen Brockman as committee's Chair

Mayor Brockman read the aforementioned caption and recused himself from the dais. Mayor Pro-Tem Medows presided over this item.

Jeff Jewell presentd this item.

The following individual spoke to this item: Stephen Brockman

Councilmember Hurta moved to approve the item. Councilmember Blakey 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 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:
 - · Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet.
 - Discuss legal action regarding possible restrictions on further development of property commonly known as 413 Gruene Rd, New Braunfels 78130, Texas, for use as Disaster Recovery Center for NBU; the property is also described as 2.693 acre tract of land, situated in the Henry Foster Survey, Abstract No 154, Comal County, Texas, conveyed to the City of New Braunfels, recorded in Volume 192, Page 543, Deed Records, Guadalupe County, Texas.
- B) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code, specifically
 - · Union Pacific 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. <u>RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.</u>

No action was taken at this time.

ADJOURNMENT

Mayor Brockman returned to the dais and adjourned at 8:48 p.m.

	Ву:	
		RUSTY BROCKMAN, MAYOR
Attest:		
CAITLIN KROBOT, CITY SECRETARY		



City Council Agenda Item Report 9/27/2021

Agenda Item No. A)

PRESENTER:

Valeria M. Acevedo, City Attorney

SUBJECT:

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.

DEPARTMENT: City Attorney's Office

COUNCIL DISTRICTS IMPACTED: Citywide

BACKGROUND INFORMATION:

In 2020, drug overdose deaths rose nearly 30% in the United States to a record high of 93,000. Specifically, opioid deaths reached a record high of 69,000. In Texas, drug overdose deaths also increased by 31.9%, driven primarily by opioid overdose deaths. The opioid overdose deaths increase was driven by fentanyl and other synthetic opioids.

On May 13, 2020, Texas, along with a broad, bipartisan coalition of states and subdivisions, reached two final agreements with four companies to resolve legal claims against for their role in the opioid crisis. One agreement is with opioid manufacturer Johnson & Johnson. The other settlement agreement includes three major pharmaceutical distributors: AmerisourceBergen, Cardinal Health, and McKesson. Texas is one of the lead states currently negotiating financial settlements with the nation's largest companies in the opioid supply chain.

ISSUE:

The City of New Braunfels must decide if it will participate in this proposed settlement with these four companies. The Texas Term Sheet, which must be approved and adopted by all participating entities, provides all 254 counties with the opportunity for funding for education, prevention, and treatment of opioid abuse. The 87th Texas Legislature passed Senate Bill 1827 which codified the Texas Term Sheet and established the Texas Opioid Council to ensure that the funds recovered by Texas are allocated fairly and spent to remediate the opioid crisis in Texas, using efficient and cost-effective methods that are directed to the hardest hit regions in Texas while also ensuring that all Texans benefit from prevention and recovery efforts. If the City decides to participate in this settlement agreement, it must adopt the Texas Term Sheet that is Exhibit A to the attached resolution and it must authorize the city manager to execute related documents, including the settlement participation form, the Texas Term Sheet and release forms.

FISCAL IMPACT:

The City of New Braunfels could receive approximately \$307,313 over a multi-year period. In addition, the City will have access to apply for grant funding for past and future expenses related to the prevention, detection, abatement, and treatment of opioid abuse. This includes costs incurred by the New Braunfels Police Dept. and Fire Department.

As part of the settlement agreement, Texas's overall allocation is 6.29% of the Global Amount - potentially almost \$1.5 billion over 18 years from: Distributors - \$1.17 billion over 18 years, and from J&J - over \$268 million over 9 years. Annual payments are split into base and incentive payments as follows: Distributors - 55% base, 45% incentive, J&J - 45% base, 55% incentive. All incentive payments deal with preventing future litigation by subdivisions and incentivizing participation by a maximum number of political subdivisions. The actual amount that Texas receives will depend upon the participation of cities, counties, and other political subdivisions in the state.

Based on the Texas Term Sheet, 85% of the funds under the settlement will be deposited into the Opioids Abatement Trust Fund, with 15% going directly to subdivisions and 70% going to abatement programs.

RECOMMENDATION:

The City Attorney recommends joining this settlement. The deadline to sign on is January 2, 2022.

RESOLUTION NO. 2021-R____

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 THE RELATED SUBDIVISION SETTLEMENT PARTICIPATION AND RELEASE FORMS.

WHEREAS, the City of New Braunfels ("City") obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, "Defendants") have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses; and

WHEREAS, these actions, conduct and misconduct have resulted in significant financial costs to the City; and

WHEREAS, on May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an Agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, the Texas TermSheet) approving the allocation of any and all opioid settlement funds within the State of Texas. The Texas Term Sheet is attached hereto as Exhibit "A"; and

WHEREAS, Special Counsel and the State of Texas have recommended that the City Council of the City of New Braunfels, Texas, support the adoption and approval the Texas Term Sheet in its entirety.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of New Braunfels, Texas that we:

1. Support the adoption and approval the Texas Term Sheet in its entirety; and

	2.	Find	as	follows:
--	----	------	----	----------

- a. There is a substantial need for repayment of opioid-related expenditures and payment to abate opioid-related harms in and about the City of New Braunfels; and
- b. The City Council supports in its entirety and hereby adopts the allocation method for opioid settlement proceeds as set forth in the STATE OF TEXAS AND TEXAS POLITICAL SUBDIVISIONS' OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET, attached hereto as **Exhibit A**. The City Council understands that the purpose of this Texas Term Sheet is to permit collaboration between the State of Texas and Political Subdivisions to explore and potentially effectuate resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants as defined therein. We also understand that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under this Texas Term Sheet between the State of Texas and Political Subdivisions in a manner and means that would promote an effective and meaningful use of the funds in abating theopioid epidemic in this City and throughout Texas.
 - 3. The City Manager is hereby authorized to execute all related documents, including, but not limited to the Subdivision Settlement Participation and Release Forms, and any other forms necessary to carry out the City's participation

PASSED, ADOPTED AND APPR	OVED at an open meeting	properly posted and conducted
in accordance with the Texas Open M	eetings Act on this the	day of September, 2021.
	City of New Braunfels,	Texas
Attest:	RUSTY BROCKMAN,	Mayor
CAITLIN KROBOT, City Secretary		



City Council Agenda Item Report 9/27/2021

550 Landa Street New Braunfels, TX

Agenda Item No. B)

PRESENTER:

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

SUBJECT:

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.

DEPARTMENT: Planning and Development Services, Public Works

COUNCIL DISTRICTS IMPACTED: 4

BACKGROUND INFORMATION:

The City of New Braunfels received an Application for Regional Transportation Plan Amendment requesting right-of-way determination on E. Common Street between Gruene Road and FM 306. The request is to reduce the right-of-way width from 150 feet to 98 feet. Per the applicant's letter of request, this comes from discussions with the city and is in line with the proposed thoroughfare plan updates.

Common Street is identified as a principal arterial in the City of New Braunfels Regional Transportation Plan (RTP) approved by City Council on March 12, 2012. The RTP is the City's adopted plan for guiding thoroughfare system improvements, including the existing and planned extension of city streets and highways. The thoroughfare system is comprised of existing and planned interstates, expressways, parkways, arterials, and collectors which require wider or new rights-of-way. The primary objective of the RTP is to ensure the dedication of adequate right-of-way on appropriate alignments and of enough width to serve existing and future transportation needs. The Texas Local Government Code allows the City to require development plans and subdivision plats to conform to the general plan for current and future roadways.

A Principal Arterial is a roadway with a high traffic volume and is frequently the route of choice for trucks and other large vehicles. Common Street provides regional connectivity from Union Avenue north into the city's extraterritorial jurisdiction when it changes into FM 1102 and is the primary parallel arterial west of IH 35. In the current RTP, Principal Arterials include up to six lanes and have a right-of-way width of up to 150 feet. The proposed update to the city's Thoroughfare Plan would reduce the number of lines to four and right-of-way width to 98 feet, with additional considerations to be made at intersections with major collectors, arterials, parkways, expressways, and interstates.

The E. Common Street segment reviewed with the request is from the intersection with Gruene Road to the intersection with FM 306. Gruene Road is designated as a Minor Collector and FM 306 is also designated as a Principal Arterial in the RTP. Both intersections of Gruene Road and FM 306 with Common Street are important intersections for traffic operations and safety. This segment of E. Common Street also intersects three roadways designated as Minor Collectors in the RTP; Hanz Drive, Waterway Lane, and Old FM 306. The

existing right-of-way width on this segment of E. Common Street is approximately 80 feet with pavement width varying between 36 to 43 feet. The typical section is a three-lane roadway at the intersection with Gruene Road transitioning to a two-lane roadway north of the intersection with Waterway Lane. There is no on-street parking and there are some 5-foot wide sidewalks adjacent to the street. The roadway serves various land uses, including residential and commercial.

The existing westbound E. Common Street section at the intersection with Gruene Road includes one travel lane in each direction and a left turn lane. Similarly, the intersection of E. Common Street with FM 306 has one travel lane in each direction and a left turn lane. The E. Common Street approaches to both intersections currently experience significant queues and delays. As such, additional capacity is needed approaching the intersection and the right-of-way needs to be preserved in order to make improvements such as an additional right turn lane. Right-of-way dedication provides the opportunity to improve overall operations and safety.

Based on existing and future land use, constraints, and traffic activity, it is recommended that the right-of-way be reduced from 150 feet to the requested 98 feet with the exception of the 325 feet approaching both the intersection with Gruene Road and FM 306 where the right-of-way would be reduced from 150 feet to 110 feet. This will allow for additional lanes, turn lanes, roadside buffer, 6-foot sidewalks, and any necessary drainage improvements at the approaches to these intersections.

ISSUE:

Staff received a request for a right-of-way determination on E. Common Street between Gruene Road and FM 306 to reduce the right-of-way width from 150 feet to 98 feet.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Planning Commission

The Planning Commission considered this item on September 8, 2021 and unanimously voted to recommend approval to City Council regarding the right-of-way determination. (9-0-0)

Staff

Staff recommends that the right-of-way on E. Common Street between Gruene Road and FM 306 be reduced from 150 feet to 98 feet with the exception of the 325 feet approaching both the intersection with Gruene Road and FM 306 where the right-of-way would be reduced from 150 feet to 110 feet.



Planning & Development Services Department
550 Landa Street
New Braunfels, Texas 78130
(830) 221-4050 www.nbtexas.org

CC/Cash/Check No.: Amount Recd. \$ Receipt No.:	
Amount Recd. \$	
Receipt No.:	
Case No.:	
Submittal date – office use only	

Regional Transportation Plan Amendment Application

FEE: \$927

(\$900 application fee + \$27 technology fee (3%))

Owner:	
	Email:
	IT Engineering & Surveying
• • •	S. Castell Drive, New Braunfels, Texas 78130
	30-625-8555 Email: permits@hmtnb.com
	lequest: ☐ Classification ☐ Realignment ☐ Removal ☒ Right-of-way ☐ Other
Road Segmen	t (road name with the beginning and ending of the segment based upon cross streets Common Street - Beginning at FM 306 and Ending at Gruene Road
Proposed Am	endment: 98' ROW
Signed: Amendment P 1. Review 2. Coord 3. Finaliz 4. Planni	chibit, to scale, showing proposed amendment (realignment, removal and/or right-of-way) 127 fee (\$900 application fee + \$27 technology fee (3%) Date:
	FOR OFFICE USE ONLY
Date complete	e application received: Received by:



July 28, 2021

Mr. Matt Green, CFM City of New Braunfels 550 Landa St. New Braunfels, TX 78130

RE: E Common Street ROW Determination Request

Mr. Greene:

Please accept this letter detailing the logic and rational for the request of a reduced ROW width along E Common Street from FM 306 to Gruene Road.

HMT Engineering is employed by separate entities along E Common Street for civil engineering Services and on their behalf we are requesting the City to approve a revised ROW of E Common Street from 120' to 98'. This request comes from discussions with the city engineering department and is in line with the 2019 Thoroughfare Plan Updates. Exhibit 4 from this presentation is attached showing the limits of the request and the proposed amendment. At that time is was believed Common Street would downgrade to 100'; however, staff have confirmed that it will be 98'.

Please contact me if you have any questions or comments.

Sincerely,

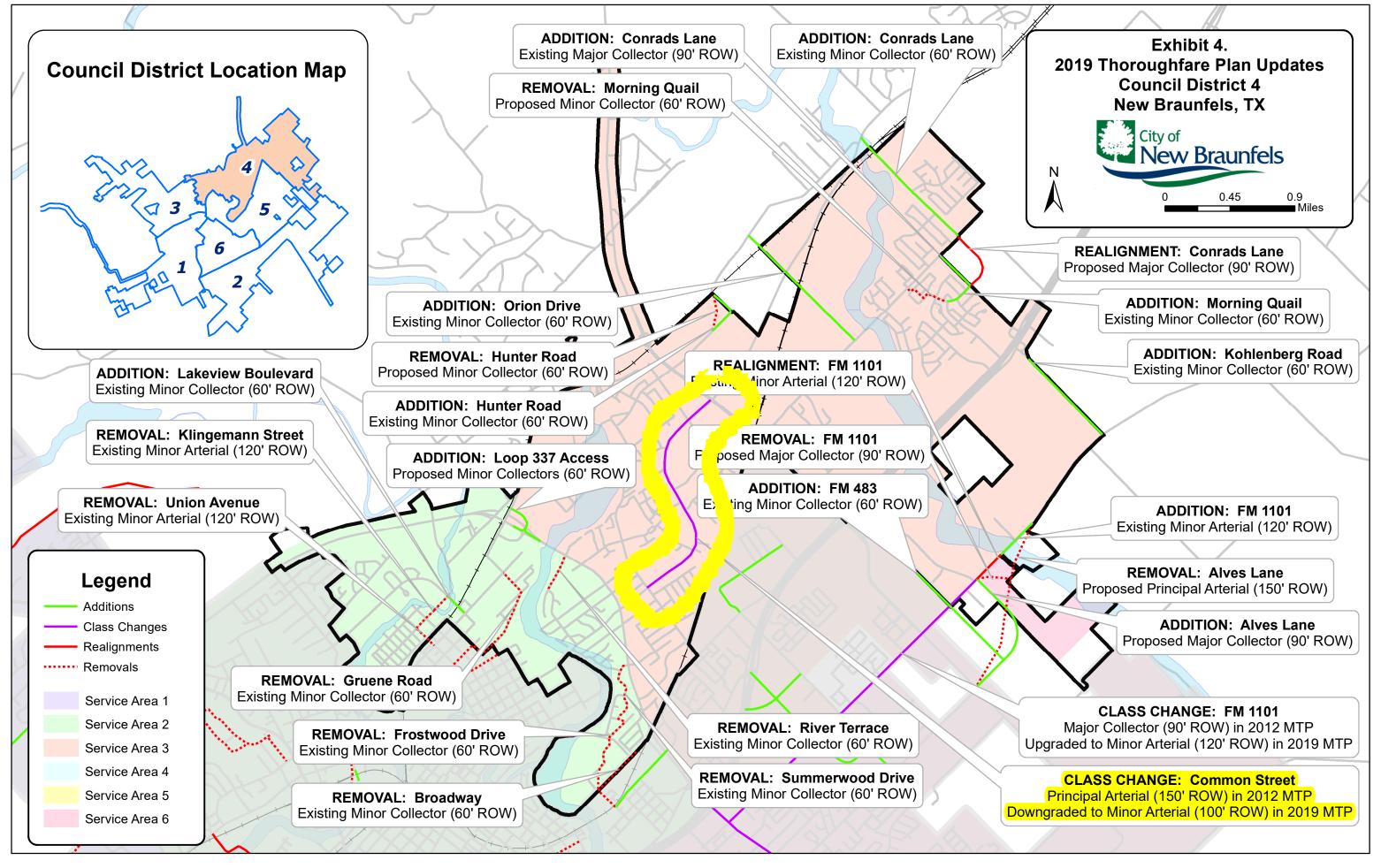
Eric S. Ply, P.E.

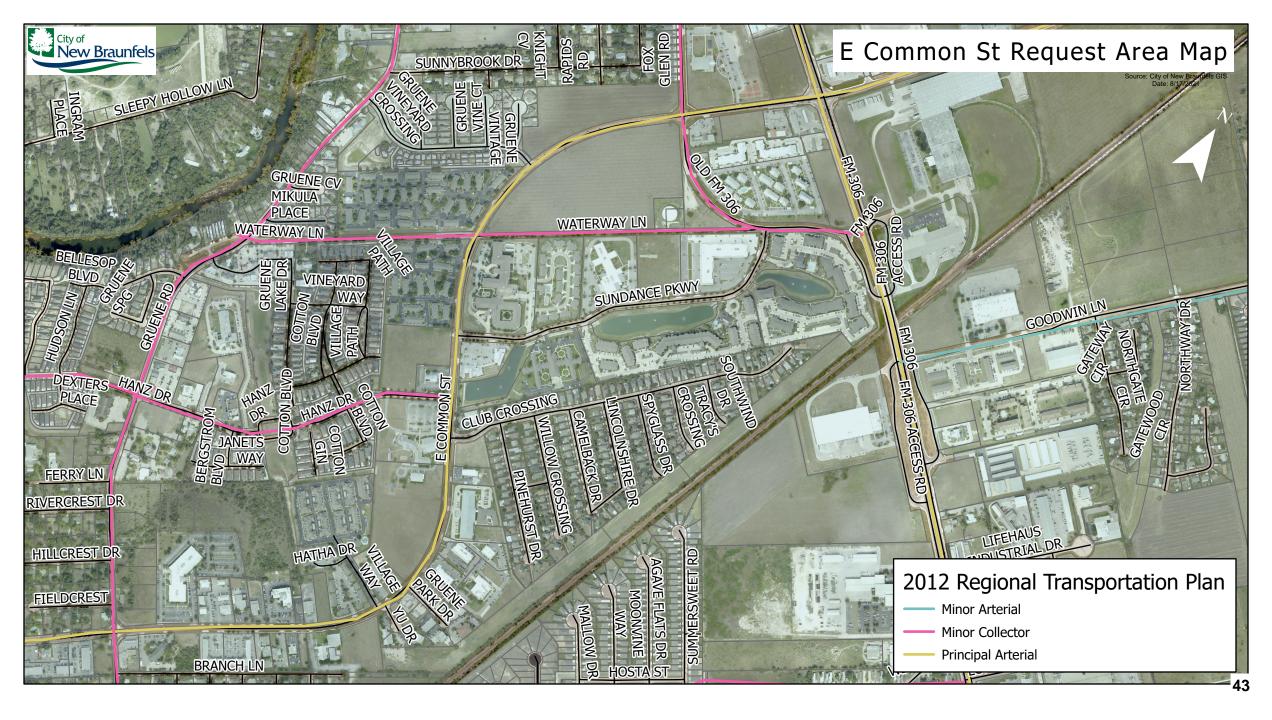
Ein SPA

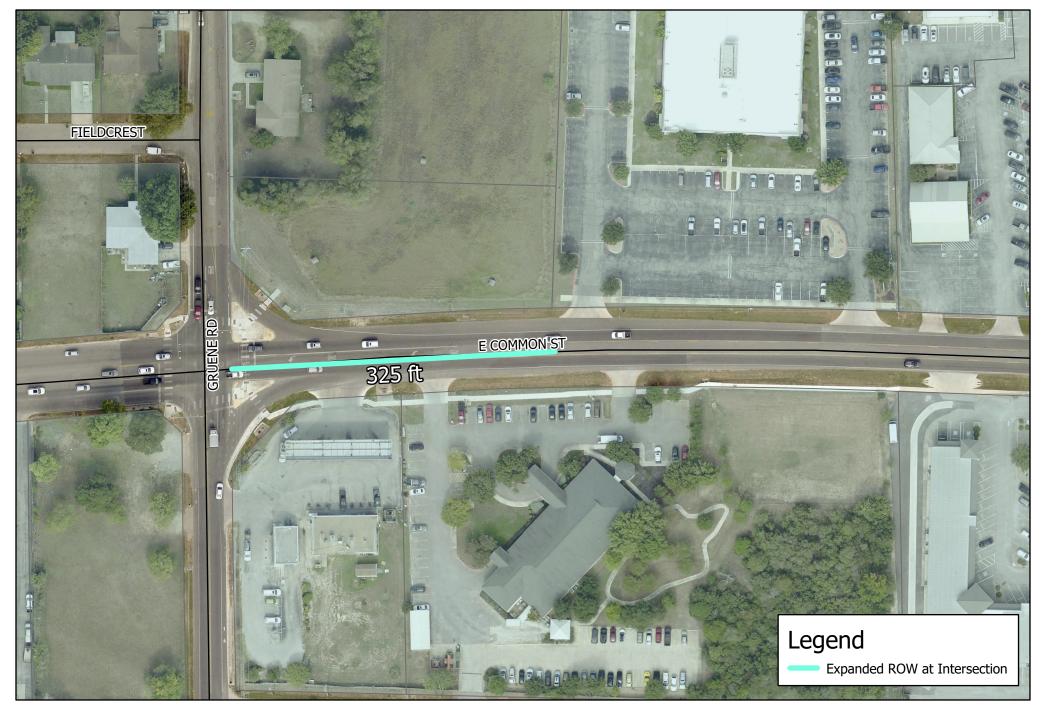
Project Manager

Attachments: Regional Transportation Plan Amendment Application

Exhibit 4 – 2019 Thoroughfare Plan Amendment

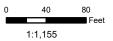


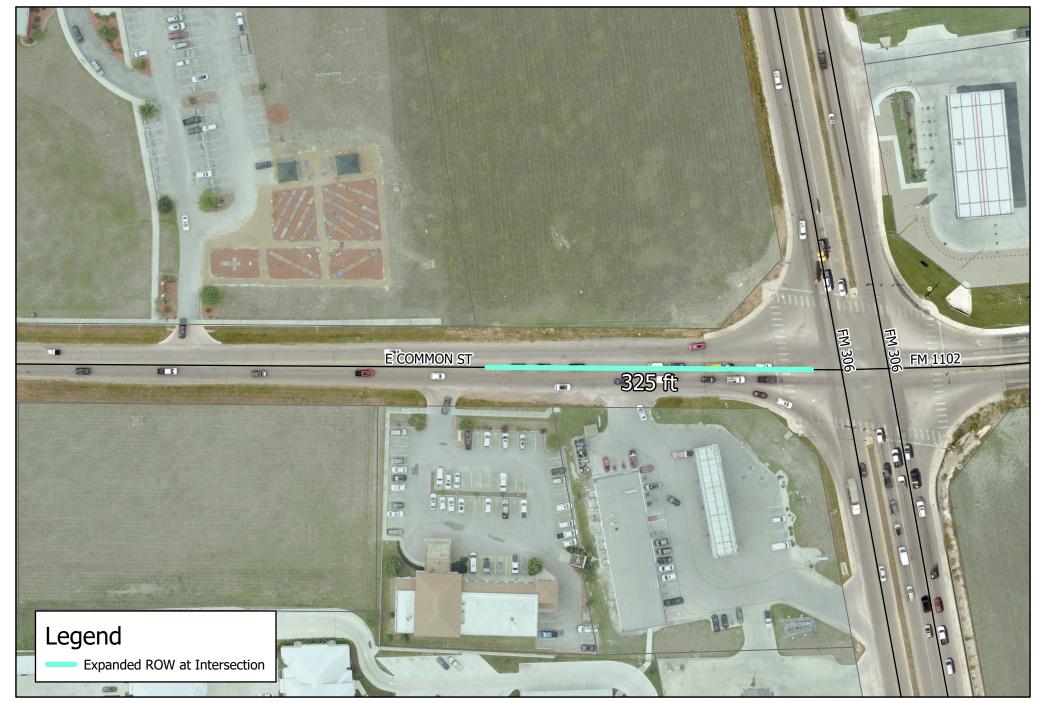






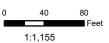
E Common St at Gruene Rd







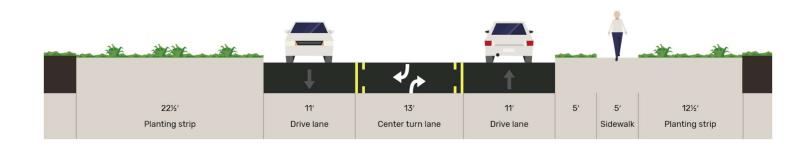
E Common St at FM 306





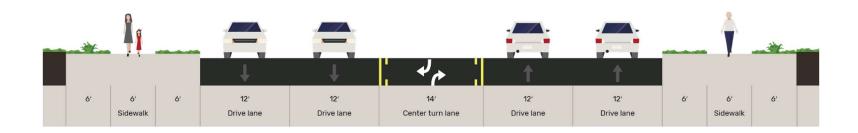
Existing

E Common St (80' ROW)



Recommended

E Common St (98' ROW)



Recommended

E Common St at intersections (110' ROW)



RESOLUTION NO. 2021-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ESTABLISHING THE RIGHT-OF-WAY OF THE PRINCIPAL ARTERIAL IN THE CITY OF NEW BRAUNFELS REGIONAL TRANSPORTATION PLAN ON EAST COMMON STREET.

WHEREAS, on March 12, 2012, the City Council of the City of New Braunfels adopted the City of New Braunfels Regional Transportation Plan as the thoroughfare plan; and

WHEREAS, the City of New Braunfels Regional Transportation Plan designated Principal Arterials thoroughfares requiring up to 150 feet of right-of-way; and

WHEREAS, the City of New Braunfels Regional Transportation Plan shows Common Street as a Principal Arterial; and

WHEREAS, East Common Street between Gruene Road and FM 306 is currently a two- to three-lane street within approximately 80 feet of right-of-way; and

WHEREAS, the Principal Arterial right-of-way is established at up to 150 feet with up to six travel lanes; and

WHEREAS, the Planning Commission and City staff recommend that East Common Street between Gruene Road and FM 306 be established at 98 feet of right-of-way with the exception of the 325 feet approaching both the intersection with Gruene Road and FM 306 where the right-of way would be 110 feet.

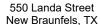
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

THAT, the Regional Transportation Plan right-of-way for East Common Street between Gruene Road and FM 306 be 98 feet with the exception of the 325 feet approaching both the intersection with Gruene Road and FM 306 where the right-of-way would be 110 feet.

PASSED, ADOPTED AND APPROVED this 27th day of September, 2021.

City of New Braunfels, Texas	
RUSTY BROCKMAN, Mayor	

Attest:	
CAITLIN KROBOT, City Secretary	





City Council Agenda Item Report 9/27/2021

Agenda Item No. C)

PRESENTER:

Stacey Dicke, Parks Director

SUBJECT:

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.

DEPARTMENT: Parks and Recreation Department

COUNCIL DISTRICTS IMPACTED: N/A

BACKGROUND INFORMATION:

The New Braunfels Park and Recreation and the Landa Park Golf Course are replacing an aging fleet of equipment that is well past its useful life.

The Parks and Recreation general operations has five (5) pieces of equipment to be replaced with an average age of 16 years. These units are used daily for the mowing and maintenance of parks and other City properties.

The Landa Park Golf Course is replacing maintenance equipment that were purchased in 2014. All of these units are used on a regular basis for greens mowing, fairway mowing, chemical applications and general maintenance work throughout the Golf Course. These units are identified for replacement on the enterprise equipment replacement scheduled. The current units are all at the end of their life span and repairing them long term would not be financially feasible.

The City will be utilizing BuyBoard Cooperative contracts with Deere & Company and Professional Turf Products for the requested equipment. The cooperative contracts have been vetted thereby supporting the City's competitive bidding requirements.

The total cost for the following recommended equipment is \$466,181.

Vendor	Description	Qty	Unit Costs	Extended Costs
Deere & Company	2550 Precision Cut Triplex Greens Mower - for Golf Operations	2	\$42,687.96	\$85,375.92
Deere & Company	2022 - TX Turf Gator - for Golf Operations	4	9,921.42	\$39,685.68
Deere & Company	2020A Pro Gator 2020A with HD200 Select Spray - for Golf Operations	11	\$27,301.32 \$15,926.02	\$43,227.34
Deere & Company	7700A Precision Cut Fairway Mower - for Golf Operations	2	\$65,568.64	\$131,137.28
Professional Turf Products	Toro Z Master Zero Turn Mowers - for Parks Operations	3	\$19,466.26	\$58,398.78

	Groundsmaster 4000-D Wide Area Mower - for Parks Operations	1	\$80,902.99	\$80,902.99
8	Ventrac Multiuse Tractor - for Parks	1	\$27,453.20	\$27,453.20
	Total			\$466,181.19

ISSUE:

Staff are requesting replacement of equipment that is beyond its useful life to better maintain fiscal stability of city operations.

FISCAL IMPACT:

The costs for the equipment described above are funded from the FY 2022 Adopted Budget for Parks Operations (\$166,755) and the Land Parks Golf Course Enterprise equipment replacement fund (\$299,426.22), therefore sufficient funds are available to purchase the requested equipment.

RECOMMENDATION:

Staff recommends Approval of a purchase with Deere & Company and xxx for equipment for the Parks Operations and Landa Park Golf Course and to declare the existing equipment as surplus.



City Council Agenda Item Report 9/27/2021

550 Landa Street New Braunfels, TX

Agenda Item No. D)

PRESENTER:

Debbie Kimball, Contract Administrator

SUBJECT:

Approval to renew the following annual contracts, as allowed for by their contract language: Road Construction Work and Employee Benefit Consulting Services.

DEPARTMENT: Finance Department

COUNCIL DISTRICTS IMPACTED: Citywide

BACKGROUND INFORMATION:

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

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

Renewal of Annual Contract for Road Construction Work

City Department: Public Works and Capital Programs

Awarded Contractors: D & D Contractors, Intermountain Slurry Seal, Inc., Concrete Enterprise, D & M Owens,

Inc., Fischer Construction, Inc., Fuguay, Inc., Lone Star Paving, MAC Inc. and Viking Construction

Modified Contract Expiration Date: September 30, 2022

Approximate Annual Cost of Services During Renewal Period: Estimated annual spend may range up to \$2.7 million.

Renewal of Annual Contract for Employee Benefit Consulting Services

City Department: Human Resources Awarded Contractor: Holmes Murphy

Modified Contract Expiration Date: December 31, 2022

Approximate Annual Cost of Services During Renewal Period: The estimated annual cost is \$50,000 per year.

ISSUE:

Strategic Priorities: Maintain fiscal stability of City operations

FISCAL IMPACT:

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

RECOMMENDATION:

Staff recommends approval to renew the following annual contracts, as allowed for by their contract language: Road Construction Work and Employee Benefit Consulting Services.



City Council Agenda Item Report

9/27/2021

Agenda Item No. E)

PRESENTER:

Stacey Dicke, Parks Director

SUBJECT:

Approval of a purchase with Musco Sports Lighting, LLC to replace the lighting infrastructure for the Landa Park Sand Volleyball Courts

DEPARTMENT: Parks and Recreation Department

COUNCIL DISTRICTS IMPACTED: City Wide

BACKGROUND INFORMATION:

The Landa Park Sand Volleyball Courts current lighting system is manually operated and does not have the ability to be scheduled. The current lighting system has been vandalized numerous times and staff has had little success preventing it.

Staff proposes an updated lighting system that will provide better illumination, be compliant with dark sky regulations, and have internet ability for scheduling.

Staff recommends the replacement of lighting at Volleyball Courts #1 and #2 with Musco Sports Lighting, LLC through a BuyBoard contract. The BuyBoard Contract has been competitively vetted thereby supporting purchasing requirements. The cost for lighting and control system is \$56,200.

ISSUE:

Operational efficiency

FISCAL IMPACT:

The costs for the Volleyball Court lighting is funded in the General Fund FY 2022 Parks and Recreation Department Budget. Therefore, sufficient funds are available.

RECOMMENDATION:

Staff recommends approval of a purchase with Musco Sports Lighting, LLC to replace the lighting infrastructure for the Landa Park Sand Volleyball Courts.



City Council Agenda Item Report 9/27/2021

Agenda Item No. F)

PRESENTER:

Tony Gonzalez, Director of Information Technology

SUBJECT:

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.

DEPARTMENT: Information Technology

COUNCIL DISTRICTS IMPACTED: All

BACKGROUND INFORMATION:

The 2019 Bond Program included the construction of the Westside Library, Fire Station 7 and the Fire Training Facility. The Westside Community Center Library began construction in April 2021 and Fire Station 7 with the Training Center is scheduled to begin construction in 2022. As these buildings are currently under or about to go under construction, staff requests council consideration to purchase the networking equipment required to make these buildings functional in regard to technology needs.

Given current lead times in the industry, the timing of this purchase will insure we do not experience delays in opening these new buildings as a result of networking equipment not being on hand.

It is recommended that the equipment purchase be made with GTS Technology Solutions, Inc. utilizing the State of Texas DIR contract, thereby satisfying all competitive procurement requirements. Staff is recommending the approval of this purchase for a contract amount of \$98,263, plus an additional ten percent contingency for a total contract of \$108,089. The breakdown of the costs by each building is provided below:

Fire Station 7 - \$28,612 Fire Training - \$24,517 Westside Library - \$45,135

ISSUE:

Construction of the Westside Community Center Library and Fire Station 7 and Fire Training Center will require networking equipment to support the buildings functionality.

FISCAL IMPACT:

Funding for these costs have been incorporated into the project budgets within the 2019 bond program and through the Creekside TIRZ (Fire Station 7). Therefore, sufficient funds are available to approve the purchase as described above.

RECOMMENDATION:

Staff recommends 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.



Quote

Quote #: QT0074703
Date: 8/20/2021

Delivery Date:

 Expire Date:
 9/19/2021

 Customer ID:
 TXNEWB13003

 Sales Contact:
 Peggy Moses

QUO	TE FOR:			Р ТО:			
City	of New Braunfels		City	of New Braunfels			
	CUSTOMER P.O. NO.		ERMS			S REP	
	FIRE STATION 7		on receipt			lorsey	
		SHIPPI	NG TERMS		SHII	VIA	
NO.	ITEM		CONTRACT	QTY.	UOM	PRICE	EXTENDED PRICE
1	210-ASPR: N3248P-ON, 48x1G, 4 2x100G QSFP28, PoE 30W, 1xAC OS6 NOTE:	,	DIR-TSO-3763-R	2.00	EACH	\$7,658.78	\$15,317.56
2	ReadyRails, Full set, 2x of Dell EMC N3200 User guing Dell Hardware Limited William Lifetime Limited Hardware ProSupport Mission Critic ProSupport Mission Critic Thank you choosing Dell //www.dell.com/support of INSTALL DECLINED - Stepower Supply, 1050W AG Power Cord, 125V, 15A, 210-AXLU: Cables & Optics Virtual	airide arranty 1 Year e Warranty with Base cal 7x24 HW-SW Te cal 4-Hour 7x24 On- ProSupport. For tec r call 1-800- 945-33 witch deployment pe C, Hot Swap, for N2 10 Feet, NEMA 5-15	sic Hardware Service Nex echincal Support, 5 Years Site Service with Emerge ch support, visit 155 erformed by Customer or 224PX, N3224P, N3248F	t Business Day Parts ncy Dispatch, 5 Years 3rd party	Only on Your I	Network Switch	\$1,523.36
	NOTE: Dell Networking, Transce	iver, SFP+, 10GbE,	LR, 1310nm Wavelength	n, 10km Reach - QTY	4		
•			bE, Copper Twinax Direct			Φ 7 40.00	DO 447.00
3	Q9H63A: ARUBA AP-515 US UNI		DIR-TSO-4160	9.00	EACH	\$713.00	\$6,417.00
4	Q9G69A: AP-MNT-MP10-B AP M 10PK B	JUNI BKKI	DIR-TSO-4160	1.00	EACH	\$127.10	\$127.10
5	JX967A: ARUBA AP-365 US OUT	DR AP	DIR-TSO-4160	3.00	EACH	\$843.20	\$2,529.60
6	JW053A: ARUBA AP-270-MNT-V2 MOUNT KIT		DIR-TSO-4160	1.00	EACH	\$83.70	\$83.70
7	JW546AAE: ARUBA AIRWAVE 1 LTU		DIR-TSO-4160	12.00	EACH	\$46.50	\$558.00
8	H2YW0E: CAREPACK ARUBA 51 AIRWAVE 1 DEV E-LTU		DIR-TSO-4160	12.00	EACH	\$43.35	\$520.20
9	5PX2200RTN: Eaton 5PX 2200RT MS CARD	+NETWORK-	DIR-CPO-4751	1.00	EACH	\$1,535.00	\$1,535.00



Quote

Quote #: QT0074703
Date: 8/20/2021

Delivery Date:

 Expire Date:
 9/19/2021

 Customer ID:
 TXNEWB13003

 Sales Contact:
 Peggy Moses

QUOTE FOR:		SHIP TO:			
City of New Braunfels		City of New Braunfe	els		
CUSTOMER P.O. NO.	TERMS		SALE	S REP	
FIRE STATION 7	Due on receipt		Ben H	Horsey	
	SHIPPING TERMS		SHIF	VIA	
NO. ITEM	CONTRACT	QTY.	UOM	PRICE	EXTENDED PRICE

	Total Weight (EACH):	0	Sales Total:	\$28,611.52
	Total Volume (EACH):	0	Freight & Misc.:	\$0.00
These prices do NOT include taxes, insurance, shipping, dematerial unless specifically listed above. All prices are subject availability.		vices or	Tax Total: Total (USD):	\$0.00 \$28,611.52



Quote

Quote #: QT0074704

Date: 8/20/2021

Delivery Date:

 Expire Date:
 9/19/2021

 Customer ID:
 TXNEWB13003

 Sales Contact:
 Peggy Moses

QUC	OTE FOR:		SHII	P TO:			
City	of New Braunfels		City	of New Braunfels			
	CUSTOMER P.O. NO.		ERMS			S REP	
	fire training		on receipt			lorsey	
		SHIPP	ING TERMS		SHII	P VIA	
NO.	ITEM		CONTRACT	QTY.	UOM	PRICE	EXTENDED DRICE
1	210-ASPR: N3248P-ON, 48x1G, 4 2x100G QSFP28, PoE 30W, 1xA0 OS6 NOTE:	C PSU, IO/PS,	DIR-TSO-3763-R QSFP28, PoE 30W, 1xAC	2.00	EACH	\$7,658.78	\$15,317.56
2	ProSupport Mission Critic ProSupport Mission Critic Thank you choosing Dell //www.dell.com/support c INSTALL DECLINED - S	arranty 1 Year e Warranty with Base cal 7x24 HW-SW Televal 4-Hour 7x24 On- ProSupport. For televar call 1-800- 945-33 witch deployment poor C, Hot Swap, for N2 10 Feet, NEMA 5-1	855 erformed by Customer or 224PX, N3224P, N3248F	ency Dispatch, 5 Years	5	Network Switch	\$1,523.36
	NOTE: Dell Networking, Transce	iver, SFP+, 10GbE	, LR, 1310nm Wavelength	n, 10km Reach - QTY	4		
			bE, Copper Twinax Direc				
3	Q9H63A: ARUBA AP-515 US UNI		DIR-TSO-4160	5.00	EACH	\$713.00	\$3,565.00
4	R3J16ACM: Aruba CM AP-MNT-E	AP MOUNT KIT	DIR-TSO-4160	5.00	EACH	\$18.60	\$93.00
5	JX967A: ARUBA AP-365 US OUT	DR AP	DIR-TSO-4160	2.00	EACH	\$843.20	\$1,686.40
6	JW053A: ARUBA AP-270-MNT-V MOUNT KIT		DIR-TSO-4160	2.00	EACH	\$83.70	\$167.40
7	JW546AAE: ARUBA AIRWAVE 1 LTU		DIR-TSO-4160	7.00	EACH	\$46.50	\$325.50
8	H2YW0E: CAREPACK ARUBA 5\ AIRWAVE 1 DEV E-LTU		DIR-TSO-4160	7.00	EACH	\$43.35	\$303.45
9	5PX2200RTN: Eaton 5PX 2200RT MS CARD	+NE I WORK-	DIR-CPO-4751	1.00	EACH	\$1,535.00	\$1,535.00

Continued... Page: 1 of 2



Quote

Quote #: QT0074704

Date: 8/20/2021

Delivery Date:

Expire Date:9/19/2021Customer ID:TXNEWB13003Sales Contact:Peggy Moses

QUOTE FOR:		SHIP TO:			
City of New Braunfels		City of New Braunfel	s		
CUSTOMER P.O. NO.	TERMS		SALE	SREP	
fire training	Due on receipt		Ben I	Horsey	
	SHIPPING TERMS		SHII	PVIA	
NO. ITEM	CONTRACT	QTY.	UOM	PRICE	EXTENDED PRICE

	Total Weight (EACH):	0	Sales Total:	\$24,516.67
	Total Volume (EACH):	0	Freight & Misc.:	\$0.00
These prices do NOT include taxes, insurance, shipping, deliver material unless specifically listed above. All prices are subject availability.		vices or	Tax Total: Total (USD):	\$0.00 \$24,516.67



Quote

 Quote #:
 QT0074957

 Date:
 8/26/2021

Delivery Date:

 Expire Date:
 9/25/2021

 Customer ID:
 TXNEWB13003

 Sales Contact:
 Peggy Moses

QUO	TE FOR:			SHIP TO:				
City	of New Braunfels			City of Nev	w Braunfels			
	CUSTOMER P.O. NO.	-	TERMS			SALI	S REP	
	WSCC LIBRARY	Due	on receipt				Horsey	
		SHIPF	PING TERMS			SHI	P VIA	
NO.	ITEM		CONTRACT		QTY.	UOM	PRICE	EXTENDED PRICE
1	210-AXLU: Cables & Optics Virtual		DIR-TSO-3763	-R	1.00	EACH	\$1,418.00	\$1,418.00
	NOTE: Cables & Optics Virtual Bar Dell Networking, Transcei		IR 1310nm Wave	elenath 10km	Reach - OTY	4		
2	210-ASPR: N3248P-ON, 48x1G, 4		DIR-TSO-3763	-	3.00	EACH	\$3,764.71	\$11,294.13
	2x100G QSFP28, PoE 30W, 1xAC	PSU, IO/PS,						
	OS6 NOTE:							
	N3248P-ON, 48x1G, 4x10	G SFP+, 2x100G	QSFP28, PoE 30W	, 1xAC PSU, I	IO/PS, OS6			
	ReadyRails, Full set, 2x o	uter and 2x inner	rail, 2 or 4 post racks	s, for select De	ell Networking	1U		
	Dell EMC N3200 User gui							
	Dell Hardware Limited Wa	•	raia Handryana Camir	a Navt Duain	ana Day Dawta	Only on Vous	Naturali Cuitah	
	Lifetime Limited Hardware ProSupport Plus Next Bus	•			•	Offig off Your	Network Switch	
	ProSupport Plus 7x24 HW	,		nn Blagnoolo,	0 10010			
	Thank you for choosing D	ell ProSupport Plu	is. For tech support,	visit //www.de	ell.com/contac	tdell		
	INSTALL DECLINED - Sv	. , .	•	•	•	_		
	Dell Networking, Cable, S Power Supply, 1050W AC		• • •					
	Power Cord, 125V, 15A, 1	• •		32401 , IVII O-	TO Offell, IVII	J-50 Offeri		
3	Q9H63A: ARUBA AP-515 US UNII		DIR-TSO-416	60	7.00	EACH	\$713.00	\$4,991.00
4	R3J16A: AP-MNT-B AP MOUNT B	RKT	DIR-TSO-416	60	7.00	EACH	\$18.60	\$130.20
_	INDIVIDUAL B	DD 4D	DID TCO 440	20	2.00	FACIL	#042.20	¢4 coc 40
5	JX967A: ARUBA AP-365 US OUTI JW053A: ARUBA AP-270-MNT-V2		DIR-TSO-416 DIR-TSO-416		2.00 2.00	EACH EACH	\$843.20 \$83.70	\$1,686.40 \$167.40
6	MOUNT KIT	270 SERIES	DIK-130-416	00	2.00	EACH	фоз.70	\$167.40
7	JW546AAE: ARUBA AIRWAVE 1 [DEV LIC E-	DIR-TSO-416	60	9.00	EACH	\$46.50	\$418.50
	LTU	F0	DID TOO 440	20	0.00	FAOU	# 40.05	#200.45
8	H2YW0E: CAREPACK ARUBA 5Y AIRWAVE 1 DEV E-LTU	FC	DIR-TSO-416	00	9.00	EACH	\$43.35	\$390.15
9	AB778289: CS-NEW BRAUNFELS		DIR-TSO-3763	-R	1.00	EACH	\$5,166.48	\$5,166.48
	SONICWALL NSA 4650 APPL PEI		DID 700 0700	_		- 4011	A	40.01=01
10	AB778290: CS-NEW BRAUNFELS NSA 4650 FIREWALL APPL PERF	,	DIR-TSO-3763	i-K	1.00	EACH	\$3,615.34	\$3,615.34
	AVAILABILITY UNIT							
11	AB778291: CS-NEW BRAUNFELS		DIR-TSO-3763	-R	1.00	EACH	\$14,322.16	\$14,322.16
	ADVANCED GATEWAY SECURIT SUITELICS FOR NSA 4650 5YR	ī						
12	5PX2200RTN: Eaton 5PX 2200RT	+NETWORK-	DIR-CPO-475	51	1.00	EACH	\$1,535.00	\$1,535.00
	MS CARD							

Continued... Page: 1 of 2



GTS Technology Solutions, Inc. 9211 Waterford Centre Blvd

Suite 275 Austin, TX, 78758 Phone: (512) 452-0651

Quote

Quote #: QT0074957 Date: 8/26/2021

Delivery Date:

Expire Date: 9/25/2021 **Customer ID:** TXNEWB13003 Sales Contact: Peggy Moses

QUOTE FOR:		SHIP TO:			
City of New Braunfels		City of New Braunfe	els		
CUSTOMER P.O. NO.	TERMS		SALE	S REP	
WSCC LIBRARY	Due on receipt		Ben H	Horsey	
	SHIPPING TERMS		SHIF	VIA	
NO. ITEM	CONTRACT	QTY.	UOM	PRICE	EXTENDED PRICE

	Total Weight (EACH):	0	Sales Total:	\$45,134.76
	Total Volume (EACH):	0	Freight & Misc.:	\$0.00
These prices do NOT include taxes, insurance, shipping, delive material unless specifically listed above. All prices are subject availability.		vices or	Tax Total: Total (USD):	\$0.00 \$45,134.76



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

9/27/2021

Agenda Item No. G)

PRESENTER:

Stacey Dicke, Parks & Recreation Director

SUBJECT:

Approval of a contract with Maintenance Management of San Marcos to perform cemetery maintenance services at the Comal and New Braunfels Cemeteries.

DEPARTMENT: Parks & Recreation

COUNCIL DISTRICTS IMPACTED: Citywide

BACKGROUND INFORMATION:

On July 30, 2021, the City of New Braunfels issued a Competitive Sealed Proposal for cemetery maintenance services to be performed at the Comal Cemetery and New Braunfels Cemetery. Contractor is to act as the cemeteries' caretaker and perform such duties as plotting and identifying gravesites, landscape maintenance, daily/routine maintenance, making both cemeteries available to the public pursuant to the established rules and regulations of both cemeteries and other administrative services as described in the solicitation.

This solicitation was advertised and competitively solicited with a closing date of August 27, 2021. The City only received one (1) response from our current contractor which was evaluated based upon price and qualifications. City staff recommends that a contract be awarded to Maintenance Management of San Marcos at the following costs over the next five (5) years. Year one - \$139,415; year two - \$141,000; year three -\$143,900; year four - \$146,700 and year five - \$149,600. Additionally, a rate of \$108.00 per square foot for minor adjustments to headstones or other related objects located in the cemeteries is part of the maintenance service, to be utilized on an as-needed basis, at the request of the City. The contract term shall be from October 1, 2021 through September 30, 2026.

ISSUE:

Strategic Priorities: Maintain fiscal stability of City operations

FISCAL IMPACT:

Funding for the purchase described above has been incorporated into the General Fund-Park Operations division. Therefore, sufficient funds are available.

RECOMMENDATION:

Staff recommends approval of a contract with Maintenance Management of San Marcos to perform cemetery

maintenance services at the Comal and New Braunfels Cemeteries.



City Council Agenda Item Report 9/27/2021

550 Landa Street New Braunfels, TX

Agenda Item No. H)

PRESENTER:

Tony Gonzalez, Director of Information Technology

SUBJECT:

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.

DEPARTMENT:

Information Technology

COUNCIL DISTRICTS IMPACTED:

A11

BACKGROUND INFORMATION:

The 2019 Bond Program authorized the construction of Westside Community Center Library, Police Station, Fire Station #2, and the Zipp Family Sports Park. Additionally, Fire Station #7 and the Fire Training Facility are authorized for construction through the Creekside TIRZ No. 1. A Request for Qualifications and Quotes was released on July 7, 2021 to cooperative participants for the selection of a contractor for design, consulting, equipment and installation services for security and access control systems. Responses were evaluated and Knight Security Systems was the highest ranked proposer. Knight will be providing a modern Access Control System that includes door contacts, badge readers, etc. Additionally, Knight will be providing and installing new security cameras as well as a new Video Management System to manage the cameras and associated video.

The cost allocations referenced below for Fire Station #7, Fire Training and Zipp Family Sports Park are limited to their portion of the Video Management System and video recording storage, not actual cameras and/or access control equipment, which is still being finalized. Final design decisions will be made for additional equipment once they are in their construction phase. The additional equipment requests for these projects will be brought back to Council for approval.

Staff is recommending award to Knight Security Systems through a cooperative contract with Texas Department of Information Resources (DIR) which meets competitive bid requirements. The total contract amount for all facilities is \$522,401, plus an additional ten percent contingency (\$54,240) for a total contract of \$574,641. The cost breakdown per building is as follows:

Westside Community Center Library - \$56,317 Police Station - \$425,279 Fire Station #2 - \$18,698 Fire Station #7 - \$7,369 Fire Training Center - \$7,369 Zipp Family Sports Park - \$7,369

ISSUE:

The selection and award of a contractor for design, consulting, equipment and installation services for security and access control systems to support new facilities being constructed.

FISCAL IMPACT:

Funds for this expenditure are available in the various building project budgets approved through the 2019 bond program and the Creekside TIRZ (Fire Station 7 and Training Center), therefore, sufficient funds are available.

RECOMMENDATION:

Staff is recommending 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 the Creekside TIRZ No. 1, and to authorize the City Manager to execute any change orders up to the contingency amount.



Proposal: 20716-1-0

City of New Braunfels - City Hall Recording Servers

Prepared for:

Tony Gonzalez

City of New Braunfels

New Braunfels TX, 78130

<u>Private and Confidential</u>: The proposal has been distributed to you on a confidential basis for your information only. By accepting it, you agree not to disseminate it to any other person or entity in any manner and not to use the information for any purpose other than considering opportunities for a cooperative business relationship with Knight Security Systems, Inc.

Proposal Issued: Proposal Valid To: 8/30/2021 9/29/2021

Prepared by:

Tess Willems (210) 749-1034 twillems@knightsecurity.com

4509 Freidrich Lane Suite 110 Austin, TX 78744

DESCRIPTION

CLIENT INFORMATION

Name: City of New Braunfels

Site

New Braunfels, TX 78130

Billing

550 Landa St

New Braunfels, TX 78130

Contact

Tony Gonzalez, Director of Information

Techology

P (830) 221-4339

E TGonzalez@nbtexas.org

PROJECT NAME: City of New Braunfels - City Hall Recording Servers

PROJECT SCOPE OF WORK

DIR-CPO-4494

Knight Security Systems (KSS) will provide and install 2 BCDVideo recording servers with Milestone XProtect Professional at the City of New Braunfel's City Hall. System installation includes hardware, system licenses, and configuration unless otherwise stated.

Recording Servers

KSS will furnish and install the following:

- (2) 2U 14-bay BCDVideo rack mounted recording servers
 - * Each 14-bay server (BCD214-PVS) has eight empty drive bays for future growth.

The NVR storage capacity is an approximate estimate based on general conditions that KSS does not guarantee.

Customer Provided Items

- Individual software administrator logins for personnel at each location for each system
- Rack space in the MDF room for rack mount units
- Network configurations for connection of devices to Customer's network
- 120VAC by a certified electrician for all security devices where needed

Finance

Purchaser hereby agrees to pay KSS the following terms:

The Customer is required to pay every invoice in full within 30 days of receiving the invoice.

Project Milestones and Invoicing Procedures

The balance is due and payable in progress payments based upon material delivered or work completed

Refer to the Standard Terms and Conditions sections 8H, 8I, and 8J.

Any changes from the base price will be adjusted with approved change orders from the Customer. The as-built plans will be submitted along with the final submittal package to the Customer.

Engineering

KSS shall provide system design and operational documentation to ensure proper installation and efficient servicing of the system. KSS will provide submittal plans that will show where each device is located at each site. The submittal

Client Initials:



plans will also include a system matrix, which includes the schedule of each device and the programming setup into the security system software.

Cabling & Wiring

KSS will be responsible to install all the wiring and connections providing communication and/or control between KSS supplied devices and central control equipment. All wires will be dressed in a neat and professional manner. KSS will not provide any conduit or trenching required to reach each device. It is the Customer's responsibility to provide a pathway for all wiring required for each device. KSS is not responsible for any existing wiring being used. A quote will be provided to the Customer for any wiring that is found to be unusable

Field Devices

KSS will provide all necessary devices and hardware included on the equipment list attached. The devices on the security plans will be installed and programmed into the system according to the system matrix. KSS is not responsible for any existing devices being reused. If any existing devices are found to be unusable then a quote will be provided to the Customer to replace the device. KSS is not responsible for any damages done from the existing devices being removed. The Customer is responsible to patch and repair any damages done from existing devices removed.

Programming

KSS trained personnel will program the security system to provide a functioning operational system. KSS will support Customer programming personnel and set up remote field panels consistent with manufacturer standards. KSS will program each device according to the system matrix provided in the security plans. If any additional programming or special programming outside the system matrix is needed an approved change order from the Customer is required.

Customer to furnish IP addressing scheme for all devices requiring an IP address on the network. KSS will provide a list of devices that need IP addresses to the Customer.

Rental Equipment

Lift rental is not included in this proposal and shall be provided by the Customer if required.

Testing

KSS will perform acceptance testing in the presence of the appointed Customer representative to ensure proper operation and communication of all integrated systems. A test sheet with a check list for each device will be provided by KSS and signed by the Customer representative upon successful completion of a system acceptance test. The final system test report will be sent to all parties.

A punch list detailing items requiring a follow up that is within this scope of work will be created. KSS will correct the punch list items in a mutually agreed upon time. If the Customer wants something changed after the test sheet has been signed additional charges will be applied.

Upon system acceptance, a KSS job completion form shall be signed and sent to all parties. It is the Customer's responsibility to ensure proper periodic testing per the manufacturer's recommendation if a signed SecurePlan agreement is not in place.

Training

Training will not be provided in this proposal.

Standard Proposal Notes:

- 1. This proposal will follow the guidelines stated in DIR contract number DIR-CPO-4494 Standard Terms and Conditions.
- 2. This proposal is valid for 30 days. After the 30 days the quote is no longer valid and a new quote needs to be regenerated and prices may vary.
- 3. A standard 1 year warranty applies on all newly installed equipment.
- 4. Final Location of all equipment to be approved by owner prior to start of installation.
- 5. Work provided by KSS is assumed to be continuous, unhindered and without the need for escorts. Additional costs will be incurred if work is slowed by denial or delay of access to the work areas without three days' notice, or if

Client Initials:__



- escorts are required at any time. Any cessation of work by the customer or delays in the project construction schedule will result in additional mobilization and project management charges.
- 6. The quantities of materials noted above scope of work are intended to be descriptive. Should there be any discrepancy between the scope of work and the equipment list, the equipment list will supersede the scope of work stated above.
- 7. All work will be done following federal, state, and local laws and requirements for the above scope of work.

Knight Security Systems Excludes the Following:

- 1. All 120 VAC connections are to be performed by customer or customer's designated licensed Electrical contractor.
- 2. Fire alarm interface, cabling, connection, input/output, testing and certification.
- 3. Any city or other governmental permits, not associated with this scope of work, required for the use and operation of the system.
- 4. Access to device location, penetrations, required access panels for concealed areas.
- 5. If not stated above wire mold, conduit, trenching, wireless devices or aerial cabling necessary to connect any remote locations or gates, computer workstations to operate the system, and network equipment to provided power and data communication for devices.
- 6. Overtime required due to schedule revisions, work stoppages, delays caused by others, or circumstances beyond Knight Security Systems control.
- 7. Final terminations and connections to equipment other than provided by Knight Security Systems.
- 8. Any trade installation that Knight Security Systems is not licensed to perform.
- 9. Painting, patching or landscaping required as a result of the installation of equipment associated with this scope of work.
- 10. Technical assistance or the setup of the customer's network for connection to the security control systems. The customer is required to provide static IP addresses and support personnel for assistance in setting up the network connections.

Roles & Responsibilities

Essential activities conducted in the course of project by the Customer and Knight Security Systems (KSS)

Project Administration Tasks	Customer	KSS
General project management & administration		Х
Designate primary customer point of contact and site supervisor		Х
Host initial site orientation and kick-off meeting	X	
Pre-installation walk-through and design verification	X	
Pre-construction utility assessment	Х	
System design and engineering		Х
System design and engineering approval	X	
Develop master project schedule		Х
Approval of master project schedule	X	
System design acceptance within overall master plan of larger facility	X	
Provide lists of existing equipment and building drawing backgrounds	X	
Develop and maintain drawings and equipment schedules		Х
Provide written communication regarding work site conditions	X	
Coordinate monthly in-progress reviews for active sites		Χ
Change order management		Χ

Project Installation Tasks	Customer	KSS
Provide locations for materials staging	X	
Materials pre-installation configuration and delivery		Х
Pre-installation testing of existing equipment		Χ
Installation of electric locking hardware		N/A
Installation of electric locking mechanism power supplies		N/A
Installation of device power supplies		Χ

Client Initials:



120VAC at each device location where needed	X	
Building penetrations to exterior		
Fire partition penetrations and sealing		
Installation of conduit to security system devices where needed		
Installation of cables to security system devices		
Network cables from security system devices to copper patch panels		
Patch cables between patch panels and network switches	Х	
Create panel, cable, and equipment labeling scheme		
Install cable labels per labeling scheme		Х

Network Tasks	Customer	KSS
Rack and rack space for rack mount equipment	X	
Network PoE switches and configuration	Х	
Patch panels and uninterruptable power supply	Х	
IP address assignment for security system equipment and workstations	Х	
Configure client workstations to the security system		Х

Programming Tasks	Customer	KSS
Create custom security system programming matrix		Χ
Program initial security system configuration		Χ
Import initial cardholder database from Owner provided information	N/A	
Develop and implement database update procedure	Х	

Testing and Acceptance Tasks	Customer	KSS
System test forms and checklists		Χ
Full system test		Х
Customer on-site system acceptance	X	
As-built drawings and final engineering document submittal		Χ

PROJECT INVESTMENT

Investment Summary

Total Proposal Amount

\$36,843.00

Note: Sales tax, if applicable, is not included on this proposal and will be added to the total upon invoicing.

Investment Total

Knight Security Systems will provide the proposed system as described in this proposal for the sum of: \$36,842.68

The price above includes: material, equipment and labor as described within this proposal.

Client Initials:_



Proposal Acceptance:

I have read the *General Terms and Conditions* of the sale, understand them fully, and agree to abide by them. I have also read and understand the payment terms as set forth in the *Customers Responsibilities* section of the agreement as well as the *Schedule of Equipment* as listed.

I hereby certify that I am authorized by my company to sign this agreement. Knight Security Systems is hereby authorized to perform the work as specified.

	KNIGHT SECURITY SYSTEMS		City of New Braunfels
By:		Ву:	
	Signature		Signature
	ISR		Director of Information Techology
	Title		Title
	Tess Willems		Tony Gonzalez
	Print Name		Print Name

<u>Private and Confidential</u>: The proposal has been distributed to you on a confidential basis for your information only. By accepting it, you agree not to disseminate it to any other person or entity in any manner and not to use the information for any purpose other than considering opportunities for a cooperative business relationship with Knight Security Systems, Inc.

SECURITY SYSTEMS HONDR, INTEGRITY, SERVICE

TERMS & CONDITIONS

Limited Warranty.

- **A. What is Covered.** For one (1) year after System Acceptance, Knight will repair or replace any defective part of the System without charge to Purchaser. Knight may use new or used parts of the same quality. Knight may keep all replaced components.
- **B. How To Get Service.** Call or e-mail Knight at the e-mail address and telephone number at the top of this agreement and tell Knight what is wrong with the System. Knight will provide service as soon as possible during Knight's normal business hours which are 8:00AM to 5:00PM Monday through Friday, excluding holidays Knight observes. A responsible adult must be at the premises at the time Knight visits. Emergency repair service is available at other times for an additional charge. SecurePlan customers should follow the exclusive SecurePlan service request procedure.
- C. What Is Not Included. Repair of the System is Knight's only duty. This warranty does not include disposable batteries. Knight makes no other express warranty including any warranty of merchantability of the System or its fitness for any special purpose. Knight does not warrant that the System cannot be defeated or compromised or that it will always operate. This warranty does not cover repairs that are needed because of an accident, acts of God, misuse or abuse of the System, Purchaser's failure to properly use the System, or any other reason except a defect in the equipment or Knight's installation. Knight is not liable for consequential or incidental damages. Purchaser agrees that this is Knight's only warranty and that Knight has given Purchaser no other warranty for the System. All implied warranties are limited in duration to the one year term of this express warranty. Repairs not covered by this warranty will be charged to Purchaser at Knight's standard rates for labor and materials and Purchaser agrees to pay the same.
- **D. State Law.** Some states do not allow the exclusion or the limitation of consequential or incidental damages, or a limitation on the duration of implied warranties, so the above limitations or exclusions may not apply. The warranty gives you specific legal rights and you may also have other rights, which may vary from state to state.

After Warranty Service. If Purchaser has subscribed to SecurePlan, Knight will continue to service the System in accordance with the provisions of the SecurePlan program. If Purchaser has not subscribed to SecurePlan, then at the end of Knight's one (1) year limited warranty, Knight will continue to repair the System on a time and material basis. Purchaser will pay Knight's standard parts and labor charges for all repair calls. There will be a one (1) hour minimum visit charge for each repair call. See Knight's Limited Warranty on how to request repair service. Payment is due upon completion of the work.

Regulatory Agencies. Knight operates under the regulatory authority of the following State of Texas agencies: Department of Public Safety, Texas Private Security Board, P.O. Box 4087, Austin, Texas 78773-0001, 512/463-5545, License # B-3566: Texas Department of Insurance, Office of the State Fire Marshal; P.O.Box 149221, Austin, Texas 78714-9221, 512/463-6169, License # ACR-84110-647.

Document Conflict. It is understood and agreed by and between the parties hereto, that if there is any conflict in this agreement and any other document, this agreement will govern, whether such other document is prior, coincident or subsequent to this agreement.

Taxes, Fees, Permits, Fines. In addition to the charges set forth herein, Purchaser agrees to pay any and all false alarm assessments, taxes, fees or other charges relating to the System installation, System use or services provided under this agreement which are authorized or imposed by any governmental body or other organization to whose facilities the System is connected. In addition Purchaser agrees to have the System licensed, permitted, registered or the like when required by any governmental agency and to pay any and all required fees for same.

Knight Not An Insurer And Limitation Of Liability. Purchaser acknowledges that Knight has not represented or warranted that the System may not be compromised or circumvented, that the System will prevent any loss by burglary, theft, robbery, fire or otherwise or that the System will in all cases provide the detection for which it is installed or intended. Purchaser does further acknowledge that Purchaser assumes all risk for loss or damage to Purchaser's premises, property or contents and that Knight has made no representations or warranties, nor has the Purchaser relied on any representation or warranties, expressed or implied, including any warranty of merchantability or fitness for any particular use, except as set forth herein. Purchaser acknowledges that Knight is not an insurer and that insurance if any shall be obtained by the Purchaser and that the payments stipulated hereinbefore are based solely upon the value of the System and services herein described and are unrelated to the value of Purchaser's premises, property or contents. It is not the intention of the parties of this agreement that Knight assume responsibility for any loss occasioned by malfeasance or misfeasance in the performance of the System or services under this agreement or for any loss or damage sustained through burglary, theft, robbery, fire or other cause by virtue of this agreement or because of the relation herein established. Purchaser further agrees to not subrogate with any person or insurer against Knight. From the nature of the System to be installed and/or the services to be performed, it is impractical and extremely difficult to fix the actual damages, if any, which may proximately result from the failure of the System, installation, monitoring or other services or on the part of Knight to perform any of its obligations hereunder. If there shall, notwithstanding the provisions herein, at any time be or arise any liability on the part of Knight by virtue of this agreement or because of the relation hereby established, whether due to Knight's breach of this agreement, negligence of Knight, Knight's failure to perform any of its obligations hereunder, including installation, monitoring or service, or otherwise, such liability is and shall be limited to a sum equal in amount to the annual monitoring fee, five percent (5%) of the total sale and installation amount or five hundred dollars (\$500.00), whichever is the greater. This liability shall be complete and exclusive. Purchaser may obtain from Knight a higher limitation of liability for an additional periodic charge. If Purchaser elects this option, Knight will attach a rider to this agreement, which will set forth the amount of the higher limitation of liability and the amount of the additional charge. Agreeing to the higher limitation of liability does not mean that Knight is an insurer.

Indemnification. Purchaser agrees to and shall indemnify and save Knight harmless, its employees and agents, for and against all third party claims, lawsuits and losses alleged to be caused by Knight's performance, negligent performance or failure to perform its obligations under this agreement except that this indemnity clause shall not extend to damage, loss, liability or injuries which occur while an employee or agent of Knight is on the premises of the Purchaser and which damage, loss, liability or injuries are solely and directly caused by the acts of said employee or agent.

System Acceptance. Purchaser agrees to inspect and provide written acceptance of the system installation within (30) days within of the notice of completion by Knight, or within 30 days of the commencement of beneficial use of the system or system elements provided, whichever is earlier. Errors or omissions in the installation of System, including but not limited to failure to install or wire detection devices, shall be called to the attention of Knight by Purchaser in writing within



thirty (30) days of final billing of installation charges stipulated in paragraph 2.A of this agreement. Upon the expiration of the said thirty (30) day period, the installation and the System provided shall be deemed complete and acceptable to Purchaser.

Increase Of Monitoring/Service Fees. Notwithstanding the terms and conditions set forth herein, after the term for monitoring service, Knight may at any time, increase the monthly System monitoring fee and/or service fee upon giving the Purchaser notice in writing. In the event Purchaser is unwilling to pay the increased fee(s), Purchaser may terminate the System monitoring and/or System service upon giving notice in writing to Knight within thirty (30) days from receipt of Knight's notice, provided Purchaser shall not be in default of any provisions, terms or conditions of this agreement. Failure to notify Knight within said thirty (30) days will constitute Purchaser's consent to the increased fee(s) and all other provisions, terms and conditions of this agreement shall remain in full force and effect.

System Use And Testing. To obtain proper results from the operation of the System, Purchaser agrees to perform weekly tests and inspections of the entire System and to notify Knight as soon as practical to have System repaired if a failure is detected with the System. Purchaser will instruct all other persons who may use the System on its proper use. If the System includes interior detection (e.g., motion detectors, glass break detectors, smoke detectors, heat detectors or other such detectors), Purchaser agrees to turn off, control or remove all things such as air conditioning systems, insect fogging products and pets that might interfere with such devices.

False Alarm & Warranty Service Calls. In the event Purchaser or any user of the System shall cause an excessive number of false alarms or service calls through carelessness, the malicious or accidental use of the System or in the event Purchaser shall in any manner misuse or abuse the System, it shall constitute a material breach of contract on the part of Purchaser and Knight may, at its option, in addition to other legal remedies, be excused from further performance upon the giving of ten (10) days notice to Purchaser. Knight's excuse from performance shall not affect Knight's right to recover damages from Purchaser. In the event a fine, penalty, fee or the like is assessed against Knight by any governmental or municipality agency as a result of any false alarm or misuse of Purchaser's System, Purchaser agrees to forthwith reimburse Knight upon Knight giving notice to Purchaser.

Telephone Line. Purchaser understands that all System monitoring signals are transmitted over regular telephone lines, which are wholly beyond the control and jurisdiction of Knight. Purchaser will pay for all telephone company charges. Knight requires the use of a RJ31X or equivalent telephone jack to give the System priority over telephones on Purchaser's premises; however, when the System is activated, other calls (such as calls to the 911 emergency operator) cannot be made, and therefore, Purchaser may wish to have the System connected to a second telephone line. If Purchaser's telephone service is out of order, placed on vacation status or otherwise not working, signals cannot be transmitted and Knight will not know of the telephone service problem or outage. Purchaser acknowledges that Knight has advised Purchaser of the availability of wireless radio transmission of System monitoring signals in the event of telephone service interruption.

Additional Detection Equipment. Purchaser acknowledges that additional fire, intrusion, robbery or supervisory detection devices are available at additional cost.

Installation Or Service Of System. Purchaser authorizes Knight to install and/or service or cause to be installed and/or serviced, the devices specified in the schedule of devices including instruments, appliances and all necessary connections, wires, conduits and other materials associated herewith. Knight may, at its sole discretion, subcontract all or part of the installation or service of the System. Purchaser will make premises available during Knight's normal working hours of 8:00 A.M. through 5:00 P.M., Monday through Friday exclusive of Knight's scheduled holidays unless an alternative time has been arranged and agreed to by both Knight and Purchaser. Purchaser has the affirmative duty to inform Knight, prior to beginning of installation, of every location at the premises where Knight should not (because of concealed obstructions or hazards such as pipes, wires or asbestos) enter or drill holes. If asbestos or other health hazardous material is encountered during installation, Knight will cease work until Purchaser has, at Purchaser's sole expense, obtained clearance from a licensed asbestos removal or hazardous material contractor that continuation of work will not pose any danger to Knight's personnel. In no case shall Knight be liable for discovery or exposure of hidden asbestos or other hazardous material, and Purchaser shall indemnify and hold Knight and its employees harmless from any claims brought against Knight and/or its employees by third parties for damages, personal injury, death, emotional injury, whether actual or prospective allegedly caused by the presence, spread, ingestion or inhalation of any substance/vapor on or originating from Purchaser's premises. Purchaser understands that the installation will necessitate drilling into various parts of the premises. Knight generally intends to conceal wiring in the finished areas of the premises; however, in areas which, due to construction, decoration, or furnishing of the premises, Knight determines, in its sole discretion, that it would be impractical to conceal the wiring, in such cases wire will be exposed. To facilitate the installation and operation of the System, Purchaser will repair any broken or loose doors, windows or other parts of the premises as Knight may reasonably request. Purchaser agrees to provide 110 volt AC electrical outlets (dedicated circuits when required) at the designated locations for devices requiring such power.

Delay/Interruption Of Installation, Monitoring Or Service. Purchaser hereby agrees that Knight assumes no liability for delays or interruption in installation, monitoring or service of System whether due to heavy workload, labor disputes of any nature, strikes, riots, storms, natural disasters, fires, power failures, insurrection, interruption of or unavailability of telephone service, or any other cause beyond the control of Knight and will not be required to furnish installation, monitoring or service while any such cause shall continue.

Default Or Termination. If Purchaser fails to pay any amounts agreed herein or provided for herein within ten (10) days after the same is due and payable or if Purchaser fails to observe, keep or perform any other provision, term or condition of this agreement, Purchaser hereby agrees that Knight shall have the right to exercise any of the following remedies: (a) to declare the entire amount of moneys due hereunder, immediately due and payable upon notice or demand to Purchaser; (b) to initiate any legal proceedings and recover all moneys due hereunder, accrued and thereafter accruing, including without limitation, reasonable attorney's fees; (c) to enter Purchaser's premises and take possession of any and all devices of System not paid for, without any court order or other process of law, and any said taking of possession shall not constitute a termination of this agreement unless Knight expressly so notifies Purchaser in writing; (d) to terminate this agreement; (e) to pursue any other remedy at law or in equity. Notwithstanding any said removal or any other action which Knight may take, Purchaser shall be and remain liable for the full performance of all provisions, terms and conditions on the part of Purchaser under this agreement. All such remedies are cumulative and may be exercised concurrently or separately. Purchaser shall be liable for all expenses Knight may incur in connection with the enforcement of any of its remedies herein, including without limitation, reasonable attorney's fees and any amounts established by state or federal statute or regulation. If Knight elects to exercise any or all of the above provisions, it shall not be considered to constitute a breach by Knight of this agreement or waiver of Knight's rights to which it may be entitled under the law. Purchaser further agrees that Knight shall not be liable for any damage caused to the Purchaser's premises by the removal of System or devices.

Title Of System. Knight retains title to the System and all components and devices until such time as Purchaser shall pay for said System in full.

KNIGHT (75)
SECURITY SYSTEMS
HONOR, INTEGRITY, SERVICE

Pre-Existing Equipment And Devices. Knight assumes no liability and gives no warranty, limited or otherwise, for equipment, devices, wiring, services or the like not installed or provided by Knight pursuant to this agreement.

Authorized Users And Emergency Contact List. Purchaser agrees to furnish to Knight forthwith a written list of names, necessary telephone numbers and verbal passcodes of all System users and emergency contact persons authorized to enter the Purchaser's premises. In addition Purchaser shall notify Knight in writing of all changes, revisions and modifications of the above stated users and emergency contact persons or changes to the Purchaser's premises address, telephone, or the like

Monitoring Service. If Purchaser has subscribed to monitoring service, Knight, upon receipt of a signal from the System shall, without warranty and when permissible by law, make a reasonable effort to do the following: (a) Upon receipt of an intrusion alarm signal, call the Purchaser's premises to verify an authorized user. If unable to verify an authorized user at the Purchaser's premises, notify the Public Police Department of the respective jurisdiction of the Purchaser's premises and notify the emergency contact person by calling the emergency contact person's telephone number. (b) Upon receipt of a holdup, duress or panic alarm signal, notify the Public Police Department of the respective jurisdiction of the Purchaser's premises and notify the emergency contact person by calling the emergency contact person's telephone number. (c) Upon receipt of a fire alarm signal, notify the Public Fire Department of the respective jurisdiction of the Purchaser's premises, notify the Purchaser's premises and if unable to notify Purchaser, notify the emergency contact person by calling the emergency contact person's telephone number. (d) Upon receipt of a System supervisory, trouble or failed System test signal or the like, call the Purchaser's premises during Knight's normal business hours to notify Purchaser and if unable to notify Purchaser, notify the emergency contact person by calling the emergency contact person's telephone number. The above listed procedures may be altered by Purchaser, when allowed by law, only upon Purchaser's written request of Knight. Monitoring may be provided by Knight or an independent monitoring facility selected by Knight.

Late/Interest Fees & Attorney's Fees. Purchaser shall pay late fees and interest in amounts allowable by Texas law for all moneys not paid to Knight when due and payable. Additionally, in the event it shall become necessary for Knight to institute legal proceedings to collect any amount due Knight under this agreement, Purchaser shall pay Knight reasonable attorney's fees when permitted by law. Both Knight and Purchaser agree that no demand for arbitration, lawsuit or any other legal proceeding connected with this agreement shall be brought or filed more than one year after the incident giving rise to the claim occurred. In addition any such legal proceeding shall not be heard before a jury. Each party gives up any right to a jury trial.

Assignees And Subcontractors. Knight may transfer or assign this agreement to any other entity including an alarm company or lender. Purchaser may not transfer this agreement to someone else (including someone who purchases or rents Purchaser's premises) unless Knight approves the transfer in writing. Knight may use subcontractors to provide installation, repair or monitoring services, and this agreement, shall apply to the work or services they provide, and shall apply to them and protect them in the same manner as it applies to and protects Knight.

KNIGHT (76)
SECURITY SYSTEMS
HONDR, INTEGRITY, SERVICE



Proposal: 20354-10-0

City of New Braunfels - Fire Station No. 2

Prepared for:

Debbie Kimball

City of New Braunfels 2940 Interstate Hwy 35 New Braunfels TX, 78130

<u>Private and Confidential</u>: The proposal has been distributed to you on a confidential basis for your information only. By accepting it, you agree not to disseminate it to any other person or entity in any manner and not to use the information for any purpose other than considering opportunities for a cooperative business relationship with Knight Security Systems, Inc.

Proposal Issued: Proposal Valid To: 8/31/2021 9/30/2021

Prepared by:

Tess Willems (210) 749-1034 twillems@knightsecurity.com

4509 Freidrich Lane Suite 110 Austin, TX 78744

DESCRIPTION

CLIENT INFORMATION

Name: City of New Braunfels

Site 2940 Interstate Hwy 35

New Braunfels, TX 78130

Billing 550 Landa St.

New Braunfels, TX 78130

Contact

Debbie Kimball, Contract Administrator

P (830) 221-4081

E DKimball@nbtexas.org

PROJECT NAME: City of New Braunfels - Fire Station No. 2

PROJECT SCOPE OF WORK

DIR-CPO-4494

Knight Security Systems (KSS) will provide and install 4 exterior multi-directional cameras at the City of New Braunfel's Fire Station No. 2 location. Camera installation includes hardware, camera licenses, and camera configuration unless otherwise stated.

- *Conduit provided by others
- *Network cable provided and run by others
- *Network switch, patch panel and patch cables provided by others
- *UPS provided by others

Video Surveillance System

KSS will furnish and install the following:

- Four Hanwha PNM-9085RQZ multi-directional exterior cameras with mounts
- Initial programming will include:
 - o Enrolling the cameras and setting up basic motion detection



Customer Provided Items

- Individual software administrator logins for personnel at each location for each system
- Rack space in the MDF room for rack mount units
- Network configurations for connection of devices to Customer's network
- Exterior and fire partition penetrations where needed

Finance

Purchaser hereby agrees to pay KSS the following terms:

The Customer is required to pay every invoice in full within 30 days of receiving the invoice.

Project Milestones and Invoicing Procedures

The balance is due and payable in progress payments based upon material delivered or work completed

Refer to the Standard Terms and Conditions sections 8H, 8I, and 8J.

Any changes from the base price will be adjusted with approved change orders from the Customer. The as-built plans will be submitted along with the final submittal package to the Customer.

Engineering



KSS shall provide system design and operational documentation to ensure proper installation and efficient servicing of the system. KSS will provide submittal plans that will show where each device is located at each site. The submittal plans will also include a system matrix, which includes the schedule of each device and the programming setup into the security system software.

Cabling & Wiring

KSS will not be responsible to install all the wiring and connections providing communication and/or control between KSS supplied devices and central control equipment. All wires will be dressed in a neat and professional manner. KSS will not provide any conduit or trenching required to reach each device. It is the Customer's responsibility to provide a pathway for all wiring required for each device. KSS is not responsible for any existing wiring being used. A quote will be provided to the Customer for any wiring that is found to be unusable

Field Devices

KSS will provide all necessary devices and hardware included on the equipment list attached. The devices on the security plans will be installed and programmed into the system according to the system matrix. KSS is not responsible for any existing devices being reused. If any existing devices are found to be unusable then a quote will be provided to the Customer to replace the device. KSS is not responsible for any damages done from the existing devices being removed. The Customer is responsible to patch and repair any damages done from existing devices removed.

Programming

KSS trained personnel will program the security system to provide a functioning operational system. KSS will support Customer programming personnel and set up remote field panels consistent with manufacturer standards. KSS will program each device according to the system matrix provided in the security plans. If any additional programming or special programming outside the system matrix is needed an approved change order from the Customer is required.

Customer to furnish IP addressing scheme for all devices requiring an IP address on the network. KSS will provide a list of devices that need IP addresses to the Customer.

Rental Equipment

Lift rental is not included in this proposal and shall be provided by the Customer if required.

<u>Testing</u>

KSS will perform acceptance testing in the presence of the appointed Customer representative to ensure proper operation and communication of all integrated systems. A test sheet with a check list for each device will be provided by KSS and signed by the Customer representative upon successful completion of a system acceptance test. The final system test report will be sent to all parties.

A punch list detailing items requiring a follow up that is within this scope of work will be created. KSS will correct the punch list items in a mutually agreed upon time. If the Customer wants something changed after the test sheet has been signed additional charges will be applied.

Upon system acceptance, a KSS job completion form shall be signed and sent to all parties. It is the Customer's responsibility to ensure proper periodic testing per the manufacturer's recommendation if a signed SecurePlan agreement is not in place.

Training

Training will not be provided in this proposal.

Standard Proposal Notes:

- 1. This proposal will follow the guidelines stated in DIR contract number DIR-CPO-4494 Standard Terms and Conditions.
- 2. This proposal is valid for 30 days. After the 30 days the quote is no longer valid and a new quote needs to be regenerated and prices may vary.
- 3. A standard 1 year warranty applies on all newly installed equipment.
- 4. Final Location of all equipment to be approved by owner prior to start of installation.



- 5. Work provided by KSS is assumed to be continuous, unhindered and without the need for escorts. Additional costs will be incurred if work is slowed by denial or delay of access to the work areas without three days' notice, or if escorts are required at any time. Any cessation of work by the customer or delays in the project construction schedule will result in additional mobilization and project management charges.
- 6. The quantities of materials noted above scope of work are intended to be descriptive. Should there be any discrepancy between the scope of work and the equipment list, the equipment list will supersede the scope of work stated above.
- 7. All work will be done following federal, state, and local laws and requirements for the above scope of work.

Knight Security Systems Excludes the Following:

- 1. All 120 VAC connections are to be performed by customer or customer's designated licensed Electrical contractor.
- 2. Fire alarm interface, cabling, connection, input/output, testing and certification.
- 3. Any city or other governmental permits, not associated with this scope of work, required for the use and operation of the system.
- 4. Access to device location, penetrations, required access panels for concealed areas.
- 5. If not stated above wire mold, conduit, trenching, wireless devices or aerial cabling necessary to connect any remote locations or gates, computer workstations to operate the system, and network equipment to provided power and data communication for devices.
- 6. Overtime required due to schedule revisions, work stoppages, delays caused by others, or circumstances beyond Knight Security Systems control.
- 7. Final terminations and connections to equipment other than provided by Knight Security Systems.
- 8. Any trade installation that Knight Security Systems is not licensed to perform.
- 9. Painting, patching or landscaping required as a result of the installation of equipment associated with this scope of work
- 10. Technical assistance or the setup of the customer's network for connection to the security control systems. The customer is required to provide static IP addresses and support personnel for assistance in setting up the network connections.

Roles & Responsibilities

Essential activities conducted in the course of project by the Customer and Knight Security Systems (KSS)

Project Administration Tasks	Customer	KSS
General project management & administration		Х
Designate primary customer point of contact and site supervisor		Х
Host initial site orientation and kick-off meeting	X	
Pre-installation walk-through and design verification	X	
Pre-construction utility assessment	Х	
System design and engineering		Х
System design and engineering approval	Х	
Develop master project schedule		Х
Approval of master project schedule	X	
System design acceptance within overall master plan of larger facility	X	
Provide lists of existing equipment and building drawing backgrounds	X	
Develop and maintain drawings and equipment schedules		Х
Provide written communication regarding work site conditions	X	
Coordinate monthly in-progress reviews for active sites		Χ
Change order management		Χ

Project Installation Tasks	Customer	KSS
Provide locations for materials staging	X	
Materials pre-installation configuration and delivery		Χ
Pre-installation testing of existing equipment		Χ
Installation of electric locking hardware		
Installation of electric locking mechanism power supplies		



Installation of device power supplies	Х	
120VAC at each device location where needed	Х	
Building penetrations to exterior	Х	
Fire partition penetrations and sealing	Х	
Installation of conduit to security system devices where needed	X	
Installation of cables to security system devices	Х	
Network cables from security system devices to copper patch panels	Х	
Patch cables between patch panels and network switches	Х	
Create panel, cable, and equipment labeling scheme	X	
Install cable labels per labeling scheme	Х	·

Network Tasks	Customer	KSS
Rack and rack space for rack mount equipment	X	
Network PoE switches and configuration	Х	
Patch panels and uninterruptable power supply	Х	
IP address assignment for security system equipment and workstations	Х	
Configure client workstations to the security system		

Programming Tasks	Customer	KSS
Create custom security system programming matrix		Χ
Program initial security system configuration		Χ
Import initial cardholder database from Owner provided information	N/A	
Develop and implement database update procedure	X	_

Testing and Acceptance Tasks	Customer	KSS
System test forms and checklists		Χ
Full system test		Х
Customer on-site system acceptance	Х	
As-built drawings and final engineering document submittal		Χ

PROJECT INVESTMENT

Investment Summary

Total Proposal Amount

\$11,329.00

Note: Sales tax, if applicable, is not included on this proposal and will be added to the total upon invoicing.

Investment Total

Knight Security Systems will provide the proposed system as described in this proposal for the sum of: \$11,329.27

The price above includes: material, equipment and labor as described within this proposal.



Proposal Acceptance:

I have read the *General Terms and Conditions* of the sale, understand them fully, and agree to abide by them. I have also read and understand the payment terms as set forth in the *Customers Responsibilities* section of the agreement as well as the *Schedule of Equipment* as listed.

I hereby certify that I am authorized by my company to sign this agreement. Knight Security Systems is hereby authorized to perform the work as specified.

	KNIGHT SECURITY SYSTEMS		City of New Braunfels
Ву:		Ву:	
	Signature		Signature
	ISR		Contract Administrator
	Title		Title
	Tess Willems		Debbie Kimball
	Print Name		Print Name

<u>Private and Confidential</u>: The proposal has been distributed to you on a confidential basis for your information only. By accepting it, you agree not to disseminate it to any other person or entity in any manner and not to use the information for any purpose other than considering opportunities for a cooperative business relationship with Knight Security Systems, Inc.

KNIGHT (83)
SECURITY SYSTEMS
HONDR, INTEGRITY, SERVICE

TERMS & CONDITIONS



Proposal: 20354-3-0

City of New Braunfels - Police Department Headquarters v2

Prepared for:

Debbie Kimball

City of New Braunfels 3030 W. San Antonio Street New Braunfels TX, 78130

<u>Private and Confidential</u>: The proposal has been distributed to you on a confidential basis for your information only. By accepting it, you agree not to disseminate it to any other person or entity in any manner and not to use the information for any purpose other than considering opportunities for a cooperative business relationship with Knight Security Systems, Inc.

Proposal Issued: Proposal Valid To: 8/31/2021 9/30/2021

Prepared by:

Tess Willems (210) 749-1034 twillems@knightsecurity.com

4509 Freidrich Lane Suite 110 Austin, TX 78744

DESCRIPTION

CLIENT INFORMATION

Name: City of New Braunfels

Site Billing Contact

3030 W. San Antonio Street 550 Landa St Debbie Kimball, Contract Administrator New Braunfels, TX 78130 P (830) 221-4081

E DKimball@nbtexas.org

PROJECT NAME: City of New Braunfels - Police Department Headquarters v2

PROJECT SCOPE OF WORK

DIR-CPO-4494

Knight Security Systems (KSS) will provide and install Open Options Access Control and Milestone XProtect Video Surveillance for the City of New Braunfels's Police Department. System installation includes hardware, system licenses, and configuration unless otherwise stated.

- *Division 8 to provide and install locking hardware, transfer hinges and high in-rush power supplies
- *Network cable runs for network devices and back boxes for cameras, readers and other field devices provided by others
- *Conduit runs and 120V provided by others
- *All systems designed to integrate with DNA Fusion

Access Control System

KSS will furnish and install the following:

Main Building 1st Floor

- Two 16 door LifeSafety power supplies (IDF 1706 and IDF 1201)
- One 24 door LifeSafety power supply (IDF 1504)
- One LP1502 access control module (the 3 panels will be connected via RS-485 for 1st floor global lock down capability)
- Twenty-three MR52 expansion modules
- Three MR16 input modules (1 per panel)
- Forty-one card readers
- Sixty recessed door position sensors
- Three overhead door contacts
- One IP video door station
- One IP relay adaptor
- One LCD keypad programmed through Open Options to arm and disarm siren and strobes to be installed in monitored areas/offices
- Two strobes
- One Siren
- Two duress buttons

Main Building 2nd Floor

- Two 8 door LifeSafety power supplies (IDF 2004 and IDF 2015)
- One LP1502 access control module in IDF 2015 (2nd floor panels connected via RS-485)
- Six MR52 expansion modules (2 in IDF 2015 and 4 in IDF 2004)
- Thirteen card readers
- Thirteen door position sensors



- One IP video master station with integral door release (Dispatch)
- One client workstation (Dispatch)
- Two Dell 42.5" 4K monitors with wall mounts (Dispatch)
- One badge printer (Admin Assistant)

Main Building Exterior

- Two vehicle gate will receive the following:
 - One dual headed pedestal (84" and 42") with housings
 - Two card readers
 - One industrial track mount position sensor
 - o One trigger to gate opener with conduit run from pedestal or associated IDF

Annex Building Interior

- One 16 door LifeSafety power supply (IDF A124)
- One LP1502 access control module
- Three MR52 expansion modules
- Two MR16 input modules
- Eight card readers
- Twenty recessed door position sensors
- Eleven overhead door position sensors
- One LCD keypad programmed through Open Options to arm and disarm siren and strobes to be installed in monitored areas/offices

Annex Building Exterior

- One vehicle gate will receive the following:
 - One 42" pedestal with housing
 - o One card reader
 - One industrial track mount position sensor
 - One trigger to gate opener with conduit run from pedestal or associated IDF
- One vehicle gates will receive the following
 - o One dual headed pedestal (84" and 42") with housings
 - Two card readers
 - One industrial track mount position sensor
 - o One trigger to gate opener with conduit run from pedestal or associated IDF
- Initial programming will include:
 - Door enrollment into one main access level and time schedule
 - Customer will be responsible for creating additional access levels and schedules
 - Two system user levels
 - Operator
 - Administrator
 - Three time schedules
 - May be assigned to cardholders, doors, or automation outputs
 - One access level
 - Associates available doors and times allowed to cardholders
 - Seven holiday days
 - Allows doors that are scheduled open to remain locked on holidays

Door fit and finish provided by General Contractor or hardware trade. KSS cannot provide services to correct alignment issues and will not modify doors, frames, or hardware for the purpose of correct operation of the door. Each device will include the necessary mounting hardware, license and one year manufacturer software license support.



Video Surveillance System

KSS will furnish and install the following:

Main Building 1st Floor

- One video recording server
- One management server
- Three Hanwha 9010RV fish eye interior cameras
- Five Hanwha PNM-9085RQZ multi-directional interior cameras with mounts
- Three Hanwha PNM-9000VD dual sensor interior cameras
- Twenty-seven Hanwha XND-6081RV interior cameras (two with wall mounts in stairwells)

Main Building 2nd Floor

- Four Hanwha PNM-9085RQZ multi-directional interior cameras
- Ten Hanwha XND-6081RV interior camera

Main Building Exterior

- Two Hanwha XNO-6120R fixed bullet camera for LPR at public entries
- Seven Hanwha PNM-9085RQZ multi-directional exterior cameras with mounts
- Four Hanwha XNV-9082R exterior fixed dome cameras with mounts

Annex Building Interior

- Two PNM-9085RQZ multi-directional cameras with mounts
- Five Hanwha XNV-9082R exterior fixed dome camera with mount

Annex Building Exterior

- Two Hanwha XNO-6120R fixed bullet camera for LPR at vehicle gates
- Four Hanwha PNM-9085RQZ multi-directional exterior cameras with mounts
- Four Hanwha XNV-9082R exterior fixed dome cameras with mounts (2 on Annex and 2 on poles in Vehicle Storage Lot)
- Initial programming will include:
 - o Enrolling the cameras and setting up basic motion detection
 - o One administrative account
 - o One view only account
 - Estimated days of storage 30days
 - o 1080p at H.264 and 15 FPS (Change)
 - o Calculations are based on 40% motion detection or event recording

The NVR storage capacity is an approximate estimate based on general conditions that KSS does not guarantee. Each device will include the necessary mounting hardware, license and one year manufacturer software license support.

*Camera placement designed per customer provided security drawing and camera schedule. Multidirectional camera coverage allows for fewer fixed cameras to reduce overall cost.

Rekor LPR Option

Rekor ALPR solutions is the next generation ALPR delivered in real-time for the fastest and accurate vehicle and plate capture and alerts - under 10 seconds. The Rekor software recognizes vehicle attributes on as many as four lanes with one camera; reducing costs while providing more actionable intelligence. The cameras field of view is recorded 24/7 and a video of each vehicle is provided.

Rekor's artificial intelligence software captures plates in non-optimized scenarios and paper plates as well as traditional plates. The open-architecture allows for inter-agency sharing and Rekor solutions include fixed, in-car mobile, speed, and message board trailers.



Flex API Option

Flex API is an application programming interface that provides a robust mechanism for external parties to develop an interface into DNA Fusion to accomplish a myriad of tasks or receive information. Below is a list of possible tasks that can be performed externally, through Fusion Flex API.

SPLAN Visitor Management Option

Access Control

Splan seamlessly integrates with various industry leading access control systems for visitor check-in and check-out. Splan provides a highly configurable solution allowing organizations to dynamically change their integration parameters based on unique requirements, per site or location. Splan supports provisioning proximity badges or dynamically generated badge numbers to all leading access control providers. Badge numbers can be printed on the label and can be used on turnstiles for access.

Customer Provided Items

- Electronic drawing files of the plans and approval of device layout
- Individual software administrator logins for personnel at each location for each system
- Assigning different schedules and access levels to the access control doors
- PoE switches and patch panels
- Existing client workstations that meet the system minimal requirements
- Rack space and uninterruptable power supply in the MDF room for rack mount units
- Wall space and 3/4" plywood backboard for wall mount units
- Network configurations for connection of devices to Customer's network
- 120VAC by a certified electrician for all security devices where needed
- Exterior and fire partition penetrations where needed
- Installation of conduit with a pull string to security devices where needed
- A dry contact connection from the fire system for fire drop out if needed

Finance

Purchaser hereby agrees to pay KSS the following terms:

The Customer is required to pay every invoice in full within 30 days of receiving the invoice.

Project Milestones and Invoicing Procedures

• The balance is due and payable in progress payments based upon material delivered or work completed

Refer to the Standard Terms and Conditions sections 8H, 8I, and 8J.

Any changes from the base price will be adjusted with approved change orders from the Customer. The as-built plans will be submitted along with the final submittal package to the Customer.

Engineering

KSS shall provide system design and operational documentation to ensure proper installation and efficient servicing of the system. KSS will provide submittal plans that will show where each device is located at each site. The submittal plans will also include a system matrix, which includes the schedule of each device and the programming setup into the security system software.

Cabling & Wiring

KSS will be responsible to install all the wiring and connections providing communication and/or control between KSS supplied devices and central control equipment. All wires will be dressed in a neat and professional manner.

KSS will not provide any conduit or trenching required to reach each device. It is the Customer's responsibility to provide a pathway for all wiring required for each device. KSS is not responsible for any existing wiring being used. A quote will be provided to the Customer for any wiring that is found to be unusable



Field Devices

KSS will provide all necessary devices and hardware included on the equipment list attached. The devices on the security plans will be installed and programmed into the system according to the system matrix.

KSS is not responsible for any existing devices being reused. If any existing devices are found to be unusable then a quote will be provided to the Customer to replace the device. KSS is not responsible for any damages done from the existing devices being removed. The Customer is responsible to patch and repair any damages done from existing devices removed.

Programming

KSS trained personnel will program the security system to provide a functioning operational system. KSS will support Customer programming personnel and set up remote field panels consistent with manufacturer standards. KSS will program each device according to the system matrix provided in the security plans. If any additional programming or special programming outside the system matrix is needed an approved change order from the Customer is required.

Customer to furnish IP addressing scheme for all devices requiring an IP address on the network. KSS will provide a list of devices that need IP addresses to the Customer.

Rental Equipment

Lift rental is not included in this proposal and shall be provided by the Customer if required.

Testing

KSS will perform acceptance testing in the presence of the appointed Customer representative to ensure proper operation and communication of all integrated systems. A test sheet with a check list for each device will be provided by KSS and signed by the Customer representative upon successful completion of a system acceptance test. The final system test report will be sent to all parties.

A punch list detailing items requiring a follow up that is within this scope of work will be created. KSS will correct the punch list items in a mutually agreed upon time. If the Customer wants something changed after the test sheet has been signed additional charges will be applied.

Upon system acceptance, a KSS job completion form shall be signed and sent to all parties. It is the Customer's responsibility to ensure proper periodic testing per the manufacturer's recommendation if a signed SecurePlan agreement is not in place.

Iraining

KSS will provide training for one combined end user training session. The individuals for the system training session will be determined by the Customer. All training for the above mentioned systems to follow the manufacturer guidelines for Customer training. This training will be provided for administrators and users for each system.

Training will include upgrade implementation, system administration, end-user, and reports. The training will be classroom style and will include manuals, training material, and hands on training. Two hours of training are provided with this proposal. Additional training may be provided with additional cost.

Standard Proposal Notes:

- 1. This proposal will follow the guidelines stated in DIR contract number DIR-CPO-4494 Standard Terms and Conditions.
- 2. This proposal is valid for 30 days. After the 30 days the quote is no longer valid and a new quote needs to be regenerated and prices may vary.
- 3. A standard 1 year warranty applies on all newly installed equipment.
- 4. Final Location of all equipment to be approved by owner prior to start of installation.



- 5. Work provided by KSS is assumed to be continuous, unhindered and without the need for escorts. Additional costs will be incurred if work is slowed by denial or delay of access to the work areas without three days' notice, or if escorts are required at any time. Any cessation of work by the customer or delays in the project construction schedule will result in additional mobilization and project management charges.
- 6. The quantities of materials noted above scope of work are intended to be descriptive. Should there be any discrepancy between the scope of work and the equipment list, the equipment list will supersede the scope of work stated above.
- 7. All work will be done following federal, state, and local laws and requirements for the above scope of work.

Knight Security Systems Excludes the Following:

- 1. All 120 VAC connections are to be performed by customer or customer's designated licensed Electrical contractor.
- 2. Fire alarm interface, cabling, connection, input/output, testing and certification.
- 3. Any city or other governmental permits, not associated with this scope of work, required for the use and operation of the system.
- 4. Access to device location, penetrations, required access panels for concealed areas.
- 5. If not stated above wire mold, conduit, trenching, wireless devices or aerial cabling necessary to connect any remote locations or gates, computer workstations to operate the system, and network equipment to provided power and data communication for devices.
- 6. Overtime required due to schedule revisions, work stoppages, delays caused by others, or circumstances beyond Knight Security Systems control.
- 7. Final terminations and connections to equipment other than provided by Knight Security Systems.
- 8. Any trade installation that Knight Security Systems is not licensed to perform.
- 9. Painting, patching or landscaping required as a result of the installation of equipment associated with this scope of work
- 10. Technical assistance or the setup of the customer's network for connection to the security control systems. The customer is required to provide static IP addresses and support personnel for assistance in setting up the network connections.

Roles & Responsibilities

Essential activities conducted in the course of project by the Customer and Knight Security Systems (KSS)

Project Administration Tasks	Customer	KSS
General project management & administration		Χ
Designate primary customer point of contact and site supervisor		Х
Host initial site orientation and kick-off meeting	Х	
Pre-installation walk-through and design verification	X	
Pre-construction utility assessment	X	
System design and engineering		Х
System design and engineering approval	X	
Develop master project schedule		Х
Approval of master project schedule	Х	
System design acceptance within overall master plan of larger facility	Х	
Provide lists of existing equipment and building drawing backgrounds	Х	
Develop and maintain drawings and equipment schedules		Х
Provide written communication regarding work site conditions	X	
Coordinate monthly in-progress reviews for active sites		Х
Change order management		Х

Project Installation Tasks	Customer	KSS
Provide locations for materials staging	Х	
Materials pre-installation configuration and delivery		Χ
Pre-installation testing of existing equipment		Χ
Installation of electric locking hardware	Χ	



Installation of electric locking mechanism power supplies	X	Х
Installation of device power supplies	Х	Х
120VAC at each device location where needed	Х	
Building penetrations to exterior	Х	
Fire partition penetrations and sealing	Х	
Installation of conduit to security system devices where needed	Х	
Installation of cables to security system devices		Х
Network cables from security system devices to copper patch panels	Х	
Patch cables between patch panels and network switches		Х
Create panel, cable, and equipment labeling scheme	Х	
Install cable labels per labeling scheme		Х

Network Tasks	Customer	KSS
Rack and rack space for rack mount equipment	X	
Network PoE switches and configuration	Х	
Patch panels and uninterruptable power supply	Х	Х
IP address assignment for security system equipment and workstations	Х	
Configure client workstations to the security system		Х

Programming Tasks		KSS
Create custom security system programming matrix		Χ
Program initial security system configuration		Х
Import initial cardholder database from Owner provided information	N/A	
Develop and implement database update procedure X		

Testing and Acceptance Tasks		KSS
System test forms and checklists		Χ
Full system test		Χ
Customer on-site system acceptance	Х	
As-built drawings and final engineering document submittal		Χ

PROJECT INVESTMENT

Investment Summary

Total Miscellaneous Items Total Proposal Amount \$124,219.00 \$425,279.00

Note: Sales tax, if applicable, is not included on this proposal and will be added to the total upon invoicing.

Investment Total

Knight Security Systems will provide the proposed system as described in this proposal for the sum of: \$425,279.27

The price above includes: material, equipment and labor as described within this proposal.



Proposal Acceptance:

I have read the *General Terms and Conditions* of the sale, understand them fully, and agree to abide by them. I have also read and understand the payment terms as set forth in the *Customers Responsibilities* section of the agreement as well as the *Schedule of Equipment* as listed.

I hereby certify that I am authorized by my company to sign this agreement. Knight Security Systems is hereby authorized to perform the work as specified.

	KNIGHT SECURITY SYSTEMS		City of New Braunfels
Ву:		Ву:	
	Signature		Signature
	ISR		Contract Administrator
	Title		Title
	Tess Willems		Debbie Kimball
	Print Name		Print Name

<u>Private and Confidential</u>: The proposal has been distributed to you on a confidential basis for your information only. By accepting it, you agree not to disseminate it to any other person or entity in any manner and not to use the information for any purpose other than considering opportunities for a cooperative business relationship with Knight Security Systems, Inc.

SECURITY SYSTEMS
HONDR, INTEGRITY, SERVICE

TERMS & CONDITIONS



Proposal: 20354-4-0

City of New Braunfels - Westside Community Library Branch v2

Prepared for:

Debbie Kimball

City of New Braunfels 2932 S. I-35 Frontage Rd New Braunfels TX, 78130

<u>Private and Confidential</u>: The proposal has been distributed to you on a confidential basis for your information only. By accepting it, you agree not to disseminate it to any other person or entity in any manner and not to use the information for any purpose other than considering opportunities for a cooperative business relationship with Knight Security Systems, Inc.

Proposal Issued: Proposal Valid To: 8/31/2021 9/30/2021

Prepared by:

Tess Willems (210) 749-1034

twillems@knightsecurity.com

4509 Freidrich Lane Suite 110 Austin, TX 78744

DESCRIPTION

CLIENT INFORMATION

Name: City of New Braunfels

Site Billing Contact

2932 S. I-35 Frontage Rd 550 Landa St Debbie Kimball, Contract Administrator

New Braunfels, TX 78130 New Braunfels, TX 78130 P (830) 221-4081

E DKimball@nbtexas.org

PROJECT NAME: City of New Braunfels - Westside Community Library Branch v2

PROJECT SCOPE OF WORK

DIR-CPO-4494

Knight Security Systems (KSS) will provide and install an Open Options Access Control and Milestone XProtect Video Surveillance System at the City of New Braunfel's Westside Community Library Branch. System installation includes hardware, system licenses, and configuration unless otherwise stated.

- *All systems designed to integrate with DNA Fusion
- *Conduit and back boxes provided by others
- *Electrified locking hardware, power transfer hinges and high in-rush power supplies will be provided by others
- *Lift rental is not included in this proposal and shall be provided by the Customer, if required.
- *Network cable for cameras to be provided by others

Access Control System

KSS will furnish and install the following:

- (1) 8 door LifeSafety power supply
- (1) Open Options SSP-D2 access control module
- (1) RSC-2 expansion module
- (4) single doors will have the following installed:
 - o (1) card reader
 - o (1) door position sensor
 - Electrified locking hardware (provided and installed by others)
- Initial programming will include:
 - Door enrollment into one main access level and time schedule
 - Customer will be responsible for creating additional access levels and schedules
 - (2) system user levels
 - Operator
 - Administrator
 - o (3) time schedules
 - May be assigned to cardholders, doors, or automation outputs
 - o (1) access level
 - Associates available doors and times allowed to cardholders
 - (7) holiday days
 - Allows doors that are scheduled open to remain locked on holidays

Door fit and finish provided by General Contractor or hardware trade. KSS cannot provide services to correct alignment issues and will not modify doors, frames, or hardware for the purpose of correct operation of the door. Each device will include the necessary mounting hardware, license and one year manufacturer software license support.



Video Surveillance System

KSS will furnish and install the following:

- (5) Hanwha PNM-9085RQZ multi-directional exterior cameras with corner mounts
- (2) Hanwha XNV-8081R 5MP exterior cameras with corner mounts
- (9) Hanwha XND-6081RV 2MP interior cameras with wall mounts
- (2) Hanwha PNM-9000VD 5MP multi-directional cameras with corner mounts (Two 4.6mm lens per camera)
- Initial programming will include:
 - o Enrolling the cameras and setting up basic motion detection
 - (1) administrative account
 - o (1) view only account
 - Estimated days of storage 30+
 - o 1080p at H.264 and 15 FPS
 - o Calculations are based on 40% motion detection or event recording

The NVR storage capacity is an approximate estimate based on general conditions that KSS does not guarantee. Each device will include the necessary mounting hardware, license and one year manufacturer software license support.

Customer Provided Items

- Electronic drawing files of the plans and approval of device layout
- Individual software administrator logins for personnel at each location for each system
- Assigning different schedules and access levels to the access control doors
- Existing client workstations that meet the system minimal requirements
- Rack space and uninterruptable power supply in the MDF room for rack mount units
- Wall space and 3/4" plywood backboard for wall mount units
- Network configurations for connection of devices to Customer's network
- 120VAC by a certified electrician for all security devices where needed
- Exterior and fire partition penetrations where needed
- A dry contact connection from the fire system for fire drop out if needed

Finance

Purchaser hereby agrees to pay KSS the following terms:

The Customer is required to pay every invoice in full within 30 days of receiving the invoice.

Project Milestones and Invoicing Procedures

The balance is due and payable in progress payments based upon material delivered or work completed

Refer to the Standard Terms and Conditions sections 8H, 8I, and 8J.

Any changes from the base price will be adjusted with approved change orders from the Customer. The as-built plans will be submitted along with the final submittal package to the Customer.

Engineering

KSS shall provide system design and operational documentation to ensure proper installation and efficient servicing of the system. KSS will provide submittal plans that will show where each device is located at each site. The submittal plans will also include a system matrix, which includes the schedule of each device and the programming setup into the security system software.

Cabling & Wiring

KSS will be responsible to install all the wiring and connections providing communication and/or control between KSS supplied devices and central control equipment. All wires will be dressed in a neat and professional manner.



KSS will not provide any conduit or trenching required to reach each device. It is the Customer's responsibility to provide a pathway for all wiring required for each device. KSS is not responsible for any existing wiring being used. A quote will be provided to the Customer for any wiring that is found to be unusable

Field Devices

KSS will provide all necessary devices and hardware included on the equipment list attached. The devices on the security plans will be installed and programmed into the system according to the system matrix.

KSS is not responsible for any existing devices being reused. If any existing devices are found to be unusable then a quote will be provided to the Customer to replace the device. KSS is not responsible for any damages done from the existing devices being removed. The Customer is responsible to patch and repair any damages done from existing devices removed.

Programming

KSS trained personnel will program the security system to provide a functioning operational system. KSS will support Customer programming personnel and set up remote field panels consistent with manufacturer standards. KSS will program each device according to the system matrix provided in the security plans. If any additional programming or special programming outside the system matrix is needed an approved change order from the Customer is required.

Customer to furnish IP addressing scheme for all devices requiring an IP address on the network. KSS will provide a list of devices that need IP addresses to the Customer.

Rental Equipment

Lift rental is not included in this proposal and shall be provided by the Customer if required.

Testing

KSS will perform acceptance testing in the presence of the appointed Customer representative to ensure proper operation and communication of all integrated systems. A test sheet with a check list for each device will be provided by KSS and signed by the Customer representative upon successful completion of a system acceptance test. The final system test report will be sent to all parties.

A punch list detailing items requiring a follow up that is within this scope of work will be created. KSS will correct the punch list items in a mutually agreed upon time. If the Customer wants something changed after the test sheet has been signed additional charges will be applied.

Upon system acceptance, a KSS job completion form shall be signed and sent to all parties. It is the Customer's responsibility to ensure proper periodic testing per the manufacturer's recommendation if a signed SecurePlan agreement is not in place.

Training

Training will not be provided in this proposal.

Standard Proposal Notes:

- 1. This proposal will follow the guidelines stated in DIR contract number DIR-CPO-4494 Standard Terms and Conditions.
- 2. This proposal is valid for 30 days. After the 30 days the quote is no longer valid and a new quote needs to be regenerated and prices may vary.
- 3. A standard 1 year warranty applies on all newly installed equipment.
- 4. Final Location of all equipment to be approved by owner prior to start of installation.
- 5. Work provided by KSS is assumed to be continuous, unhindered and without the need for escorts. Additional costs will be incurred if work is slowed by denial or delay of access to the work areas without three days' notice, or if escorts are required at any time. Any cessation of work by the customer or delays in the project construction schedule will result in additional mobilization and project management charges.
- 6. The quantities of materials noted above scope of work are intended to be descriptive. Should there be any discrepancy between the scope of work and the equipment list, the equipment list will supersede the scope of work stated above.
- 7. All work will be done following federal, state, and local laws and requirements for the above scope of work.



Knight Security Systems Excludes the Following:

- 1. All 120 VAC connections are to be performed by customer or customer's designated licensed Electrical contractor.
- 2. Fire alarm interface, cabling, connection, input/output, testing and certification.
- 3. Any city or other governmental permits, not associated with this scope of work, required for the use and operation of the system.
- 4. Access to device location, penetrations, required access panels for concealed areas.
- 5. If not stated above wire mold, conduit, trenching, wireless devices or aerial cabling necessary to connect any remote locations or gates, computer workstations to operate the system, and network equipment to provided power and data communication for devices.
- 6. Overtime required due to schedule revisions, work stoppages, delays caused by others, or circumstances beyond Knight Security Systems control.
- 7. Final terminations and connections to equipment other than provided by Knight Security Systems.
- 8. Any trade installation that Knight Security Systems is not licensed to perform.
- 9. Painting, patching or landscaping required as a result of the installation of equipment associated with this scope of work.
- 10. Technical assistance or the setup of the customer's network for connection to the security control systems. The customer is required to provide static IP addresses and support personnel for assistance in setting up the network connections.

Roles & Responsibilities

Essential activities conducted in the course of project by the Customer, Knight Security Systems (KSS), and the General Contractor (GC).

Project Administration Tasks	Customer	KSS	
General project management & administration		Х	
Designate primary customer point of contact and site supervisor		Х	
Host initial site orientation and kick-off meeting	Х		
Pre-installation walk-through and design verification	Х		
Pre-construction utility assessment	Х		
System design and engineering		Х	
System design and engineering approval	Х		
Develop master project schedule		Х	
Approval of master project schedule X			
System design acceptance within overall master plan of larger facility	Х		
Provide lists of existing equipment and building drawing backgrounds	Х		
Develop and maintain drawings and equipment schedules		Χ	
Provide written communication regarding work site conditions	Х		
Coordinate monthly in-progress reviews for active sites			
Change order management			

Project Installation Tasks	Customer	KSS
Provide locations for materials staging	Х	
Materials pre-installation configuration and delivery		Х
Pre-installation testing of existing equipment		Χ
Installation of electric locking hardware		Х
Installation of electric locking mechanism power supplies		Х
Installation of device power supplies		Х
120VAC at each device location where needed	X	
Building penetrations to exterior		
Fire partition penetrations and sealing		Х
Installation of conduit to security system devices where needed		
Installation of cables to security system devices		Х
Network cables from security system devices to copper patch panels		
Patch cables between patch panels and network switches		X



Create panel, cable, and equipment labeling scheme	X	
Install cable labels per labeling scheme		Χ

Network Tasks		KSS
Rack and rack space for rack mount equipment		
Network PoE switches and configuration	Х	
Patch panels and uninterruptable power supply	Х	Х
IP address assignment for security system equipment and workstations	Х	
Configure client workstations to the security system		Χ

Programming Tasks		KSS
Create custom security system programming matrix		Χ
Program initial security system configuration		Χ
Import initial cardholder database from Owner provided information	N/A	
Develop and implement database update procedure X		

Testing and Acceptance Tasks		KSS
System test forms and checklists		Х
Full system test		Χ
Customer on-site system acceptance	X	
As-built drawings and final engineering document submittal		Χ

PROJECT INVESTMENT

Investment Summary

Total Proposal Amount

\$48,948.00

Note: Sales tax, if applicable, is not included on this proposal and will be added to the total upon invoicing.

Investment Total

Knight Security Systems will provide the proposed system as described in this proposal for the sum of: \$48,947.56

The price above includes: material, equipment and labor as described within this proposal.

Ciletic illiciais.



Proposal Acceptance:

I have read the *General Terms and Conditions* of the sale, understand them fully, and agree to abide by them. I have also read and understand the payment terms as set forth in the *Customers Responsibilities* section of the agreement as well as the *Schedule of Equipment* as listed.

I hereby certify that I am authorized by my company to sign this agreement. Knight Security Systems is hereby authorized to perform the work as specified.

	KNIGHT SECURITY SYSTEMS		City of New Braunfels
Ву:		Ву:	
	Signature		Signature
	ISR		Contract Administrator
	Title		Title
	Tess Willems		Debbie Kimball
	Print Name		Print Name

<u>Private and Confidential</u>: The proposal has been distributed to you on a confidential basis for your information only. By accepting it, you agree not to disseminate it to any other person or entity in any manner and not to use the information for any purpose other than considering opportunities for a cooperative business relationship with Knight Security Systems, Inc.

KNIGHT 101
SECURITY SYSTEMS
HONDR, INTEGRITY, SERVICE

TERMS & CONDITIONS

Limited Warranty.

- **A. What is Covered.** For one (1) year after System Acceptance, Knight will repair or replace any defective part of the System without charge to Purchaser. Knight may use new or used parts of the same quality. Knight may keep all replaced components.
- **B.** How To Get Service. Call or e-mail Knight at the e-mail address and telephone number at the top of this agreement and tell Knight what is wrong with the System. Knight will provide service as soon as possible during Knight's normal business hours which are 8:00AM to 5:00PM Monday through Friday, excluding holidays Knight observes. A responsible adult must be at the premises at the time Knight visits. Emergency repair service is available at other times for an additional charge. SecurePlan customers should follow the exclusive SecurePlan service request procedure.
- C. What Is Not Included. Repair of the System is Knight's only duty. This warranty does not include disposable batteries. Knight makes no other express warranty including any warranty of merchantability of the System or its fitness for any special purpose. Knight does not warrant that the System cannot be defeated or compromised or that it will always operate. This warranty does not cover repairs that are needed because of an accident, acts of God, misuse or abuse of the System, Purchaser's failure to properly use the System, or any other reason except a defect in the equipment or Knight's installation. Knight is not liable for consequential or incidental damages. Purchaser agrees that this is Knight's only warranty and that Knight has given Purchaser no other warranty for the System. All implied warranties are limited in duration to the one year term of this express warranty. Repairs not covered by this warranty will be charged to Purchaser at Knight's standard rates for labor and materials and Purchaser agrees to pay the same.
- **D. State Law.** Some states do not allow the exclusion or the limitation of consequential or incidental damages, or a limitation on the duration of implied warranties, so the above limitations or exclusions may not apply. The warranty gives you specific legal rights and you may also have other rights, which may vary from state to state.

After Warranty Service. If Purchaser has subscribed to SecurePlan, Knight will continue to service the System in accordance with the provisions of the SecurePlan program. If Purchaser has not subscribed to SecurePlan, then at the end of Knight's one (1) year limited warranty, Knight will continue to repair the System on a time and material basis. Purchaser will pay Knight's standard parts and labor charges for all repair calls. There will be a one (1) hour minimum visit charge for each repair call. See Knight's Limited Warranty on how to request repair service. Payment is due upon completion of the work.

Regulatory Agencies. Knight operates under the regulatory authority of the following State of Texas agencies: Department of Public Safety, Texas Private Security Board, P.O. Box 4087, Austin, Texas 78773-0001, 512/463-5545, License # B-3566: Texas Department of Insurance, Office of the State Fire Marshal; P.O.Box 149221, Austin, Texas 78714-9221, 512/463-6169, License # ACR-84110-647.

Document Conflict. It is understood and agreed by and between the parties hereto, that if there is any conflict in this agreement and any other document, this agreement will govern, whether such other document is prior, coincident or subsequent to this agreement.

Taxes, Fees, Permits, Fines. In addition to the charges set forth herein, Purchaser agrees to pay any and all false alarm assessments, taxes, fees or other charges relating to the System installation, System use or services provided under this agreement which are authorized or imposed by any governmental body or other organization to whose facilities the System is connected. In addition Purchaser agrees to have the System licensed, permitted, registered or the like when required by any governmental agency and to pay any and all required fees for same.

Knight Not An Insurer And Limitation Of Liability. Purchaser acknowledges that Knight has not represented or warranted that the System may not be compromised or circumvented, that the System will prevent any loss by burglary, theft, robbery, fire or otherwise or that the System will in all cases provide the detection for which it is installed or intended. Purchaser does further acknowledge that Purchaser assumes all risk for loss or damage to Purchaser's premises, property or contents and that Knight has made no representations or warranties, nor has the Purchaser relied on any representation or warranties, expressed or implied, including any warranty of merchantability or fitness for any particular use, except as set forth herein. Purchaser acknowledges that Knight is not an insurer and that insurance if any shall be obtained by the Purchaser and that the payments stipulated hereinbefore are based solely upon the value of the System and services herein described and are unrelated to the value of Purchaser's premises, property or contents. It is not the intention of the parties of this agreement that Knight assume responsibility for any loss occasioned by malfeasance or misfeasance in the performance of the System or services under this agreement or for any loss or damage sustained through burglary, theft, robbery, fire or other cause by virtue of this agreement or because of the relation herein established. Purchaser further agrees to not subrogate with any person or insurer against Knight. From the nature of the System to be installed and/or the services to be performed, it is impractical and extremely difficult to fix the actual damages, if any, which may proximately result from the failure of the System, installation, monitoring or other services or on the part of Knight to perform any of its obligations hereunder. If there shall, notwithstanding the provisions herein, at any time be or arise any liability on the part of Knight by virtue of this agreement or because of the relation hereby established, whether due to Knight's breach of this agreement, negligence of Knight, Knight's failure to perform any of its obligations hereunder, including installation, monitoring or service, or otherwise, such liability is and shall be limited to a sum equal in amount to the annual monitoring fee, five percent (5%) of the total sale and installation amount or five hundred dollars (\$500.00), whichever is the greater. This liability shall be complete and exclusive. Purchaser may obtain from Knight a higher limitation of liability for an additional periodic charge. If Purchaser elects this option, Knight will attach a rider to this agreement, which will set forth the amount of the higher limitation of liability and the amount of the additional charge. Agreeing to the higher limitation of liability does not mean that Knight is an insurer.

Indemnification. Purchaser agrees to and shall indemnify and save Knight harmless, its employees and agents, for and against all third party claims, lawsuits and losses alleged to be caused by Knight's performance, negligent performance or failure to perform its obligations under this agreement except that this indemnity clause shall not extend to damage, loss, liability or injuries which occur while an employee or agent of Knight is on the premises of the Purchaser and which damage, loss, liability or injuries are solely and directly caused by the acts of said employee or agent.

System Acceptance. Purchaser agrees to inspect and provide written acceptance of the system installation within (30) days within of the notice of completion by Knight, or within 30 days of the commencement of beneficial use of the system or system elements provided, whichever is earlier. Errors or omissions in the installation of System, including but not limited to failure to install or wire detection devices, shall be called to the attention of Knight by Purchaser in writing within



thirty (30) days of final billing of installation charges stipulated in paragraph 2.A of this agreement. Upon the expiration of the said thirty (30) day period, the installation and the System provided shall be deemed complete and acceptable to Purchaser.

Increase Of Monitoring/Service Fees. Notwithstanding the terms and conditions set forth herein, after the term for monitoring service, Knight may at any time, increase the monthly System monitoring fee and/or service fee upon giving the Purchaser notice in writing. In the event Purchaser is unwilling to pay the increased fee(s), Purchaser may terminate the System monitoring and/or System service upon giving notice in writing to Knight within thirty (30) days from receipt of Knight's notice, provided Purchaser shall not be in default of any provisions, terms or conditions of this agreement. Failure to notify Knight within said thirty (30) days will constitute Purchaser's consent to the increased fee(s) and all other provisions, terms and conditions of this agreement shall remain in full force and effect.

System Use And Testing. To obtain proper results from the operation of the System, Purchaser agrees to perform weekly tests and inspections of the entire System and to notify Knight as soon as practical to have System repaired if a failure is detected with the System. Purchaser will instruct all other persons who may use the System on its proper use. If the System includes interior detection (e.g., motion detectors, glass break detectors, smoke detectors, heat detectors or other such detectors), Purchaser agrees to turn off, control or remove all things such as air conditioning systems, insect fogging products and pets that might interfere with such devices.

False Alarm & Warranty Service Calls. In the event Purchaser or any user of the System shall cause an excessive number of false alarms or service calls through carelessness, the malicious or accidental use of the System or in the event Purchaser shall in any manner misuse or abuse the System, it shall constitute a material breach of contract on the part of Purchaser and Knight may, at its option, in addition to other legal remedies, be excused from further performance upon the giving of ten (10) days notice to Purchaser. Knight's excuse from performance shall not affect Knight's right to recover damages from Purchaser. In the event a fine, penalty, fee or the like is assessed against Knight by any governmental or municipality agency as a result of any false alarm or misuse of Purchaser's System, Purchaser agrees to forthwith reimburse Knight upon Knight giving notice to Purchaser.

Telephone Line. Purchaser understands that all System monitoring signals are transmitted over regular telephone lines, which are wholly beyond the control and jurisdiction of Knight. Purchaser will pay for all telephone company charges. Knight requires the use of a RJ31X or equivalent telephone jack to give the System priority over telephones on Purchaser's premises; however, when the System is activated, other calls (such as calls to the 911 emergency operator) cannot be made, and therefore, Purchaser may wish to have the System connected to a second telephone line. If Purchaser's telephone service is out of order, placed on vacation status or otherwise not working, signals cannot be transmitted and Knight will not know of the telephone service problem or outage. Purchaser acknowledges that Knight has advised Purchaser of the availability of wireless radio transmission of System monitoring signals in the event of telephone service interruption.

Additional Detection Equipment. Purchaser acknowledges that additional fire, intrusion, robbery or supervisory detection devices are available at additional cost.

Installation Or Service Of System. Purchaser authorizes Knight to install and/or service or cause to be installed and/or serviced, the devices specified in the schedule of devices including instruments, appliances and all necessary connections, wires, conduits and other materials associated herewith. Knight may, at its sole discretion, subcontract all or part of the installation or service of the System. Purchaser will make premises available during Knight's normal working hours of 8:00 A.M. through 5:00 P.M., Monday through Friday exclusive of Knight's scheduled holidays unless an alternative time has been arranged and agreed to by both Knight and Purchaser. Purchaser has the affirmative duty to inform Knight, prior to beginning of installation, of every location at the premises where Knight should not (because of concealed obstructions or hazards such as pipes, wires or asbestos) enter or drill holes. If asbestos or other health hazardous material is encountered during installation, Knight will cease work until Purchaser has, at Purchaser's sole expense, obtained clearance from a licensed asbestos removal or hazardous material contractor that continuation of work will not pose any danger to Knight's personnel. In no case shall Knight be liable for discovery or exposure of hidden asbestos or other hazardous material, and Purchaser shall indemnify and hold Knight and its employees harmless from any claims brought against Knight and/or its employees by third parties for damages, personal injury, death, emotional injury, whether actual or prospective allegedly caused by the presence, spread, ingestion or inhalation of any substance/vapor on or originating from Purchaser's premises. Purchaser understands that the installation will necessitate drilling into various parts of the premises. Knight generally intends to conceal wiring in the finished areas of the premises; however, in areas which, due to construction, decoration, or furnishing of the premises, Knight determines, in its sole discretion, that it would be impractical to conceal the wiring, in such cases wire will be exposed. To facilitate the installation and operation of the System, Purchaser will repair any broken or loose doors, windows or other parts of the premises as Knight may reasonably request. Purchaser agrees to provide 110 volt AC electrical outlets (dedicated circuits when required) at the designated locations for devices requiring such power.

Delay/Interruption Of Installation, Monitoring Or Service. Purchaser hereby agrees that Knight assumes no liability for delays or interruption in installation, monitoring or service of System whether due to heavy workload, labor disputes of any nature, strikes, riots, storms, natural disasters, fires, power failures, insurrection, interruption of or unavailability of telephone service, or any other cause beyond the control of Knight and will not be required to furnish installation, monitoring or service while any such cause shall continue.

Default Or Termination. If Purchaser fails to pay any amounts agreed herein or provided for herein within ten (10) days after the same is due and payable or if Purchaser fails to observe, keep or perform any other provision, term or condition of this agreement, Purchaser hereby agrees that Knight shall have the right to exercise any of the following remedies: (a) to declare the entire amount of moneys due hereunder, immediately due and payable upon notice or demand to Purchaser; (b) to initiate any legal proceedings and recover all moneys due hereunder, accrued and thereafter accruing, including without limitation, reasonable attorney's fees; (c) to enter Purchaser's premises and take possession of any and all devices of System not paid for, without any court order or other process of law, and any said taking of possession shall not constitute a termination of this agreement unless Knight expressly so notifies Purchaser in writing; (d) to terminate this agreement; (e) to pursue any other remedy at law or in equity. Notwithstanding any said removal or any other action which Knight may take, Purchaser shall be and remain liable for the full performance of all provisions, terms and conditions on the part of Purchaser under this agreement. All such remedies are cumulative and may be exercised concurrently or separately. Purchaser shall be liable for all expenses Knight may incur in connection with the enforcement of any of its remedies herein, including without limitation, reasonable attorney's fees and any amounts established by state or federal statute or regulation. If Knight elects to exercise any or all of the above provisions, it shall not be considered to constitute a breach by Knight of this agreement or waiver of Knight's rights to which it may be entitled under the law. Purchaser further agrees that Knight shall not be liable for any damage caused to the Purchaser's premises by the removal of System or devices.

Title Of System. Knight retains title to the System and all components and devices until such time as Purchaser shall pay for said System in full.



Pre-Existing Equipment And Devices. Knight assumes no liability and gives no warranty, limited or otherwise, for equipment, devices, wiring, services or the like not installed or provided by Knight pursuant to this agreement.

Authorized Users And Emergency Contact List. Purchaser agrees to furnish to Knight forthwith a written list of names, necessary telephone numbers and verbal passcodes of all System users and emergency contact persons authorized to enter the Purchaser's premises. In addition Purchaser shall notify Knight in writing of all changes, revisions and modifications of the above stated users and emergency contact persons or changes to the Purchaser's premises address, telephone, or the like.

Monitoring Service. If Purchaser has subscribed to monitoring service, Knight, upon receipt of a signal from the System shall, without warranty and when permissible by law, make a reasonable effort to do the following: (a) Upon receipt of an intrusion alarm signal, call the Purchaser's premises to verify an authorized user. If unable to verify an authorized user at the Purchaser's premises, notify the Public Police Department of the respective jurisdiction of the Purchaser's premises and notify the emergency contact person by calling the emergency contact person's telephone number. (b) Upon receipt of a holdup, duress or panic alarm signal, notify the Public Police Department of the respective jurisdiction of the Purchaser's premises and notify the emergency contact person by calling the emergency contact person's telephone number. (c) Upon receipt of a fire alarm signal, notify the Public Fire Department of the respective jurisdiction of the Purchaser's premises, notify the Purchaser's premises and if unable to notify Purchaser, notify the emergency contact person by calling the emergency contact person's telephone number. (d) Upon receipt of a System supervisory, trouble or failed System test signal or the like, call the Purchaser's premises during Knight's normal business hours to notify Purchaser and if unable to notify Purchaser, notify the emergency contact person by calling the emergency contact person's telephone number. The above listed procedures may be altered by Purchaser, when allowed by law, only upon Purchaser's written request of Knight. Monitoring may be provided by Knight or an independent monitoring facility selected by Knight.

Late/Interest Fees & Attorney's Fees. Purchaser shall pay late fees and interest in amounts allowable by Texas law for all moneys not paid to Knight when due and payable. Additionally, in the event it shall become necessary for Knight to institute legal proceedings to collect any amount due Knight under this agreement, Purchaser shall pay Knight reasonable attorney's fees when permitted by law. Both Knight and Purchaser agree that no demand for arbitration, lawsuit or any other legal proceeding connected with this agreement shall be brought or filed more than one year after the incident giving rise to the claim occurred. In addition any such legal proceeding shall not be heard before a jury. Each party gives up any right to a jury trial.

Assignees And Subcontractors. Knight may transfer or assign this agreement to any other entity including an alarm company or lender. Purchaser may not transfer this agreement to someone else (including someone who purchases or rents Purchaser's premises) unless Knight approves the transfer in writing. Knight may use subcontractors to provide installation, repair or monitoring services, and this agreement, shall apply to the work or services they provide, and shall apply to them and protect them in the same manner as it applies to and protects Knight.

Client Initials:₋





City Council Agenda Item Report 9/27/2021

550 Landa Street New Braunfels, TX

Agenda Item No. I)

PRESENTER:

Debbie Kimball, Contract Administrator

SUBJECT:

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 to various City departments.

DEPARTMENT: Finance

COUNCIL DISTRICTS IMPACTED: Citywide

BACKGROUND INFORMATION:

The City identified a need to establish annual contracts for vehicle parts and/or vehicle repair services on an asneeded basis.

On August 3, 2021, the City of New Braunfels issued a Competitive Sealed Proposal soliciting multiple contractors to provide vehicle parts and/or vehicle repair services on an as-needed basis. The solicitation was advertised and competitively solicited with a close date of August 24, 2021. The City received five (5) responses. City staff evaluated the responses based upon price and qualifications and has recommended award to all respondents. These contracts will provide staff with competitive pricing and readily available sources. The City's aggregated annual spend is estimated at \$250,000.

The contract term shall be from October 1, 2021 through September 30, 2024, with the option to renew services for two (2) additional one-year periods.

ISSUE:

Strategic Priorities: Maintain fiscal stability of City operations

FISCAL IMPACT:

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

RECOMMENDATION:

Staff recommends 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 to various City departments.



City Council Agenda Item Report 9/27/2021

550 Landa Street New Braunfels, TX

Agenda Item No. J)

PRESENTER:

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

SUBJECT:

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.

DEPARTMENT: Public Works

COUNCIL DISTRICTS IMPACTED: 4

BACKGROUND INFORMATION:

The City of New Braunfels and SA Kosta Brown, Ltd., developer of Creekside Farms Subdivision, have negotiated a Development Agreement under the City's Roadway Impact Fee Ordinance in Chapter 100 of the Code of Ordinances to pay the excess costs of constructing to minor collector specifications a section of Orion Drive that is abutting or interior to this subdivision and to pay for the additionally required right of way. The developer has constructed the section of Orion Drive which has been accepted and has dedicated the additional required right of way.

The developer is petitioning to be reimbursed for construction costs in the amount of \$456,558.20 and for the dedication of the additional right of way in the amount of \$138,663.00 for a total of \$595,221.20.

Sufficient roadway impact fees have been collected from building permits issued to the Creekside Farms Subdivision, so funds are available to pay the developer. This section of Orion Drive is identified as a minor collector on the City's Thoroughfare Plan and Project 3-AC in the City's Roadway Impact Fee Capital Improvements Plan.

ISSUE:

N/A

FISCAL IMPACT:

Developer will receive \$595,221.20 for the construction of a section of Orion Drive abutting or interior to Creekside Farms Subdivision. The impact will be a reduction in the roadway impact fees collected by the City of New Braunfels in Service Area 3 designated for projects in the Roadway Impact Fee Capital Improvements Plan. The roadway impacts fees paying the developer have been collected from building permits in the Creekside Farms Subdivision.

RECOMMENDATION:

Staff recommends approval of authorizing the payment of \$595,221.20 to the developer of Creekside Farms Subdivision from the roadway impacts fees collected from this subdivision and authorizing the City Manager to execute the Development Agreement.

DEVELOPMENT AGREEMENT FOR ROADWAY IMPACT FEE OFFSETS

This Development Agreement (the "Agreement") is made and entered into by and between the City of New Braunfels, Texas (the "City"), a Texas municipal corporation, and, SA Kosta Browne, Ltd., a Texas limited partnership ("Developer") on this the ____ day of _________, 2021.

WHEREAS, Developer submitted an application for platting the Creekside Farm Subdivision, Unit 3 for 141 single-family residential lots (the "**Plat 3**"); and

WHEREAS, Creekside Farms Subdivision Unit 1 consisting of 125 single-family residential lots and Creekside Farms Subdivision Unit 2 consisting of 90 single-family residential lots were platted and such plats were recorded prior to Plat 3, and

WHEREAS, the Plat 3 was approved by the City's Planning Commission subject to conditions on November 4, 2019 (The Creekside Farms, Unit 3) and was recorded on October 2, 2020 which is attached as Exhibit A; and

WHEREAS, Creekside Farms Subdivision Unit 4 consisting of 92 single-family residential lots were approved by Planning Commission and was recorded on April 4, 2021 by filing security in lieu of completing construction in compliance with Chapter 118 of the City Code of Ordinances; and

WHEREAS, the Plat 3 is subject to the requirement that sections of Orion Drive (the "Subdivision Road") abutting or interior to the Plat be constructed to minor collector specifications and the dedication of right-of-way, pursuant to Chapter 118 of the City Code of Ordinances; and

WHEREAS, the City has adopted a roadway impact fees program, which requirements are codified as Chapter 100, City Code of Ordinances, as amended (the "**Ordinance**"); and

WHEREAS, Chapter 100 requires the payment of roadway impact fees adopted for service'e area No. 3 for dwelling units constructed on lots within the Plat, upon the issuance of a building permit; and

WHEREAS, the Ordinance provides that an owner/developer of a tract of land can petition the City for offsets for the costs of capital improvements that provide additional capacity to the City's thoroughfare system against the roadway impact fees to be charged to the development; and

WHEREAS, the Ordinance authorizes the City to enter into an agreement with an owner/developer of a tract of land for the construction and/or financing of such capital improvements; and

WHEREAS, the Subdivision Road is identified on the City's Thoroughfare Plan as a minor collector street; and

WHEREAS, the costs of constructing and dedication of right-of-way for the Subdivision Road within or abutting the Plat to minor collector specifications (the "Reimbursable Cost") is \$595,221.20 which is comprised of \$456,558.20 for construction costs and \$138,663.00 for the value of right of way as more precisely set forth in Exhibit B attached hereto and incorporated herein by reference; and

WHEREAS, the City Engineer has reviewed and approved such Reimbursable Cost amount; and

WHEREAS, Developer has petitioned the City for offsets against roadway impact fees due for the Reimbursable Cost of the Subdivision Road; and

WHEREAS, the total amount of roadway impact fees due by the builders of 448 single-family residential (detached) lots subject to the Plat 3 and the plats for Units, 1, 2, and 4 is \$840,00.00 based on roadway impact fees currently in effect, as shown on the Roadway Impact

Fee Calculation Worksheets attached hereto and incorporated herein by reference as **Exhibit C**; and

WHEREAS, the total amount of roadway fees collected by the City to date of April 30, 2021, for the Subdivision is \$451,875.00; and

WHEREAS, the City desires to offset the Reimbursable Cost upon the construction, dedication to the City and acceptance by the City of the Subdivision Road against roadway impact fees due.

NOW, THEREFORE, the parties agree as follows:

- 1. Developer has constructed the Subdivision Road to the City's minor collector specifications and has dedicated such road to the City. Developer has also dedicated 1.26 acres of right-of-way necessary to construct the Subdivision Road to minor collector specifications.
- 2. Developer has constructed and dedicated right-of-way for the Subdivision Road to the City's specifications and has dedicated such road to the City, the Reimbursable Cost for the Subdivision Road shall be apportioned to 318 lots subject to all the plats. As of July 31, 2021, the City has collected sufficient roadway impact fees in the amount of \$595,221.20 for all of the Units which shall be paid to the Developer within 5 business days following execution of this Agreement provided all required documents for the transfer have been delivered to City.
- 3. Developer and City hereby covenant and agree that this Agreement cannot be assigned, transferred, or conveyed, in whole or in part, to a third party without the prior written consent of the other party.
- 4. The following events shall be deemed to be events of default by Developer or City under this Agreement:

- a. City fails to pay Developer the Reimbursable Cost as set forth in this Agreement.
- b. City fails to apply an offset to roadway impact fees due for a lot subject to the Plat in accordance with this Agreement.
- c. Developer or City fails to comply with any other term, provision, or covenant of this Agreement.
- 5. A defaulting party shall have 30 days after receiving written notice of an event of default from the non-defaulting party to cure the default, or such longer period as may be reasonably necessary if such default is not subject to cure within 30 days so long as the defaulting party commencing activities to cure such default with 30 days and continues to diligently pursue such cure (such period of 30 days or longer as may be applicable (the "Cure Period").
- 6. In addition to the exercise of any other remedies available at law or in equity, the non-defaulting party may terminate this Agreement upon the occurrence of any event of default, the expiration of the required Cure Period, and the failure of the defaulting party to cure the default during the Cure Period.
- 7. Notwithstanding any provision herein to the contrary, if notice of default has been given by one party to the other party, and the other party believes that it is not in default or there is a dispute as to whether the default has been cured, then the parties shall make a good faith effort to resolve the dispute before the Agreement is declared terminated or in default.
- 8. In consideration of the premises, mutual promises, and covenants contained herein, **Developer**, on behalf of itself and its agents, predecessors, successors, assigns, legal representatives and affiliates, **RELEASES**, **ACQUITS**, **FORGIVES**, **AND FOREVER DISCHARGES**, the **City** and its officers, agents, and employees, elected or appointed officials, predecessors, successors, assigns and legal representatives, (the "**Released City Parties**"), jointly and severally, each and all other them, of and from any and all debts, liabilities, claims,

controversies, actions, causes of action and demands of every kind and character whatsoever, known or unknown, suspected or unsuspected that **Developer** has, claims to have or may hereafter have arising out of or related to the Development Agreement. This foregoing paragraph shall not be effective until the tender of payment of all of the Reimbursable Costs by the City to the Developer as set forth in this Agreement.

- 9. In consideration of the premises, mutual promises, and covenants contained herein, City, on behalf of itself and its agents, predecessors, successors, assigns, legal representatives and affiliates, RELEASES, ACQUITS, FORGIVES, AND FOREVER DISCHARGES, Developer and its agents, predecessors, successors, assigns and legal representatives, (the "Released Developer Parties"), jointly and severally, each and all other them, of and from any and all debts, liabilities, claims, controversies, actions, causes of action and demands of every kind and character whatsoever, known or unknown, suspected or unsuspected that City has, claims to have or may hereafter have arising out of or related to the application of this Development Agreement. This foregoing paragraph shall not be effective until the tender of payment of full the Reimbursable Costs by the City to the Developer.
- 10. This Agreement is made subject to the existing provisions of the Charter of the City of New Braunfels, its rules, regulations, procedures, and ordinances, present and future, and all applicable laws of the State of Texas and the United States. The parties agree that this Agreement will be performable in New Braunfels, Texas, and that if legal action is necessary to enforce this Agreement, exclusive venue will lie in Comal County, Texas.
- 11. All notices required under this Agreement to be written shall be mailed, handdelivered, or faxed to the respective parties at the addresses shown below, unless either party notifies the other party in writing of a change in address:

City:

City Engineer City of New Braunfels 550 Landa Street New Braunfels, Texas 78130

With a copy to:

City Attorney City of New Braunfels 550 Landa Street, New Braunfels, Texas 78730

Developer:

SA Kosta Browne, Ltd.

By:

SA Kosta Browne GP, LLC, a Texas limited liability company, its General Partner

1802 NW Military Dr. Suite 100 San Antonio, Texas 78213

Tom Yantis Mosaic Land Development LLC 6812 West Avenue, Suite 100 San Antonio, Texas 78213

With a copy to:

Karl P. Baker Golden Steves & Gordon, LLP 200 East Basse Road, Suite 200 San Antonio, Texas 78209

- 12. This Agreement may be amended only by the written agreement of the parties.
- 13. In the event that any 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 provision thereof, and this Agreement shall

be considered as if such invalid, illegal, or unenforceable provision had never been contained in the Agreement.

14. The findings and recitals in the recitals of this Development Agreement are hereby

found to be true and correct and are hereby incorporated by reference as is set out in full.

15. This Agreement, and any requirement contained in this Agreement, shall not

constitute a "permit," as defined Chapter 245, Texas Local Government Code. This paragraph

shall survive the termination of this Agreement.

This Agreement shall be effective upon the signature of all Parties hereto. The City 16.

shall be the last Party to execute the Development Agreement.

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney

CITY OF NEW BRAUNFELS, TEXAS:

Notary Public, State of Texas

DEVELOPER:	
-------------------	--

	SA Kosta Browne, LTD, a Texas limited partnership
1	By: SA Kosta Browne GP, LLC, a Texas limited liability company, its General Partner
	By: Name: Thomas Yantis Title: Manager DATED:
ACKN	OWLEDGEMENT
STATE OF TEXAS \$ COUNTY OF BEXAR \$	
personally appeared Thomas Yantis, the limited liability company, the General Par partnership, known to me to be the person	, a notary public for the State of Texas, on this day of SA Kosta Browne GP, LLC, a Texas tner of SA Kosta Browne, Ltd., LTD, a Texas limited whose name is subscribed to the foregoing instrument ted the same for the purposes and consideration therein
Given under my hand and seal of o	ffice this, 2021
	Notary Public, State of Texas

- 2. ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983, GRID. DISTANCES SHOWN HEREON ARE BASED UPON SURFACE MEASUREMENTS. TO CONVERT SURFACE DISTANCES TO GRID, APPLY A COMBINED SCALE FACTOR OF
- 3. 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" IRON PINS WITH PLASTIC CAP STAMPED "HMT" IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
- 4. THIS SUBDIVISION IS NOT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
- 5. THIS SUBDIVISION IS WITHIN THE CITY LIMITS OF NEW BRAUNFELS, TEXAS.
- 6. THIS SUBDIVISION IS WITHIN THE COMAL INDEPENDENT SCHOOL DISTRICT.
- 7. NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN THE SPECIAL FLOOD HAZARD AREA (100 YR. FLOOD), AS DEFINED BY THE COMAL COUNTY, TEXAS, FLOOD INSURANCE RATE MAP NUMBER 48091C0455F, EFFECTIVE DATE SEPTEMBER 2, 2009, LOMR 15-06-4062P, EFFECTIVE DATE MARCH 31, 2016 AND LOMR 18-06-3030P, EFFECTIVE DATE JULY 5, 2019 AS PREPARED BY THE FEDERAL EMERGENCY
- 8. NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS OF SAUGHD PRAINAGE FASEMENTS. PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.
- 9. FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.
- 10. SIX (6) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS AT LEAST 4' FROM THE EDGE OF PAVEMENT BY THE CITY AS PART OF THE CITY'S STREET IMPROVEMENT PROJECT AT THE TIME OF SUBDIVISION CONSTRUCTION ALONG: A. GOODWIN LN
- 11. FOUR (4) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ADJACENT TO THE CURB BY THE DEVELOPER AT THE TIME OF STREET CONSTRUCTION
 - ORION DR LOTS 901 AND 902, BLOCK 17; LOT 903, BLOCK 9. WOLFCREEK LOTS 903 AND 904, BLOCK 9; LOT 905, BLOCK 16. PANTHER SPRING LOT 905, BLOCK 16. TRINITY SPRING LOTS 906, BLOCK 14 AND 907, BLOCK 13 ALONG TRINITY
- 12. FOUR (4) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ADJACENT TO THE CURB BY THE HOME BUILDER AT THE TIME OF BUILDING CONTRUCTION ALONG:
 - A. ORION DR, BROGAN CREEK, PANTHER SPRING, WOLFCREEK, AND TRINITY
- 13. THE ELEVATION OF THE LOWEST FLOOR OF A STRUCTURE SHALL BE AT LEAST 10 INCHES ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED IN A FASHION SO AS TO DIRECT STORMWATER AWAY FROM THE STRUCTURE. PROPERTIES ADJACENT TO STORMWATER CONVEYANCE STRUCTURES MUST HAVE A FLOOR SLAB ELEVATION OR BOTTOM OF FLOOR JOISTS A MINIMUM OF ONE FOOT ABOVE THE 100—YEAR WATER FLOW ELEVATION IN THE STRUCTURE. DRIVEWAYS SERVING HOUSES ON THE DOWNHILL SIDE OF THE STREET SHALL HAVE A PROPERLY SIZED CROSS SWALE PREVENTING RUNOFF FROM ENTERING THE GARAGE AND SHALL PREVENT WATER FROM LEVANING THE STREET. PREVENT WATER FROM LEAVING THE STREET.
- 14. THIS SUBDIVISION IS SUBJECT TO THE 2006 CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE. THIS PLAT IS APPROVED FOR ONE (1) DWELLING UNIT PER BUILDABLE LOT WITH A MAXIMUM OF 141 BUILDABLE LOTS WHERE FEES ARE DUE AT THE TIME OF RECORDATION. AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED, THE OWNER OF THE LOT(S) SHALL NOTIFY THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT.
- 15. THIS UNIT CONTAINS 141 BUILDABLE RESIDENTIAL LOTS. ALL LOTS MEET THE MINIMUM SQUARE FOOTAGE REQUIREMENT ACCORDING TO THE ZONING ORDINANCE.
- 16. ALL DRAINAGE EASEMENTS WITHIN THE LOTS WILL BE OWNED AND MAINTAINED BY PROPERTY OWNER.
- 17. PERMANENT WATER QUALITY CONTROLS ARE REQUIRED FOR THIS SUBDIVISION PLAT IN ACCORDANCE WITH THE CITY OF NEW BRAUNFELS DRAINAGE AND EROSION CONTROL DESIGN MANUAL.
- 18. LOTS 901, BLOCK 17, 906, BLOCK 14 AND 907, BLOCK 13 ARE NON-RESIDENTIAL COMMON SPACE LOTS FOR SUBDIVISION LANDSCAPING, ENTRY SIGNAGE AND UTILITY EASEMENTS, TO BE OWNED AND MAINTAINED BY THE SUBDIVISION PROPERTY OWNER, ITS SUCCESSORS AND/OR ASSIGNS.
- 19. LOTS 902, BLOCK 17 (DRAINAGE); 903, BLOCK 9 (DRAINAGE); 904, BLOCK 9 (UTILITY); AND 905, BLOCK 16 (DRAINAGE) WILL BE OWNED AND MAINTAINED BY THE SUBDIVISION PROPERTY OWNER, ITS SUCCESSORS AND/OR ASSIGNS.
- 20. ALL RESIBENCES WILL BE CONSTRUCTED WITH A MINIMUM SIDE YARD SETBACK OF 5 FEET ON BOTH SIBES OF THE LOT. MINIMUM CORNER SIDE SETBACKS ARE AS DETERMINED BY ZONING.

KNOW ALL MEN BY THESE PRESENTS:

, THE UNDERSIGNED DOROTHY J. TAYLOR, 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 MADE ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY

SUPERVISION

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295 290 S. CASTELL AVE. SUITE 100, NEW BRAUNFELS, TEXAS 78130

PLAT REVISED JULY 20, 2020 PLAT REVISED NOVEMBER 14, 2019 PLAT PREPARED OCTOBER 7, 2019



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

FINAL PLAT ESTABLISHING RECORDED

CREEKSIDE FARMS SUBDIVISION,

BEING 24.02 ACRES OF LAND SITUATED IN THE ORILLA RUSSELL SURVEY NO. 2, ABSTRACT NO. 485, COMAL COUNTY, TEXAS. BEING A PORTION OF A TRACT OF LAND CALLED 37.56 ACRES AS DESCRIBED IN DOCUMENT NO. 201906022198, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS.

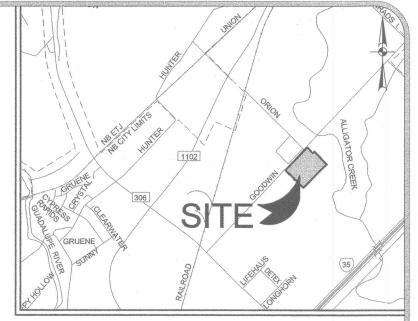
STATE OF TEXAS

COUNTY OF COMAL

AUSTIN, TEXAS 78750

STATE OF TEXAS COUNTY OF COMAL

#202006043271



LOCATION MAP NOT TO SCALE

NEW BRAUNFELS UTILITIES NOTES:

- 1. 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 IN THE EASEMENT, MUST NOT ENDANGER 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, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.
- 2. UTILITIES WILL POSSESS A 5' WIDE SERVICE EASEMENT TO THE DWELLING ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF DWELLING AND SERVICE.
- 3. UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA.
- 4. EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER'S / DEVELOPER'S EXPENSE.
- 5. DO NOT COMBINE ANY NEW UTILITY EASEMENTS (U.E.) WITH DRAINAGE EASEMENTS (D.E.) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (U.E.) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES. IF A UTILITY EASEMENT (U.E.) IS COMBINED WITH A LANDSCAPE EASEMENT (L.E.), THE UTILITY EASEMENT (U.E.) WILL TAKE PRECEDENCE OVER THE LANDSCAPE EASEMENT (L.E.).

APPROVED THIS THE 4th DAY OF November, 20 19 BY THE PLANNING COMMISSION OF THE CITY OF NEW

APPROVED FOR ACCEPTANCE 9/30/2020 9/16/2010 DATE 8/17/2020

CHAIRMAN D. Lee Edwards

STATE OF TEXAS COUNTY OF COMAL

I, Bobbie Koepp DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN THE MAP AND PLAT RECORDS, DOC# 2070010043771 OF COMAL COUNTY ON THE 2 DAY _ 2020 AT 3:00 P M. of October

WITNESS MY HAND AND OFFICIAL SEAL, THIS THE 2 DAY OF COLORER, 2020.

COUNTY CLERK, COMAL COUNTY, TEXAS



EFF SCOTT NOTARY PUBLIC, STATE OF TEXAS

MY COMMISSION EXPIRES: 1-28-2021 KELLY R KEPHART Notary Public, State of Texas Comm. Expires 01-28-2021 Notary ID 12639470-2

I (WE) THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN ON THIS PLAT,

AND DESIGNATED HEREIN AS CREEKSIDE FARMS SUBDIVISION, UNIT 3 SUBDIVISION TO THE CITY OF NEW BRAUNFELS, COUNTY OF COMAL, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS,

ALLEYS, PARKS, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS

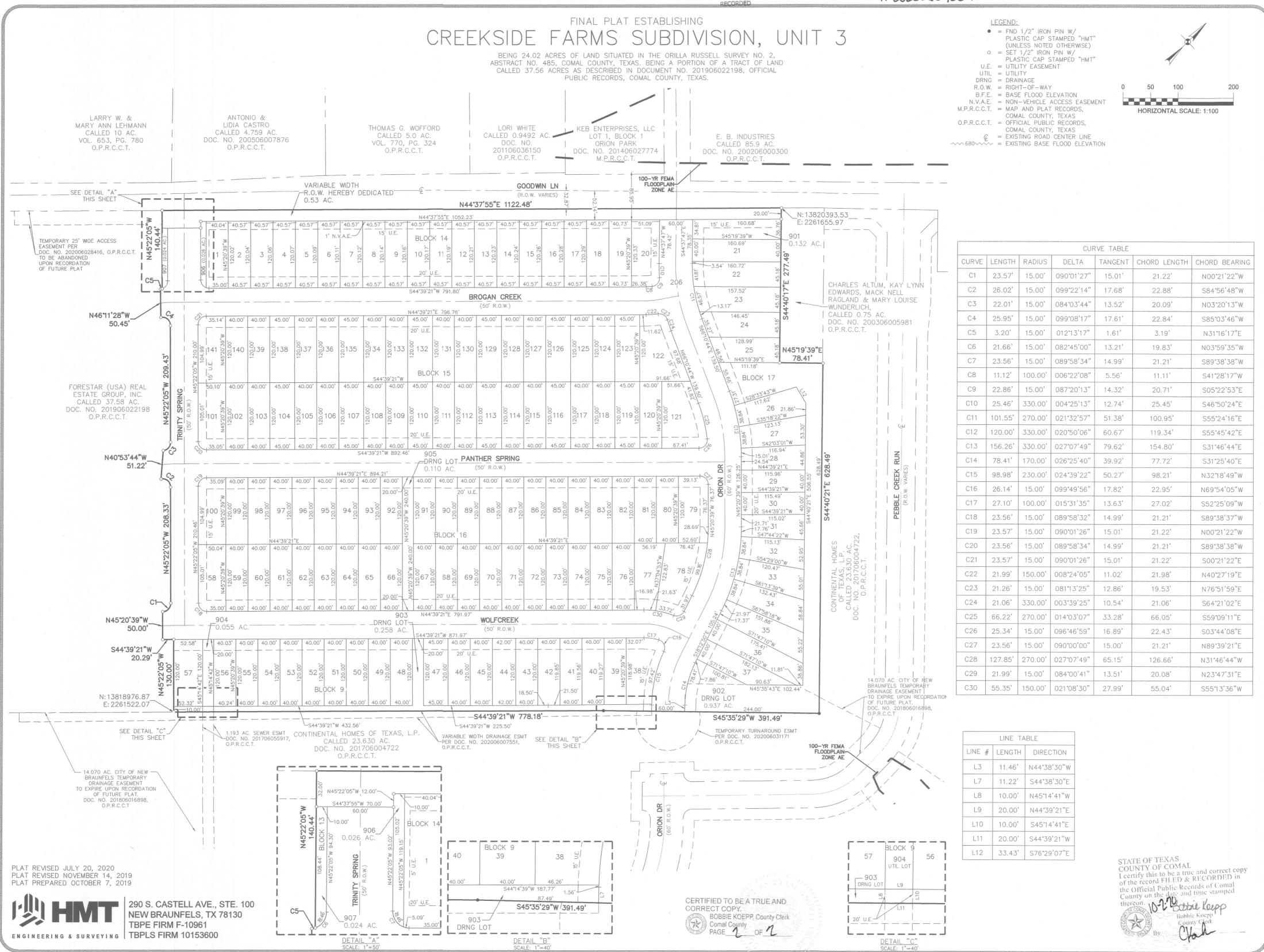
FORESTAR USA REAL ASTATE GROUP, INC.

BY: JEFF SCOTT - DEVELOPMENT DIRECTOR

DAY OF JULY

10700 PECAN PARK BLVD., SUITE 150

CERTIFIED TO BE A TRUE AND CORRECT GOPY. BOBBIE KOEPP, County Clerk



SHEET 2 OF 2

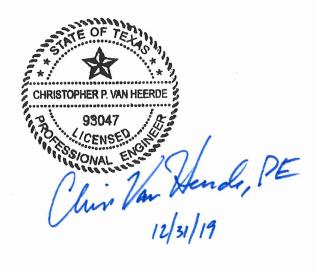
Creekside Farms Orion Drive STREET & DRAINAGE IMPROVEMENTS

Summary	Subtotal
SW3P & SITEWORK	\$ 62,276.69
ORION DRIVE STREET IMPROVEMENTS	\$ 258,884.51
STORM DRAIN IMPROVEMENTS	\$ 117,397.00
ENGINEERING & SURVEYING FEES	\$ 18,000.00
TOTAL	\$ 456,558.20

Lots <u>233</u>

SW3P & SITEWORK

ITEN	I DESCRIPTION	UNIT	EST/QTY		\$/UNIT	A	MOUNT
1	Site Excavation	CY	7,270	\$	3.74	\$	27,189.80
2	Site Embankment	CY	7,270	\$	3.12	\$	22,682.40
3	Curb Inlet Protection (Filter Dike)	EA	2	\$	106.00	\$	212.00
4	Construction Entrance	EA	1	\$	1,200.00	\$	1,200.00
5	Concrete Washout Pit	EA	1	\$	450.00	\$	450.00
6	Silt Fence	LF	591	\$	2.19	\$	1,294.29
7	Rock Filter Berm	LF	50	\$	30.00	\$	1,500.00
8	Clear & Grub/Strip Top Soil	AC	3.8	\$	2,039.00	\$	7,748.20
				SUBT	OTAL	\$	62,276.69



ORION DRIVE STREET IMPROVEMENTS

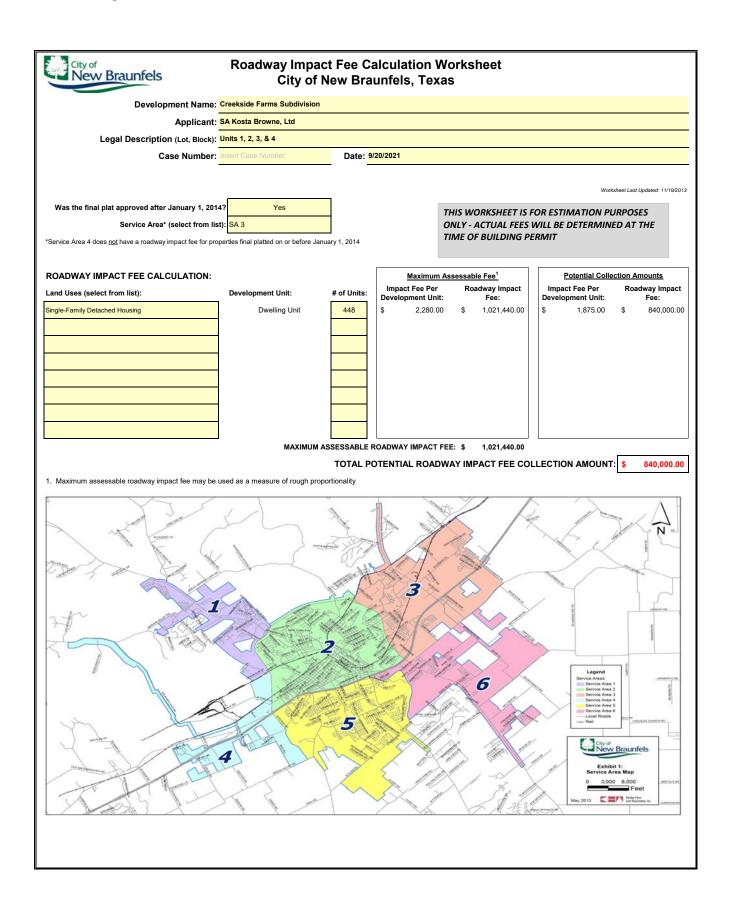
ITEM	DESCRIPTION	UNIT	EST/QTY		\$/UNIT	Δ	MOUNT
1	3" HMAC TYPE 'C/D' (Local Type B)	SY	3,940	\$	14.38	\$	56,657.20
2	2" HMAC TYPE 'D' (Local Type B)	SY	3,940	\$	9.68	\$	38,139.20
3	16" Flex Base (Local Type B)	SY	4,620	\$	13.89	\$	64,171.80
4	Prime Coat	GAL	788	\$	3.79	\$	2,986.52
5	8" Lime Stabilized Subgrade	SY	4,620	\$	9.63	\$	44,490.60
6	Concrete Curb and Gutter	LF	1,699	\$	13.31	\$	22,613.69
7	Concrete Valley Gutter	EA	3	\$	5,625.00	\$	16,875.00
8	Sidewalk Ramps	EA	6	\$	1,218.00	\$	7,308.00
9	4' Sidewalk	SY	83	\$	47.50	\$	3,942.50
10	Street Markings	LS	1	\$	200.00	\$	200.00
11	End of Road (5 Bollards and Markers)	EA	1	\$	1,500.00	\$	1,500.00
				SUBTO	OTAL	\$	258,884.51

STORM DRAIN IMPROVEMENTS

ITEM	I DESCRIPTION	UNIT	EST/QTY		\$/UNIT	, ,	AMOUNT
1	18" RCP	LF	193	\$	59.00	\$	11,387.00
2	18" TXDOT Concrete Headwall	EA	1	\$	3,875.00	\$	3,875.00
3	2-18" SET	EA	2	\$	3,812.00	\$	7,624.00
4	3'x5' Box	LF	174	\$	300.00	\$	52,200.00
5	2-5x3 Headwall	EA	2	\$	12,968.00	\$	25,936.00
6	15' Sidewalk Box	EA	1	\$	6,875.00	\$	6,875.00
7	10' Curb Inlet	EA	2	\$	4,750.00	\$	9,500.00
				SUBT	OTAL	\$	117,397.00

М	DESCRIPTION	UNIT	EST/QTY	\$/UNIT	Α	MOUNT
Engineering	g Fees	LS	1	\$ 12,000.00	\$	12,000.00
2 Construction	on Staking	LS	1	\$ 6,000.00	\$	6,000.00

Exhibit C





City Council Agenda Item Report 9/27/2021

550 Landa Street New Braunfels, TX

Agenda Item No. K)

PRESENTER:

Jeff Jewell, Economic and Community Development Director

SUBJECT:

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.

DEPARTMENT: Economic and Community Development

COUNCIL DISTRICTS IMPACTED: N/A

BACKGROUND INFORMATION:

The City Council approved the Development Agreement ("Agreement") with Mayfair, LP ("Developer") on June 28, 2021. The Agreement required that the Developer and New Braunfels Utilities ("NBU") execute a Utility Agreement ("UA") by October 1, 2021. The parties continue to negotiate the UA, which is anticipated to be considered by the NBU Board at their regular October meeting. The deadline extension grants relief from the October 1 deadline to allow for those additional conversations and considerations by the NBU board to occur. The new date would be January 1, 2022, which would allow for the UA to potentially be approved and executed at any of the remaining board meetings in 2021.

ISSUE:

Extension of the deadline to negotiate the Utility Agreement between the Developer of the Mayfair project and NBU.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval of the resolution extending the deadline.

RESOLUTION NO.	

RESOLUTION OF 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.

WHEREAS, pursuant to Acts 2013, 83rd Leg., R.S., Ch. 1122, Sec. 1 (Chapter 8489 of the Texas Special District Local Laws Code) ("**Enabling Act**"), the Texas Legislature created Comal County Water Improvement District No. 3 ("**District**"), a water control and improvement district created pursuant to Article XVI, Section 59 of the Texas Constitution, with the powers and duties provided by Chapters 49 and 51 of the Texas Water Code;

WHEREAS, the District includes approximately 1,888 acres of real property in Comal County, Texas that was more fully described in Ex. A of Resolution 2021-R-38 ("**Property**"), which is located partially within the corporate limits and partially within the extraterritorial jurisdiction of the City of New Braunfels, Texas ("**City**");

WHEREAS, pursuant to Texas Local Government Code, Section 42.042, land within the extraterritorial jurisdiction of a city may not be included within a district without the written consent of such city;

WHEREAS, pursuant to Section 8489.004 of the Enabling Act, the temporary directors of the District may not hold an election confirming the creation of the District until the City has consented by ordinance or resolution to the creation of the District and to the inclusion of land within the District;

WHEREAS, the City and Southstar at Mayfair, LP ("**Developer**") entered into that certain dated ("**Development Agreement**"), which addresses, among other things, the development of the property within the District and the provision of water, wastewater, and other utilities to the District:

WHEREAS, pursuant to Section 8489.004(a)(2) of the Enabling Act, New Braunfels Utilities and Developer may enter into a utility agreement to govern the provision of water and wastewater services to the Property (the "Utility Agreement"), without which, the Development Agreement will be null and void;

WHEREAS, pursuant to the Development Agreement, Developer and the District requested the City's consent by resolution to the creation of the District and to the inclusion of the Property within the District under the terms and conditions below; and

WHEREAS, on June 28, 2021, the City Council adopted Resolution No. 2021-R-38 to grant its consent to the creation of the District contingent upon NBU and the Developer executing a Utility Agreement by October 1, 2021, however, the parties require additional time to negotiate and finalize that Utility Agreement; and

WHEREAS, the City Council desires to extend the deadline for the execution of the Utility Agreement from October 1, 2021, until January 1, 2022; and

WHEREAS, the Developer subsequently submitted a proposed sector plan application for Sector 1 on or about August 9, 2021.

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

- 1. That all of the matters and facts set out in the preamble hereof be true and correct.
- 2. That the City Council of the City hereby specifically gives its written consent, as provided by Texas Local Government Code, Section 42.042 and Texas Special District Local Laws Code, Section 8489.004, to the creation of Comal County Water Improvement District No. 3 and to the inclusion of Property within the District, subject to the following terms and conditions, with amendments indicated using strikethrough font for deletions and underlined font for new language:
 - a. The above consent is contingent on the Developer and New Braunfels Utilities negotiating and executing the Utility Agreement by October 1, 2021 January 1, 2022.

2021

3. Because the proposed Sector 1 Plan application was submitted prior to the full execution date of Development Agreement which includes the execution of the Utility Agreement, the Sector 1 Plan application is hereby stayed until full execution of said agreements and will not be submitted to the Planning Commission unless minimum sufficient time exists to provide the requisite notice for the Planning Commission hearing. The minimum sufficient time shall be no less than 20 days prior to the hearing date for the Planning Commission.

PASSED AND APPROVED on this	day or	, 2021.
ATTEST:	Mayor, City of N	New Braunfels, Texas
City Secretary, City of New Braunfels, Texas		

DAGGED AND ADDDOVED 41.

Exhibit A

(Property Description)

RESOLUTION NO. 2021-R-38

RESOLUTION OF CITY OF NEW BRAUNFELS, TEXAS CONSENTING TO THE CREATION OF COMAL COUNTY WATER IMPROVEMENT DISTRICT NO. 3, WHICH IS IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY

WHEREAS, pursuant to Acts 2013, 83rd Leg., R.S., Ch. 1122, Sec. 1 (Chapter 8489 of the Texas Special District Local Laws Code) ("Enabling Act"), the Texas Legislature created Comal County Water Improvement District No. 3 ("District"), a water control and improvement district created pursuant to Article XVI, Section 59 of the Texas Constitution, with the powers and duties provided by Chapters 49 and 51 of the Texas Water Code;

WHEREAS, the District includes approximately 1,888 acres of real property in Comal County, Texas described in the attached Exhibit A ("Property"), which is located partially within the corporate limits and partially within the extraterritorial jurisdiction of the City of New Braunfels, Texas ("City");

WHEREAS, pursuant to Texas Local Government Code, Section 42.042, land within the extraterritorial jurisdiction of a city may not be included within a district without the written consent of such city;

WHEREAS, pursuant to Section 8489.004 of the Enabling Act, the temporary directors of the District may not hold an election confirming the creation of the District until the City has consented by ordinance or resolution to the creation of the District and to the inclusion of land within the District;

WHEREAS, the City and Southstar at Mayfair, LP ("**Developer**") entered into that certain dated ("**Development Agreement**"), which addresses, among other things, the development of the property within the District and the provision of water, wastewater, and other utilities to the District;

WHEREAS, pursuant to Section 8489.004(a)(2) of the Enabling Act, New Braunfels Utilities and Developer may enter into a utility agreement to govern the provision of water and wastewater services to the Property (the "Utility Agreement"), without which, the Development Agreement will be null and void;

WHEREAS, pursuant to the Development Agreement, Developer and the District requested the City's consent by resolution to the creation of the District and to the inclusion of the Property within the District under the terms and conditions below; and

WHEREAS, the City Council of the City desires to adopt this Resolution for the purpose of consenting to the creation of the District.

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

- 1. That all of the matters and facts set out in the preamble hereof be true and correct.
- 2. That the City Council of the City hereby specifically gives its written consent, as provided by Texas Local Government Code, Section 42.042 and Texas Special District Local Laws Code, Section 8489.004, to the creation of Comal County

Exhibit A

(Property Description)

Water Improvement District No. 3 and to the inclusion of Property within the District, subject to the following terms and conditions:

a. The above consent is contingent on the Developer and New Braunfels Utilities negotiating and executing the Utility Agreement by October 1, 2021.

PASSED AND APPROVED on this 28 day of June 2021.

Mayor, City of New Braunfels, Texas

ATTEST:

City Secretary, City of New Braunfels, Texas



METES AND BOUNDS DESCRIPTION FOR

A 1232.061 acre, or 53,668,577 square feet more or less, tract of land comprised of the following tracts of land conveyed to the State of Texas for the use and benefit of the Permanent School Fund: all of a called 1015.410 acre tract recorded in Document No. 200506041691, all of a called 85.763 acre tract recorded in Document No. 200506039322, all of a called 28.477 acre tract recorded in Document No. 200506039324, all of a called 27.474 acre tract recorded in Document No. 200506045048, all of a called 1.002 acre tract recorded in Document No. 200506039320, all of a called 20.035 acre tract recorded in Document No. 200506039319 and a portion of a called 74.803 acre tract recorded in Document No. 200506039321 all being recorded in the Official Public Records of Comal County, Texas, out of the Antonio Maria Esnaurizar Survey No. 1, Abstract 98, Comal County, Texas. Said 1232,061 acre tract being described as follows with an overall perimeter boundary description of 1232.118 acres, SAVE AND EXCEPT a 0.057 acre tract conveyed to Crystal Clear Special Utility District by deed recorded in Document No. 201506033214 of the Official Public Records of Comal County, Texas. Said 1232.061 acre tract being more fully described as follows with distances displayed in surface values and with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

BEGINNING: At a found 'A" iron rod with a cap marked "RPLS 4233" at the north corner of said 1015.410 acre tract, the west corner of a 39.48 acre tract recorded in Document No. 201706005455 of the Official Public Records of Comal County, Texas and on the southeast right-of-way line of I.H. 35, a variable width public right-of-way;

THENCE: S 45°01'02" E, departing the southeast right-of-way line of said I.H. 35, with the northeast line of said 1015.410 acre tract and the southwest line of said 39.48 acre tract, a distance of 2148.92 feet to a found 2" iron pipe at the south corner of a 69.569 acre tract recorded in Document No. 9506481804 and the west corner of a 3.643 acre tract recorded in Document No. 200206015903 both of the Official Public Records of Comal County, Texas;

Page 1 of 9

TBPE Firm Registration #470 TBPLS Firm Registration #10028800
San Antonio | Austin Houston | Fort Worth I Dallas

1,232.061 Acres Job No.: 9205-18

Page 2 of 9

THENCE:

S 44°42'41" E, continuing with the northeast line of said 1015.410 acre tract, with the southwest line of said 3.643 acre tract, the southwest line of a 18.092 acre tract recorded in Volume 972, Page 676 of the Official Public Records of Comal County, Texas, the southwest line of Cuatro Amigos Subdivision recorded in Volume 11, Page 100 of the Map and Plat Records of Comal County, Texas and the southwest line of a 18.062 acre tract recorded in Document No. 201606039066 of the Official Public Records of Comal County, Texas, a distance of 1868.23 feet to a found ½" iron rod at the south corner of said 18.062 acre tract and at the west corner of a 11.847 acre tract recorded in Document No. 200706025229 of the Official Public Records of Comal County, Texas;

THENCE:

S 45°46'15" E, continuing with the northeast line of said 1015.410 acre tract, the southwest line of said 11.847 acre tract, the southwest line of a 27.00 acre tract recorded in Volume 433, Page 473, the southwest line of a 27.00 acre tract recorded in Volume 433, Page 475 and the southwest line of a 27.00 acre tract recorded in Volume 433, Page 471 all of the Deed Records of Comal County, Texas, a distance of 2942.54 feet to a found 60D nail at the south corner of said 27.00 acre tract recorded in Volume 433, Page 471 and at the west corner of a 15.00 acre tract recorded in Volume 862, Page 417 of the Deed Records of Comal County, Texas;

THENCE:

S 45°35'35" E, continuing with the northeast line of said 1015.410 acre tract and with the southwest line of said 15.00 acre tract, a distance of 307.78 feet to a found ½" iron rod at the north corner of a 125.571 acre tract recorded in Volume 744, Page 126 of the Deed Records of Comal County, Texas;

THENCE:

Continuing with the northeast line of said 1015.410 acre tract and the northwest and southwest lines of said 125.571 acre tract, the following bearings and distances:

S 47°05'43" W, a distance of 1402.26 feet to a found 1/2" iron rod;

S 41°06'54" E, a distance of 52.89 feet to a found 1/2" iron rod with a cap marked "RPLS 4233";

S 29°03'17" W, a distance of 3.81 feet to a found 1/2" iron rod with a cap (not able to read cap);

S 44°17'49" E, a distance of 760.07 feet to a found 1/2" iron rod with a cap marked "RPLS 4233";



1,232.061 Acres Job No.: 9205-18 Page 3 of 9

S 44°51'35" E, a distance of 2402.27 feet to a found ½" iron rod at the easternmost corner of said 1015.410 acre tract and at the north corner of a 2.318 acre tract recorded in Document No. 200606041143 of the Official Public Records of Comal County, Texas;

THENCE:

S 44°32'01" W, with the southeast line of said 1015.410 acre tract, with the northwest line of said 2.318 acre tract and the northwest line of a 2.000 acre tract recorded in Volume 62, Page 862 of the Deed Records of Comal County, Texas, a distance of 634.24 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at the west corner of said 2.000 acre tract;

THENCE:

S 02°40'51" E, continuing with the southeast line of said 1015.410 acre tract and the southwest line of said 2.000 acre tract, a distance of 89.91 feet to a found ½" iron rod with a cap marked "RPLS 4233" on the north right-of-way line of F.M. 1101, a variable width public right-of-way;

THENCE:

Continuing with the southeast line of said 1015,410 acre tract and with the north right-of-way line of said F.M. 1101, the following bearings and distances:

Southwesterly, along a non-tangent curve to the right, said curve having a radius of 3769.80 feet, a central angle of 07°30'14", a chord bearing and distance of S 84°28'40" W, 493.37 feet, for an arc length of 493.73 feet to a found TxDOT Type I monument;

S 88°21'30" W, a distance of 2398.64 feet to a found TxDOT Type I monument;

N 86°18'01" W, a distance of 295.73 feet to a found TxDOT Type I monument;

S 88°41'52" W, a distance of 169.87 feet to a found TxDOT Type I monument;

S 79°07'37" W, a distance of 298.25 feet to a 2.5" steel fence post at the southernmost corner of said 1015.410 acre tract and the east corner of a 123.159 acre tract recorded in Volume 1017, Page 50 of the Official Public Records of Bexar County, Texas;

THENCE:

With the southwest line of said 1015.410 acre tract and with the northeast line of said 123.159 acre tract, the following bearings and distances:

N 45°29'24" W, a distance of 1565.07 feet to a found 1/4" iron rod;

S 57°49'07" W, a distance of 155.66 feet to a found 4" fence post;

S 57°20'33" W, a distance of 836.86 feet to a found 3/8" iron rod;

N 44°00'14" W, a distance of 507.46 feet to a found 4" fence post;

N 45°05'50" W, a distance of 469.48 feet to a found 1/2" iron rod at the north corner of said 123.159 acre tract and the east corner of said 85.763 acre tract;

1,232.061 Acres Job No.: 9205-18

Page 4 of 9

THENCE:

S 56°54'11" W, with the southeast line of said 85.763 acre tract and with the northwest line of said 123.159 acre tract, a distance of 1110.64 feet to a found ½" iron rod at the south corner of said 85.763 acre tract and at the east corner of said 20.035 acre tract;

THENCE:

S 56°52'51" W, with the southeast line of said 20.035 acre tract and the northwest line of said 123.159 acre tract, a distance of 439.35 feet to a found ½" iron rod at the south corner of said 20.035 acre tract and the east corner of said 27.474 acre tract;

THENCE:

S 56°57'56" W, with the southeast line of said 27.474 acre tract and the northwest line of said 123.159 acre tract, a distance of 320.28 feet to a found 4" fence post at the south corner of said 27.474 acre tract, the west corner of said 123.159 acre tract and on the northeast line of said 74.803 acre tract;

THENCE:

S 44°44'19" E, with the northeast line of said 74.803 acre tract and the southwest line of said 123.159 acre tract, a distance of 292.30 feet to a found 6" fence post at the east corner of said 74.803 acre tract and at the north corner of 49.164 acre tract recorded in Document No. 201506009891 of the Official Public Records of Cornal County, Texas;

THENCE:

S 45°09'17" W, thence with the southeast line of said 74.803 acre tract and the northwest line of said 49.164 acre tract, a distance of 1414.55 feet to a found ½" iron rod with a cap marked "RPLS 4233" at the south corner of said 74.803 acre tract, at the west corner of a 3.008 acre tract recorded in Document No. 200606012396 of the Official Public Records of Comal County, Texas and on the northeast right-of-way line of Kohlenberg Road;

THENCE:

N 44°37'40" W, with the southwest line of said 74.803 acre tract and with the northeast right-of-way line of said Kohlenberg Road, a distance of 190.52 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

THENCE:

Departing the northeast right-of-way line of said Kohlenberg Road, over and across said 74.803 acre tract, the following bearings and distances:

N 45°22'20" E, a distance of 257.68 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 47°20'31" E, a distance of 211.97 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 40°48'54" E, a distance of 166.08 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

1,232.061 Acres Job No.: 9205-18 Page 5 of 9

N 45°00'00" E, a distance of 202.97 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 16°17'06" E, a distance of 265.00 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 38°32'28" E, a distance of 216.40 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 05°48'24" W, a distance of 174.90 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 76°36'27" W, a distance of 126.13 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 61°07'58" W, a distance of 254.47 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 80°55'31" W, a distance of 417.34 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 84°27'38" W, a distance of 433.54 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

S 05°00'29" E, a distance of 247.64 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

S 34°19'02" E, a distance of 491.16 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

S 44°00'23" E, a distance of 345.42 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

S 37°17'18" W, a distance of 352.26 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

S 45°22'20" W, a distance of 131.95 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson" on the northeast right-of-way line of Kohlenberg Road;



1,232.061 Acres Job No.: 9205-18

Page 6 of 9

THENCE:

N 44°37'40" W, with the southwest line of said 74.803 acre tract and with the northeast right-of-way line of said Kohlenberg Road, a distance of 983.88 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at the south corner of a 1.736 acre tract recorded in Document No. 9706007790 of the Official Public Records of Comal County, Texas;

THENCE:

Departing the northeast right-of-way line of said Kohlenberg Road, continuing with the southwest line of said 74.803 acre tract, and with the southeast, northeast, and northwest lines of said 1.736 acre tract, the following bearings and distances:

N 33°59'21" E, a distance of 411.71 feet to a found 1" iron pipe; N 68°19'11" W, a distance of 242.15 feet to a found ½" iron rod;

S 22°38'26" W, a distance of 332.11 feet to a found 1/2" iron rod on the northeast right-of-way line of said Kohlenberg Road;

THENCE:

N 44°37'40" W, continuing with the southwest line of said 74.803 acre tract and the northeast right-of-way line of said Kohlenberg Road, a distance of 399.50 feet to a found TxDOT Type I monument at the south end of the cutback line at the intersection of the northeast right-of-way line of Kohlenberg Road and the southeast right-of-way line of I.H. 35;

THENCE:

With the southeast right-of-way line of I.H. 35, the following bearings and distances:

N 34°42'40" W, a distance of 102.61 feet to a found TxDOT Type I monument; N 44°50'55" W, a distance of 149.93 feet to a found TxDOT Type I monument; N 32°04'07" W, a distance of 223.01 feet to a found TxDOT Type I monument; N 17°46'35" W, a distance of 210.78 feet to a found TxDOT Type I monument; N 06°33'04" W, a distance of 302.20 feet to a found TxDOT Type I monument; N 58°14'15" W, a distance of 173.66 feet to a found TxDOT Type I monument;

N 58°14'15" W, a distance of 173.66 feet to a found TxDOT Type I monument at the north end of said cutback line and at the west corner of said 20.035 acre tract;

THENCE:

N 31°26'06" E, with the northwest line of said 20.035 acre tract and the southeast right-of-way line of said I.H. 35, a distance of 1091.64 feet to a found ½" iron rod with a cap marked "RPLS 4233" at the north corner of said 20.035 acre tract and at the west corner of a 3.560 acre tract recorded in Document No. 201006021157 of the Official Public Records of Real Property;



1,232.061 Acres Job No.: 9205-18

Page 7 of 9

THENCE:

Departing the southeast right-of-way line of said I.H. 35, with the southwest, southeast, and northeast lines of said 3.560 acre tract, the following bearings and distances:

S 45°19'42" E, a distance of 610.43 feet to a found 2.5" fence post;

N 38°13'56" E, a distance of 296.28 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 53°45'14" W, a distance of 631.50 feet to a found ½" iron rod with a cap marked "SINCLAIRE & ASSOC" at the north corner of said 3.560 acre tract and on the southeast right-of-way line of said I.H. 35;

THENCE:

N 31°26'06" E, with the southeast right-of-way line of said I.H. 35, a distance of 245.76 feet to a found ½" iron rod with a cap marked "B&A" at the west corner of a 2.35 acre tract recorded in Volume 293, Page 371 of the Deed Records of Comal County, Texas;

THENCE:

Departing the southeast right-of-way line of said I.H. 35, with the southwest, southeast, and northeast lines of said 2.35 acre tract, the following bearings and distances:

S 41°20'00" E, a distance of 507.94 feet to a found 1/2" iron rod;

N 53°32'02" E, a distance of 151.20 feet to a found 1/2" iron rod;

N 41°10'00" W, a distance of 568.01 feet to a found '4" iron rod at the north corner of said 2.35 acre tract and on the southeast right-of-way line of said 1.H. 35;

THENCE:

With the southeast right-of-way line of said I.H. 35, with the northwest line of said 85.763 acre tract and the northwest line of said 1015.410 acre tract, the following bearings and distances:

N 31°26'06" E, a distance of 249.71 feet to a found 1/2" iron rod with a cap marked "RPLS 4233";

Northeasterly, along a non-tangent curve to the left, said curve having a radial bearing of N 58°11'09" W, a radius of 22784.30 feet, a central angle of 00°23'01", a chord bearing and distance of N 31°37'21" E, 152.55 feet, for an arc length of 152.55 feet to a found TxDOT Type I monument;

N 31°50'37" E, a distance of 2782.19 feet to a found TxDOT Type I monument;

N 35°25'22" E, a distance of 301.25 feet to a found TxDOT Type I monument;

N 32°04'30" E, a distance of 72.08 feet to a found TxDOT Type I monument;



1,232.061 Acres Job No.: 9205-18 Page 8 of 9

Northeasterly, along a non-tangent curve to the left, said curve having a radial bearing of N 58°04'26" W, a radius of 23072.30 feet, a central angle of 01°21'04", a chord bearing and distance of N 31°15'02" E, 544.10 feet, for an arc length of 544.12 feet to a found TxDOT Type I monument;

N 30"23'16" E, a distance of 788.37 feet to a found TxDOT Type I monument; N 26°57'40" E, a distance of 299.52 feet to a found TxDOT Type I monument; N 30°28'02" E, a distance of 2033.12 feet to the POINT OF BEGINNING, and containing 1232.118 acres.

SAVE AND EXCEPT THE FOLLOWING 0.057 ACRE TRACT FROM THE ABOVE DESCRIBED 1232.118 ACRES

A 0.057 of an acre, or 2,500 square feet more or less, tract of land being all of that tract of land described in deed recorded in Volume 142, Page 608 of the Official Public Records of Comal County, Texas, being the same tract conveyed to Crystal Clear Special Utility District in Document No. 201506033214 of the Official Public Records of Comal County, Texas, out of the Antonio Maria Esnaurizar Survey No. 1, Abstract 98, Comal County, Texas. Said 0.057 of acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

COMMENCING: At a found 1/2" iron rod at the north corner of a 2.35 acre tract recorded in Volume 293, Page 371 of the Official Public Records of Comal County, Texas, at the west corner of a 20.035 acre tract recorded in Document No. 200506039319 of the Official Public Records of Comal County, Texas and on the southeast right-of-way line of I.H. 35, a variable width public right-of-way;

THENCE: S 41°10'00" E, departing the southeast right-of-way line of said I.H. 35, with the common line of said 2.35 acre tract and said 20.035 acre tract, a distance of 568.01 feet to a found 1/2" iron rod at the east corner of said 2.35 acre tract and a northeast corner of a 27.474 acre tract described in Document No. 200506045058 of the Official Public Records of Comal County, Texas;

THENCE: S 40°22'52" E, with the common line of said 20.035 acre tract and said 27.474 acre tract, a distance of 1411.85 feet to set ½" iron rod with a yellow cap marked "Pape-Dawson" and being the POINT OF BEGINNING of herein described tact;

THENCE: N 49°37'08" E, a distance of 50.00 feet to a found ½" iron rod with a cap marked "RPLS 4233";

THENCE: S 40°22'52" E, a distance of 50.00 feet to a found 1/2" iron rod with a cap marked "RPLS 4233";



1.232.061 Acres Job No.: 9205-18

Page 9 of 9

THENCE:

S 49°37'08" W, a distance of 50.00 feet to a set 1/3" iron rod with a yellow cap

marked "Pape-Dawson";

THENCE:

N 40"22'52" W, a distance of 50.00 feet to the POINT OF BEGINNING, and containing 0.057 acres in the Comal County, Texas. Said tract being described in

accordance with a survey made on the ground and a survey description and map

prepared under job number 9205-18 by Pape-Dawson Engineers, Inc.

ACREAGE SUMMARY

1232.118 ACRES - OVERALL PERIMETER BOUNDARY 0.057 ACRE TRACT - SAVE AND EXCEPT NET ACREAGE = 1,232.061 ACRES

PREPARED BY:

DATE: JOB NO. DOC. ID. Pape-Dawson Engineers, Inc.

October 16, 2018 REVISED November 2, 2018 9205-18

N Survey18:18-9200:9205-18:Word:9205-18 FN 1232.061 AC docx







METES AND BOUNDS DESCRIPTION FOR

A 635.033 acre, or 27,662,020 square feet more or less, tract of land comprised of the following tracts of land conveyed to the State of Texas for the use and benefit of the Permanent School Fund: all of a called 236.882 acre tract recorded in Document No. 200606053121, all of a called 227.204 acre tract recorded in Document No. 200606053122 and all of a called 171.030 acre tract recorded in Document No. 200606053123 all of the Official Public Records of Comal County, Texas, out of the Nancy Kenner Survey No. 3, Abstract 306, Comal County, Texas. Said 635.033 acre tract being more fully described as follows, with distances displayed in surface values and with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

BEGINNING: At a point at the east corner of said 171.030 acre tract, the south corner of Goodwin Lane, a variable width public right-of-way, recorded in Document No. 201506046191 of the Map and Plat Records of Comal County, Texas and on the northwest right-of-way line of I.H. 35, a variable width public right-of-way, from which a found ½" iron rod with a cap marked "Overby-Descamps" bears N 46°59'37" W, a distance of 0.34 feet;

THENCE:

With the southeast line of said 171.030 acre tract, the southeast line of said 227.204 acre tract and the northwest right-of-way line of said I.H. 35, the following bearings and distances:

S 32°07'18" W, a distance of 2388.71 feet to a found TxDOT Type I monument;

Southwesterly, along a non-tangent curve to the left, said curve having a radial bearing of S 57°46'57" E, a radius of 11625.20 feet, a central angle of 01°39'53", a chord bearing and distance of S 31°23'07" W, 337.77 feet, for an arc length of 337.78 feet to a found TxDOT Type I monument;

S 30°27'02" W, a distance of 1148.42 feet to a found ½" iron rod with a cap marked "RPLS 4233";

S 34°16'55" W, a distance of 300.80 feet to a found '/2" iron rod with a cap marked "RPLS 4233":

S 30°26'34" W, a distance of 999.80 feet to a found TxDOT Type I monument;

S 26°46'03" W, a distance of 300.27 feet to a found 1/2" iron rod with a cap marked "RPLS 4233";

Page 1 of 3

TBPE Firm Registration #470 | TBPLS Firm Registration #10028800

San Antonio I Austin I Houston I Fort Worth I Dallas

Transportation I Water Resources I Land Development I Surveying I Environmental 2000 NW Loop 410, San Antonio, TX 78213 T: 210.375.9000 www.Pape-Dawson.com

635.033 Acres Job No.: 9205-18

Page 2 of 3

S 30°29'55" W, a distance of 49.01 feet to a found ½" iron rod with a cap marked "RPLS 4233" at the south corner of said 236.822 acre tract and the southeast corner of a 9.785 acre tract recorded in Volume 378, Page 799 of the Deed Records of Comal County, Texas;

THENCE:

N 46°00'20" W, departing the northwest right-of-way line of said I.H 35, with a southwest line of said 236.822 acre tract and the northeast line of said 9.785 acre tract, a distance of 3310.76 feet to a found ½" iron rod at a reentrant corner of said 236.882 acre tract and the north corner of said 9.785 acre tract;

THENCE:

With the southeast line of said 236.822 acre tract, the northwest line of said 9.785 acre tract and the northwest line of a 240.485 acre tract recorded in Volume 762, Page 8 of the Deed Records of Comal County, Texas, the following bearings and distances:

S 44°34" W, a distance of 1355.16 feet to a found 1/2" iron rod;

S 44°24'21" E, a distance of 43.25 feet to a found 1/2" iron rod;

S 44°30'40" W, a distance of 1741.51 feet to a found ½" iron rod at the south corner of said 236.822 acre tract, at the east corner of Lot 56, Cloud Country Subdivision, Unit 4 recorded in Document No. 201806006375 of the Map and Plat Records of Comal County, Texas and on the northwest line of a 44.290 acre tract recorded in Document No. 200406007834 of the Official Public Records of Comal County, Texas;

THENCE:

N 45°23'57" W, departing the northwest line of said 44.290 acre tract, with the southwest line of said 236.822 acre tract, the northeast line of said Cloud Country Subdivision, Unit 4, the northeast line of a 29.74 acre tract recorded in Document No. 201606038737 and the northeast line of a 70.688 acre tract recorded in Document No. 200406000885 both of the Official Public Records of Comal County, Texas, a distance of 3537.31 feet to a found ½" iron rod with a cap marked "RPLS 4233" at the west corner of said 236.822 acre tract, the north corner of said 70.688 acre tract and on the southeast line of Union Pacific Railroad, a variable width right of way;

THENCE:

With the northwest line of said 236.822 acre tract and the southeast line of said Union Pacific Railroad, the following bearings and distances:

Northeasterly, along a non-tangent curve to the right, said curve having a radial bearing of S 40°28'17" E, a radius of 5679.65 feet, a central angle of 13°18'55", a chord bearing and distance of N 56°11'10" B, 1316.96 feet, for an arc length of 1319.93 feet to a found ½" iron rod with a cap marked "RPLS 4233";

N 62°51'32" B, a distance of 1677.08 feet to a found 1/2" iron rod with a cap marked "RPLS 4233"; Exhibit A

PAPE-DAWSON ENGINEERS

635.033 Acres. Job No.: 9205-18 Page 3 of 3

Northeasterly, along a non-tangent curve to the left, said curve having a radial bearing of N 27°08'26" W, a radius of 2914.93 feet, a central angle of 20°06'13", a chord bearing and distance of N 52°48'27" B, 1017.54 feet, for an arc length of 1022.78 feet to a found ½" iron rod with a cap marked "RPLS 4233";

N 42°45'17" B, a distance of 385.99 feet to a found ½" iron rod with a cap marked "RPLS 4233" at the north corner of said 227.204 acre tract and the west corner of a 200.211 acre tract recorded in Document No. 201406044928 of the Official Public Records of Comal County, Texas:

THENCE: S 45°58'48" E, departing the southeast line of said Union Pacific Railroad, with the northeast line of said 227.204 acre tract and the southwest line of said 200.211 acre

tract, a distance of 2470.91 feet to a found 1/2" iron rod at the south corner of said

200.211 acre tract and the west corner of said 171.030 acre tract;

THENCE: N 43°09'12" B, with the northwest line of said 171.030 acre tract, the southwest line of said 200.211 acre tract, the southeast line of a 7.46 acre tract recorded in

Volume 283, Page 775 of the Deed Records of Comal County, Texas and the southeast right-of-way line of said Goodwin Lane, a distance of 2,596.37 feet to a

found 6" wood fence post;

THENCE: N 42°57'35" E, continuing with the northwest line of said 171.030 acre tract and

the southeast right-of-way line of said Goodwin Lane, a distance of 1556.75 feet to a found 1/2" iron rod with a cap marked "Overby-Descamps" at the north corner of

said 171.030 acre tract and a reentrant corner of said Goodwin Lane;

THENCE: With the northeast line of said 171.030 acre tract and the southeast right-of-way

line of Goodwin Lane, the following bearings and distances:

S 46°50'42" E, a distance of 702.59 feet to a found 1/2" iron rod with a cap marked

"RPLS 4233";

S 46°29'51" B, a distance of 817.53 feet to a found 1/2" iron rod with a cap marked

"RPLS 4233":

S 46°59'37" E, a distance of 722.08 feet to the POINT OF BEGINNING, and containing 635.033 acres in Comal County, Texas. Said tract being described in accordance with a survey made on the ground and a survey description and map

prepared under job number 9205-18 by Pape-Dawson Engineers, Inc.

PREPARED BY:

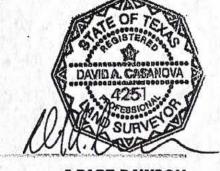
Pape-Dawson Engineers, Inc.

DATE: REVISED October 16, 2018 November 2, 2018 December 21, 2018

JOB NO. DOC. ID.

B NO. 9205-18

N:\Survey18\18-9200\9205-18\Word\9205-18 FN 635.033 AC.docx





City Council Agenda Item Report

550 Landa Street New Braunfels, TX

9/27/2021

Agenda Item No. L)

PRESENTER:

Matthew Eckmann, Facilities and Real Estate Manager

SUBJECT:

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.

DEPARTMENT: Public Works - Real Estate

COUNCIL DISTRICTS IMPACTED: District 4

BACKGROUND INFORMATION:

New Braunfels Utilities is seeking to acquire a public utility easement on behalf of the Developer of the Landing Subdivision to provide utility services to the Subdivision. The utility easement will cross the northeastern portion of the airport between Alligator Creek and the shared property line with Stars and Stripes Drive-In. This is a portion of the airport where there are no plans for future expansion.

ISSUE:

Due to the indenture with the FAA on this property, we are required to collect fair market value for the sale of an easement on airport property. Fair market value was assessed at \$27,100 for this easement utilizing Comal County Appraisal District assessed values. The Developer of the subdivision has agreed to the value and will submit payment to the City upon execution of the agreement.

FISCAL IMPACT:

The Developer will pay to the City \$27,100 for this easement which will be deposited into the airport fund.

RECOMMENDATION:

Staff recommends approval of this easement.

PUBLIC UTILITY EASEMENT

Effective Date:	 2021

Grantor: THE CITY OF NEW BRAUNFELS

Robert Camareno, City Manager

550 Landa Street

New Braunfels, TX 78130

Grantee: NEW BRAUNFELS UTILITIES ("NBU")

An Agency of the City of New Braunfels

Attention: CEO P.O. Box 310289

New Braunfels, TX 78131

Permanent Easement Property: Those properties described on *Exhibit "A"* and depicted on *Exhibit "B"* attached hereto, located in the City of New Braunfels, Comal County, Texas.

<u>Permanent Easement Purpose</u>. The purpose of the Utility Easement (as hereinafter defined) is to grant NBU the right for erecting, constructing, installing, replacing, repairing, operating, using, inspecting, reconstructing, modifying, removing and maintaining electric, water and wastewater services and underground NBU telecommunication devices, together with all lines, pipes, conduits and other equipment, improvements and appurtenances used in the supply and provision of public utilities (the "Facilities").

Consideration. Ten Dollars (\$10.00) and other good and valuable consideration, and the agreements set out herein.

Grant. Grantor, for the Consideration and subject to the Reservations From Conveyance and the Exceptions to Conveyance and Warranty, grants, sells and conveys to NBU an easement over, upon and across the Easement Property for the Easement Purpose and for the benefit of NBU; to have and hold it to NBU, subject to the terms hereof. Grantor binds Grantor and Grantor's successors and assigns to warrant and defend all and singular the easements, rights and property interests herein conveyed to NBU against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations From Conveyance and the Exceptions to Conveyance and Warranty, by, through, or under Grantor, but not otherwise.

Reservations from Conveyance:

1. Grantor reserves the right to continue to use and enjoy the surface of the Easement Property for all purposes that do not interfere with or interrupt the use or enjoyment of the easement by NBU for the Easement Purpose, including the right to place surfacing materials over and across the Easement Property and to use the same for parking and/or driveways or walkways; provided, however, no buildings, structures of any kind, ponds (excluding existing ponds and drainage facilities), drainage facilities or other improvements may be placed on the Easement Property which will obstruct the Easement or interfere with the Facilities or the exercise of NBU's rights. Grantor may raise, but not lower the level of the surface of the Easement Property, provided that any such change in the level of the surface of the Easement Property may not unreasonably interfere with or prevent the use of the Easement Property for the Easement Purpose. In the event Grantor utilizes the surface of the Easement Property for parking, protective barriers must be erected and maintained at Grantor's expense around any above ground Facilities. To the extent that such laws and codes apply, Grantor or its successors or assigns must observe all safety codes and laws which apply to working along, within and or near the Easement Property and Facilities, including O.S.H.A., the Texas Health and Safety Code, the National Electric Code, and the National Electrical Safety Code.

202106-005-123 Page 1 of 4

Exceptions to Conveyance and Warranty: This conveyance is made by Grantor and accepted by NBU subject to any and all existing easements, covenants, rights-of-way, conditions, restrictions, outstanding mineral interests and royalty interests, if any, relating to the Easement Property, to the extent, and only to the extent, that the same may still be in force and effect, and either shown of record in the office of the County Clerk of the County in which any part of the Property is located, or that may be apparent on the Property.

Terms: The following terms apply to this easement:

- 1. Character of Easement. The easement is exclusive to NBU utilities; otherwise, it is nonexclusive provided that any other utility provider must cooperate with NBU when locating its Facilities within the Easement Property to assure that none of the NBU Facilities are damaged or functionally impaired. NBU will also have reasonable rights of ingress and egress to and from said Easement Property, together with reasonable working space, for the purposes of erecting, installing, operating, maintaining, replacing, inspecting and removing the Facilities, together with the additional right to remove from the Easement Property and land immediately adjoining thereto, all bushes, trees and parts thereof, any vegetation or other structures or improvements which are within, protrude, bisect, encroach or overhang into the Easement Property and which, in the sole opinion of NBU, endanger or may interfere with the efficient, safe and proper operation and maintenance of the Facilities.
- 2. *Duration.* The duration of the easement is perpetual and irrevocable.
- 3. All matters concerning the design, construction, installation, Easement Improvements. maintenance, replacement and removal of the Facilities are at the sole discretion of NBU, subject to performance of its obligations under this easement. All Facilities or other improvements constructed within, on or under the Easement Property will be and remain the property of NBU. To the extent allowed by the Constitution and the laws of the State of Texas, NBU assumes the entire responsibility for the construction and maintenance of the Facilities, and nothing contained herein will ever be construed to place upon Grantor any manner of liability for injury to or death of persons or for damage to or loss of property arising from or in any manner connected with the acts, conduct or negligence of NBU in the construction and maintenance of the Facilities. In the event Grantor places surfacing materials, landscaping or other permitted improvements over and across the Easement Property or portions thereof (the Grantor Improvements), NBU will use ordinary care to minimize damage to the Grantor Improvements in the event repair, replacement or maintenance of the Facilities is required. NBU will restore existing Grantor Improvements and any material damage to Grantor's property, except landscaping, to their condition prior to the time NBU commenced work. Landscaping will only be restored on land adjacent to the easement to the extent NBU's negligent acts or omissions contribute to their damage.
- 4. Enforcement. If there is any breach or threatened breach of this easement by any party or their successors or assigns, and the default or threat continues after the claiming party gives the defaulting party notice of the claim of default and a reasonable opportunity to cure the default (if the default is capable of being cured), then the claiming party may enforce the terms of this Easement by restraining order and by temporary and permanent injunction, prohibiting such breach and commanding the offending party to comply with all terms of this Easement. Restraining orders and injunctions will be obtainable upon proof of the existence of any breach or threatened breach, and without the necessity of proof of inadequacy of legal remedies or irreparable harm, and will be obtainable only by the parties hereto or those benefited hereby; provided, however, that the act of obtaining an injunction or restraining order will not be deemed to be an election of remedies or a waiver of any other rights or remedies available at law or in equity.

202106-005-123 Page 2 of 4

- 5. Attorneys' Fees. Any party who is the prevailing party in any legal proceeding against any other party brought under or in connection with this easement or the subject matter hereof, is additionally entitled to recover reasonable attorneys' fees, expert fees, and all other litigation expenses.
- 6. Effect of Waiver or Consent. No waiver or consent, express or implied, by any party to this easement of any breach by any party in the performance by such party of its obligations hereunder will be deemed or construed to be a consent to or a waiver of any other breach and the performance by such party of the same or any other obligations of such party hereunder. Failure on the part of a party to complain of any act of any party or to declare any party in default, regardless of how long such failure continues, will not constitute a waiver by such party of its rights hereunder until the applicable statute of limitations period has run.

7. General Provisions.

- This easement binds and inures to the benefit of the parties hereto and their respective (a) successors and assigns.
- (b) This easement contains the complete easement of the parties and cannot be varied except by written easement. The parties agree that there are no oral agreements, representations or warranties that are not expressly set forth in this easement.
- Each signatory party agrees to execute and deliver any additional documents and (c) instruments and to perform any additional acts necessary or appropriate to perform the terms, provisions and conditions of this easement and all transactions contemplated by this easement.
- (d) This easement will be construed under the laws of the State of Texas without regard to choice of law rules of any jurisdiction. Venue is in the county in which the Easement Property is located.
- If any provision in this easement is for any reason unenforceable, to the extent the (e) unenforceability does not destroy the basis of the bargain between the parties, the unenforceability will not affect any other provision hereof, and this easement will be construed as if the unenforceable provision had never been a part of the easement. Whenever the context requires, the singular will include the plural and neuter includes the masculine or feminine gender, and vice versa. Article and section headings in this easement are for reference only and are not intended to restrict or define the text of any section. This easement will not be construed more or less favorably between the parties by reason of authorship or origin of language.
- (f) Any notice required or permitted under this easement must be in writing. Any notice required by this easement will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this easement. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission or other commercially reasonable means and will be effective when actually received. Any address for notice may be changed by written notice delivered as provided herein.

202106-005-123 Page 3 of 4 145

		GRANTOR:
		THE CITY OF NEW BRAUNFELS
		By: Robert Camareno, City Manager
THE STATE OF TEXAS	§	
COUNTY OF COMAL	§	
This instrument was Camareno, in the capacity of C		efore me on the day of, 2021, by Rober he City of New Braunfels.
		NOTARY PUBLIC, STATE OF TEXAS Notary's Name Printed:
		My Commission Expires:

[This space intentionally left blank. Exhibits "A" and "B" follow.]

202106-005-123 Page 4 of 4 **146**



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

"EXHIBT A" METES AND BOUNDS DESCRIPTION FOR A 20-FOOT UTILITY EASEMENT

A 0.604 of an acre easement located on a called 100.007 acre tract described in deed to The City of New Braunfels recorded in Document No. 201006008069 of the Official Public Records of Comal County, Texas, being out of the A.M. Esnaurizar Survey No. 1, Abstract No. 98, Comal County, Texas and being in the City of New Braunfels, Comal County, Texas. Said 0.604 of an acre easement being more fully described as follows:

BEGINNING: At a found ½" iron rod with a cap marked "HMT" at the east corner of said 100.007

acre tract, at the south corner of a called 105.6 acre tract recorded in Document No. 201306036754 of said Official Public Records and on the northwest line of a called 109.33 acre tract recorded in Document No. 200706027818 of said Official Public

Records;

THENCE: S 45°19'02" W, with the southeast line of said 100.007 acre tract and the northwest

line of said 109.33 acre tract, a distance of 20.00 feet to a point from which a found 1/2" iron with an orange cap at an angle point in the southeast line of said 100.007 acre tract, at the west corner of said 109.33 acre tract and at the north corner of a called 76.95 acre tract recorded in Document No. 201906001455 of said Official

Public Records, bears S 45°19'02" W, a distance of 206.67 feet;

THENCE: N 44°58'10" W, departing the northwest line of said 109.33 acre tract, over and

> across said 100.007 acre tract, a distance of 1315.65 feet to a point on the southeast line of a called 0.646 acre utility easement recorded in Document No.

201806038000 of said Official Public Records;

N 45°17'17" E, continuing over and across said 100.007 acre tract and with said THENCE:

0.646 acre utility easement, a distance of 20.00 feet to a point at the east corner of said 0.646 acre utility easement, on the northeast line of said 100.007 acre tract and

on the southwest line of said 105.6 acre tract;

THENCE: S 44°58'10" E, with said line. a distance of 1315.66 feet to the POINT OF

BEGINNING and containing 0.604 of an acre 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 0.604 of an acre easement prepared this same date.

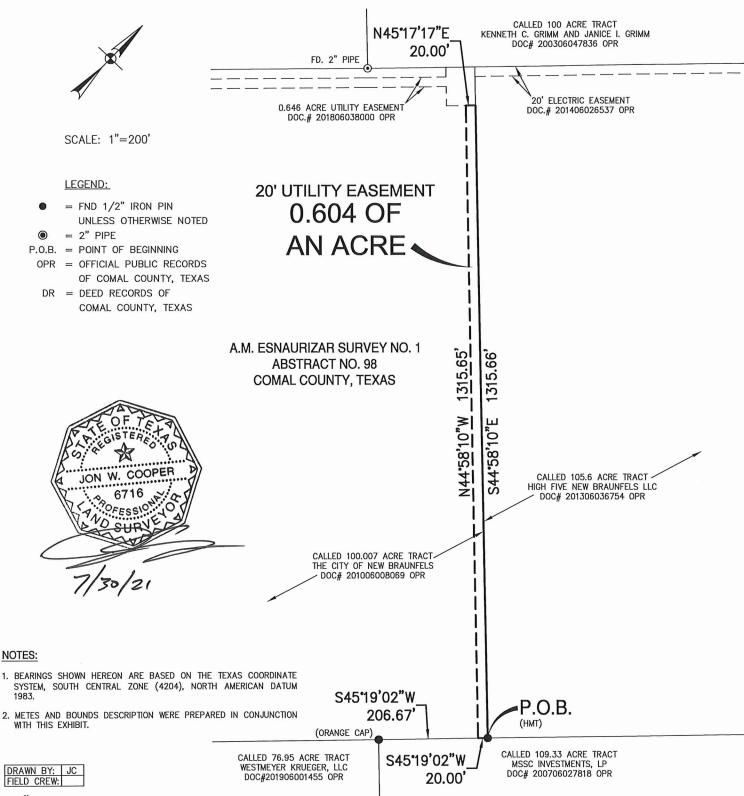
Jon W. Cooper

Registered Professional Land Surveyor No.6716

S:\!Projects\032 - Fred Heimer\032.052 Kivlin Tract (The Landing) Surveying\Word\032.052 MB 0.604 AC UE.docx



A 0.604 OF AN ACRE EASEMENT LOCATED ON A CALLED 100.007 ACRE TRACT DESCRIBED IN DEED TO THE CITY OF NEW BRAUNFELS RECORDED IN DOCUMENT NO. 201006008069 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, BEING OUT OF THE A.M. ESNAURIZAR SURVEY NO. 1, ABSTRACT NO. 98, COMAL COUNTY, TEXAS AND BEING IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS.



Drowing Name: SA,IProjects\032 - Fred Heimer\032.052 Kivlin Troct (The Landing) Surveying\0AU\032.052 20 UEdwg User: jonathone Jul 30, 2021

炒HMT

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

JULY 30, 2021

JOB NO.: 032.052



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

9/27/2021

Agenda Item No. M)

PRESENTER:

Becca Miears, Human Resources Director

SUBJECT:

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.

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

Ī

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

Classification	Effective 06/14/2021	Effective 10/01/2021
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
Totals	134	140

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:

Classification	Effective 06/14/2021	Effective 10/01/2021
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
Totals	139	148

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.

<u>Severability</u>: 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.

<u>Repealer:</u> 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.

٧.

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	



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

9/27/2021

Agenda Item No. N)

PRESENTER:

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

SUBJECT:

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.

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

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.
- The plat shall include the following easements: 2.
 - a. A minimum 20-foot wide utility easement, 10 feet on either side of the existing water and wastewater
 - 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

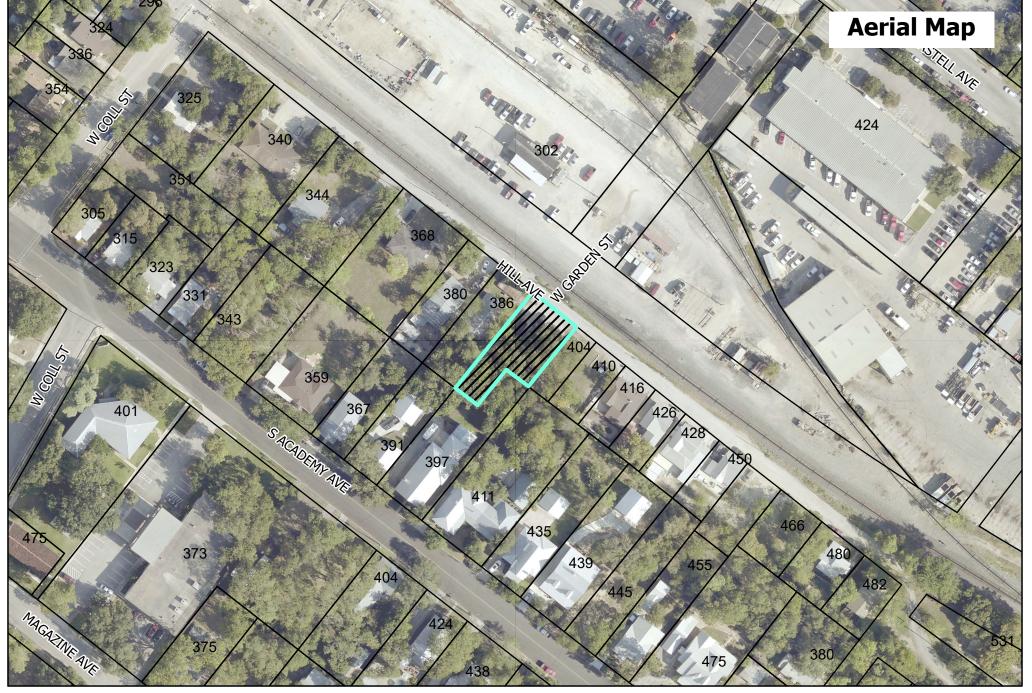
Land Use Maps (Zoning, Existing and Future Land Use)

Survey of Subject Property

Photograph

Draft Planning Commission Minutes

Ordinance

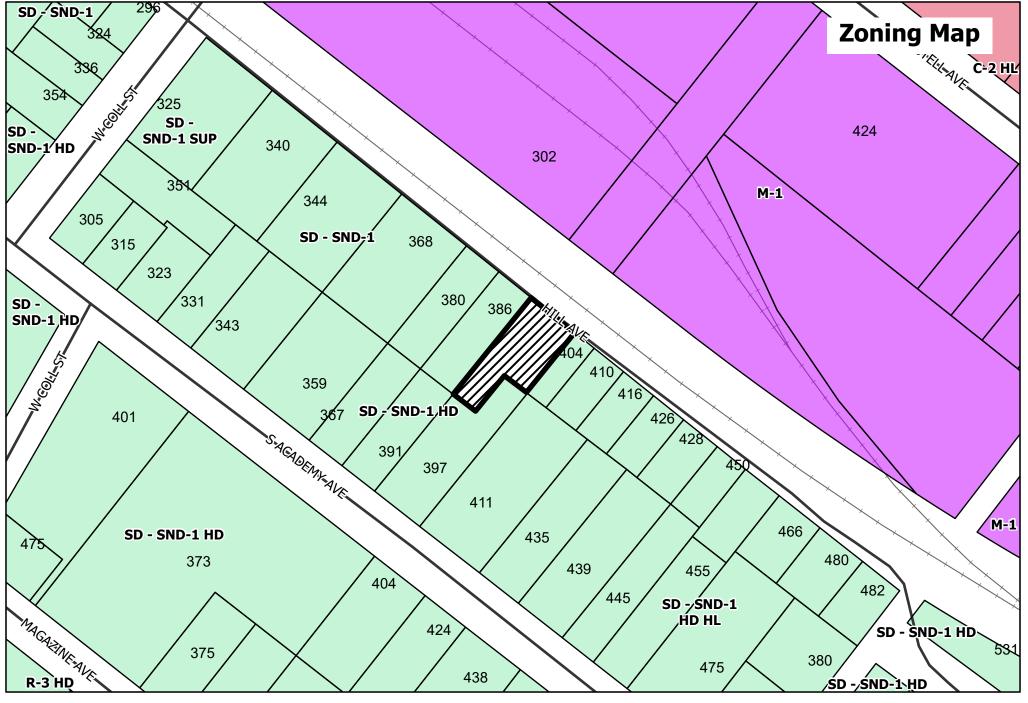




Garden Street Abandonment

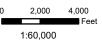




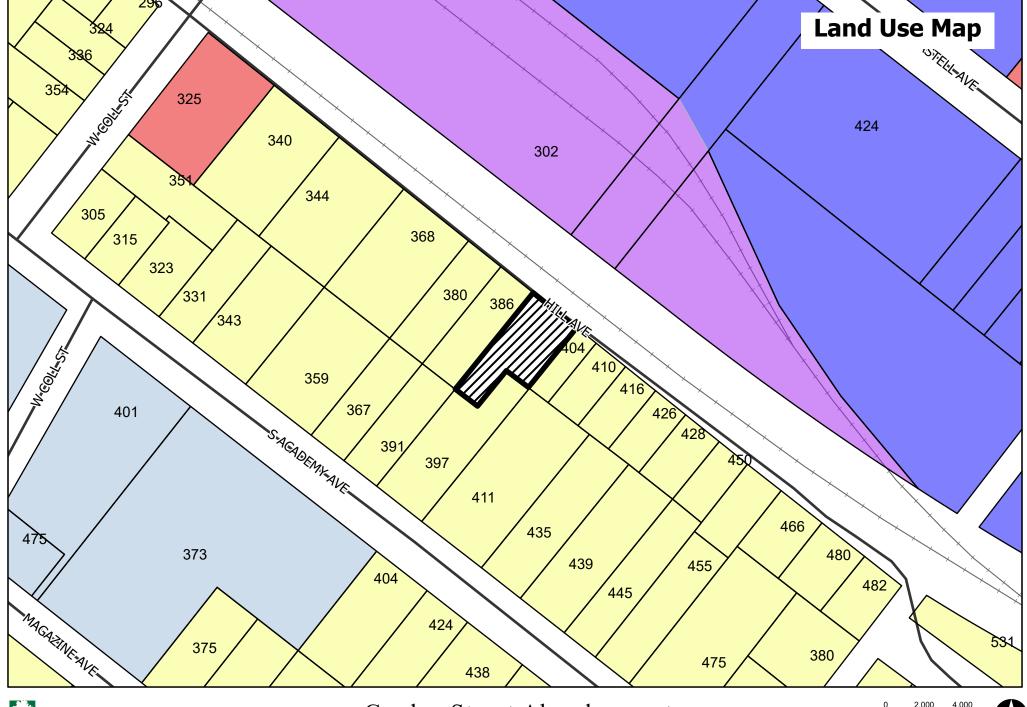




Garden Street Abandonment

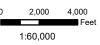








Garden Street Abandonment

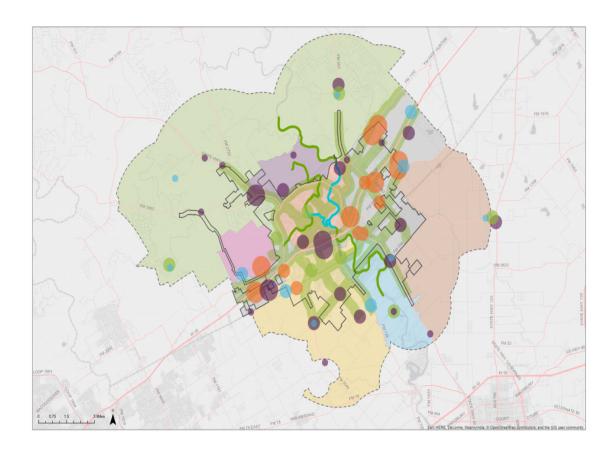






- In the New Braunfels Sub Area
- Near existing Market and Civic Centers
- Action 1.3: Encourage balanced and fiscally responsible land use patterns.
- Action 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure.

Future Land Use Map



SURVEY NOTES:

151

LOT

18

28

1) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

P.O.B. 4

SOUTH ½ OF LOT 19, N.C.B. 10 GUILLERMINA ESPINOSA DOC. NO. 9606005812 OPR

0.164 ACRE TRACT

RONALD HANNAN &

DOC. NO. 201606037654 OPR

KIM HANNAN

N3874'51"E

MAIL BOX

M

PLANTER

S52°33'10"E

GRAVEL

0.166 OF AN ACRE

WEST

GARDEN STREET (CALLED 66.66' PUBLIC R.O.W)

31.57

0.254 ACRE TRACT

RONALD HANNAN AND KIM HANNAN

DOC. NO. 201506016740 OPR

N54°51′12"W

FD. ½" I.R. W/ YELLOW CAP 0.4

63.68

2) BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83.

N52°33'10"W 194.16'

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
 - OVERHEAD ELECTRIC
 - CHAIN LINK FENCE
 - EDGE OF ASPHALT
 - WATER VALVE
 - = LIGHT POLE

Ø

S

CONC. PAD (ON PROPERTY LINE)

T 82, 1015

1 29' OF EAST 82 OT 11, N.C.B. 1015 AMES FARLEY 202006036209 (

NORTH 29' O OF LOT 11, N JAMES F

S52°33'37"E

29.00'

0.672 ACRE TRACT SAVE AND EXPECT 0.254 ACRE TRACT ROBERT ANDREW HILLYER AND JENNIFER HILLYER DOC. NO. 201506016740 OPR

HILL STREET

(VARIABLE WIDTH PUBLIC R.O.W)

N52°33'37"W

31.61

- = SANITARY SEWER MANHOLE
- = MAILBOX

SCALE: 1"=30'



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

THIS 4TH DAY OF JUNE 2021

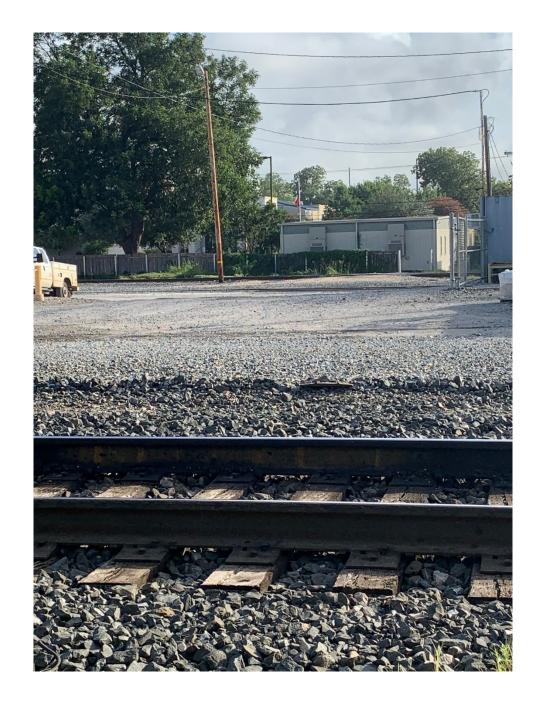
SUPERVISION.



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.

Page **2** of **5**

	CITY OF NEW BRAUNFELS
ATTEST:	RUSTY BROCKMAN, Mayor
CAITLIN KROBOT, City Secretary	
APPROVED AS TO FORM:	
VALERIA M. ACEVEDO, City Attorney	

Page **3** of **5** 166

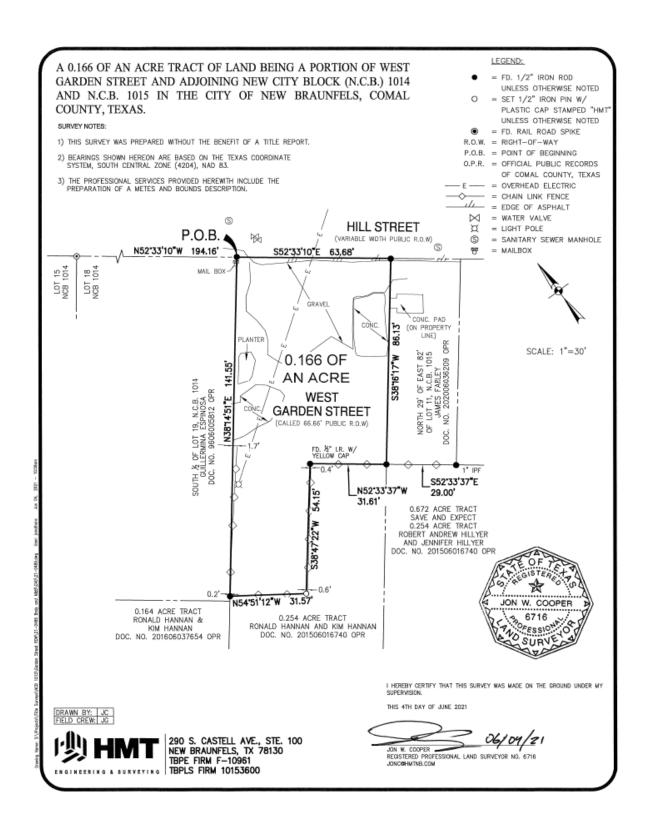


EXHIBIT "A"

Page **4** of **5**



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 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 1/2" 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 1/2" 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

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

06/04/21

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"

Page **5** of **5** 168



550 Landa Street

New Braunfels, TX



City Council Agenda Item Report 9/27/2021

Agenda Item No. O)

Presenter/Contact

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

SUBJECT:

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.

DEPARTMENT: Economic and Community Development

COUNCIL DISTRICTS: 1, 5, 6

ISSUE:

The proposed ordinance would create a Tax Increment Reinvestment Zone (TIRZ) Number 3 in the Downtown area for a 25-year period. The TIRZ would allow the City to use the incremental increase in property taxes above the base (2021) year collections for designated improvements in the zone area. A TIRZ works to capture a portion of the new tax revenue occurring with in the defined zone and then making this "Tax Increment Fund" available to assist in financing identified projects. Projects and methods of payment are identified in the attached Preliminary Project and Finance Plan. The proposed TIRZ #3 will cover approximately 182.91 acres (including rights of way). The 2021 baseline taxable property value of the TIRZ is approximately \$168M and a map is included in the Preliminary Project and Financing Plan. The Plan fulfills the legal requirements of designating a TIRZ, which are located in Chapter 311 of the State of Texas Tax Code. Notice of the public hearing was published on August 28, 2021 in the Herald-Zeitung, which requires notice at least seven days prior to the public hearing.

The 2010 Downtown Implementation Plan identified the need for a permanent funding source to finance Downtown projects and revitalization activities and fund public improvements. The 2017 Economic Development Strategic Plan identifies Improving the Quality of Place and implementing the 2010 Downtown Plan as key strategies to foster the City's economic growth and support the quality of life for citizens.

The majority of potential TIRZ revenue would be used to upgrade and improve public infrastructure such as roadways, public utilities, sidewalks, and other pedestrian and bicycling facilities. The Preliminary Project and Finance Plan also allocates potential revenue to economic development activities such as historic preservation façade grants, environmental remediation, and fire safety improvements and parking improvements.

The Preliminary Project and Finance Plan calls for 85% of the City's property tax to be directed into the TIRZ fund for a 25-year period. No other entities are contributing a portion of their tax increment into the fund and no sales tax is proposed to be directed into the fund.

TIRZ boundaries, increment percentages, and project and finance plans can be amended with action by the TIRZ Board and City Council. The City Council, after adopting the Preliminary Project and Finance Plan and ordinance, will consider adoption of a final project plan and appoint seven (7) members to the mandated TIRZ #3 Board.

The current City Council action establishes the TIRZ boundaries, establishes the initial incremental percentages to the TIRZ fund, and forecasts the anticipated revenues and project expenditures. No commitments or obligations to expend project funds or fund projects or initiatives identified in the Preliminary Project and Finance Plan are being considered as part of tonight's action.

FISCAL IMPACT:

Over a 25-year term, the TIRZ is anticipated to generate approximately \$14.8M in total City property tax for Downtown improvements as specified in the Preliminary Project and Finance Plan.

COMMITTEE RECOMMENDATION:

The New Braunfels Downtown Board met on January 19, 2021 and recommended approval.

STAFF RECOMMENDATION:

Staff recommends approval.

New Braunfels Downtown Tax Increment Reinvestment Zone Preliminary Project & Financing Plan

City of New Braunfels, Texas September 13, 2021



CONTENTS

Project Plan	1
Overview	1
Existing Tax Increment Financing Districts in the City of New Bra	unfels 1
Description of Tax Increment Reinvestment Zone #3	1
Table 1: Existing Land Use of Proposed TIRZ #3	2
Existing Zoning and Land Use Guidelines Applicable to TIRZ #3	4
Taxing Jurisdictions Applicable to TIRZ	4
Proposed Changes in Master Plans, Zoning Ordinances, and Buil	ding Codes4
Relocation of Displaced Persons	4
Project Plan Improvements	5
Eligible Project Costs	6
Public Infrastructure Improvements	
2. Economic Development Incentives	
3. Administration & Implementation	
Summary of Project Costs	
Financing Plan	
Compliance & Reporting	
Public Sector Entities Participating in TIRZ #3	7
Financial Forecast Assumptions	7
Financial Forecast Summary Results	9
Conclusion	10
Appendix – Survey and Associated Data	Error! Bookmark not defined.
TABLE 1: EXISTING LAND USE OF PROPOSED TIRZ #3	2
TABLE 2: DOWNTOWN DEVELOPMENT COSTS FUNDED BY TIRZ #3	5
TABLE 3: PRELIMINARY TIRZ #3 FORECAST FOR CITY CONTRIBUTION	N 9
TABLE 4: PARCELS WITHIN PROPOSED TIRZ #3	ERROR! BOOKMARK NOT DEFINED.
FIGURE 1: PROPOSED TIRZ #3 GEOGRAPHIC BOUNDARY	3
FIGURE 2: EXISTING LAND USE WITHIN THE PROPOSED TIRZ #3	ERROR! BOOKMARK NOT DEFINED.

PROJECT PLAN

OVERVIEW

The City of New Braunfels, Texas is considering implementing a tax increment reinvestment zone (TIRZ) to fund redevelopment projects and programs in Downtown New Braunfels. The proposed new zone would be named TIRZ #3 – Downtown Tax Increment Reinvestment Zone (TIRZ #3).

This document is designed to meet the legal requirements of designating a TIRZ. The statutes governing tax increment financing are located in Chapter 311 of the State of Texas Tax Code.

EXISTING TAX INCREMENT FINANCING DISTRICTS IN THE CITY OF NEW BRAUNFELS

There are two existing City of New Braunfels TIRZs. The existing the first is the Creekside TIRZ (TIRZ #1) and the second is the Rivermill TIRZ (TIRZ#2). According to state law, cities with less than 100,000 residents may not create a new TIRZ if the total appraised value of taxable real property in the proposed reinvestment zone and in the existing reinvestment zones would exceed 50.0 percent of the total appraised value of taxable real property within the city and its industrial districts. In addition, a TIRZ may not be created if more than 30.0 percent of the property in the proposed new reinvestment zone is used for residential purposes at the time of designation. The proposed TIRZ #3 complies with these state rules.

DESCRIPTION OF TAX INCREMENT REINVESTMENT ZONE #3

The proposed TIRZ #3 will cover approximately 183 acres (including roads and right of way). The 2021 baseline taxable property value of the TIRZ is approximately \$167,638,727.00.

TABLE 1: EXISTING LAND USE OF PROPOSED TIRZ #3

Land Use	Acres	Percentage
Commercial	68.52	
Government	12.10	
Industrial	5.35	
Institution	16.52	
Open	7.43	
Residential High Density	2.52	
Residential Low Density	23.61	
Residential Medium Density	0.68	
Schools	3.57	
Rights of Way	40.62	
Total Area	180.91	
Non-public	117.19	
Total Residential	26.81	23%
Maximum Residential	35.16	30%

Source: City of New Braunfels Existing Land Use Map



Figure 1: Proposed TIRZ #3 Geographic Boundary

EXISTING ZONING AND LAND USE GUIDELINES APPLICABLE TO TIRZ #3

Existing City of New Braunfels land use, zoning guidelines, and policies would apply to all properties within the city limits.

TAXING JURISDICTIONS APPLICABLE TO TIRZ

The proposed TIRZ #3 is located within the following taxing jurisdictions:

- City of New Braunfels
- Comal County
- Comal ISD

PROPOSED CHANGES IN MASTER PLANS, ZONING ORDINANCES, AND BUILDING CODES

There are no current master plans or anticipated changes to master plans or zoning ordinances.

RELOCATION OF DISPLACED PERSONS

This plan currently does not call for nor anticipate the displacement and relocation of persons for the proposed projects.

PROJECT PLAN IMPROVEMENTS

TIRZ #3 will provide support for catalytic infrastructure and incentives that will facilitate the redevelopment of the Downtown area. The Downtown area faces barriers to continued redevelopment as much of the pedestrian infrastructure in the zone is insufficient. Additionally, new development in the zone has been stifled due to a lack of convenient and adequate parking given the built-out nature of the development pattern. Finally, aging building systems and utility connections are a barrier to redevelopment as the majority of the existing building stock was constructed over 50 years ago and is out of compliance with modern requirements such as building codes, life safety, and Americans with Disabilities Act (ADA) access requirements.

Public infrastructure investments and additional enhancements are required to successfully redevelop the TIRZ #3 area. In addition, other projects might be added to the list as future development projects and related opportunities present themselves.

Table 2: Downtown Development Costs Funded by TIRZ #3

Project	Cost	Description
Public Infrastructure Improvements	\$7,500,000	Sidewalk construction/repair, installation of bicycle facilities, pedestrian amenities, enhanced crossings, roadway restriping and reconfiguration and other right-ofway improvements with direct community benefits.
Economic Development Incentives	\$4,000,000	Environmental Remediation, Interior/Exterior Demolition, Historic Façade Restoration Improvements/Easements and Fire Safety Improvements/Grants
Parking Improvements	\$2,000,000	Land assembly, leases, and other projects that subsidize or otherwise provide public parking in strategic areas.
Administration and Implementation	\$1,000,000	
Total	\$14,500,000	

ELIGIBLE PROJECT COSTS

1. PUBLIC INFRASTRUCTURE IMPROVEMENTS

This category includes TIRZ-eligible expenditures for improvements to local streets, including paving, utility infrastructure upgrades/relocation (water, wastewater, storm water), burial of overhead utilities as well as lighting improvements, street trees/planters, and sidewalk improvements for enhancing pedestrian linkages between throughout the historic downtown core.

2. ECONOMIC DEVELOPMENT INCENTIVES

Downtown New Braunfels has several buildings that contribute to the character and fabric of the community, but these buildings sometimes are financially unfeasible to properly redevelop because of the cost of environmental remediation of asbestos, lead-based paint and other contaminants, interior and exterior demolition costs, façade improvement costs and fire and ADA accessibility issues. Interior and exterior demolition expenses are tied directly to the remediation expenses. These costs are TIRZ-eligible expenditures. Remediation of environmentally hazardous materials and associated improvements, using TIRZ funds, greatly improves the marketability of these buildings. This budget category is necessary for attracting highly desired mixed-use and adaptive reuse projects to the Downtown TIRZ, including attracting new retail, office, and residential uses. Historic façade improvements and new construction under this program will be reviewed for compliance with any adopted design standards to ensure compatibility with other improved structures and investment in the Downtown area.

3. ADMINISTRATION & IMPLEMENTATION

Administration costs, including reasonable charges for time spent by City of New Braunfels employees, will be eligible for reimbursement as project costs. Administration costs are estimated at \$40,000 per year.

SUMMARY OF PROJECT COSTS

The total estimated cost of TIRZ #3 public infrastructure investment in the district is in excess of \$8 million. These costs will be refined in the final project and finance plan that will need to be adopted by the TRIZ #3 Board and New Braunfels City Council.

FINANCING PLAN

Tax increment financing is a tool used by local governments to publicly finance needed infrastructure and other improvements within a defined area. These improvements are usually undertaken to promote the viability of existing businesses and to attract new commercial enterprises to the area. The statutes governing tax increment financing are located in Chapter 311 of the State of Texas Tax Code.

The costs of improvements in the defined zone are repaid by the contribution of future property tax revenues by each taxing unit that levies taxes against the property. Specifically, each taxing unit can choose to dedicate all, a portion, or none of the tax revenue that is attributable to the increase in property values due to the improvements within the reinvestment zone. Cities can also designate a portion of sales tax. The additional tax revenue that is received from the affected properties is referred to as the tax increment. Each taxing unit determines what percentage of its tax increment, if any, it will commit to repayment of the cost of financing the public improvements.

COMPLIANCE & REPORTING

The TIRZ Board policies shall comply with all federal, state, and local laws, rules and regulations. The TIRZ Board will submit project status reports and financial reports as required by state law.

PUBLIC SECTOR ENTITIES PARTICIPATING IN TIRZ #3

All project costs will be paid through the contribution of incremental property and sales taxes collections. This preliminary plan assumes that the City of New Braunfels will contribute a portion of their total tax rate (maintenance and operations (M&O) and interest and sinking (I&S) ad valorem tax rate for 25 years. The proposed TIRZ #3 does not include any sales tax increment.

FINANCIAL FORECAST ASSUMPTIONS

- TIRZ Duration It is assumed the TIRZ will have a 25-year lifespan.
- TIRZ Allocation assumes that the City of New Braunfels will contribute 85% of their total incremental property tax collections.
- Tax Rate While tax rates do change over time, the 2021 tax rates were held constant for the purposes of forecasting anticipated property tax revenue for the duration of the TIRZ.
- Existing Properties The 2021 baseline property value of the TIRZ is approximately \$168
 million but varies slightly by taxing jurisdiction based on exemptions offered.
- Real Property Only taxable real property values are included in the tax increment calculations. By law, business personal property values are excluded from TIRZ.
- Inflation & Appreciation Rate The inflation rate used for the value of improvements is 5.0
 percent per year.

- **Net Present Value** The net present values of the tax increment were calculated at a discount rate of 5.0 percent.
- Future Development Patterns These assumptions do not include adjustments for future development. It is anticipated that TIRZ improvements will induce an organic growth in property values through induced development. These developments are currently undefined, and their value is not known. It is noted that the values shown in this plan are a conservative estimate and it is somewhat likely that revenues will exceed those presented in this forecast.

FINANCIAL FORECAST SUMMARY RESULTS

The following table depicts the anticipated revenue generated over 25 years. The revenue forecast assumes the TIRZ is established in 2021 (baseline year). The first TIRZ increment will occur in 2022.

Table 3: Preliminary TIRZ #3 Forecast for City Contribution

		Available
Calendar	Projected Tax	for Fiscal
Year	Collections	Year Ending
		30-Sep
2021	\$0	2022
2022	\$32,705	2023
2023	\$67,044	2024
2024	\$103,101	202
2025	\$140,961	2026
2026	\$180,713	2027
2027	\$222,454	2028
2028	\$266,281	2029
2029	\$312,299	2030
2030	\$360,619	2031
2031	\$411,355	2032
2032	\$464,627	2033
2033	\$520,563	2034
2034	\$579,295	2035
2035	\$640,965	2036
2036	\$705,718	2037
2037	\$773,708	2038
2038	\$845,098	2039
2039	\$920,057	2040
2040	\$998,765	2041
2041	\$1,081,408	2042
2042	\$1,168,183	2043
2043	\$1,259,296	2044
2044	\$1,354,966	2045
2045	\$1,455,419	2046
Total	\$14,865,599	2046

CONCLUSION

Based on the preliminary development plans for this area and anticipated tax revenue, a TIRZ is economically and financially feasible. The TIRZ should generate revenue to pay for infrastructure and redevelopment costs. Over the next 25 years, the TIRZ could generate approximately \$14.8 million to fund target improvements and incentives.

These projections are based on the best available datasets and information related to market conditions in the region. Given the high visibility of this area, for example, the substantial commitment of a few large developers could have a significantly positive impact on both the level and timing of future growth. Moreover, the financial projections make no allowance for positive spillover to the value of other properties in area as a result of new development (beyond inflation), which easily could occur. At the same time, a slowdown in development as a result of a weaker national economy, negative changes in key drivers of regional economy, or other unforeseen issues could materially reduce the volume of construction put in place, and resulting tax revenue, over the next 25 years.

Appendix

Survey and Associated Data



METES AND BOUNDS DESCRIPTION FOR A 182.91 ACRE TRACT CITY OF NEW BRAUNFELS TAX INCREMENT REINVESTMENT ZONE (TIRZ)

Being a Political Boundary Description for 182.91 acres of land located within the Juan Martin De Veramendi Survey, A-2, in the City of New Braunfels, Comal County, Texas. Said boundary is comprised of 359 parcels of land and being more particularly described as follows:

BEGINNING at a point in the Southeast line of West Mill Street at it's intersection with an alley for the West corner of Lot 10, Block 44, New City Block (NCB) 3002, conveyed to the Patricia Blankenship Wyatt Revocable Trust, recorded in Document No. 201906022022 of the Official Public Records of Comal County Texas, Prop Id. 1051;

THENCE with the Northwest line of said Lot 10, NCB 3002, Lot 9 conveyed to Suzanne Marie Slovak, recorded in Document No. 201406034073 of the Official Public Records of Comal County Texas, Prop Id. 1050 and Lot 8 conveyed to Susan C. Milburn, recorded in Volume 204, Page 716 of the Comal County Deed Records, Prop Id. 1049, North 38°26'24" East, a distance of 262.81 feet to a point for the North corner of said Lot 8 and the West corner Ferguson Street (25' R.O.W.);

THENCE continuing with the Southeast line of West Mill Street, crossing Ferguson Street, North 38°33'11" East, a distance of 25.02 feet to a point for the North corner of Ferguson Street and the West corner of Lot 7, NCB 3001, conveyed to Celeste M. Forres, recorded in Document No. 200506003047 of the Official Public Records of Comal County Texas, Prop Id. 1030;

THENCE continuing with the Southeast line of West Mill Street, and the North line of NCB 3001, along the West line of the following five properties,

- 1. said Lot 7, NCB 3001
- 2. the property conveyed to First Methodist Church in Volume 422, Page 795 of the Comal County Deed Records, Prop Id. 1024,
- 3. Lot 12 conveyed to First United Methodist Church of New Braunfels, recorded in Document No. 201106032720 of the Official Public Records of Comal County, Texas, Prop Id. 1032,
- 4. Lot 14, conveyed to Leslie J. Lammers and Thomas E. Tumlinson recorded in Document No. 201706033702 of the Official Public Records Comal County Texas, Prop Id. 1034,
- 5. Lot 15, conveyed to Neil & Debbie Jo Allen, recorded in Document No. 201606021969 of the Official Public Records of Comal County Texas, Prop Id. 1035, North 38°17'23" East, a distance of 629.02 feet to a point for the North corner of said Lot 15;

THENCE crossing West Mill Street (66.66' R.O.W.) North 52°50'56" West, a distance of 66.51 feet to a point for the South corner Lot 216, NCB 3020, owned by New Braunfels Independent School District, no recording information found, Prop Id. 1292, and the East corner of Lot E NCB 3020;

THENCE with the Southwest line of Lot 216 and the Northeast line of Lot E and F, NCB 3020, North 52°57'12" West, a distance of 189.08 feet to a point in the Southeast line of West Bridge Street for the West corner of Lot 216 and the North corner of Lot F, NCB 3020;



THENCE with the Southeast line of West Bridge Street and the Northwest line of Lot 215 and Lot 215, owned by New Braunfels Independent School District, Prop Id. 1292, North 37°56'42" East, a distance of 195.27 feet to a point for the North corner of said Lot 215 and the West corner of North Academy Avenue;

THENCE with the Southeast line of West Bridge Street, crossing North Academy Ave (66.66' R.O.W.), North 37°50'05" East, a distance of 65.00 feet to a point for the West corner of a portion of Lot 103, NCB 2010 conveyed to Mary Ann Autry, recorded in Volume 141, Page 266 of the Comal County Deed Records, Prop Id. 924 and the North corner of North Academy Avenue;

THENCE continuing with the Southeast line of West Bridge Street, and the Northwest line of NCB 2010, the following 3 tracts,

- 1. said portion of Lot 103,
- 2. a portion of Lot 104, conveyed to James E. Glasgow Jr. and Carolyn M. Glasgow, recorded in Document No. 202006020515 of the Official Public Records of Comal County Texas, Prop Id. 925,
- 3. a portion of Lot 105, conveyed to Carr 2 Casa, LLC, recorded in Document No. 202106001621 of the Official Public Records of Comal County Texas, Prop Id. 927, North 37°46'59" East, a distance of 274.04 feet to a point for the North corner of said Lot 105, lying in the Southwest line of the Mo Pac Railroad (100' R.O.W.);

THENCE continuing with the Southeast line of West Bridge Street, crossing said Mo Pac Railroad R.O.W., North 37°46'58" East, a distance of 100.00 feet to a point in the Northeast Mo Pac Railroad R.O.W. for the West corner of Lot 107, NCB 2010, no deed information found, Prop Id. 931;

THENCE crossing West Bridge Street (66.66' R.O.W.), North 38°48'47" West, a distance of 66.82 feet to a point for the South corner of NCB 2011, a tract of land conveyed to Hilmar W. Rust, recorded in Volume 417, Page 786, Comal County Deed Records, Prop Id. 939;

THENCE with the West line of said Rust property, the following three calls:

- 1.) North 52°00'00" West, a distance of 109.44 feet to a point;
- 2.) North 24°46'30" West, a distance of 95.05 feet to a point;
- 3.) North 38°42'00" East, a distance of 48.50 feet to a point for the North corner of said Rust property, lying in the Southwest line of Lot 1, Block 1, Sts. Peter and Paul Catholic Church Subdivision, recorded in Volume 12, Page 233 of the Map Records of Comal County Texas, Prop Id. 54551;

THENCE with the West line of said Lot 1, North 52°00'00" West, a distance of 32.29 feet to a point in the East line of the M & KT Railroad R.O.W.;

THENCE with the East line of said railroad and the East line of Lot 1, Sts. Peter and Paul Subdivision and a tract conveyed to the Archbishop of San Antonio, recorded in Volume 152, Page 205 of the Comal County Deed Records, Prop Id. 1014, the following two calls:

1.) North 09°02'53" West, a distance of 140.44 feet to a point



290 S. Castell Avenue, Ste. 100 New Braunfels, TX 78130 TBPE-FIRM F-10961

2.) North 02°00'58" West, a distance of 357.85 feet to a point for the North corner of said Prop Id. 1014, lying in the South line of a tract conveyed to the Archbishop of San Antonio, recorded in Volume 614, Page 563 of the Comal County Deed Records, Prop. Id. 1016;

THENCE with the West line of said Prop Id. 1016, the following two calls:

- 1.) North 74°48'08" West, a distance of 21.53 feet to a point;
- 2.) North 02°44'13" West, a distance of 166.08 feet to a point for the North corner of said Prop. Id 1016, lying in the South line of Landa Street - State Highway 46 (60' R.O.W.);

THENCE crossing Landa Street - State Highway 46, North 18°34'25" East, a distance of 60.12 feet to a point for the Southwest corner of NCB 2018, a 0.436 of an acre tract conveyed to Hayes & Reno, LLC, recorded in Document No. 200406038372 of the Official Public Records of Comal County, Texas, Prop Id. 1012;

THENCE with the West line of said 0.436 acre tract, NCB 2018 and the East line of said M & KT Railroad R.O.W., North 02°25'50" West, a distance of 248.35 feet to a point for the Northwest corner of said 0.436 of an acre tract, NCB 2018, lying in the Southwest line of North Seguin Avenue;

THENCE crossing North Seguin Avenue (93.72' R.O.W.), North 57°10'49" East, a distance of 99.52 feet to a point for the West corner of NCB 2017, Lot 4A, conveyed to Agile Key, LLC, recorded in Document No. 202006024772 of the Official Public Records of Comal County Texas, Prop Id 999, at the Southeast intersection of Meusebach Street and North Seguin Avenue;

THENCE with the Southwest line of Meusebach Street and the Northwest line of NCB 2017, and the Northwest line of the following 4 tracts,

- 1. said Lot 4A,
- 2. a portion of Lot 4, conveyed to Charles W. and Catherine Reger, recorded in Document No. 201406011069, of the Official Public Records of Comal County, Texas, Prop Id. 1000,
- 3. a portion of Lot 5, conveyed to Hayes & Reno, LLC, recorded in Document No. 200906007159 of the Official Public Records of Comal County Texas, Prop Id. 1001,
- 4. a portion of Lots 5 and 6, conveyed to Matthew Pusateri and Katherine Lynch, recorded in Document No. 202006005968 of the Official Public Records of Comal County Texas, Prop Id. 1002, North 38°01'54" East, a distance of 382.05 feet to a point for the North corner of NCB 2017, lying in the Southwest line of North Market Street;

THENCE with the Southeast line of Meusebach Street, crossing North Market Avenue (66.66' R.O.W.) North 34°23'13" East, a distance of 61.83 feet to a point for the West corner of Lot 32R, NCB 2016, a subdivision recorded in Document No. 201706014260 of the Official Public Records of Comal County Texas, Prop Id. 981, being the West corner of the intersection of Meusebach and North Market Street;

THENCE with the West line of NCB 2016, said Lot 32R and the Southeast line of a railroad spur track, the following eleven calls:

- 1.) North 38°10'09" East, a distance of 24.58 feet to a point;
- 2.) North 51°34'56" East, a distance of 13.45 feet to a point;
- 3.) North 51°34'57" East, a distance of 7.29 feet to a point;



- 4.) North 55°34'35" East, a distance of 9.80 feet to a point;
- 5.) North 55°34'35" East, a distance of 37.97 feet to a point;
- 6.) North 59°05'47" East, a distance of 47.58 feet to a point;
- 7.) North 65°09'32" East, a distance of 32.79 feet to a point;
- 8.) North 65°09'32" East, a distance of 16.33 feet to a point;
- 9.) North 71°08'49" East, a distance of 47.93 feet to a point;
- 10.) North 73°25'53" East, a distance of 48.98 feet to a point;
- 11.) North 74°40'15" East, a distance of 131.63 feet to a point for the North corner of said Lot 32R and the a Northwest corner of a portion of Lot 7, NCB 216 conveyed to Jason E. Hurta, recorded in Document No. 201306023835 of the Official Public Records of Comal County Texas, Prop Id. 989;

THENCE with the Northwest line of said portion of Lot 7, North 71°07'45" East, a distance of 31.13 feet to a point for the North corner of said portion of Lot 7 and the West corner of Lot 1 & 2, Hays Subdivision, recorded in Document No. 9706009482 of the Official Public Records of Comal County Texas, Prop Id. 30483;

THENCE with the South line of the Railroad Spur Track and the North line of said Hayes Subdivision, along a non-tangent curve to the right, said curve having a radius of 566.93 feet, a central angle of 23°51'55", a chord bearing and distance of North 86°59'00" East, 234.44 feet, for an arc distance of 236.14 feet to a point for the East corner of said subdivision and NCB 2016, lying in the West line of East Zink Street (66.66' R.O.W.);

THENCE crossing East Zink Street, South 78°25'28" East, a distance of 84.29 feet to a point for the South corner of the intersection of East Zink Street and North Gibert Avenue, (49.5' R.O.W.), now closed and conveyed to ADM Milling Co., recorded in Document No. 9606001284 of the Official Public Records of Comal County Texas, Prop Id. 883, also being the North corner of NCB 2014;

THENCE with the Southeast line of East Zink Street and the Northwest line of North Gilbert Avenue and the Northwest line of NCB 2015, a tract conveyed to ADM Milling Co. in "Exhibit A, Tract 6", recorded in Volume 284, Page 817, Comal County Deed Records, Prop Id. 980, North 38°42'00" East, a distance of 277.84 feet to a point for the Northwest corner of said ADM Tract 6, lying in the South line of the Comal River;

THENCE with the North line of said ADM Tract 6 and the meanders of the South line of the Comal River, the following seven calls:

- 1.) North 72°20'49" East, a distance of 99.38 feet to a point;
- 2.) North 79°52'57" East, a distance of 40.73 feet to a point;
- 3.) North 90°00'00" East, a distance of 101.72 feet to a point;
- 4.) South 84°11'54" East, a distance of 106.33 feet to a point;
- 5.) South 75°47'44" East, a distance of 34.85 feet to a point;
- 6.) South 54°59'01" East, a distance of 51.84 feet to a point;
- 7.) South 70°13'18" East, a distance of 45.99 feet to a point for the Northeast corner of said ADM Tract 6 at the Northwest intersection of the Comal River and East Bridge Street;



THENCE with the Comal River and the end of East Bridge Street (66.66' R.O.W.), South 48°47'29" East, a distance of 67.91 feet to a point for the Northwest corner of a tract of land, owned by the City of New Braunfels, known as Prince Solms Park, Prop Id. 886;

THENCE with the Northeast line of said Prince Solms Park, the end of East Mill Street (66.66' R.O.W.) and the South line of the Comal River, the following eight calls:

- 1.) South 29°00'55" East, a distance of 116.96 feet to a point;
- 2.) South 03°00'46" West, a distance of 48.43 feet to a point;
- 3.) South 45°00'00" East, a distance of 32.40 feet to a point;
- 4.) South 12°05'39" East, a distance of 18.22 feet to a point;
- 5.) South 57°05'44" East, a distance of 6.96 feet to a point;
- 6.) South 57°05'40" East, a distance of 18.81 feet to a point;
- 7.) North 77°19'11" East, a distance of 52.18 feet to a point;
- 8.) South 55°00'25" East, a distance of 13.52 feet to a point for the End of East Mill Street at the Comal River and the North corner of NCB 2005, a 1.004 acre tract, conveyed to Fountaineer Investments, LLC, recorded in Document No. 201906026762 of the Official Public Records of Comal County Texas, Prop Id. 885;

THENCE with the North line of said 1.004 acre tract and the South line of the Comal River the following four calls:

- 1.) South 55°36'21" East, a distance of 89.91 feet to a point;
- 2.) South 35°05'46" East, a distance of 57.55 feet to a point;
- 3.) South 12°51'04" East, a distance of 59.47 feet to a point;
- 4.) South 24°55'00" West, a distance of 22.49 feet to a point in the East line of said 1.004 acre tract and the North corner of a tract conveyed to ADM Milling Co. in "Exhibit A 1. (a.)", recorded in Volume 284, Page 817 of the Comal County Deed Records, Prop Id. 431524;

THENCE with the North line of said ADM Milling Co., Tract 1. (a.), and the South line of the Comal River, the following seven calls:

- 1.) South 04°17'53" West, a distance of 24.64 feet to a point;
- 2.) South 48°44'33" East, a distance of 27.30 feet to a point;
- 3.) South 36°19'35" East, a distance of 43.40 feet to a point;
- 4.) South 01°18'42" East, a distance of 28.34 feet to a point;
- 5.) South 32°10'01" East, a distance of 24.48 feet to a point;
- 6.) South 58°45'51" East, a distance of 32.97 feet to a point;
- 7.) South 30°57'14" East, a distance of 36.96 feet to a point for the East corner of said ADM Milling Co. Tract 1. (a.), lying in the Northwest line of East San Antonio Street;

THENCE with the South line of the Comal River crossing East San Antonio Street (93.72' R.O.W.) South 80°51'44" East, a distance of 100.98 feet to a point in the Southeast line of East San Antonio Street for the North corner of NCB 1043, a 1.608 acre tract, conveyed to Auferstehung, Inc., recorded in Document No. 9806024551 of the Official Public Records of Comal County, Texas, Prop Id. 515;



THENCE with the North line of said 1.608 acre tract and the South line of the Comal River, the following three calls:

- 1.) South 81°19'51" East, a distance of 78.90 feet to a point;
- 2.) South 87°15'51" East, a distance of 98.50 feet to a point;
- 3.) South 13°17'51" East, a distance of 150.98 feet to a point for the Northeast corner of said 1.608 acre tract, lying in the West line of Tolle Street (67.56" R.O.W.);

THENCE with the West line of Tolle Street and the Southeast line of said 1.608 acre tract, South 38°11'09" West, a distance of 215.80 feet to a point at the North corner of the intersection of Tolle Street and South Gilbert Avenue;

THENCE with the North line of South Gilbert Avenue and the Southwest line of said 1.608 acre tract, North 52°30'51" West, a distance of 70.31 feet to a point in the Southwest line of said 1.608 acre tract;

THENCE crossing South Gilbert Avenue (60' R.O.W.) South 38°20'17" West, a distance of 57.68 feet to a point in the Southwest line of South Gilbert Avenue and the East corner of Lot 143 and a portion of Lot 142, NCB 1007, conveyed to ESA Partners, LLC., recorded in Document No. 202106016449 of the Official Public Records of Comal County Texas, Prop Id 431522, also being the North corner of Lot A, NCB 1007, Prop Id 107;

THENCE with the West line of said Lot A, NCB 1007 and the East line of the following 6 tracts,

- 1. said Lot 143 and a portion of Lot 142,
- 2. a tract conveyed to Greg Korman, recorded in Document No. 200806021412 of the Official Public Records of Comal County Texas, Prop Id 104,
- 3. a tract conveyed to Sheri Ann Jentsch, recorded in Document No. 200406040799 of the Official Public Records of Comal County Texas, Prop Id. 105,
- 4. a tract conveyed to Cabana Social Club, recorded in Document No. 201106012145 of the Official Public Records of Comal County Texas, Prop Id. 103,
- 5. a tract conveyed to Bob and Betty Kiesling, recorded in Document No. 200706051883 of the Official Public Records of Comal County Texas, Prop Id. 102,
- 6. a tract conveyed to Avis E. & Nancy Field, described in Document No. 200506047553 of the Official Public Records of Comal County Texas, Prop Id. 100, South 38°20'17" West, a distance of 384.65 feet to a point for the North corner of the intersection of Tolle Street and South Market Street, being the South corner of NCB 1007;

THENCE crossing South Market Street (66.66' R.O.W.) South 38°20'17" West, a distance of 65.00 feet to a point for the South corner of the intersection of South Market Street and Tolle Street, being the East corner of NCB 1006;

THENCE with the Northwest line of Tolle Street and the Southeast line of NCB 1006 and the following two tracts:

1. a tract conveyed to Layton L. Leissner, No Deed information found, Prop Id. 96,



2. Lot 38 and a portion of Lot 39 conveyed to Southwestern Bell Tx, No Deed information found, Prop Id. 431521, South 38°20'17" West, a distance of 220.41 feet to a point for the South corner of NCB 1006 and the North corner of the intersection of Comal Avenue and Tolle Street;

THENCE crossing Comal Avenue (66.66' R.O.W.) South 40°28'43" West, a distance of 65.11 feet to a point for the East corner of Lot 37, NCB 1005, conveyed to Kenneth D. Brazle and David G. Pfeuffer, recorded in Document No. 9706006117 of the Official Public Records of Comal County Texas, Prop Id. 37;

THENCE with the Southwest line of Comal Avenue and the Northeast line of the following 14 tracts, 1.

- 2. a tract conveyed to the City of New Braunfels, No Deed information found, Prop Id. 69,
- 3. a tract conveyed to Naeglins Bakery Inc, recorded in Volume 677, Page 398 of the Comal County Deed Records, Prop Id. 70,
- 4. a tract conveyed to 4K Mayo Property LLC., recorded in Document No. 201906010636 of the Official Public Records of Comal County Texas, Prop Id. 72,
- 5. a tract conveyed to Stadt Corp., recorded in Document No. 200606001808 of the Official Public Records of Comal County Texas, Prop Id. 77,
- 6. a tract conveyed to T.L. Marglin#6, LLC., recorded in Document No. 201506028574 of the Official Public Records of Comal County Texas, Prop Id. 76,
- 7. a tract conveyed to Guadalupe Amaro Partnership, recorded in Document No. 202006059688 of the Official Public Records of Comal County Texas, Prop Id. 78,
- 8. a tract conveyed to Guadalupe Amaro Partnership, Prop Id. 82, recorded in Document No. 202006059689 of the Official Public Records of Comal County Texas, Prop. Id. 82,
- 9. a tract conveyed to Guadalupe Amaro Partnership, recorded in Document No. 202006059687 of the Official Public Records of Comal County Texas, Prop Id. 83,
- 10. a tract conveyed to Natman Investments, LLC., recorded in Document No. 201906016789 of the Official Public Records of Comal County Texas, Prop Id. 95,
- 11. a tract conveyed to the Duettra Georgia B. Exempt Trust, recorded in Document No. 201106039865 of the Official Public Records of Comal County Texas, Prop Id. 92,
- 12. a tract conveyed to Daniel and Mikki Tharp, recorded in Document No. 200406042582 of the Official Public Records of Comal County Texas, Prop Id. 90,
- 13. a tract conveyed to Julie and Greeson Taylor, recorded in Document No. 9906005966 of the Official Public Records of Comal County Texas, Prop Id. 89,
- 14. a tract conveyed to Chris and Heather Allen, recorded in Document No. 201906000593 of the Official Public Records of Comal County Texas, Prop Id. 88, South 52°33'38" East, a distance of 772.64 feet to a point for the East corner of NCB 1005 and the West corner of the intersection of Comal Avenue and East Coll Street;

THENCE with the Southwest line of Comal Avenue, crossing East Coll Street (66.66' R.O.W.) South 52°31'46" East, a distance of 65.01 feet to a point for the South corner of the intersection of Comal Avenue and East Coll Street and the North corner of NCB 1011, being the North corner of a property conveyed to Julie A. Glisky, recorded in Document No. 200706020402 of the Official Public Records of Comal County Texas, Prop Id. 153;



THENCE with the Southwest line of Comal Avenue and the Northeast line of NCB 1011 and the following 5 tracts;

- 1. said Glisky tract,
- 2. a tract conveyed to Frederick Frueholz, Jr., recorded in Volume 212, Page 44 of the Comal County Deed Records, Prop Id. 155,
- 3. a 1.477 acre tract conveyed to Elks 2279 of NB BPOE, recorded in Volume 184, Page 934 of the Comal County Deed Records, Prop Id. 149,
- Lot 164, conveyed to Greg and Leslie Baenziger, recorded in Volume 608, Page 630 of the Comal County Deed Records, Prop Id. 156,
- 5. a portion of Lot 88, conveyed in a Death Certificate to Carola M. Davis, recorded in Document No. 200106040183 of the Official Public Records of Comal County Texas, Prop Id. 152,

South 52°24'50" East, a distance of 482.55 feet to a point for the West corner of the intersection of Comal Avenue and East Garden Street, and the East corner of NCB 1011;

THENCE with the Northwest line of East Garden Street and the Southeast line of NCB 1011 and the Southeast line of the following 4 tracts,

- 1. said Carola M. Davis tract,
- 2. a portion of Lot 88, conveyed to Michael & Rhonda Neel, recorded in Document No. 9806014444 of the Official Public Records of Comal County Texas, Prop Id. 151,
- a portion of Lot 79 conveyed to Richard M. Wangenheim Jr., recorded in Document No. 201806033352 of the Official Public Records of Comal County Texas, Prop Id. 147,
- 4. a portion of Lot 79 conveyed to William and Diane Mehrer, recorded in Document No. 9806000302 of the Official Public Records of Comal County Texas, Prop Id. 146, South 38°16'20" West, a distance of 386.20 feet to a point for the North corner of the intersection of East Garden Street and South Seguin Avenue, also being the South corner of NCB 1011;

THENCE with the Northwest line of East Garden Street, crossing South Seguin Street, (93.72' R.O.W.) South 38°11'55" West, a distance of 93.73 feet to a point for the West corner of the intersection of East Garden Street and South Seguin Avenue, also being the East corner of NCB 1012, and the East corner of a tract conveyed to the City of New Braunfels, recorded in Volume 172, Page 820 of the Comal County Deed Records, Prop Id. 159;

THENCE with the Southwest line of South Seguin Avenue, crossing East Garden Street (66.66' R.O.W.) South 52°36'25" East, a distance of 65.01 feet to a point for the South corner of the intersection South Seguin Avenue and East Garden Street, also being the North corner of NCB 1017 and the North corner of a Lot 181 conveyed to Marion & Robbie Borchers, recorded in Volume 1017, Page 28 of the Comal County Deed Records, Prop Id. 213;

THENCE with the Southwest line of South Seguin Ave. and the Northeast line of the following 5 tracts, 1. said Lot 181,

- 2. Lot 180 conveyed to Mario Borchers, recorded in Document No. 200406042893 of the Official Public Records of Comal County Texas, Prop Id. 212,
- 3. Lot 179 conveyed to 448 S. Seguin, LLC., recorded in Document No. 202006016856 of the Official Public Records of Comal County Texas, Prop Id. 211,



- 4. Lots 178 & 185, conveyed to Communication Professionals, Ltd., recorded in Document No. 200206002205 of the Official Public Records of Comal County Texas, Prop Id. 208,
- 5. Lot 177 and a portion of Lot 160 conveyed to Jahn Building Development LLC., et al, recorded in Document No. 201206036421 of the Official Public Records of Comal County Texas, Prop Id. 207, South 52°35'59" East, a distance of 482.87 feet to a point for the Southwest corner of the intersection of South Seguin Avenue and Butcher Street, also being the East corner of NCB 1017;

THENCE with the South line of South Seguin Avenue, crossing Butcher Street (30' R.O.W.), South 52°33'56" East, a distance of 30.00 feet to a point for the Southeast corner of the intersection of South Seguin Avenue and Butcher Street, also being the North corner of NCB 1021, and the North corner of a tract conveyed to Dunverking Real Estate, Ltd., recorded in Document No. 201006008905 of the Official Public Records of Comal County Texas, Prop Id. 281;

THENCE with the Southwest line of South Seguin Avenue and the Northeast line of NCB 1021 and the Northeast line of the following 5 tracts,

- 1. said Dunverking Real Estate, LLC. Tract,
- 2. a tract conveyed to Troy D. Burch, Jr., recorded in Document No. 200706019362 of the Official Public Records of Comal County Texas, Prop Id. 282,
- 3. Lot 7R conveyed to D'Ann Harper Development Corp, recorded in Document No. 200506001310 of Official Public Records of Comal County Texas, Prop Id. 283,
- 4. Lot 14 conveyed to Becker Investments, Lp, recorded in Document No. 201406031140 of the Official Public Records of Comal County Texas, Prop Id. 285,
- 5. a tract conveyed to Big Diamond Inc., recorded in Document No. 201006026405 of the Official Public Records of Comal County Texas, Prop Id. 286, South 52°33'56" East, a distance of 516.88 feet to a point for the Northwest corner of the intersection of Jahn Street and South Seguin Avenue, also being the East corner of NCB 1021 and the East corner of said Big Diamond Inc. tract;

THENCE with the Northwest line of Jahn Street and the Southeast line of NCB 1021 and the Southeast line of the following 5 tracts,

- 1. said Big Diamond LLC tract,
- 2. a tract conveyed to William M. Norris, recorded in Document No. 200706003522 of the Official Public Records of Comal County Texas, Prop Id. 267,
- 3. a tract conveyed to CMF Real Estate Holdings, LLC, recorded in Document No. 201506026255 of the Official Public Records of Comal County Texas, Prop Id. 288,
- 4. Lots 3 & 4, Block 13 of the Re-subdivision of Jahn Addition, recorded in Volume 52, Page 351 of the Comal County Map Records, Prop Id. 273, conveyed to Yawn Group, LLC, recorded in Document No. 201806003260 of the Official Public Records of Comal County Texas
- 5. Lots 1 & 2, Block 13 of said Re-subdivision of Jahn Addition, as conveyed to My Little Girl, LLLC, recorded in Document No. 201106036607 of the Official Public Records of Comal County Texas, Prop Id. 272, South 37°32'43" West, a distance of 385.32 feet to a point for the North corner of the intersection of Jahn Street and South Castell Avenue, also being the South corner of NCB 1021;



THENCE with the Northwest line of Jahn Street, crossing South Castell Avenue (66.66' R.O.W.) South 37°32'43" West, a distance of 65.00 feet to a point for the West corner of the intersection of South Castell Avenue and Jahn Street and the East corner of NCB 1022;

THENCE with the Northwest line of Jahn Street and the Southeast line of NCB 1022, and the following 2 tracts and a street,

- 1. Lot 10, NCB 1022 conveyed to Katherine Truesdell, recorded in Document No. 201106030712 of the Official Public Records of Comal County Texas, Prop Id. 298,
- 2. the South line of Colvin Street (20' R.O.W.),
- 3. Lots 11,12 & 13, NCB 1022 conveyed to Jahn Street Properties, LLC., recorded in Document No. 201206041187 of the Official Public Records of Comal County Texas, Prop Id. 299, South 37°40'03" West, a distance of 268.68 feet to a point for the Northwest corner of the intersection of Jahn Street and the International Great Northern Railroad (100' R.O.W.);

THENCE with the North line of the International Great Northern Railroad R.O.W. and the Southwest line of said Jahn Street Property, North 66°14'32" West, a distance of 206.14 feet to a point for the Northwest corner of said Jahn Property and the Southeast corner a tract conveyed to the City of New Braunfels, in Parcel 1, recorded in Document No. 9706007700 of the Official Public Records of Comal County Texas, Prop Id. 167;

THENCE with the Railroad R.O.W. and the Southwest line of said City of New Braunfels tract, the following two calls:

- 1.) North 62°40'55" West, a distance of 190.28 feet to a point;
- 2.) North 61°36'04" West, a distance of 127.92 feet to a point in the Southwest corner of said City of New Braunfels tract, being the Southeast corner of the intersection of said railroad and Butcher Street;

THENCE with the Northeast line of said Railroad and crossing Butcher Street (30' R.O.W.) North 55°33'40" West, a distance of 32.30 feet to a point for the Northwest corner of Butcher Street and the South corner of a tract conveyed to the City of New Braunfels, in Parcel 2, recorded in Document No. 9706007700 of the Official Public Records of Comal County Texas, Prop Id. 410103;

THENCE with the Northeast line of said Railroad R.O.W. and the Southwest line of said Parcel 2, North 58°04'38" West, a distance of 53.79 feet to a point for the Southwest corner of said Parcel 2;

THENCE with the Northeast line of said Railroad 100' wide R.O.W., North 53°31'48" West, a distance of 438.20 feet to a point for the Southwest corner of the intersection of East Garden Street and said Railroad R.O.W.;

THENCE with the Railroad R.O.W., crossing East Garden Street (66.66' R.O.W.) North 52°28'19" West, a distance of 65.00 feet to a point for the South corner of NCB 1013, being the West corner of the intersection of said Railroad R.O.W. and East Garden Street;



THENCE with the Northeast line of said Railroad R.O.W. and the Southwest line of NCB 1013, North 52°49'35" West, a distance of 480.14 feet to a point for the West corner of NCB 1013 and the East corner of the intersection of said Railroad R.O.W. and West Coll Street (66.66' R.O.W.);

THENCE with the Northeast line of said 100' wide Railroad R.O.W., North 53°16'43" West, a distance of 637.05 feet to a point in the Northeast line of said Railroad R.O.W. and the Southwest line of Hill Avenue;

THENCE crossing said Railroad R.O.W., South 37°29'34" West, a distance of 100.00 feet to a point for the West corner of the intersection of said Railroad R.O.W. and Cross Street, and the East corner of NCB 1001 and the East corner of a tract conveyed to Donald and Lynn Forres, recorded in Document No. 9706017179 of the Official Public Records of Comal County Texas, Prop Id. 9;

THENCE with the Northwest line of Cross Street and the Southeast corner of the following 3:

- 1. said Donald and Lynn Forres tract,
- 2. a tract conveyed to Allegiant Senior Living, LLC, recorded in Document No. 201706039281 of the Official Public Records of Comal County Texas, Prop Id. 4,
- 3. a tract conveyed to Edward and Charlotte Cavanaugh Family Trust, recorded in Document No. 201806001171 of the Official Public Records of Comal County Texas, Prop Id. 378760, South 38°24'08" West, a distance of 265.63 feet to a point for the North corner of the intersection of Cross Street and South Academy Ave and the South corner of NCB 4001, and the South corner of said Edward and Charlotte Cavanaugh Family Trust tract;

THENCE with the Northwest line of Cross Street, crossing South Academy Street (66.66' R.O.W.), South 36°55'45" West, a distance of 68.78 feet to a point for the West corner of the intersection of South Academy Street and Cross Street, and the East corner of a tract conveyed to Michael J. Pollard, recorded in Document No. 200306033121 of the Official Public Records of Comal County Texas, Prop Id. 1442;

THENCE with the Northwest line of Cross Street and the Southeast line of the following 4 tracts,

- 1. said Pollard tract,
- 2. a tract conveyed to Janie Mott, recorded in Document No. 201806037582 of the Official Public Records of Comal County Texas, Prop Id. 1438,
- 3. Lots 1 and 6, NCB 4001 conveyed to Sophies Gasthaus, LLC., recorded in Document No. 202106034115 of the Official Public Records of Comal County Texas, Prop Id. 1443,
- 4. a tract with no deed information available, Prop Id. 1448, South 38°03'53" West, a distance of 492.03 feet to a point for the East corner of a tract conveyed to Delio and Juanita Bustos, recorded in Volume 390, Page 418 Comal County Deed Records;

THENCE continuing with the Northwest line of Cross Street, and the Southeast line of NCB 4001, and the following 2 tracts,

- 1. said Bustos tract,
- 2. a tract conveyed to Armando Martinez, recorded in Document No. 201406021790 of the Official Public Records of Comal County Texas, Prop Id. 1450, South 38°03'53" West, a distance of 152.68 feet to a point for the North corner of the intersection of Clemens Avenue and Cross Street;



THENCE with the Northwest line of Cross Street, crossing Clemens Avenue (66.0' R.O.W.) South 41°54'11" West, a distance of 65.09 feet to a point for the West corner of the intersection of Clemens Avenue and Cross Street, being the East corner of NCB 4002;

THENCE with the Northwest line of Cross Street and the Southeast line of NCB 4002 and the Southeast line of the following 4 tracts:

- 1. a confidential tract, Prop Id. 1463,
- 2. a tract conveyed to Richard Rabe, recorded in Document No. 201506004178 of the Official Public Records of Comal County Texas, Prop Id. 1465,
- 3. a tract conveyed to Jeffrey and Maria Turner, recorded in Volume 839, Page 487 of the Comal County Deed Records, Prop Id. 1461,
- 4. a tract conveyed to Gary and Sue McGurk, recorded in Volume 594, Page 727 of the Comal County Deed Records, Prop Id. 1462, South 42°17'48" West, a distance of 400.57 feet to a point for the North corner of the intersection of Cross Street and South Guenther Avenue, also being the South corner of NCB 4002 and said McGurk property;

THENCE with the Northeast line of South Guenther Avenue and the Southwest line of the following 3 tracts:

- 1. said McGurk tract,
- 2. a tract conveyed to the Seals Family Properties, LLC., recorded in Document No. 202006009910 of the Official Public Records of Comal County Texas, Prop Id. 1458,
- 3. a tract conveyed to Seals Family Property, LLC., recorded in Document No. 202006023475 of the Official Public Records of Comal County Texas, Prop Id. 1459, North 49°55'46" West, a distance of 393.46 feet to a point for the East corner of the intersection of South Guenther Avenue and West San Antonio Street, also being the West corner of NCB 4002 and said tract described as Prop Id. 1458;

THENCE with the Northeast line of South Guenther Avenue, crossing West San Antonio Street, (R.O.W. varies at this location) North 49°55'46" West, a distance of 72.68 feet to a point in the Northwest line of West San Antonio Street and the Southeast line of Lots 4 and 5, NCB 3002, conveyed to Miles and Susan Granzin, recorded in Document No. 200406001675 of the Official Public Records of Comal County Texas, Prop Id. 1047;

THENCE with the Northwest line of West San Antonio Street and the Southeast line of said Granzin tract, South 38°57'56" West, a distance of 41.25 feet to a point for the North corner of the intersection of West San Antonio Street and a 20' Wide Alley, also being the South Corner of said Granzin tract;

THENCE with the Northeast line of said Alley and the Southwest line of said Granzin tract and the Southwest line of the Patricia B. Wyatt Revocable Trust tract, North 50°27'33" West, a distance of 373.65 feet to the POINT OF BEGINNING and containing 182.91 acres of land in the City of New Braunfels, Comal County, Texas.



This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Written August 14, 2021.

Dorothy J. Taylor

Registered Professional Land Surveyor No.6295

S:\!Projects\040 - City of New Braunfels\040.033 - Political Subdivision for Downtown TIRZ Boundary\M&B\TIRZ BOONARY M&B.docx

PROP_ID	OWNER_NAME	LEGAL_AREA
_	0	0
	1 HEITKAMP RUTH A 2 HEITKAMP RUTH A	0 0.131
	3 HEITKAMP RUTH A	0.131
	4 ALLEGIANT SENIOR LIVING LLC	0
	5 WIERMAN JOHN F & NANCY J	0
	6 LOWERY KENNETH L & CAREN E 7 FORRES DONALD E & LYNN S	0.419 0.231
	8 FORRES DONALD E & LYNN S	0.191
	9 FORRES DONALD E & LYNN S	0.6539
	31 WEST 209 INVESTMENTS LLC	0.354
	32 N B ART LEAGUE 33 LEDERHOSEN LTD	0.191 0.159
	35 EUDY HAMPTON & CHERILYN	0.139
	36 SNIDER RONALD B	0.069
	37 HINTON VANCE J & PRISCILLA J	0.071
	38 ORTIZ PAUL JR 39 M & S BUILDING LLC	0.073
	40 SNIDER RONALD & SOLLBERGER DARREL	0.093 0.267
	41 SNIDER RONALD B & CASTELL PROP LLC	0.914
	42 290 CASTELL SPRINGFED LLC	0.809
	43 PRODUCERS COOPERATIVE MARKETING ASSI 44 ROCKFIELD PROPERTIES LLC	
	45 NEW BRAUNFELS CITY OF	0.286 0
	45 NEW BRAUNFELS CITY OF	0
	46 SNIDER RONALD B & CAROL C	0.419
	47 TX UK ENTERPRISES LLC	0.11
	48 WEST SAN ANTONIO 111 LLC 49 SCHWARZEN WALFISCH LP	0.727 0.069
	50 HS130 CAPITOL VENTURE LLC	0.149
	51 HS130 CAPITOL VENTURE LLC	0.072
	52 SOUTH 130 GROUP	0.163
	53 SOUTH 130 GROUP 54 PLUMEYER MARJORIE	0.13 0.22
	55 J N L N PROPERTIES LTD	0.422
	57 WEST SAN ANTONIO 111 LLC	0.421
	58 SOUTH 130 GROUP LLC	0.422
	59 JERGINS ERNESTO TRUSTEE 60 KRUEGER ROBERT C & ARLENE SEALES	0.467 0.422
	61 POWEROHM PROPERTIES LLC	0.422
	62 FIRST PROTESTANT CHURCH OF NEW BRAUN	
	64 FIRST PROTESTANT CHURCH OF NEW BRAUN	
	65 BRAUNFELS FOUNDATION TRUST 66 WEST SAN ANTONIO 111 LLC	0.119
	68 BRAZLE KENNETH D & DAVID PFEUFFER	0.722 0.423
	69 NEW BRAUNFELS CITY OF	1.274
	70 NAEGELINS BAKERY INC	0.616
	72 LANDMARK SQUARE SERIES OF BC HALL LLC 73 LANDMARK SQUARE SERIES OF BC HALL LLC	0.368
	73 LANDWARK SQUARE SERIES OF BC HALL LLC 74 DAMARODAS ROBERT C	0.275 0.211
	75 T L MARGLIN #6 LLC	0.211
	76 T L MARGLIN #6 LLC	0.21
	77 STADT CORPORATION	0.21
	78 AMARO ANTONIO ET AL 80 AMARO ANTONIO ET AL	0.21 0.378
	82 AMARO ANTONIO ET AL	0.421
	83 AMARO ANTONIO ET AL	0.21
	84 NB LAND LLC	0.281
	85 JOHNSON WALLACE C 86 DAVIS CAROLA M	0.422 0.209
	87 FLINT MARY JO	0.209

88 ALLEN CHRIS & HEATHER	0.09
89 TAYLOR JULIE A & GREESON	0.224
90 THARP DANIEL & MIKKI	0.197
91 DUETTRA GEORGIA B EXEMPT TRUST	0.211
92 DUETTRA GEORGIA B EXEMPT TRUST	0.21
93 MOORE BARRY D	0.211
94 WORLEY CREDIT TRUST	0.422
95 MANLOVE NATHAN	0.153
96 LEISSNER LAYTON L	0
97 SOUTHWESTERN BELL TX	0.353
98 LEISSNER LAYTON L	0.376
99 MATHIS GARY D	0.317
100 FIELD AVIS E & NANCY L	0
	-
102 KIESLING BOB R & BETTY A	0.212
103 CABANA SOCIAL CLUB LLC	0.212
104 KORMAN GREG	-
	0
105 JENTSCH SHERI ANN	0
106 ADM MILLING CO	0.635
146 MEHRER WILLIAM J JR & DIANE E	0.211
147 WANGENHEIM RICHARD M JR	0.212
	· · · · ·
148 NORRIS W M	0
149 ELKS 2279 OF NB BPOE	1.477
150 FRUEHOLZ FREDERICK JR	0.422
	**
151 NEEL MICHAEL A & RHONDA B	0.209
152 DAVIS CAROLA M	0.209
153 GLISKY JULIE A	0.209
154 FRUEHOLZ FREDERICK JR	0.09
155 FRUEHOLZ FREDERICK JR	0.175
156 BAENZIGER GREG K & LESLIE A	0.421
157 FIRST PROTESTANT CHURCH OF NEW BRAUNFELS	0.422
158 BURCH TROY D JR	0.422
159 NEW BRAUNFELS CITY OF	2.532
160 B & C WILLIAMS PROPERTIES LTD	0.417
	_
161 FIRST PROTESTANT CHURCH OF NEW BRAUNFELS	0.209
162 FIRST PROTESTANT CHURCH OF NEW BRAUNFELS	0
163	0
164 NEW BRAUNFELS CITY OF	1.118
165 NEW BRAUNFELS INDUSTRIAL DEVELOPMENT CORP	0.987
167 NEW BRAUNFELS CITY OF	0.6365
168 M A ANDERSON REAL ESTATE LLC	0.1255
168 M A ANDERSON REAL ESTATE LLC	
100 IVI A AINDERSON REAL ESTATE LLC	0.1255
200	0
202 NEW BRAUNFELS CITY OF	1.289
203 NEW BRAUNFELS CITY OF	0.204
	0.000
204 NEW BRAUNFELS CITY OF	0.202
204 NEW BRAUNFELS CITY OF	0.202
205 NEW BRAUNFELS CITY OF	0.224
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO	0.224 0.21
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL	0.224 0.21 0.353
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO	0.224 0.21
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD	0.224 0.21 0.353 0.486
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD	0.224 0.21 0.353 0.486 0.422
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J	0.224 0.21 0.353 0.486 0.422 0.422
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD	0.224 0.21 0.353 0.486 0.422
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W	0.224 0.21 0.353 0.486 0.422 0.422
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF	0.224 0.21 0.353 0.486 0.422 0.422 0.422 0.958
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W	0.224 0.21 0.353 0.486 0.422 0.422
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B	0.224 0.21 0.353 0.486 0.422 0.422 0.422 0.958 0.421
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY	0.224 0.21 0.353 0.486 0.422 0.422 0.422 0.958 0.421
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY 218 HINTON VANCE J	0.224 0.21 0.353 0.486 0.422 0.422 0.422 0.958 0.421 0.357 0.3109
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY	0.224 0.21 0.353 0.486 0.422 0.422 0.422 0.958 0.421
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY 218 HINTON VANCE J 220 COMMUNICATION PROFESSIONALS LTD	0.224 0.21 0.353 0.486 0.422 0.422 0.958 0.421 0.357 0.3109 0.193
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY 218 HINTON VANCE J 220 COMMUNICATION PROFESSIONALS LTD 272 MY LITTLE GIRL LLC	0.224 0.21 0.353 0.486 0.422 0.422 0.958 0.421 0.357 0.3109 0.193
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY 218 HINTON VANCE J 220 COMMUNICATION PROFESSIONALS LTD 272 MY LITTLE GIRL LLC 273 YAWN GROUP LLC	0.224 0.21 0.353 0.486 0.422 0.422 0.958 0.421 0.357 0.3109 0.193
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY 218 HINTON VANCE J 220 COMMUNICATION PROFESSIONALS LTD 272 MY LITTLE GIRL LLC	0.224 0.21 0.353 0.486 0.422 0.422 0.958 0.421 0.357 0.3109 0.193
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY 218 HINTON VANCE J 220 COMMUNICATION PROFESSIONALS LTD 272 MY LITTLE GIRL LLC 273 YAWN GROUP LLC 274 BORMANN JOHN W	0.224 0.21 0.353 0.486 0.422 0.422 0.958 0.421 0.357 0.3109 0.193 0
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY 218 HINTON VANCE J 220 COMMUNICATION PROFESSIONALS LTD 272 MY LITTLE GIRL LLC 273 YAWN GROUP LLC 274 BORMANN JOHN W 276 RIVER CITY STORAGE INC	0.224 0.21 0.353 0.486 0.422 0.422 0.958 0.421 0.357 0.3109 0.193 0 0 0
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY 218 HINTON VANCE J 220 COMMUNICATION PROFESSIONALS LTD 272 MY LITTLE GIRL LLC 273 YAWN GROUP LLC 274 BORMANN JOHN W	0.224 0.21 0.353 0.486 0.422 0.422 0.958 0.421 0.357 0.3109 0.193 0

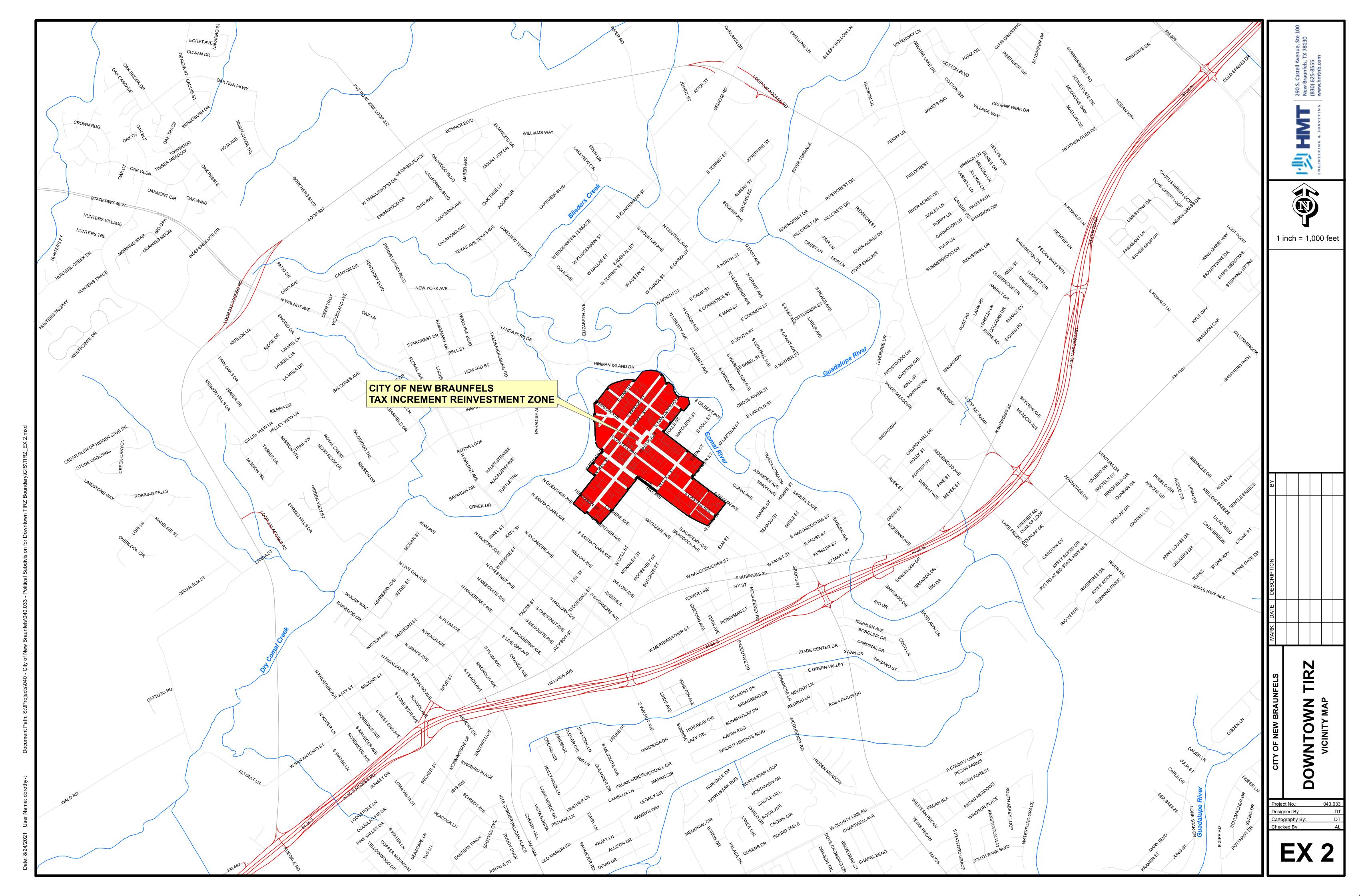
279 COUNCIL BLAYNE L & VICKI A FELGER	0
280 RODRIGUEZ ANTONIA	0
281 DUNVERKING REAL ESTATE LTD	0.416
282 BURCH TROY D JR	0.324
283 HARPER DANN DEV CORP	0.834
284 BECKER INVESTMENTS LP	0.352
285 BECKER INVESTMENTS LP	0.311
286 BIG DIAMOND INC	0.256
287 NORRIS WILLIAM M	_
	0
288 CMF REAL ESTATE HOLDINGS LLC	0
289 NEW BRAUNFELS COMMUNITY RESOURCES INC	0
290 SILVA OFELIA & JUAN M	0
291 M A ANDERSON REAL ESTATE LLC	0
292 WITTING FRANK KLAUS	0
293 WITTING FRANK KLAUS	0
294 XV PROPERTIES LTD	0
295 SKP PROPERTIES LLC	0
296 HILL COUNTRY INVESTMENT GROUP LLC	0
297 XV PROPERTIES LTD	0
	_
298 TRUESDELL KATHERINE	0
299 JAHN STREET PROPERTIES LLC	0
300 M A ANDERSON REAL ESTATE LLC	0
515 IAKOBO FOUR LP	1.608
828 CORZINE M SHAWN & SHAINA	0.093
829 EVANS JOE P & SHERRILL L	0.127
830 TUNNELL STEPHEN WESLEY JR	0.198
831 TUNNELL STEPHEN WESLEY JR	0.131
832 HS130 CAPITOL VENTRUE LLC	0.164
833 LOUIS HENNE COMPANY LLC	0.366
834 SPECKMAN FAMILY LTD	0.058
835 SPECKMAN FAMILY LTD	0.132
836 SPECKMAN FAMILY LTD	0.066
837 BRAUNTEX PERFORMING ARTS THEATRE ASSN	0.317
839 MAYO WILLIAM N TRUST	0.104
840 UNION PACIFIC RAILROAD CO	0.265
841 FORRES DONALD E & LYNN S	0.419
842 TWMKPH LLC	0.844
843 BOCK BENNIE W II & KATHARYN H	0.422
844 DIRTY LAUNDRY LLC	0.4294
845 DIRTY LAUNDRY LLC	0.3456
846 BRAUNTEX PERFORMING ARTS THEATRE ASSN	0.422
847 MCADA ACIE C & JANINE	0.372
848 MILL STREET SQUARE LLC	0.555
849 LOUIS HENNE COMPANY LLC	0.306
850 KLEPAK RACHELLE M	0.132
851 SNIDER RONALD B & SOLLBERGER DARRELL	0.265
852 SNIDER RONALD B & SOLLBERGER DARRELL	
	0.077
854 POST OFFICE LLC	0.358
855 SNIDER RONALD B ET AL	0.073
856 SNIDER RONALD B ET AL	0.116
857 SNIDER RONALD B ET AL	0.049
858 TORKELSON ROGER A & JUNE M	
	0.086
859 SUNSPRITE LLC	0.086
862 DOEPPENSCHMIDT FUNERAL HOME INC	0.736
863 COMAL COUNTY OF	0.844
864 COMAL COUNTY OF	0.422
867 GARZA ALVARO & DORA A	0.05
868 MUCKENFUSS PROPERTIES LLC	0.632
870 REIMER MICHAEL & LINDA	0.22
871 GARZA ALVARO & DORA A	0.207
872 GARZA ALVARO & DORA A	0.186
873 CASTEEL PARTNERS LTD	0.212
	J

874 CASTEEL PARTNERS LTD	0.207
875 CASTEEL CARTER ET AL	0.423
876 NOLTE MELVIN JR	0.123
877 NOLTE MELVIN JR	0.088
878 FARMERS MUTUAL FIRE	0.423
879 ADM MILLING CO	0.423
880 FARMERS MUTUAL FIRE	0.423
881 ADM MILLING CO	0.833
882 ADM MILLING CO	0.423
883 ADM MILLING CO	0.996
884 ADM MILLING CO	2.495
885 LIBERTY PARTNERSHIP LTD	0.8242

886 NEW BRAUNFELS CITY OF	0
887 NOLTE MELVIN JR	0.104
888 NOLTE MELVIN JR ET AL	0.095
889 NOLTE MELVIN JR	0.106
890 LAMMERS LESLIE J & THOMAS E TUMLINSON	0.117
891 ZUNKHOUSE RENTALS	0.11
892 CAMPASSI MICHAEL & SCOTT DUPLECHAIN	0.101
893 QUIROS EVAN B	0.119
894 PARRAS JEFFREY J & SABRINA K	0.093
895 ADM MILLING CO	0
	_
896 CAPITOL BANKSHARES INC	0.417
898 FIRST CHURCH OF CHRIST, SCIENTIST	0
899 OLD CITY HALL LLC	0.641
900 COMAL COUNTY OF	0
906 KINGDOM TRUST COMPANY & MLAII LLC	0.103
907 MOZELEY-JACQUES RENTALS LLC	
	0.106
908 CASTEEL PARTNERS LP	0.103
909 VERGE PRODUCTIONS LLC	0.209
910 TAMEZ INVESTMENTS LLC	0.207
911 TAMEZ INVESTMENTS LLC	0.207
912 180 WEST MILL STREET LLC	0.207
913 LEE PATRICK T ET AL	0.11
914 ARCHBISHOP OF SAN ANTONIO	0.105
915 BROWN MARILEE & KEITH A	0.2102
916 VULCAN REALTY GROUP LLC	0.207
917 COMAL COUNTY OF	0.541
920 COMAL COUNTY OF	0.3
922 LONG MARK	0
923 RIMMELIN PAUL	0
924 MORGA MARY ANN	0
925 ANGELLO CAROLYN	0
926 LAMMERS LESLIE J & THOMAS E TUMLINSON	
	0
927 CT WELLNESS ENTERPRISES LLC	0
928 GOMEZ THERESA B & ROBERT JR	0
930 MUND JEFF A & DENISE E	0.212
931 CONFIDENTIAL	0.109
932 MUND JEFF A & DENISE F	
	0.213
933 MUND JEFF A & DENISE F	0.155
934 FLORES P F ARCHBISHOP S A	0.257
935 MUND JEFF A & DENISE E	0.155
936 MASON LARK E & EDNA M	0.276
937 MUND JEFF A & DENISE	0.306
939 CONFIDENTIAL	0
950 ARCHBISHOP OF SAN ANTONIO	0.013
951 ARCHBISHOP OF SAN ANTONIO	0.006
952 ARCHBISHOP OF SAN ANTONIO	0
953 ARCHBISHOP OF SAN ANTONIO	1.884
954 COMAL COUNTY OF	0.315
955 COMAL COUNTY OF	0.526
956 SUDDARTH JOHN R & RUTH	0.42

957	ANZ DONALD E & CHERYL P	0.39
	REEVES JAMES E	0.232
959	SAEGERT JOEL & MERRY	0.206
960	SAEGERT JOEL & MERRY	0.408
	SIPPEL NOREEN	0.286
	TIMMERMANN PAMELA HIGHTOWER	0.176
963	PHILLIPS BETTY L	0.321
965	GOODWIN MORGAN & WADE	0.139
	BURTON CHARLES R & SUE A HUBER	0.434
		0.399
	ALEXANDER TED W	
	MILES MICHAEL & NANCY CLOUD	0.5586
970	COMAL COUNTY OF	0.414
971	COMAL COUNTY OF	0.421
	LEATHERWOOD PAUL W	0.289
	RIZZATTO JAMES	0.132
974	RODRIGUEZ SANTIAGO	0.421
975	ADM MILLING CO	0
976	SEIDEL PROPERTIES LTD	0.634
	MORALES ELEANOR A	0.154
	CAMPOS ATANACIO	0.256
979	QUEST IRA INC	0.218
980	ADM MILLING CO	0
	BATEY TRAVIS & VERONICA	0.717
	CELTIC ENTERPRISES LP	0.267
	KRIEWALDT PROPERTIES LLC	0.122
985	SEIBERT RICHARD L & JAYLENE	0.294
986	GOMEZ IGNACIO G & LOUISA	0.417
	BOWMAN CRAIG A & KRISTY D	0.25
	NORMAS LAGNIAPPE LLC	0.26
	HURTA JASON E	0.323
994	HOLLMIG FAMILY PTNRSHP LTD	0.276
995	WILSON MARK B & LISA W	0.242
	ST JOSEPHS ANGLICAN CHURCH	0.321
	ST JOSEPHS ANGLICAN CHURCH	0.112
	ST JOSEPHS ANGLICAN CHURCH	0.319
999	VITAKEY LLC	0.2
1000	REGER CHARLES W & CATHERINE REGER	0.207
	HAYES & RENO LLC	0.39
	GUIDOS PLACE LLC	0.246
	SCHABACKER VICTOR & ELISA F	0.197
1004	RUIZ JAMES & MARIA	0.203
1005	LEAVERTON JULIANNE	0.216
1006	WILSON MARK B & LISA W	0.417
	BREMER MANAGEMENT LLC	0.156
	SOGGY PESO INVESTMENTS LLC	0.089
1009	ARCHBISHOP OF SAN ANTONIO	0.187
1010	WAYMER J A PARTNERSHIP LP	0.227
1011	J A WAYMER PRTNRSHP LP	0.243
-		
	HAYES & RENO LLC	0.41
	ARCHBISHOP OF SAN ANTONI	0
1014	ARCHBISHOP OF SAN ANTONIO	0
1015	ARCHBISHOP OF SAN ANTONIO	0
	ARCHBISHOP OF SAN ANTONIO	0
	FIRST METHODIST CHURCH	2.9514
	CASTEEL PARTNERS LTD	0
1027	CASTEEL PARTNERS LTD	0
1028	FORRES DONALD E & LYNN S	0
	DIETEL JOANN	0
	FORRES CELESTE M	0
	FIRST UNITED METHODIST CHURCH NEW BRAUNFELS	0
1034	LAMMERS LESLIE J & THOMAS E TUMLINSON	0
1035	ALLEN NEIL T & DEBBE JO	0
		· ·

1037 FIRST UNITED METHODIST	0.263
1038 FIRST UNITED METHODIST	0.192
1040 LEBENSCHOEN LLC	0.712
1042 NEW BRAUNFELS I S D	0.844
1044	0
1045 WEIDNER MICHAEL R TRUST	0.194
1046 WEIDNER MICHAEL R TRUST	0.194
1047 GRANZIN MILES & SUSAN	0.714
1048 RULEY FAMILY TRUST	0.714
1049 MILBURN SUSAN C	0
1050 SLOVAK SUZANNE MARIE	0
1050 SEOVAR SOZANNE WARIE 1051 WYATT PATRICIA B	0
1292 NEW BRAUNFELS I S D	0.8474
1435 417 PROPERTIES LLC	0.419
1436 CRAIGMARK LP	0.422
1438 MOTT JANIE	0
1440 BASS RUTH STONE	0
1441 BASS GEORGE A JR	0
1442 POLLARD MICHAEL J	0
1443 SEALS FAMILY PROPERTIES LLC	0.856
1445 N B CONSERVATION SOCIETY INC	0.185
1446 N B CONSERVATION SOCIETY INC	0.185
1447 HRA WUESTS COMAL INVESTMENTS LLC	1.329
1448 W ANN THOMAS LLC	0
1449 BUSTOS DELIO & JUANITA	0
1450 MARTINEZ ARMANDO	0
1453 ERWACHSEN INVESTMENTS LLC	0.107
1456 PROVENANCE GROUP LLC	0.3154
1457 PROVENANCE GROUP LLC	0.361
1458 LEDV LLC	0.836
1459 MCCORKLE JUSTIN & AMANDA	0
1460 LEDV LLC	0.517
1461 TURNER JEFFERY S & MARIA G	0
1462 MCGURK GARY L & SUE	0
1463 CONFIDENTIAL	0
1464 EQUITY TRUST COMPANY	0
1465 RABE RICHARD	0
24297 COMAL COUNTY OF	1.849
30483 GLADDEN MICHAEL W	0
37068	0
44893	0
54551 ARCHDIOCESE OF S A	4.1198
137586 SMITH SCOTT A & IRMA S	0.121
145956 UDI	0.185
152413 NEW BRAUNFELS CITY OF	0.311
378489 VANN ROGER D	0.011
378490 SOUTHBANK SELF SERVICE INC	0
378760 CAVANAUGH EDWARD & CHARLOTTE FAMILY TRUST	0
410103 NEW BRAUNFELS CITY OF	1.281
411565	0
111000	U



ORDINANCE N	O. 2021-
-------------	----------

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS 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 TWO (2), CITY OF NEW BRAUNFELS; DESCRIBING THE PROPERTY PARCELS INCLUDED IN THE ZONE; CREATING A BOARD OF DIRECTORS FOR THE ZONE; ESTABLISHING A TAX INCREMENT FUND FOR 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.

WHEREAS, the City of New Braunfels, Texas (the "City"), pursuant to the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code, (the "Act") may designate a geographic area within the City as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

WHEREAS, the Act provides that the governing body of a municipality by ordinance may designate a geographic area that is in the corporate limits or extra-territorial jurisdiction of the municipality to be a reinvestment zone if the governing body determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future; and

WHEREAS, the City Council desires to promote the development of a certain geographic area in the City, which is more specifically described as being a +/- 182.91 Acre tracts of land, more or less, and including the properties as assigned a Parcel ID by the Comal County Appraisal District as presented in Exhibit "A" and as depicted on the map attached hereto as Exhibit "B" and incorporated herein, through the creation of a new reinvestment zone as authorized by and in accordance with the Act (the "Zone"); and

WHEREAS, pursuant to and required by the Act, the City has prepared a Preliminary Reinvestment Zone Project and Financing Plan for Tax Increment Reinvestment Zone Number Three, City of New Braunfels, attached as Exhibit "C" (hereinafter referred to as the "Preliminary Project and Finance Plan"); and

WHEREAS, notice of the public hearing on the creation of the Zone was published on August 23, 2021 in The Herald-Zeitung, a newspaper of general circulation in the city of New Braunfels, which date is before the seventh (7th) day before the public hearing held on September 13, 2021; and

WHEREAS, at the public hearings on September 13, 2021, and September 27, 2021 interested persons were allowed to speak for or against the creation of the Zone, its boundaries, or the concept of tax increment financing, and owners of property in the Zone were given a reasonable opportunity to protest the inclusion of their property in the Zone; the public hearing was held in full accordance with Section 311.003(c) of the Act; and

WHEREAS, evidence was received and presented at the public hearing in favor of the creation of the Zone; and

WHEREAS, after all comments and evidence, both written and oral, were received by the City Council, the public hearings were closed on September 13, 2021 and September 27, 2021; and

WHEREAS, the City has taken all actions required to create the Zone including, but not limited to, all actions required by the home-rule Charter of the City, the Act, the Texas Open Meetings Act, and all other laws applicable to the creation of the Zone; and

WHEREAS, the percentage of the property in the Zone, excluding property that is publicly owned, that is currently used for residential purposes is less than thirty (30) percent; and

WHEREAS, a Preliminary Project and Finance Plan has been prepared for the Zone.

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

Section 1. RECITALS INCORPORATED.

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

Section 2. FINDINGS

The City Council, after conducting the above described hearing and having heard the evidence and testimony presented at the hearing, has made the following findings and determined based on the evidence and testimony presented to it:

- (a) That the public hearing on creation of the Zone has been properly called, held, and conducted and that notice of such hearing has been published as required by law.
- (b) That the proposed improvements in the Zone will significantly enhance the value of all the taxable real property in the Zone and will be of general benefit to the City.
- (c) That the Zone meets the criteria and requirements of the Act because the Zone substantially arrests and impairs the sound growth of the City, retards the provision of housing accommodations, constitutes an economic and social liability and is a menace to the public health, safety, morals, and welfare in its present condition and use because of the presence of:
- 1. a number of substandard structures due to the aging and inadequate infrastructure as well as the presence of structures that are not in full compliance with current building, health and safety codes;
- 2. the predominance of defective or inadequate sidewalk and street layout; and
- 3. the deterioration of site or other improvements.
- (d) That the Zone is a geographic area located wholly within the corporate limits of the City of New Braunfels;
- (e) That less than thirty percent (30%) of the property in the Zone, excluding property that is publicly owned, is used for residential purposes;
- (f) That the total appraised value of taxable real property in the Zone, and in existing reinvestment zones of the City, does not exceed fifty percent (50%) of the total appraised value of taxable real property in the City and in industrial districts created by the City; and
- (g) That development or redevelopment of the property within the boundaries of the Zone will not occur solely through private investment in the reasonably foreseeable future.

Section 3. DESIGNATION AND NAME OF THE ZONE

That the City, acting under the provisions of the Act, does hereby designate as a reinvestment zone, and create and designate a reinvestment zone over the area more specifically described as being +/- 182.91 Acres land, more or less, and including the properties as assigned a Parcel ID by the Comal County Appraisal District as presented in Exhibit "A" and as depicted on the map attached hereto as Exhibit "B" and incorporated herein to promote the development of the area. The reinvestment zone shall hereafter be named for identification as Reinvestment Zone Number Three, City of New Braunfels, Texas (the "Zone").

Section 4. BOARD OF DIRECTORS

That there is hereby created a Board of Directors for the Zone, which shall consist of seven (7) members, including any members appointed by the participating taxing jurisdictions. Positions One through Four on the Board of Directors shall be reserved for the City. Positions Five, Six, and Seven shall be reserved for other participating taxing jurisdictions levying taxes within the Zone, each of whom may appoint one director. Any participating taxing jurisdiction entitled to appoint a director shall be assigned a Board position number in the order the appointment is received by the City.

Failure of any taxing unit to appoint a director as provided herein, shall be deemed a waiver of the right to appoint a director, and the City Council as a whole, shall be entitled to appoint persons to the position.

The City Council shall nominate persons to serve on the Board of Directors for Positions One through Four. Any participating taxing jurisdiction, including individual City Council Members, who is deemed to have waived the right to appoint a director to the Board, shall have the position filled by nomination and approval of an eligible person by the City Council as a whole.

The initial directors to the Board of Directors of the Zone shall be appointed by resolution or ordinance of the City or participating taxing jurisdiction(s) within ninety (90) days of the passage of this Ordinance or the date they became a participating taxing jurisdiction, whichever is sooner. An increase in the number of Board of Directors shall be accomplished by resolution or Ordinance of the City but shall not exceed a total of fifteen (15) members. All members of the Board of Directors shall meet eligibility requirement as set forth in Chapter 311 of the Act.

The directors appointed to odd-numbered positions shall be appointed for a two-year term, beginning on the effective date of this Ordinance, while the directors appointed to even-numbered positions shall be appointed to a one-year term, beginning on the effective date of this Ordinance. All subsequent appointments shall be for two-year terms. A vacancy on the Board of Directors is filled for the unexpired term by appointment of the governing body of the taxing unit that appointed the director who served in the vacant position. Each year the City Council shall annually designate one (1) member of the Board of Directors to serve as chairman for a one (1) year term that begins on January 1st of the following year. The Board of Directors shall elect from its members a vice chairman to preside in the absence of the chairman or when there is a vacancy in the office of the chairman. The Board of Directors may elect other officers as it considers appropriate.

The Board of Directors shall make recommendations to the City Council concerning the administration, management and operation of the Zone. The Board of Directors shall prepare or cause to be prepared

and adopt a project plan and a reinvestment zone financing plan for the Zone and shall submit such plans to the City Council for its approval. The City hereby authorizes the Board of Directors to exercise all of the City's powers necessary to administer, manage or operate the Zone and to prepare the project plan and reinvestment zone financing plan, including the power to employ consultants, legal counsel and financial advisors, or enter into any reimbursement agreements with consultants, legal counsel and financial advisors payable solely from the Tax Increment Fund established pursuant to Section 7 of this Ordinance, subject to the approval of the City Manager or his designee, that may be reasonably necessary or convenient to assist the Board of Directors in the administration, management or operation of the Zone and the preparation of the project plan and reinvestment zone financing plan. Notwithstanding the foregoing, the Board of Directors shall not be authorized to issue bonds, impose taxes or fees, exercise the power of eminent domain, or give final approval to the project plan and reinvestment zone financing plan. The Board of Directors of the Zone may not exercise any power granted to the City by Section 311.008 of the Act without additional authorization from the City.

Section 5. DURATION OF THE ZONE

That the Zone shall take effect immediately upon the passage and approval of this Ordinance, and termination of the operation of the Zone shall occur on December 31, 2046, or at an earlier time designated by subsequent ordinance, or at such time, subsequent to the issuance of tax increment bonds, if any, that all project costs, tax increment bonds, and the interest on the bonds, have been paid in full.

Section 6. TAX INCREMENT BASE

That the Tax Increment Base of the City or any other taxing unit participating in the Zone is the total appraised value of all real property taxable by the City or other taxing unit participating in the Zone and located in the Zone, determined as of January 1, 2021, the year in which the Zone is designated as a reinvestment zone (the "Tax Increment Base").

Section 7. TAX INCREMENT FUND

That there is hereby created and established a Tax Increment Fund for the Zone which may be divided into subaccounts as authorized by subsequent ordinances. All Tax Increments, as defined below, shall be deposited in the Tax Increment Fund. The Tax Increment Fund and any subaccount shall be maintained at the depository bank of the City and shall be secured in the manner prescribed by law for funds of Texas cities. The annual Tax Increment shall equal the percentage of the tax increment, as defined by Section 311.012(a) shall equal eighty-five percent (85%) of the City's portion of property tax increment as defined by Section 311.012(a) of the Act, less any amounts that are to be allocated from the Tax Increment pursuant to the Act. All revenues from the sale of any tax increment bonds, notes, or other obligations hereafter issued by the City for the benefit of the Zone, if any; revenues from the sale of property acquired as part of the project plan and reinvestment zone financing plan, if any; and other revenues to be used in the Zone shall be deposited into the Tax Increment Fund. Prior to termination of the Zone, money shall be disbursed from the Tax Increment Fund only to pay project costs, as defined by the Act, for the Zone, to satisfy the claims of holders of tax increments bonds or notes issued for the Zone, or to pay obligations incurred pursuant to agreements entered into to implement the project plan and reinvestment zone financing plan and achieve their purposes pursuant to Section 311.010(b) of the Act.

Section 8. SEVERABILITY

That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the City as a whole or any part thereof, other than the part so declared invalid.

Section 9. OPEN MEETINGS

It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at City Hall for the time required by law preceding this meeting, as required by the Open Meetings Law, Texas Government Code, Chapter 551, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof have been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 10. That this Ordinance shall take effect immediately upon the second and final reading of same in accordance with and as provided by Section 311.004(a)(3) of the Act and the City's Charter.

PASSED AND APPROVED: First Reading this the 13th day of September, 2021.

PASSED AND APPROVED: Second and Final Reading this the 27th day of September, 2021.

	CITY OF NEW BRAUNFELS
	RUSTY BROCKMAN, Mayor
ATTEST:	
CAITLIN KROBOT, City Secretary	
APPROVED AS TO FORM:	
AFFROVED AS TO FORM.	
VALERIA M. ACEVEDO, City Attorney	

Exhibit "A"

PROP_ID	OWNER_NAME	LEGAL_AREA
(0
	HEITKAMP RUTH A 2 HEITKAMP RUTH A	0 0.131
	B HEITKAMP RUTH A	0.101
4	ALLEGIANT SENIOR LIVING LLC	0
	5 WIERMAN JOHN F & NANCY J	0
	S LOWERY KENNETH L & CAREN E	0.419
	7 FORRES DONALD E & LYNN S 3 FORRES DONALD E & LYNN S	0.231 0.191
	FORRES DONALD E & LYNN S	0.6539
	WEST 209 INVESTMENTS LLC	0.354
32	N B ART LEAGUE	0.191
	3 LEDERHOSEN LTD	0.159
	5 EUDY HAMPTON & CHERILYN 5 SNIDER RONALD B	0.25
	7 HINTON VANCE J & PRISCILLA J	0.069 0.071
	3 ORTIZ PAUL JR	0.073
	M & S BUILDING LLC	0.093
	SNIDER RONALD & SOLLBERGER DARREL	0.267
	SNIDER RONALD B & CASTELL PROP LLC	0.914
	2 290 CASTELL SPRINGFED LLC 3 PRODUCERS COOPERATIVE MARKETING ASSN	0.809 2.502
	ROCKFIELD PROPERTIES LLC	0.286
	NEW BRAUNFELS CITY OF	0
45	NEW BRAUNFELS CITY OF	0
	S SNIDER RONALD B & CAROL C	0.419
	TX UK ENTERPRISES LLC	0.11
	B WEST SAN ANTONIO 111 LLC B SCHWARZEN WALFISCH LP	0.727 0.069
) HS130 CAPITOL VENTURE LLC	0.149
	HS130 CAPITOL VENTURE LLC	0.072
	SOUTH 130 GROUP	0.163
	S SOUTH 130 GROUP	0.13
	FPLUMEYER MARJORIE J N L N PROPERTIES LTD	0.22 0.422
	WEST SAN ANTONIO 111 LLC	0.421
	S SOUTH 130 GROUP LLC	0.422
59	JERGINS ERNESTO TRUSTEE	0.467
	KRUEGER ROBERT C & ARLENE SEALES	0.422
	POWEROHM PROPERTIES LLC	0
	PIRST PROTESTANT CHURCH OF NEW BRAUNFELS FIRST PROTESTANT CHURCH OF NEW BRAUNFELS	1.688 0.8
	5 BRAUNFELS FOUNDATION TRUST	0.119
	WEST SAN ANTONIO 111 LLC	0.722
68	BRAZLE KENNETH D & DAVID PFEUFFER	0.423
	NEW BRAUNFELS CITY OF	1.274
) NAEGELINS BAKERY INC ? LANDMARK SQUARE SERIES OF BC HALL LLC	0.616
	B LANDMARK SQUARE SERIES OF BC HALL LLC	0.368 0.275
	DAMARODAS ROBERT C	0.211
75	T L MARGLIN #6 LLC	0.211
	T L MARGLIN #6 LLC	0.21
	STADT CORPORATION	0.21
	3 AMARO ANTONIO ET AL 3 AMARO ANTONIO ET AL	0.21 0.378
	2 AMARO ANTONIO ET AL	0.376
	3 AMARO ANTONIO ET AL	0.21
	NB LAND LLC	0.281
	5 JOHNSON WALLACE C	0.422
	S DAVIS CAROLA M	0.209
87	FLINT MARY JO	0.119

88 ALLEN CHRIS & HEATHER	0.09
89 TAYLOR JULIE A & GREESON	0.224
90 THARP DANIEL & MIKKI	0.197
91 DUETTRA GEORGIA B EXEMPT TRUST	0.211
92 DUETTRA GEORGIA B EXEMPT TRUST	0.21
93 MOORE BARRY D	0.211
94 WORLEY CREDIT TRUST	0.422
95 MANLOVE NATHAN	0.153
96 LEISSNER LAYTON L	0
97 SOUTHWESTERN BELL TX	0.353
98 LEISSNER LAYTON L	0.376
99 MATHIS GARY D	0.317
100 FIELD AVIS E & NANCY L	0
	-
102 KIESLING BOB R & BETTY A	0.212
103 CABANA SOCIAL CLUB LLC	0.212
104 KORMAN GREG	-
	0
105 JENTSCH SHERI ANN	0
106 ADM MILLING CO	0.635
146 MEHRER WILLIAM J JR & DIANE E	0.211
147 WANGENHEIM RICHARD M JR	0.212
	· · · · ·
148 NORRIS W M	0
149 ELKS 2279 OF NB BPOE	1.477
150 FRUEHOLZ FREDERICK JR	0.422
	**
151 NEEL MICHAEL A & RHONDA B	0.209
152 DAVIS CAROLA M	0.209
153 GLISKY JULIE A	0.209
154 FRUEHOLZ FREDERICK JR	0.09
155 FRUEHOLZ FREDERICK JR	0.175
156 BAENZIGER GREG K & LESLIE A	0.421
157 FIRST PROTESTANT CHURCH OF NEW BRAUNFELS	0.422
158 BURCH TROY D JR	0.422
159 NEW BRAUNFELS CITY OF	2.532
160 B & C WILLIAMS PROPERTIES LTD	0.417
	_
161 FIRST PROTESTANT CHURCH OF NEW BRAUNFELS	0.209
162 FIRST PROTESTANT CHURCH OF NEW BRAUNFELS	0
163	0
164 NEW BRAUNFELS CITY OF	1.118
165 NEW BRAUNFELS INDUSTRIAL DEVELOPMENT CORP	0.987
167 NEW BRAUNFELS CITY OF	0.6365
168 M A ANDERSON REAL ESTATE LLC	0.1255
168 M A ANDERSON REAL ESTATE LLC	
100 IVI A AINDERSON REAL ESTATE LLC	0.1255
200	0
202 NEW BRAUNFELS CITY OF	1.289
203 NEW BRAUNFELS CITY OF	0.204
	0.000
204 NEW BRAUNFELS CITY OF	0.202
204 NEW BRAUNFELS CITY OF	0.202
205 NEW BRAUNFELS CITY OF	0.224
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO	0.224 0.21
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL	0.224 0.21 0.353
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO	0.224 0.21
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD	0.224 0.21 0.353 0.486
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD	0.224 0.21 0.353 0.486 0.422
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J	0.224 0.21 0.353 0.486 0.422 0.422
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD	0.224 0.21 0.353 0.486 0.422
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W	0.224 0.21 0.353 0.486 0.422 0.422
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF	0.224 0.21 0.353 0.486 0.422 0.422 0.422 0.958
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W	0.224 0.21 0.353 0.486 0.422 0.422
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B	0.224 0.21 0.353 0.486 0.422 0.422 0.422 0.958 0.421
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY	0.224 0.21 0.353 0.486 0.422 0.422 0.422 0.958 0.421
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY 218 HINTON VANCE J	0.224 0.21 0.353 0.486 0.422 0.422 0.422 0.958 0.421 0.357 0.3109
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY	0.224 0.21 0.353 0.486 0.422 0.422 0.422 0.958 0.421
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY 218 HINTON VANCE J 220 COMMUNICATION PROFESSIONALS LTD	0.224 0.21 0.353 0.486 0.422 0.422 0.958 0.421 0.357 0.3109 0.193
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY 218 HINTON VANCE J 220 COMMUNICATION PROFESSIONALS LTD 272 MY LITTLE GIRL LLC	0.224 0.21 0.353 0.486 0.422 0.422 0.958 0.421 0.357 0.3109 0.193
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY 218 HINTON VANCE J 220 COMMUNICATION PROFESSIONALS LTD 272 MY LITTLE GIRL LLC 273 YAWN GROUP LLC	0.224 0.21 0.353 0.486 0.422 0.422 0.958 0.421 0.357 0.3109 0.193
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY 218 HINTON VANCE J 220 COMMUNICATION PROFESSIONALS LTD 272 MY LITTLE GIRL LLC	0.224 0.21 0.353 0.486 0.422 0.422 0.958 0.421 0.357 0.3109 0.193
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY 218 HINTON VANCE J 220 COMMUNICATION PROFESSIONALS LTD 272 MY LITTLE GIRL LLC 273 YAWN GROUP LLC 274 BORMANN JOHN W	0.224 0.21 0.353 0.486 0.422 0.422 0.958 0.421 0.357 0.3109 0.193 0
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY 218 HINTON VANCE J 220 COMMUNICATION PROFESSIONALS LTD 272 MY LITTLE GIRL LLC 273 YAWN GROUP LLC 274 BORMANN JOHN W 276 RIVER CITY STORAGE INC	0.224 0.21 0.353 0.486 0.422 0.422 0.958 0.421 0.357 0.3109 0.193 0 0 0
205 NEW BRAUNFELS CITY OF 206 CAMPOS ATANACIO 207 JAHN BUILDING DEVELOPMENT LLC ET AL 208 COMMUNICATION PROFESSIONALS LTD 211 SEIDEL PROPERTIES LTD 212 BORCHERS MARION J 213 BORCHERS MARION J & ROBBIE W 214 NEW BRAUNFELS CITY OF 215 WOODALL AMY B 216 A R V INDUSTRIAL ELECTRIC COMPANY 218 HINTON VANCE J 220 COMMUNICATION PROFESSIONALS LTD 272 MY LITTLE GIRL LLC 273 YAWN GROUP LLC 274 BORMANN JOHN W	0.224 0.21 0.353 0.486 0.422 0.422 0.958 0.421 0.357 0.3109 0.193 0

279 COUNCIL BLAYNE L & VICKI A FELGER	0
280 RODRIGUEZ ANTONIA	0
281 DUNVERKING REAL ESTATE LTD	0.416
282 BURCH TROY D JR	0.324
283 HARPER DANN DEV CORP	0.834
284 BECKER INVESTMENTS LP	0.352
285 BECKER INVESTMENTS LP	0.311
286 BIG DIAMOND INC	0.256
287 NORRIS WILLIAM M	_
	0
288 CMF REAL ESTATE HOLDINGS LLC	0
289 NEW BRAUNFELS COMMUNITY RESOURCES INC	0
290 SILVA OFELIA & JUAN M	0
291 M A ANDERSON REAL ESTATE LLC	0
292 WITTING FRANK KLAUS	0
293 WITTING FRANK KLAUS	0
294 XV PROPERTIES LTD	0
295 SKP PROPERTIES LLC	0
296 HILL COUNTRY INVESTMENT GROUP LLC	0
297 XV PROPERTIES LTD	0
	_
298 TRUESDELL KATHERINE	0
299 JAHN STREET PROPERTIES LLC	0
300 M A ANDERSON REAL ESTATE LLC	0
515 IAKOBO FOUR LP	1.608
828 CORZINE M SHAWN & SHAINA	0.093
829 EVANS JOE P & SHERRILL L	0.127
830 TUNNELL STEPHEN WESLEY JR	0.198
831 TUNNELL STEPHEN WESLEY JR	0.131
832 HS130 CAPITOL VENTRUE LLC	0.164
833 LOUIS HENNE COMPANY LLC	0.366
834 SPECKMAN FAMILY LTD	0.058
835 SPECKMAN FAMILY LTD	0.132
836 SPECKMAN FAMILY LTD	0.066
837 BRAUNTEX PERFORMING ARTS THEATRE ASSN	0.317
839 MAYO WILLIAM N TRUST	0.104
840 UNION PACIFIC RAILROAD CO	0.265
841 FORRES DONALD E & LYNN S	0.419
842 TWMKPH LLC	0.844
843 BOCK BENNIE W II & KATHARYN H	0.422
844 DIRTY LAUNDRY LLC	0.4294
845 DIRTY LAUNDRY LLC	0.3456
846 BRAUNTEX PERFORMING ARTS THEATRE ASSN	0.422
847 MCADA ACIE C & JANINE	0.372
848 MILL STREET SQUARE LLC	0.555
849 LOUIS HENNE COMPANY LLC	0.306
850 KLEPAK RACHELLE M	0.132
851 SNIDER RONALD B & SOLLBERGER DARRELL	0.265
852 SNIDER RONALD B & SOLLBERGER DARRELL	
	0.077
854 POST OFFICE LLC	0.358
855 SNIDER RONALD B ET AL	0.073
856 SNIDER RONALD B ET AL	0.116
857 SNIDER RONALD B ET AL	0.049
858 TORKELSON ROGER A & JUNE M	
	0.086
859 SUNSPRITE LLC	0.086
862 DOEPPENSCHMIDT FUNERAL HOME INC	0.736
863 COMAL COUNTY OF	0.844
864 COMAL COUNTY OF	0.422
867 GARZA ALVARO & DORA A	0.05
868 MUCKENFUSS PROPERTIES LLC	0.632
870 REIMER MICHAEL & LINDA	0.22
871 GARZA ALVARO & DORA A	0.207
872 GARZA ALVARO & DORA A	0.186
873 CASTEEL PARTNERS LTD	0.212
	J

874 CASTEEL PARTNERS LTD	0.207
875 CASTEEL CARTER ET AL	0.423
876 NOLTE MELVIN JR	0.123
877 NOLTE MELVIN JR	0.088
878 FARMERS MUTUAL FIRE	0.423
879 ADM MILLING CO	0.423
880 FARMERS MUTUAL FIRE	0.423
881 ADM MILLING CO	0.833
882 ADM MILLING CO	0.423
883 ADM MILLING CO	0.996
884 ADM MILLING CO	2.495
885 LIBERTY PARTNERSHIP LTD	0.8242
886 NEW BRAUNFELS CITY OF	0
887 NOLTE MELVIN JR	0.104
888 NOLTE MELVIN JR ET AL	0.095
889 NOLTE MELVIN JR	0.106
890 LAMMERS LESLIE J & THOMAS E TUMLINSON	0.117
891 ZUNKHOUSE RENTALS	0.11
892 CAMPASSI MICHAEL & SCOTT DUPLECHAIN	0.101
893 QUIROS EVAN B	0.119
894 PARRAS JEFFREY J & SABRINA K	0.093
895 ADM MILLING CO	0.000
896 CAPITOL BANKSHARES INC	0.417
898 FIRST CHURCH OF CHRIST, SCIENTIST	0
899 OLD CITY HALL LLC	0.641
900 COMAL COUNTY OF	0
906 KINGDOM TRUST COMPANY & MLAII LLC	0.103
907 MOZELEY-JACQUES RENTALS LLC	0.106
908 CASTEEL PARTNERS LP	0.103
909 VERGE PRODUCTIONS LLC	0.209
910 TAMEZ INVESTMENTS LLC	0.207
911 TAMEZ INVESTMENTS LLC	0.207
912 180 WEST MILL STREET LLC	0.207
913 LEE PATRICK T ET AL	0.11
914 ARCHBISHOP OF SAN ANTONIO	0.105
915 BROWN MARILEE & KEITH A	0.2102
916 VULCAN REALTY GROUP LLC	0.207
917 COMAL COUNTY OF	0.541
920 COMAL COUNTY OF	0.3
922 LONG MARK	0
923 RIMMELIN PAUL	0
924 MORGA MARY ANN	0
925 ANGELLO CAROLYN	0
926 LAMMERS LESLIE J & THOMAS E TUMLINSON	0
927 CT WELLNESS ENTERPRISES LLC	0
928 GOMEZ THERESA B & ROBERT JR	0
930 MUND JEFF A & DENISE E	0.212
931 CONFIDENTIAL	-
	0.109
932 MUND JEFF A & DENISE F	0.213
933 MUND JEFF A & DENISE F	0.155
934 FLORES P F ARCHBISHOP S A	0.257
935 MUND JEFF A & DENISE E	0.155
936 MASON LARK E & EDNA M	0.276
937 MUND JEFF A & DENISE	0.306
939 CONFIDENTIAL	0
950 ARCHBISHOP OF SAN ANTONIO	0.013
951 ARCHBISHOP OF SAN ANTONIO	0.006
952 ARCHBISHOP OF SAN ANTONIO	0.000
953 ARCHBISHOP OF SAN ANTONIO	1.884
954 COMAL COUNTY OF	0.315
955 COMAL COUNTY OF	0.526
956 SUDDARTH JOHN R & RUTH	0.42

957	ANZ DONALD E & CHERYL P	0.39
958	REEVES JAMES E	0.232
	SAEGERT JOEL & MERRY	0.206
	SAEGERT JOEL & MERRY	0.408
	SIPPEL NOREEN	0.286
	TIMMERMANN PAMELA HIGHTOWER	0.176
	PHILLIPS BETTY L	0.321
	GOODWIN MORGAN & WADE	0.139
	BURTON CHARLES R & SUE A HUBER ALEXANDER TED W	0.434 0.399
	MILES MICHAEL & NANCY CLOUD	0.5586
	COMAL COUNTY OF	0.3380
	COMAL COUNTY OF	0.421
	LEATHERWOOD PAUL W	0.289
	RIZZATTO JAMES	0.132
974	RODRIGUEZ SANTIAGO	0.421
975	ADM MILLING CO	0
976	SEIDEL PROPERTIES LTD	0.634
	MORALES ELEANOR A	0.154
	CAMPOS ATANACIO	0.256
	QUEST IRA INC	0.218
	ADM MILLING CO	0
	BATEY TRAVIS & VERONICA	0.717
	CELTIC ENTERPRISES LP	0.267
	KRIEWALDT PROPERTIES LLC SEIBERT RICHARD L & JAYLENE	0.122
	GOMEZ IGNACIO G & LOUISA	0.294 0.417
	BOWMAN CRAIG A & KRISTY D	0.417
	NORMAS LAGNIAPPE LLC	0.26
	HURTA JASON E	0.323
	HOLLMIG FAMILY PTNRSHP LTD	0.276
995	WILSON MARK B & LISA W	0.242
996	ST JOSEPHS ANGLICAN CHURCH	0.321
997	ST JOSEPHS ANGLICAN CHURCH	0.112
998	ST JOSEPHS ANGLICAN CHURCH	0.319
	VITAKEY LLC	0.2
	REGER CHARLES W & CATHERINE REGER	0.207
	HAYES & RENO LLC	0.39
	GUIDOS PLACE LLC	0.246
	SCHABACKER VICTOR & ELISA F	0.197
	RUIZ JAMES & MARIA LEAVERTON JULIANNE	0.203 0.216
	WILSON MARK B & LISA W	0.216
	BREMER MANAGEMENT LLC	0.417
	SOGGY PESO INVESTMENTS LLC	0.089
	ARCHBISHOP OF SAN ANTONIO	0.187
	WAYMER J A PARTNERSHIP LP	0.227
1011	J A WAYMER PRTNRSHP LP	0.243
1012	HAYES & RENO LLC	0.41
1013	ARCHBISHOP OF SAN ANTONI	0
	ARCHBISHOP OF SAN ANTONIO	0
	ARCHBISHOP OF SAN ANTONIO	0
	ARCHBISHOP OF SAN ANTONIO	0
	FIRST METHODIST CHURCH	2.9514
	CASTEEL PARTNERS LTD	0
-	CASTEEL PARTNERS LTD FORRES DONALD E & LYNN S	0
	DIETEL JOANN	0
	FORRES CELESTE M	0
	FIRST UNITED METHODIST CHURCH NEW BRAUNFELS	0
	LAMMERS LESLIE J & THOMAS E TUMLINSON	0
	ALLEN NEIL T & DEBBE JO	0

1037 FIRST UNITED METHODIST	0.263
1038 FIRST UNITED METHODIST	0.192
1040 LEBENSCHOEN LLC	0.712
1042 NEW BRAUNFELS I S D	0.844
1044	0
1045 WEIDNER MICHAEL R TRUST	0.194
1046 WEIDNER MICHAEL R TRUST	0.194
1047 GRANZIN MILES & SUSAN	0.714
1048 RULEY FAMILY TRUST	0.714
1049 MILBURN SUSAN C	0
1050 SLOVAK SUZANNE MARIE	
	0
1051 WYATT PATRICIA B	0
1292 NEW BRAUNFELS I S D	0.8474
1435 417 PROPERTIES LLC	0.419
1436 CRAIGMARK LP	0.422
1438 MOTT JANIE	0
1440 BASS RUTH STONE	0
1441 BASS GEORGE A JR	0
1442 POLLARD MICHAEL J	0
1443 SEALS FAMILY PROPERTIES LLC	0.856
1445 N B CONSERVATION SOCIETY INC	0.185
1446 N B CONSERVATION SOCIETY INC	0.185
1447 HRA WUESTS COMAL INVESTMENTS LLC	1.329
1448 W ANN THOMAS LLC	0
1449 BUSTOS DELIO & JUANITA	0
1450 MARTINEZ ARMANDO	0
1453 ERWACHSEN INVESTMENTS LLC	0.107
1456 PROVENANCE GROUP LLC	0.3154
1457 PROVENANCE GROUP LLC	0.361
1458 LEDV LLC	0.836
1459 MCCORKLE JUSTIN & AMANDA	0
1460 LEDV LLC	0.517
1461 TURNER JEFFERY S & MARIA G	0
1462 MCGURK GARY L & SUE	0
1463 CONFIDENTIAL	0
1464 EQUITY TRUST COMPANY	0
1465 RABE RICHARD	0
24297 COMAL COUNTY OF	1.849
30483 GLADDEN MICHAEL W	0
37068	0
44893	0
54551 ARCHDIOCESE OF S A	4.1198
137586 SMITH SCOTT A & IRMA S	0.121
145956 UDI	0.121
152413 NEW BRAUNFELS CITY OF	0.311
378489 VANN ROGER D	0.311
378490 SOUTHBANK SELF SERVICE INC	0
378760 CAVANAUGH EDWARD & CHARLOTTE FAMILY TRUST	0
410103 NEW BRAUNFELS CITY OF	
	1.281
411565	0

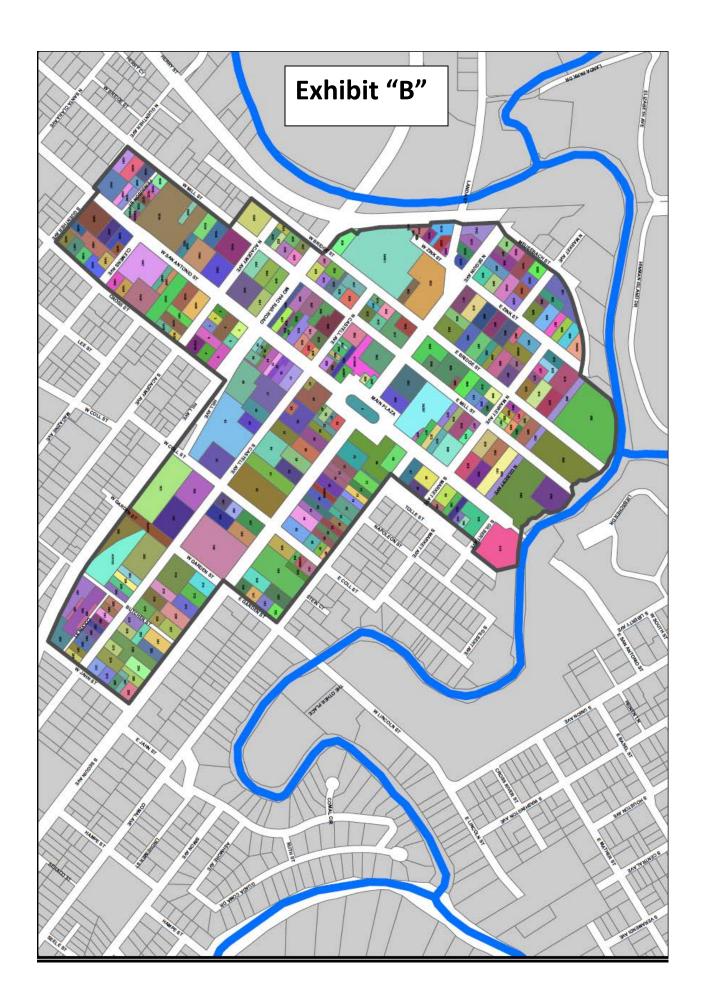
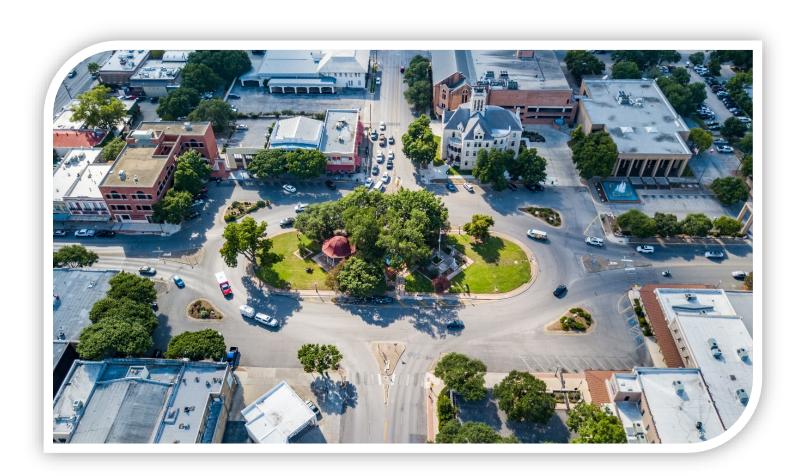


Exhibit "C"

New Braunfels Downtown Tax Increment Reinvestment Zone Preliminary Project & Financing Plan

City of New Braunfels, Texas September 13, 2021



CONTENTS

Project Plan	1
Overview	1
Existing Tax Increment Financing Districts in the City of New Bra	unfels1
Description of Tax Increment Reinvestment Zone #3	1
Table 1: Existing Land Use of Proposed TIRZ #3	2
Existing Zoning and Land Use Guidelines Applicable to TIRZ #3	4
Taxing Jurisdictions Applicable to TIRZ	4
Proposed Changes in Master Plans, Zoning Ordinances, and Buil	ding Codes4
Relocation of Displaced Persons	4
Project Plan Improvements	5
Eligible Project Costs	6
Public Infrastructure Improvements	
2. Economic Development Incentives	
3. Administration & Implementation	
Summary of Project Costs	
Financing Plan	
Compliance & Reporting	
Public Sector Entities Participating in TIRZ #3	7
Financial Forecast Assumptions	7
Financial Forecast Summary Results	9
Conclusion	10
Appendix – Survey and Associated Data	Error! Bookmark not defined.
TABLE 1: EXISTING LAND USE OF PROPOSED TIRZ #3	2
TABLE 2: DOWNTOWN DEVELOPMENT COSTS FUNDED BY TIRZ #3	5
TABLE 3: PRELIMINARY TIRZ #3 FORECAST FOR CITY CONTRIBUTIO	N 9
TABLE 4: PARCELS WITHIN PROPOSED TIRZ #3	ERROR! BOOKMARK NOT DEFINED.
FIGURE 1: PROPOSED TIRZ #3 GEOGRAPHIC BOUNDARY	3
FIGURE 2: EXISTING LAND USE WITHIN THE PROPOSED TIRZ #3	ERROR! BOOKMARK NOT DEFINED.

PROJECT PLAN

OVERVIEW

The City of New Braunfels, Texas is considering implementing a tax increment reinvestment zone (TIRZ) to fund redevelopment projects and programs in Downtown New Braunfels. The proposed new zone would be named TIRZ #3 – Downtown Tax Increment Reinvestment Zone (TIRZ #3).

This document is designed to meet the legal requirements of designating a TIRZ. The statutes governing tax increment financing are located in Chapter 311 of the State of Texas Tax Code.

EXISTING TAX INCREMENT FINANCING DISTRICTS IN THE CITY OF NEW BRAUNFELS

There are two existing City of New Braunfels TIRZs. The existing the first is the Creekside TIRZ (TIRZ #1) and the second is the Rivermill TIRZ (TIRZ#2). According to state law, cities with less than 100,000 residents may not create a new TIRZ if the total appraised value of taxable real property in the proposed reinvestment zone and in the existing reinvestment zones would exceed 50.0 percent of the total appraised value of taxable real property within the city and its industrial districts. In addition, a TIRZ may not be created if more than 30.0 percent of the property in the proposed new reinvestment zone is used for residential purposes at the time of designation. The proposed TIRZ #3 complies with these state rules.

DESCRIPTION OF TAX INCREMENT REINVESTMENT ZONE #3

The proposed TIRZ #3 will cover approximately 183 acres (including roads and right of way). The 2021 baseline taxable property value of the TIRZ is approximately \$167,638,727.00.

TABLE 1: EXISTING LAND USE OF PROPOSED TIRZ #3

Land Use	Acres	Percentage
Commercial	68.52	
Government	12.10	
Industrial	5.35	
Institution	16.52	
Open	7.43	
Residential High Density	2.52	
Residential Low Density	23.61	
Residential Medium Density	0.68	
Schools	3.57	
Rights of Way	40.62	
Total Area	180.91	
Non-public	117.19	
Total Residential	26.81	23%
Maximum Residential	35.16	30%

Source: City of New Braunfels Existing Land Use Map



Figure 1: Proposed TIRZ #3 Geographic Boundary

EXISTING ZONING AND LAND USE GUIDELINES APPLICABLE TO TIRZ #3

Existing City of New Braunfels land use, zoning guidelines, and policies would apply to all properties within the city limits.

TAXING JURISDICTIONS APPLICABLE TO TIRZ

The proposed TIRZ #3 is located within the following taxing jurisdictions:

- City of New Braunfels
- Comal County
- Comal ISD

PROPOSED CHANGES IN MASTER PLANS, ZONING ORDINANCES, AND BUILDING CODES

There are no current master plans or anticipated changes to master plans or zoning ordinances.

RELOCATION OF DISPLACED PERSONS

This plan currently does not call for nor anticipate the displacement and relocation of persons for the proposed projects.

PROJECT PLAN IMPROVEMENTS

TIRZ #3 will provide support for catalytic infrastructure and incentives that will facilitate the redevelopment of the Downtown area. The Downtown area faces barriers to continued redevelopment as much of the pedestrian infrastructure in the zone is insufficient. Additionally, new development in the zone has been stifled due to a lack of convenient and adequate parking given the built-out nature of the development pattern. Finally, aging building systems and utility connections are a barrier to redevelopment as the majority of the existing building stock was constructed over 50 years ago and is out of compliance with modern requirements such as building codes, life safety, and Americans with Disabilities Act (ADA) access requirements.

Public infrastructure investments and additional enhancements are required to successfully redevelop the TIRZ #3 area. In addition, other projects might be added to the list as future development projects and related opportunities present themselves.

Table 2: Downtown Development Costs Funded by TIRZ #3

Project	Cost	Description
Public Infrastructure Improvements	\$7,500,000	Sidewalk construction/repair, installation of bicycle facilities, pedestrian amenities, enhanced crossings, roadway restriping and reconfiguration and other right-ofway improvements with direct community benefits.
Economic Development Incentives	\$4,000,000	Environmental Remediation, Interior/Exterior Demolition, Historic Façade Restoration Improvements/Easements and Fire Safety Improvements/Grants
Parking Improvements	\$2,000,000	Land assembly, leases, and other projects that subsidize or otherwise provide public parking in strategic areas.
Administration and Implementation	\$1,000,000	
Total	\$14,500,000	

ELIGIBLE PROJECT COSTS

1. PUBLIC INFRASTRUCTURE IMPROVEMENTS

This category includes TIRZ-eligible expenditures for improvements to local streets, including paving, utility infrastructure upgrades/relocation (water, wastewater, storm water), burial of overhead utilities as well as lighting improvements, street trees/planters, and sidewalk improvements for enhancing pedestrian linkages between throughout the historic downtown core.

2. ECONOMIC DEVELOPMENT INCENTIVES

Downtown New Braunfels has several buildings that contribute to the character and fabric of the community, but these buildings sometimes are financially unfeasible to properly redevelop because of the cost of environmental remediation of asbestos, lead-based paint and other contaminants, interior and exterior demolition costs, façade improvement costs and fire and ADA accessibility issues. Interior and exterior demolition expenses are tied directly to the remediation expenses. These costs are TIRZ-eligible expenditures. Remediation of environmentally hazardous materials and associated improvements, using TIRZ funds, greatly improves the marketability of these buildings. This budget category is necessary for attracting highly desired mixed-use and adaptive reuse projects to the Downtown TIRZ, including attracting new retail, office, and residential uses. Historic façade improvements and new construction under this program will be reviewed for compliance with any adopted design standards to ensure compatibility with other improved structures and investment in the Downtown area.

3. ADMINISTRATION & IMPLEMENTATION

Administration costs, including reasonable charges for time spent by City of New Braunfels employees, will be eligible for reimbursement as project costs. Administration costs are estimated at \$40,000 per year.

SUMMARY OF PROJECT COSTS

The total estimated cost of TIRZ #3 public infrastructure investment in the district is in excess of \$8 million. These costs will be refined in the final project and finance plan that will need to be adopted by the TRIZ #3 Board and New Braunfels City Council.

FINANCING PLAN

Tax increment financing is a tool used by local governments to publicly finance needed infrastructure and other improvements within a defined area. These improvements are usually undertaken to promote the viability of existing businesses and to attract new commercial enterprises to the area. The statutes governing tax increment financing are located in Chapter 311 of the State of Texas Tax Code.

The costs of improvements in the defined zone are repaid by the contribution of future property tax revenues by each taxing unit that levies taxes against the property. Specifically, each taxing unit can choose to dedicate all, a portion, or none of the tax revenue that is attributable to the increase in property values due to the improvements within the reinvestment zone. Cities can also designate a portion of sales tax. The additional tax revenue that is received from the affected properties is referred to as the tax increment. Each taxing unit determines what percentage of its tax increment, if any, it will commit to repayment of the cost of financing the public improvements.

COMPLIANCE & REPORTING

The TIRZ Board policies shall comply with all federal, state, and local laws, rules and regulations. The TIRZ Board will submit project status reports and financial reports as required by state law.

PUBLIC SECTOR ENTITIES PARTICIPATING IN TIRZ #3

All project costs will be paid through the contribution of incremental property and sales taxes collections. This preliminary plan assumes that the City of New Braunfels will contribute a portion of their total tax rate (maintenance and operations (M&O) and interest and sinking (I&S) ad valorem tax rate for 25 years. The proposed TIRZ #3 does not include any sales tax increment.

FINANCIAL FORECAST ASSUMPTIONS

- TIRZ Duration It is assumed the TIRZ will have a 25-year lifespan.
- TIRZ Allocation assumes that the City of New Braunfels will contribute 85% of their total incremental property tax collections.
- Tax Rate While tax rates do change over time, the 2021 tax rates were held constant for the
 purposes of forecasting anticipated property tax revenue for the duration of the TIRZ.
- Existing Properties The 2021 baseline property value of the TIRZ is approximately \$168
 million but varies slightly by taxing jurisdiction based on exemptions offered.
- Real Property Only taxable real property values are included in the tax increment calculations. By law, business personal property values are excluded from TIRZ.
- Inflation & Appreciation Rate The inflation rate used for the value of improvements is 5.0
 percent per year.

- **Net Present Value** The net present values of the tax increment were calculated at a discount rate of 5.0 percent.
- Future Development Patterns These assumptions do not include adjustments for future development. It is anticipated that TIRZ improvements will induce an organic growth in property values through induced development. These developments are currently undefined, and their value is not known. It is noted that the values shown in this plan are a conservative estimate and it is somewhat likely that revenues will exceed those presented in this forecast.

FINANCIAL FORECAST SUMMARY RESULTS

The following table depicts the anticipated revenue generated over 25 years. The revenue forecast assumes the TIRZ is established in 2021 (baseline year). The first TIRZ increment will occur in 2022.

Table 3: Preliminary TIRZ #3 Forecast for City Contribution

		Available
Calendar	Projected Tax	for Fiscal
Year	Collections	Year Ending
		30-Sep
2021	\$0	2022
2022	\$32,705	2023
2023	\$67,044	2024
2024	\$103,101	202
2025	\$140,961	2026
2026	\$180,713	2027
2027	\$222,454	2028
2028	\$266,281	2029
2029	\$312,299	2030
2030	\$360,619	2031
2031	\$411,355	2032
2032	\$464,627	2033
2033	\$520,563	2034
2034	\$579,295	2035
2035	\$640,965	2036
2036	\$705,718	2037
2037	\$773,708	2038
2038	\$845,098	2039
2039	\$920,057	2040
2040	\$998,765	2041
2041	\$1,081,408	2042
2042	\$1,168,183	2043
2043	\$1,259,296	2044
2044	\$1,354,966	2045
2045	\$1,455,419	2046
Total	\$14,865,599	2046

CONCLUSION

Based on the preliminary development plans for this area and anticipated tax revenue, a TIRZ is economically and financially feasible. The TIRZ should generate revenue to pay for infrastructure and redevelopment costs. Over the next 25 years, the TIRZ could generate approximately \$14.8 million to fund target improvements and incentives.

These projections are based on the best available datasets and information related to market conditions in the region. Given the high visibility of this area, for example, the substantial commitment of a few large developers could have a significantly positive impact on both the level and timing of future growth. Moreover, the financial projections make no allowance for positive spillover to the value of other properties in area as a result of new development (beyond inflation), which easily could occur. At the same time, a slowdown in development as a result of a weaker national economy, negative changes in key drivers of regional economy, or other unforeseen issues could materially reduce the volume of construction put in place, and resulting tax revenue, over the next 25 years.

Appendix

Survey and Associated Data



METES AND BOUNDS DESCRIPTION FOR A 182.91 ACRE TRACT CITY OF NEW BRAUNFELS TAX INCREMENT REINVESTMENT ZONE (TIRZ)

Being a Political Boundary Description for 182.91 acres of land located within the Juan Martin De Veramendi Survey, A-2, in the City of New Braunfels, Comal County, Texas. Said boundary is comprised of 359 parcels of land and being more particularly described as follows:

BEGINNING at a point in the Southeast line of West Mill Street at it's intersection with an alley for the West corner of Lot 10, Block 44, New City Block (NCB) 3002, conveyed to the Patricia Blankenship Wyatt Revocable Trust, recorded in Document No. 201906022022 of the Official Public Records of Comal County Texas, Prop Id. 1051;

THENCE with the Northwest line of said Lot 10, NCB 3002, Lot 9 conveyed to Suzanne Marie Slovak, recorded in Document No. 201406034073 of the Official Public Records of Comal County Texas, Prop Id. 1050 and Lot 8 conveyed to Susan C. Milburn, recorded in Volume 204, Page 716 of the Comal County Deed Records, Prop Id. 1049, North 38°26'24" East, a distance of 262.81 feet to a point for the North corner of said Lot 8 and the West corner Ferguson Street (25' R.O.W.);

THENCE continuing with the Southeast line of West Mill Street, crossing Ferguson Street, North 38°33'11" East, a distance of 25.02 feet to a point for the North corner of Ferguson Street and the West corner of Lot 7, NCB 3001, conveyed to Celeste M. Forres, recorded in Document No. 200506003047 of the Official Public Records of Comal County Texas, Prop Id. 1030;

THENCE continuing with the Southeast line of West Mill Street, and the North line of NCB 3001, along the West line of the following five properties,

- 1. said Lot 7, NCB 3001
- 2. the property conveyed to First Methodist Church in Volume 422, Page 795 of the Comal County Deed Records, Prop Id. 1024,
- 3. Lot 12 conveyed to First United Methodist Church of New Braunfels, recorded in Document No. 201106032720 of the Official Public Records of Comal County, Texas, Prop Id. 1032,
- 4. Lot 14, conveyed to Leslie J. Lammers and Thomas E. Tumlinson recorded in Document No. 201706033702 of the Official Public Records Comal County Texas, Prop Id. 1034,
- 5. Lot 15, conveyed to Neil & Debbie Jo Allen, recorded in Document No. 201606021969 of the Official Public Records of Comal County Texas, Prop Id. 1035, North 38°17'23" East, a distance of 629.02 feet to a point for the North corner of said Lot 15;

THENCE crossing West Mill Street (66.66' R.O.W.) North 52°50'56" West, a distance of 66.51 feet to a point for the South corner Lot 216, NCB 3020, owned by New Braunfels Independent School District, no recording information found, Prop Id. 1292, and the East corner of Lot E NCB 3020;

THENCE with the Southwest line of Lot 216 and the Northeast line of Lot E and F, NCB 3020, North 52°57'12" West, a distance of 189.08 feet to a point in the Southeast line of West Bridge Street for the West corner of Lot 216 and the North corner of Lot F, NCB 3020;



THENCE with the Southeast line of West Bridge Street and the Northwest line of Lot 215 and Lot 215, owned by New Braunfels Independent School District, Prop Id. 1292, North 37°56'42" East, a distance of 195.27 feet to a point for the North corner of said Lot 215 and the West corner of North Academy Avenue;

THENCE with the Southeast line of West Bridge Street, crossing North Academy Ave (66.66' R.O.W.), North 37°50'05" East, a distance of 65.00 feet to a point for the West corner of a portion of Lot 103, NCB 2010 conveyed to Mary Ann Autry, recorded in Volume 141, Page 266 of the Comal County Deed Records, Prop Id. 924 and the North corner of North Academy Avenue;

THENCE continuing with the Southeast line of West Bridge Street, and the Northwest line of NCB 2010, the following 3 tracts,

- 1. said portion of Lot 103,
- 2. a portion of Lot 104, conveyed to James E. Glasgow Jr. and Carolyn M. Glasgow, recorded in Document No. 202006020515 of the Official Public Records of Comal County Texas, Prop Id. 925,
- 3. a portion of Lot 105, conveyed to Carr 2 Casa, LLC, recorded in Document No. 202106001621 of the Official Public Records of Comal County Texas, Prop Id. 927, North 37°46'59" East, a distance of 274.04 feet to a point for the North corner of said Lot 105, lying in the Southwest line of the Mo Pac Railroad (100' R.O.W.);

THENCE continuing with the Southeast line of West Bridge Street, crossing said Mo Pac Railroad R.O.W., North 37°46'58" East, a distance of 100.00 feet to a point in the Northeast Mo Pac Railroad R.O.W. for the West corner of Lot 107, NCB 2010, no deed information found, Prop Id. 931;

THENCE crossing West Bridge Street (66.66' R.O.W.), North 38°48'47" West, a distance of 66.82 feet to a point for the South corner of NCB 2011, a tract of land conveyed to Hilmar W. Rust, recorded in Volume 417, Page 786, Comal County Deed Records, Prop Id. 939;

THENCE with the West line of said Rust property, the following three calls:

- 1.) North 52°00'00" West, a distance of 109.44 feet to a point;
- 2.) North 24°46'30" West, a distance of 95.05 feet to a point;
- 3.) North 38°42'00" East, a distance of 48.50 feet to a point for the North corner of said Rust property, lying in the Southwest line of Lot 1, Block 1, Sts. Peter and Paul Catholic Church Subdivision, recorded in Volume 12, Page 233 of the Map Records of Comal County Texas, Prop Id. 54551;

THENCE with the West line of said Lot 1, North 52°00'00" West, a distance of 32.29 feet to a point in the East line of the M & KT Railroad R.O.W.;

THENCE with the East line of said railroad and the East line of Lot 1, Sts. Peter and Paul Subdivision and a tract conveyed to the Archbishop of San Antonio, recorded in Volume 152, Page 205 of the Comal County Deed Records, Prop Id. 1014, the following two calls:

1.) North 09°02'53" West, a distance of 140.44 feet to a point



290 S. Castell Avenue, Ste. 100 New Braunfels, TX 78130 TBPE-FIRM F-10961

2.) North 02°00'58" West, a distance of 357.85 feet to a point for the North corner of said Prop Id. 1014, lying in the South line of a tract conveyed to the Archbishop of San Antonio, recorded in Volume 614, Page 563 of the Comal County Deed Records, Prop. Id. 1016;

THENCE with the West line of said Prop Id. 1016, the following two calls:

- 1.) North 74°48'08" West, a distance of 21.53 feet to a point;
- 2.) North 02°44'13" West, a distance of 166.08 feet to a point for the North corner of said Prop. Id 1016, lying in the South line of Landa Street - State Highway 46 (60' R.O.W.);

THENCE crossing Landa Street - State Highway 46, North 18°34'25" East, a distance of 60.12 feet to a point for the Southwest corner of NCB 2018, a 0.436 of an acre tract conveyed to Hayes & Reno, LLC, recorded in Document No. 200406038372 of the Official Public Records of Comal County, Texas, Prop Id. 1012;

THENCE with the West line of said 0.436 acre tract, NCB 2018 and the East line of said M & KT Railroad R.O.W., North 02°25'50" West, a distance of 248.35 feet to a point for the Northwest corner of said 0.436 of an acre tract, NCB 2018, lying in the Southwest line of North Seguin Avenue;

THENCE crossing North Seguin Avenue (93.72' R.O.W.), North 57°10'49" East, a distance of 99.52 feet to a point for the West corner of NCB 2017, Lot 4A, conveyed to Agile Key, LLC, recorded in Document No. 202006024772 of the Official Public Records of Comal County Texas, Prop Id 999, at the Southeast intersection of Meusebach Street and North Seguin Avenue;

THENCE with the Southwest line of Meusebach Street and the Northwest line of NCB 2017, and the Northwest line of the following 4 tracts,

- 1. said Lot 4A,
- 2. a portion of Lot 4, conveyed to Charles W. and Catherine Reger, recorded in Document No. 201406011069, of the Official Public Records of Comal County, Texas, Prop Id. 1000,
- 3. a portion of Lot 5, conveyed to Hayes & Reno, LLC, recorded in Document No. 200906007159 of the Official Public Records of Comal County Texas, Prop Id. 1001,
- 4. a portion of Lots 5 and 6, conveyed to Matthew Pusateri and Katherine Lynch, recorded in Document No. 202006005968 of the Official Public Records of Comal County Texas, Prop Id. 1002, North 38°01'54" East, a distance of 382.05 feet to a point for the North corner of NCB 2017, lying in the Southwest line of North Market Street;

THENCE with the Southeast line of Meusebach Street, crossing North Market Avenue (66.66' R.O.W.) North 34°23'13" East, a distance of 61.83 feet to a point for the West corner of Lot 32R, NCB 2016, a subdivision recorded in Document No. 201706014260 of the Official Public Records of Comal County Texas, Prop Id. 981, being the West corner of the intersection of Meusebach and North Market Street;

THENCE with the West line of NCB 2016, said Lot 32R and the Southeast line of a railroad spur track, the following eleven calls:

- 1.) North 38°10'09" East, a distance of 24.58 feet to a point;
- 2.) North 51°34'56" East, a distance of 13.45 feet to a point;
- 3.) North 51°34'57" East, a distance of 7.29 feet to a point;



- 4.) North 55°34'35" East, a distance of 9.80 feet to a point;
- 5.) North 55°34'35" East, a distance of 37.97 feet to a point;
- 6.) North 59°05'47" East, a distance of 47.58 feet to a point;
- 7.) North 65°09'32" East, a distance of 32.79 feet to a point;
- 8.) North 65°09'32" East, a distance of 16.33 feet to a point;
- 9.) North 71°08'49" East, a distance of 47.93 feet to a point;
- 10.) North 73°25'53" East, a distance of 48.98 feet to a point;
- 11.) North 74°40'15" East, a distance of 131.63 feet to a point for the North corner of said Lot 32R and the a Northwest corner of a portion of Lot 7, NCB 216 conveyed to Jason E. Hurta, recorded in Document No. 201306023835 of the Official Public Records of Comal County Texas, Prop Id. 989;

THENCE with the Northwest line of said portion of Lot 7, North 71°07'45" East, a distance of 31.13 feet to a point for the North corner of said portion of Lot 7 and the West corner of Lot 1 & 2, Hays Subdivision, recorded in Document No. 9706009482 of the Official Public Records of Comal County Texas, Prop Id. 30483;

THENCE with the South line of the Railroad Spur Track and the North line of said Hayes Subdivision, along a non-tangent curve to the right, said curve having a radius of 566.93 feet, a central angle of 23°51'55", a chord bearing and distance of North 86°59'00" East, 234.44 feet, for an arc distance of 236.14 feet to a point for the East corner of said subdivision and NCB 2016, lying in the West line of East Zink Street (66.66' R.O.W.);

THENCE crossing East Zink Street, South 78°25'28" East, a distance of 84.29 feet to a point for the South corner of the intersection of East Zink Street and North Gibert Avenue, (49.5' R.O.W.), now closed and conveyed to ADM Milling Co., recorded in Document No. 9606001284 of the Official Public Records of Comal County Texas, Prop Id. 883, also being the North corner of NCB 2014;

THENCE with the Southeast line of East Zink Street and the Northwest line of North Gilbert Avenue and the Northwest line of NCB 2015, a tract conveyed to ADM Milling Co. in "Exhibit A, Tract 6", recorded in Volume 284, Page 817, Comal County Deed Records, Prop Id. 980, North 38°42'00" East, a distance of 277.84 feet to a point for the Northwest corner of said ADM Tract 6, lying in the South line of the Comal River;

THENCE with the North line of said ADM Tract 6 and the meanders of the South line of the Comal River, the following seven calls:

- 1.) North 72°20'49" East, a distance of 99.38 feet to a point;
- 2.) North 79°52'57" East, a distance of 40.73 feet to a point;
- 3.) North 90°00'00" East, a distance of 101.72 feet to a point;
- 4.) South 84°11'54" East, a distance of 106.33 feet to a point;
- 5.) South 75°47'44" East, a distance of 34.85 feet to a point;
- 6.) South 54°59'01" East, a distance of 51.84 feet to a point;
- 7.) South 70°13'18" East, a distance of 45.99 feet to a point for the Northeast corner of said ADM Tract 6 at the Northwest intersection of the Comal River and East Bridge Street;



THENCE with the Comal River and the end of East Bridge Street (66.66' R.O.W.), South 48°47'29" East, a distance of 67.91 feet to a point for the Northwest corner of a tract of land, owned by the City of New Braunfels, known as Prince Solms Park, Prop Id. 886;

THENCE with the Northeast line of said Prince Solms Park, the end of East Mill Street (66.66' R.O.W.) and the South line of the Comal River, the following eight calls:

- 1.) South 29°00'55" East, a distance of 116.96 feet to a point;
- 2.) South 03°00'46" West, a distance of 48.43 feet to a point;
- 3.) South 45°00'00" East, a distance of 32.40 feet to a point;
- 4.) South 12°05'39" East, a distance of 18.22 feet to a point;
- 5.) South 57°05'44" East, a distance of 6.96 feet to a point;
- 6.) South 57°05'40" East, a distance of 18.81 feet to a point;
- 7.) North 77°19'11" East, a distance of 52.18 feet to a point;
- 8.) South 55°00'25" East, a distance of 13.52 feet to a point for the End of East Mill Street at the Comal River and the North corner of NCB 2005, a 1.004 acre tract, conveyed to Fountaineer Investments, LLC, recorded in Document No. 201906026762 of the Official Public Records of Comal County Texas, Prop Id. 885;

THENCE with the North line of said 1.004 acre tract and the South line of the Comal River the following four calls:

- 1.) South 55°36'21" East, a distance of 89.91 feet to a point;
- 2.) South 35°05'46" East, a distance of 57.55 feet to a point;
- 3.) South 12°51'04" East, a distance of 59.47 feet to a point;
- 4.) South 24°55'00" West, a distance of 22.49 feet to a point in the East line of said 1.004 acre tract and the North corner of a tract conveyed to ADM Milling Co. in "Exhibit A 1. (a.)", recorded in Volume 284, Page 817 of the Comal County Deed Records, Prop Id. 431524;

THENCE with the North line of said ADM Milling Co., Tract 1. (a.), and the South line of the Comal River, the following seven calls:

- 1.) South 04°17'53" West, a distance of 24.64 feet to a point;
- 2.) South 48°44'33" East, a distance of 27.30 feet to a point;
- 3.) South 36°19'35" East, a distance of 43.40 feet to a point;
- 4.) South 01°18'42" East, a distance of 28.34 feet to a point;
- 5.) South 32°10'01" East, a distance of 24.48 feet to a point;
- 6.) South 58°45'51" East, a distance of 32.97 feet to a point;
- 7.) South 30°57'14" East, a distance of 36.96 feet to a point for the East corner of said ADM Milling Co. Tract 1. (a.), lying in the Northwest line of East San Antonio Street;

THENCE with the South line of the Comal River crossing East San Antonio Street (93.72' R.O.W.) South 80°51'44" East, a distance of 100.98 feet to a point in the Southeast line of East San Antonio Street for the North corner of NCB 1043, a 1.608 acre tract, conveyed to Auferstehung, Inc., recorded in Document No. 9806024551 of the Official Public Records of Comal County, Texas, Prop Id. 515;



THENCE with the North line of said 1.608 acre tract and the South line of the Comal River, the following three calls:

- 1.) South 81°19'51" East, a distance of 78.90 feet to a point;
- 2.) South 87°15'51" East, a distance of 98.50 feet to a point;
- 3.) South 13°17'51" East, a distance of 150.98 feet to a point for the Northeast corner of said 1.608 acre tract, lying in the West line of Tolle Street (67.56" R.O.W.);

THENCE with the West line of Tolle Street and the Southeast line of said 1.608 acre tract, South 38°11'09" West, a distance of 215.80 feet to a point at the North corner of the intersection of Tolle Street and South Gilbert Avenue;

THENCE with the North line of South Gilbert Avenue and the Southwest line of said 1.608 acre tract, North 52°30'51" West, a distance of 70.31 feet to a point in the Southwest line of said 1.608 acre tract;

THENCE crossing South Gilbert Avenue (60' R.O.W.) South 38°20'17" West, a distance of 57.68 feet to a point in the Southwest line of South Gilbert Avenue and the East corner of Lot 143 and a portion of Lot 142, NCB 1007, conveyed to ESA Partners, LLC., recorded in Document No. 202106016449 of the Official Public Records of Comal County Texas, Prop Id 431522, also being the North corner of Lot A, NCB 1007, Prop Id 107;

THENCE with the West line of said Lot A, NCB 1007 and the East line of the following 6 tracts,

- 1. said Lot 143 and a portion of Lot 142,
- 2. a tract conveyed to Greg Korman, recorded in Document No. 200806021412 of the Official Public Records of Comal County Texas, Prop Id 104,
- 3. a tract conveyed to Sheri Ann Jentsch, recorded in Document No. 200406040799 of the Official Public Records of Comal County Texas, Prop Id. 105,
- 4. a tract conveyed to Cabana Social Club, recorded in Document No. 201106012145 of the Official Public Records of Comal County Texas, Prop Id. 103,
- 5. a tract conveyed to Bob and Betty Kiesling, recorded in Document No. 200706051883 of the Official Public Records of Comal County Texas, Prop Id. 102,
- 6. a tract conveyed to Avis E. & Nancy Field, described in Document No. 200506047553 of the Official Public Records of Comal County Texas, Prop Id. 100, South 38°20'17" West, a distance of 384.65 feet to a point for the North corner of the intersection of Tolle Street and South Market Street, being the South corner of NCB 1007;

THENCE crossing South Market Street (66.66' R.O.W.) South 38°20'17" West, a distance of 65.00 feet to a point for the South corner of the intersection of South Market Street and Tolle Street, being the East corner of NCB 1006;

THENCE with the Northwest line of Tolle Street and the Southeast line of NCB 1006 and the following two tracts:

1. a tract conveyed to Layton L. Leissner, No Deed information found, Prop Id. 96,



2. Lot 38 and a portion of Lot 39 conveyed to Southwestern Bell Tx, No Deed information found, Prop Id. 431521, South 38°20'17" West, a distance of 220.41 feet to a point for the South corner of NCB 1006 and the North corner of the intersection of Comal Avenue and Tolle Street;

THENCE crossing Comal Avenue (66.66' R.O.W.) South 40°28'43" West, a distance of 65.11 feet to a point for the East corner of Lot 37, NCB 1005, conveyed to Kenneth D. Brazle and David G. Pfeuffer, recorded in Document No. 9706006117 of the Official Public Records of Comal County Texas, Prop Id. 37;

THENCE with the Southwest line of Comal Avenue and the Northeast line of the following 14 tracts, 1.

- 2. a tract conveyed to the City of New Braunfels, No Deed information found, Prop Id. 69,
- 3. a tract conveyed to Naeglins Bakery Inc, recorded in Volume 677, Page 398 of the Comal County Deed Records, Prop Id. 70,
- 4. a tract conveyed to 4K Mayo Property LLC., recorded in Document No. 201906010636 of the Official Public Records of Comal County Texas, Prop Id. 72,
- 5. a tract conveyed to Stadt Corp., recorded in Document No. 200606001808 of the Official Public Records of Comal County Texas, Prop Id. 77,
- 6. a tract conveyed to T.L. Marglin#6, LLC., recorded in Document No. 201506028574 of the Official Public Records of Comal County Texas, Prop Id. 76,
- 7. a tract conveyed to Guadalupe Amaro Partnership, recorded in Document No. 202006059688 of the Official Public Records of Comal County Texas, Prop Id. 78,
- 8. a tract conveyed to Guadalupe Amaro Partnership, Prop Id. 82, recorded in Document No. 202006059689 of the Official Public Records of Comal County Texas, Prop. Id. 82,
- 9. a tract conveyed to Guadalupe Amaro Partnership, recorded in Document No. 202006059687 of the Official Public Records of Comal County Texas, Prop Id. 83,
- 10. a tract conveyed to Natman Investments, LLC., recorded in Document No. 201906016789 of the Official Public Records of Comal County Texas, Prop Id. 95,
- 11. a tract conveyed to the Duettra Georgia B. Exempt Trust, recorded in Document No. 201106039865 of the Official Public Records of Comal County Texas, Prop Id. 92,
- 12. a tract conveyed to Daniel and Mikki Tharp, recorded in Document No. 200406042582 of the Official Public Records of Comal County Texas, Prop Id. 90,
- 13. a tract conveyed to Julie and Greeson Taylor, recorded in Document No. 9906005966 of the Official Public Records of Comal County Texas, Prop Id. 89,
- 14. a tract conveyed to Chris and Heather Allen, recorded in Document No. 201906000593 of the Official Public Records of Comal County Texas, Prop Id. 88, South 52°33'38" East, a distance of 772.64 feet to a point for the East corner of NCB 1005 and the West corner of the intersection of Comal Avenue and East Coll Street;

THENCE with the Southwest line of Comal Avenue, crossing East Coll Street (66.66' R.O.W.) South 52°31'46" East, a distance of 65.01 feet to a point for the South corner of the intersection of Comal Avenue and East Coll Street and the North corner of NCB 1011, being the North corner of a property conveyed to Julie A. Glisky, recorded in Document No. 200706020402 of the Official Public Records of Comal County Texas, Prop Id. 153;



THENCE with the Southwest line of Comal Avenue and the Northeast line of NCB 1011 and the following 5 tracts;

- 1. said Glisky tract,
- 2. a tract conveyed to Frederick Frueholz, Jr., recorded in Volume 212, Page 44 of the Comal County Deed Records, Prop Id. 155,
- 3. a 1.477 acre tract conveyed to Elks 2279 of NB BPOE, recorded in Volume 184, Page 934 of the Comal County Deed Records, Prop Id. 149,
- Lot 164, conveyed to Greg and Leslie Baenziger, recorded in Volume 608, Page 630 of the Comal County Deed Records, Prop Id. 156,
- 5. a portion of Lot 88, conveyed in a Death Certificate to Carola M. Davis, recorded in Document No. 200106040183 of the Official Public Records of Comal County Texas, Prop Id. 152,

South 52°24'50" East, a distance of 482.55 feet to a point for the West corner of the intersection of Comal Avenue and East Garden Street, and the East corner of NCB 1011;

THENCE with the Northwest line of East Garden Street and the Southeast line of NCB 1011 and the Southeast line of the following 4 tracts,

- 1. said Carola M. Davis tract,
- 2. a portion of Lot 88, conveyed to Michael & Rhonda Neel, recorded in Document No. 9806014444 of the Official Public Records of Comal County Texas, Prop Id. 151,
- a portion of Lot 79 conveyed to Richard M. Wangenheim Jr., recorded in Document No. 201806033352 of the Official Public Records of Comal County Texas, Prop Id. 147,
- 4. a portion of Lot 79 conveyed to William and Diane Mehrer, recorded in Document No. 9806000302 of the Official Public Records of Comal County Texas, Prop Id. 146, South 38°16'20" West, a distance of 386.20 feet to a point for the North corner of the intersection of East Garden Street and South Seguin Avenue, also being the South corner of NCB 1011;

THENCE with the Northwest line of East Garden Street, crossing South Seguin Street, (93.72' R.O.W.) South 38°11'55" West, a distance of 93.73 feet to a point for the West corner of the intersection of East Garden Street and South Seguin Avenue, also being the East corner of NCB 1012, and the East corner of a tract conveyed to the City of New Braunfels, recorded in Volume 172, Page 820 of the Comal County Deed Records, Prop Id. 159;

THENCE with the Southwest line of South Seguin Avenue, crossing East Garden Street (66.66' R.O.W.) South 52°36'25" East, a distance of 65.01 feet to a point for the South corner of the intersection South Seguin Avenue and East Garden Street, also being the North corner of NCB 1017 and the North corner of a Lot 181 conveyed to Marion & Robbie Borchers, recorded in Volume 1017, Page 28 of the Comal County Deed Records, Prop Id. 213;

THENCE with the Southwest line of South Seguin Ave. and the Northeast line of the following 5 tracts, 1. said Lot 181,

- 2. Lot 180 conveyed to Mario Borchers, recorded in Document No. 200406042893 of the Official Public Records of Comal County Texas, Prop Id. 212,
- 3. Lot 179 conveyed to 448 S. Seguin, LLC., recorded in Document No. 202006016856 of the Official Public Records of Comal County Texas, Prop Id. 211,



- 4. Lots 178 & 185, conveyed to Communication Professionals, Ltd., recorded in Document No. 200206002205 of the Official Public Records of Comal County Texas, Prop Id. 208,
- 5. Lot 177 and a portion of Lot 160 conveyed to Jahn Building Development LLC., et al, recorded in Document No. 201206036421 of the Official Public Records of Comal County Texas, Prop Id. 207, South 52°35'59" East, a distance of 482.87 feet to a point for the Southwest corner of the intersection of South Seguin Avenue and Butcher Street, also being the East corner of NCB 1017;

THENCE with the South line of South Seguin Avenue, crossing Butcher Street (30' R.O.W.), South 52°33'56" East, a distance of 30.00 feet to a point for the Southeast corner of the intersection of South Seguin Avenue and Butcher Street, also being the North corner of NCB 1021, and the North corner of a tract conveyed to Dunverking Real Estate, Ltd., recorded in Document No. 201006008905 of the Official Public Records of Comal County Texas, Prop Id. 281;

THENCE with the Southwest line of South Seguin Avenue and the Northeast line of NCB 1021 and the Northeast line of the following 5 tracts,

- 1. said Dunverking Real Estate, LLC. Tract,
- 2. a tract conveyed to Troy D. Burch, Jr., recorded in Document No. 200706019362 of the Official Public Records of Comal County Texas, Prop Id. 282,
- 3. Lot 7R conveyed to D'Ann Harper Development Corp, recorded in Document No. 200506001310 of Official Public Records of Comal County Texas, Prop Id. 283,
- 4. Lot 14 conveyed to Becker Investments, Lp, recorded in Document No. 201406031140 of the Official Public Records of Comal County Texas, Prop Id. 285,
- 5. a tract conveyed to Big Diamond Inc., recorded in Document No. 201006026405 of the Official Public Records of Comal County Texas, Prop Id. 286, South 52°33'56" East, a distance of 516.88 feet to a point for the Northwest corner of the intersection of Jahn Street and South Seguin Avenue, also being the East corner of NCB 1021 and the East corner of said Big Diamond Inc. tract;

THENCE with the Northwest line of Jahn Street and the Southeast line of NCB 1021 and the Southeast line of the following 5 tracts,

- 1. said Big Diamond LLC tract,
- 2. a tract conveyed to William M. Norris, recorded in Document No. 200706003522 of the Official Public Records of Comal County Texas, Prop Id. 267,
- 3. a tract conveyed to CMF Real Estate Holdings, LLC, recorded in Document No. 201506026255 of the Official Public Records of Comal County Texas, Prop Id. 288,
- 4. Lots 3 & 4, Block 13 of the Re-subdivision of Jahn Addition, recorded in Volume 52, Page 351 of the Comal County Map Records, Prop Id. 273, conveyed to Yawn Group, LLC, recorded in Document No. 201806003260 of the Official Public Records of Comal County Texas
- 5. Lots 1 & 2, Block 13 of said Re-subdivision of Jahn Addition, as conveyed to My Little Girl, LLLC, recorded in Document No. 201106036607 of the Official Public Records of Comal County Texas, Prop Id. 272, South 37°32'43" West, a distance of 385.32 feet to a point for the North corner of the intersection of Jahn Street and South Castell Avenue, also being the South corner of NCB 1021;



THENCE with the Northwest line of Jahn Street, crossing South Castell Avenue (66.66' R.O.W.) South 37°32'43" West, a distance of 65.00 feet to a point for the West corner of the intersection of South Castell Avenue and Jahn Street and the East corner of NCB 1022;

THENCE with the Northwest line of Jahn Street and the Southeast line of NCB 1022, and the following 2 tracts and a street,

- 1. Lot 10, NCB 1022 conveyed to Katherine Truesdell, recorded in Document No. 201106030712 of the Official Public Records of Comal County Texas, Prop Id. 298,
- 2. the South line of Colvin Street (20' R.O.W.),
- 3. Lots 11,12 & 13, NCB 1022 conveyed to Jahn Street Properties, LLC., recorded in Document No. 201206041187 of the Official Public Records of Comal County Texas, Prop Id. 299, South 37°40'03" West, a distance of 268.68 feet to a point for the Northwest corner of the intersection of Jahn Street and the International Great Northern Railroad (100' R.O.W.);

THENCE with the North line of the International Great Northern Railroad R.O.W. and the Southwest line of said Jahn Street Property, North 66°14'32" West, a distance of 206.14 feet to a point for the Northwest corner of said Jahn Property and the Southeast corner a tract conveyed to the City of New Braunfels, in Parcel 1, recorded in Document No. 9706007700 of the Official Public Records of Comal County Texas, Prop Id. 167;

THENCE with the Railroad R.O.W. and the Southwest line of said City of New Braunfels tract, the following two calls:

- 1.) North 62°40'55" West, a distance of 190.28 feet to a point;
- 2.) North 61°36'04" West, a distance of 127.92 feet to a point in the Southwest corner of said City of New Braunfels tract, being the Southeast corner of the intersection of said railroad and Butcher Street;

THENCE with the Northeast line of said Railroad and crossing Butcher Street (30' R.O.W.) North 55°33'40" West, a distance of 32.30 feet to a point for the Northwest corner of Butcher Street and the South corner of a tract conveyed to the City of New Braunfels, in Parcel 2, recorded in Document No. 9706007700 of the Official Public Records of Comal County Texas, Prop Id. 410103;

THENCE with the Northeast line of said Railroad R.O.W. and the Southwest line of said Parcel 2, North 58°04'38" West, a distance of 53.79 feet to a point for the Southwest corner of said Parcel 2;

THENCE with the Northeast line of said Railroad 100' wide R.O.W., North 53°31'48" West, a distance of 438.20 feet to a point for the Southwest corner of the intersection of East Garden Street and said Railroad R.O.W.;

THENCE with the Railroad R.O.W., crossing East Garden Street (66.66' R.O.W.) North 52°28'19" West, a distance of 65.00 feet to a point for the South corner of NCB 1013, being the West corner of the intersection of said Railroad R.O.W. and East Garden Street;



THENCE with the Northeast line of said Railroad R.O.W. and the Southwest line of NCB 1013, North 52°49'35" West, a distance of 480.14 feet to a point for the West corner of NCB 1013 and the East corner of the intersection of said Railroad R.O.W. and West Coll Street (66.66' R.O.W.);

THENCE with the Northeast line of said 100' wide Railroad R.O.W., North 53°16'43" West, a distance of 637.05 feet to a point in the Northeast line of said Railroad R.O.W. and the Southwest line of Hill Avenue;

THENCE crossing said Railroad R.O.W., South 37°29'34" West, a distance of 100.00 feet to a point for the West corner of the intersection of said Railroad R.O.W. and Cross Street, and the East corner of NCB 1001 and the East corner of a tract conveyed to Donald and Lynn Forres, recorded in Document No. 9706017179 of the Official Public Records of Comal County Texas, Prop Id. 9;

THENCE with the Northwest line of Cross Street and the Southeast corner of the following 3:

- 1. said Donald and Lynn Forres tract,
- 2. a tract conveyed to Allegiant Senior Living, LLC, recorded in Document No. 201706039281 of the Official Public Records of Comal County Texas, Prop Id. 4,
- 3. a tract conveyed to Edward and Charlotte Cavanaugh Family Trust, recorded in Document No. 201806001171 of the Official Public Records of Comal County Texas, Prop Id. 378760, South 38°24'08" West, a distance of 265.63 feet to a point for the North corner of the intersection of Cross Street and South Academy Ave and the South corner of NCB 4001, and the South corner of said Edward and Charlotte Cavanaugh Family Trust tract;

THENCE with the Northwest line of Cross Street, crossing South Academy Street (66.66' R.O.W.), South 36°55'45" West, a distance of 68.78 feet to a point for the West corner of the intersection of South Academy Street and Cross Street, and the East corner of a tract conveyed to Michael J. Pollard, recorded in Document No. 200306033121 of the Official Public Records of Comal County Texas, Prop Id. 1442;

THENCE with the Northwest line of Cross Street and the Southeast line of the following 4 tracts,

- 1. said Pollard tract,
- 2. a tract conveyed to Janie Mott, recorded in Document No. 201806037582 of the Official Public Records of Comal County Texas, Prop Id. 1438,
- 3. Lots 1 and 6, NCB 4001 conveyed to Sophies Gasthaus, LLC., recorded in Document No. 202106034115 of the Official Public Records of Comal County Texas, Prop Id. 1443,
- 4. a tract with no deed information available, Prop Id. 1448, South 38°03'53" West, a distance of 492.03 feet to a point for the East corner of a tract conveyed to Delio and Juanita Bustos, recorded in Volume 390, Page 418 Comal County Deed Records;

THENCE continuing with the Northwest line of Cross Street, and the Southeast line of NCB 4001, and the following 2 tracts,

- 1. said Bustos tract,
- 2. a tract conveyed to Armando Martinez, recorded in Document No. 201406021790 of the Official Public Records of Comal County Texas, Prop Id. 1450, South 38°03'53" West, a distance of 152.68 feet to a point for the North corner of the intersection of Clemens Avenue and Cross Street;



THENCE with the Northwest line of Cross Street, crossing Clemens Avenue (66.0' R.O.W.) South 41°54'11" West, a distance of 65.09 feet to a point for the West corner of the intersection of Clemens Avenue and Cross Street, being the East corner of NCB 4002;

THENCE with the Northwest line of Cross Street and the Southeast line of NCB 4002 and the Southeast line of the following 4 tracts:

- 1. a confidential tract, Prop Id. 1463,
- 2. a tract conveyed to Richard Rabe, recorded in Document No. 201506004178 of the Official Public Records of Comal County Texas, Prop Id. 1465,
- 3. a tract conveyed to Jeffrey and Maria Turner, recorded in Volume 839, Page 487 of the Comal County Deed Records, Prop Id. 1461,
- 4. a tract conveyed to Gary and Sue McGurk, recorded in Volume 594, Page 727 of the Comal County Deed Records, Prop Id. 1462, South 42°17'48" West, a distance of 400.57 feet to a point for the North corner of the intersection of Cross Street and South Guenther Avenue, also being the South corner of NCB 4002 and said McGurk property;

THENCE with the Northeast line of South Guenther Avenue and the Southwest line of the following 3 tracts:

- 1. said McGurk tract,
- 2. a tract conveyed to the Seals Family Properties, LLC., recorded in Document No. 202006009910 of the Official Public Records of Comal County Texas, Prop Id. 1458,
- 3. a tract conveyed to Seals Family Property, LLC., recorded in Document No. 202006023475 of the Official Public Records of Comal County Texas, Prop Id. 1459, North 49°55'46" West, a distance of 393.46 feet to a point for the East corner of the intersection of South Guenther Avenue and West San Antonio Street, also being the West corner of NCB 4002 and said tract described as Prop Id. 1458;

THENCE with the Northeast line of South Guenther Avenue, crossing West San Antonio Street, (R.O.W. varies at this location) North 49°55'46" West, a distance of 72.68 feet to a point in the Northwest line of West San Antonio Street and the Southeast line of Lots 4 and 5, NCB 3002, conveyed to Miles and Susan Granzin, recorded in Document No. 200406001675 of the Official Public Records of Comal County Texas, Prop Id. 1047;

THENCE with the Northwest line of West San Antonio Street and the Southeast line of said Granzin tract, South 38°57'56" West, a distance of 41.25 feet to a point for the North corner of the intersection of West San Antonio Street and a 20' Wide Alley, also being the South Corner of said Granzin tract;

THENCE with the Northeast line of said Alley and the Southwest line of said Granzin tract and the Southwest line of the Patricia B. Wyatt Revocable Trust tract, North 50°27'33" West, a distance of 373.65 feet to the POINT OF BEGINNING and containing 182.91 acres of land in the City of New Braunfels, Comal County, Texas.



This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Written August 14, 2021.

Dorothy J. Taylor

Registered Professional Land Surveyor No.6295

S:\!Projects\040 - City of New Braunfels\040.033 - Political Subdivision for Downtown TIRZ Boundary\M&B\TIRZ BOONARY M&B.docx

PROP_ID	OWNER_NAME	LEGAL_AREA
_	0	0
	1 HEITKAMP RUTH A 2 HEITKAMP RUTH A	0 0.131
	3 HEITKAMP RUTH A	0.131
	4 ALLEGIANT SENIOR LIVING LLC	0
	5 WIERMAN JOHN F & NANCY J	0
	6 LOWERY KENNETH L & CAREN E 7 FORRES DONALD E & LYNN S	0.419 0.231
	8 FORRES DONALD E & LYNN S	0.191
	9 FORRES DONALD E & LYNN S	0.6539
	31 WEST 209 INVESTMENTS LLC	0.354
	32 N B ART LEAGUE 33 LEDERHOSEN LTD	0.191 0.159
	35 EUDY HAMPTON & CHERILYN	0.139
	36 SNIDER RONALD B	0.069
	37 HINTON VANCE J & PRISCILLA J	0.071
	38 ORTIZ PAUL JR 39 M & S BUILDING LLC	0.073
	40 SNIDER RONALD & SOLLBERGER DARREL	0.093 0.267
	41 SNIDER RONALD B & CASTELL PROP LLC	0.914
	42 290 CASTELL SPRINGFED LLC	0.809
	43 PRODUCERS COOPERATIVE MARKETING ASS 44 ROCKFIELD PROPERTIES LLC	
	45 NEW BRAUNFELS CITY OF	0.286 0
	45 NEW BRAUNFELS CITY OF	0
	46 SNIDER RONALD B & CAROL C	0.419
	47 TX UK ENTERPRISES LLC	0.11
	48 WEST SAN ANTONIO 111 LLC 49 SCHWARZEN WALFISCH LP	0.727 0.069
	50 HS130 CAPITOL VENTURE LLC	0.149
	51 HS130 CAPITOL VENTURE LLC	0.072
	52 SOUTH 130 GROUP	0.163
	53 SOUTH 130 GROUP 54 PLUMEYER MARJORIE	0.13 0.22
	55 J N L N PROPERTIES LTD	0.422
	57 WEST SAN ANTONIO 111 LLC	0.421
	58 SOUTH 130 GROUP LLC	0.422
	59 JERGINS ERNESTO TRUSTEE 60 KRUEGER ROBERT C & ARLENE SEALES	0.467 0.422
	61 POWEROHM PROPERTIES LLC	0.422
	62 FIRST PROTESTANT CHURCH OF NEW BRAUI	
	64 FIRST PROTESTANT CHURCH OF NEW BRAUI	
	65 BRAUNFELS FOUNDATION TRUST 66 WEST SAN ANTONIO 111 LLC	0.119
	68 BRAZLE KENNETH D & DAVID PFEUFFER	0.722 0.423
	69 NEW BRAUNFELS CITY OF	1.274
	70 NAEGELINS BAKERY INC	0.616
	72 LANDMARK SQUARE SERIES OF BC HALL LLC 73 LANDMARK SQUARE SERIES OF BC HALL LLC	
	73 LANDMARK SQUARE SERIES OF BC HALL LLC 74 DAMARODAS ROBERT C	0.275 0.211
	75 T L MARGLIN #6 LLC	0.211
	76 T L MARGLIN #6 LLC	0.21
	77 STADT CORPORATION	0.21
	78 AMARO ANTONIO ET AL 80 AMARO ANTONIO ET AL	0.21 0.378
	82 AMARO ANTONIO ET AL	0.421
	83 AMARO ANTONIO ET AL	0.21
	84 NB LAND LLC	0.281
	85 JOHNSON WALLACE C 86 DAVIS CAROLA M	0.422 0.209
	87 FLINT MARY JO	0.209

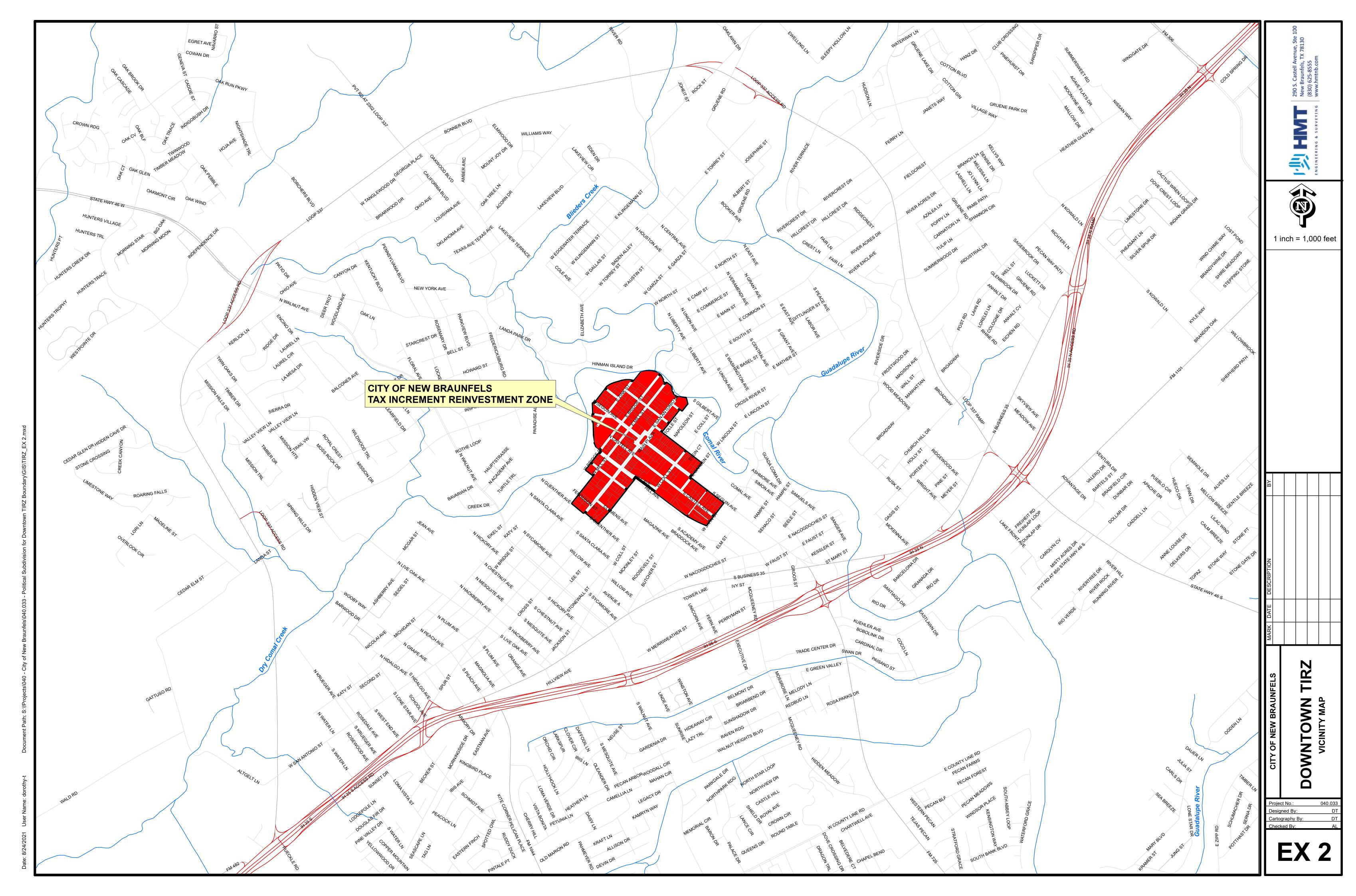
88 ALLEN CHRIS & HEATHER	0.09
89 TAYLOR JULIE A & GREESON	0.224
90 THARP DANIEL & MIKKI	0.197
91 DUETTRA GEORGIA B EXEMPT TRUST	0.211
92 DUETTRA GEORGIA B EXEMPT TRUST	0.21
93 MOORE BARRY D	0.211
94 WORLEY CREDIT TRUST	0.422
	_
95 MANLOVE NATHAN	0.153
96 LEISSNER LAYTON L	0
97 SOUTHWESTERN BELL TX	0.353
98 LEISSNER LAYTON L	0.376
99 MATHIS GARY D	0.317
100 FIELD AVIS E & NANCY L	0
102 KIESLING BOB R & BETTY A	0.212
103 CABANA SOCIAL CLUB LLC	0.212
104 KORMAN GREG	0
105 JENTSCH SHERI ANN	0
106 ADM MILLING CO	0.635
146 MEHRER WILLIAM J JR & DIANE E	0.211
147 WANGENHEIM RICHARD M JR	0.212
148 NORRIS W M	0
149 ELKS 2279 OF NB BPOE	1.477
150 FRUEHOLZ FREDERICK JR	0.422
151 NEEL MICHAEL A & RHONDA B	0.209
152 DAVIS CAROLA M	0.209
153 GLISKY JULIE A	0.209
154 FRUEHOLZ FREDERICK JR	0.09
155 FRUEHOLZ FREDERICK JR	0.175
156 BAENZIGER GREG K & LESLIE A	0.421
157 FIRST PROTESTANT CHURCH OF NEW BRAUNFELS	0.422
158 BURCH TROY D JR	0.422
159 NEW BRAUNFELS CITY OF	2.532
160 B & C WILLIAMS PROPERTIES LTD	0.417
	_
161 FIRST PROTESTANT CHURCH OF NEW BRAUNFELS	0.209
162 FIRST PROTESTANT CHURCH OF NEW BRAUNFELS	0
163	0
	-
164 NEW BRAUNFELS CITY OF	1.118
165 NEW BRAUNFELS INDUSTRIAL DEVELOPMENT CORP	0.987
167 NEW BRAUNFELS CITY OF	0.6365
168 M A ANDERSON REAL ESTATE LLC	
	0.1255
168 M A ANDERSON REAL ESTATE LLC	0.1255
200	0
202 NEW BRAUNFELS CITY OF	1.289
203 NEW BRAUNFELS CITY OF	0.204
204 NEW BRAUNFELS CITY OF	0.202
205 NEW BRAUNFELS CITY OF	0.224
206 CAMPOS ATANACIO	0.21
207 JAHN BUILDING DEVELOPMENT LLC ET AL	0.353
208 COMMUNICATION PROFESSIONALS LTD	0.486
211 SEIDEL PROPERTIES LTD	0.422
212 BORCHERS MARION J	0.422
213 BORCHERS MARION J & ROBBIE W	0.422
214 NEW BRAUNFELS CITY OF	0.958
215 WOODALL AMY B	0.421
216 A R V INDUSTRIAL ELECTRIC COMPANY	
	0.357
218 HINTON VANCE J	0.3109
220 COMMUNICATION PROFESSIONALS LTD	0.193
272 MY LITTLE GIRL LLC	0
273 YAWN GROUP LLC	0
274 BORMANN JOHN W	0
276 RIVER CITY STORAGE INC	0.208
278 MARTINEZ AMELIA	0

279	COUNCIL BLAYNE L & VICKI A FELGER	0
280	RODRIGUEZ ANTONIA	0
281	DUNVERKING REAL ESTATE LTD	0.416
282	BURCH TROY D JR	0.324
283	HARPER DANN DEV CORP	0.834
284	BECKER INVESTMENTS LP	0.352
285	BECKER INVESTMENTS LP	0.311
286	BIG DIAMOND INC	0.256
287	NORRIS WILLIAM M	0
	CMF REAL ESTATE HOLDINGS LLC	0
	NEW BRAUNFELS COMMUNITY RESOURCES INC	0
290	SILVA OFELIA & JUAN M	0
	M A ANDERSON REAL ESTATE LLC	0
292	WITTING FRANK KLAUS	0
293	WITTING FRANK KLAUS	0
	XV PROPERTIES LTD	0
295	SKP PROPERTIES LLC	0
	HILL COUNTRY INVESTMENT GROUP LLC	0
	XV PROPERTIES LTD	0
	TRUESDELL KATHERINE	0
	JAHN STREET PROPERTIES LLC	0
	M A ANDERSON REAL ESTATE LLC	0
	IAKOBO FOUR LP	1.608
	CORZINE M SHAWN & SHAINA	0.093
	EVANS JOE P & SHERRILL L	0.127
	TUNNELL STEPHEN WESLEY JR	0.198
	TUNNELL STEPHEN WESLEY JR	0.131
	HS130 CAPITOL VENTRUE LLC	0.164
	LOUIS HENNE COMPANY LLC	0.366
	SPECKMAN FAMILY LTD	0.058
	SPECKMAN FAMILY LTD	0.132
	SPECKMAN FAMILY LTD	0.066
	BRAUNTEX PERFORMING ARTS THEATRE ASSN	0.317
	MAYO WILLIAM N TRUST	0.104
	UNION PACIFIC RAILROAD CO	0.265
	FORRES DONALD E & LYNN S	0.419
	TWMKPH LLC	0.844
	BOCK BENNIE W II & KATHARYN H	0.422
	DIRTY LAUNDRY LLC	0.4294
	DIRTY LAUNDRY LLC	0.3456
	BRAUNTEX PERFORMING ARTS THEATRE ASSN	0.422
	MCADA ACIE C & JANINE	0.372
	MILL STREET SQUARE LLC	0.555
	LOUIS HENNE COMPANY LLC	0.306
	KLEPAK RACHELLE M	0.132
	SNIDER RONALD B & SOLLBERGER DARRELL	0.132
	SNIDER RONALD B & SOLLBERGER DARRELL	0.203
	POST OFFICE LLC	0.358
	SNIDER RONALD B ET AL	0.073
	SNIDER RONALD B ET AL	0.073
	SNIDER RONALD B ET AL	0.049
	TORKELSON ROGER A & JUNE M	0.049
	SUNSPRITE LLC	0.086
	DOEPPENSCHMIDT FUNERAL HOME INC	0.736
	COMAL COUNTY OF	0.730
	COMAL COUNTY OF	0.422
	GARZA ALVARO & DORA A	0.422
	MUCKENFUSS PROPERTIES LLC	0.632
	REIMER MICHAEL & LINDA	0.032
	GARZA ALVARO & DORA A	0.22
	GARZA ALVARO & DORA A	0.207
-	CASTEEL PARTNERS LTD	0.100

874 CASTEEL PARTNERS LTD	0.207
875 CASTEEL CARTER ET AL	0.423
876 NOLTE MELVIN JR	0.123
877 NOLTE MELVIN JR	0.088
878 FARMERS MUTUAL FIRE	0.423
879 ADM MILLING CO	0.423
880 FARMERS MUTUAL FIRE	0.423
881 ADM MILLING CO	0.833
882 ADM MILLING CO	0.423
883 ADM MILLING CO	0.996
884 ADM MILLING CO	2.495
885 LIBERTY PARTNERSHIP LTD	0.8242
886 NEW BRAUNFELS CITY OF	0
887 NOLTE MELVIN JR	0.104
888 NOLTE MELVIN JR ET AL	0.095
889 NOLTE MELVIN JR	0.106
890 LAMMERS LESLIE J & THOMAS E TUMLINSON	0.117
891 ZUNKHOUSE RENTALS	0.11
892 CAMPASSI MICHAEL & SCOTT DUPLECHAIN	0.101
893 QUIROS EVAN B	0.119
894 PARRAS JEFFREY J & SABRINA K	0.093
895 ADM MILLING CO	0.000
896 CAPITOL BANKSHARES INC	0.417
898 FIRST CHURCH OF CHRIST, SCIENTIST	0
899 OLD CITY HALL LLC	0.641
900 COMAL COUNTY OF	0
906 KINGDOM TRUST COMPANY & MLAII LLC	0.103
907 MOZELEY-JACQUES RENTALS LLC	0.106
908 CASTEEL PARTNERS LP	0.103
909 VERGE PRODUCTIONS LLC	0.209
910 TAMEZ INVESTMENTS LLC	0.207
911 TAMEZ INVESTMENTS LLC	0.207
912 180 WEST MILL STREET LLC	0.207
913 LEE PATRICK T ET AL	0.11
914 ARCHBISHOP OF SAN ANTONIO	0.105
915 BROWN MARILEE & KEITH A	0.2102
916 VULCAN REALTY GROUP LLC	0.207
917 COMAL COUNTY OF	0.541
920 COMAL COUNTY OF	0.3
922 LONG MARK	0
923 RIMMELIN PAUL	0
924 MORGA MARY ANN	0
925 ANGELLO CAROLYN	0
926 LAMMERS LESLIE J & THOMAS E TUMLINSON	0
927 CT WELLNESS ENTERPRISES LLC	0
928 GOMEZ THERESA B & ROBERT JR	0
930 MUND JEFF A & DENISE E	0.212
931 CONFIDENTIAL	-
	0.109
932 MUND JEFF A & DENISE F	0.213
933 MUND JEFF A & DENISE F	0.155
934 FLORES P F ARCHBISHOP S A	0.257
935 MUND JEFF A & DENISE E	0.155
936 MASON LARK E & EDNA M	0.276
937 MUND JEFF A & DENISE	0.306
939 CONFIDENTIAL	0
950 ARCHBISHOP OF SAN ANTONIO	0.013
951 ARCHBISHOP OF SAN ANTONIO	0.006
952 ARCHBISHOP OF SAN ANTONIO	0.000
953 ARCHBISHOP OF SAN ANTONIO	1.884
954 COMAL COUNTY OF	0.315 0.526
955 COMAL COUNTY OF	11576
956 SUDDARTH JOHN R & RUTH	0.42

957	ANZ DONALD E & CHERYL P	0.39
	REEVES JAMES E	0.232
959	SAEGERT JOEL & MERRY	0.206
960	SAEGERT JOEL & MERRY	0.408
	SIPPEL NOREEN	0.286
	TIMMERMANN PAMELA HIGHTOWER	0.176
963	PHILLIPS BETTY L	0.321
965	GOODWIN MORGAN & WADE	0.139
	BURTON CHARLES R & SUE A HUBER	0.434
		0.399
	ALEXANDER TED W	
	MILES MICHAEL & NANCY CLOUD	0.5586
970	COMAL COUNTY OF	0.414
971	COMAL COUNTY OF	0.421
	LEATHERWOOD PAUL W	0.289
	RIZZATTO JAMES	0.132
974	RODRIGUEZ SANTIAGO	0.421
975	ADM MILLING CO	0
976	SEIDEL PROPERTIES LTD	0.634
	MORALES ELEANOR A	0.154
	CAMPOS ATANACIO	0.256
979	QUEST IRA INC	0.218
980	ADM MILLING CO	0
	BATEY TRAVIS & VERONICA	0.717
	CELTIC ENTERPRISES LP	0.267
	KRIEWALDT PROPERTIES LLC	0.122
985	SEIBERT RICHARD L & JAYLENE	0.294
986	GOMEZ IGNACIO G & LOUISA	0.417
	BOWMAN CRAIG A & KRISTY D	0.25
	NORMAS LAGNIAPPE LLC	0.26
	HURTA JASON E	0.323
994	HOLLMIG FAMILY PTNRSHP LTD	0.276
995	WILSON MARK B & LISA W	0.242
	ST JOSEPHS ANGLICAN CHURCH	0.321
	ST JOSEPHS ANGLICAN CHURCH	0.112
	ST JOSEPHS ANGLICAN CHURCH	0.319
999	VITAKEY LLC	0.2
1000	REGER CHARLES W & CATHERINE REGER	0.207
	HAYES & RENO LLC	0.39
	GUIDOS PLACE LLC	0.246
	SCHABACKER VICTOR & ELISA F	0.197
1004	RUIZ JAMES & MARIA	0.203
1005	LEAVERTON JULIANNE	0.216
1006	WILSON MARK B & LISA W	0.417
	BREMER MANAGEMENT LLC	0.156
	SOGGY PESO INVESTMENTS LLC	0.089
1009	ARCHBISHOP OF SAN ANTONIO	0.187
1010	WAYMER J A PARTNERSHIP LP	0.227
1011	J A WAYMER PRTNRSHP LP	0.243
-	HAYES & RENO LLC	
		0.41
	ARCHBISHOP OF SAN ANTONI	0
1014	ARCHBISHOP OF SAN ANTONIO	0
1015	ARCHBISHOP OF SAN ANTONIO	0
	ARCHBISHOP OF SAN ANTONIO	0
	FIRST METHODIST CHURCH	2.9514
	CASTEEL PARTNERS LTD	0
1027	CASTEEL PARTNERS LTD	0
1028	FORRES DONALD E & LYNN S	0
	DIETEL JOANN	0
	FORRES CELESTE M	
		0
	FIRST UNITED METHODIST CHURCH NEW BRAUNFELS	0
1034	LAMMERS LESLIE J & THOMAS E TUMLINSON	0
1035	ALLEN NEIL T & DEBBE JO	0
		· ·

1037 FIRST UNITED METHODIST	0.263
1038 FIRST UNITED METHODIST	0.192
1040 LEBENSCHOEN LLC	0.712
1042 NEW BRAUNFELS I S D	0.844
1044	0
1045 WEIDNER MICHAEL R TRUST	0.194
1046 WEIDNER MICHAEL R TRUST	0.194
1047 GRANZIN MILES & SUSAN	0.714
1047 GRANZIN MILES & SOSAN 1048 RULEY FAMILY TRUST	
	0
1049 MILBURN SUSAN C	0
1050 SLOVAK SUZANNE MARIE	0
1051 WYATT PATRICIA B	0
1292 NEW BRAUNFELS I S D	0.8474
1435 417 PROPERTIES LLC	0.419
1436 CRAIGMARK LP	0.422
1438 MOTT JANIE	0
1440 BASS RUTH STONE	0
1441 BASS GEORGE A JR	0
1442 POLLARD MICHAEL J	0
1443 SEALS FAMILY PROPERTIES LLC	0.856
1445 N B CONSERVATION SOCIETY INC	0.185
1446 N B CONSERVATION SOCIETY INC	0.185
1447 HRA WUESTS COMAL INVESTMENTS LLC	1.329
1448 W ANN THOMAS LLC	0
1449 BUSTOS DELIO & JUANITA	0
1450 MARTINEZ ARMANDO	0
1453 ERWACHSEN INVESTMENTS LLC	0.107
1456 PROVENANCE GROUP LLC	0.3154
1457 PROVENANCE GROUP LLC	0.361
1458 LEDV LLC	0.836
1459 MCCORKLE JUSTIN & AMANDA	0
1460 LEDV LLC	0.517
1461 TURNER JEFFERY S & MARIA G	0
1462 MCGURK GARY L & SUE	0
1463 CONFIDENTIAL	0
1464 EQUITY TRUST COMPANY	0
1465 RABE RICHARD	0
24297 COMAL COUNTY OF	1.849
30483 GLADDEN MICHAEL W	0
37068	0
44893	0
54551 ARCHDIOCESE OF S A	4.1198
	0.121
137586 SMITH SCOTT A & IRMA S	
145956 UDI	0.185
152413 NEW BRAUNFELS CITY OF	0.311
378489 VANN ROGER D	0
378490 SOUTHBANK SELF SERVICE INC	0
378760 CAVANAUGH EDWARD & CHARLOTTE FAMILY TRUST	0
410103 NEW BRAUNFELS CITY OF	1.281
411565	0





City Council Agenda Item Report 9/27/2021

550 Landa Street New Braunfels, TX

Agenda Item No. P)

PRESENTER:

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

SUBJECT:

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.

DEPARTMENT: Public Works

COUNCIL DISTRICTS IMPACTED: 4

BACKGROUND INFORMATION:

City Council unanimously approved the first 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 on September 13, 2021.

Staff received a written request from the High Cotton homeowner's association for a no parking zone 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 alley, a restriction on overnight parking on the west side of Hudson Lane from the alley in front of 911 Hudson to Bellesop Boulevard, in the alleys, and on the north side of Bellesop Boulevard. The request is to allow enough room for emergency vehicles to drive on the streets within the High Cotton subdivision.

Staff conducted a site visit and measured the street width on Hudson Lane and Bellesop Boulevard at 24 feet for both roadways. The New Braunfels Fire Department was contacted regarding their roadway width needs within this subdivision. The Fire Department stated that a parking restriction on one side of both Hudson Lane and Bellesop Boulevard would be enough to allow emergency vehicles to drive safely on these roads.

Parking along the west side of the entrance to the subdivision, Hudson Lane from Hanz Drive north to the intersection with the first alley, is already restricted for a distance of 30 feet from the stop sign on Hudson Lane at Hanz Drive. However, parking restriction signs are not posted at this time because it is not standard practice to post them for every stop sign within the city.

The alleys within the High Cotton subdivision are private; therefore, an ordinance cannot be used to restrict parking in these locations.

A street area layout showing the proposed no parking zone and photos of vehicles parked in the area submitted by the HOA are attached.

ISSUE:

The High Cotton HOA has requested restricted parking within their subdivision due to concerns about available width for emergency vehicles.

FISCAL IMPACT:

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

RECOMMENDATION:

Transportation and Traffic Advisory Board

Transportation and Traffic Advisory Board unanimously recommended approval of a no parking zone on the east side of Hudson Lane from Hanz Drive to Bellesop Boulevard, west side of Hudson Lane from Hanz Drive to the intersection with the first alleyway, and on the north side of Bellesop Boulevard at their August 12, 2021 meeting.

Staff

Staff recommends a no parking zone on the east side of Hudson Lane from Hanz Drive to Bellesop Boulevard, west side of Hudson Lane from Hanz Drive to the intersection with the first alleyway, and on the north side of Bellesop Boulevard.





ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-346 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.

WHEREAS, after engineering and field investigation, the Transportation and Traffic Advisory Board and the City Engineer have recommended that traffic control signs be installed on certain streets, avenues, thoroughfares and boulevards within the corporate limits of the City of New Braunfels in order to protect the health, safety and welfare of the citizens.

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

I.

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

- (135) On the east side of Hudson Lane from Hanz Drive to Bellesop Boulevard.

 Such no parking zone shall be designated as a tow away zone.
- (136) On the west side of Hudson Lane from Hanz Drive to the intersection with the first alleyway. Such no parking zone shall be designated as a tow away zone.
- (137) On the north side of Bellesop Boulevard. Such no parking zone shall be designated as a tow away zone.

II.

THAT the Public Works Department is directed to obtain and install the traffic control signs in the locations as set forth in this ordinance, and is directed to maintain the signs in a manner that provides for the health, welfare and safety of the citizens of New Braunfels.

III.

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate or affect the remaining provisions hereof which will be and remain in full force and effect.

IV.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First r	eading this the day of
2021.	
PASSED AND APPROVED: Secon, 2021.	nd reading this the day of
(CITY OF NEW BRAUNFELS, TEXAS
_	
F	RUSTY BROCKMAN, MAYOR
ATTEST:	
CAITLIN KROBOT, CITY SECRETARY	
APPROVED AS TO FORM:	
VALERIA M. ACEVEDO, CITY ATTORNE	<u>=</u>



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

9/27/2021

Agenda Item No. Q)

PRESENTER:

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

SUBJECT:

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.

DEPARTMENT: Public Works

COUNCIL DISTRICTS IMPACTED: 5

BACKGROUND INFORMATION:

City Council unanimously approved the first 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 on September 13, 2021.

The River Operations Manager for the City of New Braunfels has requested that the locations in Prince Solms Park with existing yellow curb be added to the list of no parking zones in city ordinance. Yellow curb was historically used in New Braunfels to mark no parking zones, but is not enforceable. The requested new no parking zones will maintain adequate travel width on Liebscher Drive for emergency responders and allow staff to access the buildings within Prince Solms Park during the river season.

No parking zone signs were authorized by Keith Lane, Chief of Police, on June 22, 2021.

ISSUE:

Proposed parking restriction in Prince Solms Park at the following locations: (1) on both sides of Liebscher Drive from the intersection with S Liberty to the beginning of the paid parking spaces on both sides of Liebscher Drive, (2) on the south side of the Prince Solms Park parking lot, and (3) along the southwest side of Liebscher Drive from the 1-minute parking loading/unloading zone to the entrance to the Prince Solms Park parking lot.

FISCAL IMPACT:

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

RECOMMENDATION:

Transportation and Traffic Advisory Board

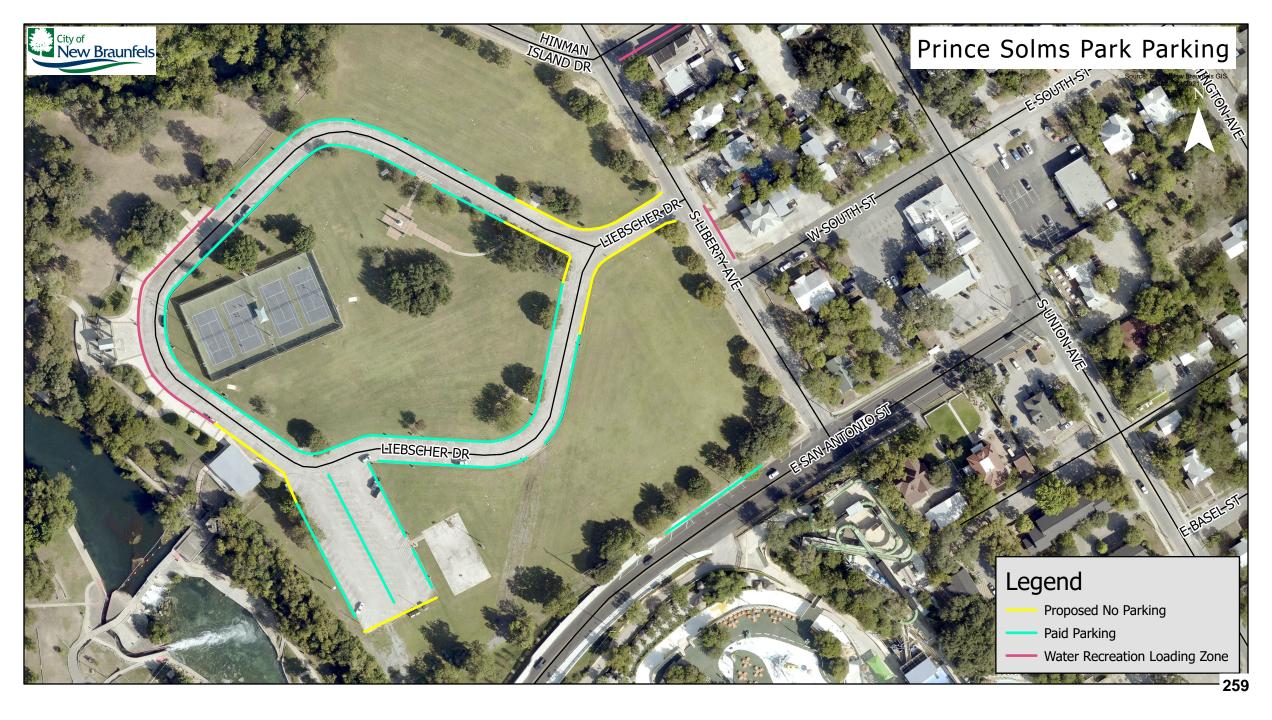
The Transportation and Traffic Advisory Board unanimously recommended establishing no parking zones in Prince Solms Park at their meeting on August 12, 2021.

Parks and Recreation Advisory Board

The Parks and Recreation Advisory Board unanimously recommended establishing no parking zones in Prince Solms Park at their meeting on July 20, 2021.

Staff

Staff recommends establishing no parking zones in Prince Solms Park at the following locations: (1) on both sides of Liebscher Drive from the intersection with S Liberty to the beginning of the paid parking spaces on both sides of Liebscher Drive, (2) on the south side of the Prince Solms Park parking lot, and (3) along the southwest side of Liebscher Drive from the 1-minute parking loading/unloading zone to the entrance to the Prince Solms Park parking lot.



ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-346 TO RESTRICT PARKING IN PRINCE SOLMS PARK.

WHEREAS, after engineering and field investigation, the Transportation and Traffic Advisory Board and the City Engineer have recommended that traffic control signs be installed on certain streets, avenues, thoroughfares and boulevards within the corporate limits of the City of New Braunfels in order to protect the health, safety and welfare of the citizens.

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

I.

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

- (132) On both sides of Liebscher Drive from the intersection with S Liberty to the beginning of the paid parking spaces on both sides of Liebscher Drive.

 Such no parking zone shall be designated as a tow away zone.
- (133) On the south side of the Prince Solms Park parking lot. Such no parking zone shall be designated as a tow away zone.
- (134) On the southwest side of Liebscher Drive from the 1-minute parking loading/unloading zone to the entrance to the Prince Solms Park parking lot. Such no parking zone shall be designated as a tow away zone.

II.

THAT the Public Works Department is directed to obtain and install the traffic control signs in the locations as set forth in this ordinance, and is directed to maintain the signs in a manner that provides for the health, welfare and safety of the citizens of New Braunfels.

III.

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate or affect the remaining provisions hereof which will be and remain in full force and effect.

IV.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the day of
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



City Council Agenda Item Report 9/27/2021

550 Landa Street New Braunfels, TX

Agenda Item No. R)

PRESENTER:

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

SUBJECT:

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.

DEPARTMENT: Public Works

COUNCIL DISTRICTS IMPACTED: 2

BACKGROUND INFORMATION:

City Council unanimously approved the first 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 on August 23, 2021.

Engineering staff received a request to investigate Avery Parkway during school peak hours to add yellow center line pavement markings, crosswalks, and all-way stop control at the intersections with Conner Drive and Avery Ranch Drive. This request is related to speeding concerns and pedestrian safety. Avery Parkway is a twolane residential collector with a sidewalk on the north side of the street between Whispering Way and Avery Ranch Drive, and access to State Highway 46. Avery Ranch Drive is a minor collector with sidewalks and on the 2012 Regional Transportation Plan. Conner Drive is a two-lane local street with sidewalks. Avery Ranch Drive and Conner Drive are both currently stop controlled at their intersections with Avery Parkway. The speed limit on all streets is 30 mph.

Clear Spring Elementary School is located on Avery Parkway within the Avery Park subdivision. There is an existing school zone with static school zone signs on Avery Parkway at the intersection with Wood Drake to approximately 500 feet north of Conner Drive.

Traffic speed and volume data were collected on Thursday, October 29, 2020 for Avery Parkway near Avery Ranch Drive, outside of the currently posted school zone. The average daily traffic (ADT) on Avery Parkway was 1,899 vehicles per day (vpd) and the 85th percentile speed was 34 mph.

Crash data for 2018 through May 2021 was found through TxDOT's Crash Records Information System database. There were five (5) reported crashes on Avery Parkway between Whispering Way and Cypress Mill during this time. Two (2) crashes occurred in the daytime on weekdays. None of the five crashes appear to be speed related.

A site investigation was completed in September 2020 to evaluate vehicle and pedestrian traffic during morning and afternoon school peak times on Avery Parkway between Whispering Way and Avery Ranch Drive. School peak times are approximately 7 am to 7:30 am and 3 pm to 3:30 pm. The pavement width of Avery Parkway is

approximately 30 feet.

The Clear Spring Elementary School pedestrian route is on the sidewalk on the north side of Avery Parkway. A marked crosswalk with a police crossing guard during both morning and afternoon school peak times is present at Dorman Drive. The intersection of Avery Parkway and Dorman Drive is also controlled by an all-way stop. All children are gathered and escorted by teachers at afternoon release in a single-file line to this crosswalk location before crossing the street all together in one group. During this time, all vehicles are stopped at the intersection by the police officer for approximately 5-10 minutes before resuming normal operation. Several children walk and bike to school in the mornings, however pedestrian activity is much heavier in the afternoons leaving school - some getting picked up along Avery Parkway to skip the parent vehicle pick-up line, and some walking and biking home. The pedestrian route includes crossing Conner Drive and Avery Ranch Dr which currently do not have a marked crosswalks.

ISSUE:

Parents parallel park on Avery Parkway opposite the school, causing other vehicles to pass into the middle of Avery Parkway. Adequate sight distance is available for the street; however, vehicle maneuvers in the street may be an issue for oncoming traffic. Yellow center line pavement markings were requested on Avery Parkway to address this issue. Further evaluation is required to determine if parking restrictions are required in addition to the proposed centerline markings.

Pedestrians cross Avery Parkway on foot and bicycles to get to the sidewalk on the north side of Avery Parkway on their route to school, and the opposite path in the afternoons on their way home from school. The crossing locations at Conner Rd and Avery Ranch Dr are currently not marked and the Avery Ranch Dr crossing is outside of the existing posted school zone. The requested all-way stops were evaluated at Conner Rd and Avery Ranch Dr and not recommended at this time; however, marked crosswalks and associated signing are recommended. Additionally, the school zone is recommended to be extended to cover the crossing and proposed crosswalk at Avery Ranch Dr.

FISCAL IMPACT:

Sufficient funding is available in the FY 2021 approved streets and drainage budget for the installation of crosswalk markings on Avery Parkway at Avery Ranch Drive and on Conner Drive at Avery Parkway.

Total cost for pavement markings will be approximately \$2,000. The cost for signs will be approximately \$150 each.

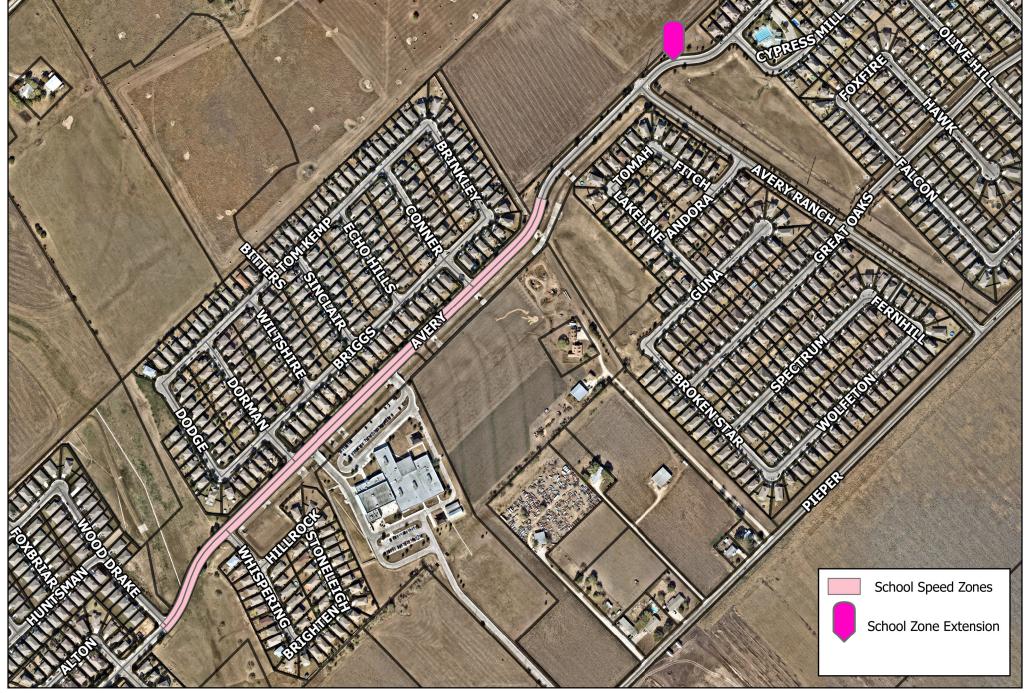
RECOMMENDATION:

Transportation and Traffic Advisory Board

Transportation and Traffic Advisory Board unanimously recommended approval at their July 8, 2021 meeting.

Staff

Staff recommends an extension of the existing school zone on Avery Parkway on the northeast side to 200 feet northeast of Avery Ranch Drive with no changes to time frames; installation of crosswalk markings on Avery Parkway at the intersection with Avery Ranch Drive; and installation of crosswalk markings on Conner Drive at the intersection with Avery Parkway.





School Zone on Avery Parkway





Traffic Study Summary

Date: June 17, 2021

Prepared By: Jessica Perry, E.I.T., Graduate Engineer

Request: All-way stops at Avery Parkway and Avery Ranch Drive and at Avery Parkway

and Conner Drive; crosswalks on Conner Drive at Avery Parkway and on Avery Parkway at Avery Ranch Drive; and yellow center line pavement markings on

Avery Parkway

Recommendation: Extension of the existing school zone on Avery Parkway; installation of a

crosswalk on Avery Parkway at Avery Ranch Drive; and installation of a

crosswalk on Conner Drive at Avery Parkway

Background

Engineering staff received a request to investigate Avery Parkway during school peak hours to consider adding yellow center line pavement markings, crosswalks, and all-way stop control at the intersections with Conner Drive and Avery Ranch Drive. Avery Parkway is a two-lane roadway classified as a local street and is the major street at these intersections at this time. Avery Ranch Drive is classified on the 2012 Regional Transportation Plan as a minor collector and is proposed to continue northwest outside of the Avery Ranch subdivision with development. Avery Ranch Drive and Conner Drive are both currently stop controlled at their intersections with Avery Parkway. Conner Drive is a two-lane local street. The speed limit on all streets is 30 mph.

Clear Spring Elementary School is located on Avery Parkway within the Avery Ranch subdivision. There is an existing school zone with static school zone signs on Avery Parkway at the intersection with Wood Drake to approximately 500 feet north of Conner Drive.



Figure 1. Avery Parkway from SH 46 to Cypress Mill

Guidance

Section 2B.04 of the *Texas Manual on Uniform Traffic Control Devices* (TMUTCD) provides support and guidance for right-of-way at intersections. The following TMUTCD guidance was considered for the allway stop control requests,

Once the decision has been made to control an intersection, the decision regarding the appropriate roadway to control should be based on engineering judgment. In most cases, the roadway carrying the lowest volume of traffic should be controlled.

Based on the existing traffic control and local street network, TMUTCD guidance from Section 2B.07 was used for engineering judgement. The attached multi-way stop evaluation details the specific criteria evaluated.

Sections 3B.01 and 3B.02 of the TMUTCD provide support and guidance for the application of yellow center line and no-passing zone pavement markings and warrants, respectively. The following TMUTCD guidance was considered for the yellow center line pavement marking request,

Center line markings should be placed on paved urban arterials and collectors that have a traveled way of 20 feet or more in width and an ADT of 4,000 vehicles per day or greater.... Center line markings should also be placed on other traveled ways where an engineering study indicates such a need.

On two-way, two- or three-lane roadways where center line markings are installed, no-passing zones shall be established at vertical and horizontal curves and other locations where an engineering study indicates that passing must be prohibited because of inadequate sight distances or other special conditions.

Section 3B.18 of the TMUTCD provides guidance for the installation of crosswalks,

An engineering study should be performed before a marked crosswalk is installed at a location away from a traffic control signal or an approach controlled by a STOP or YIELD sign. The engineering study should consider the number of lanes, the presence of a median, the distance from adjacent signalized intersections, the pedestrian volumes and delays, the average daily traffic (ADT), the posted or statutory speed limit or 85th-percentile speed, the geometry of the location, the possible consolidation of multiple crossing points, the availability of street lighting, and other appropriate factors.

Section 7C.02 of the TMUTCD provides support and guidance for the establishment of crosswalk markings at intersections to mark designated pedestrian routes to schools.

Crosswalks should be marked at all intersections on established routes to a school where there is substantial conflict between motorists, bicyclists, and student movements; where students are encouraged to cross between intersections; where students would not otherwise recognize the proper place to cross; or where motorists or bicyclists might not expect students to cross.

Crosswalk lines should not be used indiscriminately. An engineering study considering the factors described in Section 3B.18 should be performed before a marked crosswalk is installed at a location away from a traffic control signal or an approach controlled by a STOP or YIELD sign.

Crash History

Traffic crash data for 2018 through May 2021 was found through TxDOT's Crash Records Information System. There were five (5) reported crashes on Avery Parkway between Whispering Way and Cypress Mill during this time. Two (2) crashes occurred in the daytime on weekdays. One crash was due to assault between the driver and passenger, causing them to crash into a light pole; the other involved a

6-year-old running into a car with his bike. The remaining three (3) of the five were at night. Two involved impaired judgement due to drugs or alcohol; the third involved an unlicensed, teen driver with diverted attention who ran into a fence. None of the five crashes seem to be speed related.

Data Collection

Traffic speed and volume data were collected on Thursday, October 29, 2020 for Avery Parkway at Avery Ranch Drive. The average daily traffic (ADT) on Avery Parkway was 1,899 vehicles per day (vpd) and the 85th percentile speed was 34 mph. The ADT on Avery Ranch Drive near the intersection with Avery Parkway was 672 vpd.

Site Investigation

A site investigation was completed in September 2020 to evaluate vehicle and pedestrian traffic during morning and afternoon school peak times on Avery Parkway between Whispering Way and Avery Ranch Drive(see Figure 1). School peak times are approximately 7 am to 7:30 am, and 3 pm to 3:30 pm. Pavement width of Avery Parkway is approximately 30 feet.

Parents parallel park southwest-bound on Avery Parkway opposite the school, causing other vehicles to go into the middle of Avery Parkway in order to go around them (see Figure 2 below). However, Avery Parkway does not have vertical or horizontal curves in front of the school, so these vehicles do have adequate sight distance for these maneuvers.



Figure 2. Parallel-parked parent during PM pick-up

There is a horizontal curve on Avery Parkway northeast of Avery Ranch Drive as seen in Figure 3 below. The south side of Avery Parkway west of the intersection with Avery Ranch Drive does not have a sidewalk. Children cross Avery Parkway on foot and bicycles to get to the sidewalk on the north side of Avery Parkway on their route to school, and the opposite path in the afternoons on their way home

from school. The crossing location is currently not marked and outside of the existing posted school zone.



Figure 3. Avery Parkway looking northeast at Avery Ranch Drive

Conner Drive is approximately 150 feet northeast of the northernmost school driveway. A sidewalk exists spanning the entire length of the north side of Avery Parkway, however the sidewalk on the south side of the street ends at the northernmost school driveway (Figures 2 and 4). Little to no traffic was observed turning onto or out of Conner Drive at Avery Parkway during both the morning and afternoon school peak times. This intersection is stop controlled on Conner Drive, and vehicles do not appear to have a problem approaching the intersection slowly or stopping at the stop sign. Based on the observations conducted, children do not have any issues crossing Conner Drive without a marked crosswalk.



Figure 4. Avery Parkway at Conner Drive



Figure 5. Conner Drive at Avery Parkway Looking Northeast

A marked crosswalk with police crossing guard during both morning and afternoon school peak times is present across Avery Parkway at Dorman Drive (Figure 6). The intersection of Avery Parkway and Dorman Drive is controlled by an all-way stop. All children are gathered and escorted by teachers at afternoon release in a single-file line to this crosswalk location before crossing the street all together in one group. During this time, all vehicles are stopped at the intersection by the police officer for approximately 5-10 minutes before resuming normal operation. In the mornings just as well as afternoons, children all appear to use only the existing crosswalk at Dorman Drive in order to cross Avery Parkway to get to the school.



Figure 6. Marked Crosswalks at Avery Parkway and Dorman Drive

The northeastern corner of Dorman Drive at Avery Parkway also serves as a bus stop for another school, likely middle school. Children can be seen in Figure 7 waiting near the stop sign at this corner for morning bus pick-up. Avery Parkway carries majority of the pedestrian traffic, but Briggs Drive – parallel to and north of Avery Parkway – serves some pedestrian traffic too. Several children walk and bike to school in the mornings, however pedestrian activity is much heavier in the afternoons leaving school – some getting picked up along Avery Parkway to skip the parent vehicle pick-up line, and some walking and biking home.



Figure 7. Children waiting for the bus at Avery Parkway and Dorman Drive

During the morning peak time, parents enter and exit the school parking lot for drop-off using the northeastern driveway while the buses use the southwestern driveway. In the afternoons, the driveway functions switch, where the parents use the southwestern driveway and the buses use only the northeastern driveway. The parent line is long as is usual and can be expected at an elementary school, but traffic does appear to function smoothly. Figure 8 shows the parent drop off line during the morning peak time.



Figure 8. Two-lane utilization at northeast school driveway during morning drop-off

Recommendations

Avery Parkway was evaluated for yellow center line pavement markings following the guidance in the TMUTCD and does not currently meet any warrants based on ADT or sight distance issues. However, vehicle maneuvers in the street may be an issue for oncoming traffic. Further evaluation is required to determine if parking restrictions are required in addition to the proposed centerline markings.

The intersection of Avery Parkway and Avery Ranch Drive was evaluated for an all-way stop following the guidance in the TMUTCD. It does not currently meet any of the warrants for an all-way stop (see multi-way stop evaluation attached).

Data was not collected for the intersection of Avery Parkway and Conner Drive for the requested all-way stop. Staff did not conduct a full all-way stop warrant analysis because of the large difference in traffic

volumes between the two roadways. None of the other non-volume all-way stop warrants from the TMUTCD were met and an all-way stop is not recommended for this intersection at this time. A crosswalk will be installed on Conner Drive at Avery Parkway because it is a part of the school route.

Based on the site investigation and engineering judgement, it is recommended that the existing school zone on Avery Parkway be extended on the northeast side to 200 feet northeast of Avery Ranch Drive with no changes to time frames. Also, crosswalk markings are recommended at this time on Conner Drive at the intersection with Avery Parkway, and on Avery Parkway at Avery Ranch Drive with a School Crossing Assembly with downward-pointing arrow (S1-1; SW16-7P) at both approaches of the crosswalk on Avery Parkway.



Figure 8. Recommended school zone extension on Avery Parkway

Attachments

Multi-way Stop Application Evaluation – Avery Parkway and Avery Ranch Drive

Sec. 126-136. - Speed zones—Twenty miles per hour on school days—Thirty miles per hour at other times.

(a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted hours or when the school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on each scheduled school day during every authorized school term, in excess of 20 miles per hour; and 30 miles per hour at every other time:

Avery Parkway between 570 feet south of Whispering Way and 535 200 feet north of Conner Drive Avery Ranch Drive;

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-136 (a) OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO EXTEND A SCHOOL SPEED ZONE ON AVERY PARKWAY.

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

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

I.

THAT the City of New Braunfels Code of Ordinances Section 126-136 (a) is hereby amended as follows:

(a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted hours or when the school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on each scheduled school day during every authorized school term, in excess of 20 miles per hour; and 30 miles per hour at every other time:

Avery Parkway between 570 feet south of Whispering Way and 200 feet north of Avery Ranch Drive.

II.

THAT the Public Works Department is directed to obtain and install the traffic control signs in the locations as set forth in this ordinance, and is directed to maintain the signs in a manner that provides for the health, welfare and safety of the citizens of New Braunfels.

III.

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate or affect the remaining provisions hereof which will be and remain in full force and effect.

IV.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: Second reading this the day of, 2021. CITY OF NEW BRAUNFELS, TEXAS RUSTY BROCKMAN, MAYOR ATTEST: CAITLIN KROBOT, CITY SECRETARY APPROVED AS TO FORM:	PASSED AND APPROVED: First reading this the day of
CITY OF NEW BRAUNFELS, TEXAS RUSTY BROCKMAN, MAYOR ATTEST: CAITLIN KROBOT, CITY SECRETARY APPROVED AS TO FORM:	2021.
CITY OF NEW BRAUNFELS, TEXAS RUSTY BROCKMAN, MAYOR ATTEST: CAITLIN KROBOT, CITY SECRETARY APPROVED AS TO FORM:	
CITY OF NEW BRAUNFELS, TEXAS RUSTY BROCKMAN, MAYOR ATTEST: CAITLIN KROBOT, CITY SECRETARY APPROVED AS TO FORM:	PASSED AND APPROVED: Second reading this the day of
ATTEST: CAITLIN KROBOT, CITY SECRETARY APPROVED AS TO FORM:	, 2021.
ATTEST: CAITLIN KROBOT, CITY SECRETARY APPROVED AS TO FORM:	
ATTEST: CAITLIN KROBOT, CITY SECRETARY APPROVED AS TO FORM:	CITY OF NEW BRAUNFELS. TEXAS
ATTEST: CAITLIN KROBOT, CITY SECRETARY APPROVED AS TO FORM:	
ATTEST: CAITLIN KROBOT, CITY SECRETARY APPROVED AS TO FORM:	
ATTEST: CAITLIN KROBOT, CITY SECRETARY APPROVED AS TO FORM:	PUSTY BROCKMAN MAYOR
CAITLIN KROBOT, CITY SECRETARY APPROVED AS TO FORM:	NOST I BROCKWAN, WATOR
CAITLIN KROBOT, CITY SECRETARY APPROVED AS TO FORM:	ATTEST:
APPROVED AS TO FORM:	7.11201.
APPROVED AS TO FORM:	
APPROVED AS TO FORM:	CAITLIN KROPOT CITY SECRETARY
	CAITLIN KROBOT, CITT SECRETART
	APPROVED AS TO FORM:
VALERIA M. ACEVEDO, CITY ATTORNEY	VALERIA M. ACEVEDO, CITY ATTORNEY



550 Landa Street New Braunfels, TX



9/27/2021

Agenda Item No. A)

PRESENTER:

Jared Werner, Chief Financial Officer

SUBJECT:

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

DEPARTMENT: Finance

COUNCIL DISTRICTS IMPACTED: Citywide

BACKGROUND INFORMATION:

City Council held work sessions on the FY 2022 Budget and tax rates on August 9, 10,12, and 16.

In order for property owners in the State of Texas to be informed of any increases in their property values, truth -in-taxation requirements were embodied in the Texas Constitution and the Tax Code. Taxing units are required to calculate the No New Revenue (effective) tax rate and the Voter Approval (rollback) tax rate after receiving the certified appraisal roll from the chief appraiser.

The No New Revenue tax rate is the total tax rate needed to raise the same amount of property tax revenue from the same properties in both the 2020 tax year and 2021 tax year. The Voter Approval tax rate (VAR) is the highest tax rate the City may adopt before a mandatory election is triggered. Previously, when an entity presented a rate above this threshold, voters would then be entitled to petition for an election to limit the rate that may be approved. In addition to this change, the VAR threshold on the increase to Operations and Maintenance (O&M) taxes was reduced from 8% to 3.5%.

The proposed tax rate of 47.5376 cents is a .8 cent decrease from last year. The two components that make up the rate have been modified as well. The Interest & Sinking (I&S - debt service) portion of the rate totals 22.7983 cents while the Operations & Maintenance (O&M - General Fund) portion of the rate totals 24.7393 cents. The total rate of 47.5376 is equal to the Voter Approval tax rate for this year as well. As a result of the Voter Approval calculation, the O&M (General Fund) portion of the rate decreases by nearly .8 cents. The I&S Rate remains at the same level as last year, which will provide sufficient revenue to support debt service payments for all existing and recently approved debt obligations. The two most recent issuances were approved at the August 16th Budget Workshop which will support the 2019 Bond Projects as well as provide funding for preliminary engineering for potential 2023 Bond Projects. Following is a summary of the tax rate calculations completed by the Comal County Tax Office.

PROPOSED TAX RATE	\$0.475376 PER \$100
PRECEDING YEAR'S TAX RATE	\$0.483194 PER \$100
No New Revenue (EFFECTIVE) TAX RATE	\$0.449967 PER \$100

Voter Approval (ROLLBACK) TAX RATE \$0.475376 PER \$100

State law requires that a public hearing be held by the governing body before adopting the final tax rate. These hearings will be held on September 9, 2021 and September 27, 2021.

ISSUE:

Strategic Priorities: 8-Maintain fiscal stability of City operations.

FISCAL IMPACT:

The proposed ad valorem tax revenues generated by the proposed tax rate provide funding for the FY 2022 Budget in the General Fund and Debt Service Fund.

RECOMMENDATION:

Staff recommends City Council set the proposed tax rate with a record vote.



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

9/27/2021

Agenda Item No. B)

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

SUBJECT:

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

BACKGROUND / RATIONALE:

City Council held work sessions on the FY 2022 Budget and tax rates on August 10, 12, and 16, 2021. As required by Texas Local Government Code, a public hearing on the budget was also held on September 9, 2021.

The attached ordinance includes the budget order as well. The budget order document describes how the budget will be controlled and managed throughout the fiscal year. At last, the budget order also includes a memo which describes any changes recommended to the proposed budget prior to adoption. The FY 2022 Proposed Operating Budget and Plan of Municipal Services document is adopted with the ordinance, budget order as well as the memo which covers any changes recommended by staff.

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

X	Yes	City Plan/Council Priority	Strategic Priorities: Maintain fiscal stability of City
			operations

FISCAL IMPACT:

The FY 2022 Operating Budget and Plan of Municipal Services will provide funding for all programs and projects for the new fiscal year.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the first reading of the budget ordinance for the FY 2022 Budget.

ORDINANCE NO. 2021-

AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE CITY OF NEW BRAUNFELS FOR THE FISCAL YEAR 2022; MAKING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; AND REGULATING THE PAYMENT OF MONEY OUT OF THE CITY TREASURY.

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

- <u>SECTION 1</u>. The annual budget as more detailed in the attached document <u>City of New Braunfels FY 2022 Proposed Budget and Plan of Municipal Services</u> by reference and made a part hereof; and the attached <u>Budget Order</u> (including attachments) are hereby ratified and adopted as the budget for Fiscal Year 2022.
- SECTION 2. The amounts documented in the <u>City of New Braunfels FY 2022 Proposed Budget and Plan of Municipal Services</u> are hereby appropriated subject as hereinafter set forth in this ordinance for use in maintenance and support of the departments and divisions of the City's government and for the purposes hereinafter mentioned for the fiscal year beginning October 1, 2021 and ending September 30, 2022.
- <u>SECTION 3</u>. That revenues included in the <u>City of New Braunfels FY 2022 Proposed Budget and Plan of Municipal Services</u> shall be used to fund the City's required expenditures for FY 2022. The amount of revenue raised by taxation shall constitute a determination of the amount of levy for the City's purposes in the corresponding tax year.
- <u>SECTION 4</u>. That expenditures of funds for the City of New Braunfels shall hereafter be made in conformance with this budget as adopted; and as set forth in the Charter and ordinances of the City of New Braunfels, Texas.
- <u>SECTION 5</u>. This ordinance shall become effective immediately upon its passage as provided by the Charter.

PASSED AND APPROVED: First reading this the 9th day of September, 2021.

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

BY:
Rusty Brockman, Mayor
ATTEST:
Caitlin Krobot, City Secretary
APPROVED AS TO FORM:
VALERIA ACEVEDO, City Attorney

CITY OF NEW BRAUNFELS, TEXAS

Budget Order

City of New Braunfels FY 2022 Budget

For the period October 1, 2021 through September 30, 2022

Approval of the FY 2022 Budget

City Council approves the FY 2022 Budget as filed with the City Secretary.

Authorized Positions and Salaries

The positions listed in the FY 2022 Budget document under each department or division are the authorized positions for FY 2022. These lists include seasonal, part time regular and part time positions but not temporary positions. Temporary positions are approved during the year at the City Manager's discretion and depend on available budgeted funds. Any increase in the authorized number of positions requires City Council approval.

Salary increases are authorized for FY 2022 and unless otherwise directed by the City Manager, will be effective January 28, 2022. Uniform employees are also eligible for step pay plan adjustments. Step pay plan increases are effective on the employee's anniversary in their current position.

The FY 2022 Budget, as adopted by City Council, controls expenditures by fund, department and at the group level for all funds in these categories. These groups are:

Employee Expenses
Operations Expenses
Capital Expenses
Interfund Transfers
Debt Service
Contingencies

This means that, although funds are allocated into individual line items in each budget and those line-item allocations are adopted as part of the FY 2022 Budget, departments have flexibility in expensing these funds within the group. As long as the total appropriation for a group (for example employee expenses) is not exceeded, one or more-line items in the group (for example certification pay) may exceed its budget allocation. Operating (recurring) and Equipment and Initiatives (one-time), shown separately in the budget appropriations, are considered part of one appropriation - Operations Expenses - for budget control purposes. In the proposed budget document, funding for resource requests are separated from the other expenditure categories. This funding will be incorporated into the adopted budget document in the appropriate expenditure category i.e. employee, operating, capital expenditures.

In the CDBG, Special Revenue, Grants Funds, EARIP/HCP Fund and New Braunfels Economic Development Corporation (NBEDC) Budget, appropriations are controlled at the project level. As the Council accepts federal entitlements and grants, as donations are received from outside sources, and as projects are approved, those proceeds are appropriated and available to departments and to NBEDC to expend for identified City purposes and needs. As projects are completed, appropriations are reconciled to match the actual expenditure, to ensure that funds aren't expended up and above the intent of the specific allocation.

Capital Improvement Funds (as listed in the designated section of the FY 2022 Budget document)

Capital improvement funds are controlled at the project level. Expenditures within the individual projects may span fiscal years. However, budgetary control is not exercised by fiscal year; it is by the total project cost and total project expenditures. This provides a more realistic approach to budgetary control for these types of activities.

Budget Amendment Process

The budget may be changed through a budget transfer or a budget amendment only through an action of the City Manager (transfers) or City Council (amendments). Transfers move appropriations within a fund from one of the appropriation groups listed above to another of those groups, for example from operations expenses to capital expenses. These transfers most often occur within one department but can occur between departments within the same fund. The City Manager has the discretion to approve budget transfers. Budget amendments generally reflect changes in revenues and may allocate additional funds into a budget expenditure appropriation. Staff prepares an agenda item for Council consideration that describes the proposed budget amendment. A vote by the majority of the Council is required for approval of a budget amendment.

Authority of the City Manager

The City Manager and his authorized and designated employees, at his direction, are authorized to sign or release easements, airport leases, permits, and licenses; to authorize change orders in the amount of \$50,000 or less; to sign interlocal agreements as authorized by state law; to sign documents authorizing the payment of funds, and to expend public funds as authorized by state law unless otherwise authorized by the City Council; to settle paving assessment, weed mowing, demolition, and other disputes based on legal questions of whether the assessments are enforceable or other extenuating factual circumstances. The City Manager is authorized to adjust compensation, within Council policy direction, of any City employee when in his discretion an adjustment needs to be made to hire or retain qualified personnel. The City Manager is authorized to hire temporary employees when needed and if sufficient funds are available within the adopted budget. The intent of this section is to provide the ability to conduct daily affairs of the City, which involves numerous decisions of a routine nature, and to hire and retain qualified personnel.

City Council Approval

The City Council hereby approves grants and contracts that are set out by this budget and authorizes the City Manager and his authorized and designated employees, at his discretion, to sign said federal, state, and other such grant and contract documents, including interlocal agreements, on behalf of the City. The funds for said contracts, agreements, and purchases are hereby approved and appropriated. The intent of this section is to approve and simplify the grant process and approve expenditures that are exempt from the Purchasing and Contracting Authority of Municipalities, Chapter 252 of the Local Government Code.

ATTACHMENT 1

To: City Council

From: Jared Werner, Chief Financial Officer

Date: September 9, 2021

Subject: Recommended Changes to the FY 2022 Proposed Budget

After further staff review of the FY 2022 Proposed Budget document submitted to the City Council for their consideration, the following changes are recommended.

 General Fund – The Proposed Budget included 3 months of operating costs for the new Police Department Headquarters, which included a Custodial position as well as operating costs such as janitorial supplies, landscaping, etc. The Proposed Budget captured all the cost in the Police Department Budget. This amendment will allocate the appropriate funding from the Police Department to the Public Works and Parks Department for all non-PD related expenses. There is no fiscal impact to this amendment.

New Police Department Headquarters		
Decrease Police Dept operating expenditures	\$41,224	
Increase Parks and Rec operating expenditures \$5,000		
Increase Public Works operating expenditures	\$36,224	

2. General Fund – The Proposed Budget included funding for a custodial contract within the Das Rec operating budget. As the budget was finalized, city staff was in the process of determining whether to maintain this service under contract or internalize the service with additional staff. As a result of various service issues and deficiencies, City staff have determined it is necessary to cancel the current custodial contract. As a result, this amendment will decrease the Das Rec operating budget to allow for the creation of a new Custodial position (1 FTE).

Parks and Recreation		
Decrease operating expenditures	\$40,000	
Increase salary expenditures	\$40,000	

Das Rec Custodian

FY 2020 Actuals	FY 2021 Actuals		FY 2022 Adopted Budget	
2		2		3

3. Enterprise Funds – When the final numbers for the proposed document were developed, there was a formulaic error within the Enterprise Funds budget. The error specifically removed the funding for FICA and TMRS (retirement) benefit expenditures. To address the miscalculation, the following increases to employee expenditure budgets are recommended to be included in the Adopted Budget so that benefit costs are accurately budgeted.

Increase Employee Expenditures		
Solid Waste	\$676,649	
Golf Course	\$141,863	
Civic/Convention Center Fund	\$90,066	
Airport Fund	\$111,286	

4. Solid Waste – The Proposed Budget included four additional Solid Waste Operators to allow the residential division to reestablish the number of stops per route in line with industry standards. Three of the new automated side load collection vehicles will be purchased from the Solid Waste Fund, while the fourth will be purchased from the Enterprise Equipment Replacement Fund. After the proposed budget was presented to City Council, staff determined there was an error in the amount allocated for the three vehicles to be purchase from the Solid Waste Fund. The increase referenced below will allocate the additional funds needed to purchase all three vehicles within the Solid Waste fund. The impact to the Fund Balance from the increase will be immaterial. The FY 2022 Adopted Fund Balance is still well above the 25% target required by policy.

Solid Waste	
Increase Capital expenditures	\$565,394



City Council Agenda Item Report 9/27/2021

550 Landa Street New Braunfels, TX

Agenda Item No. C)

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

SUBJECT:

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

BACKGROUND / RATIONALE:

City Council held work sessions on the FY 2022 Budget and tax rates on August 10, 12 and 16.

The proposed tax rate of 47.5376 cents is a .8 cent decrease from last year. The Interest & Sinking (I&S - debt service) portion of the rate totals 22.7983 cents while the Operations & Maintenance (O&M - General Fund) portion of the rate totals 24.7393 cents. The total rate of 47.5376 cents is equal to the Voter Approval tax rate for this year as well. As a result of the Voter Approval calculation, the O&M (General Fund) portion of the rate decreases by nearly .8 cents. The I&S Rate remains at the same level as last year, which will provide sufficient revenue to support debt service payments for all existing and recently approved debt obligations. The two most recent issuances were approved at the August 16th Budget Workshop which will support the 2019 Bond Projects as well as provide funding for preliminary engineering for potential 2023 Bond Projects. Following is a summary of the tax rate calculations completed by the Comal County Tax Office.

PROPOSED TAX RATE	\$0.475376 PER \$100
PRECEDING YEAR'S TAX RATE	\$0.483194 PER \$100
NO NEW REVENUE TAX RATE	\$0.449967 PER \$100
VOTER APPROVAL TAX RATE	\$0.475376 PER \$100

State law requires that a public hearing be held by the governing body before adopting the final tax rate.

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

X	Yes	City Plan/Council Priority	Strategic Priorities: Maintain fiscal stability of City
			operations

FISCAL IMPACT:

The ad valorem tax revenues provide funding for the FY 2022 Budget in the General Fund and Debt Service Fund.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the first reading of the tax ordinance for the 2021 ad valorem tax rates.

ORDINANCE NO. 2021-

TAX LEVY ORDINANCE

AN ORDINANCE LEVYING TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF NEW BRAUNFELS AND FOR THE TAX DEBT SERVICE FUND FOR PAYMENT OF INTEREST AND PRINCIPAL REQUIREMENTS FOR THE FISCAL YEAR OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022

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

- SECTION 1. That there is hereby levied and there shall be collected for the use and benefit of the City's General Operating Fund during the Fiscal Year 2022, the sum of \$0.247393 on each One Hundred Dollars (\$100.00) of the assessed valuation of taxable property, real, personal and mixed, of said City of New Braunfels, which taxes, when collected, shall be paid into the City's General Operating Fund in the City Treasury. In accordance with the provisions and requirements of Section 26.05 (b) (1) of the Texas Property Tax Code, as amended, the City Council hereby states that THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.
- SECTION 2. That there is hereby levied and there shall be collected for the use and benefit of the City's Tax Debt Service Fund during the Fiscal Year 2022, the sum of \$0.227983 on each One Hundred Dollars (\$100.00) of the assessed valuation of taxable property, real, personal and mixed, of said City of New Braunfels, which taxes, when collected, shall be paid into the City's Debt Service Fund.
- SECTION 3. That the governing body of the City of New Braunfels proposes to use the revenue attributable to the tax rate increase for the purpose of funding increases to support increased General Fund service demands, meet the city's debt service commitments as well as other increased expenses related to the growth of the community.
- SECTION 4. That for the use and support of the Fiscal Year 2022 Budget, the total tax levy of \$0.475376 on every One Hundred Dollars (\$100.00) assessed valuation of taxable property in the City of New Braunfels as listed and rated above, shall become due and payable on/about October 1st, 2021, and become and be considered delinquent if not paid by January 31st, 2022. In

accordance with the provisions and requirements of Section 26.05 (b) (1) of the Texas Property Tax Code, as amended, the City Council hereby states that THE TOTAL TAX RATE WILL EFFECTIVELY BE RAISED BY 5.6 PERCENT.

THE OPERATIONS AND MAINTENACE PORTION OF THE RATE WILL EFFECTIVELY BE RAISED BY 3.1% AND WILL INCREASE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$7.46.

After January 31, 2022, such taxes shall become delinquent, and the penalty and interest designated herein shall be collected for each month or portion of month that the delinquent taxes remain unpaid:

	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	
Penalty	['] 6	7	8	9	10	12	12	12	12	12	12	12	
Interest	: 1	2	3	4	5	6	7	8	9	10	11	12	
Total	7%	9%	11%	13%	15%	18%	19%	20%	21%	22%	23%	24%	

The rate of interest to be collected on delinquent taxes shall be one percent (1%) per month for each month they remain unpaid. On July 1, the total penalty incurred on delinquent taxes shall be twelve percent (12%) without regard to the number of months the tax is delinquent. Accrual of interest at one percent (1%) per month for each month taxes remain unpaid shall continue to accrue until taxes are paid.

Further, after July 1, 2022, an additional Tax Attorney Fee in the amount of fifteen percent (15%) shall be added to penalty and interest as set forth herein on all delinquent taxes forwarded to the designated Delinquent Tax Attorney for collection of said delinquent taxes.

SECTION 5. All monies collected under this Ordinance for the specific items herein named, be and the same are hereby appropriated and set apart for the specific purposes indicated in such items and that the Assessor-Collector of Taxes, the City Secretary and the City Treasurer shall keep these accounts so as to readily and distinctly show the amount collected, the amounts expended and the amount on hand at any time, belonging to such funds, it is hereby made the duty of the Tax Assessor-Collector of Taxes and every person collecting money for the City of New Braunfels, Texas, for delivery to the City Treasurer and the City Secretary at the time of depositing monies, a statement showing to what funds such deposit shall be made and from what sources received. All receipts for the City not specifically apportioned by this Ordinance are hereby made payable to the General Operating Fund of the City.

SECTION 6. THE	recorded vote on this O	rumance was as n	JIIOWS.	
			1 st Reading	2 nd Reading
District One	Council Member Sha	ne Hines		
District Two	Mayor Pro Tem Justin	n Meadows		
District Three	Council Member Hari	ry Bowers		
District Four	Council Member Law	rence Spradley		
District Five	Council Member Jaso	on Hurta		
District Six	Councilmember Jame	es Blakey		
	Mayor Rusty Brockma	an		
	t all ordinances and pa by repealed.	rts of ordinances	in conflict be	and same are
	ordinance shall becondided by the Charter.	ne effective imme	diately upon i	ts passage as
PASSED AND A	PPROVED: First reading	g this the 9 th day o	f September, 2	2021.
PASSED AND A	PPROVED: Second read	ding this the 27 th d	ay of Septemb	oer, 2021.
	C	CITY OF NEW BR	AUNFELS, TE	EXAS
		BY:		
	•		kman, Mayor	
ATTEST:				
Caitlin Krobot, C	ity Secretary	_		
APPROVED AS	ΓO FORM:			
VALERIA ACEVE	EDO, City Attorney	_		

Page 4 of 3



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

9/27/2021

Agenda Item No. D)

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

SUBJECT:

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.

BACKGROUND / RATIONALE:

Texas Local Government Code Section 102.007 requires the City Council take a vote to ratify the increase in revenue generated by the 2021 property tax rate. This vote is in addition to and separate from the vote to adopt the budget or to set the tax rate as required by Chapter 26 of the Tax Code.

This resolution ratifies and acknowledges that the adoption of the FY 2022 Annual Budget will require raising more revenue from property tax revenue than in the previous year. This budget will raise more total property taxes than last year's budget by \$2,709,337 or 6.4%, and of that amount \$1,339,530 is tax revenue to be raised from new property added to the tax roll this year.

The increase in revenue is required to fund the programs and services as outlined in the Proposed Budget. The tax rate is effectively 5.6% more than the no new revenue tax rate, which is the rate required to collect the same amount of revenue on the same properties that were on the rolls last year.

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

X	7	Yes	City Plan/Council Priority	Strategic Priorities: Maintain fiscal stability of
				City Operations

FISCAL IMPACT:

The ad valorem tax revenues provide funding for the FY 2022 Budget in the General Fund and Debt Service Fund.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the resolution ratifying the increase in revenue generated by the 2021 property tax rate included in the FY 2022 Annual Budget.

RESOLUTION NO. 2021-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, RATIFYING THAT THE ADOPTION OF THE FY 2022 ANNUAL BUDGET WILL REQUIRE RAISING MORE REVENUE FROM PROPERTY TAXES THAN IN THE PREVIOUS YEAR.

WHEREAS, the Legislature of the State of Texas has amended Section 102.007 of the Local Government Code: and

WHEREAS, a separate vote of the City Council is required to ratify that the adoption of the FY 2022 Annual Budget will require raising more revenue from property taxes than the previous year; and

WHEREAS, this resolution represents such action;

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

- <u>SECTION 1</u>. The facts and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.
- SECTION 2. The Tax Year 2021 notification statement that states, "This Budget will raise more total property taxes than last year's budget by \$2,709,337 or 6.4%, and of that amount \$1,339,530 is tax revenue to be raised from new property added to the tax roll this year" has been made."
- SECTION 3. The Mayor is hereby authorized to sign this resolution and the City Secretary to attest. This resolution shall be effective immediately upon adoption.

Caitlin Krobot, Cit	y Secretary
ATTEST:	
	Rusty Brockman, Mayor
	BY:
	CITY OF NEW BRAUNFELS, TEXAS
PASSED AND APP	PROVED: This the 27 th day of September, 2021.
	Mayor Rusty Brockman
District Six	Councilmember James Blakey
District Five	Councilmember Jason Hurta
District Four	Councilmember Lawrence Spradley
District Three	Councilmember Harry Bowers
District Two	
District Two	Councilmember Justin Meadows
District One	Councilmember Shane Hines
SECTION 4. THE R	ecorded vote on this resolution was as follows.



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

9/27/2021

Agenda Item No. E)

PRESENTER:

Valeria M. Acevedo, City Attorney

SUBJECT:

Consideration of the creation of a redistricting committee

DEPARTMENT: City Attorney's Office

COUNCIL DISTRICTS IMPACTED: Citywide

BACKGROUND INFORMATION:

At the redistricting workshop held on September 13, 2021, the consultant, Alan Bojorquez, laid out the redistricting process and explained that some local governments establish a redistricting committee. Council Members indicated that they want to pursue creating such an ad hoc committee and to discuss its membership and the process for selection. In 2011, the City of New Braunfels City Council established its own ad hoc redistricting committee that made recommendations for redistricting plans to the Council. The 2011 Redistricting Committee was comprised of 10 members. Seven were appointed by each council member, including the mayor, without an application process. The remaining three members were appointed at-large through an application process. After the committee is created, Council will make their appointments to the committee at the regular meeting on October 11, 2021.

ISSUE:

On September 27th, the City Council will consider the creation, composition, and appointment process of the Redistricting Committee.

FISCAL IMPACT:

While there is no direct cost to form a committee, the City's consultant will have to spend additional time training the members and attending those committee meetings. This will likely increase the consultant's time spent working on this matter and the total cost to the City.

RECOMMENDATION:

Staff recommends the formation of a Redistricting Committee to engage the public directly in the redistricting process.



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

9/27/2021

Agenda Item No. F)

PRESENTER:

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

SUBJECT:

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.

DEPARTMENT: Planning & Development Services **COUNCIL DISTRICTS IMPACTED:** Council District 5

BACKGROUND INFORMATION:

CS21-0264 Case #

Applicant: Teia Bennett

Blumen Meisters Flower Shop

111 S. Union Avenue New Braunfels, TX 78130

830-629-1604; design@blumen-meisters.com <mailto:design@blumen-meisters.com>

Staff Contact: Maddison O'Kelley, Assistant Planner

(830) 221-4056; mokelley@nbtexas.org

The subject property is located on the corner of S. Union Avenue and E. Common Street and is zoned "C-1" Local Business District. The applicant currently occupies one of the suites in the existing commercial structure on the property as a flower shop and intends to begin selling beer and wine in gift baskets.

The applicable Texas Alcoholic Beverage Commission (TABC) permit type for this business is considered a "Wine and Beer Retailer's Off-Premise Permit (BQ)" under which all alcoholic products must be sold in their unbroken original containers and no on-premise consumption is permitted. The proposed use is considered a retail land use under New Braunfels' Zoning Ordinance and is permitted within the "C-1" zoning district.

Title 4, Chapter 109, Subchapter C, Section 109.33(a)(1) of the Texas Alcoholic Beverage Code states cities may enact regulations prohibiting the sale of alcoholic beverages within a specified distance of protected land uses such as churches, schools, and hospitals. There are different distance requirements dependent on the type of protected use.

In 2012, City Council adopted amendments to the Zoning Ordinance to establish Sec. 144-5.18 Sale of Alcoholic Beverages. The ordinance mirrored the authorized distance requirements set forth in Section 109.33 of the Texas Alcoholic Beverage Code. Sec. 144-5.1.8 states "a place of business where alcoholic beverages are sold shall be prohibited within 300 feet of a church, private or public school, daycare center or child-care facility or public hospital. The measurement of this distance shall be along the property lines of the street fronts

and from front door to front door, and in direct line across intersections."

The front door of the subject structure is measured as 235.01 feet to the front door of the Happy Days Daycare Center, addressed at 115 N. Union Avenue. This distance was measured from the front door of each structure to their respective front property lines and along Union Avenue, as required by the Zoning Ordinance. Therefore, the proposed business is not permitted to sell wine and beer for off-site consumption because it is within 300 feet of a daycare.

The applicant is requesting a variance to allow the sale of alcohol at the subject property. Section 109.33(e) of the same subchapter of the Texas Alcoholic Beverage Code states the governing board of a city or town that has enacted required distances between businesses that sell alcohol and protected uses may also allow variances to the regulations, if the governing body determines that enforcement of the regulation in a particular instance is:

- not in the best interest of the public;
- constitutes waste or inefficient use of land or other resources;
- creates an undue hardship on an applicant for a license or permit;
- does not serve its intended purpose, is not effective or necessary;
- or for any other reason the governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

Because the Texas Alcoholic Beverage Code authorizes the governing body of a city to grant a variance to this requirement, the City Council is the authorized body to approve or deny the request.

Surrounding Zoning and Land Use:

North -Across E. Common Street, C-1 and C-1B/Retail and Lodging

South - C-1 / Residential

East -R-2 SUP/ Parking Lot

West - Across S. Union Ave, C-1 SUP/ Short-Term Rental

ISSUE:

The proposed variance is consistent with the following actions from Envision New Braunfels (the community's Comprehensive Plan):

- o Action 1.3: Encourage balanced and fiscally responsible land use patterns.
- Action 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure.
- Action 3.6: Pro actively provide a regulatory environment that remains business and resident friendly.
- Future Land Use: The property is situated within the New Braunfels Sub-Area. It is located within Existing Civic, Market, Employment, Education, Tourist/Entertainment, Outdoor Recreation, and Medical Centers and in Planned Employment, Market, and Outdoor Recreation Centers.

FISCAL IMPACT:

N/A

RECOMMENDATION:

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

NOTIFICATION:

Public hearing notices were sent to owners of 13 properties within 200 feet of the request, including the property owner of the protected use. To date, the City has received three responses in favor (#6, #9, and #12) and none in opposition.

RESOURCE LINKS:

Chapter 144, Sec. 3.3-7 (C-1) of the City's Code of Ordinances:

https://gismaps.nbtexas.org/ZoningOrdinance/Sec. 3.3-7 C-1 (2012).pdf

Sec. 144-5.18 Sale of Alcoholic Beverages of the City's Code of Ordinances:

https://library.municode.com/tx/new braunfels/codes/code of ordinances?

Texas Alcoholic Beverage Code, Title 4, Chapter 109 (Alcoholic Beverage Code)

https://statutes.capitol.texas.gov/Docs/AL/htm/AL.109.htm

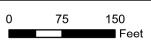
ATTACHMENTS:

- 1. Aerial Map
- Map Exhibit of Distance to Daycare
- 3. Applicant Request Letter
- Notification List and Map
- **Draft Minutes from Planning Commission**





CS21-0264 Variance to allow alcohol sales within 300-ft of a children's daycare



DISCLAIMER: This map and information contained in it were developed ex for use by the City of New Braunfels. Any use or reliance on this map by 300 else is at that party's risk and without liability to the City of New Brauncia, no officials or employees for any discrepancies, errors, or variances which may exist.







111 S Union Ave

August 5, 2021

City of New Braunfels
ATTN: Maddison O'Kelley
Assistant Planner
Planning and Development Services
550 Landa Street
New Braunfel, TX 78130

RE: Blumen Meisters Flower Market TABC Variance Request

Ms. O'Kelley –

This letter is in response to your email received August 4, 2021 regarding our TABC License request. The purpose of our TABC license is to allow our Blumen Meisters Flower Market to offer beer and wine options with our gift baskets that we create and deliver to our customers.

The license type we are applying for with TABC – Wine and Beer Retailer' Off-Premise Permit (BQ) - allows the following activity to occur:

- Authorized to sell beer and wine up to 14% or 17% alcohol by volume for off premise consumption only.
- No one may possess an open container of an alcoholic beverage on or near the licensed premise where it was sold. Premise means the grounds and all buildings at the licensed address, as well as all adjacent premises, if they are directly or indirectly under your control.
- Beer must be sold in its original packaging and cannot be repackaged by the retailer.

At no time would the alcohol be served or consumed on our premises. All alcohol would be packaged for delivery, secured in a basket or like container, and sealed closed for consumption by the ultimate customer.

The option to offer these products allows us to offer our customers an enhanced product line, as well as allowing us to stay competitive with other flower and gift shops in the New Braunfels vicinity.

Your consideration of this variance is greatly appreciated. Should you have any additional questions or concerns, please feel free to contact me at 830-629-1604, or via email at design@blumen-meisters.com or calzingal@gmail.com.

Sincerely,

Teia Bennett, Managing Director Bennett Floriography, DBA Blumen Meisters Flower Market

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

Zoom & City Hall Council Chambers

Applicant/Owner: Teia Bennett (Blumen Meisters Flower Market)

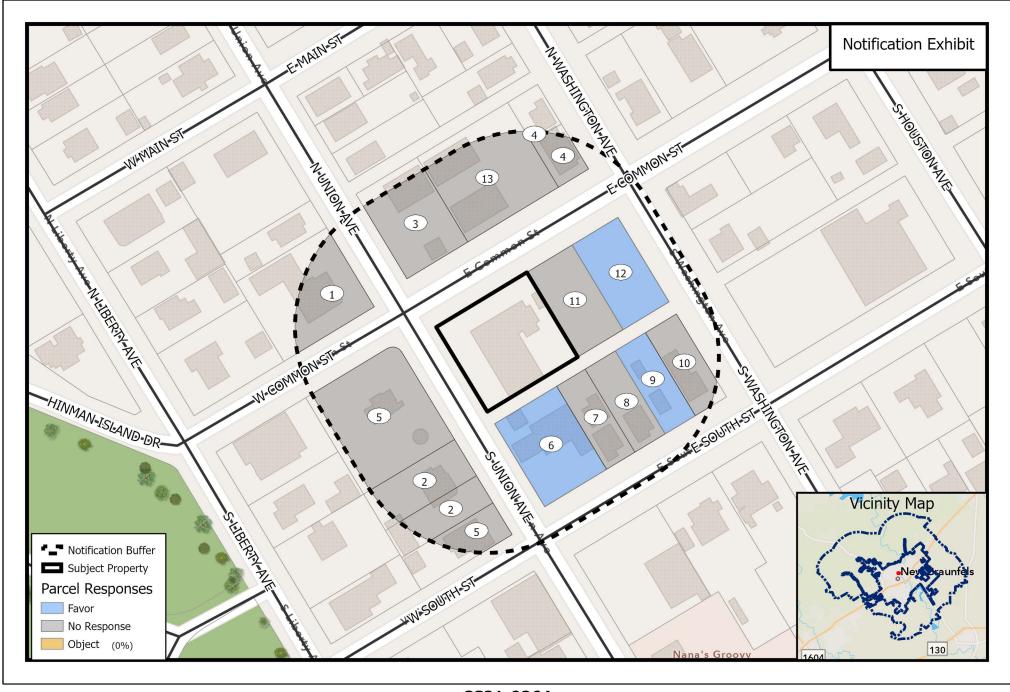
Address/Location: 111 S Union Ave

PROPOSED VARIANCE - CASE #CS21-0264

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. SMITHERS RONALD C & SHIRLEY A
- 2. HERRING PARTICIA D
- 3. PETRA AT 957 HOLDING CO LLC
- 4. GOMEZ FRANCES M
- 5. HERRING FAMILY INTERESTS LTD
- 6. KYLE ELIZABETH B
- 7. MACDONALD KAREN LYNN
- 8. TREJO MARIA A
- 9. JOHNSON HANNAH F
- 10. ORTIZ JESSE S JR & MARY G
- 11. KTS COMMERCIAL LTD
- 12. LEE PATRICK TOLAND ET AL
- 13. KIENY ALLEN & KIMBERLY

SEE MAP





CS21-0264 Variance to allow alcohol sales within 300-ft of a children's daycare



DISCLAIMER: This map and information contained in it were developed exfor use by the City of New Braunfels. Any use or reliance on this map by $305\,$

else is at that party's risk and without liability to the City of New Brauring, its officials or employees for any discrepancies, errors, or variances which may exist.



YOUR OPINION MATTERS Case: #CS21-0264 Bennett (MO)	- DETACH AND RETURN
Name: W. J. Lee	(Ifavor: V
Address: 7 Aprilue Court P. D. T. 18172	
Property number on map: /2	Comments: (Use additional sheets if necessary)
	osimione. (Ose additional sheets if necessary)
~ 0.0	RECEIVED
Signature: [1): T. Lee Jr. Rep. Patrick Toland Lee exterely	SEP 0 7 2021
Kep. Patrick rolant Lee ex well	00
,	BY:
	No consecution
YOUR OPINION MATTERS	DETACH AND RETURN RECEIVED
Case: #CS21-0264 Bennett (MO)	000 0 17 0001
Name: Hannah F. Johnson	I favor: SEP 0 7 2021
Address: 175 E Jouth St	l object:(State reason for objection)
Property number on map: #9	Comments: (Use additional sheets if necessary)
$\Lambda \longrightarrow \Lambda$	Blumen Meisters has been a good neighbor of kept up with the building/parking lot. If they think this will help their
	a good neighbor of kept up
Signature: Ahmah Ahma	willy the building parking lot. If
V	I think this will help thear
	They want the to
	business & allow them to
	continue to keep up their retail
	Space, then I tuly would built
	them getting an alcohol license.

From:

Maddison O"Kelley To: RE: zoning change Subject:

Tuesday, September 7, 2021 1:27:37 PM Date:

Attachments: image001.png

image002.png image003.png



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

Thank You for your reply, Maddison. I have shared this information with other neighbors and we all are pleased to support this request. Thanks for your prompt reply! bk

Betty L. Kyle

Office Manager THE KYLE LAW FIRM 707 North Walnut Ave. New Braunfels, TX 78130 830-620-9402 Office 830-620-5076 Fax

THE INFORMATION CONTAINED IN THIS EMAIL MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AT (830) 620-9402. THANK YOU.

From: Maddison O'Kelley < MOKelley@nbtexas.org> Sent: Tuesday, September 7, 2021 10:31 AM

To: Betty
bkyle@kylelawfirm.com>

Subject: RE: zoning change

Good morning Betty,

Blumen Meisters Flower Shop is requesting a variance to allow beer and wine to be included in the gift baskets they currently sell. Their TABC license will not allow the beer/wine containers to be opened or consumed on-site. A variance is required under the City's zoning ordinance because Blumen Meister's is located within 300 feet of a children's daycare.

The staff report and all materials provided by the applicant are attached. If you have any additional questions, please do not hesitate to let me know!

Maddison



Maddison O'Kelley New Braunfels Assistant Planner | Planning and Development Services 550 Landa St | New Braunfels, TX 78130 830-221-4056 | MOKelley@nbtexas.org





Do you have a question about a permit? Check out the Citizen Portal. We encourage you to keep up with the progress on our new comprehensive plan by visiting www.envisionnewbraunfels.org.

This email, plus any attachments, may constitute a public record of the City of New Braunfels and may be subject to public disclosure under the Texas Public Information Act

Please take a moment to complete the City of New Braunfels <u>Customer Satisfaction Survey</u>.

From: Betty < bkyle@kylelawfirm.com>
Sent: Tuesday, September 7, 2021 9:09 AM
To: Maddison O'Kelley < MOKelley@nbtexas.org>

Subject: zoning change

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 Morning Maddison,

This is Elizabeth Kyle. I have left you a voice mail concerning the potential zoning change requested by Tela Bennett on Union Street. Can you briefly explain to me where and how the alcohol will be sold? Thank You! bk

Betty L. Kyle

Office Manager THE KYLE LAW FIRM 707 North Walnut Ave. New Braunfels, TX 78130 830-620-9402 Office 830-620-5076 Fax

THE INFORMATION CONTAINED IN THIS EMAIL MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AT (830) 620-9402. THANK YOU.

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

I) CS21-0264 Discuss and consider a recommendation to City Council regarding 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. Applicant: Teia Bennett; Blumen Meisters Flower Shop; Case Manager: Maddison O'Kelley.

Ms. O'Kelley presented.

Chair Edwards asked for clarification on response from the daycare.

Discussion followed regarding the daycare's location on the notification map.

Commissioner Tubb clarified the daycare was property 1 on the notification map.

Ms. O'Kelley clarified staff had not received a response from the property owner of the daycare.

Discussion followed.

Chair Edwards invited the applicant to speak.

Teia Bennett, 111 S. Union Avenue, stated she was the applicant and described the intent for the request.

Discussion followed regarding the details of the proposed sale of alcohol.

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 regarding 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. Motion carried (8-0-0).



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

9/27/2021

Agenda Item No. G)

PRESENTER:

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

SUBJECT:

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.

DEPARTMENT: Planning and Development Services

COUNCIL DISTRICTS IMPACTED: 2

BACKGROUND INFORMATION:

SUP21-269 Case #:

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

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

APD / Single family residences East -

R-1A-6.6 / Ridgemont Subdivision - single family residences West -

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 Ridgemont 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=PTIICOOR_CH144ZO_ARTIIIZODI_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:

June 1987

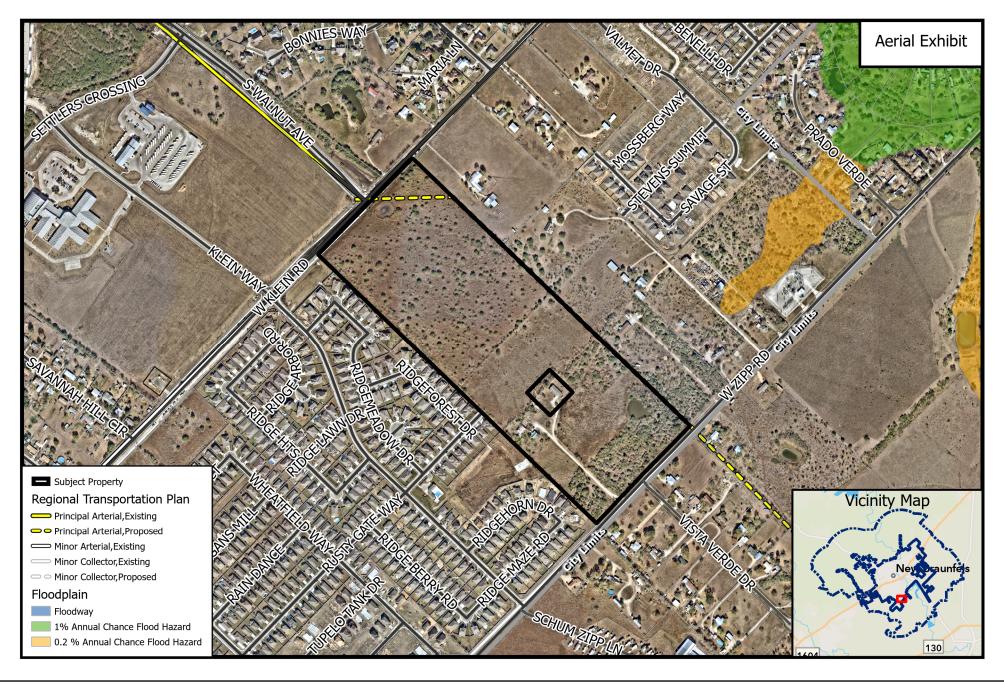
**This is a structure of the structure o

- 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=PTIICOOR_CH144ZO_ARTIIIZODI_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=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987
- Chapter 144, Section 3.6 (SUP) of the City's Code of Ordinances:

 S144-3.6SPUSPE

Attachments:

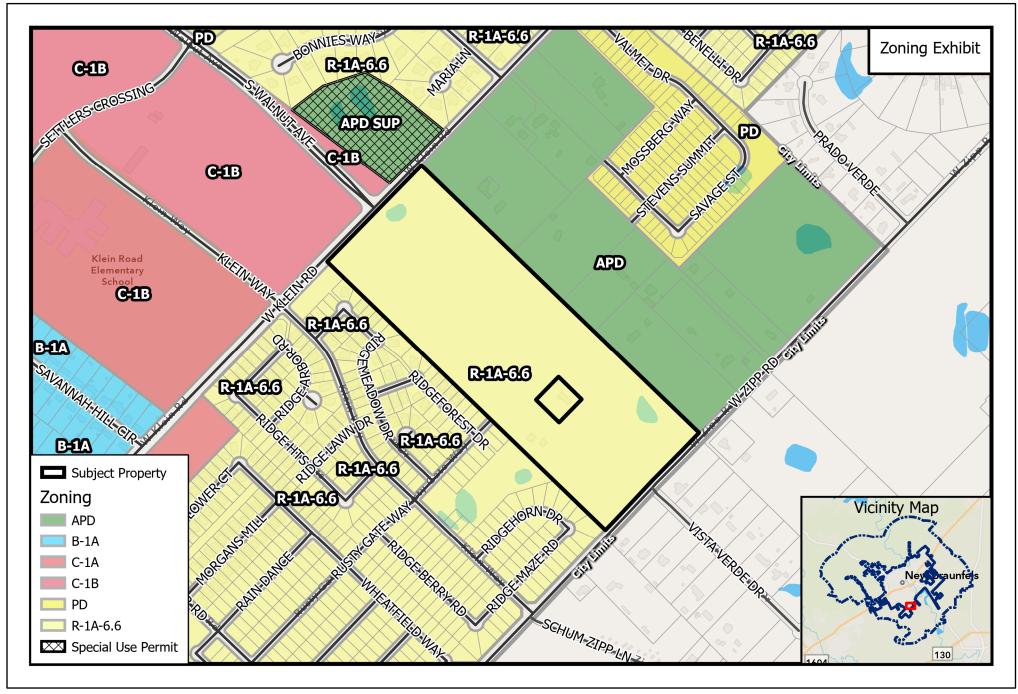
- 1. Aerial Map
- 2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
- 3. District Comparison Chart
- 4. Proposed Development Standards and Site Plan
- 5. Traffic Impact Analysis (TIA) Worksheet
- 6. Notification List, Map and Responses
- 7. Draft Planning Commission Meeting Minutes
- 8. Ordinance





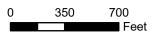
SUP21-269 **SUP** request to include multiple districts







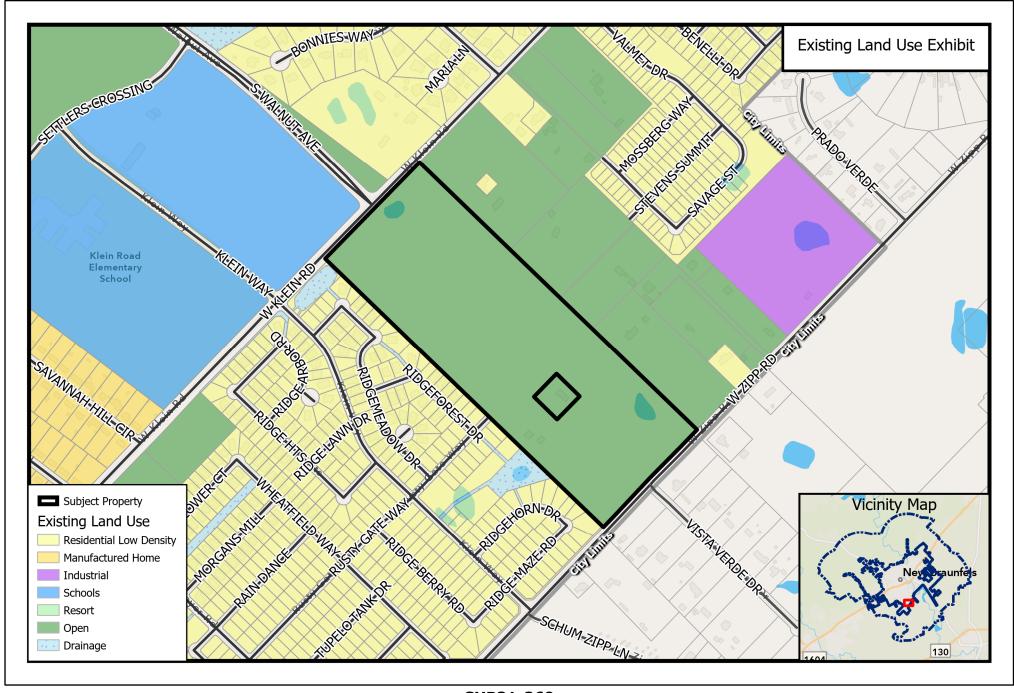
SUP21-269 **SUP** request to include multiple districts



DISCLAIMER: This map and information contained in it were developed ex for use by the City of New Braunfels. Any use or reliance on this map by $\bf 314$ else is at that party's risk and without liability to the City of New Braurius, is

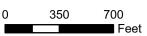
officials or employees for any discrepancies, errors, or variances which may exist.







SUP21-269 **SUP** request to include multiple districts



DISCLAIMER: This map and information contained in it were developed ex for use by the City of New Braunfels. Any use or reliance on this map by $\bf 315$

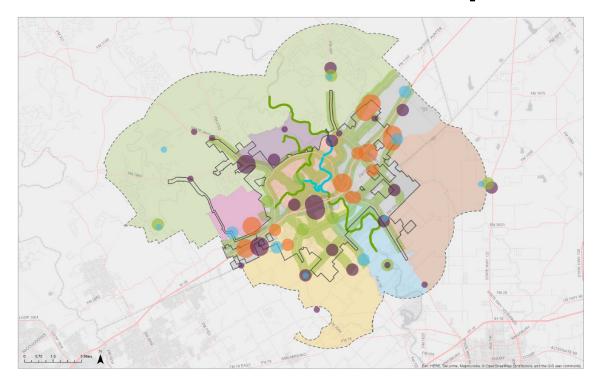
else is at that party's risk and without liability to the City of New Braurings, its officials or employees for any discrepancies, errors, or variances which may exist.





- 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.

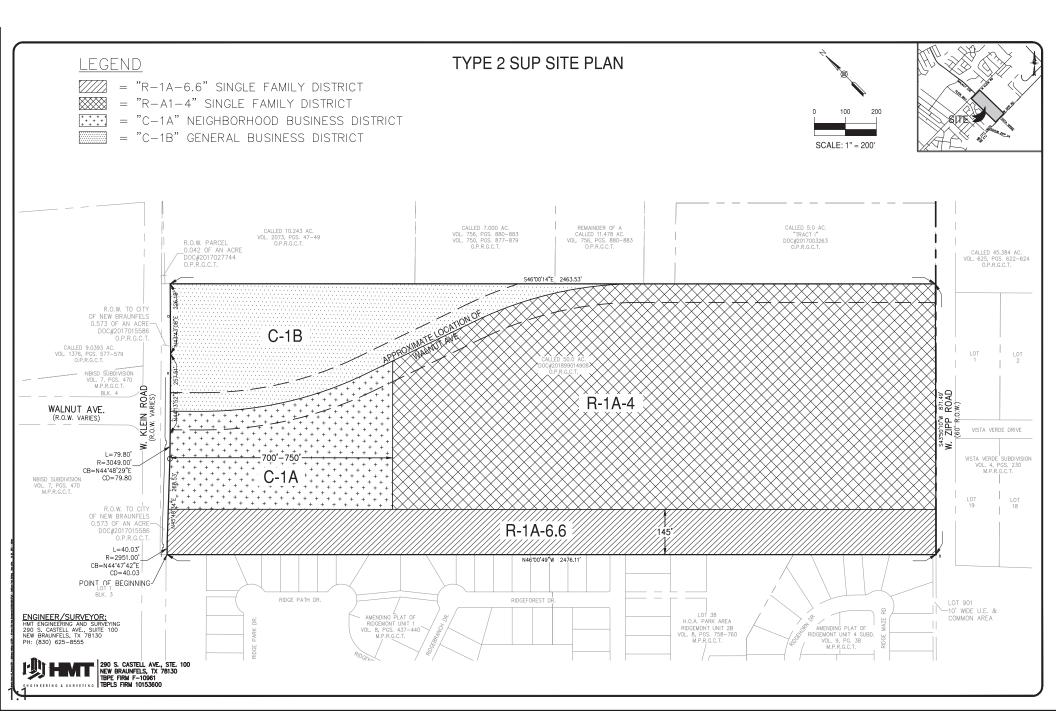
	Existing	Proposed	Proposed	Proposed
P = Permitted Use	R-1A-6.6	R-1A-4	C-1A	C-1B
Accessory building/structure (see section 144-5.4)	Р	Р	Р	Р
Accessory dwelling (one accessory dwelling per lot, no kitchen)	Р	Р		
Accounting, auditing, bookkeeping, and tax preparations			Р	Р
Adult day care (no overnight stay)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

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

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

	Existing	Proposed	Proposed	Proposed
P = Permitted Use	R-1A-6.6	R-1A-4	C-1A	C-1B
Offices, real estate			Р	Р
Offices, security/commodity brokers, dealers, exchanges and financial			Р	Р
Services	D	D		
One-family dwelling, detached	Р	P		
Park and/or playground (private and public)	Р	Р	Р	Р
Parking lots (for passenger car only) (not as incidental to the main use)			Р	Р
Parking structure/public garage			Р	Р
Pawn shop			Р	Р
Personal watercraft sales (primarily new/repair)				Р
Pet shop/supplies (less than 10,000 sq. ft.)			Р	Р
Pet store (over 10,000 sq. ft.)				Р
Photographic printing/duplicating/copy shop or printing shop			Р	Р
Photographic studio (no sale of cameras or supplies)			Р	Р
Photographic supply			Р	Р
Plant nursery (no retail sales on site)			Р	Р
Plant nursery (retail sales/outdoor storage)			Р	Р
Plumbing shop				Р
Portable building sales				Р
Public recreation/services building for public park/playground areas	Р	Р	Р	Р
Publishing/printing company (e.g., newspaper)				Р
Quick lube/oil change/minor inspection			Р	Р
Radio/television shop, electronics, computer repair			Р	Р
Recreation buildings (private)			Р	Р
Recreation buildings (public)	Р	Р	Р	Р
Recycling kiosk			Р	Р
Refreshment/beverage stand			Р	Р
Research lab (non-hazardous)				Р
Restaurant/prepared food sales			Р	Р
Restaurant with drive-through service			Р	Р
Retail store and shopping center without drive-through service (50,000 sq. ft. bldg. or less)			Р	Р
Retail store and shopping center with drive-through service (50,000 sq.			Р	Р
ft. bldg. or less) Retail store and shopping center (more than 50,000 sq. ft. bldg.)		<u> </u>	-	P
		<u> </u>	P	P P
Retirement home/home for the aged RV/travel trailer sales		<u> </u>	r	-
,	Р	P	P	P
School, K-12 public or private School, vecational (husiness (sammersial trade)	۲	<u> </u>		Р
School, vocational (business/commercial trade)			Р	Р
Security monitoring company (no outside storage or installation)			Р	Р
Security systems installation company			Р	Р
Shoe repair shops Shoeting gallon, Indoor (see section 144 F 12)			Р	Р
Shooting gallery—Indoor (see section 144-5.13)			<u> </u>	Р
Shopping center Single family industrialized home (see section 144 E.9)	<u></u>	<u> </u>	Р	Р
Single-family industrialized home (see section 144-5.8)	Р	Р	<u> </u>	<u> </u>
Specialty shops in support of project guests and tourists Studio for radio or television, without tower (see zoning district for tower			Р	Р
authorization) Studios (art, dance, music, drama, reducing, photo, interior decorating,			_	P
etc.)			Р	Р

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



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 speccompliant irrigation for the City's long-term maintenance.
- 4. 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.
- 5. 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

Project Name: 48-Acres Klein Road

General Information

Subdivision Plat Name:						Project Address/Location:							
Location?					Comal County Guadalupe County								
Owner Name: SatCharan Holdings LLC						Owner Email: ravisahota@gmail.com							
Owner	Address: PO Box 592233, San Antonio, TX 7825	9			(Owner Phon	e: (830) 832-7	7284					
Prepar	er Company: HMT Engineering & Surveying												
Prepar	er Name: Chris Crim, PE				- 1	Preparer Em	ail: chrisc@h	mtnb.com					
Prepar	er Address: 290 S. Castell Avenue, Suite 100, NE	3TX 78130				Preparer Pho							
	port scoping meeting with City	Yes. Dat	te:			TIA Workshe	•		=	No. Com		•	
	ering Division staff?	No.				previous zon	ing, plan, p	lat or pern	nit?	Yes. Con	nplete Page	es 1 and 2.	
	tion Type or Reason for TIA Worksheet/	-											
	S, ,	laster Plan			nary Plat		nal Plat		Permit		Othe	r	
	mittal Type (A TIA Worksheet is required		oning, plan,	plat and pe	ermit app	lications)							
_	Worksheet Only (100 peak hour trips or	,				Level 1 TIA Report (101-500 peak hour trips)							
_	Worksheet Only – Previous TIA Report A				_	Level 2 TIA Report (501-1,000 peak hour trips)							
TIA	Worksheet Only – Previous TIA Report n	ot require	d (supportir	ng docume	ntation m	may be required) Level 3 TIA Report (1,001 or more peak hour trips)							
Section	2: Proposed Land Use and Trip Informat	ion for Ap	plication										
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
		<u> </u>	1		Total f	from addition	al tabulatio	n sheet (if r	necessarv):				
	Total:									400	462	173	1 552

☐ TIA Report required.

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

☐ TIA Worksheet requires corrections.

Internal Use Only

Reviewed by:

☐ TIA Worksheet is acceptable.

Date: 08/02/2021

Date:

☐ TIA Report not required.

Section 3: App	proved TIA Worksheet	/Report
----------------	----------------------	---------

Increase in Peak Hour Trips over 100?

section	3: Approved IIA Workshe	eet/keport												
Approv	ed TIA Worksheet/Report													
Projec	t Name:													
Prepar	rer Company:		Prepa	arer Name	:						Date:			
Type:	TIA Works	sheet Only	Le	evel 1 TIA	Report		Lev	vel 2 TIA Re	port		Leve	el 3 TIA Re	port	
Appro	ved with: Zoning/Co	oncept Plan/Detail P	an 🗌 N	laster Plan	١	☐ Plat			Pern	nit		Othe	er	
Section	4: Update to and Status of	of Land Use and Trip	Informatio	n for Tota	l Developr	ment with	Approved	I TIA Works	sheet/Rei	ort (All Su	ıbdivision	Units)		
					F.	Cuitinal	AM	PM	WKND	Deibi	AM	PM	WKND	
Unit	Land Use	Status ³	ITE Code ¹	ITE Unit ²	Est. Project Units	Critical Peak Hour	Peak Hour Rate	Peak Hour Rate	Peak Hour Rate	Daily Trip Rate	Peak Hour Trips	Peak Hour Trips	Peak Hour Trips	Daily Trips
						Total from	additional	tabulation :	sheet (if n	ecessary):				
										Total:				
³ Specify	e of Transportation Engineers current <u>approved</u> status of ur 5: Approved TIA Workshe	nit: PLAN – Zoning/Cor	cept Plan/De						nt, P – Pern	nit, C – Com on 6: Requ				current)
	ved TIA Conformance	AM Peak Hour Trips	PM Pea Tri			eak Hour ips	Dail	Daily Trips	Miti	gation Me	asures	•		Unit
	oved development total:								1.					
	ated development total:								2.					
	Difference development total: 3.													
New T	IA Report Required?								4.					

TIA Worksheet Revised 10/2018 Page 2

Yes. New TIA Report required to be approved prior to approval.

No.

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

24. PULTE HOMES OF TEXAS LP

Address/Location: 614 & 720 W Zipp Rd

PROPOSED SPECIAL USE PERMIT – CASE #SUP21-269

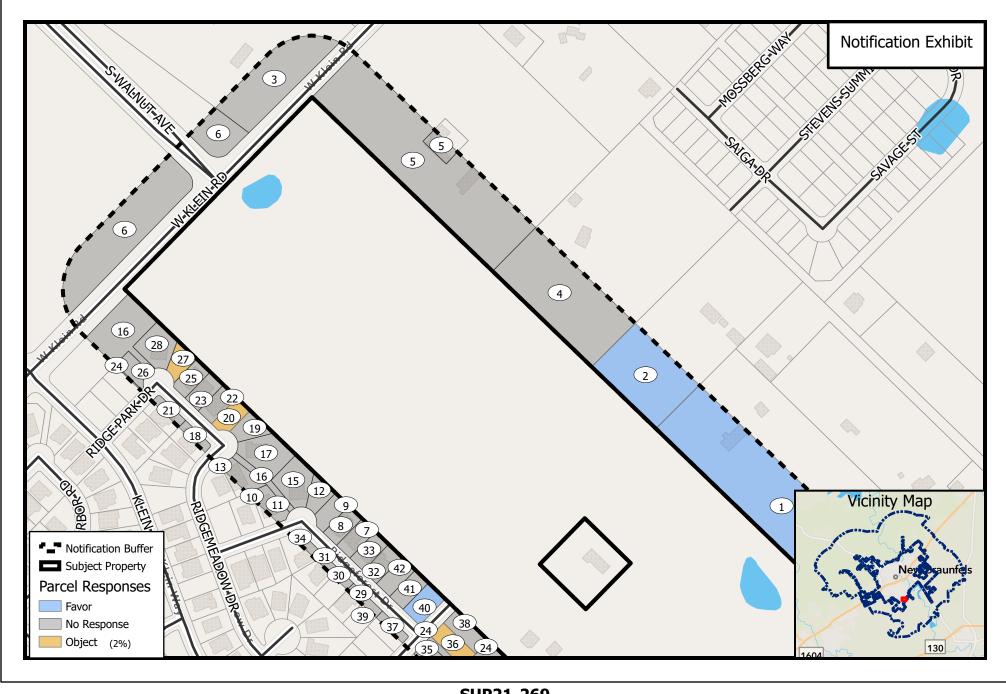
The circled numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as "Subject Property".

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

SEE MAP

25. CANTON CHRISTOPHER MICHAEL & JYOTI KAY CANTON 50. FLASHER MARIA L & BENJAMIN M

49. DAVIS MEGAN L & TEXAS J

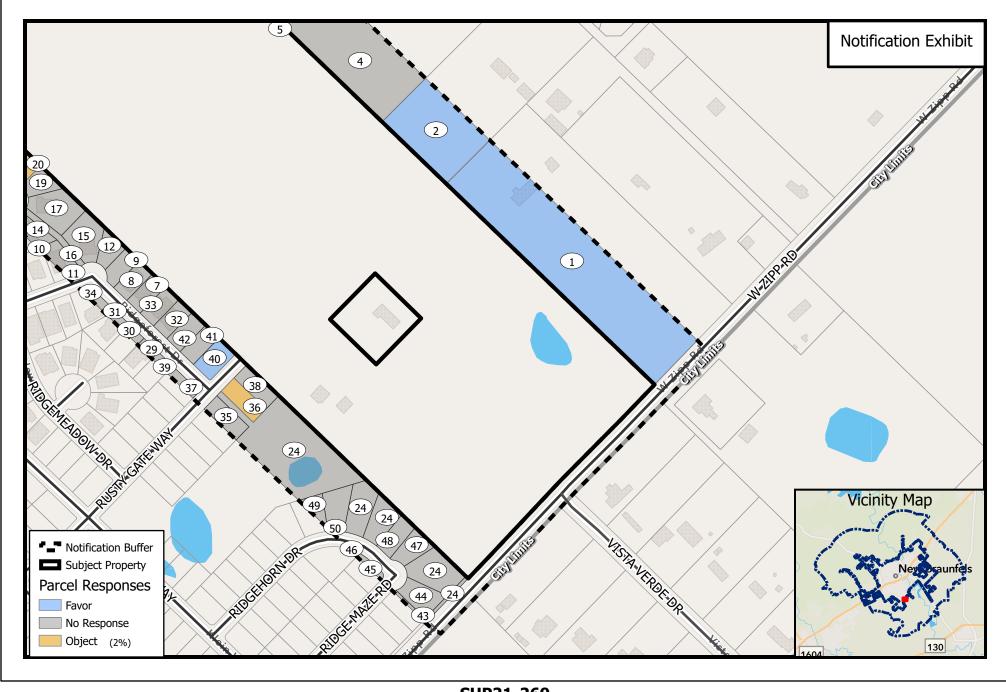




SUP21-269 SUP request to include multiple districts

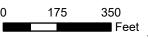


else is at that party's risk and without liability to the City of New Braumers, its officials or employees for any discrepancies, errors, or variances which may exist.





SUP21-269 SUP request to include multiple districts



else is at that party's risk and without liability to the City of New Braumers, no officials or employees for any discrepancies, errors, or variances which may exist.

L	YOUR OPINION MATTERS - DETACH AND RETURN
#	Case: #SUP21-269 ms RECEIVED
l	Name: BRenda Ellis I favor: SEP 0 7 2021 Address: 590 W. 2: p Rd - NB TY I object: (State reason for objection) Property number on map: Comments: (Use additional sheets if necessary)
	You list my property As 5 Acres. The correct Amount is 7.84 Acres Signature: Brenda Ellin
	Signature.

2	YOUR OPINION MATTERS -	DETACH AND RETURN
	Name: Paul H. Kretzme er Address: 546 W. 2 m Rd.	I favor:(State reason for objection)
	Property number on map: 2	Comments: (Use additional sheets if necessary)
		SEP 0 2 2021
	Signature: And N. Kapp	BY:

	YOUR OPINION MAT	TTERS - DETACH AND RETURN RECEIVED
20	Name: DEBORAH E BRAY Address: 2725 RIDGE PARK DE. Property number on map: # 30	I favor: SEP 0 7 2021 I object: (State reason for objection) Comments: (Use additional sheets if necessary) Disagree with the recessity and the request for the commercial development
	Signature: & Bay	of this property. It should remain your as R-IA-6.6. Of Lite, I do admonte the new/custert youing proposal is an improvement over the last proposal preserve

From:

Lauren Baggett

To:

planning@nbtx.org; Matthew W. Simmont

Subject:

Rezone of #SUP21-269

Date:

Friday, September 3, 2021 4:49:53 PM



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: To:

GRITSON@satx.rr.com Matthew W. Simmont

Cc:

"britson@satx.rr.com"

Subject:

Case #SUP21-269 ms

Date:

Tuesday, September 7, 2021 8:01:09 AM



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

Br.			RECEIVED
X	YOUR OPINION MATTERS	- DETACH AND RETURN	
36	Case: #SUP21-269 ms		SEP - 2 2021
	Name: F. KUSSELL BUSHBY	I favor:	Initial
	Address: 597 RUSTY GATE WAY	I object:(State rea	ason for objection)
	Property number on map: 36	Comments: (Use additional	al sheets if necessary)
	ALL THE DEVELOPMENT ALONG NO SINGLE FRANCY HOUSING, IT SHO HAVE A PROBLEM WITH R-1A-4 FO SO YOUNG COUPLES STARTING OUT HEME. Signature: 7- Rusself Bing		

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.



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 speccompliant irrigation for the City's long-term maintenance.
- 4. 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.
- 5. 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)

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.

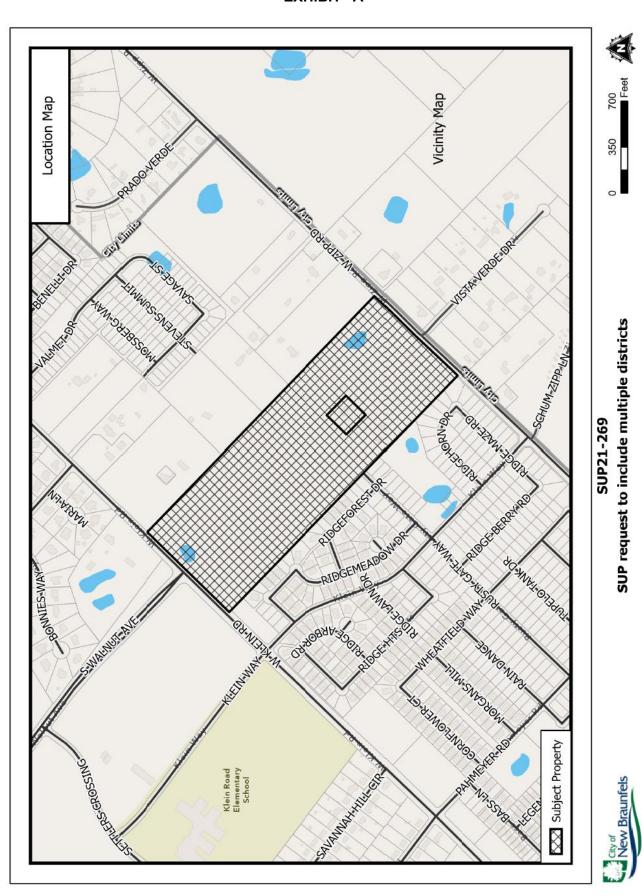
4

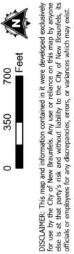
PASSED AND APPROVED: First reading this 27th day of September, 2021. **PASSED AND APPROVED:** Second reading this 11th day of October, 2021.

ATTEST: CAITLIN KROBOT, City Secretary APPROVED AS TO FORM:

CITY OF NEW BRAUNFELS

EXHIBIT "A"





SUP request to include multiple districts

Source: City of New Braunfels Planning Date: 9/7/2021

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:

- 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;
- 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.

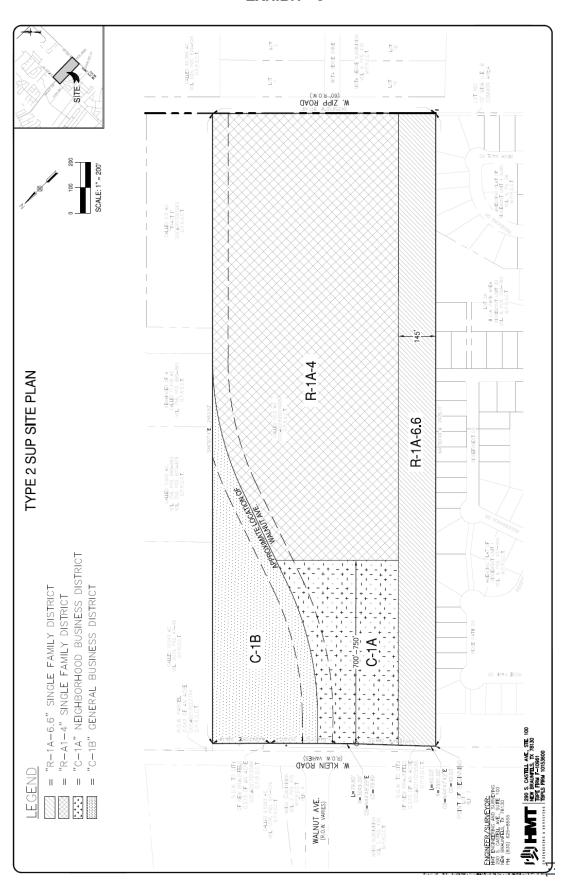
Reference survey of said 49.359 acre tract of land prepared this same date.

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

EXHIBIT "C"





City Council Agenda Item Report

550 Landa Street New Braunfels, TX

9/27/2021

Agenda Item No. H)

PRESENTER:

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

SUBJECT:

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.

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

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

M-2/ Single-family residence East -

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.
- The residential character of the property must be maintained. 2.

- 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:

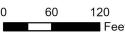
- Chapter 144, Sec. 3.3-12 (M-2) of the City's Code of Ordinances: https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO ARTIIIZODI S144-3.3ZODIREPRZOPRJU221987
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances: https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO ARTIIIZODI S144-3.6SPUSPE
- Chapter 144, Sec. 5.17 (Short-term Rental) of the City's Code of Ordinances: https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTVDEST_S144-5.17SHTEREOC

Attachments:

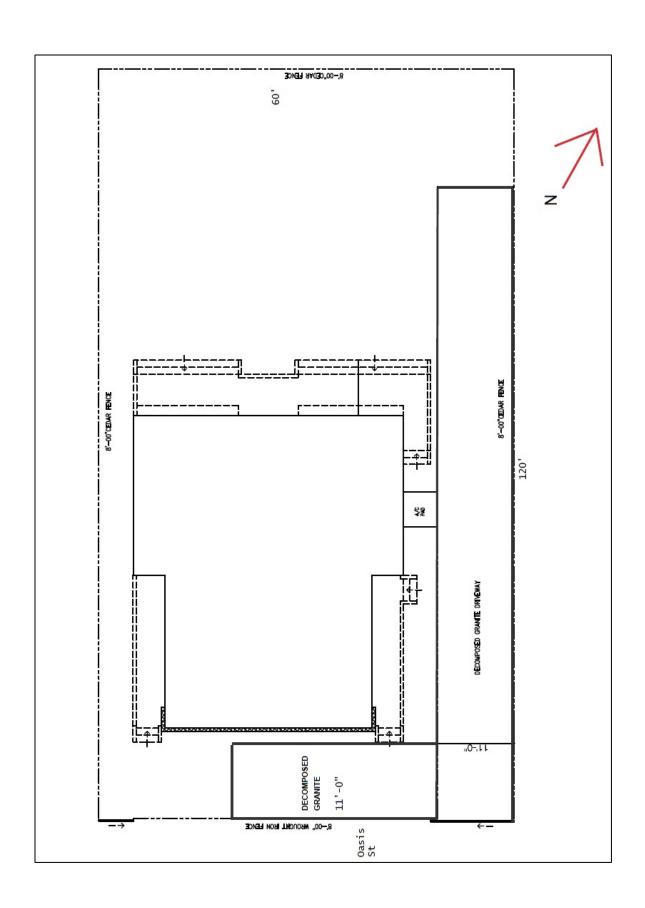
- 1. Aerial Map
- 2. Land Use Maps (Zoning, Existing, Future Land Use, STR)
- 3. Site Plan and Floor Plan
- 4. Notification Map
- 5. Photograph
- 6. Draft Minutes from Planning Commission
- 7. Ordinance



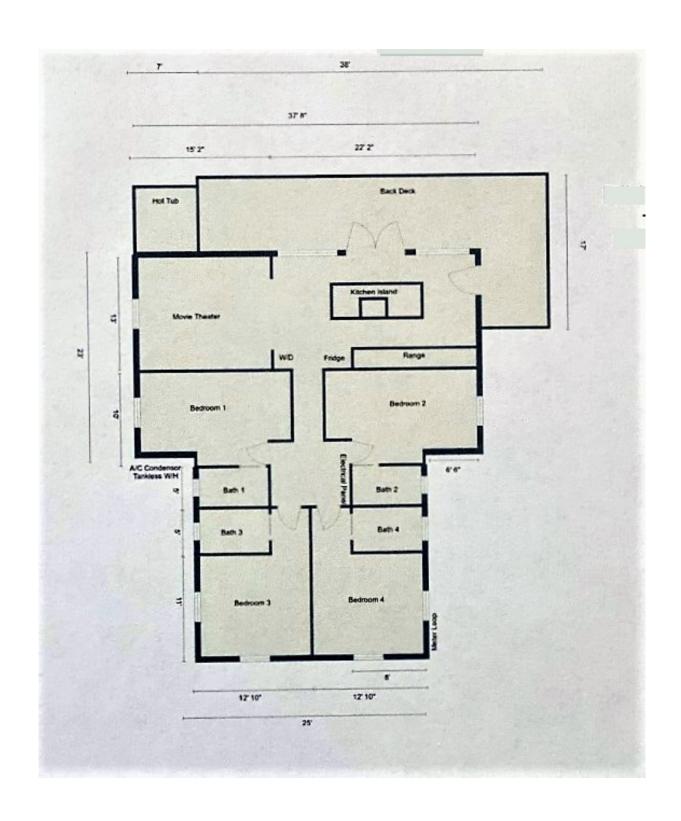




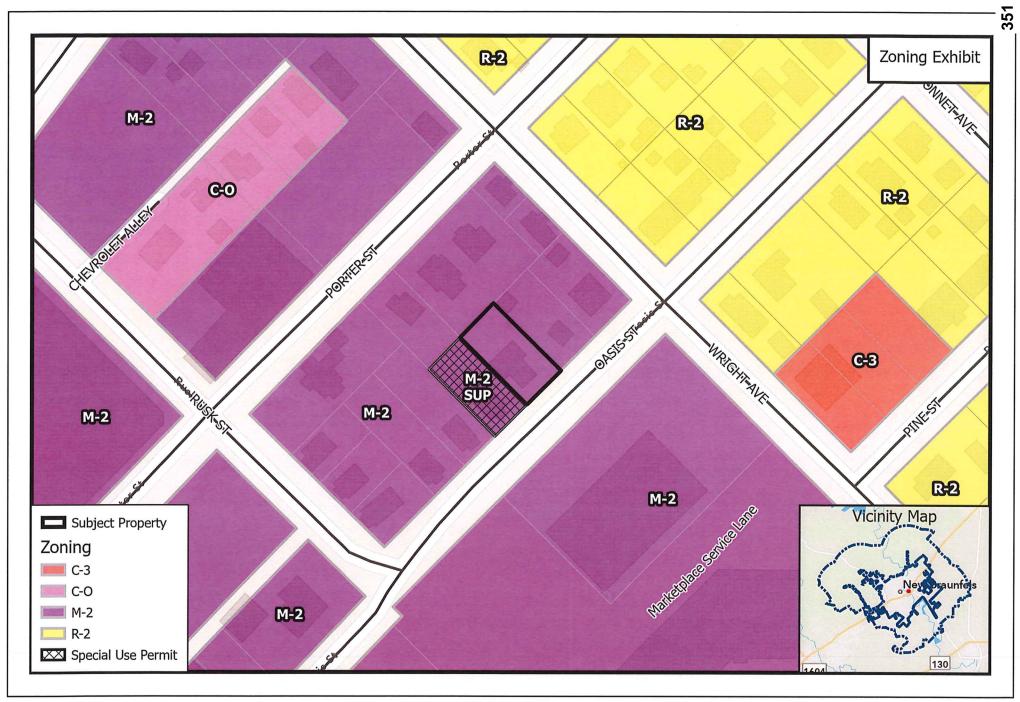




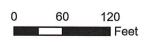
757 Oasis Site Plan



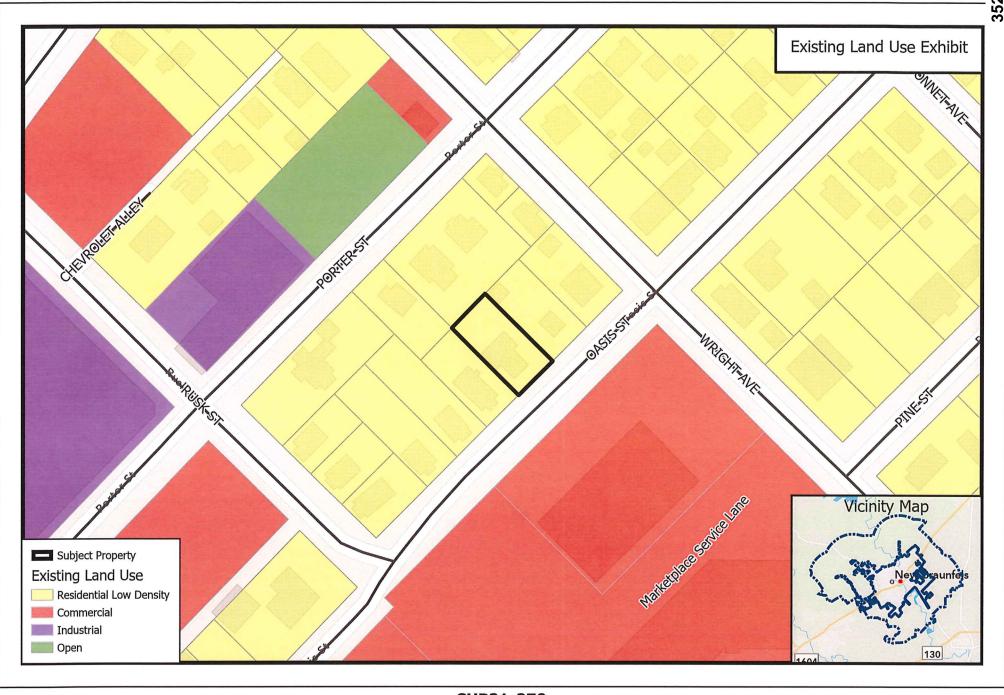
757 Oasis Floor Plan













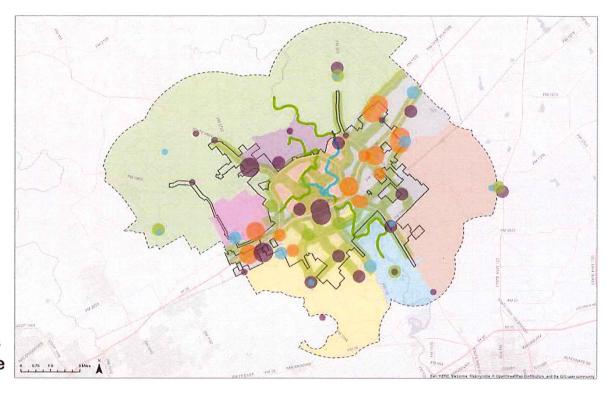


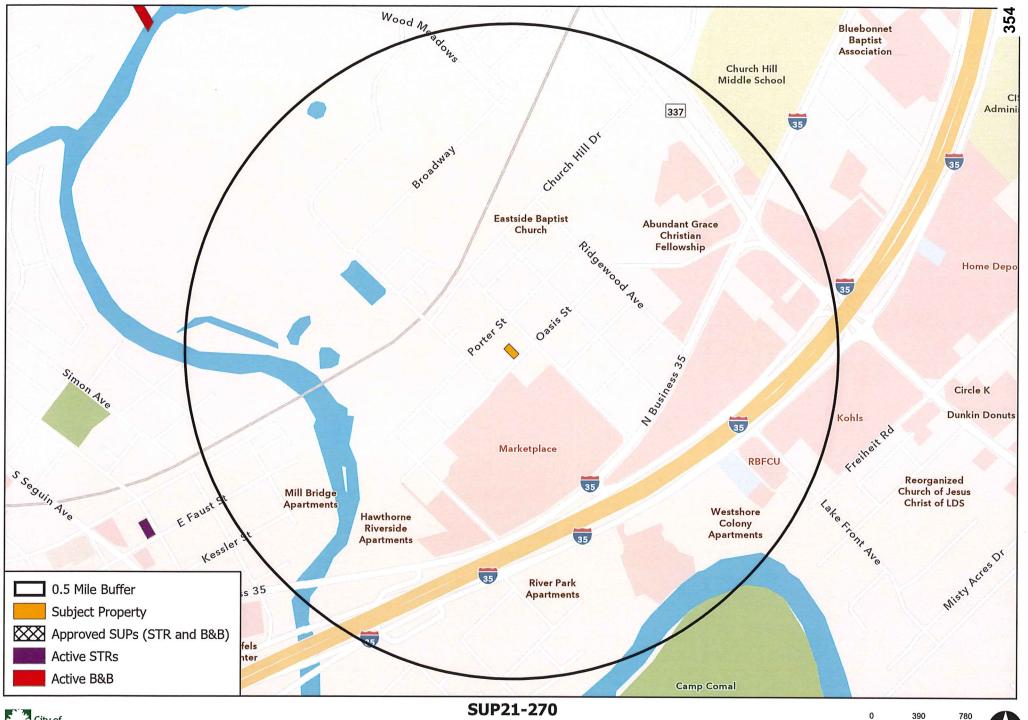




- Located in the New Braunfels subarea
- Close to an Existing Market Center, the Recreational River Corridor, and two Transitional Mixed Use Corridors
- Action 1.3: Encourage balanced and fiscally responsible land use patterns.
- Action 1.14: Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions

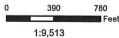
Future Land Use Map







SUP21-270 757 Oasis St





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

2. SPECKMAN FAMILY LTD & STADT CORP

3. URIAS FRANK & MARY

4. B & C WILLIAMS PROPERTIES LTD ET AL

5. REININGER EDWARD K & KAREN D

6. SPECKMAN FAMILY LTD

7. URIAS FRANCISCO R & MARY E

8. ROSS LARRY E & HOLLY R

9. REGER CHARLES W

10. BRUSH JOHN P

11. MURILLO GUILLERMO & KATHLEEN LUND

12. MOORE ROLF E

13. MOORE ROLF EDWARD

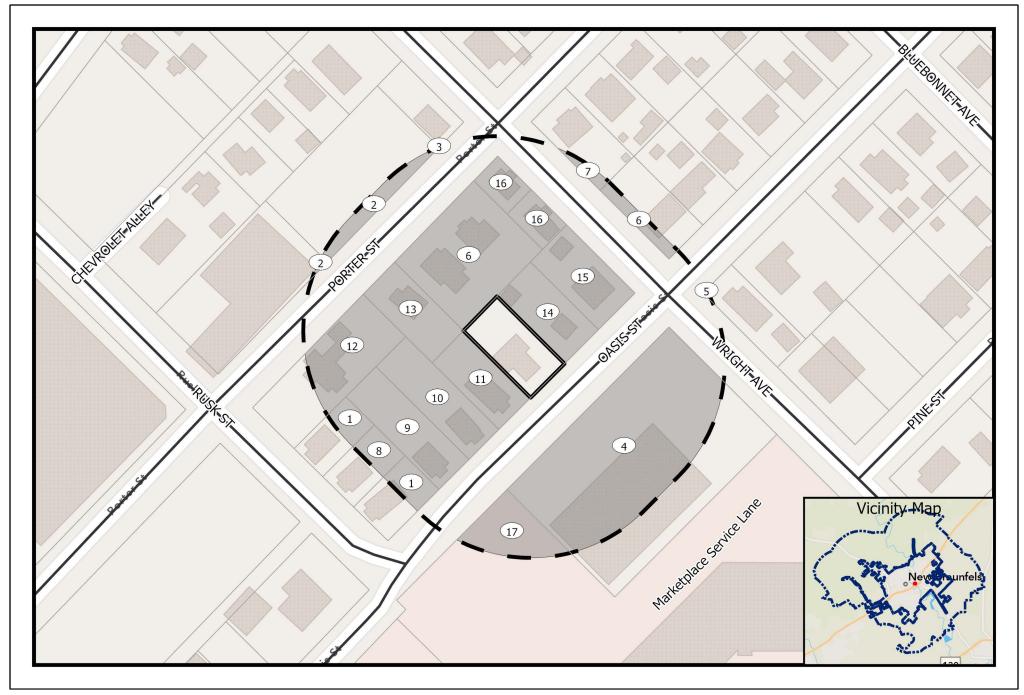
14. MARTINEZ RODOLFO E & JOSEFA

15. PROPERTY OWNER

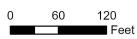
16. DORRANCE CRAIG & LINDA TRUST

17. N B MARKETPLACE LP

SEE MAP











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"

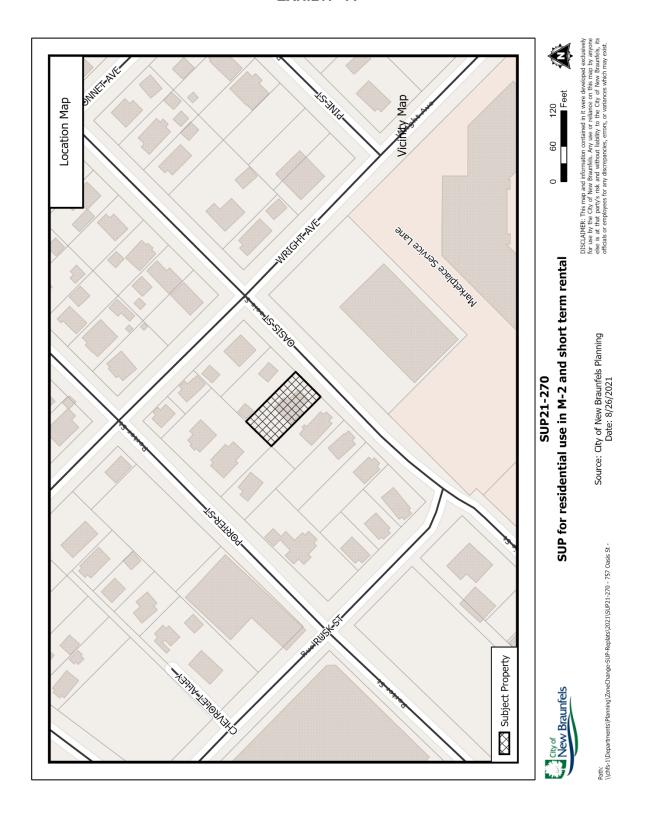
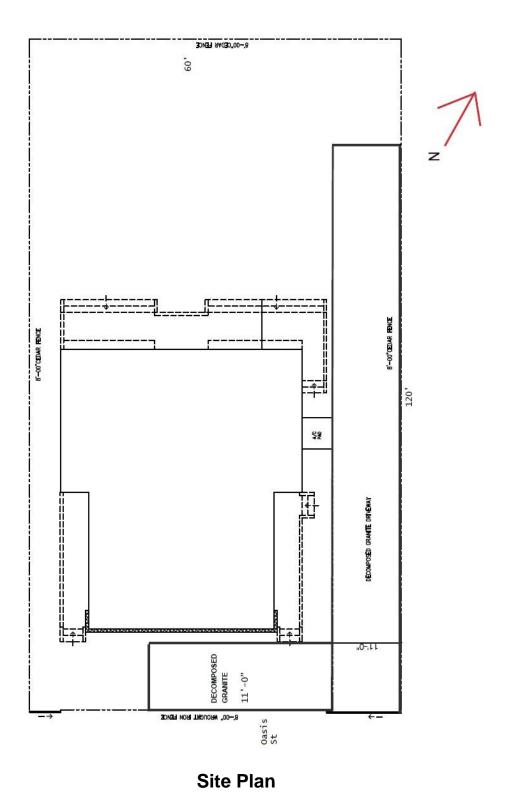


EXHIBIT "B"





City Council Agenda Item Report

550 Landa Street New Braunfels, TX

9/27/2021

Agenda Item No. I)

PRESENTER:

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

SUBJECT:

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.

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

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>

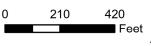
Attachments:

- 1. Aerial Map
- 2. Land Use Maps (Zoning, Existing, Airport Overlay, Future Land Use)
- 3. **District Comparison Chart**

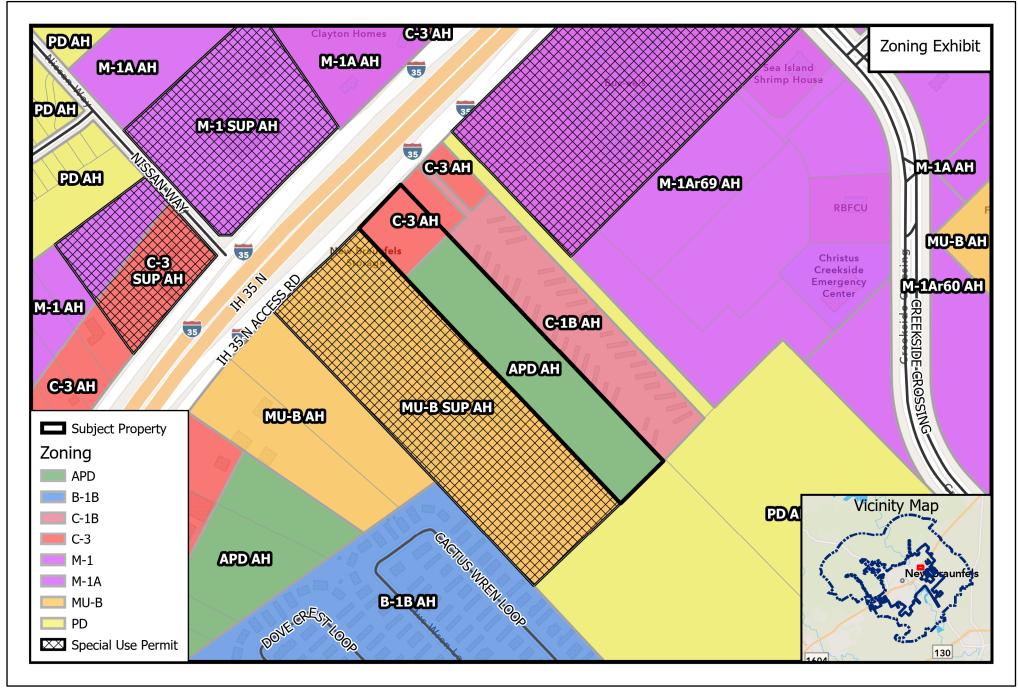
- 4. TIA Worksheet
- 5.
- Notification Map
 Draft Planning Commission Minutes
 Ordinance 6.
- 7.



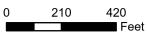




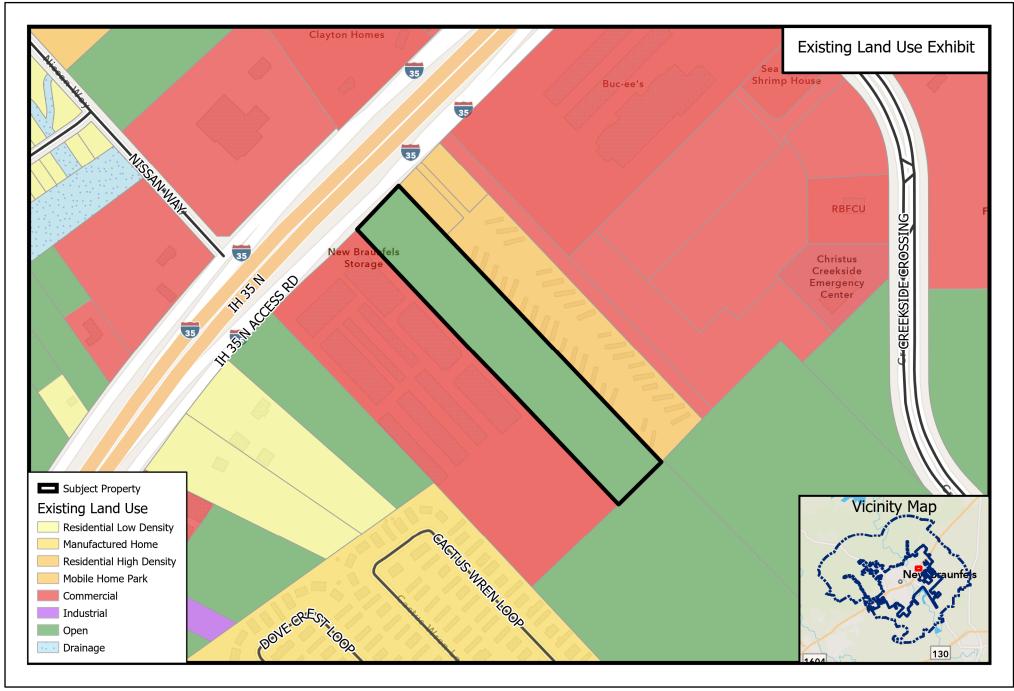
DISCLAIMER: This map and information contained in it were developed ex for use by the City of New Braunfels. Any use or reliance on this map by **366** else is at that party's risk and without liability to the City of New Brauncis, no officials or employees for any discrepancies, errors, or variances which may exist.



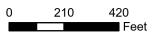




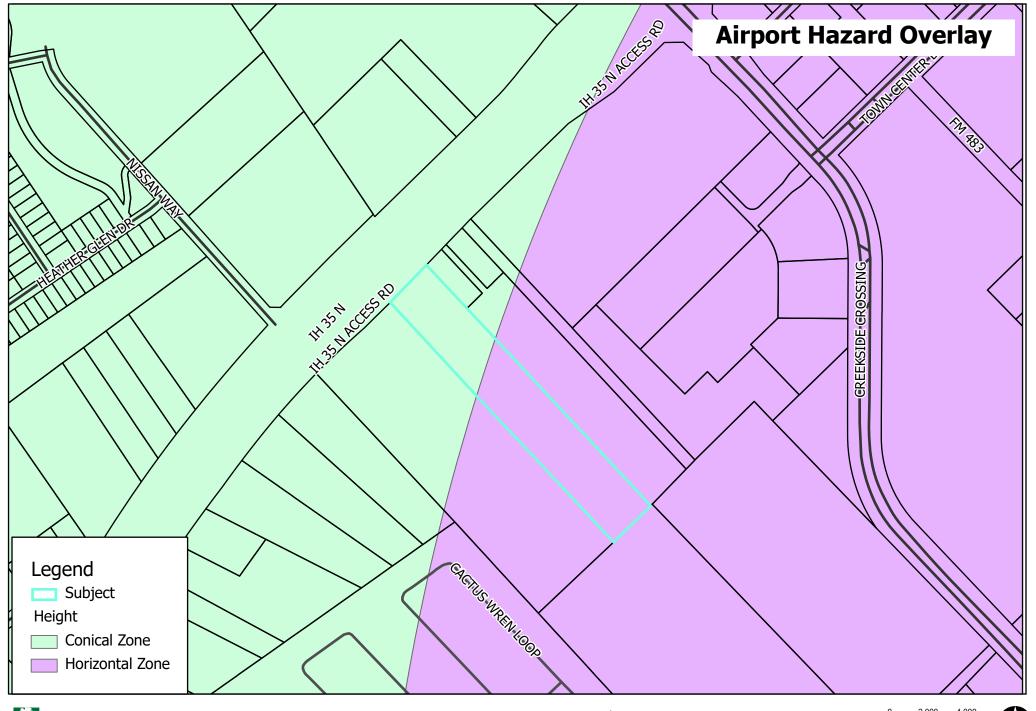
DISCLAIMER: This map and information contained in it were developed ex for use by the City of New Braunfels. Any use or reliance on this map by **367** else is at that party's risk and without liability to the City of New Brauncie, resolutions of ficials or employees for any discrepancies, errors, or variances which may exist.













2100 IH-35 North

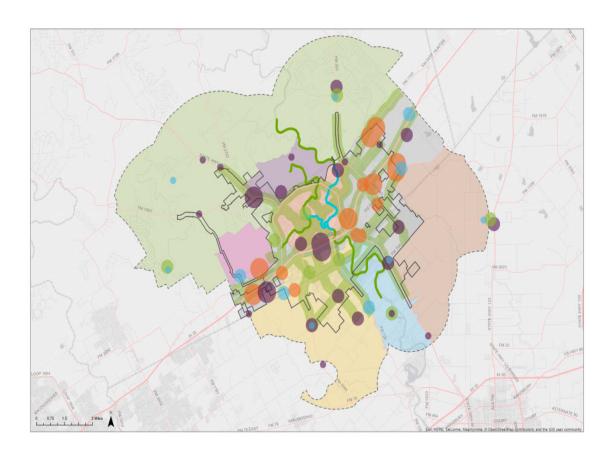






- In the Oak Creek Sub Area along the IH-35 Corridor
- Near existing Market and Medical Centers, and two proposed Employment Centers
- Action 1.3: Encourage balanced and fiscally responsible land use patterns.
- Action 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure.

Future Land Use Map



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

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

Club (private)		Р
Coffee shop		Р
Cold storage plant		
Commercial amusement concessions and facilities		Р
Communication equipment—Installation and/or repair		Р
Community building (associated with residential uses)		
Community home (see definition)	Р	Р
Computer and electronic sales		Р
Computer repair		Р
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	Р	P
Convenience store with gas sales	'	 Р
Convenience store with gas sales Convenience store without gas sales		<u>г</u> Р
Cotton ginning or baling works		<u>'</u>
Country club (private)	P	P
	r	<u>Р</u> Р
Credit agency		<u>r</u>
Crematorium		
Curio shops		P
Custom work shops		P
Dance hall/dancing facility (see section 144-5.13)		Р
Day camp		Р
Department store		P
Distillation of bones		
Dormitory (in which individual rooms are for rental)		
Drapery shop/blind shop		Р
Driving range		Р
Drug store/pharmacy		Р
Duplex/two-family/duplex condominiums		
Electrical generating plant		
Electrical repair shop		Р
Electrical substation		Р
Electronic assembly/high tech manufacturing		
Electroplating works		
Enameling works		
Engine repair/motor manufacturing re-manufacturing and/or repair		
Explosives manufacture or storage		
Exterminator service		Р
Fairground		
Family home adult care	Р	
Family home child care	Р	
Farmers market (produce market—wholesale)	Р	Р
Farms, general (crops) (see chapter 6 and section 144-5.9)	Р	Р
	1	

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

г		<u> </u>
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)		Р
Laboratory equipment manufacturing		
Laundromat and laundry pickup stations		Р
Laundry, commercial (without self-serve)		Р
Laundry/dry cleaning (drop off/pick up)		Р
Laundry/washateria (self-serve)		Р
Lawnmower sales and/or repair		Р
Leather products manufacturing		
Light manufacturing		
Limousine/taxi service		Р
Livestock sales/auction	P	'
Locksmith	Г	P
Lumber mill		Г
Lumberyard (see section 144-5.15)		
Lumberyard or building material sales (see section 144-5.15)		
Machine shop		_
Maintenance/janitorial service		Р
Major appliance sales (indoor)		Р
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		Р
Meat or fish packing/storage plants		
Medical supplies and equipment		Р
Metal fabrication shop		
Micro brewery (onsite mfg. and/or sales)		Р
Mini-warehouse/self-storage units (no boat and RV storage permitted)		Р
Mini-warehouse/self-storage units with outside boat and RV storage		Р
Monument, gravestone, or marble works (manufacture)		
Motion picture studio, commercial film		Р
Motion picture theater (indoors)		Р
Motion picture theater (outdoors, drive-in)		Р
L		1

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

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

[a, p, c, p, , , , , , , , , , , , , , , ,		
Studio for radio or television, without tower (see zoning district for tower authorization)		Р
Studios (art, dance, music, drama, reducing, photo, interior decorating,		
etc.)		Р
Sugar refineries		
Tailor shop (see home occupation)		Р
Tar distillation or manufacture		
Tattoo or body piercing studio		Р
Taxidermist		Р
Telecommunications towers/antennas (see section 144-5.7)		
Telemarketing agency		Р
Telephone exchange buildings (office only)		Р
Tennis court (commercial)		Р
Theater (non-motion picture; live drama)		Р
Tire sales (outdoors)		Р
Tool rental		Р
Townhouse (attached)		
Transfer station (refuse/pick-up)		
Travel agency		Р
Truck or transit terminal		
Truck stop		
Tuber entrance and takeout facilities (see section 144-5.13)		
University or college (public or private)		Р
Upholstery shop (non-auto)		Р
Used or second hand merchandise/furniture store		Р
Vacuum cleaner sales and repair		Р
Vehicle storage facility		Р
Veterinary hospital (no outside animal runs or kennels)		Р
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		Р
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		Р
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system	Р	Р
Welding shop		
Wholesale sales offices and sample rooms		Р
Wire or rod mills		
Wood distillation plants (charcoal, tar, turpentine, etc.)		
Woodworking shop (ornamental)		Р
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? City of New Brau	tion? City of New Braunfels New Braunfels ETJ Coma						G	uadalupe Co	ounty
Owner Name:						Owner Email	:		
Owner Address:						Owner Phon	e:		
Preparer Company:									
Preparer Name:						Preparer Em	ail:		
Preparer Address:						Preparer Phone:			
Application Type or Reason for T	IA Worksh	eet/Rep	ort						
☐ Master Plan ☐ Preliminary Plat ☐ Final Plat ☐					Commercial Permit Zoning				
TIA Submittal Type (A TIA Works	heet is requ	uired wi	th <u>all</u> zoning	, plan and p	lat applic	ations)			
TIA Worksheet Only (100 pea	ak hour trip	os or less	5)	Lev	el 1 TIA R	eport (101-50	0 peak hour	trips)	
Level 2 TIA Report (501-1,000 peak hour trips)						eport (1,001 d	or more peal	k hour trips)
Previously Approved TIA (Requi	red if this p	oroject is	part of a de	evelopment	with a pr	eviously appr	oved TIA rep	oort)	
Previously Approved TIA Report Name:						City Approv	al Date:		
TxDOT Access Approved?									
☐ Yes ☐ No					☐ Not	Applicable			
Section 2: Proposed Land Use and	d Trin Info	rmation	for Applicat	ion					
Section 2. Froposed Land Ose and	a irip iiiioi	Illation	тог Арриса						
	ITC	ITE	Est.	AM	PM	WKND	AM	PM	WKND
Land Use	ITE	IIE	Project	Peak	Peak	Peak	Peak	Peak	Peak

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).					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

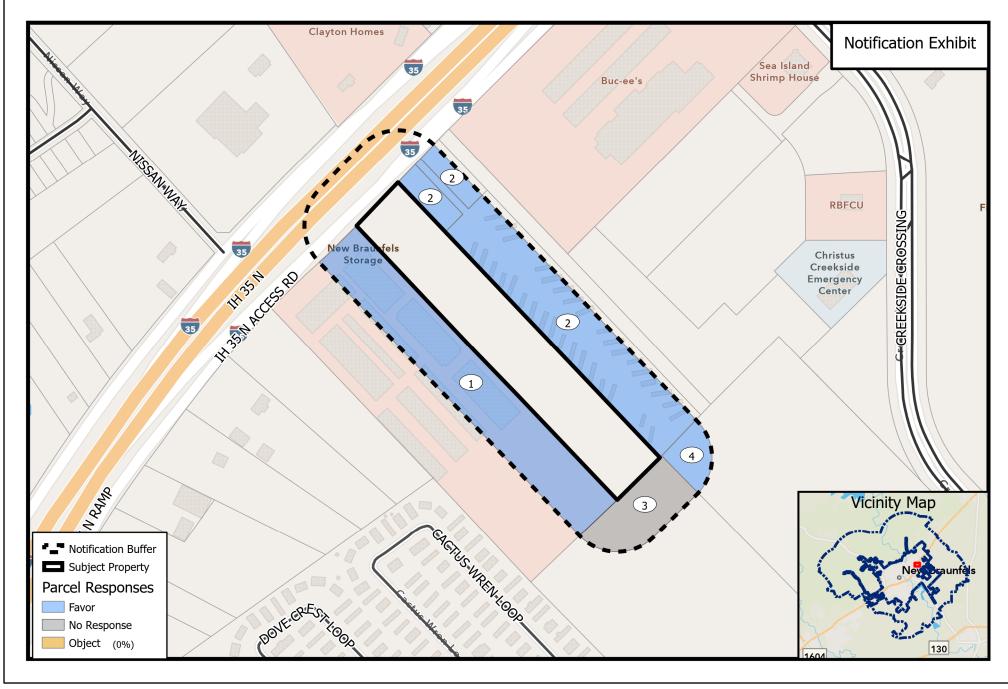
Applicant/Owner: Henry Daughtry, agent for Barbara Nell Dean **Address/Location:** Approx. 7.6 acres addressed at 2100 IH-35 North

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





210

Name New Braune / Store	790 I favor:
Address: <u>2090</u> M. <u>I -35</u> Property number on map:	/ I object: (State reason for objection) Comments: (Use additional sheets if necessary)
be a low Impact, Addi	Tron to Proposed development
Signature: Mb Jones	RECEIVE
Heyry DAUghtry Pres	SEP = 3 202

YOUR OPINION MATTER	RS - DETACH AND RETURN
Case: #PZ21-0268 Daughtry (hm)	
Name: JOHN (ANTO)	I favor:
Address: 2136 N. I-35	l object:(State reason for objection)
Property number on map: 2 Think the Proposed The Surrounding Doublety	Comments: (Use additional sheets if necessary) 201/19 15 CONSISTENT WILL 4000 b b m ent of control of control
Signature: Am Sorval TV	myph perty RECEIVE
NB RV PARK	SEP - 8 2021
	PY:

Case: #PZ21-0268 Daughtry (hm)	S - DETACH AND RETURN
Name:	I favor:
Address:	I object:(State reason for objection) Comments: (Use additional sheets if necessary
Property number on map:	
Signature: Betty Timmermann	RECEIVED
	SEP 0 8 2021

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,

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 ΑT 2100 IH-35 NORTH. FROM "APD" "C-3" AGRICULTURAL/PRE-DEVELOPMENT DISTRICT AND 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.

Page **1** of **4** 385

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
ATTEST:	RUSTY BROCKMAN, Mayor
CAITLIN KROBOT, City Secretary	
APPROVED AS TO FORM:	
VALERIA M. ACEVEDO, City Attorney	

Page **2** of **4** 386

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 Hast, New Braunfels, Texas, to-wit:

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

Thence, with the Northeast line of said Lottle Soefje 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;

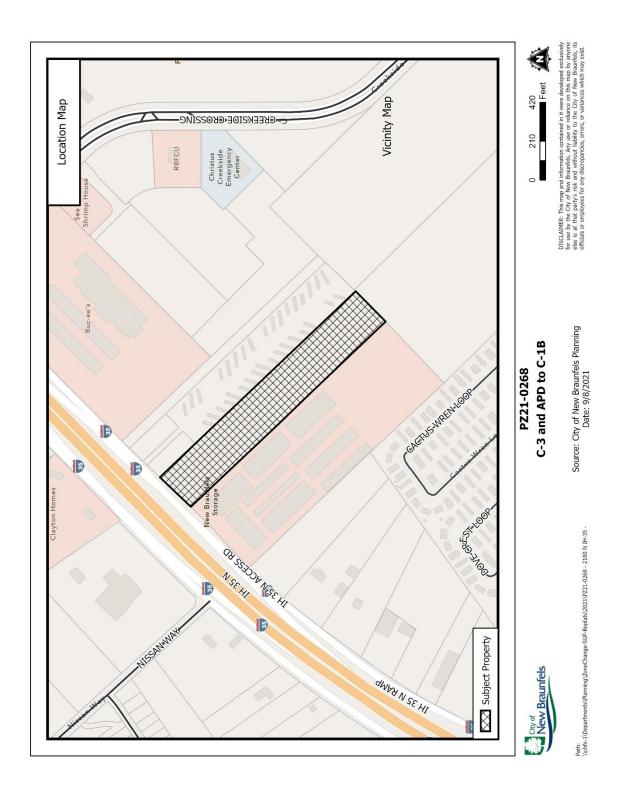
Thence, with the Southeast line of said highway, N. 45° 40' B. 227.7 feet to a stake set for West corner of a tract of 7.66 acres conveyed by Jeff Soufje et al to Minnie Soufje Pasquale and for North corner of this tract;

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

Thence, with the Southeast line of said Albert Soeffe tract, S. 45' 45' W.226.5 feet to the place of beginning, containing 7,66 acres.

Page **3** of **4** 387

EXHIBIT "B"



Page **4** of **4** 388



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

9/27/2021

Agenda Item No. J)

PRESENTER:

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

SUBJECT:

Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family 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

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 (onebedroom 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

C-1 / Single family residences West -

ISSUE:

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

- Encourage balanced and fiscally responsible land use patterns. Action 1.3:
- Action 1.14: Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.
- Encourage venues within walking distance of neighborhoods and schools. Action 3.22:
- 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.

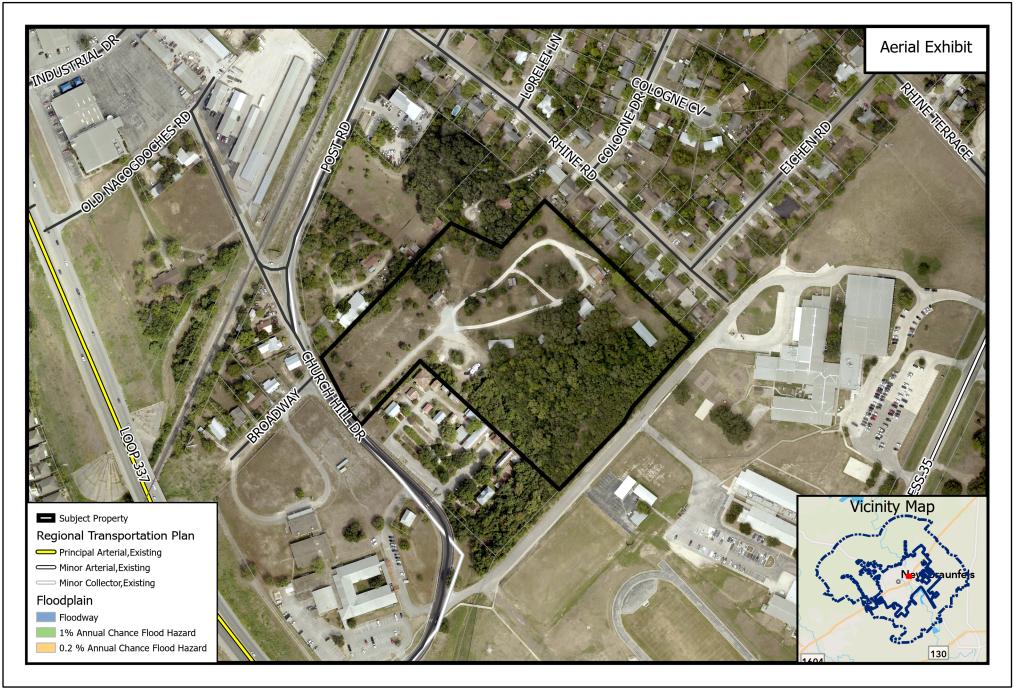
Resource Links:

- 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 ARTIIIZODI 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 ARTIIIZODI S144-3.6SPUSPE>

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

Attachments:

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

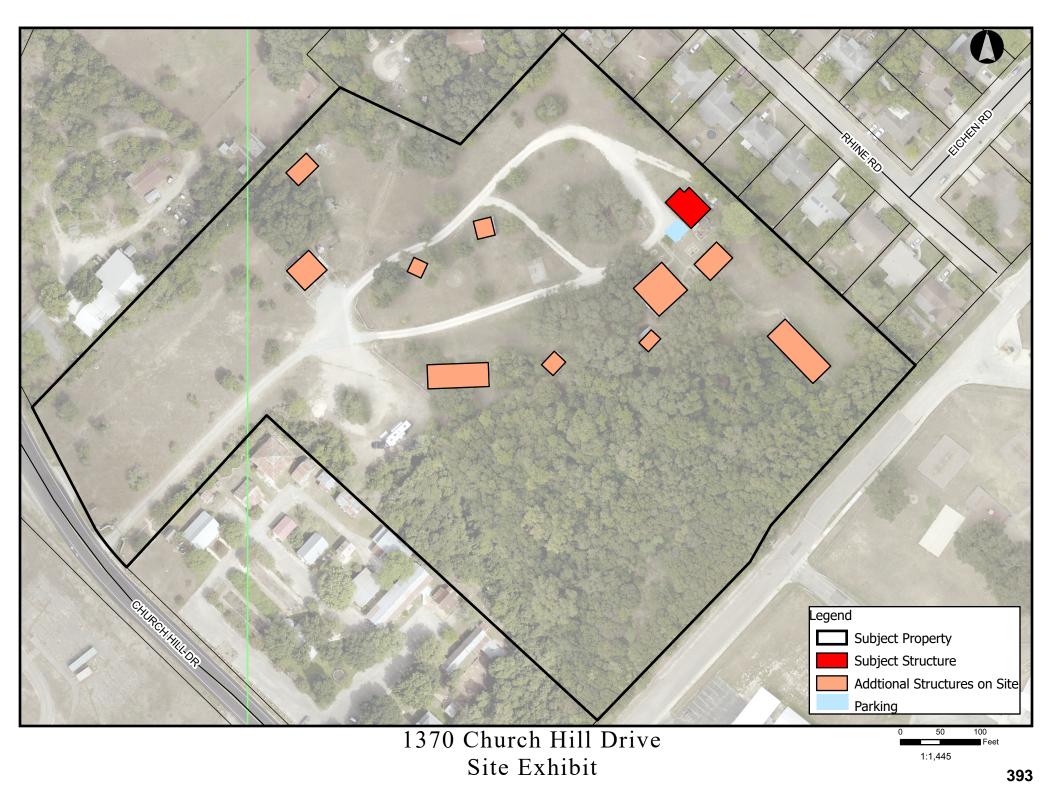


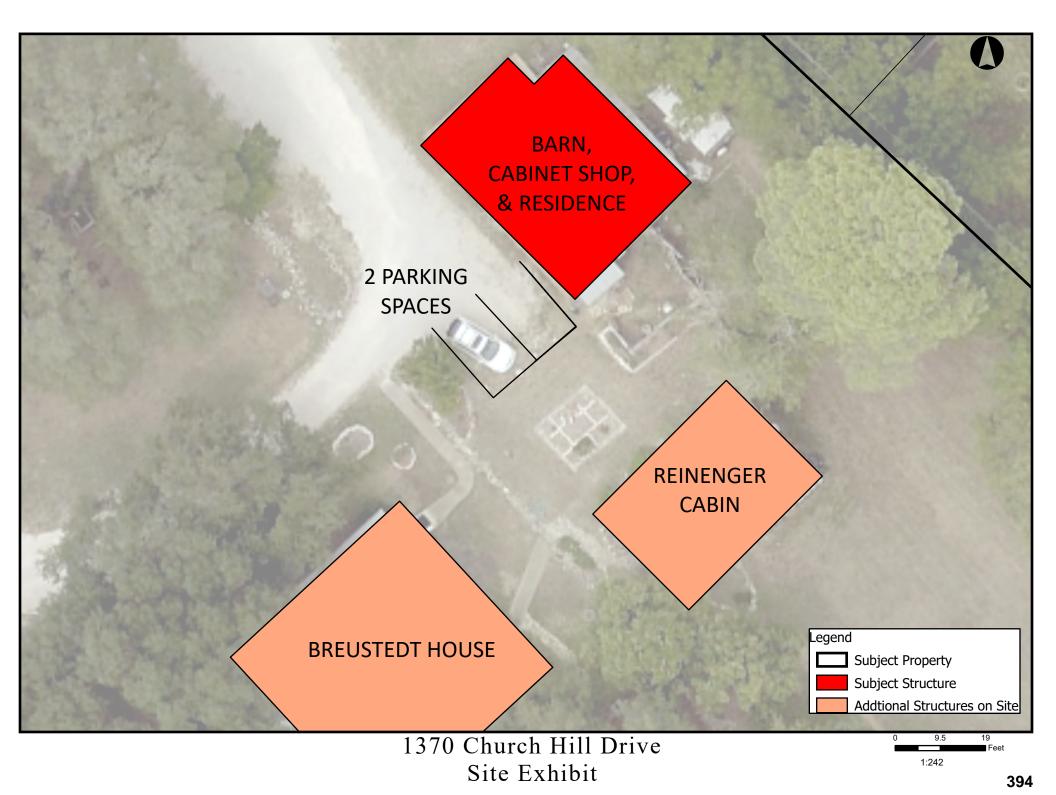


SUP21-305 Special use permit for short term rental









alr conditioner

New My rooms Save Save as... Take a 3D photo

7/13/2021

ty 51 Storage (not Part of Rental) 2000 Museum Area (Not Part of Rental) Wilder Winder

30 fx

window | Window

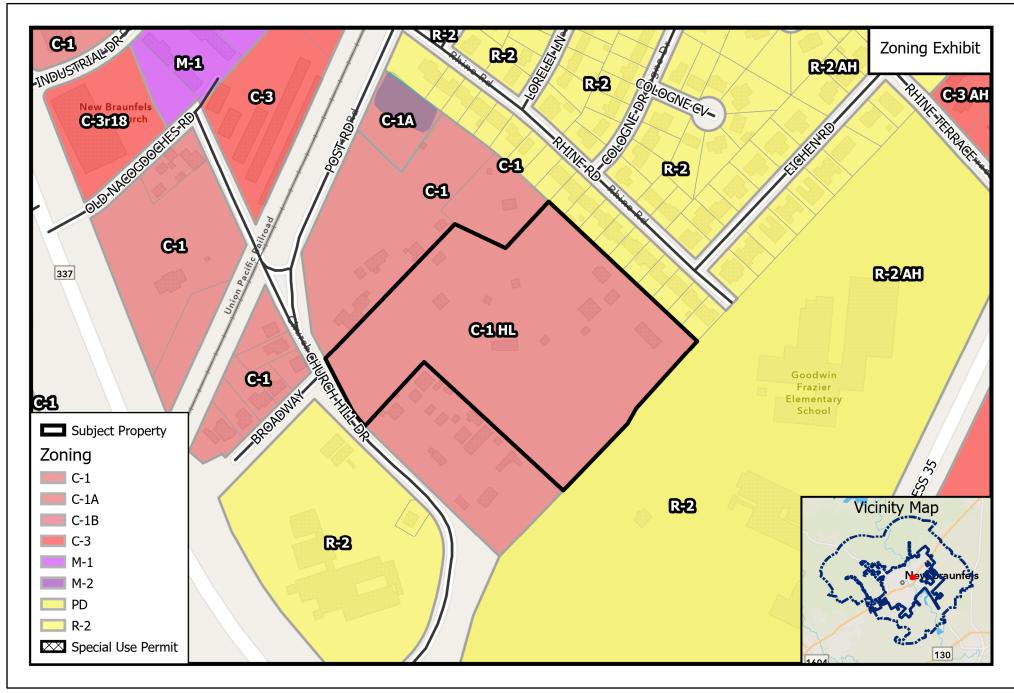
Dining

Closet

Closet

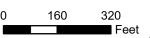
Vanity

Double





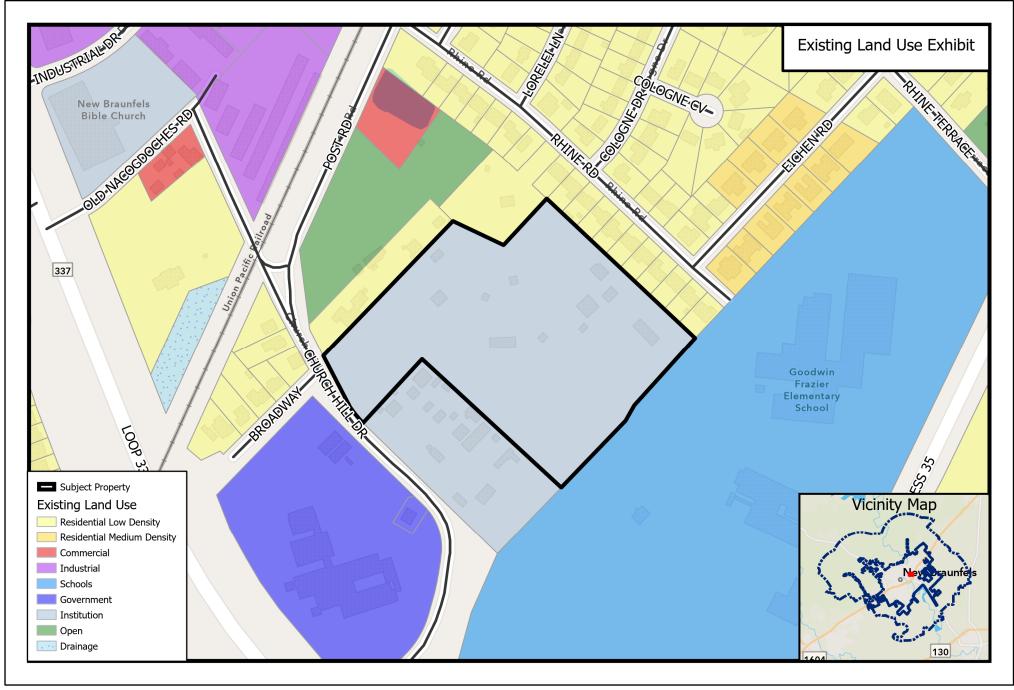
SUP21-305 Special use permit for short term rental



DISCLAIMER: This map and information contained in it were developed ex for use by the City of New Braunfels. Any use or reliance on this map by $\bf 396$ else is at that party's risk and without liability to the City of New Braurines, is

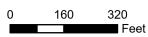
officials or employees for any discrepancies, errors, or variances which may exist.







SUP21-305 Special use permit for short term rental



DISCLAIMER: This map and information contained in it were developed ex for use by the City of New Braunfels. Any use or reliance on this map by $\bf 397$ else is at that party's risk and without liability to the City of New Brauring, is

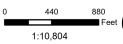
officials or employees for any discrepancies, errors, or variances which may exist.







SUP21-305 1370 Churchhill Dr

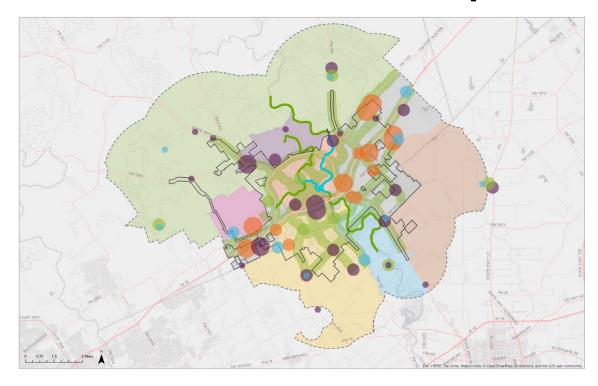






- Located in the Oak Creek Sub-Area
- At the intersection of two Transitional Mixed-Use Corridors
- Within Existing Employment, Market, Civic and Education Centers
- Within a Future Employment Center

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)

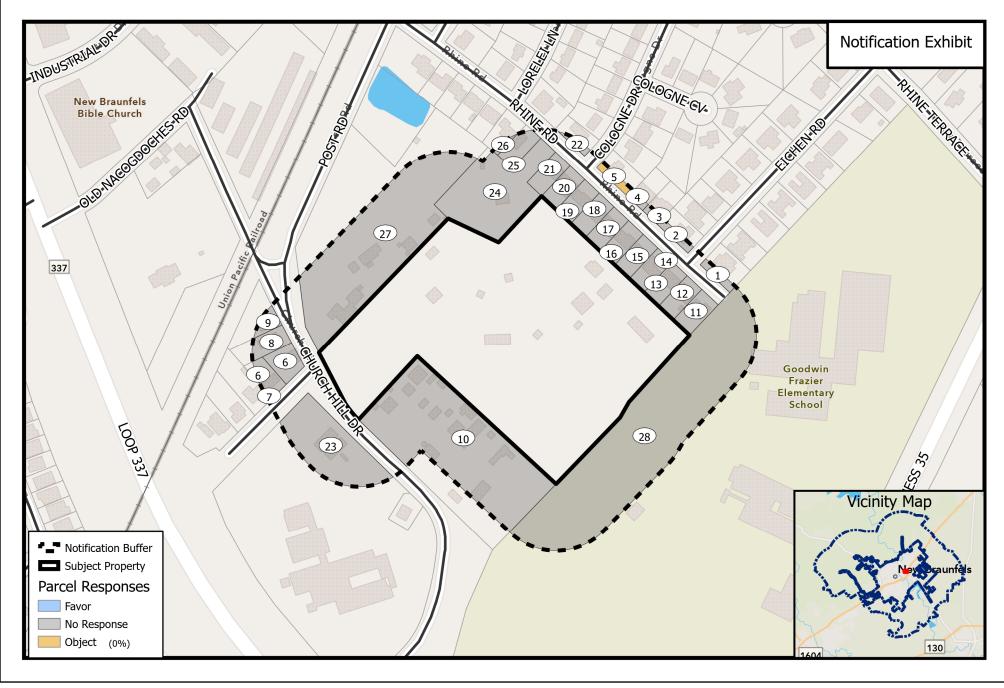
Address/Location: 1370 Church Hill Dr.

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".

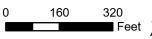
1.	PINKSTON ROBERT L & JAMIE L PINKSTON	15. STORCH CHARLES L JR & KATRINA M
2.	MORALES JOE JR	16. ARNOLDS BOYDEAN M
3.	STRACHE WALTER R JR & GABRIELE M	17. LOPEZ JOSE RENE
4.	RODRIGUEZ ANTHONY J & RITA G	18. ALBA DIANA
5.	CEJKA GARY W & REBECCA J	19. SCHMIDTZINSKY HENRY F & DOROTHY L
6.	HERNANDEZ VICTORIA	20. RAMOS ROBERTO & ALVESA
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. COMALIS D

SEE MAP





SUP21-305 Special use permit for short term rental



officials or employees for any discrepancies, errors, or variances which may exist.

YOUR OPINION MATTERS - DETACH AND RETURN Case: #SUP21-305 ms Name: Gery Ceyko Address: 1502 Colone Property number on map: 5 Comments: (Use additional sheets if necessary) We do Not Need Restals in the area. Signature: Address: 1502 Colone Signature: 1502 Colone Property number on map: 5 Comments: (Use additional sheets if necessary)

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.

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.

	RUSTY BROCKMAN, Mayor
ATTEST:	
CAITLIN KROBOT, City Secretary	
APPROVED AS TO FORM:	
VALERIA M. ACEVEDO, City Attorney	

EXHIBIT "A"

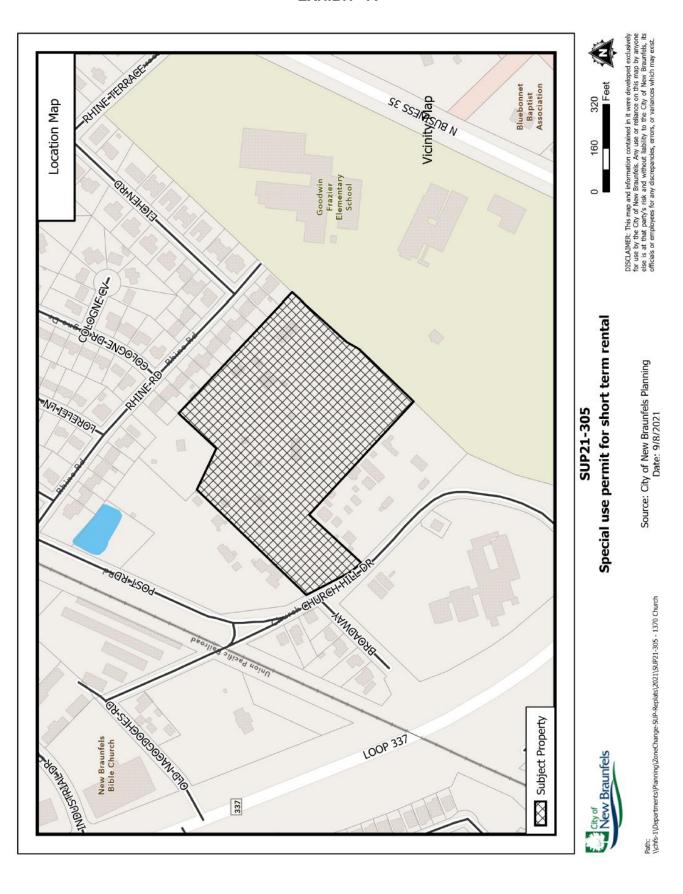
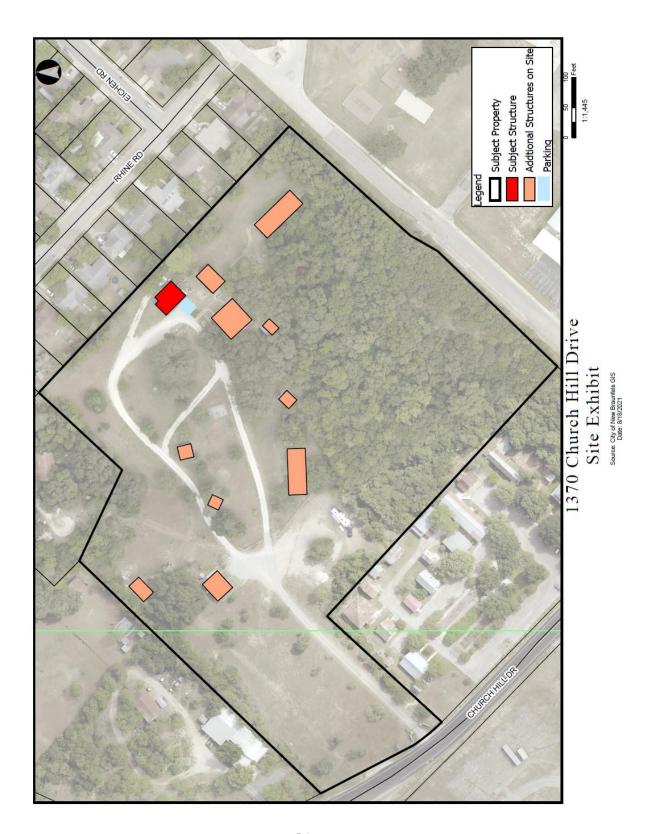


EXHIBIT "B"



Site Plan



City Council Agenda Item Report 9/27/2021

550 Landa Street New Braunfels, TX

Agenda Item No. K)

PRESENTER:

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

SUBJECT:

Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family 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:

SUP21-267 Case #:

Applicants/Owners: Peter Flores and Jennifer Yanez

12501 Lamppost Lane Austin, TX 78727

Staff Contact: Matt Greene

> (830) 221-4053 mgreene@nbtexas.org

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 throughfares 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?
- 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: shttps://library.municode.com/tx/new braunfels/codes/code of ordinances?

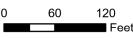
Attachments:

- 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

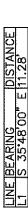




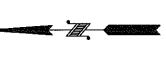
SUP21-0267 Special use permit for Short Term Rental

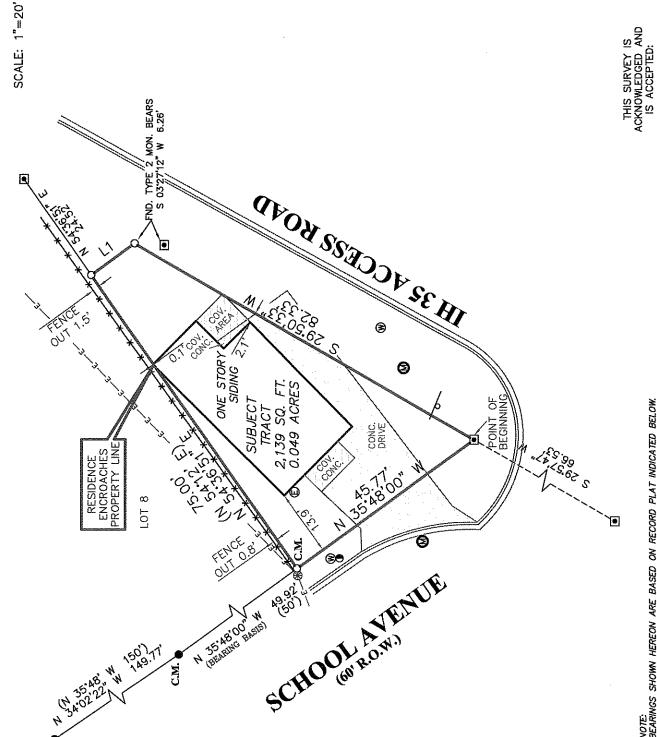






PI, SITE



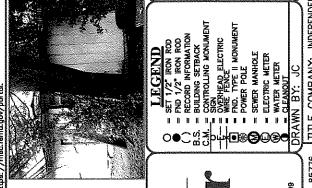


ON RECORD PLAT INDICATED BELOW SHOWN HEREON

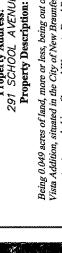
THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS, AGREEMENTS, AND/OR SETBACK LINES (IF ANY) AS FOLLOWS: VOLUME 89, PAGE 477, DEED RECORDS, COMAL COUNTY, TEXAS.

ACCIRACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND SIT THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey 1C. Panel No. 0445 E. which is Dated 09/02/2009. By scaling from that IRRA, ay survey, the survey did not take any actions to determine the Flood Zone status of THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS NITERPRETATION OF THE y not agree with the tract's actual conditions. More information concerning FEMA's Sp Property Address: 291 SCHOOL AVENUE ESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE AT THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING T SURGED RESIGNATION MAY HAVE REGARDING THE WAY HAVE REGARDING THE MAY HAVE BECAUGH THIS TO BOUNDED THE INTERPRETATION OF THE OFFICE STRIP, as described above. The informations of FEMA ar state or local officials, and which may

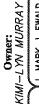








Being 0.049 acres of land, more or less, being out of Lot 9, Block 3, Buena Vista Addition, situated in the City of New Braunfels, Texas, and being that same tract recorded in a General Warranty Deed Reserving Vendor's Lien, recorded in Document No. 201806032823, said 0.049 acres being more particularly described by metes and bounds attached hereto.



LAND SURVEYORS, LLC. P.O. BOX 1645 BOERE, TEXAS 78006 PHONE (210) 372-9500 FAX (210) 372-FIRM REGISTRATION NO. 10111700

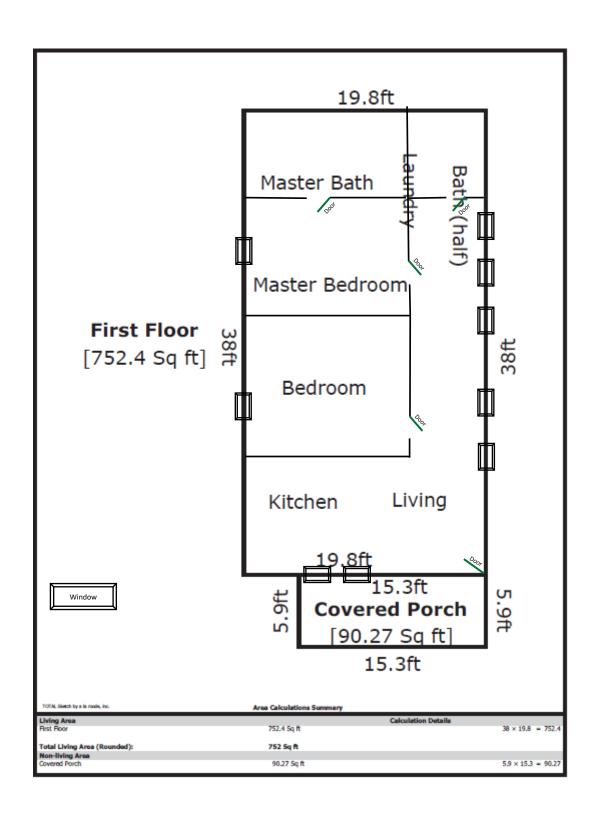
I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encrachment or overlapping of improvements,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

Surveyor 5095 MARK J. EWALD Registered Professional Land Texas Registration No. 5

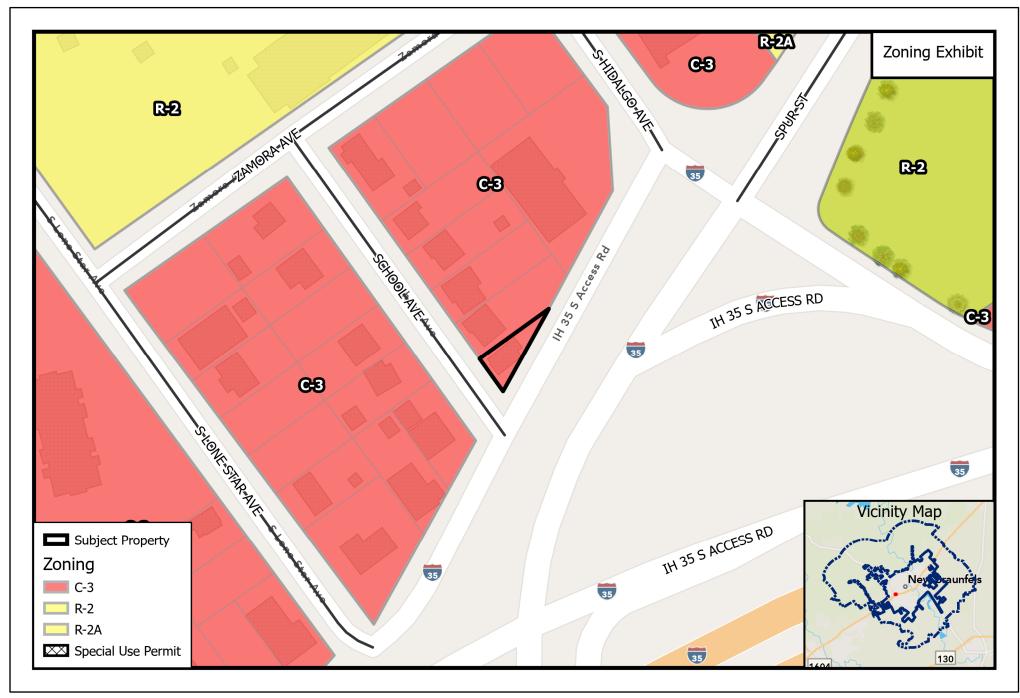
DATE: 10/25/2018

7. F. NO. 1840904-NBF

JOB NO. 85776

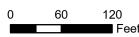


FLOOR PLAN





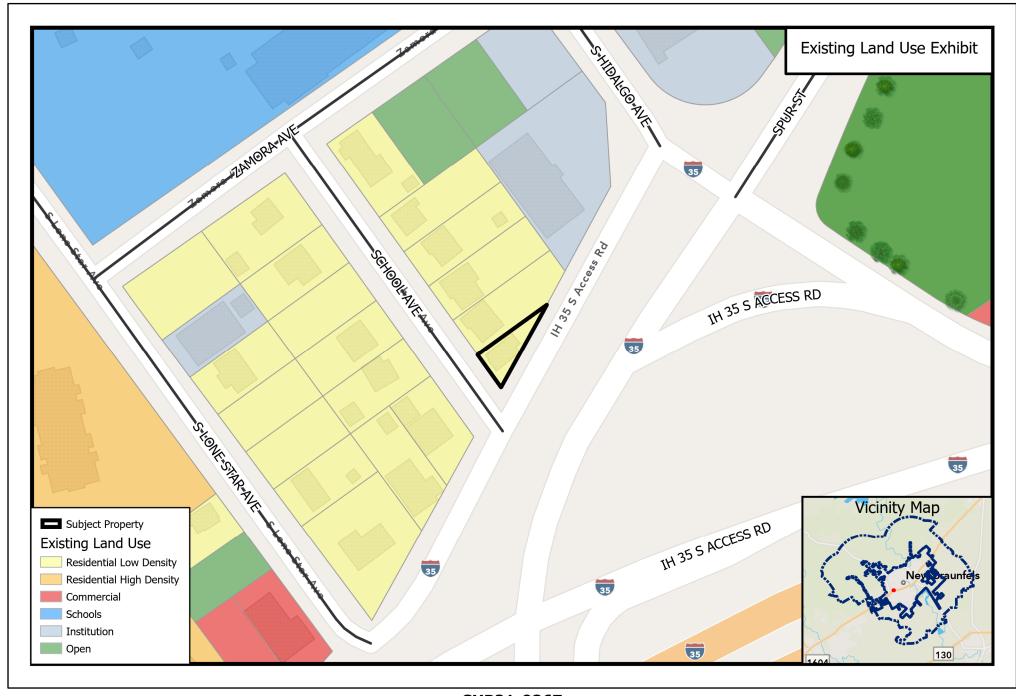
SUP21-0267 **Special use permit for Short Term Rental**



DISCLAIMER: This map and information contained in it were developed ex for use by the City of New Braunfels. Any use or reliance on this map by $\bf 414$

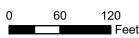
else is at that party's risk and without liability to the City of New Braur....., ... officials or employees for any discrepancies, errors, or variances which may exist.







SUP21-0267 **Special use permit for Short Term Rental**



DISCLAIMER: This map and information contained in it were developed ex for use by the City of New Braunfels. Any use or reliance on this map by $415\,$ else is at that party's risk and without liability to the City of New Brauliness, its officials or employees for any discrepancies, errors, or variances which may exist.

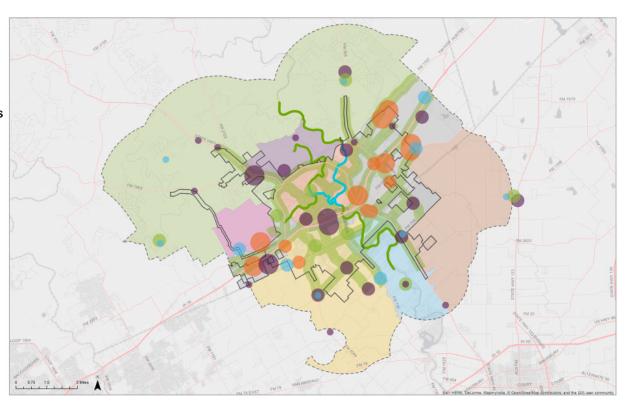


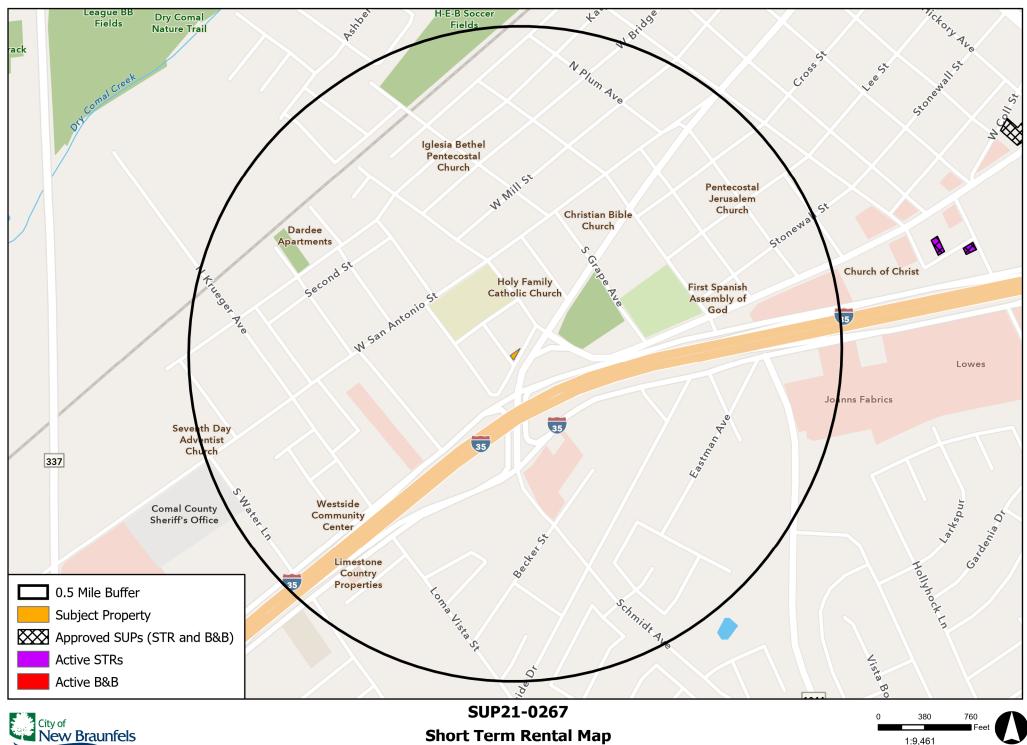


• In the Oak Creek Sub Area

- Near existing Civic and Outdoor Recreation Centers
- Near future Market Center and Transitional Mixed-Use Corridors
- Action 1.3: Encourage balanced and fiscally responsible land use patterns.
- Action 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure.
- Action 1.14: Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.

Future Land Use Map

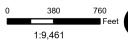






Y:\Tools\Tools\PLN_STRBB\STR and BB Tool.aprx

Short Term Rental Map



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

Zoom & City Hall Council Chambers

Applicant/Owner: Peter Flores and Jennifer Yanez

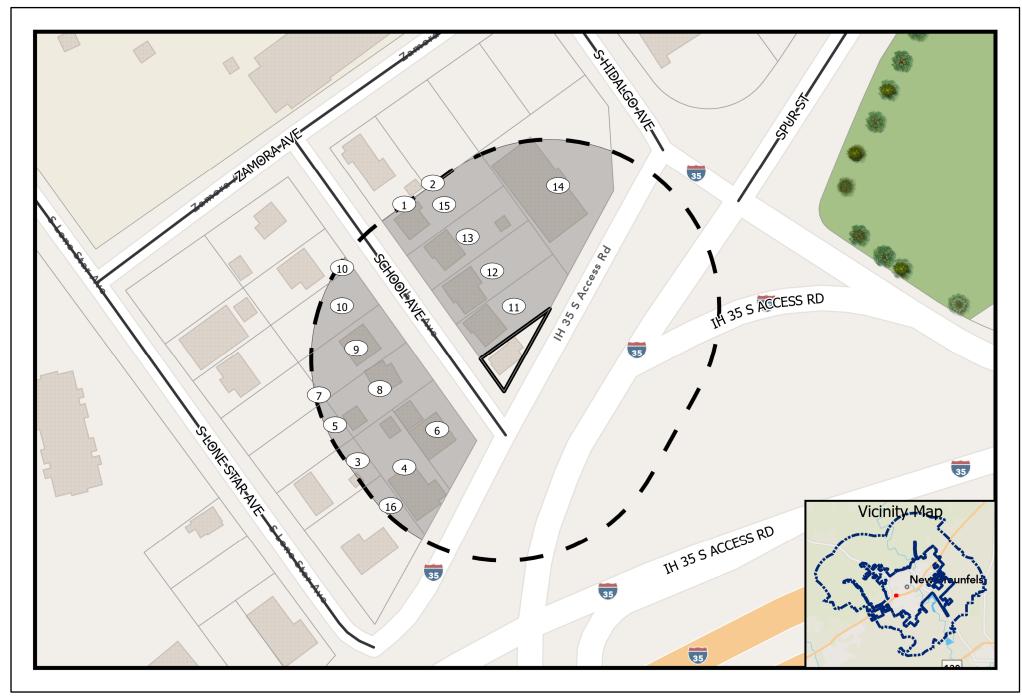
Address/Location: 291 School Ave

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".

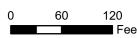
- 1. LEOS LEONARDO C & MACARIA
- 2. ARCHBISHOP OF SAN ANTONIO
- 3. AGUIRRE AGUSTINA P
- 4. WESCH JOAN M
- 5. PACHECO DANA LEE CUSTODIAN
- 6. RODRIGUEZ PEDRO G & ESPERANZA
- 7. PACHECO DANA L CUSTODIAN
- 8. CAMACHO JOEL & FRANCISCA C
- 9. SANCHEZ LUIS A
- 10. MORALES ROBERT
- 11. MAYER JESSICA L & RAUL 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**



DISCLAIMER: This map and information contained in it were developed ex for use by the City of New Braunfels. Any use or reliance on this map by $419\,$ else is at that party's risk and without liability to the City of New Brauliness, its officials or employees for any discrepancies, errors, or variances which may exist.















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

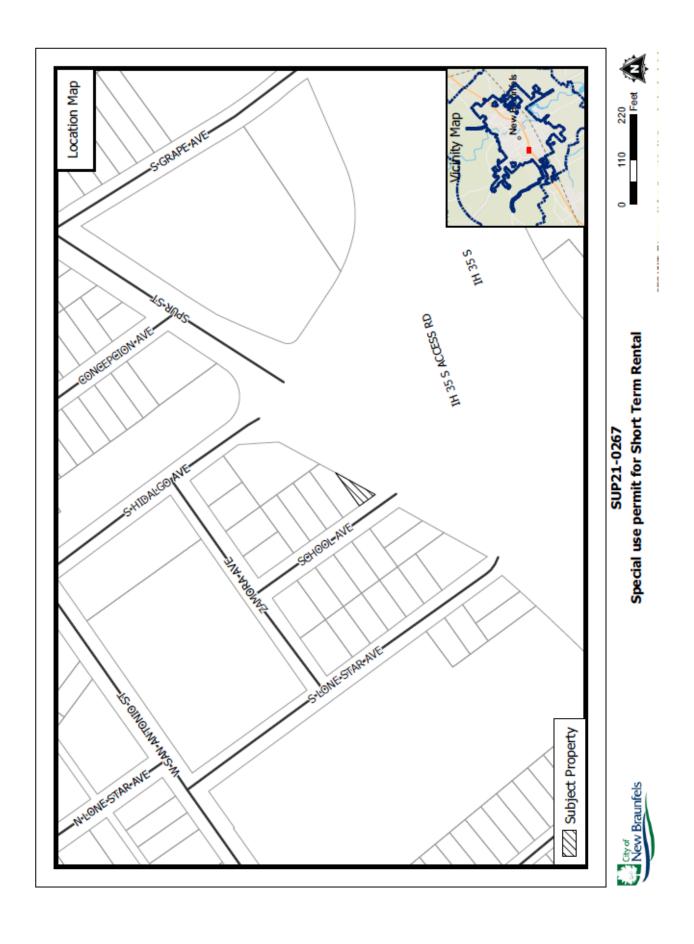
THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

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.

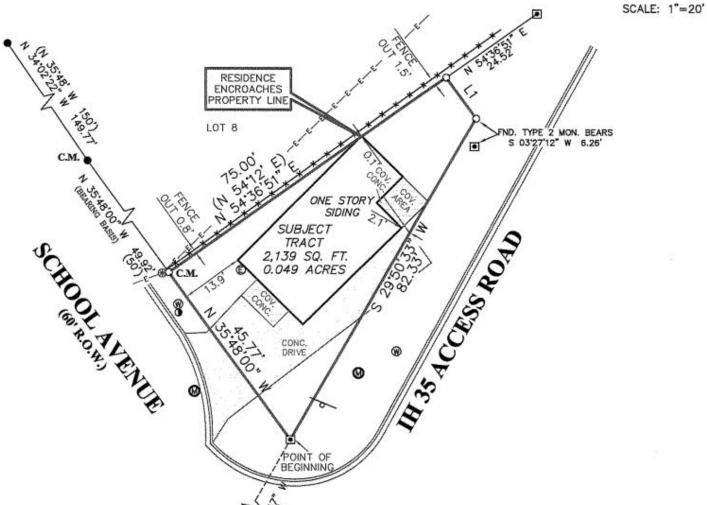
	CITY OF NEW BRAUNFELS
	RUSTY BROCKMAN, Mayor
ATTEST:	
CAITLIN KROBOT, City Secretary	
APPROVED AS TO FORM:	
VALERIA M. ACEVEDO, City Attorney	EXHIBIT 'A'



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

SITE PLAN





we find and 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.



City Council - Executive Session Agenda Item Report 9/27/2021

550 Landa Street New Braunfels, TX

Agenda Item No. 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