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Council tied up on drainage ordinance

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New Braunfels' controversial drainage ordinance remains in place for now, after city council debate ended in a 3-3 tie vote Monday.

Councilwomen Kathleen Krueger, Beth Sokolyk and Sonia Muñoz-Gill voted to keep the ordinance's mandatory connection fee, against the recommendation of City Attorney Charlie Zech.

Mayor Bruce Boyer and councilwomen Valerie Hull and Gale Pospisil voted to strike the fee from the ordinance.

Councilwoman Lynn Limmer, who had stated previously she was in favor of taking another look at the document, did not attend the meeting. Limmer could not be reached for comment in time for this story.

With the ordinance still in place, the city is facing a lawsuit from the Greater New Braunfels Homebuilder's Association, who warned they would seek relief from the court system if the ordinance was not amended by today.

While acknowledging the threat, Krueger encouraged her fellow council members not to be swayed by it.

"I guess you can get many opinions from many lawyers," she said. "My only desire is to protect the citizens from (flooding). Our job is to protect their interests."

Boyer noted the ordinance would not be much protection if it was rendered ineffective, tied up in a legal battle.

"We've got to do something about our drainage problems, but we have to do it within the legal statutes," he said. "We won't collect

anything from the ordinance if there's an injunction against us."

Boyer encouraged council to consider reopening a discussion of impact fees, instead of the current ordinance, a suggestion supported by the first developer likely to pay under current rules.

Keith Walkup, representative for Sabine Investment Company and the proposed Oak Creek Estates, said he did not mind paying for his development's impact, as long as the fees were fair.

"The idea of us paying money is fine, if it's an impact fee. This appears to be an arbitrary fee pulled out of the air," he said.

Sabine's 707-lot neighborhood would generate almost \$900,000 under the current ordinance, if it is ever developed.

Project Coordinator Ronnie Moore said the company would take a "wait and see" approach before making any decisions, but did confirm they were moving ahead with the subdivision's plans.

For additional coverage of Monday's meeting, check the Wednesday edition of the Herald-Zeitung.

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