**For Immediate Release**
November 2, 2010

**For more information contact:**
Jerry Hendrix, APR
Director of Communications
City of Kyle
512.262.3921

# Kyle Interim City Manager Taps Municipal Finance Veteran for Finance Director

**KYLE, TX -** Kyle's interim city manager, James R. Earp, CPM, has selected Perwez Moheet, CPA, for the city's next director of finance.

Moheet, served in various capacities for the City of Austin for 30 years, retiring as Deputy Director of the Austin Water Utility in April 2010.

"We are excited to have someone with the experience of Perwez join our staff," said Earp. "Perwez has extensive knowledge and experience the administration and management of municipal government and will be a great asset as we continue to develop our fiscal policies moving forward."

Moheet is a graduate of University of Texas at Austin where he received his Bachelor of Business Accounting degree. He completed his requirements for licensing as a Certified Public Accountant in 1985.

"I am excited at the opportunity to be a part of the City of Kyle organization and look forward to serving the City Council, City Management, and the citizens of Kyle, Texas."

(more)

Moheet was selected from a field of 107 applicants for the job. While most of the applicants were from Texas, applications were received from as far away as New York and California.

The City of Kyle has been one of the fastest growing cities in Texas since 2000, seeing the population grow from just under 5,000 to approximately 30,000 currently. Recent additions of numerous shopping centers and a 210-bed Seton Hospital have shown the cities resilience despite the ongoing economic downturn.

The budget for the city's current fiscal year is $54.6 million, up from $10.7 million in the 2003-2004 fiscal year, showing how much the explosive growth has affected Kyle's budget.

"We are in a very critical time in our city's financial history," said Kyle Mayor Lucy Johnson. "We've made a significant investment in our water systems, roads, and development of our economy in terms for services and jobs for our residents. These investments sometimes take time to start paying back and we need someone with Perwez's experience to help guide us through these tough times and responsibly manage our tax payer's money."

The Director of Finance is responsible for assisting in the planning, development, implementation, and maintenance of all financial records, systems, and operations of the City of Kyle.

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**For Immediate Release**
November 2, 2010

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Steve Blackhurst
Aqua Texas
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# Sewage Spill at Kyle Wastewater Treatment Plant

**KYLE, TX –** Officials with the City of Kyle are reporting a spill from the City's wastewater treatment plant.

The spill is believed to have occurred between the evening of Sunday, October 31st, and early in the morning of November 1st. The spill occurred from the plant itself as well as from a nearby manhole located close to the plant and is believed to be in excess of 100,000 gallons. The exact amount of the spill continues to be accessed.

Representatives from the City of Kyle, Aqua Texas (the plant's operator), the Texas Commission on Environmental Quality, and the Texas Parks and Wildlife department have been on site since the spill, classified as "domestic", was reported and their investigation is ongoing.

The spill is believed to be a result of an equipment malfunction of the Kyle Wastewater Treatment Plant's on-site lift station which caused untreated wastewater to backup and overflow from the adjacent manhole cover into an unnamed tributary of Plum Creek.

(more)

Once the malfunction was corrected, an excessive amount of sewage was pumped from the lift station into the plant, causing a discharge of insufficiently treated wastewater to the same unnamed tributary of Plum Creek.

Appropriate local officials have been notified, as well as the Texas Commission on Environmental Quality. The cause of the spill has also been corrected and there has been no additional discharge into the creek.

Officials from the City of Kyle, State Agencies and the plant operator, are continuing their investigation into the incident and monitoring the condition of the creek.

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**For Immediate Release**
November 5, 2010

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# City of Kyle and Contractor Working to Prevent Future Spills at Wastewater Treatment Plant

**KYLE, TX –** Representatives from the City of Kyle are working with contractor Aqua Texas to prevent future spills at the city's wastewater treatment plant following an accidental spill early in morning of November 1st.

The spill is believed to be the result of a malfunction at the onsite lift station due to a buildup of grease in the station that did not allow the control and alarm floats to operate correctly. This system sounds an alarm and notifies operators that the station is not functioning properly and requires attention.

Aqua Operations, Inc., an affiliate of Aqua Texas, will be working with the City of Kyle to study the incident and make whatever operational changes and equipment upgrades are necessary to prevent such a spill in the future.

One measure being taken is to install a pre-treatment mechanism within the collection system to minimize grease reaching the onsite lift station.

Aqua Operations, Inc. will also be installing an ultra-sonic level transmitter at the onsite lift station that will not be affected by grease or other debris.

(more)

The transmitter will have a digital level readout located at the plant's control room and will be tied into the existing alarm system. The lift station's water level will also be transmitted to the City of Kyle's SCADA (Supervisory Control and Data Acquisition) System. The SCADA system monitors water levels and flows throughout the city and is an integral part of the City's water management system. Having the treatment plant's lift station connected to the City's SCADA system allows for an additional layer of oversight and monitoring that will result in faster recognition and response to potential problems.

Additionally, Aqua Operations, Inc. has hired an Environmental Engineering firm to monitor and evaluate the affected waterways. Once Aqua Operations, Inc. has reviewed the Engineers assessment, Aqua is prepared to remediate the aquatic life in the affected waterways.

The spill occurred from the City of Kyle's wastewater treatment plant itself as well as from a nearby manhole located close to the plant and is believed to be in excess of 100,000 gallons. The poorly treated wastewater entered Plum Creek through an unnamed tributary that runs by the plant. The exact amount of the spill continues to be accessed.

The treated wastewater from the plant is considered to be cleaner then the water in the Plum Creek and actually assist in improving the quality and quantity of water flowing through the creek.

(more)

The plant is located just north of State Highway 150, about two miles east of Interstate 35 in Kyle. The spill did not affect drinking water supplies and is not considered a danger to public health.

Officials from the City of Kyle, State Agencies and Aqua Texas, are continuing their investigation into the incident and monitoring the condition of the creek. Any additional information will be forwarded as soon as it is available.

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# PRESS RELEASE

**#11072010**

**KYLE POLICE DEPARTMENT**

**300 W. Center Street, Kyle, Texas 78640**
**(512) 268-3232 Fax: (512) 268-2330**

## For Immediate Release

**Date: November 9, 2010**

**FIRING UPHELD FOR EX-KPD OFFICER**

**The Independent Hearing Examiner who conducted an Arbitration Hearing involving Kyle PD ex- officer Karl Cranek rules to uphold Cranek's indefinite suspension given him by Kyle Police Chief Michael Blake in March of this year.**

**Under civil service statutes, an indefinite suspension is the equivalent of termination from employment.**

**After his disciplinary termination for incompetency and neglect of duty involving Cranek's release of a 14-year-old child into the custody of an alleged sexual predator, Mr. Cranek filed an appeal for an Arbitration Hearing in attempt to have the suspension reduced or overturned. The hearing, which was open to the public, concluded in the middle of its third day of testimony on August 18, 2010.**

**The adult defendant in this matter, Dustin Paul McFall, DOB 11-02-76, is pending trial in Hays County on two counts of Sexual Assault of a Child.**

**In his written opinion, Hearing Examiner Chuck Miller ruled that there was "just cause" for the indefinite suspension.**

**According to Miller, "the lapse of judgment made by Cranek is not only a serious lapse for a police officer; it shows an inability to make proper judgments by a police officer".**

**Miller further went on to say "Pedophilia, aside from its criminal repercussions, is seriously looked upon now in our society. Common knowledge of minors being victim of this malady...has raised public awareness and cause revulsion of pedophilia and a heightened demand by the citizenry that children be protected from being victimized". Among his reasons in sustaining Cranek's indefinite suspension, Miller closed his statement in saying "It is inexcusable in this day and age for a police officer or a police department not to follow suit."**

**Police Chief Michael Blake said that "the outcome of this appeal is undoubtedly unfortunate for the ex-officer and his family, but that being said, law enforcement professionals are entrusted by the public to perform their duties with a high degree of professional competency. As police chief, my role is to see that police personnel perform to that high standard".**

**Chief Blake further went on to say that "it is my hope that this one isolated incident by a former employee does not adversely impact the public's trust in the police department, or serves to overshadow the incredible work being performed day-in and day-out by the men and women of the Kyle Police Department".**

# PRESS RELEASE

**#11072011**

**KYLE POLICE DEPARTMENT**

**300 W. Center Street, Kyle, Texas 78640**
**(512) 268-3232 Fax: (512) 268-2330**

## For Immediate Release

**Date: November 21, 2010**

## Kyle Police Investigating Injury to a Child at Kyle Daycare

Kyle police have arrested the owner of a Kyle day care for Injury to a Child, a first-degree felony.

Christina Suzanne Lyons (DOB 11/23/1978), owner of Little Lyons Cub Day Care, located at 561 Keystone Loop, in Kyle, was arrested at 10:18 p.m. on November 19, 2010 and booked into the Hays County Jail. Lyons was released on Saturday, November 20, on a $50,000 bond.

On Thursday, November 18, 2010 at 2:53 p.m. the Kyle Police Department responded to the home based day care, for reported injuries to a 10 week-old child.

The child was transported by ambulance to Dell Children's Hospital in Austin with head injuries. The parents of the child were notified by the day care. The licensing division of Child Protective Services has also been notified.

According to the probable cause affidavit, investigating officers believe that the account given by Lyons was not consistent with the injuries suffered by the child.

The Kyle police department is not releasing the name of the victim for privacy concerns for the family.

**For Immediate Release**
**November 22, 2010**

**For more information contact:**
City of Kyle
Jerry Hendrix 512-262-3921

# Kyle City Council Recognizes Veteran's

**Kyle, TX –** The Kyle City Council paid respect to the nations's veterans at their November 2nd city council meeting.

"The City of Kyle appreciates all of it's veterans who have served in the armed forces of the United States," said Kyle District 4 councilman David Wilson, himself a veteran. "The proclamation serves as an official vehicle to proclaim our appreciation for their service to our country."

We also appreciate the good work of Kyle/Buda Post 12058 which does good work for veterans and fosters patriotism in our community. To that end, there are many activities at local schools which this organization predicates to include Hays High School and Lehman High School to honor our veterans. We wish all veterans a wonderful Veterans Day.

# PRESS RELEASE

**#11072013**

**KYLE POLICE DEPARTMENT**

**300 W. Center Street, Kyle, Texas 78640**
**(512) 268-3232 Fax: (512) 268-2330**

## For Immediate Release

**Date: December 2, 2010**

## Bond for Lyons Cub Day Care Owner Increased to $500,000

The Hays County District Attorney has increased the bond for Christina Suzanne Lyons, owner of Little Lyons Cub Day Care in Kyle, to $500,000. Lyons had previously been out on a $50,000 bond on charges of First Degree Injury to a Child after 10 week-old Benjamin Spencer was taken from the day care with severe injuries. Spencer passed away in the early morning hours on November 25th.

The charge against Lyons has not changed at this time and Lyons remains in the Hays County Jail after turning herself in to authorities yesterday afternoon.

On Thursday, November 18, 2010 at 2:53 p.m. the Kyle Police Department responded to the home based day care, for reported injuries to a 10 week-old child.

The child was transported by ambulance to Dell Children's Hospital in Austin with head injuries. The parents of the child were notified by the day care. The licensing division of Child Protective Services has also been notified.

According to the probable cause affidavit, investigating officers believe that the account given by Lyons was not consistent with the injuries suffered by the child.

**For Immediate Release**
**November 12, 2010**

**For more information contact:**
City of Kyle
Jerry Hendrix 512-262-3921

# U.S. Circuit Court of Appeals Finds City of Kyle's Housing Rules Not Discriminatory

**Kyle, TX -** The 5th United States Court of Appeals has ruled in favor of the City of Kyle regarding the appeal of lawsuit filed against the City by the National Association of Home Builders (NAHB), the Home Builders Association of Greater Austin (HBAGA), and the National Association for the Advancement of Colored People (NAACP), the Texas State Conference of the NAACP.

The groups filed suit on the City of Kyle on November 22, 2005 alleging the City's revised zoning ordinance adopted on November 18th, 2005 violated the Fair Housing Act. The suit also alleged that the City of Kyle retaliated against the Home Builders Association when the City increased building permit fees to cover the cost of the litigation. United States District Court Judge Lee Yeakel heard the case in February 2008, and handed down his ruling on March 30th, 2009. Judge Yeakel's ruling found that the City of Kyle won on all counts and did not violate the Fair Housing act, nor did the City retaliate against the Home Builders Association by raising the permit fees.

The groups appealed the ruling to the Court of Appeals in shortly after Judge Yeakel's decision and the appellate court heard arguments on April 26th, 2010.

(more)

The appeals court ruled that the groups did not have standing to sue the city as no evidence was presented that any of their members were unable to purchase a home as a result of the revised rules.

In its ruling, the court states, "…there is no evidence in the record showing that a specific member of the NAACP has been unable to purchase a residence in Kyle as a result of the revised ordinances that went into effect in 2003. There is also no evidence showing when and how the revised ordinances may deprive a NAACP member of the opportunity to acquire a new residence in Kyle. Instead, Plaintiffs have pointed only to evidence suggesting, in the abstract, that some minority members may be less able to afford such residences due to the revised ordinances. This is insufficient for associational standing because the alleged injury is neither concrete nor imminent."

"We are very pleased to have the appeals court confirm what we have know all along, that Kyle's home building rules are fair to all people," said Kyle Mayor Lucy Johnson. "Now that we have this behind us, I'm looking forward to being able to focus completely on moving the City of Kyle forward and building the very best city possible for all our existing citizens and for all our future citizens."

The City of Kyle adopted changes to the City's zoning ordinance on November 24th, 2003, requiring single-family residences to be a minimum of 1,600 square feet on minimum lot sizes of 8,190 square feet. The revised ordinance also requires all new structures to be constructed with exteriors of 100% masonry and to have garages of not less than 480 square feet. The previous ordinance required a single-family residence to be not less than 1,400 square feet and allowed lot sizes to be 20% smaller.

(more)

"As a city, we are very proud of our diversification and embrace the strength that we gain from it," said James R, Earp, Kyle Interim City Manager. "I certainly hope that this ruling lays to rest any doubts about the fairness of our ordinance and assures the public that the City of Kyle is happy and proud to be home to all people."

The new ordinances were put in place to slow the unprecedented growth that was occurring at the time. The City of Kyle spent much of the last decade as one of the fastest growing cities in Texas. The pace of that growth put tremendous pressure on Kyle's ability to extend services to all parts of the city.

The Kyle City Council also approved that all existing plats at the time of the approval of the new rules would be grandfathered to the rules present at the time of they were platted. The number of plats that were grandfathered was estimated at approximately 60,000.

At the time of the initial bench trail in 2008, no homes had been built under the new ordinance.

The City of Kyle had also counter sued requesting reimbursement of attorney fees. The appeals court ruled that since the lawsuit was not frivolous, the attorney fees would not be awarded.

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**For Immediate Release**
**December 29, 2010**

**For more information contact:**
City of Kyle
Jerry Hendrix 512-262-3921

# City of Kyle Web Site Receives Gold Award from Texas Comptroller

**Kyle, TX –** The City of Kyle has received a GOLD Leadership Circle Award from the Texas Comptroller's office for exceeding government transparency standards set by the state agency.

The Comptroller's office Leadership Circle recognizes local governments that have either taken their first steps toward, made strides to meet, or have exceeded transparency standards. The three award levels are:

- **Gold** – to those who are setting the bar in transparency
- **Silver** – to those who are making continued progress
- **Bronze** – to those who are just beginning their transparency efforts

The main criteria for the awards include having the city's budget, audit, and check register available online. Other minor criteria involve local government and council contact info, public information requests, easy access to documents, and other financial information.

Approximately 95 Texas cities have received one of the three awards, with 58 having received the gold (including Kyle).

More information about the program is available by clicking the links below:

http://www.texastransparency.org/local/cities.php

http://www.texasahead.org/texasrising/tr1002/transparency.html

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