

KYLE CITY COUNCIL MEETING

JANUARY 3RD, 2012



KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

I. Call Meeting to Order

II. Citizen Comment Period With City Council

1. City Council Special Meeting - December 6, 2011 ~ *Amelia Sanchez, City Secretary*
2. City Council Regular Meeting - December 6, 2011 ~ *Amelia Sanchez, City Secretary*
3. City Council Special Meeting - December 13, 2011 ~ *Amelia Sanchez, City Secretary*

III. Citizen Comment Period With City Council

KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

III. Citizen Comment Period With City Council, cont...

4. Public Hearing for the purpose of receiving Public Comment on the request by Monarch Utilities I, L.P. to increase system water rates by 62.3%
-

KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

IV. Presentations

5. Recognition of Employee of the Month for the Month of December
~ *Lanny Lambert, City Manager*

Luis Rosales, Human Resources Assistant

A photograph of a man with a shaved head, smiling, wearing a red, white, and black plaid button-down shirt. He is standing in front of a large, decorated Christmas tree. The tree is adorned with green, red, and gold ornaments, and warm white lights. To the left, a portion of a green plant is visible. The background is a light-colored wall.

Luis Rosales
HR Assistant

Employee of the Month
for the Month of December

KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

IV. Presentations, cont...

6. Presentation of the Parks and Recreation Department 2011 Annual Report to Include Number of Attendees at Recreational Programs and Special Events, Facility Uses, Economic Impact, and Other Related Matters
~ *Kerry Urbanowicz, Director of Parks and Recreation*

AGENDA

FY2010-11 PARD Annual Activity Report

FY2010 – 11 Highlights

Maintenance Crews

- City has 83 acres of developed parkland and 383 acres of undeveloped
- Private and HOA parks total 209 acres
- Mowed approx 2,924 acres (= 8 football fields a day)
- Trimmed approx 1,198 miles (= cutting a 20' wide path to Indianapolis, Indiana)
- Picked and removed approx 68,320 pounds of trash

FY2010 – 11 Highlights

Recreation Programs

- 1,370 daily participants in new programs (Senior Fit and Hooked on Fishing);
- 4,797 daily participants in swim lessons;
- 6,205 daily participants in summer camps;
- 3,600 daily participants in fitness programs;
- 27,770 daily participants in kickball league;
- 14,870 daily participants in open swim;
- 6,774 daily participants in KASZ programs;
- 8,372 daily participants in Steeplechase Disc Golf;
- 27,894 daily visits to the Kyle Pool

73,737 Daily Participants

FY2010 – 11 Highlights Special Events

- 179 attended the Polar Bear Splash;
- 185 attended Creek Clean Up;
- 2,000 attended Easter event;
- 200 attended Earth Day;
- 1,125 attended Movies in the Park;
- 40,000??? Attended Fireworks Show;
- 2,350 attended Santa's Arrival

80,525 attended Special Events

154,262 Total

FY2010 – 11 Highlights

Park Reservations

- 10,661 at Gregg-Clarke Park;
- 2,925 at Steeplechase Park;
- 1,051 at City Square Park;
- 15,512 total Park Reservation User;

Total number of daily participants, guests, visitors at a program, event, activity or facility that we can count = 169,774

How many more that we don't count? How do you determine the number of park users? We use a 3.25 to 1 method. For every 1 we know, there are an additional 3.25 that we don't know about.

721,539 Total

FY2010 – 11 Highlights

- \$ 1,097,883 Economic Impact from PARD
- 1,391 FaceBook Friends
- 445 website page hits / day
- 12,950 website page hits on July 4th
- 4,745 hours of community service from Adult Probation Office
- \$15,988 sponsorship money raised

KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

IV. Presentations, cont...

7. Presentation of City of Kyle's Financial Performance Report (unaudited) for the 4th Quarter Ending September 30, 2011
~ *Perwez Moheet, CPA, Director of Finance*



Financial Performance Report
For 12-Months Ending 9-30-2011

City Council Meeting
January 3, 2012



Financial Performance Report For 12-Months Ending 9-30-2011

Presentation Overview

- Background Information
- Report Covers Operating Funds:
 - General Fund
 - Community Development Fund
 - Recreation Fund
 - Utility Fund
- Fund Balances
- Debt Position
- Investments



Financial Performance Report For 12-Months Ending 9-30-2011

Background Information

- Report Period: October 1, 2010 to September 30, 2011
- Unaudited Financial Information
- 27 Separate Accounting Funds Being Utilized
- A “Fund” is defined as a separate fiscal and accounting entity with a set of accounts (ledger) established to account for specific program activities including revenue and associated expenditures. For example, General Fund, Utility Fund CIP Fund, Grant Fund, etc.
- Fund Summary Budget Status Reports Provided



Financial Performance Highlights For 12-Months Ending 9-30-2011

ALL FUNDS SUMMARY - CITYWIDE

	FY 2010-11 At 9-30-2011*
Beginning Balance	\$ 19,747,754
Total Revenue & Transfers-In	\$ 33,012,448
Total Expenditures & Transfers-Out	\$ 31,682,721
Ending Balance	\$ 21,077,481

*Unaudited Financial Information for FY 2010-11



Financial Performance Highlights For 12-Months Ending 9-30-2011

GENERAL FUND

	FY 2008-09 At 9-30-2009	FY 2009-10 At 9-30-2010	FY 2010-11 Amended Budget	Year to Date w/Encumbrance*
Beginning Balance	\$ 3,689,149	\$ 3,907,982	\$ 2,975,126	\$ 2,975,126
Total Revenue & Transfers-In	\$ 9,208,818	\$ 9,235,133	\$ 10,642,452	\$ 10,959,498
Total Expenditures & Transfers-Out	\$ 8,989,985	\$ 10,133,354	\$ 10,914,737	\$ 10,127,066
Ending Balance	\$ 3,907,982	\$ 2,975,126	\$ 2,702,841	\$ 3,807,558

*Unaudited Financial Information for FY 2010-11



Financial Performance Highlights For 12-Months Ending 9-30-2011

GENERAL FUND

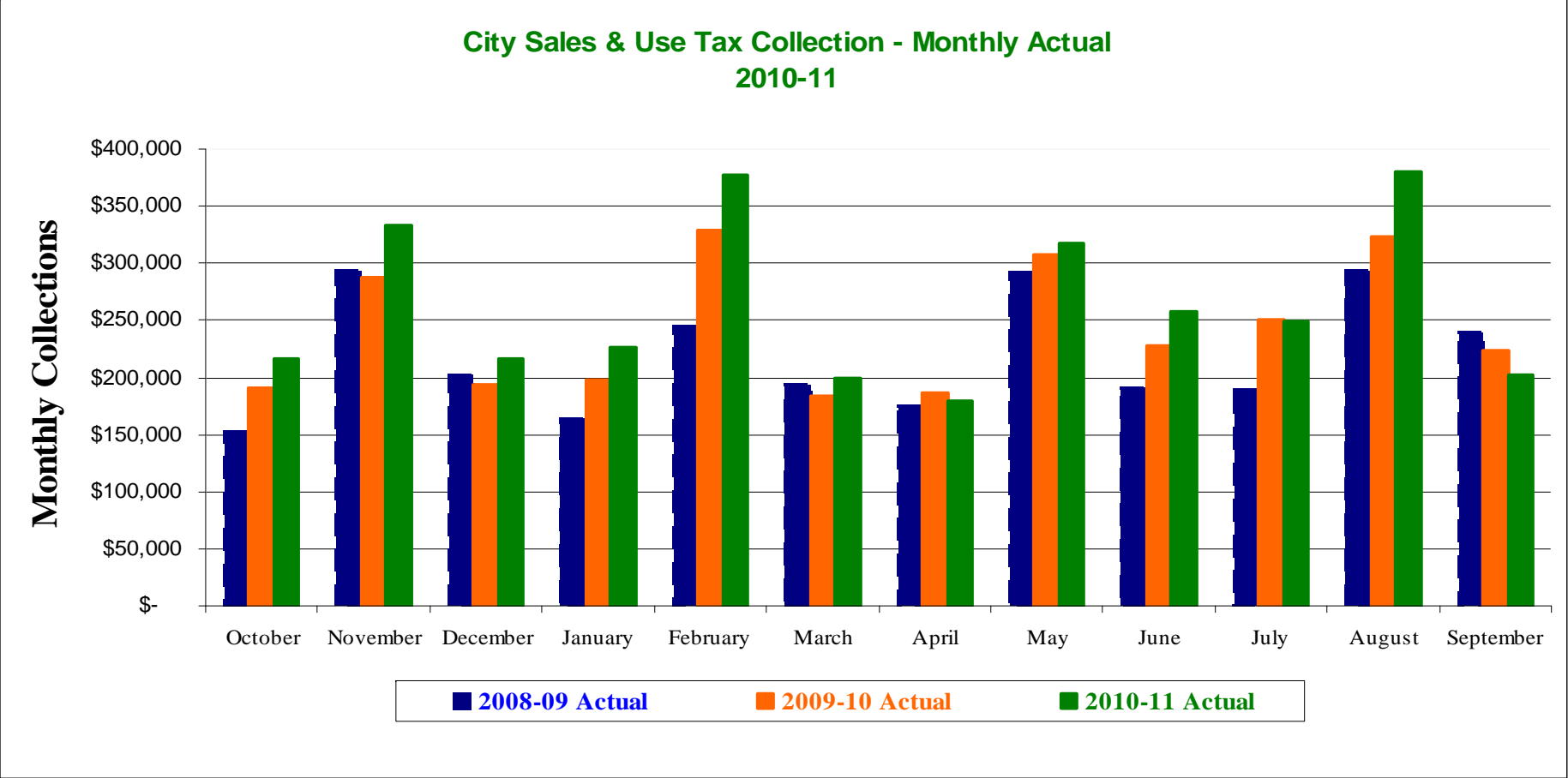
Revenue & Transfers-In:

- Revenue & Transfers-In Totaled \$10,959,498 or 103.0% of Amended Budget for the Year
 - Property Tax Receipts (M&O Portion) \$3,052,966 or 103.4%
 - Sales Tax Receipts \$3,155,933 or 105.6%
 - Charges for Services \$1,533,870 or 96.5%
 - Court Fines \$ 469,246 or 124.3%

- Transfers-in From Utility Operating Fund Totaled \$1,732,348 or 100.0% of Budget



Financial Performance Highlights For 12-Months Ending 9-30-2011





Financial Performance Highlights For 12-Months Ending 9-30-2011

GENERAL FUND

Expenditures & Transfers-Out:

- Expenditures & Transfers-Out Totaled \$10,127,066 or 92.8% of Amended Budget for the Year
 - Administration \$ 1,351,753 or 92.4%
 - Finance \$ 761,174 or 93.0%
 - Parks & Recreation \$ 1,285,606 or 90.6%
 - Public Library \$ 347,083 or 75.6%
 - Police \$ 3,403,276 or 94.8%
 - Public Works \$ 1,993,873 or 91.2%
- Transfers-Out to Community Development & Recreation Funds Totaled \$816,486 or 100.0% of Budget
- Detailed Fund Summary Budget Status Report is Provided



Financial Performance Highlights For 12-Months Ending 9-30-2011

COMMUNITY DEVELOPMENT FUND

	FY 2008-09 At 9-30-2009	FY 2009-10 At 9-30-2010*	FY 2010-11 Amended Budget	Year to Date w/Encumbrance*
Beginning Balance	(\$ 593,430)	(\$ 761,415)	(\$ 721,168)	(\$ 721,168)
Total Revenue & Transfers-In	\$ 703,853	\$ 1,041,566	\$ 944,271	\$ 925,261
Total Expenditures & Transfers-Out	\$ 871,838	\$ 1,001,318	\$ 1,376,273	\$ 1,184,955
Ending Balance	(\$ 761,415)	(\$ 721,168)	(\$ 1,153,170)	(\$ 980,862)

*Unaudited Financial Information for FY 2010-11



Financial Performance Highlights For 12-Months Ending 9-30-2011

COMMUNITY DEVELOPMENT FUND

Revenue & Transfers-In:

- Revenue & Transfers-In Totaled \$925,261 or 98.0% of Budget for the Year
 - Construction Inspection Fees \$427,709 or 93.9%
 - Land Use Planning & Review Fees \$ 32,498 or 204.0%
- Transfers-in From General Fund Totaled \$461,855 or 100.0% of Budget



Financial Performance Highlights For 12-Months Ending 9-30-2011

COMMUNITY DEVELOPMENT FUND

Expenditures & Transfers-Out:

- Expenditures Totaled \$1,184,955 or 86.1% of Budget
 - Building Inspection \$398,851 or 85.4%
 - Planning \$249,305 or 88.4%
 - Economic Development \$536,799 or 85.6%

- Detailed Fund Summary Budget Status Report is Provided



Financial Performance Highlights For 12-Months Ending 9-30-2011

RECREATION FUND

	FY 2008-09 At 9-30-2009	FY 2009-10 At 9-30-2010	FY 2010-11 Amended Budget	Year to Date w/Encumbrance*
Beginning Balance	\$ 20,572	\$ 39,013	\$ 124,872	\$ 124,872
Total Revenue & Transfers-In	\$ 640,763	\$ 613,583	\$ 678,183	\$ 668,458
Total Expenditures & Transfers-Out	\$ 622,322	\$ 527,725	\$ 677,099	\$ 517,327
Ending Balance	\$ 39,013	\$ 124,872	\$ 125,956	\$ 276,002

*Unaudited Financial Information for FY 2010-11



Financial Performance Highlights For 12-Months Ending 9-30-2011

RECREATION FUND

Revenue & Transfers-In:

- Revenue & Transfers-In Totaled \$668,458 or 98.6% of Amended Budget
 - Recreation Program Fees \$184,689 or 98.5%
 - Special Event Program Fees \$ 57,771 or 80.0%
 - Swimming Pool Fees \$ 71,363 or 111.7%

- Transfers-in From General Fund Totaled \$354,635 or 100.0% of Budget



Financial Performance Highlights For 12-Months Ending 9-30-2011

RECREATION FUND

Expenditures & Transfers-Out:

- Expenditures Totaled \$517,327 or 76.4% of Amended Budget for the Year
 - Recreation Program Expenditures \$352,486 or 78.7%
 - Aquatic Program Expenditures \$164,841 or 71.9%
- Detailed Fund Summary Budget Status Report is Provided



Financial Performance Highlights For 12-Months Ending 9-30-2011

UTILITY OPERATING FUND

	FY 2008-09 At 9-30-2009	FY 2009-10 At 9-30-2010	FY 2010-11 Amended Budget	Year to Date w/Encumbrance*
~Beginning Balance	\$ 6,446,276	\$ 6,749,063	\$ 4,507,079	\$ 4,507,079
Total Revenue & Transfers-In	\$ 6,494,303	\$ 6,122,847	\$ 8,521,059	\$ 7,968,909
Total Expenditures & Transfers-Out	\$ 6,191,516	\$ 8,364,831	\$ 10,603,757	\$ 8,896,510
Ending Balance	\$ 6,749,063	\$ 4,507,079	\$ 2,424,381	\$ 3,579,478

*Unaudited Financial Information for FY 2010-11

~Unrestricted Net Asset Basis



Financial Performance Highlights For 12-Months Ending 9-30-2011

UTILITY OPERATING FUND

Revenue & Transfers-In:

- Revenue Totaled \$7,968,909 or 93.5% of Amended Budget
 - Water Sales \$4,441,370 or 89.2%
 - Water Service Charges \$ 414,609 or 102.3%
 - Wastewater Service Fees \$2,330,981 or 78.6%
 - Wastewater Service Charges \$ 37,397 or 60.3%

- No Transfers-In From Other City Funds



Financial Performance Highlights For 12-Months Ending 9-30-2011

UTILITY OPERATING FUND

Expenditures & Transfers-Out:

- Expenditures & Transfers-Out Totaled \$8,896,510 or 83.9% of Amended Budget for the Year
 - Administration \$ 771,934 or 71.7%
 - Water Supply \$2,548,759 or 94.8%
 - Water Operations \$1,091,129 or 96.3%
 - Wastewater Operations \$1,155,303 or 58.2%
 - Utility Billing & Collections \$ 361,962 or 84.3%
- Transfers-Out to the General Fund and Debt Service Funds Totaled \$2,966,824 or 90.2% of Budget
- Detailed Fund Summary Budget Status Report is Provided



Financial Performance Highlights For 12-Months Ending 9-30-2011

ENDING FUND BALANCE - GENERAL FUND

General Fund:	\$3,807,558
Community Development Fund:	(\$ 980,862)
Recreation Fund:	<u>\$ 276,002</u>
Net Ending Fund Balance at 9-30-2011:	<u>\$3,102,698</u>

Required Minimum Emergency Reserves:

Per City Charter:	\$3,037,906
Per Debt Management Policy:	\$2,452,170



Financial Performance Highlights For 12-Months Ending 9-30-2011

Item	Fund Number	Name of Fund/Title	Unaudited Fund Balance
1	110	General Fund	\$ 3,807,558
2	121	Community Development Fund	(980,862)
3	125	Recreation Fund	276,002
4	127	Transportation Fund	(154,454)
5	131	Police Seizure Fund	21,922
6	132	Police Special Revenue Fund	10,391
7	133	Court Special Revenue Fund	95,255
8	135	Hotel Occupancy Tax Fund	85,933
9	136	Economic Development Fund	(87,363)
10	138	Library Building Fund	161,906
11	151	General Debt Service I&S Fund	16,874
12	152	SIB (State Infrastructure Loan) I&S Fund	68,919
13	171	CIP Current Projects Fund	-
14	172	CIP Park Development Fund	80,140
15	182	2007 CO Road Improvement Fund	472,103
16	184	2008 CO Bond Fund - CIP	5,226,972
17	185	2009 Tax Notes Fund	988,765
18	187	2010 CO Library Building Fund	788,873
19	310	Utility Operating Fund	3,579,478
20	331	Water CIP Operating Revenue Fund	224,167
21	332	CIP Water Impact Fee Fund	(1,237,611)
22	341	Sewer CIP Operating Revenue Fund	162,500
23	342	Sewer CIP Impact Fee Fund	6,864,323
24	410	General Government Grant Funds	318,969
25	610	Structural Demolition Services	(327)
26	810	OPEB/Deferred Comp Fund	287,047
27	999	Pooled Cash Fund - Operating	-
Total All Fund Balance (Unaudited):			<u>\$ 21,077,481</u>



Financial Performance Highlights For 12-Months Ending 9-30-2011

DEBT POSITION BY FUNDING SOURCE

1. General Fund:	\$ 37,636,499	53.13%
2. Tax Increment Financing:	\$ 26,412,551	37.29%
3. Utility Operating Fund:	\$ 6,619,366	9.34%
4. Hotel Tax Fund:	\$ <u>169,535</u>	<u>0.24%</u>
Total:	\$ <u>70,837,951*</u>	<u>100.00%</u>

*Excludes Interest Payable on Outstanding Debt Principal



Financial Performance Highlights For 12-Months Ending 9-30-2011

TOTAL DEBT: PRINCIPAL & INTEREST

	Principal	Interest	Total Principal & Interest
Certificate of Obligation, Series 2002	\$ 445,000	\$ 24,125	\$ 469,125
Certificate of Obligation, Series 2003	\$ 590,000	\$ 32,752	\$ 622,752
Certificate of Obligation, Series 2007	\$ 9,055,000	\$ 3,408,800	\$ 12,463,800
Certificate of Obligation, Series 2008	\$ 21,430,000	\$ 13,426,469	\$ 34,856,469
State Infrastructure Bond Loan II	\$ 12,462,951	\$ 5,291,804	\$ 17,754,755
Limited Tax Notes, Series 2009	\$ 4,135,000	\$ 333,266	\$ 4,468,266
General Obligation Refunding Bonds, Series 2009	\$ 15,040,000	\$ 4,835,681	\$ 19,875,681
Certificate of Obligation, Series 2010	\$ 4,290,000	\$ 1,901,912	\$ 6,191,912
TOTAL:	\$ 70,837,951	\$ 30,070,990	\$ 100,908,941



Financial Performance Highlights For 12-Months Ending 9-30-2011

INVESTMENTS BY FUNDING SOURCE

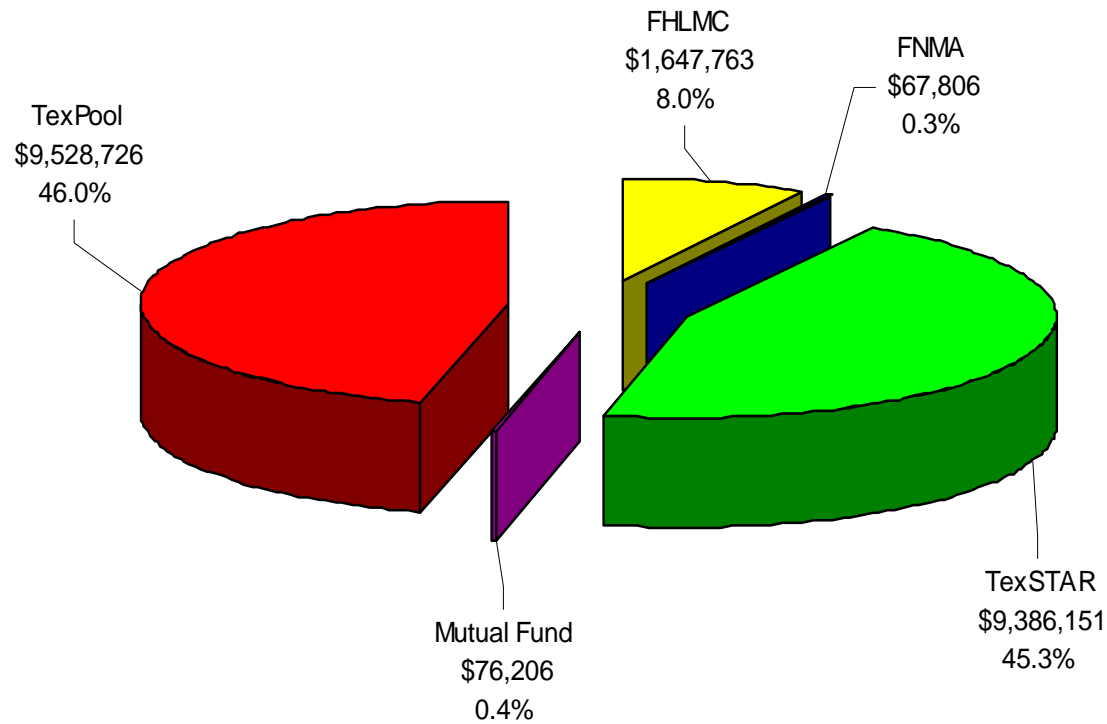
1. Debt Proceeds:	\$ 9,567,699	46.21%
2. Utility Fund:	\$ 7,732,478	37.34%
3. General Fund:	\$ 3,042,163	14.69%
4. Other:	<u>\$ 364,313</u>	<u>1.76%</u>
Total:	<u>\$20,706,653</u>	<u>100.00%</u>

- Year to Date Investment Earnings Totaled \$220,178



Financial Performance Highlights For 12-Months Ending 9-30-2011

Investment Portfolio by Security Type





Financial Performance Highlights For 12-Months Ending 9-30-2011

QUESTIONS / COMMENTS

KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

V. Consent

8. *(Second Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING OF 'CM' CONSTRUCTION MANUFACTURING DISTRICT TO APPROXIMATELY 10 ACRES, ON PROPERTY LOCATED AT 3700 KYLE CROSSING IN HAYS COUNTY, TEXAS. (3700 KYLE CROSSING, LLC. Z-11-013); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW*
~ Sofia Nelson, Director of Planning

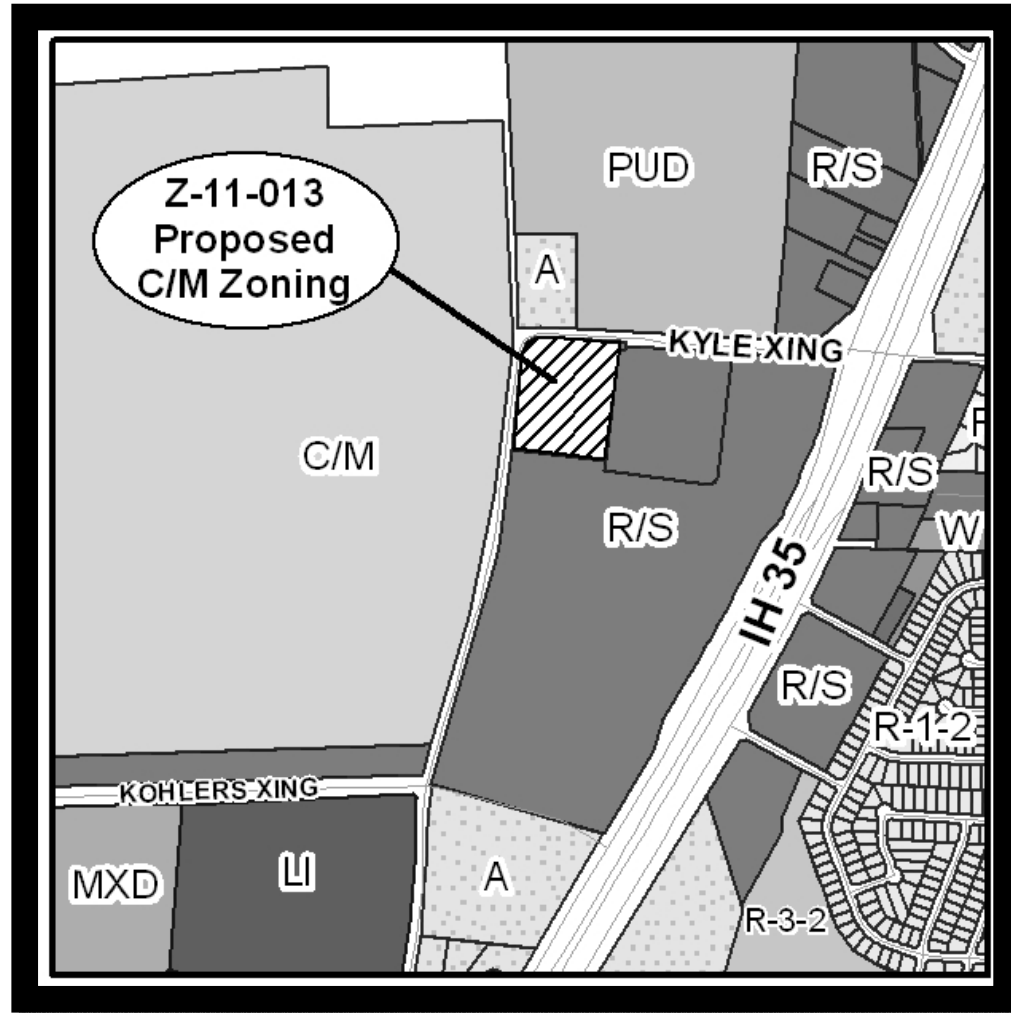
Zoning Request

3700 Kyle Crossing. (Z-11-013)

- Assign original zoning of 'CM' Construction Manufacturing District to approximately 10 acres



Zoning Map



KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

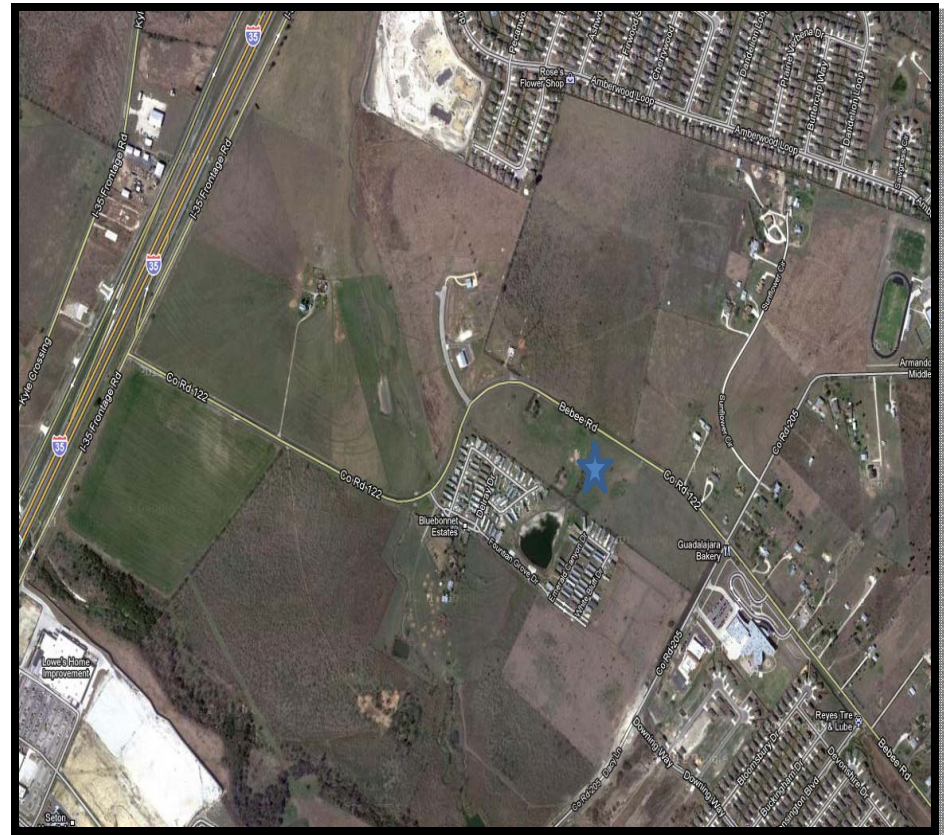
V. Consent, cont...

9. *(Second Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING OF 'RS' RETAIL SERVICES DISTRICT TO APPROXIMATELY 8.42 ACRES ON PROPERTY LOCATED ON THE SOUTHSIDE OF BEBEE ROAD, JUST WEST OF DACY LANE IN HAYS COUNTY, TEXAS. (DACY LANE, LLC. Z-11-012); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW*

~ Sofia Nelson, Director of Planning

Zoning Request (Z-11-012)

- RS' Retail Services District to approximately 8.42 acres
- 'R-3-3' Apartment Residential 3 to approximately 9.90 acres
- 'R-1-T' Residential Townhome to approximately 5.45 acres



Zoning Map



KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

V. Consent, cont...

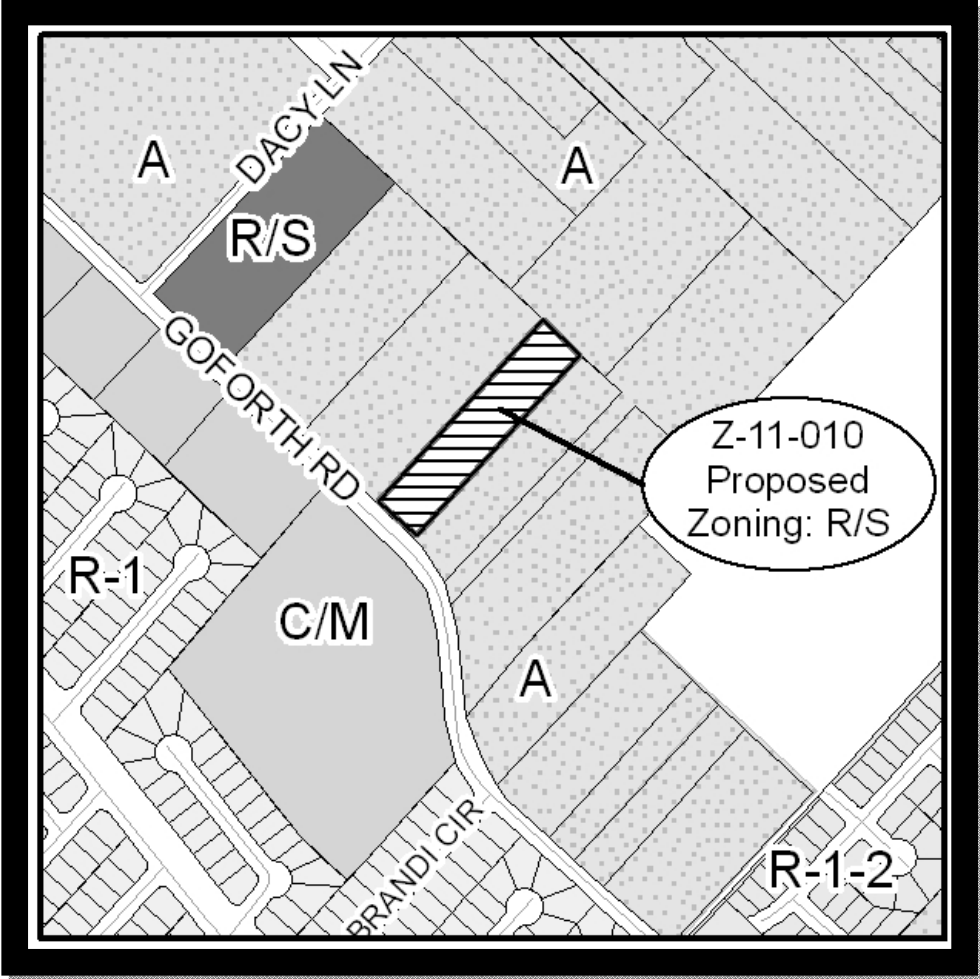
10. *(Second Reading) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING OF 'RS' RETAIL SERVICES DISTRICT TO APPROXIMATELY 2.627 ACRES, ON PROPERTY LOCATED AT 1251 GOFORTH ROAD IN HAYS COUNTY, TEXAS. (LAS DELICIAS INVESTMENTS Z-11-010); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW*
~ Sofia Nelson, Director of Planning

Zoning Request- 1251 Goforth Road. (Z-11-010)

- Assign original zoning of 'RS' Retail Services District to approximately 2.627 acres



Zoning



KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

V. Consent, cont...

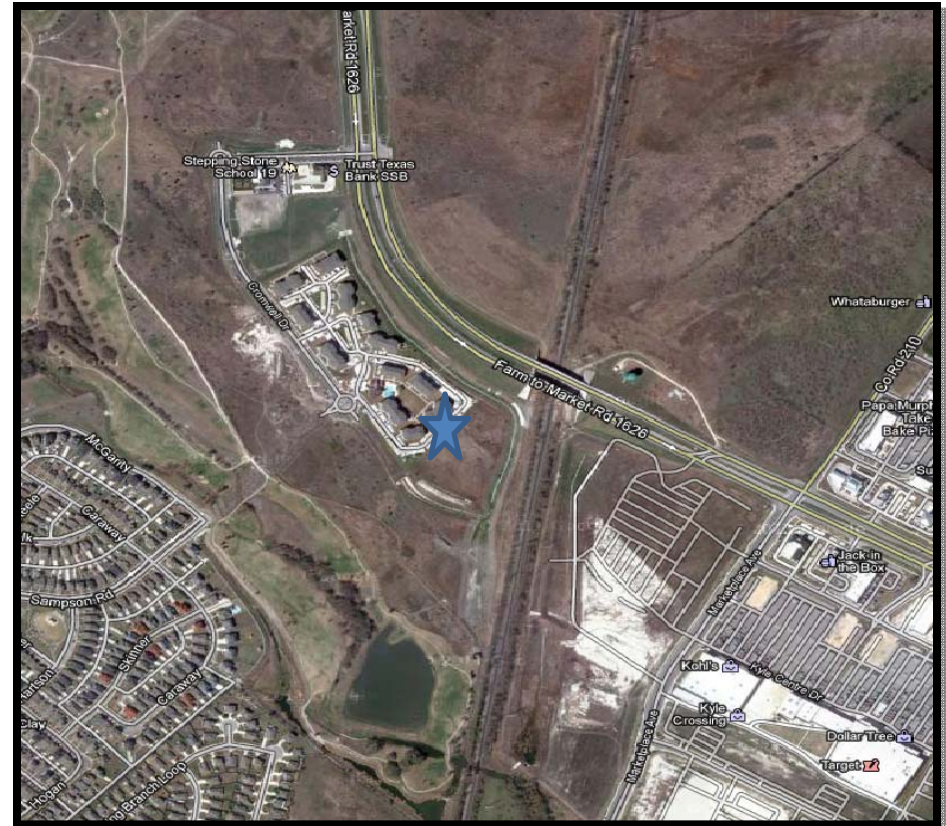
11. *(Second Reading) AN ORDINANCE AMENDING ORDINANCE NO. 311 (PLUM CREEK PLANNED UNIT DEVELOPMENT ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 11.1 ACRES FROM 'MXD' MIXED USE DEVELOPMENT DISTRICT TO 'OS' OPEN SPACE, AND REZONE APPROXIMATELY 4.3 ACRES FROM 'MXD' MIXED USE DEVELOPMENT DISTRICT TO 'LI' LIGHT INDUSTRIAL ON PROPERTY LOCATED WITHIN THE 4900 BLOCK OF SOUTH FM 1626 BETWEEN VANTAGE APARTMENTS AND RAIL ROAD TRACKS, IN HAYS COUNTY, TEXAS. (MOUNTAIN PLUM, LTD. Z-11-011); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW*

~ Sofia Nelson, Director of Planning

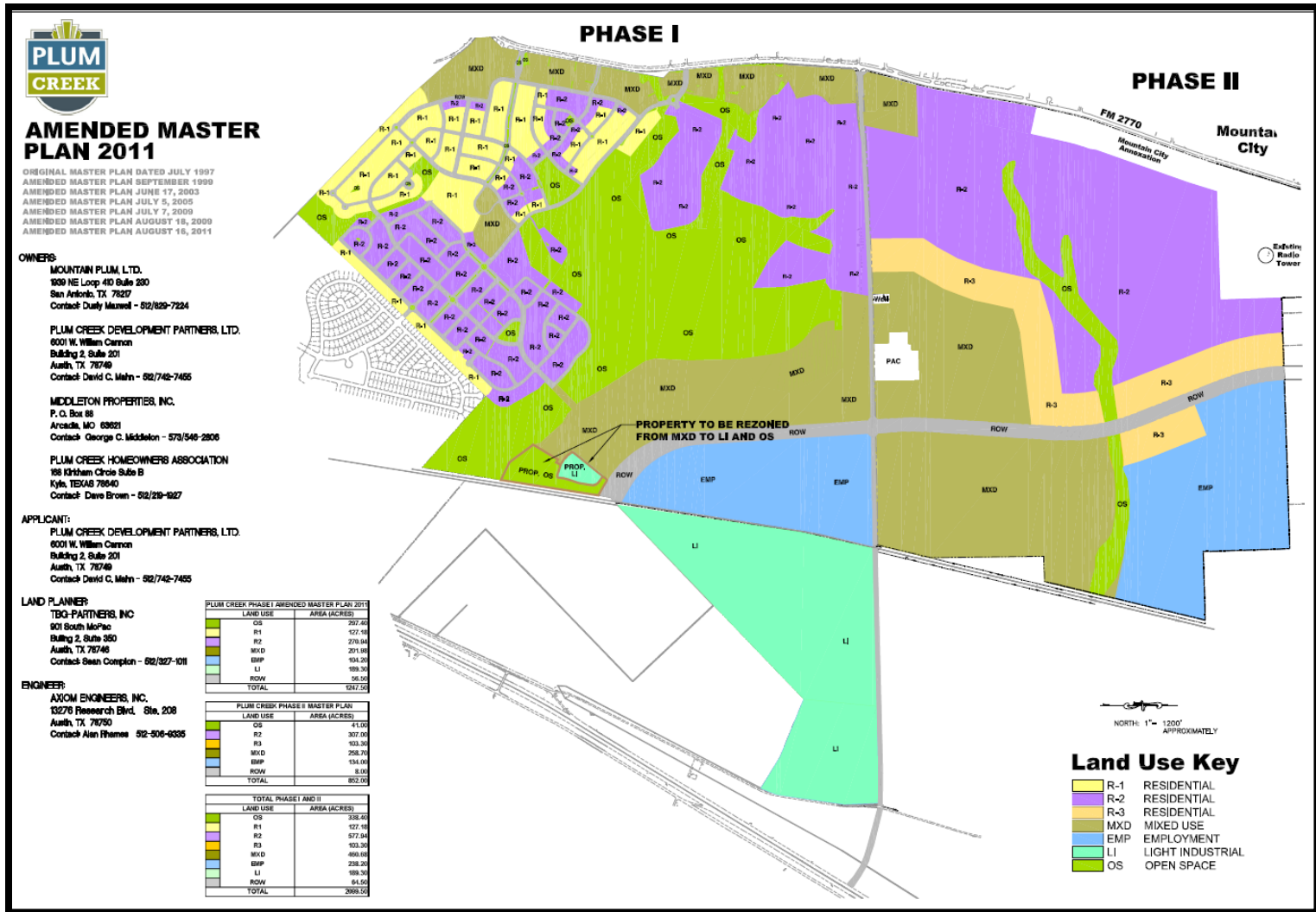
Zoning Request-

4900 block of South FM 1626. (Z-11-011)

- Rezone approximately 11.1 acres from “MXD” Mixed Use to “OS” Open Space
- Rezone approximately 4.3 acres from “MXD” Mixed Use to “LI” Light Industrial



Plum Creek Zoning Map



KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

V. Consent, cont...

12. *(Second Reading) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ESTABLISHING A REQUIREMENT THAT A FISCAL NOTE BE PROVIDED FOR ALL CITY ORDINANCES AND RESOLUTIONS CONSIDERED BY THE CITY COUNCIL REQUIRING EXPENDITURE OR OBLIGATION OF CITY FUNDS AND OR AN INCREASE OR DECREASE IN RATES, FEES AND OTHER CHARGES FOR CITY SERVICES*
~ Council Member Jaime Sanchez

KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

V. Consent, cont...

13. *(Second Reading) AN ORDINANCE OF THE CITY OF KYLE, TEXAS AMENDING CHAPTER 26 OF THE CITY CODE PERTAINING TO PARKS AND RECREATION RELATED TO FEES AND DEPOSITS ESTABLISHED AND THE ROLE OF THE PARKS AND RECREATION COMMITTEE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW*

~ Mayor Lucy Johnson and Bill Nuekam, Chairman of the Parks & Recreation Committee

KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

V. Consent, cont...

14. SCC Bunton Creek Subd. Replat of Lots 3, 4, 5, 8, 11 & 12, Block A (SFP-11-008)

Owner: SCC Kyle Partners, Ltd. 30.038 acres; 6 Commercial Lots

Located at 5754 Kyle Parkway

Agent: Robert J. Smith, P.E., Doucet & Associates, Inc.

Staff Recommendation: Statutorily Disapprove to meet the 30 day statutory requirement

~ *Sofia Nelson, Director of Planning*

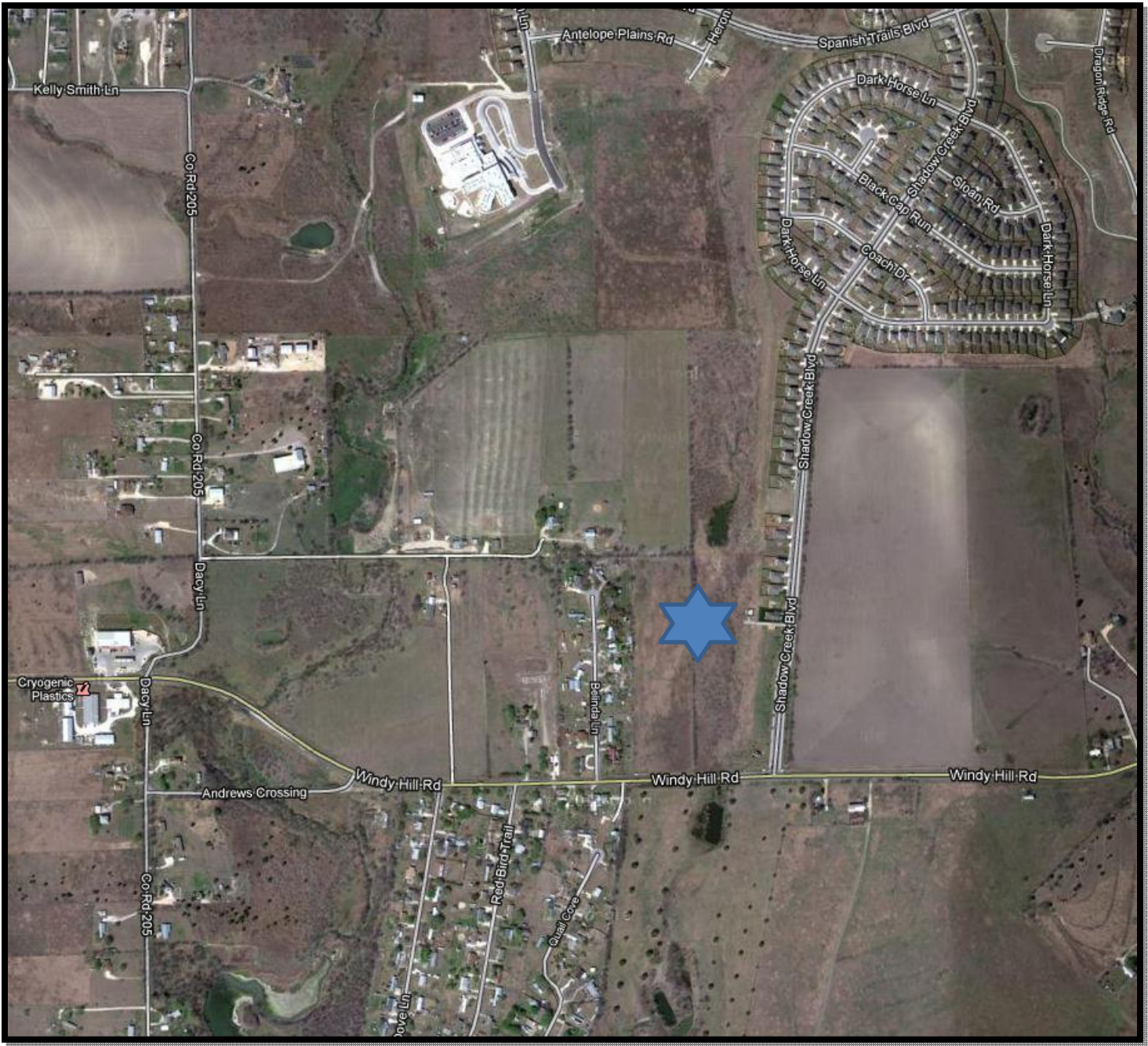
KYLE CITY COUNCIL MEETING

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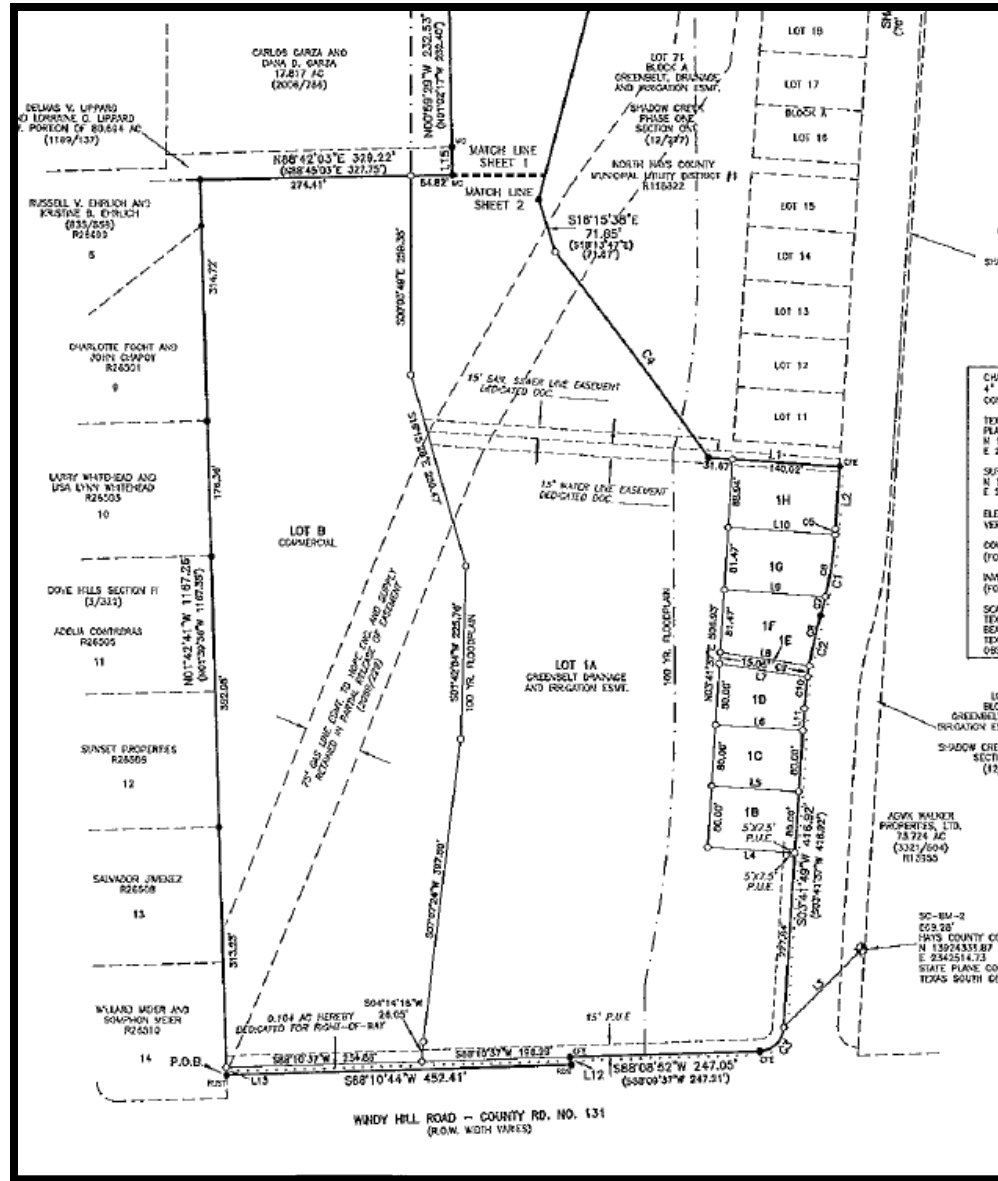
V. Consent, cont...

15. Shadow Creek Phase 1 Section 5 Replat of Lot 1, Block A (SFP-11-005) 18.429 acres; 6 Residential Lots, 2 Greenbelt Lots, and 1 Commercial Lot
Located at the entrance into the Shadow Creek Subdivision off of Windy Hill Rd.
Owner: Hays Shadow Creek Development, Inc.
Agent: Stephen Delgado, P.E., Texas Engineering Solutions
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 6-0 to approve the plat conditional on the acceptance and payment of the roadway improvement fee.



Proposed Subdivision Plat



KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

V. Consent, cont...

16. *(Second Reading) AN ORDINANCE OF THE CITY OF KYLE, TEXAS AUTHORIZING AND DIRECTING THE INSTALLATION AND ERECTION OF SPEED CONTROL SIGNS FOR THE ZONING OF TRAFFIC AND RATE OF SPEED ON KOHLERS CROSSING IN THE CITY LIMITS OF KYLE; AFFIRMING THE DEFINITION OF SPEEDING AND FIXING A PENALTY THEREFOR; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF*
~ James Earp, Assistant City Manager

KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

V. Consent, cont...

17. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, ACCEPTING THE HILL REPLAT OF LOTS 1 & 2 WASTEWATER AND STREET IMPROVEMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW
~ *Steven Widacki, P.E., City Engineer*



CITY OF KYLE

100 W. Center • P.O. Box 40 • Kyle, Texas 78640 • (512) 262-1010 • FAX (512) 262-3800

December 14, 2011

City Manager
City of Kyle
100 W. Center St.
Kyle, TX 78640

RE: The Hill Replat of Lots 1 & 2
FINAL ACCEPTANCE

The referenced subdivision is recommended for acceptance by the City of Kyle.

A final walkthrough was completed on September 19, 2011, and the documented punch list items have been completed for the project. The wastewater lines and streets have been constructed in substantial accordance with the City's subdivision ordinance and technical specifications. Additionally, record drawings have been provided to the City.

A Maintenance Bond (No. K08462264) has been provided for a period of two (2) years.

Sincerely,

A handwritten signature in black ink that reads "Steven D. Widacki". The signature is written in a cursive style.

Steven D. Widacki, P.E.
City Engineer
City of Kyle Engineering Dept.

Cc: Harper Wilder, Public Works Dept.
Perwez Moheet, Finance Dept.

Date: December 8,2011

Subdivision: The Hill Replat of Lots 1 & 2

RE: Final Acceptance

This letter is to document that the City of Kyle accepts the above referenced subdivision that was held on September 19,2011.

The punch list items have been completed in accordance with the City of Kyle subdivision ordinance and specifications and all wastewater lines, and streets have met all requirements for acceptance of the subdivision.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jimmy Haverda".

Jimmy Haverda
Public Works Inspector

MAINTENANCE BOND

Bond No. K08462264

KNOW ALL BY THESE PRESENTS, That we, Dale Lowden Excavating, Inc.

Po Box 1298 Kyle, TX 78640

as Principal, and Westchester Fire Insurance Company

a corporation organized under the laws of the State of Pennsylvania and duly authorized to do business in

the State of TX, as Surety, are held and firmly bound unto

The City of Kyle, 100 West Center Street, Kyle, TX 78640

as Obligee, in the penal sum of One Hundred Nine Thousand Nine Hundred Twenty Seven And 35/100

(\$109,927.35)

to which payment well and truly to be made we do bind ourselves, our and each of our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal entered into a Contract with the

Dantian Enterprises, LLC dated April 20, 2011

for Infrastructure Improvements The Hills Replat

WHEREAS, said Contract has been completed, and was approved on 23rd
day of September, 2011.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That if the Principal shall guarantee that the work will be free of any defective materials or workmanship which became apparent during the period of Two (2)
year(s) following completion of the Contract then this obligation shall be void, otherwise to remain in full force and effect, provided however, any additional warranty or guarantee whether expressed or implied is extended by the Principal or Manufacturer only, and the Surety assumes no liability for such a guarantee.

Signed an sealed this 6th day of October, 2011.

Dale Lowden Excavating, Inc. (Seal)

By: [Signature] (Seal)

(Seal)

Westchester Fire Insurance Company

By: [Signature]
Scott D. Chapman Attorney-in-Fact

KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

VI. Consider and Possible Action

18. A RESOLUTION OF THE CITY OF KYLE, TEXAS, INDICATING SUPPORT OF THE KYLE CITY COUNCIL RESPONDING TO THE APPLICATION OF MONARCH UTILITIES I, LP A WHOLLY OWNED SUBSIDIARY OF SOUTHWEST WATER COMPANY, TO INCREASE WATER AND SEWER RATES AND TO CONSOLIDATE RATES OF SEVERAL DIFFERENT UTILITIES INTO ONE SET OF TARIFFS; PARTICIPATE IN A “COALITION OF CITIES”; AUTHORIZING THE HIRING OF COUNSEL AND EXPERTS THROUGH THE COALITION; REQUIRING THE REIMBURSEMENT OF COSTS; AUTHORIZING THE CITY’S INTERVENTION IN CONJUNCTION WITH THE COALITION OF CITIES AT THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND AT STATE OFFICE OF ADMINISTRATIVE HEARINGS WITH REGARD TO ANY APPLICATIONS FILED ON BEHALF OF MONARCH UTILITIES I, LP TO INCREASE RATES OR TO TRANSFER OR CANCEL CERTIFICATES OF CONVENIENCE AND NECESSITY; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

~ Jerry Hendrix, Director of Community Development

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF KYLE, TEXAS, INDICATING SUPPORT OF THE KYLE CITY COUNCIL, RESPONDING TO THE APPLICATION OF MONARCH UTILITIES L.P. A WHOLLY OWNED SUBSIDIARY OF SOUTHWEST WATER COMPANY, TO INCREASE WATER AND SEWER RATES AND TO CONSOLIDATE RATES OF SEVERAL DIFFERENT UTILITIES INTO ONE SET OF TARIFFS; PARTICIPATE IN A "COALITION OF CITIES"; AUTHORIZING THE HIRING OF COUNSEL AND EXPERTS THROUGH THE COALITION; REQUIRING THE REIMBURSEMENT OF COSTS; AUTHORIZING THE CITY'S INTERVENTION IN CONJUNCTION WITH THE COALITION OF CITIES AT THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND AT STATE OFFICE OF ADMINISTRATIVE HEARINGS WITH REGARD TO ANY APPLICATIONS FILED ON BEHALF OF MONARCH UTILITIES L.P. TO INCREASE RATES OR TO TRANSFER OR CANCEL CERTIFICATES OF CONVENIENCE AND NECESSITY; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Whereas, on or about August 9, 2011, Monarch Utilities, L.P. ("Monarch"), filed an application to increase rates on a system-wide basis in a Coalition City for water by 62.5% and for sewer by 33.6%; and

Whereas, Monarch requests raising the basic monthly water charge to \$94.82 in a Coalition City and Monarch requests raising the basic monthly charge a Coalition City, for areas with sewer service, to \$26.99. For areas that receive water and sewer in a Coalition City would be charged \$106.41, even if the customer used no water, if the rates are approved by the Texas Commission on Environmental Quality (TCEQ); and

Whereas, Decisions made by the TCEQ or by the State Office of Administrative Hearings ("SOAH"), if the rate request is referred to SOAH, on procedural and substantive issues could directly impact the decision-making of the City with regard to the rate increase request; and

Whereas, Monarch has also filed at the TCEQ a request to transfer the service territories of seven water and (in some cases, sewer) utilities, with very different rates that operate in very different parts of the state of Texas, to Monarch. Each of the utilities is a subsidiary of Southwest Water Company; and

Whereas, from a rate standpoint, the transfer of the service territories to Monarch may have very negative rate consequences for current Monarch customers and for some of the customers in the seven utilities and eventually to the citizens of Kyle who are currently served by Monarch; and

Whereas, the TCEQ is supposed to decide if the transfer of service territories is in the public interest. The term "public interest" should include an investigation of the likely impact of the transfer on the rates of customers located in and outside of Monarch's current service territory; and

Whereas, the application of Monarch to transfer the service territories is part of a process undertaken at the TCUJ, which process is known as the "sale, transfer, merger" ("STM) process and

Whereas, municipal participation in the STM process will help ensure that the public interest review is a meaningful one and

Whereas, participating through a coalition helps foster efficiencies of process and cost and

Whereas, given the complexity in analyzing the Monarch rate application, which is more than 1700 pages, it is appropriate to hire special counsel and experts for the purpose of assisting the City in its role as a regulatory authority under Chapter 13 of the Water Code and to participate in the rate proceedings at the TCUJ, SJAH, and related proceedings through special counsel; and

Whereas, Monarch filed an application to increase rates with the City and at the TCUJ. The City is entitled to have its reasonable rate case expenses reimbursed by the applicant utility for maintaining proceedings of this sort; and

Whereas, an application was filed with the TCUJ by Monarch to transfer the service territories of sewer utilities. Given the complexity of the public interest determinations to be made in connection with the STM applications by Monarch and the fact that the outcome of the STM process could directly impact the outcome of the rate increase request, it is appropriate for the City to participate in the STM process through special counsel and, if later determined necessary, with the aid of expert consultants.

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

Section 1. That the statements and findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. The City is authorized to join with other cities in a coalition of cities known as the "Coalition of Cities" or "Cities". The City's representative to the Coalition of Cities will be determined by the Kyle City Council at a later day. The Coalition shall meet periodically during the rate case in person or by telephone. The Coalition shall act on behalf of the member cities in connection with the pending Monarch rate case and with regard to the pending STM applications filed by Monarch at the TCUJ.

Section 3. The City authorizes the law firm of Herren & Boyce, PLLC, to file an intervention on behalf of the City and as a member of the Coalition of Cities at the TCUJ or at SJAH in connection with the rate application filed by Monarch subject to the direction of the Coalition of Cities.

Section 4. The City is authorized to hire the law firm of Herren & Boyce, PLLC, as special counsel, to represent its interests as a regulatory authority and on behalf of ratepayers located within the City with regard to Monarch's rate application and to retain such experts as are appropriate for such proceeding.

Section 5. Monarch is ordered to pay the City's reasonable rate cure expenses incurred in response to Monarch's rate increase application with 30 days of receipt of invoices for such expenses.

Section 6. The City retains its right to withdraw from CLK at any time without any financial obligation to the remaining coalition members or to the experts or lawyers hired by the coalition provided that written notice is given to the other members of the CLK.

Section 7. The City is authorized individually and as a member of CLK to participate actively at the TCEQ or at SDAM with regard to the STM applications filed by Monarch. Special counsel is authorized to represent the City in connection with such applications. Since the STM applications may not be regarded as maturing proceedings subject to reimbursement, the City is authorized to expend up to \$ for legal counsel in connection with the STM applications.

Section 8. The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. This resolution shall be effective immediately upon passage.

PASSED AND APPROVED this 3rd day of January, 2012.

.....
Lucy Johnson, Mayor

ATTEST:

.....
Annelia Sanchez, City Secretary

APPROVED AS TO FORM:

.....
Frank Garcia, City Attorney

KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

VI. Consider and Possible Action, cont...

19. Authorize Award and Execution of a Professional Services agreement with the BANK OF NEW YORK MELLON TRUST COMPANY, Dallas, Texas, in an amount Not to Exceed \$7,500.00 to perform arbitrage rebate services for the City's Series 2002 and 2007 Bonds
~ Perwez Moheet, CPA, Director of Finance



BNY MELLON

Corporate Trust

December 23, 2011

Mr. Perwez A. Moheet
Director of Finance
City of Kyle
100 W. Center Street
Kyle, Texas 78640-0040

**City of Kyle, Texas
Arbitrage Compliance Agreement**

Dear Mr. Moheet:

This letter (this "Agreement") sets forth the terms and conditions on which The Bank of New York Mellon Trust Company, N.A. ("we" or "BNY Mellon") will perform the services outlined below (the "Services") for the City of Kyle, Texas ("you" or "Client") as they relate to arbitrage rebate calculations for the bond issues listed in Exhibit A (the "Bonds").

Scope of Services

1. BNY Mellon will prepare a computation to determine the arbitrage rebate amount (the "Rebate Amount") for the Bonds as described in §148(f)(2) of the Internal Revenue Code of 1986, as amended (the "Code") and Treasury Regulations Section 1.148 (the "Regulations"). The Rebate Amount is equal to the excess of the amount earned on the investment of all gross proceeds over the amount that would have been earned if such gross proceeds were invested at the bond yield.

Fees and Expenses

2. Our fees to compute the Rebate Amount for the Bonds are as detailed in Exhibit A. An invoice will be issued at the time the completed report is sent to you and is payable upon receipt.
3. These fees assume that the accounts that comprise the Debt Service Fund qualify as a Bona Fide Debt Service Fund and therefore can be excluded from the computation of the Rebate Amount. If the Debt Service Fund fails to qualify for this exception and must be included in the computation of the Rebate Amount, an additional fee, as stated below, will be charged to analyze and include in the determination of the Rebate Amount the investment activity in each of the accounts that comprise the Debt Service Fund for the Bonds.
4. The structure and complexity of certain bond issues may require or benefit from additional services for which additional fees will be charged, generally at a rate of \$500 per additional service per Bond Year. Examples of these services include, but are not limited to, the following:

Additional Charges for Special Services Related to:	Fees Per Issue Per Bond Year (*)
Inclusion Debt Service Fund not meeting debt service fund exception	\$380 per bond
Allocations required for bond proceeds invested in a commingled fund	\$380 per bond
Transmitted proceeds transactions due to overhangs	\$200 per refunding
Yield Restriction Analysis and Yield Reduction Payment Computation	\$300
Preparation of an IRS Refund Request	\$5,000

*) A "Bond Year" represents a one-year period from the delivery date of the bonds and each subsequent anniversary date of the delivery of the bonds, or dates paid if selected by the issuer.

No Consideration with Private Activity Regulations

- The purpose of our engagement is to determine the Rebate Amount pursuant to §141(f)(2) of the Code, Sections 141-147 of the Code and the related Treasury Regulations set forth requirements with respect to the amount of bond proceeds that may be used for the benefit of a private person or entity. Treasury Regulations Section 1.141-6(a) requires that allocations of encumbrance of bond proceeds for purposes of computing the Rebate Amount must be the same as the allocations of expenditures used to test the private use of proceeds financed with proceeds of the Bonds.
- For purposes of calculating the Rebate Amount, our calculations assume that the allocation of the expenditures of Bond proceeds as provided to us are the same for both purposes of Sections 141-147 and Section 148 of the Code. The scope of this engagement does not include procedures to analyze the private use limitations associated with the Bonds.

Term of the Agreement

- This Agreement will commence on the date hereof and shall terminate upon completion of the Services outlined above, unless earlier terminated as set forth below. Both the Client and BNY Mellon may cancel this Agreement with 30 days written notice with or without cause. The Client shall pay for work-in-progress, completed Services and expenses incurred by BNY Mellon through the effective date of any termination.

Concerning BNY Mellon

8. Notwithstanding any provision contained herein to the contrary, BNY Mellon, including its officers, directors, employees and agents, shall:
- (a) have no responsibility to inquire into or determine the genuineness, authenticity, or sufficiency of any documents or instruments submitted to it in connection with its duties hereunder;
 - (b) be entitled to deem the signatures of any documents or instruments submitted to it hereunder as being those purporting to be authorized to sign such documents or instruments on behalf of the various banks, and shall be entitled to rely upon the genuineness of the signatures of such signatories without inquiry, and without requiring substantiating evidence of any kind; and
 - (c) be, and hereby is indemnified and saved harmless by Client from all losses, liabilities, costs and expenses, including attorney fees and expenses, which may be incurred by it arising from the performance of its duties hereunder, unless such losses, liabilities, costs and expenses shall have been finally adjudicated to have resulted from the willful misconduct or gross negligence of BNY Mellon, and such indemnification shall survive the termination or renewal, or the completion of the Agreement.

Any banking association or corporation into which BNY Mellon may be merged, converted or with which BNY Mellon may be consolidated, or any corporation resulting from any merger, conversion, or consolidation in which BNY Mellon shall be a party, or any banking association or corporation to which all or substantially all of the corporate assets business of BNY Mellon shall be transferred, shall succeed to all BNY Mellon's rights, obligations and immunities hereunder without the execution or filing of any paper or any further act on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

Limitation of Liability

9. The total aggregate liability of BNY Mellon under this Agreement shall be limited to any penalty and or amount imposed on the Client by the United States Internal Revenue Service on any additional Refund Amount which results from a proven error by BNY Mellon in rendering the Services outlined in this Agreement. The Client, and not BNY Mellon, shall be responsible for paying the correct Refund Amount due.
10. Neither of us will, in any event, be liable to the other for any reason, for any consequential, incidental, special, punitive or indirect damages, including loss of profits, revenues, data, use of money or business opportunities, regardless of whether notice has been given or there is an awareness that such damages have been or may be incurred.

Dispute Resolution

11. Each party hereto hereby agrees not to elect a trial by jury or any other mode of trial by jury, and waives any right to trial by jury fully to the extent that any such right shall now or hereafter exist with regard to this Agreement, or any claim, counterclaim or other action arising in connection herewith. This waiver of right to trial by jury is given knowingly and voluntarily by

each party, and is amended or incomplete individually each instance and each time as to which the right to a trial by jury would otherwise occur.

Other Terms

12. The Client will timely notify BNY Mellon of any returning or delinquency transactions involving any bond subject to this Agreement. Such notification is critical to a counting or delinquency transaction, may accelerate the required calculation of the Rebate Amount. Failure to timely notify BNY Mellon of returning or delinquency transactions could cause a filing with the United States Treasury to be late, which could result in penalties and interest.
13. None of the work that we will perform under this engagement will constitute an audit engagement in accordance with generally accepted auditing standards. The advice and Services provided hereunder are solely for the calculation of the Rebate Amount, and are to be used for no other purpose. We assume no responsibility to keep you apprised of developments in the law in relation to this engagement after it has been completed. We will not verify the information provided to us and will assume no account as to the completeness, accuracy, or sufficiency of such information for purposes of calculating the Rebate Amount.
14. BNY Mellon shall own all work papers prepared by us to document, in accordance with professional obligations, performance of the Services, and it may retain, in confidence, copies of reports and other documents prepared by us.

Agreement

15. This Agreement constitutes the entire agreement between the Client and BNY Mellon, and merges all prior and contemporaneous communications, with respect to the Services and the other matters contemplated by this Agreement; BNY Mellon shall have only those duties as are specifically provided herein and no additional obligations of BNY Mellon shall be inferred from the terms of this Agreement or any other agreement. This Agreement may not be modified except in writing signed by both parties. If any provision of this Agreement is held to be void, unenforced or otherwise unenforceable, in whole or part, the other provisions shall remain in full force and effect.
16. Unless this Agreement is accepted below, the fees for the Services detailed in this Agreement are void for only ninety days from the date hereof.

Report Format (Select One)

17. In an effort to minimize paper usage, our standard practice is to provide our report in an electronic format upon completion of the work. Please select the report format you prefer:

Electronic Version. Report is provided via e-mail in a portable document format (PDF), which can be read using Acrobat Adobe Reader.

Paper Version. A single copy of our report is provided in a spiral bound format. If additional copies are needed, please contact us.

If the terms of this Agreement are satisfactory, please sign one copy of this Agreement acknowledging our agreement and return it to BNY Mellon.

We very much appreciate the opportunity to serve you. If you have any questions, please contact Brian Helming at (214) 580-1234 or Terry Burke at (214) 580-1230.

Very truly yours,

The Bank of New York Mellon Trust Company, N.A.

By

Terence P. Burke

Name: Terence P. Burke

Title: Managing Director

Accepted and Agreed:

City of Kyle, Texas

Signature

Date

Printed Name

Title

Exhibit A
Bond Issues for this Agreement

Bond Issue Description	Computation Period	Face
\$2,750,000 Certificate of Obligation Series 2002	11/12/02 - 9/30/11	\$2,750
\$2,910,000 Certificate of Obligation Series 2007	4/27/07 - 9/30/11	\$2,750
.	.	.
.	.	.
.	.	.

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION
CONTACT CITY DEPARTMENT:
CONTACT CITY STAFF:

January 3, 2012
Financial Services
Parvez Michael, CPA
Director of Finance

SUBJECT: Authorize award and execution of a professional services agreement with the BANK OF NEW YORK MELLON TRUST COMPANY, Dallas, Texas, in an amount not to exceed \$7,000.00 to perform arbitrage rebate services for the City's Series 2006 and 2007 Bonds - Parvez Michael, CPA, Director of Finance

CURRENT YEAR/FISCAL IMPACT:

This professional services agreement with the BANK OF NEW YORK MELLON TRUST COMPANY to perform arbitrage rebate services for the City's Series 2006 and 2007 will require expenditure of the approved Operating Budget and accumulated interest earnings funds from the Series 2007 Bond Fund.

1. City Department.	Financial Services
2. Project Name.	Arbitrage Rebate Analysis Service
3. Budget/Accounting Code(s).	110 120 00204
4. Funding Source.	General Fund
5. Amount Available	\$ 2,750.00
6. Budget/Accounting Code(s).	100 120 00204
7. Funding Source.	2007 Contractual Obligation Bond Fund
8. Amount Available	\$ 4,250.00

FUNDING SOURCE OF THE ACTION:

The funding source for the professional services agreement in an amount not to exceed \$7,000.00 is provided from two sources: \$2,750.00 from the City's approved Operating Budget and up to \$4,250.00 from accumulated interest earnings in the 2007 Bond Fund. The City Council's approval of this item will also authorize staff to appropriate and apply accumulated funds in the amount of \$4,250.00 from the 2007 Bond Fund.

ADDITIONAL INFORMATION/COUNCIL ACTION:

NA.

KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

VI. Consider and Possible Action, cont...

20. *(Public Hearing and First Reading) AN ORDINANCE AMENDING ORDINANCE NO. 311 (PLUM CREEK PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT ZONING ORDINANCE) OF THE CITY OF KYLE, TEXAS FOR THE PURPOSE OF AMENDING THE FOLLOWING SECTIONS: ARTICLE 1/SECTION 4-DEFINITIONS OF TERMS AND USES WITHIN THE PLUM CREEK PUD DISTRICT: TO AMEND THE DEFINITION OF CORNER LOT, ADD A DEFINITION FOR COURTYARD, AMEND THE DEFINITION FOR SETBACK LINE, AMEND THE DEFINITION OF YARD, FRONT, AMEND THE DEFINITION OF YARD, SIDE; ARTICLE 2-PLANNED UNIT DEVELOPMENT ZONING DISTRICT PART A/SECTION 4 (7)(D)- ADMINISTRATIVE SITE PLAN REVIEW PROCESS: AMENDED TO ALLOW ADMINISTRATIVE APPROVAL OF SITE PLANS FOR R-1 AND R-2 USES WITHIN THE MXD DISTRICTS; ARTICLE 2-PLANNED UNIT DEVELOPMENT ZONING DISTRICT PART A/SECTION 4 (7)(E)- MXD SITE PLAN REVIEW PROCESS: EXEMPTED R-1 AND R-2 USES FROM SUBMITTING A SITE PLAN TO THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL ; ARTICLE 2- PUD DISTRICTS: REGULATIONS AND PERFORMANCE STANDARDS PART C/SECTION 4: R-2 RESIDENTIAL PUD DISTRICT- ADDED COURTYARDS AS A PERMITTED USE TO THE R-2 DISTRICT; ARTICLE 2-PUD DISTRICTS: REGULATIONS AND PERFORMANCE STANDARDS PART C/SECTION 4 (f) MINIMUM SETBACKS (i)FRONT YARD-AMENDED THE MINIMUM FRONT YARD SETBACK FROM 15 FEET TO 8 FEET; ARTICLE 2- PUD DISTRICTS: REGULATIONS AND PERFORMANCE STANDARDS PART C/SECTION 4 (f) MINIMUM SETBACKS (iii) REAR YARD-AMENDED THE MINIMUM REAR YARD SETBACK FROM 10 FEET TO 5 FEET; ARTICLE 2- PUD DISTRICTS: REGULATIONS AND PERFORMANCE STANDARDS PART C/SECTION 4(6): ADDED A SECTION ESTABLISHING SITE DEVELOPMENT REGULATIONS FOR COURTYARD RESIDENTIAL DEVELOPMENT; ARTICLE 2- PUD DISTRICTS: REGULATIONS AND PERFORMANCE STANDARDS PART C/SECTION 5- R-3 MULTI-FAMILY RESIDENTIAL PUD DISTRICT/ (B) PERMITTED USES- AMENDED TO ALLOW SINGLE FAMILY RESIDENTIAL USES AS DESCRIBED IN ARTICLE 2, PART C, SECTION 3 TO BE PERMITTED; AN ORDINANCE AMENDING ORDINANCE NO. 308/CHAPTER 41 SUBDIVISION EXHIBIT A/SCHEDULE A/TWO-WAY ALLEY [RESIDENTIAL/COMMERCIAL]: TO AMEND THE REQUIRED ROW WIDTH FROM 25 FEET TO 20 FEET; AUTHORIZING THE CITY SECRETARY TO AMEND THE ORDINANCE 311 AND 308 OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION DATE; PROVIDING FOR SEVERABILITY; AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW*

~ Sofia Nelson, Director of Planning

Public Hearing

P&Z Recommendation to City Council

Summary of Changes

Chapter 52 – Zoning

Exhibit A. Plum Creek Planned Unit Development

Changes in 211 Main Code – December 1, 2011

- **Definitions:**
 - ∴ Fig. 2- clarified definition of Corner Lot.
 - ∴ Fig. 2- added Courtyard definition.
 - ∴ Fig. 9- clarified the definition of Setback Line.
 - ∴ Fig. 10- clarified the definition of Yard, front.
 - ∴ Fig. 11- clarified Yard, side definition.
- **Section 4. Additional development area amendment guidelines for Plum Creek PUD:**
 - ∴ Fig. 16- clarified the Administrative site plan review process.
 - ∴ Fig. 17- expanded on the HDD site plan review process.
- **Section 4. "R-2" residential PUD district:**
 - ∴ Fig. 25 & 26- added Courtyard.
 - ∴ Fig. 27- adjusted the front yard setback.
 - ∴ Fig. 27- adjusted the rear yard setback.
 - ∴ Fig. 28- clarified to "R-2" residential to include Courtyard Residential.
- **Section 5. "R-1" single-family residential PUD district:**
 - ∴ Fig. 29- clarified 1(a) of permitted uses.

Chapter 41 – Subdivision

Exhibit A. Regulations for planning and subdividing land within the Plum Creek PUD

Changes in Ordinance 308 – December 1, 2011

- ∴ Fig. 18- adjusted table.

ORDINANCE NO.

(Public Hearing First Reading) AN ORDINANCE AMENDING ORDINANCE NO. 311 (PLUM CREEK PLAN UNIT DEVELOPMENT OVERLAY DISTRICT ZONING ORDINANCE) OF THE CITY OF KYLE, TEXAS FOR THE PURPOSE OF AMENDING THE FOLLOWING SECTIONS: ARTICLE 1 SECTION 4-DEFINITIONS OF TERMS AND USES WITHIN THE PLUM CREEK PUD DISTRICT; TO AMEND THE DEFINITION OF CORNER LOT, ADD A DEFINITION FOR COURTYARD, AMEND THE DEFINITION FOR SETBACK LINE, AMEND THE DEFINITION OF YARD, FRONT, AMEND THE DEFINITION OF YARD, SIDE, ARTICLE 2-PLANNED UNIT DEVELOPMENT ZONING DISTRICT PART A SECTION 4(7)(d)-ADMINISTRATIVE SITE PLAN REVIEW PROCESS; AMENDED TO ALLOW ADMINISTRATIVE APPROVAL OF SITE PLANS FOR R-1 AND R-2 USES WITHIN THE MXD DISTRICTS; ARTICLE 2-PLANNED UNIT DEVELOPMENT ZONING DISTRICT PART A SECTION 4(7)(e)-MXD SITE PLAN REVIEW PROCESS; EXEMPTED R-1 AND R-2 USES FROM SUBMITTING A SITE PLAN TO THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL; ARTICLE 2- PUD DISTRICTS, REGULATIONS AND PERFORMANCE STANDARDS PART C SECTION 4. R-2 RESIDENTIAL PUD DISTRICT; ADDED COURTYARDS AS A PERMITTED USE TO THE R-2 DISTRICT, ARTICLE 2- PUD DISTRICTS, REGULATIONS AND PERFORMANCE STANDARDS PART C SECTION 4 (i) MINIMUM SETBACKS (a) FRONT YARD-AMENDED THE MINIMUM FRONT YARD SETBACK FROM 15 FEET TO 5 FEET; ARTICLE 2- PUD DISTRICTS, REGULATIONS AND PERFORMANCE STANDARDS PART C SECTION 4 (i) MINIMUM SETBACKS (ii) REAR YARD-AMENDED THE MINIMUM REAR YARD SETBACK FROM 10 FEET TO 5 FEET; ARTICLE 2- PUD DISTRICTS, REGULATIONS AND PERFORMANCE STANDARDS PART C SECTION 4-iii ADDED A SECTION ESTABLISHING SITE DEVELOPMENT REGULATIONS FOR COURTYARD RESIDENTIAL DEVELOPMENT; ARTICLE 2- PUD DISTRICTS, REGULATIONS AND PERFORMANCE STANDARDS PART C SECTION 5- R-3 MULTI-FAMILY RESIDENTIAL PUD DISTRICT (b) PERMITTED USES- AMENDED TO ALLOW SINGLE FAMILY RESIDENTIAL USES AS DESCRIBED IN ARTICLE 2, PART C, SECTION 5 TO BE PERMITTED. AN ORDINANCE AMENDING ORDINANCE NO. 309 (CHAPTER 41 SUBDIVISION EXHIBIT A SCHEDULE A TWO-WAY ALLEY [RESIDENTIAL COMMERCIAL], TO AMEND THE REQUIRED ROW WIDTH FROM 25 FEET TO 20 FEET, AUTHORIZING THE CITY SECRETARY TO AMEND THE ORDINANCE 311 AND 309 OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE, PROVIDING FOR PUBLICATION DATE; PROVIDING FOR SEVERABILITY; AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED AS OPEN TO THE PUBLIC AS REQUIRED BY LAW

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

SECTION 1. Ordinance 311 and 309 is amended in set forth in Exhibit A. Added text is indicated by underlining. Deleted text is indicated by strike-through. In codifying the changes

utilized by this ordinance, paragraphs, sections and subsections may be renumbered and relettered as appropriate and consistent with the existing numbering and formatting of the existing ordinance.

SECTION 2. That the City Secretary is hereby authorized and directed to update the City of Kyle code to reflect the changes made in Exhibit A and by proper endorsement indicate the authority for said updates.

SECTION 3. If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid for any reason whatsoever, the validity of the remaining portions of this Ordinance or the application to such other persons or sets of circumstances shall not be affected hereby. It being the intent of the City Council of the City of Kyle in adopting this Ordinance, that no provision hereof or provision contained herein shall become inoperative or fall by reason of any unconstitutionality or invalidity of any other provision or provisions.

SECTION 4. This Ordinance shall be published according to law and shall be and remain in full force and effect from and after the date of publication.

SECTION 5. 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.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the .. day of .., 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the _____ day of _____, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this day of , 2012.

.....
Lucy Johnson, Mayor

ATTEST.

.....
Anselm Sanchez, City Secretary

KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

VI. Consider and Possible Action, cont...

21. A RESOLUTION OF THE CITY OF KYLE, TEXAS, GRANTING A UTILITY EASEMENT UNTO PEDERNALES ELECTRIC COOPERATIVE, INC. OF JOHNSON CITY, TEXAS AND CONVEYANCE OF CONDUIT TO PROVIDE ELECTRICAL SERVICES TO LAKE KYLE PARK AS FURTHER DESCRIBED IN ATTACHED EXHIBITS; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS

~ Kerry Urbanowicz, Director of Parks and Recreation

RESOLUTION NO. ____

A RESOLUTION OF THE CITY OF KYLE, TEXAS, GRANTING A UTILITY EASEMENT UNTO PEDERNALES ELECTRIC COOPERATIVE, INC. OF JOHNSON CITY, TEXAS AND CONVEYANCE OF CONDUIT TO PROVIDE ELECTRICAL SERVICES TO LAKE KYLE PARK AS FURTHER DESCRIBED IN ATTACHED EXHIBITS; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City of Kyle specifically desires to grant a public utility easement and convey conduit of approximately 450 feet long by 15 wide to provide electrical services to Lake Kyle Park facilities located at 700 Lehman Rd better described in Volume 3600, Page 719 of the Official Public Deed records of Hays County, Texas and attached Utility Easement, Exhibit "A" and Attachment A.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE, HAYS COUNTY, TEXAS, THAT:

Section 1. Findings. The following recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Authorization. The Kyle City Council, Kyle, Texas, hereby authorizes staff to sign and execute Utility Easement and Conveyance of Conduit, copies of which are attached, granting a Public Utility Easement and providing electrical services to Lake Kyle Park.

Section 3. Effective Date. This Resolution shall take effect from and after the date of its passage as authorized by the Charter of the City of Kyle.

Section 4. Open Meetings. That it is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Local Government Code.

FINALLY PASSED AND APPROVED on this the ____ day of _____, 2012.

Attest:

THE CITY OF KYLE, TEXAS

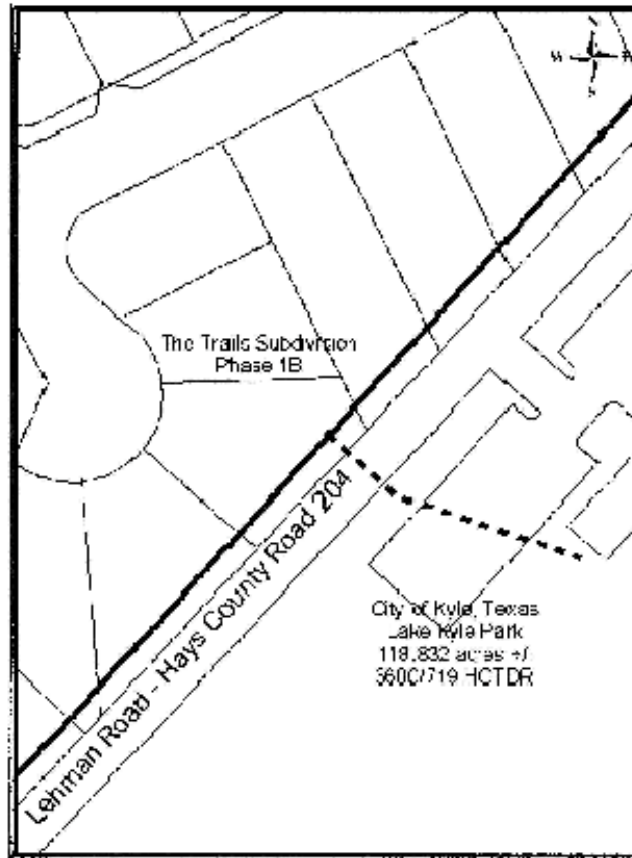
City Secretary

Mayor

**PEDERNALES ELECTRIC COOPERATIVE
JOHNSON CITY, TEXAS**

Case # 1000955
Parcel # 530789864
NAME/PY: City of Kyle
Lake Kyle Park

EXHIBIT "A"



Drawing is not to scale and is for descriptive purpose only.

- Route of utilities covered by this assessment
- Existing overhead electric line

Grantor has reviewed and accepted the above exhibit and all other bills.

Accepted: _____

KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

VI. Consider and Possible Action, cont...

- 22.** A RESOLUTION OF THE CITY OF KYLE, TEXAS, ACCEPTING A 0.0042 ACRE (181.06 S.F.) TRACT OF LAND DONATED BY LAWRENCE MARK SCHMELTEKOPF; AND PROVIDING FOR RELATED MATTERS

~ Steven Widacki, P.E., City Engineer

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF KYLE, TEXAS, ACCEPTING A 0.0042 ACRE (181.86 S.F.) TRACT OF LAND DONATED BY LAWRENCE MARK SCHMIDLEKOPF AND PROVIDING FOR RELATED MATTERS

Whereas, the City of Kyle, Kyle, Texas, has received unrecorded Deed Without Warranty for a tract of land containing 0.0042 acres (181.86 square feet) out of a 0.2929 acre parcel as conveyed to Mark Schmidlekopf as recorded and described in Volume 1212, Page 259 of the Official Public Records of Hays County, Texas, and

Whereas, acceptance of the subject parcel will result in an easement irregularity in the typical right-of-way width for Blanco Street at the Rebel Drive intersection, along the north side of the larger tract to be retained by Mr. Schmidlekopf, and

Whereas, the tract of land comes out of the D.A. Himes Addition to the City of Kyle, Hays County, Texas, according to the plat recorded in Volume 8, Page 164 of the Hays County Deed Records and

Whereas, the same 0.2929 acre parcel being the same parcel as conveyed to Mark Schmidlekopf as recorded and described in Volume 1212, Page 259 of the Official Public Records of Hays County, Texas,

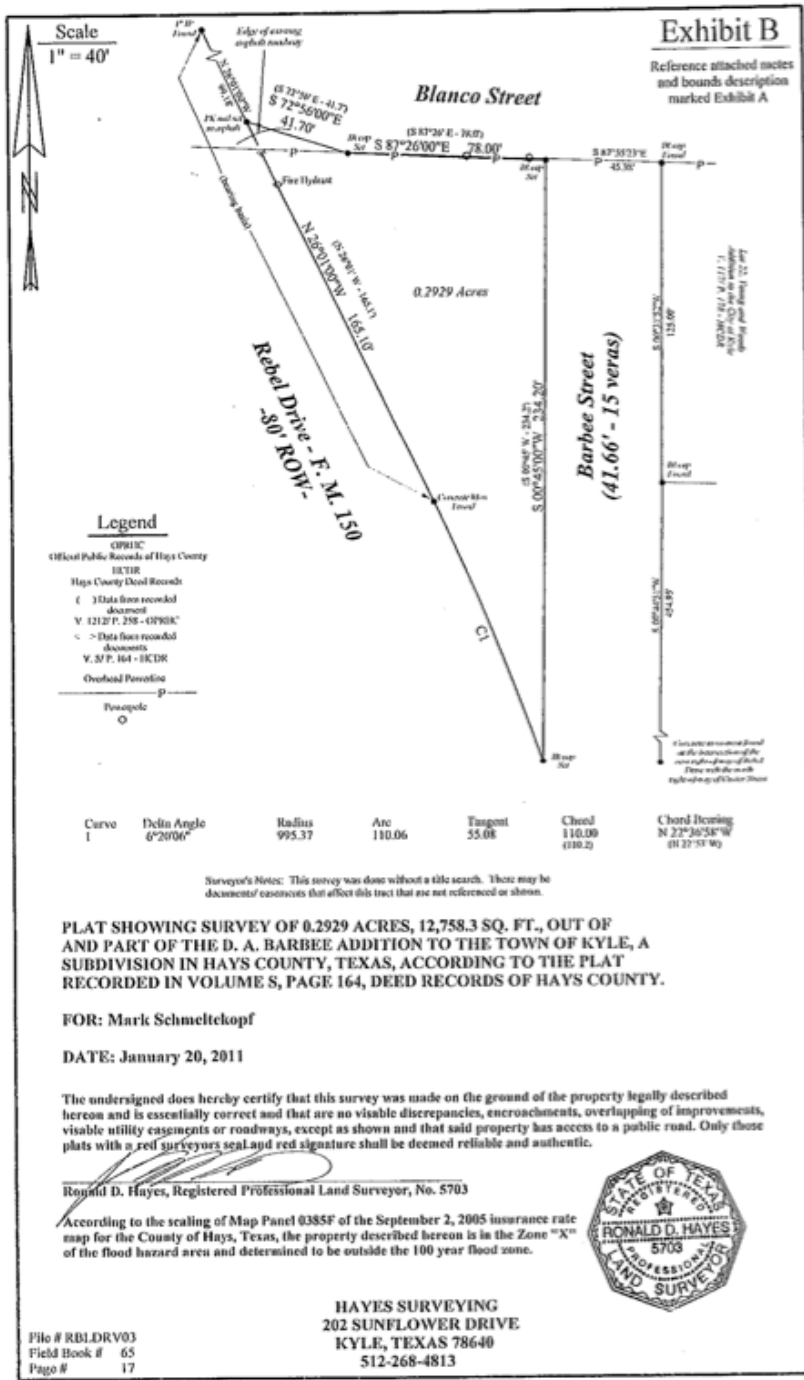
Whereas, the City Council wishes to accept the property with reservations, liens and exceptions to conveyance and a warranty as stated in the Deed Without Warranty attached and submitted with Resolution,

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Acceptance of Land. The City Council hereby accepts that certain 181.86 sq. ft. land out of a 0.2929 acre parcel as recorded and described in Volume 1212, Page 259 of the Official Public Records of Hays County, Texas, said 0.2929 acre parcel being more particularly described by notes and bounds on Exhibit "A" attached hereto and as shown on plat attached hereto as Exhibit "B" and incorporated by reference herein and said 181.86 sq. ft. tract conveyed hereto being more particularly described by notes and bounds on Exhibit "C" attached hereto and as shown on plat attached hereto as Exhibit "D" and incorporated by reference herein. The City Council hereby accepts the conveyance including the Reservations, Liens and Exceptions to Conveyance and Warranty and Without Warranty as further described in Deed Without Warranty.





KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

VI. Consider and Possible Action, cont...

- 23.** Authorize Award and Execution of a Professional Services Agreement with LNV, INC./STATESIDE R.O.W. SERVICES in an amount Not to Exceed \$173,540 to perform the attendant services to acquire the easements needed for the “K-11-12-1” Kyle Southside Sewer and Related Projects, inclusive of the Blanco Basin and Elliott Branch Wastewater Interceptor Projects
~ *Steven Widacki, P.E., City Engineer*

City of Kyle
RFQ: ROW Acquisition Services for
Kyle Southside Sewer and Related Projects
“K 11-12-1”

1. **LNV/Stateside:** local office in Austin and LNV has performed work for City as engineering consultant; example contract not included; specified that title insurance may not be required for all parcels (usually recommended when cost for easement/ROW exceeds \$5,000 for any parcel) – could yield cost savings on title policy costs. Both LNV & Stateside are HUB certified. Fee submitted is \$263,540, with condemnation services (legal) at \$90,000; did not specify legal firm. Fee is \$173,540 w/out condemnation (legal) services. This proposal *offers the opportunity for the lowest overall cost.*
2. **Property Acquisition Services, Inc.:** references local office in Austin, however all resumes are for staff in the Sugar Land, TX office. HUB participation by surveyor (Tetra) and appraisal firm (RRES, LLC). NO LOCAL projects in submittal or website. Fee submitted is \$240,700, with condemnation services (legal) at \$36,000. Legal firm is Joyce, McFarland + McFarland, LLP, out of Houston, TX. Fee is \$204,700 w/out condemnation legal items. This proposal is lowest including all services and *provides the lowest overall cost should any one parcel go to condemnation.*
3. **O.R. Colan Associates:** Extensive experience in local market (SH 130 Segments 1-6). HUB certification not obtained for TX. No subs are specified in submittal. Fee submitted is \$340,250, with condemnation “Legal Services” at \$96,000. Fee is \$244,250 w/o condemnation legal items.
4. **Associated Right of Way Services, Inc.:** after breakout of other projects and pro-ration of fees, Blanco Basin & Elliott Branch services are approx. \$308,287, with condemnation services (legal) at \$33,900. Fee is \$274,387 w/out condemnation legal items.

Submittals deemed non-responsive: a) **Crossland Acquisition, Inc.** (legal for condemnation not included), and; b) **Spitzer & Associates** (legal for condemnation not included). Further information not pursued, because cost for other services would not place them in the top three (3) by price.

City of Kyle
 RFQ: ROW Acquisition Svc's.
 Kyle Southside Sewer Related Projects

<u>No.</u>	<u>Bidder Name</u>	<u>Overall Amount</u>	<u>Legal Fees</u>	<u>Less Legal Amount</u>	<u>Overall Rank</u>
1	Property Acquisition Services, Inc.	\$240,700	\$36,000	\$204,700	2
2	O.R. Colan Associates of Illinois, LLC	\$340,250	\$96,000	\$244,250	3
3	LNV, Inc./Stateside ROW Svc's.	\$263,540	\$90,000	\$173,540	1
4	AR/WS Texas, L.P.	\$308,287	\$33,900	\$274,387	4
5	Crossland Acquisition, Inc.	\$327,000	\$0	\$327,000	NR
6	Spitzer & Associates	\$311,000	\$0	\$311,000	NR

**City of Kyle, Texas
FISCAL NOTE**

DATE OF COUNCIL CONSIDERATION: January 3, 2012
CONTACT CITY DEPARTMENT: Public Works
CONTACT CITY STAFF: Steven Wisnold, P.C. City Engineer

SUBJECT: Authorize award and execution of a professional services agreement with LNY INC./STATEBDC R.O.W. SERVICES in an amount Not to Exceed \$173,640.00 to perform the attendant services to secure the easements needed for the "X 11 12" Kyle Southside Sewer and related projects, relative of the Garza Dean and Clint Green Workwater Interceptor Projects. -- Steven Wisnold, P.C., City Engineer

CURRENT YEAR/FISCAL IMPACT:
This professional services agreement with LNY INC./STATEBDC R.O.W. SERVICES will require expenditure of accumulated funds from the City's Sewer Impact Fee Fund.

1. City Department.	Public Works
2. Project Name.	Kyle Southside Sewer Improvement
3. Budget/Accounting Code(s).	542 000 07317
4. Funding Source.	Sewer Impact Fee Fund
5. Current Appropriation.	\$ 5,000,000.00
6. Unappropriated Balance.	\$ 6,682,535.00
7. Amount of This Action.	\$1,173,640.00
8. Remaining Balance.	\$ 5,508,895.00

FUNDING SOURCE IS THE SOURCE.
The funding source for this professional services agreement in the amount of \$173,640.00 is provided from the City's Sewer Impact Fee Fund. The City Council's approval of this item will also authorize all its easements and easement-related items in the amount of \$173,640 from the Sewer Impact Fee Fund.

ADDITIONAL INFORMATION/COUNCIL ACTION:
N/A.

KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

VII. Planning & Zoning - Variances

24. Walmart landscape variance request. A variance to the location of the required trees within a parking lot.

~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 4-2 to approve the landscape variance request.



- NOTES:
- NATIVE GRASS AND WILDFLOWER AREA TO BE IRRIGATED TEMPORARILY FOR ESTABLISHMENT.
 - MAINTAINED TURF AREA TO BE LOW WATER USE SPECIES.

LANDSCAPE DESIGN CONCEPT
 WAL-MART KYLE

DECEMBER 22, 2011
 KYLE, TEXAS



KYLE CITY COUNCIL MEETING

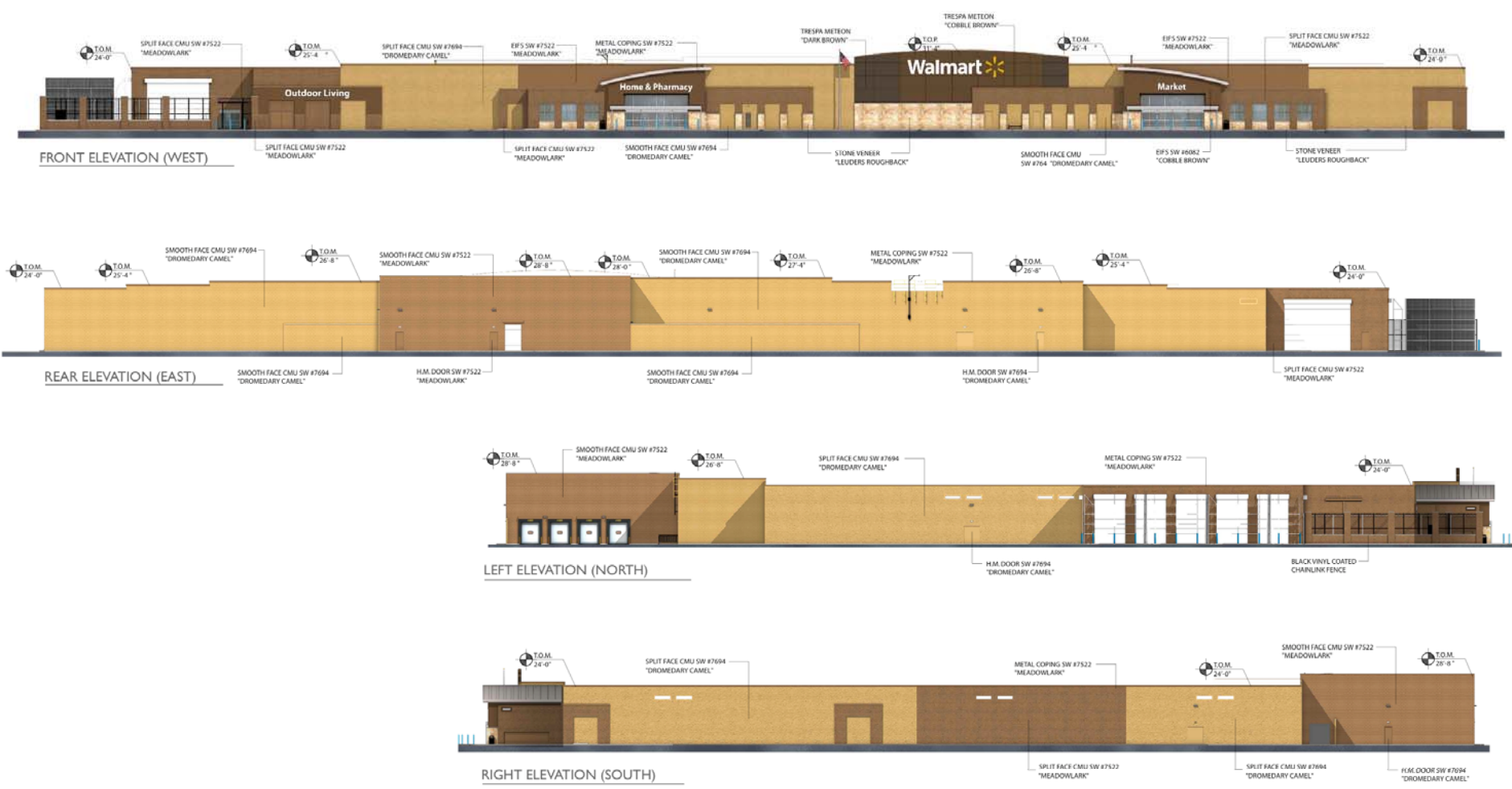
JANUARY 3, 2012

VII. Planning & Zoning

Conditional Use Permit/Conditional Use Overlay District

25. Consider a request by SCC Kyle Partners, LTD. (Walmart) for a Conditional Use Permit to construct a 150,898 square foot building located within the Interstate Highway 35 Corridor District.
17.87 acres; 150,898 square foot building
Located at 5754 Kyle Parkway in the Village at Kyle Shopping Center
Applicant: SCC Kyle Partners, LTD.
Agent: Doucet and Associates, Inc.
~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 4-2 to approved the Conditional Use Permit.



9 DECEMBER 2011

KYLE, TX #4130

FOR AHJ REVIEW - CLIENT APPROVED
 Building images shown are an artistic representation of the design intent. Actual color or materials may vary from those shown due to final design detailing.
NOT FOR CONSTRUCTION

ELEVATIONS

1





KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

VIII. City Manager's Report

- 26. Update on Various Capital Improvement Projects, Road Projects, Building Program, and/or General Operational Activities
~ *Lanny Lambert, City Manager*

- *Discuss Workshop to Prepare 2012 Goals for City Council*

KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

IX. Executive Session

- 27. Convene into Executive Session pursuant to Section 551.071, Tex. Gov't Code, and Section 1.05, Tex. Disciplinary Rules of Professional Conduct to Consult with Legal Counsel regarding the status of Meet and Confer negotiations with Kyle Police Association

- 27. Convene into Executive Session pursuant to Tex. Gov't. Code, § 551.074 to deliberate the evaluation, performance and employment of the City Manager

KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

IX. Executive Session, cont...

29. Reconvene into Open Session to take action as deemed appropriate in the City Council's discretion regarding the status of Meet and Confer negotiations with Kyle Police Association

30. Reconvene into Public Session and take action as appropriate regarding the evaluation, performance and employment of the City Manager.

KYLE CITY COUNCIL MEETING

JANUARY 3, 2012

X. Adjourn
